



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 13, 2022

Mr. Oleg V. Nudelman
Counsel for the Tarrant Regional Water District
Thompson & Horton, L.L.P.
500 Akard Street, Suite 3150
Dallas, Texas 75201-3302

OR2022-10893

Dear Mr. Nudelman:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 938942 (TRWD PIR #22.012).

The Tarrant Regional Water District (the "district"), which you represent, received a request for (1) documents pertaining to a specified topic; (2) any contracts, letter agreements, retainers, or other writings with specified details during a defined period of time; and (3) other specified contracts, letter agreements, retainers, or other writings currently in effect. You state you will release some information to the requestor. Although you take no position as to whether the submitted information is excepted from disclosure under the Act, you state release of the submitted information may implicate the interests of the Tarrant County Criminal District Attorney's Office (the "district attorney's office"). Accordingly, you state, and provide documentation showing, you notified the district attorney's office of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the district attorney's office. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the requestor specifically excluded certain types of information from her request, including any fee amounts agreed upon to be paid for legal services. Thus, this information is not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release such information in response to the present request.¹

¹ As we are able to make this determination, we need not address the submitted argument against disclosure of this information.

Next, we note the responsive information is subject to section 552.022 of the Government Code. Section 552.022 provides, in relevant part, as follows:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Id. § 552.022(a)(3). The responsive information consists of information in an account, voucher, or contract relating to the receipt or expenditure of public funds that is subject to section 552.022(a)(3). This information must be released unless it is made confidential under the Act or other law. *See id.* The district attorney's office raises section 552.108 of the Government Code for this information. However, section 552.108 is discretionary in nature and does not make information confidential under the Act. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 177 at 3 (1977) (statutory predecessor to section 552.108 subject to waiver). Therefore, the district may not withhold any of the responsive information under section 552.108 of the Government Code. As no further exceptions to disclosure have been raised, the district must release the responsive information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/mo

Ref: ID# 938942

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Interested Party
(w/o enclosures)