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 Tejeran
Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

February 22, 2018

GCH 34-18-1579

Speaker Benjamin J.F. Cruz

FEB 2 7 2018

Time: 3:23 [ ] AM [X] PM File No. 34-1585

Received By: Elma

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 February 15, 2018.

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.

2018 FEB 27 PM 4:56

1579

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REGULAR BOARD MEETING
AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, February 15, 2018, 1:00 PM

Public Notice: The *Guam Daily Post* on February 8, 2018 and February 13, 2018

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. September 21, 2017 Regular Meeting
2. October 6, 2017 Special Meeting
3. October 19, 2017 Regular Meeting

IV. PUBLIC COMMENTS

V. OLD BUSINESS

1. Black Construction – Request to Use Land Along Route 3
2. Guam Rugby Club – License Option to Extend
3. Matthew Quinata - Request to land exchange a portion of private Lot 214-3, Municipality of Santa Rita for a portion of CLTC Lot 243-REM-8-R/W, Municipality of Santa Rita
4. Guam Raceway Federation – Status update

VI. NEW BUSINESS

1. GEDA-CLTC MOU Update
2. Lot 7054-R8, Yigo – Yigo Mayor Request
3. Vision & Mission Statements
4. Lot 354-4-R2, Inarajan – Haya Foundation Request

VII. DIRECTOR'S REPORT

1. Financials
2. Amended CLTC Resolution 2017-07

VIII. COMMISSIONERS' COMMENTS

IX. ADJOURNMENT

1. Next Meeting – Thursday, March 15, 2018

Rev. 4/4/2016

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Administrative Director

COMMISSION MEETING ATTENDANCE SHEET

Date: February 15, 2018

Time: 1:09 p **Adjournment:** 4:50 p

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

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Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

PUBLIC COMMENTS SIGN IN SHEET

CLTC Board Meeting

Date: February 15, 2018

NAME (Please Print)	Contact#
Vincent S.N. Aguon	747-0514
~~Jeff Rios~~	689-2767

Rev. 3/9/2017

Margarita Borja

From: Margarita Borja
Sent: Friday, February 9, 2018 9:17 AM
To: LAND MGT DIRECTOR; Honorable Benjamin J.F. Cruz; senatorterlajeguam@gmail.com; Honorable Thomas C. Ada; senatorjoessanagustin@gmail.com; senatortcnelson@gmail.com; Honorable Michael F.Q. San Nicolas; Honorable Frank Blas Aguon, Jr.; Honorable Dennis G. Rodriguez, Jr.; senjvespaldon@gmail.com; Honorable Thomas A. Morrison; Honorable Mary Camacho Torres; senatorlouise@gmail.com; wilcastro671@gmail.com; senatoresteves@gmail.com; senatorbiscoelee@guamlegislature.org; mcogadmin@teleguam.net; mayormcdonald@hotmail.com; agatmayor@yahoo.com; agatvice.chrisfejeran@yahoo.com; tarriola@investguam.com; ltoves@investguam.com; mcruz@investguam.com
Cc: Michael Borja; David Camacho; Ruth S. Sakuma
Subject: NOTICE OF PUBLIC MEETING

NOTICE OF PUBLIC MEETING

CHAMORRO LAND TRUST COMMISSION

MEETING DATE / TIME: February 15, 2018/ 1:00 p.m.

MEETING PLACE: Land Management Conference Room, 3rd Floor, ITC Building, Tamuning

Additional Information May Be Available At: http://dlm.guam.gov/announcements-2/

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact: Margarita at 649-5263 x410; margarita.borja@land.guam.gov

DEPARTMENT OF LAND MANAGEMENT

Margarita V. Borja
LAND ADMINISTRATOR

Chamorro Land Trust Commission

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Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd Floor, ITC Buidling, Tamuning
Thursday, September 21, 2017, 2017; 1:30 p.m. – 4:16 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:30 p.m. by Chairwoman Pika Fejeran.

II. ROLL CALL

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

III. APPROVAL OF MINUTES – May 18, 2017 Board Meeting

IV. PUBLIC COMMENTS

Denise Mendiola: Hafa Adai everyone Madam Chair. I have some handouts if you don't mind I can go ahead and just give them over to you. Thank you for having us. We will be brief. Hi, my name is Denise Mendiola. I'm the Senior Business Advisor for the Guam Small Business Development Center at the University of Guam. I am also on the team with these folks at the University Of Guam College Of Agriculture and I have with me Mr. Mark Acosta.

Mark Acosta: I'm Mark Acosta, Extension Agent at the College of Agriculture Cooperative Extension Outreach Program.

Denise Mendiola: The reason we are here today is because we wanted to give you information about a program that's coming up the first day is September 30th and it will run every Saturday for the next eight weeks. This program is something that we have done already about a year ago and what we do there is we introduce people who are interested in gardening of farming and people who are interested in taking it to the next level from maybe want to do commercial farming. So what we do is we team up with all of our resources and we provide workshops and hands on experience in Introduction to Farming, Introduction to Business and different forms of farming based on different models so I'll let Mark talk a little bit about that.

Mark Acosta: The University, we were under MOA with the Chamorro Land Trust a couple of years back, we went out in conjunction with the Department of Agriculture as well as the Chamorro Land Trust and we were looking at a compliance issue with those under the agriculture leases and under our program we found that there was many educational components that were needed by the leases under the Land Trust. A lot of them talked about farming without water, farming on a poor, rocky soils and so a lot of (inaudible) that we developed was all developed specifically for the Chamorro Land Trust partners. Now we are integrating with the Business School and there's a business component to it, Farm Planning, so this program...its tailor made for the Chamorro Land Trust lessees especially those who are just beginning to farm without the education. Some of the farmers we found were incompliant but many were out of compliant based on lease agreement not being three quarters of the property not being in full agriculture production. So our last program actually was targeted toward Chamorro Land Trust but we kind of shifted and went towards veteran farmers. So this one for this program we want to come back and ask for help in recruiting Chamorro Land Trust farmers and then also if Chamorro Land Trust employees would like to be involve as well as part of the training so that they could help the lessees that they're working with.

Chairwoman Pika Fejeran: These are free classes?

Denise Mendiola: Yes, this is free of charge. It's a very special program. We've called in a lot of our resources including USDA, we've called in (paused).

Mark Acosta: NRCS, FSA, Department of Agriculture, and then also we have partners in Public Health looking at the livestock operations. Many of the livestock operations that we went out to see, a lot of them were having issues with the waste management. A lot of them were just raising pigs on the ground. Public Health is wanting them to put in septic tanks and different things so we've developed different agriculture practices to get around those things.

Denise Mendiola: So the idea is to be able to provide an opportunity especially to those that are leasing property on Chamorro Land Trust land and for the trainers or the people we will be providing resources to them so that we are all on the same team, we're all speaking the same language and we can provide a wrap-around support system for these people so that they have more chances of success in their properties. So we are reaching out for the Chamorro Land Trust to hope for your support of you can maybe encourage the lessees to be able to participate in this program while we have everybody together is the ideas rather than have it piecemeal the resources to them.

Administrative Director Michael Borja: So is this the outreach to go to them or you want them to come to you.

Denise Mendiola: We would like for them to come to our training. It is at the University College of Agriculture Building on Saturdays. So we found out that was the best time and date for them to participate, it's from 9:00 am to 12:00pm we have food and we do a combination of a classroom and hands on experience on the site. And then from there we

can set up those times and dates to meet with them individually, go to their properties and be able to...they have to do site assessments anyway and figure out how they can best help them because everyone is going to have a different situation. We going to run until November. Every Saturday until November. And we do have a training schedule that we can provide to you folks.

Chairwoman Pika Fejeran: So what I'm getting is you got the resources, the training set up and you're here to ask us to provide the link between what you are offering and our lessees.

Administrative Director Michael Borja: The only methods of contact with these folks is usually just by mail. We have email addresses but sometimes they are out of date. If we send out mailings there's no guarantee it's going to get there. Once they get a lease we lose touch of them for a while unless they come us. So we will try to do something to get the word out there.

Denise Mendiola: The bottomline is to show that there's an effort being made to reach out to these people and we're going to do our part as well. We're going to do media, public announcements, PSAs, we're going to do as much as we can. But we are hoping since you are in a good positions you have better access to these folks than we do that would be nice if you could also reach out to them with whatever mechanism you have.

Chairwoman Pika Fejeran: This came out before with another partnership with the Department of Agriculture and the challenge for us was the time and resources it took to get this mailings out to everybody. Would that be something that you would put on your plate and prepare the mailings and we would give the affix address labels.

Administrative Director Michael Borja: Fundamentally it's not a budgeted item and if I want to mail out 3,000 letters at roughly 50 cents apiece, it doesn't sound like a whole lot but (inaudible) to start off with. We will find a way to try to get in touch with these people. We'll try to do something. We can put it on our website but that's not a guarantee that people will look at it.

Denise Mendiola: I think at this point is to show that there is an effort being made that we are trying to reach out to show that there are resources available to them and really to be able to (inaudible) any reason for anyone to say that isn't a resources available to our farmers on island and for people who want to do market gardening, people who are having resources issues, we do have resources available for that and that's why we're here to be able to show that.

Chairwoman Pika Fejeran: I think immediately what you can do is to provide us with the training schedule and we can provide it to your staff who are on the front lines working with each lessee and I know in a day we have about 20 lessees come in to talk to the agents so if we have a flyer in the office. I think they can pick up a flier and if we can tell the staff about it they can also do the same.

Denise Mendiola: Absolutely and again as Margaret is saying we can be inviting the staff and anybody that's interested in participating this Saturday. I'm not sure how you would work that out in your budget and schedules but it's an opportunity again, train the trainers and then be able to get all of that information out to all our farmers.

Mark Acosta: We've done this program in the past we did one specifically for Land Trust lessee. Usually we have the same farmers come up to our workshop so now we are trying to reach out to other farmers so that they can get back into compliance with the lease agreement under the Ag leases.

Denise Mendiola: Thank you for your time.

V. OLD BUSINESS

1. IBS (International Bridge Corporation) Status Report

Michael Borja: You have in your packets a land agent's report but I think that may have been pretty old one. You can see what they show was the amount of stuff that was there. I just want to let you know they are completely gone. They were originally supposed to be out of there since January but it took them a lot longer. They had a lot of equipment and a lot of materials that they had to remove. So they are gone. Since this whole thing started, the Guam Legislature went and took 3 ½ acres of that property to assign to the Guam Police Department. That is a public law and at the discretion of the Chief of Police of where, what part of that 12 acres they wanted so they took the side up by the Marine Drive adjacent to the GPA substation generators. So the Survey Division had already began the process to sever it out as a separate property and what we have remaining is 8 ½ acres of property there.

Chairwoman Pika Fejeran: And they still access?

Administrative Director Michael Borja: Yes, there a 50 foot wide easement that's paved that's along the side that leads all the way the length of the property. So if we had to access that property from different places...so they probably going to commence something here pretty soon...probably going to do the RFP pretty soon. And then GPD was originally was supposed to have a piece of land where the Public Works is using their buses, and Public Works is supposed to be someplace else. Nevertheless the one piece of property further north is a triangle tip. It's a three acre lot just down the street and it fronts Marine Drive. There is a bill that will be on the next session that would give that piece of property over to the Chamorro Land Trust for what GPD share was. So it's kind of like a swap.

Chairwoman Pika Fejeran: Refresh my memory, the IBC property, the 8 ½ acres was that still Chamorro Land Trust property? 12 acres? Were there plans for that property?

Administrative Director Michael Borja: It's 12 ½ acres. Well, we haven't done anything yet.to it we still want the IBC to get out of there. We will talk about that more with the GEDA

MOU in order to proceed forth...we do need to get some assistance in doing the RFPs like we've been doing before except our MOU did expired..

Vice Chairman Joseph Cruz: Do we need an EPA assessment on the actual use of the property?

Administrative Director Michael Borja: We had them come in and take a look at it while the cleanup was in progress just to make sure that they could identify things. We went up there quit often myself just to see where they stood on everything. You would have to make a visit to Mr. Tocus at his site. If you want to see where all these stuff went, look behind the Harmon McDonald's. It's all in the little spot. All their heavy equipment and containers.

Vice Chairman Joseph Cruz: We should not have any problems leasing it or assigning it to another agency based on previous use? Like EPA's...(paused).

Administrative Director Michael Borja: Just some old tires there, so we have to work on getting those old tires removed. We'll try to figure out how to do that.

2. Guam Raceway Federation – The Status Report

Joey Cruz (Chamorro Land Trust) The Guam Raceway still has a receivable amount of... I believe, $27,000. Mr. Simpson is contesting because the precious board members approved to waive the increase in rental amount grant access for a certain company to utilize the access but there's nothing in the file that we found that a written agreement that will authorize that waiver of rent increase so we're still billing him at $4,000 but he's contesting it.

Administrative Director Michael Borja: This agreement really... I don't know if you know if it came to the board, this agreement was just...was not an agreement, it was a discussion to ask him would you agree to a rent reduction if we allow (at the time we had that RFP going out with Lajuna) if they would be able to transit through the Raceway Track to have an access and then we would look at reducing his rent. But that never got off the ground. We never entered into any form of agreement with him and he knows nobody is coming though there. So its kind of hard that he says this and so we're going continue pushing forward in making sure he pays on what he agrees to because we didn't enter into an agreement. It was just a discussion to find out if he would concur us so we can move forward with that kind of full concurrences. I don't' think its in any of our records. Mr. Sablan do you recall any kind of discussions like that to allow the Guam Raceway? We didn't agree by board or by motion to allow for that. That's what's going on with the Raceway.

Chairwoman Pika Fejeran: Question, the $4,000, that's per month? What was the rent prior to the increase?

Joey Cruz (Chamorro Land Trust) I believe $3,620.

Chairwoman Pika Fejeran: And they haven't even been paying the $2,620.

Joey Cruz (Chamorro Land Trust) they been paying now the $4,000 but because of the rent increase was $3,620 so the difference they weren't paying so they accumulated and they increased the receivable amount. They still have a receivable I believe of about $27,000. Aside from the receivable they also submitted an Adjustment of their Grading and Clearing Permit to the Duenas & Associates although that document is still on my desk because we are requesting for (inaudible) to determine what's actually there before they began their grading. Unfortunately, we haven't receive anything yet.

Chairwoman Pika Fejeran: I see a few letters that you sent. I remember they were here last year some time and we pointed it out.

Administrative Director Michael Borja: We've asked them for information. They haven't provided the information. They have since come forward and asking as a prelude to a formal request for more land and then as far as this grading permit goes that they are asking for, like I said, we withheld our approval on it until they provided us with what's going to happen to the Rock and what their plans are and all the details we've been asking in the past.

Chairwoman Pika Fejeran: And what (inaudible) are we looking at because we get the percentage of the (inaudible) loyalty right?

Administrative Director Michael Borja: But they haven't been…there's been no activity for quite a long time.

Joey Cruz (Chamorro Land Trust): We had conducted a couple of inspections and there's no activity. Also they haven't submitted any reports regarding their entrance fees. They submitted some payments, although, we weren't able to substantiate whether those payments are actually reliable and Mr. Simpson hasn't submitted any reports.

Administrative Director Michael Borja: These are all terms of their require to comply with not because it was written to their agreement but it was part of them all.

Joey Cruz (Chamorro Land Trust): Mr. Simpson has come to the office I believe about a month ago and that's when he was disputing his receivable amount because he feels he should not pay the difference of $3,620 and the $4,000, but there's no actual written agreement.

Chairwoman Pika Fejeran: What is our next step, we call him to a commission meeting?

Administrative Director Michael Borja: One of the things too is you can either solidify what the actions of this board is by motion that the rent has not been adjusted and any reason that he thought was adjusted was never formalize and therefore he is required to pay in full the entire amount that's due.

Chairwoman Pika Fejeran: I would like to have him come in maybe he has something on his side and I like to hear his story.

Vice Chairman Joseph Cruz: Could we get an abstract of the report so that we can base our motion to do a legal action on it? So the grading permit that you mentioned is a new grading permit amended?

Joseph Cruz (Chamorro Land Trust): Amended. Whatever grading permit that was approved previously they are trying to amend it to a certain section with the Guam Raceway.

Vice Chairman Joseph Cruz: But the original grading permit, do we have the volume, reflecting the volume and what was the volume that's being graded at this amendment?

Joseph Cruz (Chamorro Land Trust) I believe we should have that.

Administrative Director Michael Borja: That's what we've been wanting to get to. How are they going to comply and tell us what it is. That was the (inaudible) of the whole process in the first place is that they were supposed to tell us what got taken out. Give us the documentation to prove it that's auditable. We never gotten all that documentation that we've been asking for.

Vice Chairman Joseph Cruz: But if they already secured the original grading permit they should already have the total volume on that permit whether they provide us what was removed, pending and they are coming in with an amendment, is it greater than what is being originally permitted or is it less?

Joey Cruz (Chamorro Land Trust): I think they commence the activity for the initial because if I remember correctly Mr. Simpson had mentioned they wanted to do some hurdles like something up there.

Vice Chairman Joseph Cruz: But since we have a permit that was issued for them, the original, we can only focus on that and put a demand on that grading permit and just hold back on this amendment that they are coming. Because if we are going to wait and process this amendment it's like the original permit whatever was taken we cannot base the amendment if we don't know what the original take was. So bring him in for the original permit and from that information that we got from them whether we cite them or adjust the volume of the excavation and that would determine what is due.

Administrative Director Michael Borja: We'll get him scheduled with all the details for the next meeting.

Chairwoman Pika Fejeran: Thank you.

3. Global Recycling – Status Report

Chairwoman Pika Fejeran: I did have a question, we authorized them but there's no license?

Administrative Director Michael Borja: There is no lease or license and this is again this is something that came about through the typhoon activities something from the greater past so we're stuck with this use of our land by a user who really wants to enter into a lease agreement. He's going through the compliances that are necessary, EPA and he gets his permits and clearances but all they got is a written authorization allowed them many years to be able to use this. This was one of the lots of lands that I had ask the commission to consider for the commercial use so that we can legitimize it somehow we got to do something with this because we're earning nothing out of it. They want to be a good payer but there's nothing that tells them what they can and cannot pay or what they are supposed to pay. So we're at this point where we need to either get legislation that gives them the property to use under our lease or we go through the commercial process. Like I said this was one of the lands that was listed on our initial request for properties to consider for leasing. But then we are put on the dilemma once you get approved for commercial leasing if you go to the rules and regulations you would be require to do an RFP. But there's already an existing user. How do you displace that, what do you do with this thing? So this is a kind of a unique situation that we have to figure a solution to so we can legitimize and collect money from them and they in turn, they feel better too that they got something that they got a lease. But early on they came and ask to do this that's why I put them as a commercial. They only other alternative is to seek legislative authorization that by-passes the rules and regulations so they it gives them a period of time to do this. To what extends they continue to operate as this, what do we do? That's the issue. It's an active metal recycling facility.

Chairwoman Pika Fejeran: In the rules and regulations, I think there was some discussion of some existing commercial licenses that we grandfathered in or something? Is that right?

Vice Chairman Joseph Cruz: I don't think that would apply here.

Chairwoman Pika Fejeran: Oh I mean they don't have a license. But it's almost like it would be just grandfathered in – you don't have to go through the whole process.

Vice Chairman Joseph Cruz: What the chances of just going through the (inaudible)?

Chairwoman Pika Fejeran: You have to go out and get RFPs from various (paused).

Vice Chairman Joseph Cruz: And what's wrong with that, we have a guideline that we have to comply with.

Administrative Director Michael Borja: But you got a user that's sitting there right now.

Vice Chairman Joseph Cruz: The users are not authorized to be in the site.

Chairwoman Pika Fejeran: But we have authorize him.

Administrative Director Michael Borja: So the land for this is to operate a solid waste facility.

Vice Chairman Joseph Cruz: What I'm saying is for him to be legit and we have a guideline to comply on a commercial leases. The existing client here has no legal document to come to us and say this is why I'm here. We need to see what kind of authorization was that.

Administrative Director Michael Borja: (inaudible) It's in the files. All it is, it tells him that he has an authorization to use this land specifically for this purpose. For metal recycling because it was set up as a (paused).

Vice Chairman Joseph Cruz: With no terms, no condition?

Administrative Director Michael Borja: No terms, no condition. Right.

Chairwoman Pika Fejeran: This wouldn't be the first time?

Administrative Director Michael Borja: No that's why I mentioned that there's a couple things out there. This is really, I don't think there's any other ones.

Margarita Borja (CLTC): Just the IBC.

Administrative Director Michael Borja: IBC we got rid off. And then this one is the only other one.

Vice Chairman Joseph Cruz: So what's the difference between IBC and this?

Administrative Director Michael Borja: This has a written authorization. IBC didn't have anything.

Vice Chairman Joseph Cruz: The reason why I'm arguing is because I haven't seen the written authorization. You have a standard report here stating the work done, pictures and all but just because they said they have a written authorization. (paused).

Chairwoman Pika Fejeran: The staff report also mentions some recommendations regarding a lump sum payments for land rent?

Commissioner Pascual Sablan: We cannot put it in the suspense account until we are ready to put it in an appropriate account?

Administrative Director Michael Borja: We can go through the process if you want. The public hearing digest for this all those lots was just like what we did for the Ypao Point. Same thing, we can vote and approve a resolution to submit to the legislature to have this

lot declared for commercial use and once it's done we can go through the process to RFP it for this specific purposes and see what happens. You don't have to accept anything that comes in and see what that route goes. I'm just saying this is kind of unique. I guess, how do you transfer over somebody's...all these stuff that's collected I mean what kind of other details are going to become into play on this stuff that's there. Are all those metals considered assets because they were received and were paid for or do we just say no more and depart, clean it out, you have one year?

Vice Chairman Joseph Cruz: Maybe I'm wrong but if that company has been sitting there for the last 20 years and because he was authorized to assist the community to collect white goods, junks, that's the authorization that was given for them to process that. But not to process for revenue, not to process for profit if that authorization was put in years ago. That's how I knew this case and if they want to get it legit let's go through the commercial guidelines.

Commissioner Pascual Sablan: but in the meantime, would the commission have any objection taking this offer, they are offering to make payment to us and a lump sum for the previous years that Chamorro Land Trust was not compensated. Hey, let's grab whatever offer he has.

Vice Chairman Joseph Cruz: I can understand that but under what authority are we going to collect that from?

Commissioner Pascual Sablan: Maybe the legal counsel can look at that but we can accept the money and put it in the suspense account until such time we identified (inaudible).

Vice Chairman Joseph Cruz: If we do that we kind of accepting the big question of how it was there.

Commissioner Pascual Sablan: Do we really have a copy in the file of that authorization?

Administrative Director Michael Borja: Yes. I'm getting the file right now.

Vice Chairman Joseph Cruz: Like I said the authorization 20 years ago is different authorization than today's.

Commissioner Pascual Sablan: My point is would you have objection for accepting any compensation for the past years? What is the basis?

Vice Chairman Joseph Cruz: There is no authorization to use the property on that recycling process.

Chairwoman Pika Fejeran: There was no agreement.

Commissioner Pascual Sablan: there was no agreement but there was an authorization to use the property.

Vice Chairman Joseph Cruz: To recycle goods that are being done by typhoon for community assistant. Now the intent is for profit.

Commissioner Pascual Sablan: How about the money?

Nicolas Toft (Legal): I don't think you can recover that now. I agree with Director Borja, you have two ways either go to the legislature and have them essentially create a law that grandfather's them in and creates a rental amount per month and that Chamorro Land Trust takes over that agreement and then for whatever long term that they've determined or you make it a commercial property and put it out for bid and if they win the bid great but if some other company's outbids them then that's that. But I don't think you can go in now and retroactively collect an arbitrary amount because we don't have anything to base it on.

Commissioner Pascual Sablan: Okay, we cannot go in there and make assessment (interrupted)?

Nicolas Toft (Legal): The problem is you have to explain it, even for the audit of it, how did you come up with this?

Commissioner Pascual Sablan: So what would be the problem if we accept something and put it on suspension hold and then we get it all thought the legislature once we get the approval and if we have this much money (paused).

Nicolas Toft (Legal): I would say do it the other way, get it through the legislature first. Don't take money first. That would just create more problems.

Chairwoman Pika Fejeran: For a whole recycling can we have it on the next agenda with the full story with the written authorization and then we can also review the rules and regulations as a commission again.

Commissioner Pascual Sablan: Can we have this on the next agenda so we can discuss it because I know you brought it up several years ago?

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.**

Administrative Director Michael Borja: There was a bill that was heard yesterday, a Bill no. 161 to do this transfer. I think we should have a Resolution. We have a Resolution from the Tamuning Municipality Planning Council that is requesting an approval from Chamorro Land Trust Commission to do this. Now here's the history on this lot. There are

two lots. One of them is the big wall park, we are talking right across from the old DFS building next to the Lyndon B. Johnson Tamuning Elementary School down the Chalan San Antonio. The bigger lot that has the ball fields and the basketball courts there. That is the one primary lot that is Lot 5173NEW-3. Now, that property stated off being assigned to Parks and Recs by public law. A public law then changed it to be put under the commissioner of that municipality, in this case, Tamuning, Public Law 13159 gave Parks and Recs and 18-15 gave village commissioner and then when the Chamorro Land Trust was activated they had to put all the government lands that weren't in use by anybody else (inaudible) to the inventory of the Chamorro Land Trust Commission. Unfortunately, it took this piece of property and put it under the Chamorro Land Trust Commission although it had been as previously assigned from community recreational use and it had been used for that period of time ever since. The other piece of land, the New-3, that's right on the store on the road front, there's a blue building there, they call it Blue Building, that Tamuning Market that someone was told to use it because something greater than what it should have ever been and they have since ceased operations. Now that building is part of the peninsula that also is part of the lot that's Tamuning Elementary School. So in my testimony I had to tell them that only portion of that lot that is free for community use is just a 707 square meter portion of that property. The other greater portion of it where the school's at had to be given back to DOE, not to anybody else. So really the original large piece of property has always been used by the Tamuning Community for public parks and it continues for that use. And so they just needed to get the administrative control. What everyone would like to see from this body is a resolution that concurs with that I would like to add to the resolution if you do want to do it then it would be used for that purpose and that purpose only not to be commercially developed and that any failure to use it for...it needs to come back to Chamorro Land Trust Commission just like we've done in all the previous land that had gone to different municipalities. So that's in essence of what this request is all about. And again it would support Bill no. 161 to put it under their control. The village of Tamuning, unfortunately, is one of the few villages that really has the almost no property, not very much in the way of lands for public use in the village that are currently in use like this. It's pretty tight, they had just what's across the street where their community center and their gym is at so this is the piece of property that is being sought for transfer. Present with us is the Vice Mayor of Tamuning.

Tamuning Vice Mayor Kenneth Santos: Thank you Mr. Borja, Madam Chair. I just want to add yes, that's the only property we have that is the recreation for kids and these lands for the last 20-30 years. I used to play baseball there when I was younger also. I just found out recently that when I used to work for Mayor Fred Dunga back then in the 80s we used to always maintain that and I still do up to now. The grass and everything used to be done. Me and the mayor we decided if we can just put that in our inventory so we can just upgrade it more for the kids. We want to upgrade (inaudible) it's supposed to be a multipurpose field. But actually when you go down there it's just one big grassy field. We just got the new youth football team starting training, we got the soccer using that field, we got baseball using that field, softball, we got the basketball court, we got the old tennis court that we turn it into skateboard rink for the skaters but it would be nice if we could upgrade it more and the mayor right now is just telling us can't do anything until we are sure we (inaudible) in managing it.

Administrative Director Michael Borja: The total area of the lot is 25,847 square meters.

Chairwoman Pika Fejeran: Sorry sir, can you state your name for the record.

Tamuning Vice Mayor Kenneth Santos: Vice Mayor Ken Santos. And just to add the so-called Blue Mart that was from the other administration when I came into the office 5-6 years ago I went to look into that and find out who actually who is supposed to maintain that because I realize it was being used for a store. But we didn't know who they were paying rent to and all that, that's when I did the research and found out it was through Land Trust and from the old mayor (inaudible).

Chairwoman Pika Fejeran: I understand the need to get administrative restriction on the fields?

Tamuning Vice Mayor Kenneth Santos: Also we were planning into turning that also for the kids. We were going to make it into a baseball we can use it for the kids as far storage for their baseball field for equipment and stuff like that. And for the restroom facilities we want to upgrade it too because it's really old. Right now we got some people that are coming out to do voluntary work to help fix it up. The mayor just feels that if it's in our inventory we will have more power into building it more.

Chairwoman Pika Fejeran: So do you see the two lots that you are requesting us to transfer to become a cohesive recreational area.

Tamuning Vice Mayor Kenneth Santos: Yes. The whole thing will be about a recreation.

Chairwoman Pika Fejeran: I have a question Director Borja, you said that the transfer from Tamuning into Chamorro Land Trust back in 1994 was an error? How was that an error?

Administrative Director Michael Borja: Well, there was a huge listing, it was a very huge listing of lands and there were done very quickly so you know it was just one of these ones.. It was listed in there.

Chairwoman Pika Fejeran: Is it because the lands that were supposed to be transferred to Chamorro Land Trust in '94 were those that were Government of Guam with no agency or entity (inaudible)?

Administrative Director Michael Borja: Well everything in this whole process was supposed to identify their properties and then they would be remove from the inventory and they were supposed to express a wish list of properties they wanted to reserve for future use. Like for example, we talked about in Yigo. That had been on P.L. 22-18 for use by GPD way back then. If you look at P.L. 22-18 under the mayor's counsel there was zero reservations and perhaps I don't even know maybe it wasn't included by the mayor at the time or the commissioner at the time to be excluded from the inventory so it made it off the

inventory. I can't explain how this happened but it became a document that was signed by the Governor and recorded as an inventory. It's not by far perfect and this is an example of not being perfect just like for example on the piece of property, Tamuning Elementary School and Lyndon Johnson Schools at, it took a portion of that property away. The DOE I guess they built the schools on top of it and so that portions of that property while just kind of lie for some reason, we though a light in there to figure out what was this portion that was taken, what make up that, and it turns out it's the Tamuning Elementary School. This part here like this was all really part of the school system and that listing in '94 took out the .21 acre parcel which just so happens to be where the new school is at and it also includes where that blue building is at. So in returning this lands back to the rightful users, my testimony was, the land the school sits on stays with the school. It revert back to the school not to Chamorro Land Trust and the land that the blue building that is what's being requested to transfer to Tamuning Mayor's Municipal Counsel. So this was a scheme that we did up just to figure all this out.

Administrative Director Michael Borja: One of the reasons the mayors from different villages are requesting for the land to be under their administrative control is because when it is then they are more eligible for the community block grants. And that's the kind of stuff that for example, Sinajana, the basketball facility they have semi-enclosed it pays for that, it pays for bunch of other villages community centers.

Vice Chairman Joseph Cruz: So your resolution indicate 3New and the lot number we're transferring is 2New?

Administrative Director Michael Borja: The numbers had changed, if they were referring to a map that's probably their resolution we redid the scheme (interrupted).

Vice Chairman Joseph Cruz: The portion where the building is at is now sitting on this new designation 3New 2, 73 New2 with 25,000 square meters. So that will be your official lot designation for this transfer instead of using the 2 lot numbers on the resolution?

Vice Mayor Kenneth Santos:: I apologize Mr. Cruz, I really don't know who did our resolution but I...(paused).

Vice Chairman Joseph Cruz: The map you gave me, is it an approve map?

Administrative Director Michael Borja: It's an approved map but we have predesignated it through a scheme to what these portions of properties are going to be lead to. So (paused).

Vice Chairman Joseph Cruz: Are you preparing a new map just for the transfer?

Administrative Director Michael Borja: Correct. We haven't done it yet but we are preparing g the scheme to prepare the map.

Vice Chairman Joseph Cruz: So the map that we are using then is (paused).

Administrative Director Michael Borja: These are the current recorded maps for those areas. So this is how those numbers came about but when we went back to find out how all these divisions occurred that's when we found that portions of lands were moved into the inventory under that 1994 Governor's reassignment.

Margarita Borja (CLTC): Just for clarification, the Blue Mart sits on 5173 NEW – 3 portion.

Vice Chairman Joseph Cruz: That's new? The one you were showing me is dash - 2NEW.

Margarita Borja (CLTC): The field is 2NEW – R2 5173.

Vice Chairman Joseph Cruz: I know I saw that here but on the consolidation map that you (inaudible) the 25,000 square feet a meters is showing all the way out to Route 14 that include the building.

Administrative Director Michael Borja: Yes. This whole thing was that one school. That's what the map shows. This whole with the peninsula.

Vice Chairman Joseph Cruz: Yea, yea but if you notice the map the map that you have (inaudible) we also have the same layout which is dash (paused).

Administrative Director Michael Borja: Right and so this portion that they want the NEW-2, portion of it had been taken out already for GTA. We severed that out recently because of their assignment when it became privatize. So it's part of our Chamorro Land Trust lease. It's one of the listings of all (interrupted).

Vice Chairman Joseph Cruz: So does GTA have that during the land inventory?

Margarita Borja (CLTC): Yes. They severed it out after the land inventory because it was 2R-1 at the time it got transferred and they came in and they severed it out a portion of 2-R1 which made it a remainder.

Margarita Borja (CLTC): GTA has its own lot and the house together with the school, the whole school, Tamuning Elementary, it's a part of that.

Chairwoman Pika Fejeran: Okay, any further discussion to make a motion?

Commissioner Pascual Sablan: Is this a done deal already to transfer to (paused)?

Administrative Director Michael Borja: No, the bill was just publicly heard yesterday it has not been reported out of the committee.

Commissioner Pascual Sablan: Because I was thinking that maybe there's things to be transferred we can ask the mayor to transfer this portion to the Chamorro Land Trust where you normally put the Christmas decorations.

Vice Mayor Kenneth Santos:: No sir. I'm sorry sir I'm going to lose my job if I do that.

Commissioner Pascual Sablan: Why would you lose your job?

Vice Mayor Kenneth Santos:: It's better not to give up that property. Somebody already ask us for that.

Commissioner Pascual Sablan: Who's asking?

Vice Mayor Kenneth Santos:: Who was that? GEDA? Somebody came about 2 years. To change our office to this baseball field. They wanted us to be on this baseball field and to give up all of our...gym and center. They said they could build office gym and center on this baseball field and give us a park. The residence don't want us to do that.

Administrative Director Michael Borja: The idea was that the Fire Department and all the Tamuning Mayor's office area wants this little park would be transferred over to GEDA for the purpose of commercial development with the municipality getting some of the proceeds from that and getting all the help and to also help build their facilities in this area. If you went to the Municipality Planning Council you would have left with 40 arrows in your back.

Commissioner Pascual Sablan: If it's transferred to the Chamorro Land Trust we can maybe realize some revenue coming in. We get to put our office and gym over there but we don't have anything for our kids.

Vice Chairman Joseph Cruz: Transferring that field to mayor's office, is there going to be an issue with DOE as far as leasing it as a ball park or a field?

Vice Mayor Kenneth Santos:: No in fact Rios is also asking us because most of our kids go to Rios. That's where the main school is at. We have St. Anthony as a private school all uses that field for soccer practice and games. We won't deny anybody from the public school kids or a private school kids we strictly make that clear. If you are an adult you would have to wait the kids come first and that's what we want to do is to make sure it's used for the kids first. Adults can come later, you already have the gym, the basketball court for them, but it's the kids that play baseball, soccer, football, and we do have a lot of kids that do want to play sports like that. The problem is that's the only place that we can have them use and hopefully we can have games there.

Commissioner Pascual Sablan: Do we have anything that indemnity us from...(paused)?

Administrative Director Michael Borja: No, once it's under their jurisdiction it's there's but currently no.

Commissioner Pascual Sablan: Are they aware of our concern?

Administrative Director Michael Borja: No there's no formal agreement for usage (inaudible).

Commissioner Pascual Sablan: But that (inaudible) that doesn't mean that we are free from any suit. If the Tamuning Commissioner could say administrative leave using this as a controlling base then we should have something from them indemnify us from any suit.

Vice Mayor Kenneth Santos:: We do have a waiver form that people just don't use that.

Commissioner Pascual Sablan: Between a mayor and Chamorro Land Trust? Mr. Legal Counsel?

Nicolas Toft (Legal): If they are doing it they should have been doing it already. I mean if we transferred it over we can (interrupted).

Commissioner Pascual Sablan: No not yet transferred. But this give us something…free us from any suit.

Nicolas Toft (Legal): Currently if they don't have the control over it right now than they are not necessarily arbitrated to who can use the field or not than Chamorro Land Trust needs to be in there and enforcing who can use it.

Commissioner Pascual Sablan: So we should stop them from using it because we don't have anything to protect ourselves. I don't like to make things difficult but (paused).

