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# Westlake in eye of judicial storm

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They don't live in Westlake, but Marian Hill and Paul Skelton have high hopes that the Texas Supreme Court will consider the controversy over who is the town's rightful mayor.

Like Westlake's former mayor, Scott Bradley, Hill and Skelton were put on trial by their city councils and removed from office last year -- Hill in Seven Points, near Tyler, and Skelton in Parker, east of Plano. Both have gone to court to challenge their removal, arguing that the trials were politically motivated, unconstitutional and unfair.

Hill filed a brief with the Supreme Court in support of Bradley's appeal of a 2nd Court of Appeals decision that he was legally removed from office and that Dale White was named mayor. Skelton's attorney, James Harris of Dallas, said he will file a similar petition.

On the other hand, attorneys for the cities of Parker and Seven Points already are using the appellate decision as the basis for their arguments that the removal trials in their cities were fair and proper.

That division could boost the chance that the state's highest court will review the Westlake case and resolve questions about Section 21.002 of the Texas Local Government Code, the little-used statute that governed the three mayors' removal, Bradley and his supporters say.

"Our case is compelling in itself," said Eldridge Goins, Bradley's lead attorney. "But it would seem to me that the fact that there is more than one community that has common issues arising would make those issues of more interest to the Supreme Court."

Other attorneys say that in the decades that the law has been on the book in Texas, they can find no mention of it being used to remove a mayor until Bradley's ouster. Now, Harris said, it has "become the weapon of choice to get rid of people you don't agree with."

But others say that the appeals court decision has cleared up the questions about the law.

Dee Kelly Jr., an attorney for White, said he didn't know the facts of the Seven Points and Parker cases. But he called the appeals decision "good law."

"I believe the court of appeals decision stands as a model that the Supreme Court will be satisfied with on these issues," Kelly said. "I don't see any reason they need to do anything further."

In Seven Points, Jay Green, an attorney for the town of 723 in Henderson County, said the aldermen followed the statute and "did what they were supposed to do."

"We feel it was appropriate," Green said.

Bradley's appeal was filed Dec. 4. The state Supreme Court has since notified White's attorneys to file their response to the appeal by Jan. 29.

In the past, the Supreme Court has reviewed only about one in 10 cases brought before it, legal experts said.

Bradley, who was elected in 1996 to a two-year term as mayor, was ousted in an April 29, 1997, trial by the then-Board of Aldermen, who testified against him, found him guilty of misconduct and incompetence, and removed him from office.

Days after the Westlake trial, the aldermen appointed White as mayor and then disannexed 90 percent of the town, including Ross Perot Jr.'s 2,500-acre Circle T Ranch, some of their own properties and the Solana office complex, which provided Westlake with most of its tax revenues.

State District Judge Bob McGrath ruled in August that Bradley was not legally ousted. The 2nd Court of Appeals overturned that ruling Nov. 6.

In his request that the Supreme Court review the case, Bradley argues that he was denied a fair trial. "The aldermen sat in judgment of Bradley, despite the fact that they were predisposed to rule against him and had a direct interest in his removal," the appeal states.

Skelton's removal trial took place June 17, 18 and 23. After hearing testimony from Skelton and others, Parker council members found Skelton guilty of four misconduct charges and ousted him from office.

The trial was scheduled after 11 residents gave the aldermen a list of charges against Skelton, who was elected mayor in May 1996. The charges included faxing the city's financial information to an attorney for another city and refusing to sign town documents, Harris said.

Skelton, 66, owner of Aircraft Engine & Accessories in Dallas, said his trial was the result of political differences he had with the city's council members. He said he wanted to consider settling litigation with three neighboring cities regarding properties in Parker's extraterritorial jurisdiction, but the council members disagreed.

"It was a framed-up, trumped-up deal," Skelton said. "I didn't do anything. I proved I didn't do anything."

Attorneys for Parker, a city of 1,500 in Collin County, have filed a motion to dismiss Skelton's case in U.S. District Court in Sherman, citing the Westlake appeals decision throughout. The case originally was filed in state district court but was moved to federal court after a request by city attorneys.

Jim Shepherd, Parker city attorney, said the trial was "fair and court-like."

"We went for several nights and had several witnesses. Everybody had the opportunity to put on their witnesses and make their arguments," Shepherd said. "No one was happy about it."

In Seven Points, Hill, 53, was ousted Nov. 20, 1997, after a three-hour trial in which five Seven Points aldermen found her guilty of incompetence, violation of a city ordinance and misconduct. The charges against Hill included removing police records to copy and buying a copy machine without council approval.

Hill, who had served three terms on the Seven Points Board of Aldermen, said she bought a copier after the old one broke, signed a contract and forgot to put it on the agenda. She said she requested the paperwork from the Police Department for an investigation she was doing.

In her legal brief to the Supreme Court, Hill said the aldermen met without her knowledge an hour before her trial to hire a prosecutor.

"None of the alleged complainants testified at the removal trial," the document states. "The aldermen refused to let testify the one witness called by Mayor Hill. After the trial the aldermen voted to remove the mayor and forced the mayor, the same afternoon, to clean out her office with assistance from the police department."

Hill said she hopes the Westlake case will boost her cause.

"The way I feel about it in my case is it should not be up to five people to determine whether a person should stay in office or not," Hill said. "The people voted you in and should make the decision whether to let you out.

"If they had just cause to remove me from office, that would have been fine," she said. "But there was no just cause."

Shortly after Bradley's removal in April, elections gave control of the Board of Aldermen to candidates who supported Bradley. Bradley's removal and the subsequent disannexations sparked 13 lawsuits in courts in Fort Worth, Denton and Austin.

The Westlake Board of Aldermen voted in December that Bradley could continue as mayor until the Supreme Court considers whether to hear the case.

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