



Board Agenda Item 39

DATE: September 24, 2024

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Non-Disclosure Agreement with Pacific Gas and Electric Company

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Non-Disclosure Agreement with Pacific Gas and Electric Company for the sharing of gas and electric facility maps, effective upon execution, not to exceed three consecutive years pursuant to and in accordance with requirements set forth in this Non-Disclosure Agreement (\$0).

Approval of the recommended action will authorize the Chairman to enter into a Non-Disclosure Agreement with Pacific Gas and Electric Company (PG&E) for the sharing of their gas and electric facility maps, which may disclose confidential customer and/or critical energy infrastructure information. This Agreement is a requirement of PG&E for all entities requesting mapping of PG&E gas and electric facilities as their infrastructure and facilities are deemed as Proprietary Information. This item is Countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. Should the Board elect not to approve the recommended action, it would result in the Department being unable to access and receive PG&E mapping of gas and electric facilities which are necessary for the Department's maintenance and improvement projects.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action, as there is no exchange of funds. Non-Disclosure Agreements typically focus on establishing the terms and conditions for the use and sharing of data, rather than involving financial transactions.

DISCUSSION:

The Department coordinates maintenance and improvement projects with multiple public and private parties. The coordination requires the sharing of information, some of which is deemed Proprietary Information.

PG&E has deemed the mapping of their gas and electric facilities as Proprietary Information because it contains confidential customer and/or critical energy infrastructure information. PG&E thus requires the party receiving the information to enter into a Non-Disclosure Agreement. The receiving party may use any Proprietary Information for the purpose of avoiding or minimizing utility conflicts and subsequent relocations. Information which may be disclosed, as an exception under the agreement, includes approximate pipeline location, nominal pipeline diameter, pipeline material, high / low pressure categorization, approximate

conduit size, and location of underground distribution electric facilities and poles, as well as disclosures required pursuant to court order of the Public Records Act.

The Non-Disclosure Agreement clarifies the purpose and use of the Proprietary Information including non-disclosure, ownership, exceptions, injunctive relief, limitation of liability, term, return of information, and general provisions. The term of the Non-Disclosure Agreement is three years upon execution.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Pacific Gas and Electric Company Non-Disclosure Agreement

CAO ANALYST:

Salvador Espino