Gmail

Benjamin J.F. Cruz <senator@senatorbjcruz.com>

2017Sept21CLTC Packet

2 messages

Ruth S. Sakuma <Ruth.Sakuma@land.guam.gov> Wed, Sep 27, 2017 at 9:45 AM
To: "Honorable Benjamin J.F. Cruz" <senator@senatorbjcruz.com>
Cc: Margarita Borja <Margarita.Borja@land.guam.gov>

Please see the attached packet from September 21, 2017 Chamorro Land Trust Board Meeting.

Do email me if you should have any questions.

Thank you.

Ruth S. Sakuma

Administrative Assistant

Chamorro Land Trust

Department of Land Management

Phone: (671) 649-5263 x617

Fax: (671) 649-5383

Check Your Property On Guam Land App

Website: www.dlm.guam.gov

Speaker Benjamin J.F. Cruz

SEP 27 2017

Time: 10:47 AM/PM By File No

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GL# 34-17-1005

2017 SEP 27 AM 10:59

2017Sept21CLTC packet.pdf
7050K

Benjamin J.F. Cruz <senator@senatorbjcruz.com> Wed, Sep 27, 2017 at 10:48 AM
To: Guam Legislature Clerks <clerks@guamlegislature.org>
Cc: "<rennae@guamlegislature.org>" <rennae@guamlegislature.org>, BENJAMIN CRUZ <speaker@senatorbjcruz.com>

9/27/2017	9/25/2017	Chamorro Land Trust Commission	CLTC Board Meeting Packet; September 21, 2017. *Emailed	34-17-1005

[Quoted text hidden]

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Speaker Benjamin J.F. Cruz
I Mina'trentai Kuattro Na Liheslaturan Guåhan
T 671-477-2520 | F 671-477-2522
http://www.senatorbjcruz.com

2017Sept21CLTC packet.pdf
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Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 400 Fax: 649-5383

Eddie Baza Calvo
Governor

Ray Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

September 25, 2017

TO: Honorable Eddie Baza Calvo
Governor of Guam

FR: Michael J.B. Borja
Director

RE: CLTC Board Meeting Packet

Pursuant to Public Law 31-233, transmitted herewith is the Chamorro Land Trust Commission Board meeting packet of September 21, 2017.

If you should have any questions, please do not hesitate to contact Ruth Sakuma at 649-5263 ext. 617.

MICHAEL J.B. BORJA
Director

cc: Honorable Speaker Benjamin J.F. Cruz,
Speaker 34th Guam Legislature.

Rev. 4/4/2016

Chamorro Land Trust Commission

Kumision Inangokkon Tano' Chamoru

P.O. Box 2950 Hagåtña, Guåhan 96932 *Phone: 649-5263 ext. 400 Fax: 649-5383*

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Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

REGULAR BOARD MEETING
AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Thursday, September 21, 2017, 1:00 PM

Public Notice: The *Guam Daily Post* on September 14, 2017 and September 19, 2017

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES: May 18, 2017 Meeting

IV. PUBLIC COMMENTS

V. OLD BUSINESS
1. IBC – Status Report
2. Guam Raceway Federation – Status Report
3. Global Recycling – Status Report

VI. NEW BUSINESS
1. Mayor, Tamuning – Request to transfer Lot no. 5173New-2-R2 and a portion of Lot no. 5173NEW-3, both situated in the Municipality of Tamuning
2. Guam Rugby Club, Inc. – Request the right to extend the term of the license agreement for an additional five (5) years
3. CLTC-GEDA MOU

VII. DIRECTOR'S REPORT
1. Financials

VIII. COMMISSIONERS' COMMENTS

IX. ADJOURNMENT
1. Next meeting is scheduled for Thursday, October 19, 2017

Rev. 4/4/2016

Myanmar's Suu Kyi to skip UN assembly



Aung San Suu Kyi

YANGON (Reuters)–Myanmar's national leader Aung San Suu Kyi, facing outrage over ethnic violence that has forced about 370,000 Rohingya Muslims to flee to Bangladesh, will not attend the upcoming U.N. General Assembly because of the crisis, her office said on Wednesday.

The exodus of refugees, sparked by security forces' fierce response to a series of Rohingya militant attacks, is the biggest problem Suu Kyi has faced since becoming Myanmar's leader last year. Critics have called for her to be stripped of her Nobel peace prize for failing to do more to halt the strife.

In her first address to the U.N. General Assembly as national leader in September last year, Suu Kyi defended her government's efforts to resolve the crisis over treatment of the Muslim minority.

This year, her office said she would not be attending because of the security threats posed by the insurgents and her efforts to restore peace and stability.

"She is trying to control the security situation, to have internal peace and stability, and to prevent the spread of communal conflict," Zaw Htay, the spokesman for Suu Kyi's office, told Reuters.

International pressure has been growing on Buddhist-majority Myanmar to end the violence in the western state of Rakhine that began on Aug. 25 when Rohingya militants attacked about 30 police posts and an army camp.

The attacks triggered a sweeping military counteroffensive against the insurgents, who the government has described as terrorists.

But refugees say the security operation is aimed at pushing Rohingya out of Myanmar.



REFUGEES: *A Rohingya woman carrying her child walks toward her temporary shelter in a camp on Sept. 10 in Kathmandu, Nepal. Recent violence in Myanmar has driven hundreds of thousands of Rohingya Muslims to seek refuge across the border in Bangladesh. Niranjan Shrestha/ The Associated Press*

Vote spurs Australia to amend anti-hate law

SYDNEY (Reuters) – The alarming volume of hate-speech during Australia's ballot over whether to legalize same-sex marriage spurred parliament to pass emergency legislation on Wednesday to outlaw opponents spewing their vitriol while the vote was in progress.

Australia began a non-compulsory postal vote on Tuesday that will determine whether it becomes the 25th country to legalize same-sex marriage.

But with an emotionally charged campaign raising concerns about the welfare of vulnerable Australians, the government moved to strengthen laws preventing hate speech.

The opposition Labor Party supported the amendment, though it had rejected the need for a ballot on the issue.

Until voting ends on November 7, anyone found guilty of intimidation, or threats to cause harm on the basis of the sexual orientation, gender identity, intersex status – that is people who believe themselves to be neither male or female – or the religious convictions of someone will be liable to fines of A$12,500 (over $10,000) and a court injunction.

"This bill cannot stop all of the hurt, all of the prejudice that is being expressed, all of the lack of acceptance that is being communicated to LGBTI Australians, to same-sex couple families. But it provides limited protections," said Penny Wong, leader of the opposition in the senate.

Kumision Inangokkon Tano' Chamoru
Chamorro Land Trust Commission

The Chamorro Land Trust Commission Board Meeting will be held on **Thursday, September 21, 2017 at 1:00 pm**, Department of Land Management conference room, 3rd Floor of the ITC Building 590 S. Marine Corps Drive, Tamuning.

Individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 ext 400.

This ad paid for by Government funds.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

KBN Brothers Corporation

dba: Hambros

has applied for a Class: **4 / On Sale Beer Alcoholic Beverage License** said premises being marked as Lot: **5079-A-1-New Pale San Vitores Rd. Tumon**

SUMMER PALACE SUBDIVISION HOMEOWNERS ASSOCIATION, INC.

Financial Statements
December 31, 2016

ASSETS

TOTAL ASSETS	$ 216,175

LIABILITIES AND MEMBERS' EQUITY

LIABILITIES	$ 34,313
MEMBERS EQUITY ENDING BALANCE, DECEMBER 31	$ 181,862
TOTAL LIABILITIES AND MEMBERS' EQUITY	$ 216,175
REVENUES	$ 336,256
EXPENSES	$ (325,695)
REVENUES IN EXCESS OF EXPENSES	$ 10,561

Lawsuit: Multiple boys abused in rectory, river

By Mindy Aguon
mindy@postguam.com

At 9 years old, M.I.Q., who used initials in court documents to protect his identity, enjoyed hanging out with other kids his age from the village.

Although he wasn't a Boy Scout or an altar boy, the Barrigada parish priest at the time, Father Louis Brouillard, allowed him to participate in weekly outings.

Brouillard was also a scoutmaster with the Boy Scouts of America.

But in 1978, M.I.Q. said he experienced something that has haunted him for nearly 40 years.

Details of the complaint

A civil complaint filed in the District Court of Guam yesterday alleges Brouillard sexually molested and raped M.I.Q. after one of the swimming outings – after the same priest allegedly sexually molested other boys at the Barrigada parish rectory.



LONFIT RIVER: *This section of the Lonfit River is accessible only through private property on a residence on Dero Road, the access road to LeoPalace Resort Guam.* Norman M. Tanuc/The Guam Daily Post

M.I.Q. recalls being picked up by the priest and taken with other boys from Barrigada to swim at the Lonfit River.

Brouillard instructed the boys to remove their clothes and swim naked. The priest allegedly fondled and touched M.I.Q.'s private parts and after swimming, took the boys to McDonald's to eat. He instructed them to meet at the Barrigada parish the following day, court documents state.

The priest returned the following day and took the boys swimming again and promised to reward them with McDonald's afterward and then took them back to the Barrigada rectory to hang out, court documents state.

'Terrified, scared and in so much pain'

Brouillard allegedly enticed the boys to get naked and promised to buy them whatever snacks they wanted at the store. He then began "taking turns" sexual molesting the boys and then raped M.I.Q, the complaint states.

"Extremely terrified, scared and in so much pain," the boy ran home but witnessed Brouillard rape another boy before he left, the lawsuit alleges.

M.I.Q.'s attorney, David Lujan, alleges the Archdiocese of Agana and the Boy Scouts were aware that Brouillard was a "sexual predator," and "deliberately remained quiet" and withheld information in order to protect Brouillard, the church and the Boy Scouts organization.

The lawsuit seeks $10 million in damages.

GUAM EDUCATION BOARD
500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone: (671) 300-1627 • Fax: (671) 472-5001
Website: www.gdoe.net/geb

PETER ALEXIS D. ADA, Chairman
MARIA A. GUTIERREZ, Vice Chairperson

PUBLIC NOTICE

Guam Education Board
Continuation of September 5, 2017 Special Meeting
Thursday, September 21, 2017
4:30 PM
Superintendent's Conference, Building A., Tiyan

AGENDA

I. Meeting Call to Order
II. Roll Call of Members
III. New Business
a. Personnel Matters
IV. Executive Session
V. Adjournment

Guam Education Board
REGULAR MONTHLY MEETING
Thursday, September 21, 2017
5 PM
Superintendent's Conference, Building A., Tiyan

AGENDA

I. Meeting Call to Order
II. Approval of Minutes
III. Public Participation
IV. Communications
V. Ex-Officio Member Reports
VI. Unfinished Business/Committee Reports
VII. New Business
VIII. Executive Session
IX. Adjournment

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 300-1627 or by email: lmbcruz@gdoe.net
Agenda to be available on GEB website at least 72 hours before the meeting.
This advertisement was paid by GDOE local funds.

Get results in our **CLASSIFIEDS**

THE GUAM DAILY POST

Call: (671) 649-1924
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E-mail:
advertise@postguam.com

Kumision Inangokkon Tano' Chamoru
Chamorro Land Trust Commission

The Chamorro Land Trust Commission Board Meeting will be held on **Thursday, September 21, 2017 at 1:00 pm**, Department of Land Management conference room, 3rd Floor of the ITC Building 590 S. Marine Corps Drive, Tamuning.

Individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 ext 400.

This ad paid for by Government funds.

The Honorable
EDDIE B. CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

PUBLIC NOTICE

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene its Regular Board meeting on Tuesday, September 26, 2017 at 10:00 a.m. in Terminal Conference Room No. 3. In addition to regular matters, pursuant to 5 G.C.A. §8111(c)(2), Executive Session will be held to discuss pending litigation to which GIAA is a party. Parking is available in the Public Parking Lot.

For special accommodations or agenda items, please call the Board Office at 642-4717/18.

(This ad paid for by GIAA)

PORT OF GUAM
PORT OF GUAM
ATURIDAT I PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
1026 Cabras Highway, Suite 201, Piti, Guam 96925
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445
Website: www.portguam.com

Eddie Baza Calvo
Governor of Guam
Ray Tenorio
Lieutenant Governor

The Port Authority of Guam Board of Directors will hold its Regular Board meeting on **Tuesday, September 26, 2017 at 11:45 a.m.**, at the Board Conference Room, Port Authority of Guam, Cabras Island, Piti. *Individuals with disabilities who may need special accommodations may contact Mr. Simeon Delos Santos, ADA Coordinator at 477-5931/4, ext. 430.

GL-17-1005

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932 Phone: 649-5263 ext. 617 Fax: 649-5383

Eddie Baza Calvo
Governor

Ray Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

COMMISSION MEETING ATTENDANCE SHEET

Date: September 21, 2017

Time: 1:30 P.M. **Adjournment:** 4:15 P.M.

Place of Meeting: CLTC Conference Room, 3rd Floor

NAME:	TITLE:	SIGNATURE:
1. G. PIKA FEJERAN	Chairwoman	
2. JOSEPH I. CRUZ	Vice Chairman	
3. AMANDA L.G. SANTOS	Commissioner	
4 PASCUAL V.A. SABLAN	Commissioner	
5. (Vacant)	Commissioner	
6. NICOLAS TOFT	Legal Counsel	
7. MICHAEL BORJA	Administrative Director	

Staff:

1._____ 7._____

2._____ 8._____

3._____ 9._____

4._____ 10._____

5._____ 11._____

6._____ 12._____

Rev. 3/9/2017

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932 Phone: 649-5263 ext. 671 Fax: 649-5383

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Governor

Ray Tenorio
Lieutenant Governor

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Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

PUBLIC COMMENTS SIGN IN SHEET

CLTC Board Meeting

Date: September 21, 2017

NAME (Please Print)	Contact#
Denise Mendiola, Guam SBDC	[redacted] ✓

Rev. 3/9/2017

Chamorro Land Trust Commission

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Commissioner

Pascual V.A. Pascual
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

VISITORS' SIGN IN SHEET

CLTC Board Meeting

Date: September 21, 2017

NAME (Please print)	Contact#
ROSS MORRISON GUAM RUGBY C	[redacted]
MARCEL CAMACHO	
MARGARITA PEREZ	

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 400 Fax: 649-5383

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Ray Tenorio
Lieutenant Governor

Commission Members

G. PikaFejeran
Acting Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd floor, ITC Buidling, Tamuning
Thursday, May 18, 2017, 2017; 1:01 p.m. – 3:45 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:01 p.m. by Acting Chairwoman Pika Fejeran.

II. ROLL CALL

Present were Acting Chairwoman G. Pika Fejeran, Commissioner Amanda Santos, Vice Chairman Joseph I. Cruz, Commissioner Pascual V.A. Sablan, Administrative Director Michael Borja, Legal Counsel Nicolas Toft, and Chamorro Land Trust Commission Staff. All members present and there was a quorum.

Acting Chairwoman Pika Fejeran: The first order of business is the approval of the Minutes from our last meeting of March 16, 2017.

III. APPROVAL OF MINUTES – March 16, 2017 Board Meeting

Acting Chairwoman Pika Fejeran moved for the approval of Regular Meeting Minutes of March 16, 2017. The Public Notices were posted on the Guam Daily Post on May 11, 2017 and May 16, 2017. There were no questions or comments. Vice Chairman Joseph I. Cruz moved for the Minutes to be approved. Commissioner Amanda Santos second. There were no objections and the Minutes was approved subject to correction.

IV. PUBLIC COMMENTS

1. Frank Cabrera –

Acting Chairwoman Pika Fejeran: Please step forward and state your name for the record.

Frank Cabrera: :My name is Frank Cabrera. I'm from the Village of Piti and I'm here basically to request Chamorro Land Trust agricultural property. Madam Chairwoman, thank you for allowing me to speak. Anyway, I was here, I believe last year in, I guess in December because in 2011 I was approved by the then Chairman Monte Mafnas for agriculture property in Malojloj. He told me if I wanted it, it was 5 acres in Malojloj for agriculture and it was perfect for agriculture but he said in order for me to get it I have to get it surveyed. So in good faith I went and look for a surveyor and the surveyor

said I have to give him half of the money, up front, for him to begin surveying the property. I gave him $1,500 ma'am. He surveyed the property and in the process of surveying the property he found out it was totally unsuitable for agriculture so I came back here basically to request for another site and up to this point I was told, "yea we'll look for another site for you" but up until this time nothing, not even a phone call I receive to say "hey we're following up we're checking on it for you". I would be happy if I got a phone call and say, "hey, we're working on it", nothing, silent. So actually I've been an applicant since 1995 when it was first announced but it was only in 2011 that it was actually authorized. I was given the paper to get it surveyed. So I'm back here again to plead with you if I can get that site papers with agricultural property because I came in good faith and I lost $1,500, I didn't get reimburse, nothing, it's lost.

Acting Chairwoman Pika Fejeran: Yes sir. I think I remember you the last time you were here so thank you for coming before us again, and do you have an agent that you've been working with?

Frank Cabrera: Well, I've worked with the land agent. I've worked with them, basically, but came 2-3 days after that (paused).

Commissioner Pascual Sablan: Can I ask you a question Mr. The only thing I remember in your concern is you had the property surveyed, without you inspecting, whether it's suitable for farming?

Frank Cabrera: I was told sir that it was, the administrative of the Chamorro Land Trust told me it was so suitable for farming so I put my faith in the administrator.

Commissioner Pascual Sablan: You mentioned it was far and you might fall asleep, it's a long drive?

Frank Cabrera: No that was the other property that was shown to me in the Inarajan which is much, much further so I took a drive down and Mr. (paused).

Commissioner Pascual Sablan: I was looking at this file and I came across a farmer from Dededo and I was very much impressed. You are not the first one that came before us about how (inaudible) rocks and all these things. Have you explore other ways of farming rather than just digging the ground?

Frank Cabrera: Sure, when you look at that property it's basically…it's like a coral, like on seaside, have you ever been to a beach where it's like cutting type coral, it cuts. So if you walk in there, trek in there it will cut you if you are not wearing a super combat boots. I tried, actually trying to find an area where I could to kind of like manipulate, you know, get soil and maybe plant something that I could…but I look at that it was sharp corals sir.

Administrative Director Michael Borja: Margarita, do you have any comments to make?

Margarita Borja (CLTC): I have a concern with Public Law 33-78 because Mr. Cabrera never executed a lease with us and it was just through a survey authorization, the acreage, are we still going to allow for Mr. Cabrera to engage into a lease for 5 acres? Anything over half an acre requires legislative approval.

Acting Chairwoman Pika Fejeran: And the Public Law that reduced the acreage sizes after 2011 when he was given a survey authorization.

Margarita Borja (CLTC): So we've identified…and I thought one of the land agents have contacted him to see the property along the Nevermind Road so I guess they never proceeded so that's why he's still here. But then again it's that question again on whether or not we're going to…(paused).

Acting Chairwoman Pika Fejeran: So the basics are there's no lease, there was only a survey authorization for the property where he spent the $1,500 for the survey. Since then you've been shown several other properties that you declined?

Frank Cabrera: Two. The other one I didn't decline you guys didn't come back to me. This was in Dededo near White Market Store, I forgot the name of that store, but the agent never came back. I think it was under more surveying because it was a big property which was surveyed but I guess you guys wanted to break down to smaller pieces and never came back to me after that.

Commissioner Pascual Sablan: What happened to the land he surveyed for you, was it given out to another person and we have to survey again?

Administrative Director Michael Borja: I don't think he completed the survey, the survey map was never completed.

Frank Cabrera: You know Mr. Castro, Frank Castro, was the one who did the survey and what I recalled from him was he was saying that he was about to complete the survey, what do I want and I said man it will be useless because its all rocky ground I can't farm. So I don't know whether he completed it or not, I don't know.

Vice Chairman Joseph Cruz: Can I ask the total acreage that you had surveyed, none of the area is suitable for farming?

Frank Cabrera: According to Mr. Castro, the surveyor that I hired.

Vice Chairman Joseph Cruz: But when they present it to you what were your assessment?

Frank Cabrera: It was really all rocks. He actually had me trek in (paused).

Vice Chairman Joseph Cruz: Was that before you hire Castro or after?

Frank Cabrera: when I hired Castro because I guess they cut through survey, clear the area to survey the lot because it's a big lot, it's more than 5 acres and I guess 5 acres is the only acreage (inaudible).

Vice Chairman Joseph Cruz: What I'm getting at is if you hired a surveyor and got an authorization and you refer the surveyor to this area you would at least see something that hey let's cancel the surveyor because the lot is not conducive to your needs. So I'm asking what have you reviewed when you hired the surveyor?

Frank Cabrera: It was basically all jungle so the surveyor have to cut through this jungle and so I just (interrupted).

Vice Chairman Joseph Cruz: (inaudible) with that type of assessment?

Frank Cabrera: Well, he asked for...well, the administrator told me (paused)

Vice Chairman Joseph Cruz: No, no the administrator gave you a direction to look into the (inaudible) but the direction was not for you to (inaudible) and get surveys, right, at least get an ideas of what you are paying for.

Frank Cabrera: Well, he actually got a general map of the area that was under, I guess, your (inaudible).

Vice Chairman Joseph Cruz: The mapping on the paper is fine but you went out there and took a look at the site. So are you still willing to go through this surveyor to pay the total survey cost when your (inaudible) is not (interrupted).

Frank Cabrera: Well you cannot really see because it's all jungle rough, you cannot see the soil, its jungle rough.

Acting Chairwoman Pika Fejeran: Are you Mr. Cabrera's land agent?

Joffre A. Aguon (Land Agent): Actually I didn't start. I tried to finish it and my name is Joffre Aguon, I work for Chamorro Land Trust a Senior Land Agent. I took Mr. Cabrera out in Malojloj I see this actually approximate area I said if you have time on the weekend before you hire a surveyor please go into the jungle and take a look at it. He said no I think I'll just go ahead and hire a surveyor. We went out and checked the lot with...Mr. Castro said he cut the (inaudible) already, we walked a couple steps and he walked out and said nevermind it's too rocky. Okay, I told Margarita, or I think it was the Deputy that Mr. Cabrera don't want the property. I told him said he requested for Inarajan and I took him up to Inarajan and I was showing him the whole valley behind Victor Duenas he turned around and said no it's too far can we go down further like Piti. I said I don't think we have anything in Piti so I showed him in Agat, "it's still kind of far".

Frank Cabrera: No I didn't say that.

Joffre Aguon (Land Agent): He said you got anything on the North, I showed him the one that we were skimming out and its only 2 acres and I said this is all we have and he never came back to say anything.

Acting Chairwoman Pika Fejeran: You know this is already 6 years in and if I can take up few steps back just to tell you what I see. I see Mr. Cabrera he has lost a substantial amount of money on land that you don't even have today but I also see that we have shown you several lots that you declined 2 or 3, am I right Mr. Aguon after the 1st?

Joffre Aguon (Land Agent): 1, 2, 3, 4. Four.

Acting Chairwoman Pika Fejeran: Sir we have thousands of people waiting for lands and every time we take a land beneficiary out to see the land and they decline then we have to go back to the drawing board. We have it in law that we allow 3 declines of lands before we have to move on and go to the next person on the list. It sounds like we've gone beyond that and then there's an issue of the acreage although in 2011 you were promised 5 acres you were never issued the lease and since then the law has been changed to only allow half acre out, anything more than that has to have a legislative approval. So I understand your plea with us but it sounds like the Chamorro Land Trust is willing to work with you but at the same time you have to work with us and understand our constraints not only with manpower but also everyone else waiting in line behind you.

Frank Cabrera: Can I speak now?

Acting Chairwoman Pika Fejeran: Yes, sir.

Frank Cabrera: I don't recall what Mr. Aguon…you know that I took a look, I remember him joking to me saying this property was good for hunting *ayuyu* that's what I remember but you guys did show me 4 lots. The lot in Agat basically was less than 5 acres plus I was told by my agent at the time that there were sink holes in the back side and then there was dumpage of construction materials in that area for agriculture in addition to the area which I really wanted on that site was actually slated for a Southern community athletic center like the Northern athletic field center so I said, wow, at least it was just the floor part and then a drop of that property in Agat, so I said no way man that's like trying to get the junk out, trying to find a road with rocks (interrupted).

Joffre Aguon (Land Agent): I was just…actually showing the general vicinity because if you keep walking backward toward the complex I'm looking at approximately 8-9 acres of flat land but I don't want to take him all the way back there. But you know we give him a choice of scooping around with what he needs that way we can entertain him on that situation. I cannot just tell him this is the lot where we are standing because that's not how it works until he gets a surveyor and you'll tell the surveyor which part you want. Actually that place is not small, it's a 288 acres.

Frank Cabrera: I was told that that acreage was slated for someone else as well, a major portion. I was told was slated for someone else so you know, let's move on to somewhere

else. So the next lot I was shown was the one in Dededo near the White Market store where he and another agent showed me that there was this big survey property of Chamorro Land Trust but I think I needed, me or you guys were going to get it surveyed to fit my 5 acres, but you never came back to me. The last acreage was less than 5 acres, I think it's even less than 3 acres which I believe was right behind the Rev and Tax up there but I was never shown it. But I believe I was told it was less than 3 acres.

Acting Chairwoman Pika Fejeran: Do we need a comment from the commissioners?

Commissioner Amanda Santos: How many lands were shown to him if he planted for agriculture?

Acting Chairwoman Pika Fejeran: Sounds like 4-5.

Frank Cabrera: Actually it was only 3 but 4 was verbally mentioned.

Commissioner Amanda Santos: In the first place the land agent should really know that the land is suitable for farming, just don't show the people those rocky places because that's wasting time.

Acting Chairwoman Pika Fejeran: So where do we go from here?

Frank Cabrera: I don't know it's up to you, I...I...I feel, you know, I'm the one waiting.

Joffre Aguon (Land Agent): Mr. Cabrera we haven't forgotten about you, we're still working on the other area and we're trying to do a schematic within the area and we still have you in our mind. We're trying to do another schematic area within Stampa area it's about 20 acres that needs to be scheme out but our priority in that is trying to entertain him that but I cannot really show him that until we build a scheme because there's other people that are like you said are in line.

Administrative Director Michael Borja: Madam Chair, Mr. Cabrera, we will be working with you but you got to know that with the recent introduction of the new Public Law, it's not a bill it's a law it restricts the issuances of any further leases greater than half an acre and if you want something greater than half acre it will require legislative approval by public law and so the issue of getting 5 acres now if you had a lease already and you wanted to swap it we're bound to that lease but we don't have one and if you want 5 acres you're going to have good argument to go before the legislature to have the bill submitted to allow to authorize with that but we cannot issue anything greater than half an acre at this time for any kind of leases even though we had begun working with you on this. Now if you had completed that survey and we got the survey we would than whatever it was you were going to get we would be obligated to do the survey for you because that area had gotten surveyed so the person did the survey map on it already we're not going to ask you to do another one but we... our hands are bound by the law and I got to let you know too that it is scrutinized by the legislature, it is scrutinized by the public auditor, and it was an item they specifically looked at in our audit report which had just been completed so I just tell you for

us to step out of bounds like that we would really risking a whole lot of issues in being none compliance with the law that specifies that. It's not impossible to do it but you have to have a law created just to be allowed to do it.

Commissioner Amanda Santos: So the survey money was never refunded to him?

Administrative Director Michael Borja: Well, he engaged the services but the map was never completed so we don't have a recorded map of that area that if it was we would go and do another one for him. To some extend we may help you out on that respect to but we didn't get anything out of it with the map being completed. I want to help you out Mr. Cabrera but in this meeting I think, you know, we need to still work with the land agents on this.

Frank Cabrera: You know I put my faith in you guys, it's been 6 years from 2011 now it's now 2017 I still have got nothing. You know I could have been dead last year or the year before that (interrupted).

Administrative Director Michael Borja: We have been doing our due diligence to help you in the past showing you some other lands trying to understand where it was that you wanted to was go so please allow us the opportunity to try it again. Okay.

Frank Cabrera: Okay, so how soon would I, I mean (interrupted).

Administrative Director Michael Borja: Well go ahead and make an appointment with them today before you leave. And we'll see what we can do, but like I said half an acre we probably can place you someplace but you know the difficulty is when lease comes up for me to sign and there's no justification as to why it's above half an acre. It might inch a little bit of more than half an acre here and there just because the way the land is laid out and the schematics that have to be drawn but if I see things that are greater than half acre there's got to be absolute justification why that was and again there really been any without justification like because they already have existing leases and the land is not usable and they wanted to trade or something like that.

Frank Cabrera: I understand what you are saying that the law came and was put in effect where it's only half acre now, but mine was before that law.

Administrative Director Michael Borja: But we have nothing that binds you to that, like now, I'd like to try to figure a way to make me help you out on this but even 5 acres…it's difficult to do anything with that size anymore. Unless you want to do it as a commercial. That considers a commercial agricultural lease not a (interrupted).

Frank Cabrera: Actually I created it before you guys…it was authorized back then in 2011, you did have requirements saying you needed a farm plan which I provided before it was even authorized and I did that.

Administrative Director Michael Borja: But laws changed on us and we had to stick with those. That's the unfortunate part. If we had concluded a lease at that point we would have been done but when it wasn't so we have nothing that we can go back under. We have to work with whatever those current laws are.

Frank Cabrera: So you're saying now I have to go to the legislature and ask them to change that law.

Administrative Director Michael Borja: No, one specifically for you.

Acting Chairwoman Pika Fejeran: To allow you to have the 5 acre.

Frank Cabrera: Can I ask the senator in charge of the (paused).

Administrative Director Michael Borja: Well, Senator Tom Ada is the Chairman of the Land Committee but you can ask any senator to do it but this specific language in the law states that anything greater than half acre will require legislature approval so that means you have to go…a bill has to be introduced saying that Mr. Frank Cabrera is hereby authorized for 5 acre land for land designated by early staff of Chamorro Land Trust Commission. But there are 2 versions of the agricultural leases: subsistence which is anything up to a half an acre, and then anything greater than that is labeled as commercial so it's a possibility you can have, not a dollar a year, per year, but perhaps some kind of other lease based on the size of the land.

Acting Chairwoman Pika Fejeran: Sir, I'm sorry our hands are tied but we want to work with you as well as everyone else waiting for land so please work with your land agent and understand where they are coming from and they do their best to get you what you are looking for.

Frank Cabrera: Okay, thank you.

Acting Chairwoman Pika Fejeran: Is there anyone else for public comment today? (paused) Please sit forward, state your name for the record.

2. **Edward Cruz:** My name is Edward Taitingfong Cruz and I'm from Barrigada this is my first time to apply for agriculture land lease.

Audrey: and I'm his daughter Audrey (inaudible). Sorry just for the record.

Acting Chairwoman Pika Fejeran: How can we help you Mr. Taitingfong Cruz.

Edward Cruz: (inaudible) that's for our own use because a…I used to raise pig at our housing in Barrigada and somebody made a complaint. They called Public Health so Public Health came to my house and tell me this and that, you got to take your stuffs out (inaudible). Where can I go now, I like to raise pig that's my tradition from Chamorro and

things like that and I like to plant and I got a small place and got neighbors all over the place. I'm just asking you if I can get a lease or something.

Acting Chairwoman Pika Fejeran: You turned in your application already?

Edward Cruz: Yes, we're working with Mr. John.

John Gumataotao (Land Agent): My name is John Gumataotao I'm a land agent with Chamorro Land Trust. I've been helping Mr. Cruz with regards to trying to locate an agriculture lot to meet his application. However, the lot we identified is in Mataguac, it's subject to scheme because it's one acre and I guess if you are listening to the earlier testimony. The thing is he would have to go through the legislature to get approval for additional acreage. So I think we have to just try and work with what we have in Mataguac which is an acre, but the way we're trying to accommodate all applicants who quality and if we scheme out this lot from an acre to half an acre and he's requesting additional acre to farm he may lose out on the half acre.

Acting Chairwoman Pika Fejeran: I think we've done in the past with this case where someone was going to get a lease for the half acre lot there was another portion behind it or adjacent we agreed to reserve it, hold it in reserve for 12 to 18 months and then as you're developing your half acre by the time the 12 to 18 months is up then we would see the work you're doing and then recommend that you go to the legislature and show them that you are doing what you are doing on your half acre and if they approve you for the full acre you can do even more. So that's what we've done in the past and that might work.

Edward Cruz: That'll work.

Administrative Director Michael Borja: John, what's the application date?

John Gumataotao (Land Agent): It's 1995.

Vice Chairman Joseph Cruz: Is there a perspective applicant on the other hand?

John Gumataotao (Land Agent): No, it's just when we find available lot, like in this case we found an acre that's available to lease to two people if we cut it up. So because it was shown that lot, you know, we informed him that we have to reduce it to half acre and if he needed more he would have to get legislative approval. But I guess in the process of giving him that half acre and we turn around and we lease the other half acre to somebody else his potential to increase is not there anymore.

Vice Chairman Joseph Cruz: But we haven't issued anyone yet, the other half acre?

John Gumataotao (Land Agent): No.

Acting Chairwoman Pika Fejeran: Is this an isolated one acre in that area, there's no other Chamorro Land Trust around it?

John Gumataotao (Land Agent): It's already leased out to other people.

Administrative Director Michael Borja: But what if the other surrounding lots are...are they agriculture or residential?

John Gumataotao (Land Agent): It's actually a mixed use because there are some that are half agricultural leases but are, you know, have residential.

Administrative Director Michael Borja: So we're looking to put a pig farm in the mist of residential homes?

John Gumataotao (Land Agent): We haven't been inside into the lot to actually gather whether or not it suitable for tending or farming or if it's suitable for ranching but if he's leaning towards ranching that we have to identify another lot elsewhere where the surrounding property is ranching. But in this general area it's a mix use there's farms, there's residential homes.

Acting Chairwoman Pika Fejeran: We don't want to put in on a property that where he comes up against the same issue he's had in Barrigada where the neighbors' complaint and public health is called so.

Andrea: And I know for a fact he doesn't want to get into piggery.

Acting Chairwoman Pika Fejeran: Okay, then that's easier to place than.

Edward Cruz: It's not like I'm going to raise for business or something like that it's just for family use.

Administrative Director Michael Borja: We'll continue to work with John Gumataotao and John we'll see what we can sort out. The issue is if you want to continue to do a piggery we got to be careful on where we put you because we don't want to get into the same issues where we have neighbors complaining and we got to watch for that kind for stuff.

Edward Cruz: Thank you, *Si yuu ma'ase.*

Acting Chairwoman Pika Fejeran: Is there anyone else for public comment?

V. OLD BUSINESS

Acting Chairwoman Pika Fejeran: Our next items on the agenda is old business we have 7 items. I believe Director these were put on just for status update. First one is the $350,000 for survey.

Administrative Director Michael Borja: The bill was introduced for survey for properties $350,000 for 3 year period and it's stuck and hasn't been heard...it hasn't had a public hearing yet. The legislature budget people say that the money is not there I guess the way they play with the money is that the FY2018 budget has been submitted they freeze everything to dedicate to that. What we're looking at here is the use of GTA money but that wouldn't be Operation Fund but we're hoping to do is put that money comes January 2018 goes into the Infrastructure Fund which is not part of the operations and that's for follow up years but we're waiting for Guam Waterworks to pay a portion of $400,000 for the purchase of those properties that they recently acquired through legislation from the Chamorro Land Trust and then that would go to the Infrastructure Fund and that would begin funding. So once that's in place (interrupted).

Acting Chairwoman Pika Fejeran: So that would let the legislature see that all the money is there and that they would (inaudible).

Administrative Director Michael Borja: Yea so I'm just kind of waiting for that money from the Guam Waterworks to be placed in (inaudible).

Acting Chairwoman Pika Fejeran: I know that the bill has to be heard before the end of this year's session, we have time?

Administrative Director Michael Borja: No, they have a year and half but I rather it be heard sooner rather than at the end.

Vice Chairman Joseph Cruz: What is the projected total fund with the Waterworks with GTA or?

Administrative Director Michael Borja: Well, GTA when they paid in January we will put it into the Infrastructure Fund and then it could pay for the next 2 years but the Waterworks will pay for (inaudible).

Vice Chairman Joseph Cruz: So what's the time frame between the two funding?

Administrative Director Michael Borja: Well if we get that money from the Waterworks we'll put it in the fund right now then we got the need for the bill.

Acting Chairwoman Pika Fejeran: Is that GTA, Waterworks, I know this was past due?

Administrative Director Michael Borja: I thought it was around the corner but yea it's just finishing off some of the deeds, I think we'll just get the wordings completed and (inaudible) and that's pretty much it

Vice Chairman Joseph Cruz: Would it be safe to say that we have $700,000 (inaudible) for GTA and Waterworks?

Administrative Director Michael Borja: Well GTA will be…they are like $380,000 a year so that's above what we need per year and then it will go up in a couple of years to $400,000 per year for 5 years and they will continue (inaudible).

Vice Chairman Joseph Cruz: That's just GTA?

Administrative Director Michael Borja: That's just GTA.

Commissioner Pascual Sablan: You said that goes to Operational?

Administrative Director Michael Borja: That's where it went this year, they paid in January and it got deposited into the Operational Fund.

Commissioner Pascual Sablan: How much the Guam Waterworks (inaudible) in Talofofo, only $200,000?

Administrative Director Michael Borja: No, no Talofofo is GPA. The three properties for Guam Waterworks was Santa Rita, Upper Tumon and Astumbo. Astumbo is still in the works because it has to go to the land registration so the appraisals and everything have been completed and the amount has been agreed upon to the fair market value for the Santa Rita and Upper Tumon and the grand total for all of it comes up to just $500,000. I think the Astumbo comes out to around a $100,000 grand so that's the part that's we're not going to get yet. So the $400,000 will be ready to be paid as soon as we complete the deeds. But the deeds have been bouncing back and forth due to the language. Now for Talofofo that's GPA – that's still work in progress again that's due to land registration so they are doing all that.

