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February 12, 2024

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**VIA UPLOAD TO [HTTPS://WWW.MUCKROCK.COM/RESPOND/1661977/](https://www.muckrock.com/respond/1661977/)**

Robert "Bobby" Ray  
MuckRock News  
DEPT MR 158160  
263 Huntington Ave.  
Boston, MA 02115

Re: North Harris County Reginal Water Authority (the "NHCRWA")  
Response to Request for Public Information

Dear Mr. Ray:

Please accept this letter as the NHCRWA's response to your request for public information, received on February 1, 2024 (the "Request"). I have summarized the Request as follows:

- An accounting of invoices paid to the City of Houston (the "City") for the NHCRWA's participation in the Northeast Water Purification Plant Expansion Project (the "Project"), including date paid, amount paid, and total amount anticipated to be paid by the NHCRWA at completion.
- Copies of the last four (4) invoices from the City for the Project with associated back-up information.
- Copies of the agreements, and any supplements or amendments thereto, related to the Project.

In addition, the Request instructs the NHCRWA to upload responsive documents to <https://www.muckrock.com/respond/1661977/>. A copy of the Request is attached.

As you may be aware, the Texas Public Information Act (the "Act") requires the NHCRWA to provide most public information within the NHCRWA's custody or control.<sup>1</sup> However, the Act applies only to information already in existence<sup>2</sup> and does not require the NHCRWA to prepare new information.<sup>3</sup> In addition, the Act does not require the NHCRWA to prepare answers to questions or to perform research.<sup>4</sup> For information that exists in an electronic medium, the NHCRWA must provide a copy of the information in the medium requested as long

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<sup>1</sup> Gov't Code § 552.001, *et seq.*

<sup>2</sup> See Gov't Code §§ 552.002, .021, .227, .351.

<sup>3</sup> *A&T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist.*, 31 S.W. 3d 678,681 (Tex. App. – Eastland 2000, pet. denied); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3 (1986), 342 at 3 (1982), 87 (1975)

<sup>4</sup> See Open Records Decision Nos. 563 at 8 (1990) (considering request for federal and state laws and regulations), 555 at 1-2 (1990) (considering request for answers to fact questions); Gov't Code § 552.227.

as it is not required to purchase any software or hardware and providing the information does not violate the terms of any copyright agreement between the NHCRWA and a third party.<sup>5</sup>

Based on the foregoing requirements, the NHCRWA's duty related to the Request is to identify and provide public information in its custody or control that is responsive to the Request and already in existence, including information existing in an electronic medium, and for electronic information to provide the information in the requested medium as long as the NHCRWA is not required to purchase hardware or software or violate a copyright agreement in so doing.

Pursuant to the Request and in accordance with the Act, attached are copies of the following:

1. Cash Call Summary Spreadsheet
2. Cash Call Nos. 9, 10, 11 and 12 from the City to the NHCRWA
3. Water Supply Contract between the City and the NHCRWA
4. Second Supplement to Water Supply Contract between the City and the NHCRWA
5. First Amendment to the Second Supplement to Water Supply Contract between the City and the NHCRWA

The NHCRWA believes this information fully responds to your Request. If you sought different or additional information, please let me know.

Sincerely,



Jon Polley  
Special Counsel to the NHCRWA

Enclosures: Request

cc: Board of Directors of the NHCRWA [via email] (w/o enclosures)  
Jun Chang, P.E., D.WRE, General Manager of the NHCRWA [via email] (w/o enclosures)

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<sup>5</sup> See Gov't Code § 552.228(b).