Vice Mayor Kenneth Santos:: What we've been doing ever since, even when I was working at the maintenance, is that nobody uses the field unless they get it from our office. They have to come and reserve the field and they sign a waiver in front of us.

Commissioner Pascual Sablan: Is that sufficient. It protects the mayor but not us.

Nicolas Toft (Legal): No because we don't…I've used that field in the fast and at the time the waiver just said it was for the Tamuning Mayor's office. It didn't say anything about Chamorro Land Trust at the time. So you can request that they change the waiver form to include Chamorro Land Trust in the waiver.

Chairwoman Pika Fejeran: I believe the bill that was for yesterday makes your concern (inaudible) if it goes through because it transfers the jurisdiction to the mayor's office and it's not Chamorro Land Trust's liability anymore.

Commissioner Pascual Sablan: If there's already transfer through (inaudible) or whatever (paused).

Chairwoman Pika Fejeran: It's been heard and hasn't been advanced.

Commissioner Pascual Sablan: But at the meantime (paused)

Chairwoman Pika Fejeran: We are still liable.

Commissioner Pascual Sablan: That's my concern.

Nicolas Toft (Legal): It's kind of 11th hour at this point but you could ask that the mayor's office (interrupted).

Vice Mayor Kenneth Santos:: We can always add that in, if you guys want to do that we'll do that. We had intent to not have you guys (inaudible) one of our waiver says is whoever is in charge with the team or whoever going to use the field that it's just the waiver is if they should get injured on the field then of course we are not going to be liable because we're the one giving the permission to use it. It wasn't because we are not going to step away because they going to (inaudible). A lot of people don't even know that.

Administrative Director Michael Borja: Tell you what I'll do. I'll send a letter to the mayor of Tamuning to provide us a letter of indemnification and it shall be in effect until the enactment of any public law transferring the administrative control.

Vice Mayor Kenneth Santos:: You can do that right now because right now there are kids practicing right now with football and they are having games right now.

Administrative Director Michael Borja: So it's just be between the user and (interrupted)

Vice Mayor Kenneth Santos:: The mayor's office and only because of the reason they think because we're the ones that let them use the field.

Chairwoman Pika Fejeran: So for the item on the agenda, is there a motion to be made in support of this transfer of lots to the mayor and then the other lot to DOE?

Administrative Director Michael Borja: There's three parts here. Part one is transfer of Lot R2 to Tamuning. Transfers of portions of Lot NEW 3 to Tamuning and I'll specify the exact amount of portion and the other portion of that Lot NEW 3 to Department of Education.

Commissioner Pascual Sablan: There's a motion.

Chairwoman Pika Fejeran: I've heard a motion following the three points from Director Borja.

Vice Chairman Joseph Cruz: I Second it.

Chairwoman Pika Fejeran: Seconded by Commissioner Joseph Cruz. All those in favor say Aye.

All commissioners: Aye.

Chairwoman Pika Fejeran: Ayes have it. Motion passed. Thank you Vice Mayor for your time and all you are doing for the children.

2. **Guam Rugby Club, Inc. – Request the right to extend the term of the license agreement for an additional five (5) years.**

Administrative Director Michael Borja: What you have is a letter that they sent in March this year asking the right to exercise the next five years. Their license agreement will take them up to June so we haven't had a chance to meet to agree on this but for now is just to extend their License Agreement for the next option for five years. And I think this is the last five years they would have to go to another full License Agreement, a new one after that.

Chairwoman Pika Fejeran: In the Staff Report we're looking at there's a couple of items that need addressing. Section 5 from the license was for compensation, to date there's been no document provided to justify whether they received compensation from activities and if they have 40% of the net revenues payable to Chamorro Land Trust. Do they have a representative here today?

Administrative Director Michael Borja: Yes.

Chairwoman Pika Fejeran: Sir, please join us and state your name for the record.

Ross Morrison: Hi Good Afternoon, my name is Ross Morrison. Madam Chair, Board.

Chairwoman Pika Fejeran: Welcome. Thank you. I know that you've been on our agenda for at least a few months and we haven't had a quorum so I appreciate you seem vigilant and coming today. So in regards to the compensation, the activities you have on (inaudible) practices.

Ross Morrison: Correct. Predominantly the Guam Rugby Club, it is a club. Any incomes that we have memberships that are charged to the members approximately $40 for a year's use of the field and we hold a tournament once a year which is an International Rugby Tournament which I (inaudible) for that tournament. Last year they lost on one tournament $1,200 in previous year they lost one tournament $600 (inaudible). Obviously it's a development toward a tournament and (inaudible) half of that we do not have any revenue earning activities on the field. I'm sorry we were not under the understanding that we would have to file with you if there was a zero return because the previous year. I think years 2011 – 2012 I think we had some earnings of approximately $100 - $200 fee a year which I think the document has been submitted to Chamorro Land Trust at least to my knowledge that's the last time we had any significant earnings on the field.

Chairwoman Pika Fejeran: I think it would help us to keep records of your activities if you would to just get it documented so we can have it on record to show why we haven't collected any compensation from you. The $40 per member for the field use, that's for your rugby club?

Ross Morrison: That's correct and it basically subsidize the activity field. It cost the Rugby Club approximately $7,300 per year to maintain the field for water, sewage, septic tank, (inaudible) grass cutting, lawn markings, the Guam Rugby club host at no charge the matches for the high school Double A, AG services, it also some matches for the middle school double A double AG Rugby matches, it also is a training ground for Simon Sanchez H.S. men's and women's teams that are out on the field, Santa Barbara, Benavente Middle School, and at times the JFK field was out of order also it's offered free of charge to JFK High School teams.

Chairwoman Pika Fejeran: Okay, as moving forward, we just like documentation to show that the net revenue was negative so thank you. The next items that come up is taxes and fees for the license agreement. Any and all taxes fees and assessments levied upon the real property and any improvement thereon described here shall be borne and paid for by the licensee. And it looks like there's taxes due from 2003 to 2016 a balance of $11,622.64 that's due to the Department of Revenue and Tax and then it's brought over to our (interrupted).

Administrative Director Michael Borja: Are you tax exempt?

Ross Morrison: Yes we are.

Administrative Director Michael Borja: What you need to do is just correct Revenue and Tax to adjust that.

Ross Morrison: Alright. I think our last meeting I've been there three times to try and make an appointment (inaudible) it is on my calendar as things to do again so that if I can go with you all approval that may sway little bit. I have not succeed Chamorro Land Trust here (inaudible) before I can have some sort of approval to do that I may be more than happy (interrupted).

Administrative Director Michael Borja: I didn't notice in this document but do we have copies of this, tax exempt status?

Margarita Borja (CLTC): No. I think what it is he's just asking us to see if we could get him an appointment right?

Ross Morrison: Oh no. I can make the appointment I'm pretty sure each time I'm (inaudible) on Rev and Tax if I tell them I'm here to see you at the direction of Chamorro Land Trust I would like to be able to say that please. I think they might give me the appointment.

Chairwoman Pika Fejeran: Well I you can tell them that we are looking at a taxes due of $11,622 and we're knocking at your door.

Administrative Director Michael Borja: So let's coordinate that but you have the tax status paper work you can provide us the hard copy of that just for our records.

Ross Morrison: I believe you have that in the file, do you know?

Margarita Borja (CLTC): Can you just provide it to us.

Ross Morrison: Sure.

Administrative Director Michael Borja: So we will help coordinate with to get to Revenue and Tax it shouldn't be hard.

Ross Morrison: Chairwoman, can I ask you a question? As a non-profit organization, the (inaudible) property agreement was initially entered into I believe 2002 that there were no taxes on property the level of taxes obviously for non-profit organization like the Guam Rugby Club which obviously promoting the schools and it's a non-profit organization. That's the (inaudible) and what is generally designed is development of Chamorro Land Trust asset for the future generations of the field development and that sort of thing. How do we go in approaching an exemption of a tax?

Administrative Director Michael Borja: Well, that's just it if you were a tax exempt organization.

Ross Morrison: Oh so you just going to go through the steps, is that right?

Administrative Director Michael Borja: Right. Because we have cultural centers that fall in the same category where they are not really doing anything but...especially if they are on the property that's high value they will be wiped out instantly (inaudible).

Ross Morrison: I misunderstood there. I thought...I'm clear.

Commissioner Pascual Sablan: Madam Chair! On May 18, 2017 we had a long discussion about the problem out there with the Rugby and the Football Association and a motion was made and it was carried to eliminate things like 60x40 easement and also the parking. And a motion was made and also if I recall correctly the Football Association was given a map to go out and get a signature of Public Works I think EPA and Guam Waterworks. What happened to that?

Administrative Director Michael Borja: That map has been completed and recorded and I know there's an issue that we have been discussing with Mr. Morrison as well on the ramifications of this fact that the water service a restroom facility and the easement serves as an access to the holding tank to the waste water for them to get on their and to get around it will be little bit difficult. I would like to continue to work with them and the Football

Association to try and find an amiable middle ground to make this still work despite the fact that we did portion this out, we did identify that the utility easement will be deleted so…it's been realign so let me see what I can work out…something that can be workable for both organizations but at the meantime what we have is just the notice for the existing license agreement the Guam Rugby Association has that we approve the extension request that they submitted in a timely manner.

Commissioner Pascual Sablan: Yea, but on their extension request they are requesting that everything is status quo.

Administrative Director Michael Borja: No. their license agreement shows that it's this (inaudible)

Commissioner Pascual Sablan: How about the (inaudible) parking here?

Administrative Director Michael Borja: No it's not, it's not included but what I said is I want to work with trying to find a solution aside from this to still allow for some kind of activity to go in there because I do have to work with the football people, have them provide a master plan, they are elevating their grounds way above the normal ground level. The water drainage system could be in jeopardy in that area. If you stand on the bare ground where the Rugby field is at the football field is about 10 feet above it and that place does have a lot of water that drain in the direction away from these fields to a natural draining area into this area and there's a sink hole back there into this area back here where we have squatters. So it an issue that we need to resolve with these guys too. In fact when I was out there recently to do a site inspection there was a lot of back filling going on in this portion of the football lot and I need to make sure that they are property permitted because it's above the northern aquafer and it's obvious that if there's a sink hole here the water is going down into the ground in this area and I want to make sure they that are property permitted and they are not doing something that might be in violation of EPA rules.

Commissioner Pascual Sablan: Might be but our long discussion of May 18, 2017 is that to do away with this and (interrupted).

Administrative Director Michael Borja: And we did.

Commissioner Pascual Sablan: Why do they agree?

Administrative Director Michael Borja: Look, this is the recorded map that does do this but we know they are not happy about it but that's what I want to work on to try and sort out some sort of viable solutions where both sides can be the same terms of allowing for the access to this area for the purpose of removing the sewage and allowing the waterline to continue to run through. Right now it's still an open road, the filling is going on away from this area but again I need to make sure too that they don't disrupt the water drainage because if they fill that thing up to the level of the road you could have potential flooding all the way across the street on the public health side.

Commissioner Pascual Sablan: That license agreement that was signed by Monte Mafnas I believe, this is it, it's stating all these things that the Rugby has this access, they have this area to park and they can park along this side of the road. Of course, I don't think we can stop but the gentleman before us, can he give us an assurance that the ingress and ingress of the Rugby can be used at the Lada Street rather than Santa Monica. You have any objection on that?

Ross Morrison: Yes we do, we have a major objection. Yes.

Chairwoman Pika Fejeran: I think in our packet there was a letter from Mr. Morrison explaining all their concerns with the action we took for the easement in the parking.

Vice Chairman Joseph Cruz: That's what the director is going to work with them to see what they can do if they need to maintain the utility easement for the water and sewer.

Commissioner Pascual Sablan: Did you have the opportunity to review the previous minutes of how these things work? The license that was signed by Monte Mafnas without the knowledge of a...there's just a three party here involve, the Rugby, the Football and the Chamorro Land Trust. Monte Mafnas went ahead and sign a license for the Rugby without any input or any concurrence by the Football.

Vice Chairman Joseph Cruz: But as the director showed you the mapping of that Football, the access that you are relating to it reflects it has been deleted but the director is willing to turn around and work with the Rugby and the Football to see how they can maintain the utilities that are on that alignment.

Commissioner Pascual Sablan: How about when it comes to the parking, that's pertaining to the parking again?

Vice Chairman Joseph Cruz: The parking is a different issue.

Commissioner Pascual Sablan: On the last meeting that we had on May 18, 2017 all those have been addressed and the motion was made and it was carried and I was kind of really concern on that because their (inaudible) already established. Then when I was going through the minutes it looks like our (interrupted).

Vice Chairman Joseph Cruz: I don't think we can answer that until we can get a master plan from the Football Association and relay it to the Master Plan with the Rugby and see how they can reflect where the multi-use parking site for both activities is.

Commissioner Pascual Sablan: Like I said again, we made a motion and a motion was carried, we cannot arbitrary ignore that motion.

Vice Chairman Joseph Cruz: We are not ignoring it. What we are saying is they are trying to find a solution.

Commissioner Pascual Sablan: Good, but he's the thing. If we were to (inaudible) a petition for extension and reference everything there the easement and the parking (interrupted).

Vice Chairman Joseph Cruz: It reference the specific lot number.

Commissioner Pascual Sablan: So does the parking and the easement.

Chairwoman Pika Fejeran: I remember we made a motion and the motion was carried and it looks like it happened but then we also gave the directive that look we are only talking about a Football Association, Rugby's left out of the table we need to get everybody in the same room and make sure that the way forward is usually beneficial. And so you're going to be meeting with both parties to figure out a good solution.

Administrative Director Michael Borja: Yes, and I will meet with Mr. Morrison and will be meeting with Mr. (inaudible) to talk about his plans and what his got. But I've had discussions with him in the past on what his layout was going to be but I needed to see (inaudible).

Chairwoman Pika Fejeran: I believe Commissioner Sablan that's a separate issue the director is addressing and we'll bring back to the commission if the need be.

Vice Chairman Joseph Cruz: Hopefully with the projected concept of their master plan.

Chairwoman Pika Fejeran: So the agenda item I had is the providing the approval to extend the term of the current license agreement with the Guam Rugby Club for additional five years.

Commissioner Pascual Sablan: See that's what they are requesting the current license, but the current license it mentioned about this easement and the parking here so how can you just entertain that when the previous (interrupted).

Chairwoman Pika Fejeran: So what did the resolution do, did it remove this amendment that gave them the easement, did it create a new map, I understand that...?

Administrative Director Michael Borja: It created a new map.

Chairwoman Pika Fejeran: It didn't take away the amendment signed by Monte and...(paused).

Commissioner Pascual Sablan: (inaudible) but apparently when I was going over the minutes I found out our previous predecessor made that motion and in fact on the license that Monte signed I don't see any motion from the commission authorizing Monte to sign that modification.

Chairwoman Pika Fejeran: So Mr. Morrison have you followed along? We were presented from Hal's Angels last year they were wanting to do things with their field but your license gave part of their property use of their easement that was…and that's the amendment that was… now it's the big (inaudible) conversation last month.

Vice Chairman Joseph Cruz: This is the map we're going to use for that amendment, it's only reflecting based on our motion. It didn't change configuration based on what was originally leased (inaudible). That five consist of 46,000 square meters. So that scheme that we made a motion part of this area was to be parking is not being reflective on the new map that we are going to use for ones being renewed. This is still (inaudible), this is still the Rugby, this is still the squatters.

Chairwoman Pika Fejeran: If we were to approve the extension…can we approve the extension with the previous resolution that this amendment is (paused).

Administrative Director Michael Borja: (Inaudible)

Nicolas Toft (legal): We just need to tailor the motion.

Commissioner Pascual Sablan: Maybe we should ask the director how long it will take him to work things out here and when everything is worked out the "t" are crossed and the "i" are dotted and (paused).

Administrative Director Michael Borja: Well, they have a right to extend the option, this is just the need to do that, but if you want to restrict that extension to just the basic License Agreement for the time being without the amendment that's what you have to do by motion and then when it's time to sort this thing out between both organizations.

Commissioner Pascual Sablan: (inaudible) for another five years.

Administrative Director Michael Borja: For the use of that parcel of property that they originally had been allowed to use. That's what it is. That's not in dispute.

Commissioner Pascual Sablan: I'll support that if the agreement is for the Rugby to extend the license use…to represent just the Rugby field but not as far as the parking and the easement.

Chairwoman Pika Fejeran: So you are saying you approve the extensions of the original license agreement not…? (paused).

Commissioner Pascual Sablan: If it's the original then…(paused).

Chairwoman Pika Fejeran: The original without the amendment?

Commissioner Pascual Sablan: Because the amendment that was signed by Monte Mafnas had been put in the easement and the parking and as I said you know, there's

three party here involved, the Rugby, Hal's Angels and Chamorro Land Trust. Chamorro Land Trust cannot just sign an agreement without concurrence, for example of one part of the Rugby or the Football (inaudible). The three have to be involved.

Administrative Director Michael Borja: or you could give them all a 180-days notice to terminate the agreements and start off with a fresh new one that's specifically delineate exactly who's got what and who can do what.

Commissioner Pascual Sablan: But the remainder of their license?

Administrative Director Michael Borja: No a totally new agreement for both parties. It's Chamorro Land Trust properties. This is gone back quite a while but I got to tell you I think there's one party that's been more amenable to working well than the other.

Commissioner Pascual Sablan: Why don't we do that and if the other party didn't come forward and try to work things out then maybe we will take another position. The two parties besides the Chamorro Land Trust have to work with you and come to some sort of agreement that if one of the party don't want to work with this (inaudible) or don't want to agree and work out some kind of compromise than we'll take a stand as to what to do next.

Vice Chairman Joseph Cruz: We got to take a look as to why is he using part of the provision of the lease and you're saying he doesn't want to give in to the easement or what authority does he have over the lease that we gave him. Because it's easier said than done when we say we can just terminate him. But if there is a provision in their lease that we don't know or what angle are they (inaudible) to say otherwise.

Administrative Director Michael Borja: It's easy to see just from how the fields are laid out. Who doesn't mind other people using their property and who restricts the use of the property and it goes all the way along the lines of really, how (paused). One is fenced off and one is open and it continues to flow in that sense in every way.

Commissioner Pascual Sablan: Thank you Mr. Director but really it's a privilege to review all the previous...what happened and it even come to a point where who comes first and who's license was signed first and then things start happening without a consent of the other person. When things happen there's an encroachment of the other person's area and it was all discussed in the previous commission. I can see the point of the other...I have no interest on...I don't even know the gentleman. I know who's the Hal's Angel but I have no interest on them it's just what is fair is fair.

Administrative Director Michael Borja: But the mistakes were also born by this commission and so it's really up to this commission to find a good resolution to those mistakes. Now, when each one of these licenses agreements comes to its final period that would be a time to formalize something else differently but in the interim we can have something that can be a model for that and trying to find a resolution in the meantime for both sides to agree upon is what I'm trying to work with. It's our land and we just got to ask the people who are using it to be good neighbors that's all we're asking.

Chairwoman Pika Fejeran: Mr. Morrison, you had a comment?

Ross Morrison: It's very interesting to hear that discussion taking place and I appreciate the board and the commission for their input to represent the Guam Rugby Club's view. The Guam Rugby Club is a non-profit organization it was formed basically to provide the sport of rugby to the young people of Guam which is what it always done. It oversee required lands to do that in terms of fields. It's always been a non-profit organization and it's always been the betterment of sports and for the youth of Guam. I'm not going to back track the history as to how the agreement came in to place, you have them documented. But from the Rugby's point of view we are there to promote and improve a Chamorro Land Trust community asset and when we are all dead and gone we hope it still remains there and hope it's still used and carried on by the generations of the island Guam. We got no problems at all in terms of working with neighbors as designated by the Chamorro Land Trust because it's a Chamorro Land Trust asset and the board and the president and the members of the Guam Rugby Club and I'm probably the only last old haole fellow left. I owe young 20-30 years old class they will be coming through and taking this venue and taking this asset over. We want to be able to work with the Football. We think it's a great thing, sports is a great thing. We think the Football should be a great thing but we should be able to process and we need to develop this area for the generations' people to come. From our point of view, if we go back, access of Santa Monica is critical for rugby and for football for emergency services. Both of these sports are contact sports and both of them as a contact sports sometimes results in injuries. The original plans going back to '94 – '95 when this land within Parks and Recs had it designated public access and utilities access way. And that was always there. That is still used today both for rugby and for football and for it to be deleted and gone away, last week it was a very large football game and a very large rugby game, the access was utilized 100% by both associations no issues whatsoever that it is an access way and all of the area that was designated as joint parking in the amendment of 2010 – 2011 was utilized exactly as that, as joint parking. Obviously there were developments last year that we were not aware of because we (inaudible) of some inputs last year. But I'll go back to what we originally said look from our point of view it's been a good community sports organization we would like to see a whole lot developed jointly and Director Borja I appreciate his comments because I think his direction and understanding is going to give you what you need and what we need as a generation to (inaudible) these two organizations. We just like to see a joint resolution, losing access and (inaudible) for us as was explained creates huge financial burden on the club. It restricts the developments of the future fields for future generations, we leave it with you guys to make the decision because it's your asset. But we are here private sponsors, company sponsors, (inaudible) some into the company sponsors for the betterment of Guam.

Chairwoman Pika Fejeran: Thank you. Well, in regards to the access and parking, that's on the director's plate to work out.

Commissioner Pascual Sablan: Maybe we should ask the legal counsel. Is it appropriate for us to make a motion to extend the original license not the amended license?

Nicolas Toft (Legal): You can do either, it's really up to the board.

Commissioner Pascual Sablan: Will you accept that?

Ross Morrison: I can't make that decision, individually here before you, I have to take it back to the Guam Rugby Club Board so they can concurrence.

Commissioner Pascual Sablan: A motion made to table this.

Chairwoman Pika Fejeran: I think if we were to...tell me if I'm understanding you correctly, you be open to extending the original license agreement without no amendment, right? Just the original license?

Commissioner Pascual Sablan: Yes. That's exactly what I said.

Chairwoman Pika Fejeran: and then the issue of that amendment will be worked out between all three parties, Director Borja and the Chamorro Land Trust Commission, Hals Angels and the Guam Rugby Club, in a separate room discussion.

Commissioner Pascual Sablan: Yes, but would the gentleman...but he said he has to go back and consult the other...right?

Ross Morrison: But my personal point of view... I have a major objection to it but again you are asking me for my decision on behalf of the Guam Rugby Club, I can't give you that, I got to put that to the board motion just like you have the board. I'm going to speculate that they will certainly have an objection to it. You got to remember back in 5-6 years ago (interrupted).

Chairwoman Pika Fejeran: I'm sorry, but if you object to it, it's our approval that you are seeking so...(paused).

Ross Morrison: Certainly, I understand but what I'm saying, to go back with the amendment, the Club had to explain something like $16,000 in legal fees with this amendment was drafted because of the problems of really put it in (inaudible) we understood that we went through a long process for the Chamorro Land Trust Commission and legal representation and at that stage we understood an amendment was made to provided joint parking and access. If I'm understanding you correctly commissioner Sablan is suggested the amendment wipe away, is that correct sir?

Commissioner Pascual Sablan: Yes, but he can always use Lada or along the road both sides.

Ross Morrison: I'm sorry but I have provided details as to why that would be a problem.

Commissioner Pascual Sablan: I'm not an attorney but I believe...I'm very concern about legal matter as you can see earlier in Tamuning that the mayor is using, for example, that land without any thing to indemnify us on this case on May 18, 2017, a motion was made, carried that we're going to eliminate all those things, then we're going to come and approve without any consideration on this, I cannot accept that. So maybe the best way is table it and maybe anything can happen between now and next month. You people are using the property right?

Ross Morrison: Correct it's used already every week by kids playing...right.

Administrative Director Michael Borja: The date is really not May 18, 2017, it's June 16, 2016. That's the current staff report. This is the staff report from the discussion last year. (After some discussions on the dates) You are correct Mr. Sablan under the New Business we did discuss this the motion was made to table the Rugby discussion until the next meeting...so we didn't make any decision.

Chairwoman Pika Fejeran: The director mentioned that if we wanted to we could provide the 180 day notice to terminate the current license agreement and within the 180 days we can renegotiate all parties. That would have to bring everybody to the table and we wouldn't have to work with the frame work of what's already in place with the agreements it would...I think it will be cleaner with everyone sitting on the table because everything that's been done so far has been with one party or the other.

Administrative Director Michael Borja: The termination section says the agreement may be terminated by the party on one on 180 days prior written notice to any party without cause or 90 days written notice for cause.

Vice Chairman Joseph Cruz: I really agree with Mr. Morrison, the emergency access is the critical point. If you were to go to the Lada Avenue all the way out to the Ysengsong Road out to Marine Drive, this is the shortest way to go for emergency purposes. So by deleting this (inaudible) contact with the Saroma and say hey what is your primary use that we need to delete this alignment, because right now you are faced with borders on left side going out. On the right side on the other side is playing field.

Commissioner Pascual Sablan: You can access from Santa Monica to Lada without going to the Ysengsong Road.

Vice Chairman Joseph Cruz: You got to go to the opposite and it doesn't make sense for you to go to the housing when it's an emergency. All I'm saying is let's take a look at the master plan that the football have based on this alignment. If they have a critical use that we need to delete that alignment let's realign it further down. I do agree that there legal access is Lada Avenue. That's a given but consider who's playing. We're not playing, the kids are and you want to risk that chance?

Commissioner Pascual Sablan: As you said if it's emergency we can stop everything and the ambulance go through.

Vice Chairman Joseph Cruz: If it's not condition for access how are you going to let the emergency vehicle out if you have a field on it? That's what I'm asking. One is the masterplan for football on that particular site below the borders with rocks that's retaining their field.

Chairwoman Pika Fejeran: I think if we were to take the extreme route with 180 days that would force both parties to give us exactly what we need to negotiate.

Vice Chairman Joseph Cruz: Yes. But if the director can approach them with this situation now, why table it, why going through termination?

Chairwoman Pika Fejeran: Are you having issues bringing other party to the table?

Administrative Director Michael Borja: Not really. No. But they still have access and they still authorized to use the field. So for the record they did submit their application in advance of the end of that 5 year period.

Vice Chairman Joseph Cruz: So our approval for their use, what would be the date, 3 months to finalize the extension? How long would it take for you to?

Administrative Director Michael Borja: Let me see what we can do. I'm supposed to have had it ready but let me see what we can do before the next meeting.

Chairwoman Pika Fejeran: So to recap we're not taking any action on the request for extension because we will be waiting for (paused)?

Administrative Director Michael Borja: The issue here is they are just giving notice that they are exercising option to extend and they want to exercise the next 5 years. Our issue is that extension includes the amendment which is in dispute but they are still allowed to use this interim. They cannot just suspend tomorrow's game or next weekend's game for example. They can still continue on the use of the land but we will be working on with details to find some joint resolution as mentioned.

Chairwoman Pika Fejeran: Thank you Mr. Morrison.

3. CLTC– GEDA MOU – General Consultancy and Property Management

Administrative Director Michael Borja: Basically we've gone through this a few times but a couple of changes here we do need to engage in the MOU we can't extend anymore. We have to do new MOU. We can modify and use the original one with certain modifications which I listed here for example we don't need to do rules and regulations. Attached to this is the former rules and regulations and then attached to that is the white paper on the memorandum from the administrator of GEDA speaking about why it's important to maintain the 14 percent. We really haven't exercise their use in full where they be able to get anything out of us within the last one more so they expanded more of

their resources and received nothing in return, that's not to say this is why I would recommend to keep it at 14 percent. But we do need to have some kind of agreement to move forward on our existing commercial properties, it's important that we get moving on those things and this is the only thing that's holding it up to get started on us.

Chairwoman Pika Fejeran: So they had no objection with the proposed modifications that we manage our own leases, prepare our own billings, their budget analysis we don't need, payment remittance that was on the MOU is not necessary (interrupted).

Administrative Director Michael Borja: But we can still talk to them about that but we do still have some still ongoing issues we trying to work out. We have a couple of folks here from GEDA, Larry and Mike, please come forward. I know that they hired their new accountant, and so we are working out those details.

Chairwoman Pika Fejeran: So had they seen all our recommendations?

Administrative Director Michael Borja: I believe they have, the previous one I sent about cutting certain things out.

Chairwoman Pika Fejeran: I think so. Can you kindly state your name for the record?

Larry Toves (GEDA): Hafa Ada Madam Chair, Mr. Borja, Commissioners, .I am Larry Toves I'm the rural property man at GEDA and this is Mike Cruz, our project director at GEDA as well.

Chairwoman Pika Fejeran: So this has been, I guess, on our list to get done to get the MOU sign with you guys for quit sometime. The modifications that we were looking at was taking, I guess, taking control of our own leases and billings including the receipt of the lease payments. Did you have any objection to that amendment to the MOU?

Larry Toves (GEDA): We don't, Madam Chair, however if I can just put some perspective on this. The whole intent of this MOU is for us to actually manage the rules states commercial licensing and leasing of these properties. And there are several factors in addition to that including collection of rents and invoicing and so on. So it really it's not going to do the commission any good if our fee at 14 percent stands and you're not going to let us do any of the administrative side specifically to invoicing and collection of rents.

Chairwoman Pika Fejeran: If I may give you some background from our perspective. You know the Chamorro Land Trust Commission and Joey, our accountant, has done really well getting our own books and systems in order so that we are monitoring our leases and payments and at least for previous discussions we've decided that's a responsibility that we can take on in-house and we would feel more comfortable doing ourselves so that's why we want to take it out of the MOU with you guys.

Larry Toves (GEDA): And that's fine if that's the direction the commission wants to go to that's fine (interrupted).

Chairwoman Pika Fejeran: I believe from the many discussions that we had on this we need GEDA for your expertise and drafting the RFPs reaching out to different companies into doing that whole process and once we decide on who's going to get the lease that's when Chamorro Land Trust Commission steps in and that's what we do best and that's manage the lessees.

Larry Toves: I understand what you said Madam Chair, how is that translate into the management fee?

Chairwoman Pika Fejeran: the 14 percent?

Larry Toves (GEDA): Does that mean the 14 percent will presumably be reduced or because you are taking certain responsibilities that were in the previous MOU, you are removing those, how is that affect it?

Administrative Director Michael Borja: Well, that was the original intent we wanted to reduce it down by 10% straight up for the term of the agreement. But one of the other issue that could be a problem here for our part is doing this is paying the fee. If we receive the check we got to deposit the check we don't have any authorities for issuing out unless we say make it payable to GEDA pay us our share than we deposit that but we can go back and delete that part and let them prep the lease according to our standard and requirements and then do the collection and earn their 14% but we really have to strict about the accountability of that. I know you guys got a new accountant, is that true?

Larry Toves (GEDA): We have a CPA who is on board.

Administrative Director Michael Borja: She's on board and just on the Ancestral Lands Commission we provide a lot of documents and there are still things that we got to talk about that doesn't reconcile. Our only concern is we don't want to be spending time reconciling an account that doesn't make any sense and spending a lot of time doing that, which is what we are doing right now. We do get audited and those are the things that get audited. Those are the things we get hit on because of something that happened outside of our actions. So we just want to be sure that's just really taken care of. But I'm kind of feel good to the fact that you brought on a CPA. How are we going to pay the fee if we receive the money, we don't have a checkbook and (inaudible)?

Chairwoman Pika Fejeran: There was an MOU I think, was it DECID the one by Kmart where Chamorro Land Trust Commission property and also Public Work property but all of it is going to be developed. Is there like a mechanism where we say, "okay this is your full rent, 10% payable to GEDA and 90% payable to Chamorro Land Trust Commission" and then it's out of our hands and we get our 90%, GEDA gets theirs and we're not switching money?

Administrative Director Michael Borja: Well, that can be put into…if we RFP our property and the term of payments is cut two checks. I've done that commercially where the rental checks are cut into portions.

Chairwoman Pika Fejeran: That would be a way around the issue.

Larry Toves (GEDA): Clearly it's workable our issue at this point is really if we're adjusting the 14% fee down to 10% as Mr. Borja mentioned that's something we have to take to the board as well. But it's good to go ahead and go through this items and let us know what you want fixed in the MOU and what you don't want from the previous.

Chairwoman Pika Fejeran: Do you have this?

Administrative Director Michael Borja: My recommendation actually is to retain the 14% but we have to work with them so the check is cut… it's no different than us getting the check from them, but we know what the full amount of the rental is and what we receive from the lessee should be our share and if it's not we get the lessee or GEDA's (inaudible). That way there's no accounting issue we can easily book that and deposit it.

Chairwoman Pika Fejeran: My understanding is that was the issue with the Ancestral Use Land Commission that you were having some problems.

Administrative Director Michael Borja: The issues were with the payments go fully to GEDA and they make the distribution and confusion was sometimes what it's for, how much was taken out, whereas if the lessee pays the two payments, one for them and one for us we can easily reconcile and know exactly what's it for when we receive it and got clear documentation.

Chairwoman Pika Fejeran: Okay. So then maybe on your recommendations. No. 5 referring to no. 6 we can revise that recommendation to be the two checks cut by the lessee and Chamorro Land Trust Commission would be maintaining our own billing and invoices.

Administrative Director Michael Borja: Or let them do it. Let them do the billing but the requirement will be stated in their lease they should pay two parts, the Chamorro Land Trust and GEDA each month.

Chairwoman Pika Fejeran: and the 14% goes on as long as the lease goes on, there's no like a taper off?

Administrative Director Michael Borja: Yes. The other option here is we just pay everything as they invoice us. So if we get hit with the dispute that could run its whole gamut all the way through to the appeal processes. You're talking years and years of legal costs. It's like an insurance policy, I suppose. As the administrator of GEDA mentioned is that no matter what even if things change over time it's still going to be a…even if it's legal cost we're still going to be 14%. But we haven't engaged in any leases except for Lajuna.

but that one is in the appeal process with the attorney so that's the only activity that they had done on leases but they were instrumental in helping us write up the rules and regulations. So that's accomplished unless we need to write up some rules and regs.

Commissioner Pascual Sablan: My question is how do you derive with the 14%? If I were to turn this in to the real estate agent it's only 6%.

Larry Toves (GEDA): As our administrator addressed in the memo to the Commission the 14% was what we established with the Ancestral Lands Commission and we are just trying to make it consistent with Chamorro Land Trust properties. The way that 14% was calculated was we had informed the Ancestral Lands Commission that we will negotiate a fair market rent of 7% fair market value. Of that 7%, 6% would go to the commission and 1% will be retain by GEDA so we simply took the 1% divided by 7% and you come up with 14.3%. With the Chamorro Land Trust Commission MOU we simply rounded it off to 14%. What that means is that if you have a fair market value of a $100 per square meter, that's if you were to sell the property, you would sell it at a $100 a square meter. To lease the property we would negotiate a 7% so it will be $7 per square meter per year. That would be the rent, of that $7, $6 will go to the commission, $1 will go to GEDA. But in the more leases with the Chamorro Lands Trust Commission we've been negotiating at 8% and we intent to negotiate higher as high as 10% but the 1% remains the same, the 14% will remain the same. So if we got to a point where we were able to negotiate a 10% of fair market value as the rent than in effect we will be getting 10% of the rent as opposed to 14%. So it's just in the numbers that we committed to the commission, Ancestral Lands Commission, that we would give them at least 6% of fair market value. In fact we have been negotiate rents at little higher than that. The most recent cases had been at 8% and we're looking at increasing that to 10% which is the normal where private development do is they pay 10% as fair market value.

Commissioner Pascual Sablan: Mike, how much work does GEDA do? Actually they put out a RFP and you only work on the responding of that respondents on that RFP but you don't go out and advertise and market it and all these things in our behalf. Only those individual that respond to the RFP that you put out. Like for example, if I were to go to list it they put it on the internet, even in the mainland, they can access through that and then if there is an (inaudible) higher or (inaudible) do everything to convince that individual to buy that land. Aren't you people just responding to the respondents of the RFP?

Larry Toves (GEDA): I think and in an answer to your question, Commissioner Sablan, we have to follow procurement law. Unfortunately, with government properties, procurement law applies so we cannot go out and talk to potential developers. We issue the RFP but the issuance of the RFP requires a lot of research prior to that. We don't just take a template of RFP and send it out. I mean, we take a look at the financial requirements of the development in order to craft and to allow the developer to craft a development proposal that not only satisfies the requirements of Chamorro Land Trust Commission but also the developer. But we cannot deal directly with the developer because of the procurement law until after the selection is made. Until after a ranking is made. We do put RFPs for Ancestral Lands. We haven't done one for Chamorro Land

Trust other than the Lajuna one but we do put it on our website. We do notify...we publish an ad in the newspaper and we take that advertisement and we distribute it to all the realtors on Guam. We distribute it to companies that we know of that may express an interest in the property so we try to get the word out as much as possible but we cannot deal directly with individuals because of procurement law which prevents us from giving advantage to one company over one company we can't do that. And we believe that's the same with the Chamorro Land Trust property, we have to follow the procurement law.