Acting Chairwoman Pika Fejeran: That would be the old business no. 3 GWA/GPA payments?

Administrative Director Michael Borja: Right, we can't do the appraisal yet, we can almost get the appraisal done but you know the decapping is depleted until the land registration and the survey map and land registration so we will be working with them. In fact, we have a meeting next week with the Guam Waterworks to discuss the Astumbo land registration process because we're going to assist them with that.

Acting Chairwoman Pika Fejeran: The UOG Fidian Hatchery?

Administrative Director Michael Borja: The bill is actually going to be heard next week and then again that's the payment.

Acting Chairwoman Pika Fejeran: and we haven't negotiated on the terms, right?

Administrative Director Michael Borja: Once the bill is done then they have to go out and finish off the survey. They have already done the preliminary of finding the area and they just have to…ones this bill goes that would give them the authorization to negotiate

the appraisal to make the determination on how much it's going to be and we'll have a discussion to talk with them to lay out the details on how the appraisals are done.

Acting Chairwoman Pika Fejeran: We'll skip number 3 as we already covered GWA/GPA payments. Number 4 MOU's – GEDA I know we saw a draft.

Administrative Director Michael Borja: Right, we haven't concluded it with them. What their board had recently agreed upon was on the MOU that we're going to do what they did with the DISID and GRTA and Chamorro Land Trust only because we have a small portion of that big plat of land. They agreed that the terms will be 14.3% for the first 5 years and then it drops all the way down to a, I can't recall what it was, a small single digit, and in that case Chamorro Land Trust will get its portion based on the percentage of this land. They were in agreement with that so I think it's going to be useful for us to go into that same type of agreement where, again, for them to do RFPs, and for them to recoup their cost of any potential appeals that may occur. We still have one pending appeal which is actually in courts and that has to do with Urunao so they had to pay for their legal cost for that kind of stuff. They are making the money out of it so it's all out of their own pocket that's the kind of dilemma they get put into because they have great expenses with no opportunity to recoup their cost. On PBS Terms of Agreement, will be table for next time.
Hatdin Amot Chamoru, they haven't come forward with anything yet, they do have a Right of Entry as a cultural center.

Vice Chairman Joseph Cruz: The Right of Entry together with the reservation on one document and the verbage of using the users and the previous resolution after 10, indicate (paused).

Administrative Director Michael Borja: We'll deal with it offline and then we'll (interrupted).

Vice Chairman Joseph Cruz: The users, the title user is that they are bringing in the agreement, why don't we use it as a grantor or grantee on the right of entry and then on the reservation for the agreement Chamorro Land Trust as the land owner and the applicant, client should be the applicant on the reservation.

Administrative Director Michael Borja: So you want two separate documents.

Vice Chairman Joseph Cruz: Yes. On the reservation you mentioned that it's for a year or until the lease is executed so we want to make sure that we have that consistent date instead of "until the lease is approved".

Acting Chairwoman Pika Fejeran: Sorry, for the Hatdin Amot Chamoru. They issued the Right of Entry to the Hatda Foundation to look at the land and the next step would be to develop the rules and regulations with them?

Administrative Director Michael Borja: Right, but they haven't initiated any action yet to help us work on that.

Acting Chairwoman Pika Fejeran: Well, I think maybe we would initiate with them to let them know we are ready to move forward.

Margarita Borja (CLTC): Well basically I think what they need to do is they wanted to do an assessment on the area so they can come back and kind of tell us hey this is what it is. That's why they needed the Right of Entry. So I know they have been in contact with Survey Division, they've asked them to come up and show them the points and all this and so they kind of know where it is that they're going to (interrupted).

Administrative Director Michael Borja: That's what Hatda Foundation does not have the exclusivity to using the land. So that's what we have to try and establishes how is this going to work because there's really nothing there so we have to get these rules done but it's not a simple process either.

Acting Chairwoman Pika Fejeran: Okay, no. 7 is Strategic Plan – progress report. We've been talking about focusing efforts to the subdivision master plans already and I know you guys have been working hard to issue out leases. How many (inaudible)?

Margarita Borja (CLTC): About a 100.

Administrative Director Michael Borja: I'll say about 80 early this morning but it's greater than that and in fact there's many, many more that are just addendum to fix the existing ones and their problems where they describe as "a portions of" but they are now part of the scheme, part of the schematic plan so now we can assign a lot number and a lot size all still subject to survey but you know those master plans are going to be the basis of doing this global type of survey that we are hoping to do, this comprehensive survey where the surveyors can actually take that master plan and use that to determine how they do their surveys rather than guessing for us where this lots are going to be we've told them where we want the lots and what those numbers should be.

Acting Chairwoman Pika Fejeran: So those are like the 80-100 new leases issued out for property? That's fantastic.

Margarita Borja (CLTC): We are going a lot of mail outs because a lot of the contacts that we have were in '95 so (paused).

Acting Chairwoman Pika Fejeran: And I'm sure they get kicked right back to you.

Margarita Borja (CLTC): Yea some of them do I haven't seen much get returned but then they'll call and come in but a lot of them seems like it doesn't get returned but I don't know they just not (interrupted).

Administrative Director Michael Borja: We get a few that hear about it so they come in but I think you might have mentioned before and it's been mentioned to us that the possibility of doing something in the newspaper but I really don't have that kind of budget to

do full page ads so I think what we're trying to do is create a listing that will be online and tell people to go to that website that we're trying to get in touch with them or for those people that need to get a hold of us immediately and then just continue to try to get out reach out there to get these people to come in. We don't know where they are. I can give it to all the mayors too and see if they know any of these people to come on in but you get a person who has a common name like (paused) and then suddenly I get 50 of them coming in. As far as the Land for the Landless that bill also hasn't seen the light of day and I'm kind of concerned it's holding back the transfer of some lands we could also issue out so they are ready to go they are prime. Whoever get those lands will be lucky.

Acting Chairwoman Pika Fejeran: So you know speaking on the road blocks we face, we have this long list of people that have applied and we're ready to give out lands but we just can't get a hold of them. I think it would be great if we do publish a list online but I know a lot of people don't have access readily to the website so maybe we can instead of just publishing it there and spending a lot of money in the newspaper or that publication. What about doing radio ad that directs them to the website?

Administrative Director Michael Borja: Well, what we can do is we can put out a press release and have it announced and then we can send that listing to all the mayors offices and to contact the nearest mayor and we'll put them in different places around our offices and then the mayor's offices can share with them. But if I can get just a tiny ad that's affordable rather than a full page and it just tells people but if we do a press release and say Chamorro Land Trust put out a new list...and we'll try to get those out because they are in groups of 100 and then once we exhausted the contacting them we go with another group. But we are mailing out but what I've seen thought is sometimes...I've seen some letter that have gotten returned from things that we sent out from a year and half ago so I don't know where it sits...or sits in the dead mailbox.

Acting Chairwoman Pika Fejeran: You know we have a Chamorro radio stations that we listen to, that might be a good avenue but I like the ideas of a small press release and then sending the list out to mayors in the press release to go check your mayor.

Administrative Director Michael Borja: When we send out our email notices for these meetings for example they go to all the media, all the senators, all the mayors. We'll do one of those kind of emails too with the listing and they might even put the listing on their links.

Acting Chairwoman Pika Fejeran: And of course if we're on to the next hundred and someone from the previous hundreds ever comes in (paused).

Margarita Borja (CLTC): We will service them.

Acting Chairwoman Pika Fejeran: Okay, I think that's it for our Old Business items.

Joseph Borja (Senator Ada's Office): (inaudible) However, there were kind of like some kind of comments here and some parts in the old business part which I might be able to

give you guys an updated information on this particular issue. I couldn't help from the separate issue from the old business. I couldn't help but listen to the Chamorro Land Trust applicants that came here and believe me I've been in that seat, not the chairman seat but Mike's seat there. So I sympathized for the request that they are making and maybe because of my older age and my grey hair I might allowed more to be a little bit cynical. We got Mr. Cabrera right here, who I understand, I believe was given a choice of approximately three lots I think and Mr. Cabrera wants 5 acres something like that. You know I was a former director on this side of the table my first question is you know what 5 acres looks like? How many bush cutters do you have to even attempt to clear 5 acres? You know, I sympathized with people that want land like that but I know Mr. Cabrera personally and I'm sorry that he left but it's you know, 5 acres is...what's the plan? How many machetes you got to clear? I sympathize with the committee and with Mike, the director, on that. But those on the flip side of that (paused due to ITC alarm system sound). So it's kind of what's the plan and the reason why I can ask that for cases like Mr. Cabrera because when the commission first opened up they were pretty lenient...20 acres, 5 acres, 15 acres like that and people had this grand idea of getting it for agricultural business but as time went on the commission, commissioned UOG to go out and see okay, you have 5 acres we're going to come out see what you're doing, we're going to come and see what you're doing with 10 acre and the results that came back I don't think they were surprising, I don't think they were startling when they were certainly on the bad news side. People were taking 10 acres and even subleasing them much less abusing them. So you know, like I said (inaudible) I sympathized with the commission on that. On this one-half acre, one acre, five acre, three acres, two and half and like that, you know, why did they lower it down to a half acre, why not one-third of an acre, or why not three quarters of an acre, the answer to that is the Department of Agriculture said subsistence farming you can do it on half acre. That's not the decision by the commission per se, Department of Agriculture came out and said, you got enough for subsistence farming to feed your family, now if you want to get up into a one acre range and two acre range, how much are you going to plant, you must be planting, and planting a lot, that turns into a commercial operation and that's when the commissioners' come back and say, you want five acres, show me the plan, and then you're going to plant the five acres of corn, what you going to do with it? To feed your family, not a corn maybe a barter but still every bordering in a commercial operation when you get that big, you want a commercial operation, show me that you got the bush cutters, the machetes, the lawnmowers, the diggers and like that to do it. You got to have a plan, like I said...sitting on this table it's easy for me to say but I can understand from that side of the table. Like I said, how many square meters an acre is, how much five acres is what twenty thousand square meters. That's a lot, you know. What does a house lot look like inside a tract with sewer? About a quarter acre. A half-acre, that's a nice lot with a nice yard in, you're not going to find a one acre partial in a residential area and you know like that other than maybe Pago Bay Estate probably down in that area but...anyway, up to the next one.

•**$350,000 for a survey**. We've been working with the director on that and he's right we called up the legislative budget office and we're told says, well that's kind of budgeted already and I always get this thing about green money and white money. White money is the legislatures says they appropriate a million dollars and green money is somebody went

down privately and paid in a dollar bill or check or something like that's money can spend and I certainly think the commission should have green money. Not a white check but green money. So we're trying to look for $350,000 I don't say it's missing as Mike said maybe how they do the accounting or it's entered into the books but the actual cash is somewhere else. And the staff here will remember at least the older staff there were occasions when I was a director I will check the balance in the account and it's "0". And then a couple of days later, oh, overtime got paid for this and like that. Then next week, oh there's a balance there now. Cash management, that's how sudden the legislature spare you.

•**The UOG Fidian Hatchery**, We had process that, we had a public hearing, I think was February. How come it's moving so slow? The reason for that is we submitted a Committee Report to the Committee and Rules, the Committee and Rules came back and said we need an appraisal. And we are trying to fight this issue of the appraisal timing because we don't think that it's fair to get an appraisal and then see the legislature can give approval. What if the legislature doesn't get approval? Appraisal money is paid for already, somebody lost $1,200 or I don't know what the appraisal cost, but I think that's the minimum. So we're trying to cut the time that where do you want the appraisal? What the bill does, it says Chamorro Land Trust, UOG, and you guys get together and decide what it is. You need to get the appraisal, get an appraisal, but you already authorized to make a negotiation. Obviously, if the commission or UOG doesn't think the amount is right, don't sign it. This is the commission's land, I don't think anybody is going to force you to say, you have to sell it for $10, no, it's whatever you guys agree is a reasonable appraisal with UOG then go for it. And maybe we're a little bit sarcastic, how about if I mow your lawn, cut a little bit. That's entirely up to the commission, that's what the bill allows. But the reason why it was moving so slowly is under the law and under the standing rules you have to get 2 appraisals. One should not be more than a year old. But it's just kind of like unfair to say, do the appraisal and then maybe it will do the deal, somebody's going to do something about that. So that's where that's at. But having said that, Senator got it on the agenda for next Monday's session. There were 10 bills up eligible for placement on the session agenda and 6 of them are from our office and one of them is that bill. So we are moving forward on it. Senator is going to use this argument that I'm using right now in the appraisal. The legislature is not the one that's going to decide if it's a fair deal. It's going to be you guys. So why do we have to install that appraisal thing during the legislative process? You know, you got the land agents' here, Mike and staff to review say good deal, bad deal, whatever. But it's part of that appraisal kick back because there is something in the law that requires appraisal. It is up in the agenda for next session beginning Monday the 22nd.

•**PBS – Public service archive records**. Just want to let you know that years ago PBS worked with Chamorro Land Trust to actually have either a recorded meeting or a meeting online call in to the TV Station, it was like a live show, and PBS (inaudible) people would call in and say I got this question, I like that, I might consider that. But more important on this PBS agreement and I'm assuming this is about that radio communications tower in Barrigada Heights. I've been a board member of PBS years ago. PBS got a real sweethearts deal on the land. I don't think there's any cash involved in that deal. Where

the money is on this deal is rental on the antennae power for a cell phone companies or other things to it. Okay you give PBS a good deal, you know, (inaudible) you don't charge them a lot but in return if PBS is going to rent out antennae space on that, it's a money for that agreement. That's where it comes in, and as Mike know we've working with them on a cell power bill. Cell power space is on a premium. Probably, I don't know how many are coming to the Land Use Commission but it's a good deal with PBS and like I said I've been a board member of PBS but you know there's revenue generation somewhere in that process that you just have to figure out. That's basically it.

•**One last thing is the Bill 26.** This is the deadline for the Land for the Landless program and like that deadlines and processes and getting people to come in and pay their $25,000 purchase of the $300,000 lot overlooking Cocos Island. That's been tried like maybe 3-4 times before as late back as 2006. One of your staff members now here up in the upper management was a summer trainee at Land Management did that first audit, prepared a binder and say hey there's $600,000 waiting to be collected, this people are not paying their 10 year contract. Ten year contract at $250 a year collecting aluminum cans I can pay that $250 for that one year. But for whatever reason people doesn't really complete those programs. As recent as Mike's thing in the newspaper, I don't know, I think he got a 10% return on it. So this is what this bill's in response but just three steps on this bill as far as the legislature is concerned, the sponsor Senator Telena Nelson, wanted the public hearing in Inarajan where I think Mike attended one already. I don't know if it's a public hearing, I think it's like an informational briefing, Mike, a village meeting or something. And then from that village meeting about Bill 26. But the sponsor Senator Telena Nelson wanted the official public hearing on the bill down in Inarajan. We've had our logistics and (inaudible) moving into the new building there and in that very part of the year when Senator Nelson introduced a bill the legislature staff just didn't have the logistics capability of holding a public hearing down there. Public hearing is now recorded, transcribe, commit a report, you know, set up the recording things , it's a little bit more complicated than just driving down to Inarajan. That's was no. 1. No. 2, when we finally decided and found an open date to be able to date to be able to be able to hold a public hearing which I believe was in March, the one before this other one, unfortunately, Senator Nelson was off-island for military training. So this brings us to the now set date for the public hearing for Bill 26 which is May 30. The ad for that public hearing should be coming out in tomorrow's newspaper which kicks off of the 5-day ad.

•And then lastly as a **point of information**, Chairwoman, yesterday, we wanted to put your confirmation hearing on the 30th, unfortunately we had a scheduling problem on that we will schedule your confirmation hearing as soon as possible after June 2nd. That's it, thank you very much.

Acting Chairwoman Pika Fejeran: Thank you for that. I appreciate you coming.

Administrative Director Michael Borja: Joe, can you just remind us on the Commissioner Santos, her period is expired. What is the amount of time she can continue to serve?

Joseph Borja: In the law, their term expires, you have 90 days plus 3 legislative days. Now it's important to remember those legislative days because legislative days usually turn in to one month. A legislative day that's the session from the time they call to order to the time they adjourn and that's usually a one week period. That's a legislative day. And we have one of those every month. Session is usually the third week of every month. So theoretically like for Ms. Fejeran, I think your term expired in April, I know you can serve up to October but we're going to try and get the hearings along with Ms. Amanda. As long as you get the nomination packets down there we can go ahead and schedule it. The only time limitation is if going to be more than 5 days from today because of the notice factor but usually we should be able to get the public hearing schedule within 1-2 weeks. And you certainly you do have one vacancy and it doesn't have to have the full one. And while I'm talking about that Mike, you can go ahead and designate somebody in your staff and the committee will work together with you concerning the other commissions, not just the Chamorro Land Trust who got their expiration dates.

Commissioner Amanda Santos: What is the limit for this, for the board meeting? What is the limit for the board members?

Administrative Director Michael Borja: I think its four years term right? The term of their services.

Joseph Borja: For which one, I have to check to see if it's staggered.

Administrative Director Michael Borja: We are on staggered so if someone steps in on the 5th one he could only...just like you did I think you have 1 or 2 years left on that term. But for 4 years.

Joseph Borja: Thank you so much for your time. I apologize for the break in (inaudible).

VI. NEW BUSINESS

1. Guam Rugby Club

Acting Chairwoman Pika Fejeran: The first item under the new business Guam Rugby Club, I understand that the director and the staff is working with Guam Rugby Club so we'll table that until the next meeting when more can be shared. So on to the next one, new business number 2, Loan Guaranty for Natasha Cruz.

Commissioner Pascual Sablan: We have to make a motion. I make a motion that we table Guam Rugby Club until the next meeting because the director is going to work with them to discuss all those July 16, 2016 that they rebuild from the previous land license/lease agreement.

Commissioner Amanda Santos: I second.

Acting Chairwoman Pika Fejeran: A motion has been made to table item no. 1, seconded by Tan Amanda. Discussion? Those in favor say aye.

All: Aye.

2. Loan Guaranty - Natasha Cruz

Acting Chairwoman Pika Fejeran: Thank you sir correcting us. Okay, Hafa Adai, please state your name.

Natasha Cruz: My name is Natasha Cruz.

John Gumataotao (Land Agent): I'm John Gumataotao for the Chamorro Land Trust. I see Ms. Cruz's land agent and we're here to ask the board to consider the loan guarantee. Back in August 2016 she came before the board then (interrupted).

Natasha Cruz: Actually it was my daughter. My daughter came before the board to request to get the lease transferred into my name from my auntie and the board did approve that so from that lease being transferred I went ahead and requested with Guam Housing Corporation to go ahead and assist me in building.

John Gumataotao (Land Agent): So she was pre-approved for a $129,000. This is back in January of this year so you know we are hoping to meet last month's meeting however, it was cancelled and up until last month she was guaranteed a pre-approval for Guam Housing for $129,000 so now she's seeking the board's permission to guarantee that loan.

Natasha Cruz: If I may correct that. I was actually pre-approved in January and I got the final approval in March 29.

Acting Chairwoman Pika Fejeran: It looks like we have your report here. And John have you gone through this and saw there's some issues with the correct property description?

John Gumataotao (Land Agent): Yes, those were just typographical errors on her land waiver, outside of the department.

Acting Chairwoman Pika Fejeran: I see that you have citrus trees in the area?

Natasha Cruz: There was. It was actually a one acre agricultural but when my aunt transferred the property from my grandmother into her name she was able to take the one acre and split it in half to make it a one acre (inaudible).

Acting Chairwoman Pika Fejeran: So it's half acre agricultural?

John Gumataotao (Land Agent): Her lease is a half-acre residential?

Acting Chairwoman Pika Fejeran: and who has the other?

Natasha Cruz: The other was given to my other sister and she transferred it to my brother because she doesn't have any children.

Acting Chairwoman Pika Fejeran: Any comments, discussion commissioners?

Commissioner Pascual Sablan: You notice I didn't break a contract between you and (inaudible) you are fully aware of the labor shortage, they don't have workers and this can take forever to finish your house. You have a penalty of deadline?

Natasha Cruz: I do have a deadline set by the Guam Housing Corporation. I constantly contact my contractor to see where we're at and as of right now, actually Monday when I spoke to my contractor it's the application itself for the building permit is enroute into the different department and so it's at Guam EPA so I have requested already one extension letter and then by the end of the month right before it expires I am to extend again if needed. So I was told by Guam Housing that all I need to do is just request for extension so that the president/director would approve the extension.

Acting Chairwoman Pika Fejeran: I believe what the Commissioner Sablan is talking about is...have you talked to your contractor about how many people he has to work on the job as soon as all of this goes through and approved?

Natasha Cruz: No, not yet. We didn't sit down and talk about exactly how many people are going to be on the job yet. So right now we are just trying to finish getting the building permit which is required to go through the different agencies. So as soon as that's done then we are going to sign off on that and that's when we're going to go ahead and open that up for discussion.

Administrative Director Michael Borja: Well the issue here is that there is a labor shortage of construction workers so that if deadlines can't be met with Guam Housing; it sounds like you are already on top of it. We need to make those request to ensure you are not penalize in any way because you know we're going to guarantee this loan and you don't want this loan to be jeopardized; and we have a good working relationship with the Guam Housing Corporation as it is already. They look out for the interest of the applicant anyway because they are footing the loan. But a promise for a completion date may be a moving target so you have to...that is why the commissioner is asking, have a good serious talk with your contractor to determine what really it's going to take under the existing labor conditions and how many people are working for him and how many has he lost from his company to go run off to do work with someone else. I don't know if your contractor have any H-2 laborers but he may have and if he had any H-2s he may have lost, probably most definitely have lost them and so just find out and get an idea and make sure that's expressed probably in writing so you present it at the Guam Housing and to us as well. What's the name of the guy that you (inaudible)?

Natasha Cruz: Mr. Wang. Either Chinese or Korean.

Administrative Director Michael Borja: So that's the concern that (inaudible) there is a major labor shortage and lot of projects comes to a standstill or slow down considerably.

Commissioner Pascual Sablan: Not only that but the Guam Housing or any bank or any institution will give you so many days only and issue the contractor for example, they didn't finish the project then you as the owner have to stop paying the loan to Guam Housing. I think this is part of why the commission responsibility but since it's up in guarantee then a loan to Guam Housing that's where I come in.

Administrative Director Michael Borja: The only thing we want to make sure too is we guarantee this loan and usually all our clients come in from Guam Housing and we haven't had any issues. You know life doesn't always go as you plan and so if for whatever reason there comes a time where there's some difficulty in the payments, talk about it to the people that loaned you the money and guaranteeing the loan. We're like a co-signer, because it's better to talk to them to let us know what might be happening, what kind of emergency in your life that has suddenly occur that may delay payments or hold payments. Those kinds of things happen in life and I'm not saying...you don't want it to happen to you but it's most likely it won't, but in the event anything happens. This loan is for how long? 30 years. You're still young today but boy wait until the 20 year point and you're going to say oh my gosh. Things happen so just beware, don't hide from it, don't run from it, just talk and lenders and guarantors will be will be happy to help you. As a guarantor we're faced with chasing down people who disappeared and it's not from anything that came from Guam Housing but it came from other agency that encumbered us. It's not a pleasant thing and in the end we ended up paying for it. And so when it comes to that point, you know, we're in default and (inaudible) it's because we all have to look out for our interest and you don't want to lose your house and the land. So good luck with your plans.

Acting Chairwoman Pika Fejeran: Question, who's...it's actually in the same page in the packet is your property's management?

Natasha Cruz: From your properties I went to look for somebody who can help me to kind of start the process of it so Wallace Roberto from Premiere Properties was that helping hand. He actually helped me in getting contact with the contractor. He helped me by referring me to our person that's going to do the plan, the architect as well as the engineer. He's constantly also helping us do the follow ups with our contractor making sure everything is okay.

Acting Chairwoman Pika Fejeran: On the signature block with the Premiere Properties there's Sean Perez?

Natasha Cruz: Sean is actually my spouse and we have been working together and we have a 4 year old son together.

Acting Chairwoman Pika Fejeran: But you are the lessee and the loan is in your name only?

Natasha Cruz: Yes

Vice Chairman Joseph Cruz: Can I share some of my experience with a contractor. I would recommend for you to get a construction management. Mr. Perry has a working force but when the visa was denied he lost most of his supervisors and foreman so now a lot of them are working as a foreman that are just technical or helpers. So he does all the supervising the project and most of the time he's not there. So I would recommend for you to get a included in your funding of...because it going to cost you for monitoring the right (paused)

Natasha Cruz: The project is going great.

Vice Chairman Joseph Cruz: Because the helpers what they do is they do the labor works but they are not following the plan. They are not following the (inaudible) and nobody is checking it. So that's why you need to get a construction management, like an engineering office, separate from your contractor that will work for you that require approval.

Acting Chairwoman Pika Fejeran: Any other comments, questions from the commissioners?

Commissioner Pascual Sablan: I agree with Joe, it's a big house and (inaudible) you following. This house is a big house and for this amount of contract it can kind of (inaudible) the bill so protect yourself.

Commissioner Pascual Sablan: So we make a motion to approve.

Vice Chairman Joseph Cruz: I move to approve the request for Mrs. Cruz's guarantee loan.

Commissioner Amanda Santos: I second it.

Acting Chairwoman Pika Fejeran: A motion has been made and second by Tan Amanda. Any comments? No discussion. Those in favor say aye.

All: Aye.

3. Alvin C. Toves – Additional Acreage

Acting Chairwoman Pika Fejeran: Next item on the new business is Alvin C. Toves for additional acreage.

Alvin C. Toves: My name is Alvin C. Toves. I'm here asking for additional half acre.

Acting Chairwoman Pika Fejeran: So you currently have an agricultural lease.

Glenn Eay (Land Agent): Madam Chair, good afternoon. My name is Glenn Eay I'm a land agent here for a Chamorro Land Trust agent that's assigned as the agent is not here, Eileen Chargualaf, but I assisted her as during inspection of the subject lot. Mr. Toves here is requesting additional land to expand his farming land. Back in 2015 they did a lot of showing by two of our land agents and as several authorization was issued to him and the map was completed and documented. To date he has not been given a lease. But back in 2015 when he was shown a lot he started farming and I presented some photos there before you my site inspection that the type of farming that he has on the subject lot and he farmed over a 100% of the land square area that was for the agriculture use, 2,000 +/- square meters. So he's here today requesting additional land to plant his farm and like I mentioned that today (inaudible) for where he's currently occupying.

Administrative Director Michael Borja: How come we don't have a lease done yet?

Margarita Borja (CLTC): The map is just completed like the last (inaudible).

Administrative Director Michael Borja: and then the Notice to Award was for half an acre?

Acting Chairwoman Pika Fejeran: Is that what we're looking at the blue highlighted on the map?

Glenn Eay (Land Agent): Yes, the blue highlighted area is where he currently occupying and the adjacent lot in front of it where he's requesting additional half acre… a quarter lot there.

Acting Chairwoman Pika Fejeran: So to issue a lease do we just want for the correct property description?

Margarita Borja (CLTC): So we already prepared the lease and while we were in the process of preparing it when Mr. Toves indicated to us, is there a way that we can obtain the adjacent lot because the individual that was given that had relocated elsewhere because he couldn't wait for the map. He was just I couldn't wait anymore. So it became available and that's when he said, hey, this is a chance for me to come in, I've already utilize the majority of my property. I believe Mr. Toves you requested the neighbor right? In the other side, that we could go ahead and they, I'm not sure, they gave him the authorization to use their land too. So when he found that out he said why we don't just wait to see if the board approves him then we will go ahead and move forward with the lease.

Alvin C.Toves: Yes.

Margarita Borja (CLTC): On the other side we could go ahead and give the authorization to use their land too. So when he found that out he said what don't we just wait to see that the board approves him then we'll go ahead and move forward with the lease.

Commissioner Pascual Sablan: Is he the one that has two water meter?

Margarita Borja (CLTC): Oh no. That's Frank Cruz.

Vice Chairman Joseph Cruz: So what's the total acreage that he's asking?

Margarita Borja (CLTC): He's asking for the additional (interrupted).

Vice Chairman Joseph Cruz: one acre?

Margarita Borja (CLTC): Yea, if he gets his (inaudible).

Vice Chairman Joseph Cruz: But it has to go to the legislature?

Margarita Borja (CLTC): Yes. I don't know if we can.

Acting Chairwoman Pika Fejeran: Well, Mr. Toves and Glenn thank you for taking all those photos. Those make me very happy. I know you're using your Chamorro Land Trust land in a way it was intended. I know that farming is not an easy work. You're out there and you're doing it and you're recycling tires, saving them from our junk yard. I really appreciate that. Actually, since they are in tires does that mean it's not the actual land?

Alvin Toves: It's coral.

Administrative Director Michael Borja: So he's an example of growing on a rock.

Glenn Eay (Land Agent): He's one of the perfect example for those who came before the commission, like, I don't want to mention names, but he said it was impossible to cultivate or plant. Mr. Toves demonstrated it is possible.

Commissioner Pascual Sablan: My question is who do you...just put the tire and put the (paused)?

Alvin Toves: I put a load of top soil and I put the top soil inside.

Commissioner Pascual Sablan: You don't have to dig further down?

Alvin Toves: I just put the tire down and then I set it to where I want it and put the top soil inside.

Administrative Director Michael Borja: Commissioners you obviously see that this is an individual that even without a lease and I wish you already had your lease...and I think we need to get your lease for this thing right now. But he is an example of someone who is used the land and done a lot of great improvising for soil. And if you agree that the other side of the land could be made available for his use at a later date after possible legislation has been approved. Then what I recommend is that if you agree do a motion to approve

by resolution so that we can submit it as a package to the legislature with the intent to ask for additional half acre to make it a one full acre land or whatever total land size will be now that we have the survey map completed. We have the actual define the areas and then we can submit that as a bill to the legislature and ask for it to be approved for greater amount of land. Unless you heard from Mr. Borja earlier again, the question is does this individual have the ability and the willingness to cut the grass, chop the trees, and do all this labor. This is the pictures that kind of show somebody that likes to work outside and talk to the plants and they give them great fruits.

Vice Chairman Joseph Cruz: Margarita, is the map individual lot or?

Margarita Borja (CLTC): (inaudible) individual lots.

Vice Chairman Joseph Cruz: So (inaudible) consolidation for one lease?

Margarita Borja (CLTC): Yes, if he gets it through from the legislature, it will be subject to consolidation.

Acting Chairwoman Pika Fejeran I think we start by issuing the lease first validate him on the first half acre that you're (interrupted).

Vice Chairman Joseph Cruz: By the way, do have to set this to consolidate or (inaudible)?

Administrative Director Michael Borja: It will be subject to consolidation. You know what that means the consolidation gets through and then you get another survey map done which pretty much just a new drawing to raise the lot.

Alvin Toves: Can I just pay the other half $800 (inaudible) that I paid for that one? I mean on that one can I just pay the $800?

Administrative Director Michael Borja: Well, it's already done.

Margarita Borja (CLTC): It's going to be more because it's more work to be done.

Commissioner Pascual Sablan: Are you a fulltime farmer?

Alvin Toves: No

Commissioner Pascual Sablan: I wonder how much of his time is putting to doing all these things.

Alvin Toves: I just do this in the morning then I go up to Yona. I got my pigs and my ducks in Yona. I used to farm up in Yona but I waited for 20 years for this land because where I'm farming belongs to my auntie.

Administrative Director Michael Borja: Where, in Paluntat?

Alvin Toves: Yes.

Acting Chairwoman Pika Fejeran: So I would ask Mr. Glenn if he can issue out the first half of the lease on that first half acre and then can I hear a motion to reserve the portion of the land next to his first half acre?

Margarita Borja (CLTC): What's the lot number?

Glenn Eay (Land Agent): The lot number is, the adjacent lot is Block 18, Lot 13.

Vice Chairman Joseph Cruz: That's the extension? He's assigned to Lot 12.

Glenn Eay (Land Agent): Right, so the adjacent one is 13, same tract. Tract 103-16.

Vice Chairman Joseph Cruz: There's a motion. I move to approve the request from Mr. Alvin Toves subject to the legislature's approval for the additional acre.

Commissioner Amanda Santos: I second it.

Acting Chairwoman Pika Fejeran: Motion has been seconded by Tan Amanda. Discussion? All those in favor say Aye.

All commissioners: Aye.

Administrative Director Michael Borja: I'll do this in a form of resolution.

Acting Chairwoman Pika Fejeran: Mr. Toves. Thank you. You are doing a great work and you are a shining example for our Chamorro Land Trust lands beneficiaries. Thank you for coming. Those were very positive new business on our agenda today. Someone's building a home and someone's farming our land. I am happy.

VII. DIRECTOR'S REPORT

Administrative Director Michael Borja: I want to start with…I think you guys got copies of the Public Auditor's audit report and over all its very good. The only thing they wrote us off on was still the need for a lease which is one of the things here and so the ITC has agreed to actually issue out a lease Chamorro Land Trust occupies a certain square footage of this building and despite all the arguments we're had for the last four OPA audits of this thing there were compliance in doing it in a way a procurement laws allows us to do it. There's one general…Joey come on up. Joseph Cruz is our audit connector and does all the finances that he'll be talking about in this set of items. So that was really the only write-up. Otherwise, they were very keen and happy with the way everything had been doing. If that thing is cleared up and it will be before the next audit, hopefully, we will have a clean audit next time.

They did do as I mentioned earlier in the meeting sampling of leases and actually shows that hey, you've got a number of leases that may have exceeded half acre, why, and in almost all those cases it was because of some other circumstances in which they've already committed from years before a beneficiary changes and things like that where they paid for everything already, the surveys were done, they've already committed a lot of financial staff or the commission minutes (inaudible) even before the issuance of the lease. So those were all justifiable. They agreed with that, they took it up as a finding...was not concluded as a finding but they do look at those. They just ask for samples and then they rate one of those samples. So they removed that after our discussions. The report showed that we had a decrease in funds because of coral extractions, they stopped that at the race track so there was less money coming from that and only because we don't want them to continue (inaudible) which was always been the write-up on where's the account.

Acting Chairwoman Pika Fejeran: It's not a write up this time because they (paused).?

Administrative Director Michael Borja: It's not a write up. Okay, Revenue Collection Report (interrupted).

Acting Chairwoman Pika Fejeran: Sorry, I just want to applaud you, Director and Joey, I know it was a lot of work and back and forth with the Public Auditor. That is out! It looks clean so you guys are doing a great job.

Administrative Director Michael Borja: Thanks. If fact she must have like it so much she didn't release it ahead of time to the media with explanation points everywhere so I guess it wasn't something for her to bark about.

Acting Chairwoman Pika Fejeran: It doesn't make news if it's clean and (paused). I'm sorry go ahead. Revenue Collection go ahead.

Administrative Director Michael Borja: I think you have it in the back of the page, the Revenue Collections in here and Joey you want to go through this. You have a whole list of stuff back here. You see in the financial (inaudible) mark as out as orange, this shows what we proceed as far as payments for licenses and leases.

Joseph Cruz: Sir, we have it from March application fee we collected a total of $800 for commercial lease and licenses we collected a total of $59,825.53 for land leases (interrupted).

Administrative Director Michael Borja: Just stop there. Guam Country Club is slightly behind so further breakdown of this thing in showing our commercial.

Joseph Cruz: The Country Club is one month behind. For May only.

Acting Chairwoman Pika Fejeran: I see 1, 2, 3, 4, 5 payments in March.

Administrative Director Michael Borja: Right because we've been screaming at them to pay current. The Sale of the Government Land that's the Land for the Landless.

Acting Chairwoman Pika Fejeran: and these are the people that have come in and set up like a payment plan?

Administrative Director Michael Borja: No these are the people who have come in to pretty much pay what they owe and you see they came in pretty much in March and then in April there were just a few more. So about $2,200 - $2,300 worth is collected to close off those accounts so despite the fact that we went in and we ask for if there's a bill. It still brought it about 10 more people so that closed off few more. Those $1,000 ones they just came in and make a partial payment, right, but we don't encourage those partial payments.

Margarita Borja (CLTC): But he came in the late part of the month to make payment.

Administrative Director Michael Borja: Doreen Carlisle paid $1,000 and then paid off the balance. And those go into the survey/infrastructure fund. And then what we also included that you wanted and you wanted to see our burn and so you have the colored ones...where the monies are going for in personnel and how it's allotted, personnel and equipment. On leases, the monthly amount is $64,000 total. That's DLM as a whole but not breakdown what the itemization is for Chamorro Land Trust. That's usually in our financial statement. The audit will show that.

Joseph Cruz: The next board meeting we'll have a printout from the Quickbooks and Balance Sheet and Income Statement as of whatever the next board meeting will be. We are just waiting for the adjustments to get approved and the audit to be final.

Administrative Director Michael Borja: Right now will be what the actual closeout looks like because of the approved adjustments that the auditors said we had to do.

Joseph Cruz: Currently Chamorro Land Trust pays a $124,000 in rent.

Acting Chairwoman Pika Fejeran: I'm looking at the Projection Analysis for Chamorro Land Trust the colored table the foot notes says $26,000 was spent on the audit and the $20,000 to the Hearing Officer, is that already...it's not spent yet?

Administrative Director Michael Borja: It hasn't been spent.

Joseph Cruz: It's been encumbered.

