Speaker's Office <speaker@guamlegislature.org>

CLTC MEETING PACKET_07.18.2019

1 message

Jhoana M. Casem <Jhoana.Casem@land.guam.gov> Fri, Jul 19, 2019 at 3:48 PM
To: "speaker@guamlegislature.org" <speaker@guamlegislature.org>

Good Day Madam Speaker,

Please see attached CHamoru Land Trust Meeting Packet from our July 18, 2019 meeting.

Should you have any further questions, please feel free to contact our office.

Thank you and Happy Liberation Weekend!!

356L-19-0766
Speaker Tina Rose Muña Barnes

JUL 19 2019
Time 3:49 ( )AM (/)PM
Received By: Allen

2019 JUL 19 PM 4:15

DEPARTMENT OF LAND MANAGEMENT
CHAMORRO LAND TRUST
LAND AGENT II
Jhoana Casem
T 649-5263 x435 or x437
F 649-5383
E jhoana.casem@land.guam.gov
W http://dlm.guam.gov

www.dlm.guam.gov
Check Your Property on Guam Land App

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0766

Kumision Inangokkon Tåno' Chamoru
(CHamoru Land Trust Commission)

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

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Joseph B. Cruz, Jr.
Acting Administrative Director

REGULAR BOARD OF COMMISSIONERS MEETING AGENDA
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, July 18, 2019
Regular Board Meeting - 1:00PM

Public Notice: The *Guam Daily Post* on July 11, 2019 and July 16, 2019

I.	**CALL TO ORDER**	**1:00PM**
II.	**ROLL CALL**	**1:05PM**
III.	**APPROVAL OF MINUTES**	**1:10PM**

1. April 4, 2019 – Working Session
2. April 4, 2019 – Regular Meeting
3. April 18, 2019 – Regular Meeting

IV. OLD BUSINESS **1:30PM**

1. Pre-Moratorium Lease List
2. Switched and Transfer Lease List
3. Former Land for the Landless Properties: Ready for Leasing
4. Guam Raceway
5. UOG Hatchery
6. Inadahen I Lina'la I Kotturan CHamoru

V. FINANCIAL REPORT **3:30PM**

1. Current Status Update

VI. NEW BUSINESS **3:45PM**

1. Commercial Leasing
   a. Global Recycling
   b. Kwikspace Guam Inc.
2. ReMax – Request for Easement
3. Constituent Matters

VII.	**PUBLIC COMMENT**	**4:30PM**
VIII.	**COMMISSIONER'S COMMENTS**	**4:45PM**
IX.	**ADJOURNMENT**	**5:00PM**

Next Meeting – Thursday, August 15, 2019 at 1:00PM

Rev. 02/4/2019

HK protesters seek to tell mainland visitors about their struggle

By Shibani Mahtani
The Washington Post

HONG KONG – Another massive march in Hong Kong, this time held in an enclave frequented by Chinese tourists and connected by high-speed railway to the mainland, turned chaotic on Sunday night after a smaller group of protesters occupied a major shopping road and were forcibly cleared by police.

The protesters hoped to take their grievances against Beijing directly to its people and tried to engage with visitors from the mainland. Chanting "free Hong Kong," the crowd marched in Tsim Sha Tsui, a tourist-heavy, mall-dotted neighborhood, toward a railway terminus that connects the semiautonomous territory to mainland China. Organizers estimated the turnout at 230,000 people. Police put the crowd size at its peak at around 56,000.

The crowd was larger than expected, pushing groups of protesters into roads that were not sanctioned for the march. By night, a small crowd had occupied streets in the area in defiance of riot police - prompting officers to tackle and beat some with batons. At least three were arrested, according to local press.

The scenes marked the latest in an escalating crisis that has gripped Hong Kong for more than a month, with determined protesters on one side and their Beijing-backed government and police on the other.

The protesters marched to the West Kowloon station, which opened in September and is subject to Chinese laws. It connects to China's snaking, billion-dollar high-speed rail network, with stops in Shenzhen, Guangzhou, Beijing and other cities.

Duterte vows to stop any probe of drug-war killings

By Regine Cabato
The Washington Post

MANILA, Philippines – The epicenter of the Philippines' war on drugs is shifting away from the capital as the body count continues to spiral upward, according to a new Amnesty International report on Monday that calls for the United Nations to investigate the deaths of thousands of mostly poor Filipinos at the hands of police and vigilantes.

Three years after President Rodrigo Duterte unleashed the crackdown, at least 6,600 people have been killed in police anti-drug operations, with over 20,000 more killed by unknown perpetrators, according to the report. Only one case has led to a conviction – that of three police officers who murdered 17-year-old Kian Delos Santos.

The slaughter "has had the effect of creating a climate of total impunity in the country, in which police and others are free to kill without consequence," it said.

Bulacan province, north of Manila, has become the bloodiest killing field, the trend spurred on by the transfer to the region of police commanders who had overseen abuses in the Manila region, the report said. Among them is a provincial director who oversaw police operations in Caloocan City during Delos Santos' killing in 2017.

The findings place new pressure on Duterte, who has remained defiant ahead of a U.N. vote expected this week on an Iceland-sponsored resolution calling for an investigation into the bloodshed. In recent days, the president's office vowed to block any such move and said it would bar investigators from entering the Philippines.

'Insulting our sovereignty'

Those who initiated the proposal have been "hoodwinked into believing false narratives" from Duterte's critics, presidential spokesman Salvador Panelo said Friday.

"They have no business interfering with us," he said. "They are insulting the intelligence of the Filipino people. At the same time, they are insulting our sovereignty."

On Monday, Panelo accused Amnesty of politicizing the killings, and urged victims' families to file charges.

Duterte has previously threatened to arrest any investigators from the International Criminal Court, which has expressed interest in probing thousands of drug war deaths. He withdrew the Philippines from the court in protest.

Amnesty also urged the ICC to expedite an investigation. "Investigations can be done even if the country does not cooperate," said Butch Olano, the rights group's section director.

Among the recent victims of the drug war was a 3-year-old girl, who was shot dead by police officers during a drug raid. Police claimed her father used her as a human shield, but her mother said otherwise.

Respondingtothecaseinrecentdays, former police chief-turned-senator Ronald Dela Rosa said, "S--- happens."

Ex-UN aid worker jailed in Nepal for sexually abusing boys

KATHMANDU (Reuters) – A court in Nepal has sentenced a former United Nations aid worker from Canada to nine years in jail on charges of sexually abusing two boys, a court official said Tuesday.

Peter Dalglish, 62, was arrested at his home near Kathmandu last year and was convicted in June of sexually abusing two boys aged 12 and 14.

"He was sentenced to nine years in jail in one case and to seven years in the other," said Thakur Nath Trital, information officer at the court in Kavre district, 20 miles east of Kathmandu.

The sentences will run concurrently.

Dalglish, who was present in court for the sentencing Monday, pleaded not guilty and would appeal, his lawyer said.

"Due process has not been fulfilled during the investigation in the case. So we'll appeal," said the lawyer, Rahul Chapagain.

Dalglish also has been ordered to pay about $9,100 in compensation to the boys, Trital said.

Dalglish had been helping children from poor families in Nepal by providing financial support. He had earlier worked with humanitarian agencies such as U.N. Habitat in Afghanistan and a U.N. mission in Liberia, Chapagain said.

Activists said the sentence would help deter other possible offenders in a country with a poor record for crimes involving children.

"It will help break the belief that Nepal is not serious about child abuse," said Tarak Dhital, an independent activist campaigning for child rights.

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN
BOARD OF DIRECTORS MEETING: Thursday • July 18, 2019 • 4:00PM
Guam EPA Administration Conference Room
17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617
AGENDA: I. Call to Order; II. Agenda Approval; III. Approval of 06/20/19 Minutes; IV. Administrator's Report; V. Old Business: Air Force Re Stipulated Request for Continuance – NOV #2019-001, Active NOVs: (Tsubaki Hotel/Nippo USA Inc. - Water Pollution Control, Lin's Hardware - Safe Drinking Water, Su & Zheng Corporation - Safe Drinking Water, Feiyang Construction & Engineering - Safe Drinking Water), RRF approval process status, PIEC Wrap Up, Administrator's Performance Evaluation; VI. New Business: None; VII. Miscellaneous; VIII. Next Meeting Date/Adjournment
Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300.4751/9 or via email at arlene.acfalle@epa.guam.gov
Connect with Guam EPA!

iLearn Academy Charter School Board of Trustee
Notice of Business Meeting
Date: July 18, 2019
Time: 10:00 a.m.
Location: iLearn Academy Charter School Campus, Ukudu Village Rt. 3 Dededo, GU.
For special accommodations and further information, contact iLACS @ 989-3789/9.

CHamoru Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)
CHamoru Land Trust Commission Board Meeting
Thursday, July 18, 2019 at 1:00 p.m.
Land Management Conference Room, 3rd Floor, ITC Building,
590 S. Marine Corps Drive, Tamuning
The agenda may be viewed at: http://dlm.guam.gov/announcements-2/
In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400. This ad is paid by CLTC funds.

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN
NOTICE: BASIC TRAINING A (BTA) REVIEW & EXAM
Guam EPA is hosting a Pesticides Basic Training A (BTA)
REVIEW & EXAM on THURSDAY • JULY 18, 2019 • 8:30AM - 3:00PM
Gloria B. Nelson Public Service Building Training Room 282 A&B
688 Route 15, Mangilao, Guam
BTA is required for applicants who are paid housekeeping workers including, but not limited to, cleaners and janitors in hotels, hospitals, apartment complexes or condominium complexes, nursing homes, or other non-private residents, and who apply general use antibacterial, antimicrobials, antifungal, disinfectants and other pesticides as part of their occupational duties. For more information, please contact the Guam EPA Pesticides Enforcement Program by calling 300.4751 or by emailing betwin.alokoc@epa.guam.gov or darry.guzman@epa.guam.gov
Connect with Guam EPA!

CURRENCY EXCHANGE RATES
On July 15, $1 was worth:

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

51.064 PHP₱	108.00 JPY¥	1,179.25 KRW₩	31.049 TWD NT$	6.8716 CNY¥	1.4220 AUD A$	0.8871 EUR €

BOG promotes 2 to senior vice president

Bank of Guam has two new senior vice presidents, the bank announced in a press release.

Janice Quichocho is now senior vice president and chief retail and card services officer, who is responsible for Guam, Northern Marianas and neighboring island branches, e-Banking Group and card services.

A John F. Kennedy High School graduate, Quichocho has been with the bank for 30 years. Her previous position was vice president/Lean Six Sigma and previously served as trust manager, e-Banking and neighboring islands regional manager, risk officer and compliance manager and retail banking group manager.



Janice Quichocho



Lesley Leon Guerrero

Lesley Leon Guerrero is now senior vice president and chief experience officer, who is responsible for the bank's Customer Experience, Marketing and Branding and Business Intelligence Groups.

With the bank since 2011, Leon Guerrero was promoted from being the vice president and customer experience director. She has managed the Customer Experience area. Prior to that, she served as the Guam Homeland Security public affairs officer, and as the Office of Civil Defense project officer of the Recovery Coordination Office.

A graduate of Chaminade University, Leon Guerrero has a Master of Business Administration from the University of Guam and is graduating from the Pacific Coast School of Banking in September.

Leon Guerrero sits on the boards of the University of Guam Board of Regents, Junior Achievement of Guam, Guam Young Professionals and Mercy Action Marianas. ***(Daily Post Staff)***

Military publication survey names 'Best Place to Buy a Car'



AWARD: *Military publication Stars & Stripes' readers voted for Atkins Kroll as the "Best Place to Buy a Car" in the 2019 Best of the Pacific Award, according to a press release. Lt. Col. Richard E. McClintic, Air Force commander of Stars and Stripes Pacific headquarters, based in Tokyo, Japan, made the award presentation to the Atkins Kroll sales team in the Atkins Kroll Toyota showroom recently. The "Best of the Pacific Award" is an online survey from among the thousands of its readers. Active, retired and reservist military service personnel and their dependents were surveyed, the press release states.*

Photo courtesy Atkins Kroll

AK, Andrea Ilao Foundation partner Red Ball

Atkins Kroll Inc. announced Monday its sponsorship of the upcoming 19th annual Red Ball on Sept. 21 at the Dusit Thani Guam Resort with the contribution of a 2019 BMW 740i luxury sedan.

"The 740i model is the flagship of BMW and the Red Ball is considered one of the most prestigious fundraising social events on Guam," said AK President Alex Hammett. "We believe it will be a good fit for BMW to be a major part of this community event."

"The American Red Cross is one of Guam and the CNMI's most prolific nongovernment organizations. (Its) mission to offer relief aid and comfort affects almost everyone who lives here," Hammett added. One of the Red Cross' most recent massive tasks occurred in the aftermath of Supertyphoon Yutu in Saipan and Tinian.

2019 Red Ball Chairman David John, president of ASC Trust, announced the theme of this year's event is "Color Me Red," which will recognize the many efforts and contributions that the Red Cross has made in the past year.

Red Cross board Chairman Marcos Fong, CEO of Foremost Foods/Coca Cola, also announced that the Andrea R. Ilao Foundation will administer the raffle ticket sales and grand prize drawing on the night of the Red Ball. Ed Ilao, president for JMI-Edison and Andrea R. Ilao Foundation, said raffle tickets are $100 each with a limit of 1,500 tickets. Raffle tickets for the BMW 740i can be purchased at Atkins Kroll, the Red Cross, JMI-Edison and Meskla Chamorro Fusion Bistro, said Chita Blaise, CEO of the Red Cross Guam chapter. Ticket holders do not need to be present to win.

Ernie A. Galito, AK marketing and communications director, said tickets can also be used as a voucher, good for $1,000, toward any 2019 BMW vehicle.

(Daily Post Staff)

Kumision I Tano Saina'ta
Guam Ancestral Lands Commission

The Guam Ancestral Lands Commission Board Meeting will be held on **Wednesday, July 24, 2019 at 2:00 p.m.**, Department of Land Management conference room, 3rd Floor of the ITC Building 590 S. Marine Corps Drive, Tamuning. The agenda may be viewed at the following link:

http://dlm.guam.gov/announcements-2/

Individuals requiring special accommodations, auxiliary aids or services, please call Liza Camacho at 649-5263 ext. 113.

This ad paid for by Government funds.

CIVIL SERVICE COMMISSION
Notice of Meeting
Kumision I Setbision Sibit

At 5:45 p.m., Thursday, July 18, 2019, Bell Tower, 710 W. Marine Corps Dr., Hagåtña, Guam. For special accommodations, call Eric Miller/ADA Coordinator at 647-1855. Agenda at csc.guam.gov. /s/ Daniel D. Leon Guerrero, Executive Director.

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN
BOARD OF DIRECTORS MEETING: Thursday • July 18, 2019 • 4:00PM

Guam EPA Administration Conference Room
17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617

AGENDA: I. Call to Order; **II.** Agenda Approval; **III.** Approval of 06/20/19 Minutes; **IV.** Administrator's Report; **V.** Old Business: Air Force Re Stipulated Request for Continuance – NOV #2019-001, Active NOVs: (Tsubaki Hotel/Nippo USA Inc. - Water Pollution Control, Lin's Hardware - Safe Drinking Water, Su & Zheng Corporation - Safe Drinking Water, Feiyang Construction & Engineering - Safe Drinking Water), RRF approval process status, PIEC Wrap Up, Administrator's Performance Evaluation; **VI.** New Business: None; **VII.** Miscellaneous; **VIII.** Next Meeting Date/Adjournment

Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300.4751/9 or via email at arlene.acfalle@epa.guam.gov

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CHamoru Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

CHamoru Land Trust Commission Board Meeting
Thursday, July 18, 2019 at 1:00 p.m.
Land Management Conference Room, 3rd Floor, ITC Building,
590 S. Marine Corps Drive, Tamuning

The agenda may be viewed at: http://dlm.guam.gov/announcements-2/

In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400. This ad is paid by CLTC funds.

Kumision Inangokkon Tano' Chamoru

(CHamoru Land Trust Commission)

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

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

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Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

BOARD OF COMMISSIONERS MEETING ATTENDANCE SHEET

Date: July 18, 2019

Time: 1:01 PM **Adjournment:** 6:24 PM

Place of Meeting: CLTC Conference Room, 3rd Floor

NAME:	TITLE:	SIGNATURE:
1. G. PIKA FEJERAN	Chairwoman	
2. AMANDA L.G. SANTOS	Commissioner	
3. AUSTIN J. DUENAS	Commissioner	
4. NICOLAS TOFT	Legal Counsel	
5. JACK HATTIG III	Administrative Director	
6. JOSEPH B. CRUZ JR.	Acting Administrative Director	

Staff:

1. MARGARITA BORJA
2. MATTHEW LEON GUERRERO
3. EILEEN CHARGUALAF
4. GLENN EAY
5. JHOANA MARIE CASEM
6. LORRAINE NEDEDOG
7. JESSICA DAYDAY
8. JOHN GUMATAOTAO
9. PIERCE CASTRO
10. MELVIN JAVIER
11.
12.

Rev. 02/4/2019

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Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

PUBLIC COMMENT SIGN IN SHEET
CLTC Board Meeting

Date: JULY 18, 2019 at 1:00pm

NAME: (Please Print)	Contact Number
Patrick J. Santos	858-9285
Kenneth C. Guerrero.	632-1245
August C Guerrero	686-1876
Pwyniw J. Santos	488-5554
Robert C. Quintanilla	
Jocelyn A. Panseliveros	734-5617
Tomasa Aguon	797-5533
Therese Muna	688-7755
Christine Roberto	987-1779
~~Jack Muna~~	
Angelisha Aguon	787-2975
Camacho Elizabeth	486-2325
CHRISTIE USHIMA	777-8793
IVAN SHIROMA	
Matilde C. Mercado	633-2069
Maria Palomo / Roland Cruz	
DANIEL Leon Guerrero Tolentino Junior Topasna	4883790

Rev. 02/4/2019

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Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

VISITORS' SIGN-IN SHEET
CLTC Board Meeting

Date: JULY 18, 2019 at 1:00pm

NAME (Please Print)	Contact#
Patrick J. Santos	858-9285
J	
Sarah Santos	
Chrissy Quinata	
Mary Phillips	
August Guerrero	686-1876
Santiago, Alberta	565-0123
Quenga, Ricky & Trina	989-1307
Vincent S.N. Aguon	
Patrick J. Santos	486-5556
Robert C. Quinata III	
Maria Susuico	487-5539
Tom Carbullido	483-0115
Jocelyn Passelvom	734-5617
Christina Roberto	987-1979
Tomasita Aguon	797-5533
Theresa Muna	488-7755

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Commissioner

Jack E. Hattig III
Administrative Director

VISITORS' SIGN-IN SHEET

CLTC Board Meeting

Date: JULY 18, 2019 at 1:00pm

NAME (Please Print)	Contact#
Camacho, Elizabeth	486-2325
Anjonisha Aguon	787-2975
Juan Muna	
Maria Camacho-Gacgacao	483.0453
Chris Tio Li Zama	777-8793
Roland Cruz / Maria Palomo	
Daniel Leon Guerrero Tomasula	4883740
Junior P. Topasna	

Rev. 02/4/2019

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REGULAR BOARD OF COMMISSIONERS MEETING AGENDA
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, July 18, 2019
Regular Board Meeting - 1:00PM

Public Notice: The *Guam Daily Post* on July 11, 2019 and July 16, 2019

AFFIDAVIT OF DISCLOSURE

I, JOSEPH B. CRUZ, JR., Acting Administrative Director, CLTC hereby reports that there are no conflicts within the 3rd Degree of Consanguinity to any of the following CLTC Applicants scheduled to be heard on July 18, 2019, CLTC Board Meeting:

1. Gregory Q. Aguon
2. John Patrick Aguon
3. Joseph Perez Babauta
4. Cynthia C. Lujan
5. Therese M. Muna
6. Colleen Grace Quinata
7. Dolores Taitano Quinata
8. James Santos Mafnas
9. Jesus Quidachay Ninete
10. Robert C. Quintanilla
11. Michael Wayne Reyes
12. Mary Ruth Phillips
13. Alberta Santiago
14. Gisela R.C. Acfalle
15. Maria Dolores Camacho-Gacgacao
16. Matilde Mercardo
17. Juan Diaz Muna
18. Mavreen Muna
19. John Christopher Unpingco, Mark Andrew Unpingco, and Meg-Ann Cecilia Unpingco
20. Francisco LG Castro
21. Valerie T. Guerrero
22. Albert Jesus Lizama Sr.
23. Sanonie Salas Melia
24. Felix S. Muna
25. Chrissy Jean Quinata
26. Christine Diane Roberto
27. Annie LG Santos
28. Elizabeth Ann Unchangco

7/18/19

JOSEPH B. CRUZ, JR.
Acting Administrative Director

DATE

Approval of Minutes

1. April 4, 2019 – Working Session
2. April 4, 2019 – Regular Meeting
3. April 18, 2019 – Regular Meeting

Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

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Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Administrative Director

04/04/2019

COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning

Thursday, April 4, 2019 from 4:04pm – 5:19pm

Public Notice: The Guam Daily Post on March 28, 2019 and April 2, 2019

I. CALL TO ORDER

Chairwoman P. Fejeran called the Chamorro Land Trust Meeting to order at 4:04 p.m.

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman P. Fejeran Fejeran, Commissioner Santos, Commissioner Duenas, Commissioner Techaira, Legal Counsel Nicolas Toft, Administrative Administrative Director Jack Hattig

Absent: Vice Chairman Joe Cruz

III. APPROVAL OF MINUTES

Chairwoman P. Fejeran: Thank you everyone for being here. We're just going to go straight down the agenda here. Approval of minutes, we have the Thursday March 7 meeting minutes. So, we are not that far behind. Has the commission had the time to review this. I have one minor comment on page 7, "The 2nd time that I spoke", I think there's a word "decide" missing. Says Chairwoman Pika Fejeran stated, "It is interesting CLTC can" and then insert "decide"; "Can decide what will be allowed in our properties but another bill can be proposed which completely changes the rules and regs." So, let's just make that clear that the CLTC decided.
Any other comments from the Commission? No? Ok. Can I get a motion to approve pending that one correction?

Commissioner A. Duenas: Motion to approve March 7, 2019 regular meeting minutes, pending that one correction.

Commissioner A. Santos: I second.

Chairwoman P. Fejeran: Motion's been made, seconded by Tan Amanda. Further discussion; all those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it. Thank you. Okay, moving on to next items on the agenda under Old Business. The first is the Director's Report.

Administrative Director: So, Commissioners, Madam Chair, Commissioners just replace the one that's in your packet with the one I handed the insert to you. There have been some changes between the time I drafted that report to the time; so, I'll just a lot of this is an overview from the previous report that was provide in March. This is the April one so with regards to the budget and finance; our budget is being provided today for your review. We received the ceiling and it's due on Monday to the governor. So, it's just really for your review to see what we're doing. We'll go over more as we get to that part of the agenda, so I reserved comment for that portion.
Staffing, I do have an issue with regards to the staffing. Two DLM employees are currently evaluating all of the Land Agent's for CLTC, and in accordance with the Governor's separation of the land agencies in her first executive order, I need the opportunity to create or recruit a Land Administrator and a Land Agent III position so that we can have adequate supervision of the Land Agents but that has effects on the budget process, so that's first and foremost that an emergent conflict right now because we will not be fulfilling the mandate of the Maga'haga if we don't have the supervision questions settled. So I have proposed a solution to BBMR; we had a meeting with BBMR yesterday proposing a solution temporarily that we utilize our reserves of which the board can by resolution from what I understand, thru talking with Attorney Toft is to utilize the funds in the Operations, right, for operation funding to utilize those for the creation of those positions and then we can also do thru the budget law itself, we can replenish those funds that we took from either our commercial leasing efforts because its set to; in the end of FY2020, the commercial leasing that goes into the survey and infrastructure fund is going to end and it's supposed to go into the Loan Fund, the Home Loan Fund, so we would need to make an adjustment in the public law to allow for that to continue so we can utilize the survey and infrastructure funds for operations and one of the first things I wanted to do is propose we pay the engineer techs and pay them out of the survey and infrastructure fund since that's what they're doing and that justifies in the law using that for operational purposes. So that frees up an opportunity for us to hire a Land Administrator to fulfill our; maybe not the Land Agent III but the Land Administrator to fulfill that supervisory component. So, once we get that person in place, we'll be completely separated from DLM in terms of them supervising our employees, but the engineer techs would still be under their supervision because of the nature of the technical work to be supervised by a licensed professional surveyor.

Chairwoman P. Fejeran: So that would be for 2019

Administrative Director: Well, no, that would be intact

Chairwoman P. Fejeran: So that's the proposal?

Administrative Director: Yeah

Chairwoman P. Fejeran: Okay we'll get through that and the finer details

Administrative Director: That's what I have emergent. I do have proposals for what we should do for staffing outside of that once we get into 2020; once we get our commercial leasing off the ground and we're able to tap out of operations more, so that's in the report so you have the opportunity to review

Chairwoman P. Fejeran: Ok

Administrative Director: There is a proposed staffing chart; organizational chart that is there. Those in red are indicated that they have not been created or they're currently vacant. We do have a private secretary position that will be filled. Adelup is going to give me a name but only for FY2019; it will not be in the FY2020 budget and then you do have a Land Agent III and Land Administrator proposals in the organizational chart, and then currently we do have one vacant Land Agent I position that will not be fulfilled, not being filled in the 2019 budget, but we'll see what happens in the 2020 budget. It's not anticipated to be filled in the 2020 budget either, but I consider it to be a critical component for what the trust wants to do with its priorities moving forward regards to transparency and accountability and compliance. And then you will see the proposed organizational chart for FY2020 and beyond, it's there; this is what the trust should look like when everything's settled, when everything's good to go. It should look like this; it will operate like this. Just to give you an indication of where we are at. It also provides for as sessions, so how do we maintain our employees going forward. For instance, our two engineers are currently retirement eligible; if they decide to retire then we will have difficult time filling the ranks of Engineering Tech II, so I provided for the Engineering Tech I so that we can transition plan up and a discussion plan and then of course you see the rest of the land agents. So, do you have any questions for staffing?

Chairwoman P. Fejeran: Yeah, so I guess we'll get to the 2020 budget but what I would like to see is that; I see a lot of new positions; there's a records management assistant, data control clerk, engineer tech I; if we could get justification for each of those positions and why they're organized this way; why we have three land agents that each have a land agent working with them

Administrative Director: Currently we have three (3) Land Agent II's and each of them are assigned a Land Agent I currently, so I kept that deign; that organizational chart so that training and accessions can occur

Chairwoman P. Fejeran: So, I guess I'd be curious; Land Agent II's, are they working on specific parts of the process or what

Administrative Director: The we have it is Land Agent I's have relatively manageable cases, relatively simple caseloads with transfer beneficiary, a utility authorizations, and all the things that are relatively easy and then the Land Agent II's because of their knowledge, their institutional knowledge, they work complex cases; cases that involve multiple problems right and then the Land Agent Supervisor, who oversees the Land Agent II's and I's and that person reports to a Land Administrator and then and administrator is liaison between DLM for all the services that they would provide and then you have the engineer techs which are there to do the survey; assist with the surveying, then you have a planner because one of your priorities is Community Development, Community Planning, so a planner is intricate; is needed in that process of planning and then you have the administrative portion which is the program coordinator IV because they are overseeing four individuals; they are taking care of the budget, that Program Coordinator will be taking care of budget, will be managing the Records Office with a Records Management Officer. Gary has indicated that he needs a secondary person in the office because as it is by now if he's gone then the records nobody can get access to records so I'm getting a secondary person whose job is to manage records and has that institutional knowledge is important and then the data control clerk would handle the Database, while the Administrative Assistant serves as the secretary.

Chairwoman P. Fejeran: Thank you. I didn't mean for all of us to walk thru everything

Administrative Director: No, I'll get you a more detailed breakdown so that you don't have to…

Chairwoman P. Fejeran: And I guess were looking at that in the budget anyway.

Administrative Director: Right.

Chairwoman P. Fejeran: I really appreciate these Director's reports that you put together; they are very helpful and being that we just received it, neither of us have had the chance to read it

Administrative Director: Right

Chairwoman P. Fejeran: But I do see that you have some Old Business ideas dealing with the Premoratorium Lease List; the Voidables; the red mark X leases are in here and I prefer that we table that, I mean I appreciate that you have given us recommendations and maybe put that on our meeting agenda for April 18th, the next one, so it would give us

ample time to look at what the recommendations are and we can really look at it as a whole, rather than just in this Administrative Director's report. If there is anything else that you think we need to look at more closely as it's in your Administrative Director's report, do you think so or do you think we can take this and…

Administrative Director: Like I said, it's ever evolving; I report as much as I can to you when we meet because I take advantage of that opportunity. It's really not meant, Madam Chair for you to take any action right now, that's really not the intent, the intent is for me to actually present the report publicly, right, to know that I did my job in telling you what has transpired over the past month; and then for you to – those are follow-on actions that the board will take at its convenience like what you suggested to put it on the agenda for the 18th, so that's something that you would do, but I would be remiss if I didn't at least in the minutes reflect that I actually gave my report to you that way if you had any questions that came up you could have an opportunity to respond right away, but if you wanted to reserve comment and respond, you could do so at any time.

Chairwoman P. Fejeran: Ok. The next item on the agenda after the Administrative Director's Report is the Premoratorium Lease List. I wanted to see if the commission would like to table that until the April 18th meeting. Okay so we can on the agenda, the Premoratorium Lease List, the Null and Void Lease List, and the Red Mark X Lease List.

Tina Jocson: Madam Chair, the Premoratorium Lease List is the Red Mark X Lease List

Chairwoman P. Fejeran: Oh, it is.

Tina Jocson: Those were all the ones that were just about ready to finalize signatures and then previous Administrative Director Borja just put a red X, so we titled it Premoratorium rather than Red Mark X Lease List

Chairwoman P. Fejeran: Oh, there's not two sets?

Tina Jocson: Because it was right before the Moratorium (background mumbles)

Chairwoman P. Fejeran: My understanding of the red marks was it had Administrative Director Borja's Signature and Lessee's Signature, but it was just missing Governor's signature

Tina Jocson: Correct

Chairwoman P. Fejeran: Then it was exed

Tina Jocson: Correct, so that's the Premoratorium Lease List

Chairwoman P. Fejeran: That's the Premoratorium lease list…okay. Were there any other leases? I know the officer that joined us last time.

Administrative Director: Right, and I did respond to requests about that. So, we're still determining right now exactly whether were there any other leases prepared but not brought for the board's approval.

Chairwoman P. Fejeran: Or even got signatures or something. Right?

Margarita Borja: We're reviewing.

Administrative Director: We're reviewing it currently right now. We'll definitely have what we have as of April 18 we'll be available to report what we have, but it's an ongoing process. These individuals have been deployed or these individuals have not been contacted, so they're literally coming out because of the press reports that we're going to do something; that we're about to do something, so now they're checking in; what about mine? So, we're reacting to that check-in by saying oh wow, look at this, we opened up your case and we found a lease here, it was prepared, neither signed by Administrative Director.

Chairwoman P. Fejeran: It's just unexecuted leases?

Administrative Director: Correct, correct.

Chairwoman P. Fejeran: So, if we could put that on our agenda, Premoratorium (also known as the red marks), the unexecuted leases and then the null and void.

Administrative Director: On that list you don't want a number, right, you want the actual person. You want the name at least, is there is anything else from that list because we want to be as thorough if you're going to ask questions.

Chairwoman P. Fejeran: I probably wanna see not really this one but that big spread sheets, so it has the name, application date, application time, lot description

Administrative Director: Well if you look at the packet; the ones that were issued from switch applications are here all the way to the 102; so that's the void list.

Chairwoman P. Fejeran: Yeah, we wouldn't need any information on transferring unless there was a transfer. It would be helpful to know if they are already occupying, right?

Legal Counsel Toft: I think it is.

Chairwoman P. Fejeran: But for the Premoratorium

Legal Counsel Toft: Yeah, it's the next page

Administrative Director: The green

Legal Counsel Toft: Yeah, the brown and green

Administrative Director: Yeah, the brownish green one. So, this is the red mark x that the media is determining to be red mark but this thing 1 to 28, that's what we have.

Chairwoman P. Fejeran: Okay and if its

Administrative Director: Notice that Borja isn't on this list and it's because…

Chairwoman P. Fejeran: Hers was unexecuted

Administrative Director: Right!

Chairwoman P. Fejeran: Okay, I think the list you have is good. So, I'd like to ask the commission to review the Administrative Directors report and be prepared to discuss those three lists so we can make some movement out there. I think we really need to get decisions made. It might also be helpful if we can notice those individuals that are on these list that will be discussing the leases next time, so if we can get some mailings out to them.

Administrative Director: We'll let them know and make contact to each of the 28

Chairwoman P. Fejeran: And the null and voids; yah, everybody

Administrative Director: Okay

Chairwoman P. Fejeran: That we're discussing it

Administrative Director: Yes

Chairwoman P. Fejeran: Right…. Okay, so, I think we're done with Administrative Director's report

Administrative Director: Yes ma'am

Chairwoman P. Fejeran: Premoratorium lease list has been tabled. Moving on to New Business, Land Inventory. I think it was described in

our working session that we just completed. We do not have any information as to the vacant land, residential or agriculture.

Administrative Director: Right. Correct.

Chairwoman P. Fejeran: If we could pursue knowing what those numbers are that would help.

Administrative Director: Yes, were working with survey division, DLM survey division to determine exactly what is vacant as far as residential and agriculture, but then again, pending survey…

Chairwoman P. Fejeran: I guess my questions is who designated these? Who designated them residential versus agriculture?

Administrative Director: What we did, we just identified Agriculture leases and we just; whatever the commission issued as an Agriculture lease, we identified the properties

Chairwoman P. Fejeran: So, is there at any time when the commission was looking at the inventory, did the commission every say, you know what this is fertile farmland, this is going to be for Agriculture?

Administrative Director: No, no.

Chairwoman P. Fejeran: No? So, we've just been putting people on land saying okay that's Agriculture, okay, that's Residential?

Administrative Director: Right, right.

Chairwoman P. Fejeran: Okay.

Administrative Director: That's why I need to work with Dept of Ag because that's; I've made contact with them and I have a meeting with them actually with her, the Administrative Director, so we have to come up with a way for them to actually to do a review; of an assessment right of what's best for Agriculture and what's best for Residential

Chairwoman P. Fejeran: Wow, so that's never been done?

Administrative Director: Right.

Chairwoman P. Fejeran: Okay, so then how did the; when we did the commission did the subdivisions, right; I know that there's the Agricultural subdivision, the Master Plans, and then the Residential Master Plans, that was just based on existing? (someone in the background responds) Ahhhh, got it. Okay. Thank you for this. Commercial properties; so that was Residential and Agricultural.

Administrative Director: Right

Chairwoman P. Fejeran: Commercial properties - The Administrative Director and I met with GEDA and as the commission knows, there's five (5) properties in our Commercial inventory that are ready to be RFP'd out for Commercial leasing. I wanted to see if the commission was ready to, I guess engage with GEDA to get that process started. What did they say? They just needed a letter from the commission asking GEDA.

Administrative Director: Actually, the words that they used what a motion to engage with GEDA. So, a copy of that part of the minutes would suffice, but I'll work that out with Executive Administrative Director Melanie Mendiola.

Chairwoman P. Fejeran: Okay.

Administrative Director: I'll work it out as to what paperwork they need but I know we discussed it.

Chairwoman P. Fejeran: Okay but the commission want to make a motion to engage with GEDA for these five (5) properties. It would be the first step in a long path to commercial leasing but what it would do is it would get the ball rolling because right now without it they can't do nothing so it would just be a motion to, what did you say? Motion to engage…

Administrative Director: Motion to engage with GEDA with regards to the five (5) properties listed

Chairwoman P. Fejeran: And to engage with our MOU right; to execute and work thru our MOU

Administrative Director: Right, right. The MOU was signed in 2017, so its relatively new and we've reaffirmed it. Our intension is to reaffirm it, pending the commission's guidance. She did indicate, Ms. Mendiola did indicate that she would like to see or she made a recommendation for the RFP to go all out for all five (5) at the same time so that way we can get the best possible, I guess reaction or proposal and then we can meet in a preproposal conference to decide exactly what we would like from those properties.

Chairwoman P. Fejeran: Right, right. A committee has been formed for commercial leases right, so, I would just need a motion from the commission to engage with GEDA.

Margarita Borja: I just have a question.

Chairwoman P. Fejeran: Oh, one question.

Margarita Borja: Just one question. I'm not sure if the 5075, the one that was a right of entry that was given to GWA is going to be included in this because it's up until December 30, 2019, so I don't know if its…

Chairwoman P. Fejeran: Yeah, I think it is. It's part of our list. I think we can pursue, yeah, I think we can pursue it and maybe have something ready right away. Okay, thank you for that. That's the property behind East West Rental. That's one of the five. (mumbles in the background) Yes, that's one of the five.

Administrative Director: Oka Point is one.

Chairwoman P. Fejeran: Oka Point.

Administrative Director: The property right across GVB you know where they put the Christmas lights, that vacant property. That's another one.

Commission A. Duenas: Okay. And then…

Chairwoman P. Fejeran: There's the two in Yigo.

Administrative Director: Yes. In previous packets.

Chairwoman P. Fejeran: Yeah, I just saw it.

Administrative Director: Let me look at the previous packets. Forgive me, it might be (inaudible conversation in background)

Chairwoman P. Fejeran: Okay, here we go, so behind East West Rental, near the Yigo gym, across the Yigo gym, Oka Point, and across from GVB.

Commissioner A. Duenas: Okay.

Chairwoman P. Fejeran: So these are the only five commercial properties that the commission has pushed to the Legislature that have gone through that whole process, that have gone through the Commercial Rules and Regs as far as possible and so now were ready to work with GEDA, so we would need a motion from this board to engage with GEDA and a formal letter that will list the properties. And there would be, like he said, a preproposal

Administrative Director: Premeeting

Chairwoman P. Fejeran: Premeeting, where like the subcommittee or commission would sit down with GEDA and develop the RFP criteria, the judging criteria. Okay?

Commissioner A. Duenas: **Motion to engage GEDA regarding the five properties. One behind East West Rental, near Yigo gym, across Yigo gym, Oka Point and across GVB and to provide a formal letter to list the properties**.

Commissioner S. Techaira: We could list the properties?

Chairwoman P. Fejeran: It would be just this list telling them exactly the properties; not like real estate listing. Okay a motion's been made.

Commissioner S. Techaira: I second that motion.

Chairwoman P. Fejeran: Seconded by Commissioner Shawntel Techaira. Further discussion.

Commissioner S. Techaira: None.

Chairwoman P. Fejeran: Okay all those in favor

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Motions made let's get that ball rolling. Thank you. And then going on down after commercial, we have submerged lands. And thank you for pulling this information, you know for us to understand what submerged lands mean. I see an exert from 21GCA Real Property under chapter 63, Territorial Seashore Protection Act. How does this help us?

Administrative Director: Yes, well, what it does is that it gives us a framework for what submerged lands are and if you look at 63MO3C, Seashore Reserve, it means that land and water area of Guam extending seaward to the 10th fathom contour including all islands within the governments jurisdiction except Cabras and those villages wherein residences have been constructed along the shoreline prior to the effective date of the Seashore Act. It means from the main high waterline for a distance on a horizontal plane of 10 meters and from the main high waterline to the inland edge of the nearest public right of way so it gives you kind of a framework for what Seashore Reserve means and it helps us to better define what submerged land means because from time to time land becomes submerged, right, under water depending on the tide, depending on so many environmental concerns so I just included that as a guide, maybe, I know we were trying to determine the definition of submerged lands and then pending anything from the legal counsel, what any other definitions do we have, legal definitions of it and then identifying whether we have indeed submerged lands in our property and I believe we do. Its currently under Commercial Lease.

Chairwoman P. Fejeran: On one of the other meetings I was handed this. This one. Is that from you?

Legal Counsel Toft: Yeah, I think so.

Chairwoman P. Fejeran: Okay so whatever is done there has to be considered by the Territorial Seashore Protection Commission

Legal Counsel Toft: Uh huh.

Administrative Director: And then I think that bides for it in 63104

Legal Counsel Toft: Yeah, I mean GovGuam does have, CLTC does not have but GovGuam does have submerged landings with the observatory… (inaudible) And I think the opinion I gave you does this question having been considered before as to whether CLTC does have jurisdiction on certain parts of; yes we do

Chairwoman P. Fejeran: Okay

Legal Counsel Toft: But yeah, there's a couple

Chairwoman P. Fejeran: Nice, okay. Thank you.

Legal Counsel Toft: Yeah, I can forward that to the board also.

Chairwoman P. Fejeran: Thanks, I think it's trying to help me and the commission to try and get an understanding of what all this property means; what it looks like; but yeah, if you can forward that to the commission. Okay, next under New Business – CLTC and Guam Housing Corporation MOU

Legal Counsel Toft: Okay, so what I did Madam Chair is I just redrafted the existing MOU between Guam Housing and CHamoru Land Trust for the ten lots. They are described in the MOU within its inventory and then I did provide a map as well as to where those ten lots in Sagan Linahyan are located. There's Alease agreement that GHC has with a previous construction company for a construction of a home and then the requirements are all there and then there is an attached addendum for the home that they built on Tract 1113, Block 12, Lot 1 and then there's a reference to the acting president; or now the current president. She would like to reaffirm our MOU so that was her letter asking that Memorandum of Agreement or Memorandum of Understanding. She also said they're going to issue an invitation for design for the next phase, or for the next home. And then here's the old MOU which was signed by David Camacho and Michael Borja.

Chairwoman P. Fejeran: I didn't see that this old MOU had an expiration date

Administrative Director: Right

Chairwoman P. Fejeran: so is it just reaffirming

Administrative Director: Right

Chairwoman P. Fejeran: and just signing a new MOU

Administrative Director: Right, it's just this board, this commission versus the previous commission. As you can see the signature blocks are not the administrators, it's actually you as well signing with me, affirming the commissions acceptance of the MOU

Chairwoman P. Fejeran: Okay, thank you

Administrative Director: On a related note, Linda Hernandez that we just passed, we just approved hers

Chairwoman P. Fejeran: Yes

Administrative Director: This is what it comes out of, this Memorandum of Understanding

Legal Counsel Toft: While the MOU doesn't have an expiration because it says the plane was reached and that the license…(inaudible) and it's at the expiration of that license that those lots go back to CLTC

Chairwoman P. Fejeran: Okay. And with this; have you gone thru this and everything checks out

Legal Counsel Toft: I haven't seen individual licenses...(inaudible)

Administrative Director: We just took the existing MOU that was made, and we just literally changed the signature blocks because as far as we were concerned, I was concerned, everything was in place from the previous board; in 2014

Chairwoman P. Fejeran: My question is, for granting sublicenses, does that follow under our Commercial Rules and Regs, how does that pan out? (long pause) Unless the original MOU was signed in 2014; after the Rules and regs came out or before? I don't know; I mean does this MOU really something I think the commission can absolutely stand behind, I just want to make sure that were following our rule and regs and not doing something could get us into trouble again.

Administrative Director: I think we can work out the license for the first lot, right; we can draw up the license for the first lot because it was the commissions determination to execute (unable to fully hear Administrative Director's conversation with LC)

Legal Counsel Toft: For Lot 1

Administrative Director: Right, for Lot 1; the first one so we just have to draft the license for it but in response to the chair, is there anything that might preclude the drafting of sublicenses

Legal Counsel Toft: Not that I've seen but I'll double check that and get back to you before the next meeting

Chairwoman P. Fejeran: Okay, thank you. So, we can table this until April 18th.

Administrative Director: But my only concern is the granting of the license, does it occur after? Or does it occur beforehand so that GHC can sublicense it to the developer, see what I'm saying. See what I'm saying, so right now because the previous MOU, they already executed the design and the building of it, I don't whether CLTC because I wasn't here, I don't know whether the CLTC granted the license, that's why I was asking, that's what I'm saying.

Legal Counsel Toft: (inaudible conversation) …because I never saw that

Administrative Director: That's what I'm saying if the commission did so without granting a license, as long as there was nothing on GHC side; and I certainly didn't see anything granting; I don't know if you looked thru the Use Agreement though and the Use Agreement is not a license

Chairwoman P. Fejeran: Right. It's just with the contractor.

Administrative Director: Right. Exactly. So that was my concern when I brought it up. But I didn't see anything; but because they didn't sublease it to them or sublicense it to them.

Chairwoman P. Fejeran: Right.

Administrative Director: They just said, please build it; please build it and we'll find somebody to take over the mortgage inclusive of the construction

Chairwoman P. Fejeran: Okay. Thank you, Legal Counsel for further looking into that. Okay next items on the agenda, number six, Commercial Lease. First is the Guam Racing Federation Lease Agreement.

Administrative Director: So, we have there the draft and then there were inserts passed around. I'm sorry that these inserts didn't make it into the packet but the draft that was provided or that is referenced here in your packet, is the draft that was provided by the Guam Racing

Federation, so I apologize; there was no cover letter. When we had a negotiation meeting, the first meeting almost 2 weeks ago, this was the only document they had in addition to the memorandum to Administrative Director Borja that they were exercising their right to first refusal. And then of course the public laws behind it just to give you a framework. And then the attachments were added were Legal Counsel Toft's comments

Chairwoman P. Fejeran: Oh, thank you

Administrative Director: And then our commercial guru which is Joey Cruz looked thru the existing PL and the terms, the original terms of the contract and he provided his assessment and our counter proposal.

Chairwoman P. Fejeran: Okay, so this one that you're looking at, that was Guam Racing Federation saying, here this is what we want our terms we want of this lease agreement

Commissioner S. Techaira: But we didn't agree with the terms

(audience mumbling in the background)

Chairwoman P. Fejeran: No, no.

Commissioner S. Techaira: Okay

Chairwoman P. Fejeran: No, I know it scared me too.

Administrative Director: It says "draft" first of all, that's number one. Number 2, we just started the talking, were not there yet but we'll get there.

Chairwoman P. Fejeran: So, I think we discussed it, I think we kind of discussed it last time, the starting points for the lease, right? There's three starting points, one is the bill that the lease will be based off; two, there the bill, there's the old lease.

Administrative Director: Right, the previous lease.

Chairwoman P. Fejeran: The month to month, right but then the third is the Commercial Rules and Regs for leasing and I see that our LC went thru the lease; was this based on their draft lease?

Legal Counsel Toft: This is based on their draft, so the numbers correspond with the numbers that …(*inaudible*)…well some, some of them are; but I'll clarify

Chairwoman P. Fejeran: Okay, and then the next, this one, not on the CLTC email letter head. This one's from Joey.

Administrative Director: Yeah

Chairwoman P. Fejeran: And he's also looking at their proposed lease

Administrative Director: He summarized their lease

Chairwoman P. Fejeran: Talking about what's allowed or not

Administrative Director: He summarized their lease so that you have a summary, the bullet points, summary of their lease

Chairwoman P. Fejeran: Okay

Administrative Director: So, if you needed a better indication of what they say or do, and then on the bottom it says proposed CLTC terms, everything that follows is what he proposes we should do; and he did review the Commercial Rules and Regs, that's what this is based off on

Chairwoman P. Fejeran: Okay. So, I'd really, of course like the draft of the lease, maybe drawn up, like a real draft lease drawn up based on these comments and the Commercial Rules and Regs and the bill

Administrative Director: Well, if you could review them so that by the time the draft lease is presented, we would have the option to move as swiftly as you wanted to or make corrections, right. So we'll have it ready for you by the 18th if so desired and then you would have the opportunity at the next two weeks and look out, make notes, and then you could communicate the notes to me within the two weeks, we can have the draft lease included in the amendments or any thoughts we might have or your thoughts

Chairwoman P. Fejeran: Okay. Thank you. Okay, so the commission will review LC and the program coordinator's assessment. Okay so the Guam Raceway Federation lease agreement. Sorry remind me when again this has to be tied up. Completed?

Administrative Director: June 6 approximately; I would say 21 June because they initiated their first write-up as refusal on 21 December so that gives us six months from that time.

Chairwoman P. Fejeran: Okay so if we have a draft to look at April 18th

Administrative Director: Any they requested some time because of Smokin' Wheels. Okay so that gives us a little bit of a cushion.

Chairwoman P. Fejeran: Yeah, do they charge entrance into Smokin' Wheels?

Administrative Director: I'm sure they do

Chairwoman P. Fejeran: Can we just follow up with them because as the current law is written they have to pay us

Administrative Director: They haven't been very good to tell you the truth at the Participation Fee, they haven't been good at reiterating that to trust

Chairwoman P. Fejeran: Yeah. Well let's hold their feet to the fire and hold them accountable

Administrative Director: I think part of the issue to is that there's no requirement for them to let us know when they're having an event, so we don't know when the events occurring; that's self-reporting in my opinion; I had a previous lease and it was self-reporting; they don't report activities and then we don't have the watch dog. I live right next to the racetrack, I drive by it every day

Chairwoman P. Fejeran: You know when there's activity

Administrative Director: I know if there's activity

(inaudible mumbling in background)

Administrative Director: If you look closely, both of them, both Joey and Nick have really looked at that and said, that's a sore spot for us. So, we wanted to include that in the tenants of the lease, specifically the tenants of the lease

Legal Counsel Toft: The last one is kind of bare bones.

