



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 10/19/2021      **In control:** Board of Supervisors

**On agenda:** 11/2/2021      **Final action:** 11/2/2021

**Title:** Chief Administrative Office recommending the Board authorize the Chief Administrative Officer to sign a Nondisclosure Agreement on behalf of El Dorado County with Dermody Properties to allow for discussions between Dermody and County staff regarding potential commercial real estate development in the County.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - NDA Dermody Properties, 2. B - Blue Route (County Counsel)

Date	Ver.	Action By	Action	Result
11/2/2021	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board authorize the Chief Administrative Officer to sign a Nondisclosure Agreement on behalf of El Dorado County with Dermody Properties to allow for discussions between Dermody and County staff regarding potential commercial real estate development in the County.

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

The purpose of the Nondisclosure Agreement (NDA) is to allow Dermody Properties to share information with the County with respect to their evaluation of various sites for operations and businesses in El Dorado County, as well as information relative to Dermody's or its clients' operations and businesses.

In exchange for receiving the information, the County would agree to only use the information in pursuance of its efforts to evaluate Dermody's business opportunities, and will not disclose confidential information to anyone without Dermody's prior written consent. In addition, the County will restrict the possession, knowledge and use of confidential information to each of its employees who has a need to know the confidential information, and is legally obligated to protect the confidential information to the same or greater degree as required under this agreement.

By authorizing the CAO to sign this agreement, the Board of Supervisors agrees that in the event County staff breach any obligations that Dermody will have the right to seek injunctive relief for any violation of this agreement.

### ALTERNATIVES

The Board could choose not to authorize the CAO to sign the Nondisclosure Agreement which would result in restrictions regarding the level of documentation and timing in which Dermody Properties is

willing to share information with the County.

**PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

There are no costs or fiscal impact associated with this recommended action.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

The Board Clerk will obtain a signed copy of the Nondisclosure Agreement from the CAO and provide a copy to County Counsel.

**STRATEGIC PLAN COMPONENT**

Economic Development - Retain, develop and attract businesses that provide economic sustainability and quality job creation.

**CONTACT**

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Chief Administrative Officer