Administrative Director Michael Borja: We did do a proposal request for a Hearing Officer and we have selected our Hearing Officer and that Hearing Officer is just waiting for finalize the contract but it's Fred Horecky. Now I also asked Fred Horecky if there maybe any conflicts with one of our specific items to be heard and that's with the GRRP License Agreement and he said he most likely does have a conflict. So we're going to have to again take that...once we get the official contract signed and then I present him with the

formal letter to say you have a conflict with these individual cases when he gives me his response than I'll present that to the Attorney General and say we've gone every way we could and we only have one responded, we selected that individual and unfortunately that individual also conflicting with some cases and we need their assistance to help out in that manner to figure out what we can get someone else to provide services to have a Hearing Officer. That way we can close that out once and for all because it is pending and we still fill him on a monthly basis just because his contract...are we still doing (inaudible) GRRP?

Joseph Cruz: We're still (inaudible). Although the end of the fiscal year we classified it as a (inaudible) accounts.

Acting Chairwoman Pika Fejeran: For what?

Joseph Cruz: (inaudible) uncollectible

Administrative Director Michael Borja: Bad debt. But (inaudible) formally terminated which is the review of the hearing officer. Let me check my calendar I know I put the date down here for when the time period for the Ypao Point commercial use with the termination was sent out to the legislature but we are coming up pretty soon on the time period they are allowed to comment. Once that's available then we can work with GEDA to help find a user for that.

Acting Chairwoman Pika Fejeran: A Chamorro Land Trust fund lock-box resolution?

Administrative Director Michael Borja: the bill hasn't been introduced although Senator Tom Ada's office is keen on that idea and when we found out that we were denied by the budget office of the legislature for the survey appropriation...I thought maybe they looked at the AS400 and the timing was wrong and they found the cash has been swiped, but that's not what happened. But that would be a reason why so that we don't have anybody touching the cash that we are going to try and use already.

Commissioner Pascual Sablan: The fund has been swiped but has it been return?

Administrative Director Michael Borja: No they didn't. We could not figure out why they thought we didn't have any money when all our data showed us the money is there and it was just the way they physiologically describe like he said white money, green money. It's there in numbers but is it there in cash. Apparently what it really is that it has to do with budget. The budget has been submitted so anything that would cover for that budget if it's already in the account, it's frozen for that period. You can't take anything more this year because you only need to make sure it's available for next year budget, even though more money are still coming in.

Commissioner Pascual Sablan: and for the survey/infrastructure fund, is this going to be continuing account right?

Administrative Director Michael Borja: I think the law said it was going to be established for 2020, it was a 5-year period or something like that, or 4 year period.

Commissioner Pascual Sablan: I just want to make sure, if it's fiscal year then if we don't spend it, it goes back to (interrupted).

Administrative Director Michael Borja: Oh no it stays in the infrastructure fund. One of the things Joey (Joseph Cruz) has also recommending is that we move the monies. We try to consolidate as many of these accounts because there are a lot of accounts and it can get kind of confusing and messed up to keep track of all these account. It's not hard if you track but it's useless and also at some point if everything goes to the infrastructure/survey fund then you got nothing left for your operations. So not everything should go to the infrastructure funds so we will be monitoring that to make sure that it doesn't hurt us in this operations.

Commissioner Pascual Sablan: But what we set aside for infrastructure...we cannot arbitrary just transfer it to?

Administrative Director Michael Borja: No, and if we can't just spend it either. So for example, when that $400,000 check comes from Guam Waterworks I want to make sure that everyone knows in the legislature that's exactly what's going to be used for is the survey fund so that somebody doesn't get a grand idea and say, well, my constituent and wherever wants a bunch of waterlines so I'm going to take all that money and put it in water and power when we really only have a plan for it.

Commissioner Pascual Sablan: So there's a difference from survey and infrastructure?

Administrative Director Michael Borja: No, it's the same fund. Survey and Infrastructure fund is one fund.

Commissioner Pascual Sablan: Thank you.

Acting Chairwoman Pika Fejeran: I know you already mentioned the ITC Building office lease and is Chamorro Land Trust going to have their own lease? I thought in the discussion with the auditor (interrupted).

Administrative Director Michael Borja: It's a Department of Land Management lease.

Joseph Cruz (.CLTC): It's issued to DLM so what happened is I think couple of days ago Ms. Mary (ITC Office rep) had emailed me a format she used just to review, so the formatting was an option to extend so I had to call her back and let her know that we're not committing to extend we just want a formal lease from the start of the bid that we are currently using now to the end and that would only for Land Management because that bid was pertaining to Land Management.

Acting Chairwoman Pika Fejeran: And then Chamorro Land Trust would have our own internal agreement with Land Management that we pay this amount.

Joseph Cruz (.CLTC): X amount for this space. Just like how the attorney was broken down in audit, the attorney expenses.

Acting Chairwoman Pika Fejeran: So Chamorro Land Trust will not have its own lease? Okay, Director, anything else to report before we move on?

Administrative Director Michael Borja: Yes, the Small Business Administration's loan guarantees that were done for those specific accounts. What it did it listed down all the two different classification of accounts that are default, the charge offs which the U.S. Treasury classifies as kind of serious and then there are the ones that are also default. We've gone through the process of a whole bunch of a whole bunch of them for last year and had discussions with every one of those lessees, they probably will be one or two that will we're going to seize back the land and everything else only because that person didn't seem to want to do anything. For most of them it was an issue of SBA wouldn't talk to the survivor, beneficiary so we have to do up some leases to change the lessees because they passed away and there's a beneficiary that they were willing to take over and finish the payments and there are some others that are just in default and so we are working on contacting all the people. And we've been pretty successful, when you call them they come current and they understand that they're being watched. There is one place that's been vacant for a long time and it was a matter of a divorce which broke up the family and the wife who received that property in the divorce decree just ran and even her daughter can even find her. So there's a concrete home there that has been pretty much gutted but it's still a full concrete home and there is an individual who has who has expressed interest in wanting to buy it but he only just turned in his application last week. So we would have to go to the process to figure out who would want to take over a gutted out house. We would just have to go to that process and if this individual is willing to come in and do it right away. It will be up to you guys to determine he had the means to already go and then fix it up whereas we can try a 100 people and every one of them turns it down. Do we want to spend the energy to contact 5,000 more and find out or this one individual who is actually found it and say, hey this belong to you guys what's going on and if it's available. That person has expressed that interest.

Vice Chairman Joseph Cruz: Have we done any assessment on that site?

Administrative Director Michael Borja: No we've been looking for the person, the lessee.

Vice Chairman Joseph Cruz: No, the assessment of the building if there were to flip it or to maintain how much the new owner or the new tenant (paused)?

Administrative Director Michael Borja: It would have to be the balance of the loan plus all penalties and interest would have to be part of the plan.

Vice Chairman Joseph Cruz: That's part of the package, but the condition of the house, how much would it probably a step…to fix it up?

Administrative Director Michael Borja: To fix it up, that's up to them. All our concern is to pay off that loan. If he's willing to take it over and spend (interrupted).

Vice Chairman Joseph Cruz: What I am getting at is if it's going to cost $50,000 okay, and then you have a loan balance of $150,000 that's $200,000. I don't think any qualified tenant in the Chamorro Land Trust will be eligible to cover those costs. But if we assess the structure as to whether $10,000 or $5,000 or whatever we need to know as to what we are looking at to be taken over. What is the advantage of this guy spending? I mean, it's our property (interrupted).

Administrative Director Michael Borja: Right, it's our property but we have to do is recoup the, how much was it Joey?

Joseph Cruz (.CLTC): $58,000.

Vice Chairman Joseph Cruz: But that's already a given that we have to pay that financing, but how much would it cost to fix that so that in additional to the $80,000 this guy can afford this project or are we looking at (inaudible)?

Administrative Director Michael Borja: If he (inaudible) he can and he knows because he's asked how much is left to pay for this thing. He wants to take the $80,000 and it's going to cost $50,000 to upgrade it back to a livable conditions and he has the funding to be able to do that and he wants to do it and he'll know he can't sublease it, rent it out or anything like that so it's going to be some place that he's got to live in.

Vice Chairman Joseph Cruz: I'm just throwing that off because if that's the (inaudible) an ancestor or a realtor to say hey this is out problem and you know what will it take to get it fix? You want it improved.

Administrative Director Michael Borja: Right but I think a person is going to take over a loan which got an $80,000 outstanding (paused)

Vice Chairman Joseph Cruz: He might have to cut to qualify a $200,000 loan (inaudible) funding.

Administrative Director Michael Borja: But that's up to him, isn't it? Not up to us. I mean if he has the ability to do it (interrupted).

Vice Chairman Joseph Cruz: I understand where you are coming from but if a client comes in here and for us to entertain them we would have to collect a background check…can you afford this and all that? Why don't you just get it from the start when you present it to a client to say this is what we owe, this is what it takes to fix? We would like to

see your financial, can you make it? Instead of just putting everything on them to say hey, it's up to you, it's up to me. We're not going to sell it to them like that, I mean, that's my thing.

Administrative Director Michael Borja: Okay...well...but I don't to spend money to go out and pay someone to tell me how much it's going to cost to fix it up.

Commissioner Pascual Sablan: My question is if they say its under SBA, would SBA willing to pay another party to take over the loan?

Administrative Director Michael Borja: Oh yeah. That's how it's supposed to work, that's how the laws even written that what's supposed to happen, even in the case of this young lady who had the loan guarantee, if she defaulted then we take over the payments month to month. I don't want to pay off the balance so we find someone else who can qualify for that loan and wants that house and takes over the loan and pays whatever the cost of all of this is, is going to add on whatever we've paying over time for this loan. So you know the balance is only at $75,000 but we paid $10,000 of it and she's going to pay $85,000.

Commissioner Pascual Sablan: I stand to be corrected but I believe most if not all of SBA loan were given out (inaudible).

Administrative Director Michael Borja: All of those SBA's were. There's a difference between that loan guarantee that came from Guam Housing, we have "0" defaults on that, whereas all these SBA were from FEMA, and they were just wacked out the way...I don't know how they did it. Like that person who got this $80,000 grand for the house, I mean, it looks like they started to put it in and then the family broke apart and...

Margarita Borja (CLTC): I think they were living in there but now all the windows are broken, everything is just (interrupted).

Vice Chairman Joseph Cruz: The problem is SBA sells their mortgage and sometimes you don't know who the institute that took over the loan and we're over here and they are over there and we don't know the address (interrupted).

Administrative Director Michael Borja: And that's what happened to most of the SBA loans and every once in a while someone will come in to us because they got an issue with one of those banks that it got sold to but in this specific case these are the ones SBA kept that's why we're dealing with SBA directly because these are the ones SBA has kept and they have come to us and said they got this defaults, help us to find these people and that' what we've been doing. But no banks has come to us to tell us that.

Vice Chairman Joseph Cruz: So we're coordinating this with SBA do we recommend the client who go prequalify with SBA in order for them to inherit the loan with us?

Joseph Cruz (.CLTC): What happens usually is for example, if like for instance, Ruth she defaults, or she wants to transfer her lease to me we prepare the lease and we send it to SBA if SBA said you must make a consistent payments of 6 payments in a row then they consider it then the loan will be put in my name so you have to prove that you are eligible to pay first.

Administrative Director Michael Borja: But you also have to be qualified. I can see your point, commissioner, so we say it's going to cost $50,000 to renovate this house back to a living condition we want to show that the banker can show that you are qualified for a loan or you have a bank tell us that you have this money to pay it all.

Vice Chairman Joseph Cruz: So you prequalify with SBA for that $85,000 and then convince us that you can afford to (inaudible).

Joseph Cruz (CLTC): SBA won't entertain individual who don't have a lease in their name. So until we issue the lease in their name then they'll entertain them.

Margarita Borja (CLTC): Maybe what we can do is we can have them prequalify, just go to the prequalification with the Guam Housing just so we can kind of have an idea of not necessary to go with them but to just get their approval for $140,000. All we're asking is, whatever, $80,000 we know that for additional they will be able to...then sign the lease and then let them deal with SBA.

Administrative Director Michael Borja: Then if they are good we give them the lease, we give them the land, and they get the loan they pay off so much to SBA. Once SBA is paid off is off they don't want to talk to anybody anymore, they are happy. But the charge off are the ones that are ...if you were charged off by the U.S. Treasury anytime the U.S. Government was going to pay you for anything they will deduct whatever was considered charge-off before they pay you. If you are going to get Federal Income Tax returns from the U.S. Treasury they will deduct that from your refunds.

Commissioner Pascual Sablan: It follows you to the cemetery. Now, just the loan guarantee how far it's going to cost like that hypothetical sample the Joe brought up, $50,000 and let's say $150,000. What are we going to give the loan guarantee, a $50,000 or a (inaudible) to SBA? See for example, if something happened are we going to loan guarantee to SBA the unpaid balance?

Administrative Director Michael Borja: No, I mean in this case...like Joey said SBA is not even going to talk to you until you are a lessee and he's not going to be a lessee unless he can get a loan to pay off SBA. So SBA won't even come in to the picture, most likely all they want is, you know, a commitment that there's going to be money. So when he gets the loan Guam Housing will say okay $80,000 is already encumbered to SBA and that $80,000 gets paid to SBA then we don't see it at all but then we get the return back that now the account is cleared.

Commissioner Pascual Sablan: My question earlier, SBA would allow the new owner to take over the old loan?

Administrative Director Michael Borja: They will but you have to have a lease. So in this case what has to happen is he gets the lease, he makes the 6 months of payments then SBA says okay we'll deal with you. You're on the lease you've been making some payments, we'll talk to you now. But that's the problem with have with all these people who were beneficiaries or divorcees that got their property. Those people wanted to continue paying and they got the notices but because they weren't on the lease or on the loan SBA wouldn't talk to them so we have to make those corrections so SBA could talk to them by putting them on the lease. And that's almost all those problems were.

Commissioner Pascual Sablan: But if I pay 6 months and I sign the lease with you people?

Administrative Director Michael Borja: Then they would consider transferring over the loan to you and they work with you to take over the loan.

Commissioner Pascual Sablan: Okay, now if that person comes in as (inaudible) cash to renovate the house what are we going to provide a loan guarantee, the $50,000 or the entire amount?

Administrative Director Michael Borja: No we wouldn't loan guarantee SBA we would loan guarantee let's say Guam Housing then they pay off SBA's balance.

Margarita Borja (CLTC): So they are not assuming, Joey.

Joseph Cruz (CLTC): It depends, an example they are using is an individual wants to wants to come in and pay this or take over this or whatever but he's going to Guam Housing so it's not assuming the loan, it's paying it off. You're taking on a new loan to pay it off the defaulted loan. Now for these other SBAs like Mr. Topasna or these other clients that we have their beneficiaries are going to assume the loan but the loan will also include guarantees and interest payments and whatever fees after it gets transferred to the U.S. Treasury to the collection agency.

Commissioner Pascual Sablan: But that's after you assign the beneficiary of the lease because the lease is still with the original.

Joseph Cruz (CLTC): Like what we just did 2 days ago was we just sent off 6 leases stated that we've reassigned these leases to the beneficiaries and Chamorro Land Trust authorizes them assume the loan so now they have to make their consistent payments and then SBA will come in and work with them to transfer the loan to them so then we've already fulfilled our part.by reassigning the leases.

Administrative Director Michael Borja: And that's so that they want to talk to them they got the documentation to show them.

Vice Chairman Joseph Cruz: But going to the guarantee loan, let's say they qualify now the interest rate is different with SBA so they have to inherent that prior interest rate?

Joseph Cruz (CLTC): Whatever if they decide to go to the Guam Housing and pay off they would have to.

Administrative Director Michael Borja: Fortunately there's not a whole lot of the really big amounts. There was a lot of small amounts it turned out that SBA and FEMA said they would qualified we were going to give you grand but we will give you $5,000 now and they never went beyond the 5 because people didn't finish the paperwork. But that was enough to get four people (inaudible) into that.

Commissioner Pascual Sablan: One last question before we adjourn. Why the other banks are not entertaining the loan application for houses on the Chamorro Land Trust?

Administrative Director Michael Borja: Because they can't encumber the land.

Commissioner Pascual Sablan: But we are giving the loan guarantee?

Administrative Director Michael Borja: I know, and that was one of the things that we wanted do to talk to the different banks but we just haven't gotten to that point. I think Bank of Guam gives out home loans in Palau or Saipan where, they can't encumber the land. We're trying to work with them and we presented them but I think if we get our full act together and show them that we are good player on the market so we can get the kind of agreements with some banks. It's just one of those things where they are not allowed to put a lien on government land, that's a big one.

Margarita Borja (CLTC): Since we are on the issue of loan guarantees. Chamorro Land Trust has put out one (inaudible) and it's been sitting idle for like how many years, and we do want to know what our next step is. Do we appraise it so we can sell it? I don't know but it's sitting there. It was a $69,000 loan that Chamorro Land Trust (inaudible).

Vice Chairman Joseph Cruz: We can do an in-house appraisal and we can go from there.

Margarita Borja (CLTC): When was the last time we went out there Joff? Two years ago, how was the house was it still...?

Joffre Aguon (Land Agent): I went out there, actually, because I was trying to do an inquiry in (inaudible) .

Margarita Borja (CLTC): So it's still okay, the windows are still intact and everything so...it's a small house but...

Vice Chairman Joseph Cruz: Those people coming in for residential, can we offer them.

Margarita Borja (CLTC): That's what I'm saying but we need to know whether we're going to try and just get back what we paid out or we looking for selling it for more if it's appraised today might be less or I don't know what do we do?

Matt Leon Guerrero (Land Agent Supervisor): I've talked to a few Chamorro Land Trust residential clients who qualifies, they see it and they rather to just go and get their own…it's one of those type of house (inaudible) it's real small, it's a box type house.

Acting Chairwoman Pika Fejeran: I keep offering it until someone is interested then we go from there.

Margarita Borja (CLTC): So what are we looking at? Trying to get our money back, at least that or having it appraised or?

Acting Chairwoman Pika Fejeran: At the very least get our money back. I imagine they have to spend their own money on top of that so…see if you can get someone interested first and then you can go from there. So for the loan guarantees that defaulted and we are going to have to pay that comes out of our loan guarantee fund, is that right?

Administrative Director Michael Borja: Yes.

Acting Chairwoman Pika Fejeran: And that's the $300,000?

Administrative Director Michael Borja: That's the $500,000

Joseph Cruz (CLTC): But that money needs to be replenish as soon as possible because if I remember correctly in the agreement there's a penalty date (inaudible).

Acting Chairwoman Pika Fejeran: When it falls below $500,000?

Joseph Cruz (CLTC): Yes.

Acting Chairwoman Pika Fejeran: So I guess when you're closer to knowing all the details for this can you let us know so it doesn't have to come out of our operations fund?

Administrative Director Michael Borja: Well, we haven't been paying anybody. We haven't been paying (inaudible). They haven't demanded us to pay. They have been putting the burden on the individual who took out the loan.

Commissioner Pascual Sablan: (inaudible)

Administrative Director Michael Borja: Well the thing is we are currently trying to come up with an idea of what the percentage will be. There are two ways of doing this, either you keep growing that so you get money and you building…that fund has to grow to millions of dollars or we be getting an insurance policy and paying a premium on an insurance policy rather than having to have all these ideal money (inaudible) sitting on

time-deposit to making interest and not working for anything. But fortunately, nobody has defaulted. So the idea here is to take it out just to pay monthly and then when you sell the house, find someone to take it then it recouped your cost back.

VIII. COMMISSIONERS' COMMENTS

Acting Chairwoman Pika Fejeran: Next item. We're right on the tail-end. Commissioner's comments. Anyone? I have a comment. In my packet there's a letter from the Tamuning Mayor.

Administrative Director Michael Borja: We're trying to determine. It's called a Blue Market. It's kind of like this weird situation where somebody gave someone provision and they went in there and built something and the mayor of Tamuning has been trying to (inaudible) all those back lands from there and who's it assigned to. Is it the Chamorro Land Trust lands?

Margarita Borja (CLTC): That lot where the sports field and everything is inadvertently transferred to the Trust so it's in our inventory right now it just wasn't supposed to be there.

Administrative Director Michael Borja: But that house, that building is the school boundaries.

Margarita Borja (CLTC): The house falls within the LBJ school lot which was also transferred to the Trust. So the school was also transferred to the trust. Only 1.38 acres out of 4 I think, I don't know why, I really don't know why.

Administrative Director Michael Borja: So that it is administratively in the possession of the Chamorro Land Trust Commission. What had happen a couple of years ago was GEDA was willing to try to do some cooperative work with both the mayor's office and the Tamuning Fire Department and relocate the Tamuning Fire Department to a location back here by GPA where were ideal for them and then relocate the mayor to this property over there and finance them to go build a nice big community center and some other stuff and then lease out this land and that money they make in that land will pay the Tamuning Municipality Counsel for activities and buildings and sports fields. But the Tamuning Mayor's Counsel said no, we want to keep this place here and we want that place there despite the fact that, that land would probably be better use for commercial and economic development and they used all these arguments that we got this beautiful flame trees that we planted and we got these monuments that we placed and they mean something and so it's gone nowhere. Although the Fire Department stands the possibility of not being eligible for some community development block grant to rebuild their facilities. You know that's since 1960's era building right there and it really need to move to another location.

Acting Chairwoman Pika Fejeran: So this is tabled, this is not for discussion.

Administrative Director Michael Borja: You can determine and I haven't seen the bill yet to transfer the land although they've been trying to work with the senator to do it and the

senator has been trying to figure out what to do. It will be one of those things, ones the bill comes up they'll come in and ask for how we feel. The mayor hasn't come in and ask us.

Commissioner Pascual Sablan: So why don't we make a motion to introduce a resolution to the legislature not to (inaudible)

Acting Chairwoman Pika Fejeran: I know this Tamuning Mart, they don't have a commercial license with us?

Administrative Director Michael Borja: No, I think its vacant now. It's not in operation.

Margarita Borja (CLTC): We've kind of going out there and telling them to cease and desist and finally they are gone.

Administrative Director Michael Borja: and I think we put instructions out to DPW not to entertain their business license.

Commissioner Pascual Sablan: But seriously, we need the money.

Administrative Director Michael Borja: See that was the other part, my call was that if there were going to take transfer and swap Chamorro Land Trust not only will the mayor's people get the portion of whatever rental comes for the use of that land so does Chamorro Land Trust because they are taking our land well then what do we get out of this. But they are so hardheaded and love what they got there which is nothing to bark about. And I told them look what if you build something that looks like the FD Phoenix Center. It got indoor facilities, basketball facilities, you have all these kind of classrooms and working areas and office space. That's the kind of building that could have been built. They didn't like the idea.

Commissioner Pascual Sablan: Whether they like it or not why don't we do something and (inaudible)?

Administrative Director Michael Borja: Okay, if you want to move in that direction that you don't want to release that without...it will be a land swap. And then GEDA will have to pay up a bigger portion of whatever commercial development comes in that property.

Commissioner Pascual Sablan: So how we word it. I make my motion.

Acting Chairwoman Pika Fejeran: Do I hear a motion?

Vice Chairman Joseph Cruz: Why don't we consider additional lot and not just focus on one parcel. My idea is to consolidate other partial that we can present is more enforceable, not just a single lot. Because we do have lots that needs to be reserve and it is so up for grabs in the legislature. Once they know about it they will just come in their own (inaudible). My other concern here is when I first started with the commission we

mentioned about the IBC in Yigo that we're going to evict them in January up to now I can still see…(interrupted)

Administrative Director Michael Borja: Okay, a couple of weeks ago I finally caught up when we went looking…I went out there and did a site inspection and …the agent has been unsuccessful in contacting and finding Mr. Toekes so we drove to where his new office is on Hamburger Road near McDonald's and caught him and said get out of there and he said well you're supposed to call Phil Roberto so I called Phil Roberto and said come on… so I gave him until first of January and I said after that we'll seize you, I mean June, 1st of June.

Vice Chairman Joseph Cruz: and that's 6 months from now and it's been idling for the last (inaudible)...no but since January they were expecting to be out and they have been sitting there for free and they still making their money.

Administrative Director Michael Borja: Well they have been cleaning it up they've actually been cleaning out when we got there they were

Vice Chairman Joseph Cruz: Six months is just too long.

Administrative Director Michael Borja: I agree.

Vice Chairman Joseph Cruz: We haven't even given them a notice of eviction and any notice of delinquent or whatever penalty that we can provide them. I mean, I haven't seen any application or request coming in for the commission but nothing has been done. Another one is the Race Track Hawaiian Rock is supposed to provide topo map reflecting the existing lot verses how much acreage had been vacated, I mean extracted.

Administrative Director Michael Borja: And that's why we made them stop extraction.

Vice Chairman Joseph Cruz: But that's kind of too late. They are not providing us the scope…they came to the meeting saying they will provide us this information.

Administrative Director Michael Borja: and they are looking to ask for time for renewal. I told them when they came in you have all these things you're supposed to be doing.

Vice Chairman Joseph Cruz: Which is fine. Have we given them any notice of what we've been asking and that's what was about a couple of months ago that we've been asking for that. Also the Global Recycle, they've been there for the last 20 years free of charge, they've been recycling.

Administrative Director Michael Borja: Exactly and that was one of the things where I brought it up to try to get it to be a commercial property.

Vice Chairman Joseph Cruz: Have you given them notice of eviction?

Administrative Director Michael Borja: I can't give them notice of eviction…they were allowed to (interrupt).

Vice Chairman Joseph Cruz: Allowed by whom?

Administrative Director Michael Borja: They were allowed to be there. They want a lease, they want to lease that.

Vice Chairman Joseph Cruz: We own the property right and we have jurisdiction over the lot.

Administrative Director Michael Borja: I would rather that they pay a lease.

Vice Chairman Joseph Cruz: Okay, you rather but okay, how can we do that when we don't even establish ownership of the property because they are using it as of today and those are all illegal use.

Administrative Director Michael Borja: and this is the stuff I also brought up with the legislature saying I need special legislation to grant that authorization.

Vice Chairman Joseph Cruz: You don't need special legislation if you have the commission addressing the citation and giving it to the person that is encroaching, start with that.

Administrative Director Michael Borja: I don't understand what that gets you.

Vice Chairman Joseph Cruz: We establish a reference of eviction; establish a reference of them being illegal sitting in that property not paying anything. I feel sorry for Mr. Cruz EPA came in and cited them we terminated the guy because EPA violation of a junk yard in a Chamorro Land Trust property and here's this guy no difference than a junk yard EPA and I'm pretty sure there's a citation of EPA.

Administrative Director Michael Borja: No, no they have approval from EPA.

Vice Chairman Joseph Cruz: Please! Now you tell me that site, that activity does not disturb the aquafer.

Administrative Director Michael Borja: I can't tell you that EPA is the one that makes that determination.

Vice Chairman Joseph Cruz: Very true.

Administrative Director Michael Borja: and EPA has granted them a permit.

Vice Chairman Joseph Cruz: Okay, did we get an official, an official documentation that EPA said Chamorro Land Trust that activity is safe?

Administrative Director Michael Borja: When they grant a permit that's (paused).

Vice Chairman Joseph Cruz: Permit is issued based on conditions based on compliance.

Administrative Director Michael Borja: But that is the place where I think that we (interrupted).

Vice Chairman Joseph Cruz: I think we should do more than just think that EPA is the final phase of saying yes you are in compliance. That's our property out there.

Administrative Director Michael Borja: They inspected it.

Vice Chairman Joseph Cruz: Are you satisfied with it?

Administrative Director Michael Borja: Well, you know, they have an issue with a notice of violation then what other definition do I come up with?

Vice Chairman Joseph Cruz: All I'm saying is that all these issues that came through this table when I sit in here I expected to be follow through, none of these have been follow through you didn't even give them any notice since the last time we entertain this case, you didn't for whatever reason I don't know and I don't care but we are taking action in this commission and I hope you respect the decision of this commission.

Administrative Director Michael Borja: Okay, then make a motion of what you want me to do, please.

Vice Chairman Joseph Cruz: This is a discussion, comments, I'm not making any motion.

Administrative Director Michael Borja: No, make a motion for me to take action, do it, do it, do it. Do it in details so you got something to wring me with because (interrupted).

Vice Chairman Joseph Cruz: I'm not wringing you.

Administrative Director Michael Borja: But you are so do it in a motion so I will do it and there's no excuse whatsoever please, do it.

Vice Chairman Joseph Cruz: I'm only asking is this commission's comment that's my comment so you're going to take it as that, take it as that but I'm not making a motion.

Administrative Director Michael Borja: Okay, so do you have specifically what the commissioners' ask for. Can you please repeat for the record so she can jot it down and I will then take further action as to what's required by me? No. 1?

Commissioner Pascual Sablan: No Joe I think the director's point with all these, I see a point (interrupted).

Vice Chairman Joseph Cruz: No you're throwing your top power to me because (interrupted).

Administrative Director Michael Borja: No, you're telling me what I need to do so please repeat so I will do it please.

Vice Chairman Joseph Cruz: No, I'm not telling you my comment was that one of these were done. I'm only rephrasing what was given through this commission.

Administrative Director Michael Borja: Then tell me what is it, no. 1? Write it down with me Ruth.

Vice Chairman Joseph Cruz: You're taking this through a…? Then alright, replay it and you can get the dictation out of it, I'm not going to repeat myself. I'm sorry, I'm sorry but I just feel frustrated.

Acting Chairwoman Pika Fejeran: If I may Mr. Vice Chairman. I heard IBC, I heard Raceway, and I heard Global. Those are all the cases that you just brought up.

Vice Chairman Joseph Cruz: Yes, it went through this table, all of them.

Acting Chairwoman Pika Fejeran: Yes, and there has been previous directive when they first came up, I think Joe, what you are looking for is like progress to move forward, right? We can present on the next agenda and give the director (paused).

Vice Chairman Joseph Cruz: What I want to know what action has been done, what's all I'm asking, what action has we done since we entertained these?

Acting Chairwoman Pika Fejeran: It sounded from his responses that there have been actions done that he is working with IBC and went to Toekes and given them a first two guidelines.

Vice Chairman Joseph Cruz: Between January and to this month what have we done that it requires us to extend another…June 1st to vacate? What has been done, the new date was back in January, nothing, we have heard nothing on that so all I'm asking is (interrupted).

Acting Chairwoman Pika Fejeran: But we didn't talk about it in January either, why are we not following up and pushing him and saying this is what needs to happen.

Vice Chairman Joseph Cruz: When we first heard about the IBC being evicted in January that was the discussion I was referring myself that their eviction was supposed to be in January/February time period and up to this point it's still there. Now we're giving them an extension up until June, so what has happened? For me I'm interested to find out where

we at on this, are we alluding toward making revenue to it or are we just condoning the use of it.
Acting Chairwoman Pika Fejeran: Well, I think after the 1st of June we then take it up again, we can't go back in time, right.

Vice Chairman Joseph Cruz: I just want to know what happened, why are we extending them up to June again? What was the rational?

Acting Chairwoman Pika Fejeran: I know it came up in another meeting, in a previous discussion that they were cleaning out and they were almost all the way out. And then the Raceway I know that's been on the agenda previously and he's had a discussion with the Raceway folks.
Vice Chairman Joseph Cruz: I wish you would (inaudible).

Acting Chairwoman Pika Fejeran: I think in the director's office, since come in.

Vice Chairman Joseph Cruz: But did we get any update as to where they are at with their calculation?

Acting Chairwoman Pika Fejeran: I think the director made it clear that that's what we are waiting, that's what need.

Vice Chairman Joseph Cruz: I think I'm on the blind spot here so I'm just, it's alright.

Acting Chairwoman Pika Fejeran: I appreciate that you bringing up these points because there are...you know there's so many things that the staff and the director are handling.

Vice Chairman Joseph Cruz: I understand that.

Acting Chairwoman Pika Fejeran: and if we don't bring it up here together it's like you know the gentleman Cabrera that he wants his land, he wants his land but there's so many other priorities going on we can't just entertain that but I think this week he will get the oil and now you are bring up those points it's been made very clear to the director that these are on your radar, on our collective radar now.

Vice Chairman Joseph Cruz: Well, I'm sorry if I was, I didn't (inaudible).

Administrative Director Michael Borja: No, we'll get that information for you. Things have been done and things are stalled because of other reasons beyond our control but we will get you your report.

Acting Chairwoman Pika Fejeran: I appreciate that we have all four of us here with the director. The next meeting will be June 15. Is there any planned absences?

Administrative Director Michael Borja: I just wanted to offer my condolences to Mrs. Santos for the passing of her husband. We miss his presence here as he always coming to our meetings and often times makes comments but a (paused).

Commissioner Amanda Santos: Ahh! I just saw a guy wearing blue…because he's always wearing blue.

Commissioner Pascual Sablan: So anyway, I make a motion to (inaudible) the mayor's office (inaudible).

Administrative Director Michael Borja: I tell you what, its best if we just put out a Staff Report with the full details of this whole thing. The land lots, the sizes, and (inaudible) to include the mayor's existing lands.

Commissioner Pascual Sablan: Who owns the coral pit, we call that Eagle Football Field, no?

Administrative Director Michael Borja: No. That's what this field is, right up against the pit. It's private. Perez's.

Acting Chairwoman Pika Fejeran: Maybe we can wait until the staff report when we have all the information. This meeting is adjourn.

IX. ADJOURNMENT

Acting Chairwoman Pika Fejeran moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 3:45 p.m.

Transcribed by: Ruth Sakuma, Administrative Assistant: RSakuma

Approved by Board motion in meeting of: September 21, 2017

Michael J.B. Borja, Administrative Director: Date: 9/21/17

Acting Chairwoman Pika Fejeran: Date: 9/21/17

NEW FARMER &FARM BUSINESS TRAINING PROGRAM

SATURDAY, SEPTEMBER 30, 2017

9 AM - 12 PM

UOG-COLLEGE OF NATURAL & APPLIED SCIENCE (CNAS) BLDG. RM#127

FREE OF CHARGE

TOPICS: INTRODUCTION TO FARMING AND FARMING AS A BUSINESS

CLICK TO REGISTER

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For more information, please visit our website at www.pacificsbdc.com or call the Guam SBDC Office at 735-2590.

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Doc No. 34 Sh 17-0015

Chamorro Land Trust Commission – Inspection Report

PARCEL: (Lot, Blk., Tract)	Municipality:	Date of Inspection:
Lot 10122-15	Dededo	6/7/2017

Lead Land Agent: Glenn Eay, Land Agent I

Land Agent: Joey Cruz, Program Coordinator III

COMMISSION APPROVED PLAN:

[ ] Planned Development – Agricultural
[ ] Planned Development – Single Family
[ ] Planned Development – Multi-Family
[X] Planned Development - Commercial
[ ] Parks
[ ] Government

LAND USE OBSERVATIONS:

[ ] Farming
[ ] Ranching
[ ] Single Family Residential
[ ] Multi-Family Residential / Total Units:____
[X] Commercial / Type: Recycling
[ ] Other, specify:
[ ] Government, Local
[ ] Government, Federal
[ ] Industrial
[ ] Undeveloped

NAME OF OCCUPANT: Global Recycling Center Inc.

Telephone:

LUP# (If any):

Name of LUP Holder:

Percentage of parcel used:

UTILITIES SERVICED:

[X] Water [X] Power [ ] Sewer [ ] Telephone [ ] Cable

STRUCTURES:

[ ] Concrete [ ] Semi-concrete [ ] Wood/Tin [ ] Approximate Size:_____

INGRESS / EGRESS:

[X] Fully Improved [ ] Semi-Improved [ ] Unimproved [ ] Trail

FARMING:

[ ] Agriculture [ ] Horticulture [ ] Aquaculture [ ] Hydroponic [ ] Ornamental

[ ] Beans [ ] Tomatoes [ ] Cucumbers [ ] Eggplants [ ] Melons [ ] Taro
[ ] Banana [ ] Citrus [ ] Shrimp [ ] Fish (specify) _____
[ ] Poultry [ ] Herb [ ] Mango [ ] Avocado
[ ] Tubers [ ] Guava [ ] Pumpkin [ ] Piggery
[ ] Other (specify):

RANCHING:

[ ] Cattle [ ] Goat [ ] Sheep [ ] Horse [ ] Other (specify):

UNINHABITED:

[ ] Pending Development [ ] Conservation Preservation [ ] Squatters

COMMENTS:

Global Recycling Center Inc. (GRCI) has been authorized to utilize Chamorro Land Trust property to operate their recycling business for many years through a written authorization.

On June 7, 2017 Mr. Eay, and Mr. Cruz conducted a site inspection on Lot 10122-15 being utilized by Global Recycling Center Inc. There is tangible evidence that GRCI is actively conducting commercial activity.

During the inspection Mr. Alan was informed that CLTC would need an incident report regarding the status of the Caterpillar Tractor Full Tracked Dozer 1550 D4 that was in the possession of GRCI authorized through an MOU executed on 5/30/2012.