Commissioner Pascual Sablan: So it tied your hands because you are dealing with the government land, right?

Larry Toves (GEDA): Well, there are restrictions on how you can go about (interrupted).

Commissioner Pascual Sablan: and why you are demanding 14% when you know that you have a limitation? I prefer to know how (interrupted).

Larry Toves (GEDA): Like I said the 14% is based on us negotiating a lease at 7% of the fair market value. You get 6%, we will get 1%, that turns out to be 14% of the rent payment. But you actually get 6% or more depending on what we negotiate. 6% or more of the fair market rental value.

Commissioner Pascual Sablan: Do you have an analysis or report as to all the 14% that you charged other Government of Guam with all your clients and how income you people have? Are we privileged to have a (paused)?

Mike Cruz (GEDA): That's the information that we actually do provide to GALC that if Mr. Borja wants to share that with this Commission, that's fine too. Its public records so you can provide it to them. Since we started this MOU with GALC I think we generated just over $6,000,000 for commission and GEDA share is certain percent of that.

Vice Chairman Joseph Cruz: On your MOU how is it going to be associated with the commercial leases that we have on the books? We have a guideline on the commercial lease. How is that going to affect your...on what impact do you have on that? On your MOU?

Mike Cruz (GEDA): Basically we follow the rules and regulations as Mr. Borja mentioned that was part of the original MOA back in 2013. We helped draft those rules and regulations as we go through (inaudible). Ancestral is still working on theirs on how to disburse their payments to the trust.

Larry Toves (GEDA): But we basically follow the same, for Ancestral, we advertise, they have to follow procurement with Ancestral properties as well. So we basically follow the rules although Ancestral doesn't have adaptive rules like the Chamorro Land Trust Commission.

Administrative Director Michael Borja: So if the rules and regs, which is the law, says that they have to pay 10% of the fair market value than that's the minimum they can go so we base ourselves on that. If I heard you correct we get 9% and you get 1%, not 14%. But the 14% is based on the 7% and a 1%.

Mike Cruz (GEDA): When we are on the subject, may we ask this question and maybe the legal counsel can verify. The current public law that limits commercial leases to the government property to 5 years. Does the commission affected by that law?

Administrative Director Michael Borja: Yes we are you would have to do the procurement (interrupted).

Larry Toves (GEDA): Even if the Commission is required to submit property to the legislature?

Administrative Director Michael Borja: We've already done that.

Larry Toves (GEDA): Like you would have to go to the (interrupted).

Administrative Director Michael Borja: Determination of need. So we wouldn't give you the properties that weren't approved by the Guam Legislature.

Larry Toves (GEDA): But we would still do the determination of need, advertise that to the public, solicit public input and then inform the commission if what input we received from the public and then issue the request for proposals.

Chairwoman Pika Fejeran: So I think gentleman I appreciate that you are here it's been in item on our agenda for quite some time. You know it sounds like...at least my concern is the 14%. Pretty hefty but I understand the liability you are incurring but we also have a lot of properties that we are looking at getting commercial leases on. Can you go back to your people and see if we can negotiate it down to 10%?

Administrative Director Michael Borja: What if we use this point where we use it written out that this 14% is basically a charge of 7% of the fair market value and anything above that is really more of a bonus toward us. So it's a minimum of 14% but we stand to gain more if the fair market value is higher.

Mike Cruz (GEDA): We are able to negotiate (inaudible).

Administrative Director Michael Borja: So we can talk that way and describe how that 14% is derived and how it affect if something greater.

Chairwoman Pika Fejeran: So maybe we don't even say 1%? It will be 1% of the fair market value. Can we negotiate on this percentage?

Mike Cruz (GEDA): We will take it back to the board. I will tell you that when I first proposed this after discussions with Mr. Borja our management wasn't amiable to less than 14% but we can take it back to the board since we now have the commission side.

Administrative Director Michael Borja: At 10% of the fair market value is set by law.

Chairwoman Pika Fejeran: Thank you gentleman.

VII. DIRECTOR'S REPORT

Administrative Director Michael Borja: You received some submission of documents from Guam Rocks and also known as Latte Stone, also known as the (inaudible). So it's there for your view but I got also just remind you the nature of this whole project and this land they are talking about because it's still under appeal and there's nothing we can move on this. Although there may be an unsolicited offer made by other entities to use that properties, however, again as long as this property remains in appeal under litigation means it cannot be entertained. And then you have the financials attached in there too.

Joey Cruz: We're just going to print the report because of our technical activity problems with the Quickbooks right now so we are unable to print. And the survey infrastructure fund we were having issue due to recent laws that were passed it said we had to deposit certain revenues in certain accounts so it was inadvertently deposited to the wrong accounts so moving it and then posting to the DOA side. They took it out but they didn't put it back so we are just trying to rectify that with the deputy financial manager right now. Other than that everything is okay.

Administrative Director Michael Borja: There's a bill that got introduced that allowed the DOA to assign a 2% service fee on all special funds that are not part of the general fund so our funds qualifies for that 2% fee. And it comes out to a hefty amount so we have generated pretty much report which basically is going to say something that it's going to take about $67,000 from our accounts each year just for that fee which could pay for two employees, which could pay for 70 surveys things like that. And we are looking at the possibility of providing an alternative where we are giving the authority to put the account in the separate trust account outside of the government but there's certain restrictions established to it on how it can be used. Basically it still can be appropriated so when the legislature passes a budget that says we got to put our $3,000,000 worth of (inaudible) we take all that money and dump it into the account to the Treasurer of Guam for them to pay for our budget.

Commissioner Pascual Sablan: You said 10% penalty?

Administrative Director Michael Borja: 2% fee. So just letting you know the bill has not been scheduled for a hearing but we did do an assessment to determine what its impact will be to us and what alternatives we would want to see to now have to be affected by it.

Commissioner Pascual Sablan: There was also a law that if an employer or someone owes you money, owes the government money and you write to this individual, demand payment and that individual have to pay 10% in additional to what he owes you. I think P.L.13-09.

Administrative Director Michael Borja: But this will prevent money from temporarily borrowed.

Chairwoman Pika Fejeran: Any questions on financials? I know Global Recycling are they showing up in our account receivable? I don't see them.

Administrative Director Michael Borja: No they are not because they never...no they are not. In fact we were going to look at that for our audit.

Chairwoman Pika Fejeran: Before we get to the commissioners' comments, was there anyone else that wanted to comment publicly in our audience? Okay, just checking.

VIII. COMMISSIONERS'S COMMENTS

Vice Chairman Joseph Cruz: I would like to thank the director for the status of the 3 cases.

Chairwoman Pika Fejeran: I know that there's been a lot of bills heard at the legislature dealing with the Chamorro Land Trust Commission land and those bills for the most bills haven't been heard by the commission. If possible, whenever a bill is put out, can your team put together a good staff report for us with the full information so we can have the full background? That would be very helpful. Another thing that would be helpful for the Staff Report is to have the bios here so that when we need to read the lease we have it available that way we don't have to have copies of the whole file but at least if they are here with us there's no question. Finally I would like to like to schedule a time with the staff, director, to kind of use this brochure that the Chamorro Land Trust has to lead a discussion on the mission initiatives about us. Can we schedule maybe next week or the week after. Maybe the first week of October right before we have our commission meeting. October 3, 9:30 a.m. Thank you.

Administrative Director Michael Borja: Our next meeting is October 19, 2017.

IX. ADJOURNMENT

Chairwoman Pika Fejeran moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 4:15 p.m.

Transcribed by: **Ruth Sakuma**, Administrative Assistant: RSakuma Date: JAN 18 2018

Approved by Board motion in meeting of: February 15, 2018

Michael J.B. Borja, Administrative Director: MJBBorja Date: 2/15/18

Chairwoman Pika Fejeran: PFejeran Date: 2/15/18

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Eddie Baza Calvo
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Ray Tenorio
Lieutenant Governor

Commission Members

G. PikaFejeran
Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

SPECIAL MEETING MINUTES

Department of Land Management Conference Room
3rd floor, ITC Buidling, Tamuning
Friday, October 6, 2017; 10:21 a.m. – 10:30 a.m.

I. CALL TO ORDER

Special Meeting was called to order at 10:21 a.m. by Chairwoman G. Pika Fejeran.

II. ROLL CALL

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

III. NEW BUSINESS

Chairwoman Pika Fejeran: Good morning. Thank you all for being here for the special meeting. This meeting has been called for informational purposes only to discuss the U.S. District Court of Guam Civil Action No. 17-00113 and I would like to hand it over to Director Borja.

Administrative Director Michael Borja: Okay Commissioners in your packet that you received today I did include the Civil Case and also the Notice of the Special Meeting. Civil Case 17-00113 the compliant is the United States of America vs. the Government of Guam, the Chamorro Land Trust Commission, and the Administrative Director of the Chamorro Land Trust Commission. I handed you a staff sheet on this, the case was filed on September 29, 2017 and two of the parties were served notice, both the Government of Guam and the Administrative Director. You received your notice which I also included a copy of the summons that came by certified mail on October 6. The compliant talks about the enforcement of Title 8 of the Civil Rights Act of 1968, also known as the Fair Housing Act. This meeting is to present you with that case and to describe to you the role of the Attorney General of Guam as the lead in this in this matter to defend. I also provided you copies of the Open Government Law Title 5 of the GCA Chapter 8 which talks about Special Meetings and Executive Sessions and I also provided you a copy of the Office of the Attorney General Information Guidance, a letter dated August 12, 2008 about the open government. The purpose of this meeting really is just to provide you with the information, any discussion of any legal matters should be held to another period of time. This is not the time to talk about the issues at hand, it could be done in an

Executive Session but there's some technicalities that need to be done as we approach to do something like that. I need to also remind you in Item no. 5 that anything you say can be used against you as you have notice in Item no. 40 of the compliant where they did quote the administrative director's television interview on the matter so we do ask you to refrain from public comment on this since it is a matter of litigation.

Chairwoman Pika Fejeran: Thank you Director Borja, we have Tan Amanda Santos with us this morning. So now we would like to call the Attorney General Elizabeth Barrett Anderson up to speak with us. Please state your name for the record.

I'm **Attorney General Elizabeth Barrett Anderson, Attorney General of Guam**, and to my right is Deputy Attorney General Kenneth Orcutt, Deputy of our Litigation Division. I thank the director for calling this and it is informational primarily informational just to notify you of the lawsuit. The board had been sued and in its official capacity. No members of the board had been sued in their personal capacity. The Attorney General's office will represent the Commission and the Government of Guam in the response which is due shortly. I'll also have Mr. Orcutt let you know that...I'm sure the commission members would like to discuss more about the lawsuit, please I encourage you to read it and there are requirements as Mr. Borja indicated in order for us to call an executive session with you so you would understand a little bit more what does a lawsuit under the Fair Housing Act mean under Title 8 will give you a little bit more information. But that would be done under the Executive Session so I agree with what Mr. Borja has indicated. I'll let Mr. Orcutt (inaudible) to you what other requirements for us in order to meet with you and we are preparing and working on the response.

Deputy Attorney General Kenneth Orcutt: In order to meet with you we want to do that in an Executive Sessions so that certain require notice and requirements, it's going to require a court reporter be present, and there are formal procedures that have to occur before we actually go into Executive Session so that's something that we would want to do in a regular course of business there's no urgency to do that within the next few days. The answer in this complaints due around October 19-20th and we intend to have an answer prepared and file with court prior to that day.

Attorney General Elizabeth Barrett Anderson: I just want to let the commissioners know that this is certainly not a surprise. We all remember that the governor received a letter in January 2017 from the U.S. Justice Department. We had also our office had communications from Justice Department sometime in early March they said they were going to file a lawsuit the following week in April and May and we were just waiting to...it actually took them a lot longer than we expected. We expected something to be due back in March but they waited until September 29. So it was not something that was unexpected. So we've been prepared for this and we are preparing our answer and preparing to represent the government and the commission. I hope you don't mind holding all your questions until we can arrange an appropriate executive session and to property advise the board of another standing of the lawsuit. Thank you madam chair.

Administrative Director Michael Borja: Madam Chair, again besides what I had written there's really should not be a decisions made (inaudible).

Chairwoman Pika Fejeran: We look forward to that to be scheduled executive session hopefully prior to the deadline to submit the response. I really like our commission and the director to work hand in hand with the AG's office as we've done in the past so we are on the same page and moving forward together. Thank you. With no other items on the agenda (paused).

Commissioner Pascual Sablan: I have a question, can we be privileged a copy of the Guam Housing Act?

Chairwoman Pika Fejeran: The Fair Housing Act. Sure.

IV. ADJOURNMENT:

Vice Chairman Joseph Cruz: Motion to adjourn.

Chairwoman Pika Fejeran: For the motion to adjourn, this meeting is now adjourn. Thank you.

Meeting adjourned at 10:30 a.m.

Transcribed by: **Ruth Sakuma, Administrative Assistant:** _____ Date: JAN 18 2018

Approved by Board motion in meeting of: **February 15, 2018**

Michael J.B. Borja, Administrative Director: _____ Date: 2/15/18

Chairwoman Pika Fejeran: _____ Date: 2/15/18

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(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd floor, ITC Building, Tamuning
Thursday, October 19, 2017, 2017; 1:15 p.m. – 4:48 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:15 p.m. by Chairwoman Pika Fejeran.

II. ROLL CALL

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

III. APPROVAL OF MINUTES

A motion was passed to suspend the approval for both September 21, 2017 Meeting Minutes and October 6, 2017 Special Meeting until the next meeting.

IV. NEW BUSINESS

New Business item no. 2, loan guarantee for Jacob Wayne and Vanessa Marie Ignacio and no. 3 Bryan Ross Evangelista Mendiola moved up.

1. Vanessa Ibanez Ignacio and Jacob Ignacio.

New Business no. 2 Jacob Wayne & Vanessa Marie Ignacio

Chairwoman Pika Fejeran: Hafa Adai! Please state your name for the record. So we have a Staff Report here for a request for loan guarantee and you currently have a lease in Macheche Dededo, a residential lease and have been preapproved for loan at the Guam Housing Corporation and you are here to get the commission approval for that loan guarantee.

Jhoana (Chamorro Land Trust). Good Afternoon Commissioners! Before you we have Mr. Jacob Wayne and Vanessa Marie Ignacio for request for loan guarantee. Under no. 1 of the facts they are located on Lot 10171-13-1 Macheche, Dededo with a lot size of 2,023 +/- square meters, Residential Lease based on Addendum recorded with DLM under instrument 878402 and with the field description the property was transferred from mother, Sylvia I. Sahagon and approved by Deputy Director David Camacho on March 11, 2015. Addendum lease signed by Jacob and Vanessa Ignacio on My 7, 2015. All necessary documents needed to do a transfer has been completed by the lessees. So the application date and time is December 2, 1995 at 9:30 a.m.and obtained this Addendum Residential Lease on Lot 10171-13-1, recorded on May 18, 2017 and surveyed by Frank L.G. Castro PLS 19 with a recorded map under DLM Document No. 876404-L.M. No. 038FY2015 there

was a received letter from Guam Housing Corporation dated August 31, 2017 with the amount of $150,000 which is attached there with their packet so it's here that they got the letter from Guam Housing and it's attached with your documents there. With that being said we recommend that the Board approve them for the $150,000 with Guam Housing Corporation to help them proceed with their housing construction which is also attached to the packet of their floor plans.

Chairwoman Pika Fejeran: I'm reviewing a letter from the Guam Housing and it looks like the...on the 2nd to last paragraph it says "proof of compliance with these conditions shall be submitted within two weeks from the pre-approval date, which will expire on July 24, 2017.

Mathew Leon Guerrero (Chamorro Land Trust) Guam Housing is aware of the process so these are the timeline they set in place but it's for Chamorro Land Trust clients these dates are extended. We just communicated with their loan officers directly upstairs and we just advise them that they are scheduled for the next board meeting so the dates are put as a standard but if it's a Chamorro Land Trust client those dates get waived.

Chairwoman Pika Fejeran: So they are aware that we are meeting on it? Okay.

Vice Chairman Joseph Cruz: How do we justify or clarify pending report with clear title, who are involved in this?

Margarita Borja (CLTC): Guam Housing. They are the ones who contract the conditions... the only thing that they want from us is just the loan guarantee. So once they get this they can move forward with the (paused).

Mathew Leon Guerrero (Chamorro Land Trust) They order PTRs on behalf of Chamorro Land Trust Commission's client.

Vice Chairman Joseph Cruz: So number one is pending the report but (interrupted).

Margarita Borja (CLTC): They can't obtain any of that until they get the loan guarantee from us. So once they obtain the loan guarantee they will move forward in providing them with the next five.

Chairwoman Pika Fejeran: Any comments, questions? Did you have any comments you wanted to share with us?

Commissioner Pascual Sablan: Do we have Vanessa Ignacio here?

Vanessa Ignacio: Yes.

Commissioner Pascual Sablan: Can I ask this question? Looking at this Floor Plan, every bedroom has bathroom, full bathroom, but on the far left on the corner it says Master Bath, what do you mean by this?

Jacob Wayne Ignacio: A bigger bathroom, I guess. It's just bigger than the other bathrooms.

Vice Chairman Joseph Cruz: Motion to approve the request for a guarantee loan.

Chairwoman Pika Fejeran: I heard a motion to approve the Loan Guarantee for Jacob Wayne and Vanessa Marie Ibanez Ignacio.

Commissioner Amanda Santos: I second.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Any final comments? All those in favor?

All Commissioners: Aye.

Chairwoman Pika Fejeran: Ayes have it.

2. Bryan Ross Evangelista Mendiola – Loan Guaranty

Eileen (Chamorro Land Trust): Good afternoon Commissioners, I'm Eileen Charguaf, Land Agent for Mr. and Mrs. Mendiola. The facts regarding their location in Yigo is Lot 3, Block 11, Track 10121. Field description of the property is flat. Water and power is available. What had transpired with this application is the applicant was Diana Duenas then it got transferred to Michael Romas which is his dad and then the dad transferred it to him. The application date is December 2, 1995 and he did record his addendum document no. 907278, and he also has a pre-approved letter which is August 10, 2017 but according to Mr. and Mrs. Mendiola they did get an extension letter they just don't have the most recent one. What's dated here is August 10, 2017 but they went to Guam Housing and what had happened is that they did give them an extension so that they can appear before the board, before they can go back again. And he has been pre-approved for $150,000 to construct the home on his lease of the Chamorro Land Trust Commission property without this approval of this loan guarantee request, Guam Housing will not be able to finalize the loan. We therefore recommend approval of his loan guarantee in the amount of $150,000. On this file, you should have this Construction Contract with Far East Construction, License no. 7466, and there's also floor plan attached to this file.

Chairwoman Pika Fejeran: Any comments, questions from the commission?

Commissioner Pascual Sablan: I was wondering, a $150,000 is a lot of money and I was wondering if the person was to purchase the property and build his house (inaudible) so thank God we have the Chamorro Land Trust. Okay, I make a motion to approve this Loan Guarantee application.

Commissioner Amanda Santos: I second.

Chairwoman Pika Fejeran: A motion has been made by Commissioner Sablan second by Tan Amanda. Any questions, comments? All those in favor say aye.

All Commissioners: Aye.

Chairwoman Pika Fejeran: Ayes have it. Mr. and Mrs. Mendiola, your loan guarantee has been approved. Do you have any comments for us?

Bryan Ross: I just want to say thank you.

V. PUBLIC COMMENTS

Chairwoman Pika Fejeran: We go back to the regular order in the agenda. The next item is public comments. I have the comment sign-in sheet, the first on the list is Ms. Trini Torres, Hafa Adai! I would like to make a comment that if you plan on commenting on any of our agenda items if you can just hold off and we can call you back up when the agenda item is mentioned, unless it's just the general comment.

1. Trini Torres

Trini Torres: Shall I sit back?

Chairwoman Pika Fejeran: I'm not sure what you are commenting on.

Trini Torres: You want me to go ahead and comment or what? This is public comment, right?

Chairwoman Pika Fejeran: Yes ma'am.

Trini Torres: So shall I sit down and talk? Thank you. By the way welcome to Chamorro Land Trust Pika. I'm Trini Torres. I'm an older woman who is a leader. Tan Amanda knows that. Her son Angel Santos was the one who made this movement. I'm going to talk about the lawsuit against the Chamorro Land Trust Commission. I'm not going to talk too much in detail. I'm just going to say that I'm glad the Attorney General *si* Elizabeth Barrett Anderson is going to take out the case and she's (inaudible) for some time so I'm glad that she's declared that because we've been waiting for some time because who do we give in on and I trust her. I know her and we've known her for some time, she's helped our people and she's going to take it all the way up. I suppose with that kind of opponent that we're having. It's like it's maneuvered that way. So I appreciate her volunteering, of course it's volunteering although she's the Attorney General but she's volunteering to undertake this and I know the governor is also in favor of this to follow up in the counter suit. This is another question, I was informed by a Chamorro lawyer that there is a source for funding for surveying of Chamorro Land Trust and I would like to ask about your sources are you fully sourced for covering surveying because you know we've been having this problem for a long time and we don't have enough money and all these things. So he was indicating to me that there is a source so I wanted to find out from you first if there is a need for this so I'll pursue this matter because he indicated that I should come back here. But I don't know

if you still need this much. Are you already okay for surveying the land because we still lot of applicants waiting for their lands and with this suit going on we should really move as fast as we can to give the land out to the people because it's their land, it's our land, and do you want me to ask about this source or what? And what kind of source anyway can you accept? I would like to ask the chairman.

Chairwoman Pika Fejeran: He's the Administrative Director.

Trini Torres: Oh yea. He's for both the Land Management and the Chamorro Land Trust Commission. But what is the source? What's the main source, I like to know because if I ask to pursue this thing I want to know what kind of funds you can use or what? He's a Chamorro lawyer. Is there some money that Chamorro Land Trust should be able to use?

Chairwoman Pika Fejeran: To address your question, we do have Infrastructure and Survey Funds that had some money in it that we would like to use. But it's not nearly enough to take care of all our properties. We have worked with the legislature to put together a bill to appropriate money from our commercial leases to get that done, however it's in committee and hasn't been heard on the floor yet.

Trini Torres: That's the usual thing I know. So I'll pursue the matter and see what happens just in case, is that okay? I know you're the boss for the whole department. Okay, that's good. That's my main question actually but I wondered if I could ask this question is. You know the person who is suing the Chamorro Land Trust he applied for land, right, he was refused, he was married to a Chamorro Land Trust client and the woman died, did they have any kids between them? Because if they did then whatever land that was given to her before should go to the kids right? I wanted to find out that question or was there some other kind of thing that happened to that woman that is not really...it bothers me because somebody can keep coming and marrying our people just to get land you know. Yea, I mean all these weird things going on, on our island, I don't feel kind of at ease with what's going on. Somebody gets married and didn't have kids, why? Then want the land for himself or for herself, why? Shouldn't there be some kind of restriction or requirement that they have to sign on that if they don't have kids that means line, Chamorro blood line than they cannot continue their claim on the land. You know when they sign the lease...(interrupted).

Administrative Director Michael Borja: Because your question is concerning an ongoing litigation we cannot discuss it.

Trini Torres: No but even then for whatever's in the future.

Administrative Director Michael Borja: The whole act is under litigation so we cannot discuss.

Trini Torres: So you cannot answer my question? Because it does bother us because what's to happen to the land anybody can just keep marrying our people and I don't know what happens with all the things you hear on the news, you find all these alleged murders

and everything and just kind of weird. You know I fear in a way. Anyway, that's my main question about the money, you know the source and that one. Okay, I appreciate. I hope to see you the Attorney General if she's coming or what because I like to hear from her. Thank you very much. Please give my words, my fears also in the protection of our lands too.

Chairwoman Pika Fejeran: Thank you Ms. Torres. Okay, next name on our Sign-in Sheet is former Senator Hope Cristobal.

2. Senator Hope Cristobal – Prutehi Litekyan – Save Ritidian

Hope Cristobal: Hafa Adai Chairwoman Fejeran, Commissioners, Mr. Cruz, Mr. Artero, and Director Mike Borja. Good Afternoon. I'm here representing Prutehi Litekyan – Save Ritidian. We have been very sensitive with what's going on, on the northern part of the island that affects the whole ego system there. We are in direct action group dedicated to the protection of cultural and natural resources in the area they have identified for DOD live fire training range. Prutehi Litekyan recognizes and supports the mission of the Chamorro Land Trust, which was intended to "advance the well-being of the Chamoro people by the way of equitable land distribution," to act exclusively in the interest of Chamorro Land Trust beneficiaries, to hold and protect trust property for its beneficiaries, and to maintain and uphold their fiduciary responsibilities to the beneficiaries of the trust to exercise due care and diligence in the management of Chamorro homelands. Given the critical need and role for the Chamoro Land Trust within our community, we are also concerned with the execution of commercial leases or temporary usage agreements of Chamoro homelands, particularly when the commercial development may adversely impact the integrity of our natural environment, our Northern Lens Aquifer, our ancestral homelands, and historic properties. We believe the Chamorro Land Trust has a fundamental position in the protection of these lands for the health and safety of our community and for the vitality of the indigenous people of Guam.

We are here today to submit testimony to formally state opposition against the request to allow for the commercial use of Chamorro Land Trust property Lot 10148, Route 3 by Black Construction. We also wish to state our concerns of the following issues:

- The Chamorro Land Trust is currently dealing with challenges regarding long-standing commercial agreements that remain in place without leases.
- The Chamorro Land Trust is currently addressing the lack of revenues collected from commercial leases where minerals have been removed from Land Trust properties.
- PLSR opposes any removal of minerals from Land Trust properties for commercial use or profit that further deteriorates our limestone forest ecosystems and compromises the health of Northern Guam lands aquifer.
- Roadways are non-permeable surfaces and affect the recharge of the aquifer.
- Massive and rapid commercial or industrial development over the Northern Guam Lens Aquifer poses serious risks for our island's main fresh water source.
- We feel that commercial leases of Chamorro Land Trust properties conflict with our Attorney General's efforts in the battle to defend the Trust and Chamorro homelands.

We humbly ask all members of the Commission to vote against the request from Black Construction, as we feel this request also deviates from the intent and spirit of the Land Trust and the foundation on which it was established. The Chamorro Land Trust is crucial to our physical, spiritual, environmental and cultural survivorship and to promote the inherent rights of our indigenous people. Thank you and *si yu'us ma'ase*. I'm here in behalf of Prutehi Litekya: Save Ritidian.

Chairwoman Pika Fejeran: Thank you. You are referring to under New Business no. 1 Black Construction. Thank you for your testimony. All of the commissioners have received the letter that she writes to us? Thank you and we'll put it to the file. Is there anyone else that didn't get a chance to sign up for Public Comment?

3. Josephine Jackson

Josephine Jackson: My name is Josephine Jackson. I was looking at your paper back there regarding Black Construction. We had a meeting with the Federal the day before yesterday regarding Frank Aguon, Jr.'s bill. We mentioned about Route 3A. We the Nation Chamorro we're the ones who opened that road and the two had passed away. That road is really broken. We the public did not break the road, it was the Federal Government that broke the road because they go in and out with their heavy equipment vehicles to build the houses on the side. That road leads to the firing range don't tell me that they are not going to use that road to the firing range because they are. The road they are going to fix is going to head to the firing range. If they close the road that's Public Law 22-24 if I'm right or 25. That's a public road that's Route 3A from Potts Junction down to the wildlife out to the ocean belongs to the Government of Guam. I don't know Mr. Director if you know Ancestral Land Commission the ocean outside of the fish and wildlife. Do you know, okay? This is what I mean that if they come in to fix the road it will be good if it's for the public but if people are going to use it to go to the firing range and if they stop the people to go down you guys or whoever can take this case to the court because they going to close the road I think from 9am – 4pm. because that's what time wildlife operations hours but if they going to use it for the firing range then they will close the road. The road should not be closed if it belong to the government of Guam and that's in the public law. They will get in trouble because they will be obstructing government time. The road is really big and it's beautiful place so if Black Construction is coming in where in Dededo are they going to take land again. Give our people the land. If Black Construction wants land use the land where they going to put the equipment, 5 acres, that's too big give them at least 3 acres, 5 is too much. Two of the acres can go to four family if they cut it up into house lot. Three acres what are they going to put up there, equipment and oil, is oil going to be stored up there? Just like the tar is it going to spill on the Chamorro Land Trust? If that seeps into water lens we are the ones to suffer. Let's make it stop. That's all I have to say and thank you. (The above statement by Josephine Jackson was translated from Chamorro to English)

Chairwoman Pika Fejeran: Is there anyone else for Public Comments? Okay, we'll move to the next item on the agenda.

VI. OLD BUSINESS

1. **Global Recycling – Status Report**

Administrative Director Michael Borja: We would like pass on that and to bring it up on the next meeting.

2. **Guam Raceway Federation – Status Report**

Administrative Director Michael Borja: Joey Cruz will provide the status report on Guam Raceway and we have with us today Henry Simpson and Jeffery Rios from Guam Raceway.

I'm **Henry Simpson,** General Manager of the Guam International Raceway.

I'm **Jeffery Rios,** I'm with the Motorcycle Club, Guam International Raceway and DTV Club.

Joey Cruz (CLTC): After reviewing the Guam Raceway lease we found that the Guam Raceway GRF was in non-compliant with P.L. 20-204 which requires them to submit event admission reports. Also GRF was executed two lease agreements, one was Guam Auto Sports LLC, and King Training Center. From our findings we had been in communication with Mr. Simpson on...there's one incident where Mr. Simpson had submitted a directive to then Director Mafnas requesting a new 21 year lease to use Lot 7121-R1. Then on July 25, 2014 during the commission meeting our director now Mr. Borja informed the board of a possible agreement with Mr. Simpson regarding Waiver of Rent Escalation. No motion was made during that meeting nor passed. The agreement was requested to be put in writing by then Chairman Mr. Mantanane. Then on February 28, 2017 Chamorro Land Trust sent a letter to Mr. Simpson regarding coral extraction and 10% event admission assessment. We received a response from Mr. Simpson on June 15, 2017. His letter explained why GRF was unable to provide the "Drone Report" and why quarterly reports have not been submitted on August 15, 2017, we received a letter from Duenas Camacho & Associates requesting to amend the clearing and grading permit/building permit for Phase 5 of the Guam International Raceway Project, Lot 7161-R1. Then again on August 18, 2017 an email was sent to Mr. Simpson informing him of the status of the Amendment and requesting a copy of the topographical survey that was completed on the Guam Raceway in 2014. On August 23, 2017 Mr. Simpson had submitted a letter regarding GRF's position that arrears in the amount of $7,770.00 is incorrect and hereby request that Chamorro Land Trust waive the same.

Chairwoman Pika Fejeran: Let's go back to finding 2(a) (referring to Staff Report). GRF is not in compliant with P.L. 20-204. I remember back in 2016 he visited us. We did ask you to comply with this requirement because we do know just to public knowledge that there's many events up there and we are supposed to be getting royalties from that so what is the status on that?

Henry Simpson: The way it's set up, every race that we run or every event that we run and basically we only do one big fundraising per year, the Smokin' Wheels. We set aside

that assessment for that. The others it's basically a lease. We leased somebody the use of the track. A lot of cases they charge, sometimes they don't charge. We're not in a position where we can stay there and see what they charge or what they don't charge for that event. The intent of the law when it was passed was basically the tax, the admissions that GRF, the race track itself was giving and so it wasn't intended to tax rent that we got for individual things like that. We had a band, somebody rented for a rock concert they paid a certain amount to use the facilities and the toilets and they set up their security and all that stuff and they charge for it and there's no way that we can really get involved in their business to do that to try and take an extra charge on top of that.

Chairwoman Pika Fejeran: So you brought up the two issues, right, and the one fund raiser that you charge admission for and you set aside an assessment for them and you pay that every year?

Henry Simpson: We try that every year.

Chairwoman Pika Fejeran: and you pay that every year?

Joey Cruz (CLTC): We received some assessment payments.

Chairwoman Pika Fejeran: But there's no quarterly report that's being submitted to document it. So that's one issue. The quarterly reports.

Henry Simpson: We were hoping to address this "i" a new lease because we are almost in the end of our license. Our licenses is up in June of next year and so we're working with Senator Ada's office and with Land Management here to put together the frame work of a new lease and we want to address things like that in the new lease.

Chairwoman Pika Fejeran: I can appreciate that but if you haven't been complying with your requirements already how are we going to move forward?

Henry Simpson: I explained to him we only have control over that when we band.

Chairwoman Pika Fejeran: Sir but you are receiving payments from third parties to use the same land, is that right?

Henry Simpson: We have been elect for Konkur, off road guys, they come and give us, I think, $1,500 to use the track for an event.

Chairwoman Pika Fejeran: Are you authorize in your lease to have those use agreements, sub-lease?

Henry Simpson: They are not sub-leases.

Chairwoman Pika Fejeran: But they are third party that is paying you to make money for themselves?

Henry Simpson: Under our sub-lease we can do fundraisings like that I believe and we were told we could anyway.

Joey Cruz (CLTC): Under the fact letter "e" this was extracted from the lease agreement, rights of the lessee under the agreement of personal to licensee and may not be transferred or assigned to any other person, firm, corporation or other entity.

Henry Simpson: At some point in time we...because we've been doing this for a long time we have come in and got permission much like what the Guam Auto Sports they came before the commission and got approval to sublease, not sublease, sub-tenant the use of the track and the King's Tracking will give us a $100 every time they came out to use the parking lot for training a track driver. At some point earlier on, I'm not sure when, but it was early on in this process we got permission to do those kind of things. It's only when we had to do a month, to month, to month lease and actual sub-lease when we needed to come in and get permission for that. And I don't know when that was but we would have been called on before now if it wasn't proper.

Chairwoman Pika Fejeran: I know since you left here before you were asking the same questions, who's using it, what money is being made...

Henry Simpson: Mainly we concentrated the main source of income was the grading proceeds from the grading the tract to the level that we needed to build so on this sheet we should the money that we did pay to Chamorro Land Trust and the rest of the time we were trying to get events like that, we're trying to raise money to help us pay the rent because it's still very difficult for us to pay what we are paying out there as it is. So we are constantly trying to use events and rentals things.

Administrative Director Michael Borja: Madam Chair, Commissioners. But that's been the source of our issues that we've had with you over the past number of years is in the extraction of those minerals to have an accurate audited report so we can determine that the payment to the Chamorro Land Trust Commission was appropriate. We've had multiple financial audits from the Public Auditor and I think we still have an open report on it that relates directly to this license agreement and the auditing of the coral extraction is ongoing, and because we've had that and we've addressed this with you those were the things we had asked and I think it's mentioned in this status report that we are still waiting certain kind of information, a typographical survey for example so we can determine what the ground looks like and what it looks like over a period of time so that the determination could be made of what's gone and what should have been paid for, what is gone, and because we lack all of that, the only thing we have is whatever Hawaiian Rock shows that they did. They have audited reports and that's the only thing but that's not your audited report and that's the concern that we've had because it is also the concern as an open write up with Public Auditor to try and address this and to correct it once and for all and as a result we've asked to stop. They have stopped and I think you may have a grading permit awaiting to be approved by us which we haven't approved because we need to see those report. It's not just because we want to see this, because it's a requirement to be

seen and we're missing that. And you got to remember that this license agreement is not a creature of the Chamorro Land Trust Commission it's a creature of public law created by the legislature and imposed upon the Chamorro Land Trust Commission to oversee. So you know you have an expiration coming up and in order to renew it, it would require a legislative authorization and these are the things we talk about to try and move forward to a new…you know if you want to get a new one what would it take and compliance is first and foremost. So these are the things that have been pointed out in this report that there's a number of stuff. Now I just want to comment on the part about the reduction in the rent. While it was a discussion and as I pointed out, we researched it through our minutes, it was never made through our motion, it was a discussion item as a possibility for the purpose of allowing vehicles to transit through for what was going on at the time with the RFP for mineral extraction on the Lajuna. Now when that RFP was cancelled it never got executed to the final part of actually issuing a contract and so it never happened and that's why we never consummated this to its full check. But we are looking for options for ways for vehicles to transit in the area. And so the issue we had was you began to immediately reduce your rent by a certain amount which was not what we had approved as a board to do so and that's why we continue to show it in our invoices and statements as an amount that is owed. The amounts that you are paying for and the size of the land that you are using and the amount of activities that go on out there are kind of incidental in a way but its nevertheless these were not prices that were establish by the Chamorro Land Trust Commission, they're established by law and so we can only forced to have to have to enforce what's been put upon up to do.

Chairwoman Pika Fejeran: Going back to the findings, it looks like you have plans to further develop the raceway?

Henry Simpson: We would like to yes.

Chairwoman Pika Fejeran: I'm sure you can understand our concern because currently we have a list of issues for non-compliance so when we look at that I question it. We can turn to your handouts, so this is rent units, what is this list?

