

From: Paige Murphy [<mailto:paigepmurphy@gmail.com>]
Sent: Wednesday, April 10, 2019 4:34 PM
To: Michelle Danna <mdanna@cityofcamarillo.org>
Subject: Fwd: Forwarding to city council members for tonight's meeting

Subject: 5G

Dear Michelle,

Thank you for sending this information to the city council members before the meeting tonight.

I truly appreciate it,

Paige Nielsen

I know you all care for the safety of Camarillo residents, especially the children. As you prepare to decide on the urgency ordinance, and a moratorium ordinance,

I would like to share what I have learned from our local community of concerned citizens. We have come together as engineers, scientists, doctors, certified building biologists, families and parents who want to help protect our city. Professor and Dr. Trevor Marshall, an autoimmune specialist,

who spoke last week at the Thousand Oaks City Council meeting, gave an update yesterday about the 9th Circuit Ruling. He said, "California Supreme Court disagreed and confirmed that only the cities have the right to police the health and safety of their communities". Dr. Marshall would like all of you to know he wants to help advise you on the issue of 5G, as well as Mr. Paul MacGavin. Please let me know how I can assist in this important meeting, tomorrow, Thursday before this Friday's FCC deadline. The issue of wireless facilities is very complex and it is not expected for council members to be experts in the laws that effect our local wireless ordinances.

Why a moratorium?

There is a race . . . how many days will our city be accepting wireless applications to install 5G cell towers from over 26 national carriers who can come in and put up their towers anywhere they want?

I have been speaking with Mystreetmychoice.com founder, Mr. Paul MacGavin, a national expert in Radio Frequency Electric Magnetic Radiation, who spends several weeks a year in Washington DC working on behalf of promoting legislation that give local municipalities the greatest control possible within the law. Paul has been responsible for many protective ordinances passed in northern California. He strongly recommends that cities write their ordinances as if the Order had no force of effect. Paul is well versed in the provisions that make a wireless ordinance protective vs. those ordinances that favor the wireless industry and FCC. In reading our ordinance, it contains very little protective provisions. The FCC order 18-133 is not the law and therefore mandates nothing. It is merely an interpretation of the law. That is a very big difference.

There are cities that wrote a local ordinance that is consistent with an FCC order which represents a massive outreach into intrastate matters which is the subject of a lawsuit by hundreds of cities in the Federal 9th circuit of appeals, and contradicts the advice of Joseph Van Eaton of Best, Best and Krieger, the lead attorney in the lawsuit. He also recommends cities write their own ordinances as if the Order had not force or effect.

Is the city of Camarillo conceding the point that the installations of these small cells - of any number of output - is exempt from CEQA? These CPMRAs (Close Proximity Microwave Antennas) have to be evaluated as a system of hundreds of thousands - not one at a time. Each CMPRA represents a firehouse of 24/7 perpetual RF Microwave Radiation for the entire length of the permit term which generally is 10-

20 years. Then 100 plus CPMRA, all operating 24/7, results in many large water cannons of perpetual poison, which is an obvious CEQA violation.

If Camarillo includes industry propaganda in a legal document, i.e. growing demand...more wireless signal and data capacity, you will be giving the Wireless industry more control over our city. The 1996 TCA allow preemption for "significant Gap in coverage" only. There is no case law that allows preemption for data capacity, i.e. video, gaming, etc.

The ordinance takes away local control using the term administrative permit. This is non-discretionary and does not require a public hearing. There is no case law that requires permits to be "administrative". If we had a protective ordinance, it would read "discretionary". It can successfully be argued that these wireless facilities are part of a network, and therefore fall under the category of a Macro Tower which requires a public hearing. This violates the Anti-Commandeering Law. This is unconstitutional. Said another way, instead of protecting local control, this ordinance has become an "administrative arm of the wireless industry".

Under "Public Rights of Way" it states the area on, below, or above property that has been designed for use as or used for a City-owned or controlled roadway, highway, street, sidewalk, alley or similar purpose. I spoke to the attorney who helped with the Calabasis ordinance, Mr. Campanelli, with Campanelli & Associates, P.C. He mentioned that Crown Castle has been putting poles in homeowner's grass, above the concrete, on their personal property and that towers aren't just going up every 250 feet apart, but can be only 20 feet apart. I would like to offer help, along with several Camarillo residents, and start a Go Fund Me campaign and give the money to your city and hire outside legal council who has success protecting other cities.

If your ordinance says it limits the installation in residential areas, unfortunately, it is not true. If it says "preferred" instead of "required" this creates a loophole where wireless companies can go just about anywhere they want. On the other hand, a protective provision reads: wireless facilities are PROHIBITED in residential zones.

The mention of aesthetics in relation to this ordinance is ironic. The provision that accessory equipment must be placed underground unless technically

infeasible is a gift to the industry. If the pole is moved 3000 feet from that spot, it will not be technically infeasible. Any reference to "if technically infeasible" indicates a loophole; and therefore takes away local control which was the idea of passing this ordinance in the first place. That loophole will also take away the local control for "least intrusive means to close

a significant gap in coverage is" to collocate 4G and 5G antennas on existing Macro cell towers consistent with ninth circuit case law: Metro-PCS vs. San Francisco. So it is "technically infeasible" to collocate, we could end up with an antennae every 250 feet!! Cities who have adopted protective ordinances require the distance between poles to be at least 1500 feet.

How is putting up a high power cell tower within 250 feet from our homes (1) the lest intrusive means, and (2) keeping our residents safe? It has been proven that any cell tower within 500 feet of a dwelling will cause death and illness. Recall the Sebastopol case where 5 people died and 12 serious illnesses over a 9 year period. Those apartments were all within 25-500 feet. Protective ordinances also keep these cell towers a safe distance from where we learn, pal and heal - 1000 ft.

Again, the FCC Order is not Federally mandated-it is only an interpretation of the law. As far as taking this up with our U.S. Senators and Representatives, please understand that this local ordinance is "on the plate: of the local officials-this responsibility cannot be deflected. Local officials take an oath to uphold the California State Constitution. It stops here at our municipality.

For any city official who is concerned for the health and welfare of its citizens, you do not want this ordinance to go into effect until the outcome of the 9th circuit court of appeals. Your hands are not tied - you have choices.

Please help prevent a public health crises, please urge your fellow council members to immediately create an Urgency Ordinance and adopt a Moratorium until the FCC Order is litigated. If we don't the children will especially suffer. RF Radiation affects children 10 times as much as adults!

I await your reply with care and kindness for our community and citizens,

Paige

P.S.

[Tue Apr 16](#), we expect applications to start rolling in.

If the Wireless carriers submit applications for 1,000 CPMRAs, in the first two weeks, then our beautiful town will be saddled with 1,000 CPMRAs.

Conclusion (Law Offices Harry V. Lehman)

“I like to speak in favor of moratorium for several reasons but mainly it’s important for everybody to take a good look at what the science says.”

“It is reasonable and prudent to hold off any permit issuance until the law has become clarified through the litigation.”

“An immediate Moratorium is the only financially prudent choice to avoid long-term contractually based litigation exposure of massive extent to due hundreds of lawsuits of sick citizens. “

*“This is the **time out** that all cities need. They should each take advantage of it.”*

Please let us set up a meeting tomorrow and conference call or Skype with Mr. MacGavin.