



CLINTON CITY COUNCIL WORK SESSION AGENDA

2267 N 1500 W Clinton, UT 84015

September 22, 2026

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

6:00 PM WORK SESSION

1. Continued Discussion on Term Limits

ADJOURN

**Dated the 15th day of September, 2026
s/Lisa Titensor, Clinton City Recorder**

- *Supporting documentation for this agenda is posted on the Clinton City website at www.clintoncity.com and on the Utah Public Notice Website 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

MEETING DATE:	September 22, 2026
WORK SESSION	X
PETITIONER(S):	Mayor Dougherty
SUBJECT:	Continued Discussion on Term Limits

In the July 28 City Council meeting, the council concluded they had enough interest in the topic of term limits to refer it to a work session. In the meeting, City Manager Trevor Cahoon explained that Utah law neither expressly authorizes nor expressly prohibits municipal term limits and that no Utah court has directly addressed the issue. He said the question is whether the Legislature's list of specific qualifications surrounding elections is intended to preempt a city from creating additional qualifications.

He stated that the City's legal counsel has consistently advised caution because the issue remains legally unresolved and, in his opinion, municipal term limits are not advisable. He also said the council could take its time to consider the issue, because there is no immediate need requiring the Council to take final legislative action. The council requested to bring the matter to a work session within 90 days.

Legal concepts or excerpts from the law

- **Utah Constitution, Article IV Section 9:** "The election of officers of each city...shall be held...in the manner provided by statute."
- **Hutchinson Rule:** 1980 Utah Supreme Court ruling said lower governments have broad lawmaking authority, as long as state statute hasn't preempted them -- meaning as long as they aren't in conflict with the Legislature's laws.
- **Preemption:** When state government supersedes the authority of local government. **Express preemption:** When state law explicitly (or expressly) spells out what cities can and can't do. **Implied preemption:** When state law restricts city authority without spelling it out. This is usually clarified through the courts, which analyze state law to see what details were purposely included or purposely left out.
- **20A-9-203. Declarations of candidacy -- Municipal general elections**

(1) An individual may become a candidate for any municipal office if: (a) the individual is a registered voter; and (b) the individual has resided within the municipality ... for the 12 consecutive months immediately before the date of the election

- **Items covered in state code regarding candidacy:**

Filing a declaration

Not declared mentally incompetent

Not in prison as a felon

Filing fees and financial disclosures

Length of a term = four years

Time and date restrictions

Alternate path: Any resident may nominate a candidate for a municipal office by filing a nomination petition with signatures of at least 25 registered voters

- **20A-9-203. Declarations of candidacy -- Municipal general elections**

If it appears that the prospective candidate meets the requirements of candidacy, the filing officer **shall**:

Inform the candidate that...the candidate's name will appear on the ballot

- **Items in state election code that expressly mention a city's discretion:**

Set an amount for a filing fee

Change from at-large candidates to districts

Opt into a ranked choice pilot program

Adopt some of their own procedures for filling office vacancies

Hold a partisan convention to nominate candidates in cities of the third, fourth, or fifth class

- **Implied Exclusion Rule:** A common law principle of interpretation that says when a law lists specific items, unlisted items are assumed to be left out on purpose. Utah Supreme Court: "We presume that the expression of one should be interpreted as the exclusion of another.⁹ We therefore seek to give effect to omissions in statutory language by presuming all omissions to be purposeful."

Marion Energy Inc. v. KFJ Ranch, 2011 UT 37

- **Occupying the field:** A specific power delegated to municipalities may imply a restriction upon the manner of exercise of that power, but the restriction is to be construed to permit a reasonable discretion and latitude in attaining the purpose to be achieved. Was the law intended, expressly or impliedly, to be exclusive in the field?

Historical data from Clinton's 90-year history in formal government

- About one-third of Clinton's elections in the past 25 years have required a primary to narrow the field due to having more than two candidates per seat.

- Eight officials, out of 84 officials in history, served more than two terms. Two of those didn't serve more than two terms at once but instead ran again in a later decade.
- One mayor in history served more than two terms.
- Town Board
 - J. Albert Mitchell, 3 terms (12 years)
 - Elwyn J. Parker, 3 ½ terms (14 years)
- City Council
 - Dennis Simonsen, 5 terms (20 years)
 - Arverd Taylor, 2 ½ terms (11 years)
 - Mitch Adams, 5 terms (20 years)
 - Anna Stanton, 5 terms (20 years)
- City Council, not consecutive, split across different decades
 - Barbara Patterson, 2 ½ terms (11 years)
 - Joanne Hansen, 4 terms (16 years)

National research

- The National League of Cities, through surveying, estimates that 15 percent of cities nationwide have some sort of term limits on city councils, and about 9 percent limit mayors. Of those, the limits are more common in large cities. The limits are anywhere from two terms to four terms, and some are focused on number of successive terms rather than number of total terms.