

Commissioners take no position on open records request by treasurer, wait for AG opinion

By Catherine Dominguez, cdominguez@hcnonline.com Published 6:27 pm, Tuesday, December 19, 2017



Photo: Jason Fochtman, Staff Photographer

Montgomery County Treasurer Stephanie Davenport speaks during a Montgomery County Commissioners Court meeting at the Alan B. Sadler Commissioners Court Building Tuesday, Dec. 19, 2017, in Conroe

Montgomery County Treasurer Stephanie Davenport took the opportunity to explain why she blocked an open records request from challenger Melanie Bush for the department's policy and procedure manual saying it is to protect the county financially.

The issue is being sent to the Texas Attorney General for an opinion. However, Davenport wanted to air her side during Commissioners Court Tuesday morning. However, the meeting, scheduled to start at 9:30 a.m., dragged into the early afternoon due to technical issues with the audio and visual recording components in the Commissioners Courtroom that took around an hour combined to resolve as the court and attendees endured two long breaks as the problem was being fixed.

While Davenport, who was appointed treasurer by Commissioners Court in 2013, had prepared a presentation to support her decision, commissioners agreed it is not something they have authority over and stopped Davenport shortly after she started.

Precinct 3 Commissioner James Noack said the issue is "political" and didn't think the court should be involved. Noack asked County Attorney J D Lambright whether the court or his office has the authority to decide what information should be released. "No, we don't have any authority," Lambright responded.

Precinct 1 Commissioner Mike Meador said the court needs to wait on the AG's opinion. However, Davenport was able to show a small portion of her presentation to the court and said that releasing the 700-plus page procedure manual would put the county at risk for fraud, forged checks, exposure of Social Security numbers and potential manipulation of payroll deductions. She added that the information, she believes, is exempt from the Texas Public Information Act.

"The issue is the risk is real," said Davenport, noting there are several AG opinions that state the information in the manual is confidential.

Melanie Bush, who serves as president of the Conroe ISD Board of Directors, said she isn't sure why a manual on how to run the office would have proprietary information and believes those procedures should be open to the public. Bush is challenging Davenport in the March 6, 2018, Republican Party primary election.

Bush submitted her request to Davenport Dec. 1, asking for the procedure manual Davenport said she created in 2014. Davenport originally agreed to release the information but claims she was given "bad advice" from the County Attorney's Office regarding the situation and releasing the information.

"I have a statutory responsibility to protect the funds," Davenport said. "I did attempt to accommodate Mrs. Bush by giving her access to the procedure guides; however, we had to rescind the offer. I think my statutory responsibilities are clear. I should withhold those documents; the security features that are involved."

Lambright told the court his office did not give Davenport bad advice adding that his office supports the public's right to information and the Public Information Act. He noted in a similar situation with another county department head who blocked a request that the AG's Office overrode that decision and the information was released to the requestor. Lambright said it would likely be 45-60 days before the AG's opinion is released