



## **CLINTON CITY COUNCIL WORK SESSION AGENDA**

2267 N 1500 W Clinton, UT 84015

February 10, 2026

**This meeting may be attended electronically by one or more members.**

### **6:00 PM WORK SESSION**

1. Discussion on Title 2 Amendments

### **ADJOURN**

Dated the 3<sup>rd</sup> day of February, 2026  
s/Lisa Titensor, Clinton City Recorder

- *Supporting documentation for this agenda is posted on the Clinton City website at [www.clintoncity.com](http://www.clintoncity.com) and on the Utah Public Notice Website [www.utah.gov/pmn](http://www.utah.gov/pmn)*
- *In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Lisa Titensor, City Recorder, at (801) 614-0700 at least 24 hours prior to the meeting.*
- *This meeting may involve electronic communications for some members of this public body. The anchor location for the meeting shall be the Clinton City Council Chambers at 2267 N 1500 W Clinton UT 84015. Elected Officials at remote locations may be connected to the meeting electronically to participate.*
- *Notice is hereby given that by motion of the Clinton City Council, pursuant to Utah State Code Title 52, Chapter 4 sections 204 & 205, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.*
- *The order of agenda items may change to accommodate the needs of the city council, staff and/or public*

# CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

<b>MEETING DATE:</b>	February 10, 2026
<b>WORK SESSION</b>	X
<b>PETITIONER(S):</b>	Mayor Dougherty
<b>SUBJECT:</b>	Proposed Administrative Changes to Clinton City Code – Title 2

## **FISCAL IMPACT:**

### **SUMMARY:**

The following edits to Title 2 of Clinton's municipal code are intended to improve clarity, technical accuracy, and conformity to state law. The edits clarify the roles of Clinton's governing officials. Clinton's current code is mostly acceptable but leaves some vagueness that could create misunderstandings. After studying state code and the codes of other cities, the mayor and city manager met with Clinton's attorney. He confirmed these proposed edits regarding roles are in line with state law and with the six-member council form of government, which is the form Clinton has. The mayor and city manager agree the code should make clear that the City Council has ultimate authority.

Also attached to this report is a document which identifies all required legislative changes affecting Title 2 (Administration) of the Clinton City Code based on Utah legislative sessions from 2020 through 2025. A future ordinance will be brought forth in March which will include these proposed legislative changes along with any changes that need to be made for 2026.

### **RECOMMENDATION:**

That council agree to move the proposed Title 2 administrative amendments to a regular City Council meeting for adoption.

### **ATTACHMENTS:**

Proposed Title 2 amendments

For review, future Title 2 Legislative amendments

## **2-2-2 Functions Of The Council**

(1) The City Council is the legislative body of the municipality and exercises the legislative powers, duties, and functions of the municipality while retaining powers granted by Utah Code 10-3b-105 and 10-3b-303.

**Commented [MD1]:** Rounds out the City Council section a little better.

(2) The City Council shall pass ordinances, appropriate funds, review municipal administration, and perform all duties that may be required of it by law.

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## **2-3-1 Mayor As Presiding Officer -Mayor Pro Tempore**

(1) The Mayor shall be the chair~~man~~ and preside at the meetings of the City Council. In the ~~absence of the Mayor or because of~~Mayor's absence, or ~~his~~inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as Mayor pro tempore, who shall temporarily have all of the powers and duties of the Mayor ~~during his absence or disability~~. The election of a Mayor pro tempore shall be entered in the minutes of the meeting.

(2) The Mayor shall be chief ceremonial officer of the municipality and shall represent the municipality in all of its external relationships.

## **2-3-4 Duties And Powers Of Mayor**

The Mayor is the chief executive officer of the City and is the person, on behalf of the City Council, to whom the city manager reports.

**Commented [MD2]:** The attorney confirmed the mayor is the CEO as described in state code. It's helpful to clarify the relationship between the mayor and manager, which protects against some future possibility of an overreaching manager. At the same time, the language "on behalf of the City Council" protects against some future possibility of a rogue mayor. It reiterates that the council is the ultimate authority.

