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Bradley wins Westlake's mayor battle

By Miles Moffeit and Susan Gill Vardon
Star-Telegram Staff Writers

Tarrant County state District Judge Bob McGrath ruled yesterday that Scott Bradley is mayor of Westlake and was never legally removed, a decision that some say could call the town's dismantling into question.

The ruling addresses a key question for Westlake, which has been in a legal twilight zone where two men have claimed to be mayor and residents have been uncertain for months about whether their town legally exists.

Bradley's April 29 "trial" by the then-Board of Aldermen did not comply with the law, McGrath wrote in his two-page summary judgment. After the trial, in which four aldermen served as witnesses, judge and jury, the board appointed Dale White as mayor and voted to disannex more than 90 percent of Westlake's land, including Ross Perot Jr.'s Circle T Ranch, their own properties and Solana.

"Counsel for Dale White suggests that non-lawyer Aldermen in a small town should not be faulted for failing to follow all the complex rules that generally govern our courts," McGrath wrote in his decision "This may be true. They must however be held to no less than affording the accused a fair and impartial opportunity to defend against the complaint before them. To do this, they must follow the law."

An August 25 trial had been scheduled on the issue. McGrath stated that his ruling eliminated the need for the trial.

McGrath declined to address implications of the ruling. Marshall Searcy, White's attorney, said that he plans to appeal McGrath's ruling in the next few weeks, but he declined to elaborate. White could not be reached to comment.

Bradley said he was ecstatic after waiting more than 100 days for "some resolution" to his legal quandary.

"This is a moral victory and much more. It shows there's justice in the world," Bradley said. "A lot of people were beginning to believe it just wasn't so, and that's probably why this is more important than anything else."

"If you get into the system and get the facts before an impartial judge, then the courts will make the right decision."

Almost a dozen Westlake-related lawsuits are pending in state and federal courts in Dallas, Fort Worth, Denton, and Austin. Among the issues to be resolved:

- Whether Fort Worth can legally lay claim to Circle T Ranch.
- Whether Southlake can legally annex the Solana complex. McGrath has given preliminary approval to a restraining order blocking that move.
- Whether Roanoke will receive a chunk of Circle T Ranch north of Texas 170, in addition to disputed Perot-owned land approved in a settlement by White and the former aldermen

Officials of Fort Worth, Southlake, and Roanoke downplayed the importance of McGrath's ruling.

"Fort Worth did not start this process. But once the opportunity came forward, Fort Worth moved aggressively,"

Mayor Kenneth Barr said. I am advised that when it is all sorted out, we should have a valid claim. But we'll have to wait and let the courts sort through it."

Mike Groomer, a Fort Worth assistant city manager, said he does not expect the ruling to affect the city's claim to annexation rights.

"The only thing we've done is introduce the Circle T's land use plan to the Planning Commission, which said, "There has been no movement by the landowner or the city of Fort Worth to move forward on any annexation."

South City Attorney Allen Taylor said the ruling does not reflect on the legality of Southlake's annexation of Solana.

"We were supremely indifferent to the issue of whether Scott Bradley was mayor," Taylor said. "I do not believe that this is the answer to the question about the disannexation."

Roanoke City Attorney Mike McEntire said, "It does not mean that everything that was done when Scott Bradley was not there is not good. There are people who are laying their hopes on that, and good luck to them."

Perot attorney David Bryant said he does not believe that the decision sets the stage for the reversal of the Circle T Ranch disannexation. "It certainly was another piece of the puzzle," he said. "But what I still believe is that this decision is not determinative. If it had gone for White, it would not automatically validate the disannexations. And this decision doesn't necessarily invalidate them."

Bradley and his attorneys contend that McGrath's ruling could lead to the reversal of the property secessions that left Westlake's boundaries in fragments. Bradley had vetoed them as mayor.

"Under our view of the world, my removal was the fulcrum from which all those actions flowed," Bradley said. "If I were mayor, then how could Dale White have consented to any disannexations? And who could the board call a special meeting without the real mayor calling it?"

Eldridge Goins, Bradley's attorney, said that yesterday's decision boosts Westlake's cause.

"It doesn't justify the hardship Bradley has been through or the town of Westlake, but it gives them a reason to stay and pursue government under the rule of law," he said. "I think it will take additional orders in the other cases, but certainly it indicates that whatever Dale White did as mayor had no effect, which is the position we've taken in the other cases."

Residents who rallied around Bradley during his ouster and his protests of the disannexations hailed the ruling, calling it the first step toward restoring their community.

"It's just nice to hear that someone who has looked at the facts and said what they [the aldermen] did is not correct and the mayor is the mayor and has always been the mayor," Jack Walton said. "I think that's great."

Alderman Fred Held, the only member of the former board to vote against Bradley's ouster and the disannexations, said he was relieved by the ruling.

"I'm happy to hear this," Held said. "It doesn't cure everything, but it opens the door for reversing the disannexations. It gives us renewed faith in the justice system."

White had asked the Tarrant County district attorney to request a "quo warranto" hearing, a rarely used legal procedure to decide who has the rightful claim to a public office.

But at a hearing Saturday, White and Bradley asked for a summary judgment in their favor.

Attorneys for Bradley argued that he was denied his constitutional rights to a trial before "an impartial and unbiased court." Bradley had asked for a jury trial and was denied, they said. He had also asked the aldermen to recuse themselves because of a conflict of interest, and they denied that, the attorney's said.

Searcy argued that Texas law requires a judge to rule only on a narrow scope of issues when deciding the legality of a municipal removed proceeding. He said McGrath should only consider three questions: whether notice of the charges was given, whether a hearing was conducted and whether evidence was presented that tended to support the removal.

In his decision, McGrath wrote, "Scott Bradley is no and has been the Mayor of the Town of Westlake just as though the removal attempt had never happened. ... Dale White is not now nor has he been the Mayor of the Town of Westlake at any time since is purported appointment on May 2, 1997."

McGrath's ruling was unusual in that it did not provide a hint to the judge's reasoning, Taylor said.

Most decisions provide a blueprint of the court's legal analysis," he said. "That is absent from this decision, and I think all the lawyers on this case are going, 'I wonder what this portends.'"

Yesterday was not the first time McGrath has made a ruling regarding Bradley's ouster. In late April, he issued a restraining order that temporarily barred the aldermen from ousting Bradley. In his order, he stated that it appeared "a fair and impartial hearing for Bradley will not be possible because of predisposition and prejudices" of the aldermen. He also challenged the hearing's constitutionality.

McGrath's ruling was stayed by a state court of appeals, and the appeals court order was stayed by the Texas Supreme Court, which has not formally ruled on the merits of the case.

This month, McGrath told Southlake not to proceed with zoning and installing "Welcome to Southlake" signs at Solana. Since then, Southlake has removed the signs and delayed any zoning procedures as "an act of good faith" toward McGrath's request, city officials said.

Westlake has sued Fort Worth, Southlake, and Roanoke. Perot's Hillwood Development Corp. had intervened on Fort Worth's behalf in the Fort Worth case. The Fort Worth and Southlake lawsuits are pending in McGrath's court. The Roanoke case is pending in the court of Denton County state District Judge David White.

In his ruling yesterday, McGrath said that early resolution of the Westlake litigation is unlikely.

The decision assesses White for all court costs.
