

Challenger says county treasurer noncompliant with posting balance statements

By Catherine Dominguez, cdominguez@hcnonline.com Updated 8:42 pm, Monday, January 22, 2018



Photo: Jason Fochtman, Staff Photographer

County treasurer candidate Melanie Bush is continuing to push the issue of lack of transparency in the Treasurer's Office, questioning its compliance with the law and why the county's statements of balances are not posted monthly in a timely manner to the county website. However, County Treasurer Stephanie Davenport fired back, calling Bush's claims a "political ambush."

"I have obviously fulfilled my obligation and each month has been reported," Davenport said. "This is another attempt at a political ambush by my opponent. My opponent and her handlers are obviously trying to create chaos and avoid dealing with what I've accomplished while in office. I think that Mrs. Bush embarrasses herself with these tactics. "She is distorting the accomplishments to look like imperfections."

Davenport is facing Bush in the March 6 Republican primary. Davenport was appointed in 2013 by Montgomery County Commissioners Court to replace the retiring Martha Gustavsen.

The local government code spells out the treasurer's office must present the statements to the commissioners court monthly. According to Section 114.026, "at least once a month at a regular term of the commissioners court, the county treasurer shall make a detailed report of: (1) money received and disbursed; (2) debts due to and owed by the county; and (3) all other proceedings in the treasurer's office."

However, according to the Commissioners Court minutes for 2016 and 2017, Davenport failed to provide those statements monthly four times in 2016 and three times in 2017. The statute does not impose a penalty for noncompliance. "Not (providing those statements monthly) makes that office not compliant with the government code," said Bush, who is president of the

Conroe ISD board and owns her own bookkeeping business. "This is something that should be done no matter what the circumstance surrounding that office."

Davenport said Gustavsen, who she said is "coaching" Bush, was as much as "four years out of compliance." "I have corrected many issues in the department, work diligently to follow the statutes and worked to exceed expectations," Davenport said. "For that they are trying to find fault."

County Attorney J D Lambright, who did not speak specifically to Bush's concerns with the Treasurer's Office, said under Government Code 311, the word "shall" imposes "a duty."

"As a responsible party for the taxpayers' dollars, the Treasurer's Office must be transparent at all times," Bush said. "Not having the statements of balances posted in a timely manner, or approved in a timely manner, blocks that transparency."

Davenport said her office is not blocking transparency and that information is available to the public via the website and by calling the office. "Getting it done has an urgency; getting it done accurately is more important," Davenport said. "We want everyone to be able to rely on what we submit and post. By auditing first we have brought that to a minimum, inspiring confidence in what is reported"

Transparency

During a forum earlier this month, Bush noted the statements on the county website were only current through September. According to Davenport, tight agendas and time frames over the holidays affected getting the court's approval on some of the statements.

"While I appreciate that there may have been an agenda issue for the Dec. 19 agenda item, having the statement of balances posted online in a timely manner has been an ongoing issue for our county treasurer," Bush said. "In August, the latest statement of balances posted was February. In October, the latest was June. And then in December, it was September. Transparency seems to be a perpetual battle for this administration. Openness is a commitment just like showing up for work."

Deputy Treasurer Judy Tarango said she has ensured the site has been up to date. "Anything that had gone through court was up there," she said. "We have always kept that up to date." Tarango said there have been IT issues in the past that may have affected what was appearing. "We have never had an issue where we have had to go back and put four months up there," Tarango said. "That's a ridiculous assertion."

Davenport said her office strives to post the statements as soon as possible, adding the issue with the December agenda was unique. In fact, Davenport said Montgomery County is in line with other counties regarding posting the statements. "Most counties our size are four to five months in arrears to get done, go through court and to the final posted stage," said Davenport, adding as of last week a website search showed Harris and Bexar counties were current through September 2017 and Denton and Fort Bend counties were current through November 2017. Tarrant County had only August 2017 posted. "A search of peer counties shows we are right in line, if not ahead."

Davenport added that her office "works hard" to ensure the "six- to eight-week process." "The auditor and I are very sensitive to the need to get public what we should as soon as possible. Very few people actually go to the site, but those that do want the information," Davenport said. "I think knowing that they are there if they wanted to review them inspires confidence and so we have done whatever we can to get them as quickly as possible, as accurate as possible."