Chairwoman P. Fejeran: Yeah

Legal Counsel Toft: We definitely want that one to be accounted for.

Chairwoman P. Fejeran: Yeah, strengthen that. Plus, you know we heard from our beneficiaries that are on the residential waiting list, what are we doing giving away all this property for raceway, when we know that there's so many people that need residential properties. Okay. Thank you.
Moving on under Commercial Lease, Hawaiian Rock products. Esteemed gentlemen, thank you for patience. If you could state your name for the record.

Jerry Johnson: Hafa Adai Chairperson Fejeran and CHamoru Land Trust Commission and Administrative Administrative Director Hattig. I'm Jerry Johnson, President of Hawaiian Rock products and I have with me, Mr. Dan Swabeley who's a consultant for Hawaiian Rock products. I surely appreciate the short time to orientate you about an opportunity

that could bring additional revenues to the Trust as well as additional homestead lots.
Lot 5412 in Mangilao is in the Trust inventory. This is the property better known as the basic lot which the new GPA, and GWA property is located on which is right here. This is the entire lot; it's about 100 acres. On this lot, we have proposed several years ago which I'll talk to do a mass grading of this entire lot to the trust. I tell you a lot of work in it, in the meantime this was given to GPA/GWA and also some homestead lots were given over on this boundary over here. This is a former quarry that from the 1960's that has been quarried down. This is basically a hillside, hills, ridges, and everything. Our company lease property is immediately next door, Hawaiian Rock Products; and Marianas Stone had done some work on the property next to the GPA/GWA building. Our original proposal is to graze the property up to the cliff line and preserve all the property down by the ocean as a preserve. We didn't feel; first of all, the quarry drops off quite a bit and we did not want to get into a situation where there's any erosion, any ocean erosion. So that was our proposal, like I said a portion of the property was previously quarried in the sixties and the eastern portion; the property is a good candidate for grading both for extract from it that we can use immediately next door and grade it in such a form that it can develop new residential lots and it would be some of the most beautiful lots on the island because if we take this cliff down, I mean it have an ocean view and very nice residential lots. Hawaiian rock has been foreseeing this project with the Commission officially since February 2006. You know I did talk to the Administrative Director long before that, before we officially submitted a proposal but; at that time, we signed an agreement with the Trust to mass grade the upper and middle portions of the lot. We undertook topographical surveys, environmental, and archeological base line studies, engineering plans for the mass grading of those two areas and two lots for homesteads but actually we had two grading plans that the trust could choose which one of those grading plans they wanted to have. Only eight months later however in October of 2006 we learned thru KUAM broadcast that 16 acres of the upper and middle portion had been given to GPA/GWA for their new headquarters. Undeterred by this unilateral revision to our agreement, we revised the plan to severe by focusing on the remaining lot of 5412. We finished all those studies and plans by December of 2008 and negotiated a royal team for the limestone augur generated from the mass grading operations. In addition, during the surveying, environmental, archeological studies and engineering plans, Hawaiian Rock was paying a due diligence fee of five hundred dollars ($500.00) a month to the trust and I think we paid that for about a year and a half, almost two years and until of course, things changed. During the first few months of 2009, the Commission was reviewing our full package of studies, plans, royalties, so that we could at last begin the project. Unfortunately for both the trust and for us, June 2009 the Legislature placed a moratorium on Commercial Leases by the Trust. We spent the next two years testifying on various bills dealing with the rules and regulations as well as general commercial leasing terms and

conditions for the CHamoru Land Trust properties hoping to salvage our work in investment of over two hundred thousand dollars ($200k) already incurred by AHRP as a result of our agreement with the Trust in nearly three years of good faith negotiations. As you know we were denied. More than six (6) years later on November ninth two-thousand fifteen (2015), Governor Calvo signed Public Law 33-95 which is to establish the definitive process for Commercial Leasing of CHamoru Land Trust Properties during those intermediate years, however, and even recently as 2017, the trust has awarded new homestead properties on the upper and middle portions of Lot 5412 for the eroding opportunities for maximizing the number of homestead lots we could eventually provide after mass grading. And that's, I think it's right over in this area over here and you've given lots and I think GPA built like three houses for the people in those lots because they originally have been living right here and I think they've moved over to this location and then there's a couple; I don't know how many total, maybe ten (10) lots that have been given out on this property. Today Public Law 33-95 is allowed the land in these matters and Hawaiian RP is fully prepared to participate in that competitive bidding process for mass grading for Lot 5412. As we understand the law of commercial for a mineral extraction or in the case of 5412, mass grading linked to homestead subdivision is an allowable activity within Public Law 33-95 under the following conditions.
Lot 5412 must be specifically designated by the CLTC as part of the not to exceed 9% of the CLTC land inventory but is not required for leases to Native Chamorros for residential, subsistence agriculture therefore is available for commercial leasing. We ask that you make such a designation as soon as possible. In fact, however it is much that 5412 will be returned to the Trust in a landform that accommodates homestead residential lots. You may find that this provisional in the law is lute, of course such determination as the commission needs to make.
CLTC must seeks specific approval for mineral extraction on a portion of Lot 5412 from the Guam Legislature. We ask that you proceed with this request for Legislature approval as soon as possible. After that, AHRP will submit an unsolicited proposal as authorized under PL 33-95 to mass grade a portion of Lot 5412 after which CLTC can proceed with issuing an RFP for a competitive bid solicitation as a competitive instillation with other qualified contractors invited to participate. As conclusion of bidding process and subsequent mass grading, the commission will earn significate revenue from the limestone mines from 5412 and in a few years reclaim that property in a landform that is already mass graded for homestead lots. We look forward to working with the Commission and Administrative Administrative Director Hattig on these responses. You have any questions? I'd be happy to answer them.

(pause in room)

I do have a history of all that we did make a copy for you because we can't; there's no senses in proceeding unless, you know, we have these four items considered.

Chairwoman P. Fejeran: I appreciate you coming before us, you know. I, this is really; I've sat on the Commission for three years already and this is the first time I heard there was this history for this property. I'm glad you're here today to offer us this; I guess just give us the history, because if this is the route we take, it does have to go thru the unsolicited proposal phase.

Jerry Johnson: We're not concerned about that because there's really limited access to the property. And so We can access it from the work we're doing over here and for us it's an advantage because we can tie it in to the final grading plan of our existing property and the it doesn't show on the contours here, but, but we do have a contour map. And this his is an old quarry so it's got steep sides to it and so it wouldn't be good for residential lots. This is actually a hilly portion that we need to be graded down to make commercial lots, so our plan, we'd have to develop a new plan because we have to work around these existing lots here, would incorporate all of that not to destroy existing lots that you've already given away or maybe even help those, you know so, we had a young lady come to us that just was; and she couldn't even get to her lot. She actually asked to come thru here in order to get to the lot.

Administrative Director: Tammy Vawter?

Jerry Johnson – Yeah. Which we said no problem, just let us know so we aren't doing any blasting or anything that we do in our quarry. You know another thing I wanted to mention, there is a new piece of equipment that we're starting to use that could eliminate the drilling and blasting on the property. We're using that in our Saipan quarry over there. We bought one for Guam and they're using it on the Finegayan Marine Base to do the excavation there, so they don't drill and blast. And our intention is in the near future when we're working closer to where people live, we would limit the amount of blasting that we'd have to do. We probably have to do some to try and level some of the property here, but the major portion of it we would use that type of equipment to line, so it doesn't disturb the GPA/GWA building and it doesn't disturb the neighbors that are surrounding. So that's going to be the future of Guam. Pieces of property that people want to have graded and use this type of equipment so there's no, not as much dust, not as much noise, not as much cracks in your houses when drilling and blasting which we try and limit that, but stuff happens. And that's going to be the future on the island. The demand for aggregate (*type of mineral*) on this island over the next fifteen years is tremendous. This will not; this, this amount of aggregate on this land along with what we're taking off our property; I mean, we're only talking about three or four years and we can use that much aggregate in our business and we have other areas we have to look at to continue but when we first started this the economy was down and there weren't that many construction projects so we went to other properties which were smaller and managed some private properties,

some are old property, you know to get at it for our business, but the future, not only us but other companies have a need for aggregate, to not only a military construction but all the development they want to do on Tumon Bay and the cliff line by two lovers leap and all of that commercial buildings. There's going to be a lot of construction and this is an advantage for the trust to get revenue

Chairwoman P. Fejeran: Right.

Jerry Johnson: And get some homestead lots. You know we worked along with the race way, I think over the last ten years, we did about 4 million tons of grading on that property and which the Trust, we pay the Trust a portion and racing association vendors and I think you had fairly good revenue from Hawaiian Rock back in those days

Chairwoman P. Fejeran: Right

Jerry Johnson: And is something we're; we can get back that revenue again. There's still more work to be done on the raceway, you know, to gain revenue from when you approve, you know, the meets there but this is one that you would get all the revenue. You wouldn't have to share it with the racing association.

Chairwoman P. Fejeran: We get all of it or you get a portion of it?

Jerry Johnson: Well, we would mind it and use it in our business. We're not going to sell, we're really not really in the business. We sell aggregate on the outside, but we need good quality rock to pave the roads on the island, supply concrete, and that's our core business. Selling rock is more what Smithbridge does, I heard, their core (inaudible); but we do, I mean we do sell some aggregate on the outside, but our main business is paving road and supplying concrete

Chairwoman P. Fejeran: Okay

Administrative Director: I just had a couple of concerns and when we spoke, I mentioned these concerns so they're not new. Number one on your list there on the 2nd page specifically designating CLTC as part of not to exceed 9%. This is a relatively large property. To designate it as part of our 9% will reduce our commercial opportunities and while I saw this an opportunity not for commercial leasing, this particular property, I saw it as services to be provided. So, I don't know why we would have to designate something to be commercial leasing if we're not going to lease it to them and that was never our intention during our discussion, it was an RFP for services. So that's one; I would ask Legal Counsel Toft to kind of provide some input here as to whether we were required as the assertion here is in order for them to comply with 33-95, whether we were required to do such a designation because like I said, any time we designate a large property to be a part of the 9%, we are reducing the

commercial viability of all that property because 9% is 9% of whatever we got in our inventory. So that was my concern because the largeness of the property. And secondly, are we barred from mineral extraction at all on our property. I know that we're barred from it from it on the raceway lease on that property, so are we barred from mineral extraction on any property. You know that was my second consideration. Notwithstanding any other provisions of any other legislation that would come before us, right, so those are the two concerns that I have before the trust and I did discuss these concerns when we had our initial meeting with Mr. Johnson.

Legal Counsel Toft: So, to respond to that, first it would need to be designated however you could possibly subdivide it such that you're not putting the entire lot in there and that would affect the percentages way less.

Jerry Johnson: We would to include most of this down here and of course this. I think the balance is 40 acres, something like that.

Legal Counsel Toft: Oh, and then 2ndly with the race way that was specific as to the legislation passes with the raceway as far as their (inaudible). It would require both passage by CLTC and the Legislature for them to do any mineral extractions on that commercial lease. It would require extra (inaudible)

Chairwoman P. Fejeran: Is that part of the rules and regs

Legal Counsel Toft: That's part of the commercial rules and regs

Chairwoman P. Fejeran: Okay. I mean, you point out one that we're sitting on such valuable rock that can be used, be extracted for the greater good of Guam and then also it's a win, win, we're also going to get the land into a condition that home lots, homes that can be built, but

Jerry Johnson: To a grading plan you can approve.

Chairwoman P. Fejeran: Right, and then we would also earn revenue on the mineral

Jerry Johnson: Yes, and that would have to be negotiated the royalties too based upon, I guess market rates

Chairwoman P. Fejeran: Right, right. So, I know; you know it would; I think this is a good first discussion and that the commission can take it to advisement, you know we just went thru a three-hour long working session and looking at our Public Law and how we do residential leasing and if nothing was clear, it's just that we have so many people are waiting; we need to get people on to properties that they can build homes on. So, I think this can be a win, win, but we have to be careful

and deliver it and make sure that the commission is making the right decision every time (cough in background-inaudible).

Jerry Johnson: Okay. You brought something I wasn't aware of, I knew originally in the Guam Raceway, they had no quarry or removing of aggregate. I don't know how they're going to build their race way unless that's allowed

Chairwoman P. Fejeran: I know, I know

Jerry Johnson: Because that's the way we got it so far as it has is, we did the work for them with the understanding that, that we pay for the

Legal Counsel Toft: I think it's the fact that they were not allowed to remove it from the premises, so no sale that they were; I don't think it was necessarily that they weren't allowed to grade it

Administrative Director: Extract it

Legal Counsel Toft: No extraction. I mean, no extraction

Administrative Director: No extraction

Jerry Johnson: No one is going to do that for them unless you know, we can use it

Chairwoman P. Fejeran: I mean yeah, that was built into the law, that was legislature's doing. So, I was actually very surprised that the raceway is still going forward in trying to do this

Jerry Johnson: Right

Chairwoman P. Fejeran: This was built into the law

Jerry Johnson: That's unfortunate

Chairwoman P. Fejeran: So, our hands are tied; I'd be curious you know when we go back to the race way what their plans are

Administrative Director: Right. Right.

Chairwoman P. Fejeran: In light of that

Administrative Director: I want to thank Hawaiian Rock for their continued negotiations in good faith. This has been a long journey but certainly they were very, very cooperative when they came forward in providing information and the history of it, but just from my staff and myself, thank you so much for engaging with us.

Jerry Johnson: Thank you.

Chairwoman P. Fejeran: Thank you, thank you. I feel the sentiments. Thank you.

Hawaiian Rock Representatives: Thank you

Chairwoman P. Fejeran: Okay, the next item on the agenda is DISID. Did we have; I don't think we; Oh my gosh it's after five.

Administrative Director: Well, those were just oral, those were all oral reports because they have requested some information regarding the property across from JFK. So that's just about, about

Chairwoman P. Fejeran: Uh huh, uh huh, can we table this?

Administrative Director: So, that one I can provide you. And then Global Recycling, Madam Chair is something, they're not currently doing anything, they're not; they only have a lease agreement, they're not paying anything

Chairwoman P. Fejeran: Okay

Administrative Director: So, you, at the very beginning you asked me to take a look into these properties, and so

Chairwoman P. Fejeran: Yes

Administrative Director: So, I'll provide notes on those. And the last one is the Yigo mayor, if you could take a look at his proposal and decide what you'd like to ask questions on, but he wants to take some of that property that's out by the Yigo gym because the bus people

Chairwoman P. Fejeran: And this is one that we've identified as our commercial leasing

Administrative Director: Right. And I would like to let you know officially that the Governor is also looking at identifying lands for a transitional homeless center in Yigo and its on that same property in Yigo that the Mayor is asking for

Chairwoman P. Fejeran: Okay. Well, I want to remind the Commission that we already transferred property outside of our inventory to the Yigo mayor's office and that was the Block 7, Lot 9 at Tun Enrique Rosario St. and what is it, this one; is that this one in the; this is their master plan for that. Well I'm glad he's showing us that they're making progress there. It's my opinion that we've identified this property that he's asking for now, Lot 7055, Tract 154; we've already identified this as for commercial properties, it's already gone thru the whole process, I'm not prepared to

pull it back and transfer it to the Yigo mayor. Does the commission feel the same? I think he needs an answer. Its been several months since he's reached us. Oh, just a minute.

Administrative Director: The first request was in February when I first came on board about the same time.

Commissioner S. Tehcaira: Is this what he wanted

Chairwoman P. Fejeran: This is an additional; he wants this huge property for his farmer's market and the reserve for future use. Like is said, we identified this tract as for commercial properties. We just made a motion today to engage with GEDA for that same property. So, no.

Administrative Director: I think by virtue of the package already with GEDA who did it, GEDA will automatically send it

Chairwoman P. Fejeran: So, we're not entertaining that, based on that. Okay. Thank you. The financial FY2020 budget.

Administrative Director: This is going to go in. I'm still trying to find room for that Land Administrator position, but this is what's going to go in, the bare bones budget. If you take a look at the very first budget page, which is, the one with the blue highlight, the very first budgets spreadsheet, is $1,047,832.00 for FY20, that's what is being proposed. And then some of the budget breakdowns can be located two pages before, sorry, a few pages before that so that you can review it for yourself.

Chairwoman P. Fejeran: When you; you said you're submitting this on Monday. But it's just the start of putting it together right; there's still going to be time for; will the commission still have time to review this and make a revision that would be sent to the front office

Administrative Director: Well, you can make revisions but the Governor's budget ceiling stays at the Governor's budget ceiling on that one. That's what BBMR will allow because that's staying within our revenue generation capability. It's more of informing you with of our intention because we're not going to be able to move necessarily up or down; I've already engaged them to move up for our Supervision responsibility

Chairwoman P. Fejeran: Right, I guess not so much moving the number up and down but allocating it. We can allocate differently.

Administrative Director: Correct, correlating in between.

Chairwoman P. Fejeran: We can move those; allocate differently if we needed to

Administrative Director: Sure, sure. If you look at Schedule B, that's really the one you probably want to take a look at because it has contractual obligations. So that's the one you really want to take a look it. It has the stipends for you guys, it has the office supplies and fuel; it has legal services, audit services, advertisements, property tax, QuickBooks renewal, copier services, even the additional telephone services because we're separating. Joey really took a lot of time and effort and unfortunately he's taking his mom on medical trip off island, so he's leaving tonight that's why he's not here but please review it and see within that but it's going in on Monday as proposed unless we can find some room for that Land Administrator and that's the only thing that I'm asking for and it's not here but borrowing anything; if BBMR comes back and tells us, "no" we cant then no we can't and we're still going to be under the supervision of DLM which I don't know if that jives with what the Maga'haga wants and what the commission is looking for. Okay?

Chairwoman P. Fejeran: Alright, thank you, so I think we should revisit this too, next time. Should we, April 18th? Or no?

Administrative Director: The budget's going to be; the Governor is going to make her state of the island on the 11th

Chairwoman P. Fejeran: Okay

Administrative Director: And she's going to submit the budget right after

Commissioner A. Dueans: Okay

Chairwoman P. Fejeran: Alright

Administrative Director: So, that's the timeline we have with you if you want to take a look at; I tried to bring it forward in the previous meeting and obviously we were, it just didn't happen so I've been trying in every turn to push it in front of the commission but you know

Chairwoman P. Fejeran: Okay. Thank you for that. Looks like a lot of work was taken, as with every time we meet; there's a lot of work that's been done

Tina Jocson: Ma'am, I just have a question.

Chairwoman P. Fejeran: Yes, Tina

Tina Jocson: Old Business, Administrative Director's Report, that is tabled for April 18th, correct?

Commissioner S. Techaira: No, it's just a report of our leases

Chairwoman P. Fejeran: No, I don't think; just a premoratorium leases

Tina Jocson: So not the Administrative Director's Report, that's not tabled?

Commissioner A. Duenas: *(Inaudible response)*

Chairwoman P. Fejeran: I think it's just a summary report

Tina Jocson: An FYI information?

Chairwoman P. Fejeran: I don't know, it's kind of weird when it's in Old Business. I think that should be under Administrative Matters or something or even just a Administrative Director's report

Commissioner A. Duenas: Yeah

Administrative Director: Only, because I continually give one every month that's the reason why it's under Old Business, it's not something new, its something the reoccurs over time.

Tina Jocson: So, we'll have just like your own, subject line, like this right, agenda *(inaudible due to talking over one another)*

Chairwoman P. Fejeran: Administrative Director's report; I mean

Administrative Director: Sure

Chairwoman P. Fejeran: Yeah, let's do that. That way it's clear; it's a new Administrative Director's report, right. Okay. Commissioner's Comments?

Commissioner S. Techaira: (inaudible conversation)

Chairwoman P. Fejeran: No, it's going in as is.

Commissioner A. Duenas: Do any changes to this need a motion?

Chairwoman P. Fejeran: We never really actually approved this anyway, so no?

Administrative Director: The budget has always been handled administratively, because this is a commission that does not deal with the…(inaudible)

Chairwoman P. Fejeran: But I think that the act does say that the commission manages the budget

Commissioner A. Duenas: If the motion hasn't been made, then maybe we can provide comments; in the coming days

Administrative Director: Of course

Chairwoman P. Fejeran: Okay

Administrative Director: That's fine

Tina Jocson: How about for the Yigo lots, there's no motion?

Chairwoman P. Fejeran: No, we did not decide this

Tina Jocson: You just decided not to move on with it?

Commissioner A. Duenas: Do we need a motion to deny it?

Chairwoman P. Fejeran: No, I don't think we do need a motion

Commissioner A. Duenas: Okay

Administrative Director: I can just inform the mayor that the Commission has taken it under request has denied your request. And no motion then it's going to be…

Chairwoman P. Fejeran: Okay, Commissioner comments. So, Shawntel Techaira, Miss Commissioner, when is your, when do you expire?

Commissioner S. Techaira: On the 9th of this month

Chairwoman P. Fejeran: Oh, so that's next week. So, does that mean that you're; will you be…

Commissioner S. Techaira: Doesn't that mean that I can't attend?

Administrative Director: No. Actually no, you actually ninety days. Correct me if I'm wrong.

Legal Counsel Toft: There's some weird thing in there that constitutes Legislative

Commissioner S. Techaira: That will great then we'll just me over before the ninety

Chairwoman P. Fejeran: Would you be interested in renewing your term?

Commissioner S. Techaira: My only thing is that I may be potentially leaving off island

Chairwoman P. Fejeran: So, you haven't decided on that yet

Commissioner S. Techaira: It will be as soon as June. June or July.

Chairwoman P. Fejeran: Oh, so we'll go for the ninety days. Should we; I guess I'm asking do we look for your replacement

Commissioner S. Techaira: Let me try to finalize some things

Chairwoman P. Fejeran: Okay

Commissioner S. Techaira: There's some stuff I'm working on timelines

Chairwoman P. Fejeran: Okay, good

Commissioner S. Techaira: It's a little too early for me to answer

Chairwoman P. Fejeran: Decision coming then

Commissioner S. Techaira: Just initially we were looking at September right, but it's probably going to be pushed up, but I don't know for sure yet. Perhaps because I'm leaving; I'll physically be off island before the fiscal year's up, so…

Administrative Director: I'll need to inform the Governor of your decision or you know, what's currently going on at least

Commissioner S. Techaira: I mean, I just don't want to renew and take up space that you could be using for someone that's going to be a full three and then put me out and replace me again and go thru that, so what's the best course of action

Chairwoman P. Fejeran: Maybe we allow you the ninety days to decide if you're moving or not and then based on that decision, we'll decide.

Commissioner S. Techaira: Is it ninety days after the date? After April 9 that's when the ninety days start?

Administrative Director: You said by June, because that's falls way within the ninety days, so that's fine

Commissioner S. Techaira: The latter part of this month of June; I'm sorry, I mean May

Administrative Director: Okay, that's fine.

Commissioner S. Techaira: We're just working on some things, so I can't really…(inaudible)

Chairwoman P. Fejeran: Okay. Commissioner Comments, I still didn't get the Administrative Director's Abstract or action items from the last

Administrative Director: From the 7th is it or what is it the 21st

Chairwoman P. Fejeran: Yeah

Administrative Director: Yeah, she just started, you just started today, so it will be sent to you

Chairwoman P. Fejeran: I'm sorry Tina, I'm sorry Tina

Administrative Director: The Legal Counsel said you're allowed to vote by email, it will be sent to you today, and I did stress that we will go over the procedure for it because it's relatively new. The minute that the board meeting ends, we go back to our workstations and we email that to the board before we leave for the day. That's actually a part of the process.

Chairwoman P. Fejeran: That's it? Okay.

Administrative Director: Yeah, so that way it gets to you the day of.

Chairwoman P. Fejeran: Okay, today also?

Administrative Director: So, you should be receiving one for today's actions as well.

Chairwoman P. Fejeran: Okay, I appreciate that.

Administrative Director: Thank you. Let's go back to the office Tina.

Chairwoman P. Fejeran: Next meeting is; so, we'll try and adjourn at 5pm every time. Next meeting is Thursday, April 18th everybody. I need a motion to adjourn.

Commissioner A. Duenas: Motion to adjourn.

Chairwoman P. Fejeran: We are adjourned.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Thank you everybody

Kumision Inangokkon Tano' Chamoru
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Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

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04/04/2019

COMMISSION WORKING SESSION MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning

Thursday, April 4, 2019 from 1:00pm – 4:00pm

Public Notice: The Guam Daily Post on March 28, 2019 and April 2, 2019

Okay, thank you everybody, this CHamoru Land Trust working session, is now in session. ****Chairwoman P. Ferejan called the working session to order at 1:08 p.m.**** This working session was provided in the Guam Daily Post on March 28, and April 2. Okay, present today is, myself (*Chairwoman P. Fejeran)*, Commissioner Amanda Santos,

Commissioner A. Santos: Here

Chairwoman P. Fejeran: Commissioner Austin Duenas

Commissioner A. Duenas: Here

Chairwoman P. Fejeran: Commissioner Shawntel Techaira

Commissioner S. Techaira: Here

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft

Legal Counsel Toft: Yes

Chairwoman P. Fejeran: And Administrative Director Jack Hattig the third.

Administrative Director: Etse gui yu. *replied in CHamoru*

Chairwoman P. Fejeran: Thank you. Okay, before we get started can we all rise to cite the Inifresi, pot fabot.

***** All are reciting the Inifresi (CHamoru Pledge) *****

Chairwoman P. Fejeran: Biba CHamoru!

All: Biba!

Chairwoman P. Fejeran: Biba CHamoru!

All: Biba!

Chairwoman P. Fejeran: Biba CHamoru!

All: Biba!

CHAIRWOMAN P. FEJERAN: Thanks everybody, so, we are going to be talking about Resolution 2018-09. This resolution was prepared by the Trust, the Commission last year, really in response to the controversy and lessons learned from last year. The resolution was submitted to the Guam Legislature in hopes that they would move to get our proposed changes made to Public Law 23-38, unfortunately the Legislature did not act on it. So, in the time passed since the Commission felt it necessary to revisit the Resolution and revisit the proposed changes, and really take our time to make sure the Commission understands the effects of the proposed changes and also our beneficiaries have a chance to share their concerns with us.
Okay, so what we have in the back, I hope you all were able to pick up is this CHamoru Land Trust Commission Working Session April 4, 2019. Okay, we are going to start with this document, we are going to start with an introduction because what the Public Law will do is set the commission and the Trust on its path forward right, but in order to really make that path clear we first have to know where we want to be and that would be the CHamoru Land Trust Vision. So, in this document we have our vision, so, I will just read it here. The CHamoru Land Trust through comprehensive land use planning, robust financial management, and strong partnerships to enhance the abilities of the CHamoru people has benefitted not just the CHamoru people but all the love that call Guam home. CHamoru Land Trust properties are comprised of clean safe and thriving neighborhoods were neighbors' practice Inafa'maolek and all live with dignity. And productive Agricultural tracks of land that are nurture with best management practices and lead the island's agricultural market, and sensitive ecologically culturally significantly lands that are protected and preserve for future generations and sound commercial enterprise that enhance the livelihood and wellbeing of the CHamoru people. So, if you look at our vision, we've underlined the two statements that the Public Law has a direct effect on, first it's our neighborhoods that has to do with our Residential leases and the second is the Agricultural tracks of land, so that's our Agriculture leases. The Public Law 23-38 which we will be looking at today speaks to exactly the process of those leases are awarded that we will be getting into later. Now that we've reoriented ourselves with our vision, right, what we see the future of the Land Trust being, we also have to understand our reality today. So, our 2019 reality, we currently have 5350 applicants on our Residential waiting list we have another 3290 applicants on our Agricultural waiting list. Yes, Director.

Administrative Director: Madam Chair, I just want to make a small edit on the next portion. Instead of vacant It should be leased. Currently we are trying to ascertain with the Department of Land Management and Department of Agriculture what the acreage is for unleased property because right now they've only taken survey of those that are obviously leased. That's the reason why we

don't have the division between agricultural and residential for not leased. Right, for vacant properties, it's just an addition so, scratch vacant and put leased. So, that's the acreage that we have leased. That is what we have available, leased already, for Residential and that is what we have leased for Agricultural and again as leases are being approved, and as surveys are being conducted that's when we can ascertain the acreage of not leased property

Chairwoman P. Fejeran: so, what is our vacant total?

Administrative Director: Our vacant total is 5662 not leased total and again subject to what is designated Agricultural versus what is designated as Residential. We are still working with the Department of Land Management and Department of Agriculture to help us ascertain that number.

Chairwoman P. Fejeran: Yeah

Legal Counsel Toft: Plus, the, plus what is registered and what is unregistered.

Administrative Director: Right, correct.

Chairwoman P. Fejeran: so, does this 5662 include unregistered?

Administrative Director: Yes, we're not able to lease unregistered property.

Chairwoman P. Fejeran: It's part of this is vacant total?

Legal Counsel Toft: so, we don't have an exact amount for what is registered?

Adminitrative Director: Yes

Chairwoman P. Fejeran: So, there are 5662 acres in our inventory that would have to satisfy the 8500 plus people on our waiting list.

Director Hattig: Right, and keep in mind it's not including newly transfer land for landless land subdivision in I'ha, we haven't included that yet because it just got transferred to the trust. That's obviously going to be increased. Subsequent it's fluid, it's fluid because when the Legislature does, you know legislation that takes from our inventory, so does our acreage move, this will be a fluid number for the time being.

Chairwoman Fejeran: So, just to recap what was discussed up here, the third bullet under 2019 Reality, instead of those Residential acreage and Agricultural acreage, referred to vacant land, those are actually leased land acreage. I think it's very important that we add to our notes here the vacant, the total of vacant lands within our inventory is 5662 acres. Unfortunately, we don't know which, how many of those acres set aside for Residential and how many for Agricultural, but I think what we can ascertain from that number, 5662 acres is going to have to meet the demand of our waiting list. We know our waiting list

is growing with more people applying every day. So, I think it's important we make that connection, we have, it looks like we have, let me just add that up, looks like we have 8648 people on our waiting list that have to fit in 5662 acres. Okay moving on, we are looking at our past leasing practices, it was done at the Administrative level in past years, now leasing will be approved at the commission level moving forward. Leasing was very applicant centered versus property centered. It's clear that our applicants have an unclear understanding of the leasing process and requirements and it's also clear that lease awards did not consider the ability of the lessee to actually use the land whether that's no utilities infrastructure or access. Or the land is not developable. And also, these awards did not consider an applicant's qualifications to perform conditions under the lease. So, what we want to do is look at this reality and work together to propose changes to the law that will allow the reality to reach our vision, our future vision. Okay, anybody have any questions before we go on?

Chairwoman Fejeran: Yeah sir, Mr. Aguon.

Mr. Aguon: My question (inaudible) residential is half acre, right? Can a family have that split for that child that is waiting on the list to have quarter acre to build their house there, it is just the mother's lot, right. But we are only allowed one residential dwelling; I mean we can have all kinds of canopies and storage but only one residential. But half acre, God you look at it and you can put two houses on it.

Chairwoman Fejeran: Right and we know our families are large on this island and…

Mr. Aguon: I mean there is not enough land, half acre, let's cut it for the other child to build a house.

Chairwoman P. Fejeran: Thank you Mr. Aguon, that's a very good point. What we are going to do as we go through this meeting is, we are going to use this white board, so, we are going to have a parking lot. So, the parking lot is for your comment we are going to put it on the parking lot. Because it's a very good comment that we will get to address. But we will put up there for now until we can get to it.

Mr. Aguon: Because we all have family waiting. Quarter acre to split for the kids.

White Board Subdivide lots for families. Subdivide half acres into quarter acres.

Chairwoman P. Fejeran: Okay, thank you Mr. Aguon. So, let's move on to our working session format and our ground rules, so the discussion today, will be split into three main sessions per topic. So, the first topic is management of the waiting list. The second topic is the process for awarding leases. The third topic is greater transparency and accountability. We also have the work session matrix; this is the handout that will lead the discussion. So, if you look at the bigger paper, handout, we are going to go by topic. We are going to

have the topic discussion, then we are going to talk about our goals for revision to that topic, and how those goals relate to the proposed changes. So, now Public Comment; the public may sign up for public comment per topic area. We have three public comment, sign in sheet be routed around and in the beginning of each topic session we will first have the commenter that signed up join us up here, we will allow two minutes per person's comment. Comments can also be submitted in written form. If your shy to come up, you can write it out and hand it to one of the Land Trust staff members and they'll bring it to us so we can read it aloud. Of course, as the discussion is going on anyone out there can raise their hand as we are going through the discussion then please just wait to be called. Okay, some ground rules, I want to make it clear; the commission can make no decisions during this working session because it is a working session we're here to discuss and throw things out there and really try to figure things out. But very detail notes will be taken where this meeting is getting recorded so at the next regularly scheduled commission meeting, we revisit what we learned here today and make some decisions at that point**.**
This is a public discussion not a debate the purpose is not to win an argument but hear many points of view and explore any options and solutions.
No one or two individuals may dominate a discussion. If you have already voiced your ideas let others have an opportunity and when you speak, please be brief and to the point. When you speak, state your name and where you live at a public meeting like this it's helpful to know who's speaking as well as where you live in the community. I think it's also important that you just specify if you're an applicant or lease holder. Right if you're on the waiting list or you hold a lease that would help us as well. I also ask that if you do provide comment that you can come up to the microphone. We have microphones, we will just pass those microphones along. One person speaks at a time, please refrain from making side conversations let's pay attention to the person speaking. If you think you'll forget an idea that comes to mind, write it down. Everyone's doing so well right now, thank you. Listen and respect other points of view. All of us bring information and ideas to contribute and people are more likely to contribute if they know that they are respected. Do your best to understand the pros and cons of every option not just those you prefer. Be as objective and clear minded as you can be. See first to understand, not to be understood. Ask questions to seek clarification when you don't understand the meaning of someone's comments.

Chairwoman P. Fejeran: Okay, so I hope that sets the ground rules for all of us. I'm really happy that you all are here with us. You are interested you want to give your opinion because all of us sit here are at commission level we have maybe two meetings a month and we get to hear from our lease holders and our applicants but we're not the ones going through the process of trying to get a lease or holding your lease. So, it's important that everyone going through the process can tell us really what their experience is, because we want to get the public law as tight as we can so that the past mistakes do not happen again.

Chairwoman P. Fejeran: Alright, now we can move on to our working session. So again, we have two handouts for you to reference, this first long one is separated in three topics. These are the proposed changes from the 2018-09 Resolution that we are revisiting. You see the first column under topic has our

goals and outcomes under that topic. And then the second column has the proposed changes per section of the law. The other handout is a very valuable reference. It's the public law as it's currently written. So, you will have a reference to know where we are starting from and what we are proposing to change. Topic one: the first topic is management of our waiting list. Okay, and we have three goals and outcomes for our discussion on management of our waiting list.

a. Is to reestablishment of an island wide residential list and one island wide agricultural list.
b. Is priority will be applied in accordance to the law
c. Rules on transferring and switching of application rights can be clearly identified.

Chairwoman P. Fejeran: Okay, so, we will start with topic one. I have the sign in sheet for some of you to provide public comment, so when I call your name you can please come forward. State your name and we will give you two minutes on the floor. Mrs. Villagomez please come forward.

Director Hattig: Maila Mo'na

Ms. Villagomez: Buenas yan hafa adai. My name is Florencia Villagomez and I am originally from Sinajana but now living in Barrigada. I am also an applicant, and I'm here on behalf of my son, an applicant too, who is in the Marines. My biggest question and I'm sure it's everyone's question. How far along is the list now? And why is it taking so long? It is 2019, that's it. Thank you.

Chairwoman P. Fejeran: Okay, thank you Mrs. Villagomez. You know our focus, is, once we get through the proposed changes, the Trust will have a very clear path to really get leases out to everyone still waiting, so I appreciate your comments. ****referring to white board**** Something I want to put up here based on your comments. You mentioned your son is an applicant but he's in the Marines off-island, right. So, one of the questions that have come up is people living off-island and their name comes up, you know, what do we do. Yeah off-island applicants. Thank you.

Chairwoman P. Fejeran: Okay, next is Mr. Jeffery D. Kosaka? Kosak?

Commissioner A. Santos: Kosaka.

Chairwoman P. Fejeran: Kosaka

Mr. Kosaka: Hafa adai Chairwoman, board members, and Administrator Hattig. My name is Jeffery Duenas Kosaka, I live in Santa Rita and I'm a current lease holder for 3.2-acre Agriculture land in Santa Rita and I live right across that street, where farming was unavailable. How I was able to attain that is in 94 I was an applicant, and I had a Residential. You know infrastructure and a lot of challenges all the way up till I returned back from deployment in 2013. I approached Mr. Monte Mafnas at the time and asked him what can I do now that my wife and I built a house that was under her name. it's not unto

recently where she gave me rights to survivorship to the house or rights ownership of the house so, that makes me ineligible for Residential. I approached the land trust commission and ask how can I get an agricultural lease and I went through the motion. I had to write a letter saying that I will give up the land in exchange for Agriculture and I went through all the process and the hurdle I had was having to survey the land so I told them I have money so I'm going to survey myself so I can move on. For the most part, I looked into Agriculture because I wanted to find somewhere that I can come and do some soul searching after my deployment, thank you to the members of the previous administration staff of the CLTC they were great people that helped me out through this whole process. If you ask these guys who am I, they'd probably tell you he's popular here. Just ask that question around here and they'd probably tell you. Let's get back into the question here is management of the waiting list, I think that the separation of the two lists is great and umm…who's the current manager for it, who oversees it right now? The board, commission? Who's the one individual?

Mr. Kosaka: Is it the administrator?

Chairwoman P. Fejeran: No, I think there's a staff

Mr. Kosaka: Okay, a staff member. What is the proposed, again I didn't want to bring this up? What is the proposed person that will be in charge of this waiting list? Is going to be the commission? Or a staff member, cause if it's going to be a staff member I think maybe with the guidance of Mr. Hattig or the Commission or someone to oversee that kind of stuff so that way there's no pa'pa I lamasa deal going on you know. That kind of stuff so, and the last one I have is umm…I guess we'll stick to the subject and wait until the next question. By the way thank you and I will keep it short for the rest.

Unknown Speaker: I have a quick question? So, in order to have a property surveyed, we have to have a lease? yes or no?

Chairwoman P. Fejeran: No, it's been both ways. So sometimes you have to have a lease and you have to get it surveyed, sometimes they, we withheld the lease until you've gotten surveyed, there's been two paths that have been taken with leasing.

Mr. Kosaka: Can I interject for her comment? So, how I did it was the law allowed you at the time, I wanted the government to survey. The survey was going to take forever, later I found out that the money was taking out of the pot, so, you know stuff like that just for me to be proactive in pursuing what my requirements was to just to get this land was to, I was fortunate to have this money on hand. So, I surveyed it, I couldn't get the tax rate cause of the lap of the seven years. If I am correct, that's still the same. Correct me if I am wrong that the current law still allows the individual trying to get that lease and survey the lot and whatever money they spent is minus for the tax part that you have pay for the tax. So, kind of like, if I paid thousand dollars for survey, whatever tax I have to pay for the number of years I paid the thousand dollars, I won't pay taxing for that many years.

Chairwoman P. Fejeran: Right, yes, or if they survey…

John Gumataotao: If the lessee surveyed the property, then the government will impose the seven-year tax exemption.

******multiple conversations******

Mr. Kosaka: Seven years or the dollar amount you spent on the survey?

Chairwoman P. Fejeran: It's the full seven years, regardless of the amount.

Administrative Director: It's the full seven years.

Mr. Kosaka: So, that right there is a management for us that want property. You know I am not saying go get a loan or something, but in return of your investment it's you're going to get that property faster than you would wait, if there's no funds in the government right now. Again I am sure that the leadership is working on it to put the funds back into that thing and the interim the properties that ready to be surveyed, giving out to the lessees I think this is one option the public, the individuals on the waiting list, you get your property, you won't get all back hopefully you get it back. It's a good investment.

Chairwoman P. Fejeran: See and you bring up a good point. The fact that information is not really known by everybody on the waiting list or even people who have leases.

Audience Member: and just to tie in umm… what's happen the force between all these years, every time I've calm down. My fathers on a lease, we're supposedly side by side, and they always wanted to move me and stuff but I already paid into, that was my biggest question is the fact that I've never got a lease but I paid into property up in Yona, I'm from Yona.

Chairwoman P. Fejeran: As a survey?

Audience Member: nah I didn't survey or anything because people have told me throughout the years, oh a you paid fifty dollars into owning property it's supposed to be ninety-nine dollars per lease, right. One dollar a year? So, I paid fifty dollars, then I stopped because I was kind of confused about where I should go on, especially, every time I've come up to ask for a lease and I've never had any information. They'd always told me they would get back to me or we'll move you to Mangilao, you know, and all those questions would frustrate me. So, that's where I stand and the fact that I paid fifty dollars and if I had the right to survey whether or not I had a lease.

Chairwoman P. Fejeran: Can I have your name, please?

Ms. Garrido: Josephine Garrido

Chairwoman P. Fejeran: Josephine Garrido. Thanks

Ms. Garrido: You're welcome

Administrative Director: Madam Chair, I just want to go back and answer Mrs. Villagomez's question. I don't want anyone to leave here thinking their questions were unanswered. On the initial sheet that was passed out with the agenda says there are 5358 residential applicants alone, most of that, the bulk of that are 1995 applicants. So, I believe that once we get our issuance of our lease process going as a result of these changes, you're going to see a reduction of that and therefore you're going to see quicker action on the issuance of leases. As I understand it Ms. Garrido, you're a 1995 applicant as well, see, we need to get this part done, our rules and regs need to be crystal clear to avoid any confusion that happened in the past and then we can move forward, and start getting everybody in line again. Issuing leases again in Ernest. Second question is; why is it taking so long? That's exactly this, the commission has opted to make sure this is a priority first to prevent anymore missteps and to process clear, everyone's mind all the lease holders will have a clear process of what's going on and how they are affected by this particular situation.

Audience Speaker: I have a question?

Chairwoman P. Fejeran: Yes sir, you can state your name.

Mr. Francisco: Pete Francisco from Mangilao. The list you have has five thousand plus. Are they five thousand plus qualified applicants?

Chairwoman P. Fejeran: Yes

Mr. Francisco: Is it reviewed and all the applicants on there are all of CHamoru Culture and they are authorized to apply for Land Trust.

Chairwoman P. Fejeran: Yes, when we get an application, the director and staff they review to make sure all the qualifying documents are in there and then only then do the application get approve and put on the waiting list.

Mr. Francisco: The next question is, are all those people that are qualified, do you still base them on priority, priority one? Or somebody's homeless or…

Chairwoman P. Fejeran: mmm…

Mr. Francisco: Okay, now people that are homeless, should be applying strictly for Residential. Cause they don't have a house. Why would you apply for Agriculture, and turn around, you can't get infrastructure in there to build your house. A dollar a year for ninety-nine years doesn't give you any infrastructure. So, my, my question is on prioritizing these applicants, shouldn't it be those people that don't have a house, apply for the land, for the landless house. Not, isn't that?

Chairwoman P. Fejeran: So, our Residential leases obviously for the landless, but our Agriculture leases also allow to build a house.

Mr. Francisco: Provided you have infrastructure.

Chairwoman P. Fejeran: For both types of properties and leases. There a lot of Residential properties that have been leased out but still doesn't have infrastructure.

Mr. Francisco: Why is that? Why is that? When you could take that property and build affordable houses for everybody.

Chairwoman P. Fejeran: I agree sir.

Mr. Francisco: You don't have Mr. Davis over here complaining why you're being prejudice,

Chairwoman P. Fejeran: Yes sir.

Mr. Francisco: I think that's one of the things the commission should look into. The prioritizing and you know. You still don't want people living down Ypao or wherever. But they on the list.

Chairwoman P. Fejeran: Right, thank you Mr. Francisco.

Administrative Director: Madame**,** also to answer Mr. Francisco's question about why it is infrastructure utilities not on the property, already…

Mr. Francisco: Ninety-nine years doesn't pay for anything

Administrative Director: Working together with interagency cooperation is important working with the Trust. We had money set aside in the survey and infrastructure fund, however, money was taking out of that fund. And now we are trying to repopulate that money, we recently had a sell of some public land. Some remnant land, it's going to give a shot in the arm, so we can start realizing the dream of adding infrastructure and utilities, you know, based on the monies that were put into that account. So, the legislature put that account set for us. So, now when we put the money into, we can, people that apply can request for that to be utilized and the commission can approve to utilize that money to put infrastructure into those areas. So, that's the way forward. I'm just giving you an answer as to what's the way forward. Also, the commission is exploring an opportunity to set aside a little bit of commercial, all of the commercial leasing that we get, to try and also if we can tie that in, so, that if they develop that area, if we develop an area commercially, infrastructure and utilities will be ready and that the subdivisions can be built. The houses can be built. So, we're trying to work together with business and with the utility agencies and inter-governmental operations, so we can get that in there, that's the way forward.

Mr. Francisco: I don't see that feasible, Mr. Hattig.

Administrative Director: Okay.

Mr. Francisco: You're talking about commercial now. How many acres do we have?

Administrative Director: How many acres of?

Mr. Francisco: How many acres we have for, in stock for?

Administrative Director: That is not, that is vacant?

Mr. Francisco: Total for the Land Trust.

Administrative Director: 11,669 acres is the complete Land Trust inventory. And as we said before, in the earlier, this was passed out. You have the leased property; you have the acreage that is listed as leased property. And the vacant is 5662. Currently.

Mr. Francisco: For about how people on the list, about nine thousand…

Administrative Director: We're about eight thousand and some change, yes.

Mr. Francisco: So, you mean to say that we can work around with "x" amount of acres, commercially and Residentially, and…

Administrative Director: Right, we use the…remember we're capped at nine percent of our inventory for commercial use. So, that little bit of, okay, so that little bit of money is generated from that, can help, in the infrastructure, that was what I was trying to say.

Mr. Francisco: Okay, now I understand.

Administrative Director: Yeah. It's too available

Mr. Francisco: because as commercial, hey I can make a million from you guys. So, they can take it away.

Chairwoman P. Fejeran: No.

Administrative Director: The purpose again is to put back for infrastructure.

Chairwoman P. Fejeran: Okay, thank you, I'm going to move on to the next person who signed in, Mr. Joseph C. Quidachay. Hafa adai sir. You can come move forward.

Mr. Quidachay: My question is the same as the first lady. My stepdaughter is staying in Honolulu for medical purposes, however, it's just a temporary thing. But she's been an applicant since 2003.

Chairwoman P. Fejeran: Okay, so your question is in line with hers, can a family who is an applicant and living off island.

Mr. Quidachay: Right, and her son being the service also, pretty much falls in the same category.

Chairwoman Fejeran: Okay.

Mr. Quidachay: I forgot my question.

Administrative Director: When you remember it, just raise your hand.

Chairwoman P. Fejeran: Next, we have a Mr. Frank V. Lujan. Hafa adai sir, can you give him the mic please?

Mr. Lujan: Hi, my name is Frank Lujan from Agat, I reside in Agat. I'm an applicant. My question is, I was twenty-eight when I applied for the Agricultural property, now fifty-two. Twenty-four years, thank you. Why wasn't any follow up from 1995 to present time? So, information I provided when I applied for it was, I had the same number that has been since 1970, same P.O. Box. I got nothing, the only thing I got was from Senator San Nicolas office, prior to his running for the Legislature. I got a letter saying I was on the waiting list. That's the only time I found I was on the waiting list, since then. I just want to know, why wasn't there any follow ups, since ninety-five to twenty-nineteen?

Chairwoman P. Fejeran: Yes sir, thank you. Thank you, Mr. Lujan. You know, as the director and I mentioned earlier, that's really what we want to avoid in the future which why we are going through this today, so thank you for telling us your experience. Okay, that's it for the sign in sheet, for comments. So, now if we could turn to on to the matrix, the topic matrix. So, topic one is the management of the waiting list. Our first goal or outcome for this topic is an understanding that establishment of one island wide Residential list and one island wide Agricultural list. Okay the way the rules are currently written, and if you would like to refer back to the reference sections 5.6 and 5.6 (a). The current rules have the waiting list is talking about village waiting list versus island waiting list. Our proposed changes is to simplify and clarify first the name of the section we're not going to have village waiting list we're only having residential and agricultural waiting list. And when somebody applies, this 5.6 (a) applicants will be placed on respective island wide residential or agricultural waiting list in the order in which they were received. So, the section we took out of the existing law is the reference to the section 5.3 (a) and that's something I wanted to revisit with the commission because back when this was our proposed changes were made, a lot has been learned since then, we need to revisit that so 5.3 (a) current law talks about priority, that's actually the next goal and outcome. ***Writes on the white board*** So, 5.3 (a), oh no, actually 5.3 (a) just talks about how applications will be processed. Right?

Administrative Director: Yes.