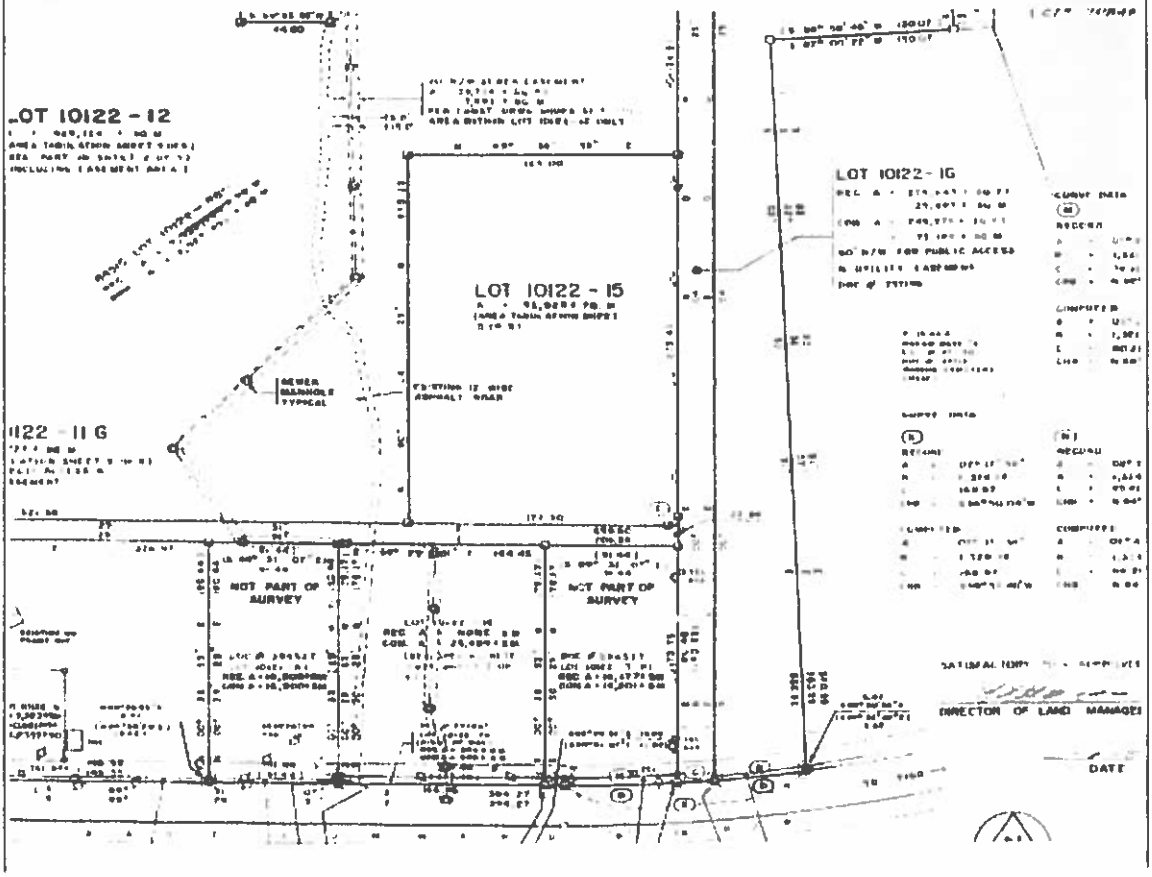
Furthermore, copies of permits issued by the Guam Environmental Protection Agency were provided.

Recommendation:
1. CLTC executes a commercial license with GRCI.

2. Consider charging GRCI a lump sum payment for utilizing CLTC property for the previous years CLTC was not compensated.

LOCATION SKETCH:

















GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

BLDG. #17-3304 MARINER AVENUE, BARRIGADA, GUAM 96913

EPA.GUAM.GOV

Daniel Chu
General Manager
Global Recycling Center Inc..
PO Box 11792 Tamuning, Gu 96931

SOLID WASTE MANAGEMENT PERMIT - COLLECTION SERVICE

Facility Name: Global Recycling Center Inc..
Type of Facility: Solid Waste Collection Facility - Generator
Property Description: Lot No 10122-15-R1
Permit Certificate Number: 17-022CO/Generator
Expiration Date: 3/31/2020

Hafa Adai Daniel Chu:

On 3/10/2017, the Guam Environmental Protection Agency received a Solid Waste Collection Facility Permit application dated 3/8/2017 for **Global Recycling Center Inc..** (hereinafter referred to as "Permittee").

Pursuant to Public Law 23-64 (to be codified as 10 GCA Section 51104(a)) it states, "The Administrator is authorized and directed to issue permits for all collectors, operators and solid waste management facilities, their design, operation, maintenance, substantial alteration, modification or enlargement." Section 51102(25) defines solid waste management facilities as " any machinery, equipment, vehicles, structures or any part of accessories thereof installed or acquired for the primary purpose of: collection, transportation, storage, recycling, processing or disposal of solid waste.

After careful review of your application and additional information submitted, this Agency hereby approves your application to continue the operation of a Solid Waste Management Collection Facility to collect the specified wastes listed in your application in accordance with the general and special conditions listed herein. Therefore, enclosed is permit certificate number **17-022CO/Generator**.

This permit is issued with the following conditions as required under the Title 22, Guam Administrative Rules and Regulations (GARR) Division IV, Chapter 21, Solid Waste Collection Regulations (SWCR), Title 22, GARR, Division IV, Chapter 23, Guam's Solid Waste Disposal Rules and Regulations (GSWDRR) and Title 10, Guam Code Annotated, Chapter 51, Solid Waste Management and Litter Control Act, (SWMLC):

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN
GUAM ENVIRONMENTAL PROTECTION AGENCY 1973
EDDIE BAZA CALVO, GOVERNOR OF GUAM
RAY TENORIO, LT. GOVERNOR OF GUAM
ERIC M. PALACIOS, ADMINISTRATOR
YVETTE CRUZ, DEPUTY ADMINISTRATOR
P.O. BOX 22439 BARRIGADA, GU 96921
EPA.GUAM.GOV

GUAM EPA SOLID WASTE MANAGEMENT PERMIT: PROCESSING & STORAGE

1. Facility/Permit Number: 13-011STO/PRO

Global Recycling Center Inc.

2. Name and Street Address of Facility:

Global Recycling Center Inc.
DBA:

Lot 10122-15-R1, Dededo, Sinajana, Guam

3. a. Name and Mailing Address of Operator:

Daniel Chu, Operator
POB 2950 Hagatna, Guam

b. Name and Phone Number for Facility Contact During Hours of Operation:

Daniel Chu, General Manager
Phone Work: 671-777-7728
Email Address:

4. Name and Mailing Address of Owner:

Daniel Chu, General Manager
POB 2950 Hagatna, Guam

5. Specifications: SWMF

a. Permitted Operations:

X	Storage Facility	X	Processing Facility
	Composting Facility		Transfer Facility
	Collection		

b. Permitted Hours of Operation: Storage and Processing Solid Waste Management Facility hours of operations; 0700-1530 Monday through Friday and 0700-1200 on Saturdays, which may include Holiday.

c. Permitted Tons Per Operating Day:

	Non-Hazardous – General (Acceptable Waste identified under item 15 of this permit)	TBD	
	1. Scrap Metal:		
i.	Estimated Scrap Metal Processing Capacity	50	t/d
ii.	Storage unprocessed Scrap Metal	5,000	t/d
iii.	Storage processed Scrap Metal (awaiting shipment)	120,000	p/d
	2. Tires		
i.	Estimated Processing Capacity:	2	t/hr.
ii.	Storage Capacity (unprocessed) 5 piles of 1000 tires	1000	p/d
iii.	Storage Capacity (baled tire awaiting shipment)300 bales- 30k tires	300 bales	p/d
	Average Monthly Volume	30,000	Tires/ mon
	3. Batteries:		
i.	Processing Capacity:	10,000	lbs/mon
ii.	Storage Capacity: (Awaiting Shipment) 20' Container	16-20	Pallets/mon
	4. Residuals:		

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1973
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GOVERNOR OF GUAM
RAY TENORIO
LT. GOVERNOR OF GUAM
BLDG. #17-3304 Mariner Ave. Tiyan, GU 96913
EPA.GUAM.GOV

GUAM EPA SOLID WASTE MANAGEMENT PERMIT: CO/Generator

1. Facility/Permit Number: 17-022 CO

Global Recycling Center Inc..

2. Name and Street Address of Facility:

Global Recycling Center Inc..
DBA:

Lot No 10122-15-R1

3. a. Name and Mailing Address of Operator:

Daniel Chu, General Manager
PO Box 11792
Tamuning, Gu 96931

b. Name and Phone Number for Facility Contact During Hours of Operation:

Daniel Chu, General Manager
Phone Work: 671-777-7728

4. Name and Mailing Address of Applicant:

Daniel Chu, General Manager

PO Box 11792
Tamuning, Gu 96931

5. Specifications: COLLECTIONS

a. Permitted Operations: Generator

Permitted Hours of Operation: Collection hours of operations; 0700-1700 Monday through Friday and 0700-1200 on Saturdays, which may include Holiday.

b. SPECIAL CONDITIONS :

The SWMF Collection Service Permit issued applies only to vehicles listed under Section 2.A. of the permit application. Vehicles not listed under Section 2.A. of the completed permit application are prohibited from transporting solid waste, unless an amendment is made and approved by this Agency (§23104(e) of GSWDRR.

a. The following vehicle(s) listed below may be used for transporting solid waste:

	Vehicle Description	License Plate No.
1.	2000 Freightlinder Tractor	YG1429
2.	1998 Ford Flatbed Truck	3569CV
3.	1978 Stoughton Trailer	TR2328
4.	1980 Lufkin Trailer	TR2832
5.	1994 Kenworth Truck	3560CV
6.	1993 White GMC Truck Tractor	3116CV
7.	1998 Ford Truck Tractor	82CV
8.	1979 Barnard Trailer	TR3358
9.	1993 International Dump Truck	99CV
10.	1976 Cozad Trailer	TR4569
11.	2007 Mack Truck/Boom	239CV
12.	1987 Fruehauf Trailer	TR2833

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 Ext. 400 Fax: 649-5383

Eddie Baza Calvo
Governor

Ray Tenorio
Lieutenant Governor

Commission Members

G. Pika Lujan
Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

June 1, 2017

COPY

To: Henry Simpson
Guam Raceway Park

From: Director

Subject: **2nd Request** – Coral Extraction and 10% Event Admission Assessment

Buenas Yan Hafa Adai!

On March 3, 2017 you had received a letter from the Chamorro Land Trust Commission (CLTC) requesting for a written response regarding the status of the topography report, documentation that will substantiate all event admission assessments that has been paid and a copy of all event admission quarterly reports that should have been submitted to CLTC since the enactment of Public Law 24-141.

Unfortunately, as of June 1, 2017 CLTC has not received any of the documents requested. Furthermore, the Independent Financial Audit conducted on FY 2016 by Deloitte and Touche recommends "management obtain and file events admission reports to facilitate adequate documentation and to ascertain completeness of revenues received."

Mr. Simpson, once more can you provide CLTC, in writing, the status of the topography report, documentation that will substantiate all event admission assessments that has been paid and a copy of all event admission quarterly reports that should have been submitted to CLTC since the enactment of Public Law 24-141.

If you should have any questions or concerns, please do not hesitate to contact me at 649-5263 ext. 612.

Senseramente,

MICHAEL J.B. BORJA

Cc:
CLTC Board Members

6/7/17

Rev. 03/17/2017

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 435 Fax: 649-5383

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Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commissioners

Raquel G. Salas
Chairwoman

Joseph T. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Gyongyi "Pika" P. Fejeran
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

February 28, 2017

To: Henry Simpson
Guam Raceway Park

COPY

From: Director

Subject: Coral Extraction and 10% Event Admission Assessment

Buenas Yan Hafa Adai!

The Chamorro Land Trust Commission (CLTC) has undergone four Independent Financial Audits and, at the conclusion of each audit, CLTC received an audit finding related to coral extraction activities. On June 16, 2016, two employees of Hawaiian Rock Products (HRP) and yourself appeared before the CLTC board to discuss our concerns regarding the excavation activities on the property that is being leased by the Guam Raceway Park (GRP). In that meeting you had mentioned that HPR has a drone that can "measure what is here right now." Shortly after, you had asked Mr. Errett from HRP if they were willing to conduct such an activity and his response was "sure". As of February 28, 2017, CLTC has not received any type of report from GRP or HPR outlining the topography of the property leased by GRP.

Public Law 24-141 created an "Event Admissions Assessment" which required "organizers of any event held at the raceway park for which a fee is charged for admission, shall pay to the government of Guam, an admissions assessment of Two Dollars ($2.00) per paid admission." Later, that section was amended by Public Law 30-204 which changed the Two Dollar ($2.00) per admission to "ten percent (10%) of the admission price per paid admission." Furthermore, it made the Guam Racing Federation liable for any admission assessment not paid by the organizer. In addition to the admission assessment, the law requires the Guam Racing Federation to submit a quarterly report to CLTC and to the Speaker of I Liheslaturan Guåhan outlining the event, organizers and etc. from "the date of enactment of Public Law 24-141.

The Guam Raceway Park's contribution to the community has been very positive. Although, it is my fiduciary duty to ensure that any and all commercial activities conducted on CLTC property is thoroughly monitored and to ensure that the interest of the commission and its beneficiaries are held to the highest standard.

Rev. 4/4/2016

Mr. Simpson, can you please provide the commission, in writing, the status of the topography report that was supposed to be provided to CLTC. Furthermore, can you provide supporting documentation that will substantiate all event admission assessments that has been paid and a copy of all quarterly reports

Rec'd 3/3/17

that should have been submitted to CLTC since the enactment of Public Law 24-141.

If you should have any questions or concerns, please do not hesitate to contact me at 649-5263 ext. 612.

Senseramente,

MICHAEL J.B. BORJA

Finding No. 2015-002

Coral Extraction Royalties

Criteria:

Monitoring and documentation of coral extraction royalties is critical to maximizing CLTC cash flows and property utilization.

Condition:

During the year ended September 30, 2015, CLTC recorded coral extraction royalties of $153,662 from a construction company for mining activities on a CLTC leased property. These revenues were not evidenced by an underlying agreement between CLTC and/or the lessee and the construction company documenting the rates upon which royalties were to be calculated. In addition, royalty revenues were not evidenced by a verification of actual coral materials extracted.

Cause:

The cause of the above condition is the lack of adequate internal control policies requiring monitoring and documentation of coral extraction royalties.

Effect:

The effect of the above condition is the possibility of monetary loss and inaccurate financial statements.

Recommendation:

We recommend that CLTC establish policies and procedures requiring the monitoring and documentation of coral extraction royalties.

Prior Year Status:

The lack of adequate internal control policies requiring monitoring and documentation of coral extraction royalties was reported as a finding in the audits of CLTC for fiscal years 2011 through 2014.

Auditee Response and Corrective Action Plan:

Management concurs with the audit recommendation. The CLTC Director and staff have explored methods and alternatives to implement a monitoring and documentation process related to the coral extraction activities. The CLTC Director will present methods to the CLTC Board for their review and consideration prior to implementation. CLTC anticipates that a monitoring and documentation process will be implemented by the end of FY 2016.

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
June 15, 2017

MAYOR OF TAMUNING – REQUEST THE TRANSFER OF LOTS 5173NEW-2-R2 AND PORTION OF 5173NEW-3, BOTH SITUATED IN THE MUNICIPALITY OF TAMUNING TO THE MAYOR OF TAMUNING'S JURISDICTION

I. **FACTS:**

A. **Lot 5173NEW-2-R2 (formerly Lot 5173NEW-2-R1), Municipality of Tamuning**

1. Lot Size: 6.10 acres (formerly 6.33 acres)
2. Existing Use: Tamuning Recreation Area

B. **Portion of Lot 5173NEW-3, Municipality of Tamuning**

1. Lot Size: 4.37 acres
2. Existing Use: LBJ Elementary School

II. **CHRONOLOGICAL FACTS:**

A. **Lot 5173NEW-2-R2, Municipality of Tamuning (formerly Lot 5173NEW-2-R1)**

1. **July 9, 1976,** Public Law 13-159 – Transfers the recreation site between the Tamuning Elementary and LB Johnson School Department of Parks and Recreation.
2. **September 16, 1985,** 21 GCA CH77, Section 77112 (Public Law 18-15 Section 19(b)(16))– control and management of the Tamuning Recreation area to the Commissioner of Tamuning-Tumon
3. **October 14, 1992,** Parcelling of Lot 5173-NEW-2-R1 into Lot 5173-NEW-2-R2, Municipality of Tamuning
4. **February 18, 1994,** Director of Land Management, Francisco L.G. Castro, with the approval by the Governor of Guam, Joseph F. Ada and attested by Lieutenant Governor, Frank F. Blas, administratively transfers Lot 5173NEW-2-R1, Municipality of Tamuning, containing an area of 6.27 acres, to the Chamorro Land Trust Commission (CLTC), recorded under Document No. 503740.
5. **April 3, 2017,** request by the Mayor of Tamuning to transfer lot to the Tamuning Mayor's Office facility inventory.

B. **Lot 5173NEW-3, Municipality of Tamuning (Blue Tamuning Mart/Vegetable Stand/LBJ Elementary School)**

1. **July 20, 1955,** Real Estate Requirements Map for the New Tamuning School Site approved.
2. **February 18, 1994,** Director of Land Management, Francisco L.G. Castro, with the approval by the Governor of Guam, Joseph F. Ada and attested by Lieutenant Governor, Frank F. Blas, administratively transfers Lot 5173NEW-3, Municipality of Tamuning, containing an area of 1.30 acres, to the Chamoro Land Trust Commission (CLTC), recorded under Document No. 503740.
3. **July 18, 2008,** Temporary Vendor Permit issued Young Bong Yu by the Mayor and Vice Mayor of Tamuning to conduct a Vegetable Stand ***without permission by the CLTC.***
4. **January 19, 2012,** in a CTLC Regular Meeting, Mr. Young Bo Yu requested the continued use of the property for a kimchee and tofu factory; Administrative Director Monte Mafnas stated that they have

deposited $1,000.00 for the use of the property and obtained quotations for two appraisals to establish fair market value; request was not entertained pending the CLTC Rules and Regulations.

5. **October 18, 2012,** in a CLTC Regular Meeting, Vice Chairman David Matanane stated that the $1,000.00 paid by the applicant is for penalties for utilizing CLTC property without a license.
6. **Unknown Date,** Blue Tamuning Mart/Vegetable Stand, **VACATED BY MR. YU**
7. **April 3, 2017,** request by the Mayor of Tamuning to transfer lot to the Tamuning Mayor's Office facility inventory.

C. **STAFF ANALYSIS:**

CLTC finds that the transfer Lot 5173NEW-2-R2 (formerly Lot 5173NEW-2-R1), containing an area of 6.27 acres to the CLTC by the Department of Land Management, was in error and should be returned to the administrative jurisdiction of the Mayor of Tamuning.

CLTC finds that the transfer of Lot 5173NEW-3, containing an area of 1.30± acres to the CLTC by the Department of Land Management, was in error and should be returned to the administrative jurisdiction of the Guam Department of Education. However, if the Mayors request for .17 acres (Blue Tamuning Mart/Vegetable Stand) is approved, 1.21 acres shall be returned to Guam Department of Education. See attached sketch.

In view of the above, 21GCA Chapter 75, Section 75104(1)(b) reads that all lands are designated available lands excluding lands dedicated to a specific public use by law. The above parcels were reserved for a public use by law.

Office of the Mayor

Municipality of Tamuning-Tumon and Harmon

#120 Tun Jesus Crisostomo St. Tamuning, Guam 96913
P.O. Box 10513 Tamuning, Guam 96931
Telephone No.: (671) 646-5211/8646 Facsimile No.: (671) 646-5210
Email: teamtatuha2013@gmail.com

LOUISE C. RIVERA
Mayor
KENNETH C. SANTOS
Vice-Mayor

RECEIVED
APR 13 2017
Department of Land Management
Time 3:00 Int

April 03, 2017

Mrs. G. Pika Fejeran
Chairperson
Guam Land Trust Commission
ITC Building
Marine Corps Drive
Tamuning, Guam 96913

Buenas yan Hafa Adai! This is a special request for Lot No. 5173NEW-2-R2 and a portion of Lot No. 5173NEW-3 (also known as the Tamuning Multi-purpose field and Blue Tamuning Mart/Vegetable Stand) to be transferred from the Chamorro Land Trust inventory listing to the Tamuning Mayor's Office facility inventory.

Should you have any questions or concerns, you may contact me at 888-1540.

Sincerely,

LOUISE C. RIVERA
Mayor

RECEIVED
JUN 27 2017
Department of Land Management
Time 2:11 Init

TAMUNING-TUMON-HARMON MUNICIPAL PLANNING COUNCIL

RESOLUTION NO. 2017-001

Introduced By:

Mayor Louise C. Rivera
Javier Atalig
John Camacho
Vincent Camacho
Leo Casil
Antonio Charfauros
Concepcion Duenas
Mike Lasiste
Vice-Mayor Kenneth C. Santos
Rosanna Lastimoza
William Nault
Gregory Perez
Robert Perron
Faustino Punzalan
Ronald Taitano
Danilo V.A. Tinsay

RELATIVE TO TRANSFERRING THE TAMUNING MULTI-PURPOSE FIELD LOT NO. 5173 NEW-2 -R2 FROM THE CHAMORRO LAND TRUST INVENTORY TO THE TAMUNING MAYOR'S OFFICE.

WHEREAS, the Tamuning-Tumon-Harmon Mayor's Office has been overseeing the development and maintaining of Lot No. 5173 New-2-R2 and a portion of Lot No. 5173 New-3 (Also known as Tamuning Multi-purpose field and Blue Tamuning Mart) for over thirty years; and,

WHEREAS, the Tamuning-Tumon-Harmon Municipal Planning Council would like to further develop the property surrounding LBJ Elementary School and Tamuning Elementary School for purposed of providing the students and the community with a location that would support the development of our village youth by providing activities that support the overall development of the children; and

WHEREAS, the Tamuning-Tumon-Harmon Municipal Planning Council has authorized and supports the Mayor's efforts to pursue the transfer of Lot No. 5173 New-2-R2 and a portion of Lot No. 5173 New-3 (Also known as Tamuning Multi-purpose field and Blue Tamuning Mart) to the Tamuning Mayor's Office so that the Mayor may develop a strategic plan to address the needs of the village youth.

WHEREAS, the Tamuning-Tumon-Harmon Municipal Planning Council respectfully requests that Lot No. 5173 New-2-R2 and a portion of Lot No. 5173 New-3 (Also known as Tamuning Multi-purpose field and Blue Tamuning Mart) to be transferred from the Chamorro Land Trust inventory listing to the Tamuning Mayor's Office facility inventory; and,

BE IT RESOLVED: That Mayor Louise C. Rivera shall seek approval from the Chamorro Land Trust to add Lot No. 5173 New-2-R2 and a portion of Lot No. 5173 New-3 (Also known as Tamuning Multi-purpose field and Blue Tamuning Mart) to the Tamuning-Tumon-Harmon Mayor's Office inventory;

NOW, THEREFORE BE IT FURTHER RESOLVED, Mayor Louise C. Rivera attests to the adoption hereof, the request of transferring Lot No. 5173 New-2-R2 and a portion of Lot No. 5173 New-3 (Also known as Tamuning Multi-purpose field and Blue Tamuning Mart) as shown in the attached drawing, and therefore, a transmittal of this official Resolution be given to the Director of the Department of Land Management; to the Speaker and of I Mina Trentai Kuåttro Na Liheslaturan Guahan; and to I Maga Lahen Guahan, the Governor of Guam.

DULY AND REGULARLY ADOPTED BY THE TAMUNING-TUMON-HARMON MUNICIPAL PLANNING COUNCIL, ON THIS 8th DAY OF JUNE, TWO THOUSAND SEVENTEEN.

CERTIFIED BY:

MAYOR LOUISE C. RIVERA
Chairperson

ATTESTED BY:

DANILO V.A. TINSAY
Secretary

Search... Sign in

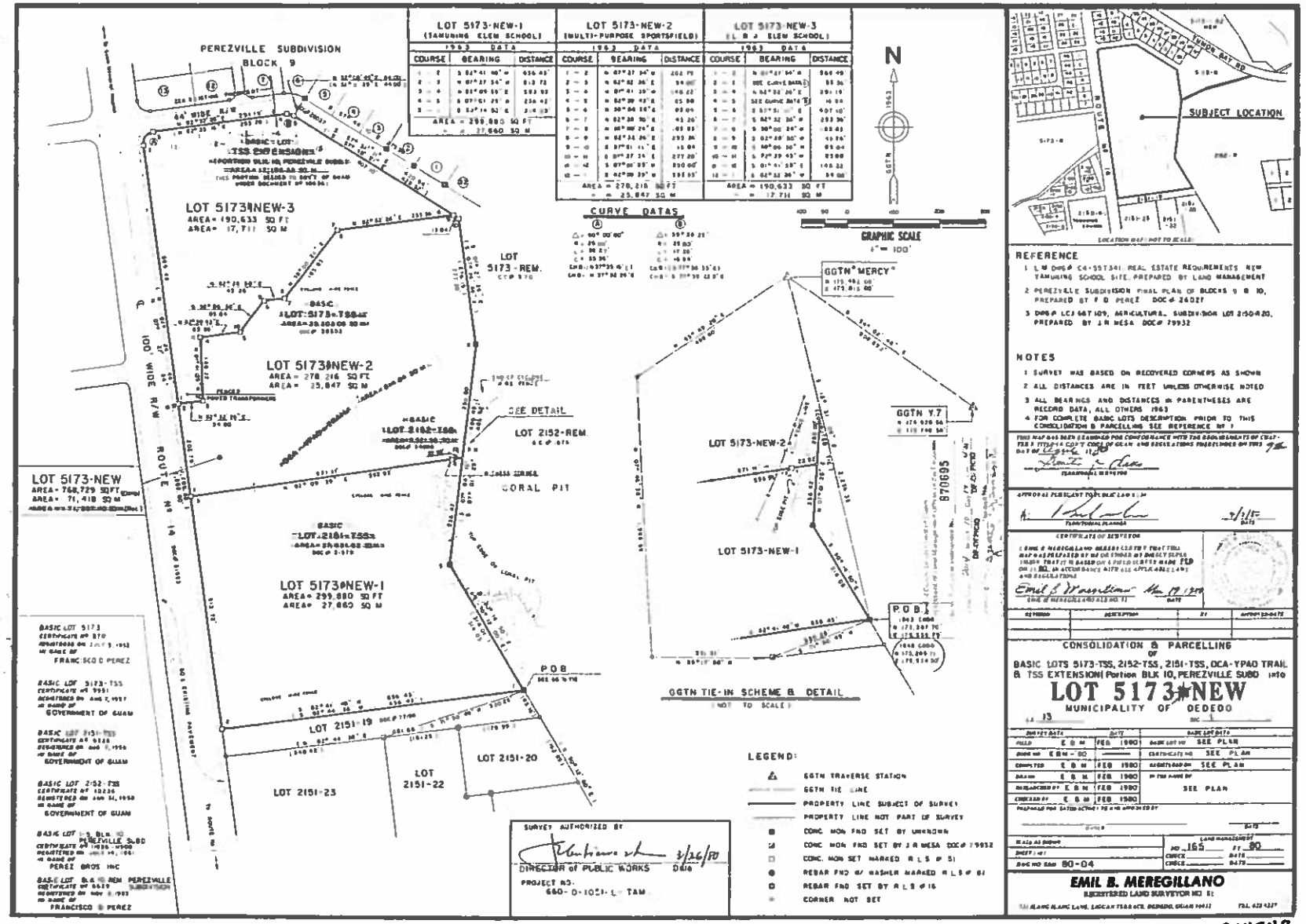
I want to...



Doc No. 34 GL-17-1005 *.

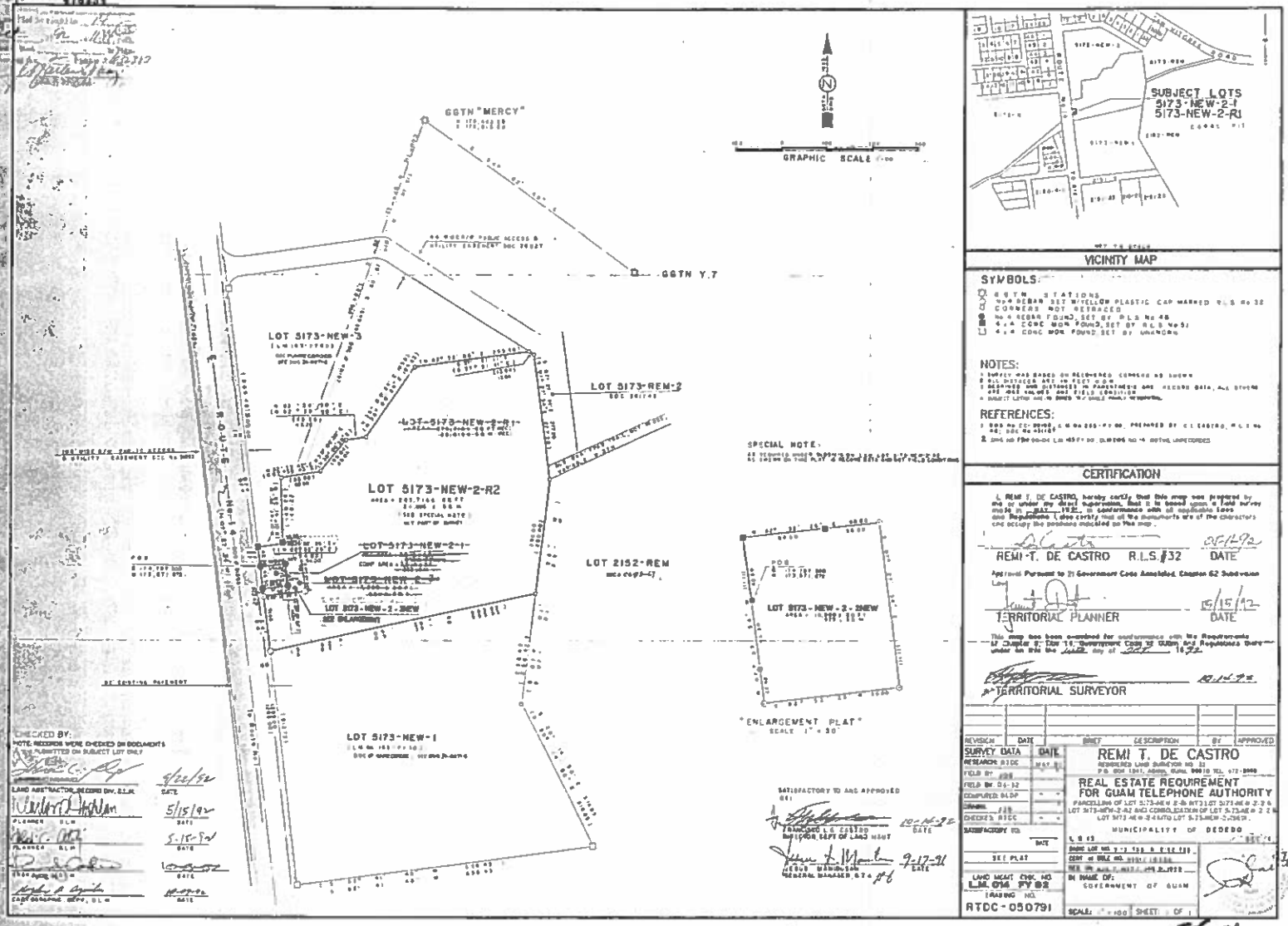


Doc No. 34 GL-17-1005 *



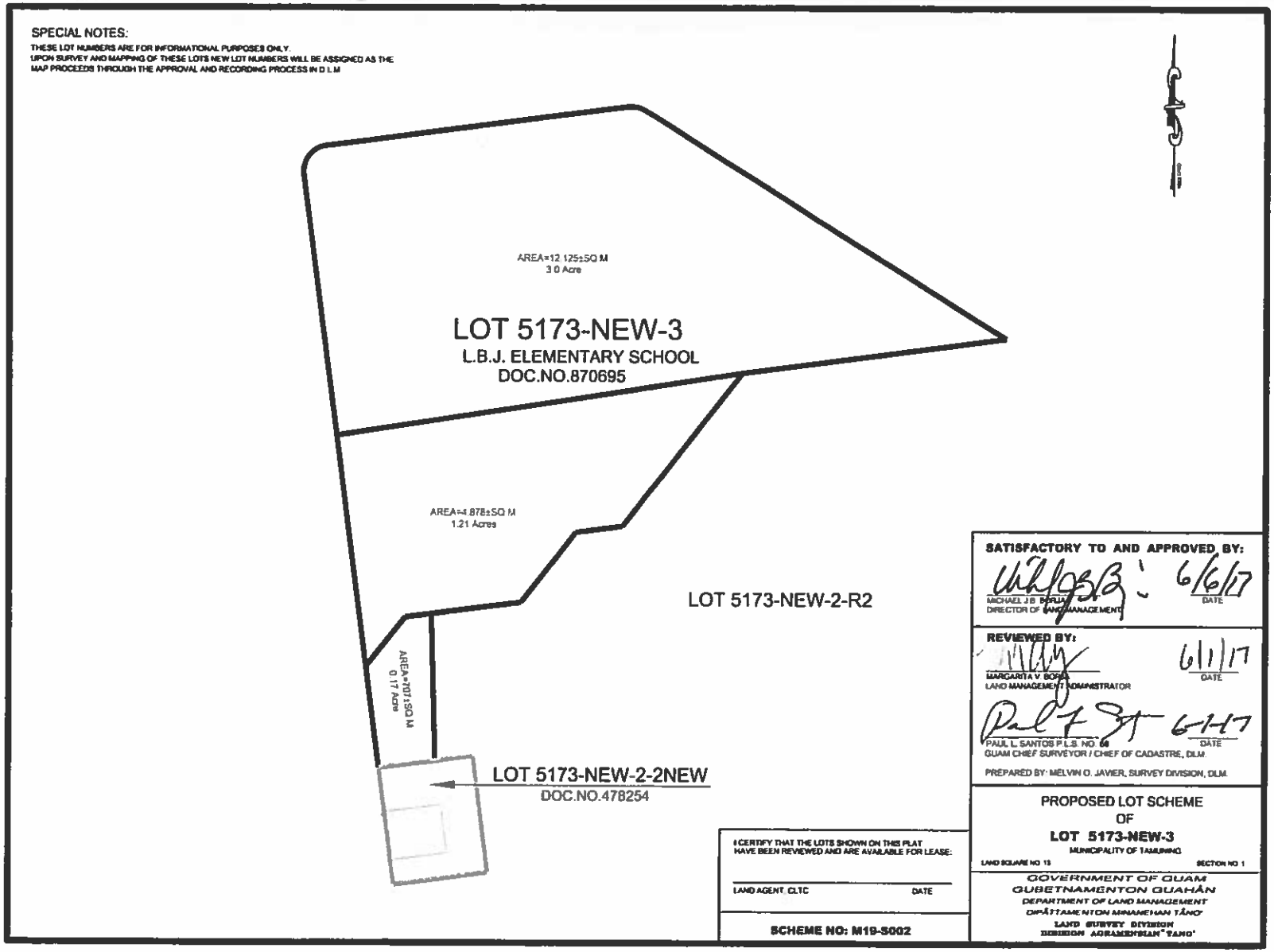
I4-80T118 S14548

Doc No. 34 GL-17-1005 *.



8671

Doc No. 34 GL-17-1005 *.



Doc No. 34 GL-17-1005 *.

In the Matter of Public Lands within the Territory of Guam transferred herein to the Chamorro Land Trust Commission)

ADMINISTRATIVE TRANSFER OF JURISDICTION OF CERTAIN GOVERNMENT OF GUAM LANDS

This instrument is to serve as an official documentation that the public lands listed on the attached computer listing, incorporated hereto as EXHIBIT "A" are administratively transferred to the Chamorro Land Trust Commission, pursuant to 21 GCA, Section 75104.

Accordingly, the Chamorro Land Commission shall commence with the administrative jurisdiction with the properties listed.

Dated this 19th day of JAN., 1994.

F. L.G. CASTRO
Director of Land Management

Date: JAN. 19, 1994

ACKNOWLEDGEMENT

On this 19 day of JAN., 1994, before me, a Notary Public, in and for the Territory of Guam, personally appeared **FRANCISCO L.G. CASTRO**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same at his own free acts and wills.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date as shown above.

Edward R. McEran
NOTARY PUBLIC
In and for the Territory of Guam. My Commission Expires: Oct 17, 1996

ATTESTED BY:

FRANK F. BLAS
Lieutenant Governor

Date: FEB 18 1994

APPROVED BY:

JOSEPH F. ADA
Governor of Guam

Date: FEB 18 1994

9-Feb-1994 15:58:31

Department of Land Management
Public Land Inventory of Transferred Lands
to the Chamorro Land Trust Commission

503740

Village	Parcel	Total Area of Parcel	Total Area Transferred	Remarks	Map Reference
TAMUNING	L10173	3.10 ACRES	3.10 ACRES		376FY94
	L2109-1-A	3.20 ACRES	3.20 ACRES		
	L2139	1.09 ACRES	1.09 ACRES		I4-296
	L5022-1NEW-R1	0.19 ACRES	0.19 ACRES		187FY89
	L5032-1	0.07 ACRES	0.07 ACRES		
	L5115-1-3-1	0.06 ACRES	0.06 ACRES		283FY89
	L5115-1-3-R1	0.62 ACRES	0.62 ACRES		
	L5115-1-R4	0.08 ACRES	0.08 ACRES		401FY74
	L5115-2NEW-2	0.11 ACRES	0.11 ACRES		401FY74
	L5115-2NEW-3	0.04 ACRES	0.04 ACRES		401FY74
	L5115-2NEW-R3	0.15 ACRES	0.13 ACRES		401FY74
	L5125-1-R1	3.40 ACRES	2.66 ACRES		349FY84
	L5165-2-NOR	4.62 ACRES	4.62 ACRES		
	L5165-2-PART	19.51 ACRES	14.69 ACRES		447FY89
	L5165-2-SOU	6.79 ACRES	6.79 ACRES		
	L5173-1-REMEN	53.00 ACRES	53.00 ACRES		
	L5173-REM-R1	2.29 ACRES	2.29 ACRES		300FY85
	L5173NEW-2-R1	6.33 ACRES	6.27 ACRES		265FY89
	L5173NEW-3	4.38 ACRES	1.38 ACRES		165FY80
	L5174-REM-1	2.07 ACRES	2.07 ACRES		470FY92
					506FY73
	L5175-R2	5.57 ACRES	5.33 ACRES		

FEB 18 1994

Doc No. 34-GL-1741005

WHEREAS, on March 26, 2002, Licensor received a request from Licensee outlining their intentions, proposed activities, and preliminary layout of the Property; AND,

WHEREAS, Licensee is particularly interested in the real property described as follows: .

