

## **Bradley is Westlake mayor, court rules**

### ***Texas justices' decision caps dispute, may void disannexations***

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The Texas Supreme Court ruled unanimously yesterday that Scott Bradley is indeed the mayor of Westlake and lambasted the law that allowed his removal as unconstitutional and "rife with traps."

In two written opinions, the state's highest court admonished four former Westlake aldermen for violating evidentiary laws and acting as judges and witnesses when they found Bradley guilty of misconduct in April 1997 and ousted him from office. One justice scolded state officials for letting the law stand, and urged the Legislature to "mend it soon."

The decision is profound because it could effectively put the dismantled town back together by voiding actions of the former aldermen and their handpicked mayor, Dale White, to disannex 90 percent of the town's land.

After hearing the news, Bradley and several town residents traded whoops and shouts on the telephone.

"It's great. There's just been a lot of shouting and screaming," Bradley said. "This is a real victory."

Bradley's attorney Eldridge Goins said, "It's a good day. They did the right thing."

Dee Kelly Jr., attorney for White and the former aldermen, could not be reached to comment, and White did not return calls seeking comment.

Former Alderman Al Oien said the ruling keeps Westlake "in the hands of bandits." The other former aldermen, Carroll Huntress, Jerry Moore and Howard Dudley, could not be reached to comment.

If Bradley were legally mayor, none of White's actions as mayor, including the disannexations, should be legal, Bradley's attorneys said. The ruling also should lay to rest claims by Southlake and Roanoke to Westlake's land, they said.

Some Southlake officials agreed that it could dramatically change their land dispute. Roanoke officials maintained that it won't affect their court battle.

In the justices' 10-page consensus opinion, they declared that "Bradley was lawful mayor of the Town of Westlake" when the town's boundaries were broken apart.

Bradley steadfastly maintained that he was mayor, convening board meetings at odd hours with newly elected aldermen to veto actions of the previous board. All the while, he spearheaded a flurry of court challenges.

The Supreme Court ruling came almost two years after Bradley's trial. The ensuing disputes triggered more than 10 lawsuits costing the town \$1.5 million, and a string of bizarre, dueling meetings involving White and Bradley.

"But we've said all along that this could be the legal silver bullet in repairing the town, and we've got it,"

Bradley said. "Dale White might as well have been Howdy Doody. None of his actions mattered."

State District Judge Bob McGrath ruled in August 1997 that Bradley was unconstitutionally removed, but the 2nd Court of Appeals negated that opinion, prompting Bradley to take his case to the Texas Supreme Court.

In September, the high court plunged into the knotty issues in a landmark case setting at Baylor University Law School -- the first time the court had met outside Austin in more than a century.

Bradley attorney Goins pressed 10 legal points, saying that due process "had been thrown in the trash can." Kelly, White's attorney, vigorously defended the former aldermen, saying they satisfied the law by granting Bradley a hearing.

Yesterday, the Supreme Court sided squarely with Bradley, with no dissenters on the bench. Justices James Baker and Greg Abbott wrote companion opinions.

Both faulted the former town officials for failing to give Bradley due process and for assuming contradictory roles in a hearing that required fairness.

"Although Oien and Dudley are not members of the judiciary, they assumed judicial roles in the removal trial, roles which conflicted with their roles as witnesses," Baker wrote.

Abbott's opinion called the law that the aldermen cited in removing Bradley unconstitutional "for vagueness," because it is unclear what procedures should be used in such a trial. Further, the justices stated, "appearance of bias" should have been avoided.

In a strongly worded statement, Abbott encouraged state legislators to immediately revise the law.

"Rewriting a statute rife with traps and uncertainties is the power and duty of the Legislature," he wrote.

"Consequently, our state government owes a duty not only to the mayor but to his colleagues and constituents to ensure that such proceedings are neither arbitrary or unfair, and never unconstitutional.

"This vague and unwieldy statute fails to carry out the task. I urge the Legislature to mend it soon."

State Rep. Vicki Truitt, who represents Westlake, said she would tackle the issue. She received a hand-delivered copy of the ruling yesterday while she was on the House floor. She called it a "special day for Westlake."

"Obviously something does need to be done," she said. "If I can find some other legislation that is germane, I'll try that. I'll check and see what I can do." She said it is past deadline to file a bill this session.

For two years, most town residents have rallied behind Bradley through his trial and through battles with developer Ross Perot Jr. about his plans for Circle T Ranch.

When relations between Bradley and Perot officials turned hostile over a potential Circle T Ranch development deal, Dudley, Huntress, Moore and Oien moved to get rid of the town's consultants and Bradley.

Bradley's ouster came April 29, 1997. Months before, the Board of Aldermen had voted to disannex the Stagecoach Hills subdivision, the home of a board candidate who was critical of Perot's development plans. Bradley repeatedly vetoed the move, and the aldermen kept reviving it.

At the same time, the four aldermen, opposed by Alderman Fred Held, began supporting Perot's plans after they had assailed them for months.

They fired several Westlake consultants and the town attorney, then replaced some of them with Perot consultants, including Denton lawyer Bill Wood.

The aldermen said Bradley had illegally tampered with meeting notices and had "caused a false boundary map to be prepared" in 1995, bringing the Stagecoach Hills neighborhood into the town.

In the trial, Huntress, presiding as judge and advised by Wood, overruled every motion made by Bradley's attorneys before the board voted, 4-1, to fire the mayor. Bradley obtained a court order from McGrath that reinstated him. McGrath later ruled that the trial was unconstitutional, but that decision was overturned by the 2nd Court of Appeals.

The day of Bradley's trial, the four aldermen posted an agenda for a meeting that week to cede Circle T Ranch, their own properties and a handful of others to Fort Worth and Roanoke.

After the disannexations were carried out May 2, 1997, White declared, "This is Perot Town now." The next morning, the Fort Worth City Council had an emergency meeting, at Perot's behest, to claim the ranch and the aldermen's properties. Fort Worth also struck a deal so the aldermen could stay in its jurisdiction tax-free for 15 years.

The aldermen also shifted the Solana office complex, Westlake's main revenue source, to Southlake's jurisdiction, and Roanoke claimed a portion of the Circle T.

A settlement with Fort Worth was reached late last year after Bradley and Perot agreed to sell land for a planned Fidelity Investments office project. The settlement returned the ranch to Westlake and led to a deal to develop it with corporate offices, upscale homes and a resort golf course. The Southlake and Roanoke boundary disputes are still in court, but Westlake won a district court ruling that ceded a disputed portion of Solana to Westlake.

Southlake is appealing the ruling, but several Southlake council members said yesterday that the Supreme Court ruling would prompt them to revisit their legal stance.

"With this ruling, I just don't understand why we would pursue this lawsuit against our neighbor," Councilwoman Debra Edmondson said. "I say with full knowledge that I may not be in the majority, that it is time for our two communities to come together. I fully believe that every city in the state of Texas has the right to determine its own destiny and develop in the manner they wish to develop."

Southlake City Attorney Allen Taylor said his initial reaction to the ruling was "puzzlement at the way the reasoning seems to flow. ... It reeks of a not too equitable situation."

Roanoke officials said they believe that the ruling will have no effect on their lawsuit because much of the land in question was disputed before Bradley was removed.

"It's important to Roanoke because the land has very high commercial value," Councilman Randy Corn said.

Judge McGrath said yesterday that he is "very pleased" with the high court ruling and said it would provide legal closure.

"I'm glad I made the right decision. I'm also glad to see that this Westlake saga is all finally coming to an end," he said.