The Mayor shall:

- Have ultimate responsibility to keep the peace and enforce the laws of the City ~~or town~~;
- Have authority to commute any sentences for violation of any municipal order;
- ~~Have authority to remit a fine or forfeiture;~~
- ~~Report any commutation or remittance to the City Council at its next meeting after the action;~~
- Have responsibilities for Justice Court Judge vacancies as outlined in Title 2, Chapter 9 and UCA §78A-7-202 through 203 et seq.
- Perform all duties prescribed by law, resolution or ordinance;

**Commented [MD3]:** This is in state code and for some reason is the only mayoral power that was left out of our code. Seemed strange, so I put it back in.

- Ensure that all laws, ordinances and resolutions are faithfully executed and observed;
- At any reasonable time examine and inspect the books, papers, records or documents of the City or any officer, employee or agent of the City;
- Report to the City Council the condition of the City and recommend for Council consideration any measures as deemed to be in the best interests of the City;
- When necessary, call on the residents of the City ~~or town~~ over the age of 21 to assist in enforcing the laws of the state and ordinances of the City; and
- Appoint, with the advice and consent of the Council, members to fill vacancies on commissions or committees of the City.

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#### **2-6-4 General Duties**

The City Manager is the chief administrative officer, whose powers, duties, and functions shall be subject to the control of the legislative body, but the City Manager shall report to the Mayor pursuant to Utah Code.

**Commented [MD4]:** Again, helpful clarification on the day-to-day reporting while making clear the City Council is the ultimate authority.

The Manager shall:

- (1) Have and exercise all powers and duties assigned by the City Council;
- (2) Be charged with the enforcement of all laws and ordinances within the municipality insofar as their enforcement is within the powers of the City.
- (3) Attend all meetings of the City Council, keep the Council informed as to the affairs of the City, and recommend to the Council such action as may be necessary or expedient for the welfare of the City.
- (4) Have and exercise general control and supervision over all activities of the City, including but not limited to all properties and equipment, water courses, roadways, easements, public buildings, and all other such items belonging to, controlled by or under the jurisdiction of the City.
- (5) Delegate duties to department heads or other subordinates as deemed appropriate.

#### **2-6-5 Supervision Over Employees**

The City Manager shall have and exercise all powers which are now or may hereafter be conferred by law upon the City in respect to the employment and removal of employees and

shall hire and discharge such employees and shall have and exercise general supervision over all of the employees of the City. Hiring and removal of department heads requires approval from the City Council.

#### 2-6-6 Relationship To Officers And Departments

~~(1) The Manager shall have authority to fill all appointed offices of the City and to remove persons occupying said offices, except department heads, which require approval of the Council.~~

~~(2) Every administrative department of the City shall be under the supervision and control of the City Manager, who shall have the power to appoint or remove any officer in said departments in accordance with the procedure set forth in this section.~~

#### 2-6-6 Contracts

#### 2-6-7 Purchases

The City Manager shall be the general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the Council, ~~he~~ shall make all purchases of supplies, materials, and equipment authorized by the Council and in the manner prescribed by and subject to the limitations imposed by law and the City Council. No expense shall be incurred for a purpose requiring a prior appropriation unless the amount of such purchase is covered by an unexpended appropriation for the purpose.

#### 2-6-8 Budget Officer

#### 2-6-9 Accounts

#### 2-6-10 Inventories - Property

#### 2-6-11 Reports And Publications

#### 2-6-12 Elections

#### 2-6-13 Collector And Comptroller

The City Manager shall be ex-officio City collector and City comptroller, unless such offices, or either of them, are duly filled by appointment; and ~~he~~ shall perform the duties of each such office in the absence of such appointment to either of them.

#### 2-6-14 Maps - Plats

#### 2-6-15 Offices

**Commented [MD5]:** I recommend removal of this section because it introduces some confusion by saying "authority to fill all appointed offices" when in reality the code gives the mayor power to appoint some of them. Plus, it just keeps repeating itself about hiring/firing/supervising everyone. It doesn't really offer any new information from what's in the previous paragraph.

The City Manager shall maintain an office in City Hall and shall spend such time ~~in the performance of his performing~~ duties as may be required from time to time by resolution of the Council.

#### **2-6-16 Absence From City**

In the event that the City Manager shall be absent from the City or incapacitated from performing the duties of ~~the his~~ position, an officer or other person designated by the Mayor may be authorized to act as Manager during such absence or incapacity, provided, however, that if such absence or incapacity shall extend for a period of ten (10) or more consecutive days, such designation shall be subject to the approval of the City Council.