Lot No. 10057-NEW-5, Dededo, Guam, containing an aggregate area of 12.09 acres (48,951± square meters).

WHEREAS, the portion of the Property requested by Licensee is currently being used as a sports facility and Licensee desires to continue such use; AND,

WHEREAS, Licensee has demonstrated public support for their project; AND,

WHEREAS, said lot can be used for a sports facility by Licensee; AND,

WHEREAS, Licensor has the authority to grant a five (5) year license to Licensee with options to renew for three (3) additional five (5) year periods for such purpose pursuant to 21 Guam Code Annotated §75107(c); AND,

WHEREAS, on March 26, 2002, Licensor voted to approve the grant to such license;

NOW THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties agree as follows:

(1) **GRANT OF LICENSE; DESCRIPTION OF PREMISES**. Licensor hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this Agreement, the following described real property:

Lot No. 10057-NEW-5, Dededo, Guam, containing an aggregate area of 12.09 acres (48,951± square meters), as delineated in that certain sketch marked Exhibit "A", attached hereto and made a part hereof.

RSZ
AEB

Licensor shall have the right to itself and to the agents and representatives of the Government in which said licensed Property is situated, to enter and cross any portion of said licensed property for the purpose of performing any public or official duties; provided, further in the exercise of such rights, Licensor shall not reasonably interfere with Licensee's use and enjoyment of the Property.

(2) **LIMITATION TO DESCRIBED PURPOSE**. The Property herein may be occupied and used by Licensee solely for the activities associated with a sports facility and for incidental purposes related to a sports facility from the Commencement Date, and continuing until this agreement is terminated as provided herein. In no event shall Licensee begin any required licensed activity without obtaining all requisite authorizations and permits form the appropriate Government of Guam Agency or Authority.

(3) **TERM.** Except as otherwise provided herein, the term of this Agreement shall be for a period not to exceed five (5) years, commencing **June 1, 2002**, (the "Commencement Date") and ending at midnight on **May 31, 2007** (the "Termination Date").

(4) **OPTION TO EXTEND.** Licensee shall have the right to extend the term of this Agreement upon the same terms, covenants and conditions as herein contained, except as otherwise provided herein, for three (3) successive additional periods of five (5) years each from and after the Termination Date hereof. In order to exercise said option to extend, Licensee shall deliver to Licensor written notice of intent to extend the term, no later than sixty (60) days before the end of the then-current term of the Agreement. In no event shall the term of this Agreement and any extensions thereof exceed twenty one (21) years.

(5) **COMPENSATION**.

Licensor and Licensee expressly acknowledge that compensation for this license shall be waived in the interest of providing public services and enhancing the quality of life of Guam residents on all activities relating to sports. Should Licensee obtain compensation for activities on the property which are derived from activities other than sports, then Licensee shall pay to Licensor forty percent (40%) of the net revenues received by Licensee.

(6) **TERMINATION**. This Agreement may be terminated by either party on one hundred eighty (180) days prior written notice to the other party without cause, or on ninety (90) days written notice for cause. For purposes of this Agreement, cause shall mean the non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act or any adjudicated regulations of Licensor, pursuant to 21 GCA §75107(c), the term of this Agreement shall be for a period not to exceed twenty one (21) years. Upon termination by notice for cause of non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, any adjudicated regulations of the Licensor, or expiration of twenty-one (21) years, this Agreement shall become null and void, except that either party may enforce any and all obligations of Licensee arising out of acts or failure to act, occurring prior to such termination. Licensor agrees that it shall not terminate this Agreement without cause in order to permit others to have access to the Property for a sports facility.

(7) **TAXES AND FEES**. Any and all taxes, fees and assessments levied upon the real property and any improvements thereon described herein shall be borne and paid for by Licensee.

(8) **MAINTENANCE OF PROPERTY AND FACILITIES.** Licensee shall, at Licensee's own expense, and at all times during the term of this Agreement, substantially repair, maintain and keep all improvements constructed under this License, including without limitation to any further improvements constructed on the Premises by Licensee, in good condition and repair at all times during the term of this License.

(9) **NO INTEREST IN REAL PROPERTY**. Licensee expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the above-described real property of Licensor, by virtue of the rights granted under this Agreement or its occupancy or use granted herein.

(10) **ASSIGNMENT OF RIGHTS**. The rights of Licensee under this Agreement are personal to Licensee and may not be transferred or assigned to any other person, firm, corporation or other entity.

(11) **INDEMNIFICATION OF LICENSOR**. In consideration of the privilege granted by this Agreement, Licensee shall not claim any costs, claims or damages from Licensor in connection with or on account of any injuries or damages arising in or on the real property described above regardless of the fault or negligence of Licensor while being used by Licensee and Licensee's officers, employees, members, guests or invitees and Licensee shall indemnify and hold harmless Licensor from any and all costs, losses, claims or damages of any kind or nature arising in connection with the use of the real property described above by Licensee and Licensee's officers, employees, members, guests or invitees or trespassers.

(12) **INDEMNIFICATION OF CHAMORRO LAND TRUST COMMISSION**. Notwithstanding anything to the contrary in this License Agreement and irrespective of any insurance carried by Licensee for the benefit of Licensor, Licensee agrees to hold Licensor from any and all claims or demands made by third persons for loss, damage, or injury including claims for property damage, personal injury or wrongful death occurring in, on, or about the Property, including sidewalks and parking areas adjacent thereto, or occasioned by any nuisance made or suffered on the Property, or by any fire thereon, or growing out of, or cause by any failure on the part of Licensee to maintain the Property in a safe condition and will reimburse Licensor for all costs and attorney's fees in connection with the defense of any such claim.

(13) **PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE**. Licensee will procure, at its own cost and expense and keep in force during said term for the mutual benefit of Licensor and Licensee, a policy of comprehensive liability insurance in such form and with such insurance company as Licensor shall approve, with minimum limits of not less than $300,000.00 for injury or death to one person and not less than $1,000,000.00 for any one occurrence, and a policy in the sum of $1,000,000.00 insuring against claims of third persons for property damage. Said policy or policies or copies thereof must be deposited with Licensor and must cover the Property, including entrances to the Property and sidewalks and parking areas adjacent to the Property. Licensor may review the foregoing limits of coverage and require increases therein but shall not require increases more frequently than annually. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change the insurance coverage without first giving Licensor thirty (30) days prior written notice of such change or cancellation.

(a) Casualty Insurance. Licensee, at its sole cost, shall maintain on Licensee's personal property and leasehold improvements, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements, to the extent of at least ninety percent (90%) of full replacement value. Such insurance shall be issued in the name of Licensee and shall provide that all proceeds shall be made payable to Licensee.

(b) Policy Form. Policies shall be for the mutual and joint benefit and protection of Licensor, Licensee and Licensor's mortgagee, if any, and executed copies of such policies of insurance or certificates thereof shall be delivered to Licensor within ten (10) days after delivery of possession of the Premises to Licensee and thereafter within thirty (30) days prior to the expiration of the term of each such policy. All public liability and property damage policies shall name Licensor as an additional insured or loss payee, and shall contain a provision that Licensor, although named as an additional insured or loss payee shall nevertheless be entitled to recover under said policies for any loss occasioned to it, its servants, agents and employees by reason of the acts, omissions and/or negligence of Licensee. As often as any such policy shall expire or terminate, renewal or additional policies shall be procured and maintained by Licensee in like manner and to like extent. All policies of insurance delivered to Licensor must contain a provision that the company issuing said policy will give to Licensor thirty (30) days notice in writing in advance of any cancellation or lapse of insurance or the effective date of any reduction in the amounts of insurance. All public liability, property damage or other casualty policies shall be written as primary policies, not contributing with and not in excess of coverage which Licensor may carry.

(14) REMOVAL OF IMPROVEMENTS UPON TERMINATION. Upon termination, if Licensor so requests, Licensee, at Licensee's sole expense, shall remove all improvements constructed or erected on the real property described herein.

(15) PRE-EXISTING CONDITIONS AND RELEASE OF LIABILITY. The parties recognize there may be known or unknown pre-existing conditions on the subject Property, and agree to hold each other harmless from any liability arising out of such conditions.

(16) NO WARRANTY. Licensor does not warrant or represent that the real property described above is suitable for the purposes for which it is permitted to be used, nor that Licensee is specifically entitled to the issuance of any permits necessary to carry out any activity on said real property.

(17) ENTIRE AGREEMENT. This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

(18) MODIFICATION OF AGREEMENT. Any modification of this Agreement or additional obligation shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

(19) GOVERNING LAW. It is agreed that this Agreement shall be governed by, constructed, and enforced in accordance with 21 GCA, Chapter 75, and the laws of Guam.

(20) **NO WAIVER**. The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same continue and remain in full force and effect as if no such forbearance or waiver had occurred.

(21) **BINDING EFFECT**. This Agreement shall bind and inure to the benefit of the successors of Licensor, but is personal to Licensee and cannot be transferred or insure to the benefit or any successors.

(22) **NOTICES**. Any notice provided for or concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by certified or registered mail to the respective address of each party as set forth at the beginning of this Agreement.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed at Hagåtña, Guam, on the date and year first above written.

LICENSOR:	LICENSEE:
CHAMORRO LAND TRUST COMMISSION	GUAM RUGBY CLUB INC.
By _____	By _____
RONALD E. TEEHAN, JR.	ANDY BOYD
Administrative Director	Its President

WORK DOC 2 Legal Docs Contracts
C177 License Agreement with Guam Rugby

Doc No. 34 GL-17-1005 *.

Department of Revenue and Taxation

Government of Guam
P.O. Box 2796
Agana, Guam 96910

Certification of Tax Exemption

This is to certify that

GUAM RUGBY FOOTBALL CLUB

a Civic and Community Benefit having fully complied with the necessary requirements set forth under section 10521 of the Business Privilege Tax Act of Guam, is hereby declared tax exempt, which exemption will continue indefinitely unless revoked on the basis of further information obtained by audit or otherwise.

11/24/95
DATE

#849

JOSEPH T. DUENAS
COMMISSIONER OF REVENUE AND TAXATION

MOKRIC'S EQUIPMENT CORP. FAX NO.

Doc No. 34 GL-17-1005 *.

CALVO FISHER & JACOB LLP

259 Martyr Street
Suite 100
Hagåtña, Guam 96910
T: 671.646.9355 F: 671.646.9403
www.calvofisher.com

LETTER OF TRANSMITTAL

TO: Ross Morrison
GUAM RUGBY CLUB BOARD

FROM: Janalynn Cruz Damian

DATE: December 20, 2011

RE: **GUAM RUGBY CLUB INC.**

VIA: Pick up

THE FOLLOWING:

DESCRIPTION:

1. (Original) Amendment to License Agreement.

ARE TRANSMITTED HEREWITH:

( ) For your information	( ) Per our conversation	( ) For payment
( ) For your files	( ) For review & comment	( ) For correction
( ) Per your request	( ) For necessary action	( ) For signature & forwarding as noted below
( ) For your approval	( ) For filing in court	
( ) Return executed copy to our office	( ) For signature & return (X) See remarks below	

REMARKS

Mr. Morrison,

Attached is the original Amendment to License Agreement executed by Monte Mafnas, Guam Chamorro Land Trust Commission. Thank you.

By: _____
Jamie C. Peightal for Janalynn Cruz Damian

Delivered
Calvo Clark
MARCH 23
4:00 PM
ROSS

387185

Property Tax Reminder Notice

PIN: 9440306941
AIN: 10000098640000

REAL PROPERTY TAX DIVISION
P O Box 23607
GMF Barrigada, Guam 96921
(671) 635-1896

AUTO
:969321:

CHAMORRO LAND TRUST COMMISSION
PO BOX 2620
HAGATNA GU 96932

Balance Good Through:	05/03/2017
Current Year Balance:	$401.36
Prior Year(s) Balance: (see below for details)	$11,221.28
Total Due:	$11,622.64

Description: M05 L10057-NEW-5

Situs:

Current Charges

PIN	Year	Bill Number	Inst	Due Date	Charges	Interest	Pen/Fees	Paid	Balance
9440306941	2015	RP15069350	1	02/22/2016	175.27	9.64	15.77	0.00	200.68
9440306941	2015		2	04/20/2016	175.27	9.64	15.77	0.00	200.68
Current Year Totals					350.54	19.28	31.54	0.00	401.36

Prior Years							
PIN	Year	Bill Number	Charges	Interest	Pen/Fees	Paid	Balance
9440306941	2014	RP14058486	350.54	40.32	15.77	0.00	406.63
	2014	Totals	350.54	40.32	15.77	0.00	406.63
9440306941	2013	RP13072492	700.20	122.54	31.51	0.00	854.25
	2013	Totals	700.20	122.54	31.51	0.00	854.25
9440306941	2012	RP120000062843	700.20	164.54	31.51	0.00	896.25
	2012	Totals	700.20	164.54	31.51	0.00	896.25
9440306941	2011	RP11125218	700.19	206.56	63.02	0.00	969.77
	2011	Totals	700.19	206.56	63.02	0.00	969.77
9440306941	2010	RP10124633	700.19	248.57	63.02	0.00	1,011.78
	2010	Totals	700.19	248.57	63.02	0.00	1,011.78
9440306941	2009	RP10000366	700.20	248.58	63.02	0.00	1,011.80
	2009	Totals	700.20	248.58	63.02	0.00	1,011.80
9440306941	2008	RP10000365	700.20	248.58	63.02	0.00	1,011.80
	2008	Totals	700.20	248.58	63.02	0.00	1,011.80
9440306941	2007	RP10000364	700.20	248.58	63.02	0.00	1,011.80
	2007	Totals	700.20	248.58	63.02	0.00	1,011.80
9440306941	2006	RP10000363	700.20	248.58	63.02	0.00	1,011.80
	2006	Totals	700.20	248.58	63.02	0.00	1,011.80
9440306941	2005	RP10000362	700.20	248.58	63.02	0.00	1,011.80
	2005	Totals	700.20	248.58	63.02	0.00	1,011.80
9440306941	2004	RP10000361	700.20	248.58	63.02	0.00	1,011.80
	2004	Totals	700.20	248.58	63.02	0.00	1,011.80
9440306941	2003	RP10000360	700.20	248.58	63.02	0.00	1,011.80
	2003	Totals	700.20	248.58	63.02	0.00	1,011.80
Prior Years Total			8,052.72	2,522.59	645.97	0.00	11,221.28
Overall Totals			**8,403.26**	**2,541.87**	**677.51**	**0.00**	**11,622.64**

AMENDMENT TO LICENSE AGREEMENT

This Amendment to License Agreement is made by and between the Chamorro Land Trust Commission ("Licensor") and Guam Rugby Club Inc. ("Licensee").

This Amendment is based on the following facts, which are made a part of this Amendment.

A. On June 1, 2002, Licensor and Licensee entered into a License Agreement whereby Licensee obtained a license for the use of Lot 10057-NEW-5, Dededo, Guam for the purpose of developing sporting facilities (the "Agreement"); and

B. The initial term of the Agreement was extended in 2007 and the Agreement remains in full force and effect; and

C. On December 16, 2010, by duly passed resolution, Licensor approved an amendment of the Agreement to provide for utility access and parking for Licensee's licensed property.

NOW THEREFORE, for the good and valuable consideration of the recitals, terms and conditions herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

1. A new section 8A is added to the Agreement to read as follows:

"(8A) **UTILITY ACCESS.** During the duration of this Agreement only and only for purposes of enabling the licensed activity described in Section (2), Licensee shall have access to and use of all utilities, utility easements or lines on Lot No. 10057-NEW-R6, as shown on Exhibit "B," attached hereto and incorporated herein by reference. In the event that repairs are required to the water and/or power line(s) of Licensee that cause damage to adjacent property (including property subject to a license held by Hal's Angels Football Association), Licensee shall restore such property to its previously existing condition."

2. A new section 8B is added to the Agreement to read as follows:

"(8B) **PARKING.** Licensee shall have use for parking of parking areas depicted in Exhibit "C," attached hereto and incorporated herein by reference, which shall be located entirely on Lot No. 10057-NEW-R6. Such parking areas shall be shared with other licensees of Licensor, at Licensor's sole discretion, including Hal's Angels Football Association. Licensee shall, at Licensee's own expense, repair, maintain, and keep such parking areas in good condition and repair at all times during the term of this Agreement."

3. A new section 1A is added to the Agreement to read as follows:

ACCESS TO LICENSED PROPERTY. Pending completion of the new access road depicted on Exhibit "C," Licensee its agents, representatives, employees, licensees, or invitees, shall have access to the licensed property via the existing 40' Wide Public Access & Utilities Rights of Way depicted on Exhibit B (the "old access road"). Upon completion of the new access road, the old access road shall only be used as a utility easement. The new access road shall be shared with other licensees of Licensor, at Licensor's sole discretion, including Hal's Angels Football Association.

4. This Amendment shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Except as added or amended herein, the provisions, terms, and conditions of the Agreement shall remain in full force and effect and all terms used herein shall have the same meanings as set forth in the Agreement.

IN WITNESS WHEREOF, the parties have entered into this Amendment as of the ____ day of December, 2011.

LICENSOR:	**LICENSEE:**
CHAMORRO LAND TRUST COMMISSION	**GUAM RUGBY CLUB INC.**
By:	By:
Name: MONTE MESA	Name: Pete Wills
Title: ADMINISTRATIVE DIRECTOR	Title: President

377589_2

LETTER OF TRANSMITTAL

TO: Ross Morrison
GUAM RUGBY CLUB BOARD

FROM: Janalynn Cruz Damian

DATE: March 23, 2012

RE: **GUAM RUGBY CLUB INC.**

VIA: Pick up

THE FOLLOWING:

DESCRIPTION:

1. Exhibits B and C to the Amendment to License Agreement.

ARE TRANSMITTED HEREWITH:

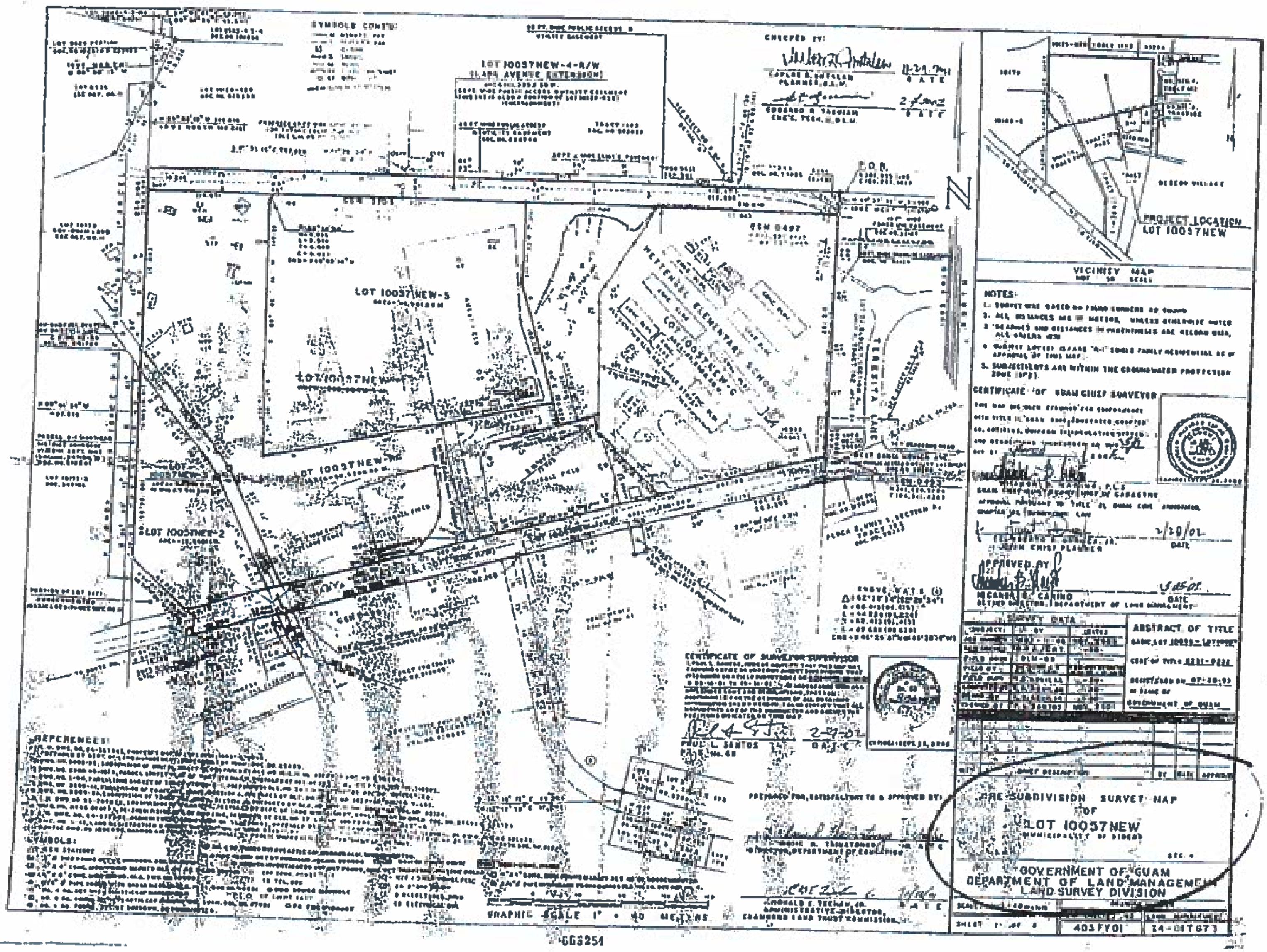
( ) For your information	( ) Per our conversation	( ) For payment
( ) For your files	( ) For review & comment	( ) For correction
(X) Per your request	( ) For necessary action	( ) For signature & forwarding as noted below
( ) For your approval	( ) For filing in court	
( ) Return executed copy to our office	( ) For signature & return	
	(X) See remarks below	

REMARKS

By: JC Peightal
Jamie C. Peightal for Janalynn Cruz Damian

collected march 23

Exhibit "B"



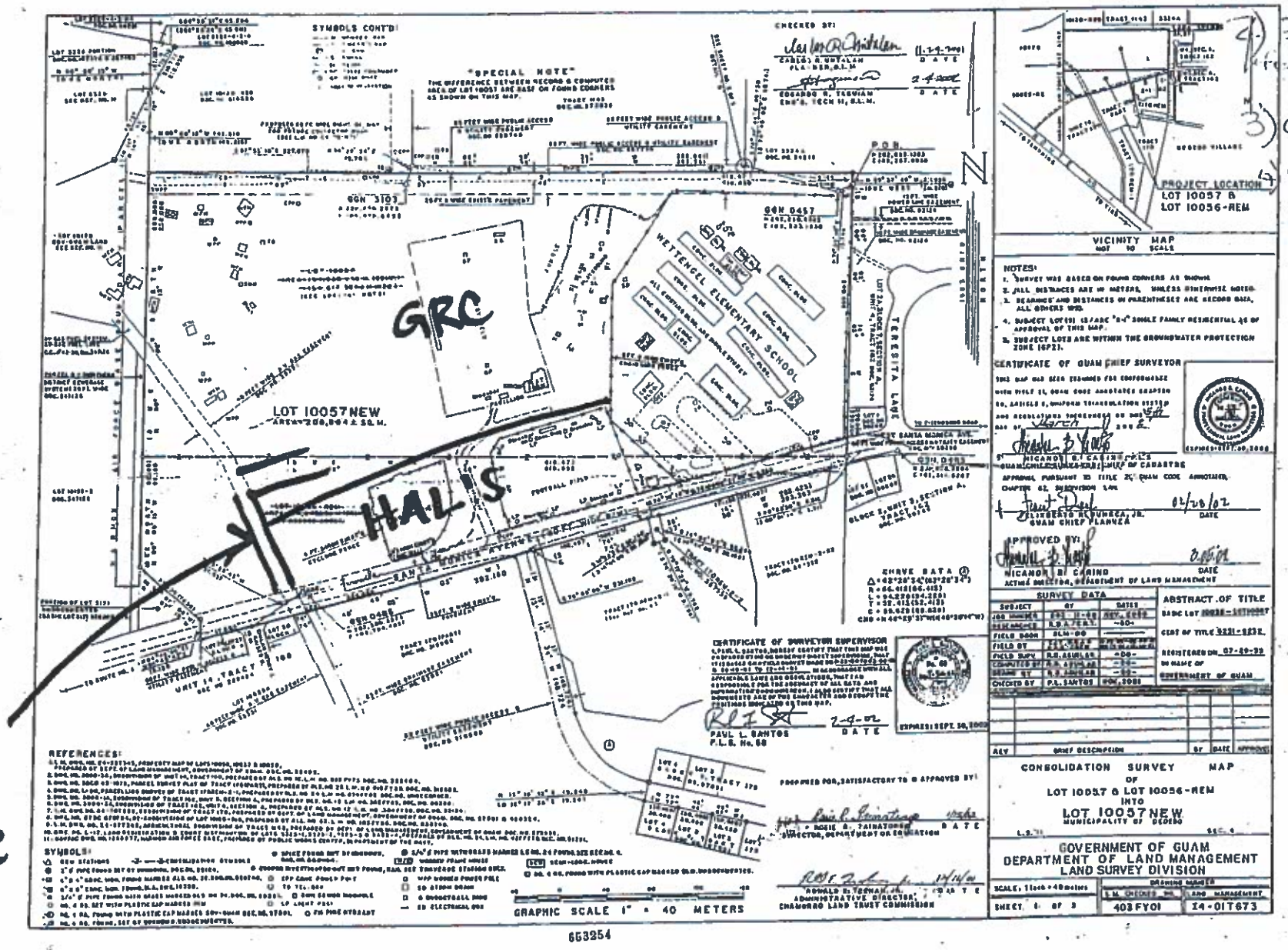
I-673 2/3

I-673 2/3

Exhibit "C"



Doc No. 34 GL-17-1005 *.



653254

i). Cost as Appro

4) Elevation for Lot 1

3) Can Pa

What to be file

move access here

Doc No. 34 GL-17-1005 *.

POLICY NUMBER: 72805-2

COMMERCIAL GENERAL LIABILITY
CG DS 01 10 01

COMMERCIAL GENERAL LIABILITY DECLARATIONS

Sompo Japan Nipponkoa Sompo Japan Nipponkoa Insurance Inc. 26-1, Nishi-Shinjuku 1-chome, Shinjuku-ku, Tokyo 160-8338, Japan	Guahan Insurance Services P.O. Box 4195 Hagatna, Guam 96932

NAMED INSURED: Guam Rugby Club, Inc.
c/o Peter Walls
MAILING ADDRESS: P.O. Box 12745
Hagatna, Guam 96932
POLICY PERIOD: FROM January 01, 2017 TO January 01, 2018 AT 12:01 A.M. TIME AT YOUR MAILING ADDRESS SHOWN ABOVE

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

LIMITS OF INSURANCE

EACH OCCURRENCE LIMIT	$ 500,000	
DAMAGE TO PREMISES RENTED TO YOU LIMIT	$ 50,000	Any one premises
MEDICAL EXPENSE LIMIT	$ 1,000	Any one person
PERSONAL & ADVERTISING INJURY LIMIT	$ 500,000	Any one person or organization
GENERAL AGGREGATE LIMIT		$ 500,000
PRODUCTS/COMPLETED OPERATIONS AGGREGATE LIMIT		Not Covered
LIQUOR LIABILITY EACH OCCURRENCE LIMIT		$ 1,000
LIQUOR LIABILITY AGGREGATE LIMIT		$ 1,000

RETROACTIVE DATE (CG 00 02 ONLY)

THIS INSURANCE DOES NOT APPLY TO "BODILY INJURY", "PROPERTY DAMAGE" OR "PERSONAL AND ADVERTISING INJURY" WHICH OCCURS BEFORE THE RETROACTIVE DATE, IF ANY, SHOWN BELOW.
RETROACTIVE DATE: NONE
(ENTER DATE OR "NONE" IF NO RETROACTIVE DATE APPLIES)

DESCRIPTION OF BUSINESS

FORM OF BUSINESS:

☐ INDIVIDUAL ☐ PARTNERSHIP ☐ JOINT VENTURE ☐ TRUST

☐ LIMITED LIABILITY COMPANY ☒ ORGANIZATION, INCLUDING A CORPORATION (BUT NOT INCLUDING A PARTNERSHIP, JOINT VENTURE OR LIMITED LIABILITY COMPANY)

BUSINESS DESCRIPTION: Non-Profit, Athletic Club

© ISO Properties, Inc., 20[illegible]

LOCATION NUMBER	ALL PREMISES YOU OWN, RENT OR OCCUPY ADDRESS OF ALL PREMISES YOU OWN, RENT OR OCCUPY
1	Wettingale Field, Fatima Road, Dededo, Guam

CLASSIFICATION AND PREMIUM

LOCATION NUMBER	CLASSIFICATION	CODE NO.	PREMIUM BASE	RATE		ADVANCE PREMIUM	
				Prem/ Ops	Prod/Comp Ops	Prem/ Ops	Prod/Comp Ops
1	Non-Profit Athletic Club						

	STATE TAX OR OTHER (if applicable)	$ 15.00
	TOTAL PREMIUM (SUBJECT TO AUDIT)	$ 750.00
PREMIUM SHOWN IS PAYABLE:	AT INCEPTION	$
	AT EACH ANNIVERSARY	$
	(IF POLICY PERIOD IS MORE THAN ONE YEAR AND PREMIUM IS PAID IN ANNUAL INSTALLMENTS)	

AUDIT PERIOD (IF APPLICABLE)	☐ ANNUALLY	☐ SEMI-ANNUALLY	☐ QUARTERLY	☐ MONTHLY
N/A				

ENDORSEMENTS

ENDORSEMENTS ATTACHED TO THIS POLICY:

As per attached – Schedule of Endorsements

THESE DECLARATIONS, TOGETHER WITH THE COMMON POLICY CONDITIONS AND COVERAGE FORM(S) AND ANY ENDORSEMENT(S), COMPLETE THE ABOVE NUMBERED POLICY.

Countersigned: Hagatna, Guam – February 23, 2017	By:
(Date)	(Authorized Representative)

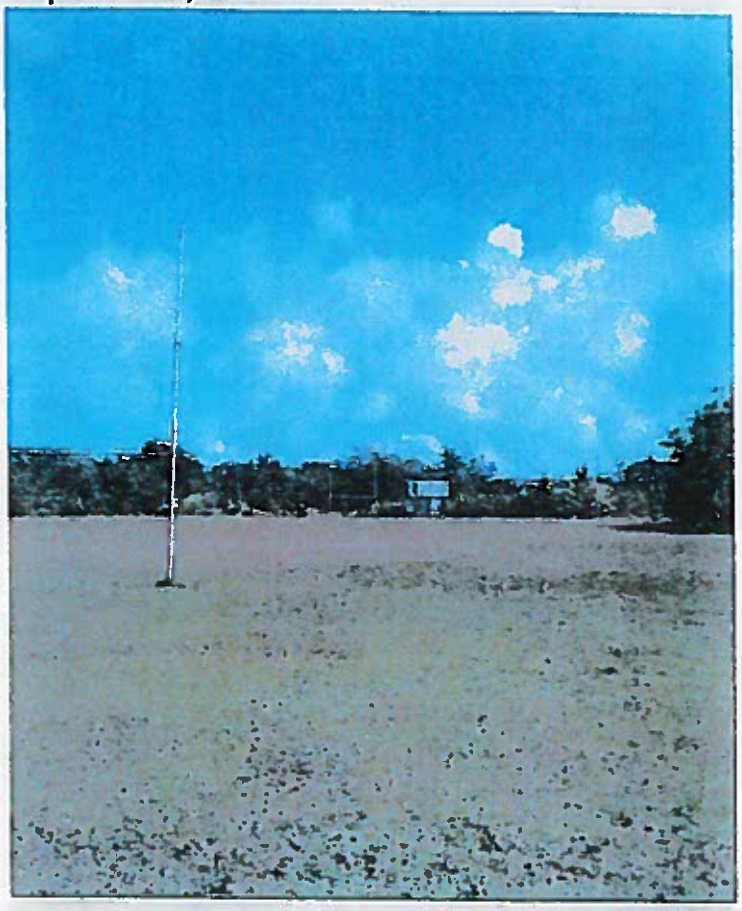
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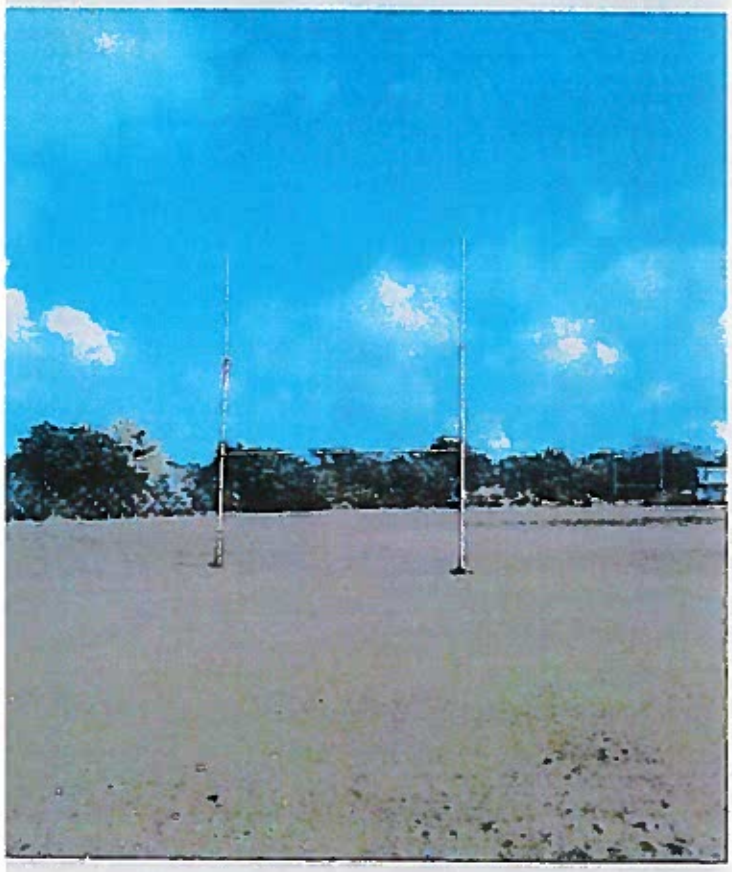
OFFICERS' FACSIMILE SIGNATURES MAY BE INSERTED HERE, ON THE POLICY COVER OR ELSEWHERE AT THE COMPANY'S OPTION.

