



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 16-322

March 22, 2016

**Introduced:** 3/7/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** General Agenda Item

Approve and authorize the Director of Information Technology to sign a non-disclosure agreement addressing access to Charter Communications' confidential customer information so that this information can be disclosed to the County and its consultants for purposes of reviewing a pro-forma audit of Charter Communications' payment of video franchise and PEG access fees.

### RECOMMENDATIONS:

It is recommended that the Board of Supervisors approve and authorize the Director of Information Technology to sign a non-disclosure agreement addressing access to Charter Communications' confidential customer information so that this information can be disclosed to the County and its consultants for purposes of reviewing a pro-forma audit of Charter's payment of video franchise and PEG access fees.

### SUMMARY/DISCUSSION:

The County contracts with The Buske Group for consulting services regarding cable franchise issues. The County regularly reviews the payments received from cable franchise companies providing service to Monterey County to ensure the proper payment of franchise fees and PEG (public, educational and public access) fees. Currently, the County has requested The Buske Group's assistance with an audit of the payments made by Charter Communications (Charter).

Charter has completed a pro-forma audit of the payment of video franchise and PEG access fees and has made it available to the County for review. Reviewing this information will help the County determine if a full audit of the payments made by Charter is in order.

In order to review the pro-forma audit documents and information, some of which Charter regards as confidential and proprietary, Charter requests that the County and the Buske Group enter into a Non-Disclosure Agreement (NDA). NDAs are frequently agreed to in the cable franchise and telecommunications industries in order to facilitate audits of the nature contemplated by the County.

Accordingly, the County, the Buske Group, and Charter have negotiated an NDA whereby the County's right to access Charter's confidential, proprietary information is established, and the County and the Buske Group agree to safeguard the confidentiality of that information. The NDA with Charter was extensively negotiated so as to impose the smallest burden upon the County and its consultant as possible. The Director of the Information Technology Department recommends that the Board authorize its execution so that audit of the video franchise and PEG access fees that Charter pays to the County can proceed.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the NDA as to form.

FINANCING:

There is no cost to the General Fund as a result of the approval of the Non-Disclosure Agreement.

Prepared by: Elizabeth Crooke, 755-5108

Approved by:

Dianah Neff, Director of Information Technology, 759-6923

Attachments: Non-Disclosure Agreement with Charter