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Good evening Mayor Pierson and City Council. I'm Susan Foster and I'm grateful to be back to speak with you. In 2001 I was appointed by the County of San Diego to their task force to create a cell tower ordinance. We created the first four-tiered order of preference ordinance; Sprint sued and the case was litigated all the way to the US Supreme Court and our ordinance was upheld.

I have written appeals for firefighters on safety issues since August 2001 and more recently worked as a consultant to Stop 5G Encinitas on their ordinance.

I am deeply concerned about what appears to me to be an *ethical* conflict of interest between the principles at Telecom Law Firm PC and a firm owned by the same principals called Permit Team LLC. The managing partners of both firms are Jonathan Kramer and Tripp May.

Permit Team helps with the permitting process of new cell towers. So they profit from putting cell towers in or adding to the existing ones. Kramer describes Permit Team LLC as an arm's length away from his law business, *but* I believe the city Council needs to ask the following question: Does owning both businesses prevent Jonathan Kramer's Telecom Law Firm from **objectively** advising the City of Malibu?

If a legal conflict of interest does not exist, one has to determine if a moral conflict of interest arises through the individual's actions. It is my impression that an ethical conflict *is* self-evident in Jonathan Kramer's advice to the city of Malibu on August 24. He did not advise the City Council, as attorney Scott McCullough did, that the Council had protective options that could slow down and even impose restrictions on telecom from 5G. Telecom Law Firm approved restrictions in the Encinitas Ordinance. Why haven't they brought them to Malibu?

Scott McCullough has given you a protective ordinance and I would implore you to use it with great urgency. I say this from the voice of experience. Malibu is already littered with 4G/5G small cells and you have dozens & dozens applications waiting for you. Time is of the essence and I fear the doors are closing in a matter of weeks. AND that is possible. Encinitas produced & approved their amended ordinance within five weeks.

The inherent fire risks brought about by densification of cell towers must not be allowed to repeat the tragedy of the Malibu Canyon Fire.

I urge the City Council **not** to renew its contract with Telecom Law Firm. You all have my letter.

