

RESOLUTION NUMBER 2569

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, PROVIDING NOTICE OF A SPECIAL FRANCHISE ELECTION SCHEDULED FOR MAY 17, 2011.

WHEREAS, on May 20, 1986, the qualified electors of the Town of Cottonwood approved the granting of a 25-year franchise to Arizona Public Service Company for the construction, maintenance and operation of an electric utility plant in the Town of Cottonwood, Arizona, and future additions thereto, in accordance with the proposed ordinance submitted by the mayor and common council of the Town of Cottonwood, Arizona; and

WHEREAS, the Franchise expires on June 3, 2011; and

WHEREAS, the City Council of the City of Cottonwood has determined that it will be beneficial to the City to grant a new 25-year Franchise to Arizona Public Service Company conferring the right to maintain and operate an electric utility system in the City of Cottonwood, Arizona, and future additions thereto; and

WHEREAS, no Franchise can be granted by the City for a public utility unless authorized by a majority vote of the qualified voters; and

WHEREAS, the City Council desires to submit to the qualified electors of the City of Cottonwood the approval of a franchise agreement with Arizona Public Service Company for the right to construct, maintain and operate an electric utility system in the City of Cottonwood and future additions thereto.

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

Section 1: That, pursuant to A.R.S. § 9-501, a special franchise election shall be held on Tuesday, May 17, 2011, for the purpose of submitting to the qualified voters the following question:

ARIZONA PUBLIC SERVICE COMPANY FRANCHISE

SHALL A FRANCHISE BE GRANTED TO ARIZONA PUBLIC SERVICE COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC UTILITY SYSTEM IN THE CITY OF COTTONWOOD, ARIZONA, AND

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FUTURE ADDITIONS THERETO, SUBMITTED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO THE QUALIFIED ELECTORS OF SAID CITY?

A "YES" vote shall have the effect of approving the Franchise Agreement between Arizona Public Service Company and the City of Cottonwood.

A "NO" vote shall have the effect of voting against the Franchise Agreement between Arizona Public Service Company and the City of Cottonwood.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, THIS 4TH DAY OF JANUARY 2011.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steve Horton, Esq.
City Attorney