#### **2-6-17 Qualifications**

#### **2-6-18 Personnel**

#### **2-6-19 Legislative Powers And Official Position**

The legislative and judicial powers of the Mayor, ~~his the Mayor's~~ position as chairman of the governing body, and any ex officio position the Mayor shall hold shall not be delegated to the manager.

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#### **2-7-2 Form Of Oath Of Office**

Before any officer of the City shall be entitled to assume ~~the days of his~~ office, ~~he the person~~ shall take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this state; that I will discharge the duties of my office with fidelity."

#### **2-7-4 Acts Of Officials Not Voided**

No official act by any municipal officer shall be invalid for the reason that ~~he the officer~~ failed to take the oath of office.

#### **2-7-5 Compensation Of Officers And Employees**

The salary or compensation of all officers and employees shall be established from time to time by the City Council ~~and in accordance with~~ the procedures required by Utah Code 10-3-818

*Cross-reference: UCA §10-3-~~901818~~*

#### **2-7-6 City Attorney**

The Mayor, with the advice and consent of the City Council, may appoint a City Attorney. The City Attorney shall be a regularly licensed attorney and shall perform the duties

**Commented [MD6]:** State law was recently changed to require a public hearing, certain noticing, and an ordinance before raising the pay of department heads and higher officials. Lower level officials could still have their compensation structures set by resolution, though.

required ~~of him~~ by the general laws and by the ordinances of the City and such other duties as Council may by ordinance or resolution require. The City Attorney may, with the consent and approval of the Council, appoint a deputy to advise the City officers in all legal matters or perform other duties ordinarily performed by the City Attorney.

#### **2-7-7 City Engineer**

The Mayor, with the advice and consent of the City Council, may appoint the City Engineer. The City Engineer shall perform the duties required ~~of him~~ by the general laws and by the ordinances of the City and such other duties as Council may by ordinance, minute order or resolution require. Instead of appointing a City Engineer, the Mayor may, upon the advice and consent of the City Council, employ an engineer as a regular City employee to perform such duties as may be prescribed.

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#### **2-8-2 Planning Commission**

##### (1) Creation - Appointment.

(a) There is hereby created a Planning Commission for Clinton City, consisting of seven (7) total members who are appointed by the Mayor with the advice and consent of the City Council.

(b) Members of the Commission shall be selected from the qualified electors of the City, based on a variety of backgrounds and locations within the City. Moreover, no more than two (2) members shall share the same professional background or area of expertise.

(c) The City shall publish a notice of all vacant seats and expiring terms on the City's website for at least 14 days, including an application for interested residents. After reviewing all applications, the Mayor interviews the finalists with the assistance of the community development director.

(d) The name of the individual(s) the Mayor appoints shall be published in the City Council's meeting agenda in preparation for the council's advice and consent.

(2) Terms of Office. Terms of office of the seven (7) citizen members of the Commission shall be staggered at intervals to provide uniformity and continuity of policy. Such appointed citizen members shall serve for a period of three (3) years and at staggered intervals, but in any event, each member of the Planning Commission shall serve until the expiration of the term for which he is appointed and until a successor is appointed and qualified.

(3) Oath of Office. Members of the Planning Commission shall qualify by taking, subscribing, and filing with the City Recorder or authorized appointee an oath of office required by the state constitution.

(4) Removal and Vacancies. Members of the Planning Commission may be removed for cause by the Mayor, with the advice and consent of the City Council. "Cause" may include, but shall not be limited to: violations of the state's Public Officers and Employee Ethics Act, conflicts of interest, and failure to attend a minimum of 80% of meetings. Any vacancy occurring on the Commission by reason of death, resignation, or removal shall be filled by the Mayor with the advice and consent of the City Council for the unexpired term of such member.

(5) Compensation. Planning Commission members shall serve without compensation, except for reasonable expense per meeting attended.

(6) Staff Expenditure. The Planning Commission may request appointment of such employees and staff as it may deem necessary; however, any expenditures of the Commission shall be first approved by the City Manager as being within the amount budgeted by the City for such purposes for that year.

(7) Procedure. The Planning Commission shall, during its first meeting in January of each year, elect from its membership a chairman. The chairman shall serve for a term of one (1) year, and shall not succeed in said office. The Commission shall also elect other such officers as it may deem necessary and adopt and later change or alter rules and regulations of organization and procedure consistent with the City code and state laws.

