

ADOPTED BY THE  
MAYOR AND COUNCIL

April 7, 2026

ORDINANCE NO. 12239

RELATING TO FRANCHISES; PURSUANT TO CHAPTER XVII OF THE TUCSON CHARTER, CALLING A FRANCHISE ELECTION ON NOVEMBER 3, 2026 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF TUCSON A BALLOT MEASURE TO APPROVE A NON-EXCLUSIVE FRANCHISE TO TUCSON ELECTRIC POWER COMPANY FOR ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES; CALLING THE FRANCHISE ELECTION AS A VOTE BY MAIL ELECTION; AND DECLARING AN EMERGENCY.

WHEREAS, Tucson Electric Power Company (“TEP”) has requested that the City of Tucson approve its application for a new non-exclusive franchise for the purpose of electric transmission and distribution services; and

WHEREAS, the City of Tucson and TEP have reached agreement on the substantive terms of the requested franchise agreement; and

WHEREAS, the Mayor and Council find that the terms of the requested franchise agreement are beneficial to the City, as described in A.R.S. § 9-502(B) and desire to submit the franchise agreement to the voters for consideration and approval; and

WHEREAS, the provisions of the non-exclusive franchise agreement are specifically conditioned to become effective only upon approval by the voters of the City of Tucson, as required by Chapter XVII of the Tucson Charter and state law; and

WHEREAS, pursuant to the provisions of Chapter XVII of the Tucson Charter, TEP as the prospective franchisee is required to pay the costs of the election, and to deposit an amount sufficient to cover the estimated costs of the election, with the final charges to TEP to be adjusted either upward or downward based on the actual costs to

conduct the election. This Ordinance calling the franchise election will not go into effect until such time as TEP makes the required deposit;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Tucson, Arizona, find that the substantive terms of the conditional non-exclusive franchise agreement with TEP for electric transmission and distribution services, attached to this Ordinance as Exhibit 1, are beneficial to the City and that the franchise is authorized and approved, subject to approval by the voters of the City of Tucson, as required by Chapter XVII of the Tucson Charter and state law.

SECTION 2. That an election is called, to be held in the City of Tucson, Arizona, on November 3, 2026, at which election the non-exclusive franchise for electric transmission and distribution services granted to TEP shall be submitted to the qualified electors of the City of Tucson for their approval or disapproval. The ballot format shall be as follows:

**BALLOT FORMAT:**

PROPOSITION NO. \_\_\_\_\_

PROPOSED ELECTRIC TRANSMISSION AND DISTRIBUTION FRANCHISE

OFFICIAL TITLE

A FRANCHISE GRANTING TO TUCSON ELECTRIC POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES IN, OVER, UNDER, AND ACROSS THOSE PORTIONS OF PUBLIC RIGHTS-OF-WAY IN THE CITY OF TUCSON, ARIZONA FOR THE PURPOSE OF PROVIDING ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES WITHIN THE CITY OF TUCSON AND FUTURE ADDITIONS THERETO.

DESCRIPTIVE TITLE

GRANTING A FRANCHISE TO TUCSON ELECTRIC POWER COMPANY FOR THE PURPOSE OF PROVIDING ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES WITHIN THE CITY OF TUCSON FOR WHICH THE CITY OF TUCSON WILL RECEIVE A FRANCHISE FEE AND OTHER CONSIDERATION.

A “YES” vote shall have the effect of granting a franchise for electric transmission and distribution services to Tucson Electric Power Company.

A “NO” vote shall have the effect of denying a franchise for electric transmission and distribution services to Tucson Electric Power Company.

**END OF BALLOT FORMAT**

SECTION 3. The substantive terms of the non-exclusive franchise are incorporated herein by reference and attached to this Ordinance as Exhibit 1.

SECTION 4. Pursuant to Tucson Code § 12-13 and A.R.S. § 16-409, the franchise election on November 3, 2026 is called as a vote by mail election, and the City Clerk, with the approval of the Mayor and Council, shall designate voting locations as prescribed in Tucson Charter Chapter XVI, § 10 and Tucson Code § 12-16.

SECTION 5. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance, including but not limited to providing all legally required notice of the franchise election and including with the ballot materials all legally required information.

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SECTION 6. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, April 7, 2026.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

DPM/lv  
3/27/2026