Henry Simpson: This is the amounts of income that have come from rent. The rent is on the far right side so we paid a total of $640,580 in rent as of today over the past twenty years. The rest of it was…it's about $2.2 million that is the half of the income that came from grading the property. As you see it the levels that we need that we need to build the race track.

Chairwoman Pika Fejeran: and these are the amounts that we're being hit on from the OPA because there's no documentation describing how and why we got to those numbers?

Henry Simpson: What Hawaiian Rock incentive it was the largest of the people that graded the track for us. They had a very sophisticated way of counting how much materials came from the race track because they were audited by Ernst & Young as to how much material went in to their plant that wasn't from the lease that they were on. They are

leasing a piece of property down the road where their main office is from a local family and part of their agreement is that their processing plant sits on that property and the pay a royalty based on the amount of material they take out of the property and process there. But they also pay a separate royalty on any new materials that they bring in that's not from that area and process on the plant. So they are require to have, Ernst & Young process that for them to audit that process and so they went through quite a process to show the landlord where their processing plant is where their main office is that this is the amount of materials we brought from the race track to go through and it's fairly details and Ernst & Young audit was what we were hopping would be...in the past that what we were told if Ernst & Young gave an audit on what Hawaiian Rock was doing it would be accepted, but I guess there's been some questions on that over time and (paused).

Administrative Director Michael Borja: The issue is that, that's only an audited report on what Hawaiian Rock can account for. You can't directly correlate it to what was removed out of the area. That's the reason we were asking for some kind of typographical and in this drone that's really just a typographical survey by a drone but those have to be done over time, you know, before and after look of the land so we can make a determination of what it look like. So this typographical survey which is one of the ways the mineral extraction is accounted for by most of those people in that industry is something that we've been asking to have done or to see some kind of report so that we can be assured that...in fact only the Hawaiian Rock has been taken out and it matches the typographical reports then it's good but again it's the Hawaiian Rock's audited report it's not anything that has to do with the overall picture of this piece of land.

Vice Chairman Joseph Cruz: Sir, Mr. Simpson, let me understand you in listening here. Hawaiian Rock has a $1.6 million, Perez Brothers has $490,000, and Smithbridge has $190,000. You said these are lease, are they lease for you? Are they contracted that extract from your lot?

Henry Simpson: No, what we do with these fellows is we (interrupted).

Vice Chairman Joseph Cruz: Let's just go to the basic, if you go to the Smithbridge, why did they pay $403,000?

Henry Simpson: When we first started it was a 50 cents a yard and then when Monte Mafnas...it went to $1.50.

Vice Chairman Joseph Cruz: I understand what you saying about that, now did they have grading permit to extract (inaudible) contractors and what is the total square yard or cubic yard was authorized by Smithbridge, what was it based on the permit because you cannot extract without a permit so what was on the permit?

Henry Simpson: They weren't extracting, they were grading like (inaudible) this was to grade for the drag strip (interrupted).

Vice Chairman Joseph Cruz: So when you grade you remove, correct? So what was that cubic yard that was authorized to remove by Smithbridge based on their permit?

Henry Simpson: We can find that out?

Vice Chairman Joseph Cruz: Well don't you have it (inaudible) like the $103,000?

Henry Simpson: No because over time…that was done in 2003-2004 almost, it's getting closed to 15 years ago (interrupted).

Vice Chairman Joseph Cruz: So if the same thing applies to Perez Brothers, the same thing applies to Hawaiian Rock when they require permit to remove or grade. That's what we're asking, so how much was permitted for you guys to remove?

Henry Simpson: I don't have all the old permits.

Vice Chairman Joseph Cruz: It's good for a (inaudible) is going to be asking all these information so…we're not getting anywhere because we cannot how much you owe Chamorro Land Trust based on your assumption.

Henry Simpson: In the beginning when we started this it was allowed that counting trucks was going to be the way we're going to do it (interrupted).

Vice Chairman Joseph Cruz: That's your system. You have to comply on how much you going to remove from Chamorro Land Trust.

Henry Simpson: I understand but Chamorro Land Trust in the beginning said that counting the trucks…auditing how many trucks (interrupted).

Vice Chairman Joseph Cruz: So how far did you extend that count…how many months, how many years?

Henry Simpson: What we would do is do spot checks on the amount of trucks. We're going to have someone there and count truck every day because it was more than what we…having somebody there is more than the amount of coral was worth. The way they explained to me was the guys that were extracting…they are not extracting, they are grading. They are getting this down to where we can build the track and so this is access materials, where I got the idea from was when Black Construction had the airport they had excess of materials and they were selling the excess materials to pretty much to anybody who wants to get them for like 45 cents a cubic yard, so we started a 50 cents a cubic yard when we started and we explained it to them, this is excess materials from the race track and we want to be able to sell it, we going to split it 50/50 with Chamorro Land Trust. So it never started to be a mining or extraction situation. It was to grade this pretty hilly rock piece of property to where we can build a race track on it. And so in the beginning with the Chamorro Land Trust it wasn't that big of a deal…auditing the trucks was going to be okay

so we would do a report that they took out this much you can come and look and say okay (interrupted).

Chairwoman Pika Fejeran: Have you submitted those reports from the beginning?

Henry Simpson: Way, way back in 2002 and 2003. We were looking because the people at that time were looking at the what we were doing so the very first thing they did was clear the jungle and grab it so they can do a survey to see...because it was so covered you could not see where the ground was in there (interrupted).

Chairwoman Pika Fejeran: I have a question. So why not Perez Brothers and Smith Bridge, did they make these payments directly to the Chamorro Land Trust or you made these payments in behalf of their work?

Henry Simpson: In the beginning with Perez Brothers...Perez Brothers was the first one that started out there. I would have them pay me and I would pay Chamorro Land Trust but after about the first year I wanted them to make 2 checks because if it's 50 cents a yard we get to keep 25 cents and 25 cents goes to the Chamorro Land Trust so that's the way that went. So they would make a check...they would count their trucks, make a check for Chamorro Land Trust and make a check for us and that's how that went.

Chairwoman Pika Fejeran: Again, you brought up Hawaiian Rock they have a landlord that expects to be paid for the materials excavated and processed. Well for you we're your landlord and we are asking just the exact same thing so we know what was taken out and we know that you are giving us what by law we are owed.

Henry Simpson: The requirements changed a little bit over time...in the beginning just counting the trucks, auditing the trucks or saying to Chamorro Land Trust you are welcome to come any time and have a person just check how many trucks go out and see what the report comes back that kind of thing because at the end of the month we would get a report of how many trucks went out, how many cubic yards of material came out of there every day on a monthly report and we turn that in to Chamorro Land Trust. So that it could be checked in somebody wanted to go and check.

Chairwoman Pika Fejeran: What years were these? What years did you received those reports? Do you have those report Joey?

Henry Simpson: That was 2006-2007 right in there. The other point that the people are grading for us...we like the idea that we get this income. We like the idea that we can have the income for Chamorro Land Trust but the end results is we want to have the racetrack so the value of the materials in the ground are probably the smallest value out of the whole value added to that material by the time it goes to that cement or the time it goes into (inaudible) because if you take a typical dump truck it holds 14 yards of material so our portion of that 14 yards at $1.50 is $21.00 so $21 - $1.50 times the 14 yard will be $21.00 and out of the $21, $10.50 will go to us and $10.50 will go to Chamorro Land Trust but the people at Hawaiian Rock or Smithbridge or Perez Brothers they've invested another $6 to

$7 to $8 a yard into that material by having to blast by having to break it with the breaker put it in the truck and take it to be processed so the value has gone up maybe 7-8 times by the time it comes out of the ground. So that investment, that money is their investment. So they are very protective of that investment because they don't want their truck drivers to take it over to their friends house or they don't want their material to disappear anywhere…as we explained that to the board in the past the amount of work to actually taking the rock out has more monetary value to those folks then (inaudible) so if we lose…let's say somebody steals with all the materials from the track so we lose $21 what they lose maybe $150 because their investment in the coral so using that in the past the board we can go with the audit in the statement of the suppliers are saying.

Chairwoman Pika Fejeran: Mr. Simpson we still don't have that information, that's what we're asking for. I mean that's a great starting point but we don't have that. We don't have each of their audited report showing that this is how much the (inaudible) is taken from you and that's what would justify those numbers. We don't have that, at the very least that's what we're asking for.

Henry Simpson: We have the audit report form the Hawaiian Rock. They were the main ones. The others we could…at our agreement was with them and if there was a question about it we can ask for it but it has to be a reasonable amount of time so most of these now is pretty well past and it will be difficult to go back and try and reconstruct it but I can tell you that nobody was stealing any rock out there. There was people there all the time there were people watching. The sale of the grading materials is something we watch very closely...In the future Mike has spoken about the new grading plant that we want to do. We're going to do a complete typographical survey on that and then do the plot and do the final typographical survey so we can absolutely count every single yard that's moved in there. From now forward we can do a typographical survey.

Chairwoman Pika Fejeran: That still leaves us as we need, we need the reports that's dealing with excavation proceeds. We need back up reports for our purposes for these three.

Henry Simpson: That was all turned in with these checks so you should have it.

Joey Cruz: Not every check from the company turned in the report but we have some.

Chairwoman Pika Fejeran: Were those reports still flagged by the OPA in our audit?

Joey Cruz: The problem is we don't know what we started with so then for us to come in and receive the report from Hawaiian Rock stated this is what was taken but in some years you see more than Hawaiian Rock who has excavation activity who don't get audited so who's to say they haven't taken out 2 trucks. The only logical way to determine what we have is a typographical survey and before the activity starts and when the activity ends. But aside from the survey we would also need to know what if there's any material that are used to back fill because as Mr. Simpson said before some (inaudible) so we will be able to determine to reconcile between all those types of reports.

Commissioner Pascual Sablan: Mr. Simpson, Chamorro Land Trust is being administered by the decision of the commission right. On your letter dated August 21, 2017 third paragraph it shows the verbal agreement between Chamorro Land Trust and GRA. Does Chamorro Land Trust who gave you the difference of (inaudible) why you didn't make an effort to put this in writing when you know for a fact that a motion has to be made by the commission and approve by the commission, what happened here?

Henry Simpson: What happened there was, I didn't realize basically that we were being given 10% of the rent discount to be able to use the property for the access. Mike had asked me about that before and I'd said why don't we do something like 25 cents a yard commission for all the materials that move across the property because we can do our counting the trucks sir for however how much material goes through and he said that can be very complicated why don't we do a reduction in rent for this Lajuna situation.

Commissioner Pascual Sablan: Excuse me but you should follow up make sure that these things are presented before the commission and the commission review and approve.

Henry Simpson: I did and that I brought it up to the office and I said I'm supposed to be paying $4,000...switch here in April so I said I have been making that payment and so I need to catch up that difference of $360 so I came up to the office and I asked them can I make a plan to catch this extra. So the next month when I came up to pay my rent they said no you don't have to, we're going to give you this off in return for allowing the user there and they gave me an invoice of not $4,000 but they continue the invoice at $3,670 and so the invoices I paid based on the invoice I was given and the invoice I was given was less than $4,000. So I should have come before the commission, you right, to figure that out but I was paying based on the invoices I got and I was thinking maybe we would deal with this at the end of this and working out a new lease.

Commissioner Pascual Sablan: Is the $370 really an impact on your budget?

Henry Simpson: It is for that place. You know, people look at me and said that's a rich guy and he's out there doing all these stuff but you know I don't get paid for doing this. I do this because I love to race. I love the sport and I do all of this just to have a place for the kids to race. For the drag strip for the off truck for all that. So all of this that I'm doing basically is as a volunteer. I got paid from 2000 up to 2007 but in 2007 when the thing was supposed to be taken for the firing range I said there's nothing left for me to do and I became a volunteer so for the last 10 years I've been a volunteer up there. As a volunteer we are not making money...for 7 almost 8 years we haven't had the full use of our property for building the way we should be able to. So when we went back to get a grading permit to start up again after the records of decision in 2015 we went back and we applied for grading permit by then we had to deal with endangered butterflies, endangered trees, all kinds of other things and we had not been able to get a grading permit for 2 years.

Administrative Director Michael Borja: How can you see the grading stopped during that period of time when it shows in this document that you gave us that between 2010-2015 you received over $100,000 up to $300,000 a year on Hawaiian Rocks extraction?

Henry Simpson : They are not extracting, they are grading it to the level that we need to the race track so when they are grading it we are not building anything behind it we're just leading level ground to build the drag strip on...we were told don't worry they will take this for the firing range you guys will be okay we will build you a new track, we'll do this, we'll do that and pretty soon we found out that's why I put that picture in there that says abandoned raceway that's the one that's was in part of the military planning files that they consider our track an abandoned raceway and we weren't going to get anything for everything that we done out there. So for the 7 year period we could do anything but grade and so it was very difficult to see what our future was going to be. They told us to look at Dan Dan, they told us to look at the Pulantat, they told us to look at all kinds of places to put the race track because they going to take this. Their plan was to give GovGuam six million dollars a year for that property, I don't know if that included just the race track or the property down over the side from that or all of Pagat or exactly but they had in their plan to offer $6 million a year for rent. None of that going for replacing the track or a place for us or anything else so we were given a short period of time to do a petition. We did a petition we raised 13,000 signatures in a 30 day period against them taking the race track we think it was very instrumental in stopping the firing range at this area.

Chairwoman Pika Fejeran: I would like to summarize our discussion. Again it goes back to this list of issues that we have (inaudible). With excavation we still need before and after topos and records of backfill and also records of three of those contractors that went in and took the rocks. This is the same thing we've been asking for forever a year. Also to include the permits which would, again, give us data showing that these companies were allowed to take out this amount so we need all of that for your rent as was discussed there was no motion or approval by this commission to reduce your rent. So what's the final amount due for the rent?

Joey Cruz: I don't have it but I submitted an aging report as of September 30.

Chairwoman Pika Fejeran: The next issue is the assessment P.L. 24-141 has $2 per admission into the park and then P.L. 30-204 says that 10% of any events Guam Raceway Federation is liable for any admission assessment.

Henry Simpson: We are hoping to have it chance by law because it was not the intent of the law to put us in that position, I don't think.

Chairwoman Pika Fejeran: Sir the intent of the Chamorro Land Trust is for the benefit of the Chamorro people and we did see the Guam Raceway Federation. This is a part for all of our people on the island. The assessments are important to the financial help of the Chamorro Land Trust.

Henry Simpson: The assessments weren't part of the original portion, they were added by Senator Ben later on it wasn't part of the original thing when we needed (interrupted).

Chairwoman Pika Fejeran: But you are still liable for it right. So now you have an amendment for clearing and grading permit for Phase V of the Guam International Raceway Project.

Henry Simpson: Yes. And we can do before and after Topo so it's very clear.

Chairwoman Pika Fejeran: What are your plans for that? Is that what this is?

Henry Simpson: That's the overall plans of the Raceway. This is what everything we wanted to bill the Phase V (a) is on the 2nd page in the front. All those small fonts and stuff you see in there the various plants and butterflies and endangered things that have been added to the burden of taking care of various plants and animals in that 7 year period that we weren't able to use the race track. Those areas in yellow those were the reserve areas that we set aside for trees, certain endangered trees and so on. The other things are the ones that have been added on in the past 7 years. So the grading permit is for the front portion near Route 15 (inaudible).

Chairwoman Pika Fejeran: Thank you for your time and unfortunately we have to have a recess and we will go into Executive Session. I think the commission has a lot to think over. That was a lot to take in all at once so I guess after our executive session we will reconvene. I don't think we will be making any decisions at this time.

Commissioner Pascual Sablan: I make a motion to table this and (inaudible).

Commissioner Amanda Santos: I second.

Chairwoman Pika Fejeran: The motion has been made to table this agenda item. Thank you for your time and your documents. I would like to call a 10 minute recess starting now. We will reconvene at 3:05 p.m. The regular meeting is recessed for Executive Session at this time.

Chairwoman Pika Fejeran: Hafa Adai Attorney General Elizabeth Barrett-Anderson and Mr. Ken Orcutt is present as well. Court Reporter George Castro. Hafa Adai and Welcome!

Administrative Director Michael Borja: We're still in regular.

Ken Orcutt, Deputy AG: So we're recording at this point, I understand. I understand the board is interested in going into executive session and there's a statement I would like to read to the board before we do so. There's statutory requirements in connection with an executive Session and these are the meeting may only be post upon the written recommendation with the attorney to hold Executive Session for purposes in discussing pending litigation at a confidential and privilege setting. My written recommendation here is

a statement that I've submitted to the secretary of the board and I'll read the portion of that to the board. My recommendation states as follows: pursuant to 5GCA 8111 regarding executive sessions Section C(1) I hereby recommend to the defendant Chamorro Land Trust Commission and director that going into executive session for the purpose of the Chamorro Land Trust Board discussing legal matters and legal strategies with his attorney with regards to the above caption pending litigation which is the Chamorro Land Trust litigation. Such discussions are privileged under the Attorney/Client privilege recognized by 6GCA Section 3102 subsection 2 it's important to go into executive session on this pending litigation in order to enable candid discussion and advise between Chamorro Land Trust Board as client and office of the Attorney General as a Chamorro Land Trust Board's attorney. I've submitted the recommendation going into executive sessions to the board secretary and we would like to have that kept into the board's files. In Executive Session the board can only discuss the pending litigation and nothing else. An affirmative vote of the board is necessary to go into an executive session. Law requires a verbatim transcript to be made by a court reporter and a transcript is to be (inaudible) transcript is to be sealed for period of six months and thereafter shall be a public document unless there's a court order for (inaudible). Before a court could issue such an order the court must read the transcript in the Chambers and determine that the board will be unduly prejudice by the release of the transcript taking into account the public right to know. In such an event the court may order the transcript released and made public or may order the transcript sealed for a period not exceeding 6 months only there is an ongoing litigation over the matters discussed and released with prejudice to the board. Under no circumstances may matter concerning litigation be sealed for more than 3 months after the conclusion of the litigation. There must be public minutes made in all executive sessions including the existence of the transcript the subject matter of the meeting, if not confidential, the names of all persons attending the closed meeting their capacities and the date and time the meeting started and closed. A public agency can have vote on any matter before and during executive session or closed meeting. All voting must be held in a public meeting and then it shall be kept in a open to the public. After an Executive Session the attorney or attorneys involved must file an affidavit with the agency which shall be a public document that only matters relating to the litigation or pending litigation been discussed. So with that if you would like to go into the Executive Session we need someone to make a motion and to have a vote.

Vice Chairman Joseph Cruz: I move for the Executive Session to proceed.

Chairwoman Pika Fejeran: A motion has been made for an Executive Session.

Commissioner Amanda Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. All those in favor.

All commissioners: Aye.

Chairwoman Pika Fejeran: Motion been moved.

Ken Orcutt, Deputy AG: and with that we need to advise the public.

Administrative Director Michael Borja: Ruth go ahead and note the time that we call into the executive session save your recording file remove your thumb drive and go ahead and depart.

Ruth: Okay.

(Regular meeting recessed at 3:00 p.m. for Executive Session. The Executive Session started at 3:15 p.m. until 4:07 p.m. Regular meeting resumed at 4:15 p.m. until 4:48 p.m.)

VII. NEW BUSINESS

1. Black Construction – Request to Use Portion of Lot 10148 Dededo for Route 3 Widening Project

Chairwoman Pika Fejeran: We have a Staff Report along with some maps. I know there's some confusion on the Staff Report so I just want to fully air that this is the Staff Report that we should use, the long one.

Administrative Director Michael Borja: I'm the one who did the Staff Report. Black Construction Corporation in a September 14 letter requested to use about three and half acre property along Route 3 and using Lot 10148 in Dededo. Black Construction was awarded a contract to widen Route 3 from Ysengsong to Potts Junction. The land is needed for temporary field offices and materials storage area and the period needed from November of this year (2017) up to about, maybe a little bit longer, up to April 2020. Lot 10148-R8 Dededo as described in Subdivision Master Plan of Lot 10148 sketch is 435,513 square meters. It's also identified as Lot 10148-R7 on Subdivision Master Plan M05-3, Instr. No. 880805. The property is unregistered. Some Chamorro Land Trust leases issued and some squatters also on land. Some of the Chamorro Land Trust leases were issued a long time ago. GWA water facility also on property and it's closer to Route 3. Previous licenses has been issued for similar uses on other Chamorro Land Trust licenses. 1. The user was not charged for use but required to clear land and erect fencing to prevent trespassing and dumping. 2. Justified use in accordance with 21GCA Ch75, Section 75107(c)(1): "other improvements for public purposes". Now they are not improving the property per se but the public improvement is the actual roadway. As you know, Route 3 widening actually also serves many Chamorro Land Trust lessees since we have a significant amount of property in that area and we have significant number of lessees all in that area as well. The recommendation is authorize BCC to use 3.5 acre portion of Lot 10148-R8 for 30 months with the following conditions. 1. Clear property needed and remove all debris and refuse. 2. Permanently fence entire area. 3. Comply with all regulatory requirements, especially environmental requirements. 4. When complete, remove all materials and restore property in a pristine condition. 5. When complete, ensure fencing remains in good working condition. What you have attached is in the exhibit is their letter of request and a sketch to use the land as well as other maps on the area. So with us today is **Jesse Garcia** from Black Construction and **Duncan Horne**.

Chairwoman Pika Fejeran: Can we just clarify where on this lot because it looks like it's the whole lot right there but only asking portion?

Administrative Director Michael Borja: No it's not. What you see on that actual subdivision is where this road comes out is actually, in this junction here, there's a water pump station here and we'll show this to you in a moment. But it will be along Route 3 and it's kind of like a rectangular shaped area that's closes to Route 3. 300 x 500 comes up to 3 ½ acres.

Chairwoman Pika Fejeran: You were requesting 300 x 500?

Jesse (Black Construction): We were going request for 5 acres but that was revised because we got an office space that will be used for stock piling of our material and stuff, mulch and equipment to protect our equipment at night.

Chairwoman Pika Fejeran: So this 300 x 500 is what you're asking? And currently the property is (paused) but is it like a jungle?

Administrative Director Michael Borja: It's an unregistered land. Go back to the Google Earth. So you can see this on the overhead. You can see this all jungle. There's also a fuel pipeline there.

Chairwoman Pika Fejeran: My question is why are you requesting Chamorro Land Trust property for your construction staging area?

Jesse (Black Construction): It's a government project, it's a federal highway project issued by DPW and because it's a road project and we want to keep it closer by the project.

Vice Chairman Joseph Cruz: But who's responsibility to provide the field, you or Public Works?

Jesse (Black Construction): Black Construction, but the project is for government use sir.

Chairwoman Pika Fejeran: So does that mean that there's no government land for you to have this construction staging area?

Jesse (Black Construction): The right of way is basically a 100 foot right of way so most of the road is going to be…you see from Route 3 in front of Okudo High School, that road is going to be (inaudible) all the way up towards Chalan Kareta up in (paused).

Chairwoman Pika Fejeran: In your construction plans, where did you have this construction staging area cited?

Duncan (Black Construction): (inaudible) we have quite a narrow corridor in which to build the road so it's up to us as a contractor to try and locate an area outside of a contract in which we can use for storage.

Jesse (Black Construction): As far as our field office it's going to be located over by the Shell Gas Station so it's only for equipment and is not for office use.

Chairwoman Pika Fejeran: and whose property would that be on.

Jesse (Black Construction): It's private property, we renting for our field office.

Chairwoman Pika Fejeran: And so you are asking us to let you use 3 ½ acres rent free because you have that option, sounds like you have that option.

Jesse (Black Construction): It's the option of, I guess, the Guam Land Use having Chamorro Land Trust section here where it's for the government benefit.

Vice Chairman Joseph Cruz: Yea but that government has to come in and request for it not a private entity.

Chairwoman Pika Fejeran: But it sounds like it's in their contract to work that out right?

Vice Chairman Joseph Cruz: With Chamorro Land Trust?

Chairwoman Pika Fejeran: To figure out where they going to put the staging area. Right?

Jesse (Black Construction): Yes

Administrative Director Michael Borja: What are you going to do with all the removed asphalt?

Jesse (Black Construction): It's given back to the Government of Guam, DPW, they will bring it back to the coral pit. The existing road that has the asphalt will be milled when it's milled it going to be given to DPW for their use. It will be milled into the dump truck and the dump truck will take it over to the coral pit.

Chairwoman Pika Fejeran: It looks like we have lessees that are living out there, is that right? I'm looking at this map, there's Rosemary Cruz, and Ricky Guevara. It looks like its right against the land they are requesting.

Jesse (Black Construction): It's on the other side of the water pump. We did a site visit on that area, there are debris in there that will be cleared up and then we would put chain link fence will be used.

(Discussions on location site ensues)

Chairwoman Pika Fejeran: Looking at the Staff Report it does say the land is unregistered although there are some lessees out there utilities are well within reach to this property, right and we have not been able to issue out the leases to get people on that land because it's unregistered?

Administrative Director Michael Borja: Correct. Those were done a long time ago and may have been because they already occupied. If you look way to the north there a huge Arrendu client up there.

Vice Chairman Joseph Cruz: If you are done using this site, what would be the best use for Chamorro Land Trust?

Jesse (Black Construction): The best use for the Chamorro Land Trust is...because of the storm and stuff I would suggest that you guys use it as a controlled staging area for debris or whatever you want.

(Discussion regarding the best use of the lot after BCC is done using it. Some suggestions offered to use it to store debris after a storm, field office/northern office, farming land, build homes, compacted stone area with a fence and two gates, development, housing, stockpile storage, equipment)

Vice Chairman Joseph Cruz: What I'm getting at is it's still unregistered. Even if you leave that behind we cannot even lease it because it's unregistered. So for you to come in and ask us for this I don't agree with it because it's unregistered but I just want to see the prospect after you finish with your development.

Jesse (Black Construction): When we return it back to the government it won't be left behind with contaminated stuff. It will back to the original or better than the way it was.

Chairwoman Pika Fejeran: What I'm trying to wrap my head around is why are you asking for Chamorro Land Trust land?

Jesse (Black Construction): Because it's right there along the Route 3 and it's the biggest property that seems available for us to use for the project itself and it's a benefit for the government.

Chairwoman Pika Fejeran: I don't see how this benefits our beneficiaries. We have thousands of people waiting on line to get lands such as that to build homes because it's right there with utilities. I know the staff is currently working to get all those lands registered so that we can actually issue leases.

Jesse (Black Construction): It's only a period of no more than 3 years, 2 ½ years to use and then the lot will be cleared. If you were to walk that site today there's a lot of debris inside that area illegal dumping.

Chairwoman Pika Fejeran: I can't imagine allowing a construction company to come in and erect a fence and use the property when we can't even get people on that property to live. Do you understand…it's very difficult to come to terms and it sounds like we're not your only option we're maybe the cheapest, easiest option.

Duncan (Black Construction): You are our only option at the moment.

Jesse (Black Construction): That whole area on the right side basically is Government of Guam land. From Okudo up to this area is all on the right side is most of it is government land and right along the road.

Vice Chairman Joseph Cruz: How soon is project starting?

Jesse (Black Construction): The actual road construction probably by January/February 2018 but we still need to site preparation and stuff like that.

Commissioner Pascual Sablan: It's in house policy to hold back leasing unregistered government land like this one. I think if I understand from the director that of course we have to go to court, (inaudible) to register an unregistered land.

Vice Chairman Joseph Cruz: I don't know if this would work but if we…would you be willing to do a commercial lease with Chamorro Land Trust? If we propose than 129 as a commercial lease lot and give them the 3 acres that they need that's fronting Finegayan Elementary School. It's down the street next to the water tank but we got to put in a commercial lease listing in order for us to execute a commercial lease.

Administrative Director Michael Borja: This apply as a lease or a license?

Nicolas Toft (Legal): You do it on unregistered (inaudible).

Administrative Director Michael Borja: We're not supposed to do anything on unregistered.

Vice Chairman Joseph Cruz: But 129 is registered, right?

Margarita Borja (CLTC): It is registered but Kasperbauer's have a claim to that only because we issue them a survey authorization for 7 acre parcel.

Vice Chairman Joseph Cruz: How much is total acreage on that lot? So we're lock in Kasperbauer?

Margarita Borja (CLTC): We've been meeting with them on the issue they paid a survey services already and then we came in and stopped issuing leases on the (paused)…they were coming in…because of the half acre…anything more than half and all this and they never completed their survey map so we advised them that we may not be able to move forward with it because of the new law and came back and said I've done everything you

told me to do I've surveyed it, I've paid the surveyor for the 7 acres and now...so that's we're at right now...whether or not we're going to move forward in issuing Mr. Kasperbauer this property so he's expanded a lot of money towards the survey because we told him to do it. We did give an authorization to go out there hire a surveyor for the 7 acres. He did it and now we're coming back and say we can't give you this because of the law. So that area 10129 yes it is registered but there's (paused)

Vice Chairman Joseph Cruz: Does 7 acres include GTA antennas? Mmm, it's the next lot.

Administrative Director Michael Borja: Is there any other land around there, deeper in?

Margarita Borja (CLTC): The one behind the school but that's unregistered.

(Discussion on finding a suitable location ensues, looking at the map near Finagayan School area)

Jesse (Black Construction): Are equipment are basically heavy equipment, they are not regular trucks so kids are going to be passing it's going to be hazard to the kids.

Chairwoman Pika Fejeran: Are we talking about doing a commercial lease on this? Okay, then there's like a whole (inaudible).

Administrative Director Michael Borja: or just the straight license bill. Can they still do a license agreement instead of a lease?

Margarita Borja (CLTC): Core Tech

Vice Chairman Joseph Cruz: Did we make revenue out of it?

Margarita Borja (CLTC): No but there were conditions there.

Vice Chairman Joseph Cruz: We can put condition to reserve all the asphalt for Chamorro Land Trust subdivision.

Administrative Director Michael Borja: Get somebody to lay it out on our roads because we have a lot of areas in this area that could be cleared up. You know, up in the swamp road area.

Chairwoman Pika Fejeran: It sounds like we have an alternative but do we have a motion to for this first, for the original land that was proposed?

Administrative Director Michael Borja: No, the motion would be if you wanted to use that portion right there.

Jesse (Black Construction): If we are allowed to use that area, what we would do is we will go ahead and get our severed lease...not do a registered survey but we will mark out the an area that we need and then (inaudible) that way when we're done whoever is assigned to (inaudible) it will be cleared.

Chairwoman Pika Fejeran: It sounds like we might have to go back and just verify what areas are available on that lot and then have you come back at a later time to discuss the conditions. (ITC fire alarm sounds to evacuate the building...attention, attention, an emergency has been reported in this building please cease operations...evacuate).

Administrative Director Michael Borja: Okay, (inaudible)

Jesse (Black Construction): What I will do is I would go ahead and work with Margarita then we will (inaudible).

Chairwoman Pika Fejeran: Okay, thank you.

Administrative Director Michael Borja: For Guam Rugby I gave you guys their documentations on the non-profit but I have already been talking to the Football guys all I needed is just an approval to like they did back in the summer that they are actually allowed to go on for the next 5 years that's all I need from you guys. I already spoke to the Football guys and their lawyer so I got to talk to them. We're looking to do some kind of giving a time period to resolve it.

Chairwoman Pika Fejeran: Meeting is adjourned.

IX. ADJOURNMENT

The board meeting was abruptly interrupted due to the building emergency alarm siren at 4:45 p.m.

Transcribed by: Ruth Sakuma, Administrative Assistant: RSaku Date:_____

Approved by Board motion in meeting of: February 15, 2018

Michael J.B. Borja, Administrative Director: MJBBorja Date: 2/27/18

Chairwoman Pika Fejeran: PKafejeran Date: 2/15/18

Robbery ring defendant may plead guilty

By John O'Connor
john@postguam.com

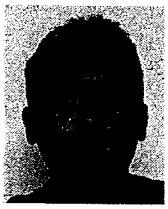
Kyle Austero Pablo may not go to trial as his attorney is in discussions over possible cooperation with the prosecution in cases covering a string of robberies.

Pablo was one of five defendants indicted for thefts, with Vince Mikel Benito, Lucas Briola Rebanal, Brian Josh San Nicolas Parkinson and Jay Ryan Gaza.

Parkinson and Gaza pleaded guilty in May 2017.

Parkinson reportedly drove the getaway vehicle with Benito after he allegedly stole three Rolex watches from a Tumon boutique.

Gaza pleaded guilty to the retail theft at two local businesses: MacTech Guam and Benson Guam Enterprises.



Kyle Pablo

Gaza, Pablo and Benito allegedly stole a stereo and speakers from MacTech, and a chainsaw and spray paint from Benson. All items were valued between $50 and $500.

Pablo, Rebanal and Benito will return to court in late March.

Benito's alleged involvement in the Rolex heist led investigators to what a prosecutor described as possibly the largest prescription drug bust in Guam's history.

While investigating Rebanal's home, where police believe Benito traded one of the stolen watches, investigators uncovered thousands of prescription pills and stolen and unregistered firearms.

Woman in counterfeit cash scheme faces revocation of release

By Andrew Roberto
andrew@postguam.com

A woman on supervised release after her conviction in a cash counterfeiting case could face a revocation of her freedom for allegedly hiding two felons.

Reneelinette Penarubia Mesa appeared before Magistrate Judge Joaquin Manibusan Jr. yesterday for an evidentiary hearing after she was allegedly found hindering the apprehension of Patrick Manibusan and Jenna Crisostomo.

Mesa's initial run-in with the law involved a 2013 counterfeit currency scheme, in which she and co-defendants created fake U.S. currency through "bleaching." Mesa used chemicals to remove the ink from small denomination bills and then reprinted larger denominations on the bleached paper using a computer. She was arrested on a charge of making purchases at the Micronesia Mall and receiving legitimate bills as change.

She received a 14-month prison sentence with credit for time served and was supposed to be under a five-year term of supervised release, according to court documents.

However, on May 8, 2017, Mesa was placed back in prison for four months for violating her supervised release. Mesa failed to report for drug testing; unlawfully used controlled substances; failed to report to the probation officer; and failed to provide a urine specimen for drug testing, court documents show.

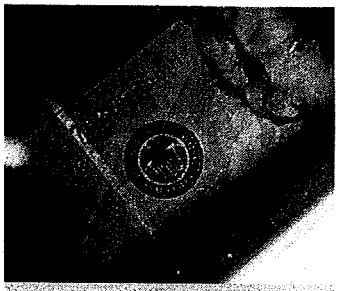
Mesa was released later that year, but in December, had to appear before the District Court of Guam for disobeying her probation officer and the rules of her location monitoring program, as well as failing to participate in a substance abuse treatment program.

Mesa's latest alleged violation stems from a Feb. 2 incident in which deputy marshals from the Superior Court of Guam investigated the defendant's home following a tip that Patrick Manibusan and Crisostomo had been living with Mesa for a week.

Patrick Manibusan faces local charges involving theft and the manufacturing and possession of controlled substances. A bench warrant was out for his arrest throughout 2017.

Meanwhile, Crisostomo, the former girlfriend of alleged prison contraband "mastermind" Shawn Paul Johnson, also had an active 2017 warrant for her arrest and has faced numerous charges of theft, driving under the influence, and possession of a Schedule II controlled substance.

During the investigation, Patrick Manibusan was seen driving to Mesa's home and was immediately arrested after he exited the vehicle.



DETECTING COUNTERFEIT: *Ultraviolet light is shown to detect counterfeit cash. Courtesy of the U.S. Secret Service*

Patrick Manibusan later told deputy marshals that he and Crisostomo had been living with Mesa.

Deputy marshals proceeded to knock on Mesa's door, but the defendant would not answer calls for several minutes. When she did come out of her residence, she indicated that only she and her children were home, after being prompted by marshals.

However, a subsequent search of Mesa's home revealed Crisostomo hiding in a hallway closet underneath a stack of boxes.

Like Patrick Manibusan, Crisostomo admitted to living in Mesa's home.

Before Judge Manibusan, Mesa admitted to associating with felons. A two-week delay in the matter is scheduled in order to allow the judge time to determine an appropriate decision.

In the meantime, Mesa's attorney, Joseph Rozzano, said Mesa will begin outpatient services with Oasis Empowerment Center, an addiction treatment center in East Hagåtña.

Man charged with stalking

By Alana Chargualaf
alana@postguam.com

A man was charged in the Superior Court of Guam on Wednesday after allegedly stalking and harassing a female victim.

Police were called to a residence on Wednesday in response to a criminal trespassing complaint, where they found 33-year-old David Sabang in a silver Nissan Versa playing loud music.

According to the magistrate's complaint, Sabang had an open beer can while several other open, empty cans lay throughout the floorboard of the vehicle.

Sabang told police he was there to see his "girlfriend" and to listen to music with her.

Victim fears for her safety

In an interview, the victim explained she met with Sabang less than a year ago after he randomly called her on the phone in March 2017 and told her he was contemplating suicide.