(8) Quorum. Four (4) voting members of the Planning Commission shall constitute a quorum. Approval of requests presented to the Planning Commission can occur only by a majority of four (4) favorable votes of the quorum.

(9) Meetings. The Planning Commission shall meet ~~as needed and at least once each month~~ as designated by the Commission in their bylaws. Public hearings of the Planning Commission may be held at such meetings; however, all public hearings shall be held after the regular working hours of the City, upon proper notice to consider any matters within the scope of the Commission's duties as provided by the code or state statute. All meetings and public hearings of the Planning Commission shall be held in a public place designated by the Commission and shall be of sufficient size to ~~ensure insure~~ public access to the operations of the Commission.

**Commented [MD7]:** The Planning Commission hasn't been following this law.

Records of Proceedings. The Commission shall keep records of its proceedings, which shall be available to public inspection.

## Proposed future Legislative Updates to Title 2

This document identifies all required legislative changes affecting Title 2 (Administration) of the Clinton City Code based on Utah legislative sessions from 2020 through 2025. For each change, the corresponding Title 2 section, legislative authority, and recommended code wording are provided. This document is intended for Council review. A redlined Title 2 draft will be presented in March. The 2026 legislative changes will be added to the items identified below and will be included and brought forth as one Ordinance.

Title 2 Code Section	Legislative Authority	Change Required	Recommended Wording
§2-1-7 Public Official Bonding	HB 64 (2025); Utah Code §§10-3-919, 51-2a-201	Update bonding references to recognize crime/theft insurance in lieu of individual surety bonds.	The City's elected and appointed officers are deemed bonded through the City's crime or fidelity insurance coverage in a form and amount consistent with requirements of the Utah State Money Management Council.
§2-4-3 Quorum and Voting	SB 95 (2025); Utah Code §§52-4-103, 59-2-919.2	Clarify quorum requirements for Truth in Taxation hearings.	A majority of the City Council constitutes a quorum. A quorum shall be present during all public meetings, including Truth in Taxation hearings.
§2-5-6 Electronic Meetings	Utah Code §52-4-207; HB 13 (2021); SB 173 (2023)	Align electronic meeting provisions with OPMA.	The City Council may conduct electronic meetings in compliance with Utah Code §52-4-207, including

			anchor location, notice, public access, and recording requirements.
§2-7-1 Oath of Office	Utah Code §10-3-827	Clarify filing requirements for oath of office.	All elected and appointed officers shall take and file the required oath of office with the City Recorder prior to assuming duties.
§2-7-8 Acting City Recorder	Utah Code §10-3-916	Clarify authority to appoint an Acting Recorder.	The Mayor may appoint an Acting City Recorder with the advice and consent of the City Council during a temporary absence or vacancy.
§2-7-13 Conflict of Interest Disclosures	HB 504 (2025); Utah Code §§10-3-1306, 20A-11-1604	Update disclosure and posting requirements.	Conflict of interest disclosures shall be filed and made publicly available in accordance with state law.
§2-8-2 Planning Commission Composition	HB 368 (2025); Utah Code §10-9a-301	Update Planning Commission composition.	The Planning Commission shall consist of five to seven members appointed by the Mayor with advice and consent of the City Council.
§2-8-9 Annexation Policy Plan Review	SB 322 (2025); Utah Code §10-2-401.5	Require zoning statements in annexation policy plans.	Annexation policy plans shall include statements on current county

			zoning and intended municipal zoning.
§2-11-2 Adoption of GRAMA	Utah Code Title 63G, Chapter 2	Adopt current GRAMA standards by reference.	The City adopts the Government Records Access and Management Act, Utah Code Title 63G, Chapter 2, as amended.
§2-11-3 GRAMA Appeals	SB 277 (2025); Utah Code §§63G-2-701-705	Update appeals process to Administrative Law Judge.	Appeals of records access determinations shall be heard by an Administrative Law Judge in accordance with state law.
§2-11-6 Government Data Privacy Program (New)	HB 491 (2024); HB 444 (2025); Utah Code §63A-19-401.3	Create privacy program, reporting, and training requirements.	The City shall maintain a government data privacy program including reporting, designation of officers, and annual training as required by state law.