

RESOLUTION NO. 2010-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY AN ADVISORY MEASURE PURSUANT TO SECTION 612 OF THE CITY CHARTER REGARDING WHETHER PRIVATE WIRELESS COMMUNICATION FACILITIES SHOULD BE A PERMITTED USE IN CITY- OWNED PARKS; SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS

WHEREAS, City Council Resolution No. 2010-34 has called a General Municipal Election to be held on Tuesday, November 2, 2010; and

The City Council also desires to submit to the voters at the election an advisory Measure pursuant to Section 612 of the City Charter regarding whether private wireless communication facilities (also known as mobile telephone antennas or cell towers) should be a permitted use in city-owned parks; and

Residents of the City of Huntington Beach have objected to placing mobile telephone antennas and related facilities at Harbour View Park at 16600 Saybrook Lane, and Bolsa View Park at 5741 Brighton Drive; and

WHEREAS, the City Council is authorized and directed by constitutional provision and statute to submit the question to the voters; and

City Council wishes to authorize arguments in favor of and in opposition to the as well as authorize impartial analysis of the measure identified herein,

NOW THEREFORE, THE CITY COUNCIL of the City of Huntington Beach does hereby resolve, declare, determine and order as follows:

SECTION 1. The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following Measure:

| | | |
|---|-----|--|
| Huntington Beach Private Wireless Communication Facilities Advisory Measure. Shall the City permit the installation of a mobile telephone antenna at Harbour View Park located at 16600 Saybrook Lane and at Bolsa View Park located at 5741 Brighton Drive? | YES | |
| | NO | |

SECTION 3. In all particulars not specified in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 5. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten (10) days of the adoption of this Resolution.

SECTION 6. That with respect to the above entitled measure:

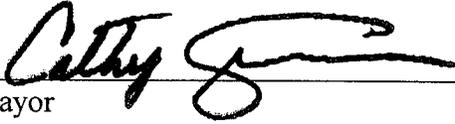
a. That the City Council authorizes

- _____ (Councilmember in Favor/Against)

members of that body, to file a written argument regarding the Measure as specified above in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the Measure may be submitted to the City Clerk. Said argument to be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of July, 2010.



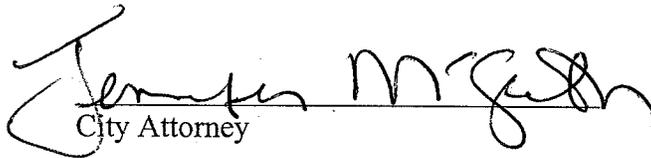
Mayor

ATTEST:

APPROVED AS TO FORM:



City Clerk



City Attorney

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **special** meeting thereof held on **July 20, 2010** by the following vote:

AYES: Carchio, Hardy, Green, Bohr, Dwyer, Hansen
NOES: None
ABSENT: Coerper
ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California