Chairwoman P. Fejeran: So, I guess we don't need to have that in there, right. We're just saying that were in the order they were received, so. Are there any comments on those proposed changes, it's really just a simplification and clarification that we don't have those waiting lists?

Commissioner S. Techiara: 5.6?

Chairwoman P. Fejeran: No? 5.6 and 5.6 (a). Okay, so moving to priority. Priority will be applied in accordance to the law. So, priority is discussed in section 5.7. The current law says the applicant is considered for award in the order which their completed application were received by the commission provided that awards first be made according to ranking and listed priority waiting list, in that order until waiting list is exhausted. Okay, so, the way the law is written, and I'll write it up here. ***writing on the white board***. Is we have, let's say one waiting list, is right, we have residential, everyone comes in and applies and gets chronologically right, we have one, two, three, four, five, and we have one island wide waiting that everybody that applied, whoever, it's basically, imagine these people standing in line, right, number two is ahead of you in line, number three is behind you in line, right, what the current law says to do is okay, we are going to put everyone in chronologically order, but then, we are going to take this and we're going to separate this into priorities, okay. So, priority one, means you're landless, oh sorry, yeah, priority one is landless, and actually it's landless, and you own .5 acres or less. Is it or less?

Administrative Director: it's one acre or less ma'am.

Chairwoman P. Fejeran: own one acre or less. And three is…

Administrative Director: is own more than one acre.

Chairwoman P. Fejeran: Own more than one acre. Okay, so, what the law did was the commission was supposed to take this island wide Residential waiting list and then filter it, right, so, let's say applicant one is landless, applicant two also landless, applicant three owns one acre, right. Applicant four landless, and applicant five owns more than one acre. The way the rules are currently written, when the commission goes out to award property, we're not just going to go down one, two, three, four, five. Instead we are going to go, who's our landless people, right. So, priority one, this person would get property, then the next person in priority one would get property, then we would skip number three because he already owns property, we go to number four, right. So, essentially, we have one island wide waiting list, but then within our island wide waiting list, we create three waiting list, right, so, all of these guys go into this list, this guy goes into this list, this guy goes into priority three. And the way the rules are written, is we have to exhaust all of the landless applicants, we have to award all landless applicants land before we can get to anybody who is in priority two.

Administrative Director: Now the questions can begin.

Chairwoman P. Fejeran: Yeah, the questions.

Mr. Francisco: the categories and prioritization, once again, I'll go back to this timeless, now if you're landless, apparently you don't have a home or you're staying with somebody, now landless or homeless, there are programs in the Government to assist them, so, if you don't have a house, if you don't have the infrastructure to get a house, so why can't we change that around. If your homeless, rather than putting your name on an application sleeping under benches at the park and waiting for God to drop something on you, let's move these up people to other programs in the Government. Now if I'm landless, but I rent I pay, can I get the same fair shake as they do. Because I'm not putting homeless people down, but there are programs to help them. But there are no programs but CHamoru Land Trust to help me?

Chairwoman P. Fejeran: Right, got it.

Mr. Francisco: Let's talk about this priority thing. Same thing with the commercial, you know, that's understandable.

Chairwoman P. Fejeran: So, the way that this priority is it doesn't talk about homelessness, or if you live in a home, and rent.

Mr. Francisco: If priority is right there, they are homeless, how are you going to deal with it?

Chairwoman P. Fejeran: Well they would be considered, considered landless if they are homeless, they don't own land. Another applicant would be considered landless, even if he lives in a home that he rents. As long as he doesn't own the property.

Mr. Francisco: If you give a person that is homeless that put in an application to continue standing there on the street getting a dollar a day for ninety-nine years. I'm paying a dollar a year for ninety-nine years.

Chairwoman P. Fejeran: I'm not sure…

Mr. Francisco: but they can't even build.

Chairwoman P. Fejeran: Right.

Mr. Francisco: you give them the property, they move in, quarter acre whatever, house lot, whatever, they go to the hardware store and pick this pallets, cardboards, build their house, take a crap in the boonies, keep on building up trash on Chamoru Land Trust property without the ability to pay for somebody to remove their trash. So, how are we going to deal with that?

Chairwoman P. Fejeran: So, what I am hearing is within this landless category, is there is a need to not just give property but to give homes, that can be moved into.

Mr. Francisco: To give homes

Chairwoman P. Fejeran: Homes!

Mr. Francisco: To give, you just said to give, where are you going to get that funding.

Chairwoman P. Fejeran: To lease

Commissioner A. Santos: Lease, not to give

Mr. Francisco: You're going to lease the property and give them a home?

Chairwoman P. Fejeran: Lease the home, I'm sorry.

Mr. Francisco: Where are going to get the pallets to build the home?

Chairwoman P. Fejeran: No.

Commissioner A. Santos: Lease

Chairwoman P. Fejeran: So, we actually have a program with Guam Housing, where they are working with a developer, contractor on Chamoru Land Trust property, they build the homes, and our lessees move in.

Mr. Francisco: And who pays for that?

Chairwoman P. Fejeran: The lessee. The lessee purchases the home.

Mr. Francisco: How can the homeless person buy a home?

Commissioner A. Santos: What if they don't have a job?

Audience Member: You know, I understand your frustration and everything.

Mr. Francisco: It's not frustration

Audience Member: Well, it sounds like you're getting frustrated. Well what I'm getting at, what I'm thinking to is, like you said there are things out there that can help a person. Number one is you just can't put a homeless person in a property and you're right, there's no infrastructure, but maybe there is somewhere they can be placed in temporary until infrastructure is done. Which even out there GHURA housing, Section 8, there's already a cap off. There's waiting lists there also, I think we're in a bind. We really are, I go down roads and see people living in jungles under canopies and you're right, how do they use the bathrooms. How do they use the bathroom, how do they bathe? And they have children, and the people are out there doing that, and I think that's another step. ***multiple conversations, hard to understand what the speaker is saying***. But a lot of times people that even your department their hands are tied, so we have to look for other alternatives. Another place is, what do we have here, Habitat for Humanity. If there is a place that has infrastructure

available, maybe we can help those and people in the low cost can help pay for that, even though you're purchasing a property a dollar a year. But it would be really nice that I probably pay two hundred, two hundred fifty dollars a month for this house, I am able to live in and have some kind of dignity. That's the problem is a lot of people are down in dumps with no dignity and just have to lift them up. ***multiple conversations, hard to understand what speaker is saying***.

Chairwoman P. Fejeran: The commission has been really considering and looking at the current leases we have people living in substandard housing on our properties and one of the goals of the commission is to really not just give the, not just lease the property but also lease a home that somebody can move into with dignity. If they don't have the means to build a well-made home, then the commission is looking at ways that we can have the home built and they move in.

Audience Member: Also, another thing I would like to throw in is, since he opened it, is for example, if we do have small income, and we're landless but, maybe your department can provide, for example, how to build a septic tank.

Mr. Francisco: They got those.

Chairwoman P. Fejeran: We're in partnership with…

Audience Member: Then a structure that is safe with the needs, but I know a lot of people cannot afford to build a concrete home.

Chairwoman P. Fejeran: Yeah

Audience Speaker: But at least a stable shelter and they with stand. Thank you.

Chairwoman P. Fejeran: Okay.

Administrative Director: If I may, I just wanted to point out on the handout that has the correct public law on it, if you refer to section 6.3, it says award of lease and lessee performance. According to this rule, the commission is supposed to determine whether the applicant is qualified to occupying, commence construction or use a residence. In that particular lease that they are applying for, so there is a criteria sir, that we do have to follow with regards to folks that might not have the ability to do so. So, if the commission does find that they may not have the ability to do so what we do is we work with Guam Housing Corporation, GHURA, right, and any program we try to connect them with a program, so we don't just issue them the property, property that cannot do anything with. So, we try to do, however, there is no mechanism to ask for verification of employment or financial statement to determine whether they are indeed able to do that. There are specific criteria in that section of approve loan or financing to construction, a contract between the applicant and the construction company. An equivalent evidence of the applicant's intent to build a residence, all those are very, anyone can do that. But not everybody has the

ability. So, you're right, I'm glad that your voicing this concern, this portion needs to be looked at, and perhaps strengthen so that we can prevent something like that from happening. A homeless Chamoru is a very bad thing to see. But what our goal here is not only to just issue the land, is to connect them to the agencies and we have been working very hard, at least I have, in the last forty days that I have been here. I've been working very to connect everyone that comes through here with an opportunity to build their own home, put infrastructure in and that's what I'm intending to do is I'm looking to get the utility agencies on board, what is their planning for how they are expanding into the island because they have their rate bases, is increasing. So, where are they building? If they are building in this area of Chamoru Land Trust, then let's work together, let's hold hands and identify those areas, and then identify the lands in those areas and issue leases to those so that construction can begin in earnest. But you're absolutely right and I just want to point out that there is some kind of mechanism that can address your concern. Okay.

Chairwoman P. Fejeran: We have another comment from Mr…

Mr. Kosaka: Hi again. Sorry again, sorry this is very important to me because I see a lot of concerns and most especially my pari, Angel Santos, that offered this. I encourage Chamoru Land Trust to reach out to the public/private partnership. There a lot of non-profit organizations out there that don't pay taxes that can donate, can assist, Habitat for Humanity, reach out to our partners. And let's get this rolling for our people. You know, going back to the prioritization, I don't think you can exclude that the one who has property because residential, I mean Agriculture is available to them as well. And they sign, they lined up maybe number twenty and wanted Agriculture. Maybe they didn't want Residential but wanted Agriculture. Why would you want to take that away from them? Maybe you can put them in another, split the brackets. For the lease, residential and agriculture.

Chairwoman P. Fejeran: So, you bring up a good point. The prioritization applies only to Residential applicants, right. So, like, in your case right, by the time it was time to get your lease, you owned property, right, you'd fallen down to priority two, we wouldn't be able to give you a lease. But because you said, "you know I really want to have an agricultural property." The Trust allowed you to move from a Residential applicant to the Agricultural applicant. And so, you were able to obtain a lease that way.

Mr. Kosaka: It's understood, so, back to 6.2, the awards of leases. So, a lot of our Chamorus are low income families, not putting down our brothers and sisters, but that's the reality. So, do we give them a property and have them take out a loan, it's not real for them so, I think we should look into, you know there are apartments for sale, about thirty units. Who's saying that the law cannot, the government cannot go out there purchase this thirty-unit apartment and lease it out to the applicant because one, the building has infrastructure, got power and water, now all they have to do is get hooked up to GHURA. And you know the income bracket, ***multiple conversations***. You know the eight hundred some homeless and counting. I think that's one of the priorities to consider and I talked to a Mr. Hattig here along the campaign trail, one of the

questions I had was veterans. I have a program coming up and I will share it now that it's a reality for our veterans because Senator Terlaje is securing a lot of our veterans. The Veterans, so, we want to get a place for a veteran to call a place home. I want to donate and built these container homes for these guys, with help of the government would provide us a lot and we'll take care of the rest.

Chairwoman P. Fejeran: Thank you, Mr. Kosaka. So, here's my question, right. The current, the proposed changes that are listed here that are from our resolution gets right on this priority, prioritization for Residential. It gets rid of it, because everybody talking about go down the list, chronological order, why did that guy one ahead of me, that kind of thing. And so, if you get rid of this kind of prioritization, it gets rid of the cloudiness around it, however, I also know the Trust was set up to help those Chamorus whose lands was taken away generations ago, to put them on lands, so. The prioritization, as it's written in the law, would address that. In practice what it means though, because we have five thousand plus people on the Residential waiting list, and every day we get more landless Chamorus signing up. What it means is all of the landless Chamorus have to be satis…have to be given leases before we can reach this person, number three in line because he owns property. This is for Residential. But they will, have the option, to switch that to Agricultural and use it for Agricultural. So, my question is one, do we keep the priorities like this, with the understanding that if you're in the Residential line, and you own more than one acre, we'd probably never get to you in line, right. And two the next question is the priority is applied when? Is it when we signed up? Or is it when we get to your name on the list? If in the twenty-four years you've been able to do well for yourself then you go out and buy a property and we are ready to lease to you and we interview you and we find out, oh, you've now dropped down, I'm sorry, you're not in this line anymore, we've moved you over here. We have to get to the landless Chamoru first. So, those are things that the commission in the implementation of the current law has struggled with, when does this apply, do we, move people that have, in the last twenty-four years, have been able to buy property? When does this priority apply? Mr. Aguon.

Mr. Aguon: I don't have a question. Half acre is residential? Or is one acre residential? I'm confused.

Administrative Director: Oh no.

Chairwoman P. Fejeran: This is for owning property.

Administrative Director: Owning property prior is one acre, but the lease, the Residential lease is for half acre.

Mr. Aguon: Half acre is residential, and one acre is Agriculture.

Administrative Director: No, the Agricultural leases are different, it's based on what you're going to do, what kind of farming you're going to do.

Mr. Aguon: (inaudible) Priority list, right?

Administrative Director: There's no priority list for agricultural

Mr. Aguon: In the past, I was told half acre is the smallest you can have for Residential and in one acre and greater is agriculture.

Administrative Director: Right, right.

Mr. Aguon: There is no three-quarter, there is no one-quarter, it's half acre, one acre and greater.

Administrative Director: Yes.

Mr. Aguon: And it goes by half, five and a half, four and a half. So, what is it, half acre is Residential, and one acre is Agriculture?

Administrative Director: Or more.

Mr. Aguon: Yeah, but I mean one acre is Agriculture. What if your lease is Residential but Chamoru Land Trust didn't change it? And left it at Agriculture? Because like, I'll save this for, because we don't have much time.

Chairwoman P. Fejeran: Thank you. So, does the commission have any comments because our, last year we said, you know what this complicates it, we're just going to go chronologically down the line. But Mr. Kosaka mentioned there's eight hundred plus Chamorus out there that don't have, don't even have homes. Any comments about the prioritization? When it applies?

Commissioner S. Techiara: I feel that we should just stick with what we've decided to eradicate the priority list, so that we can get through the list, otherwise, we'd still be stick in ninety-five waiting list. When do we exhaust that? Seems that is the rigorous to the process. And now that we're in twenty nineteen, how do you correct something that existed in ninety-five, it made sense in ninety-four/ninety-five, but we are in twenty nineteen and the list continues to grow. So, I think what we have implemented here works towards solving that problem. And in a perfect world, everybody gets everything that they want, but doesn't it make sense to work through the list and get everybody a place right. Okay, because also, homeless is a priority, but shouldn't be everyone that is applying a priority?

Chairwoman P. Fejeran: Okay, I know for the administration would be a lot easier to have one Residential list rather than breaking it down to these other lists.

Commissioner S. Techiara: With, one, two, three, four, five, and then breaking it down to, one, two, three, I don't believe you would ever get out of having a waiting list. It makes it very impossible. It sets up challenges.

Chairwoman P. Fejeran: Right, because basically we never get to people in priority two or priority three. I am sorry to interrupt you. If this remains, this

Residential list is basically a list of applicants that are landless applicants that we would ever get to.

Commissioner S. Techiara: So, wouldn't it make sense if your poor and you line up and get serviced, but then to say that oh this person supersedes you, is a disservice, so, I believe that priority one, two, and three in twenty nineteen should really be looked at. And revised so that we can get through the list.

Chairwoman P. Fejeran: Removed?

Commissioner S. Techiara: Removed.

*****multiple conversations*****

Chairwoman P. Fejeran: Can you state that? So, the staff, you know we are talking about maintaining the priority list or getting rid of the priority list. The staff like Mr. Kosaka's case right, he was residential, he fell down to priority two because of the intermating years was able to buy property, is that right?

Mr. Kosaka: My wife had a property. We build a house and she gave me the house as a Christmas present.

******multiple conversations******

Chairwoman P. Fejeran: His wife had a property. So, when his name came up, originally, he was landless, priority one. His name came up and then they found out okay you actually own property, so, we can't give you a Residential lease. But the staff allowed him to switch his application from Residential to Agricultural. So, then, he was still able to obtain a property, because Agricultural does not have this priority. Agricultural is supposed to be chronologically in line, right. So, if we keep the priorities, for, if we keep the priorities, we are basically saying, if you're landless, you will be awarded a Residential lease. If you own land, we'd probably won't get to you, you should switch to Agricultural. So, there's the relief valve for that.

******multiple conversations******

Chairwoman P. Fejeran: Mr. Kosaka.

Mr. Kosaka: So, is the Guam Ancestral Lands Commission involve in these properties?

Chairwoman P. Fejeran: No.

Mr. Kosaka: A lot of the landless applicants on Guam have land that was taken away from them by the federal government and given back to the government of Guam. Now are any of these applicants apart of that?

Commissioner A. Santos: No, that's ancestral.

Chairwoman P. Fejeran: Maybe, I'm sure there's a lot of overlap.

Administrative Director: It's entirely possible that…

Mr. Kosaka: So, the priority that's going to be given to the people of Guam, I'm going to say the people of Guam, is that the lands were taken by the Federal Government and given back to the Government of Guam and should be given back to the ahh…and if it's not a part of the CLTC inventory then don't worry about it.

Administrative Director: Right. And I think that's the case, the case is that to prevent them from getting CLTC land and land that was taken away, they have to follow the claims process with the GALC

Mr. Kosaka: And it's great that they separate these functions because basically because of that. Because if they put apples and oranges together, it comes out kalamansi you know, and it doesn't mix. That's good that's there and thank you.

Chairwoman P. Fejeran: Another question that I just wanted to throw out there is what if somebody gets a lease right, they were landless, they get a lease, and then five years from now, they have got lots of property, we're not in the practice of taking away leases right? They got the lease, they have the lease, they maintain it.

Administrative Director: Right.

Mr. Kosaka: We should, the commission should come up with a memo or something because again the program is design for land for the landless, right. Now if you receive money and property from inheritance or, you know it doesn't make them landless anymore. They should move from that priority.

Administrative Director: Well, what we're thinking about is awarding the lease, you were landless at the time, but after the awarding of the lease, you came into property.

Mr. Kosaka: They don't have a beneficiary that it can be passed on, I think we should be able to take that land back because really the commission owns this land not the lessee. And I think you guys should have that authority, I mean because, how could it be fair that they have five acres plus this. They are going to be getting one, when mister so and so doesn't have a land yet. Just something to consider.

*****multiple conversations*****

Administrative Director: We are not in the process of kicking people out.

Chairwoman P. Fejeran: So, there's two difficult spot, keep the priority, take out the priority and make it a simpler process, but then also there's always going to be people seeing wealthy land owning Chamorus from the nineteen

ninety-five waiting list that are awarded a property before, say a homeless person or somebody that's stuck renting a home. So, that's something the commission should really consider? Really think about what was the Trust set up for. While also respecting the fact that people on our waiting list have waiting twenty-four plus years. Okay.

Administrative Director: We have gone past our hour by twenty minutes, but that's…

Chairwoman P. Fejeran: Right. Can we have a short recess for ten minutes? We'll reconvene at two thirty.

Chairwoman P. Fejeran: We are running a little behind, we are still on Topic One. Are we set, Tina?

Chairwoman P. Fejeran: So, we talked a lot about the priorities and how it applies to Residential. Next, I wanted to look at section 6.2 (b). So, I'm sorry, what? Sorry these references are wrong on here.

Administrative Director: For Priority (b)?

Chairwoman P. Fejeran: 6.2 (b). Sorry, in our matrix 6.2 (b), the words following 6.2 (b), is actually 5.10. 5.10 (a). So, right now our waiting list is as old as our waiting list. Since nineteen ninety-five. And what the commission is proposing is to set a clear process on how we, I guess, work down the waiting list, and remove names on the waiting list. So, actually that should be 5… So, 5.10 (a), when the commission initiates action for award, written notice should be mailed by US Postal Service, First Class Priority mail. For all notices, the commission shall post twice, in a daily newspaper, or in general circulation in the Territory of Guam, a notice of intent to award for applicants listed. Notice of list to award shall simultaneously should issued to each village mayor, if the applicant does not respond to the notice, the commission shall remove applicant from the award list and the applicant must reapply as a new applicant. The applicant may appeal the commission's decision to remove their name from any award list, as provided in the administrative adjudication law. So, this section is saying, we are giving our applicants ninety days to respond, if they don't respond we are crossing them off our waiting list and we are moving on to the next person in line. The law as it is currently written, required us to use registered mail, and also gave the ninety calendar days. But this reduces the requirement to use US Postal Service First Class mail. Which the Trust believes our budget can handle, but, I guess can be tracked and hand delivered. So, this is giving us a way to handle our list, for people who are actually ready and contactable. Okay. And it also sets forth the process that properties are identified and say okay, we are ready to issue leases. What the commission will is look at the waiting list, say we have fifty properties ready for leasing. We look at the fifty people next in line, and we go through this process we mail them by first class mail. A Notice of Intent to Award, which tells them, hey we found, we have property for you, contact us. After the, we mailed them. Then we put the list twice in the daily newspaper. So, that they know, hey we

have land for you. I don't think that's been done before. Has that been done? A notice of intent to award. Just…

Administrative Director: Not in a long time, not in a long time.

Chairwoman P. Fejeran: Okay. Yeah so, that's what that section is.

Administrative Director: If I could bring the last sentence of 5.10(a). The administration adjudication law okay. It's extremely difficult for the staff to go down this road, any road that requires the triple a process.

Chairwoman P. Fejeran: Okay.

Administrative Director: Simply because, I am just saying it requires funding. It requires funding for hearing officers and the Attorney General last indicated the legal counsel is not a hearing officer. It would be really hard, any, decision we make that requires the Administration Adjudication law, is going to be very difficult, so, what we've been doing in practice from what saw is not availing ourselves, not going down this road even though this the way the law tells us to. We tried every effort to legally maintain our list. Number one; to legally maintain leases Number two; so, lease holders can maintain their land. This body has gone through so many different types of litigation to avoid any kind of hearing. It's had acreage reduction, non-punitive, a non-punitive memorandum, give warning after warning, after warning. So, I think that the Trust should really visit the applicability of this particular law or this particular point with triple a process because we wouldn't be able to go through it, we literally wouldn't be able to go through it without some kind of supplemental budget to do so.

Chairwoman P. Fejeran: Right.

Administrative Director: Without a memorandum of understanding from the AG that maybe the legal counsel can service as a hearing officer so that we can go through this process.

Legal Counsel Toft: We did contract with a hearing officer, so we do have one. Retained. *unable to understand***

Administrative Director: Was the commission. My understanding to is encumber that and we will talk about it in the budget process. We're just going to get bare bones next year and we won't have an opportunity to go down that road next year. On the bottom of no funds, unless we increase our commercial leasing which we're working with GEDA to do. This has ramifications here and all the changes we intend to make. In terms of litigations what we want to do moving forward is clearing the hundred and two. Because there are going to be some cases and I did bring it up with the legal counsel is we are going to have to terminate, we will not have a choice. According to the law we will have to do the triple a process after that. Unless we can a proposed, some kind of waiving. So, the lessee would waive their rights to the triple a process. Allowing us to move forward without litigation. You know for a termination. So,

just take consideration, I know this is just in other, especially this switching, the switching would be transferring then we can come up too

Chairwoman P. Fejeran: Okay. So, that statement about Administrative Adjudication Law, it's an original, right. The original law.

Administrative Director: Yes.

Chairwoman P. Fejeran: Current law.

Administrative Director: Yes.

Chairwoman P. Fejeran: Okay, moving on is… So, 6.2 (c), move the current, 6.2 (C)? prioritization let's go back to this. And it replaces it with the board of commissioners, approve a listing of eligible applicants, who have been duly notice, a lease will be prepared and processed. This lease shall be deemed ratified. So, again this speaks more towards process. A notice of intent is mailed out, published in the newspaper. These applicants come to us and say okay I want to receive that land. And then after the ninety days we'll list those that are ready to receive the lease, the commission will approve that list of applicants, and leases will be processed and issued.

Director Hattig: I just want to point out that according to the law each lease must be approved by the board. So, it might be advisable to include the language because, you can approve the… I can approve the applicant by law I'm supposed to in thirty days decide if their eligible or not. But the leases have to be approved by the board. And that's what kind of got us in trouble the last time was the director was approving leases and not bringing it to the board. So, if we can just include in this that leases will be prepared and processed but not without board approval. Because it just says, upon approval of these applicants. You can approve the applicant, but I'd really like you to approve the lease.

Chairwoman P. Fejeran: Right.

Administrative Director: And I can sign it.

Chairwoman P. Fejeran: Okay, let's see, next, the rules governing transferring and or switching application rights will be clearly identified. So, we're looking at 5.8 of the law. It is 5.8 (a) and new proposed 5.8 (b). 5.8 (b) proposed that we revise the title of section of transfer or switch of application rights. And recommend or we proposed that section 5.8 (a) be revised to what we see here. I believe let me see here. So, 5.8 (a) proposed to an applicant may name a qualified individual under the act, to include a qualified spouse, to succeed the applicant's right upon him or her death. Upon the death of an applicant, that was not designated a successor, the application rights may be succeeded by a qualified individual, within the third degree of consanguinity of the applicant as per the section, therefore. Okay, the previous law, specifically called out that the application can designate a husband, wife, children, widows or widowers of the brother or sister, nieces or nephews. Okay, it doesn't list the

brothers or sisters. Just talks about the widows and widowers. Okay, so, this makes a more complete picture of who can be designated as a successor of application rights? Does anyone know what that means for reference?

Administrative Director: The third degree?

Chairwoman P. Fejeran: Yeah.

Legal Counsel Toft: That's short for

Chairwoman P. Fejeran: Yeah, we have a chart, it was learning experience for me what that meant. Consanguinity. Basically, you are going down, your children, your grandchildren, right. Then your brothers and sisters, nieces and nephews.

Administrative Director: Anything after that, is past the consanguinity.

Chairwoman P. Fejeran: Mr. Kosaka.

Mr. Kosaka: You know that Guam identifies these certain ways of consanguinity and how to go down. I think the board should adopt a part of section there. Make it easier for you guys to pass on the property, I think the only thing here is if an individual wants a piece of property. The only way to pass along property is to their son, right? What if I am getting sick already and my son is taking care of me now. How do we switch that rule? What if I die or…?

Chairwoman P. Fejeran: The way the law is written is if you held the lease for seven years, you can transfer it

Admistrative Director: You can transfer it.

Chairwoman P. Fejeran: Otherwise you can transfer to a beneficiary.

Mr. Kosaka: Yeah, the people of Guam

Chairwoman P. Fejeran: Yeah, we will look into the probate law.

Mr. Kosaka: You define specially the rules and figure this all out.

Legal Counsel Toft: Also, under the provision, the board can approve in an emergency to solve.

Administrative Director: Right, right.

Chairwoman P. Fejeran: Okay, oh thank you. Okay. Okay, so, moving on. In the absence of an applicant designating their successor in their application rights, the commission may designate in its absolute discretion a successor to include a qualified spouse, or qualified people within the third degree of consanguinity of the applicant to the application right of the deceased applicant.

Are there any changes here? No, I think it's just saying more specific. And two, allow an unqualified spouse to designate a child of the deceased application rights. Okay, there are no changes there.

Audience Member: I am sorry to bother you; you are so intense there. But when you say unqualified spouse, so that means somebody not of CHamoru Heritage.

Administrative Director: Correct.

Chairwoman P. Fejeran: Well I think

Audience Member: What if there is no child?

Administrative Director: The next qualified person.

Audience Member: An unqualified (inaudible)

Chairwoman P. Fejeran: A qualified means a CHamoru as define by the act. So, that's the qualified, so.

Audience Member: An unqualified, I am CHamoru but I you know the wife of the applicant but I'm. So, I'm unqualified through the priorities. So, I am a little confused between qualified and just that way. It's just confusing as I read it.

Chairwoman P. Fejeran: Okay, Thank you.

Administrative Director: Thank you

Mr. Kosaka: You can go two ways; one is the ineligibility on the Organic Act or two on the priority because you already have property. So, that would change the prior, so if you have children, you can give it to your children because you will never be qualified if you have property. Individuals because you don't meet that criteria based on the Organic Act.

Audience Member: That's the question, ineligibility and unqualified based on what? Is this for the people on the list?

Chairwoman P. Fejeran: The people on the list. So, unqualified spouse, that section there is from the original, the current law. So, nothing was changed yet. 5.8 too.

Audience Member: So, if spouse is unqualified

Jhoana Bragg: So the applicant or lessee designated their unqualified spouse as a their benefactor, he or she has kids, the lessee has a kid, but they are, say of age right, and because the husband and wife have a home together, maybe a mortgage, home loan on it, the kids are already of age, and they, because they are the qualified ones, our practice was you know, give it to the qualified individual. So, that displaces the spouse.

Audience Speaker: What if the spouse was the one who got the mortgage, what happens there?

Administrative Director:

Chairwoman P. Fejeran: I think that's the effect of our…

Audience Speaker: But I think that if the unqualified spouse has no children.

Administrative Director: And that's what the lawsuit is about. Also, that situation, yes. But the law is specific right now. That's why we're having this discussion, the law is very specific and that's what we have to follow.

Chairwoman P. Fejeran: And we're proposing no changes.

Administrative Director: Correct and no changes at this time.

Chairwoman P. Fejeran: At this time.

Mr. Kosaka: I think that prior to them receiving, we should have them sign a document that knowing my spouse is an unqualified applicant that when I die, she acknowledges that. Because if she doesn't, she won't have an understanding, hey I've been here for thirty years and we paid this house together. But if you have a document that is signed. If they don't know that then. There should be a letter of understanding. You don't qualify just because you're married to this qualified. Again, you tie that back to the probate law. Talks about spousal rights, and a lot of other things. They feel that it's unconstitutional because of that.

Chairwoman P. Fejeran: So, moving on is that section, the last section sentence is unchanged. Request of that succession shall be made to award if the applicant is deceased, otherwise the application shall be cancelled, and the applicant will be removed from the waiting list. I stand corrected, what we changed here was that, I guess the trigger for cancelling an application is ninety days from the intent to award. Which ties in with 5.10 we just went over.

Administrative Director: They have a hundred and eighty days.

Chairwoman P. Fejeran: A hundred and eighty days from the death of the applicant. So, we know that many of the successors to the applications don't even know they are the successors until even years later. Hundred eighty days, definitely passed the hundred eighty days. Okay, so this section here says, no, come tell us right away, but if we send the deceased notice of intent to award, then their successors have ninety days to get back to us or their application is cancelled. On 5.8 (b), So, this is a new section, that is proposed. 5.8 (b). An applicant may once in his or her lifetime, switch his or her application date and time rights, to a qualified individual from the third degree of consanguinity of the applicant under the act. The request to switch date and time shall be made to the commission in written form. The board of

commissioners shall consider the request, no other switching of the application rights shall be permitted, thereafter. Request for transfers or switches, may take place in an emergency, if the commission which makes the transfer or switch imperative. So, you know, last year we had a lot of, and we still have a lot of applicants that have transferred, giving application rights over to family members. That was found to be outside of the law. That administrative practice was found outside of the law. And this is the commission acknowledging that, that really all this time has passed, and the rights of an applicant maybe passed to their family. Right, so, their an applicant, right, this is dealing only with application rights. So, they can transfer and switch it to one person in their lifetime. So, does that mean if this one applicant can transfer or switch it to.

Administrative Director: Can't switch it

Chairwoman P. Fejeran: Can't switch it, so, there can be one, one place in line that changes hands like five times. Or is it the intent of the commission that can. One place in line, whoever lined up there can pass it up once. And it stays with that person.

Mr. Kosaka: They should put in years, maybe first-time cause there is no time limitation in switching, cause the brother switches off the brother and the brother again, but if they only know about these properties. You got to give them some ample time to build and use the land. Cause if they are just going to be passing on then. You know you got to really set a time frame.

Chairwoman P. Fejeran: I think initially, one place in line can actually, there can only be one transfer or switch.

Mr. Kosaka: In its entirely.

Administrative Director: I think the intent of the new, is both parties, is considered a one time, that's it for both parties. The way it's written, the applicant, you're talking about two applicants right. So, both parties, may only switch one time. That's it, so once they switch, that's it. This person can't switch again. This person can't switch again cause it's only one time in their lifetime.

Chairwoman P. Fejeran: Okay.

Administrative Director: So, each applicant, the onetime switch occurs for each applicant not just the one who wants to switch. See, versus the one they are switching to. To and from, right. So, both applicants, it would be applicable to them.

Legal Counsel Toft: The one problem to be made though.

******Multiple discussions******

Legal Counsel Toft: Person A, is now the grandfather or grandmother, transfer to person B, grandson, and it takes that long for the list to go. And that person wants to transfer to their kids, you may want to allow. Like he said, it may benefit if they have a period of years before another switch can be made. Or something like that. It may not need to band to transfer, but just have a period of years.

Chairwoman P. Fejeran: Like the seven-year waiting period.

Administrative Director: And then the sentence that really is the lynch pinch, in the end, the commission can find that in an emergency exits, once again, the commission can allow the transfer.

Legal Counsel Toft: yeah

Administrative Director: so, there is a face.

Chairwoman P. Fejeran: Yes.

Audience Member: So, there's a regard that you can switch if your priority falls right. If they are eligible and qualify.

Chairwoman P. Fejeran: Right.

Chairwoman P. Fejeran: So, so your question is…

Audience Member: Who you transfer to

Chairwoman P. Fejeran: That makes that person priority. Like let's say that number three, you know, I've already got a home, I want to give it to my granddaughter who is landless. So, that makes him change to priority two to priority one. And I think that's what has been happening, that's why the switches were done over the past twenty years, I don't know twenty some years. Because that was happening to accommodate people. Okay. Okay, so, that's 5.8 (b). We need to maybe make some clarifications. Qualifies and what's needed. Okay. It's three o'clock, we have one more hour, if we can go through, Topic Two: Process for awarding leases. The first outcome and goal that was what we're looking at is that there is a clear workflow from application to lease award. To find the rule, which the commission adopts under a standard operating procedure. Okay. And the second goal or outcome, that qualifications for lease awards will be clearly identified. Maybe we need to, Ms. Rojas brought up a good point with that we use qualifications, qualified versus eligible. So, maybe that one should be eligible. Okay. Before we get going with that, I have the comments, sign in sheet. I see Mr. Celestrial is not here anymore. Mr. Kosaka.

Mr. Kosaka: You know for the sake of time; I will just discuss mostly.

Chairwoman P. Fejeran: Thank you, and Mr. Quidachay again. I think he also left, right? Okay, so, we will keep going.

Administrative Director: Are we still on item two? Or Topic Two?

Chairwoman P. Fejeran: Topic Two.

Chairwoman P. Fejeran: Did you want to ask any questions or about awarding of leases? Or do you want first while we discuss the changes then? Okay. Actually, I have a question on awarding of leases.

Chairwoman P. Fejeran: Okay, thank you. So, topic two, this is the change of the Act itself. Section 75109 (a).

Administrative Director: That's actually going to be found in the GCA, right?

Chairwoman P. Fejeran: Yeah, that's in the GCA.

Chairwoman P. Fejeran: Unfortunately, we don't have the topic that is available for the public. Maybe we can, can we pull it up here? (television monitor). 75109 (a). So, this section here is succession to leases to lessees. Okay, again it, the way the Act is currently written, and I think it's really an oversight, it lists, husband and wife, children, and widows and widowers' brothers and sisters, nephews and nieces. So, it leaves out siblings, brothers and sisters. So, 75109 (a), would be revised to say that the lessee shall designate to a person who he or she has interest to best upon his or her death. In the absence of such a designation as approved by the commission, the commission shall select the relative of the lessee, one person within the third degree of consanguinity of the lessee. Who is qualified to be a lessee of CHamoru Homelands as a successor of the lessee's interest? Upon the death of the lessee, his or her, shall invest in the person selected. The commission may select such a successor, upon the death of the lessee and the rights of the use and occupancy made effective as of the date of death of such lessee. Any questions?

Mr. Kosaka: I know I'm going to, but consanguinity, again going back to that probate law. Maybe reference this part, you know I think that they don't deserve one, but I have a brother and sister, it's a part of the probate law that we should adopt this because it's supposed to be universal on ways to deal with properties here on island. The only difference here with the probate law is the qualification of the individual according to the Organic Act. That probate laws.

Chairwoman P. Fejeran: Okay, thank you sir, so, we have noted your comments about checking the probate law and then you know just like the public law 23-38, whatever changes proposed there, would also have to be mirrored here. Okay, so, topic two, the next section 5.1, 5.3, 5.4, 5.5, those there don't have any proposed changes. So, let's read them in the law. So, 5.1 talks about application form, okay, so the Residential and Agricultural form. 5.3 is the section and it talks about application processing. No changes are made there. And I just want to confirm there that the commission follows these, this part of the law to a tee. Right, applications are date stamped, time stamped, assigned a numerical designation, filed in the order received, there's a

processing fee of fifty dollars, there is the thirty days for qualification to be determined.

Administrative Director: Right.

Chairwoman P. Fejeran: It doesn't state who makes that determination.

Administrative Director: Actually, it actually states that the commission the director after thirty days makes that determination. Whether the applicant qualifies as an applicant.

Chairwoman P. Fejeran: So, it's application approval, checking for qualification at the Administrative level.

Administrative Director: Correct

Chairwoman P. Fejeran: Okay. Alright, so, then, number, 5.3 no changes, 5.4 Residential tract applications. Applications for Residential tract leases shall be made for one lot only. One island wide Residential application list must be maintained. No changes. Agricultural Tract Applications, it just says that the commission shall establish for those designated Agricultural Tracts. Okay, so, no changes there. Again, we are looking at 5.6 (c). 5.6 is a whole, 5.6 (C) would be changed, right? So, 5.6, we already went over 5.6 (a). Are we deleting 5.6 (b)?

Commissioner S. Techiara: I didn't realize we did.

Chairwoman P. Fejeran: I think we did. Hold on. Oh no, we are leaving 5.6 (b). Yeah, we're leaving 5.6 (b). Which says, in the event a new subdivision is open, applicants on the island wide waiting list shall be awarded according the rule 5.2. Which is the priorities?

Mr. Kosaka: So, the new development happening up in Yigo, Is that for elderly or the senior citizens? Or is that open to applicants to use.

Chairwoman P. Fejeran: I don't think that's on the list

Mr. Kosaka: I thought

Chairwoman P. Fejeran: That's not a Land Trust development.

Administrative Director: No.

Mr. Kosaka: Isn't, it part of GHURA? Or GHURA funded thing.

Administrative Director: That would GHURA

Chairwoman P. Fejeran: That would GHURA, yeah.

Mr. Kosaka: Okay, so, is there. Who makes it priority for them? Is Senior citizens or this or that?

Chairwoman P. Fejeran: I don't know, that's a separate program

Mr. Kosaka: Maybe you should look to having these other agency build, because if they are looking for someone to rent these places, I think that's what it is. There's supposed to be available. If that's talking about new development, well, I think the inner agencies of the Government

Administrative Director: I think the issue there, Jeff, is that is not CLTC property, that doesn't belong to the CLTC. So, placing CLTC applicants unto non CLTC property is not possible. Or maybe we can work on some kind of swap.

Mr. Kosaka: That is

Audience Member: Was that land transferred from CLTC?

Administrative Director: I would have to check into that.

Audience Speaker: Check into it.

Administrative Director: I will.

Chairwoman P. Fejeran: Was it? You guys know what he's talking about?

Administrative Director: I don't know on the top of my head.

Chairwoman P.: Yigo.

Administrative Director: I'll check.

Audience Member: *(inaudible)*

Chairwoman P. Fejeran: Okay. So, I think, I just want to point out 5.6 (b), should be revisited at the same time that we revisit priorities because this references priorities. If we were. Oh wait. 6.2 yeah, if we're changing the way awards are made, without priorities we need to, oh no, if we change 6.2 then it references 5.6. That's all. Okay, 5.6c, this is where we made a change. So, an applicant receives a notice of intent to award, shall be able to decline twice, after a third notice of intent to award, an applicant's name shall be removed from the waiting list. Okay, right now, the law talks about an applicant who was awarded a lot, may decline a lot in two different villages, after declining a third award, applicant, shall be removed from the waiting list. What our revision is what defines when they decline. Cause right now, the current law, when is a lot awarded, is it when a lease is given? You know, when somebody has a lease, that's what is happening. Leases have been given to applicants. They come back to us a month later, a year later and say, I don't want this, give me another one. So, then we, according to the law we have to service them again. Work

with them again, get them a new property, get them on a new lease, and they can come back another time. And say, I don't want that either, give me, a new one, so. What our proposed change does is it says that the declining of lots can be done at the notice of intent to award stage. Okay.

Legal Counsel Toft: You also need to remove the

Administrative Director: Yes

Chairwoman P. Fejeran: Oh yes, so also, village requirements are out so.

Administrative Director: Right. I want to also say, requirements, they are not allowed to decline a lease. Here it says decline an award. So, award would be clarified as intent to award. That's our, make sure that we clear that up before we, once a lease is signed, it's binding and there's no declination of a lease. Right, so, we want to make that clear for our applicants that haven't received leases yet. And once they signed the lease, it's entirely binding and there's no declination afterwards. Prior to when we show you the lot and you sign a notice of intent, that is sent out and we send it to you, then at that point, you can decline. But not after, not after you sign the lease.

Chairwoman P. Fejeran: Okay. Thank you, moving on 5.7 contract for award, applicant shall be considered for award, in the order the application was received by the commission. Provided that award first be made, according to their ranking on the island Residential or Agricultural waiting list. Okay, so this, this sections revision is tied to the other revision where we are getting rid of priority list. Okay, so, whichever decision we make, regarding priority we will have to look at this one. Okay, 5.9. Posting lessee award, commission shall post in every municipal Mayor's office and on the CLTC official website, the names, waiting list number, and dates and times of application, of all who were awarded leases, within two weeks after awards are made. In which shall be posted of sixty days. Okay. So, what our proposed changes does is we're keeping posting at the Mayor's office. And replacing in a publication of general circulation. We're replacing that with our website. We felt that it might be cost prohibited to constantly put out notices and.

******Multiple discussions******

Chairwoman P. Fejeran: Okay, 5.10 (a).

Administrative Director: Oh, that's fine, I'm sorry.

Chairwoman P. Fejeran: Comment? 5.10 (a), an applicant for award, an applicant…an applicant for award, must notify the commission in written of change of address or any other information contained in application within fifteen calendar days of such changes.

Administrative Director: I think we moved the rest of it after that, we moved it to 6.2.

Chairwoman P. Fejeran: Okay. Our 5.10 (a)?

Administrative Director: Right. Well, I know it says “B” but there aren’t any other.

Chairwoman P. Fejeran: Okay, so, 5.10(a), is found on page one.

Administrative Director: You see how the part, whenever the commission seeks action for award. Starting at that sentence, I believe we’re trying to move it to actually awards at 6.2.

Legal Counsel Toft: I see.

Administrative Director: That way it’s not.

Chairwoman P. Fejeran: Oh, that’s what it was.

Administrative Director: From that point on we will want to move it to 6.2 move it to awarding.

Chairwoman P. Fejeran: Oh, okay. So, the whole talks about Notice of Intent to award, and they have to contact us, it’s moved to the current.

Administrative Director: Into award.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: Awards

Chairwoman P. Fejeran: Okay, got it. So, 6.2, 5.10(a) really, they just have to make any changes.

Administrative Director: Changes.

Chairwoman P. Fejeran: Oh, got it. Okay, moving on 6.1 (a), whenever Residential Lots or units are available, the commission shall award leases to applicants who in the opinion of the commission who are qualified to perform the conditions of such leases. The commission’s opinion of such applicants shall be based on criteria, such as provided in the Act. Okay. Oh, I think the change was added in the minutes. Right?

Administrative Director: Yes, because it used to be tracts.

Chairwoman P. Fejeran: Just tracts, right? Now, it’s lots or units.

Administrative Director: Right, because tracts are large.

Chairwoman P. Fejeran: Large property

Administrative Director: Large parcel pieces

Chairwoman P. Fejeran: Okay. 6.1 (b), the lessee shall occupy and commence to use the lot, or unit, as his or her home within one year after the lease is executed.

Administrative Director: Change that from made to executed. Because the law had made. The word is, one year after the lease is made. So, we changed the word made to executed.

Chairwoman P. Fejeran: Executed. Umm…is there another law that came after this that extended that? Umm…that timeline?

Administrative Director: The only one I'm aware of is, if…

Chairwoman P. Fejeran: I think it's something the timeline you have like three years after infrastructure.

Administrative Director: Infrastructure available

Chairwoman P. Fejeran: Available. Do we want to make changes here?

Administrative Director: It's a separate public law.

Jhoana Bragg: Yeah, that one

Chairwoman P. Fejeran: It was amended right, so should we just add that amendment here?

Administrative Director: We should add that to the…

Chairwoman P. Fejeran: So, this should be, I think I found it. Plan extension for the initial use of Residential lease properties with the CHamoru Land Trust Commission, it says any individuals or family referred to, otherwise referred to the lessee, who leases property with CHamoru Land Trust Commission, through its Residential properties program, shall occupy and commence to use the tract as his or her home, no later than three following the availability and basic necessity infrastructure, ie, road, water, and power. This would be Public Law number 24-62. So, lets, we'll update

Administrative Director: Without sending any other to public law.

Chairwoman P. Fejeran: Okay, so, Okay, 6.1 (C), lot size for Residential lease shall be awarded, shall not be less than one-half acre, with no public sewer available or lot size for Residential lease shall be specified by zoning, environmental and administrative policies. Okay, so, what do we get rid of here? So, if it's less, if it's, no public sewer connection, cannot be less than half an acre. And that's because of the environmental concerns. Okay.

******Multiple discussions******

Administrative Director: I think that's the only part changed.

Chairwoman P. Fejeran: But then…

Administrative Director: No public sewer.

Chairwoman P. Fejeran: We also took out, we took out, but neither case shall be more than one acre.

Administrative Director: Yes

Chairwoman P. Fejeran: Okay, or lot size for residential tract lease shall be specified by zoning, environmental or administrative policy but in no circumstance may the area exceed one acre. So, we took out the maximum, we did, right?

Administrative Director: Yes

Chairwoman P. Fejeran: I mean; oh wait, I think there's another public law though that references lot sizes. I know that was for Agriculture.

Administrative Director: That was for Agriculture

Chairwoman P. Fejeran: So, I guess I would ask, do we want to take out the maximum knowing we have such a limited supply. I mean it would be very irresponsible to give a Residential lease for 5 acres to one lessee knowing we have so many lessees out there.

Mr. Kosaka: I think I would just stick to one acre, makes it more available for everyone else

Chairwoman P. Fejeran: Okay, we'll look at it again about keeping that maximum in. Okay, so then 6.2b, this is our new, 6.2b again it talks about the process of Notice of Intent to Award sent via first class mail, published twice and then giving the applicants 90 days to respond. They don't respond, the commission shall remove the applicant from the award list and the applicant must reapply as a new applicant.

Administrative Director: I might want to ask about the published twice in the daily newspaper of the Notice of Intent. So, this is for each Notice of Intent or just for a list? Because as its written it says, a written notice shall be mailed for all notices. So, every time that we issue a notice for intent, I'm supposed to take out an ad in the paper? Twice, it says shall publish twice in the daily newspaper of general circulation, a notice of intent for applicants listed. That might be a little cost prohibitive in my opinion to do it every time we award. Imagine when we get over this hub and we start awarding on mats.

Chairwoman P. Fejeran: I think the way we would be doing it moving forward is like I said, 50 properties available and then we issue 50 NOIA and then those 50 names will be published.

Administrative Director: Okay, I'm just asking because the way it's written it say for all notices. So, I mean one could interpret that to meet all notices individually or all notices together as one.

Chairwoman P. Fejeran: Notice of the List of Intent to Award

Administrative Director: That would definitely be better

Chairwoman P. Fejeran: Okay, so then we'll just make sure that when we're talking about when publishing

Administrative Director: Publishing a list of those with the intent to award shall be

Chairwoman P. Fejeran: Notice of the List

Administrative Director: Yeah

Chairwoman P. Fejeran: Okay, thank you

Administrative Director: And did you want to quantify or qualify when, as to when is it going to be; do we have to do it right away or weekly, you know what I mean; is a weekly list or is it a monthly list, you know because, what if we process in a week, we process 5 and that's it and that's my list to publish for the week is 5, then the next week it's 10, or the next week, so do we want to make it a little more sizeable.

Chairwoman P. Fejeran: I think the way this would work is whenever the notices are mailed out but the 90 days doesn't start until the 2nd publishing so if you only publish once a month, then after the 2nd publishing then that starts the 90 days for everybody that was listed.

Administrative Director: Okay, so, am I clear to publish monthly?

Chairwoman P. Fejeran: Yeah, it would be at your discretion I guess, administratively

Administrative Director: As long as it's published twice

Chairwoman P. Fejeran: Yeah, as long as you publish it twice. You know I saw another one that we just went over that was talking about cancelling the application.

Administrative Director: Right

Chairwoman P. Fejeran: Do we want to keep that same language here rather than removing them from the list. It would cancel their, where was that

Administrative Director: It also says the applicant must reapply as a new applicant, I mean, well not necessarily; the other one was just cancelling it and that's it, there was no recourse after that, it was just cancelled, but this one specifically provides that they can reapply. So, they'll be put back on the list once they reapply.