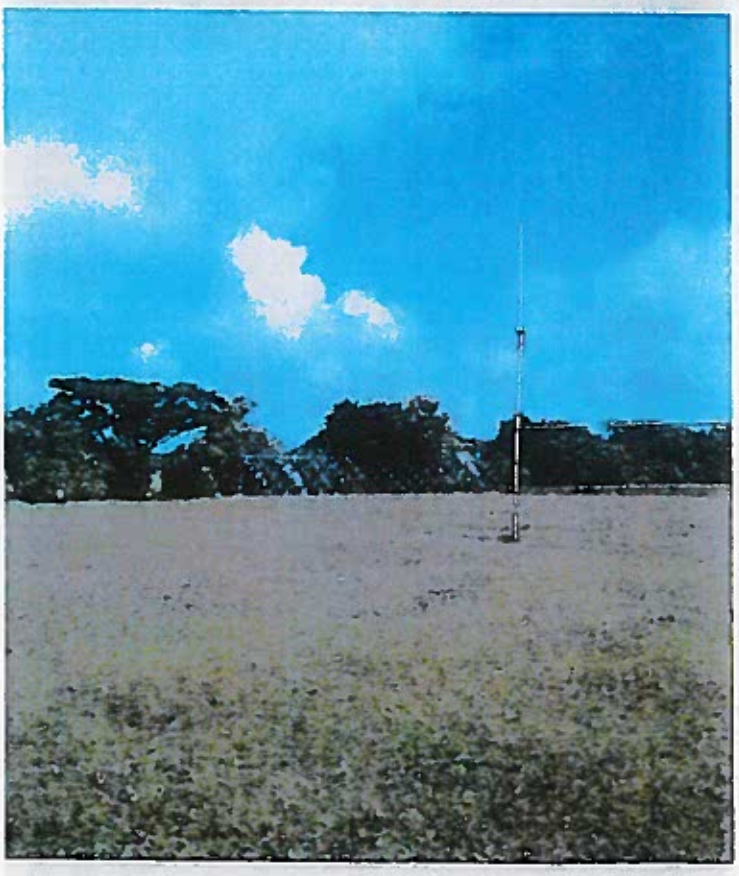
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Guam Rugby Field, April 19, 2017

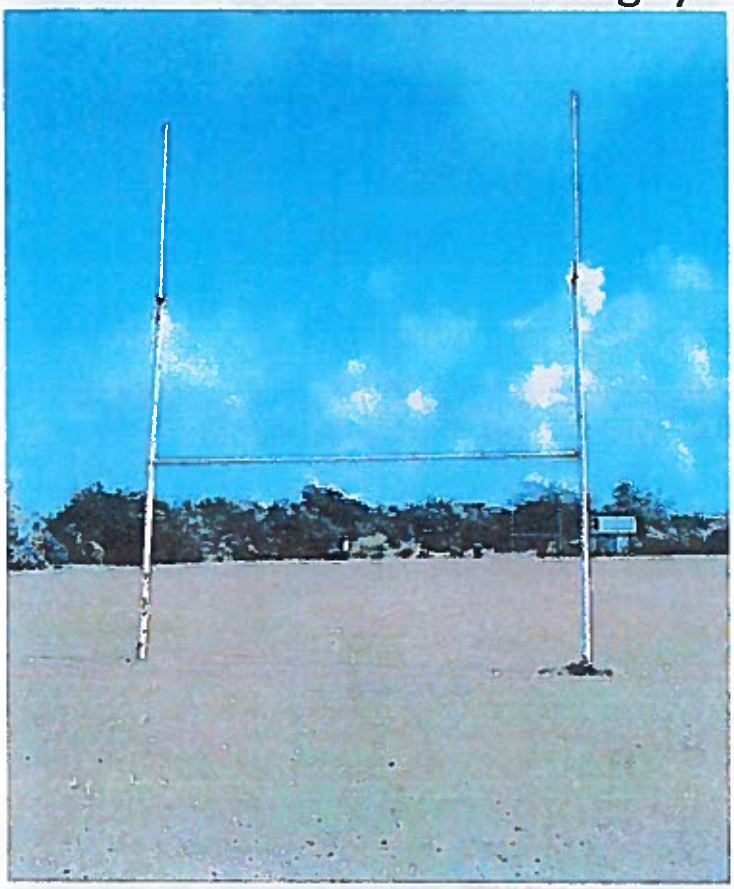


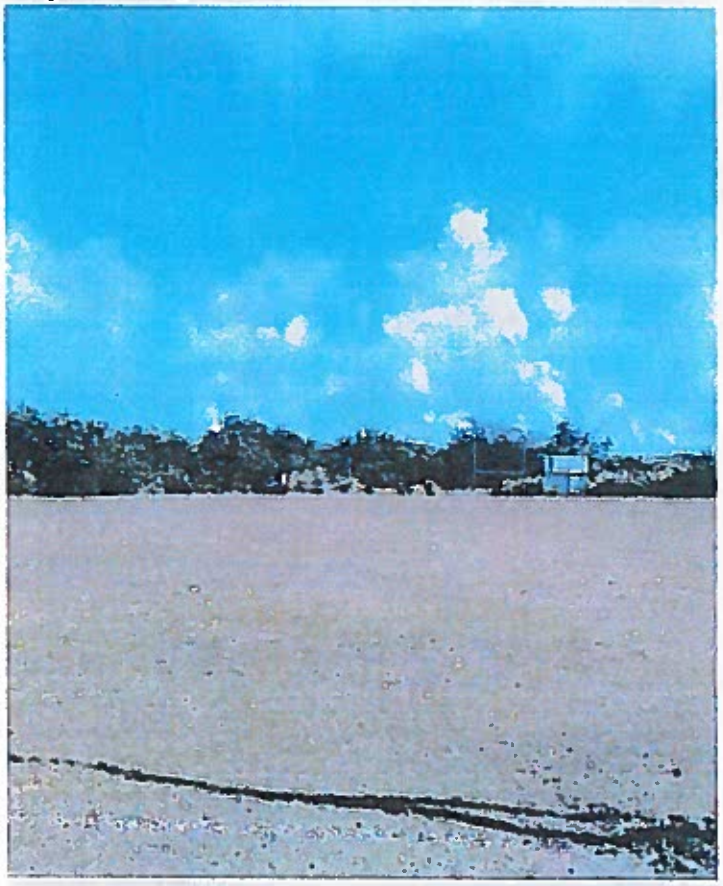


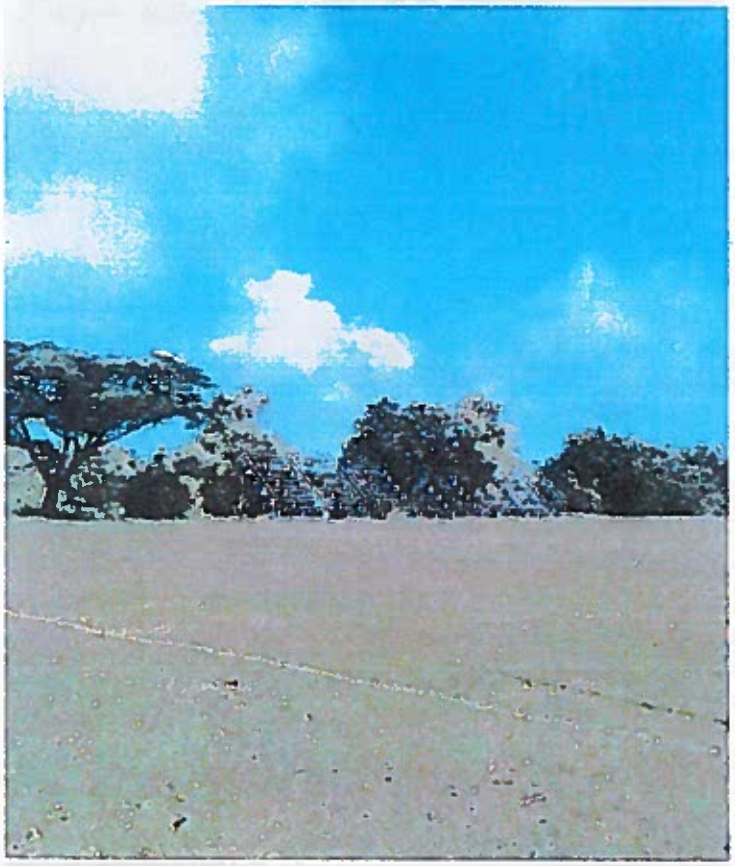


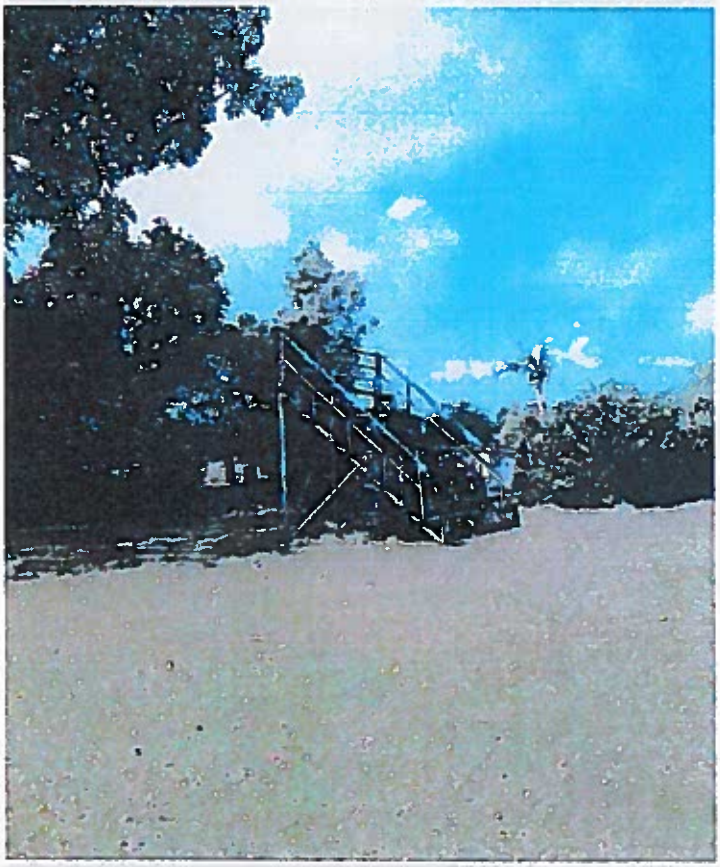


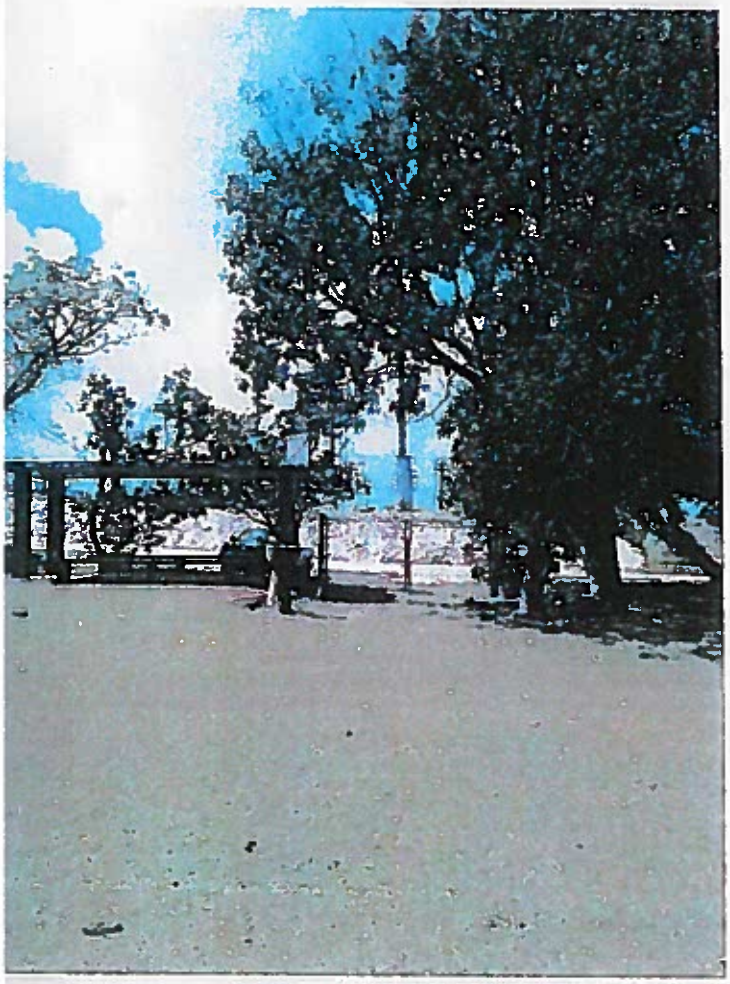
Guam Rugby Field, April 19, 2017











Michael Borja

From: Ross Morrison <Ross@morricoequipment.com>
Sent: Monday, June 12, 2017 10:09 AM
To: Michael Borja
Cc: Pedro Wallsy
Subject: RE: Wettengal Rugby Field Discussion

Follow Up Flag: Follow up
Flag Status: Flagged

Mike,
I am following up on our meeting of early May re the access and joint parking area to The Guam Rugby Club, Wettengal Rugby Field.

We note that the existing joint parking lot is being filled in and made un useable with debris and loose fill by The Football association.
As we discussed , has a review of the access issue and joint parking being reassessed?
The points we raised and discussed , at our last meeting.

1. The Guam Rugby Club was not advised of any changes to the Amendment to License agreement as provided by CLTC resolution Dec 16 2010.

2. The proposed access change, seriously effects and limits access to the Rugby Sports fields from Santa Monica Ave.
The proposed access change will limit and effect the ability of Emergency Services to the respond to the sports field and its community participants, in a timely manner.
As you are aware the field is regularly used by Guam IIAAG High School and Middle School students for Rugby interscholastic competitions, in addition to both Club Mens and Womens competitions, to include National Guam team Trainings and matches..

3. The proposed access change effectively withdraws any joint parking area as per CLTC resolution Dec 16 2010.
The withdrawal of joint parking will result in a health and environmental question, as access to the toilets (constructed in 2004) to operate in combination with close proximity to parking will be severely restricted, and limited .

4. Access to service and regularly drain the closed septic tank system that services the toilets will be eliminated.
This will mean the toilet block cannot be utilized and will face closure.
This again will raise a health and enviornmental question, possibly resulting in field use suspension..

5. The proposed access change would incurr huge additional unbudgeted cost to the Guam Rugby Club with requirements to install new fencing,
roading and road access from Lada.
The Guam Rugby Club does not have funds available to complete any of above tasks if the proposed change to access, proceeds.
The development of the second rugby field and additional multi use pitch to include baseball as per original master plan would be suspended.

6. The proposed access change will effectively eliminate the proposed multi use /baseball pitch proposed as per the original 2002 master plan.
Due to lack of suitable access from Lada.

7. The proposed access change, effectively eliminates the Wettengal Elementary School alternate emergency access gates and points.

8. The proposed access change will eliminatete the Wettengal school from using the Guam Rugby Club sports field and toilets as an
emergency assembly point, as they currently do now.

9. The proposed change to access is not in the best interest of the Guam sporting community , or the development of this CLTC land property, as a complete sporting community area asset.

Could we please request the issue is reviewed, with both a short and long term plan implemented in the interest's of both sport organistions
currently developing the lots, and for future generations of the Guam population, to enable ready access off Santa Monic Ave for both
lots, permanently , to utilize and make best use of this CLTC and community asset.
We suggest adherance to the DEC 16 2010 CLTC resoution to be the most suitable option with a small adjustment to the access road off Santa Monica
Ave, access being placed inside the CLTC LOT10057 NEW . forming a revised border with the pipeline road.

Plse contact myself and Mr Peter Walls President GRC to meet and discuss further.
We look forward to a suitable resolution for all parties involved with the aim of building a long term permanet CLTC sporting assset for all of the
community to access and utilize.

Thank you.

Regards,



Ross Morrison
Guam Rugby Club Board Member.
Tel 688 7440.

Morrico Equipment LLC

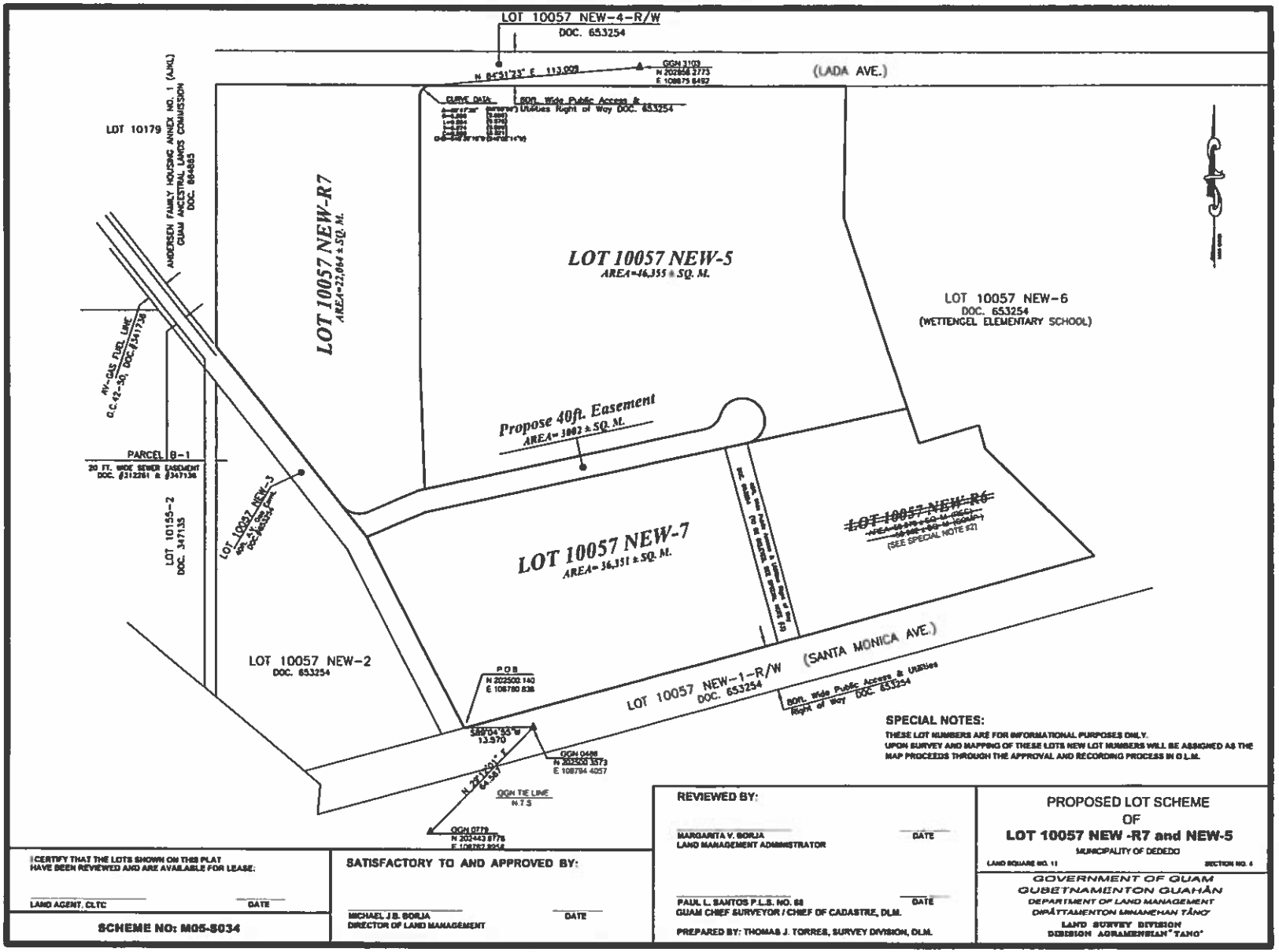
+1 (671) 649-1946 Office
+1 (671) 649-1947 Fax
+1 (671) 688-7440 Cell

http://www.morricoequipment.com

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-----Original Appointment-----
From: Michael Borja [mailto:Michael.Borja@land.guam.gov]
Sent: Monday, May 08, 2017 10:38 AM
To: LAND MGT DIRECTOR; Margarita Borja; Ross Morrison
Subject: Rugby Field Discussion
When: Tuesday, May 09, 2017 3:00 PM-4:00 PM (UTC+10:00) Guam, Port Moresby.
Where: DLM Dir Conf Rm

Ross Morrison 688-7440



SPECIAL NOTES:

THESE LOT NUMBERS ARE FOR INFORMATIONAL PURPOSES ONLY.
UPON SURVEY AND MAPPING OF THESE LOTS NEW LOT NUMBERS WILL BE ASSIGNED AS THE MAP PROCEEDS THROUGH THE APPROVAL AND RECORDING PROCESS IN D.L.M.

I CERTIFY THAT THE LOTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE AVAILABLE FOR LEASE:

LAND AGENT, CLTC — DATE

SCHEME NO: M05-5034

SATISFACTORY TO AND APPROVED BY:

MICHAEL J.B. BORJA
DIRECTOR OF LAND MANAGEMENT — DATE

REVIEWED BY:

MARGARITA V. BORJA
LAND MANAGEMENT ADMINISTRATOR — DATE

PAUL L. SANTOS P.L.S. NO. 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE, DLM. — DATE

PREPARED BY: THOMAS J. TORRES, SURVEY DIVISION, DLM.

PROPOSED LOT SCHEME
OF
LOT 10057 NEW -R7 and NEW-5
MUNICIPALITY OF DEDEDO
LAND SQUARE NO. 11 — SECTION NO. 4

GOVERNMENT OF GUAM
GUBETNAMENTON GUAHÅN
DEPARTMENT OF LAND MANAGEMENT
DIPÅTTAMENTON MINANEHAN TÅNO'
LAND SURVEY DIVISION
DEBESION AGRAMENSURAN TANO'

Doc No. 34 GL-17-1005 *.

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
September 21, 2017

Memorandum of Understanding between GEDA and CLTC for General Consultancy and Property Management Services

1. **FINDINGS:**
   a. GEDA and CLTC engaged in a Memorandum of Understanding approved by the Governor on April 24, 2013. MOU has expired.
   b. Attached is the expired 2011 MOU.
   c. CLTC Board of Commissioners need engage in a new MOU.
   d. New MOU can be a modification of existing MOU.
   e. GEDA MOU would allow CLTC to use their expertise to solicit proposal request to lease properties designated for commercial use.
   f. GEDA memorandum on fee justification
2. **RECOMMENDATIONS:**
   a. Create new MOU with proposed modifications:
      (1) "1.a.": CLTC can manage its own leases and prepare its own billings.
      (2) "1.b.": Commercial rules and regulations are enacted. This section is not needed.
      (3) "1.c.": Budget analysis not needed.
      (4) "5.a.": Payment of services amount needs evaluation. (See item 2.b.)
      (5) "6.": Payment remittance not necessary if CLTC is manages its own leases and billings.
   b. Payment of services: to allow GEDA to recover for expenses attributed to performance of services such as requisitions (RFP, IFB). It also allows for potential protests of requisitions and the costs associated
      (1) Option 1: CLTC covers all costs of a requisition to include potential protest costs
      (2) Option 2: Retain GEDA recommended fee
3. **EXHIBITS:**
   a. MOU dated April 24, 2013.
   b. GEDA Memorandum dated August 28, 2017

11-1192 L.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CHAMORRO LAND TRUST COMMISSION
AND THE
GUAM ECONOMIC DEVELOPMENT AUTHORITY

THIS MEMORANDUM OF UNDERSTANDING is entered into by and between CHAMORRO LAND TRUST COMMISSION ("COMMISSION") and the GUAM ECONOMIC DEVELOPMENT AUTHORITY ("GEDA"), a Guam public corporation.

RECITALS

WHEREAS, Guam law provides at 21 G.C.A. § 75101 that upon and after the enactment of this Chapter, all available lands shall immediately assume the status of Chamorro homelands and shall be under the control of the Commission to be used and disposed of in accordance with the provisions of this Chapter;

WHEREAS, Guam law provides at 21 G.C.A. § 75107 that the Commission is authorized to lease to native Chamorros the right to the use and occupancy of a tract or tracts of Chamorro homelands.

WHEREAS, the Office of the Public Auditor in its Report 09-03 dated April 2009 recommended that CLTC develop a land use plan and written collection policies and procedures for commercial licenses;

WHEREAS, Legislative Oversight hearings held in April 2009 by *I Mina' Trenta Na Lehislaturan Guahan* generally supported the recommendations of the Office of the Public Auditor;

WHEREAS, GEDA is authorized pursuant to 12 G.C.A. § 50103(d) to promote investments of entrepreneurial capital in Guam, if need be form and operate its own industries, invest in and provide technical assistance in support of its objectives, develop and maintain facilities for lease or sale and provide for the expansion of agricultural, industrial, hospital, housing and tourist facilities through financial assistance and other means.

CFD0413- 1693

WHEREAS, the Commission has identified the need to retain the services of GEDA to assist it with the development, management, and maintenance of Chamorro homelands so that said Lands will be developed pursuant to the requirements of law.

WHEREAS, because of GEDA's unique mandate to promote investments and the development of various industries in Guam and to invest in and provide technical assistance in support of its objectives, the Commission desires to enter into a service agreement whereby GEDA will provide the Commission with general consultancy and property management services relating to the requirements of the Chamorro Land Trust Act as amended.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

AGREEMENT

1. General Consultancy and Property Management Services to be provided by GEDA. Within the scope of services to be provided by GEDA, GEDA agrees to:

a. Manage commercial leases/licenses and prepare billing, accounting and receipts of money from commercial leases/licenses; negotiate payment plans for those in arrears if necessary; and remit commercial lease/license rents to the Commission as provided for in this MOU.

b. Develop Draft Rules and Regulations for commercial lease/licenses (including legal review) to allow the Commission to submit rules under the Administrative Adjudication Act process for Legislature approval.

c. Analyze the amount of money needed by the Commission to carry out its mandates as one method of determining the targeted amount to be generated from commercial lease/licenses;

d. Prepare Requests for Proposals ("RFP") for the development and/or leasing of Chamorro Homelands designated for commercial leasing/licensing;

e. Advertise RFPs and receive all proposals;

f. In collaboration with the Commission, evaluate all proposals received and rank prospective developers and/or lessees;

g. Negotiate lease/license agreements to be entered into with the highest ranking developer(s) in collaboration with the Commission;

h. Recommend the execution of any commercial lease/license agreement by the Commission;

i. Do all other things necessary to carry out the above objectives;

2. In connection with the services provided to the Commission, GEDA may retain experts, advisors, consultants, and legal counsel as necessary.

3. Provide periodic updates to the Commission on the status of the inventory, development and leasing of Chamorro Homelands;

4. Cooperation by Commission. The Commission shall do the following to assist GEDA in performing the services set forth in Section 1:

a. Provide GEDA with an inventory by lot number or location of Chamorro homelands covered under the scope of this Memorandum of Understanding;

b. Provide Legislative notification of GEDA involvement

c. Provide survey maps, sketches, etc. of property in the Commission's inventory and if not available, vicinity maps of properties

d. Provide lease/license files for each commercial lessee/licensee

e. Authorize GEDA to speak with staff and lessees when necessary to ensure completeness and accuracy of inventory and lease/licenses

f. Authorize GEDA to bring Commission files to the GEDA office with GEDA commitment to ensure complete file return upon completion of the tasks identified in this MOU.

g. Participate in the evaluation and selection of prospective developers and/or lessees;

h. Review periodic reports submitted by GEDA;

i. In collaboration with GEDA, seek all necessary approvals for the commercial lease/license of the Chamorro homelands;

j. Evaluate and act upon commercial lease/license agreements recommended for execution by GEDA;

k. Execute all other documents necessary for GEDA to carry out the services listed in this MOU.

l. Perform all inspections of current and future commercial leases/licenses, issue and enforce eviction notices and pursue any legal action against tenants including but not limited to evictions, based upon the advice and recommendation of GEDA.

5. Payment for Services.

a. GEDA shall collect all rents from commercial leases/licenses and shall remit to the Commission all rents received from current and future commercial lessees/licensees of Chamorro Homelands but shall retain Fourteen percent (14%) of any revenues paid by any commercial lessee/licensee of the Commission, as payment for GEDA services.

6. Method and Time of Remittance of Payments and Rents. Any revenues collected by GEDA from commercial lessees/licensees minus GEDA payment for services shall be remitted to the Commission no later than twenty (20) calendar days after receipt from commercial lessees/licensees.

7. Initial Term and Automatic Renewal. This Memorandum of Understanding shall remain in effect for an initial term of three (3) years from the effective date and shall be renewed at the expiration of the initial term for two (2) additional terms of three (3) years each, subject to mutual agreement and the availability of funds.

8. At any time during the initial term or extended term, either party can elect to terminate this Memorandum of Understanding if either party provides the other with a written notice of termination no later than ninety (90) days prior to the termination date. Upon termination of this MOU, all files shall be returned to the Commission and all transactions including any outstanding payments shall be concluded.

9. Effective Date. The effective date of this Memorandum of Understanding shall be the date of execution by the Governor of Guam.

11-1192 fi

Guam Economic Development Authority

By: _____

KARL A. PANGELINAN
Administrator

Date: 12/15/11

Chamorro Land Trust Commission

By: _____

MONTIE MAFNAS
Administrative Director

Date: 11/17/11

Concurred by:

Guam Economic Development Authority
Board of Directors

By: _____

RICARDO C. DUENAS
Chairman

Chamorro Land Trust Commission
Board of Commissioners

By: _____

OSCAR A. CALVO
Acting Chairman

Approved as to Legality and Form

Office of the Attorney General

By: Phillip J. Tydingco, Chief Deputy AG
for **LEONARD RARAS DAS**
Attorney General of Guam

Date: 4/17/2013

CLTC 11-1192

Approved by

Governor of Guam

By: _____

EDDIE BAZA CALVO

Date: APR 2 4 2013

RECEIVED
DEC 21 2011
Office of the Attorney General of Guam
Civil/Solicitor Division

EDDIE BAZA CALVO
Governor of Guam
I Maga'Lahen Guahan

RAY TENORIO
Lt. Governor of Guam
I Segundo Na Maga'lahen Guahan

GUAM ECONOMIC DEVELOPMENT AUTHORITY
Moving Forward

Aturidåd Inadilånton Ikunumihan Guahan

JAY ROJAS
Administrator
Adminastradot

MANA SILVA TAIJERON
Deputy Administrator
Sigundo Na Adminastradot

MEMORANDUM

Date: August 28, 2017

To: Commissioners, Chamorro Land Trust Commission
Executive Director, Chamorro Land Trust Commission

From: Administrator

The Chamorro Land Trust Commission and the Guam Economic Development Authority executed a Memorandum of Understanding (MOU) which was approved by the Governor in April 2013 which specifies that GEDA will receive 14% of rents from lessees as its fee for property management. The term specified in the MOU was 3 years (ending April 2016) plus 2 terms of 3 years each (ending April 2022). GEDA requested CLTC to exercise the option to renew. However, as the MOU is patterned after the Guam Ancestral Lands Commission MOU, similar questions have arisen as the fee seems to be higher than the industry standard (approximately 10%) for property management. The purpose of this paper is to provide background on the development of the fee and to justify that the services performed by GEDA are worth this fee.

We should point out that GEDA has provided its services to this point without any remuneration. GEDA prepared:

- A fact sheet for each of the 29 commercial licenses within CLTC's inventory which included a summary of terms, issues, payments and other important license highlights so that decision makers could immediately review issues without having to read the entire license.
- Draft legislation for the Rules and Regulations for Commercial Leases which included an analysis of recommendations contained in various OPA audits concerning CLTC, an analysis of previous efforts to prepare rules, presentation of the draft rules for CLTC review and incorporation of suggested modifications. This effort was accomplished so that leases could be executed as there was a moratorium imposed.
- A Request for Proposals to lease CLTC's Lajuna property, an analysis of proposals submitted, prepared negotiating positions and assisted the CLTC Executive Director in negotiating the lease. Although the legislature terminated lease negotiations, GEDA still invested significant time and effort without payment.

The 14%

The MOU that includes the 14% is nearly identical to the GALC MOU. When the GALC MOU was initiated in 2006, GEDA advised the GALC that GEDA would utilize a 7% capitalization rate in lease negotiations, meaning that GEDA would charge tenants at least 7% of the fair market value of the leased property as annual rent. Of the 7%, GEDA essentially guaranteed that GALC would receive 6% of the fair market value for properties leased by GEDA and that GEDA would receive 1% of fair market value for properties leased.

Dividing GEDA's 1% fee by 7% yields 14.3% (rounded downward to 14% in the CLTC MOU). The GALC MOU essentially states that GEDA will receive 14.3% of annual rents while GALC will receive 85.7% of annual rents. In the leases executed for Matson, Knik, Kwikspace and Northern Marketplace, GEDA successfully negotiated an 8% capitalization rate as opposed to 7%, meaning that tenants would pay more for the leased property. To illustrate, if the fair market value of a property is $1 Million, the annual lease rate at 7% capitalization is $70K ($1M times 0.07). At 8% capitalization, the annual lease payment is $80K. GALC has received and will continue to receive more revenue from leases because of the higher capitalization rate negotiated by GEDA. As would be expected, GEDA would seek to mutually benefit as well. While 14.3% of annual rent is GEDA's fee, it should be noted that at an 8% capitalization, GEDA is actually making 12.5% of fair market value (1% divided by 8%) while GALC is making 87.5% of FMV. In future leases, GEDA intends to negotiate even higher capitalization rates than 8% but its fee will remain the same at 14.3% of annual rent, under the GALC MOU.

Under the CLTC MOU, if GEDA is successful in negotiating a capitalization rate higher than 7%, the bulk of higher rents will belong to CLTC. GEDA fully intends to utilize as its going-in position for leases, a capitalization rate of 10%. If successful, the 14% of annual rent would result in 10% of FMV to GEDA and 90% of FMV to CLTC.

GEDA MOU Responsibilities

The MOU identifies 9 responsibilities of GEDA. In effect, GEDA can carry out any responsibility directed by CLTC, the cost of which is borne by GEDA. Each of the tasks identified in the MOU require GEDA to perform numerous other tasks that are not specifically listed. For example under Task 1(d) Prepare Requests for Proposals (RFP), GEDA must research characteristics of properties including topography, constraints to development (eg, seismic fault lines, existence of endangered flora/fauna species, archaeology, wetlands, zoning, value, etc.); determine possible financing methodologies and impact on rents, obtain legal counsel review of the RFP, review procurement and land use laws applicable to the potential development and incorporate them into the RFP; compare expressions of interest against the RFP; and develop evaluation criteria that does not favor one developer/development over another. These complex analytical tasks are services performed as part of GEDA responsibilities that are not directly listed in the MOU.

The scope of work under the MOU contains both routine and complex services. At GEDA under the MOU, complex services are undertaken by both senior and junior staff while more routine services are undertaken by subordinate staff usually at a lower cost. There are only two routine services out of the 9 services provided by GEDA in the MOU including 1) the "prepare billing" portion of Section 1a and Section 1e – "Advertise RFPs and receive all proposals." All other responsibilities involve different levels of complexity but include analysis, planning and efficient implementation. Even though CLTC might consider removing certain services from the MOU, the impact on the fee from removal of relatively routine services would be negligible.

Risk

Unlike the property management in the private sector which is paid for whether or not a transaction is completed, GEDA absorbs a substantial risk in not being compensated for its services. As indicated earlier, GEDA spent significant resources in preparing fact sheets for each CLTC license and drafting CLTC rules and regulations. These activities did not result in lease payments but were necessary to allow efficient lease management consistent with legislatively enacted regulations. Resources were also expended in attempting to lease the Lajuna property, in developing the RFP consistent with then-existing CLTC and procurement laws, in evaluating offers in response to the RFP, and negotiations with the potential lessee of the Lajuna property only to have our efforts dashed by the Legislature. Significant legal fees, tremendous amounts of staff time, overhead and advertisement costs were absorbed by GEDA.

Fee Reduction

A CLTC staff memo dated February 16, 2017 recommended ending the MOU and entering into a new MOU with modifications including the removal of certain services, leaving GEDA with the more complex, analytical responsibilities. As indicated above, removal of relatively routine responsibilities has a negligible effect on cost. CLTC staff further recommended that either GEDA be paid outright for its services or be allowed to receive 10% of lease payments for the first 5 years which would be reduced to 0% to 3% thereafter. Payment for services rendered does not provide any incentive for GEDA to undertake complex responsibilities. Receiving 10% for the first 5 years and 0% to 3% thereafter, without any idea of what these values are calls into question whether GEDA costs can even be covered much less provide an incentive. Consideration of this option must also factor in the possibility that the final lease of a property may waive or reduce rents initially, to allow lessees to begin commercial operations. Other considerations include GEDA's risk will continue to exist; staff and legal costs will continue to rise but the 14% will not change.

Si Yu'os Ma'ase for your consideration and understanding.

JAY ROJAS

590 S. Marine Corps Dr. Suite 511 ITC Building
Tamuning, GUAM 96913

T 671.647.4332 F 671.649.4146
www.investguam.com

CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2017-04

Declaration and Designation of Land for Commercial Use

WHEREAS, the Chamorro Land Trust Commission ***(hereafter CLTC)***, pursuant to Public Law 33-95, may declare and designate certain lands for commercial leasing or licensing to the general public. CLTC shall conduct a public hearing for the proposed lands and the commissioners shall approve by resolution the proposed lands. The resolution shall then be forwarded to *I Liheslaturan Guahan* within thirty days for review; and

WHEREAS, the CLTC board of commissioners at their November 19, 2015, regularly scheduled meeting passed a motion for the CLTC Administrative Director conduct a public hearing of proposed lands; and

WHEREAS, on January 19, 2016, at 6:00PM, the CLTC conducted a public hearing for the proposed lands at the Dededo Senior Center, Dededo Guam; and

WHEREAS, on January 21, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed the public hearing comments on the proposed lands for commercial use; and

WHEREAS, subsequent to the public hearing and meeting on the determination to designate these parcels for commercial use, the Guam Legislature passed two bills which were enacted into law removing up to thirteen and a half acres from these land parcels and an adjacent lot for other uses; and

WHEREAS, on March 16, 2017, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, approved by a motion to designate the following parcels for commercial use:

> **Lot 5173-1-R2NEW-6 and Lot 5173-1-R2NEW-R6, Municipality of Tamuning, collectively consisting of approximately 34 acres, as shown on survey map L.M. No. 076FY2013, Instrument No. 851244, shown in Exhibit "A", currently Multiple Dwelling Zone (R2).**

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land parcels and declares these land parcels to be designated property for commercial use having been duly public heard in accordance with Public Law 33-95; and

2. The Chamorro Land Trust Commission Board of Commissioners asserts its authority to determine and control the use of these designated properties; and

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan* with its recommendation to approve the properties identified in this Resolution.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 16TH DAY OF MARCH 2017.