Thinking she would help Sabang, the victim befriended him, but observed over time that he would "go crazy" when he drank alcohol, according to court documents.

A month later, the victim ended the friendship. Since then, the victim claimed Sabang would repeatedly call and text her at inconvenient hours, leading her to block his phone number. She further disclosed that, in June 2017, Sabang followed her in his car and tried to run her off the road while she was driving, according to court documents.

The complaint stated Sabang continued to show up at the victim's residence at random times. The victim has told Sabang that he is not welcome at her residence.

The complaint also stated that the victim fears for her safety, and that she stressed she and Sabang never dated.

Sabang was charged with one count of stalking as a third-degree felony, one count of criminal trespass as a petty misdemeanor, and one count of harassment as a petty misdemeanor.

Kumision Inangokkon Tano' Chamoru
Chamorro Land Trust Commission

The Chamorro Land Trust Commission Board Meeting will be held on **Thursday, February 15, 2018 at 1:00 pm**, Department of Land Management Conference Room, 3rd Floor of the ITC Building, 590 S. Marine Corps Drive, Tamuning.

In compliance with the ADA, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400.

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PUBLIC NOTICE

The Guam Council on the Arts and Humanities Agency will hold its Regular Board Meeting on Monday, February 12, 2018 at 3:00 pm at the CAHA Office, 1st Floor, Terlaje Professional Building in Hagatna.

Persons requiring special accommodations should contact the GCAHA Office at 300-1205-8 or fax at 300-1209.
"Paid with government funds by Guam CAHA"

Trump 'not actively looking' for Kelly replacement

WASHINGTON (The Washington Post) – Senior White House aides insisted Sunday that President Donald Trump retains confidence in Chief of Staff John Kelly in the midst of staff turmoil and said the president is not looking to replace the retired four-star general hired six months ago with a mandate to corral chaos.

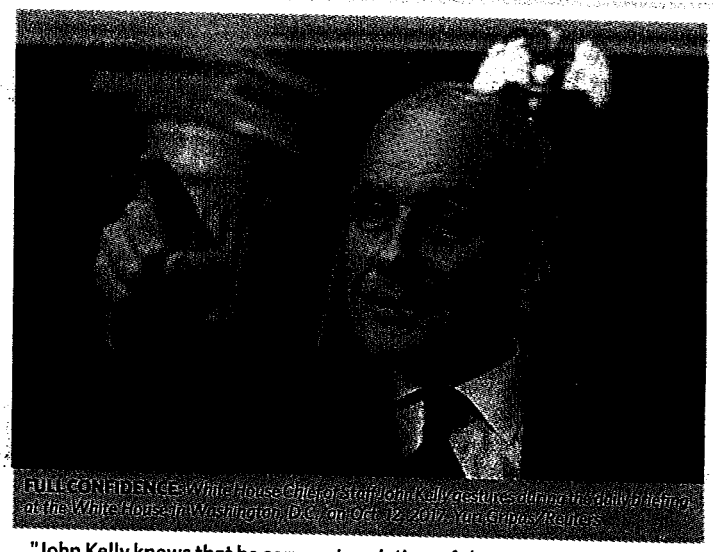
"I spoke with the president last night about this very issue, and he wanted me to re-emphasize to everyone, including this morning, that he has full confidence in his current Chief of Staff, Gen. John Kelly, and that he is not actively looking for replacements," White House counselor Kellyanne Conway said in an interview on ABC's "This Week."

She added that Trump also retains confidence in communications director Hope Hicks, a long-serving aide under scrutiny for her role in the White House response to spousal abuse allegations against former Staff Secretary Rob Porter, with whom she had a romantic relationship.

Porter resigned or was fired Wednesday, a day after Kelly had defended him as "a man of honor" in a statement in which Hicks apparently had a hand.

Kelly did not offer his resignation over criticism of his handling of the Porter case, White House legislative director Marc Short said in an interview on NBC's "Meet the Press." Numerous news reports had said that Kelly offered to quit or was ready to do so Friday, but the chief of staff had denied in a separate NBC interview Friday that he had ever offered his resignation.

> "John Kelly knows that he serves at the pleasure of the president. And he will step aside anytime the president doesn't want him to be there. But John Kelly has not offered his resignation. John Kelly is doing an outstanding job."
>
> – Marc Short, White House legislative director



FULL CONFIDENCE: White House chief of staff John Kelly gestures during a daily briefing at the White House in Washington, D.C., on Oct. 12, 2017. Yuri Gripas/Reuters

"John Kelly knows that he serves at the pleasure of the president," Short said. "And he will step aside anytime the president doesn't want him to be there. But John Kelly has not offered his resignation. John Kelly is doing an outstanding job."

On CNN's "State of the Union," Conway defended Trump's response Friday to the accusations against Porter, in which the president praised Porter's work and said "we wish him well" in his career. Trump had also stressed to reporters that Porter denies the allegations from his two former wives that he was physically and emotionally abusive. Trump did not mention the women or address the substance of their claims in those remarks or in a tweet Saturday that decried how "lives are bring shattered and destroyed by a mere allegation."

Trump, Conway said, "is sympathetic to women and men that are victims of domestic violence."

On ABC, Conway elaborated that Trump believes "you have to consider all sides. He has said this in the past about incidents that relate to him as well."

That was a reference to allegations by more than a dozen women that Trump had sexually abused or harassed them. Trump denies the allegations and has said they were fabricated to sunder his political career.

"I have no reason not to believe the women" who accuse Porter of abuse, Conway said. "And a week ago, I had no reason to believe that that had ever happened."

"We do give people the benefit of the doubt," she continued. "I don't walk around the White House wondering, 'Who is this person really?' And we work in very close quarters together, and we're trying, as just small pieces of this, to do good for the country."

NEW LIFE IN CHRIST FELLOWSHIP

Cash Flow Statement
For the Year Ended December 31, 2017

Cash, Beg. Balance		$ 23,314.76	**Cash Usage:	
			Rent	$ 24,000.00
Cash Received From:			Benevolent Ministry	4,319.00
T&O	$141,760.47		Missions	18,558.37
*Other Inc	3,522.03		H.O.P.E (Evangelism)	1,631.92
Loans Payable	273,512.74	418,795.24	Power & Water	2,797.50
Total		442,110.00	Fellowship	2,189.53
			Office & Church Supplies	1,825.49
**Cash Usage:		418,809.80	Insurance	2,313.00
			Ministries Expenses	1,571.44
			Repairs & Maintenance	250.00
			Registration	253.00
			Bank Charges	487.14
			Interest Expense	2,200.74
			Building Fund	(26,917.25)
Cash, Ending Balance		$ 23,300.20	Ministry Resources	357.38
			Church Furniture & Equipment	649.98
			Accounts Receivable	(108.00)
			Chalan Pago Property	382,430.56
*Interest Income			Total Uses of Cash	$ 418,809.80

Kumision Inangokkon Tano' Chamoru
Chamorro Land Trust Commission

The Chamorro Land Trust Commission Board Meeting will be held on **Thursday, February 15, 2018 at 1:00 pm**, Department of Land Management Conference Room, 3rd Floor of the ITC Building, 590 S. Marine Corps Drive, Tamuning.

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This ad paid for by Government funds.

The University Of Guam Solicits Applications To Establish A List Of Eligibles For The Following Position (Tenure/Non-Tenure Track Appointment, Full/Part-Time, Subject to the availability of funds):

#039-18 ASSITANT INSTRUCTOR TO ASSOCIATE PROFESSOR
(REFERENCE SERVICE AND INSTRUCTION LIBRARIAN)

Contact the Human Resources Office at (671)735-2350 for additional information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Thursday, and 8:00 a.m. to 1:00 p.m. on Friday, except holidays. View the Human Resources Office website at http://www.uog.edu/hro for detailed information on the job announcement. For further information, please email Mr. Jefrey Leonor Libao, Search Committee Chair at jlibao@triton.uog.edu.

The University of Guam is a U.S. accredited institution and an Equal Opportunity Employer and Provider and complies with the Americans with Disabilities Act. For assistance, please contact the Director, EEO and Title IX/ADA Coordinator at (671)735-2244; (671)735-2243 (TTY).

/s/LARRY G. GAMBOA, SPHR, SHRM-SCP
Chief Human Resources Officer

THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
November 16, 2017

26,150.00 Per Year.

Black Construction Corporation Request to Use of Lot 10148-R8 or Lot 10129-R8, both in the Municipality of Dededo For Route 3 Construction Staging Area

47,341. Per Year

1. **FINDINGS:**
   - **a.** Black Construction Corporation (BCC) September 14, 2017, letter requests use of 3.5 acre (14,000 square meters) portion of Lot 10148-R8 and Lot 10129-R8, Dededo
     1) BCC awarded contract to widen Route 3 from Ysengsong Road to Potts Junction
     2) Land needed for temporary field offices and material storage area
     3) Period needed: November 2017 to April 2020
   - **b.** Lot 10148-R8 Dededo as described in Subdivision Master Plan of Lot 10148 sketch is 435,513 square meters
     1) Also identified as Lot 10148-R7 on Subdivision Master Plan M05-3, Instr. No. 880805
     2) Property is unregistered
     3) Some CLTC leases issued and some squatters also on land
     4) GWA water facility also on property
   - **c.** Lot 10129-R8, Dededo as described on L.M. Check No. 235FY2009, recorded under Document No. 809799, containing an area of 35,976± square meters
     1) Property is registered
     2) June 4, 2009, CLTC issued a Survey Authorization to the following applicants, who had contracted Land Surveyor Meliton Santos to complete the survey. On 8-13-2009, they paid approximately $3,750.00, but was never completed. Copy of check print on the proposed lots provided.
        i) Carmen Artero Kasperbauer – 5 acres
        ii) Karen Kasperbauer – 2 acres
        iii) Teresa Kasperbauer Sakazai – 2 acres
     3) No leases issued.
     4) No squatters.

   - **d.** Previous licenses issued for similar use on other CLTC licenses
     1) User not charged for use but required to clear land and erect fencing to prevent trespassing and dumping
     2) Justified use in accordance with 21GCA Ch 75, Section 75107(c)(1): "other improvements for public purposes

2. **RECOMMENDATIONS:**
   a. Authorize BCC to use 3.5 acre portion of Lot 10148-R8 or Lot 10129-R8 for 30 months with the following conditions
      1) Clear property needed and remove all debris and refuse
      2) Permanently fence entire area
      3) Comply with all regulatory requirements, especially environmental requirements
      4) When complete, remove all material and restore property in a pristine condition
      5) When complete, ensure fencing remains in good working condition

3. **EXHIBITS:**
   a. BCC letter and sketch for land use (Lot 10148-R8 and Lot 10129-R8)
   b. Map No. 235FY2009

BLACK CONSTRUCTION CORPORATION

MS 9/14

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 14 2017
258
CLTC/GALC/GLRC

September 14, 2017

Department of Land Management
ITC Building Suite 733
590 S. Marine Corps Drive
Tamuning, Guam 96913

ATTENTION: Mr. Michael J.B. Borja
Director- Department of Land Management

RE : Request to Use a Portion of Lot for Route 3 Widening Project

We would like to request from your good office to utilize a 5 acre lot within Lot 10148-R8 for Route 3 Road Widening Federal Highway project. We intend to use the lot for BCC's temporary field offices and construction material storage area.

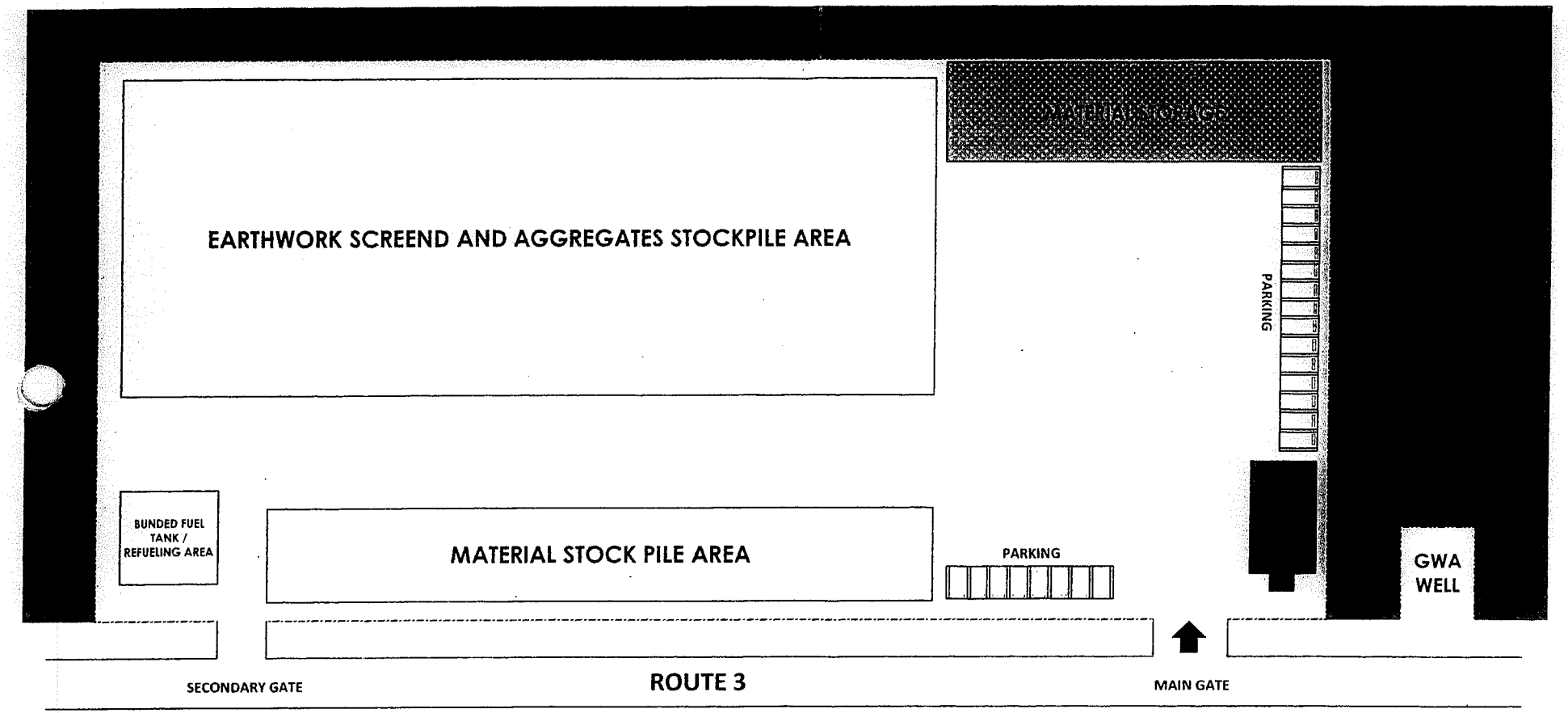
Thank you for your time and consideration.

Sincerely,

Black Construction Corporation

Wilfredo G. Diwa
Project Manager

cc: Don McCann- BCC VP for Operations
Jess Garcia- BCC



KEY:

- BASECOUSRSE / MILLED ASPHALT
- EXISTING VEGETATION
- FENCED COMPOUND

ROUTE 3 WIDENING FROM ROUTE 28 TO CHALAN KARETA

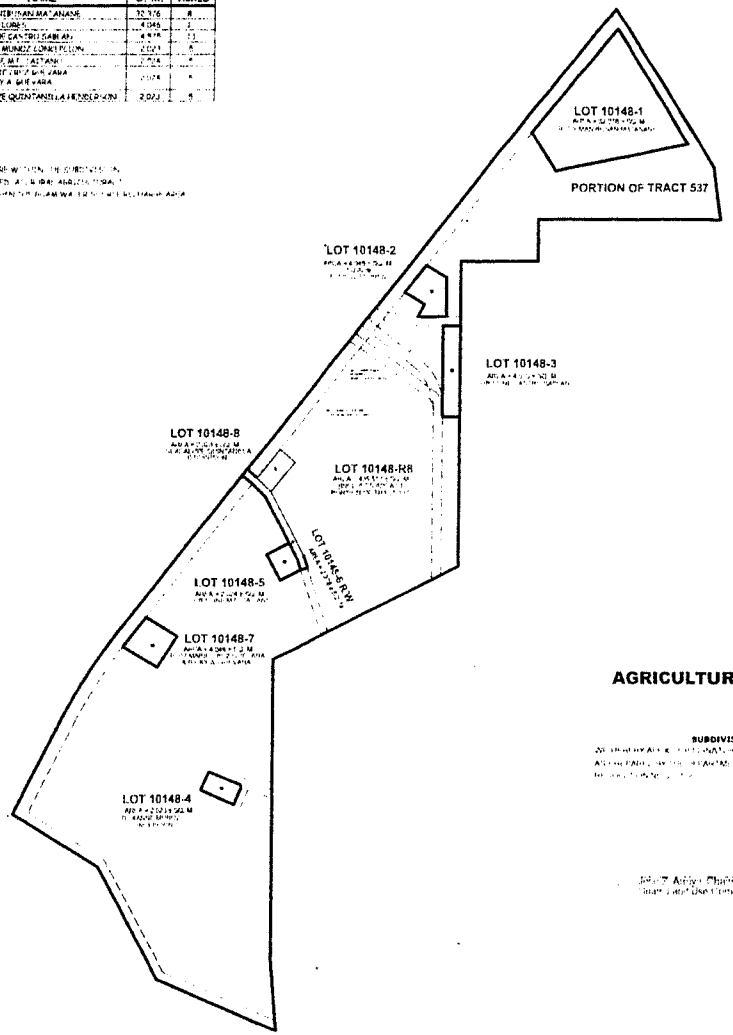
FIELD OFFICES AND MATERIAL STORAGE COMPOUND LAYOUT

ABSTRACT OF LESSEES

LOT	NAME	S. M.	ACRES
10148-1	RUDY MANIBUSAN MAFANAVE	32,316	8
10148-2	FELITA M. FLORES	4,046	1
10148-3	CHRISTINE CANTOS SABLAN	4,878	1
10148-4	ROXANNE MUNOZ CONCEPCION	7,023	2
10148-5	CHRISTINE MT. CASTANO	2,024	1
10148-7	BERNARDITA P. DE LA CRUZ & RILEY A. DE LA CRUZ	4,046	1
10148-8	GUADALUPE QUINTANILLA HENDRICKSON	2,023	1

NOTES:

1. [illegible]
2. [illegible]



GRAPHIC SCALE

SUBJECT LOT
10148



VICINITY MAP

SPECIAL NOTES:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

REFERENCE:

[illegible]

REVIEWED BY:
LAND ADMINISTRATOR

MARGARITA V. BORJA — DATE
LAND MANAGEMENT ADMINISTRATOR

GUAM CHIEF PLANNER

MARVIN Q. ADOLFAR — DATE
GUAM CHIEF PLANNER

CHIEF OF CADASTRE/GUAM CHIEF SURVEYOR

PAUL T. SANTOS — DATE
CHIEF CADASTRAL AND LAND SURVEYOR NO. 68

AGRICULTURAL SUBDIVISION MASTER PLAN
OF
LOT 10148

MUNICIPALITY OF DEDEDO

SUBDIVISION MASTER PLAN NO. 2015 - MUS - 3

[illegible]

Joint Acting Chairman — Date
Joint Land Use Commission

Executive Secretary/Vice Chairman — Date
Chamorro Land Trust Commission

KUMISION INANGOKKON TANO' CHAMORU
CHAMORRO LAND TRUST COMMISSION

AGRICULTURAL SUBDIVISION MASTER PLAN
OF
LOT 10148

LAND SQUARE: 5 — MUNICIPALITY OF DEDEDO — SECTION 3

SURVEY DATA			BASIC LOT DATA	
JOB NO. 2213-11-14	DATE		LOT	10148
COMPILED BY	SURVEY	OCT. DEC. 14	PREVIOUS TITLE NO.	N/A
DRAWN BY	SURVEY	JAN. MAR. 15	REGISTERED	UNREGISTERED
RESEARCHED BY	SURVEY	OCT. DEC. 14	ESTATE NO.	N/A
CHECKED BY	N/A	N/A	IN THE NAME OF	
REVIEWED BY	P.L.S.	APRIL 2015		
SCALE 1"=N METRIC SYSTEM AS SHOWN				GOVERNMENT OF GUAM
SHEET 1 OF 1				
FIELD BOOK NO. N/A				
PAGE NO. N/A				

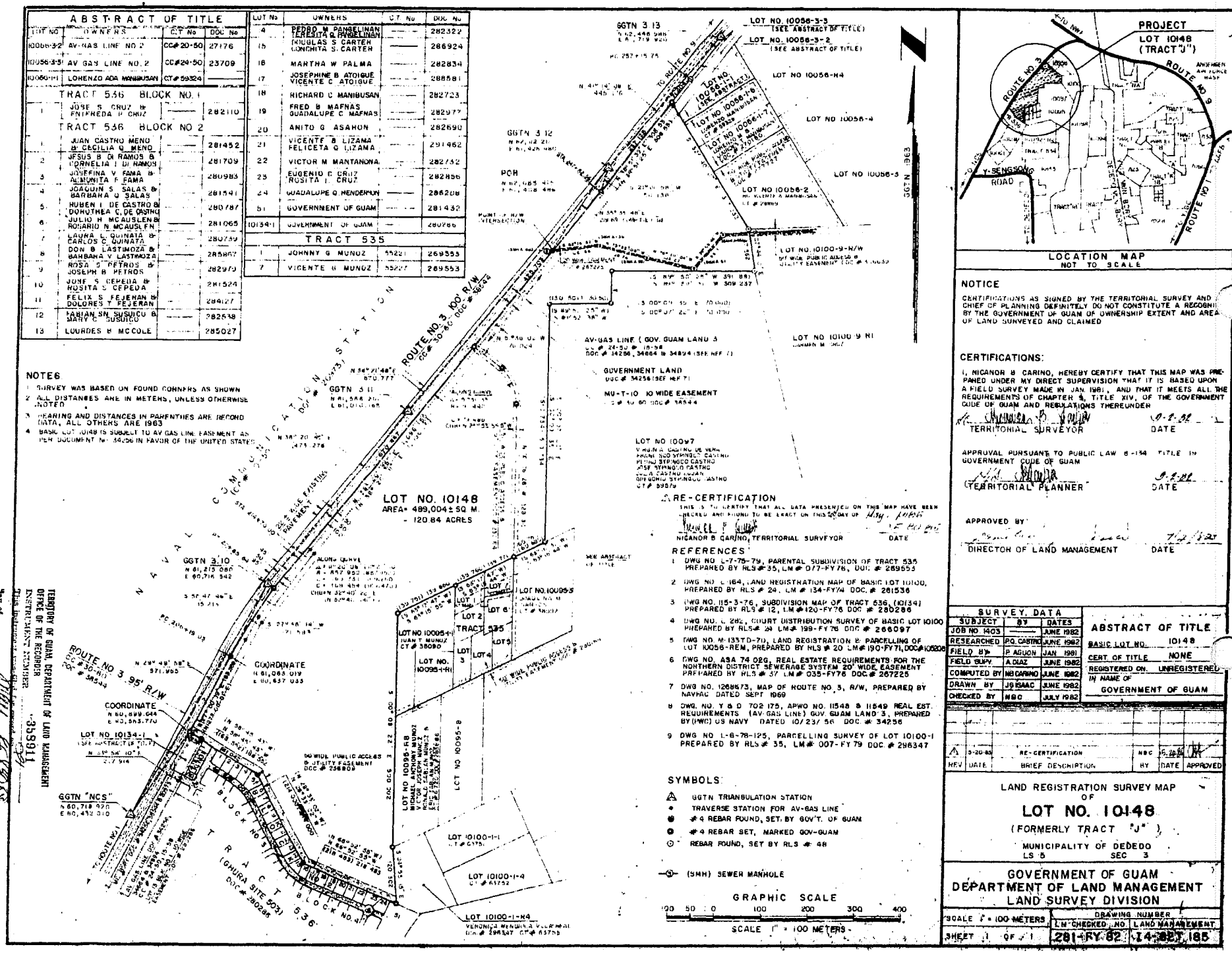
GOVERNMENT OF GUAM
GUBETNAMENTON GUÅHAN
DEPARTMENT OF LAND MANAGEMENT
DIPÅTTAMENTON MINANEHAN TÅNO'
LAND SURVEY DIVISION
DIBISION NA MINANEHAN TÅNO'

0358911

ABSTRACT OF TITLE

LOT NO	OWNERS	C.T. No	DOC No
10056-3-2	AV-GAS LINE NO 2	CC# 20-50	27176
10056-3-3	AV GAS LINE NO. 2	CC#24-50	23709
10056-1-1	LORENZO ADA MANIBUSAN	CT# 59324	—
	TRACT 536 BLOCK NO. 1		
1	JOSE S CRUZ & ENRHEDA P CRUZ	—	282110
	TRACT 536 BLOCK NO 2		
1	JUAN CASTRO MENO & CECILIA Q MENO	—	281452
2	JESUS B DI RAMOS & CORNELIA T DI RAMOS	—	281709
3	JOSEFINA V FAMA & ALMONITA F FAMA	—	280983
4	JOAQUIN S SALAS & BARBARA Q SALAS	—	281541
5	RUBEN T DE CASTRO & DOROTHEA C DE CASTRO	—	280787
6	JULIO H MCAUSLEN & ROSARIO N MCAUSLEN	—	281065
7	LAURA L QUINATA & CARLOS C QUINATA	—	280759
8	DON B LASTIMOZA & BARBARA V LASTIMOZA	—	285867
9	ROSA S PETROS & JOSEPH B PETROS	—	282970
10	JOSE S CEPEDA & ROSITA S CEPEDA	—	281524
11	FELIX S FEJERAN & DOLORES T FEJERAN	—	284127
12	FABIAN SN. SUSUICO & MARY C SUSUICO	—	282548
13	LOURDES B MCCOLE	—	285027

LOT No	OWNERS	C.T. No	DOC No
4	PEDRO M PANGELINAN TERESITA Q PANGELINAN	—	282322
15	DOUGLAS S CARTEN CONCHITA S. CARTEN	—	286924
16	MARTHA W PALMA	—	282834
17	JOSEPHINE B ATOIGUE VICENTE C ATOIGUE	—	288581
18	RICHARD C MANIBUSAN	—	282723
19	FRED B MAFNAS GUADALUPE C MAFNAS	—	282977
20	ANITO G ASAHON	—	282690
21	VICENTE B LIZAMA FELICETA Q LIZAMA	—	291462
22	VICTOR M MANTANONA	—	282732
23	EUGENIO C CRUZ ROSITA T CRUZ	—	282856
24	GUADALUPE Q HENDERSON	—	286208
51	GOVERNMENT OF GUAM	—	281432
10134-1	GOVERNMENT OF GUAM	—	280786
	TRACT 535		
1	JOHNNY G MUNOZ	55221	269553
7	VICENTE G MUNOZ	55227	269553



NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARING AND DISTANCES IN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1963
4. BASIC LOT 10148 IS SUBJECT TO AV GAS LINE EASEMENT AS PER DOCUMENT No. 34256 IN FAVOR OF THE UNITED STATES

RE-CERTIFICATION

THIS IS TO CERTIFY THAT ALL DATA PRESENTED ON THIS MAP HAVE BEEN CHECKED AND FOUND TO BE EXACT ON THIS 20 DAY OF May, 1982

NICANOR B CARINO, TERRITORIAL SURVEYOR — DATE

REFERENCES

1. DWG NO L-7-75-79, PARENTAL SUBDIVISION OF TRACT 535 PREPARED BY RLS # 35, LM # 077-FY 76, DOC # 289553
2. DWG NO L 164, LAND REGISTRATION MAP OF BASIC LOT 10100, PREPARED BY RLS # 24, LM # 134-FY'74 DOC. # 281536
3. DWG NO. 115-3-76, SUBDIVISION MAP OF TRACT 536, (10134) PREPARED BY RLS # 12, LM # 120-FY 76 DOC # 280286
4. DWG NO. L 282, COURT DISTRIBUTION SURVEY OF BASIC LOT 10100 PREPARED BY RLS # 29 LM # 199-FY 78 DOC # 266097
5. DWG NO M-133TD-70, LAND REGISTRATION & PARCELLING OF LOT 10056-REM, PREPARED BY RLS # 20 LM # 190-FY 71, DOC # 106208
6. DWG NO. ASA 74 OBG, REAL ESTATE REQUIREMENTS FOR THE NORTHERN DISTRICT SEWERAGE SYSTEM 20' WIDE EASEMENT PREPARED BY RLS # 37 LM # 035-FY 76 DOC # 267225
7. DWG NO. 1268573, MAP OF ROUTE NO 3, R/W, PREPARED BY NAVFAC DATED SEPT 1969
8. DWG. NO. Y & D 702 175, APWO NO. 11548 & 11549 REAL EST. REQUIREMENTS (AV-GAS LINE) GOV. GUAM LAND 3, PREPARED BY (FWC) US NAVY DATED 10/23/56 DOC # 34256
9. DWG NO L-6-78-125, PARCELLING SURVEY OF LOT 10100-1 PREPARED BY RLS # 35, LM # 007-FY 79 DOC # 296347

SYMBOLS

- GGTN TRIANGULATION STATION
- TRAVERSE STATION FOR AV-GAS LINE
- #4 REBAR FOUND, SET, BY GOV'T. OF GUAM
- #4 REBAR SET, MARKED GOV-GUAM
- REBAR FOUND, SET BY RLS # 48
- (SMH) SEWER MANHOLE

GRAPHIC SCALE

100 50 0 100 200 300 400

SCALE 1" = 100 METERS

LOCATION MAP
NOT TO SCALE

NOTICE

CERTIFICATIONS AS SIGNED BY THE TERRITORIAL SURVEY AND CHIEF OF PLANNING DEFINITELY DO NOT CONSTITUTE A RECOGNITION BY THE GOVERNMENT OF GUAM OF OWNERSHIP EXTENT AND AREA OF LAND SURVEYED AND CLAIMED

CERTIFICATIONS:

I, NICANOR B CARINO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION THAT IT IS BASED UPON A FIELD SURVEY MADE IN JAN 1981, AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 3, TITLE XIV, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER

TERRITORIAL SURVEYOR — DATE 6-1-82

APPROVAL PURSUANT TO PUBLIC LAW 8-134 TITLE 19 GOVERNMENT CODE OF GUAM

TERRITORIAL PLANNER — DATE 6-1-82

APPROVED BY:

DIRECTOR OF LAND MANAGEMENT — DATE 7-2-82

SURVEY DATA		
SUBJECT	BY	DATES
JOB NO 1403	—	JUNE 1982
RESEARCHED	PG CASTRO	JUNE 1982
FIELD BK	P AGUON	JAN 1981
FIELD SUPV	A DIAZ	JUNE 1982
COMPUTED BY	NB CARINO	JUNE 1982
DRAWN BY	JG ISAAC	JUNE 1982
CHECKED BY	NBC	JULY 1982

ABSTRACT OF TITLE

BASIC LOT NO. 10148

CERT. OF TITLE NONE

REGISTERED ON UNREGISTERED

IN NAME OF GOVERNMENT OF GUAM

REV	DATE	BRIEF DESCRIPTION	BY	DATE	APPROVED
1	5-20-82	RE-CERTIFICATION	NBC	5-20-82	

LAND REGISTRATION SURVEY MAP OF

LOT NO. 10148

(FORMERLY TRACT "J")

MUNICIPALITY OF DEDEDO

LS 5 SEC 3

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 100 METERS | DRAWING NUMBER: L M CHECKED NO. LAND MANAGEMENT

SHEET 1 OF 1 | 281-FY-82 | 14-82-185

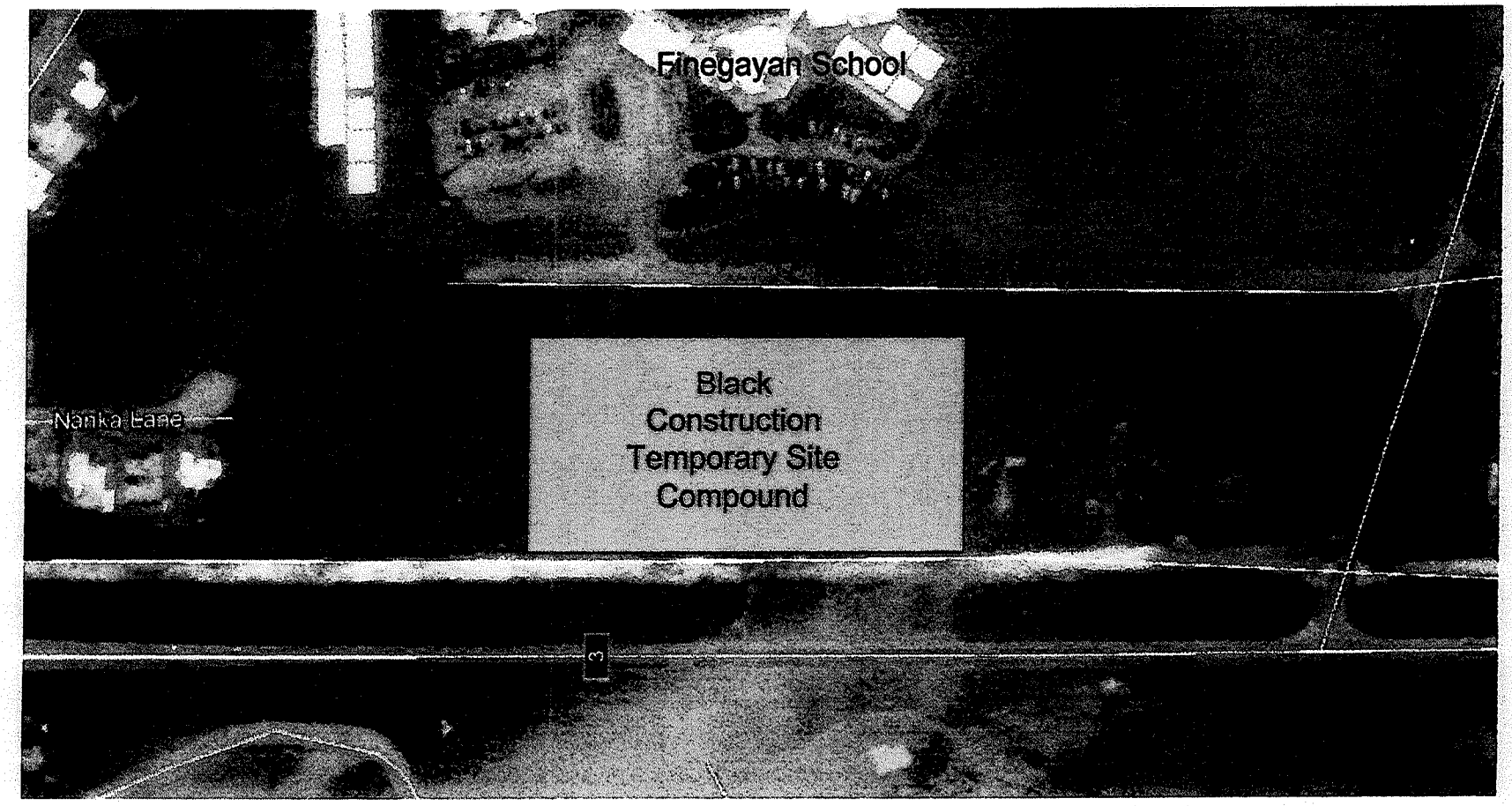
TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT
OFFICE OF THE RECORDER
INSTRUMENT NUMBER 358911

This Instrument was filed for record on the ... day of ... A.D. 19... at ... o'clock ... M. and duly recorded in Book ... of ... Records, Page ...