Chairwoman P. Fejeran: Okay

Administrative Director: Yeah, so I don't know

Mr. Kosaka: Can I just make a suggestion on that, instead of; you know a lot of time and effort (*inaudible*)…. put them at the bottom of the list and the last person that applied could've gone to the bottom. Kind of like when we go to school (*inaudible*)…give you an option like maybe you're not ready for it or whatever situation happens that couldn't get him to responding back or something…(*inaudible*) Having to redo all this stuff it's just a lot of, you know, it's just the government. You know I understand the need for us to be persistent a little more or respond accordingly but maybe put him at the bottom of the list.

Administrative Director: Also, I wanted to bring up when they reapply again, they have to pay the $50 application fee one more time again so, that's something to consider

Chairwoman P. Fejeran: I think we also need to be more clear about removing the applicant not just from the award list but from the waiting list

Administrative Director: Right

Chairwoman P. Fejeran: Cause what we want to do here, we want to be able to clear out the list of people that aren't interested anymore or passed away and nobody interested. Right, so I guess, be more specific with the waiting list. Okay 6.2c, the Board of Commissioners shall approve a listing of eligible applicants who have been duly noticed and have accepted and are ready to be awarded a lease. Upon approval of these applicants, a lease shall be prepared and processed. These approved leases shall be deemed ratified. So, I think we already covered this one, in topic one. So, we'll just revisit this topic one. Okay, 6.3, Section 6.3, Award of Residential lease, lessee's performance. Section 6.3a, the Commission shall, whenever lots or units are available, enter into such a lease with any applicant who, in the opinion of the Commission, is qualified to perform the conditions of such lease. Sorry, next sentence is a recommendation.

Administrative Director: Yeah, that was my recommendation. I didn't think that was going to make it in.

Chairwoman P. Fejeran: So, this one we just changed tracts to lots or units, okay.

Administrative Director: With regards to that though, Madam Chair, sorry; just with regards to my suggestion since it's on the paper. It doesn't prohibit right,

correct me if I'm wrong Legal Counsel, but it doesn't prohibit the board from asking for anything more than what's here, 1 thru 4, on the existing B, 6.3b, approve loan financing, contract between applicant, equivalent evidence or approved evidence or of the intent and ability to fulfill, in particular number 4. We can ask them anything that falls under this right?

Chairwoman P. Fejeran: So, it gives us some

Administrative Director: So that's my recommendation is that we take advantage of this and answer to Mr. Francisco who came in earlier about qualification, financial qualification not necessarily eligibility under the law, under the act. But that's something that I think we should continue or start on that process, perhaps if I could be so bold as to a verification of employment, financial statements of any kind that would help the decision, that would help the commission make a decision on whether this lessee, this applicant should be awarded the lease

Chairwoman P. Fejeran: Okay, thank you. Moving on, 6.5 Agricultural Leases. Whenever Agricultural lots are available, the commission shall award agricultural leases to applicants who in the opinion of the commission are qualified to perform the condition of such leases. The commission's opinion as to the applicant's qualification shall be based on criteria specified in the act.

Administrative Director: Only consideration I would have is establishing an agricultural applicant as a bonified farmer or as a bonified agriculture after he's awarded. Not giving a prequalification or another qualification right, but maybe afterwards he would be enrolled in the Guam Farmer's Co-op or already connected to a farming apparatus like an organization that would be helping him or her to start farming, similar to residential applicants, we connect them with Guam Housing Corporation, so perhaps we can connect them with the Guam Farmer's Co-op Association that way they can register to become a bonified farmer because this helps the commission in this respect, in terms of compliance going out and finding out that the 20 acres that we gave Mr. Cruz or whoever is actually being farmed or actually being raised because they have bonified farmer credentials. So that's something for the trust I think to consider putting in their criteria is afterwards said lessee upon the granting of the lease shall be automatically enrolled or shall be considered for membership in the Guam Farmers Co-op Association

Mr. Kosaka: I think that's a good point Mr. Hattig because sometimes it talks about Agricultural Leases (inaudible)…but it doesn't specify in there about Department Agriculture (inaudible)…but it don't doesn't say there that we have to register.

Chairwoman P. Fejeran: Thank you. So, 6.5, the Lessee shall occupy and commence to use the lot to cultivate as his or her farm within one year after the Lease is executed

Administrative Director: Again, it was just changed from made to executed

Chairwoman P. Fejeran: 6.6, a residences shall be permitted on Agriculture Lease lots. Only one residence will be permitted per lessee on CHamoru homelands subject to the following conditions; and then that next sentence should be crossed out. Okay, so, the following conditions are one, the lessee has actively cultivated or developed at least two-thirds of the Agricultural lot at all times. And that just changed tract to lot. Two, would remain unchanged which would require approval from the commission and three remains unchanged conformance to all territorial zoning and building requirements. Okay. So, this; so, on Agricultural properties they're allowed once residence

Administrative Director: Yeah, I just suggested taking the first sentence out because it says, residences will be permitted and then it says only one residence per; so if we just take out the first sentence and say only one residence will be permitted and per lessee on CHamoru homelands subject to the following conditions or combine the two; combine the first sentence

Chairwoman P. Fejeran: Yeah

Administrative Director: With the second sentence and say only one residence shall be permitted on Agricultural lots pursuant to the following conditions

Chairwoman P. Fejeran: Okay. So, this kind of brings up; I don't think it was up there but I guess it's more on the nitty gritty details, but it's come up before about a married couple having one lease each. There's nothing in our rules that it's against that but it does say that the way the law is written, right, the way it's written it says only one resident will be permitted per lessee on CHamoru homeland, right? So, one lessee; it sounds like one lessee might have two leases, one residential, one agricultural. Do we have any lessees that have two leases?

CLTC Staff: Yes

Chairwoman P. Fejeran: We do?

Administrative Director: Because its…it's not prohibited.

Chairwoman P. Fejeran: It hasn't been prohibited.

Mr. Kosaka: I was prohibited by doing that. So, I had to give up my Residential lot. You know and I had a spouse; that's why can I just keep the Residential as well because I don't own the land, you know? Because you know I wasn't allowed to do it because I don't think you should allow (inaudible).

Administrative Director: Right

Mr. Kosaka: Most couples stay together. Now, maybe I can understand if they're illegally separated or whatever the law may interpret, but if they're saying they're sleeping in the same house then I don't think (inaudible). Because take Agriculture land from one (1) acre to twenty (20) acres and

people build a house and you guys have (inaudible)…and you can build a house. We have a residential and a house lot on a lease land, it's not fair.

Administrative Director: I think so, I think we have inconsistencies in the implication of this administratively. At least that's what we're seeing in Mr. Kosaka's case.

Chairwoman P. Fejeran: Yes

Administrative Director: And then with already acknowledging that we do have individuals that may have qualified for one residential lease and one agriculture lease.

Chairwoman P. Fejeran: So, this is not clearly spelled out in our goals. That one applicant can hold one lease and there's nothing in our rules about marriage, right? One marriage, two applicants, two leases or is it once you get married, you gotta; I know Mr. Aguon that was here, joined us earlier, he also had to give up his property because that was the interpretation

Mr. Kosaka: For the sake of argument, I would use my case as a (inaudible)…for my lease property. Otherwise I would've kept it.

Administrative Director: Sure

Mr. Kosaka: (inaudible response)

Chairwoman P. Fejeran: Okay.

Administrative Director: Glenn, did you have something?

Glenn Eay: Yeah, you know, from back in 6.6a where it says only one single residence, there's a difference between one single dwelling family, because you know, you can have multiple in one residence where they build extensions and they're all connected; so would it just be one family? That's what they're doing when we see it out there right now where it's just one house, but they keep extending, extending, extending and they have four (4) kids so it's no longer one residence, it's multiple.

Administrative Director: Thank you

Mr. Kosaka: Here's a recommendation for Agricultural lots. You get 20 acres right, so you have 5 kids, husband and wife and 5 kids, and you're in that one agriculture lot, right (inaudible)…the kids are grown up now and you know maybe a subdivision of that 20 lots can be tracked down to 5 or 4, 5 lots and now each of one those kids can have one lot because they invested their time and the plantation on the farm.

Administrative Director: I think it's up there. We actually put it up there too, subdivide; so, we'll take that into consideration

Chairwoman P. Fejeran: Alright, let's see, moving along, 6.6b. The Commission shall not be liable for expenses incurred by the Lessee for amenities brought to the lot. The Commission shall not provide nor be required to provide such amenities except as it may determine in the plan development of the plan (pause)…okay.

Commissioner A. Duenas: (inaudible discussion with Administrative Director) Changed it cuz we eliminated from the original from 6b?

Administrative Director Yeah.

Commissioner A. Duenas: Could we just change; that would be… (inaudible discussion with Administrative Director) …that was b?

Administrative Director: That was c, now it's b. Yeah because we eliminated the original.

Commissioner A. Duenas: Change tract to lot? Same thing goes for 6 to 6c

Chairwoman P. Fejeran: It all moved up

Administrative Director: It all moved up. Everything moved up. Could you John, could you just highlight the one on the left. Madam Chair, that's what happened right there. You see 6.6b stricken completely and then if you scroll up, and then everything else moved up one

Chairwoman P. Fejeran: Ah, okay, thank you. So, what we've removed was; what did we remove?

Administrative Director: From lessee possessing a Residential tract lease can construct a residence on a Lessee's Agricultural tract providing if the Lessee complies

Chairwoman P. Fejeran: Okay so that's what spoke to my question of one applicant, one lease

Administrative Director: Yeah, Yeah

Chairwoman P. Fejeran: And by striking that we're making it clear that one applicant can only have one lease

Administrative Director: Right, right

Chairwoman P. Fejeran: Okay, that makes sense. Thank you for that clarification. So, 6.6c, upon cancellation, to render, or transfer of the Agricultural lot, the Lessee shall relinquish the entire lease hold interest including any resident therein built

Administrative Director: It's just changing tract to lot

Chairwoman P. Fejeran: Okay. Okay, Section 7.5, Transfer of Leases. Request for transfers will be conducted; considered for approval, sorry typo; considered for approval only if the Lessee has held such a lease for a period of at least 7 years unless the commission finds that an emergency does exist which makes the transfer imperative. A Lessee may transfer lease hold to a qualified spouse or qualified individual within the third degree of consanguinity. The Transferee must immediately occupy the residential lot or use or cultivate the Agricultural lot. Failure to occupy or use such lot within 60 days from the date of transfer shall constitute grounds for cancellation of such lease.

Administrative Director: Here we clarify, the Lessee may transfer to any individual who qualifies under the act. We actually made it to any qualified spouse or qualified individual within the third degree

Chairwoman P. Fejeran: Of consanguinity

Administrative Director: Yeah, so this one, the original in the current laws; the rules and regulations says anybody that qualifies under the act the Lessee may transfer, anybody. But in our proposed, its just anybody within the third degree that qualifies.

Chairwoman P. Fejeran: So then, with the act, I think the act would be amended too or did we already do that.

Mr. Kosaka: For clarification

Chairwoman P. Fejeran: Sorry just a second, because the act under that section we looked at earlier, okay, that's where we brought in the third degree of consanguinity to match the section now

Administrative Director: Right

Chairwoman P. Fejeran: Okay, got it.

Administrative Director: Okay, and then did you still want to do it

Mr. Kosaka: So, you know here on Guam we have a lot of step children, right, that we raised since they were babies and we fostered here or adoption or thru by marriage; it doesn't talk about in here about stuff like that, so, the Coby Law and stuff like that can be adopted instead of and that would make it fair for children that I've raised since they were little kids to be qualified for me to transfer my lease

Chairwoman P. Fejeran: Right, like the poksai kids and stuff. Well I think that would be

Mr. Kosaka: Well, like my case, I married; when I married, she have two kids and then I had foster kids that I raised thru; I had guardianship thru the court and they became 18 years of age but do they qualify as my kids to transfer this

Chairwoman P. Fejeran: I think would happen is, if you pass the 7 years you still have to request to transfer thru the Commission and the Commission could approve it; you come to us and tell your case

Mr. Kosaka: Because in consanguinity they talk about by blood, you know

Administrative Director: Right, and that's the essence of what Angel was trying to bring forward is the fact that it's CHamoru but we have to weigh heavily both, both arguments because what if you poksai'ed somebody that's not a Chamorro, right, I mean so, were getting into the essence of what the program is all about

Mr. Kosaka: Now they can make the law and put that, interpret that where it becomes fair for the couple to have that child that they raised thru a court order

Audience Member: Unless you're adopted

Mr. Kosaka: Adopted nai *(inaudible)…*I don't see anything here on this *(inaudible)*

(inaudible discussion in the background)

Administrative Director: Right

Chairwoman P. Fejeran: Okay. Thank you so then we move on to our second, B. And I'm going to change it to eligible or whatever; qualifications from lease award will be caught clearly identified and that's going to section 5.2 which we are not proposing any changes; 5.2 is the qualification of applicant, so they have to have document proof that the applicant is at least 18 years old, is a native CHamoru and is a native CHamoru as defined by the act, right. And then Section 6.7, talks about agricultural livestock and crops; go ahead, 6.7 there; no changes then. Wow were almost done here. Okay, moving on to topic 3, I have Mr. Kosaka

Mr. Kosaka: Again, for the sake of time

Chairwoman P. Fejeran: I appreciate it. And then Mr. Quidachay is also gone. Okay, Topic 3, greater transparency and accountability. Our goal is talking about the master database listing will be recorded with the dept of land management. Right now, 5.6d, the current rules say, on or before the 15th day of every month, a copy of the priority listing for the previous month as of the last day of the month shall be recorded at the dept of land management. We're proposing to change that to by the end of the 20th day of the end calendar year, a copy of the residential and agricultural redacted master database listing for the previous year shall be recorded at the dept of land management. Because recording is just a snapshot in time but puts it in a; it has it recorded at Land Management, we felt that once a year for the year previous was enough

Administrative Director: And the previous one, the fifteenth (15th) day of every month is really difficult, I don't think

Chairwoman P. Fejeran: We've ever done that

Administrative Director: In my forty (40) days, I've never, I'm sorry but I've never been able to do that, plus it says priority listing, it doesn't say waiting list or doesn't say master list, so I don't even know what a priority list is because we haven't even established a priority list.

Chairwoman P. Fejeran: Priority list, right, so, this is just saying at the end of the year we have to have it recorded and it's redacted because of the sensitive personal information is taken out. Okay, B, island wide residential and agricultural waiting list will be posted online and hard copies available at the Commission offices. 5.6b.

Administrative Director: It creates a new section or subsection

Chairwoman P. Fejeran: Okay, so this is new. Residential and Agricultural island wide waiting list shall be posted online and made available at the Commission offices. There you go.

Administrative Director: Easy. Self-explanatory.

Chairwoman P. Fejeran: So, and that wasn't in the rules before but now it's saying let's get it in there and make sure it's…

Administrative Director: It's part of our transparency

Chairwoman P. Fejeran: Okay for C, a listing of leases awarded to applicants will be posted at every municipal Mayor's office and on the CLTC official website, so we went over this already.

Administrative Director: Yes

Chairwoman P. Fejeran: But this is Section 5.9, posting lessee awards

Administrative Director: Yes

Chairwoman P. Fejeran: So instead of having to publish in a newspaper

Administrative Director: Yes

Chairwoman P. Fejeran: Instead were posting it on our website. And it shall remain posted for a period of 60 days. Okay. That's all we got thru this. Any final thoughts before I conclude? Yes?

Administrative Director: We have one, a concerned citizen is asking if they'll be able to plant marijuana on their CHamoru Land Trust property should the recreational marijuana law come to fruition

Legal Counsel Toft: (inaudible response) … Problem is that because federal laws also apply in a lot of the CHamoru homeland where former federal (inaudible)…there's potential that those lands would be seized by the federal government so based on the AG's office, they said that is not allowed on CHamoru Land Trust properties

Chairwoman P. Fejeran: The Commission, I remember when this first came out. The Commission decided back then that this is medicine, a natural medicine, and we voted, I think we made a resolution or something. In fact, that we would allow it, the Commission would allow it. And then this is first I've heard of it. I haven't seen anything in writing from the Attorney General about our decision.

Legal Counsel Toft: Alright

Chairwoman P. Fejeran: So yeah. The commission wanted to allow it.

Administrative Director: Yeah and then secondly if there could be any determination as to what Federal Land was given back and turned over to the trust and sequester that land and say on that land there can be no marijuana but on land that was Government of Guam land

Legal Counsel Toft: Let me find you something

Chairwoman P. Fejeran: Okay, yeah, thank you. Yeah cause, I guess the former director mentioned it that I said; it was never brought to the commission after our decision was made

Legal Counsel Toft: Okay

Administrative Director: Cause I know commercial leasing of agricultural land is now going to be inclusive of that and we're a year out from the cannabis control board being created but we wanna have something in place should; I mean we're going thru this process of, we might as well, you know, kind of hit it off the pass, you know, while it's out here, but for consideration for the Commission to consider because we already have applicants asking questions or you know lessees asking questions about; hey I wanna grow marijuana on my land and I wanna sell it; I wanna make my subsistence; it's a legitimate question now that the bill has been signed or going to be signed

Legal Counsel Toft: It just was

Administrative Director: It just was

Chairwoman P. Fejeran: Alright, okay. Well this concludes our working session. Thank you everybody that participated. I think we got a lot of feedback and some real sticking points that I think we really have to think about and revisit as a commission and working with our beneficiaries and our staff to make sure that what were proposing makes sense for all of us and gets us to our vision.

Audience Member: If I could just ask, I forgot to ask this question

Chairwoman P. Fejeran: Oh yeah, sure

Audience Member: So, my father has to sign over a new contract, new lease because of the lot beside us. They had issued a first lot numbers and it was odd, I guess it was wrong jurisdiction and stuff; as soon as given a new lease agreement, so that new lease starts fresh again; I think he was Lot 199 and they said no that's in a different area

Chairwoman P. Fejeran: I think that would be a lease Addendum so, am I right?

Administrative Director: It would be a correction

Chairwoman P. Fejeran: It would just be a Lease Addendum changing lot description

Administrative Director: Correct

Chairwoman P. Fejeran: And then the lease start date would be the same; yes, wouldn't change

Administrative Director: And just a continuation

Chairwoman P. Fejeran: Okay thank you, we'll have a seven-minute recess and we'll reconvene for our meeting

Kumision Inangokkon Tano' Chamoru
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Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning
Thursday, April 18, 2019, 1:02 p.m. – 6:49 p.m.

Public Notice: The *Guam Daily* Post on April 11, 2019 and April 16, 2019

I. CALL TO ORDER

Chairwoman Pika Fejeran: called the CHamoru Land Trust Commission meeting to order at 1:02 p.m.

Chairwoman Pika Fejeran pointed out the reason for the Inifresi is to remind all who are present today of the purpose of why they sit on the Commission, to protect the CHamoru Homelands and to give the CHamoru Homelands leases to those whose ancestors lands were taken away.

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman Pika Fejeran, Commissioner Santos, Commissioner Duenas and Administrative Director Jack Hattig, III.

Legal Counsel Toft will be joining the meeting at a later time.

Absent were: Vice Chairman Joe Cruz and Commissioner Techaira

III. OLD BUSINESS

1. Constituent Matters

a. Request for Addendums – Correction of Lot Descriptions
McDaniel, Teresita Mendiola – Requesting for an Addendum to read a new lot description of Lot 7153-11-NEW-1, Yigo

Chairwoman Pika Fejeran: reviewed the staff report and indicated there is a lease which Teresita McDaniel currently has and was signed in 2011. A Survey Authorization was issued.

Asked for Lorraine Nededog, Land Agent I who prepared the staff report or Director Hattig to further explain the situation due to Teresita McDaniel's application date and time is dated for March 28, 2007 at 8:45AM and was issued a lease in 2011.

Also acknowledged **Legal Counsel Toft** who is now present for the CLTC Meeting.

Land Agent I, Lorraine Nededog: reported Teresita McDaniel does have a lease and the issuance of the lease was approved by the previous Deputy Director David Camacho in 2013.

Chairwoman Pika Fejeran: stated for confirmation purposes, in 2013?

Land Agent I Lorraine Nededog: in response, yes 2013. She referring to Teresita McDaniel surveyed the property and now requesting for an addendum to her lease.

Chairwoman Pika Fejeran: in response, to accurately describe the lot description.

Land Agent I, Lorraine Nededog: in response, yes to describe the new lot description.

Chairwoman Pika Fejeran: asked based on the Staff Report it states Teresita McDaniel's sister had a Lease for the property had it subdivided so that she referring to Teresita McDaniel can have a property.

Land Agent I, Lorraine Nededog: in response, yes and Teresita McDaniel was living there

Chairwoman Pika Fejeran: stated and asked for clarification, she referring to Teresita McDaniel was occupying the property and asked if the map is an In-House map approval dated in 2013? Also asked if lease was signed in 2013 or 2011?

Land Agent I, Lorraine Nededog: in response, it was approved in 2011.

Chairwoman Pika Fejeran: stated, the lease was approved subject to survey and asked for the applicant's file and the map to review.
Also stated, the Commission wants to be sure the case and the request is completely understood and Making the appropriate approval according to the law.

Addressed Director Hattig and stated there are four beneficiaries that have requests for Addendums and asked if the Addendums are not one of the items transferred to administrative approval authority?

Administrative Director Hattig III: in response, no not yet.

Land Agent I, Lorraine Nededog: stated there is an addendum in the file but it was not signed.

Chairwoman Pika Fejeran: still reviewing the map in the file and asked Teresita McDaniel if her Neighbors are her relatives?

Teresita McDaniel: in response stated, they are her sister's relatives.

Chairwoman Pika Fejeran: stated she has no other questions regarding the case and would need a Motion to approve the addendum to Ms. Teresita Mendiola McDaniel's lease; the addendum would read the new lot number, Lot 7153-11-NEW-1, Yigo.

Commissioner Duenas: SO MOVED

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: moved onto the next Constituent Matter.

Mesa, Annie I. - Applicant date and time: December 7, 1995 10:45AM

Chairwoman Pika Fejeran: reviewed the staff report and stated the staff report is very unclear. The Staff Report indicates there is no lease in file, the complaint/issue states requesting for additional **a** and asked for clarification.

Land Agent I, Lorraine Nededog: clarified the request is for an addendum to reflect the lot description. The first lease which was issued was based on a portion of Lot 10122-R8, Dededo subject to survey. Because Annie I. Mesa completed a survey for the property she was issued, the lot description now would be more detailed.

Chairwoman Pika Fejeran: reviewing the file stated she referring to Annie Mesa received a Residential Lease in 2002, had the property surveyed and now the lease needs to have an addendum to give the proper lot description. Verified and confirmed the final acreage; wanted to be sure it doesn't exceed .05 acres which is stated on the lease.

Asked for a motion to approve the Addendum for Annie I. Mesa to her lease to list Lot 10122-21, Dededo

Commissioner Duenas: SO MOVED

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: moved to the next Constituent Matter

Quichocho, Pedro Nauta – Application date and time: December 7, 1995 12:20PM

Chairwoman Pika Fejeran: reviewed the Staff Report and stated the issue is to correct the lot description to read the recorded master plan map. The first Addendum reads Lot 457-R1; the recorded Master Plan Map has Lot 457-6. The request is for approval to have a Second Addendum printed to reflect the correction.
Asked if the lease was recorded?

Land Agent I, Lorraine Nededog: in response, no it has not been recorded.

Chairwoman Pika Fejeran: asked if the second Addendum is approved then the lease will be recorded?

Land Agent I, Lorraine Nededog: in response, right.

Chairwoman Pika Fejeran: stated CLTC made the wrong property description and would like a motion to approve the Addendum for Pedro Nauta Quichocho to correct the lot description on his lease to read: Lot 457-6, Agat and to record the lease.

Commissioner Duenas: SO MOVED

Second by Commissioner Santos: PASSED Unanimously

Chairwoman Pika Fejeran: moved on to the next Constituent Matter

Guerrero, Emily Sablan – Application Date and Time: January 10, 1996 4:37PM

Chairwoman Pika Fejeran: reviewed the Staff Report and stated the location for Emily Sablan is on a

Portion of Lot 278-R4, Umatac, half acre residential. Asked Land Agent I, John Gumataotao to speak in regards to the case.

Land Agent I, John Gumataotao: explained and shown on the TV screen, Ms. Sablan was awarded a Portion of Lot 278-R4. When Ms. Sablan was given her Survey Authorization, the original Surveyor completed a survey on (area pointed out on TV screen) which wasn't a part of Ms. Sablan's survey of map (shown on TV screen). The special notations made on the Staff Report indicate Lot 278-13-3 supersedes the designation of Lot 278-13-1.
When she referring to Ms. Sablan first appeared before the Board, it was indicated then, she was shown the general area, but it could be she mistaken because she may have thought it was (lot pointed out on TV screen). However, it has always been (lot shown on TV screen); it is just the designation of the lot was done by two different Surveyors. When Mr. Castro (Surveyor) finalized her map he (referring to Mr. Castro) included a note to indicate that was the previous description.
Ms. Sablan now needs to get an Addendum to her lease; however, her lease was never dated as far as a Indicating a term although it was signed.
Because of that, it is unsure if the Board would issue a new lease by using the original date Ms. Sablan signed or issue an Addendum.
When the signatures were notarized for both, the Director and the Lessee, it looks like the execution date and the term of the lease was not specified.
Again, the Commission can issue another lease filling in the execution date and the term of the lease or Issue an Addendum to correct the deficiencies which would be the date, term and the parcel description.

Emily G. Sablan: asked to go back and stated she was under the impression when she appeared before the Board in January all the issues mentioned would be completed. What Land Agent I, John Gumataotao forgot to say is, the first lease she was given was the corner lot and that is what she paid Mr. Ventura (Surveyor) to survey. But when she came into the CLTC office about eight months later she was not aware Mr. Ventura passed away and stated she does not have a lease which is completely done.
Asked what is the delay? And thought the lease was already prepared for her.

Chairwoman Pika Fejeran: in response, yes, there is a signed lease but for some reason, the date of execution for the lease was never indicated and it does not provide dates of when the lease starts and ends. The lease does indicate a portion of Lot 278-R4 and there could be some misunderstanding of what actual portion the Trust placed Ms. Sablan.
Viewed the Survey Authorizations and stated the first Survey Authorization is for Lot 278-R4, that is the the lot that Mr. Ventura worked with you (referring to Ms. Sablan) on.

Emily G. Sablan: in response, no.

Chairwoman Pika Fejeran: stated, Mr. Ventura the first Surveyor?

Emily G. Sablan: in response, the first person, yes, but Mr. Castro went to the second lot that was supposed to be. Also stated, it was on her that she never asked for copies of documentations when she was told she got a specific lot and basically took their (referring to CLTC) word for it and took the Surveyor there (referring to the property).

Land Agent I, John Gumataotao: informed the Commission, when the Trust issues a Survey Authorization and there is no specified parcel description; a portion of a greater lot which becomes Subdivided and that was in the past. More recently, CLTC started to take a different action where CLTC creates a Masterplan for the area and CLTC would design properties fully disclose it (referring to lot description).

In regards to Ms. Sablan's Survey Authorization, yes, she was issued a Survey Authorization for a Portion Of, however; the Survey Authorization indicates a Portion of basic lot 278-13 for a half acre lot, the general area would include the half acre being somewhere within the greater lot (lot shown on TV Screen).
Reading Ms. Sablan's notes, (property shown on TV Screen), is the original map that was created which indicated 278-13-R1, and looking at the original Survey Authorization, the Commission can see she was supposed to be issued a half acre within Lot 278-13-R1; the second map which was the actual map completed for Ms. Sablan showed 278-13-1 as her parcel which was superseded by the new map, LM094FY2015.

Chairwoman Pika Fejeran: in response, superseded as far as this map LM005FY2015 happened before map LM094FY2015 which now LM094FY2015 takes it's place.

Land Agent I, John Gumataotao: in response, correct. Shown on TV Screen, is the lot number Ms. Sablan was issued, Lot 278-13-1 according to map shown on TV screen is the corner lot. However, the other map showed Lot 278-13-1 being at a different area (lot shown on TV screen) which this map (shown on TV screen) supersedes as far as the lot number is concern it re-designates as Lot 278-13-1 to Lot 278-13-3 which is Ms. Sablan's actual lot.

Emily G. Sablan: asked if the map was made after the person built on the lot she feels she was originally given. Also stated she was promised her documentation will be finished in March 2019 and is following up on the status.

Chairwoman Pika Fejeran: in response, the Commission is looking at correcting the lease so there is full documentation. The Commission just needs to understand how the case became about and is looking at making all the necessary corrections as far as the execution date of the lease, the lease terms and the correct lot description; so the Commission and you referring to Ms. Sablan is clear in regards to the property that is assigned to you is the one that is now called Lot 278-13-3.

Emily G. Sablan: stated and asked if it is not the corner lot?

Chairwoman Pika Fejeran: in response, no it is not the corner lot

Emily G. Sablan: in response, stated that is what she wanted to find out for clarification and asked what is the turnaround time for her to clear the property.

Chairwoman Pika Fejeran: stated, the Commission now needs a motion to approve the addendum to the Lease and then work with the staff finalize the lease.

Commissioner Duenas: stated the motion

Motion made by Commissioner Duenas to approve the Addendum to lease instrument no. 832005, Ms. Emily Guerrero Sablan for her lot to read as Lot 278-13-3.

Second by Commissioner Santos

Chairwoman Pika Fejeran: asked if the motion can include in the addendum to assign the dates to the lease to match the signing dates the of previous lease.

PASSED Unanimously
Chairwoman Pika Fejeran: informed Ms. Sablan the addendum has been approved and it's the paper

work side of things that need to be completed and the Director and the staff will be in contact with her.

Also asked Ms. Sablan to inform her son which she had mentioned earlier in the discussion of her case who applied for CHamoru Land Trust Property; to have her son's contact information updated so in the event CLTC is ready to start issuing new leases, the staff can have direct contact for him.

Emily Sablan: in response, stated her son will be giving her a Power of Attorney.

Chairwoman Pika Fejeran: acknowledged and thanked Ms. Sablan for her patience.

Emily Sablan: asked what is the time frame she is looking at to complete the necessary changes to her lease?

Administrative Director Jack Hattig III: in response stated CLTC would have to get the next process of what Emily Sablan has in mind to do with her land and to inform CLTC about it and John Gumataotao who has been working on the case will be reaching out.

(Multiple Discussion)

Chairwoman Pika Fejeran: asked to add clearing and grading to the motion

Commissioner Duenas: stated another motion

Motion made by Commissioner Duenas to approve clearing and grading for the property upon the Issuance of the addendum.

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: informed Director Hattig, III and Ms. Sablan that upon the issuance of the Addendum, the Commission also approved the issuance of clearing and grading permits.

Also stated before moving onto the next agenda item, asked the Commission in regards to the request of Addendum items; they are straight forward, basically the addendums are adding lot descriptions onto leases that previously didn't have a lot descriptions and if the Commission would like to make a motion to allow approval authority to be given to the Administrative Director. However, would like to specify the approval authority the survey acreage is equaled to the lease acreage stated on the lease.

Administrative Director Jack Hattig III: asked that the Commission only grant the approval on leases that are Ratified only and not new leases because the new leases still require Board approval.

Chairwoman Pika Fejeran: asked for a motion to allow the Administrative Director to make approvals on the Commissions' behalf for lease addendums for Ratified Leases and that the survey acreage for the newly defined lot matches the lease acreage and not withstanding anything else going on with the lease or the property.

Commissioner Duenas: asked if all approvals be given to the Commission in the Director's report for information purposes.

Administrative Director Jack Hattig III: asked if subsequent clearing and grading is going to occur in cases like Ms. Guerrero; will the Commission consider allowing the Administrative Director to authorize clearing for only the Ratified Leases.
Chairwoman Pika Fejeran: asked if the authorization can be on a separate motion.

Chairwoman Pika Fejeran: stated the motion that was made is for the Administrative Director to make approvals for addendums, again for Ratified Leases and the survey acreage is equal to the acreage stated on the lease. Which was second by Commissioner Santos.

Second by Commissioner Santos - PASSED Unanimously

Chairwoman Pika Fejeran: stated that is one more approval given to the Administrative Director for approval authority and reiterated the request from Commissioner Duenas to add all approvals to the Director's report.

Administrative Director Jack Hattig III: acknowledged

Member from the audience: asked the Commission to explain what is meant by Ratified Leases.

Chairwoman Pika Fejeran: in response stated, the Ratified Leases the Commission is referring to are Leases; there are 2,777 leases that were not signed by the Commission. All of those leases for the last 23 Years have done at the Administrative level with the Administrative Director's approval; last year what the Commission did was take all those leases and Ratified them, meaning they approved by the Commission and are in good standing. It is only those leases, the Commission looked at and are in good standing.

Another member from the audience: asked if any of those leases include Federal property, he states he is present attending the meeting because the property he was issued by CLTC is Federal property.

Chairwoman Pika Fejeran: asked the member if he signed up for Public Comments and would like to address his concern or is issue when the part of the agenda comes up.

Member from the audience: in response stated, he has been to CLTC a couple of times talking to Land Agent I, John Gumataotao

Commissioner Santos: asked if he signed up for Public Comments

Chairwoman Pika Fejeran: informed the member from the audience to sign in under Public Comments and would like him to come forward when the time comes for Public Comments.

Chairwoman Pika Fejeran: stated, there was also a discussion by the Commission to allow the Administrative Director to make clearing and grading approvals for the Ratified Leases.

SO MOVED by Commissioner Duenas

Second by Commissioner Santos – PASSED Unanimously

Land Agent II, Jhoana Bragg: in regards to the motions informed Chairwoman Pika Fejeran and the Commission Members there are the ones for changes in lot descriptions to reflect the survey maps and those under the Master Plan. CLTC does have some that were surveyed and some with lot descriptions changed through the Master Plan, but possibly not surveyed yet.

Chairwoman Pika Fejeran: in response, asked why would they be changed without the survey

Land Agent II, Jhoana Bragg: in response, stated for reasons such as the individuals were given a lease

and the power was disconnected and on the lease the Master Plan property descriptions versus a Portion of Lot description.

Chairwoman Pika Fejeran: asked to read back the motion that was made

Land Agent II, Jhoana Bragg: in response, stated, a motion was made for addendum on lot description changes for only Ratified Leases, not new leases due to Board Approval. It would be lot description change based on survey that has been done and addendum to reflect the Master Plan lot description.

Chairwoman Pika Fejeran: in response stated they fall into the same category

Administrative Director Jack Hattig III: they fall into the same category. Changing lot descriptions for various reasons falls under the same category. Is that satisfactory

Chairwoman Pika Fejeran: stated, she just wanted to be sure the motion made would apply to both instances.

Legal Counsel Toft: in response, yes and if you want you can make it clear.

Chairwoman Pika Fejeran: in response, for clarification, the motion that was made regarding addendums of Ratified Leases applies to those who have been surveyed with surveyed lot descriptions and those that have lot descriptions based on Master Plans.

Chairwoman Pika Fejeran: moved onto the next item on the agenda

b. Request for Relocation
Faria, Frances

Chairwoman Pika Fejeran: reviewed the Staff Report. Frances Camacho Faria, December 2nd. 1995 applicant, has a residential lease for Lot 10123-3-29, Dededo. The lot that was issued in 2017, she explained to the Commission she is not able to develop on the lot and would like to be relocated. Asked if Frances Faria is present?

Multiple response: no she is not.

Chairwoman Pike Fejeran: stated she remembers Frances Faria being present at one of the other meetings and she came forward under Public Comments.
Also stated, she was placed at that particular lot because she requested to be adjacent to family members but when she went out to the site and saw the lot was inundated, undevelopable. Based on the Staff Report, there are two lots that are nearby but dependent upon compliance.

Land Agent I, John Gumataotao: in response, in regards to Ms. Faria, CLTC is trying to secure a lot within the area that her father has an LUP for. CLTC is just waiting on clarification from Guam Waterworks Authority regarding (lot shown on TV screen) which currently has on the lot line a water pump.
If Guam Waterworks is able to provide a Memorandum regarding none interest in that property, however, the only problem with that, there are restrictions with what can be done within 500 ft. radius of the pump station.

Administrative Director Jack Hattig III: in response, it is Residential Lease, if any building would occur, it would have to occur outside of the 500 ft. radius.

Chairwoman Pika Fejeran: stated, she doesn't know if there is a motion made to approve the relocation pending a suitable site and asked if that is the reason why the case is being brought to the Commission's attention to make a motion.

Land Agent I John Gumataotao: in response, correct.

Chairwoman Pika Fejeran: asked Land Agent I John Gumataotao if he is working with her and Guam Waterworks?

Land Agent I John Gumataotao: in response, yes.

Chairwoman Pika Fejeran: stated she needs a motion

Motion made by Commissioner Duenas to approve Ms. Frances Faria's request for relocation for a suitable site.

Second by Commissioner Santos – PASSED Unaniously

Chairwoman Pika Fejeran: stated the motion passed but would like to ask and just to be sure that once a suitable site has been identified that it be brought back to the Commission for approval because it would be outside of the motion for addendum. And also to identify on our maps and in our records that the property she is assigned is not be assigned to anyone.

Moved on to the next item on the agenda, Ms. Annie Cruz Siguenza

Siguenza, Annie Cruz

Chairwoman Pika Fejrean: reviewed the Staff Report and stated there is a very long history with the Land Use Permit Program, shows the lot was for one hectare than to one acre in Sinajana.
Asked who is the applicant Jesse Cruz Siguenza and Ana Cruz Siguenza?

Annie Cruz Siguenza: in response, Jesse is her brother and Ana is her mother

Chairwoman Pika Fejeran: in response, asked who is the original applicatant?

Annie Cruz Siguenza: in response, it is her mom

Chairwoman Pika Fejeran: reviewed the file and stated there is a lease dated in 2002 for Chalan Pago but the Land Use Permit is for Sinajana.

Annie Cruz Siguenza: in response, Sinajan was part of Chalan Pago which was called Haligi.

Chairwoman Pika Fejeran: in response, asked if her family never moved from that lot from the time the Land Use Permit was issued to present?

Annie Cruz Siguenza: in response, no. CLTC has been coming out many times to see the place but was told the land (describing the property) from the stairs down belongs to Ramirez, on a different day another CLTC agent will tell her the property whole property is owned by Ramirez.

Chairwoman Pika Fejeran: stated, the issue before the Commission is Annie Siguenza's family was issued a Land Use Permit but at some point, there was a land swap between the Government and a private land owner.

Annie Cruz Siguenza: informed the Commission, several CLTC Staff has been going to her property but nothing has been resolved.

Chairwoman Pika Fejeran: asked if the Ramirez family been contacted and asked when did the land swap happen?

Land Administrator Margarita Borja: in response, believed it happened in the early 1950s. The property was owned by a private individual and then the property was needed for a school; that is when the land exchange happened.

Chairwoman Pika Fejeran: in response, meanwhile the Siguenza's have been living there.

Land Administrator Margarita Borja: in response, yes, originally it was Government of Guam, while the Siguenza's were there, it was Government of Guam then the exchanged went through. The Ramirez's are the second land owners to that property, the original land owner that received the property had deeded the property to the Ramirez family. Adjacent to that lot, behind Annie Siguenza's house is the Government of Guam property which is Lot 3470.

Chairwoman Pika Fejeran: stated, it seems like when the land swap was done they cut Lot 3470 which is the portion Annie Siguenza occupies and doesn't think they were doing their homework because Annie Siguenza is living there with valid Land Use Permits.

Even after Deed of Conveyance was issued, they were still issued Land Use Permits. Asked Annie Siguenza if she is presently living on the property and what brought the whole situation up?

Annie Cruz Siguenza: in response, when her sister needed her in Texas, she did a Power of Attorney for her daughter to take over in case anyone has any questions and that is when she found out about the problem. As soon as she returned from Texas, she started to try to take care of everything regarding the property.
She was trying even before her mom passed away, Mr. Borja tried to help her out but still nothing has been resolved.

Chairwoman Pika Fejeran: asked **Legal Counsel Toft** what should the Commission do in regards to the situation?

Legal Counsel Toft: in response, the Board would be limited to moving her to a CLTC property, on her own she may want to look into a possibility of an Adverse Possession Claim, she's been on there for a couple of decades. However, cannot advise her on that.

Administrative Director Jack Hattig III: asked if CLTC moved her and she's not occupying the land, would that damage her Adverse Possession Claim.

Legal Counsel Toft: in response, yes

Chairwoman Pika Fejeran: referred to Annie Siguenza and stated, her family has been living on the property since the 50's and it was a severe error by the Government of Guam with the Land Swap and for the 50 plus years after the Land Swap, your family was still issued Land Use Permits for the same property.
The Commission is present to keep the beneficiaries' best interest in mind and your case, your family has been living there and continues to grow there. Also stated, she doesn't want to see her family move and start all over.

Administrative Director Jack Hattig III: asked Annie Siguenza if anyone from the private property owners given her any issues?

Annie Cruz Siguenza: in response, no and she doesn't know who the Ramirez family is that owns the land.

Administrative Director Jack Hattig III: in response, asked if maybe the Ramirez family can write and agreement or something allowing Annie Siguenza to remain on the property until the situation can get resolved.

Legal Counsel Toft: in response, that may also damage the intentions of the Adverse Possession. With an Adverse Possession; there are a lot of elements that have to be valid, has to be open and notorious, has to be continuous and uninterrupted, describe the amount of years they have been living in it and breaking any of those for any amount of time can ruin the Adverse Possession. If she wishes to not go that route and proceed other avenues with us, that is fine. But doesn't want CLTC to potentially damaging a private legal claim that she may have. It may be something CLTC can ask her to talk to an Attorney about it and see if that is something she wants to do and CLTC can come back and do its part but if CLTC moves forward now, CLTC might damage that.

Administrative Director Jack Hattig III: referred to Annie Siguenza and asked if she understood the concern.

Annie Cruz Siguenza: in response, yes she does understand, but the cost of an Attorney.

Legal Counsel Toft: referred to Annie Siguenza and stated, if she definitely does not want to go that route; that's fine.

Annie Cruz Siguenza: asked, if she doesn't go that route and she already establish a house, water and power and if she were to relocate; what is going to happen?

Chairwoman Pika Fejeran: stated, when cases like this arise, what is the responsibility of the Trust? The Trust placed her there.

Annie Cruz Siguenza: stated, the CHamoru Land Trust knew about the situation and why didn't they do anything.

Chairwoman Pika Fejeran: in response, stated she doesn't think they knew.

Annie Cruz Siguenza: in response, stated Mr. Borja has come to her property the Ramirez family never came to inform her family in regards to who owns the property. Mr. Borja only informed her (describing the lot) that from the stairs down is the Ramirez property.

Chairwoman Pika Fejeran: stated, the Commission does not want to displace you, referring to Annie Siguenza.

Annie Cruz Siguenza: in response, stated she was able to get the water under her name; the only thing she is not able to do is change the water bill to her name, it is under her dad's name and her dad is deceased.

Chairwoman Pika Fejeran: in response, stated a Utility Authorization can be given to you.
Annie Cruz Siguenza: in response, stated she was given a letter from CLTC to change the power.

Chairwoman Pika Fejeran: stated and suggested to do the same for the water

Annie Cruz Siguenza: in response, yes please because she is not able to inquire on the billing statements for Guam Waterworks.

Chairwoman Pika Fejeran: in response and referred to Director Jack Hattig III to issue a Utility Authorization to Annie Siguenza for water.

Administrative Director Jack Hattig III: agreed and informed Annie Siguenza CLTC will prepare the Utility Authorization for her.

Legal Counsel Toft: stated, that may do for now and then see what happens.

Chairwoman Pika Fejeran: informed Annie Siguenza, a Utility Authorization for water will be issued to her for now.

Annie Cruz Siguenza: asked what is the Commission's advice for her to do?

Legal Counsel Toft: in response, because she referring to Annie Siguenza is not his client cannot advise her on what to do.

Chairwoman Pika Fejeran: in response, right but the Commission can be advised.

Legal Counsel Toft: it may be best, if right now she is not getting told to move from the original land owners, CLTC can give her the authorization for water for now until there is a real issue from the original land owners.

Chairwoman Pika Fejeran: in response, stated she agrees and doesn't feel the Commission needs to make any moves until such time the private owner starts to make it an issue.

Legal Counsel Toft: stated there is still the Adverse Possession claim and even if she doesn't pursue it now, it can be done in the future.

Chairwoman Pika Fejera: stated, that is the best the Commission can do within the means of the Commission without damaging any future opportunities that may arise.

Administrative Director Jack Hattig III: asked if the property is private property owned, does CLTC have legal standing to issue the Utility Authorization

Chairwoman Pika Fejeran: in response stated, it is not clear at this point if the property is private.

Legal Counsel Toft: in response, agreed and stated at this point there are issues with boundaries and no one is really claiming it.

Administrative Director Jack Hattig III: in response okay and is comfortable with that. Referred to Annie Siguenza and informed her, CLTC will prepare the authorization and she'll be called when it is ready for pick up.

Chairwoman Pika Fejeran: moved to the next item on the agenda

C. Other Matters

i. **Dumanal, Elicia Mendiola** request for Survey Retracement

Chairwoman Pika Fejeran: reviewed the Staff Report and asked why is there a Survey Retracement vs. a Survey Authorization?

Land Agent II, Jhoana Bragg: in response, stated the whole area has been surveyed already and the request is for a retracement so that Elicia Dumanal can know where her meets and boundaries are.

Chairwoman Pika Fejeran: stated the request is basically to allow the Administrative Director to issue a Survey Authorization or Retracement for Ms. Dumanal to know where her property is located. Asked for a motion

Motion made by Commissioner Duenas to approve authorization for a Survey Retracement for Ms. Elicia Mendiola Dumanal for Tract 9210 Phase I Block 21, Lot 14 Yigo under L.M. No. 126FY93.

Second by Commissioner Santos – **PASSED Unanimously**

Chairwoman Pika Fejeran: asked if the motion just made would fall under the motion made giving the Administrative Director approval for Survey Authorization

Legal Counsel Toft: in response, suggested to make a separate motion for renewals to be on the safe side

Chairwoman Pika Fejeran: asked if the Commission is comfortable with giving approval authority to the Administrative Director to approve retracement survey authorizations.

So Moved by Commissioner Duenas

Second by Commissioner Santos – **PASSED Unanimously**

Chairwoman Pika Fejeran: moved to the next item on the agenda

ii. Rosita E. and Juan N. Quichocho – request to waive the taxes assessed

Chairwoman Pika Fejeran: reviewed the Staff Report

Land Agent II, Jhoana Bragg: in response, Tract 1022 is one of the areas that is still being reconfigured due to lot size errors

Chairwoman Pika Fejeran: stated originally they were placed on Tract 1022 but that is not where their lease is?

Land Agent II, Jhoana Bragg: stated they were originally given Tract 1022 but moved to a different area which is why they are requesting for the taxes to be waived due to the errors on the parcel area.

Chairwoman Pika Fejeran: asked if they were on the tax rolls for a lot that was described in error?

Land Agent Supervisor Matt Leon Guerrero: explained how Tract 1022 (shown on TV screen) there is a Tract 1022 and a Tract 1022 NEW, depending on where they placed the individuals are placed one of those tract lots are half acre each and the other tract is a quarter acre. When the lots were issued back in the past, some lots were doubled and tripled issued; this is an area where the Trust has been trying to reconfigure and figure out where CLTC can move other people.

As shown on TV screen, if there is an individual living on the lot already, CLTC would have them maintain on that lot and figure out where all the other layers, the other people can be reassigned to. For instance, if this individual (shown on TV screen) is holding a lease to the area where there is multiple lessees, is where the request for the tax to be waived because they can't really benefit from the property yet until the issue is rectified.

Chairwoman Pika Fejeran: in response, based on the file and Staff Report, stated they referring to the Quichocho's have been moved.

Land Agent Supervisor Matt Leon Guerrero and Land Agent I Jessica Dayday: in response, yes they have been relocated.

Land Agent I Jessica Dayday: stated, the year 2006 through 2011 are the tax years the Quichocho's are requesting to have waived. CLTC relocated or placed the Quichocho's on a different lot in 2011.

Chairwoman Pika Fejeran: in response, asked if the Quichocho took possession of the property anytime within those years:

Land Agent I Jessica Dayday: in response, no

Land Agent Supervisor Matt Leon Guerrero: also stated we referring to CLTC has reached out to them and to other lessees around that time frame. CLTC was trying to see who would voluntarily give up their lease to be relocated to a different property. It is not 100% completed but it is still being worked on in regards to Tract 1022 and still reaching out the lessees that are there.

Chairwoman Pika Fejeran: stated, due to administrative errors; the lease holders Rosita and Juan N. Quichocho were placed on property and have been assessed tax between 2006 and 2011, but there was a mess on the tract that they could not take possession of it. They are asking that Board to approve the waiving of the taxes for property they were never really issued.