G. Pika Fejeran

G. PIKA FEJERAN, Chairwoman
Chamorro Land Trust Commission

Date: 20 March 2017

LEGEND:

- GGN STATION
- FOUND 4"x4" CONCRETE MONUMENT SET BY UNKNOWN DOC NO 431844
- FOUND #4 REBAR WITH CAP MARKED PLS 52 UNDOCUMENTED
- FOUND #4 REBAR WITH CAP MARKED PLS 77 UNDOCUMENTED
- FOUND 6"x6" CONCRETE MONUMENT, SET BY UNKNOWN UNDOCUMENTED
- SET #4 REBAR WITH CAP MARKED DLM
- TRAVERSE STATION (NAIL OR REBAR SET)
- CORNER NOT RETRACED
- FIRE HYDRANT
- CHAIN LINK FENCE
- SEWER MAN HOLE
- ELECTRICAL MAN HOLE
- POWER MAN HOLE
- POWER MAN HOLE

SPECIAL NOTE:

1) DATA FOR LOT 5173-1-R2NEW-R6 AS SHOWN ON THIS MAP ARE RECORD DATA AND NOT FIELD CONDITION

2) PER PUBLIC LAW 26-126 SECTION 3 (a), THIS IS A "LOT PARCELING" SURVEY AND THEREFORE EXEMPTED FROM THE MAP PROCESSING REQUIREMENTS OF P.L. 26-126 SEC 3 (b)

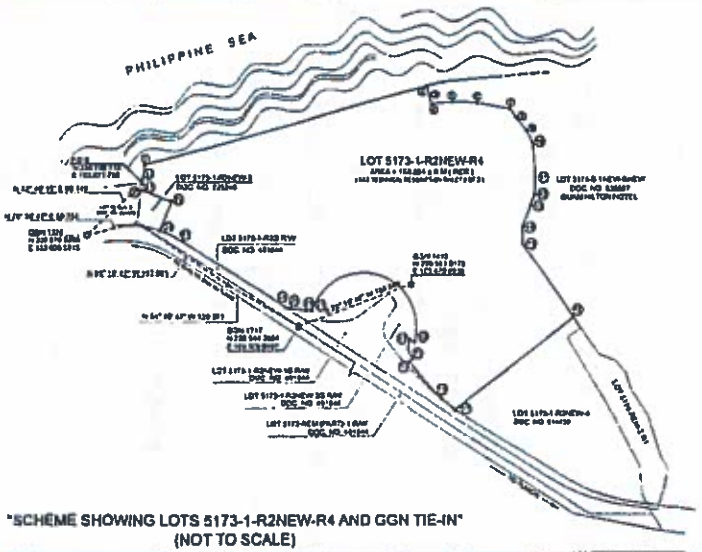
Department of Land Management Director of the Records

File for Record is in Instrument No. 851244

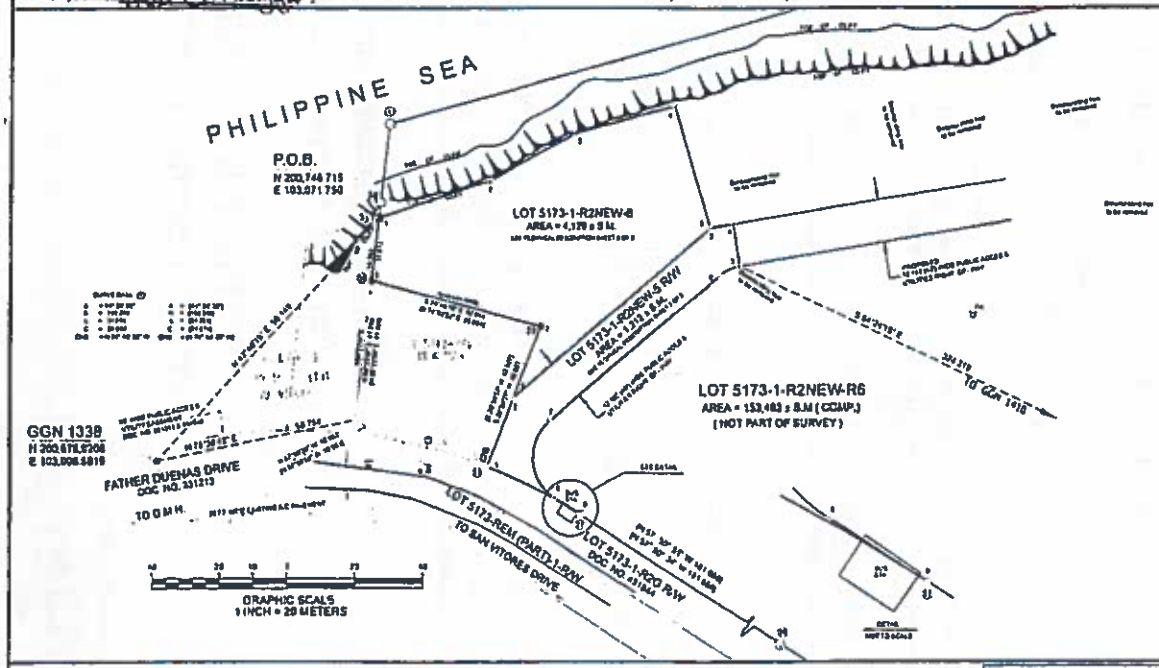
On the Year 13 Month IX Day 13 Time 1:24

Recording Fee

Deputy Recorder Lisa G. Manaya



"SCHEME SHOWING LOTS 5173-1-R2NEW-R4 AND GGN TIE-IN"
(NOT TO SCALE)



"ENLARGED PLAN"

EXECUTED BY:

FRANK F. TAITANO, PLANNER, IV — 5-2-2013 DATE

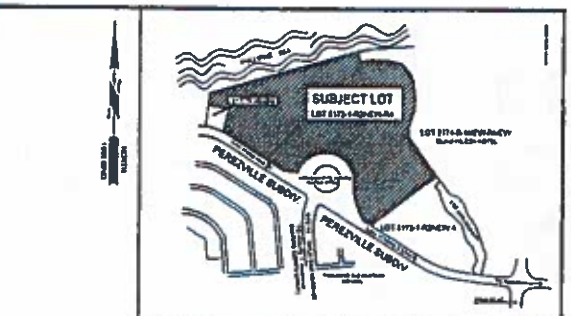
ROBERT L. SANTOS, DRAFTSMAN, DLM — 5.2.13 DATE

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR

I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT IS BASED ON A FIELD SURVEY MADE ON FEBRUARY 2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE DATA AND DETAILS SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP

PAUL L. SANTOS
PROFESSIONAL LAND SURVEYOR NO. 66

5-2-13 DATE



VICINITY MAP (NOT DRAWN TO SCALE)

NOTES:

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCE S WITHIN PARENTHESIS ARE AS COMP. BRACKET ARE 1993 RECORD DATA AS PER REFERENCE 2, ALL OTHERS ARE 1993 VALUES
4. SUBJECT LOT (S) IS / ARE ZONED "R2" MULTI DWELLING AS PER 1967 OFFICIAL ZONING MAP. P 387838
5. SUBJECT LOT (S) IS / ARE WITHIN THE NORTHERN AQUIFER
6. AS BUILTS EXIST ON THE PROPERTY AS OF APPROVAL OF THIS MAP
7. CONCRETE HOUSES AS PER AS-BUILTS ARE ONE STORY, SINGLE FAMILY UNITS

REFERENCES:

1. RETRACEMENT SURVEY MAP OF LOTS 5173-1-1R2NEW-R2, 5174-REM-2 & L 5174-REM-1 5174-REM-3-1-G R/W, 5173-1-R2NEW-10 R/W, 5173-1-R2NEW-10 R/W 5173-1-R2G R/W, PARCELING (R/W SEVERANCE) OF LOT 5173-REM(PART)-B, BY PLS. NO. 63 & M. NO 418 FY'93, DOC. NO. 431844
2. RE-SUBDIVISION SURVEY MAP OF LOTS 5173-1-R2NEW R2, BY PLS # 66 DWG NO. 14-007007, L.M. NO. 104 FY 2006, DOC NO. 725249
3. LOT PARCELING SURVEY MAP OF LOTS 5173-1-R2NEW-R3, BY PLS # 66 DWG NO. 14-007784, L.M. NO. 884 FY 2011, DOC NO. 816438
4. CONSOLIDATION & RE-SUBDIVISION OF BLOCK 2 LOT 11NEW, 11-1, LOT 5173-1-2 INTO BLOCK 4 LOT 11, 12, 13, PEREVILLE, PREPARED BY JUAN R. MESA RLS NO 29 DWG NO. 14203-333, LM NO. 433 FY 12, DOC NO. 804358

CERTIFICATION AND APPROVALS

SATISFACTORY TO AND APPROVED BY

DAVID V. CAMACHO — 5/3/13 DATE
ACTING DIRECTOR, DEPARTMENT OF LAND MANAGEMENT
ACTING ADMINISTRATIVE DIRECTOR, CHAMORRO LAND TRUST COMMISSION

CERTIFICATION OF GUAM CHIEF PLANNER
APPROVED PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW

5/3/13 DATE
ACTING GUAM CHIEF PLANNER

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED CHAPTER 60, ARTICLE 3, 1994 GRID TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER

THIS 3rd DAY OF May 2013

PAUL L. SANTOS, PLS # 66
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

REVISIONS	DESCRIPTION	BY	APPROVED BY	DATE

LOT PARCELING SURVEY MAP
OF
LOT 5173-1-R2NEW-R4
MUNICIPALITY OF TAMUNING

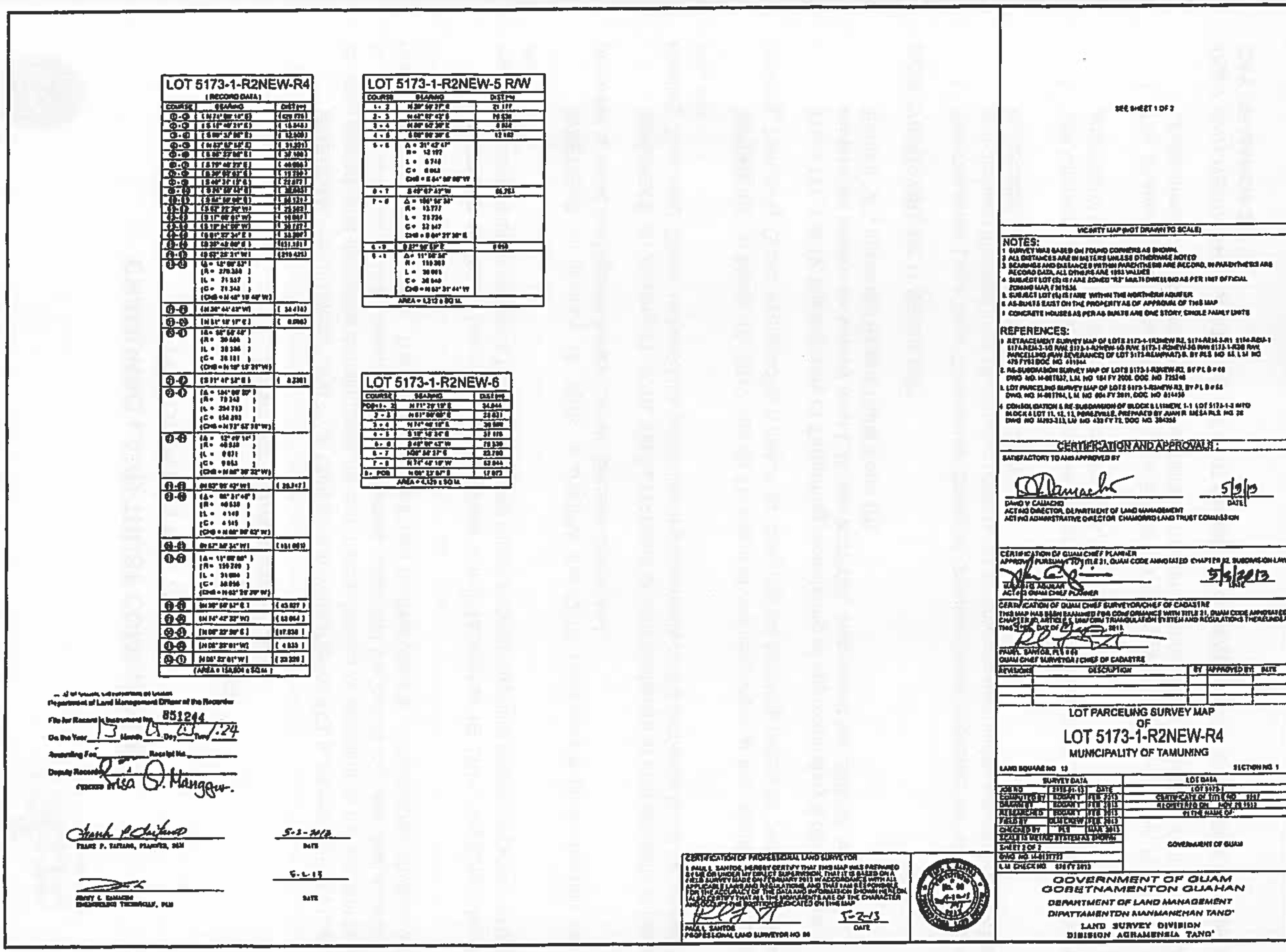
LAND SQUARE NO 13 — SECTION NO 1

SURVEY DATA			LOT DATA
JOB NO.	2012-01-133	DATE	LOT 5173-1
FIELD BOOK NO.	ESB-01-1	PAGE 1-13	CLAIMED BY OF [illegible] AREA
DRAWN BY	ESB-01-1	PAGE 14-15	SURVEYED ON [illegible] AREA OF
REVISED BY	ESB-01-1	PAGE 24-25	PLOTTED ON [illegible] SCALE OF
FIELD BY	GUAM SURVEY TEAM	2011	
CHECKED BY	PLS	GUAM 2013	
SCALE IS METRIC SYSTEM DRAWN			GOVERNMENT OF GUAM
SHEET 1 OF 2			
DWG. NO. 14-013772			
L.M. CHECK NO. 876 FY 2013			

GOVERNMENT OF GUAM
GOBETNAMENTON GUAHAN
DEPARTMENT OF LAND MANAGEMENT
DIPATTAMENTON MANMANEHAN TANO'
LAND SURVEY DIVISION
DIBISION AGRASENSIA 'TANO'

Doc No. 34 GL-17-1005 *.

S-14242 ½



S-14242 2/2

PAGE 2 OF 2

CLTC Resolution No. 2017-04 EXHIBIT "A"

Doc. No. 34GL-17-0313.

Doc No. 34 GL-17-1005 *.

CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2017-05

Declaration and Designation of Land for Commercial Use

WHEREAS, the Chamorro Land Trust Commission ***(hereafter CLTC)***, pursuant to Public Law 33-95, may declare and designate certain lands for commercial leasing or licensing to the general public. CLTC shall conduct a public hearing for the proposed lands and the commissioners shall approve by resolution the proposed lands. The resolution shall then be forwarded to *I Liheslaturan Guahan* within thirty days for review; and

WHEREAS, the CLTC board of commissioners at their November 19, 2015, regularly scheduled meeting passed a motion for the CLTC Administrative Director conduct a public hearing of proposed lands; and

WHEREAS, on January 19, 2016, at 6:00PM, the CLTC conducted a public hearing for the proposed lands at the Dededo Senior Center, Dededo Guam; and

WHEREAS, on January 21, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed the public hearing comments on the proposed lands for commercial use; and

WHEREAS, on March 16, 2017, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, approved by a motion to designate the following parcel for commercial use:

Tract 111, Lot 12, Municipality of Tamuning, consisting of approximately 2,564 square meters, as shown on survey map L.M. No. 332FY95, Instrument No. 530747, shown in Exhibit "A", currently Resort-Hotel Zone (H).

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land parcel and declares this land to be designated property for commercial use having been duly public heard in accordance with Public Law 33-95; and

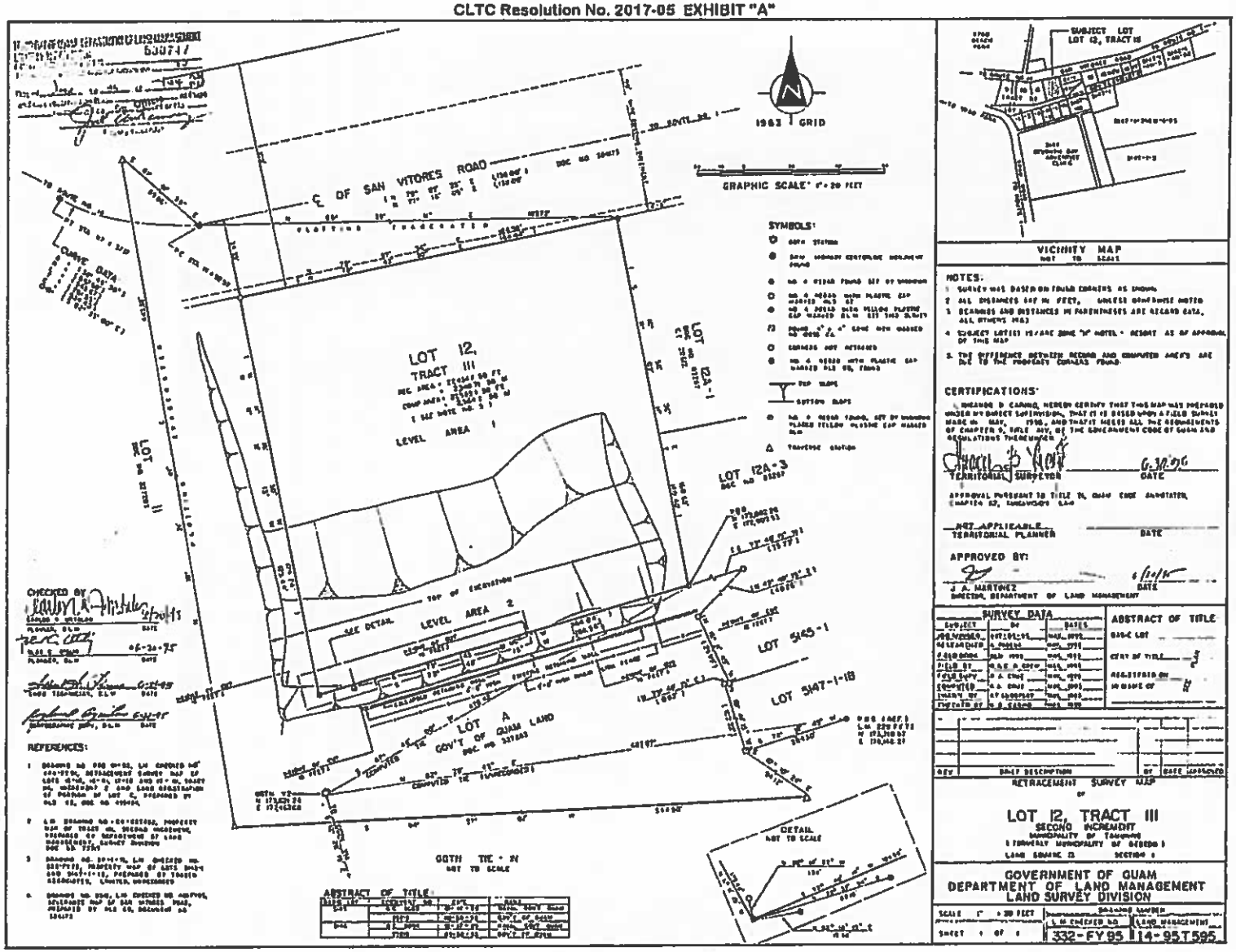
2. The Chamorro Land Trust Commission Board of Commissioners asserts its authority to determine and control the use of this designated property; and

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan* with its recommendation to approve the property identified in this Resolution.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 16TH DAY OF MARCH 2017.

Doc No. 34 GL-17-1005 *.

Date: 20 March 2017



10095
10095
Doc No. 34 GL-17-1005 *.
Doc. No. 34GL-17-0313.

I Mina'Trentai Kuattro Na Liheslaturan

BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
98-34 (LS)	Dennis G. Rodriguez, Jr Joe S. San Agustin	AN ACT TO ADD NEW SUBSECTIONS 75122(c)(21), 75122(c)(21)(A), AND 75122(c)(21)(B), TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE CHAMORRO LAND TRUST COMMISSION (CLTC) TO AMEND AN EXISTING LICENSE AGREEMENT; TO ESTABLISH CLTC CREDIT IN LIEU OF CASH PAYMENT IN ACCORDANCE WITH LICENSE AGREEMENT; AND TO PROVIDE THAT THE CLTC CREDITS ESTABLISHED HEREIN ARE ASSIGNABLE TO A THIRD PARTY OR PARTIES.	5/23/17 2:20 p.m.						

Doc No. 34 GL-17-1005 *.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 98-34 (LS)

Introduced by: **Dennis G. Rodriguez, Jr.**
Joe S. San Agustin

AN ACT TO ADD NEW SUBSECTIONS 75122(c)(21), 75122(c)(21)(A), AND 75122(c)(21)(B), TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE CHAMORRO LAND TRUST COMMISSION (CLTC) TO AMEND AN EXISTING LICENSE AGREEMENT; TO ESTABLISH CLTC CREDIT IN LIEU OF CASH PAYMENT IN ACCORDANCE WITH LICENSE AGREEMENT; AND TO PROVIDE THAT THE CLTC CREDITS ESTABLISHED HEREIN ARE ASSIGNABLE TO A THIRD PARTY OR PARTIES.

2017 MAY 23 PM 2:20

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. New Subsections 75122(c)(21), 75122 (c)(21)(A) and 75122(c)(21)(B), are hereby added to Chapter 75, Title 21, Guam Code Annotated, to read:

"(21). Authorization to Amend Existing License Agreement Relative to Lot. No. 5219-1-1, Barrigada, Guam; Establish CLTC Credit in Lieu of Cash Payment Resulting from the provisions of §75122(c)(21)(A)), *Infra*; and that CLTC Credits Established Herein are Assignable to a Third Party or Parties. The Chamorro Land Trust Commission (CLTC) is hereby authorized to approve, *in toto*, the following

I Mina'Trentai Kuattro Na Liheslaturan

BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
105-34(COR)	Thomas C. Ada	AN ACT TO GRANT ADMINISTRATIVE JURISDICTION TO A PORTION OF LOT 7054-R5 THAT IS ABOUT 3.5 ACRES IN THE MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93 TO THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT.	6/2/2017 4:01 p.m.						

Doc No. 34 GL-17-1005 *.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

2017 JUN -2 PM 4:01

Bill No. 105-34(COR)

Introduced by: Thomas C. Ada

AN ACT TO GRANT ADMINISTRATIVE JURISDICTION TO A PORTION OF LOT 7054-R5 THAT IS ABOUT 3.5 ACRES IN THE MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93 TO THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Lot No. 7054-R5, Municipality of Yigo comprises of 48,309 square meters (11.94 acres) as shown on DLM Map No. 167FY93. Lot 7054-R5 is owned by the Government of Guam under ***split*** Administrative Jurisdiction between the Chamorro Land Trust Commission (8.44 acres) and the Department of Land Management (3.5 acres), undivided portions, as per Document 508926 (also known as the *Public Land Inventory of Transferred Lands to the Chamorro Land Trust Commission*). *Additionally,* P.L. 22-18 does not reserve the Land Management undivided portion of 3.5 acres for any public purpose.

I Liheslaturan Guåhan intends to grant administrative jurisdiction of that undivided 3.5-acre portion to the Office of the Chief of Police, Guam Police Department (GPD). Said 3.5-acre portion is deemed to be best suited for the construction of needed GPD police services facilities, to include a

precinct headquarters, equipment and evidence storage facility, and related police facilities.

Section 2. Grant of Administrative Jurisdiction to a 3.5-acre portion of Lot 7054-R5, Municipality of *Yigo* to the Office of the Chief of Police, Guam Police Department.

(a) Administrative Jurisdiction to a 3.5 acre portion of Lot 7054-R5, Municipality of *Yigo* is hereby granted to the Office of the Chief of Police, Guam Police Department for the purpose of developing that portion of Lot 7054-R5 for police service facility(s), to include but not limited to a precinct headquarters, equipment and evidence storage facility, and related police facilities.

(b) The remaining portion of Lot 7054-R5 consisting of 8.44 acres shall *remain,* as per Document 508926, in the Chamorro Land Trust Lands Inventory.

(c) A map designating the two (2) portions of Lot 7054-R5, *the 8.44 acres of the Chamorro Land Trust Commission and the 3.5 acres for the Guam Police Department* shall be prepared, recorded and provided by the Department of Land Management to the Chamorro Land Trust Commission and the Chief of Police. The location of the 3.5 acres portion shall be at the discretion of the Chief of Police.

Section 3. Land Zoning Consideration Report Required. A *Land Zoning Consideration Report* is required, as per 2 GCA Ch. 2 Section 2110, for Attachment to the Committee Report before being placed in Third Reading.

Section 4. Exemption from Appraisals. Since the bill does not involve a government taking, purchase or lease of *non-government* land 2GCA, Ch. 2 Section 2107 and; 34th Guam Legislature Standing Rule 6.04

(c)(4) do not apply.

Section 5. Agricultural Impact Statement; Required. Lot 7054-R5 is presently zoned Agricultural (A); this Act seeks to re-zone said lot to Light Industrial/Public Facility (M-1/PF). Although it may be a requirement *only* of the Guam Land Use Commission Application Procedures, an Agricultural Impact Statement for this bill is required as per 21 GCA Chapter 61 Section 61637.

Section 6. Re-Zoning From Agricultural (A) to Light Industrial (M-1) / Public Facility (PF). That portion of Lot No. 7054-R5, that is to be placed under Administrative Jurisdiction of the Guam Police Department is hereby rezoned from Agricultural (A) to Light Industrial (M-1) and Public Facility (PF).

Section 7. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, that invalidity *shall not* affect other provisions or applications of this law, which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

I Mina'Trentai Kuattro Na Liheslaturan

BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
106-34(COR)	Thomas C. Ada	AN ACT TO ADD A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION AGAÑA 13 (OFFICERS' HOUSING AREA) FROM AGRICULTURAL (A) ZONE TO RESIDENTIAL (R-2).	6/2/2017 4:03 p.m.						

Doc No. 34 GL-17-1005 *.

2017 JUN -2 PM 4:03

II MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 106-34 (COR)

Introduced by: Thomas C. Ada

AN ACT TO *ADD* A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION *AGAÑA* 13 (OFFICERS' HOUSING AREA) FROM AGRICULTURAL (A) ZONE TO RESIDENTIAL (R-2).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the U.S. Congress enacted the *Defense Base Realignment and Closure Act of 1990* (BRAC 1990), which set the stage for the return of lands at the Naval Air Station *Agaña,* to the government of Guam.

I Liheslaturan Guåhan also finds that prior to effectuation of the conveyance, the government of Guam was required to develop a reuse master plan for the returned lands. The *Tiyan Plan* was developed by the *Komitea Para Tiyan*, a committee commissioned by the Governor of Guam and recognized by the Department of Defense as the Local Redevelopment Authority. The *Tiyan Plan* envisioned the re-use of Lot Naval Air Station Agana – 13 Officers' Housing Area for continued use as a housing subdivision.

I Liheslaturan Guåhan further finds that in September 2000, the Guam Economic Development Authority (GEDA) received the property on behalf of the government of Guam (Quitclaim Deed, DLM No. 636649). The land was returned with the proviso that use of the property would be continued as a housing subdivision, unless consented otherwise by the United States.

I Liheslaturan Guåhan also finds that in October 2002, pursuant to P.L. No. 26-100, the above-mentioned parcel was further deeded to the Guam Ancestral Lands Commission (GALC) for the return of the property to the original landowners (Quitclaim Deed, DLM No. 638644).

I Liheslaturan Guåhan intends to further facilitate the development of *West Tiyan* as was envisioned in the *Tiyan Reuse Master Plan* by legislatively providing the opportunity to rezone lots in the parcel previously known as Lot Naval Air Station Agana – Officers' Housing Area from Agricultural (A) to Residential (R). This rezoning will enable the landowners to maximize the use of their properties.

Section 2. A new § 61218 is *added* to Article 2 of Chapter 61, Title 21, Guam Code Annotated, to read:

"**§ 61218. Rezoning of *Lot Naval Air Station Agaña Officers' Housing Area* from Agricultural (A) to Residential (R).**

(a) Applicability. Rezoning considerations *shall* be applicable to the following original lots in Lot Naval Air Station Agana – Officers' Housing Area: 2053-A-1, 2053-1-1, 2053-2-1, 2054, 2055, 2056, 2057, 2057-1, 2058 western section, 2058 eastern section, 2066-2 and subdivisions of these basic lots.

(b) Notification to Landowners. Within fifteen (15) working days from the enactment of this Act, the Director of the Department of Land Management *shall* send, by certified mail, notices to the last known registered owners of the lots or subdivisions thereof these basic lots listed in Subsection (a) informing them of this Act. A copy of this Act and information related to use regulations under the R-2 zone pursuant to § 61306 of Article 3, Chapter 61, Title 21, Guam Code Annotated, *shall* be attached to the notice.

(c) Affirmation of Rezoning. Within one hundred and eighty

(180) working days from the enactment of this Act or from the date of conclusion of probate proceedings, owners of the lots listed in Subsection (a), or their administrator or administratrix, must provide written affirmation to the Director of the Guam Department of Land Management of their concurrence to rezone their lots to Residential (R).

(d) Failure to Affirm or Non-Concurrence. The current lot zone *shall* remain unchanged in the event the owner of the lot, or an authorized representative, does not submit a written affirmation per Subsection (c) or does not concur with rezoning to Residential (R). Any subsequent change in zoning shall be processed pursuant to 21 GCA Chapter 61.

(e) Update of Master Zoning Map and Other References. The Department of Land Management and the Bureau of Statistics and Plans *shall* update the Master Zoning Map and any other such documents, maps, public notices, and websites within one (1) year of the enactment of this Act.

(f) Recordation.

(1) The Department of Land Management *shall* post on its Records Division journals, its Planning Division lists, and its Survey Division maps, *against each relevant lot*, its affirmed zone or its retention zone within two hundred seventy (270) days of the enactment of this Act.

(2) The Department of Land Management *shall*, through its existing procedures, notify the Department of Revenue and Taxation of the updated rezoning within two hundred seventy (270) days of the enactment of this Act.

(3) The Department of Revenue and Taxation *shall* assess applicable real property taxes on these parcels, to be effective in the

following tax year.

(g) Rezoning Fee. Each lot owner agreeing to the rezone of their lots to Residential (R) *shall* be assessed a fee of One Thousand Two Hundred Eighty Dollars ($1280.00) to defray costs related, but not limited to, research, notification, processing, recordation, and posting. Said fees *shall* be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF)."

(h) The Administrator/Administratrix for any lot that is listed in subsection (a), and that is still going through probate, must present to the Department of Land Management a court order giving specific authority to effect a zoning change on behalf of the Estate, as part of the written affirmation.

Section 3. Land Zoning Consideration Report Required. A *Land Zoning Consideration Report* is required, as per 2 GCA Ch. 2 Section 2110, for Attachment to the Committee Report before being placed in Third Reading.

Section 4. Agricultural Impact Statement; Required. Lot Naval Air Station Agana – Officers' Housing Area is presently zoned Agricultural (A) as is all Returned Federal Excess Lands initially; this Act seeks to provide the opportunity to re-zone lots in the parcel known as Lot Naval Air Station Agana – Officers' Housing Area to Residential (R). Although it may be a requirement *only* of the Guam Land Use Commission Application Procedures, an Agricultural Impact Statement for this bill is required as per 21 GCA Chapter 61 Section 61637.

Section 5. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, that invalidity *shall not* affect other provisions or applications of this law, which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

I Mina'Trentai Kuattro Na Liheslaturan

BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
107-34(COR)	Thomas C. Ada	AN ACT TO GRANT ADMINISTRATIVE JURISDICTION OF THOSE PORTIONS OF LOT 5, BLOCK 15, TRACT 2831, MUNICIPALITY OF TALOFOFO THAT ARE NOT CURRENTLY LEASED OUT, TO THE OFFICE OF THE MAYOR, MUNICIPALITY OF TALOFOFO AND THE TALOFOFO MUNICIPAL PLANNING COUNCIL FOR AGRICULTURE PURPOSES.	6/2/2017 4:05 p.m.						

Doc No. 34 GL-17-1005 *.

2017 JUN -2 PM 4:05

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 107-34(COR)

Introduced by: Thomas C. Ada

AN ACT TO GRANT ADMINISTRATIVE JURISDICTION OF THOSE PORTIONS OF LOT 5, BLOCK 15, TRACT 2831, MUNICIPALITY OF *TALOFOFO* THAT ARE NOT CURRENTLY LEASED OUT, TO THE OFFICE OF THE MAYOR, MUNICIPALITY OF *TALOFOFO* AND THE TALOFOFO MUNICIPAL PLANNING COUNCIL FOR AGRICULTURE PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Lot 5, Block 15, Tract 2831, Municipality of Talofofo is a community assigned lot in the municipality of Talofofo and under the jurisdiction of the *Department of Land Management.* Lot 5, Block 15, Tract 2831, Municipality of Talofofo consists of 16,225 square meters (4.0 acres) as shown on DLM Map 068FY91.

I Liheslaturan Guåhan further finds that Lot 5, Block 15, Tract 2831, Municipality of Talofofo may have been subdivided further to accommodate residential deeds or leases.

I Liheslaturan Guåhan intends to recognize and sanction those pre-existing residential deeds and leases on those parts of Lot 5, Block 15, Tract 2831, Municipality of Talofofo.

I Liheslaturan Guåhan further intends to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of Talofofo ***free*** of any pre-existing deeds or leases to the Office of the Mayor

of the Municipality of Talofofo and the Talofofo Municipal Planning Council for agriculture purposes, i.e., a community garden.

Section 2. Grant of Administrative Jurisdiction of Lot 5, Block 15, Tract 2831, Municipality of *Talofofo* to the Office of the Mayor of *Talofofo* and the Talofofo Municipal Planning Council.

(a) Administrative Jurisdiction of those areas of Lot 5, Block 15, Tract 2831, Municipality of *Talofofo* free of any previously deeded or leased is hereby granted to the Office of the Mayor of *Talofofo* for the purpose of developing a community garden for use by the residents of *Talofofo*.

(b) The Department of Land Management Survey Division is hereby directed to provide a sketch map and points showing of the area granted to the Office of the Mayor.

(c) If the property is not developed into a functioning community garden within Three (3) years of the date of enactment of this Act, administrative jurisdiction shall expire and the property shall revert to the Chamorro Land Trust Lands Inventory by statute.

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, that invalidity *shall not* affect other provisions or applications of this law that can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable.

First Amendment to Chamorro Land Trust Commission License Agreement for Lot. No. 5219-1-1, Barrigada, Guam:

'FIRST AMENDMENT TO CHAMORRO LAND TRUST COMMISSION LICENSE AGREEMENT

THIS FIRST AMENDMENT is entered into on this ____ day of _____ 2017, by and between the Chamorro Land Trust Commission, whose mailing address is Post Office Box 2950, Hagatna, Guam 96932 ("Licensor") and Ko'Ku Recycling, whose mailing address is Post Office Box 25158 GMF, Guam 96921 ("Licensee").

RECITALS

WHEREAS, Licensor and Licensee previously entered into a License Agreement regarding Lot No. 5219-1-1, Barrigada, Guam, a true and correct copy of which is attached hereto as Exhibit "1"; and

WHEREAS, in accordance with said license agreement, Licensee is authorized to conduct business related to solid waste management, processing, recycling, disposal and a storage facility, so long as all uses are legal and conforming; and

WHEREAS, parties wish to clarify certain matters set forth in the License Agreement.

NOW, THEREFORE, in consideration of the mutual and dependent promises set forth herein, the parties hereto agree as follows:

1. Except as expressly agreed to in writing in this

First Amendment, all provisions in the License Agreement between the parties, attached hereto as Exhibit "1", will remain fully binding and in full force and effect.

2. Pursuant to Section II, TERM, of the License Agreement, the parties agree that the "initial term" of the License Agreement shall be deemed to have commenced on September 4, 2005.

3. In Section V of the License Agreement, COMPENSATION, the parties agreed that Licensee would receive certain credit in exchange for rental payments for all cleanup work; conducted by Licensee on Lot No. 10122-15, and that the amount of the credit would be based upon work performed on Lot No.10122-15, including but not limited to the removal of metallic waste and other items. Licensor has already agreed that Licensee is entitled to credit for the removal of at least 25,000 metric tons from Lot No. 10122-15. In accordance with the formula set forth in Section V, Licensor and Licensee hereby agree that the total amount of credit currently due Licensee for work completed pursuant to Section V is $7,500,000. This credit shall be an offset in favor of Licensee against any rental payments that would otherwise be due to Licensor under the License Agreement. The agreed upon calculation of the credit due Licensee is set forth in the document attached hereto is Exhibit "2". Benny B. Bello and Licensee further agree that the license for Lot 10122-15 is terminated with respect to Bello and Licensee. Bello and Licensee are released from any further responsibility or liability

for such lot.

4. Licensee shall be authorized to conduct the following business activities on the real property, Lot 5219-1-1, Barrigada; solid waste processing facility, solid waste management disposal and recycling, hard fill, storage and warehousing, operation of construction office and storage and sales of construction and building materials and equipment, and lay down yard.

5. Licensee will immediately continue with its efforts to clean and remediate the property. Within sixty (60) days from approval of this Amendment, Licensee will provide a detailed plan to the CLTC indicating how the property will be cleaned and remediated. Licensee will submit periodic reports to the CLTC, no less than quarterly, indicating its progress in fulfilling its obligations under the license agreement.

6. CLTC and Licensee may negotiate for the exchange of another property, in substitution of the property licensed herein. Any such substitution must be mutually agreed upon by the parties. In the event that the parties agree to the substitution of another property, the credit currently due to licensee shall be transferable to such other property.

7. All provisions in the License Agreement, except as expressly modified herein, shall remain in full force and effect.

8. Licensee may assign the credit due hereunder to a third party or parties.

9. Licensee will provide insurance coverage in accordance with the original license.

10. Licensee shall pay any applicable real estate taxes.'

(A). CLTC Credit. Upon the official board action taken by the CLTC pursuant to the adoption of Subsection 75122(c)(21), *Supra*, and solely for the purposes of Subsection 75122(c)(21), *Supra*, there is hereby established CLTC credit in lieu of cash payment to satisfy the terms and conditions of Subsection 75122(c)(21), *Supra*.

(B). CLTC Credits Assignable. The CLTC credits authorized pursuant to Subsection 75122 (c)(21)(A), *Supra*, shall remain valid and lawfully binding until fully expended by the holder of such CLTC credit. Moreover, the Licensee may assign the credit due hereunder to a third party or parties, and such assignment or assignments to a third party or parties shall remain valid and lawfully binding until fully expended, and all CLTC credits or assignments of such CLTC credits provided herein shall be honored by the CLTC. An assignee of Licensee may use such credits to satisfy an obligation owed to the CLTC on other properties owned by it."

I Mina'Trentai Kuattro Na Liheslaturan

BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
108-34 (COR)	Thomas C. Ada	AN ACT TO SET ASIDE LOT 1, BLOCK 14 OF TRACT 2831, MUNICIPALITY OF TALOFOFO; AND TO AUTHORIZE THE GOVERNOR TO LICENSE THE PROPERTY TO THE GUAM FOOTBALL (SOCCER) ASSOCIATION FOR THE PURPOSE OF THE CONSTRUCTION OF A SOCCER SPORTS FACILITY THEREIN.	6/2/2017 4:07 p.m.						

