



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: January 30, 2026	ITEM NO.	SUBJECT: Retaining Legal Council
Presented by: Glen Smith Interim Town Admin		

This memo is intended to clarify the process currently underway for securing both interim legal counsel and a permanent Town Attorney, and to outline the standards being applied to the handling of RFP submissions.

Two-Step Attorney Hiring Process

The Town is proceeding with a two-step approach to ensure continuity of legal services while also conducting a full and fair selection process for permanent counsel through RFP.

1. Interim Attorney

- CIRSA does **not** provide general counsel services for municipalities. (email attached)
- I have contacted several potential interim attorneys per the recommendation of CIRSA, CML, and DOLA.
 - Number contacted: 14
 - Number who responded “NO”/not interested: 6
 - Number not interested in Interim but considering Permanent: 1
 - Number who expressed interest: 0 at this time, however 5 have not yet responded
 - Follow-up responses/in communication: 2
- Those who meet the minimum qualifications/requirements will be presented to the Board for consideration.

2. Permanent Town Attorney (RFP Process)

- The Town currently has an active Request for Proposals (RFP) open for a permanent Town Attorney or law firm.
- The RFP deadline is February 5, 2026, at 5:00 p.m.
- Proposals will be reviewed after the deadline, and qualified submissions will be included in the Board packet for formal consideration.

Handling of RFP Submissions Prior to the Deadline

Neutral status updates prior to the deadline are generally allowed, with conditions.

A pre-deadline update may be shared with the full Board only if it:

- Is sent to all Trustees at the same time
- Is purely factual (e.g., number of proposals received)



- Does not identify proposers, contents, or rankings
- Does not invite discussion or evaluation
- Is documented as part of the public record

Example of an acceptable update:

“As of today at 3:00 p.m., three proposals have been received. The submission deadline remains February 5 at 5:00 p.m.”

What Is Not Appropriate Before the Deadline

Prior to the RFP closing, the following should not occur:

- Sharing names of proposers
- Distributing copies or summaries of proposals
- Commenting on quality, completeness, or competitiveness
- Creating opportunities for trustee discussion or comparison
- Sending piecemeal updates outside the packet/posting process

These actions risk:

- Undermining the fairness of the RFP
- Potential protest or challenge by proposers
- Open Meetings Law concerns (including serial communication)
- The appearance of bias or pre-selection

Best Practice and Records Considerations

- Proposer identities and materials should **not** be distributed until after the deadline.
- All proposals and proposer lists will be included in the official Board packet once the RFP has closed.
- Until that time, submissions are treated as confidential procurement records.
- Proposals typically become public records after the deadline, subject to limited redactions (e.g., proprietary information).
- Including all materials in the Board packet after the deadline ensures a clear, permanent, and transparent public record.
- A neutral count update before the deadline is legally permissible
- Sharing names or proposal materials before the deadline is not recommended
- Best practice is to wait until the deadline closes and include all materials in the official Board packet



Staff Recommendation: As Interim Town Administrator, I have received the Board's direction and am moving forward accordingly. I recognize that Trustees are attempting to be helpful by sharing recommendations and information through multiple emails related to this matter. At the same time, it is important to allow the established process to move forward in an orderly way. Frequently, piecemeal communications can unintentionally divert time and attention away from carrying out the work itself and can disrupt continuity of operations. My focus is on ensuring that the process is handled consistently, transparently, and in compliance with applicable requirements and best practice, while maintaining the day-to-day operations of the Town. I appreciate the Board's support and ask that we allow the process to proceed as structured so I can effectively fulfill my responsibilities on behalf of the organization and the community.

Professionally,

Glen Smith