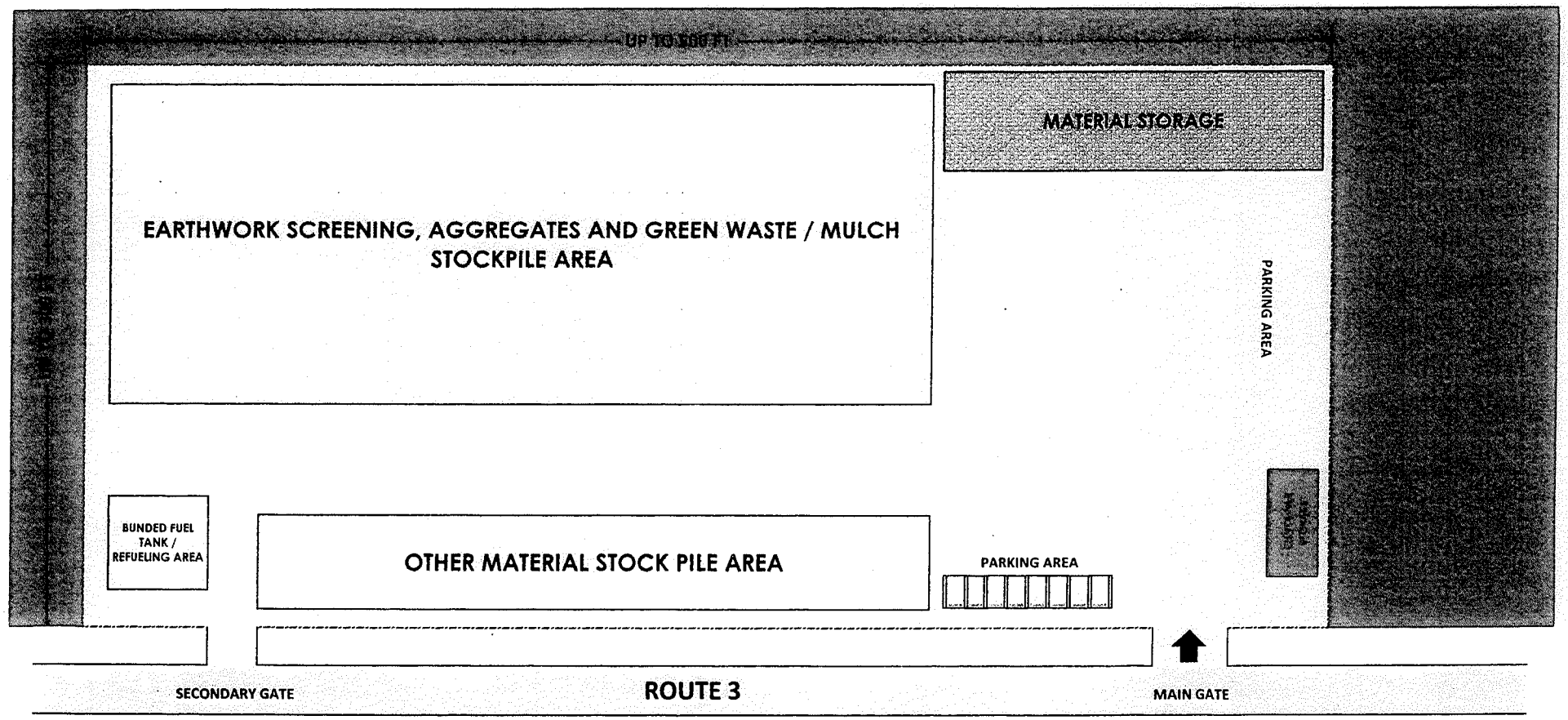
Recorder

Deputy

Doc. No. 34GL-18-1579.



PROPOSED STOCKPILE LOCATION ALONG ROUTE 3 (NEAR FINEGAYAN SCHOOL)



KEY:

BASECOUSRSE / MILLED ASPHALT

EXISTING VEGETATION

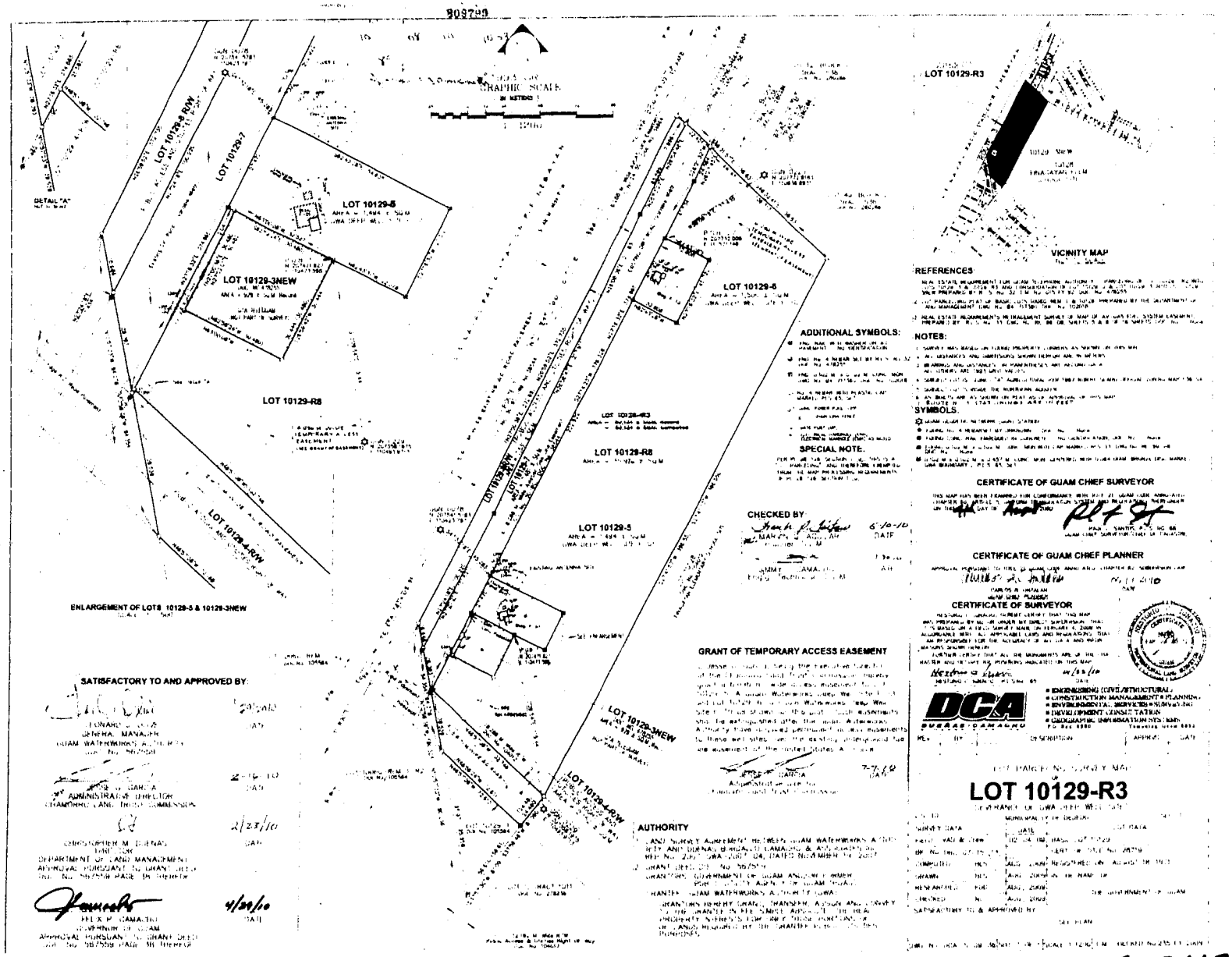
FENCED COMPOUND

ROUTE 3 WIDENING FROM ROUTE 28 TO CHALAN KARETA

FIELD OFFICES AND MATERIAL STORAGE COMPOUND LAYOUT

NOTES:

1. PROPOSED STOCKPILES WILL BE EARTH SCREENING, AGGREGATES AND GREEN WASTE / MULCH STOCKPILE AREA.
2. STOCKPILE AREA ESTIMATED VOLUME IS 20,000 CUBIC YARD (CY).


LOT 10129-R3
VICINITY MAP
LOT 10129-7
LOT 10129-5
LOT 10129-3NEW
LOT 10129-R8
LOT 10129-4-RW
LOT 10129-6
LOT 10129-R3
ENLARGEMENT OF LOTS 10129-5 & 10129-3NEW
ADDITIONAL SYMBOLS:
SPECIAL NOTE:
CHECKED BY
GRANT OF TEMPORARY ACCESS EASEMENT
AUTHORITY
REFERENCES
NOTES:
SYMBOLS:
CERTIFICATE OF GUAM CHIEF SURVEYOR
CERTIFICATE OF GUAM CHIEF PLANNER
CERTIFICATE OF SURVEYOR
SATISFACTORY TO AND APPROVED BY:
LOT 10129-R3

5-13667

Dipattamenton Kontri ion yan Adu'ana

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor Maga'lahi
RAY TENORIO, Lt. Governor Tinente Gubetnadot

RECEIVED
OCT 18 2017
DEPARTMENT OF REVENUE & TAXATION
CLTC/GLUC

ANTHONY C. BLAZ, Director Direktot
MARIE M. BENITO, Deputy Director Sigundo Direktot

MB 10/18

350 PM

EDUCATIONAL, RELIGIOUS AND ELEEMOSYNARY TAX EXEMPTION APPLICATION

Ross Morrison of

I, Guam Rugby Football Club hereby submit this tax exemption affidavit in accordance with Title II, Guam Code Annotated, Chapter 24, §24401 (C) Exemptions.

PROPERTY TAX DESCRIPTION

Primary Identification Number: Lot No. 10057 New 5 DeDeDO.
Parcel Description: 12.09 acres 48,951 sq metres DeDeDO.
Usage: Community Rugby Sports facility

OWNERSHIP RECORD

Name: Chamorro Land Trust Commission
Mailing Address: P.O Box 2950
Business Address: Hagatna Guam 96932.

REAL PROPERTY TAX
RECEIVED
OCT 18 2017
GPAS 29
DEPT OF REV & TAX

Claim for educational, religious and eleemosynary tax exemption eligibility under *Title II, Chapter 24, Title 11, Guam Code Annotated, §24401 (c)*, exemption application must be filed with the assessor's office, in such information as the assessor shall prescribe on or before the *fifteenth (15th) day of March* for which the exemption is claimed.

Oath: I, the undersigned hereby submit the within exemption application for real property taxes, and certify under oath that the information contained in this application is true and correct to the best of my knowledge.

Applicant's Signature

Oct 17 2017
DATE

App submitted with Annual report
GRT stolen
990 N
Tax Exempt
CLTC license
Land survey

FOR OFFICE USE ONLY: [ ] APPROVED [ ] DISAPPROVED

PROCESSED BY

DATE

ADMINISTRATOR, PROPERTY TAX DIVISION

DATE

Post Office Box 23607, Guam Main Facility, Guam 96921 • Tel. / Telifon: (671) 635-1763 • Fax / Faks: (671) 633-2643

Dipåttamenton Kontri ion yan Adu'ånå
DEPARTMENT OF
REVENUE AND TAXATION
GOVERNMENT OF GUAM Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor / Maga'låhi
RAY TENORIO, Lt. Governor / Tiñente Gubetnadot

JOHN P. CAMACHO, Director
Direktot

MARIE M. BENITO, Deputy Director
Segundo Direktot

BUSINESS PRIVILEGE TAX BRANCH

Annual Information Return for Tax Exempt Persons

For Year Ending Dec. 2016

Name of Person	Nature of Business
Guam Rugby Club, Inc.	Rugby Football Club
	Non-Profit Organization EIN 66-0524925

Required under §26110(c), Chapter 26, Article 1, Title 11 & §14102, Chapter 14, Title 18 of the Guam Code Annotated:

Source of Income	Basis of Exemption Authorized	Gross Receipts for the Year
Membership Dues	Section 26203 (d) Title 11 G.C.A	
Merchandise Sales	Section 501 (c) (3) Guam Territorial Income Tax Law	
Sponsorship		
Tournament Fund Raising		
(See attached Profit and Loss)		
Total		11,619.57

If any person was paid by the business or organization during the period for concession or for any kind of business transaction, please fill in the schedule provided hereunder.

Name of Person	Nature of Payment	Amount
(See attached expenses by Vendor Summary)	(See attached Profit & Loss)	
Total		23,903.99

DECLARATION: I declare, under penalty of perjury, that this return including any accompanying schedules or statements has been examined by me, and to the best of my knowledge and belief is a true, correct and complete return.

Signature RECEIVED | Treasurer (Title) | 10/17/2017 (Date)

IMPORTANT NOTICE: An annual information return must be filed with the Tax Commissioner not later than ninety (90) days following the close of the person's tax year. OCT 17 2017

Received by: Dept. of Rev & Tax BPTB 05 Date: _____

Approved by: _____ Date: _____

Post Office Box 23607, Guam Main Facility, Guam 96921 • Tel. / Telifon: (671) 635-7699 • Fax / Faks: (671) 633-2643

Dipåttamenton Kontrib...on yan Adu'ånå
DEPARTMENT OF
REVENUE AND TAXATION
GOVERNMENT OF GUAM Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor / Maga'låhi
...AY TENORIO, Lt. Governor / Tinente Gubetnadot

JOHN P. CAMACHO, Director
Direktot

MARIE M. BENITO, Deputy Director
Segundo Direktot

BUSINESS PRIVILEGE TAX BRANCH

Annual Information Return for Tax Exempt Persons

For Year Ending Dec 2015

Name of Person	Nature of Business
Guam Rugby Club, Inc.	Rugby Football Club
	Non-Profit Organization EIN 66-0524925

Required under §26110(c), Chapter 26, Article 1, Title 11 & §14102, Chapter 14, Title 18 of the Guam Code Annotated:

Source of Income	Basis of Exemption Authorized	Gross Receipts for the Year
Membership Dues	Section 26203 (d) Title 11 G.C.A	
Merchandise Sales	Section 501 (c) (3) Guam Territorial Income Tax Law	
Sponsorship		
Tournament Fund Raising		
(See attached Profit and Loss)		
Total		5,112.03

If any person was paid by the business or organization during the period for concession or for any kind of business transaction, please fill in the schedule provided hereunder.

Name of Person	Nature of Payment	Amount
(See attached expenses by Vendor Summary)	(See attached Profit & Loss)	
Total		11,406.90

DECLARATION: I declare, under penalty of perjury, that this return including any accompanying schedules or statements has been examined by me, and to the best of my knowledge and belief is a true, correct and complete return.

Signature RECEIVED OCT 12 2017 Dept. of Rev & Tax BPTB C5 — Title: Treasurer — Date: 10/11/2017

IMPORTANT NOTICE: An annual information return must be filed with the Tax Commissioner not later than ninety (90) days following the close of the person's tax year.

Received by: _____ Date: _____

Approved by: _____ Date: _____

Post Office Box 23607, Guam Main Facility, Guam 96921 • Tel. / Telifon: (671) 635-7699 • Fax / Faks: (671) 633-2643

Guam Rugby Club, Inc.
Profit Loss
January through December 2016

	Actual Jan - Dec '15	Actual Jan - Dec '16
Income		
Membership Dues	660.00	1,205.00
Merchandise	245.00	291.00
Sponsorship	6,500.00	11,320.00
True Grit Tournament		
True Grit Expenses	-5,672.97	-4,924.20
True Grit Income	3,380.00	3,727.77
Total True Grit Tournament	-2,292.97	-1,196.43
Total Income	5,112.03	11,619.57
Expense		
Bank Service Charges	54.70	6.00
Depreciation Expense	4,456.91	4,195.97
Facilities Improvements		1,892.50
Field Maintenance	3,994.71	11,281.06
Kit Maintenance & Renewal		818.00
Liability Insurance		765.00
Postage and Delivery		178.00
Utilities - Fuel for Generator	2,421.20	795.71
Utilities - Water	479.38	3,970.75
Total Expense	11,406.90	23,903.99
Net Income	-6,294.87	-12,284.42

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 11521 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

Doc. No. 34GL-18-1579.

Guam Rugby Club, Inc.
Profit Loss
January through December 2015

	Actual Jan - Dec '14	Actual Jan - Dec '15
Income		
Membership Dues	1,165.00	660.00
Merchandise	260.00	245.00
Sponsorship	15,000.00	6,500.00
Tournament Income	7,282.30	
True Grit Tournament		
True Grit Expenses	-12,535.62	-5,672.97
True Grit Income	10,302.00	3,380.00
Total True Grit Tournament	-2,233.62	-2,292.97
Total Income	21,473.68	5,112.03
Expense		
Bank Service Charges	19.12	54.70
Depreciation Expense	4,741.71	4,456.91
Facilities Improvements	6,074.83	
Field Maintenance	7,892.90	3,934.71
Kit Maintenance & Renewal	658.13	
Licenses and Permits	600.00	
Marketing and Advertising	144.00	
Postage and Delivery	193.50	
Utilities - Fuel for Generator	2,928.36	2,421.20
Utilities - Water	557.06	479.38
Total Expense	23,809.61	11,406.90
Net Income	-2,335.93	-6,294.87

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting

Guam Raceway Federation aka Guam Raceway Park

1. **FACTS:**

a. On June 1, 1998 the Chamorro Land Trust Commission (CLTC) and Guam Racing Federation (GRF) entered into a 20 year License Agreement.
Start Date: June 1, 1998
End Date: May 31, 2018

b. Schedule of monthly rental payments due on the first day of each month:
June 1, 1998 to May 31, 1999 - 1st year – waived
June 1, 1999 to May 31, 2000 - 2nd year – waived
June 1, 2000 to May 31, 2001 - 3rd year - $1,000/month
June 1, 2001 to May 31, 2002 - 4th year - $2,000/month
June 1, 2002 to May 31, 2003 - 5th year - $3,000/month
June 1, 2003 to May 31, 2008 - 6th through 10th years - $3,300/month
June 1, 2008 to May 31, 2013 - 11th through 15th years - $3,630/month
June 1, 2013 to May 31, 2018 - 16th through 20th years - $4,000/month

c. Use is soley for the activities proposed by Licensee and for incidental purposes related to a raceway park.

d. Agreement may be terminated by either party on ninety (90) days prior written notice to the other party for cause for the non-compliance of any provisions of the Chamorro Land Trust Act or adjudicated regulations of Licensor.

e. Rights of Licensee under the Agreement are personal to Licensee and may not be transferred or assigned to any other person, firm, corporation or other entity.

f. Licensee indemnifies the Chamorro Land Trust of any liabilities regardless of fault.

g. Procure at Licensee cost comprehensive liability insurance 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 person for property damage.

h. Licensee may alter the property in order to make it usable for its purpose. Alteration will include but is not limited to the removal of top soil and/coral from the property. Fifty percent (50%) of the materials which are extracted from the property or the value thereof shall be the property of Licensor.

i. At the time of termination of the license, Licensor will determine whether or not it desires to have the property returned to its pristine condition. It is the responsibility and the sole cost of Licensee to remove any and all improvements placed upon the property. If Licensor should take the property "as is" Licensor must advise Licensee within sixty (60) days of the termination.

j. Any modification of the Agreement or additional obligation shall be binding only evidenced in writing signed by each party or an authorized representation of each party.

k. The License Agreement effectuated by CLTC and GRF was mandated by P.L. 24-141. Furthermore, P.L. 24-141 authorized the exemption for Real Property Taxes and created an Event Admission Assessment of $2.00 per paid admission payable to CLTC.

l. P.L. 30-204 amended the Event Admission Assessment and requires GRF to pay 10% of any event for which a fess is charged, effective the enactment date of P.L. 24-141. Furthermore, P.L. 30-204 made GRF liable for any admission assessment not paid by the organizer and requires GRF to submit quarterly reports to CLTC and to the Speaker of I Liheslaturan Guahan outlining the event, organizers and etc. effective the date P.L. 24-141 was enacted.

2. FINDINGS:

a. GRF is not compliant with P.L. 20-204. No quarterly report has been submitted to CLTC related to Events Admission.

b. Guam Auto Sports LLC dba: Guam Adventures still conducting business.

c. Filing and Grading activities being conducted by Hawaiian Rock and Smithbridge during site inspections on Feb. 8 & 13, 2018. Materials used for filling are asphalt and base course.

d. Guam Racing Federation has a receivable balance of $4,000.00.

3. ABSTRACT OF EVENTS:

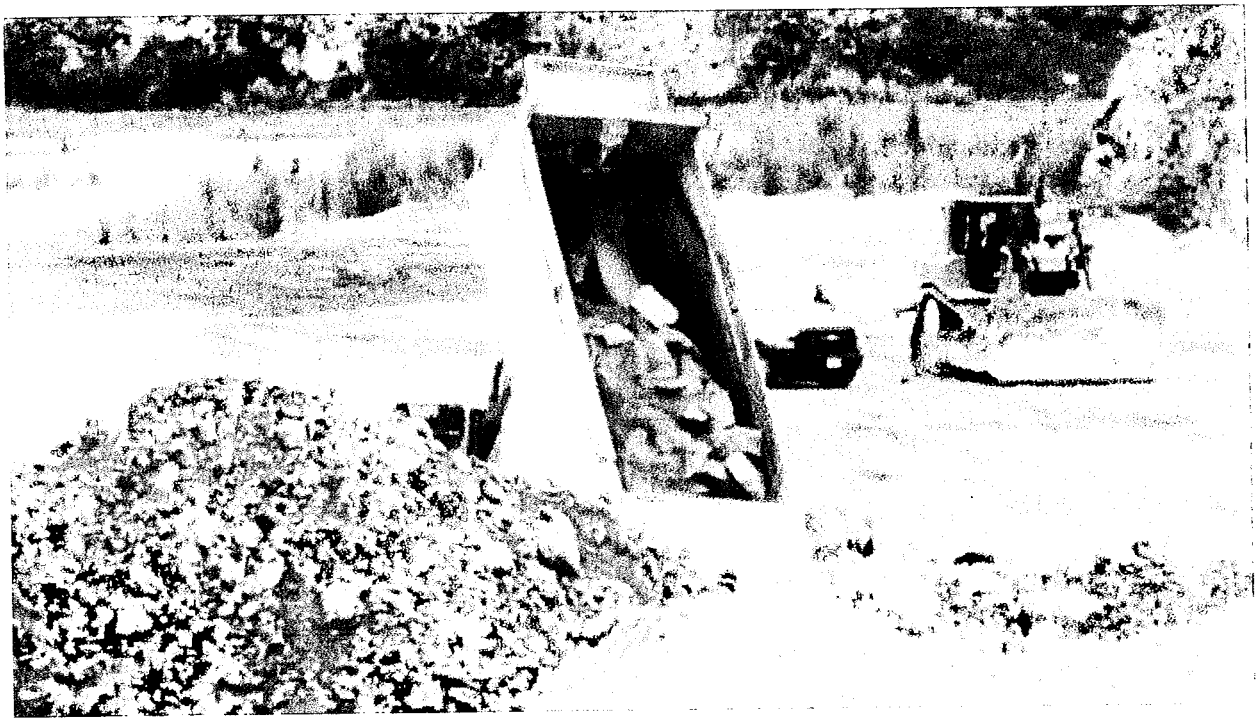
a. On January 04, 2018 I (Joey) spoke with Ms. Camacho from Duenas Camacho and Associates regarding the Guam Raceway's Clearing and Grading permit. Ms.Camacho had mentioned that Hawaiian Rock had over graded and was instructed to back fill.

b. On February 8, 2018 a site inspection was conducted on Lot 7161-R1 leased to Guam Racing Federation.

c. On February 13, 2018 a site inspection was conducted on Lot 7161-R1 leased to Guam Racing Federation.

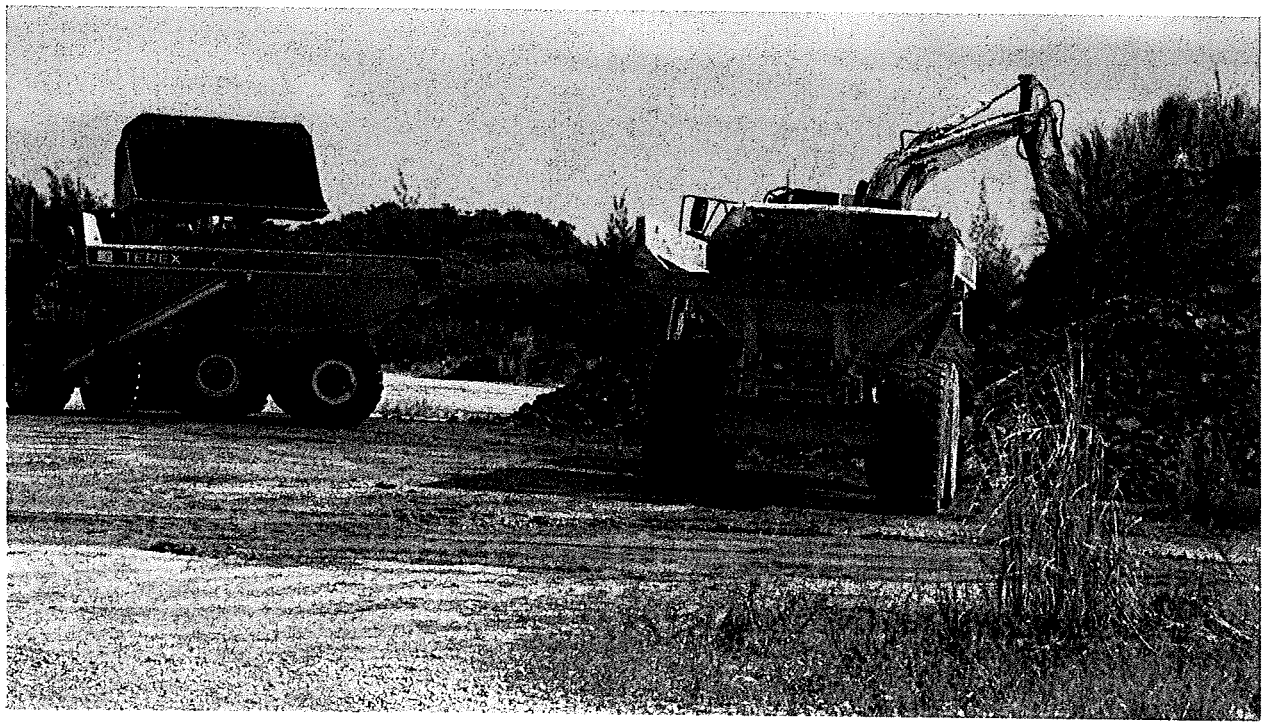
4. RECOMMENDATION:

a. Consider any modification of the lease or additional requirements be put in writing to ensure modification and additional requirements are binding as stated under Item #14 Modification of Agreement. (See Attached Sample).

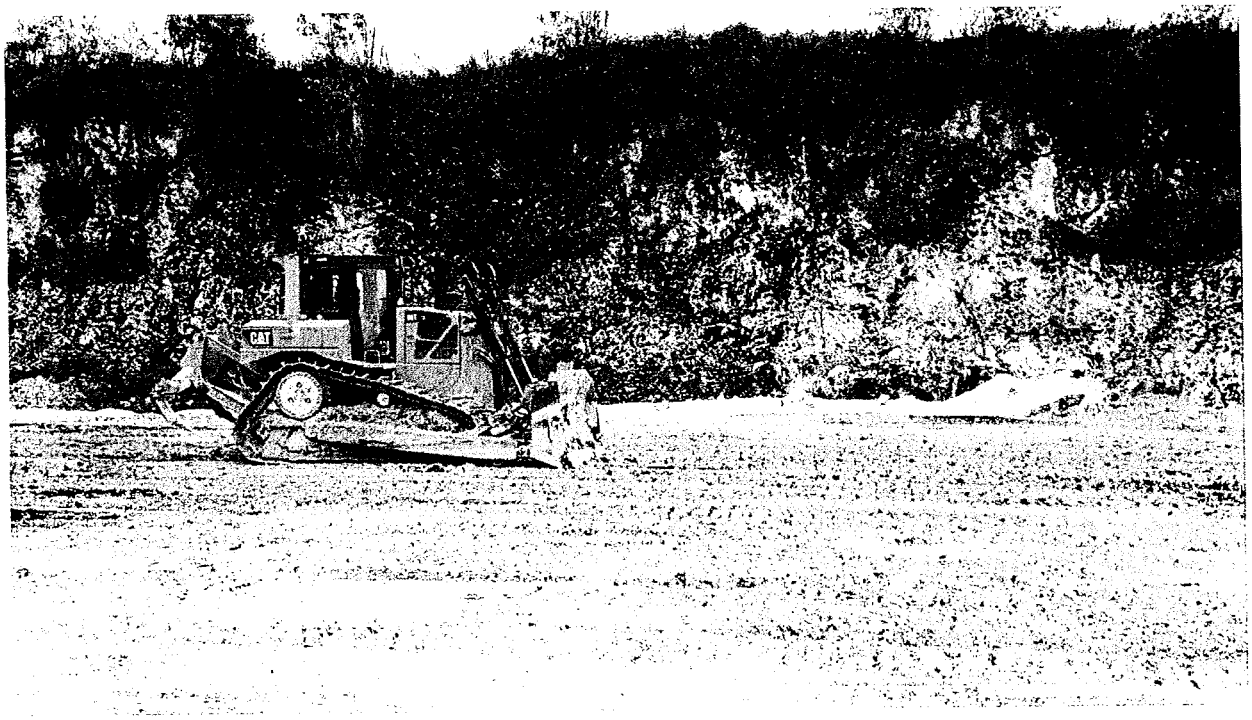




Board Meeting Date: 2/15/2018
Prepared by: Joey Cruz, PCIII


TEREX

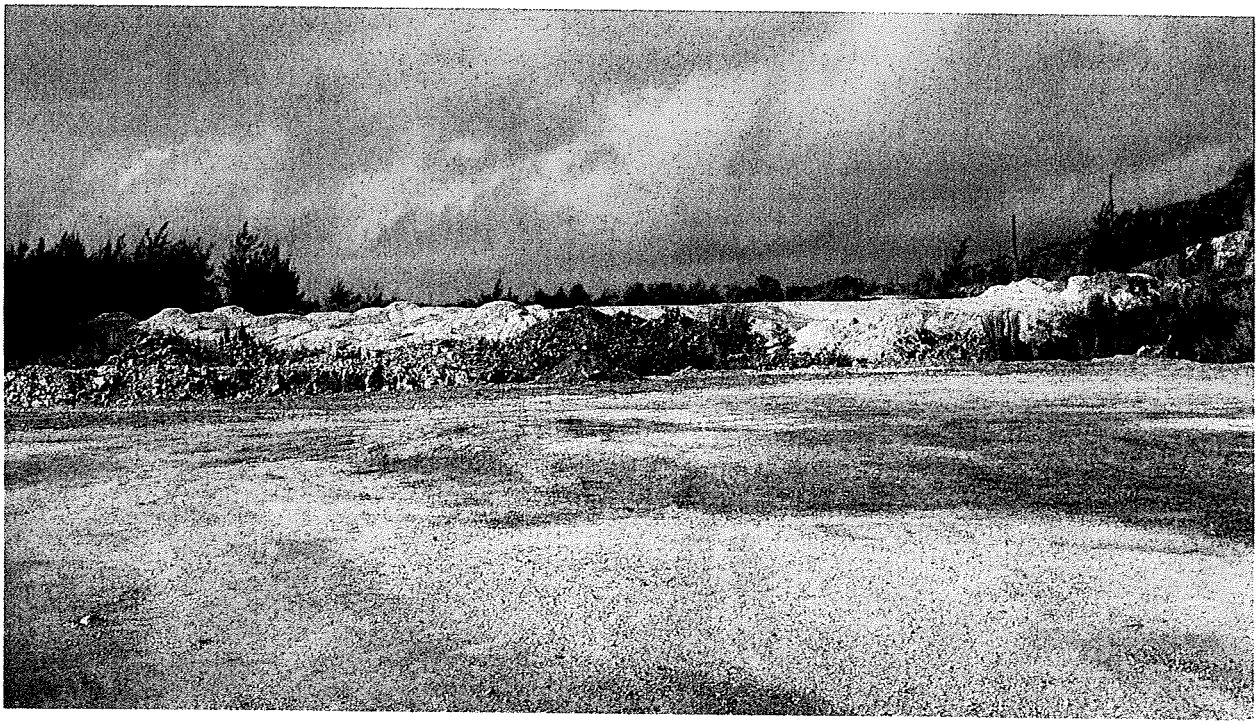






Board Meeting Date: 2/15/2018
Prepared by: Joey Cruz, PCIII





Board Meeting Date: 2/15/2018
Prepared by: Joey Cruz, PCIII

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
February 15, 2018

MATTHEW QUINATA - Request to land exchange a portion of private Lot 214-3, Municipality of Santa Rita for a portion of CLTC Lot 243-REM-8-R/W, Municipality of Santa Rita

1. **FACTS:**

Location: Lot 214-3, Municipality of Santa Rita
Lot Size to be exchanged: 223± square meters

Location: Lot 243REM-8-R/W, Municipality of Santa Rita
Lot Size to be exchanged: 223± square meters

2. **CHRONOLOGICAL FACTS**

Portions of Mr. Quinata's concrete overhang and concrete house encroaches onto portions of the CLTC lot 243-REM-8-R/W, as shown on the attached Retracement Survey Sketch prepared by V.P. Olivares, PLS #77, dated January 13, 2017.

Existing semi-paved/dirt road servicing CLTC Lessees within Basic Lot 243-REM, Santa Rita traverses over private property, Lot 214-3, Santa Rita, owned by Mr. Quinata, as shown on the attached Sketch Survey map prepared by Raymond A. Cruz, PLS #73, dated March 21, 2003.

The encroachments for both parties had taken place prior to 2003.

3. **STAFF ANALYSIS**

Staff has examined the request for land exchange and findings indicate that the portion of the private land designated for exchange would be beneficial to the Trust so that it allows for immediate access to the leased lands within portions of Basic Lot 243 REM and resolves an encroachment of a semi-concrete structure of one our lessees onto portions of the easement designated as Lot 243 REM-8-R/W.

MB 1/12



January 9, 2018

Michael Borja
Department of Land Management
Director

Buenas yan Hafa Adai:

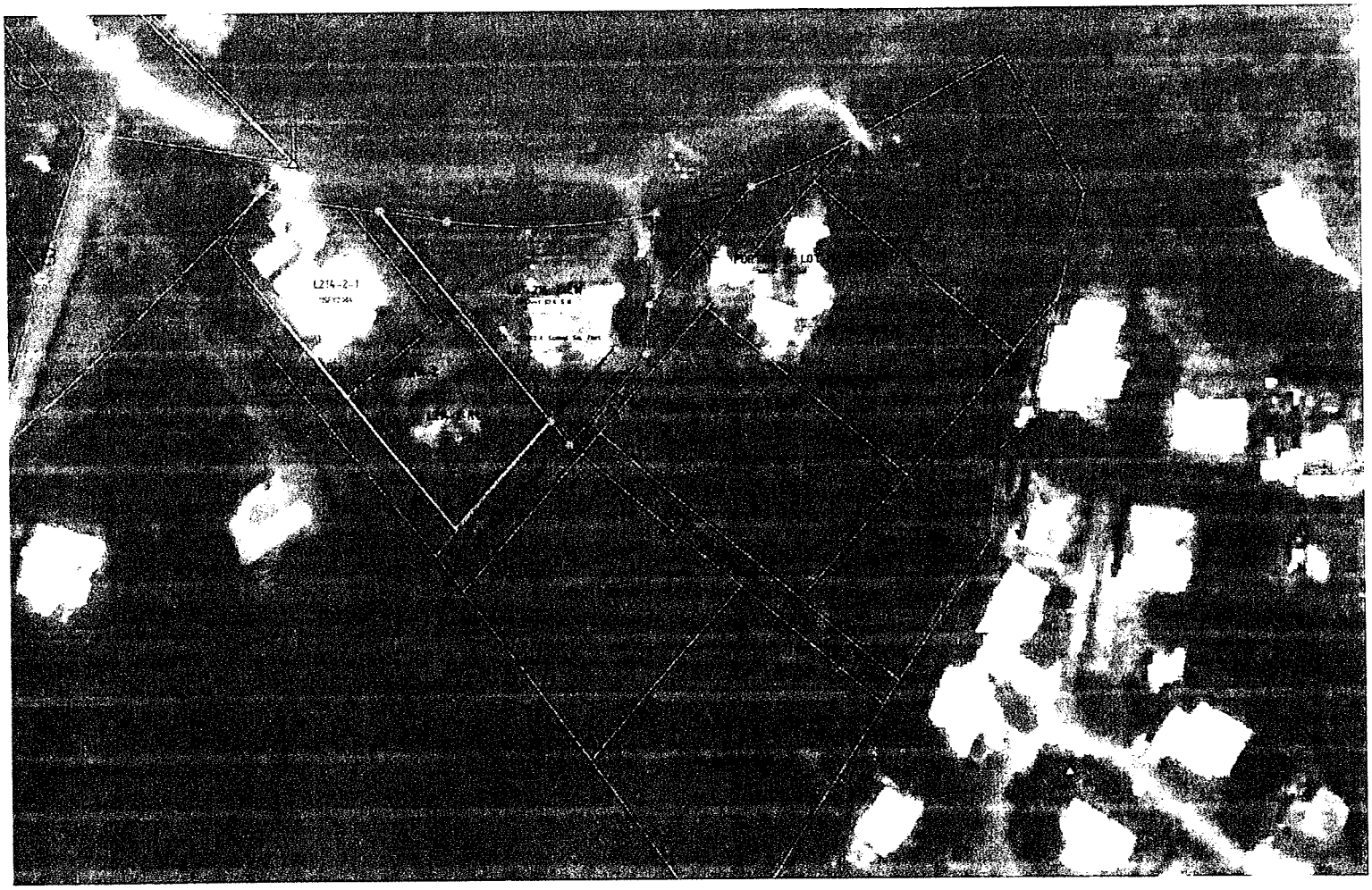
I, Matthew R. Quinata, am the sole owner of Lot #214-3, Santa Rita Guam. My property currently has an encroachment issue equal with the vacant land to the rear of the property which is owned by the Government of Guam.

