

Memorandum

REPORT TO: City Commission

FROM: Greg Sullivan, City Attorney
Jennifer A. Giuttari, Assistant City Attorney

SUBJECT: Authorize the Interim City manager to Sign a Professional Service Agreement with CityScape Consultants, Inc. for Legal Services for Telecommunications including Updating Ordinances, Permitting of New Facilities, and Licensing Use of City Facilities

MEETING DATE: March 11, 2025

AGENDA ITEM TYPE: Agreement - Legal

RECOMMENDATION: Authorize the Interim City Manager to sign a professional services agreement with CityScape Consultants, INC. for for legal services for telecommunications including updating ordinances, permitting of new facilities, and licensing use of city facilities.

STRATEGIC PLAN: 4.3 Strategic Infrastructure Choices: Prioritize long-term investment and maintenance for existing and new infrastructure.

BACKGROUND: The City began regulating telecommunication towers in 1998 when it adopted its first body of local law governing telecommunications in the Bozeman Municipal Code. In adopting local, telecommunication laws, the City understands that it has a duty to protect the public health, safety, and welfare, and that this duty must be considered when it regulates the placement, construction, and modification of wireless facilities.

The City's local government authority to regulate telecommunications is governed by the Telecommunications Act of 1996. Given the specialty of wireless and telecommunications law, the City Attorney's Office identified that it would need an expert who specializes in wireless and telecommunications law to assist the City in ensuring that it provides and issues clear and consistent regulations and standards for wireless and telecommunication facilities when re-drafting its telecommunications code.

As part of its desire to ensure its wireless facilities code is current with federal and state laws, the City identified that it would need advice and counsel on topics including, but not limited to:

- a. Evaluating the City' s wireless and telecommunication facility code, including but not limited to ensuring the City is properly regulating the location, placement, dimensions, and design of wireless and

telecommunication facilities, to ensure its code complies with federal and state law;

b. Ensuring the City's application and permitting process for encroachments in the right of way complies with federal and state law, and with best practices; and

c. Assisting the City in developing model terms for when the City is approached to lease space on and in city facilities for telecommunication and/or wireless purposes, or for use when the City is renegotiating existing leases and licenses, including but not limited to conduit leases.

Given the City's need for a telecommunications and wireless expert, on November 23 and December 7, 2024, the City published a request for proposals from firms and individuals who could provide expert consultation and advice on creating a revised wireless facilities/ telecommunications ordinance, and advice on general telecommunications permitting process and best practices in licensing use of City facilities for placement of telecommunication facilities.

City staff scored and interviewed all of the respondents and found that CityScape Consultants, Inc. was the most qualified to fulfill the needs identified in the request for proposal. The attached professional service agreement and scope of services establishes the contractual terms and the scope of service between the City and CityScape Consultants.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As recommended by the Commission.

FISCAL EFFECTS: None. Included in the City Attorney's FY'25 budget is funding for hiring a telecommunications and wireless expert, which was approved by the City Commission on June 25, 2024.

Attachments:

[FINAL CityScape- Bozeman PSA.pdf](#)
[2502024 CityScape Scope of Services.FINAL.pdf](#)

Report compiled on: February 25, 2025