

Pee Wee Drake

From: Bryan Russ [bryanruss@palmosruss.com]

Sent: Monday, December 22, 2014 12:02 PM

To: Dennis Phillips; Dennis Phillips; James McCullough; Trey Russ; Molly Hedrick; Ruben Gomez; Pee Wee Drake; Anna Florida

Subject: the truth

Mr. Phillips:

My name is Bryan Russ, Jr. I was born and raised in Hearne, Texas. I was appointed the City Attorney for the City of Hearne approximately eight years ago. Recently, three new City Council Members publicly attacked me and lied about me in my professional capacity. I would not normally dignify the lies with a response, but some times one has to stand up against those who fail to tell the truth in an effort to support their own political agendas. So, in response to the letter being circulated by Hazel Embra, Joyce Rattler and Lashunda White maligning me, here is the truth:

Hazel Embra, Joyce Rattler and Lashunda White have a political agenda, which is in part, directed at Councilperson Maxine Vaughn. In furtherance of this agenda, Hazel Embra, Joyce Rattler and Lashunda White support a recall petition against Councilperson Vaughn which does not meet the legal requirements of the City Charter. The City and the entire council, including Hazel Embra, Joyce Rattler and Lashunda White, were sued by William Foster and Fred Henderson to force a recall elections against Councilperson Vaughn.

Under the City Charter, I, as the City Attorney, have the obligation and duty to represent the City of Hearne in various legal matters. When the City and the entire City Council were sued by William Foster and Fred Henderson, I, contrary to the lies of Embra, Rattler and White, in fact briefed the City and Council on the matter and specified the legal strategy I was taking to defend the City and Council. This strategy included a counterclaim to have the recall petition declared not in compliance with the City Charter. I received no direction from the Council to proceed otherwise.

The strategy worked, for both William Foster and Fred Henderson nonsuited their suits which leaves only the City's counterclaim. Realizing, this legal action thwarted their political agenda, Hazel Embra, Joyce Rattler and Lashunda White apparently obtained the services of a person licensed to practice law who has made a career out of attacking me and the members of my law firm and many others including our Sheriff and District Judge. This person has been repeatedly sanctioned by judges and most recently the State Bar of Texas for his misconduct and actions. Apparently, following this person's advice these three elected Councilmembers filed a lawsuit in the Tenth Court of Appeals Court in Waco asking the Court to order the recall election of Maxine Vaughn. That is correct, elected Council Members have sued their own City! As the City Attorney, under the Charter I have an obligation and duty to defend the City even if it is against sitting Council Members. I have done so. I also believe that elected Council Members have a duty to follow the Charter.

Here is where it gets interesting. These same Council Members do not like the fact that I am doing my job which I was appointed to do. I am defending the Charter of the City and this is standing in the way of the personal political agendas of these Council Members. So, they start attacking me. In simple terms, these Council Members want me to ignore the Charter provision dealing with recall petitions and overlook the fact that the recall petition, in my legal opinion, does not meet the requirements of the Charter. If there is any doubt to this fact, the irony is this, if I don't attack the recall petition for it's failure to meet the requirements of the Charter then any Council Member could be attacked by an illegal recall petition at any time and the tax payers of the City would have to pay and hold needless and illegal recall elections.

I have always known that being the City Attorney was like being a football coach. I serve at the will and pleasure of the Council. It is their right to terminate me at anytime for no reason. I understand and accept that fact. But let it be known that until that day comes or until a majority of the Council directs me otherwise I will continue to do my job and enforce the City Charter even against members of the City Council. Also, let it be known if I get terminated it will be as a result of my defending the City from those who want me to ignore the City Charter so they can further personal political agendas.

4A and 4B Corporations gave funds to an entity in which I have an interest. An outside attorney was involved and prepared the performance agreement which requires my business to follow through on bringing a new business and jobs to the City of Hearne. These funds were used to help lay the infrastructure to build the Holiday Inn Express. I believe an audit would show that business pays a lot money to the City and by anyone's account has been a successful business for the City of Hearne by virtue of the hotel occupancy tax it produces for the City.

With respect to the allegations that I settled a lawsuit involving the former Officer Stem this too is a total lie. This case was covered by the City's liability insurance carrier who hired a private law firm out of Waco to defend the suit. The Texas Municipal League has full authority to resolve lawsuits and this suit was settled by the Municipal League and not the City Attorney.

Finally, no matter the results of all of this, the loser is the City of Hearne. I will continue to represent the City of Hearne until such time as a majority of the Council no longer want my services.

Now you have been told the truth.

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