Commissioner Duenas: asked if it is approving the tax waiver or the request for a tax waiver

Chairwoman Pika Fejeran: in response, it is the request for the tax waiver

Commissioner Duenas: stated the motion to approve a tax waiver request to DRT for Lot 3, Block 11, Tract 1022 for Rosita E. and Juan N. Quichocho

Second by Commissioner Santos

Land Agent I, TinaRose Jocson: asked to include the tax years in the motion made by Commissioner Duenas

Chairwoman Pika Fejeran and Commissioner Duenas: in response, yes.

Chairwoman Pika Fejeran: stated for clarification included 2006 through 2011 tax years in the motion. Also referenced, the request would be to waive the taxes for the property, Lot 3, Block 11, Tract 1022

PASSED – Unanimously

Chairwoman Pika Fejeran: moved onto the next item on the agenda, Edward Lee Sandlin

iii. **Edward Lee Sandlin –** request to transfer beneficiary rights

Chairwoman Pika Fejeran: reviewed the Staff Report and asked if Mr. Sandlin is present at the meeting

Administrative Director Jack Hattig III: in response, Mr. Sandlin is not present and he is deceased He is the original lessee.

Land Agent II Glenn Eay: in response, stated the beneficiary is James Sandlin, the son of Edward Lee Sandlin

Chairwoman Pika Fejeran: stated based on the file, the beneficiary listed is James Sandlin

Land Agent II Glenn Eay: in response, stated, James Sandlin is the beneficiary listed for his father Edward Lee Sandlin but because James Sandlin has a lease the request is to relinquish his beneficiary rights to his daughter.

Chairwoman Pika Fejeran: asked if that is what the letter of relinquishment in file is referring to. Also stated there is no lease in Edward Lee Sandlin's file and asked if he is an applicant?

Land Agent II Glenn Eay: in response, stated he was never issued a lease and is still an applicant

Chairwoman Pika Fejeran: referred to **Legal Counsel Toft** to ensure the Commission can approve those types of requests.

Legal Counsel Toft: in response, yes, under the current Rules and Regs.

Commissioner Duenas: stated the motion to approve the transfer of beneficiary rights for Edward Lee Sandlin's application from James A. Sandlin to Victoria Jamie Lujan Sandlin who is the daughter.

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: Moved on to the next item, Administrative Matters

2. Administrative Matters

i. Pre-Moratorium Lease List

Chairwoman Pika Fejeran: asked how many total included in the Pre-Moratorium Lease List? The list reviewed showed 28 total and asked if there are 28 Staff Reports?

Chairwoman Pika Fejeran: also stated as a reminder and a brief history of what the Pre-Moratorium Lease list is. There are 28 applicants that were issued leases, the leases were signed by the applicant and Director at that time, which was all last year; the Commission issued a Moratorium on new leases and for unknown reasons to the Commission, the Commission didn't find out about it until about a month to a month and half ago of this year. All 28 leases have been signed and executed, the Director at the time placed a red mark on them and because they have a red mark; the Commission feels it is important for those leases to be brought to them for approval.

Asked Administrative Director Jack Hattig if the list of applicants were routed to the staff for Relationship Disclosure Forms.

Administrative Director Jack Hattig III – in response, yes, and currently there are 4 Relationship Disclosure forms filled out by the staff including himself. The list was gone through with the staff, however, there may be some on the 102 Switched lease list.

Referred to the Land Administrator Margarita Borja for confirmation and asked if there are any members of the staff who may have conflicts with the Pre-Moratorium Lease lists?

Land Administrator Margarita Borja: in response, yes, one.

Chairwoman Pika Fejeran: asked just one and if there is a Disclosure Form?

Administrative Director Jack Hattig III: in response, yes just one asked CLTC Land Agent II, Glenn Eay for his Disclosure Form.

Administrative Director Jack Hattig III: informed Chairwoman Fejeran and the Commissioners the reports are not prepared.

Chairwoman Pika Fejeran: stated to the Administrative Director Jack Hattig III and the CLTC Staff that in the future regarding leases the Commission will consider approving to have a section on the list for Staff Disclosures to be notated yes or no.

Administrative Director Jack Hattig III: acknowledged.

Chairwoman Pika Fejeran: moved onto the list in the order it's received starting with John Patrick Aguon

i. **John Patrick Aguon –** was assigned a location Lot 15, Block 3 REM Tract 100C, Dededo the lease is for less than half an acre. 1995 Applicant, priority 1, the lease is for Agriculture. The Director signed the the lease in March 2018, the applicant signed his lease in April 2018; for whatever the reason may be, the Director placed an X on across the lease.
   Asked if for the applicant's file and if the applicant, John Patrick Aguon is present at the meeting.

Member from the Public Audience: recommended to Chairwoman Fejeran and the Commission if the applicant is not present to table the discussion until the applicant is present; the applicant will not be able to answer or explain themselves for the actions the Commission will take.

Chairwoman Pika Fejeran: thanked the member from the public audience for his comment and explained she understood his concern, but the Commission is there with the beneficiaries best interest in mind and trust that if the Commission decides to not approve the applicant's request, the Commission would afford whomever is not present the opportunity to speak to the Commission. The Commission will move forward with the current topic on the agenda.

Member from the Public Audience now identified as Mr. Kosaka: in response asked moving forward on the case itself?

Chairwoman Pika Fejeran: in response stated, the Staff has made every effort to contact the individuals on the list and for whatever the reason the individuals are not present, still feels the Commission can review the case and decide either way.

Mr. Kosaka: in response, asked if there is any objection from the Attorney representing CLTC. Stated, if the person is not present and cannot answer for what is going on, feels the discussion should be tabled until he or she is present.

Chairwoman Pika Fejeran: in response, stated she feels the documents speak for themselves. The individual signed the documents.

Mr. Kosaka: in response, stated for transparency the individual should be here and answer.

Chairwoman Pika Fejeran: in response, stated she is unsure what the individual would have to answer for and thanked Mr. Kosaka for his comments and restated; if the Commission is going to decide something that would harm the beneficiaries, the Commission would afford the individual a chance to appear before the Board. However, if the Commission is going to choose to follow thru and issue the individual a lease, doesn't see how that would need the individual to be present.

Mr. Kosaka: stated the last meeting held on March 21st., he listened to the audio and there were some individuals that were not present which were tabled for the present meeting happening and feels the current topic for discussion should be afforded the same way.

Chairwoman Pika Fejeran: in response, stated, in that meeting, it was in the interest of time; the Commission needed to get to the individuals that were present and again thanked Mr. Kosaka for his comments.

Chairwoman Pika Fejeran: moved on and stated, there are 28 individuals who have been sitting in a gray zone that the Commission should act on and correct. The individuals believe they have a valid lease only to find out this year, the Director at the time placed a big red mark on the lease and wanted to make a decision on the 28 leases and make it right for the Beneficiaries.

The first individual on the list is John Patrick Aguon, not present, his lease is for less than half an acre, signed by the Director, signed by the beneficiary and referred to **Legal Counsel Toft**
for the best way to move forward with the lease.

Legal Counsel Toft: in response, stated the Commission can make a motion to either approve or disapprove. It is a lease review and the issue that held up everything, at the time these leases were going through the Director's office that is when the attention was the Director was signing leases without the Board reviewing the lease applications; that is the reason why the previous Director X'd them out so the Board can review it.
The Board can review it and approve it or decided on it.

Mr. Kosaka: asked if the Commission is going through all 28 leases and decide on them at the present meeting. And again stated, if most of the individuals are not present the meeting will last until almost midnight. Based on his understanding, at the Public Hearing held on December 18, 2018, the Chairwoman said all the leases were checked but earlier in the present meeting the 28 leases are lease that were not cleared. Stated if the leases are still in question to discuss it with the lease holders.

Chairwoman Pika Fejeran: in response, stated that is what the Commission is doing. The Commission and the staff have been working towards getting to the present day for the last two months to discuss the issue with the 28 leases. Moved on to John Patrick Aguon, asked if the Commission has any questions regarding the lease or the process that got him to his lease. John Patrick Aguon is a December 5, 1995, applicant.
Asked if the Commission does approve the process and a lease, will the lease be back dated to when the signatures were obtained?

Legal Counsel Toft: in response, the Commission would have to make a decision on it.

Chairwoman Pika Fejeran: asked if the Commission would have to have separate motions per lease.

Legal Counsel Toft: in response, the Commission can make a joint motion to cover all 28 leases. If the Commission has reviewed all the Staff Reports, then the Commission can decide.

A mass approval was made on the Ratification previously, so with the 28 names on the Pre-Moratorium lease list, it's in the same situation. If there are any cases the Commission has concerns, those can be separate cases.

Member from the Public Audience: addressed the Chairwoman and Commission members; she understands what Mr. Kosaka means to say and is unsure of what the 28 names on the Pre-Moratorium list is; asked if the names can be read out loud to see if there is anyone on the list that is present. Suggested to go through the list of names and address the individuals who are present first, then go back and address the individuals that are not present.
Also asked for understanding and consideration, that some of the members of the Public Audience had to find rides to attend the meeting.

Chairwoman Pika Fejeran: in response, thanked the Member from the Public Audience and stated, after discussing with the Legal Counsel, the Commission has already reviewed the Staff Reports and there are a few she has flagged that are questionable; also wanted to take a few more minutes to go over the list again to identify the ones to be set aside to discuss later.

Chairwoman Pika Fejeran: stated the CLTC staff had just informed her and the Commission that there are 30 leases on the Pre-Moratorium lease list; 24 of the leases have no transfers, if there was a transfer it was within the law, there are 6 leases where they fall under the 102 Null and Void Lease list. Ask for the Commission to look at the first page where there were no transfers outside of the law.

Mr. Kosaka: asked to make another statement and stated if the Commission has reviewed the documents as a whole and already conformed, it sounds like it is still in question in regards to what the issues are on the leases. If the Commission had review the documents and prepare for the present day because the Commission was not just given the documents on that same day. It sounds like not everything has been reviewed, otherwise the Commission would have a cover paper or statement with notes in regards to the concerns or the leases that are questionable.
Also stated, for the interest of transparency he supports the Administration and is a lessee as well. For three years he felt punished for making him wait and again is now seeing that the Commission is has not reviewed the whole list in front of them because there are questions still being asked amongst the Commission.

Chairwoman Pika Fejeran: in response, apologized and stated, it is the first time the Commission has been able to sit down with members of the Commission, Legal Counsel, the Director and the Staff and if they referring to the Commission can get a chance to do their work.

[Multiple Discussion]

Chairwoman Pika Fejeran: stated, the Commission is not moving forward with anything that is not within the rules of the law as it is currently written.
Within the three years of sitting in the Commission 90% is fixing what was done before sitting in the seat of the Commission and they are doing their best. The main mission is to act in the best interest of the beneficiaries and asked the members of the Public Audience to trust the process.

Mr. Kosaka: in response, stated for the interest of those who are present and not present, the ones who were present at the last meeting was afforded the opportunity to speak, so for the ones that are not present should be tabled and again the ones present be afforded the same opportunity.

Chairwoman Pika Fejeran: asked the Commission to table the discussion until the topic of the 102 "Null and Void" leases come up on the agenda. The six individuals that would be on the list for discussion would be the following:

1. Bertha Benavente Aldan
2. Cherylynn Tudela Eay
3. Clint Shawn Toves Materne
4. Dan August Quichocho
5. Colleen Grace Quinata
6. Chasity Leon Guerrero Tainatongo

For the ones that are questionable are based on the following:

- lot size being greater than a half an acre for a Residential Lease
- lot size greater than half an acre for Agricultural
- priority II
- unknown priority
- applicant from 2006
- applicant from 2000

Asked to table the following until the staff can call the individuals:

1. Joseph Toves Sablan – not present; above half acre
2. James G. Sablan – not present; above half acre
3. James Santos Mafnas – not present; Priority II
4. Andrew Vincent Toves - not present; no priority listed
5. Gregory Q. Aguon – present; tabled until the Commission reaches the particular case further on the agenda, the property description is listed on the agenda.
6. Albert Acfalle San Agustine; above half acre
7. Emmanuel Pineda San Nicolas – was present but left the meeting; no priority associated

With the exception of the case regarding Gregory Aguon which will be discussed later during the present meeting, asked the Commission to place the other individuals named on the next agenda for the next meeting. Again stated the concerns regarding the individuals deal with lot sizes being greater than the half acre, priority listings are not on listed, others are priority II or some have no priority associated.

That leaves seventeen:

1. John Patrick Aguon – not present
2. Joileen R. S. Benavente – not present
3. Rosario E. Cahill – present
4. Fred M. Chargualaf – present; file requested to view
5. Doreen Bennette Cruz – not present
6. Marilyn A. Duenas – not present
7. Gloria Borja Flores – not present
8. Francisco Rojas Fernandez – not present; file requested to view
9. Gerard P. Materne Johnson – present and informed the Commission he requested to transfer to a different lot
10. Cynthia C. Lujan – not present
11. Therese M. Muna – not present
12. Carl K.C. Quinata – present

13. Dolores Taitano Quinata – not present
14. Alberta Rose Santiago – not present
15. Lugene Karol Unchangco Santos – present
16. Mark Anthony Blas Torre – not present
17. Paul G. Yamanaka – not present

Chairwoman Pika Fejeran: requested for Rosario Cahill who was present to come forward to the Commission.
Asked Rosario Cahill if the Commission's understanding is correct in regards to Ms. Cahill she has a valid lease and asked when was she contacted to be informed her lease is not valid.

Rosario Cahill: in response, informed the Commission she was contacted two days prior to the meeting; but, at the time she signed the lease she was informed the lease is on hold pending signatures but does not remember what or who's signatures were pending.

Chairwoman Pika Fejeran: in response, stated okay and confirmed she is a December 6, 1995, applicant

Rosario Cahill: in response, right and has another application under her son's name which she has Power of Attorney for.

Chairwoman Pika Fejeran: in response, the lease is for Lot 5382-13-5, Block 0, Tract 0, Barrigada

Rosario Cahill: in response also asked about her son's application update and property site.

Chairwoman Pika Fejeran: asked if her son was issued a lease and the name of her son

Rosario Cahill: in response, yes and the name is Frank Lee Leon Guerrero

Chairwoman Pika Fejeran: asked if the lease was signed at the same time

Rosario Cahill: in response, it was probably within a week or so.

Chairwoman Pika Fejeran: asked the CLTC staff to look into the Ms. Cahill son's lease and continued with Rosario Cahill's lease. Asked if she understood the requirements of the lease, the Agricultural Lease terms and agreement as far as planting a certain amount of trees and water and power are not immediately available within 100 feet of the property, and the property is subject to survey?

Administrative Director Jack Hattig III: informed the Commission Rosario Cahill's son names is on the Ratified Lease List.

Chairwoman Pika Fejeran: informed Rosario Cahill her son's lease is good to go.

Administrative Director Jack Hattig III: informed Rosario Cahill that the CLTC is currently working on contacting everybody on the Ratified Lease List.

Rosario Cahill: asked if there is a difference between her application and her son's application?

Chairwoman Pika Fejeran: in response, because her referring to Rosario Cahill's name did not make it to the list of names that were Ratified last year, she is asking the Commission to ratify the lease at the present meeting. Agriculture lease for Rosario Cahill on Lot 5382-13-5, Barrigada.

Commissioner Duenas: stated the motion to approve the lease for Lot 5382-13-5, Block 0, Tract 0, Municipality of Barrigada containing an area of 1,910 square meters in accordance of Public Law 23-38

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: informed Ms. Cahill her lease has been ratified and now has a valid lease.

Chairwoman Pika Fejeran: called Mr. Carl K.C. Quinata to come forward, requested for his file. Based on the file, stated, Carl Quinata is a 1995 applicant, for agricultural property, Lot 10171-14, Block 0, Tract 0, Municipality of Dededo. Question in regards to Carl Quinata's lease is the lot size and asked if he has been farming and occupying the property?

Carl Quinata: In response, no

Chairwoman Pika Fejeran: asked if the Trust can give out leases for lots greater than half an acre for agriculture

Land Agent II Jhaona Bragg: in response, it's either plus or minus ±2023 sq. meters.

Chairwoman Pika Fejeran: in response, stated for Carl Quinata the square meters is for an area containing 4,047.

Commissioner Santos: stated, yes and a Farm Plan is needed

Chairwoman Pika Fejeran: stated, the Commission will verify with Legal Counsel.

Land Agent II Jhoana Bragg: asked if Carl Quinata is a pre-occupier

Multiple Response: No

Land Agent II Jhoana Bragg: stated there has to be a reason why he was issued an acre

Chairwoman Pika Fejeran: in response, it says in the file Carl Quinata was occupying Government Land on a Lot 10125-11-R6 and asked if he had a previous lease

Carl Quinata: in response, yes. He had the lot surveyed but then it was given to someone else

Chairwoman Pika Fejeran: asked if he was occupying

Carl Quinata: in response, stated no he was not occupying, just had the property surveyed and some how it got mixed up.

Chairwoman Pika Fejeran: in response, stated there is a letter in the file from CLTC dated November 26, 2012, for Utility Authorization, Building and Clearing Permit and states that you (Carl Quinata) is occupying Government Land on a portion of Lot 10125-11-R6.

Carl Quinata: in response, stated that is for the Clearing Permit which he cleared a little bit and for some reason there was a mix up and someone else was given the property

Chairwoman Pika Fejeran: asked if that was before he was assigned a lease

Carl Quinata: in response, stated, no the lease was signed but then held back because it was mixed up

Chairwoman Pika Fejeran: asked if that happened in 2012

Carl Quinata: in response, right

Chairwoman Pika Fejeran: asked when that happened was that also the time he was moved to a different lot?

Carl Quinata: in response, yes

Chairwoman Pika Fejeran: in response stated, the original lot which was assigned to you was for one acre and it does say, the lot that was initially given to you was assigned to another applicant and because it was a mistake done by CLTC, they were able to relocate you to another lot and maintain the one acre and that is why the Commission is now reviewing a lease for a one acre lot in the present meeting.

Land Agent II Jhoana Bragg: asked Carl Quinata if he had the original one acre surveyed?

Carl Quinata: in response, yes the original one acre lot he was given was surveyed.

Land Agent II Jhoana Bragg: explained to the Commission, in exchange he was issued an acre because he initially already paid for the first lot to be surveyed which was one acre. Also informed the Commission CLTC would have to go back to the survey situation but because he originally surveyed the one acre at his expense, that is why CLTC gave him the other one acre lot.

Chairwoman Pika Fejeran: asked **Legal Counsel Toft** if that can be done

Legal Counsel Toft: in response, yes, the half an acre limitations is for residential.
Under PL 23-38; 6.1(c) has the limitation on lot size but it applies to the Residential Tract leases; the requirements under PL 23-38; 6.5 under Agricultural tract leases which does not have a size limitation

Chairwoman Pika Fejeran: stated so we referring to the Trust can allow an acre for Agriculture

Legal Counsel Toft: in response, yes you can.

Chairwoman Pika Fejeran: asked Carl Quinata if he understands that new assigned property would have to be surveyed.

Carl Quinata: asked if he would have to pay for another survey to be done.

Land Agent I Lorraine Nededog: stated, Meliton Santos, the Surveyor will survey the property for Carl Quinata since he is already surveying the property on the other side of the property Carl Quinata has been relocated to.

Chairwoman Pika Fejeran: in response, stated for clarifation the Surveyor is going to survey for him on behalf of the trust.

Land Agent I Lorraine Nededog: in response, yes

Chairwoman Pika Fejeran: informed Carl Quinata, he would not have to pay for a second survey.

Chairwoman Pika Fejeran: asked Land Agent I, Lorraine Nededog if there is anything in writing regarding Meliton Santos, the Surveyor who said he'll survey the property for Carl Quinata

Land Agent I Lorraine Nededog: in response, stated she will get it from the Surveyor.

Commissioner Duenas: stated the motion to approve the lease for Lot 10171-14, Block 0, Tract 0, Municipality of Dededo containing an area of 4,047± square meters in accordance of PL23-38

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: informed Carl Quinata his lease has been approved and the CLTC will work with the Surveyor to make sure the property is surveyed for him at no cost.

Chairwoman Pika Fejeran: stated the execution date on the lease was not discussed and proposed the execution date be dated today (referring to the same day the motion was made for approval on the lease issuance) April 18, 2019, date of CLTC Meeting and approval of lease.

Legal Counsel Toft: in response, that would be the easiest way.

Administrative Director Jack Hattig III: Asked to ensure anything that was discussed in regards to lease approval and issuance will be dated today, referring to present date of CLTC Meeting, April 18, 2019.

Chairwoman Pika Fejeran: in response, agreed and stated so far there are two the Commission approved.
1. Rosario Cahill and 2. Carl Quinata

Chairwoman Pika Fejeran: Moved onto the Gerard Materne Johnson

Member from the Public Audience who identified herself as Cynthia Borja Fejeran: informed the Commission, based on the last meeting she was asked to attend the present meeting because her case was tabled. Explained she has been waiting and has not heard her name being called.

Administrative Director Jack Hattig III: in response, stated he has the Staff Report for Ms. Cynthia, it was prepared but never ratified.

Chairwoman Pika Fejeran: in response, stated she would like to have it ratified at the present meeting since she is present and moved onto Gerard Materne Johnson.

Chairwoman Pika Fejeran: requested for Mr. Johnson's file. Stated the lease is for Lot 8-33-13, Block 0, Tract 0, Municipality of Inarajan, a Residential Lease, Priority I applicant and December 2, 1995 applicant. For confirmation asked if he is requesting to remain on the lot that he was issued and to cancel his request to move to a different lot?

Gerald Materne Johnson: in response, stated yes he would like to build now and asked how long will he have to wait for the Government to clear the easement to the property?

Chairwoman Pika Fejeran: asked to show the lot on the TV screen. Also asked if there is currently not a road going to the property (property lot shown on TV screen)

Legal Counsel Toft: in response stated, (shown on TV screen) there is a road but from the far left it is like a river valley (rest of the statement inaudible)

Chairwoman Pika Fejeran: asked Mr. Johnson if he is ready to build and asked if he has gone to Guam Housing Corporation?

Gerald Materne Johnson: in response, yes he has gone to Guam Housing Corporation and was given documents as well as the VA (Veterans Affairs office) and has the breakdown.

Chairwoman Pika Fejeran: for confirmation asked Mr. Johnson if he is okay with the property that was originally given.

Gerald Materne Johnson: in response, yes he will be

Administrative Director Jack Hattig III: stated, in regards to the easement, he would be able to engage with Dept. of Public Works the same way he has with a similar case in Mangilao.

Chairwoman Pika Fejeran: asked if there are other lease holders in the area and if so, to advise the other lease holders as well. Has no further questions for Mr. Johnson.

[brief pause for Gerald Materne Johnson's case while waiting for Commissioner Santos]

Chairwoman Pika Fejeran: requested for the Staff Report for Cynthia Borja Fejeran

Chairwoman Pika Fejeran: viewed the names of the Ratified Lease listing and confirmed, Cynthia Borja Fejeran's name is on the list. Asked Legal Counsel Nicolas Toft if the Commission can ratify her lease at the meeting and have her lease effective the same day.

Legal Counsel Toft: stated, because Cynthia Borja Fejeran's lease was already a part of the list that was ratified, it does not need to be ratified again. She will just need to sign her lease.

Chairwoman Pika Fejeran: addressed Cynthia Borja Fejeran and informed her that her lease is one of the leases that were ratified which is now pending her (referring to Ms. Cynthia's) signature.

Land Agent I Tina Jocson: asked in regards to Ms. Cynthia's lease that she needs to sign, is okay to leave the previous Director's name on the lease?

Chairwoman Pika Fejeran: in response, yes because it was ratified at the time the previous Director was the Director.

Chairwoman Pika Fejeran: going back to the case of Gerald Materne Johnson's, now that Commissioner Santos is back, briefed Commissioner Santos on Gerald Materne Johnson's case and stated he has residential lease and he is ready to start building, the Commission wants to move forward with issuing his lease.
Asked for a motion.

Commissioner Santos: stated she second the motion before the motion was made.

Commissioner Duenas: stated a motion to approve the lease for Lot 8-33-13, Block 0, Tract 0, Municipality of Inarajan, containing an area of 1,858 ± square meters in accordance with PL 23-38 for Mr. Gerald Heath Materne Johnson

Cynthia Borja Fejeran: asked to be excused and informed Chairwoman Fejeran and the Commissioners her lease has the previous Governor's name and signature block.

Chairwoman Pika Fejeran and Legal Counsel Toft: both in response, stated it is okay.

Chairwoman Pika Fejeran: referred back to the motion made for Gerald Materne Johnson asked all those in favor.

**Note: no second motion was officially made*.

Chairwoman Pika Fejeran: informed Mr. Johnson his lease is approved.

Cynthia Borja Fejeran: apologized and stated Land Agent I Lorraine Nededog is assisting her and if Chairwoman Fejeran can repeat what she said in regards to the previous Governors name and signature block

Chairwoman Pika Fejeran: restated, it is okay, Ms. Cynthia can sign the lease and the Governor's name will be changed.

Chairwoman Pika Fejeran: moved to onto Fred M. Chargualaf's case. Reviewed the Staff Report and file, stated, Mr. Chargualaf is a 1995 applicant, the lease in question is Lot 13-1, Block 10, Tract 10121, Municipality of Yigo for 2,028± square meters. Asked Mr. Chargualaf if he knows where his property is located and also asked to show the lot on the TV screen? Also stated, his property is subject to survey.

Fred M. Chargualaf: in response, stated, yes he did pay for the first one and has a receipt.

Chairwoman Pika Fejeran: for clarification, asked if he was transferred to another lot and asked why were all these transfers happening. Asked Mr. Chargualaf if he knows why he was moved to another property.

Fred M. Chargualaf: in response, no he doesn't know why.

Chairwoman Pika Fejeran: reviewing the Staff Report and the file, stated, it does not indicated why Mr. Chargualaf was removed; in fact, the previous director questioned, why you were moved.

Fred M. Chargualaf: in response stated, well he's ready to move on. He was called and informed the Director signed his lease, he needs to sign it and then it will be forwarded to the Governor for his signature. Then sometime last year he was called again and was told his lease is on hold because of some moratorium and was informed, the lease shouldn't have been signed by the director and it should have been the Chairperson.

Chairwoman Pika Fejeran: in response, stated the Commission can move forward. Again asked for confirmation if Mr. Chargualaf paid for the survey for the first property he was issued.

Fred M. Chargualaf: in response, yes and can provide the receipts if he needs to.

Land Agent I John Gumataotao: stated and as shown on TV screen, it's an old layer but the property has been cut into a flag lot, it's shaped like a flag.

Chairwoman Pika Fejeran: asked which is the front and the back of the lot shown on TV screen

Land Agent II Jhoana Bragg: in response, it is in the front.

Chairwoman Pika Fejeran: asked Administrative Director Jack Hattig III, if Mr. Chargualaf already paid for the survey on the first property and then he was transferred to a different property, is he going to be charged again

Administrative Director Jack Hattig III: in response, he will work toward the same way with what is normally done when the survey is paid already. He would need to ask the staff in regards to that situation because it unsure if it is a common practice or if it something that is done based on conversations with each individual.

Chairwoman Pika Fejeran: asked what about the capabilities of in house survey

Administrative Director Jack Hattig III: stated, it is possible, he would need to send a survey request to the Director of Dept. of Land Management.

Chairwoman Pika Fejeran: stated she needs a motion

Commissioner Duenas: stated the motion to approve the lease for Lot 13-1, Block 10, Tract 10121, Municipality of Yigo containing and area of 2,028± square meters in accordance with PL 23-38 for Mr. Fred M. Chargualaf.

Second by Commissioner Santos

Chairwoman Pika Fejeran: stated she would like to add that it is the intent of the Commission to take the cost of surveying the property and not passing it on to Mr. Chargualaf.

PASSED Unanimously

Chairwoman Pika Fejeran: explained he will be called to resign a new lease and the staff will explain to him what is required of him as a lessee.

Fred M. Chargualaf: in response, thanked Chairwoman Fejeran and the Commissioners.

Chairwoman Pika Fejeran: stated those on the list that the Commission did not get a chance to discuss.

Administrative Director Jack Hattig III: stated there is another individual that is present, Lugene Santos

Chairwoman Pika Fejeran: asked Ms. Lugene to come forward.

Member from the Public Audience: asked if the first six names that were called, are they supposed to be present and still waiting?

Chairwoman Pika Fejeran: in response, Bertha Benavente Aldon?

Member of the Public Audience: Yes

Chairwoman Pika Fejeran: in response, stated the Commission tabled the discussion because the case falls under the transfer, "Null & Void" list. The case will be discussed when the Commission reaches that item on the agenda.

Bertha Benavente Aldon: asked why is her case a part of the transfer?

Chairwoman Pika Fejeran: in response, not sure but it was flagged and asked for Bertha Aldon's file. Reviewed the file and asked if Norman Castro Aldon is her husband?

Bertha Benavente Aldon: Yes

Chairwoman Pika Fejeran: stated it looks like he transferred

Bertha Benavente Aldon: stated, yes it was transferred in 2007 because he's not eligible, so it was transferred to her

Chairwoman Pika Fejeran: asked for confirmation that Bertha is on the 102 list. Also stated Bertha is on another list the Commission is looking at.

Chairwoman Pika Fejeran: going back to Lugene Santos, a 1995 applicant, Priority I for residential property. The lot is at 10122-22-12, Block 0, Tract 0 in the Municipality of Dededo, lot size of 2,023± square meters. Asked for Lugene's file, stated another lease the Director placed a red mark and doesn't have any questions.
Stated the survey has been completed.

Commissioner Duenas: asked if she did do a survey

Chairwoman Pika Fejeran: stated yes, she has a survey. Asked for a motion

Commissioner Duenas: stated the motion to approve the lease for Lot 10122-22-12, Block 0, Tract 0, Municipality of Dededo, containing an area of 2,023 ± square meters in accordance with PL23-38 to Lugene Karol Unchangco Santos.

Second by Commissioner Santos – PASSED Unanimously

Chairwoman Pika Fejeran: asked if anyone from the Public Audience is on the agenda or on the list, is present?

Lugene Santos: asked what other documents will she be needing

Chairwoman Pika Fejeran: informed Ms. Lugene she would have to come before the Board with her building plans

Administrative Director Jack Hattig III: informed Ms. Lugene, CLTC Staff will go through the process of Utility Authorizations and the Clearing and Grading Authorizations with her first, then talk about the building process.

Chairwoman Pika Fejeran: asked if Teresita Castro Janz if present

Teresita Castro Janz: present and stated she is requesting for Clearing and Grading Authorizations but also has a question regarding the easement issue. There is a history with the easement which she was trying to resolve and then everything was placed on hold.

Administrative Director Jack Hattig III: in response, informed Teresita Janz to schedule a meeting with him and he can engage with DPW in regards to the easement.

Chairwoman Pika Fejeran: asked if Clint Materne is present

Clint Materne: is present

Chairwoman Pika Fejeran: stated he is further down on the case and will be called

Chairwoman Pika Fejeran: stated for the Pre-Moratorium lease list the Commission did not reach a decision for John Patrick Aguon, Joileen R.S. Benavente, Doreen Benette Cruz, Marilyn A. Duenas, Gloria Borja Flores, Joseph Toves Sablan, Francisco Rojas Hernandez, Cynthia C. Lujan, Therese M. Muna, Delores Taitano Quinata, James G. Sablan, Albert Acfalle San Agustine, Manuel Pineda San Nicolas, Alberta Rose Santiago, Mark Anthony Blas Torre, Paul G. Yamanaka, James Santos Mafnas, Andrew Vincent Toves.

Chairwoman Pika Fejeran: For the ones the Commission will be revisiting later in the meeting will be the following:
Bertha Benavente Aldon, Cherylynn Tudela Eay, Clint Shawn Toves Materne, Colleen Grace Quinata and Chastity Leon Guerrero Tainatongo

Chairwoman Pika Fejeran: The Commission also did not get to Dan August Quichocho, there was no staff report prepared for him.
Aside, from the ones the Commission will be revisiting, would like to have their cases put on the agenda for the next meeting. Also stated she will get together with the Administrative Director to get additional information she was questioning, for the ones that were tabled.

Chairwoman Pika Fejeran: stated, the Commission is way passed the 3:30PM Public Comment period but would like to table Administrative Matters under Old Business and move to Public at 3:30PM.

Chairwoman Pika Fejeran: asked if there is anyone in the public audience present for public comments who is not a part of the agenda?

Chairwoman Pika Fejeran: called the first name on the Public Comment list, Mr. Jeffery Kosaka.

Jeffery Kosaka: here

Chairwoman Pika Fejeran: please step forward and state your name.
Asked for the Public Comments to be kept to 2 minutes, considering there is a lot of people to get through and a lot of business to get through. A lot of people waiting.

Chairwoman Pika Fejeran: Mr. Kosaka please state your name for the record

Jeffery Kosaka: k my name is Jeffery Kosaka and what is your name, I know you have to go by the name of Pika Fejeran

Chairwoman Pika Fejeran: Yeah, my first name is Gyongyi, my mother's name, my grandmothers' name so I go by Pika.

Jeffery Kosaka: I just wanted to know what the G stands for. Thank you.

Jeffery Kosaka: okay so um, I am a lessee from Santa Rita, I have an Agriculture Lease and I am here today to just give a few information on the water project adjacent to my section. Their gonna ARFP offer the bid and August September they'll be doing the new water the tank and it's gonna help benefit me because it's gonna be the left side of my boundary that they'll be putting fencing so you know it's kinda saving me some money and then I can have my animals or the goats to eat the grass.
In addition to that…I was listening to the March 21st audio on the OPA Website on the Land Trust Commission Meeting.

I've addressed some concerns already to Mr. Hattig but I feel I that I need to address some concerns as a Commission, the Board Commission itself. Okay?
Here's a couple items, I have a lot…I'll stick to the most important one that I came across. So, Francisco Cruz Feja, you were on that case, so the first one um early one was a residential case…if I can recollect, he died he gave it to the wife and the wife died and now the kids are going to give authorization to give the sister. Okay? So that's the first one. The second one, Francisco Cruz Feja has another lease, an agriculture lease, I understand the family is under this Land Use Permit and I'm sure the Commission is gonna do diligence in making sure that whoever was on that list would be there. But the problem I have is two leases, same person has two leases a residential and agriculture. Are we not allowed that?

Chairwoman Pika Fejeran: wait wait, the rules are unclear.

Jeffery Kosaka: okay so, I'll make it clear here that in my application I have residential lot in 1995 by the way I was number 71 on the list. So…I was told I had to give up the residential lot right?

Chairwoman Pika Fejeran: yeah, that is the practice. Umm but I believe cuz Mr….

Jeffery Kosaka: can I finish, so…

Chairwoman Pika Fejeran: your time is up Sir. Can you submit your comments in writing to us so we can respond appropriately?

Jeffery Kosaka: So…so…I will submit the document but for the record here, if transparency is the Commission, the Board Commission, I already addressed my concerns to Mr. Hattig, if the transparency of the Board is there then Agriculture and two leases…so you're saying that we can have two leases because when I went through this process, I was told I would have to give up my residential and apply for new one. And you know I paid a lot of money to do that. So are you sure? Are you sure that you don't where it's not a part of the policy?

Chairwoman Pika Fejeran: I'd have to (multiple voices talking over each other) Mr. Feja's ahh…

Jeffery Kosaka: one last thing, what's the definition of elephant in a house? What's your definition? Please answer.

Commissioner Santos: Elephant in a house?

Chairwoman Pika Fejeran: umm… I'm not sure Mr. Kosaka.

Jeffery Kosaka: Here I'll answer, the definition of what I got online today.

Chairwoman Pika Fejeran: okay.

Jeffery Kosaka: you know why I'm shaking today? Cuz look.

Chairwoman Pika Fejeran: I can see you're passionate about this

Chairwoman Pika Fejeran: I appreciate your passion

Jeffery Kosaka: you're (inaudible) and you don't know how to answer what the public is asking for the answer. And here's what I mean about the elephant. Okay…an elephant in the room, informal okay, if you say there's an elephant in the room, you mean that there's an honest problem or difficult situation that people do not want to hear about or talk about. So…this is my observation of this ratification of

leases. December 18 Public Hearing you guys did, you ratified all these leases where you guys checked all of it already. Then today, you said where did these 18 or 22 come from or whatever? So… is it that you checked all the leases? Or didn't? Because, I believe that trying to ratify this thing and I've notice that when your Board members are not answering you push the issue of can I get a motion to approve without having for them to speak for themselves.
So that's all I have today and in the interest of transparency and for the public and for those that have been waiting for so long, like I waited as well… I feel their pain and I'm glad I have my lease and I promise that I will help those that need. And I ask this Board today and Mr. Hattig all the members of this department to please, potfabot…do the right things.

Commissioner Santos: We're trying our best.

Chairwoman Pika Fejeran: thank you, yes.

Jeffery Kosaka: I know you are and I'm not gonna take away what you guys are doing but again if you're gonna cite something please proof for it because I was denied to have two leases and yet the Francisco Feja families were allowed to not only have two leases but they kept passing and kept cutting that property to the children. If that's the case then, you know, for those who have Land Use Permits, hopefully that that is the case cuz some of those guys there…I don't believe that they were pre-occupiers. Pre-occupiers are like if your name is out on that Land Use list and you weren't there when this Land Trust was passed in 95…then you were not a pre-occupier and I ask that you guys vet the qualifications of these individuals because it's very important because when you talk about the elephant in the room, that's what happens…is we do these things and the elephant just keeps getting bigger and bigger and bigger….that's all I have today thank you.

Chairwoman Pika Fejeran: Sir, if you could maybe continue your conversation with the Director or submit it in writing so that we can respond appropriately. I don't feel…I don't feel the Commission has been afforded a chance to maybe defend ourselves. But I would like to get you up to understand why decisions were made… when they were made…what we were following… so if we could work together to move forward cuz I…I um know that myself and my Commission members and everybody sitting around this table, we want to do the right thing and we are keeping the beneficiaries best interest in mind and we are doing our best with the information available at the time. Okay?

Jeffery Kosaka: and one last thing, if you're unclear of the decision that was discussed at this table today is that…you know…just table it and push it forward. Don't just push it floor and let's go on and approve this stuff but not all the answers are answered and I that's what I observed from the last two times that I was here and throughout that audio is that when decisions not made…you push the issue of pushing it to get approved and I just think that um…if it takes more time…needs more time…then just do that and that's what I consider transparency…making sure that we cover…cross all the T's dot the I's and everybody is not or everybody is doing the right thing in all the levels in this body here. So…that's it.

Chairwoman Pika Fejeran: thank you

Commissioner Santos: Mr. Kosaka

Jeffery Kosaka: yes ma'am.

Commissioner Santos: We are different from the other Board members in the past who approve those peoples lease but we're trying to right the wrong doings in the past cuz there's a lot of discrepancies in the past.

Jeffery Kosaka: understood

Commissioner Santos: some people are given three leases which is not right.

Jeffery Kosaka: and that's why I brought up the Francisco Feja case because I think if you guys listen to the audio you have the residential lease and then in the end he has another agriculture lease and it was given to the sister and then it was given down to the kids or the brother and that's why…it's like okay so they open the doors for them…then that means open the doors for everybody else.

Chairwoman Pika Fejeran: it was a pre-occupier so we could not… kick them off it

(Multiple Voices)

Jeffery Kosaka: the take away from that is just that there's two leases the residential lease and agriculture…there's two leases for one person.

Chairwoman Pika Fejeran: okay, I have Anjolisha Aguon or do you want to wait 'till your case….

Anjolisha Aguon: I mean, do you we have to wait longer? You're still gonna be here or you guys gonna leave?

Chairwoman Pika Fejeran: Well I plan to get through this agenda.

Anjolisha Aguon: if you plan to get through it then I don't mind waiting here that long but if you're gonna leave a 5 and I don't get to speak on… you know our behalf then I'd like to speak now but if you're gonna wait to all the way down to that…you know…name…then we'll wait.

Chairwoman Pika Fejeran: well we tabled some the items. My goal is to get down to you guys.

Anjolisha Aguon: okay and you have ahh, he's on that list too right? For the moratorium?

Chairwoman Pika Fejeran: yes

Chairwoman Pika Fejeran: Tomasa Aguon? Ma'am are you on our agenda?

Administrative Director Jack Hattig III: She is on our agenda

Chairwoman Pika Fejeran: Felix Muna?

Administrative Director Jack Hattig III: that's…she's together…

Chairwoman Pika Fejeran: oh…John Cepeda?

Chairwoman Pika Fejeran: Please state your name for the record

John Cepeda: Ah John Cepeda. Ahh…one of my concerns is I was leasing property over at (inaudible) then they started stealing. I had it transferred to a Hahasu Drive okay…I wanted to get the lease, everybody where I'm at got lease. I'm the only one that don't have a lease because one, I don't wanna get a lease that is still under the Federal Government.

Chairwoman Pika Fejeran: oh so yeah…do you know what he's referring to? Who have you been working with over here?

John Cepeda: John

Chairwoman Pika Fejeran: John. okay.

Chairwoman Pika Fejeran: so what does he mean Federal Government?

Land Agent I John Gumataotao: He's ah… he's within the area 48, what we call Military reservations which is this area

Chairwoman Pika Fejeran: Military reservations, so it's not CLTC property?

Land Agent I John Gumataotao: right. So if you…see there's these houses that are in there…these are CHamoru Land Trust occupants but they're occupying military land that wasn't returned to the government.

Chairwoman Pika Fejeran: Oh…do they have…

Land Agent I John Gumataotao: We try our hardest to ah try an relocate those that are in here first even though they're not ah…even though they're still on government land, we try to relocate them. In Mr. Cepeda's case, he was on the…Batulu side and ah…he's actually here but ah…we can't really issue a lease to this. It's not government land or ah it doesn't belong to CHamoru Land Trust.

John Cepeda: But they do, my neighbors do have lease. That I can say, ah I'm the only one that didn't want to get a lease cuz I knew it was still under the federal land. Why am I gonna spend money if it's still under the federal land? Now I'm trying to get a property and ah you know to build.

Chairwoman Pika Fejeran: okay. Can we please work with Mr. Cepeda to transfer him to appropriate Land Trust property?

Land Agent I John Gumataotao: um…I'm just having his file pulled because the people that he's talking about that have a lease, they do have a lease but it's a portion of type of lease, which is in not a specific defined area, it's just within that…

Chairwoman Pika Fejeran: the bigger area?

Land Agent I John Gumataotao: yeah. So…

Chairwoman Pika Fejeran: okay...

Land Agent I John Gumataotao: so is the Board um…requiring us to initiate his application and lease?

Chairwoman PIka Fejeran: yeah

Land Agent I John Gumataotao: what about the rule of first come first serve? Are we going to consider that or…

John Cepeda: Well considering because my application saying 2002 right John but actually I was under the when Borja was the Director here, I was getting processed since '95 but I got transferred from Batulu I'm trying to figure out how did I get processed at 2002. How come it's saying 2002 when I was occupying since '95.

Chairwoman Pika Fejeran: okay it looks like there needs to be more work and research done for your case. Um, so can we…

John Cepeda: because I have, I believe I have records of the water and power stating '95.

Chairwoman Pika Fejeran: okay. Bring us what you have so we can add it to your file and they can put all the research together um so work with John.

Land Agent I John Gumataotao: yeah. I think um the question that should be posed by Mr. Cepeda is to the Board is if we're going to process him based on the pre-occupancy status right, ah because he does have evidence of CHamoru Land Trust issuing him authorization for power and water but his application date is not 1995, are we going to follow the rule of first come first serve?

Chairwoman Pika Fejeran: well let's get all the documentation and then we'll visit it as a Commission with a Staff Report with his file and what we can decide from there.

John Cepeda: alright

Chairwoman Pika Fejeran: Okay. Alright thank you, thanks for coming Mr. Cepeda

Chairwoman Pika Fejeran: Bonnie Herradura? No?

Chairwoman Pika Fejeran: Gladys Concepcion?

Glynis Manley: Oh yes that's me. My name is Glynis Manley I'm one of the candidate since December 1995

Note: Glynis introduced herself as Glynis Manley, signed in as Glynis Concepcion

Chairwoman Pika Fejeran: okay

Glynis Manley: yeah and I was bypassed like a thousand million times. I feel so frustrated, I'm (inaudible) sorry…

Commissioner Santos: I know

Glynis Manley: My mom had died she's one of the applicants, my sister passed away she's another applicant. So I just want to know if you'd be able to transfer this to my daughter. Please.

Commissioner Santos: yeah. That's right

Glynis Manley: I'm tired (inaudible) with this place. I've had it.

Commissioner Santos: you were waiting to long.

Chairwoman Pika Fejeran: I'm sorry Ms. Concepcion

Glynis Manley: Can't take this anymore…it's just to much…

Commissioner Santos: So why don't the daughter sign the application or…

Glynis Manley: They keep telling me to speak to this damn (inaudible). I even went to the Director si Borja and he told me; I don't know what I'm talking about. Excuse me…I don't know what I'm talking about.

Commissioner Santos: That's not the way to approach…

Glynis Manley: and about the prime land… (inaudible) I don't have a son. People from 1995, you're talking about 2000, the lady that was here she got Barrigada. What happened to the rest of the people from 1995? We were passed thousands of people. John keeps saying you're 400 (inaudible) John, I'm 400 December 400 and you're working on the thousands…what happen to the four five six…you're already on thousand…hello?! I talk to Margarita, John Lorraine who else am I going to talk to?

Commissioner Santos: We don't need this favoritism

Glynis Manley: Si John…Jack…ai I'm sorry…now Hita any of chance coming because I'm babysitting my grand. They keep saying come and go to that…, oh, believe me as much as I want to my child is more important you know? People have to make a living, I don't want my kids to lose their job because they have to attend this so called meeting. This is unnecessary really. If people were doing their job, they should be calling us just document it down. You got my number it hasn't changed, a lot of people even the newspaper. That one guy from Agat and oh my god we have the same situation, their numbers didn't change. Ugh… I don't see why nobody called. If you're too busy because you're doing whatever send it to the next line…ugh…oh my goodness I don't understand this government. It's really ridiculous, just like they're saying, sorry to get off track, the Governor is saying we're short, there's no money but they keep getting pay raises. Are you kidding me? How embarrassing is that? The Dededo Mayor, there's trash all over the place and she's worried about the carnival whether they gonna gambling…ugh… are you kidding me? Look at the trash, worry about the area, you're the Mayor there in Dededo, concentrate on that, don't worry about the gambling… Jesus Christ this is really ridiculous. I am really done with this Government, this is really ridiculous.

Commissioner Santos: We need to work on her application

Chairwoman Pika Fejeran: Ma'am Ms. Concepcion, your…

Commissioner Santos: she's priority.

Chairwoman Pika Fejeran: you're our priority and I wish, I wish we could just say, here's property now.

Glynis Manley: and that's another situation, I'm sorry to cut you off Ms. Pika. I come in and ask, what land is available? Okay, they give me this that okay, what else do you have? That's it only this and that then I'm hearing down the line somebody else getting….okay Barrigada…wow what happen to…how come I wasn't offered that area? I was there before that person 2002 that got that…excuse me… how the hell….Ugh…Jesus Christ.

Chairwoman Pika Fejeran: I understand your frustration, it's um…you know some of

Glynis Manley: ask John. I talked to John. John hafa John what what…oh yeah this and then…(inaudible) then oh sorry you cannot have that because that one was given to someone else. Then why you offering me if you gave it to someone else? Are you…hafa dai, kao bå'baba ilu-mu? (is there something wrong with your head)? Letche' boy there's something wrong.

Chairwoman Pika Fejeran: you know it's obvious that our internal procedures need a lot of work and…

Glynis Manley: very much so

Chairwoman Pika Fejeran: and…and…

Glynis Manley: I think I'll go get my granddaughter maybe she can run this….really… it's ridiculous… I don't care what degree you have in the college degree…it's called common sense… just a little common sense come on now….really.
I know I don't have the money probably it's not what you know it's who you know crap…I don't believe in that crap. Okay? I have lots of relatives here if you go down the line surely we're all related somehow probably related to you…know that for sure, even you maybe Hita…I don't know but that's not the point, I don't care, I'm not coming here to know who's my ancestor from your (inaudible) I'm here to find what's you know…what you guys offer. I would rather go and (inaudible) but I can't afford it, either I'm too high or too low not enough, so what the heck? I could imagine what all these people (inaudible) just as bad as mine, maybe worse, I don't know.

Commissioner Santos: twenty years to long

Glynis Manley: twenty four to be exact auntie, its ridiculous. My mom died, my sister died I'm like what the hell you waiting for me to die again? What? Hafa dai? What is going on?

