



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

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|----------------------|--|----------------------|----------------------|
| File #: | A 16-336 | Name: | NDA with Comcast |
| Type: | BoS Agreement | Status: | Passed |
| File created: | 10/5/2016 | In control: | Board of Supervisors |
| On agenda: | 10/18/2016 | Final action: | 10/18/2016 |
| Title: | Approve and authorize the Interim Director of Information Technology to sign a non-disclosure agreement, addressing access to Comcast of California IX, Inc.'s., (Comcast) confidential customer information, so that this information can be disclosed to the County and its consultants for purposes of conducting an audit of Comcast's payment of video franchise and PEG access fees. | | |

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. NDA with Comcast, 3. Completed Board Order, 4. Fully Executed Agreement between the County of Monterey and Comcast of California IX, Inc.

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|--------|--------|
| 10/18/2016 | 1 | Board of Supervisors | | |

Approve and authorize the Interim Director of Information Technology to sign a non-disclosure agreement, addressing access to Comcast of California IX, Inc.'s., (Comcast) confidential customer information, so that this information can be disclosed to the County and its consultants for purposes of conducting an audit of Comcast's payment of video franchise and PEG access fees.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Interim Director of Information Technology to sign a non-disclosure agreement, addressing access to Comcast of California IX, Inc.'s (Comcast) confidential customer information, so that this information can be disclosed to the County and its consultants for purposes of conducting an audit of Comcast'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 Comcast.

In order to procure the documents and information necessary for the audit, some of which Comcast regards as confidential and proprietary, Comcast requests that the County and the Buske Group enter into a Non-Disclosure Agreement (NDA). NDAs are frequently agreed into 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 Comcast have negotiated an NDA whereby the County's right to access Comcast's confidential, proprietary information is established and the County and the Buske Group agree to safeguard the confidentiality of that information. The NDA with Comcast was negotiated so as to impose the smallest burden upon the County and its consultant as possible. The Acting 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 Comcast 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, Management Analyst, 755-5108

Approved by:

Eric Chatham, Acting Director of Information Technology, 759-6920

Attachments: Non-Disclosure Agreement with Comcast

Attachments are on file with the Clerk of the Board