I am kindly requesting to exchange a portion of my property, fronting public easement, in exchange for an equal amount of Government owned property to address and resolve the encroachment matter.

Please see proposed survey.

Kind Regards,

Matthew R. Quinata


L214-2-1

NOTES:

1. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES IN PARENTHESIS ARE RECORD DATA, ALL OTHERS WERE BASED ON 1993 GRID

SPECIAL NOTE:

1. RECORD DATA FOR LOT 214-3, MATHEMATICALLY DOES NOT CLOSE
2. THE DIFFERENCE IN AREA IS DUE TO ACTUAL PROPERTY CORNERS FOUND OF THE SUBJECT LOT

LEGEND:

- 4" x 4" CONCRETE MONUMENT FOUND, UNREADABLE
- # 4 REBAR WITH PLASTIC CAP FOUND, MARKED PLS # 62
- # 4 REBAR WITH MORASSE CAP FOUND, MARKED PLS # 73

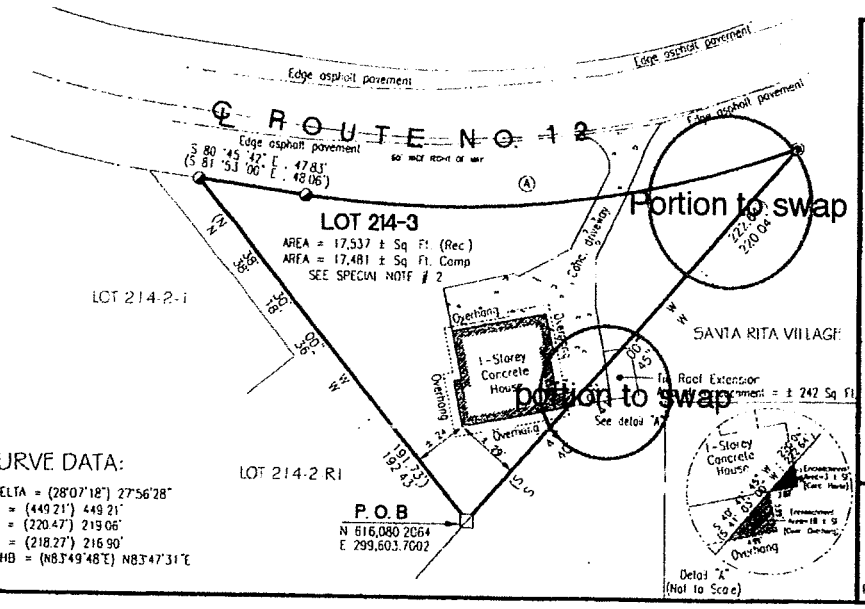
N

1993 GRID

GRAPHIC SCALE:

50' 25' 12.5' 0' 50'

SCALE: 1 INCH = 50 FEET



CURVE DATA:

DELTA = (28°07'18") 27°56'28"
R = (449.21') 449.21'
(A) L = (220.47') 219.06'
C = (218.27') 216.90'
CHB = (N83°49'48"E) N83°47'31"E

REFERENCES:

1. DWG # ES-0407, L.M. 115 F.Y. 2004, RE-SUBDIVISION SURVEY MAP OF LOT 214-2, MUNICIPALITY OF SANTA RITA, (FORMERLY MUNICIPALITY OF AGAT), PREPARED BY PLS # 60, DOC. # 696597.
2. DWG # ISL 3-66 AG 489, PROPERTY MAP LOT 214-3, SITUATED IN SANTA RITA, MUNICIPAL DISTRICT OF AGAT PREPARED BY PLS # 6, DOC. # 78746

CERTIFICATION:

I, VIRGILIO P. OLIVARES, HEREBY CERTIFY THAT THIS SURVEY SKETCH WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT WAS BASED ON A FIELD SURVEY MADE ON JANUARY 2017.

VIRGILIO P. OLIVARES, P.L.S. # 77 — DATE: 01-13-17

VIRGILIO P. OLIVARES CERTIFICATE NO. 77 PROFESSIONAL LAND SURVEYOR GUAM

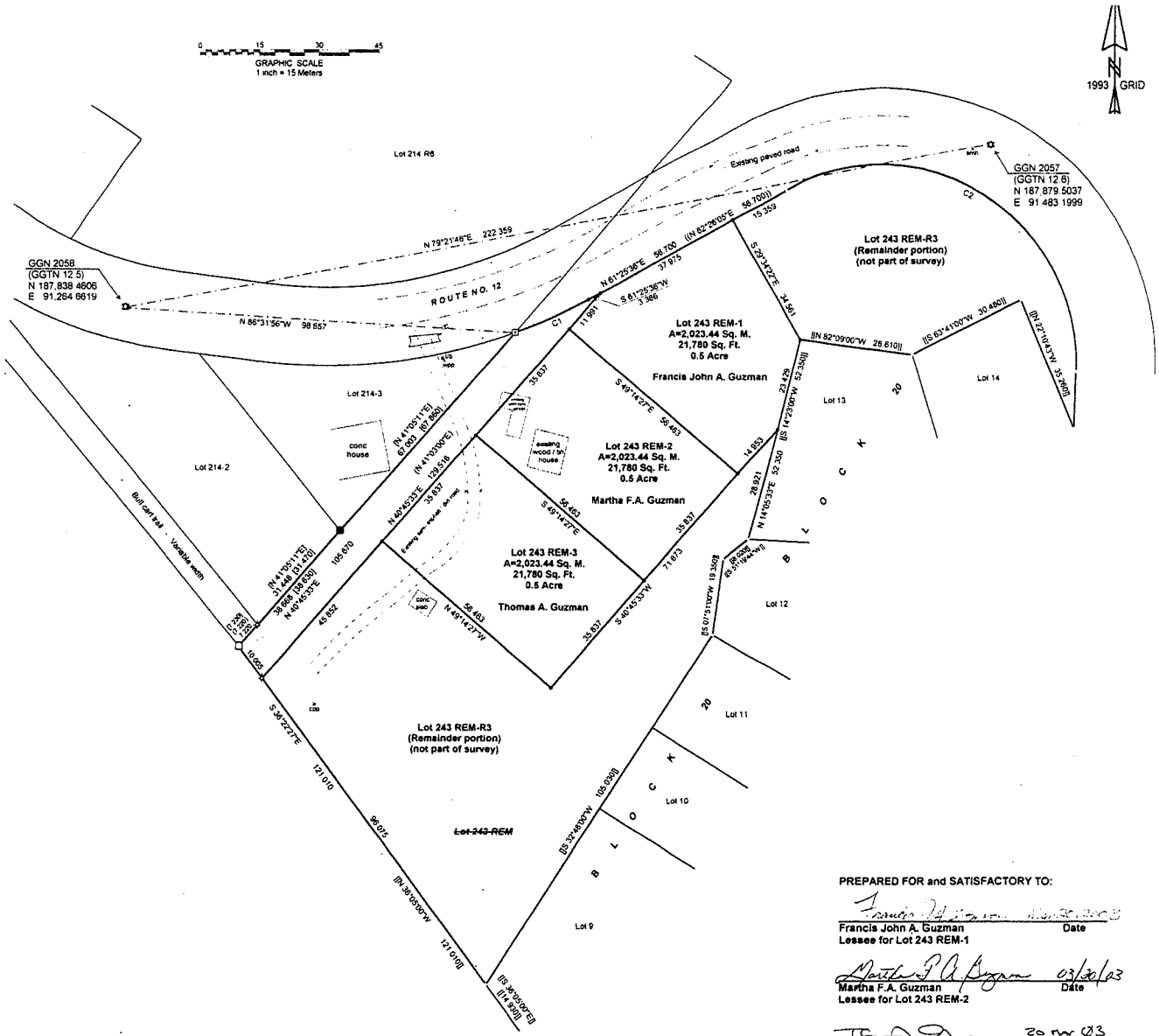
EXP. DATE: 04/30/17

RETRACEMENT SURVEY SKETCH OF LOT 214-3

MUNICIPALITY OF SANTA RITA

V. P. OLIVARES SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. 261
PROFESSIONAL LAND SURVEYOR NO. 77
CEL PH. (671) 727-7734
TEL NO. (671) 734-5856
P.O. BOX 4740 HAGATNA, GUAM 96932
E-MAIL ADDRESS: virgilio_olivares@yahoo.com

JOB # 17 06



CURVE DATA

Curve	Delta Angle	Radius	Arc	Chord	Chord Bearing
C1	08°25'42"	138.521	20.377	20.358	N 65°38'27" E
C2	(121°05'24")	(51.076)	(107.945)	(88.948)	(S 57°01'13" E)

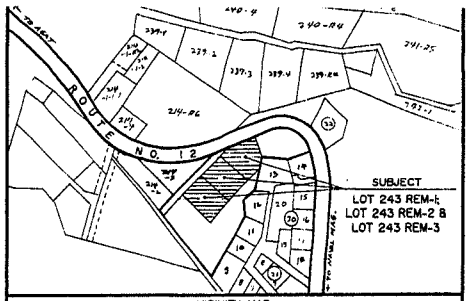
PREPARED FOR and SATISFACTORY TO:

Francis John A. Guzman — Date
Lessee for Lot 243 REM-1

Martha F.A. Guzman — 03/20/03 Date
Lessee for Lot 243 REM-2

Thomas A. Guzman — 20 mr 03 Date
Lessee for Lot 243 REM-3

Joseph M. Borja — 4-25-03 Date
Administrative Director,
Chamorro Land Trust Commission



VICINITY MAP
(not to scale)

NOTES

1) Survey was based on recovered monuments as depicted on plan.
2) All distances are in metric measurement, unless otherwise noted.
3) Bearings and distances shown within brackets are consistant as per reference no. 1, shown within parenthesis are consistant as per reference no. 2, shown within double parenthesis are consistant as per reference no. 3, shown within double brackets are consistant as per reference no. 4, all others are field condition and are based on 1993 grid
4) Subject Lots are zone "A" Agricultural as of date of preparation of this map
5) Subject Lots are within the Ground Water Protection Zone (GPZ)

REFERENCES

1) Land Management Dwg. no. I4-85T254R, Remnant parcel of Lot 214-5 and Severance of Portion of Route No. 2 within Lot 214-R4, L.M. no. 342 FY 85, by Territorial Surveyor, Nicanor B. Canno, Doc. no. 383654.
2) Dwg. no. P-148, U.S Naval Government of Guam, M.I., Land & Claims Commission, Lands to be Acquired for Santa Rita.
3) Marianas Area Dwg. no. 11053, Real Estate Requirements of Route No. 12, Doc. no. 34957
4) L.M. Dwg. no. E4-54T327, Property map of Block 5, 19, 20, 21 & 22, Santa Rita Village, Doc. no. 29612

SYMBOLS

- □ 6" x 6" concrete monument found as per reference no. 1
- ■ 4" x 4" concrete monument found. Placement and position accepted as true boundary marker, accordingly
- ⊡ 4" x 4" concrete monument found, placement disturbed by land erosion Replaced with No. 4 rebar with blue plastic cap marked PLS # 73.
- • No. 4 rebar with blue plastic cap marked PLS # 73 set
- ○ Computed corner
- ⅋ Corner investigated none found
- Telephone box
- Concrete power pole

CERTIFICATION OF SURVEYOR

I, Raymond A. Cruz, 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 3rd & 21st, 03 in conformance with all applicable laws and regulations. That I am responsible for the accuracy of all data and information shown hereon. I, also certify that all the monuments are of the character and occupy the positions indicated on this map.

RAYMOND A. CRUZ, P.L.S. # 73 — 3/21/03 DATE

RAYMOND A. CRUZ CERTIFICATE No. 73 EXP. 7-3-03 GUAM PROFESSIONAL LAND SURVEYOR

SURVEY DATA			ABSTRACT OF TITLE	
SUBJECT	BY	DATES		
Job Number	I4I - 03		Basic Lot	243
Researched	RAC	FEB. 2003	Certificate of Title	2582 - 422
Field Book	RAC + L.		Registered on	June 2, 1948
Field By	RMD / CREW	FEB. 2003	In Name of	Naval Government of Guam
Field Supv.	RMD	FEB. 2003		
Computed	RAC	FEB. 2003		
Drawn By	RAC	MAR. 2003		
Checked By	RAC	MAR. 2003		

SKETCH SURVEY MAP OF

LOT 243 REM

MUNICIPALITY OF SANTA RITA

LAND SQUARE 24 — SECTION 3

CRUZ SURVEY SERVICES
CSS
CERTIFICATE OF AUTHORIZATION , NO. 213
PROFESSIONAL LAND SURVEYOR , NO. 73
Ma Rihistra Para Man Midi Tano Guahan
P.O.Box 2281 Hagatna, Guam 96932 / Tel.828-5956 / Cell.688-5194 / Fax.828-5659


DOC NO 696697
LM115EYZ004

GOVERNMENT OF GUAM - Department of Land Management
Office of the Recorder

File for Record is Instrument Number _____

On the Year 20_____ Month _____ Day _____ Time _____

Recording Fee _____ Receipt No. _____

Deputy Recorder _____

(Space Above Line for Recorder's Use Only)

ADDENDUM TO COMMERCIAL LICENSE RECORDED WITH THE DEPARTMENT OF LAND MANAGEMENT, OFFICE OF THE RECORDER ON «RECLEASEDATE», UNDER INSTRUMENT NO. «RecLeaseDoc»

BETWEEN

CHAMORRO LAND TRUST COMMISSION (LESSOR)

AND

«FULL_NAME» (LESSEE)

ADDENDUM TO COMMERCIAL LICENSE

THIS ADDENDUM TO COMMERCIAL LEASE is made and entered into this _____ **day of _____, 2018,** by and between the Chamorro Land Trust Commission ("Lessor"), whose address is P.O. Box 2950 Hagatna, Guam 96932, and **«full_name» ("Lessee")**, whose address is «street_mailing_address», «city_mailing_address», «state_mailing_address», «zip_code».

THIS ADDENDUM is executed relative to Section 11 of the Commercial Lease entered into on the «signing_date» day of «signing_date», «signing_date», by and between the Chamorro Land Trust Commission ("Lessor"), and **«full_name» ("Lessee")**, recorded on «RecLeaseDate» with the Department of Land Management, Office of the Recorder, under Instrument Number «RecLeaseDoc».

WITNESSETH:

Section 11, USE OF PROPERTY, of Commercial Lease recorded with the Department of Land Management, Office of the Recorder, under Instrument Number «RecLeaseDoc», provides that the leased premises is described as "«lot_description»." **Whereas it is hereby mutually approved by Lessor and Licensee, the additional requirements shall hereinafter be more particularly described as:**

1. Submit topographical survey prior to and after excavation and grading activities.

2. Submit a report certified by a registered Surveyor reflecting the total cubic yards of material excavated.

3. Submit a report reflecting the amount of cubic yards used for backfilling.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to Residential Lease on _____ ____, 2018.

LESSOR:

_____

MICHAEL J.B. BORJA
Administrative Director
Chamorro Land Trust Commission

LESSEE:

_____

«full_name»

ACKNOWLEDGEMENT

On this _____ day of _____, 2018, before me the undersigned notary personally appeared MICHAEL J.B. BORJA, Administrative Director, known to me to be the person whose name is subscribed to the within instrument and for its stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public_____
My Commission Expires _____

On this _____ day of _____, 2018, before me the undersigned notary personally appeared «full_name», known to me to be the person whose name is subscribed to the within instrument and for its stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public_____
My Commission Expires _____

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

Haya Foundation – Request to Lease Lot 354-4-R2, Municipality of Inarajan

I. FACTS:

1. **Location:** The subject lot is located in the Municipality of Inarajan containing an area of 61,641± square meters as per Agricultural Subdivision Master Plan of Lot 354-4-R2.

2. **Field Description:** The subject area of interest is presently vacant with utilities not available within one hundred feet from the site. This property is adjacent to the Inarajan Middle School.

II. STAFF ANALYSIS:

Lot 354-4-R2 is in the CLTC inventory, and is currently available for leasing, although approximately 50% of the property consist of rolling hills and steep drops. See attached Topo Map.

Attachments:

Topo Map
Vicinity Map
CLTC Map Scheme
Inarajan Mayor's Support Letter

Michael Borja

From: Larry Toves <ltoves@investguam.com>
Sent: Friday, October 13, 2017 11:18 AM
To: Michael Borja; jrojas@investguam.com
Cc: Mana Silva Taijeron; LAND MGT DIRECTOR
Subject: RE: GEDA CLTC MOU (2nd Request)
Attachments: 10.03.2017 - MOA w. CLTC Memo.pdf

Hafa Adai Director Borja. Our Administrator, Jay Rojas asked that I forward the attachment to you. Please note that the property management fee proposed and approved by GEDA Board at its last meeting is 14% and not 14.3% as indicated by hand writing in the attached board memo. Feel free to contact our office should you have any questions. Si Yu'us Ma'ase.

LARRY C. TOVES
Manager, Real Property Division

GUAM ECONOMIC DEVELOPMENT AUTHORITY
Moving Forward

590 South Marine Corps Drive, Suite 511
Tamuning, GU 96913

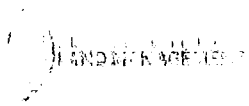
T 671.647.4332
F 671.649.4146
E larry.toves@investguam.com
W investguam.com

From: Michael Borja [mailto:Michael.Borja@land.guam.gov]
Sent: Friday, October 13, 2017 8:30 AM
To: jrojas@investguam.com
Cc: Mana Silva Taijeron; Larry Toves; LAND MGT DIRECTOR; Michael Borja
Subject: RE: GEDA CLTC MOU (2nd Request)

Jay,

Please provide me with the GEDA board of directors approved amount for performing lease management functions for the Chamorro Land Trust Commission which is currently being negotiated for the memorandum of understanding between GEDA and CLTC.

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



From: Michael Borja
Sent: Wednesday, October 11, 2017 9:17 AM
To: [redacted]
Cc: Mana Silva Taijeron <[redacted]>; Larry Toves <[redacted]>; LAND MGT DIRECTOR <[redacted]>, Michael Borja [redacted]
Subject: GEDA CLTC MOU

Hafa Adai Jay,

Please provide me with the GEDA board of directors approved amount for performing lease management functions for the Chamorro Land Trust Commission which is currently being negotiated for the memorandum of understanding between GEDA and CLTC

Thanks,

[redacted]
Director, Department of Land Management
Government of Guam
[redacted]
(671) 649-5381
[redacted]



Governor of Guam
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
Administradot

MANA SILVA TAITERON
Deputy Administrator
Sigundo Na Administradot

September 28, 2017

To: GEDA Board of Directors

From: Administrator

RE: MOA with the Chamorro Land Trust Commission

BACKGROUND:

GEDA and the Chamorro Land Trust Commission executed a Memorandum of Agreement as approved by the GEDA Board and the Governor in 2013. The agreement allowed GEDA to manage CLTC commercial leases among other responsibilities and be paid 14% from lease rents. The agreement had a three year term with options to renew. During the term of the MOA, GEDA spent resources in analyzing CLTC leases, evaluating OPA recommendations to improve CLTC operations, and drafting CLTC rules and regulations which eventually became law. Adoption of the rules and regulations resulted in the lifting of the CLTC and Legislature-imposed moratorium on new commercial leases. For these services, GEDA did not receive any revenues since the services did not result in a lease. Also during the term, GEDA publicized a Request for Proposals and negotiated a lease of CLTC property in Yigo which did not result in an approved lease due to action by the Legislature. No payment was received for these services as well. The term of the MOA has expired and although GEDA attempted on numerous occasions to extend the agreement prior to its expiration, CLTC did not act. On September 21, 2017, CLTC requested GEDA attendance at its board meeting where it announced that CLTC desired changes to the MOA, particularly by eliminating relatively routine tasks but reducing GEDA's management fee from 14% to 10% of lease rents.

14.3%

ANALYSIS:

CLTC wants to remove the following services previously provided by GEDA in the original MOA:

- Invoicing, collection of rent and remittance to GEDA of its share, which would be performed by CLTC staff;
- Preparation of rules and regulations since this has been completed; and
- Analysis of the cost of infrastructure needed to serve CLTC residential properties and the revenues from commercial leases needed to pay these costs.

In the CLTC meeting however, it was determined that CLTC cannot remit payments as it pays its bills through the Department of Administration. Therefore, invoicing and collection of rent would remain with GEDA except that lessees would be required to remit two payments, one to CLTC and one to GEDA for their respective shares. In our view, the responsibilities that GEDA would continue to perform under the MOA, including soliciting prospective lessees, negotiations and lease management are the more complex responsibilities that justify the 14% fee. CLTC confirmed that its staff cannot perform these complex tasks. Removal of relatively routine responsibilities has a negligible impact on the fee.

In addition, GEDA was advised that even though rules and regulations have been adopted, CLTC is required to adhere to Public Law 32-40 which requires preparation of a determination of need for leases longer than 5 years and public and legislative notification. Legislative approval of long term commercial leases is still required which gives rise to additional risk that GEDA might not receive payment, similar to what occurred with the Yigo property.

GEDA was also advised that CLTC rules mandate that a higher capitalization rate be charged for all CLTC leases. For GEDA Industrial Park and Guam Ancestral Land Commission leases, GEDA negotiated lease rents between 7% to 10% of Fair Market Value and with GALC leases, GEDA receives 14.3% of total rent payments. CLTC rules mandate a capitalization rate of no less than 10% of Fair Market Value. Since the rules mandate a floor of 10% of Fair Market Value, total rent would increase. Since total rent would increase, CLTC believes GEDA's share of total rent should be reduced to 10% rather than 14% of total rent. GEDA staff believe that the amount of work and the potential risks of not receiving payment require a higher not lower share of total rents.

RECOMMENDATION:

After much discussion, the Board of Directors authorized the Administrator to advise CLTC that the 14% fee remain until such time as GEDA receives its original cost. Thereafter, the fee will be reduced to 10%.

( ) Approved

( ) Disapproved

EDWARD L. CALVO
Chairman of the Board

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

This **MEMORANDUM OF UNDERSTANDING ("MOU)** is entered into by and between **CHAMORRO LAND TRUST COMMISSION ("CLTC")** whose address is P.O. Box 2950, Hagatna, Guam 96932; and, the **GUAM ECONOMIC DEVELOPMENT AUTHORITY ("GEDA")**, a Guam public corporation whose address is 590 South Marine Corps Drive, Suite 511, Tamuning, Guam 96913.

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 CLTC to be used and disposed of in accordance with the provisions of this Chapter; and

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; and

WHEREAS, the CLTC has identified the need to retain the services of GEDA to assist it with the development, management, and maintenance of Chamorro homelands designated for Commercial Leasing or Licensing pursuant to Public Law 33-

95 and financing of capital improvements and infrastructure so that said Lands will be developed pursuant to the requirements of law; and

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 CLTC desires to enter into a service agreement whereby GEDA will provide the CLTC 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 CLTC as provided for in this MOU.

   b. Periodically review CLTC Rules and Regulations for commercial lease/licenses and recommend revisions as needed to ensure that the CLTC achieves the objectives of the commercial lease/license program.

   c. Assist the CLTC in preparing a land use plan and analyze the infrastructure needed by the CLTC for its residential and agricultural subdivisions to

determine the amounts that need to be generated from commercial leases/licenses;

d. In its role as Central Financial Manager for the Government of Guam, assist CLTC in identifying the type of financing required for capital improvements including infrastructure development on CLTC properties, securing financing for capital improvements and infrastructure development, negotiating financing agreements and recommending the execution of any financing agreement.

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

f. Advertise RFPs and receive all proposals;

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

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

i. Recommend the execution of any commercial lease/license agreement by the CLTC;

j. Assist the CLTC is presenting leases/licenses to the Guam Legislature for approval as required by Public Law 32-40;

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

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

3. Provide periodic updates to the CLTC on the status of the inventory, development and leasing of Chamorro Homelands reserved for commercial use.

4. Cooperation by CLTC. The CLTC 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 designated for commercial use covered under the scope of this Memorandum of Understanding;

   b. Provide Legislative notification of GEDA involvement;

   c. Provide survey maps, sketches, etc. of commercial property in the CLTC'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 CLTC 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/licensees;

   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. Act upon financing agreements, contracts or other documents recommended for execution by GEDA in order to secure financing for capital improvements on CLTC properties;

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

m. 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 require lessees and licensees to pay the CLTC directly for its share of the ~~rents~~ payments required to be paid by commercial lessees/licensees of Chamorro Homelands and shall require lessees to pay to GEDA directly for its share of the ~~rents~~ payments required to be paid by ~~any~~ commercial lessee/licensee to GEDA, as payment for GEDA services unless other payment methods are approved by CLTC. To allow effective management of leases, each party shall provide the other with a monthly accounting of payments which shall be due within twenty (20) calendar days after the end of each month.

b. The CLTC shall be entitled to 86% of all rents payments due and GEDA shall be entitled to 14% of the rent all payments due, until such time as GEDA's initial costs are paid as determined by GEDA and approved by the CLTC. Thereafter, the CLTC shall be entitled to 90% of all rents payments due while GEDA shall be entitled to 10% of all rents payments due. GEDA's entitlement to payment under this MOU, shall expire pursuant to Section 7 of this MOU.

c. The parties agree that GEDA's initial costs as specified in Section 5(b) above, consist of all costs associated with the performance of duties specified in Section 1 (a) through (m), except as provided in Section 5(d) below. Once a lease or license is executed GEDA shall prepare and submit to CLTC a statement of costs incurred to include an analysis of the amount of time needed to recover such costs, based upon GEDA's share of payments. Upon expiration of this time period, GEDA's entitlement will be 10% of payments.

d. For services under Section 1(d) above (GEDA as Central Financial Manager), fees associated with the provision of this service shall be identical to the fee structure established by GEDA's rules and regulations for the sale of bonds and are in addition to the fees specified in Section 5(b) above. GEDA Rules and Regulations currently set financing fees at one half (1/2) of one percent (1%) of the principal for the first Ten Million Dollars ($10,000,000.00) plus one fifth (1/5) of one percent (1%) of the principal above Ten Million Dollars ($10,000,000.00).

6. Method and Time of Remittance of Payments and Rents. Should any revenues that are intended for CLTC be collected by GEDA from commercial lessees/licensees, GEDA shall be remit such revenues to the CLTC no later than twenty (20) calendar days after receipt from commercial lessees/licensees. Should any revenues that are intended for GEDA be collected by CLTC from commercial lessees/licensees CLTC

shall remit such revenues to GEDA 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)~~ ten (10) years from the effective date and shall be renewed at the expiration of the initial term for ~~two (2)~~ three additional terms of ~~three (3)~~ five (5) years each, subject to mutual agreement and the availability of funds.

8. Termination. 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 CLTC 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.

/ / / / /

IN WITNESS HEREOF, the parties have executed this Memorandum of Understanding effective the day and year the Governor of Guam affixes his signature.

Guam Economic Development Authority	**Chamorro Land Trust Commission**
_____	_____
JAY ROJAS	**MICHAEL J.B. BORJA**
Administrator	Administrative Director
Date:_____	Date:_____
CONCURRED BY:	
Guam Economic Development Authority	**Chamorro Land Trust Commission**
Board of Directors	**Board of Commissioners**
_____	_____
EDWARD J. CALVO	**PIKA FEJERAN**
Chairman	Chairwoman
Date:_____	Date:_____
APPROVED AS TO LEGALITY AND FORM	***APPROVED***
_____	_____
ELIZABETH BARRETT-ANDERSON	**EDDIE BAZA CALVO**
Attorney General of Guam	Governor of Guam
Date:_____	Date:_____

YIGO MAYOR'S OFFICE
"OFFICINAN I TAOTAO"

Rudy M. Matanane, Mayor
Anthony P. Sanchez, Vice Mayor

MB 12/19

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 19 2017
3:00 PM
CLTC/GALC/GLUC

December 18, 2017

Mr. Michael J.B. Borja
Director
DEPARTMENT OF LAND MANAGEMENT
P.O. Box 2950
Hagatna, Guahan 96932

Reference: Lot No. 7054-R8, Yigo (Formerly IBC Property)

Buenas yan Hafa Adai! Mr. Borja:

The beautiful village of Yigo has waited patiently to receive property to suffice the needs of her community/residents. The vacancy of Lot No. 7054-R8 (formerly the IBC property) is now available with almost 6.5 acres left and is a perfect location to pursue the building of a new office, senior center, community center and other needed facilities.

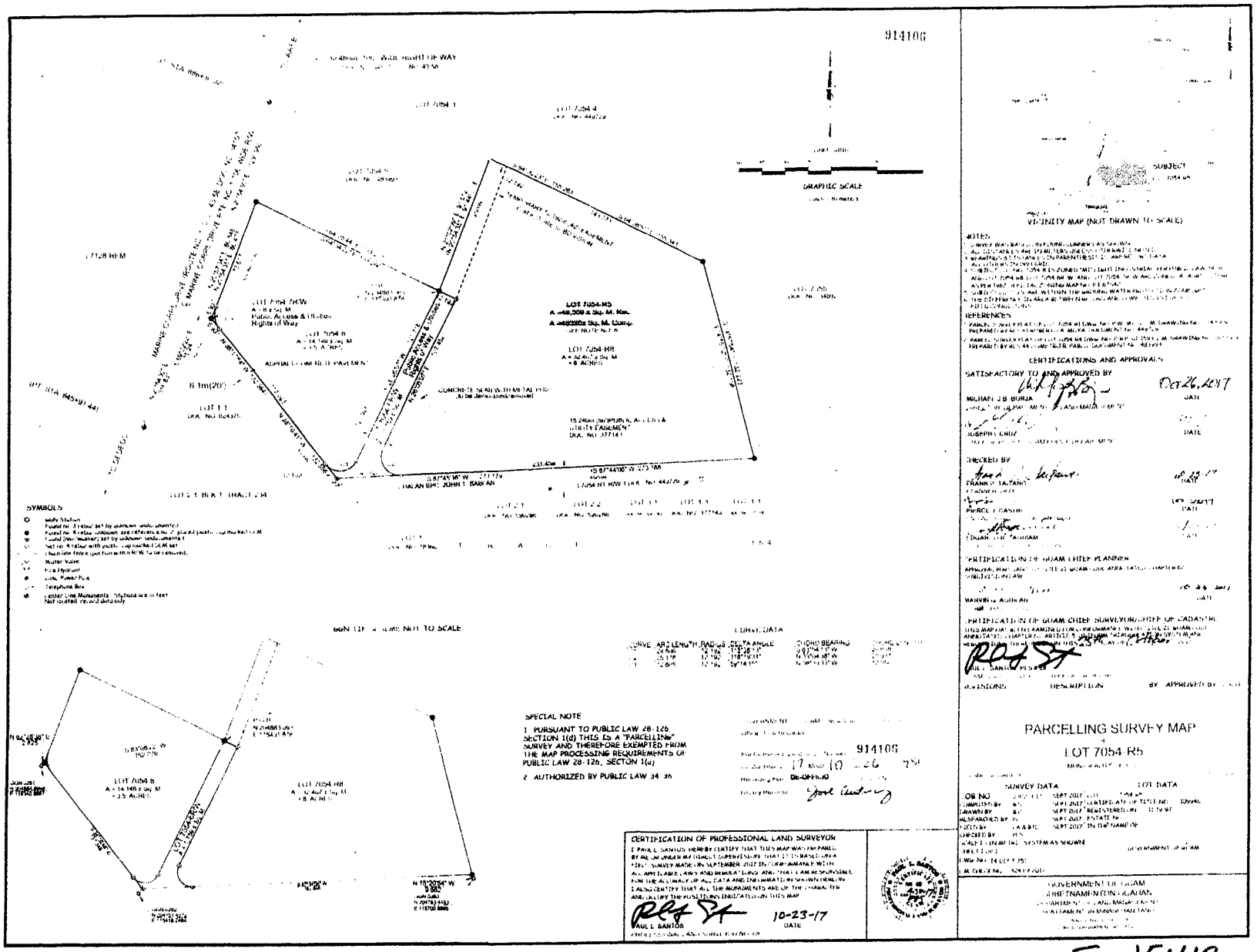
I humbly submit this letter of request to transfer said property to the Yigo Mayor's Office so we may move forward to fulfill the expectations of the Yigo community.

Thank you in advance for your time and consideration on the foregoing matter. I look forward to hearing from you with a favorable response.

Un Dangkulu' Na Si Yu'os Ma'ase

Rudy M. Matanane
Yigo Mayor

Tel: (671) 653-YIGO (9446) & 653-5248 • Fax: (671) 653-3434 • Email: yigomayorsoffice@gmail.com


914106
GRAPHIC SCALE
VICINITY MAP (NOT DRAWN TO SCALE)
SUBJECT
LOT 7054-R5
LOT 7054-MD
LOT 7054-RR
LOT 7054-NEW
LOT 7054 B
LOT 7054-RR
SYMBOLS
SIGN LEGEND: NOT TO SCALE
CURVE DATA
SPECIAL NOTE
1. PURSUANT TO PUBLIC LAW 28-126, SECTION 1(d) THIS IS A "PARCELING" SURVEY AND THEREFORE EXEMPTED FROM THE MAP PROCESSING REQUIREMENTS OF PUBLIC LAW 28-126, SECTON 1(a)
2. AUTHORIZED BY PUBLIC LAW 34-35
914106
DE-OFFICIO
CERTIFICATION OF PROFESSIONAL LAND SURVEYOR
PAUL L. SANTOS
10-23-17
DATE
NOTES:
REFERENCES
CERTIFICATIONS AND APPROVALS
SATISFACTORY TO AND APPROVED BY
MICHAEL J.B. BORJA
Oct 26, 2017
DATE
JOSEPH I. CRUZ
DATE
CHECKED BY
FRANK P. TAITANO
DATE
PEDRO J. PANGELINAN
DATE
EDWARD J.B. CALVO
DATE
CERTIFICATION OF GUAM CHIEF PLANNER
MARIVIC A. ARCILLAS
DATE
CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE
PAUL L. SANTOS, PE, PLS
DATE
NO. ISSUED
DESCRIPTION
BY
APPROVED BY
DATE
PARCELLING SURVEY MAP
LOT 7054-R5
SURVEY DATA
LOT DATA
OB NO.
COMPUTED BY
DRAWN BY
MEASURED BY
CHECKED BY
SCALE
DATE
GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
MANGILAO, GUAM 96913

S-15412

CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-11

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 June 16, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed the following parcel:

> **Lot 7054-R5, Yigo. Size: 12 acres. Zone: A. Survey Map: 167FY93. Tax Assessed Value: N/A. Currently being used as light industrial and potential to be used for any commercial or multi-residential activity conducive to its size and location.**

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land 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 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 JUNE 2016.

PASCUAL V.A. SABLAN, Chairman
Chamorro Land Trust Commission

Date: 6/21/16

MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

Date: 6/20/16

Connecting the Chamorro people, *i taotao tano'*, back to their land: The Vision of the Chamorro Land Trust Commission:

The homelands of the Chamorro people, first taken by others over 150 years prior, have finally been returned to the Chamorro people as a place to live, sustain themselves and build productive lives.

Chamorro Land Trust properties are comprised of:
-Clean, safe and thriving neighborhoods, where neighbors practice inafa'maolek and all live with dignity; and
-Productive agricultural tracts of land that are nurtured with best management practices and lead the island's agriculture market; and
-Sensitive ecological and culturally significant lands that are protected and preserved for future generations; and
-Sound commercial enterprise that enhance the livelihood and well-being of the Chamorro people.

The Chamorro Land Trust, through comprehensive land use planning, robust financial management, and strong partnerships to enhance the abilities of the Chamorro people, has benefitted not just the Chamorro people and the island's environment, but all who love and call Guam home.

Mission Statements:

To be responsible stewards of all Trust lands. (Surveys completed, all registered)

To create healthy, safe and sustainable communities.

To have a robust revenue stream to fund all Trust activities and requirements.

To protect and preserve the unique and sensitive ecological lands of the Trust.

To enact a comprehensive Master Plan.