Doc No. 34 GL-17-1005 *.

2017 JUN -2 PM 4:07

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 108-34(COR)

Introduced by: Thomas C. Ada

AN ACT TO SET ASIDE LOT 1, BLOCK 14 OF TRACT 2831, MUNICIPALITY OF TALOFOFO; AND TO AUTHORIZE THE GOVERNOR TO LICENSE THE PROPERTY TO THE GUAM FOOTBALL (SOCCER) ASSOCIATION FOR THE PURPOSE OF THE CONSTRUCTION OF A SOCCER SPORTS FACILITY THEREIN.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that Lot 1, Block 14, Tract 2831, Municipality of Talofofo is a community assigned lot in the municipality of Talofofo under the jurisdiction of the *Department of Land Management*. Lot 1, Block 14, Tract 2831, Municipality of Talofofo consists of 31,026 square meters (7.7 acres) as shown on DLM Map No. 068FY91.

I Liheslaturan Guåhan further finds that the Guam Football (Soccer) Association is a duly registered non-profit sports organization engaged in the development and promotion of sports activities in the field of soccer.

I Liheslaturan Guåhan further finds that in recent years, there has been a dramatic increase in the number of youths participating in soccer programs and leagues sponsored by the Guam Football (Soccer) Association. The development of additional sports facilities where our young people can go to participate in sports activities which contributes to their growth and development is in the best interest

of the Territory. The construction of a comprehensive soccer facility, which meets federation standards, would promote and shape the intensity and the popularity of the sport in our community and will contribute to the healthy formation of our youth. Part of the reason and success of this dramatic increase has been the willingness of citizens like the organizers of not-for-profit community sports groups to step up and help develop community sports facilities with Government land partnerships.

Furthermore, *I Liheslaturan Guåhan* finds that a public-private-partnership between the Guam Football (Soccer) Association and the government of Guam, via the Department of Parks and Recreation provides the best opportunity for the expeditious and cost effective development of a sports facility for *southeastern Guahan.*

It is the intent of *I Liheslaturan Guåhan* to enable the formation of such a partnership; and desires to provide the land area for the development of soccer sports facilities. And further intends to authorize the Governor of Guam to enter into a public-private partnership with a bonafide not-for-profit non-government sports organization for the development of Lot 1, Block 14, Tract 2831, Municipality of Talofofo for soccer sports facilities.

Section 2. Reservation of Land; Lot 1, Block 14, Tract 2831, Talofofo. The Governor is hereby authorized to license, through the Department of Parks and Recreation, Lot 1, Block 14, Tract 2831 (as shown on DLM Map No. 068FY91) Municipality of Talofofo, to the Guam Football (Soccer) Association for the purpose of developing soccer fields and related facilities. Lot 1, Block 14, Tract 2831, Municipality of Talofofo consists of 31,026 square meters (7.7 acres).

Section 3. Terms of the License. The Department of Parks and Recreation and the Guam Football (Soccer) Association shall enter into a license agreement for the development of soccer fields and related facilities for a period of thirty (30) years

with an option to extend for another thirty (30) years which shall contain at the minimum the following conditions:

(a) The Department of Parks and Recreation Commission shall negotiate an operating agreement between the Department and the Guam Football (Soccer) Association for the management and maintenance of the facilities to be constructed and developed;

(b) The design of the facilities to be constructed within the licensed property shall be completed within Twenty-Four (24) months from date of the signing of the license agreement and shall be paid for by the Guam Football (Soccer) Association;

(c) The Licensee shall initiate construction within Three (3) years from date that the design in subsection (b) is approved by the Department of Parks and Recreation. Reasonable progress towards completion shall be achieved over the next Twenty-Four (24) months. Extension of time for project completion may be granted by the Department of Parks and Recreation for an additional Twenty-Four (24) months;

(d) The cost of the license shall be One Dollar ($1.00) per year;

(e) The licensee, based upon an operating agreement with the Parks and Recreation Commission, is the authorized organization to operate the facilities and schedule the events to be conducted within the facilities;

(f) In the event of the failure of the licensee to comply with all the requirements of the conditions of the license as set forth in the Agreement, the property shall revert to the Chamorro Land Trust Lands Inventory by statute;

(g) The license agreement shall be non-transferable unless approved by *I Liheslaturan Guåhan* by statute.

Section 4. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, that invalidity

GUAM ROCKS

A Wholly Owned Subsidiary of
LATTESTONE



August 30, 2017

CHAMORRO LAND TRUST COMMISSION ("CLTC")
Commissioner, Pascual VA. Sablan
590 S. Marine Corps Dr., ITC Bldg. Ste 733
Tamuning, Guam 96913

RE: Lajuña Lot 7163 Agreement
between CLTC & Guam Rocks, Inc.

Commissioner Sablan:

Enclosed are my correspondences on August 9, 2017 and August 14, 2017 requesting to meet and discuss CLTC's Agreement with Guam Rocks. Also included is a one-page Executive Summary of Guam Rocks and a two-page Course Of Action Recommendation evaluation of CLTC & Guam Rocks Agreement.

I would greatly appreciate the opportunity to meet and discuss Lajuna Lot 7163, its history along with Guam Rocks' history since 2007, and the options to proceed with the Agreement between CLTC and Guam Rocks. You can email me at sstern@lattestoneholdings.com or call me anytime at (671) 929 8837. I look forward to hearing from you and working with you on the Lajuna development.

Best Regards,

SAMANTHA STERN

Enclosures:
Lajuna Lot 7163 Course Of Action Recommendation (2 pages)
Guam Rocks Executive Summary (1 page)
Email on 8/14/2017 to Chairwoman Gyongyi "Pika" Fejeran (1 page)
Email on 8/14/2017 to Administrative Director Michael Borja (1 page)
Email on 8/9/2017 to Administrative Director Michael Borja (4 pages)

cc: Administrative Director, Michael Borja
Deputy Director, David V. Camacho
Chairwoman, Gyongyi "Pika" Fejeran
Vice Chairman, Joseph I. Cruz
Commissioner, Amanda LG. Santos
CLTC Legal Counsel, Nicolas Toft

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Doc No. 34 GL-17-1005 *.

LAJUNA LOT 7163

COURSE OF ACTION RECOMMENDATION

CONFIDENTIAL – DO NOT DISSEMINATE. COA contains confidential, trade-secret information and is shared only with the understanding that you will not share its contents or ideas with third parties without the express written consent of Latte Stone Holdings, Inc. Dated as of August 1, 2017.

Synopsis

GUAM ROCKS
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- **PROBLEM STATEMENT**

  Chamorro Land Trust Commission "CLTC" acted in bad faith and misrepresented itself regarding the development of Lajuna Lot 7163. CLTC failed to follow any procurement law, due process or intend to notify Guam Rocks of any action regarding commercial licenses/leases and/or Lajuna Lot 7163.

- **RECOMMENDATION**

  Course Of Action "COA" No. 2 is in the Best Interest of the Government Of Guam and CLTC. Recommendation is to proceed with the License Agreement between CLTC and Guam Rocks, Inc. "Guam Rocks".

- **DECISION NEEDED BY**

  The decision is needed by Friday, September 15, 2017. If a decision is not made by Friday, September 15, 2017, Guam Rocks intends to File a Summary Judgement in the Superior Court of Guam.

Doc No. 34 GL-17-1005 *.

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Chronology

GUAM ROCKS
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- **2009**
  - On March 19, 2009, CLTC Board of Commissioners held a regular monthly meeting and approved Guam Rocks' application and license agreement terms.
  - On November 3, 2009, CLTC Chairman Oscar Calvo, issued Guam Rocks a Notice To Proceed Letter authorizing Guam Rocks to access Lajuna Lot 7163 for surveying and design plan for grading.

- **2010**
  - On February 19, 2010, the Legislature requested CLTC to defer all commercial license and lease activities until the passage of CLTC's commercial rules and regulations.
  - On February 19, 2010, this resulted in CLTC suspending work with Guam Rocks.

- **2013**
  - On November 21, 2013, GEDA and CLTC issued RFP14-002 for the development of Lajuna Lot 7163.
    - NOTE: GEDA and CLTC should have never issued RFP14-002 due to Guam Rocks' License Agreement rights to develop Lajuna Lot 7163 that was approved by CLTC's Board in March 2009.

- **2015**
  - CLTC commercial rules and regulations was enacted through Public Law 33-95.
  - 2015–2017 Guam Rocks has repeatedly requested to proceed with CLTC regarding Agreement for Lajuna Lot 7163.

Doc No. 34 GL-17-1005 *

Source: Guam Rocks Timeline

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Course Of Action

GUAM ROCKS
A Wholly Owned Subsidiary of LATTESTONE

NO.	COA	DESCRIPTION	COST	TIME	PROS	CONS
1	Status Quo: Inaction	CLTC refuses to respond to any of Guam Rocks inquiries, requests, meetings and/or follow on action regarding Guam Rocks and Lajuna Lot 7163	1. Direct Cost Incurred ~$1M 2. Overhead Incurred ~$1M 3. Extended Overhead ~$10M 4. Litigation Costs ~$250-500K 5. Projected Revenue and Ongoing Punitive Damages TBD	September 15, 2017 to decide on action forward	• No immediate costs incurred • Permits time for CLTC to plan & prepare for action	• Two simultaneous litigations on Lajuna • Accumulating ext. overhead costs TBD • Public scrutiny • Possibility of all commercial leases & licenses suspended indefinitely • Potential lawsuits against Director, Chairwoman & Commissioners
2	License Agreement with Guam Rocks	CLTC reinstates Guam Rocks authorization to access Lajuna Lot 7163 and proceed with surveying, permitting and grading activities; CLTC & Guam Rocks update, renegotiate and execute License Agreement to be compliant with rules & regs.	~ $0	Immediately and/or next CLTC Board Meeting	• Immediate REVENUE stream • Shortest timeframe to accomplish goals • Positive PR, funds for infrastructure & surveys • Purestone litigation dropped • No litigation & settlement costs	• Protracted renegotiation
3	Settlement Agreement with Guam Rocks	CLTC decides to terminate for convenience and pay Guam Rock all time, material (including interest, taxes, et al) incurred from CLTC Board Approval in March 19, 2009 to settlement date TBD.	TBD	TBD	• Opportunity to re-solicit after Purestone litigation is settled	• Accumulating ext. overhead costs TBD • GovGuam GF source for Settlement • Time/costs for resolicitation ONLY after CLTC settles with Purestone

Doc No. 34 GL-17-1005 *.

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GUAM ROCKS

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DEVELOPMENT DIMENSIONS

Lajuna Property	Owned by CLTC
Location	Yigo, Guam
Lot Size	403 acres 1,634,290 sq. m.
Lot Re. Usage	202 acres 817,145 sq. m.
Tax Assessed Value	$13,101,000
Royalty Revenue (PV)	$13,364,000
Royalty (Market)	$1.00/ton
Royalty (Inflation)	$3.00/ton
Recommended Use	Industrial Devt. Commercial Devt.
Potential Use	Housing Devt. Agricultural Growth

CONTACT

Director of Economic Development & Finance
Governor of Guam Council of Economic Advisors

Chairwoman & CEO
Guam Rocks, Inc.

Samantha Stern
535 Chalan Pale Ramon Haya
Yigo, Guam 96929
Tel. +1 671 929 8837
Email sstern@lattestoneholdings.com

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SUMMARY

In 2009, Guam Rocks, Inc. "Guam Rocks" was **approved** by Chamorro Land Trust Commission's "CLTC" Board of Directors for the development of a 403-acre greenfield property on the island of Guam, Lajuna Point Lot No. 7163 "Lajuna".

PROBLEM

RULES & REGULATIONS: CLTC lacked the rules and regulations necessary to fairly enter into any commercial license or lease agreements. The Legislature of Guam demanded CLTC halt all commercial license or lease activities until the adoption of the agency's rules and regulations.

RESCIND AUTHORIZATION: This request resulted in CLTC Chairman's letter to Guam Rocks to rescind the authorization to proceed with surveying and design plan.

SOLUTION

ENACTMENT OF P.L. 33-95: In 2015, Governor Eddie Calvo signed into law CLTC's rules and regulations for commercial licenses and leases. The enactment of CLTC's commercial guidelines grandfathered Guam Rocks, license approval and commercial activity of est. $1 Million USD, by virtue of previous authorization to be upheld as an existing commercial license.

REINSTATE AUTHORIZATION: Guam Rocks request CLTC's Chairwoman and Commission Members reinstate authorization for Guam Rocks to proceed with surveying and design plan for Lajuna.

NEW MANAGEMENT & TEAM

Latte Stone Holdings "Latte Stone", a NY-domicile company, purchased 100% of Guam Rocks shares in 2016. Latte Stone is primarily owned by an indigenous Chamorro woman, meeting majority of small and disadvantaged business designations under the Small Business Administration. Latte Stone has been working with Smithbridge Guam to form an affiliation between the business' synergies and interest in the development of Lajuna.

LICENSE AGREEMENT

CLTC and Guam Rocks need to renegotiate the terms of the License Agreement and confirm the License Agreement is compliant with the agency's new rules and regulations. Guam Rocks will also recommend CLTC increase the proposed price per ton royalty payment for minerals extracted due to inflation and to ensure its maximum participation and benefit from the military buildup.

REVENUE MODEL

The present value of royalty revenue is estimated at a minimum $13,364,000. The annual projected revenue for CLTC from mineral extraction activities is approximately $3,000,000 per year, subject to the price per ton royalty negotiated and total minerals extracted. CLTC can address the backlog of approximately 8,000 applicants, who waited over 25 years for their land to be zoned, surveyed or adequately developed with infrastructure and the issuance of their residential or agricultural leases.

DEVELOPMENT PLAN

Guam Rocks contracted Meliton Santos to survey Lajuna and design a Master Plan for the development of ½-acre lot subdivision, when it was approved by CLTC's Board in 2009. Guam Rocks was permitted, DPW Permit No. G10000128, to clear and grade Lajuna based on this Master Plan.

Given the time lapsed of the approved Master Plan, Guam Rocks will work with CLTC to ensure the needs and best use of Lajuna is still ½-acre pad-ready lots or take into account alternative/mix uses, less developed areas and environmentally friendly green zones. Through this Public-Private Partnership, Guam Rocks will pay CLTC a royalty revenue for the minerals extracted and will produce improvements and pad-ready lots chosen by CLTC for the property's best use.

Doc No. 34 GL-17-1005 *

Samantha Stern

From: Samantha Stern <sstern@lattestoneholdings.com>
Sent: Monday, August 14, 2017 4:18 PM
To: 'Pika Fejeran'
Cc: Michael Borja; 'Nicolas Toft'; 'LAND MGT DIRECTOR'
Subject: Guam Rocks License
Attachments: Guam Rocks Executive Summary FINAL.PDF

Importance: High

Hafa adai Pika,

Attached is an Executive Summary for Guam Rocks for your review.

I'd like to begin the discussions with you regarding the decade-long history Guam Rocks has with CLTC, the timeline of Lajuna Lot 7163 and the resolution to reinstate Guam Rocks' authority to continue to proceed with surveying and design plan and execution of Guam Rocks' License Agreement.

Please let me know your earliest availability. I'm in Guam and will make myself available.

You can call me on my Guam mobile (671) 929-8837 or email me anytime if you have any questions or need further information.

I look forward to hearing from you.

Kind regards,
Samantha

Samantha Stern
Chairwoman & CEO | Latte Stone Holdings, Inc.
30 Wall Street, 8th Floor | New York, NY 10005
Ph: (212) 709-8320 | M: (646) 299-3894

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Samantha Stern

From: Samantha Stern <sstern@lattestoneholdings.com>
Sent: Monday, August 14, 2017 4:20 PM
To: Michael Borja; 'LAND MGT DIRECTOR'
Cc: 'Pika Fejeran'; 'Nicolas Toft'
Subject: Guam Rocks License
Attachments: Guam Rocks Executive Summary FINAL.PDF; Wed., Aug. 9th email to Director Mike Borja.pdf

Importance: High

Hafa adai Mike,

Attached is an Executive Summary for Guam Rocks for your review.

I requested a meeting with Chairwoman Pika Fejeran, you were cc on the email to her, to discuss Guam Rocks and its License Agreement with CLTC. If you're available and feel comfortable attending, I request your presence as well. If you're not able to attend, I'll provide you with a copy of the presentation and any documentation I bring to the meeting.

Lastly, attached is a copy of my email I sent Wed., Aug. 9th. I wanted to follow up with you regarding who to speak with about Purestone's settlement offer. Can you advise me if I need to speak directly with Pika Fejeran or Nicolas Toft regarding this matter?

Call me on my Guam mobile (671) 929-8837 or email me anytime if you have any questions or need further information.

Thank you,
Samantha

Samantha Stern
Chairwoman & CEO | Latte Stone Holdings, Inc.
30 Wall Street, 8th Floor | New York, NY 10005
Ph: (212) 709-8320 | M: (646) 299-3894

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Samantha Stern

From: Samantha Stern <sstern@lattestoneholdings.com>
Sent: Wednesday, August 9, 2017 3:14 PM
To: 'Michael Borja'
Cc: 'Nicolas Toft'; 'Pika Fejeran'; 'LAND MGT DIRECTOR'
Subject: RE: Meeting - Monday, August 14, 2017

Hafa adai Mike,

I completely understand your position and concerns in discussing the Purestone litigation or any of its matters. I'm respectful of that limitation on both our ends and I apologize if I risked the integrity of either of our positions in any way. That was not my intent at all.

My intent was to have a positive and open dialog and reiterate the Purestone settlement offer conditional to moving forward with CLTC & Guam Rocks' license agreement. Purestone and Guam Rocks are wholly owned subsidiaries of Latte Stone with aligned interest to work with CLTC on the development of Lajuna Lot 7163.

Smithbridge's involvement in this conversation is because Latte Stone and Smithbridge are forming an affiliation. We just thought it was important to discuss our ideas to develop Lajuna Lot 7163. There are many misconceptions surrounding the development of Lajuna Lot 7163 that seemed to have paralyzed the progress of this deal, prior to the litigation, that can be addressed through an open conversation. It is clear involving Smithbridge at this point is premature and Albert Smith and affiliates will be removed from any communications going forward.

Please let me know if you can discuss Purestone's settlement offer with me. If you don't feel comfortable having these discussions with me, I understand and kindly request you advise me who I can have these conversations with and progress to resolve any issues regarding Lajuna Lot 7163. Until you advise me who I can speak with or how to speak with you about this resolution, I think we should reschedule our meeting set for Monday, August 14, 2017 at 2:00P.M. to a later date.

I look forward to your feedback and appreciate your communication thus far.

Kind regards,
Samantha

Samantha Stern
Chairwoman & CEO | Latte Stone Holdings, Inc.
30 Wall Street, 8th Floor | New York, NY 10005
Ph: (212) 709-8320 | M: (646) 299-3894

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From: Michael Borja [mailto:Michael.Borja@land.guam.gov]
Sent: Monday, August 7, 2017 9:42 AM
To: Samantha Stern <sstern@lattestoneholdings.com>
Cc: 'Albert Smith' <Albert.Smith@universalcranes.com>; Michael Borja <Michael.Borja@land.guam.gov>; Nicolas Toft <Nicolas.Toft@land.guam.gov>; Pika Fejeran <pikapilarfejeran@gmail.com>; LAND MGT DIRECTOR <LANDMGTDIRECTOR@land.guam.gov>
Subject: RE: Meeting - Monday, August 14, 2017

Hafa Adai Samantha,

As I noted in our last meeting on May 11, 2017, and in our conversation last Friday, I, and the Chamorro Land Trust Commission, cannot discuss matters that are pending appeal with the Office of Public Accountability (OPA) or on matters in litigation. In your meeting agenda, you wish to discuss "Lajuna Lot 7163." This matter will not be discussed since, as you well know, this is a matter which you brought forth in both an OPA appeal to an RFP and in court litigation.

Additionally, we previously discussed the matter of Guam Rocks in regards to the Chamorro Land Trust Commission in which there are no legal relationships between the two entities.

If these are the matters you wish to discuss on August 14, then, based on the advice of counsel, there will not be a meeting. On the other hand, I have an open door to discussions with constituents and interested parties, so long as the concerns or issues do not exceed the bounds of my authority. As such, your requested meeting is tentatively scheduled for August 14, 2017, 2:00 PM, DLM conference room, 3rd floor ITC Building.

MICHAEL J.B. BORJA
Director, Department of Land Management
Government of Guam
michael.borja@land.guam.gov
(671) 649-5381
Check Your Property On Guam Land App

DEPARTMENT OF LAND MANAGEMENT

From: Samantha Stern [mailto:sstern@lattestoneholdings.com]
Sent: Thursday, August 03, 2017 9:55 AM
To: Michael Borja <Michael.Borja@land.guam.gov>
Cc: LAND MGT DIRECTOR <LANDMGTDIRECTOR@land.guam.gov>; LAND MGT DIRECTOR <LANDMGTDIRECTOR@land.guam.gov>; 'Albert Smith' <Albert.Smith@universalcranes.com>
Subject: Meeting - Monday, August 14, 2017

Good morning Mike,

Can we confirm a meeting with you for Monday, August 14, 2017? I am currently in Guam and Albert Smith will be traveling from Australia and will need to make his travel plans after your confirmation.

(Proposed Agenda)

Date:	Monday, August 14, 2017
Time:	TBD
Where:	DLM
Attendees:	Guam Rocks – Samantha Stern
	Smithbridge – Albert Smith, Steve Radonich & Jake Leon Guerrero
Agenda:	Guam Rocks/Lajuna Lot 7163
	Development plan & Next Steps

Thank you!

Samantha Stern
President | Latte Stone Holdings, Inc.
30 Wall Street, 8th Floor | New York, NY 10005

Date	POS Receipt #	Account No.	Account Name	Amount	Customer Name
15-Aug-17	2217130453	322254202	DLM-Comm'l Lease	$ 1,610.49	Pacific Underwater Observatories, Inc.
28-Aug-17	2217135623	322254202	DLM-Comm'l Lease	$ 1,433.58	Transworld Radio Pacific
			TOTAL	**$ 3,044.07**	
1-Aug-17	2217124382	362452101	Application Fee	$ 50.00	Quitugua, Janet Ann
1-Aug-17	2217124383	362452101	Application Fee	$ 50.00	Iglesias, Jesse C.
4-Aug-17	2217126209	362452101	Application Fee	$ 50.00	Guerrero, Vincent Paul Toves
7-Aug-17	2217126688	362452101	Application Fee	$ 50.00	Elliot, Darrell P.C.
9-Aug-17	2217128227	362452101	Application Fee	$ 50.00	Sanchez, George R.
11-Aug-17	2217129535	362452101	Application Fee	$ 50.00	Crisostomo, Chairman Anthony K.
15-Aug-17	2217130537	362452101	Application Fee	$ 50.00	Korean Association of Guam
18-Aug-17	2217132427	362452101	Application Fee	$ 50.00	Quichocho, Roxanne R.
18-Aug-17	2217132429	362452101	Application Fee	$ 50.00	Camacho, Michael O.
23-Aug-17	2217133965	362452101	Application Fee	$ 50.00	Quichocho, Jayme Ignacio
31-Aug-17	2217137815	362452101	Application Fee	$ 50.00	Cruz, Justin Joseph
24-Aug-17	2217134452	362452101	Application Fee	$ 50.00	Crisistomo, Maria Mendiola
			TOTAL	**$ 600.00**	
3-Aug-17	2217125524	362454201	Commercial Lease/License	$ 1,348.68	KM Broadcasting of Guam
4-Aug-17	2217126329	362454201	Commercial Lease/License	$ 1,090.05	Sorensen
4-Aug-17	2217126290	362454201	Commercial Lease/License	$ 850.00	Moycom
8-Aug-17	2217127635	362454201	Commercial Lease/License	$ 1,592.70	Docomo
15-Aug-17	2217230819	362454201	Commercial Lease/License	$ 11,858.25	Guam International Country Club
17-Aug-17	2217131472	362454201	Commercial Lease/License	$ 3,500.00	Agfayan Inc.
22-Aug-17	2217133487	362454201	Commercial Lease/License	$ 10,000.00	Guam International Country Club
22-Aug-17	2217133633	362454201	Commercial Lease/License	$ 1,039.08	Choice Phone, LLC
23-Aug-17	2217134411	362454201	Commercial Lease/License	$ 4,000.00	The Guam Racing Federation
31-Aug-17	2217137978	362454201	Commercial Lease/License	$ 11,858.25	Guam International Country Club, Inc.
			TOTAL	**$ 47,137.01**	
17-Aug-17	2217131556	362457207	Sale of Gov't Land - PL31-53	$ 360,000.00	Guam Waterworks Authority
17-Aug-17	2217131556	362457207	Sale of Gov't Land - PL31-53	$ 95,000.00	Guam Waterworks Authority
			TOTAL	**$ 455,000.00**	
15-Aug-17	2217130537	366952001	App/CLTC infratructure	$ 100.00	Korean Association of Guam

Doc No. 34 GL-17-1005 *.

August 2017 - CLTC Revenue Collection

Date	POS Receipt #	Account No.	Account Name	Amount	Customer Name
18-Aug-17	2217132419	366952001	CLT Sur/Infrastructure Fund	$ 458.33	USPS (Dededo Station)
			TOTAL	**$ 558.33**	
3-Aug-17	2217125589	366956001	Land Lease	$ 99.00	Guerrero, Emmanuel F.
7-Aug-17	2217126930	366956001	Land Lease	$ 99.00	Ramirez, Francisca S.
15-Aug-17	2217130818	366956001	Land Lease	$ 40.00	Cruz, Benjamin J.
24-Aug-17	2217134463	366956001	Land Lease	$ 99.00	Gange, Crystal D.
			TOTAL	**$ 337.00**	
7-Aug-17	2217126569	366957001	CLT - Sale of gov't land	$ 3,882.85	Manglona, Paul V.
11-Aug-17	2217129175	366957001	CLT - Sale of gov't land	$ 4,710.79	San Nicolas, Francisco T.
			TOTAL	**$ 8,593.64**	
			GRAND TOTAL	**$ 515,270.05**	

Doc No. 34 GL-17-1005 *.

CLTC - Operations Fund
A/R Aging Summary
As of September 21, 2017

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
1GASB 13	0.00	0.00	0.00	0.00	250,798.26	250,798.26
1Guam Resource Recovery Partners	0.00	4,400.00	4,400.00	4,400.00	39,600.00	52,800.00
Evelyn Store	0.00	26.00	26.00	26.00	234.00	312.00
Guam Broadcast Partners / Sorensen	0.00	896.09	896.09	896.09	28,271.46	30,959.73
Guam International Country Club	0.00	11,858.25	0.00	0.00	0.00	11,858.25
Guam Racing Federation	0.00	4,000.00	4,000.00	4,000.00	15,770.00	27,770.00
I T & E Guam	0.00	769.68	769.68	0.00	0.00	1,539.36
iCONNECT/CHOICE PHONE	0.00	1,039.08	0.00	0.00	0.00	1,039.08
Johnny Cool Towing	0.00	-566.36	0.00	0.00	-2,689.44	-3,255.80
Layao Enterprises	0.00	0.00	0.00	0.00	0.00	0.00
United States Postal	0.00	918.84	918.84	918.84	891.64	3,648.16
TOTAL	0.00	23,341.58	11,010.61	10,240.93	332,875.92	377,469.04

Doc No. 34 GL-17-1005 *.

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
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Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 30, 2017

COPY

Memorandum

To: Governor of Guam

From: Director, Department of Land Management

Subject: **FY 2017 MONTHLY REVENUE COLLECTION REPORT – JULY 2017**

Buenas yan Hafa Adai! Forwarded is the ***JULY 2017*** Revenue Collection Report, pursuant to Public Law 17-70, Section 13971.1, revenues collected by the Department of Land Management and the Chamorro Land Trust Commission and deposited into the various accounts listed below:

ACCOUNT NAME	JULY Rev COLLECTED	To Date COLLECTED
3100 - General Fund	$0.00	$0.00
3222 - Land Survey Revolving Fund	$192,254.74	$2,605,341.01
1100 - Dept's/Other Special Account	$879.25	$12,086.27
3624 – Chamorro Land Trust Commission	$38,337.76	$764,796.07
3669 – Chamorro Land Trust Survey	$6,112.33	$134,845.07
GRAND TOTAL	**$237,584.08**	**$3,517,068.42**
To Date Collection For FY 2017		**$3,517,068.42**

In addition, revenues from the Non-Appropriated Funds were received, as follow:

Chamorro Land Trust Commission

DESCRIPTION	JULY Rev COLLECTED	To Date COLLECTED	Account Bal as of JULY 2017
Bank of Guam Account #XXXXXX2274	$21.60	$211.74	$203,501.48
Bank of Guam Account #XXXXX5976	$360.00	$360.00	$10,580.94
Bank of Guam CD #XXXXXX7964	$0.00	$0.00	$300,000.00
GRAND TOTAL	**$381.60**	**$571.74**	**$514,082.42**
To Date Collection For FY 2017 (Chamorro Land Trust – NAF)		**$571.74**	

Ancestral Lands Commission

DESCRIPTION	JULY Rev COLLECTED	To Date COLLECTED	Account Bal as of JULY 2017
Checking Bank of Hawaii Account #XXXX-XX1057	$0.00	$0.00	$0.00
Land Owner's Recovery Fund Bank of Hawaii Account #XXXX-XX0071	$0.00	$0.13	$0.00
Trust Bank of Hawaii Account # XXXX-XX0217	$3.96	$38.91	$77,901.50
Checking	$0.00	$1.73	$1002.19
Secondary Savings	$0.00	$11.07	$7,452.66
Trust Share Savings	$21,898.14	$476,463.66	$3,772,208.62
Coast 360 FCU Account #XX6454	$0.00	$5,114.47	$515,164.47
	$0.00	$0.00	$307,260.00
	$0.00	$11,890.85	$311,890.85
GRAND TOTAL	**$21,902.10**	**$493,520.82**	**$4,992,880.29**
To Date Collection For FY 2017 (Ancestral Lands – NAF)		**$493,524.21**	

If you have any questions or require additional information, please do not hesitate to call our Administrative Support Unit at 649-5263 ext. 600.

Senseramente,

MICHAEL J.B. BORJA

Attachment

cc: Speaker Benjamin J.F. Cruz, 34th Guam Legislature
Chairman Thomas C. Ada, Committee on Environment, Land, Agriculture, and Procurement Reform
Office of the Public Auditor of Guam
Director, Bureau of Budget and Management Research
Mr. Jason Baza, DLM Budget Analyst, Bureau of Budget & Management Research
Director, Department of Administration
Comptroller, Department of Administration
Financial Statement Reporting Branch, Department of Administration
CLTC Board Members (via Ruth Sakuma)
DLM Deputy Director
DLM Division Heads (4)

DEPARTMENT OF LAND MANAGEMENT
REVENUE COLLECTION REPORT
FISCAL YEAR 2017

TITLE DESCRIPTION	Carry Over Balance	ACCT.	ACCT. #	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	TO DATE
Documentary Taxes		LSRF	3222-51801	$ 148,044.50	$ 217,388.69	$ 151,015.36	$ 135,064.00	$ 160,990.50	$ 351,650.50	$ 245,704.50	$ 164,136.50	$ 460,326.50	$ 125,047.50			$ 2,159,368.55
Recording Fee		LSRF	3222-56910	$ 25,118.50	$ 28,436.00	$ 26,844.00	$ 25,398.00	$ 26,410.50	$ 34,713.50	$ 35,055.00	$ 35,794.00	$ 35,591.50	$ 28,966.50			$ 302,327.50
Photostat Fees		LSRF	3222-56911	$ 3,004.50	$ 3,074.50	$ 2,475.00	$ 2,131.00	$ 2,325.00	$ 3,143.50	$ 1,027.00	$ 1,178.00	$ 9,517.50	$ 3,753.50			$ 31,629.50
Survey Copies		LSRF	3222-56912	$ 1,588.00	$ 1,723.50	$ 1,774.00	$ 1,688.00	$ 2,580.00	$ 3,451.00	$ 2,231.00	$ 1,429.00	$ 4,578.00	$ 2,104.00			$ 23,146.50
C.T. Copies		LSRF	3222-56912	$ 4,333.00	$ 4,034.50	$ 2,793.00	$ 4,316.00	$ 3,919.00	$ 3,854.50	$ 3,334.50	$ 2,862.50	$ 4,501.50	$ 4,274.00			$ 38,222.50
Subpoena Fees		LSRF	3222-57208			$ 35.00							$ 35.00			$ 70.00
Commercial Lease		LSRF	3222-54202	$ 1,000.00	$ 3,867.16	$ 2,433.58	$ 2,433.58	$ 2,433.58	$ 2,433.58	$ 2,433.58	$ 2,433.58	$ 3,033.58	$ 28,074.24			$ 50,576.46
HPR & Other App. Fee	$ 64,834.43	SA	1100-2429A	$ 843.00	$ 376.25	$ 916.73	$ 639.75	$ 107.00	$ 774.25	$ 944.50	$ 557.25	$ 126.50	$ 879.25			$ 6,164.48
LUPRA (2900RS010)	$ 9,326.81	SA	1100-23316	$ 316.96	$ 470.58		$ 750.23		$ 1,190.00	$ 221.91	$ 762.93	$ 589.18				$ 4,301.79
CCN Fee (2910RS010) P.L. 23-31	$ 7,939.00	SA	1100-23337			$ 20.00		$ 1,600.00		$ -						$ 1,620.00
Trust Application Fees		[redacted]	3624-52101	$ 300.00	$ 400.00	$ 550.00	$ 350.00	$ 150.00	$ 800.00	$ 1,200.00	$ 650.00	$ 600.00	$ 600.00			$ 5,600.00
Commercial Lease/License		[redacted]	3624-54201	$ 17,861.21	$ 36,685.99	$ 28,105.38	$ 436,861.24	$ 12,764.91	$ 60,595.21	$ 21,667.55	$ 76,235.40	$ 28,887.28	$ 37,526.67			$ 757,190.84
Interest		[redacted]	3624-54101	$ 183.04	$ 179.06	$ 178.30	$ 188.22	$ 195.70	$ 220.62	$ 217.51	$ 230.38	$ 201.31	$ 211.09			$ 2,005.23
CLT-SUR-Commercial Lease & Lic (P.L. 33-90)		[redacted]	3669-52001						$ 416.67	$ 3,223.33	$ 458.33	$ 458.33	$ 5,458.33			$ 10,014.99
CLT-SUR-Agr/Res Land Trust Lease (P.L. 33-90)		[redacted]	3669-56001	$ 456.00	$ 268.00	$ 547.00	$ 391.00	$ 861.00	$ 265.00	$ 1,821.00	$ 326.00	$ 1,674.00	$ 654.00			$ 7,263.00
CLT-SUR-Sale of Govt Land (P.L. 33-90)		[redacted]	3669-57001	$ 9,902.42	$ 6,715.46	$ 26,808.20	$ 45,767.30	$ 396.00	$ 11,840.18	$ 11,043.24	$ 5,094.28					$ 117,567.08
LSRF COLLECTED (3222)				$ 183,088.50	$ 258,524.35	$ 167,369.94	$ 171,030.58	$ 198,658.58	$ 399,246.58	$ 289,785.58	$ 207,833.58	$ 517,548.58	$ 192,254.74	$ -	$ -	$ 2,605,341.01
SPECIAL ACCT. COLLECTED (1100)				$ 1,159.96	$ 846.83	$ 936.73	$ 1,389.98	$ 1,707.00	$ 1,964.25	$ 1,166.41	$ 1,320.18	$ 715.68	$ 879.25	$ -	$ -	$ 12,086.27
DLM TOTAL				$ 184,248.46	$ 259,371.18	$ 168,306.67	$ 172,420.56	$ 200,365.58	$ 401,210.83	$ 290,951.99	$ 209,153.76	$ 518,264.26	$ 193,133.99	$ -	$ -	$ 2,617,427.28
[redacted]																
CLTS TOTAL				28,702.67	$ 44,248.51	$ 56,188.88	$ 483,557.76	$ 14,367.61	$ 74,137.68	$ 39,172.63	$ 82,994.39	$ 31,820.92	$ 44,450.09	$ -	$ -	$ 899,641.14
GRAND TOTAL				212,951.13	$ 303,619.59	$ 244,495.55	$ 655,978.32	$ 214,733.19	$ 475,348.51	$ 330,124.62	$ 292,148.15	$ 550,085.18	$ 237,584.08	$ -	$ -	$ 3,517,068.42

Documentary Taxes collection is now being deposited into LSRF, effective 23 Oct 2000, as per Executive Order 2000-35

(GF) * Deposited into General Fund.
(LSRF) Deposited into Land Survey Revolving Fund Account
(S/A) * Deposited into established Special Account.
(CLTO) Deposited into Chamorro Land Trust Operations
(CLTS) Deposited into Chamorro Land Trust Survey Fund

Prepared By:
Patricia A. Muna, Administrative Assistant 8/29/17

Copies Provided to:
Speaker Benjamin J.F. Cruz, 34th Guam Legislature
Chairman Thomas C. Ada, Committee on Environment, Land, Agriculture, and Procurement Reform
Office of the Public Auditor
Director, Bureau of Budget & Management Research (BBMR)
BBMR, Mr. Jason Baza, DLM Budget Analyst
Director, Department of Administration
DOA, Comptroller
DOA, Financial Statement Reporting Branch
DLM Deputy Director
DLM Division Heads (4)
CLTC Board Members

Office of the Speaker
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