Commissioner Santos: I know

Chairwoman Pika Fejeran: I wish… I wish I had a solution

Glynis Manley: didn't you just say you gave that guy a land and then now you still gonna have to say you still have to come back after you give them a land you still have to come back. Hafa dai? What is going on? Give me the property…what yeah but you cannot do anything yet wait you have to come back again…okay…(inaudible) you have to come back and do this what again…I have to come back again. Hafa dai…what…what is going on? Either give it to me so I can build something on it and get it over and done with, and pay the lease 99 years right…$99.00 that's what they said, $1.00 a year…wow sounds so terrific and wonderful but all this frustration it comes along with….oh my goodness (inaudible) was it written in fine lines so you people forgot to read it? Oh my goodness…

Chairwoman Pika Fejeran: Ms. Concepcion I wish I could… I wish I could, I wish I could move

Commissioner Santos: That's more than frustration

Chairwoman Pika Fejeran: I wish… I understand. I wish that I could waive a magic won

Glynis Manley: yeah I know. I wish I could too. That's why people talk to me and I sound rude and you know CHamoru right? Lañya that lady, something wrong with her… excuse me, no I think there's something wrong with you. Because you tell me to do this and that…I'm doing it, and yet, you still…hafa dai?

Commissioner Santos: I know…by passed

Chairwoman Pika Fejeran: you know, like it was mentioned many times, much of the work the Commission does here…point out we're all basically volunteers, the three of us sitting here. We don't get to work in the office 40 hours a week right? So, but the work that we're doing is to make sure that moving forward, the same issues don't happen.

[Multiple voices]

Chairwoman Pika Fejeran: yeah, moving forward and we hope we're optimistic that we can move forward but we need to get our rules fixed so we can move forward and have it (inaudible)
So that's what we've been working on.

Glynis Manley: So you guys gonna put it in the hands of the senator?

Chairwoman Pika Fejeran: To fix the rules? We have to or else we're gonna keep spinning our wheels and…

Glynis Manley: that's ridiculous, I'm sorry. They need to fix themselves right now cuz I think they're having a lot of issues. I'm telling you, they need to fix themselves before then can fix us. Their pockets keep getting bigger, ours keep getting smaller… pay raises keep…oh my god, are you kidding me? Then you're saying the government is broke…umm…excuse me, you just had a pay raise.

Commissioner Santos: So what…what are we gonna do.

Chairwoman Pika Fejeran: I wish I could tell you more than…than just.

Glynis Manley: yeah and also my mom, she's no longer here, she transferred to my sister which passed unfortunately again. So she's trying to transfer to her daughter but her daughter is not here, was but she went off island… you know.

Chairwoman Pika Fejeran: Okay…so in that case, you can do an affidavit saying that

[Multiple discussion]

Chairwoman Pika Fejeran: she can request that a new beneficiary be assigned.

Commissioner Santos: What is the time that the people didn't agree on your application

Glynis Manley: a lot of them… a lot of them giving me attitude, I'm sorry to say, but 24 years come on now. Don't even try to ask you up front, you know…what…what's going on? What's the hold up? I met Lorraine because I know Lorraine personally way back before she was even in this company. I said, Lorraine, what's happening with my application, I think it was a dead or something…oh yeah… let me get back to you, blah blah blah…nothing was said. You know the…

Chairwoman Pika Fejeran: Well on our website, you can see where you are in line. Um… and

Glynis Manley: So that's where it's gonna be at now? I have to look at the website to see where I'm at. I know where I'm at, I'm at December 1995… okay… so what now? (inaudible) they already issued land from 2002. What do you mean where am I at? No, where are we at here?

Commissioner Santos: that's right

Glynis Manley: I want my lease…please.

Commissioner Santos: at least for your daughter.

Glynis Manley: Yes exactly. I want it to be transferred to her. And I hope you don't have to go through the same frustration I went through, really.

Land Agent I John Gumataotao: Ahh Madame Chair.

Chairwoman Pika Fejeran: Yes

Land Agent I John Gumataotao: May I?

Chairwoman Pika Fejeran: Yes sir.

Land Agent I John Gumataotato: ahh regarding

Glynis Manley: Yes John…please John because I called you a simple as that. And I wish to god you would have called and I wouldn't have to be so frustrated with you and you know that.

Land Agent I John Gumataotao: Yes..ah…regarding Ms. Manley or Ms. Concepcion's, or my statement regarding her place in line, all I said to that was ah… regarding the CHamoru Land Trust's desire to amend the law to allow for certain things to happen, that way, the Trust can go back and put people start putting people into their prospective spots so they could get issued their lease.

Glynis Manley: okay but that's kinda to late, when you already got 2000 that were issued a land

Land Agent I John Gumataotao: I understand and I explained that if you look at numbers, if the Commission issued three thousand leases and your number four hundred and you didn't get a lease, obviously something happened…either we by passed you or we just didn't issue a lease to you.
So, in order for the Trust to get back to property issuing leases numerically, we have to first fix this thing that's preventing us from doing it; which is the switch list because we already had issued leases to those people that switched.

Glynis Manley: Yes nai John you mention that… the newspaper mentioned it (inaudible)

Land Agent I John Gumataotao: Well no, I am just trying to explain to the Board the reason why, because it kind of sounds rude ah…that I said, yes, you're number four hundred but you're going to be considered number one thousand… when

Glynis Manley: Why? Why is that?

Land Agent I John Gumataotao: Because the statement you made earlier, it kind of like ahh….it's ahh For me, it doesn't put me in a good.

Glynis Manley: I don't understand where you're coming from John, I'm sorry.

Chairwoman Pika Fejeran: You know, I can't correct what's been done. All I can tell you is we're working forward

Glynis Manley: Yes please.

Chairwoman Pika Fejeran: Okay?

Glynis Manley: So what am I gonna hear today?

Commissioner Santos: So when are we going to entertain her?

Glynis Manley: Yes, exactly, cuz this has been like how many times I've been here John?

Chairwoman Pika Fejeran: When we're ready to start issuing out leases again.

Glynis Manley: When is that? You…every time I talk to him, that's exactly what he told me.
When are you gonna issued out land? Tita? Pika? Sorry?

Chairwoman Pika Fejeran: Pika

Commissioner Santos: If her daughter don't need the land, she won't come here.

Chairwoman Pika Fejeran: I don't have an answer for you.

Glynis Manley: What do you mean?

Chairwoman Pika Fejeran: I'll be honest…

Glynis Manley: So who can help me then?

Chairwoman Pika Fejeran: I don't have… I don't have an answer for you.

Glynis Manley: So who can help me then Pika? I am tired of coming into this place. I can't take it anymore.

Commissioner Santos: She applied since 1995

Land Agent I John Gumataotao: Um…even if you want to transfer your application from yourself to your daughter,

Glynis Manley: Yes John

Land Agent I John Gumataotao: Legally you cannot do that because it's not allowed under law. The only time that you can transfer an application, is you are deceased, then the application right gets transferred. But you cannot to transfer to somebody else. What the Board wants to do is, submit a resolution to the legislature to allow for that to happen. So that way, you can transfer it to your daughter and we could start working forward. But right now…

Glynis Manley: But when is this gonna happen nai John? Another 24 years? Excuse me John I can't wait that long.

Land Agent I John Gumataotao: I understand and… and…

Commissioner Santos: no..no..

Glynis Manley: I don't even think I have another five years, to be honest with you if I have to deal with this… hello?!

Chairwoman Pika Fejeran: Ms. Concepcion, I'm sorry. We don't. I can tell you though that the Commission and the staff under the new leadership is working feverishly to be able to get to you and the thousands after you that are still waiting. I don't know when that will be.

Glynis Manley: So why do you got people that issued two thousand that applied in 2000 they already have land. You still got applicants like myself that haven't been issued. I don't understand you Pika. Sorry, I know it's not your term, you weren't in that office…and blah blah blah whatever happen in previous.

Chairwoman Pika Fejeran: What do I do? Do I take it away from (inaudible)

Glynis Manley: Yes please do. I won't be hurt. I'm sorry, I won't be hurt. It's only right, right?

Chairwoman Pika Fejeran: Thank you for your comments.

Commissioner Santos: We understand your sentiments but we tried to help you… if you allow us too.

Glynis Manley: So Pika, I just want to know… I need an answer please. I'm tired, I went up to speak with the Director when was that?

Administrative Director Jack Hattig III: A couple of days ago.

Glynis Manley: Yeah see, I spoken to I think it was Borja… I spoken to Camacho…which he was assistant whatever… yeah…John, Margarita, Lorraine…and I think the other two…I know everybody already here in this office. Honestly…that's ridiculous.
I'm just trying to find someone that will help me. And just stop telling me you're sorry because I don't want to hear sorry…sorry is not going to get me anywhere

Chairwoman Pika Fejeran: Okay…thank you for your comments

Glynis Manley: K so Pika what do I do know? Keep waiting again.

Chairwoman Pika Fejeran: I'm sorry that's…

Commissioner Santos: Should the daughter come in and apply?

Glynis Manley: No… I want her to…I want her to get my application take over

Chairwoman Pika Fejeran: Well in order for that to happen, we have to have the legislature change our rules…we're working on that.

Glynis Manley: So then give me agriculture, I don't care… I'll take the agriculture.

Chairwoman Pika Fejeran: okay

Glynis Manley: Yeah…I'll take the agriculture but she can build on it?

Commissioner Santos: Yeah…yeah

Glynis Manley: yeah, that's fine. What's the difference between agriculture? Just plant anything on it?

Chairwoman Pika Fejeran: You have to meet certain farming requirements.

Commissioner Santos: If she don't have a primary home, she could build her home there in agriculture land.

Glynis Manley: So I'll take that…cus I don't want to wait anymore. Like I said, I'm done, I'm done waiting.

Chairwoman Pika Fejeran: Okay…thank you for your comments

Glynis Manley: So with that, where do we go with that John? What now? What's your plans please?
I want to do it right here in front of everybody, TV, everybody so that everybody would know. Nothing closed doors, everything's wide open.

Land Agent I John Gumataotao: If…if the legislature acts upon the resolution that the Commission plans to or if they decide to submit a resolution to the legislature to allow for certain changes in the Rules and Regulations of the CLTC, we'll be able to start off and start issuing leases but that can't happen unless rules are changed, the regulations is changed in the CLTC.

Glynis Manley: Yes nai John but what I'm saying is how come I haven't got a lease period.

Land Agent II Jhoana Bragg: Um…can I just say something? Um, my name is Jhoana

Glynis Manley: Mmhm…Hi Jhoana

Land Agent II Jhoana Bragg: Hi. I've been, I have reviewed your file

Glynis Manley: Yes ma'am.

Land Agent II Jhoana Bragg: It does indicate in there that there were lots that were offered to you.

Glynis Manley: No they showed it to me nen…you know when I ask them…you know…

Chairwoman Pika Fejeran: So you've been entertained, we've offered you properties that you declined?

Glynis Manley: They didn't offer me Ma'am, they asked me, they said did you want that? Cuz I asked them, cuz they kept trying to tell me visualize, like John…Pika, I'm not good with direction to be honest with you.

Chairwoman Pika Fejeran: So we've entertained her application?

Land Agent II Jhoana Bragg: We've entertained her and I believe there were lot showings with you, however, in file it indicates that she does not want it. So moving forward, you know due to the moratorium

Commissioner Santos: Did you get to choose?

Glynis Manley: No…I kept asking but…

Land Agent II Jhoana Bragg: Due to the moratorium there was a hold, so those properties that were offered she advised us that she did not want the properties.

Chairwoman Pika Fejeran: So you're allowed to decline three times.

Glynis Manley: What?

Commissioner Santos: Do you remember? Did they give you a chance to choose among three land?

Chairwoman Pika Fejeran: I'm sorry Ms. Concepcion, we have many other individuals waiting to be heard here as well. We hear your comments, we feel your frustration and we hope to get to you and everybody else that's waiting, within the next year. But we have to do it right and we have to be methodical about it and follow our rules so that what has happened in the past, doesn't happen again. But I'm very glad to hear that our staff has worked with you and offered you properties but you declined it, if you haven't declined it, you would have a lease. So that make me feel that okay, we didn't just skip over you. It wasn't that we never contacted you, so…

Glynis Manley: No they didn't contacted me Ma'am, I was the one that always had to go contact them, that's the problem. They give me a number to contact them but when I call them they never answer the phone. That's the problem, that's why I had to keep going you know…one person to another and that's what's so frustrating.

Chairwoman Pika Fejeran: Okay, thank you Ms. Concepcion. Can I please move on?

Glynis Manley: This is ridiculous…so you said within a year

Chairwoman Pika Fejeran: Yes, that is my hope and my goals and my dreams…to start issuing out leases to everybody on the waiting list

Commissioner Santos: So she can apply under agriculture?

Chairwoman Pika Fejeran: Yes if that….(inaudible)

Glynis Manley: Unless the Senators…what is that John you're saying about the…sorry I…

Land Agent I John Gumataotao: Unless they ah, the legislature acts to allow for certain changes in the law then…

Glynis Manley: And when is this gonna happen John?

Land Agent I John Gumataotao: ahh I don't know

Chairwoman Pika Fejeran: It's a long process. You know, it's like we're trying to move a bus with our hands, it is a very long process. But I'm hopeful that we can fix our internal processes and actually start making progress.

Glynis Manley: I hope so Pika. I hope so.

Chairwoman Pika Fejeran: Vicente Concepcion

Vicente Concepcion: Yeah…first of all… I talk with John Gumataotao and (inaudible) and when he showed me a property there was nobody assigned to it. If she can't have the property then at least help me on this one.

Chairwoman Pika Fejeran: Okay

Vicente Concepcion: I did in inquire a property (inaudible) but somehow you know, we're not the politics and somehow they move my name and gave it to someone else that is off island, staying off island for a year. (inaudible) they do the contract maybe but it's not signed the lease. The lease not signed and I've been waiting for it. I found this thing out like maybe eight months…(Inaudible)
So I spoke to Mr. Jack Hattig and he said the only thing that can terminate the contract is you nai Pika. So that's why I'm here.

Chairwoman Pika Fejeran: Okay, I'm not familiar with your case but what I would like to do, is place you on an upcoming agenda so that we can look at your file and look at everything that has transpired.

Administrative Director Jack Hattig III: Mr. Concepcion is applicant

Vicente Concepcion: Yes… a 1995 applicant

Administrative Director Jack Hattig III: He's married to Ms. Concepcion who's also an applicant. So just to give you a little back ground. They did speak with me and we are trying to put a staff report together for them and make a suggestion to the Board.

Commissioner Santos: You're doing the right thing.

Chairwoman Pika Fejeran: Thank you for coming, we'll get you on the agenda so that the Commission can look at all the facts and decide. Thank you

Chairwoman Pika Fejeran: Next, Julia SA Quinene

Chairwoman Pika Fejeran: Hi Ma'am, thank you so much for waiting.

Julia Quinene: Hi everyone. Mine is (inaudible) and I hope it's not as stressful as everybody else. My name is Julia San Agustine Quinene, I was actually called last week to come and attend a meeting because I'm here for a guaranty loan, everything is set but there is always a hold somewhere along the line. I think I almost became a staff of Land Trust because I was here every week. Lorraine was my coach, she was the one training me. At any point, I really want to move forward, my mom she has cancer, she's recovering and everything and she just wants…I just want my mom to have something before the lord takes her and I'm tired of her moving from house to house whenever there's a storm. So we are this far, ready to go and I have been communicating with SBA off island, because it's not here in Guam or even Saipan, the closed down already so it's back and forth….I mean taking off from work, it's a lot of stress… but you know…hey, it's in the hands of the lord so I give it god and just wait on him to guide me through. Um… the problem is, they said I don't have my land surveyed, back in 2000…I mean 1999 somewhere there, there was an issue with family members that they were always constantly coming down to Land Trust, arguing with Land Trust. So they had to do a survey. My brother's house was built under SBA, there was no survey. My brother behind my house, I'm in the corner on (inaudible) street, the house to the right has a house…everybody…I'm in the corner, so why would have… I even spoke with the surveyor and it's on the map but they said it's not recorded. I have all this instrument recorded with Land Management, I was back and forth but they said there's no survey so now it's on hold again with SBA. They have to extend my loan because of Land Trust saying there is no survey. But how is it? I have mohon's (markers) in all my areas…, my brother has, he had his house built, like I said. They're under SBA, I'm the only one, so I don't understand now. I have to get it surveyed over the same area that has marking? Even the Surveyor mentioned to me, Ma'am if that area over there is clean a little, I will mark it but there's a…a…flag there, I will mark it, just call me back and I will mark it. So what do you call that? It's not surveyed then? There was an issue back then that Land Trust had to do it because it was a conflict. I mean…domestic was building up…and Land Trust stepped in to take care of that survey. And like I said, I was there for three days cuz the Surveyor was working on my two brothers that were always constantly having this conflict, So mine's in the front, my brothers in the back and they all have their houses already. Now that I'm moving forward, I'm on hold again.

Land Agent I Jessica Dayday: It's not approved.

Chairwoman Pika Fejeran: It's not an approved map?

Land Agent I Jessica Dayday: No…it's… it's…it doesn't have…the Director didn't sign it… no one else signed it, the Surveyor, not even an surveyor and it's not recorded.

Chairwoman Pika Fejeran: So is SBA the one that says we need a survey?

[Multiple discussions]

Chairwoman Pika Fejeran: Does she have a lease?

Land Agent I Jessica Dayday: She does. I checked… with the in-house map and all, but her document her number and that was the issue why she kept coming in January from January she kept coming in every week.

Julia Quinene: Because my addendum was wrong also, they had to do a second addendum because they gave me a different lot number. It's good thing I did show up. Otherwise, they'll just think it's a…

Land Agent I Jessica Dayday: So they change…ah... the instrument number was incorrect, it was somebody else's instrument, so when we looked it up, it was her sibling that one that's next to her and I um… I researched more, that's why I couldn't put her (inaudible) for this meeting because I needed to research more and find that survey map. I even asked her,

Chairwoman Pika Fejeran: She has a lease, so why are we holding up the home loan guaranty approval from the Commission?

Land Agent I Jessica Dayday: Because I don't have the map, the recorded survey map. It doesn't show that it is surveyed.

Julia Quinene: Everybody, like I was saying, all my brothers. The same surveyor did all three when there was a conflict within the family.

Administrative Director Jack Hattig III: It's taking a little bit more time Ma'am to…to…get with Survey Division and Records so we can get the survey map. That's the only thing that's holding up.

Julia Quinene: And both brothers have the same map I have

Land Agent I Jessica Dayday: Yes

Engineering Tech. II Melvin Javier: This map has been surveyed by (inaudible) Villaflores but by him only, not by the Director so it's not an approved surveyed map.

Chairwoman Pika Fejeran: Okay..okay… so what does that have to do with the home loan guaranty approval? That's my question.

Julia Quinene: Yeah…we're ready to go.

[Multiple discussion]

Administrative Director Jack Hattig III: You mean they can proceed without the survey?

Chairwoman Pika Fejeran: Yeah, just waiting for Commission approval.

Julia Quinene: My case worker from Texas called up and say, are you still interest? I go, wait a minute what's going on? Ahh, then she goes, well we just need to find out, we need to get a guaranty from your Land Trust and I'm just going step by step.

Chairwoman Pika Fejeran: Do you have the um… home loan guaranty document or the loan document.

Julia Quinene: Yes, they have a copy also, I gave them a copy of it.

Administrative Director Jack Hattig III: Okay so, according to the case file, SBA needs the instrument number of the recorded map. It's possibly, a new requirement that SBA is now cracking down on some of the ah…you know, persons that are applying. So we are just trying to comply, our efforts are just to comply with SBA at this point so that's that I can glean from your case right now, is that SBA is requiring this so we're trying to get it… so if you don't have it…

Julia Quinene: Because they didn't mention it to me that… that they need it. They just said, they approve everything their just waiting for you to… for Land Trust to just approve, the guaranty.

Land Agent I Jessica Dayday: That…that was the issue, that's why they had to correct your instrument number, remember the one, first they said, they couldn't read it

Julia Quinene: They couldn't read, yes

Land Agent I Jessica Dayday: Yeah, and then they looked it up, Records, looked it up and said it's the incorrect

Julia Quinene: Yes, it was incorrect

Land Agent I Jessica Dayday: That is the instrument number SBA needs

Julia Quinene: But then they… they didn't approve it until I send… I faxed it to them, so then that's when they wrote back and said okay you're good to go.

Chairwoman Pika Fejeran: So now, they're just waiting for the Commission's guaranty?

Julia Quinene: Just approve… yeah, and so the loan is waiting, just… my check.

Administrative Director Jack Hattig III: We could put that before you Ma'am but just to let you know, if there's not a recorded map or not a recorded instrument number, you know…

Chairwoman Pika Fejeran: Well if there…ah…if SBA I'll approve it

Julia Quinene: I have an instrument number, I have a map a map for the addendum

Land Agent I Jessica Dayday: I researched it.

Julia Quinene: They have my (inaudible) the damn thing to go… it's just waiting…

Chairwoman Pika Fejeran: Can we get her on the next agenda?

Administrative Director Jack Hattig: Yes Ma'am

Chairwoman Pika Fejeran: And you already have the documents?

Julia Quinene: Yes, I have umm… I just need that ah…

Administrative Director Jack Hattig III: Okay so, let's work hard to get that map and…and… get it into there so we can put on the next meeting agenda

Julia Quinene: And they did extend it, because I told them

Chairwoman Pika Fejeran: For how…how much longer? Can you check that cuz, we'll…we'll have to… when's our next meeting?

Administrative Director Jack Hattig III: May 2nd.

Chairwoman Pika Fejeran: May 16…

Administrative Director Jack Hattig III: Well our next meeting is May 2nd.; did you want to take it up on the 2nd?

Julia Quinene: I did tell her… I did tell her that in May… cuz I was supposed to be squeezed, scheduled for May, the next, when was that Jessica? For the Board you said it was May? You were trying to put me in there.

Land Agent I Tina Jocson: May 16.

Julia Quinene: May 16… so I did.

Chairwoman Pika Fejeran: Okay good.

Julia Quinene: I did, I did inform my caseworker and she goes she will extend and she'll be more than happy to extend it.

Chairwoman Pika Fejeran: Okay good. So May 16, we'll look at your documents um… you don't have to be here.

Julia Quinene: Okay good cuz I took leave.

Chairwoman Pika Fejeran: Yeah…no, you were here all day. We've talked to you and it seems like it's just an administrative matter that…(inaudible) so you don't have here.

Julia Quinene: Okay…thank you so much, I really appreciate it god bless you guys for a job well done.

Chairwoman Pika Fejeran: Awe, thank you Ms. Quinene

Chairwoman Pika Fejeran: Carl Quinata? Oh no, he left right.
Sandra Quinata? And I have Danny Cruz and Marie Cruz? No… oh…

Administrative Director Jack Hattig III: (inaudible)

Chairwoman Pika Fejeran: Oh…hi

Marie Cruz: I think we're here for the Null and Void list

Chairwoman Pika Fejeran: Null and Void? Okay so you're on our agenda

Marie Cruz: Yes

Chairwoman Pika Fejeran: Thank you. And then I have, ah…Lugene Santos, Rosario Cahill, Cynthia Fejeran, Fred Chargualaf, Emily Sablan, Annie Siguenza and Shirley Gagan who we've already addressed so… okay. Um… going back to New Business, Constituent Matters, is ah… Christianna Jean Sarmiento

Nededog here? No? Okay, I'm gonna table her. Antonio Toves? Buenas, can you just give us a second, we're gonna pull up your um… full disclosure, you're married to my first cousin so I can't rule on any of this. Thank you for your patience Sir. Okay. Antonio Toves…staff report. Okay you have a lease, a residential lease, Track 10316, Block 1, Lot 12R5 and you're requesting issuance of lease… oh, based on pre-occupant status and issuance of the authorization for utilities.

Antonio Toves: If I have the lease, I don't need the authorization for utilities though.

Chairwoman Pika Fejeran: You do actually.

Antonio Toves: Oh

Chairwoman Pika Fejeran: Yeah you do. So you're living on the property?

Antonio Toves: Yes, well currently as of right now, there's no power.

Chairwoman Pika Fejeran: Oh okay… so you were a pre-occupier when power was… can I get his file please? Antonio James Toves. Okay, I do see that you're a 2001 applicant, but you were claiming pre-occupying and what is that based on?

Antonio Toves: Um…well an acre (inaudible) from 95 basically when I was young, that's where I live…'76.

Chairwoman Pika Fejeran: Oh, your parents…

Antonio Toves: Yeah

Chairwoman Pika Fejeran: Your parents occupied the property

Antonio Toves: Yes, my parents and my grandparents. The (inaudible) can see there, it's half tin it's half cement but the typhoon structure my dad built that in '74.

Chairwoman Pika Fejeran: Oh okay

Antonio Toves: And my grandfather had that land since I think the 1950's when it was under the Arruendo.

Chairwoman Pika Fejeran: Okay, so it was under the Arruendo program? And what prompted you to come in to apply since you've already been occupying?

Antonio Toves: Cus um… right now we need a lease to get power and water to be hooked back up

Chairwoman Pika Fejeran: Okay

Antonio Toves: Plus, I also wanted to start um…like developing it

Chairwoman Pika Fejeran: Okay…okay and I do see a Mayor's Certification that you've been a pre-occupier. Even back in 2001, we issued you an authorization for utilities but you were never issued a lease. Is that right?

Antonio Toves: Cuz um…Joe (s/b John) Gumataotao and Mr. Mafnas, I was trying to get it so I could build they gave me a permit or a paper to get a building permit and they told me not to worry about the

lease right now just get the land surveyed and then they'll give me a lease. But then I found out that you guys were giving leases based on pre…

Administrative Director Jack Hattig III: Subject to survey

Chairwoman Pika Fejeran: What is umm…I see that there's a Cease and Desist order

Antonio Toves: That was… that's irrelevant cuz I have a 2012 permit to get a building permit and to apply for water and power from Mr. Mafnas

Chairwoman Pika Fejeran: Oh

Antonio Toves: 2000…what does it say?

Administrative Director Jack Hattig III: 2003

Antonio Toves: 2003, that's after Pongsona, I think I was building and then… because I had a storage outside, separate and they said I had to have only one structure. So I talked to Joe (s/b John) Gumataotao and he told me to put a 2x4 to connect it and therefore, it'll be one structure.

Chairwoman Pika Fejeran: Okay, so in your file, I do see you're a pre-occupier from your parents before you…right. And utilities were authorize since 2001 for you, but now we know that GPA and GWA are very strict and now they have to require a lease. Now that they require a lease, you need a lease from us, okay…
I have no questions

Commissioner Duenas: Motion to approve issuance of a lease for Antonio James Toves for T10316, B1, L12-R5 Dededo subject to survey for half acre on property and issuance of Utility Authorization for power and water.

Antonio Toves: I have a question about that

Commissioner Santos: I second it

Chairwoman Pika Fejeran: Motion made, second it

Antonio Toves: The red part shows more than half an acre right?

Chairwoman Pika Fejeran: Uhha

Antonio Toves: And I was reading in here in that thing, (inaudible) about the lot size, why would I make it half of that now?

Chairwoman Pika Fejeran: Well we handle pre-occupiers differently. But the law says, if you're a pre-occupier, the CLTC has to give you a lease for your property.

Antonio Toves: Okay. Is there any way I could make that agricultural so I could use the whole lot? Well that's what I wanted to do, that's a reason why I wanted a lease so I could start farming.

Land Agent II Jhoana Brag: This is just a masterplan and um… it was based on not necessarily indicating that Mr. Toves has an acre, but if we created a one acre, it was supposed to be for a given lessee. But in this situation, if you go through the masterplan and there is no name to it then it's basically saying that

we need to find out who that lessee is and overtime we've changes happen because actually they're not supposed to be on a one acre. So that's why, it's proposed that we're going to cut this lot up for a half acre to my understanding, based on his file.

Chairwoman Pika Fejeran: Ah…what does the file say? Does it say anything in terms of what was (inaudible) property was?

Antonio Toves: It was actually bigger than that, but you see the house down? Down to the red spot? Her house is actually on the road where you could see now and then she moved up, they moved her up. But originally, that property was occupied by my family all the way up to the red spot. The next lot on the right use to be my family which is Castro but now it's my family Aldon

Land Agent I John Gumataotao: I think Mr. Toves is using the father or grandfather's LUP?

Antonio Toves: My grandfather

Land Agent I John Gumataotao: Right so his father was the one that was living there and Mr. Toves' application…or he's claiming the father's LUP that's fine, but

Antonio Toves: Actually where the neighbor built down…that's where my dad's house was. Where my ranch currently is, was my grandfather's land.

Land Agent I John Gumataotao: Well at the end of the day, your grandfather was farming on the land in 1994 or even earlier than that, then he would have been noted as pre-occupier for this LUP and if he was to apply, he wouldn't qualify because he's from the Northern Mariana's. So he qualifies because his mother is from Guam. So when I start to look at his file, he has a residential application and we don't

Antonio Toves: See that's another thing though, Mr. Jose, I mean Joe Gumataotao,

Land Agent I John Gumataotao: John

Antonio Toves: The old man the one I dealt with before, he told me that I would be given agricultural and I was asking him why would I do that, right? Because it's going to be hard to maintain a farm and I was young when he was telling me this. He said, don't worry about it boy, all you gotta do is plant donne' (hot pepper) and there's benefits to getting agricultural water and stuff….so I was under the impression that it wasn't agricultural lot anyways.

Land Agent I John Gumataotao: So he has a residential application and under the rules we can only give a half acre if there's no sewer, if there's sewer then it can go down to a quarter acre. Because he has a residential application, and he's situated on this lot, we have to scheme the lot to allow the half acre for him, the remaining acreage can be issued to another applicant. With him changing his application type from residential to agriculture, it's not allowed under law. So he's kind of like stuck in a, like a pickle because…

Antonio Toves: Okay…so how is that possible then? (inaudible)

Commissioner Duenas: Can we know how that would work if we cut it down to a…

Antonio Toves: Yeah, can we have an idea of how that might look?

[Multiple conversation]

Land Agent II Jhoana Bragg: Well we have to first GPS your area sir, to identify where you are actually occupying and from there, we take what our findings are to survey division and they will be the one to

Antonio Toves: So it's actually something similar to that

Land Agent II Jhoana Bragg: Yeah

Antonio Toves: Okay that's fine, which is where most of the fruit trees are anyway cuz I have a lot of fruit trees there planted.

Chairwoman Pika Fejeran: Okay, thank you for your question and clarification so a motion was made and second it for the approval of a lease to Antonio James Toves. The lot to be re-schemed to a half acre for the portion that he's occupying right…and this will be a residential lease. But with the understanding that it's being awarded because of your pre-occupying status because your application. Okay…any further discussion?

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay, Ayes have it. Thank you for your patience

[Multiple conversation]

Land Agent I Johna Gumataotao: Could I just um…just to confirm, Mr. Toves although the Board did approve issuance of the lease, the Board still needs to approve the authorization to scheme the lot… so if we look at time table wise, maybe by June perhaps… June or July.

Chairwoman Pika Fejeran: Wait did our motion include scheming and the utility authorization. Oh no no the utility authorization

Administrative Director Jack Hattig: I believe the motion was for scheming also

Administrative Director Jack Hattig: No? Okay…

Chairwoman Pika Fejeran: I think we need another motion, a follow on motion.

[Multiple discussion]

Land Agent I John Gumataotao: May be if you reword it to allow first, the scheming of the property and then the issuance of the lease because by the time the lease is prepared the survey scheme should have been done already and that would be the first step.

Commissioner Duenas: So just a motion to scheme

Land Agent I John Gumataotao: Scheme and then issuance of the lease

Chairwoman Pika Fejeran: Did the motion not include the motion not include the half acre description.

Legal Counsel Nick Toft: It did include the half acre description, but you want them to scheme it first so that (inaudible)

Commissioner Duenas: Motion to approve um to scheme half acre. Is that sufficient?

Administrative Director Jack Hattig III: Once acre lot to a half acre

Commissioner Duenas: Oh, I'm sorry. The one acre lot to a half acre? Okay. Motion to approve for scheme from one acre to half acre lot.

Chairwoman Pika Fejeran: Motion made

Commissioner Santos: I second it

Chairwoman Pika Fejeran: Ah further discussion,

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay, Ayes have it. Okay, sorry so once again has to be schemed

Land Agent I John Gumataotao: Once the scheme is signed by the Director then we'll prepare the lease for you and then call you without having to go through the Board

Administrative Director Jack Hattig III: I'm going to initiate the request for Land Management to do the scheme

Land Agent I John Gumataotao: I would say towards the end of May first weeks of June would be safe

Antonio Toves: Okay. Thank you.

Chairwoman Pika Fejeran: Okay moving on there's…under New Business 1,B, I believe we've tabled because we granted approval authority to the Administrative Director right.

Administrative Director Jack Hattig III: Yes.

Chairwoman Pika Fejeran: C. Other Request, Felix Muna and Tomasa Aguon
Hafa adai, if you could join us up here please.

Tomasa Aguon: Good afternoon Madame Chair, Commission Members um I'm not sure…

Chairwoman Pika Fejeran: I reviewed your staff report, let's see…you're asking to be recognized as the original pre-occupier for Lot 15 Block 8 Tract 18113, Mangilao this is for approximately half acre portion.

Tomasa Aguon: Yeah, I guess that's the last Commission hearing that I presented my case that we did occupy that property finally we finished building a house and we were farming on the land since '89 or 1996 then we finally applied for utilities and ah under the Land Use Permit which under the Arruendo program but now that my nephew claims that he owns that property, he was the pre-occupier which is so incorrect.

Chairwoman Pika Fejeran: Can I get the lease files please?

Tomasa Aguon: I am requesting the Commission that that land be returned to us based on the Pre-moratorium that we were the prior occupiers under the land use, Land Use Permit program number 615.

Chairwoman Pika Fejeran: Sir, you're Mr. Felix Muna?

Felix Muna: Yes

Chairwoman Pika Fejeran: So you had a Land Use Permit 615A, that's what it looks like in your file. Do we have the Land Use Permit listing? Oh, here.
So…L5402, Lot 5402. So I know that the lot numbers have changed right with our…and I see in the file a history of utility bills on Kenny's Lane.

Tomasa Aguon: Yes

Chairwoman Pika Fejeran: Okay this is the same property that didn't have access, easement access that had to go through the courts with Gregory Aguon

Administrative Director Jack Hattig: The easement is open, or is going to be open from what I understand, in the process of being open.

Tomasa Aguon: But that should have been done since day one when the Land Trust took over all the Arruendo program. They should have identified that before allowing people to start living there or trying to claim the property. But…my request from the Commission is to have that land returned to us which is rightfully ours.

Chairwoman Pika Fejeran: Let me… let me… so you're not residing there?

Tomasa Aguon: No Ma'am not right now because like I said.

Anjolisha Aguon: We're residing there

Unknown family member: We're staying there.

Tomasa Aguon: You don't have the floor, you weren't even born when we got that lease from the Government

Unknown family member: We stayed there since '93 are you serious?

[Families argue]

Chairwoman Pika Fejeran: Okay hold on…time out…No no no no no no no….no no no no no no I'm sorry…no…no..no…

Tomasa Aguon: I didn't come here to argue with you people cuz you know what?

Unknown family member: Then give us back the money dude that you owe us

[Families argue]

Chairwoman Pika Fejeran: Hold on…hold on. Hold on a second

Tomasa Aguon: Excuse me. Excuse me Madam Chair can you remove these people? That's why I am here to request

[Families continue to argue]

Chairwoman Pika Fejeran: Hold on a second! No no no! I cannot have this arguing in this room right now. No no no.

Tomasa Aguon: You people have some respect for the family, my blood runs through Greg's children's veins. Have some respect for the older people. You people weren't even born there when the Governor gave us the Land Use Permit.
We were gone off island temporary Ma'am, when we returned my brother was so sick and since Ms. Florence is here, she approached me that day I visited okay? And she said, oh Auntie Tomi, I hope you don't mind we just pulled our bus and parked it, I hope you don't mind we park our bus.

Ms. Florence: Bus? That's not our bus.

Tomasa Aguon: Florence wait…excuse me I have the floor here, this is my

Ms. Florence: No that's not our bus

Tomasa Aguon: No no no Florence don't lie.

[Families argue]

Chairwoman Pika Fejeran: Hold on a second. I cannot, I cannot deal with family squabbles okay.

Tomasa Aguon: I understand Ma'am.

Chairwoman Pika Fejeran: Can everybody just hold on your comments, we're going to look at the files that we have before us

Tomasa Aguon: You see now they're so ungrateful. I allow them to park their yellow bus because they got evicted from somewhere, I don't know where. Out of the kindness of my heart I did not evict a single person that was living there. When I left the island, they all came and started sprouting houses there, including a yellow bus that had a canopy for cooking and whatever. Then little by little, they're like beavers, they start taking peoples materials extending building something and then they have the audacity to say that they own that property and they have the audacity to even number the house 312A which I went to Public Works there's no such number of a structure. It was never registered, you know why? Because they didn't get a building permit like I did. I allow them to live there for so long, I did not chase them because when I came back, my brother was already sick, he wasn't even talking. Thanks to the children they never pursued his medical checkups and stuff like that to get something out of the Government. I took him and he started receiving retirement check, here the kids racing into Pagat to see who's gonna take dad to pick up his check and cash it.

Chairwoman Pika Fejeran: Okay that is beside the point. I really don't want to. I just want to point out that I'm sorry that you were attacked like that, that it happened okay.

Tomasa Aguon: That's why Madam Chair I did not, I never approached them, back there. The last time I visited Greg, was when they burned the shack in the front that had my personal belongings in it. That was the first and last time. I did not mention property back then okay.

Chairwoman Pika Fejeran: Let's just wheel it back in a little bit, let me make the Commission clear on what has transpired and what is the documents that we're looking at.
So you were a pre-occupier, I see and actually Mr. Muna in his file, he has a Land Use Permit since 1988 on the property, in '91 you built a home which was completed in '92 you had power and water installed in '94 before the Land Trust was actually implemented, um Mr. Muna you were forced to relocate off

island for health issues and you authorize your brother in law, Ignacio Aguon to occupy the property, property temporarily. I'm guessing there was no documentation of the temporary nature of this.

Tomasa Aguon: We did a…I did a Special Power of Attorney because I was working at Public Defender at the time, before we moved. But I did not record it with Land Management.

Chairwoman Pika Fejeran: Do you have a copy of this?

Tomasa Aguon: No Ma'am, it got lost in the waste and I don't know, the weather we've been having it probably got damaged. I gave my brother Special Power of Attorney because at the time, my brother in law, Vicente Pangelinan in the front was mentioning something like, they were going to sale those lots to the people that were living there, so I did not want to lose out on the sale, so I gave my brother Special Power of Attorney to handle that…right.

Chairwoman Pika Fejeran: Okay.

Tomasa Aguon: So I guess whatever was gonna happen didn't materialized, so when we left the island, all of his children started moving in there and now they're claiming that it's theirs.

Chairwoman Pika Fejeran: Well it shows that Mayor's Verification resident since '97. Okay after Mr. Muna's Land Use Permit and all the evidence that shows that you guys were the pre-occupying individuals. Um, I…where are you residing now and what are you?

Tomasa Aguon: Right now ma'am, I've been renting all this time because ever since we've returned, I did not have the nerve to evict my brother who was very sick. I tried to talk to the children when I visited there, but they were all running and locking themselves in their little shack. I couldn't get across anybody to find out what's going on with my brother. I took it upon myself to him, okay. And when I did help him, I allowed them to stay until my brother passed away and that there's a yellow bus that is still there, somewhere there in the back that's been hauled over there because my nephew got evicted somewhere so he moved his family over there, which I allowed them, I never knew that they were going to do this number to me. Out of the kindness of my heart, I allowed them to live in that area but now they're turning around and trying to say that I never owned that property. I mean come on, get real.

Chairwoman Pika Fejeran: Well I'm looking at Gregory Aguon's file and it doesn't look like there was any claim prior to us working with Gregory Aguon.

Tomasa Aguon: I think because he took it upon himself Ma'am and you know what? He's been chasing out the siblings that were living in that main house.

Chairwoman Pika Fejeran: So Gregory Aguon is your nephew?

Tomasa Aguon: Yes, his dad is my brother that one that passed away there in that house.

Chairwoman Pika Fejeran: What's your brother's name?

Tomasa Aguon: Ignacio

Chairwoman Pika Fejeran: Ignacio… and Gregory is his son?

Tomasa Aguon: He has a lot of children but most of them moved out because of Gregory, he wanted to claim the whole thing to himself and not even think about his brothers and sisters. So I'm here before

the Commission to request that I be recognized on Mr. Muna or me and Mr. Muna be recognized as pre-occupiers of that property and hopefully the lease will be given…awarded to us.

Chairwoman Pika Fejeran: Legal Counsel, what do we do in this case?

Chairwoman Pika Fejeran: The evidence shows that Mr. Muna before us is the pre-occupier

Legal Counsel Toft: I see the evidence, the issue I have with it is that, the one piece of law that we have that applies is 6.4 (a), under the Public Law 23-38, and that says that we're not allowed to serve eviction notices to individuals who presently reside and have continuously resided on CHamoru homelands prior to July 12, 1995, and who qualify under the Act.
The problem is, the reading of that would imply that we are not allowed to evict Gregory Aguon because at the time of July 12, 1995, he's the occupier of that land.

Chairwoman Pika Fejeran: Ohhh

Tomasa Aguon: Actually, can I correct you sir? July 12, 1995, the Land Trust didn't start 'til December of 1995, correct?

Legal Counsel Toft: Could be (inaudible)

Tomasa Aguon: So all the Arruendo…all the Arruendo lots under the Land Use Permit program were converted to Land Trust property, no longer Arruendo program. I have a copy of that public law because it allowed Mr. Benavente to own a 133,000 square meters of property to do a…some kind of farming. As a matter of fact.

Chairwoman Pika Fejeran: That was no on Land Trust

Legal Counsel Toft: (inaudible) that was on Department of Agriculture not CHamoru Land Trust

Tomasa Aguon: Well yeah, he was awarded under public law. Okay? And in that there's a provision in that public law that the pre-occupiers under the Land Use Permit program would not be evicted. We were there in 1988. He even built his fence close, his fence is about this much towards the wall of my house because I don't know who allowed that to be built like that but it didn't bother me…you know, I'll let it go. But now that there's a public law issued, not to because of the presence of Ms. Benavente not to evict the people that had held Land Use Permits prior to him getting, prior to the issuance of this public law. I got my permit in 1988, the public law was 1990 so why would you consider Gregory Aguon be the occupier of that property?

Legal Counsel Toft: You were not on island in 1995, July 12?

Tomasa Aguon: No sir, we returned in March 1996

Legal Counsel Toft: That's the difficulty that we're having

Tomasa Aguon: So what is my recourse now? With all these paper works and law and this and that and….

Legal Counsel Toft: The recourse is that the Commission does not have the ability to serve and eviction notice to Gregory Aguon.

Tomasa Aguon: I'm not saying evict him, I request the Commission to either relocate them to somewhere else

[Multiple discussion]

Anjolisha Aguon: Ms…Madame Chair

Chairwoman Pika Fejeran: That would be an eviction, to move them.

Tomasa Aguon: Well can I return to my land then? Because I know for a fact, drama is gonna continue. I have evidence of the drama that's been going on. They even burn to the ground, that small shack that use to belong with my nephew Junior with my stuff inside. And then they have the nerve to come back and salvage whatever they can sell without asking my permission.

Chairwoman Pika Fejean: Ms. Tomasa Aguon, um, the legal counsel has pointed out the 6.4 (a) and it says that the Commission shall not serve eviction notices to individuals who presently reside and have continuously resided on CHamoru homelands prior to July 12, 1995, and who qualify under the Act.

Commissioner Santos: That's the Arruendo

Chairwoman Pika Fejeran: Mhmm. Well if we did

Tomasa Aguon: When I was occupying way before July

Chairwoman Pika Fejeran: Right but you weren't occupying at that point in time. I understand you… But in recognition that you did, that Mr. Muna has a Land Use Permit and had been a pre-occupier on that property prior to this cut off. I think we can work with you to find another property that's suitable.

Tomasa Aguon: So I can't return to my own property based on a Land Use Permit?

Chairwoman Pika Fejeran: From our reading of the land, it's…the law states, it gives the date. It gives the date of July 12, 1995. If you had been there and left in August 1995 then we would be in a different situation but because you were off island and I know it's just…

Legal Counsel Toft: Arbitrary

Chairwoman Pika Fejeran: Arbitrary right because it was your land, you built the house, you moved off, you have the kindness in your heart, you let your family move in…unfortunately, it's…

Tomasa Aguon: It's so unfortunate Madame Chairman and um… I don't think I'm gonna stop until

Commissioner Santos: You're renting right now?

Tomasa Aguon: I have been renting. I've been allowing my nephew, all my nephews, the last one that moved out was my nephew Edward cuz there was always conflict back there, in that area. Only Gregory is left and Bernice. My sister right now, okay? I don't know if you've seen the news, they arrested the Pagat Terrorist the other day, the one that has been damaging my sister and the kid's property, human life and part of my nephew's family in the back, they're a part of it, cuz they're constantly calling out my niece to fight and they even threaten they're gonna burn the house with the people inside. I have photos of comments on Facebook from Greg's daughter in law. I have those things. Those are threats already Madam Chairman, you people should not allow people that are constantly breaking the law causing havoc, causing chaos, threating people especially my 79 year old sister that's living in the front. She's not afraid to die, she said. She has gulf club, I go oh yeah? That gulf club is not gonna save you, if they like something and throw it in your shack and burn you down. I fear for her life, my niece on the side she can fend for herself. My sister there, and these people are and these people are constantly

going there asking, Auntie (name in audible) can you this? Auntie (name in audible) can you that? Stop bothering my sister cuz she's got her own problems. She's been grieving for all her kids and her lost husband, I mean this is too much Madame Chair. And it's gonna continue, the problems are going to continue over there until somebody gets very hurt. I mean if they conduct themselves like civilized people, that house right now; I don't know how they're using the bathroom, there's no running water. It's been 11 years since no water, no power. The pedal stole, it was standing real straight, no typhoon no earthquake made it crooked, it's crooked now because one of the macho men there when there was no power started kicking until it got crooked. They're bashing broken cars there, come on now Madame Chair. I mean you know…

Chairwoman Pika Fejeran: Ms. Aguon and Mr. Muna we feel that we can't entertain your request to evict, based on…

Tomasa Aguon: No, I am not asking you for eviction.

Commissioner Santos: You never complain this to the public safety?

Tomasa Aguon: Already they got arrested. My sister calls them the Pagat Terrorist, they come to her property and threaten them. My niece's husband's arm is broken, thanks to that terrorist. They broke all the windows in the…I mean for what reason?

Chairwoman Pika Fejeran: Well I'll be honest, to see the outburst by that young gentleman in here, I almost don't doubt that.

Tomasa Aguon: That's not my nephew Greg's son.

Anjolisha Aguon: Yeah, that's not.

Tomasa Aguon: Florence has kids from a prior relationship.

Chairwoman Pika Fejeran: I don't know who he was. I am just saying, there's a lot of anger and it feels like violence.

Tomasa Aguon: You know why they were angry, because my sister decided to close the road. (inaudible) I'll find a way to go in and out without making a scene and even the Facebook threat that something is gonna go down and a F words…especially family. Family is supposed to stick together, protect each other, love each other but this family, I don't think they're family because they treat everybody else like a bunch of…
My sister, she also has been diagnosed with cancer, she's sick that's why we hang out at her place every Saturday to be with her. She doesn't want to undergo treatment, she doesn't need all that drama from the back to come up to her property.

Chairwoman Pika Fejeran: Well I hope she will use the proper authorities to…

Tomasa Aguon: It's been done already. But I don't see her, she's not happy there with all that drama going on.
So what is my recourse Madam Chairman?

Chairwoman Pika Fejeran: Um...to work with the Commission to find another property that's suitable for you. Recognizing your status as a pre-occupier, um

Tomasa Aguon: Well what is the time frame, if I may ask?

Chairwoman Pika Fejeran: We could start…start working right away. I'm sorry Ms. Aguon.

Tomasa Aguon: No…it's just too much already. I'm ashamed to even call him my nephew… the way he treats people. You know what, I'm afraid somebody's life is gonna be lost, either their life or… my niece has to go to the Governor, she met with the Maga Haga the day before her State of The Island address because nobody was doing anything, nobody was getting arrested. I don't know how many bodily injuries those people caused already and they're still letting him run loose. I mean come on now. Pretty soon somebody's life is gonna be taken and very unfortunate, especially it's Karisma, it's Holy Week and then we have all this cussing and profanity and all that disrespectfulness.
Hi Mr. Hattig, (inaudible). How soon can we put together…

Administrative Director Jack Hattig III: inaudible

Chairwoman Pika Fejeran: Okay, can I…sorry. There's been a development, if you can step forward Ms. Aguon, Anjolisha.

Anjolisha Aguon: I'm um. Oh that's alright I don't need to sit.

Administrative Director Jack Hattig III: Oh no no, for the record, we would like to have your comments recorded.

Anjolisha Aguon: Oh okay okay. I'm Gregory daughter in law, that's why no one knows me but I speak on behalf for him anyways so my father in law doesn't mind relocating so if she wants it, it's not a problem for us. We aint the problem there, my husband is not a drunkee, we have kids, we don't harbor any terrorist or whatever they call them in Pagat. Yes, we do reside there, but we do not harbor anyone in our house for any reason to damage anyone's property and we don't mind walking through the jungle, you know that. I've been here constantly, fighting for that road.

