

## County treasurer blocks challenger's access to department procedure, policy manual

By Catherine Dominguez, cdominguez@hcnonline.com Updated 6:04 pm, Saturday, December 16, 2017



Photo: Jason Fochtman, Staff Photographer  
Montgomery County Treasurer Stephanie Davenport.



Photo: Courtesy Photo  
Melanie Bush

Montgomery County Treasurer Stephanie Davenport has blocked an open records request from challenger Melanie Bush for the department's policy and procedure manual, instead seeking an Attorney General opinion as well as input from Commissioners Court on the matter.

Davenport, who first agreed to release the documents, believes the manual is exempt from the Texas Public Information Act because it contains proprietary and personal information. She has placed an item on the Commissioners Court agenda for Tuesday to discuss the disclosure of office policies and procedures. The court will meet at 9:30 a.m. on the fourth floor of the Alan B. Sadler Building, located at 501 N. Thompson St.

Bush, who serves as president of the Conroe ISD Board of Directors, believes Davenport solely wants the court's blessing in her effort to withhold the information. Bush is challenging Davenport in the March 6, 2018, Republican Party primary election.

The Commissioners Court draft agenda, released a couple days before the final agenda was posted Friday, shows Davenport's item on the agenda originally requested that commissioners pass a resolution deeming the procedures of her department proprietary. However, on the court's final agenda, the item was changed to state only that the court would discuss the disclosure of the policies and procedures. The item does not include any supporting documents.

"There is no backup provided, so I can't tell what her motivation is," Bush said of Davenport refusing to release the documents. "I would not dare speculate on someone's motivation. But it does appear as though she is trying to make policies and procedures ... in her department private information the county taxpayers don't have access to."

Davenport, who was appointed as treasurer in 2013 by Commissioners Court, told The Courier that putting the item on the agenda is being transparent. "I've got the item on the agenda so I can address this with the court and the public," she said. "I feel like this is a process we need to go through in order to secure the treasury."

Davenport declined to provide details of what she plans to present to the court.

Bush submitted her request to Davenport Dec. 1, asking for the procedure manual Davenport said she created in 2014. After several days, Davenport requested that the County Attorney's Office submit the request to the Texas Attorney General's Office for an opinion. The AG's Office has up to 60 days to respond.

County Attorney J D Lambright said his office advised Davenport to release the information but said Davenport refused and asked his office to submit the request to the AG's Office. According to the open records act, a government agency shall make available "administrative staff manuals and instructions to staff that affect a member of the public."

Bush said she had heard Davenport "tout" the manuals as an accomplishment of her department in 2014. "I wanted to examine them and look at efficiencies and look at what is included in these documents," Bush told The Courier. "At first, there was no problem with that request." But a few days after being told she could have the manual, Bush was asked if she would accept copies with redacted information because the manual contains usernames and passwords. Bush agreed to Davenport's condition of release.

"That information, in my opinion, shouldn't be in a procedure manual, but I certainly don't want usernames and passwords, county account numbers out in the public," Bush said. "That's not appropriate, and I fully supported the redacted version."

Again, Davenport responded back and told Bush it would be too much information to redact and would Bush be satisfied with just viewing the manual. While Bush did not like the idea of just viewing the manual, she agreed with the plan to resubmit her request for copies at a later date.

Officials with the County Attorney's Office set up a time on Friday for Bush to meet at their office with a representative from the Treasurer's Office; but at the last minute, Bush was told Davenport refused to allow the release or viewing of the manual and requested it be submitted to the AG's Office for review.

According to Bush, she was told the county was advised by the AG's Office that the document would become public and available to others if Bush was allowed to view the manual. "The government should have open records for the county taxpayers to know exactly how their tax dollars are being spent," Bush said. "All procedure manuals I have seen do not have usernames and passwords."

Bush said the manuals should be made public without the private information. "This is our government," she said. "We should be as transparent as possible with our taxpayers. So to restrict access, I believe, is a fatal mistake of any elected official."