



Monterey County

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Board Report

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Approve and authorize the Director of Information Technology to sign a non-disclosure agreement, addressing access to AT&T's confidential customer information, so that this information can be disclosed to the County and its consultants for purposes of conducting an audit of AT&T's 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 AT&T's confidential customer information, so that this information can be disclosed to the County and its consultants for purposes of conducting an audit of AT&T'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 AT&T.

In order to procure the documents and information necessary for the audit, some of which AT&T regards as confidential and proprietary, AT&T 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 AT&T have negotiated an NDA whereby the County's right to access AT&T's confidential, proprietary information is established and the County and the Buske Group agree to safeguard the confidentiality of that information. The NDA with AT&T 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 the audit of the video franchise and PEG access fees that AT&T 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.

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Approved by:

Dianah Neff, Director of Information Technology, 759-6923

Attachments:

Non-Disclosure Agreement with AT&T