Chairwoman Pika Fejeran: yeah, so your…it looks like you're not the only family living there?

Anjolisha Aguon: No. We are the only one that is trying to get lease though, everyone else there are just…they're really just there. But we're the only ones fighting for you know not fighting but waiting for the lease. We were on hold for… you have it there.

Chairwoman Pika Fejeran: Well that definitely simplifies things. Ms. Tomasa Aguon did you hear

Tomasa Aguon: Yes I did.

Anjolisha Aguon: And we were honestly…

Chairwoman Pika Fejeran: So they are willing to move out and..

[Multiple discussion]

Tomasa Aguon: I don't know her but….

Anjolisha Aguon: (inaudible) see my husband is Eric, Eric Aguon he's one of Greg's sons and yeah,

Tomasa Aguon: I only know Garrett

Anjolisha Aguon: Yeah and he's not a drunkee, he does not drink. I understand everyone else drinks back there and that's their habit but for my husband, he tries to better himself every day for our family.

As you can see, I am here every Board meeting to try every way for DPW, for CHamoru Land Trust to come out and help us in any way. Because my family is walking through the jungle, my mother in law recently had an open heart and you know that, but there's so much she can say too she can't really even. But my father in law told me to speak up on behalf for him and if it is…if it does go down to him having to be relocated, he doesn't mind, just as long as we go to an area that is able for us to get power and water you know, something that we don't have to go through and you know if you guys can just give us sometime where you know review our (inaudible) something.

Chairwoman Pika Fejeran: Okay, I think.

Administrative Director Jack Hattig III: I got the message by the way. I'm sorry I didn't respond but I

Anjolisha Aguon: Yeah yeah… you did okay.

Administrative Director Jack Hattig III: Come in tomorrow and we can start the process.

Anjolisha Aguon: But you know to make it more convenient for everyone, I just wanted it to be out there you know, that we're not as bad as everyone thinks you know with people thinking we're harboring anyone, you know like hiding people in the houses or whatever. Which really what I wouldn't intend to do and when the SWAT team came to our house, they looked in our house, when we're sleeping still. Knock the door down and look inside, when we're sleeping so where could you be hiding in our house? You know what I mean? There gonna find a way to get in there and get out but he was just always on his feet that's why they couldn't catch him, he was always running.
But we could come in tomorrow and I'll bring my father in law too, but he doesn't really need to come because he did a Special Power of Attorney for me to speak on his behalf.

Administrative Director Jack Hattig III: (inaudible)

Anjolisha Aguon: Oh you guys have one.

Administrative Director Jack Hattig III: Oh okay great.

Anjolisha Aguon: I gave one to Lorraine.

Chairwoman Pika Fejeran: Okay, I think that simplifies things.

Anjolisha Aguon: And what about the lease? Are we gonna have it subjected to a different area or because it has a big X on it?

Chairwoman Pika Fejeran: We're just gonna let it stay on the X and once a property has been identified for you then it will be brought to the Commission for approval again.

Administrative Director Jack Hattig III: the property that you can look at then move forward.

Anjolisha Aguon: Okay so we have to come back again and get another approval for…

Chairwoman Pika Fejeran: you will…I mean if you go through the process they'll just present the lease to us

Anjolisha Aguon: And they will be able to authorize us…like I mean for the power and water and stuff or

Chairwoman Pika Fejeran: Once the lease is approved. You don't have to come before us for a lease approval unless…

Anjolisha Aguon: It goes to the Governor right?

Chairwoman Pika Fejeran: It does come to us but you don't have to present. As long as you satisfied all the requirements asked of you by the staff then there should be no issues.

Anjolisha Aguon: Oh so the lease the paper you have there from my father in law, what, what is that? That's just gonna go? What or?

Administrative Director Jack Hattig III: Because the property description on that lease is not going to be the same as the one… so we have to let that lease go and then we'll create a new lease based on your pre-occupier status.

Anjolisha Aguon: Okay so we'll be here first thing in the morning as soon as I'm done you know with my (inaudible).

Chairwoman Pika Fejeran: Okay thank you.

Anjolisha Aguon: Thank you

Chairwoman Pika Fejeran: Thank you Ms. Aguon both Ms. Aguons. So you'll also be a..working with Director Hattig to

Tomasa Aguon: So am I gonna come in tomorrow or (inaudible)

Administrative Director Jack Hattig III: You can still… well I'm gonna meet with her and then I can also meet with you so if you (inaudible)

Tomasa Aguon: (inaudible)

Chairwoman Pika Fejeran: I think as soon as we can move… as soon as we find another property for Gregory Aguon.

Anjolisha Aguon: And so do you know how long the ample time is? Like what? Maybe a year six months? What?

Chairwoman Pika Fejeran: No no no….I think it's a matter of finding the property

Anjolisha Aguon: No like have to put something up

Chairwoman Pika Fejeran: Oh…

Anjolisha Aguon: That's what I'm asking

Chairwoman Pika Fejeran: Oh if there's power and water, you have a year. One year...one year right? Three years.

Anjolisha Aguon: No what I'm asking is how long to get out of where we're at to that area?

Chairwoman Pika Fejeran: Oh

Administrative Director Jack Hattig III: Oh

Commissioner Santos: As soon they find that property.

Administrative Director Jack Hattig III: We can we can we can work with you, I mean ah to satisfy that. See, they don't want to move into another lot

[Multiple Discussion]

Administrative Director Jack Hattig III: Let's identify, would it be amicable for us to work with them in the mean time ma'am?

Tomasa Aguon: I'm willing to work.

Administrative Director Jack Hattig III: Okay, let's identify a property first and then we'll move to the next step after that. That way you can accomplish the relocation.

Anjolisha Aguon: And if we could get some help because you know it's not easy to re…you know…do it all.

Administrative Director Jack Hattig III: What the agency can provide or what the agency can help you with, we will try. We'll contact the mayor and we'll you know reach out to other agencies and we'll be able to assist.
So let's talk tomorrow.

Anjolisha Aguon: I will see you tomorrow for confirmation.

Administrative Director Hattig III: Yes. Yes. Sure.

Chairwoman Pika Fejeran: Thank you.

[Multiple discussions]

Chairwoman Pika Fejeran: Austin's taking over

[Multiple discussion]

Chairwoman Pika Fejeran: Clint could you come forward, we're gonna look at your lease now.
Your lease, the lease that was drafted but then X'd out was for Lot 8, Block 3REM Tract 100C in the Municipality of Dededo. The original applicant is Jesus Delgado Materne, he's a December 2nd. applicant; that's your father?

Clint Materne: Yes

Chairwoman Pika Fejeran: Um okay, he passed away um at that time you were a minor so you couldn't take over his application rights but your mother was granted the rights until you became of age.

Clint Materne: Yes, correct.

Chairwoman Pika Fejeran: Okay so that transferring is allowed by law is that right?

Legal Counsel Toft: Yes, under 5.8 the Board has the discretion to designate a successor in this case.

Chairwoman Pika Fejeran: Okay. So it doesn't show that it was ever approved by any officials. I guess we'll see your files but um, does the Commission want to approve that designation or I guess it's moved because he's of age now and he was the beneficiary.

Legal Counsel Toft: I would have the Board approve it, just to be on the safe side.

Commissioner Duenas: Motion to designate Clint Shawn Toves Materne as the beneficiary to Jesus Delgado Materne

Chairwoman Pika Fejeran: Motion made

Commissioner Duenas: I'm sorry for Lot 8, Block 3REM Tract 100C Municipality of Dededo

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Motion made and second it. Further discussion?

Administrative Director Jack Hattig III: If I could Ma'am, I'm sorry. Excuse me, is there any new information to this case that needs to be provided before.

Clint Materne: Don't I get a lease?

Chairwoman Pika Fejeran: We're working towards that

Clint Materne: I just want to put out to you that I was being entertained since 2013, I've had two different case workers, I've already selected or I got to view a lot in which I turned down then I kind of ran out of money cuz I have the money to start building and stuff then um.. it surfaced again about let's say a year ago and started saving up again then I was assigned to another case worker in which where we came to an agreement to the Dededo lot. So I already got as far as obtaining signatures, letter from the Governor signed the documents waiving my choice for the first property to the second property. And all I needed from my understanding was obtaining the surveyor contract to be sent to you guys. Everything happened like days before Barrigada Heights so… then when I come in, I call and their like, oh we can't release any information which I understand. So I finally came in and that's when I was told to be at this meeting.

Commissioner Duenas: Uh ha…

Clint Materne: So I requested for more information and the information I got from Mr. ahhh….Gumataotao? Was a oh a it's a transfer issue. I was like, how could be a transfer issue if you were entertaining me since 2013? You know what I mean?

Legal Cousel Toft: But at the time, the transfer issue wasn't seen as issues, it should have been.

Clint Materne: So you know, he was quite surprised too and I was surprised. So it was like, who's Jesus Delgado? Where is he? I said oh man, he died since '99. Moving forward, what's gonna happen now? What do I have to do? You know, I'm ready man… I'm at that age where, I'm gonna have kids, I'm ready to do something. What's entitled to me, I want it now.

Commissioner Duenas: Do you remember signing this lease though? Back in…

Chairwoman Pika Fejeran: April last year, yeah?

Clint Materne: Yeah yeah cuz we got the Governor's ahh.

Commissioner Duenas: Okay

Clint Materne: I have another question, can we request to have the applicants to review those documents? Only because um… I've had copies but unfortunately, I'll be quite honest, I can't find em. You know, I like documentation. I like proof. I was denied reviewing those documents because there was a so called X or a check mark, I understand. I just want to move forward with this. Thank you guys for everything.

Chairwoman Pika Fejeran: Okay, the first motion was that was made was to approve the transfer of beneficiary rights to Clint Materne.

Commissioner Duenas: (inaudible) the only reason why I'm asking is because he already signed a lease for the property so the question is are we doing it for the property or for the application

Chairwoman Pika Fejeran: Both… we're gonna do both.

Legal Counsel Toft: We're gonna do both

Chairwoman Pika Fejeran: Cuz back when the transfer happened, there was no approval at that time.

Commissioner Duenas: So I should have made my motion to…

Legal Counsel Toft: Not yet, do the transfer one first then we'll get to the…

Commissioner Duenas: For the lot or the application

Legal Counsel Toft: The application

Commissioner Duenas: Okay so I have (inaudible) because I did it for the lot

Clint Materne: Before we do all that, can you just give me like a status before we start acting on the motion because I'm not, like majority of us… I'm not seasoned with the verbiage being used so I just want to know what the status would be after this. Where do I go? What's gonna happen?

Chairwoman Pika Fejeran: No problem

Commissioner Duenas: Sure

Chairwoman Pika Fejeran: Well go ahead…

Legal Counsel Toft: So right now, um after you (inaudible) the rights to the lot or to the application went to your mother because you were not of age yet and it takes a Board decision to transfer it to you after you become of age so that's we're…

Clint Materne: Which never happened

Legal Counsel Toft: Which never happened so that's why we're going back doing that and then after that, we'll do the lot itself.

Clinte Materne: Okay

Chairwoman Pika Fejeran: So that was the first motion?

Commissioner Duenas: Yes

Chairwoman Pika Fejeran: Okay. Go ahead. You have to restate it.

Commissioner Duenas: Yeah, let's restate it. Um... motion to designate Clint Shawn Toves Materne as the benefactor to Jesus Delgado Materne's application.

Chairwoman Pika Fejeran: Okay motion made

Commissioner Santos: I second it

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

Commissioners: Aye

Chairwoman Pika Fejeran: Okay, so the transfer is good so now that the transfer is approved, now we're looking at this red mark lease. So now that we're looking at the lease, the Commission can decide to approve the lease or not.

Commissioner Duenas: Motion to approve Lot 8, Block 3REM, Tract 100C, Municipality of Dededo to Clint Shawn Toves Materne.

Chairowman Pika Fejeran: Motion made

Commissioner Santos: I second it

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay, all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay, ayes have it.

Clint Materne: Alright!

Chairwoman Pika Fejeran: So your lease is approved oh and it is subject to survey

Commissioner Santos: Is that agriculture or residential

Clint Materne: It's residential

Commissioner Duenas: Oh sorry, should I amend my motion?

Clint Materne: (inaudible) can I start going there and clearing by hand?

[Multiple Conversation]

Chairwoman Pika Fejeran: Yeah, let's sign the lease…yeah sign the lease, get it surveyed. Let's just make sure everything is all on the up and up.

Commissioner Santos: Are you on (inaudible) road?

Land Agent II Jhoana Bragg: Right behind Payless

Clint Materne: I'm not, Ma'am I'm from Toto I don't know anything else outside…I saw it though. I saw it, I even walked through the jungle so I like it.

Chairwoman Pika Fejeran: And you know Guam Housing Corporation can also provide you with home loan. So if you go and apply with them and they'll give you a loan because the other banks won't want to approve loans for our properties.

Clint Materne: Sir, I'll be working with you or…or…

John Gumataotao: You want to work with me

Clint Materne: You just kind of seemed overwhelmed.

John Gumataotao: I can do it.

Clint Materne: Thank you

Chairwoman Pika Fejeran: Thank you Clint for your patience. Okay one more done.
Thank you everybody for waiting. So now we're looking at…we're moving into our Switch and Transfer Leases. Can I just know who's in the room? Do we have a list of who's here? I know Mr. Celestial…

[Multiple conversation]

Commissioner Duenas: Brian Ross Evangelista Mendiola

Legal Counsel Toft: Start from the top of the list

Commissioner Duenas: Oh shit. Sorry.

Chairwoman Pika Fejeran: It's okay.

Commissioner Duenas: Tina Respecio DeSablan

Tina Respecio DeSablan: Present

Chairwoman Pika Fejeran: Present, okay Ms. DeSablan

Legal Counsel Toft: Chelsea Nicole Tudela Eay.

Unknown voice: Nope

Legal Counsel Toft: I know Glenn's issue but maybe… I (inaudible) okay um…
Bernadette R. P. Aldon

Land Agent I Lorraine Nededog: Bertha

Legal Counsel Toft: Okay we have Bertha Benavente Aldon. Okay I'm not sure if that's same or different application (inaudible) but anyway…Robert Manauleg Celestial

Robert Celestial: Here

Legal Counsel Toft: And Yvonne Borja Flores and then Brian Ross Evangelista Mendiola

Brian Mendiola: Here

Legal Counsel Toft: I think that's it

Administrative Director Jack Hattig III: Oh Tina…I checked marked ah Tina DeSablan

Legal Counsel Toft: Oh yeah, Tina Respecio DeSablan

Chairwoman Pika Fejeran: Where is that?

Legal Counsel Toft: That's…the first page.

Chairwoman Pika Fejeran: First page. Okay, we'll start with Ms. Aldon…with an A. Hafa Adai, Ma'am. Ms. Bernadette R.P. Aldon, that's you?

Bertha Aldon: It's Bertha

Legal Counsel Toft: There is a Bernadette R.P. Aldon

Chairwoman Pika Fejeran: So who's Bernadette R.P. Aldon

Legal Counsel Toft: That's someone who is entirely different

Bertha Aldon: That's my sister in law.

Legal Counsel Toft: Oh okay.

Administrative Director Jack Hattig III: Oh okay

Chairwoman Pika Fejeran: Okay so I don't have Bertha?

Legal Counsel Toft: So Bertha was on the back page of the 28 red X

Administrative Director Jack Hattig III: Sorry, I got you mistaken for the other person.

Bertha Aldon: (inaudible) I think they're having my lot, my place

Chairwoman Pika Fejeran: Yeah, I think it was mistaken identity

Bertha Adlon: Yeah

Chairwoman Pika Fejeran: Dispensa (excuse).

Administrative Director Jack Hattig III: Sorry about that.

Chairwoman Pika Ferjan: Okay Ms. Bertha Benavente Aldon so we'll look at this. Bertha… that's you, Bertha Benavente Aldon.

Bertha Aldon: Yes

Chairwoman Pika Fejeran: Okay can we get her file please? So this is on Lot 4, Block 19, Tract 10316 in Dededo it was surveyed, the original applicant was a Norman Castro Aldon a December 2nd. applicant, residential, priority I and then in 2014 there was request to transfer the application to you?

Bertha Aldon: Yes

Chairwoman Pika Fejeran: Okay. So the rules say you can only transfer an application if um…if the applicant has died. So he wasn't, he didn't die at that point.

Bertha Aldon: He's my spouse, my husband at the time.

Chairwoman Pika Fejeran: Yeah, okay. I see, so this is one of the… she's not on our 102s because she didn't have a lease. She's not (inaudible) a lease.

Legal Counsel Toft: Right okay. So just a reversion back to

Chairwoman Pika Fejeran: Right. Yeah.

Legal Counsel Toft: Not until the legislature passes the proposed….

Chairwoman Pika Fejeran: Okay. So is Norman still your husband?

Bertha Aldon: Yes. He didn't come because he works.

Chairwoman Pika Fejeran: Awe… that's okay. So the way Legal Counsel just described it, the transfer that he did to you while he's still living is um not allowed by the law so in that case um we would revert I mean, the transfer wasn't… isn't approved.

Bertha Aldon: (inaudible) I have a Special Power of Attorney. I guess this is for like his behalf to me right, at the time but then you guys don't

Chairwoman Pika Fejeran: Yes… we can't honor that so the lease that we're looking at issuing would have to be under your husband's name.

Land Agent II Jhoana Bragg: We would have to verify why it was transferred because

Bertha Aldon: Yeah because he's actually born here but his own parents were not born here that's why.

Chairwoman Pika Fejeran: Oh that's the reason for the transfer.

Administrative Director Jack Hattig III: That's the reason why

Chairwoman Pika Fejeran: I see.

Bertha Aldon: It was in 2007 when they did call us, that's when they found out. Because we applied in '95 and they called us in 2007 and then from there, that's when they told us we had you know… do a power of attorney and to put the application under my name because he wasn't eligible, so since there…

Chairwoman Pika Fejeran: How do we do that?

Administrative Director Hattig III: Is there an emergency a…

Chairwoman Pika Fejeran: He's unqualified

Administrative Director Hattig III: inaudible

Chairwoman Pika Fejeran: He's unqualified standing in line. What are our….

[Multiple discussion]

Legal Counsel Toft: (inaudible) I think they just have to kind of sit and wait until the legislature acts

Bertha Aldon: Because they told me to apply so they can transfer it. That's what I did and they transfer the application.

Chairwoman Pika Fejeran: So it's an issue of qualification for the act. I don't think… the Commission can't approve an unqualified individual giving up their place in line for a qualified individual.

Bertha Aldon: Even if he's my husband, he's still… because when we first apply, it said, who's the head of household and it was my husband. Since there… in the end, we found out that he… you know, he's not eligible.

Legal Counsel Toft: inaudible

Chairwoman Pika Fejeran: But if he's unqualified, he never should have made it on our list.

Legal Counsel Toft: inaudible

Bertha Aldon: They did gave us a lot, we paid survey and everything.

Chairwoman Pika Fejeran: When were you married?

Bertha Aldon: Since '86

Chairwoman Pika Fejeran: Okay so you were married at that time.

Bertha Aldon: So they called us to pick up our lease, but with everything they put us on hold before everything started um…

Chairwoman Pika Fejeran: So it looks like there's a MARC a… your husband did go to the Micronesia Area of Research Center to research the family name.

Bertha Aldon: Yes… yes…

Chairwoman Pika Fejeran: and they said the documentation should be sufficient to verify his family claimed that they lived here.

Bertha Aldon: At the time it was (inaudible) that was doing our case at the time so that's what made us do these paper.

Land Agent II Jhoana Bragg: What we've done in the past Chairwoman is we've done a family tree so what we could do (inaudible) so we can start off with what has been submitted and then do the final recommendation if in fact you know… she is or he is eligible.

Chairwoman Pika Fejeran: You may also find based on the letter that's in here that he is that he may be qualified. Okay…okay because right now Ms. Aldon, right now the Commission cannot approve your lease because starting at the way beginning when your husband applied, it was determined he was unquailed which is why he transferred it to you.

Bertha Aldon: Because they told us you know…

Chairwoman Pika Fejeran: But they told you that you could… I think what the staff has to do is they have to do more research to determine whether or not your husband is in fact unqualified.

Bertha Aldon: Like I said, he was born here, his parents are not they're from Saipan.

Chairwoman Pika Fejeran: But you had to be residing on Guam… right, that's the law prior to 1950. Were his parents living on Guam in 1950?

Bertha Aldon: Yeah they were here.

Chairwoman Pika Fejeran: So then we'll just have to have the staff make a new research and determination and to present to the Board if he's qualified. Because right now, we can't…

Bertha Aldon: Even if they have it there.

Chairwoman Pika Fejeran: It doesn't look that was considered, I think they just said, oh we don't we're not to sure here just give it to your wife, it'll be faster. That was what was said.

Legal Counsel Toft: That's what it looks like.

Chairwoman Pika Fejeran: They didn't…. from what I can see they didn't really consider.

Bertha Aldon: Even if they do a research, I know that he won't be qualified. Like I said, his ancestors are not from here.

Chairwoman Pika Fejeran: But if his parents were living on Guam in 1950, that's the Organic Act.

Bertha Aldon: I don't think they were here.

Land Agent II Jhoana Bragg: What about his grandparents? Because it could go back as far as the grandparents, if the grandparents were on Guam.

Bertha Aldon: I mean you guys can check that or…

Land Agent II Jhoana Bragg: We'll look at all the paperwork and then your husband may have to go back to MARC to just do the research on the grandparents.

Chairwoman Pika Fejeran: We'll so if your, if your… let's say your husband was qualified then we would say okay the transfer that he did from himself to you, that's not allowed so we say the transfer never happened but we can still award the lease to your husband. Right. But because he's unqualified, we can't do that at this point or the initial determination that we're looking at that says he's unqualified.

So first we have to figure out, is he qualified or not and then go from there. Because if we do find out that he is qualified, maybe based on grandparents um then the lease that we are looking at would have to be in his name because he is not allowed to transfer to you.

Bertha Aldon: So where does this leave me with my lot that I'm in right now?

Chairwoman Pika Fejeran: I think, for now it's reserved, we're not gonna give it away to anybody.

Bertha Aldon: (inaudible) because authorization for water (inaudible)

Chairwoman Pika Fejeran: Are you occupying already?

Bertha Aldon: Yes

Chairwoman Pika Fejeran: Oh…you're occupying? Are you… how long have you been living there?

Bertha Aldon: We came there since

Chairwoman Pika Fejeran: 2014

Bertha Aldon: Yeah…'13

Chairwoman Pika Fejeran: '13? Because the lease is…

Bertha Aldon: Because I keep asking… I mean they did give me a letter for water but they don't honor because I don't have my lease.

Administrative Director Jack Hattig III: Can I ask a question? The lease was issued already but it was X'd out?

Chairwoman Pika Fejeran: It was X'd out right? Was it?

Legal Counsel Toft: Yup

Administrative Director Jack Hattig III: Okay. That answers my question.

Commissioner Santos: Under her name?

Chairwoman Pika Fejeran: Yeah

Land Agent II Jhoana Bragg: Okay so in this situation, it probably might find others in displaced, could we I mean um our legal counsel possibly draft something (inaudible) they are residing there, however, due to the um nature…situation we're not saying for them to move out because we're still hopefully waiting for the legislature to move forward. Could we just acknowledged that they are the residence until such time that we can umm move forward.

Administrative Director Jack Hattig III: In order to get utilities? Is that what you're angling?

Land Agent II Jhoana Bragg: Yeah…something like that

Legal Counsel Toft: Would have to talk to GPA GWA's counsel on that to see what they would accept.

Chairwoman Pika Fejeran: Okay. Some kind of interim thing to help her out.

Administrative Director Jack Hattig III: Okay you want to initiate that conversation

Legal Counsel Toft: Yeah

[Multiple conversation]

Chairwoman Pika Fejeran: Yeah, the property was surveyed and everything.

Bertha Aldon: Yeah, and like I said, they called us to come and pick up our own lease and then they told us that it's on hold because of what they're going through.

Commissioner Duenas: I'm sorry, what year is that again that you switched with your husband?

Bertha Aldon: Ah… 2007

Chairwoman Pika Fejeran: Here it says 2014

Bertha Aldon: That's when I came in and follow up again on my application

Commissioner Duenas Ah… okay.

Chairwoman Pika Fejeran: Okay Ms. Aldon, two things, our legal counsel is gonna talk with the legal counsel from GWA GPA to see if there is anything that we can give to them to allow you to hook up your water um absence the lease right. And then the staff is going to be doing more research on your husband's family history to see if he qualifies.

Bertha Aldon: Now if they find out he's not qualified…

Chairwoman Pika Fejeran: Then we'll have to revisit it.

Bertha Aldon: We have to redo everything?

Chairwoman Pika Fejeran: We'll have to revisit the whole situation

Bertha Aldon: inaudible

Chairwoman Pika Fejeran: But we're gonna try to get your water hook up.

Administrative Director Hattig III: (inaudible) if you can make an appointment with us so that we can meet and your husband as well so he has the opportunity to come in, I'd like to meet with him.

Bertha Aldon: Alright. You guys are open tomorrow?

Administrative Director Jack Hattig III: Yes we're open

Chairwoman Pika Fejeran: Okay and now to our 102… okay first person going alphabetically. Who's the first person alphabetically?

Administrative Director Jack Hattig III: Is it Celestial

Chairwoman Pika Fejeran: Okay Mr. Robert Namauleg Celestial and Yvonne Borja Flores. Mr. Celestial. What's the date and time? Full disclosure I think I share ah ancestors.

Robert Celestial: She's my second cousin

Chairwoman Pika Fejeran: Yeah, there you go. So you have a lease that was signed in 2011.

Robert Celestial: Yes

Chairwoman Pika Fejeran: Um and you received a lease because you were allowed to take your sister's place in line who is or your cousin's place in line Ms. Yvonne MG Blas, that's your cousin?

Robert Celestial: Yes that's correct

Chairwoman Pika Fejeran: She's a December 2nd applicant. There was a notarized request and they were approved in 2008 and after that you were awarded a lease.

Robert Celestial: in 2011

Chairwoman Pika Fejeran: in 2011. You had it surveyed, you are not occupying and I haven't had the opportunity to go check it out but I saw in ah… online

Robert Celestial: PDN

Chairwoman Pika Fejeran: Yeah, I saw it online so that was very…

Robert Celestial: So you saw my ducks?

Chairwoman Pika Fejeran: Yeah the nganga (ducks) I applaud what you have done with the property. Really really applaud.

Robert Celestial: Oh thank you.

Chairwoman Pika Fejeran: Um… so now the Commission is going to be reviewing, as we know the leases that were issued um… as the result of the switch of applicants has been considered null and void by the Attorney General right. Ah so what… ah…last year, we felt like we needed the legislature's approval to just go ahead and ratify all of these leases… legislature has not done anything yet but they still have these people in the gray zone… no man's land so um, I wanted to bring it to the Commission again and reengage with legal counsel to see what our… what the Commission can do at this point. I mean our intent you know, we reviewed all of these knowing that switches were approved at the time by the staff and the Director and Deputy Director at the time. Um…for at least the last 23 years 20 years or something. Um…

Legal Counsel Toft: Is Yvonne Blas still alive?

Robert Celestial: She passed away in 2016.

Legal Counsel Toft: Is this file? Is there information (inaudible) application?

Chairwoman Pika Fejeran: On his application?

Legal Counsel Toft: On her application?

Chairwoman Pika Fejeran: Oh mean the cousin?

Legal Counsel Toft: Right

Chairwoman Pika Fejeran: So there's two Yvonnes kind of confusing, right?

Legal Counsel Toft: That's all it is. I mean if there is a declaration that these transfers are null and void that the rights would revert back to the original applicant but the original applicant has passed away and there could be a transfer of application rights in there but (inaudible) so depending on whether or not she designated a successor to application rights.

Administrative Director Jack Hattig III: Are you looking at Mr. Celestial's file? You need Ms. Flores' file is that…

[Multiple response]

Administrative Director Jack Hattig III: Oh… merged… in audible

Legal Counsel Toft: Well if there's no beneficiary that's also fine. Um… is there a separate form for designated…ah because if we do have a situation where there's no designation of beneficiary um under 5.8 subsection 1, the Commission can designate a successor, right, which would short cut the problem.

Chairwoman Pika Fejeran: yeah… is the… did you say the original applicant's, all of her documents are in Mr. Celestial's file? Or if it was a switch, maybe she still has a file we could look at.

Land Agent II Jhoana Bragg: Oh yes

Legal Counsel Toft: Can you check to see if she has a file

Administrative Director Jack Hattig III: Can you have Yvonne Blas' file pulled?

Commissioner Duenas: (inaudible) is listed a beneficiary or should (inaudible)

Chairwoman Pika Fejeran: Okay it looks like we have some kind of potential work around.

Legal Counsel Toft: Well that maybe… if there is form

Land Agent II Jhoana Bragg: Look at the database

Administrative Director Jack Hattig III: I know records is closed unfortunately. We're gonna look on the database.

Chairwoman Pika Fejeran: So hold on, am I hearing correctly from legal counsel that if the original applicant has passed away.

Legal Counsel Toft: Yes. So if the original applicant has passed away because the transfer was declared void that the rights to the application would belong back to the original applicant and under 5.8 after death of the applicant 5.8 determines all that in a sense whether if there's a successor designated that if not then the Board has the discretion to designate a successor.

Chairwoman Pika Fejeran: Okay. And then if the Board does designate him as the successor then we would reissue a lease for that property.

Legal Counsel Toft: A new lease

Chairwoman Pika Fejeran: Yes

Legal Counsel Toft: If there is a different successor, we would probably need to bring them in here and discuss with them as to whether or not… I guess see what the situation is I guess with that person.

Chairwoman Pika Fejeran: Right if they really push the rights to the application.

Robert Celestial: The rights to the application but not the property?

Legal Counsel Toft: Correct

Chairwoman Pika Fejeran: I mean really, this is why we wanted to just tell the legislature to do it and then amend our rules so that we have this…

Robert Celestial: If her successor is her husband which is a good friend of mine also, but he passed away too…

Legal Counsel Toft: If that's the case, then the Board has the discretion to designate the (inaudible)

Chairwoman Pika Fejeran: Okay

Land Agent II Jhoana Bragg: Okay so there is a designated benefactor, there's actually two which she ah…it looks like she named her grandchildren.

Administrative Director Jack Hattig III: Is the document in the file? We would have to figure that out.

Land Agent II Jhoana Casem Bragg: It should be, there's two listed names.

Administrative Director Jack Hattig III: Okay, first thing tomorrow, we can pull it and then find out. Okay.

Chairwoman Pika Fejeran: Do you know the grandchildren?

Robert Celestial: Yes I know the grandchildren

Chairwoman Pika Fejeran: Okay

Robert Celestial: Well I don't think they're here, they're in the states.

Chairwoman Pika Fejeran: Okay. Well if it is them, Mr. Celestial can you talk to them?

Legal Counsel Toft: And see if they will relinquish their beneficiary rights

Robert Celestial: I don't think will because they even ask me when the mom passed away and we were at the rosary and they asked about the switching dates, how could they umm…benefit from that meaning is it still good and even asked a question did we switch properties and had to clarify that the property was transferred and it was just time and date and so I know they'd be interested in getting a lease.

Chairwoman Pika Fejeran: Can the Commission still issue a lease, understanding that it's null and void and he's occupying the property?

Legal Counsel Toft: You mean issue a new lease?

Chairwoman Pika Fejeran: What was your original application…

Robert Celestial: 2001

Chairwoman Pika Fejeran: Where were you in '95?

Robert Celestial: '95, I was in San Diego, my wife was still active duty. We're both retired from the Military.

Legal Counsel Toft: Because 5.7 requires us to go down the list that I don't think we can jump until we have some sort of power from the legislature under different rules and reg. But under the current ones, no.

Chairwoman Pika Fejeran: Oh man.

Robert Celestial: It is what it is. Do we need to go to the legislature?

Legal Counsel Toft: We might, I mean those that we can resolve somehow without going to the legislature, I think we should. Those that we can't, I think that we should put together and explanations for each and every applicant that is having an issue and go to the legislature and say, hey these are the situations that we're dealing with. These aren't you know…people out skipping the line for no reason and see if that works better than just a bare bone sending a 102 and saying, fix…
So we're not able to do anything at the moment.

Robert Celestial: I would like to make a request, if the Director could try to contact the kids instead of me.

Administrative Director Jack Hattig III: Yes Absolutely

Chairwoman Pika Fejeran: Okay.

Robert Celestial: I think coming from you would be a lot easier because I don't want to miscommunicate and they might think something else. You know communication is very delicate and so coming from the Director would help… (inaudible) because if I explain it to them and they get something different from him then it just… you know.

Chairwoman Pika Fejeran: So you're okay with the Director pursuing that option, to have them relinquish?

Robert Celestial: Right. I mean if not, then just notify them at least that they do have a lease that they could…. you see what I'm saying…

Legal Counsel Toft: Technically they don't have a lease, they have application rights.

Robert Celestial: At least let them know they have the application rights and at the time I felt bad because they really needed property and that's why they moved back to the states. I'm not sure if one of them are here, I think Glen is still here but I'm not sure what name is on the list. But I think one of them

would benefit from a least know that they have an opportunity to you know…receive it as a beneficiary and if they do want to relinquish then that will give a benefit to me…but a… I think we'd both be blessed. So I'll be in limbo 'til…is there a resolution going to the legislature.

Legal Counsel Toft: We had sent one and the hopes is that it was going to be acted upon before the ending of the last legislative session but it wasn't so we'd have to revisit the issue with them.

Robert Celestial: Alright…thank you

Administrative Director Jack Hattig III: Just for the record, I believe the legislature has set the date of April 29th as the informational briefing for this so I just wanted to let the Commission know that's based on the email I guess that was sent. So the public announcement hasn't been made yet, but I just want to let the Commission know that I did receive email from Senator Terlaje that she was gonna schedule one for April 29th, which gives us about 10 days to prepare what we need to do.

Robert Celestial: Okay. Thank you

Administrative Director Jack Hattig III: Thank you, Sir.

Chairwoman Pika Fejeran: Okay next on the list… sorry who was the next one there

Administrative Director Jack Hattig III: Tina Respecio DeSablan

Chairwoman Pika Fejeran: Hi Ms. Tina, thank you for your patience.

Tina De Sablan: Hello

Chairwoman Pika Fejeran: Okay…so…oh yeah, so she is on page 2 midway down. Tina Respecio DeSablan. This one actually relinquishment via application, oh I remember receiving your letter. So it was a transfer of application rights, the original CLTC applicant was Ronald S. DeSablan?

Tina De Sablan: Yes, my husband.

Chairwoman Pika Fejeran: Your husband okay, and in 2014…2008? 2014 maybe?

Tina De Sablan: What are you referring?

Chairwoman Pika Fejeran: Sorry, the transfer was requested?

Tina De Sablan: Well I got the lease in 2003

Chairwoman Pika Fejeran: Oh…okay it looks like we have a lot of bad info here. So did he just transfer it to you?

Tina De Sablan: Well like in my letter, you know, we have four kids so we thought it would be best for me to stay home and he would stand inline. So he applied in his name and ah… we weren't told. We got the lease under my name in 2003.

Chairwoman Pika Fejeran: You got the lease under your name? That's why. Oh yeah, you did. Oh it's because he stood in line for you but you were the one really in…

Tina De Sablan: In my (inaudible) yes.

Commissioner Duenas: Is he still alive?

Tina De Sablan: Yes.

Legal Counsel Toft: So in this situation, if the so the application would revert to him, the lease… I think the Board can vote whether or not to have the lease revert to him and then after that time if you want the lease's name to be under Tina De Sablan, under 7.5 you can transfer it because that lease would have been active for over seven years.

Chairwoman Pika Fejeran: Okay.

Legal Counsel Toft: So we would have to have yeah… action one would be a reversion of the lease to his name, action two would be a transfer with all the forms filled out to her.

Chairwoman Pika Fejeran: Okay. So we can revert the lease although it was null and void?

Legal Counsel Toft: The transfer of the application rights is what was null and void.

Chairwoman Pika Fejeran: I think they were leases too.

Legal Counsel Toft: Let me try and find it.

Chairwoman Pika Fejeran: Are you currently residing on the property?

Tina De Sablan: Not yet…but we planted stuff on there, we fenced it we have our containers already set to go. (inaudible) we also have (inaudible) trees.

Chairwoman Pika Fejeran: He was a December 5th applicant, if we do like what we were gonna do, we revert application rights, goes back to her husband.

Legal Counsel Toft: And then we can…

Chairwoman Pika Fejeran: We can award him that lease for that property.

Legal Counsel Toft: Correct… Correct.

Chairwoman Pika Fejeran: Would he accept the lease and hold it under his name? Because if…. we wouldn't be able to back date it for the seven years so that he can transfer it to you within the law. But if he's the lease holder.

Tina De Sablan: Well I'm the lease holder because my name is on it, is it not?

Legal Counsel Toft: Currently yes, but they were all declared null and void.

Chairwoman Pika Fejeran: It's almost like it doesn't exist.

Legal Counsel Toft: Yeah.

Tina De Sablan: So can they do that?

Legal Counsel Toft: Yeah

Chairwoman Pika Fejeran: So what we do is ah… we would

Legal Counsel Toft: It would be a new lease issued under his name base on his original application

Tina De Sablan: And we could do that all right here?

Chairwoman Pika Fejeran: Yes

Tina De Sablan: Or go to the legislature?

Chairwoman Pika Fejeran: No

Tina De Sablan: He would do that?

[all laughing]

Chairwoman Pika Fejeran: okay so I think we need a motion but you don't have a power of attorney for him right? So he would have to come in and I guess agree.

Legal Counsel Toft: I don't think he has to agree, the Board can just make a motion on it's own.

Chairwoman Pika Fejeran: And sign the lease showing he agrees with it

Legal Counsel: Yeah. I suppose he would definitely have the option to sign or not sign the lease. That would be his half of the equation.

Chairwoman Pika Fejeran: Okay

Commissioner Duenas: So the first step would be to, make a motion to revert the application.

Legal Counsel Toft: It's already reverted

Chairwoman Pika Fejeran: Legally he's still the one standing in line.

Legal Counsel Toft: Yeah with a December 1995 application

Commissioner Duenas: So the motion would be to approve the lease for that lot to him.

Legal Counsel Toft: To Ronald S. De Sablan

Commissioner Duenas: Okay… Motion to approve lease for Mr. Ronald S. De Sablan for a portion of Lot 10171 in Dededo containing an area of not more than one acre.

Chairwoman Pika Fejeran: A motion has been made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay Ms. De Sablan, thank you for your patience. I'm glad it was your husband. Unfortunately, Mr. Celestial is not as fortunate but I'm glad we can do this.

Administrative Director Jack Hattig III: Once the lease is drawn up (inaudible)

Chairwoman Pika Fejeran: Okay finally, Hafa Adai Sir.

Administrative Director Jack Hattig III: Oh do you want to go in alphabetical order still because we have Chelsea Eay.

Chairwoman Pika Fejeran: Oh no, can we just… yeah… thank you… can I have… hi Buenas.

Unknown: Hafa Adai

Chairwoman Pika Fejeran: You are so good… I hope you get ice cream after this.

Administrative Director Jack Hattig III: Or Chucke E Cheeses

Chairwoman Pika Fejeran: Sorry Sir can I have your name

Brian Mendiola: My name is Brian Mendiola. Brian Ross Evangelista Mendiola

Chairwoman Pika Fejeran: Ah here we go, Brian Ross. Okay so this…

Legal Counsel Toft: Is Diana Muna Duenas still alive?

Brian Mendiola: Yes

Chairwoman Pika Fejeran: Diana Muna Duenas, who was the original original?

Legal Counsel Toft: That who it is

Chairwoman Pika Fejeran: Diana?

Legal Counsel Toft: Yes

Chairwoman Pika Fejeran: What's her relation to you?

Brian Mendiola: She's related to my father in law, so she's like an auntie.

Chairwoman Pika Fejeran: It looks like she relinquished her rights first to Michael Manibusan Ramos

Brian Mendiola: That's my father in law

Chairwoman Pika Fejeran: oh that's your father in law and then he was found to be ineligible that's what the notes say, so what is that about?

Brian Mendiola: I think he already owned a property

Chairwoman Pika Fejeran: Okay, so owned property so we couldn't award him a residential lease so he passed down his application rights? Yes?

Brian Mendiola: I'm not sure

Land Agent I Lorraine Nededog: It was the application rights.

Brian Mendiola: I'm still kind of new to all this process so I was just asking along the way and just following what everyone was telling me to do.

Legal Counsel Toft: Are you living on the property?

Brian Mendiola: Yes, I actually just built my house, so last year we moved in.

Chairwoman Pika Fejeran: Yeey… congratulations. Okay…okay so Michael Manibusan Ramos was the beneficiary but you said she's still living? Ms. Diana?

Brian Mendiola: Yes

Chairwoman Pika Fejeran: Okay so then, would it…

Legal Counsel Toft: We might be able to send both, his and Robert Celestial as far… I'm hoping the legislature moves on this one cuz I don't see it as a way to transfer it back… even if we transferred it back to Diana and she wanted to transfer because that original lease would be void or starting a new lease now (inaudible) 7 years before (inaudible)

Chairwoman Pika Fejeran: So how is it different for? Oh because the new lease is gonna be held on the husband's name, that was the difference.

Land Agent II Jhoana Bragg: Earlier when (inaudible) the original applicant is going to transfer then um…

Legal Counsel Toft: I really felt that but then Chairwoman pointed out that the AG's opinion would say the lease itself is null and void and not subject to the Commissions power to correct.
So earlier, I thought of trying to work the lease is (inaudible) it's not… so this maybe one where he's kind of sitting in limbo for a while the legislature moves on it.

Chairwoman Pika Fejeran: Okay.

Brian Mendiola: I just want to know, if things didn't work out what would happen to um…cuz I'm in a hole right now, 30 years under a mortgage payment.

Legal Counsel Toft: Worse comes to worse, the Commission would have to buy your house in order to (inaudible)

Brian Mendiola: Is the…um what is the amount based on?

Legal Counsel Toft: Appraised value

Land Agent Supervisor Matt Leon Guerrero: Fair Market Value, The Relocation Act, would be the Fair Market Value not the balance of the loan it's whatever the value of the structure is today.

Brian Mendiola: What about for out of pocket expenses?

Land Agent Supervisor Matt Leon Guerrero: It's just the evaluation of the improvement, the structure itself.

Brian Mendiola: So I'd have to get a second appraisal?

Legal Counsel Toft: Well we're hoping it doesn't come to that um, I think if we can get some of these resolved so that it's less intimidating than the number of the amount of outstanding leases and we can come to the legislature with enough (inaudible) stories why this is and what we're dealing and not a massive of hard cases here (inaudible)

Brian Mendiola: Okay cuz, I kind of like where I'm at, we're pretty much established. I put a lot of time and money and actions and it's just hard to let it go.

Chairwoman Pika Fejeran: And we don't want to push you out of there, we want to keep you there. Um, unfortunately we can't do anything, it's gonna take legislature to hear it. Or we ask legislation to give us a onetime authority to make these kinds of decisions ourselves and then we can do it.

Legal Counsel Toft: That's something we can bring up with the Senator.

Chairwoman Pika Fejeran: Yeah, that way they're not doing it (inaudible) I'm sorry Brian, I know you waited all day.

Brian Mendiola: It's okay, I'm glad to least get an inside as to what's going on. Being in the gray area, you can't hardly see.

Chairwoman Pika Fejeran: I'm sorry you gotta stay there, but we're working hard to make sure you're not kicked off your property. You've done what we intend, we hope all of our Residential Lessees do. Build a home for themselves and do well for their families. Okay thank you for understanding. Thanks for coming, I know this was long.

Brian Mendiola: At least I didn't walk away empty handed.

Chairwoman Pika Fejeran: Is there someone… Mr. Eay?

Administrative Director Jack Hattig III: The daughter is actually not present, so we can…

Legal Counsel Toft: Yeah…

Chairwoman Pika Fejeran: Table for... Okay so, we were able to approve the one because it was her husband.

Unknown: A hundred more to go

[laughing]

Commissioner Duenas: We made so much progress though. It went from 102 to 101.

Administrative Director Jack Hattig III: That one means a lot Madam Chair, it means a lot… thank you so much.

Chairwoman Pika Fejeran: It does.

Commissioner Duenas: Absolutely

Chairwoman Pika Fejeran: Okay so my question is, can we… I mean we have the relationship with the transferor and the transferee so the only way we'd be able to do it ourselves is if the original transferor or the original applicant is dead?

Legal Counsel Toft: Right or either has the person listed as their beneficiary or ineligible or deceased person.

Administrative Director Jack Hattig III: This helps us narrow it down for you Ma'am.

Legal Counsel Toft: There's a couple that says spouse here and they may have the same situation as the (inaudible)

Chairwoman Pika Fejeran: Okay so maybe we reach out to them and say, we have a work around that we can work with you.

Administrative Director Jack Hattig III: As soon as we get those identified and I have your blessing to identify them and contact them and see if we can bring them before the Board to have the same thing happen as Ms. De Sablan.

Chairwoman Pika Fejeran: Yes. Um my, two of my questions that came up when I was looking at this um… for the leases that were issued after a transfer of application rights to a beneficiary who then intern transferred those rights to another, can we act on those? Because it's not like they got an application, it was, they were designated a beneficiary, they said, I don't want it give it somebody else. Do we have to lock those in with these ones where they were actually applicants switching or transferring in their lifetime?

Legal Counsel Toft: Depends whether the original transfer was valid or not. If it was based off of a death, then yes if it's not then no. So in that last case, it's under that same setting but technically it wasn't two beneficiaries so much, it was…

Chairwoman Pika Fejeran: Okay so if a death of an applicant,

Legal Counsel Toft: Causes a situation, where the transfer of rights and then…

Chairwoman Pika Fejeran: And then the named beneficiary declines and says give it to somebody else

Legal Counsel Toft: Or the (inaudible) leaves it open then the Board can assess the situation and make a decision.

Chairwoman Pika Fejeran: In those instances. Okay so in the death of original…

Legal Counsel Toft: But if the original applicant has not died, then the rights remain

Land Agent II Jhoana Bragg: Okay so I have an example, so we have like a Mr. Benny Unsiog Sablan, original applicant is his brother and the beneficiary was the wife, however, the wife said, I am moving off island um so I want to give it to my brother in law, so in this situation we placed it under this category because by law, there's nothing there that says, the original benefactor can transfer it to another person. So that's why we listed him in that category parse.

Chairwoman Pika Fejeran: Oh Okay

Land Agent II Jhoana Bragg: Because by law the original benefactor um still alive but because they say for whatever reason, I want to turn it down. So I..I…I think in that situation um…it's okay to move forward because the original benefactor did the relinquishment, they had it notarized before us and it was approved. But again, that was the original benefactor that wrote us the letter for whatever reason they wanted to transfer it to another to take over their beneficiary rights as an original benefactor.

Land Agent II Glenn Eay: We just had a case earlier, Edward Sandlin who an applicant who's deceased, beneficiary was James Sandlin, who has already a lease so he transferred his beneficiary rights to his daughter Victoria…

Chairwoman Pika Fejeran: Right, it just never came to the, that's why we were looking at it today so the Commission could offer approval so if we today identify the ones that fall in those categories, can the Commission approve those transfer of beneficiary right and then approve the issuance of a lease for those?

Legal Counsel Toft: No because it depends if the original person is alive or not.

Chairwoman Pika Fejeran: (inaudible) the original applicant is dead

Legal Counsel Toft: If (inaudible) deceased, yeah.

Land Agent II Glenn Eay: So the beneficiary is alive, it's James Sandlin and because he has a lease already, he passed

Legal Counsel Toft: Right, yeah, the Commission can act upon that

Administrative Director Jack Hattig III: That's one of the (inaudible) that we put, is the original applicant deceased? We put yes then we can further cata… that's what we've done…

Chairwoman Pika Fejeran: Okay so can you…

Land Agent Supervisor Matt Leon Guerrero: If your saying that, I know a person who's on that list who came to me saying that, father a piece of property his daughter was the benefactor came in and did that switch, passed away a week after that individual got a lease and she's on the list but the original applicant is deceased, so should we just remove her from that list then?
Her name is Mary Gagacao or something like that… and I know that because they came in and they saw me and then her father passed away right after we approved that switch and the individual gets the lease

Chairwoman Pika Fejeran: She would have been the benefactor anyway?

Land Agent Supervisor Matt Leon Guerrero: She was the benefactor but because the daughter came in and said I want to give it to my daughter. She has a lease, I believe so do we need to go back and reissue the lease.

Chairwoman Pika Fejeran: No, I think we can just say this was erroneously identified as a

Legal Counsel Toft: Inaudible

Land Agent Supervisor Matt Leon Guerrero: So she could be removed from that…so we're down to 100 now.

