

Court's ruling allows "trial" of Westlake mayor

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Acting on 11th-hour motions filed by attorneys for four Westlake aldermen, a state appeals court yesterday issued an order that will allow the aldermen to put Mayor Scott Bradley on "trial" Monday morning.

The ruling dissolved a Tarrant County district court judge's temporary restraining order barring the aldermen from seeking the mayor's ouster. Bradley and his attorneys considered taking the case to the Texas Supreme Court in an attempt to overturn the 2nd District Court of Appeals action, but they decided late last night that the mayor would face trial.

"I think they are probably going to remove me on Monday under an act that on its face appears to be unconstitutional," Bradley said. "I'm stunned and at a loss to believe I'm living in America. It violates my rights by subjecting me to a procedure that is foreordained."

An attorney representing Alderman Carroll Huntress filed twin motions yesterday to dissolve Tarrant County District Judge Bob McGrath's order. One motion was in McGrath's court, the other in the appeals court. The motions contend that McGrath's action was an "encroachment upon delegated executive powers."

The attorney, Marshall Searcy, declined to comment because of "pending litigation."

Huntress said his legal team strongly believes that McGrath overstepped his bounds in issuing the restraining order. But the alderman declined to elaborate, saying he had not been briefed about yesterday's decision.

The appeals court order halts McGrath's ruling until there can be a hearing about the issues in the case.

The order, signed by Justice Sam Day, states, "The effect of respondent's temporary restraining order and order to show cause, signed April 24, 1997... which enjoins relators from conducting a hearing on April 28, 1997, or any other date to remove Scott Bradley as mayor of the town of Westlake is stayed until further notice by the court."

Bradley is ordered to reply by Thursday to the aldermen's petition for a writ of mandamus against McGrath's action. A hearing about the aldermen's petition was set for 10 a.m. May 5.

"I cannot comment of the case as long as it's pending," appeals court Chief Justice John Cayce said yesterday.

But, he said, "In this type of proceeding, the court sometimes orders stays to keep the status quo until it can hear the case and make its decision."

If Bradley is removed from office Monday, the aldermen could appoint a mayor before the May 3 election, in which three aldermen are being challenged. Because of yesterday's court action, no court hearing about the aldermen's moves is scheduled until after the election.

The aldermen and the mayor have been locked in a power struggle for months, with annexation of the Stagecoach Hills subdivision and the development of Ross Perot, Jr.'s Circle T Ranch at the heart of the dispute. In several instances, Bradley has used veto power to stymie the aldermen's actions.

At least two aldermen have switched sides in an argument about the status of municipal utility districts on Perot's property and now support Perot's intent to preserve the districts - a key to his development plans. Bradley has opposed the utility districts. He also has repeatedly fought the four aldermen's firing of several consultants who were helping the town in mediation issues with Perot. Bradley vetoed the aldermen's efforts to disannex Stagecoach Hills and prevent its 80 residents from voting in the May 3 election.

Reached at his office yesterday, McGrath said he had anticipated that the aldermen's legal team might take the case higher because of strong signals from the aldermen's attorneys.

"Part of the motivation for my action Thursday was to put a hold on things in Westlake until after the election," McGrath said. "The court of appeals erased that action, and now I anxiously await their final decision."

McGrath issued the restraining order against the aldermen one day after Bradley filed a lawsuit against the board. In that lawsuit, Bradley claims that the aldermen slandered him, and he challenges the constitutionality of the trial statute, which gives aldermen the power to "file a complaint against the mayor" and act as a "court to try to determine the case against the mayor."

In his order, McGrath stated that it appears "a fair and impartial hearing for Bradley will not be possible because of predisposition and prejudices" of Alderman Huntress, Howard Dudley, Al Oien and Jerry Moore.

According to state law, a majority of aldermen constitutes a court "to try and determine the case against the mayor. The aldermen shall select one of the aldermen to preside during the trial."

Such a trial is subject to the rules governing a proceeding in a justice court, according to the statute. If two-thirds of the board members present at the trial find the defendant guilty of any charges, "the presiding officer of the court shall enter a judgment removing the charged officer and declaring the office vacant."

Perot representatives Rick Patterson and Darcy Anderson did not return phone calls seeking comment yesterday.

Several Bradley supporters expressed their dismay yesterday at the latest turn of events and reiterated their belief that Perot is helping the aldermen in their efforts.

"We feel like the total project originated when Mr. Perot got involved up here," said Bill Frey, a Stagecoach Hills resident. "It certainly does appear he and his resources are supporting the aldermen, because we can't find anyone else supporting them. Somebody's got to be backing them, and from all indication it has to be Mr. Perot. This whole caper is unbelievable."

During a special meeting called by the aldermen Wednesday, about 60 residents turned out in angry protest over the board's actions to oust Bradley.

Westlake resident David Brown, who helped collect 125 signatures on a petition condemning any move to oust Bradley and any move to enter an agreement with Perot before the election, said yesterday that he believes powerful interests are backing the aldermen.

"It takes money and legal acumen" for such actions, he said. "It's a sad situation that this town with 250 people can't sit down and solve its problems."

In addition to the renewed possibility of a trial Monday, Bradley and the aldermen have called a special meeting for 7 that evening to consider several actions related to the litigation, including an item requested by Bradley for "citizen presentations."

The aldermen have requested that the board consider action in executive session on a settlement offer from

Roanoke in an annexation dispute that involves property owned by Perot. Roanoke filed a lawsuit challenging Westlake's annexation of the land.

Two other items for a closed-door session have been slated, including discussions about Bradley's lawsuit and a "procedure to be followed in any action to remove Bradley from office."
