Governmental Authority in Tucson and Pima County: Not Static, But Dynamic

EVEN WITHIN THE CONSTRAINTS OF THE LAW A PORTFOLIO OF OPTIONS CAN BE FOUND.

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Local Governmental Authority

- **Tucson = charter city/home room authority**
  Local self-governance power, so long as it does not conflict with state law

- **Pima County = authority under state law**
  Strong tools in public health, land use, incentives, coordination, implementation

The issue: How do we move forward within the constraints of the law

Two things must be accounted for and carefully balanced:

1. Knowing and staying in the edges of city/county authority.

2. The changing world around us and the pursuit of public wellbeing.

The Constraints of the Law

The City of Tucson can pursue a municipal electric utility path, however, that path triggers a higher-threshold legal process

Examples

- Voter approval
- Acquisition/condemnation issues
- Arizona Corporation Commission (ACC)
- State-law

Anything that looks like it would run like a utility could trigger the examples above.

Transamerica

Transamerica Title Ins. Co. v. City of Tucson, 23 Ariz. App. 544, 533 P.2d 718 (1975).

1975 Tucson zoning case

Judge Howard notes "The City of Tucson in the exercise of its police power may do those acts which **promote public convenience or general prosperity, as well as public safety, health, and morals.** The police power is based on the necessity to safeguard the public interest. Its **concept is not static, but dynamic,** changing and accommodating to the complexities of modern society."

Merriam-Webster Definition of *DYNAMIC*



dynamic 1 of 2 adjective

dy·nam·ic dī-ˈna-mik

Synonyms of *dynamic* ? Take our 3 question quiz on ***dynamic*** ›

1 **a** : marked by usually continuous and productive activity or change

a dynamic city

Why being dynamic matters Now

- Extreme heat – 100-degree days in March 2026
- Rising energy burden and costs
- Aging infrastructure and outage risk
- New infrastructure like data centers increasing grid strain
- Public health + public welfare concerns

What the City of Tucson Is Already Doing

- Energy Sourcing Study
  - Evaluated Tucson's major energy pathway options
- Energy Collaboration Agreement
  - The City of Tucson will be the first City in Arizona with a parallel franchise agreement and energy collaboration agreement
- Collaboration with Tucson Electric Power on reliability, affordability, resilience, and climate goals

What Pima County Is Already Doing

- Cooling Center Network + heat-response coordination
  - Over 33,552 people were served in early 2025
- Pima Climate Action NOW
- Developing a Health Assessment tool in collaboration with John Hopkins
- Pima County also used the Project Blue land sale proceeds as a reinvestment tool.

Build the Portfolio: "Yes and" Approach

- Public investment
- Shared delivery
- Community cost reduction
- Resilience infrastructure
- Add on to what already exists and take inspiration from other jurisdictions and disciplines

Living, Adaptive Approach

- This is an evolving (dynamic) situation
- Approach should be adaptive
- Near-term actions can grow muscle and set precedent for future actions.

How do we expand what is already lawful now?

Selected Official Reference Points

City of Tucson / TEP — ECA and franchise materials

City of Tucson — Energy Sourcing Study

Pima County — Extreme Heat / Beat the Heat / Cooling Centers

Pima County — Solar One Stop