



P.O. Box 66568
Houston, Texas 77266
346.440.1296
PolleyGarza.com

June 14, 2023

jon@polleygarza.com

VIA UPLOAD TO [HTTPS://WWW.MUCKROCK.COM/RESPOND/1499860/](https://www.muckrock.com/respond/1499860/)

Robert "Bobby" Ray
MuckRock News
DEPT MR 146772
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 after business hours on the evening of May 30, 2023 (the "Request"), in which you asked the NHCRWA to provide the following documents:

- "Payroll [r]ecords (salary and hourly employees) for all full-time and part-time NHCRWA staff for fiscal years 2020, 2021, 2022, and year to date for FY 2023.
- "Copy of complete [e]mployment [c]ontract between NHCRWA and General Manager and Deputy General Manager – including Jimmy [sic] Schindewolf and June [sic] Chang and any other executive level staff under [e]mployment [c]ontracts between [f]iscal [y]ears 2020 through [c]urrent.
- "Correspondence and emails originating or delivered to the NHCRWA email servers between NHCRWA staff and San Antonio Area Water Systems, [sic] (SAWS).
- "Correspondence and emails originating or delivered to the NHCRWA email servers which make reference to 'Vista Ridge' or 'SAWS' or 'San Antonio Area Water System'.

In addition, the Request instructs the NHCRWA to upload responsive documents to <https://www.muckrock.com/respond/1499860/>. 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.¹ However, the Act applies only to information already in existence² and does not require the NHCRWA to prepare

¹ Gov't Code § 552.001, *et seq.*

² *See* Gov't Code §§ 552.002, .021, .227, .351.

new information.³ In addition, the Act does not require the NHCRWA to prepare answers to questions or to perform research.⁴ For information that exists in an electronic medium, the NHCRWA must provide a copy of the information in the medium requested as long 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.⁵

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. Earnings History reports for 2020, 2021, 2022 and 2023 year-to-date
2. Third Amended and Restated Employment Agreement, dated January 1, 2016, between the NHCRWA and Jimmie Schindewolf
3. Employment Agreement, dated January 1, 2021, between NHCRWA and Jun Chang
4. Responsive emails between NHCRWA and San Antonio Water Systems ("SAWS")
5. Responsive emails referencing "Vista Ridge," "SAWS," or "San Antonio Area Water System"

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

Sincerely,



Jon Polley

General 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)

³ *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)

⁴ 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.

⁵ See Gov't Code § 552.228(b).

North Harris County Regional Water Authority
Texas Public Information Act Office
Suite 110
3648 Cypress Creek Parkway
Houston, TX 77068

MAY 31 2023 PM 1:00

May 30, 2023

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

- Payroll Records (salary and hourly employees) for all full-time and part-time NHCRWA staff for fiscal years 2020, 2021, 2022, and year to date for FY 2023.
- Copy of the complete Employment Contract between NHCRWA and General Manager and Deputy General Manager - including Jimmy Schindewolf and June Chang and any other executive level staff under Employment Contracts between Fiscal Years 2020 through Current.
- Copy of the NHCRWA Pension Plan for Executive Level and Staff Level employees.
- Correspondence and emails originating or delivered to the NHCRWA email servers between NHCRWA staff and the San Antonio Area Water Systems, (SAWS).
- Correspondence and emails originating or delivered to the NHCRWA email servers which make reference to "Vista Ridge" or "SAWS" or "San Antonio Area Water System".

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Robert "Bobby" Ray

View request history, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1499860/>

If prompted for a passcode, please enter:
BYARBHYM

Filed via MuckRock.com
E-mail (Preferred): 146772-93452446@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 146772
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.