To be advocates for all Trust lessees and applicants. (Productive farming partnerships)

CLTC Goals/Objectives per Mission Statement

1. To be responsible stewards of all Trust lands.
    a. Register all unregistered lands
    b. Ensure compliance by all lessees and the general public
    c. Comprehensive Land Use Master Plan: use the land appropriately, ie identify conservation, residential, agriculture, commercial
2. To create healthy, safe and sustainable communities.
    a. Strong lease covenants to protect the land
    b. Infrastructure available
    c. Provide alternatives for residential leases for those without the means to build on their own, ie higher density homes (row houses, condos) already built and leased to applicant
    d. Ensure proper best management practices for Agricultural Land
3. To have a robust revenue stream to fund all Trust activities and requirements.
    a. Commercial leases
    b. Investment money held in trust
4. To protect and preserve the unique and sensitive ecological lands of the Trust.
    a. Identify proper conservation easements (part of Comprehensive Master Plan)
    b. MOU w/ Department of Agriculture: to identify and define conservation
5. To enact a comprehensive Master Plan.
    a. Start w/ existing Master Plan subdivisions
    b. Review 1983 Land Use Master Plan and North/Central Region Master Plan
6. To be advocates for all Trust lessees and applicants.
    a. Create effective partnerships w/ others to get the lessees ahead:
        i. EPA; Guam Housing; Department of Agriculture; UOG; The VA; Utilities: GPA, GWA; Surveyors; GEDA
    b. Get applicants/lessees to help themselves:
        i. Workshops to go over all lease covenants, requirements
        ii. Provide a checklist for them to follow, programs available
    c. $350k proposal for survey and registration of lands

CLTC Mission and SMART Goals/Objectives

	Goal/Objective	Status Quo	Detailed Action	CLTC Staff	Others Involved	Timeline	Status as of:
1.	To be responsible stewards of all Trust lands.						
1a	Register all unregistered lands	Lots per region unregistered: North =11 Central = 5 South = 40	1. Recertify all maps for judges in order to get Affadavits of Notice 2. Serve Affadavits of Notice, deliver to court 3. Follow-up with AG/Court		AG: Nick Toft		
1b	Ensure compliance by all lessees and the general public	-Only 1 CLTC compliance officer -Contract pending for hearing officer for evictions -Biggest compliance issues: Trash, Not lessees on land, not building a home or farming as required by lease -Non-qualified squatters	1.				
1c	Comprehensive Land Use Master Plan: use the land appropriately, ie identify conservation, residential, agriculture, commercial	-89 subdivision master plans -no alternatives to single family homes	See Goal and Detailed Action for 5a-5c				
2.	To create healthy, safe and sustainable communities.						
2a	Strong lease convenants to protect the land	-lack of compliance to existing lease requirements -no covenants regarding trash, land upkeep, etc	1. Study lease covenants by GHURA, SummerHomes 2. Incorporate appropriate lease convenants to boilerplate lease 3. Ensure proper training/workshop with lessee 4. Ensure compliance checks				
2b	Infrastructure available	-Many lands lack access to					

	Goal/Objective	Status Quo	Detailed Action	CLTC Staff	Others Involved	Timeline	Status as of:
		nearby power and water hook-ups -Physical access to the properties also problematic					
2c	Provide alternatives for residential leases for those without the means to build their own	-Single family homes on .5 acre lots only -Many families cannot afford to build a home/qualify for a loan	1. Utilize commercial lease to develop homes/build full communities, including playgrounds, community centers, gardens, etc. 2. Case study : GHURA and Summerhomes 3. Consider issues of: preventive maintenance, cost of ensuring covenants are followed				
2d	Ensure best management practices for Agricultural land	-No requirements for leasing of agricultural land -Lack of compliance by current agriculture lessees in the form of: no farming, living on land, etc.	1. Establish training program on how to farm propertly; perhaps as a prerequisite 2. Ensure compliance checks 3. Require certification as a "bona-fide farmer" at some point				
3.	To have a robust revenue stream to fund all Trust activities and requirements.						
3a	Commercial leases	-No MOU with GEDA for RFP process -Public perception low of these leases	1. Finalize GEDA MOU 2. Receive public input prior to advertising RFP				
3b	Invest money held in trust	-No method of investing	1. Explore options; will need legislative approval				
4.	To protect and preserve the unique and sensitive ecological lands of the Trust.						
4a	Identify proper conservation easements	-Certain land identified, but no real definition for conservation -Smaller properties should be identified as conservation when they are not developable	1. Create a procedure for identifying lands to be conserved (when agents go to the field)				
4b	MOU w/ Department of	-Certain land identified,	1. Work with Dept. of Ag to finalize MOU;				

	Goal/Objective	Status Quo	Detailed Action	CLTC Staff	Others Involved	Timeline	Status as of:
	Agriculture	but no real definition for conservation	who manages? Signage?				
5.	To enact a comprehensive Master Plan.						
5a	Start w/ existing Master Plan subdivisions	-89 subdivision master plans completed	1. Table-top review of all CLTC properties; determine map layers needed 2. Work with utility agencies to determine current and future capital improvement projects				
5b	Review 1983 Land Use Master Plan and North/Central Regional Master Plan		1. Work with the Bureau of Statistics and Plans to determine what plans are currently in place for CLTC properties				
6.	To be advocates for all Trust lessees and applicants						
6a	Create effective partnerships w/ others to get lessees ahead		1. Need a liaison for CLTC and other agency partnerships				
6b	Get applicants/lessees to help themselves via workshops and checklists	-Lessees are briefed at lease signing, but no simple straightforward or consistent approach to training the lessees on requirements	1. Create a workshop for residential lessees and agricultural lessees where they learn: lease requirements, timeline requirements, programs available to them. 2. Create a checklist given at the end of the workshop that the lessee can take with them to follow-up on requirements 3. Ensure land agent follow-up with new lessees, old lessees				
6c	$350k proposal for survey and register of land	-Currently in Budget and Appropriations committee at the legislature	1. Follow-up with Speaker Cruz to push proposal through				

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

Haya Foundation – Request to Lease Lot 354-4-R2, Municipality of Inarajan

I. FACTS:

1. **Location:** The subject lot is located in the Municipality of Inarajan containing an area of 61,641± square meters as per Agricultural Subdivision Master Plan of Lot 354-4-R2.

2. **Field Description:** The subject area of interest is presently vacant with utilities not available within one hundred feet from the site. This property is adjacent to the Inarajan Middle School.

II. STAFF ANALYSIS:

Lot 354-4-R2 is in the CLTC inventory, and is currently available for leasing, although approximately 50% of the property consist of rolling hills and steep drops. See attached Topo Map.

MITY WARRIORS

Merizo, Inarajan, Talofofo, Yona
GUAM DEPARTMENT OF EDUCATION
INARAJAN MIDDLE SCHOOL
500 Mariner Avenue
Barrigada, Guam 96913-1608
TEL: 671-475-0402/0668/0674
FAX: 671-828-2107

Jon J. P. Fernandez
Superintendent of Education

Erika Cruz
Deputy Superintendent,
Educational Support and Community Learning

MICHAEL G. MENO
Principal

Silvino U. Quinene
Dr. Darlene A.Roberto
Assistant Principals

October 31 2017

Zita D. Pangelinan
President,
Håya Cultural and Heritage Foundation
P.O. Box 3766 Hagatna, Guam 96932

RE: **Lot 354-4-R2, Municipality of Inarajan**

Dear Ms. Pangelinan

As Principal of Inarajan Middle School, this is to formalize our support and desire to collaborate with Håya Foundation in their "Åmot Para I Hinemlo'ta" Program and the Inarajan Community! This Program which will encompass, farming, traditional healing and indigenizing our diet will definitely be of great value to our teachers and students and their families as they integrate this program as part of our curriculum for both Chamorro Studies as well as health, science, technology and math. I understand it is critical to secure a lease on the above referenced property from Chamorro Land Trust and also render our support in order that we can secure Lot 354-4-R2 in the Municipality of Inarajan to serve as the location of this program.

I commend Håya Foundation in their efforts to "enhance the well-being of our people" through the revitalization of Chamorro Indigenous Healing traditions and all your success, i.e. establishing Guma Yo'Amte, Guam's First Traditional Healing Center, its publications and documentaries, your community outreach, workshops and educational program and most recently the offering of the First Åmot Class at the University of Guam. We value the traditional knowledge in farming, diet and amot that sustained our people for over 3500 years and hope that Inarajan Middle School can be the First to pilot this program in hopes that our efforts can be further developed and adopted by other educational institutions on Guam.

We definitely will be happy to partake in the following: Engage IMS Faculty, Staff, students and parents in the Design, plans and development of the program ; Involve students and parents in community gardening and workshops and traditional healing programs; Collaborate and participate in IMS community events and festivities. Sen Dangkulo na Si Yu'os Ma'ase for involving IMS as Partners in this endeavor and hope for the approval of the lease so we can move forward to making the plans a reality for the well-being of all!

Sincerely,

MICHAEL G. MENO

cc: Michael Borja, Director Land Management
Chamorro Land Trust
Speaker BJ Cruz
Vice Speaker Therese Terlaje
Senator Tom Ada

Mayor Doris Flores Lujan
POB 786 Hagatna, Guam 96932
Office: 475-2509/10/11 - Fax: 828-2543
Email Addresses: mayordorisfloreslujan@gmail.com
inarajanmayorsoffice@gmail.com

October 20, 2017

Zita D. Pangelinan
President,
Håya Cultural and Heritage Foundation
P.O. Box 3766
Hagatna, Guam 96932

RE: **Lot 354-4-R2, Municipality of Inarajan**

Hafa Adai Zita:

Si Yu'os Ma'ase for meeting with me to discuss Håya Foundation's interest in working with our families, our community and our schools in revitalizing our indigenous healing tradition yan I Åmot Para I Hinemlo'ta! I definitely see a need to help improve the health of our people by using our traditional amot and engaging our healers. I see this as a great benefit for my people of Inarajan!

As Mayor of Inarajan, this is to formalize our request and support of Haya Foundation to collaborate in this endeavor in hopes that we can help our people improve their health and promote, preserve and perpetuate our indigenous healing traditions. I am grateful for all the work Haya Foundation has done and continues to do and I believe this will be a great step for our village.

I therefore would like to commend your organization and officially render my support to Håya Foundation in their Chamorro Land Trust application for the lease of Lot 354-4-R2, located next to Inarajan Middle School (IMS) with the intent to:

1) Design, plan and develop "Åmot Para Todu" our FOOD AS MEDICINE PROGRAM which encompasses indigenizing our diets and propagating our medicinal plants and trees!
2) Engage Inarajan Middle School Faculty and Staff in this program to provide learning and hands on opportunities.
3) Engage Students and families to adopt and plan their gardens in consultation with the manager.
4) Provide workshops for the community
5) Engage our Yo'Åmte (suruhåna/u) to share their knowledge and be a part of this program
6) Strive to develop an apprenticeship program
7) Collaborate and participate in our community events and festivities

It is my hope that Chamorro Land Trust will approve your application. Please let me know if I can be of further assistance.

Sen Dangkulo na Si Yu'os Ma'ase!

Sincerely,

Doris Flores Lujan

DORIS FLORES LUJAN
Mayor

cc: Michael Borja, Director Land Management
Chamorro Land Trust
Speaker B. J. Cruz
Vice Speaker Therese Terlaje
Senator Tom Ada



Doc. No. 34GL-18-1579.



Doc. No. 34GL-18-1579.

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://land.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 29, 2017

Memorandum

To: Governor of Guam

From: Director, Department of Land Management

Subject: **FY 2018 MONTHLY REVENUE COLLECTION REPORT – NOVEMBER 2017**

Buenas yan Hafa Adai! Forwarded is the ***NOVEMBER 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	NOVEMBER Rev COLLECTED	To Date COLLECTED
3222 - Land Survey Revolving Fund	$151,182.79	$382,164.99
1100 - Dept's/Other Special Account	$1,784.01	$3,285.54
3624 – Chamorro Land Trust Commission	$52,538.41	$76,027.46
3669 – Chamorro Land Trust Survey	$3,368.08	$17,330.94
GRAND TOTAL	**$208,873.29**	**$478,808.93**
To Date Collection for FY 2018		**$478,808.93**

In addition, revenues from the Non-Appropriated Funds were received, as follow:

Chamorro Land Trust Commission

DESCRIPTION	NOVEMBER Rev COLLECTED	To Date COLLECTED	Account Bal as of NOVEMBER 2017
Bank of Guam Account TDOA #XXXXXX2274	$20.91	$42.52	$203,586.51
Bank of Guam Account Chkg #XXXXX5976	$0.00	$0.00	$10,580.94
Bank of Guam TCD #XXXXXX7964	$0.00	$0.00	$300,000.00
GRAND TOTAL	**$20.91**	**$42.52**	**$514,167.45**
To Date Collection for FY 2018 (Chamorro Land Trust – NAF)		**$42.52**	

Ancestral Lands Commission

DESCRIPTION	NOVEMBER Rev COLLECTED	To Date COLLECTED	Account Bal as of NOVEMBER 2017
Bank of Hawaii Account # XXXX-XX0217 Trust	$3.84	$7.81	$77,917,13
Coast 360 FCU Account #XX6454			
- Trust Share Savings #0100	$94,382.50	$96,651.97	$102,597.98
- Secondary Savings #0101	$0.00	$0.00	$7,459.30
- Checking #0200	$0.00	$0.00	$1,002.07
- 12 Months Jumbo Term Share #0401	$0.00	$0.00	$515,164.47
- 24 Months Jumbo Term Share #0403	$0.00	$0.00	$307,260.00
- 36 Months Jumbo Term Share #0404	$0.00	$0.00	$311,890.85
- 18 Months Jumbo Term Share #0405	$0.00	$0.00	$1,000,000.00
- 24 Months Jumbo Term Share #0406	$0.00	$0.00	$1,000,000.00
- 48 Months Jumbo Term Share #0407	$0.00	$0.00	$2,100,000.00
GRAND TOTAL	$94,386.34	$96,659.78	**$5,423,291.80**
To Date Collection for FY 2018 (Ancestral Lands – NAF)		$96,659.78	

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 2018

TITLE DESCRIPTION	Carry Over Balance	ACCT.	ACCT. #	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	TO DATE
Documentary Taxes		LSRF	3222-51801	$ 191,009.33	$ 107,733.42											$ 298,742.75
Recording Fee		LSRF	3222-56910	$ 28,827.50	$ 27,633.50											$ 56,461.00
Photostat Fees		LSRF	3222-56912	$ 1,411.50	$ 6,553.00											$ 7,964.50
Survey Copies		LSRF	3222-56912	$ 2,604.00	$ 3,257.00											$ 5,861.00
C.T. Copies		LSRF	3222-56912	$ 4,081.00	$ 2,961.50											$ 7,042.50
Subpoena Fees		LSRF	3222-57208													$ -
Commercial Lease		LSRF	3222-54202	$ 3,048.87	$ 3,044.37											$ 6,093.24
HPR & Other App. Fee	$ 64,834.43	SA	1100-2429A	$ 611.00	$ 1,564.00											$ 2,175.00
LUPRA (2900RS010)	$ 9,326.81	SA	1100-23316	$ 890.53	$ 220.01											$ 1,110.54
GGN Fee (2910RS010) P.L. 23-31	$ 7,939.00	SA	1100-23337													$ -
Land Trust Application Fees		CLTO	3624-52101	$ 250.00												$ 250.00
Commercial Lease/License		CLTO	3624-54201	$ 23,018.98	$ 52,319.57											$ 75,338.55
Interest		CLTO	3624-54101	$ 220.07	$ 218.84											$ 438.91
CLT-OPS Sale of Govt Land		CLTO	3624-57207													$ -
CLT-SUR-Commercial Lease & Lic (P.L. 33-90)			3669-52001	$ 458.33	$ -											$ 458.33
CLT-SUR-Agr/Res Land Trust Lease (P.L. 33-90)			3669-56001	$ 1,525.00	$ 392.00											$ 1,917.00
CLT-SUR-Sale of Govt Land (P.L. 33-90)			3669-57001	$ 11,979.53	$ 2,976.08											$ 14,955.61
LSRF COLLECTED (3222)				$ 230,982.20	$ 151,182.79	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 382,164.99
SPECIAL ACCT. COLLECTED (1100)				$ 1,501.53	$ 1,784.01	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,285.54
DLM TOTAL				$ 232,483.73	$ 152,966.80	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 385,450.53
Chamorro Land Trust Operations Total (3624)				$ 23,489.05	$ 52,538.41	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 76,027.46
CLTO/CLTS TOTAL				$ 37,451.91	$ 55,906.49	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 93,358.40
GRAND TOTAL				$ 269,935.64	$ 208,873.29	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 478,808.93

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 12/29/17

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

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://land.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 30, 2018

COPY

Memorandum

To: Governor of Guam

From: Director, Department of Land Management

Subject: **FY 2018 MONTHLY REVENUE COLLECTION REPORT – DECEMBER 2017**

Buenas yan Hafa Adai! Forwarded is the ***DECEMBER 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	DECEMBER Rev COLLECTED	To Date COLLECTED
3222 - Land Survey Revolving Fund	$186,518.12	$568,683.11
1100 - Dept's/Other Special Account	$1,105.91	$4,391.45
3624 – Chamorro Land Trust Commission	$34,167.98	$110,195.44
3669 – Chamorro Land Trust Survey	$1,234.66	$18,565.60
GRAND TOTAL	**$223,026.67**	**$701,835.60**
To Date Collection for FY 2018		**$701,835.60**

In addition, revenues from the Non-Appropriated Funds were received, as follow:

Chamorro Land Trust Commission

DESCRIPTION	DECEMBER Rev COLLECTED	To Date COLLECTED	Account Bal as of DECEMBER 2017
Bank of Guam Account TDOA #XXXXXX2274	$21.61	$64.13	$203,608.12
Bank of Guam Account Chkg #XXXXX5976	$0.00	$0.00	$10,580.94
Bank of Guam TCD #XXXXXX7964	$0.00	$0.00	$300,000.00
GRAND TOTAL	**$21.61**	**$64.13**	**$514,189.06**
To Date Collection for FY 2018 (Chamorro Land Trust NAF)		**$64.13**	

OFFICE OF THE GOVERNOR
CENTRAL FILES
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TIME 1:45 PM DATE 1/30/18

Ancestral Lands Commission

DESCRIPTION	DECEMBER Rev COLLECTED	To Date COLLECTED	Account Bal as of DECEMBER 2017
Bank of Hawaii Account # XXXX-XX0217 Trust	$3.97	$11.78	$77,921.10
Coast 360 FCU Account #XX6454			
- Trust Share Savings #0100	$108,588.99	$205,240.96	$211,186.97
- Secondary Savings #0101	$5.64	$5.64	$7,464.94
- Checking #0200	$0.88	$0.88	$1,002.95
- 12 Months Jumbo Term Share #0401	$5,151.65	$5,151.65	$520,316.12
- 24 Months Jumbo Term Share #0403	$7,445.87	$7,445.87	$314,705.87
- 36 Months Jumbo Term Share #0404	$0.00	$0.00	$311,890.85
- 18 Months Jumbo Term Share #0405	$0.00	$0.00	$1,000,000.00
- 24 Months Jumbo Term Share #0406	$0.00	$0.00	$1,000,000.00
- 48 Months Jumbo Term Share #0407	$0.00	$0.00	$2,100,000.00
GRAND TOTAL	$121,197.00	$217,856.78	**$5,544,488.80**
To Date Collection for FY 2018 (Ancestral Lands – NAF)		$217,856.78	

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 2018

TITLE DESCRIPTION	Carry Over Balance	ACCT.	ACCT. #	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	TO DATE
Documentary Taxes		LSRF	3222-51801	$ 191,009.33	$ 107,733.42	$ 138,656.75										$ 437,399.50
Recording Fee		LSRF	3222-56910	$ 28,827.50	$ 27,633.50	$ 32,305.00										$ 88,766.00
Photostat Fees		LSRF	3222-56912	$ 1,411.50	$ 6,553.00	$ 5,830.00										$ 13,794.50
Survey Copies		LSRF	3222-56912	$ 2,604.00	$ 3,257.00	$ 2,840.00										$ 8,701.00
C.T. Copies		LSRF	3222-56912	$ 4,081.00	$ 2,961.50	$ 3,842.00										$ 10,884.50
Subpoena Fees		LSRF	3222-57208													$ -
Commercial Lease		LSRF	3222-54202	$ 3,048.87	$ 3,044.37	$ 3,044.37										$ 9,137.61
HPR & Other App. Fee	$ 64,834.43	SA	1100-2429A	$ 611.00	$ 1,564.00	$ 80.00										$ 2,255.00
LUPRA (2900RS010)	$ 9,326.81	SA	1100-23316	$ 890.53	$ 220.01	$ 475.91										$ 1,586.45
GGN Fee (2910RS010) P.L. 23-31	$ 7,939.00	SA	1100-23337			$ 550.00										$ 550.00
Land Trust Application Fees		CLTO	3624-52101	$ 250.00		$ 150.00										$ 400.00
Commercial Lease/License		CLTO	3624-54201	$ 23,018.98	$ 52,319.57	$ 33,787.93										$ 109,126.48
Interest		CLTO	3624-54101	$ 220.07	$ 218.84	$ 230.05										$ 668.96
CLT-OPS Sale of Govt Land		CLTO	3624-57207													$ -
CLT-SUR-Commercial Lease & Lic (P.L. 33-90)			3669-52001	$ 458.33	$ -	$ 916.66										$ 1,374.99
CLT-SUR-Agr/Res Land Trust Lease (P.L. 33-90)			3669-56001	$ 1,525.00	$ 392.00	$ 218.00										$ 2,135.00
CLT-SUR-Sale of Govt Land (P.L. 33-90)			3669-57001	$ 11,979.53	$ 2,976.08	$ 100.00										$ 15,055.61
LSRF COLLECTED (3222)				$ 230,982.20	$ 151,182.79	$ 186,518.12	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 568,683.11
SPECIAL ACCT. COLLECTED (1100)				$ 1,501.53	$ 1,784.01	$ 1,105.91	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,391.45
DLM TOTAL				$ 232,483.73	$ 152,966.80	$ 187,624.03	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 573,074.56
Chamorro Land Trust Operations Total (3624)				$ 23,489.05	$ 52,538.41	$ 34,167.98	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 110,195.44
CLTO/CLTS TOTAL				$ 37,451.91	$ 55,906.49	$ 35,402.64	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 128,761.04
GRAND TOTAL				$ 269,935.64	$ 208,873.29	$ 223,026.67	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 701,835.60

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 1/30/18

Copies Provided to:
Speaker Benjamin J.F. Cruz, 34th Guam Legislature
Chairman Thomas C. Ada, Committee on Environment, Land, Agriculture, and Procurement Reform
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DLM Deputy Director
DLM Division Heads (4)
CLTC Board Members

CHAMORRO LAND TRUST COMMISSION
AMENDED RESOLUTION NO. 2017-07

Declaration of Support for Administrative Land Transfer to the Mayor of the Municipality of Tamuning and the Department of Education

WHEREAS, the Chamorro Land Trust Commission ***(hereafter CLTC)***, in accordance with Title 21, Section 75105, declares its support to transfer properties to the Mayor of the Municipality of Tamuning and the Department of Education;

WHEREAS, the CLTC board of commissioners recognize the Tamuning Mayor's need for public lands for sport and recreation fields for its residents in an area of municipality already devoted and maintained as public use parks;

WHEREAS, the Tamuning Mayor desires Lot 5173-NEW-2-R2, Municipality of Tamuning, defined by survey map L.M. Checked No. 014FY92 (EXHIBIT "A"), with an area of approximately 24,686± square meters, or 6.10 acres and a 707 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 (EXHIBIT "B") and Scheme No. M19-S002 (EXHIBIT "C"), wherein the Blue Tamuning Mart is currently located, to be under the control of the Mayor of the Municipality of Tamuning to create and improve recreation park and fields and has diligently sought private partners to assist and facilitate the creation and equipping these recreation fields;

WHEREAS, the Tamuning Mayor may also directly seek community-related funding to create recreation park and field facilities on the designated property and more appropriately manage the recreation park and field area for village residents and surrounding residents;

WHEREAS, a 4,878 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 (EXHIBIT "B") and Scheme No. M19-S002 (EXHIBIT "C"), used by the Lyndon B. Johnson Elementary School was mistakenly transferred to the Chamorro Land Trust land inventory in the governor's administrative transfer of government land to the Chamorro Land Trust Commission on February 18, 1994, pursuant to 21 GCA, Section 75104. This lot has been exclusively used by the Department of Education and the elementary school rests on the entire property and should be fully administered by the Department of Education;

WHEREAS, on September 21, 2017, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by a motion to support legislation to administratively transfer from the Chamorro Land Trust land inventory:

1. A 4,878 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 and Scheme No. M19-S002, used by the Lyndon B. Johnson Elementary School to the Department of Education;

2. A 707 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 and Scheme No. M19-S002, from the Chamorro Land Trust Commission to the Mayor of the Municipality of Tamuning; and

3. Lot 5173-NEW-2-R2, Municipality of Tamuning, as shown on survey map L.M. Checked No. 014FY92, with an area of approximately 24,686± square meters, or 6.10 acres, to the Mayor of the Municipality of Tamuning.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land for administrative transfer to the Tamuning Mayor and the Department of Education;

2. The Chamorro Land Trust Commission requests a reversionary clause be included in legislation requiring the property being transferred to the Tamuning Mayor reverts back to the CLTC land inventory if it is not used as a recreation facility;

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan*.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS _____ DAY OF _____ 2017.

_____ Date:_____

G. PIKA FEJERAN, Chairwoman
Chamorro Land Trust Commission

_____ Date:_____

MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

EXHIBIT "A" 014FY92

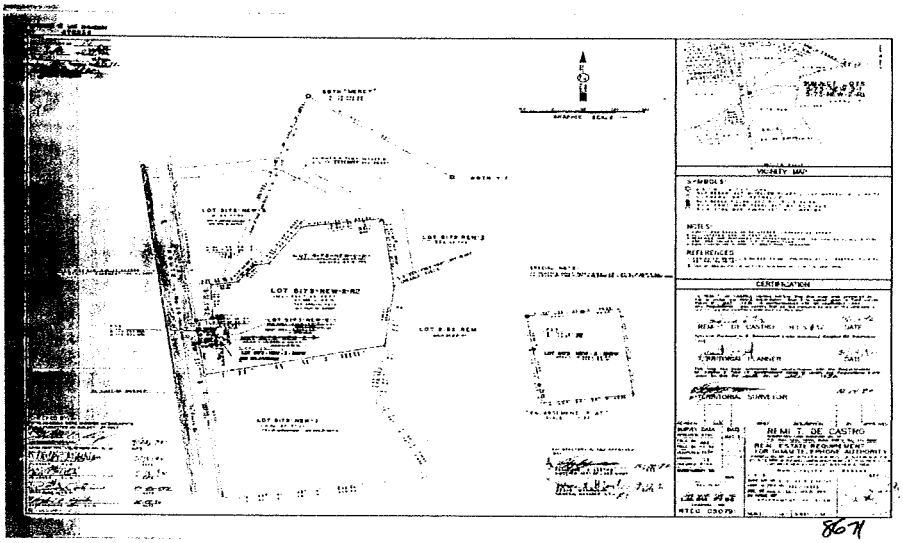


EXHIBIT "B" 165FY80

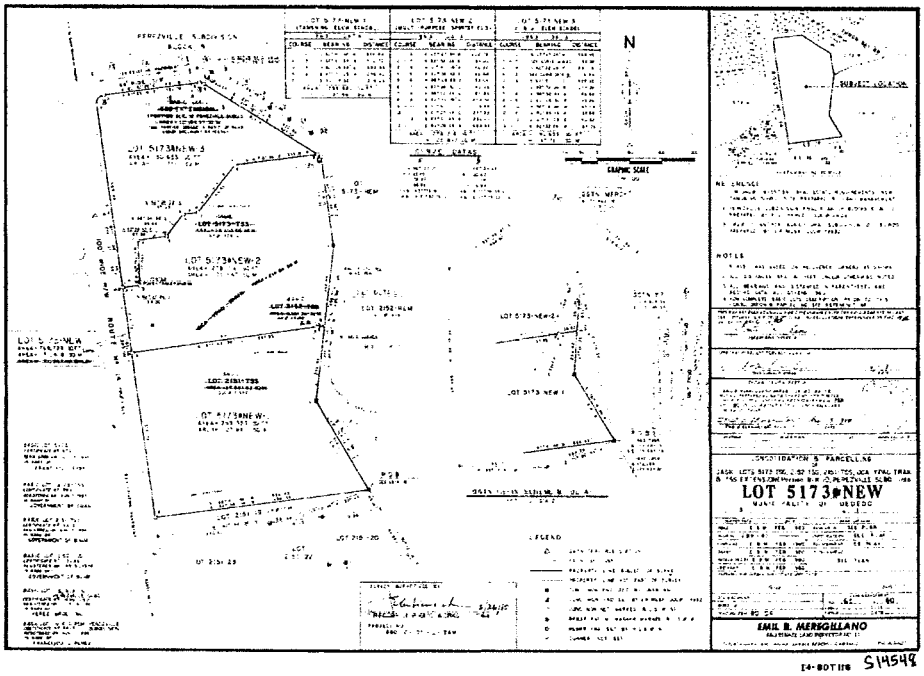
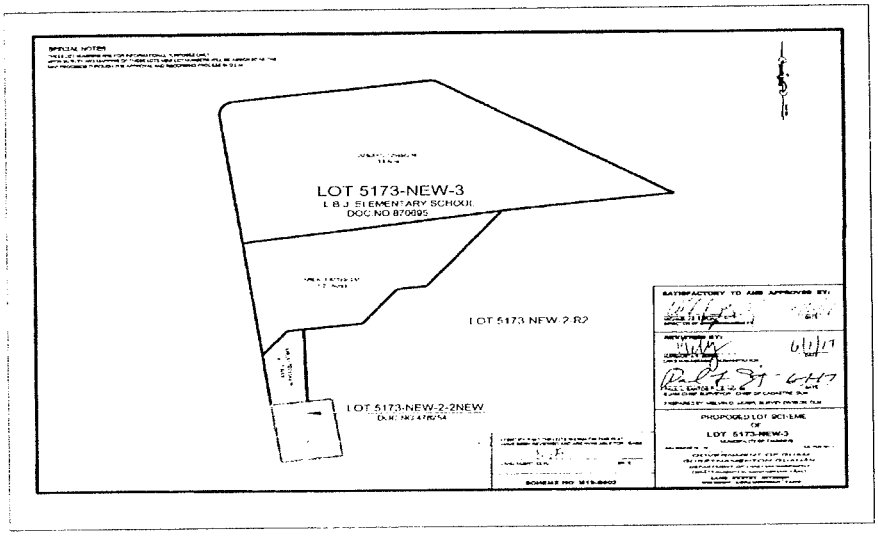


EXHIBIT "C" SCHEME NO. M19-S002



CHAMORRO LAND TRUST COMMISSION
AMENDED RESOLUTION NO. 2017-07

Declaration of Support for Administrative Land Transfer to the Mayor of the Municipality of Tamuning and the Department of Education

WHEREAS, the Chamorro Land Trust Commission ***(hereafter CLTC)***, in accordance with Title 21, Section 75105, declares its support to transfer properties to the Mayor of the Municipality of Tamuning and the Department of Education;

WHEREAS, the CLTC board of commissioners recognize the Tamuning Mayor's need for public lands for sport and recreation fields for its residents in an area of municipality already devoted and maintained as public use parks;

WHEREAS, the Tamuning Mayor desires Lot 5173-NEW-2-R2, Municipality of Tamuning, defined by survey map L.M. Checked No. 014FY92 (EXHIBIT "A"), with an area of approximately 24,686± square meters, or 6.10 acres and a 707 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 (EXHIBIT "B") and Scheme No. M19-S002 (EXHIBIT "C"), wherein the Blue Tamuning Mart is currently located, to be under the control of the Mayor of the Municipality of Tamuning to create and improve recreation park and fields and has diligently sought private partners to assist and facilitate the creation and equipping these recreation fields;

WHEREAS, the Tamuning Mayor may also directly seek community-related funding to create recreation park and field facilities on the designated property and more appropriately manage the recreation park and field area for village residents and surrounding residents;

WHEREAS, a 4,878 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 (EXHIBIT "B") and Scheme No. M19-S002 (EXHIBIT "C"), used by the Lyndon B. Johnson Elementary School was mistakenly transferred to the Chamorro Land Trust land inventory in the governor's administrative transfer of government land to the Chamorro Land Trust Commission on February 18, 1994, pursuant to 21 GCA, Section 75104. This lot has been exclusively used by the Department of Education and the elementary school rests on the entire property and should be fully administered by the Department of Education;

WHEREAS, on September 21, 2017, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by a motion to support legislation to administratively transfer from the Chamorro Land Trust land inventory:

1. A 4,878 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 and Scheme No. M19-S002 , used by the Lyndon B. Johnson Elementary School to the Department of Education;

2. A 707 square meter portion of Lot 5173-NEW-3, Municipality of Tamuning, as shown on survey map L.M. Checked No. 165FY80 and Scheme No. M19-S002, from the Chamorro Land Trust Commission to the Mayor of the Municipality of Tamuning; and

3. Lot 5173-NEW-2-R2, Municipality of Tamuning, as shown on survey map L.M. Checked No. 014FY92, with an area of approximately 24,686± square meters, or 6.10 acres, to the Mayor of the Municipality of Tamuning.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land for administrative transfer to the Tamuning Mayor and the Department of Education;

2. The Chamorro Land Trust Commission requests a reversionary clause be included in legislation requiring the property being transferred to the Tamuning Mayor reverts back to the CLTC land inventory if it is not used as a recreation facility;

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan*.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS _____ DAY OF _____ 2017.

_____ Date:_____

G. PIKA FEJERAN, Chairwoman
Chamorro Land Trust Commission

_____ Date:_____

MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

EXHIBIT "A" 014FY92

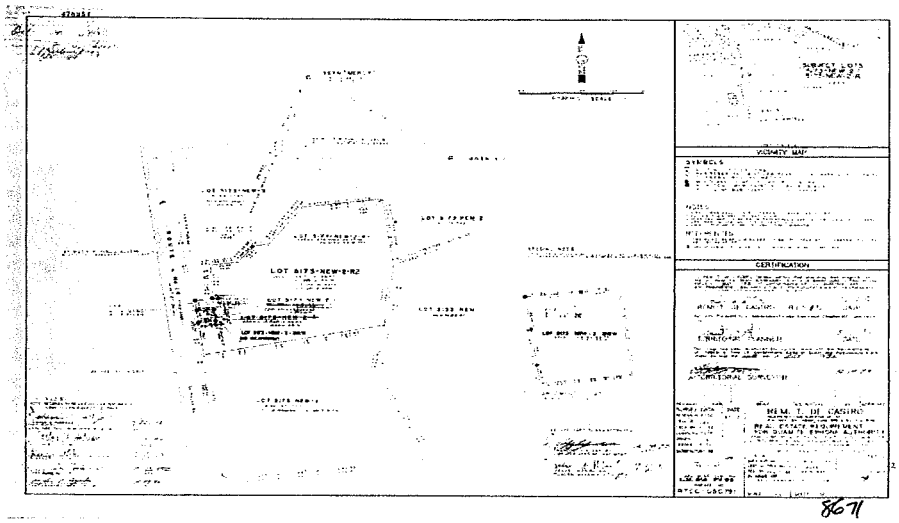


EXHIBIT "B" 165FY80

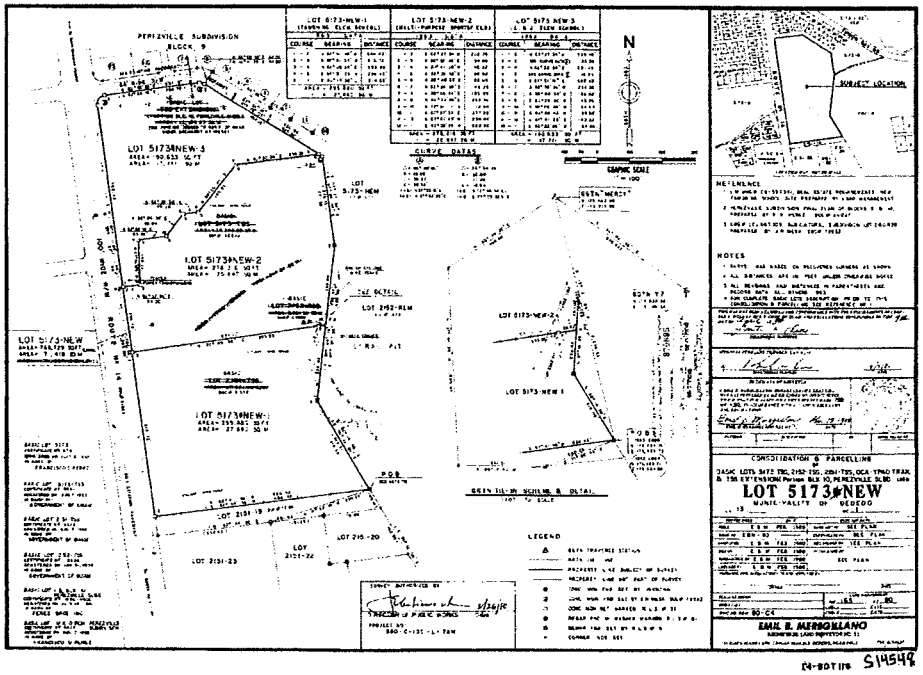


EXHIBIT "C" SCHEME NO. M19-S002