[multiple discussion]

Chairwoman Pika Fejeran: I think we can get rid of 3 & 8, wait I'm sorry 8 & 3, so leases that were issued after transfer of application rights to beneficiary who then in turn transferred those rights to another.

Legal Counsel Toft: (inaudible) some of those are alive, so case by case

Chairwoman Pika Fejeran: oh some of them are alive okay.

Land Agent II Jhoana Bragg: And there's one in here, um…Allen Michael Mateo original beneficiary is alive, however transferred it to the stepson, so therefore, it's not applicable by law. So that's why the original benefactor took his beneficiary rights and said, I want to transfer it to my stepson. So he wouldn't be one of the 5.8s because all of the other ones that we may find are under the 5.8 original, deceased, benefactor in place, benefactor doesn't want it gives it to…

Legal Counsel Toft: And the ones with the beneficiary that is not designated, it just needs to come to the Board so that the Board can make the decision on the record...(inaudible)

Chairwoman Pika Fejeran: Right…yeah…

Legal Counsel Toft: We just had one Aurelia Cruz, deceased (inaudible) and the Director back in 2012 signed off on it, the lease (inaudible) had to come back to the Board to acknowledge her or designated her as the benefactor (inaudible) those types of cases.

Chairwoman Pika Fejeran: Okay so then what is the staff gonna do moving forward because I would like to address and take care of the ones that we can, so we just have to find out who's the original.

Legal Counsel Toft: Actually, if we could find who is deceased among the original

Administrative Director Jack Hattig III: Right. That'll be the first step, I recommend that will be the first thing we do.

Chairwoman Pika Fejeran: Okay. And then my question also is, this one kind of scares me, leases that were issued after a transfer of application rights in which the original applicant did not qualify under the Act. To me that sounds like somebody was standing in line not qualified under the Act but then still was able to give his application to somebody.

Administrative Director Jack Hattig III: Yeah Ms. Aldon

Chairwoman Pika Fejeran: Yeah that one is….

Legal Counsel Toft: That's one that we're gonna have to wait and see what the legislature says on that.

Chairwoman Pika Fejeran: Okay. So let's get this put on our next agenda.

Administrative Director Jack Hattig III: Do you want it on the May 2nd or do you want it for the May 16th. cuz the May 2nd. supposed to be the Administrative Matters (inaudible)

Chairwoman Pika Fejeran: Yeah we'll see. I think I'll talk to the a… Therese because if no public hearing is (inaudible) gone out then maybe I'll ask her to pause on this until we have more time to flush out the ones that we can get to.

Administrative Director Jack Hattig III: Thank you Madame Chair, appreciate it.

Chairwoman Pika Fejeran: Okay… I'm exhausted. I'm sure everybody else is too…um I just want to address under Administrative Matters, the Media Policy, the Commission has never set in the open format media policy, the Director and I have been talking over the last couple of weeks, there were a couple of instances where representations made to the media were not in line with what was discussed here at the Commission level. Okay, so I asked the Director to forward….well first I asked him to get all his talking points approved so he understands and I understand that the representation he's making is in line with us. Um, that wasn't followed unfortunately, um but and so because of that, I asked him to forward all media inquiries to the Commission to handle. So I just wanted to put that out to the Commission, if we want to formalize that um really to be honest…I don't think at this point we have anything interesting to share with the media. I think the more we talk to the medial when major decisions haven't been made, the more we get people riled up and upset. I mean, this today, was the most attended meeting and I want to say it's because of all the media attention and Director, I understand your eagerness and your passion and your eagerness to be transparent with the media and the public but that… I think it can really harm what the Commission is doing and how careful we've been. Over the last year, you know we've been very very careful and deliberate with our messaging and I don't want something to be misrepresented out there that gets our beneficiaries upset but then I also don't want to deal with media inquiries because I know they're hitting you left and right. I know I get paid cents on the hours that I work for the Commission but I also… I was very upset. As you know, I had a very candid conversation with you and I'm just concern how do we move forward because I can't… we have to control our messaging, right? And then I think as our Administrative Director, you gotta understand that all of your messaging has to mirror our messaging in what we are saying and what we've discussed at the commission level, regardless if you and I had an offline conversation when yes we're in agreement but if the Commission hasn't had the opportunity, I think it's irresponsible to let that out to the public. So, I guess the policy right now, if you get a media inquiry forward it to the Commission and maybe when you forward it to the Commission, draft up your response so that the Commission can approve it rather than us starting from scratch, that will be very helpful. And think Director again, I'm just gonna chalk it up to growing pains you know where you're really coming into your role and we're learning how to work with you and I don't fall cheap, I think it's just part of growing pains but I just want to be very clear that moving forward, any media inquiries you forward to the Commission with your response so you can have approval at the Commission level.

Administrative Director Jack Hattig III: Yes Ma'am.

Chairwoman Pika Fejeran: Okay. Thank you.
Okay um…

Administrative Direcotr Jack Hattig III: Did you still want me to give you a brief update with the situation of the hatchery?

Chairwoman Pika Fejeran: Oh yeah. So the hatchery, did you dig up the last time we looked at this?

Amdministrative Director Jack Hattig III: I tried to within the time frame because I got everything so late this week because of the Legislative Review Committee so I haven't had an opportunity yet to find what was. I'm still…

Chairwoman Pika Fejeran: I think we had a resolution saying that if this bill is gonna go forward then these are our requirements.

Administrative Director Jack Hattig III: Okay that helps. That helps a lot.

Chairwoman Pika Fejeran: And I think we will stand by that.

Administrative Director Jack Hattig III: The only update that I have is that I have received confirmation that the University is not going to sell the property and that comes straight from the UOG President.

Chairwoman Pika Fejeran: Sell what property?

Administrative Director Jack Hattig III: The… remember in my email I said that I found out that when we went to the Legislative Review Committee that UOG might have intended to sell that property once we get the bounder….

Chairwoman Pika Fejeran: After we transferred it?

Administrative Director Jack Hattig III: Yeah see I indicated that would undercut any proposal that they sent us because they sent it to us before hand. But I had confirmed with GEDA and through the President of UOG that the intent is not to sell the property they want to enter into a Memorandum of Agreement with operators of the facility to operate the facility. But they needed the boundary to be a whole in order for them to go forward. So I was wondering if we could…. If we're not going to respond with Bill 76…

Chairwoman Pika Fejeran: I think we can reach back to the last response we had to the last Bill.

Administrative Director Jack Hattig III: Okay

Chairwoman Pika Fejeran: Right…is the Commission I mean it's the same issue presented, the UOG's building is within CHamoru Land Trust property so they're asking for it to be transferred and I think we had some requirements if we were to agree to the transfer, so I would just…. I don't know if we want to revisit it now or let's go with what we decided back then, our position hasn't changed.

Administrative Director Jack Hattig III: Did you get a chance to review the request memo cuz I'm not sure if and I'll check if it's different from what our requirements are but while it's under consideration, let me verify these and I'll give you an update.

Chairwoman Pika Fejeran: Yeah, let us know and if the legislature is really pushing for this and if you find what they're proposing is different from what we looked at back then, tell them look the Commission hasn't met on this and I also know that Senator Therese Terlaje said that she wouldn't act on anything without Commission input.

Administrative Director Jack Hattig III: Okay

Land Agent I Tina Jocson: So are we tabling that discussion for a later time or…

Administrative Director Jack Hattig III: No no tabling.

Chairwoman Pika Fejeran: No we'll just say that we'll use the decisions from previous unless what is being proposed today is different than what was proposed back then.

Administrative Director Jack Hattig III: Can I request that we table the budget ma'am?

Chairwoman Pika Fejeran: Yes, let's move that to May 2nd. I really don't want to get to that. And then can May 2nd also be when we talk to GEDA, bring GEDA here and we can work through each of the properties and the information they need from us.

Administrative Director Jack Hattig III: And then I did send in my report that I need your help oh, the motion to engage… Yeah I just wanted to work with you on the exact wordings on that.

Chairwoman Pika Fejeran: Okay

Legal Counsel Toft: On the issue of this Cannabis Cultivation, I have a draft of the AG's opinion on it, it hasn't been updated yet, until the (inaudible) new law and the most important parts really aren't changed as far as the (inaudible) federal law still prevents it and the (inaudible) and anybody (inaudible) subject to federal prosecution including Government officials…so at this time I would hold firm from the last Director's memorandum saying (inaudible)

Administrative Director Jack Hattig III: Would you like to reissue that directive or

Legal Counsel Toft: I think just hold on to that and I can ask the AG if they're going to revise it to update with the new law… (inaudible)

Chairwoman Pika Fejeran: Guam Housing Corporation MOU, is there any change or anything?

Administrative Director Jack Hattig III: That was subject to the legal review as far as the I know we talked about it at the last meeting but I recommended if the Commission had approved the MOU in the past and nothing has changed except for they want to move forward in the invitation for design. They're not going to move forward unless we have it signed.

Legal Counsel Toft: I'll check on that.

Chairwoman Pika Fejeran: I think it was the subleases. You'll check on that so we'll just table that for… Let's do that May 2nd.

Chairwoman Pika Fejeran: May 2nd. also if we could revisit the switched or transferred leases.

Administrative Director Jack Hattig III: And that will be under Old Business this time.

Chairwoman Pika Fejeran: Yeah. Thank you guys.

Administrative Director Jack Hattig III: Just an update on the two thousand some odd leases that were Ratified, the Ratified list, we're working on getting each of them to be consummated, the leases, one of them was Cynthia Borja so we were able to get that and so we're going to continue to get that done um pursuant to the Boards approval already because I want to report on that. Eventually how many have we been doing every month or every week that way you guys can also be appraised of that situation.

Chairwoman Pika Fejeran: Yeah, okay. Another thing I want to have on May 2nd. is the properties that were transferred from the Land for the Landless, the ones that are ready to be leases out, can we look at that and can we start the process for issuing leases, using our current Rules and Regs.

Administrative Director Jack Hattig III: Okay got it. Yes. I have the list. I have the transfer documentation so I can provide that in the packet, that's a rather big list though, so I'll talk to the Chair you know to see what we could do to share it electronically maybe.

Chairwoman Pika Fejeran: Which one?

Administrative Director Jack Hattig III: Because the list for the Land for the Landless is quite lengthy, it has all the lots in it. It actually identifies each lot and the map so in Dededo in Ija different parts. So it's really thick document so I'm not sure if you want it to be provided for everybody or…

Chairwoman Pika Fejeran: I don't think so, maybe one map or one or two maps or however many villages it's in then we can identify how many lots are available.

Administrative Director Jack Hattig III: We can do it by Municipality.

Chairwoman Pika Fejeran: Yeah do it by Municipality and map whatever is available and then we can go through our Rules and Regs and set the process for reaching out to those on the waiting list so we could start issuing leases.

Administrative Director Jack Hattig III: Okay. Yes

Chairwoman Pika Fejeran: So that's May 2nd also

Administrative Director Jack Hattig III: Yes

Chairwoman Pika Fejeran: Any other Commissioner comments

Commissioner Duenas: Just a quick question, I'm seeing that the next meeting is at 4PM is that a typo?

Administrative Director Jack Hattig III: Only because that was the schedule of work session for commercial leasing.

Chairwoman Pika Fejeran: Oh it's a work session.

Administrative Director Jack Hattig III: Remember you had requested one for May, the first one so 1:00 p.m. would be the work session, and then 4pm would be the meeting… you can let me know if you want to scale it back a little bit and we can start it earlier and end the Commercial Leasing Work Session earlier if you want. Depending on the items for discussion.

Chairwoman Pika Fejeran: Why don't we do that, we'll have the work session for the first hour where we go with GEDA. We'll talk to GEDA and they'll propose their ideas and then or wait can we just do the whole thing in the meeting.

Administrative Director Jack Hattig III: Sure you don't need a work session then, if we're…

Chairwoman Pika Fejeran: Yeah let's just do it in the meeting

Administrative Director Jack Hattig III: Got it. So we'll amend that to make it 1PM Commissioner Duenas, we'll make sure that changes to 1PM.

Chairwoman Pika Fejeran: Thank you, any other… motions to adjourn.

Commissioner Duenas: Motion to adjourn

Chairwoman Pika Fejeran: Thank you, we're adjourned

Meeting Adjourned: 6:49 p.m.

Old Business

1. Pre-Moratorium Lease List
2. Switched and Transfer Lease List
3. Former Land for the Landless Properties: Ready for Leasing
4. Guam Raceway
5. UOG Hatchery
6. Inadahen I Lina'la I Kotturan CHamoru

PRE-MORATORIUM LEASE LIST

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

GREGORY Q. AGUON

1. **FACTS:**
   a. **Location:** Tract 18113, Block 8, Lot 15 Mangilao
   b. **Lot Size / Lease Type:** 2,365 +/- square meters, Agriculture applicant
   c. **Lease Instrument Number:** N/A
   d. **Field Description:** Located behind the old Kenny's Café in Mangilao
   e. **Complaint/Issue:** *Review of Pre-moratorium Lease List, ORIGINAL APPLICANT - 1995*

2. **CHRONOLOGICAL FACTS:**
   a. **Application Date and Time: January 27, 2006 at 9:27am**
   b. **Application Number: 6430**
   c. Applicant submitted Mayor's Verification from Mangilao Mayor indicating that "A" has been occupying since 1997. Dated 07/14/2008.
   d. Applicant was interviewed by CLTC Staff. Dated 07/14/2008
   e. Inspection report indicating no farm activity and occupying lot with other siblings; 4 houses are on the property; inspection report done by Sean Aldan and Joffre Aguon. Dated 06/15/2013
   f. Applicant submitted a Mayor's Verification from Mangilao Mayor indicating that "A" was occupying #312-A Kinny's Dr. Dated 07/25/2015
   g. Applicant submitted Mayor's Verification from Mangilao Mayor indicating that "A" has been occupying since 1995. Dated 07/29/2015
   h. Applicant completed a Change Form updating his contact numbers and provided the following comments. Dated 10/19/15
   "Applicated dated 10/9/95 I am not occupying land. I didn't really understand what it meant I thought it was asking if I had papers for that land but I am a pre-occupier on #312A-Kenney's drive since 1995 (see certification)"
   i. Inspection conducted to GPS the existing structures on the lot for preparation of the proposed scheme. Dated 11/30/2015
   j. Inspection conducted due to utility request by applicant. Dated 08/30/2016
   k. May 16, 2019: Anjolisha Aguon came in on behalf of Gregory Aguon requesting to cancel their relocation to a different place

3. **RECOMMENDATIONS:**
   Based on PL23-38, Section 6.4, "A" is a 1995 applicant occupying as a pre-occupier based on his submitted Mayor's Verifications

4. **FOLLOW-ON ACTIONS:**
   - Inform applicant of board's decision
   - Completion of Survey

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

JOHN PATRICK AGUON

1. **FACTS**
   a. **Location:** Lot 15, Block3REM, Tract 100C, Dededo
   b. **Lot Size/Lease Type:** 1,872+/- square meters
   c. **Administrative Director, CLTC Signing Date:** 3/21/2018
   d. **Applicants Signing Date:** 4/18/2018

Complaint/Issue: ***Review of Pre-moratorium Lease List***
ORIGINAL APPLICANT - 1995

2. **CHRONOLOGICAL FACTS**
   Original Applicant's Date and Time: 12/5/1995 at 2:15 PM
   i. **Application Number**: 1303
   ii. **Pre-Occupier**: No
   iii. **LUP**: No
   iv. **Qualified**: Yes
   v. **Priority:** 1

   a. August 27, 1997, Applicant was interviewed and named a beneficiary.
   b. August 28, 2008, Ground Lease was issued for a portion of Lot 10171-9, Dededo, containing an area of not more than .50 acres; signed by AD, CLTC, Joseph M. Borja and Applicant.
   c. September 17, 2015, CLTC Staff conducted research into Lot 10171-9, Dededo and found that the lot was issued to another applicant. Applicant was advised that we may have to relocate him to another lot.
   d. January 26, 2018, Scheme No. M05-S035 for Lot 15, Block 3REM, Tract 100C, Dededo
   e. March 21, 2018, Termination of Lease for a portion of Lot 10171-9, Dededo containing an area of note more than .50 acre; signed by AD, CLTC, Michael Borja and Applicant.
   f. March 21, 2018, Ground Lease for lot 15, Block 3REM, Tract 100C, Dededo for 1,872+/- square meters; signed by AD, CLTC, Michael Borja.
   g. April 18, 2018, Ground Lease for lot 15, Block 3REM, Tract 100C, Dededo for 1,872+/- square meters; signed by applicant.
   h. April 18, 2018, 60 Day Survey Authorization for Lot 15, Block 3REM, Tract 100C, Dededo, containing an area of 1,872± square meters.

3. **FINDINGS**

   Pending review and determination by the Board.

4. **FOLLOW-ON ACTION**

   Contact applicant of the Boards decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

JOSEPH PEREZ BABAUTA

1. **FACTS**
   a. **Location: Lot 5382-13-2, Barrigada**
   b. **Lot Size/Lease Type:** 1,911+/- square meters
   c. **Administrative Director, CLTC Signing Date:** 2/27/2018
   d. **Applicants Signing Date:** NA

Complaint/Issue: ***Review of Pre-moratorium Lease List***
ORIGINAL APPLICANT - 1995

2. **CHRONOLOGICAL FACTS**

   a. **Original Applicant's Date and Time:** 12/2/1995 at 4:15 PM
      i. **Application Number**: 640
      ii. **Pre-Occupier**: No
      iii. **LUP**: No
      iv. **Qualified**: Yes
      v. **Priority:** 2

   b. May 13, 1997, Applicant was interviewed and named a beneficiary.
   c. June 2, 2004, Survey Authorization was issued for a portion of Lot 5402, Mangilao, of not more than .50 acres.
   d. June 3, 2004, NOIA, Agriculture Ground Lease, was issued for a portion of Lot 5402, Mangilao, containing an area of not more than .50 acres, subject to a final survey, DLM approval and recordation.
   e. February 26, 2016, DLM prepared a Proposed Lot Scheme M04-002 for Lot 5382-13-2, Mangilao, approved by the AD, CLTC Michael JB Borja.
   f. February 26, 2018, 1st Decline of Municipality Award for Lot 5402, Mangilao was prepared for applicant and issued Lot 5382-13-2, Mangilao (NOT SIGNED BY APP)
   g. February 26, 2018, Survey Authorization was prepared for Lot 5382-13-2, Mangilao, containing an area of not more than 1,911± square meters (NOT PICKED UP BY APP)
   h. February 27, 2018, Ground Lease for Lot 5382-13-2, containing an area of not more than 1,911± square meters, signed by AD, CLTC Michael JB Borja.

3. **FINDINGS**

   Pending review and determination by the Board.

4. **FOLLOW-ON ACTION**

   Contact applicant of the Boards decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

CYNTHIA C. LUJAN

1. FACTS

a. Location: Lot 1, Block 3REM, Tract 100C, Dededo
b. Lot Size: 2,057+/- square meters **Lease Type:** Residential
c. Administrative Director, CLTC Signing Date: 4/11/2018
d. **Applicants Signing Date:** 5/4/2018

Complaint/Issue: ***Review of Pre-moratorium Lease List***
ORIGINAL APPLICANT - 1995

2. CHRONOLOGICAL FACTS

a. **Original Applicant's Date and Time:** 12/5/1995 at 3:41 PM
   i. Application Number: 1294
   ii. Pre-Occupier: No
   iii. LUP: No
   iv. Qualified: Yes
   v. Priority: 1

b. December 6, 2002, Applicant was interviewed and named a beneficiary.

c. April 11, 2018, Residential Lease and 60 Day Survey Authorization for Lot 1, Block 3REM, Tract 100C, Dededo, containing an area of 2,057+/- square meters prepared and signed by both the AD,CLTC, Michael J.B. Borja

d. May 4, 2018, Residential Lease for Lot 1, Block 3REM, Tract 100C, Dededo, containing an area of 2,057+/- square meters signed by Applicant.

3. FINDINGS

Pending review and determination by the Board.

4. FOLLOW-ON ACTION

Contact applicant of the Boards decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

THERESE M. MUNA

1. FACTS

a. **Location:** Lot 7160-165, Yigo
b. **Lot Size:** 2,015+/- square meters **Lease Type:** Residential
c. **Administrative Director, CLTC Signing Date:** 4/12/2018
d. **Applicants Signing Date:** 4/30/2018

Complaint/Issue: ***Review of Pre-moratorium Lease List***
ORIGINAL APPLICANT - 1995

2. CHRONOLOGICAL FACTS

a. **Original Applicant's Date and Time:** 12/4/1995 at 12:38 PM
   i. **Application Number**: 1007
   ii. **Pre-Occupier**: No
   iii. **LUP**: No
   iv. **Qualified**: Yes
   v. **Priority:** 1

b. August 8, 2005, Applicant was interviewed and named a beneficiary.
c. October 14, 2005, 60 Day Survey Authorization for a portion of Lot 7160, Yigo, not more than .50 acres.
d. October 14, 2005, NOIA issued for a portion of Lot 7160, Yigo, containing an area of not more than .50 acres, subject to final survey, DLM approval and recordation.
e. October 25, 2005, Applicant provided CLTC with the Surveyors Contract and Official Receipt for $800.00 paid towards Lot 7160-83 (nda Lot 7160-165).
f. February 26, 2016, Applicant was interviewed and named a beneficiary.
g. April 4, 2018, Residential Lease and 60 Day Survey Authorization for Lot 716--165, Yigo, containing an area of 2,015+/- square meters prepared and signed by both the AD,CLTC, Michael J.B. Borja and applicant.

3. FINDINGS

Applicant has fulfilled all requirements by the CLTC, pending the final survey map. Pending the Board's review and determination.

4. FOLLOW-ON ACTION

Contact applicant of the Boards decision

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report

JESUS QUIDACHAY NINETE

1. FACTS:

a. **Location:** Lot 1-12, Block 8, Tract 10121, Yigo
b. **Lot Size/Lease Type:** 1,949+/- square meters
c. **Administrative Director, CLTC Signing Date:** 3/9/2018
d. **Applicants Signing Date:** NA

Complaint/Issue: ***REVIEW OF PREMORATORIUM LEASES***
ORIGINAL APPLICANT - 1995

2. CHRONOLOGICAL FACTS:

a. **ORIGINAL APPLICANT: Jesus Quidachay Ninete**
   i. Application Date and Time: December 28, 1995, 12:03 PM
   ii. Application Number: 0002729
   iii. Application Type: Agriculture
   iv. Priority: 2
   v. Pre-Occupier: No
   vi. Qualified: Yes

b. February 2, 2018, DLM prepared Scheme No. M13-S020 for Lot 1-12, Block 8, Tract 10121, Yigo, containing an area of 1,949+/- square meters.

c. March 8, 2018, Applicant was interviewed and named a beneficiary.

d. March 9, 2018, 60 Day Survey Authorization and Agriculture Lease for Lot 1-12, Block 8, Tract 10121, Yigo, containing an area of 1,949+/- square meters was signed by the AD, CLTC Michael J.B. Borja.

3. FINDINGS:

Pending the Board's review and determination.

4. FOLLOW UP ACTIONS:

Contact applicant on Boards Decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting

Staff Report
MARY RUTH PHILLIPS

1. FACTS:

a. **Location:** Lot 1, Block 16, Tract 10316, Dededo
b. **Lot Size/Lease Type:** 2,023+/- square meters
c. **Administrative Director, CLTC Signing Date:** NA
d. **Applicants Signing Date:** NA

Complaint/Issue: *REVIEW OF PREMORATORIUM LEASES*
ORIGINAL APPLICANT - 1995

2. CHRONOLOGICAL FACTS:

a. **ORIGINAL APPLICANT: Mary Ruth Chargualaf, nka: Mary Ruth Phillips**
   i. Application Date and Time: December 2, 1995, 5:20 PM
   ii. Application Number: 0000819
   iii. Application Type: Residential
   iv. Priority: 1
   v. Pre-Occupier: No
   vi. Qualified: Yes
b. October 22, 1998, Applicant was interviewed by CLTC Staff and a beneficiary was named.
c. July 5, 2017, CLTC Staff after careful review of the file found that applicants name on her birth certificate indicated MARIA ROSARIO CAMACHO and not MARY RUTH CHARGUALAF. Applicant explained that she grew up with MARY RUTH CHARGUALAF and all-important documents contain the name MARY RUTH CHARGUALAF. She was advised to submit an Affidavit of Identity that she one and same person.
d. July 10, 2017, Applicant, prepared and signed the Affidavit of Identity
e. July 14, 2017, Applicants submittal of her Affidavit of Identity was accepted for further processing by David V. Camacho.
f. July 20, 2017, Applicant submitted her Marriage Certificate, to now read Mary Ruth Phillips.
g. July 26, 2017, Residential Lease was prepared for Lot 1, Block 16, Tract 10316, Dededo, containing an area of 2,023± square meters. NOT SIGNED BY THE DIRECTOR; DIRECTOR'S NOTE: What document changes name from Maria Rosario to Mary Ruth?
h. October 23, 2017, Applicant was contacted to inform her of the Director's concern and once again explained that she did not have any documents to support the change. She provided the CLTC with a US Passport and Driver's License indicating **"MARY RUTH PHILLIPS"**

3. FINDINGS:

Applicant was not able to provide the supporting documents changing her name from MARIA ROSARIO CAMACHO to MARY RUTH CHARGUALAF. However, had provided the Affidavit of Identity together with her US Passport and Driver's License. Pending the Board's review and determination.

4. FOLLOW UP ACTIONS:

Contact applicant on Boards Decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting

Staff Report

COLEEN GRACE QUINATA

1. FACTS:

a. **Location:** Lot 10171-15, Dededo
b. **Lot Size/Lease Type:** 4,047+/- square meters
c. **Administrative Director, CLTC Signing Date:** 4/16/2018
d. **Applicants Signing Date:** 4/19/2018

Complaint/Issue: ***REVIEW OF PREMORATORIUM LEASES***
TRANSFER OF APPLICATION RIGHTS

2. CHRONOLOGICAL FACTS:

a. **TRANSFEROR APPLICANT: Sandra Mesa Cruz**
   i. Application Date and Time: December 9, 1995, 3:35 PM
   ii. Application Number: 0000830
   iii. Application Type: Residential
   iv. Priority: 1
   v. Pre-Occupier: No
   vi. Qualified: Yes

b. **TRANSFEREE APPLICANT: Colleen Grace Quinata**
   i. Application Date and Time: August 8, 2017
   ii. Application Number: NA
   iii. Application Type: Residential
   iv. Priority: 1
   v. Pre-Occupier: No
   vi. Qualified: Yes

c. August 25, 2009, Residential Interview conducted with Sandra Mesa Quinata, designating a qualified beneficiary.

   Applicant, Sandra Mesa Cruz requested to change her last name from Cruz to Quinata.

d. July 30, 2012, Applicant, Sandra Mesa Quinata, requested to change her application type from Residential to Agriculture; approved by David Camacho.

e. September 5, 2012, 60 day Survey Authorization issued for a portion of Lot 10125-11-R6, Dededo, containing an area of not more than one (1) acre.

f. November 1, 2012, Sketch Drawing of Lot 10125-11-R6, Dededo submitted by Surveyor, Meliton Santos for CLTC review and approval.

g. August 8, 2017, Applicant, Sandra Mesa Quinata, requested to transfer her application rights to her daughter, Colleen Grace Quinata.

h. August 10, 2017, Request to transfer application rights to daughter, Colleen Grace Quinata, approved by David Camacho.

i. April 4, 2018, 1st Decline of Municipality Award signed by Colleen Grace Quinata, declining Lot 10125-11-R6, Dededo for Lot 10171-15, Yigo.

j. April 19, 2018, 60 day Survey Authorization issued for Lot 10171-15, Dededo.

k. April 16, 2018, Agriculture Lease issued for Lot 10171-15, Dededo, containing an area of 4,047± square meters; signed by AD, CLTC, Michael J.B. Borja.

3. FINDINGS:

Transfer of Application Rights from Sandra Mesa Quinata to Colleen Grace Quinata, is not in accordance with PL 23-38, Section 5.8. Therefore, the Agriculture Lease executed is Null and Void.

Pending the Boards review and determination.

4. FOLLOW UP ACTIONS:

Contact applicant on Boards Decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

DELORES TAITANO QUINATA

1. **FACTS**
   a. **Location: Lot 8-33-10, Inarajan**
   b. **Lot Size:** 1,858+/- square meters **Lease Type:** Agriculture
   c. **Administrative Director, CLTC Signing Date:** 6/21/2017
   d. **Applicants Signing Date:** 4/3/2018

Complaint/Issue: ***Review of Pre-moratorium Lease List***
ORIGINAL APPLICANT - 1995

2. **CHRONOLOGICAL FACTS**
   a. **Original Applicant's Date and Time:** 12/2/1995 at 4:17 PM
      i. **Application Number**: 552
      ii. **Pre-Occupier**: No
      iii. **LUP**: No
      iv. **Qualified**: Yes
      v. **Priority:** 1

   b. September 3, 1998, Applicant was interviewed and named a beneficiary.
   c. December 1, 2003, Survey Authorization for a portion of Lot 10154, Yigo, containing an area not more than .50 acres.
   d. January 16, 2004, Ground Lease for a portion of Lot 10154, Yigo, not more than .50 acres; Signed by AD, CLTC, Joseph M. Borja; not signed by Applicant.
   e. July 27, 2016, Applicant requested to Change her Application Type from Residential to Agriculture and Changed her Beneficiary; approved by the AD, CLTC, Michael J.B. Borja.
   f. 4/7/2017, Scheme No. M06-007 approved by AD, CLTC, Michael J.B. Borja for Lot 8-33-10, Inarajan, for 1,858+/- square meters
   g. 6/21/2017, Agriculture Lease for Lot 8-33-10, Inarajan, was signed by the AD, CLTC Michael J.B. Borja and Applicant.
   h. 4/3/2018, Agriculture Lease for Lot 8-33-10, Inarajan, was signed by Applicant.

3. **FINDINGS**

   Pending review and determination by the Board.

4. **FOLLOW-ON ACTION**

   Contact applicant of the Boards decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

ROBERT C. QUINTANILLA

1. **FACTS**
   a. **Location:** Lot 3 and 4, Block 5-B, Tract 15344, Mangilao
   b. **Lot Size/Lease Type:** 1,850+/- square meters and 1,844+/- square meters
   c. **Administrative Director, CLTC Signing Date:** 5/3/2018
   d. **Applicants Signing Date:** NA

Complaint/Issue: ***Review of Pre-moratorium Lease List***
ORIGINAL APPLICANT - 1995

2. **CHRONOLOGICAL FACTS**

   a. **Original Applicant's Date and Time:** 12/7/1995 at 3:05 PM
      i. **Application Number**: 1772
      ii. **Pre-Occupier**: No
      iii. **LUP**: No
      iv. **Qualified**: Yes
      v. **Priority:** 1
   b. October 10, 2006, Applicant requested to change his application type from Residential to Agriculture; approved by Joseph M. Borja.
   c. July 30, 2007, Applicant was interviewed and named a beneficiary.
   d. August 6, 2007, Survey Authorization was issued for a portion of Lot 5402-R5NEW-R4, Mangilao, not more than one (1) acre.
   e. August 22, 2007, NOIA, was issued for a portion of Lot 5402-R5NEW-R4, Mangilao, containing an area of not more than one (1) acre, subject to a final survey, DLM approval and recordation.
   f. October 13, 2007, Applicant provided CLTC with a official receipt from Surveyor Moya in the amount of $500.00 for survey services.
   g. January 16, 2014, Site Inspection was conducted by CLTC Staff and their findings indicated that there was a wood and tin structure, access was fully improved; citrus trees (10) and coconut trees (20).
   h. September 20, 2016, Site Inspection was conducted by CLTC Staff and their findings indicated that there was a wood and tin structure and papaya trees.
   i. May 3, 2018, Agriculture Lease was issued for Lot 3 and 4, Block 5-B, Tract 15344, Mangilao; signed by AD, CLTC, Michael J.B. Borja

3. **FINDINGS**
   Pending review and determination by the Board.

4. **FOLLOW-ON ACTION**

   Contact applicant of the Boards decision.

CHamoru Land Trust Commission
Board of Commissioners Meeting

Staff Report

MICHAEL WAYNE REYES

1. FACTS:

a. **Location:** Lot 6, Block 13, Tract 2831, Talofofo (nda: Lot 6-6, Block 13, Tract 2831, Talofofo)
b. **Lot Size/Lease Type:** 1,997+/- square meters
c. **Administrative Director, CLTC Signing Date:** 2/23/2018
d. **Applicants Signing Date:** NA

Complaint/Issue: *REVIEW OF PREMORATORIUM LEASES*
ORIGINAL APPLICANT - 1995

2. CHRONOLOGICAL FACTS:

a. **ORIGINAL APPLICANT: Michael Wayne Reyes**
   i. Application Date and Time: December 2, 1995, 5:19 PM
   ii. Application Number: 0000692
   iii. Application Type: Residential
   iv. Priority: 1
   v. Pre-Occupier: No
   vi. Qualified: Yes

b. October 2, 1998, Applicant was interviewed by CLTC Staff and a beneficiary was named.

c. January 8 2004, Applicant requested to change his Application Type from Residential to Agriculture and to add his Girlfriend, Corina M.C. Toves to his application.

d. January 16, 2004, Request to Change Application Type from Residential to Agriculture and to change his beneficiary was APPROVED by AD,CLTC, Joseph M. Borja.

e. August 6, 2007, Applicant, Michael Wayne Reyes requested to remove his Girlfriend, Corina Toves from his land application.

f. December 20, 2007, 60 Day Survey Authorization was issued for a portion of Lot 421, not more than .50 acres.

g. January 7, 2008, NOIA was issued for a portion of Lot 421, Talofofo, containing an area of not more than .50 acres, subject to final survey, DLM approval and recordation.

Applicant signed an acknowledgement that Lot 421, Talofofo is an unregistered property with CLTC and he understands the said property is in the process of Land Registration and would like to remain on the lot until such time its registered.

h. February 20, 2018, 1st Decline of Municipality Award for Lot 421, Talofofo to Lot 6, Block 13, Tract 2831, Talofofo prepared. Not signed by Applicant.

i. January 4, 2018, DLM prepared Scheme No. M11-S004 for Lot 6, Block 13, Tract 2831, Talofofo, area is 1,997± square meters; approved by AD, CLTC, Michael J.B. Borja.

j. February 23, 2018, Agriculture Lease for Lot 6, Block 13, Tract 2831, Talofofo, containing an area of 1,997± square meters signed by AD, CLTC, Michael J.B. Borja.

k. March 7, 2019, CLTC Board in a Regular Meeting made motion to approve the Survey Map for Lot 6-6, Block 13, Tract 2831, Talofofo. filed under :LM Check No. 244FY2018, recorded under Instrument No. 932597.

3. FINDINGS:

Applicant has fulfilled all requirements by the CLTC to include the final survey and mapping of Lot 6-6, Block 13, Tract 2831, Talofofo.

Pending the Board's review and determination.

4. FOLLOW UP ACTIONS:

Contact applicant on Boards Decision.

SWITCHED AND TRANSFERRED

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting

GISELA R.C. ACFALLE

ORIGINAL APPLICANT: ROSITA CAMACHO VITUG

1. **FACTS**
   a. **Location:** T10125 B4 L6 Dededo
   b. **Lot Size/Lease Type:** 2,927± sq.m. - Agriculture
   c. **Lease Instrument Number and Signing Date:** 912584 – June 23, 2017
   d. **Surveyed:** Pending
   e. **Complaint/Issue:** Null and Void Listing

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier:** No
   b. **Priority:** 1
   c. **Original Applicant:** Rosita R.C. Acfalle
   d. **Original Applicant's Date and Time:** December 2, 1995 at 4:18PM
   e. **Application Number:** 000750
   f. **Takeover Applicant**: Gisela R.C. Acfalle
   g. **Takeover Application Date**: August 19, 2016
   h. April 26, 2006 – Original Applicant names son, Scotdy Peter C. Aguon as her Benefactor
   i. August 19, 2016 – Scotdy Peter C. Aguon relinquishes his Beneficiary Rights to Gisela R.C. Acfalle
      i. Death Certificate of Rosita Camacho Vitug (07/20/2012) submitted to CLTC
   j. August 24, 2016 – Relinquishment request approved by Deputy Director David Camacho
   k. October 21, 2016 – Affidavit from Scotdy Peter Camacho Aguon revoking his relinquishment to Gisela R.C. Acfalle *(Revocation Letter attached)*
   l. October 31, 2016 – Deputy David Camacho disapproved request from Scotdy Peter Camacho Aguon to retain his Beneficiary Rights
   m. November 17, 2016 – A staff report from JG requesting the Commission to override Deputy Director David Camacho's disapproval regarding his request to revoke his August 19, 2016 Letter of Relinquishment to Gisela Rodriguez Cruz Acfalle, however, the board did not hear his case due to Mr. Aguon not being present at the board

3. **RECOMMENDATION**
   CLTC Staff recommend for Board's review to determine status of Gisela R.C. Acfalle

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting

MARIA DOLORES CAMACHO-GACGACAO

1. **FACTS**
   a. **Location:** L5382N-21 BA
   b. **Lot Size/Lease Type:** 2,092± sq.m. Residential
   c. **Lease Instrument Number and Signing Date:** 909407 – April 24, 2017
   d. **Surveyed:** Pending survey completion
   e. **Complaint/Issue:** Null and Void Listing

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier: No**
   b. **Priority: 1**
   c. **Original Applicant: Juan A. Jr. Camacho**
   d. **Original Applicant's Date and Time:** December 9, 1995 at 2:23PM
   e. **Application Number:** 2008
   f. **Takeover Applicant**: Maria Dolores Camacho-Gacgacao
   g. **Takeover Application Date**: February 25, 2016
   h. **Other Facts** –
      i. Original Named Benefactor: Violeta Camacho, wife of Juan A. Jr. Camacho
      ii. Violeta B. Camacho has a Residential Lease on Lot 18-R2, Block F, Tract 9, Barrigada signed May 29, 2015, Recorded at DLM under Ins. No. 879222
      iii. An intent to name daughter, Maria as Benefactor initiated June 27, 2015, however, never approved by CLTC Director
      iv. Juan A. Jr. Camacho requests to transfer his Application Rights to his daughter, Maria Dolores Camacho-Gacgacao on August 28, 2015. Approved by Deputy Director, David Camacho on February 22, 2016.

3. **RECOMMENDATION**
   CLTC Staff recommend to transfer Application Rights to Maria Dolores Camacho-Gacgacao as Benefactor of Juan A. Jr. Camacho based on submitted documents in file

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting

JUAN DIAZ MUNA

1. **FACTS**
   a. **Location:** L480-71 Agat
   b. Lot Size/Lease Type: 4,047± sq.m. - Agriculture
   c. Lease Instrument Number and Signing Date: Addendum 908746 – August 23, 2013
   d. **Surveyed:** 241FY2017, 06/09/2017 – Recorded Map No. 908289
   e. Complaint/Issue: Null and Void Listing

2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: Yes - Agat
   b. Priority: 1
   c. LUP under Moises Diaz Muna: LUP #26
   d. Original Applicant: Moses Diaz Muna
   e. Original Applicant's Date and Time: December 2, 1995 at 1:00PM
   f. Application Number: 334
   g. **Takeover Applicant**: Juan Diaz Muna
   h. **Takeover Application Time and Date**: July 26, 2012
   i. Other Facts –
      i. Original Applicant, Moises Diaz Muna does not qualify based on submitted documents
      ii. Original Applicant, Moises Diaz Muna was never issued a CLTC Agriculture Lease
      iii. Original Benefactor named is Francisco D. Muna (son)
      iv. July 26, 2012 – Letter of Relinquishment from Moises Diaz Muna to son, Juan Diaz Muna
      v. July 30, 2012 – Letter of Relinquishment approved by Deputy Director, David Camacho

3. **RECOMMENDATION**
   CLTC Staff recommend for Board's review to determine status of Juan Diaz Muna

NOTE: Patricia Muna (DLM), wife to "A" – Disclosure Form in file

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

MAVREEN JEAN MUNA

ORIGINAL APPLICANT: JUAN S.A. MENDIOLA

1. **FACTS**
   a. **Location:** L10125-11-39 Dededo
   b. **Lot Size/Lease Type:** 4,047± sq.m. - Agriculture
   c. **Lease Instrument Number and Signing Date:** 859496 – August 1, 2002
   d. **Surveyed:** CLT/D01 Survey Sketch dated May 7, 2003
   e. **Complaint/Issue:** Null and Void Listing

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier:** Yes – Swamp Rd Area
   b. **Priority:** 1
   c. **Original Applicant:** Juan S.A. Mendiola
   d. **Original Applicant's Date and Time:** September 23, 1997 at 4:06PM
   e. **Application Number:** 004209
   f. **Takeover Applicant**: Mavreen Jean Muna
   g. **Takeover Application Date**: August 14, 2013
   h. Original Lease in file under Juan S.A. Mendiola was not recorded with DLM
   i. January 15, 2003 – Grandchildren were named Benefactors to Agricultural Lease (Mavreen Muna, Lawrence Muna, Melinda Taitano, Brandon Mendiola)
   j. July 13, 2004 – Benefactors named by Juan S.A. Mendiola submitted their Relinquishment of Beneficiary Rights to brother, Lawrence Gene Mendiola Muna (letter in file for reference)
   k. July 16, 2013 – Lawrence Gene M. Muna relinquishes his Beneficiary rights to sister, Mavreen Jean Muna
   l. August 7, 2013 – Deputy Director David Camacho approved relinquishment to Mavreen Jean Muna
   m. December 17, 2013 – Mavreen Jean Muna records lease under L10125-11-39 Dededo with DLM under Ins. No. 859496
   n. Other Facts –
      i. Mavreen Muna was originally named as a Benefactor to Juan S.A. Muna

3. **RECOMMENDATION**
   CLTC Staff recommend for Board's review to determine status of Mavreen Jean Muna

4. **FOLLOW-ON ACTION**
   a. Termination of Recorded Lease recorded at DLM under Ins. No. 859496
   b. New Agricultural Lease Issuance under L10125-11-39 Dededo, DE-OFFICIO

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting

JOHN CHRISTOPHER UNPINGCO, MARK ANDREW UNPINGCO, AND MEG-ANNE CECILIA UNPINGCO

ORIGINAL APPLICANT: PEDRO GUERRERO SABLAN

1. **FACTS**
   a. **Location:** L10171-5 Dededo
   b. **Lot Size/Lease Type:** 1 acre - Agriculture
   c. **Lease Instrument Number and Signing Date:** 767021 – August 28, 2002
   d. **Surveyed:** Pending – survey contract in file from Generalismo A. Villaflores
   e. **Complaint/Issue:** Null and Void Listing

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier:** Yes – Blk 3 REM Dededo
   b. **Priority:** 1
   c. **Original Applicant:** Pedro Guerrero Sablan
   d. **Original Applicant's Date and Time:** August 14, 2001 at 10:12AM
   e. **Application Number:** 5596
   f. **Takeover Applicant**: John Christopher Unpingco, Mark Andrew Unpingco, and Meg-Anne Cecilia Unpingco
   g. **Takeover Application Date**: No applications in file
   h. August 28, 2002 – John Joseph Atoigue Sablan designated Benefactor of Pedro Guerrero Sablan
   i. June 5, 2006 - Original Benefactor designated is John Joseph Sablan (son) and then changed to (nephew) John Sablan Unpingco
   j. May 1, 2007 – Letter addressed to Director Joseph Borja regarding one-acre property passed to him from uncle, Pedro Guerrero Sablan
   k. July 19, 2007 – Response letter from Director Joseph Borja to John Sablan Unpingco regarding his son, John Christopher Unpingco for takeover of lease
   l. July 30, 2007 – Reponse letter from John Sablan Unpingco to Director Joseph Borja regarding placing all his children down for takeover of uncle's lease
   m. Other Facts –
      i. John Christopher Unpingco has no application in file after takeover
      ii. Mark Andrew Unpingco has no application in file after takeover
      iii. Meg-Anne Cecilia Unpingco has no application in file after takeover

3. **RECOMMENDATION**
   CLTC Staff recommend for Board's review to determine status of John Christopher Unpingco, Mark Andrew Unpingco, and Meg-Anne Cecilia Unpingco

LAND FOR LANDLESS

LAND FOR LANDLESS ASSESSMENT

INARAJAN (IJA)

63 developable
15 undevelopable
15 no access/unable to assess
10 returned to DLM

MERIZO

26 developable
7 undevelopable

DEDEDO, T1113

10 developable

TALOFOFO, AS-LUCAS

11 developable
1 undevelopable

UMATAC

9 developable
4 undevelopable
2 no access (road block)



ASSESSMENT COMPILED BY PIERCE CASTRO & MELVIN JAVIER

Doc. No. 35GL-19-0766.*

GUAM RACEWAY

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report

Guam Racing Federation (GRF)

1. **FACTS:**
   a. **Location:** Lot No. 7167-R1, Municipality of Yigo
   b. **Lot Size / Lease Type:** 1,022,012 sqms
   c. **Lease Instrument Number:** N/A
   d. **Field Description:** Raceway Park & Outdoor activities
   e. **Complaint/Issue:** *Non-compliant with P.L. 30-204 – Event Admission / Proposed Lease Terms / Expiration of Resolution No. 2018-06*

2. **DETAILS:**

   a. No Event Admission payment has been made since March 2018.

   b. May 17, 2019 CLTC received GRF's draft Lease Agreement.

   c. May 23, 2019 CLTC received via email GRF's Draft Legislation.

   d. May 28, 2019 Attorney Nicolas Toft and Joey Cruz met with GRF Representatives to discuss GRF's Proposed Terms.

   e. May 31, 2019 Resolution No. 2018-06 expires.

   f. June 4, 2019 CLTC draft response to GRF's draft Lease Agreement forwarded to Director.

   g. June 5, 2019 CLTC's draft Commercial Lease forwarded to Attorney Toft for review.

   h. June 5, 2019 Attorney Toft approves CLTC's draft Commercial Lease.

3. **Recommendation:**

   a. Seek board approval for CLTC's proposed terms of GRF Commercial Lease Agreement.

(Above Space for Recordation Only)

Chamorro Land Trust Commission
Lease Agreement

THIS LEASE AGREEMENT is made effective as of _____, 2019 by and between the **Chamorro Land Trust Commission** whose mailing address is **P.O. Box 2950, Agana, Guam 96910 ("Lessor")** and **Guam Racing Federation** whose mailing address is **976 Cross Island Road, Apt. C. Santa Rita, Guam 96915 ("Lessee").**

RECITALS

WHEREAS, Lessor has jurisdiction over **Lot No. 7161-R1, Municipality of Yigo, Guam**, by virtue of the "Administrative Transfer of Jurisdiction of Certain Government of Guam Lands" dated January 19, 1994, recorded under Document No. 503740 at the Department of Land Management; and

WHEREAS, Lessee had demonstrated interest to the government of Guam in commercially leasing **Lot No. 7161-R1, Municipality of Yigo, Guam, containing an area of 1,019,844 square meters,** attached herein and referred to as "Exhibit "A" of this

Initials: ____ ____

Agreement, hereinafter referred to as the “PROPERTY” for the purpose of raceway park; and

WHEREAS, Lessee, realized a need to provide for this raceway park and has organized and registered as a non-profit organization consisting operation of a raceway, related support facilities, and various outdoor events; and

WHEREAS, Lessor has received testimony from Lessee, outlining its continued intentions, present and proposed activities and physical plant layout within the PROPERTY; and

WHEREAS, Lessee, is particularly interested in the PROPERTY; and

WHEREAS, Lessor has determined that highest and best use of the PROPERTY is not realized in residential or agricultural activities; and

WHEREAS, the PROPERTY can be used most effectively by Lessee; and

WHEREAS, Lessor has the authority to grant a fifty (50) year lease for such purposes pursuant to Public Law 34-142; and

WHEREAS, on _____**,** _____, Lessor voted to approve the grant to such lease;

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

Initials: ____ ____

(1) GRANT OF LEASE; DESCRIPTION OF PREMISES

Lessor hereby grants to Lessee a lease to occupy and use, subject to all of the terms and conditions of this Agreement, the following described real PROPERTY:

Lot 7161-R1, Municipality of Yigo, Guam, as delineated in that certain sketch marked Exhibit "A", a copy of which is attached hereto and incorporated herein by this reference.

In order to comply with federal law and regulations, and to protect public safety, Lessee may use any and all reasonably appropriate means of restricting public access to Lessee's equipment and/or facilities temporarily placed on said property; provided, however, the Lessor shall have the right to itself and to the agents and representatives of the government in which said leased PROPERTY are situated, to enter and cross any portion of said leased PROPERTY for the purpose of performing any public or official duties; provided, further, in the exercise of such rights, the Lessor shall not unreasonably interfere with the Lessee's business activities and use of the PROPERTY.

(2) TERM

Except as otherwise provided herein, the term of this Agreement shall be for a period not to exceed five (5) years, commencing _____**, 2019** (the "Commencement Date") and ending at midnight on _____**, 2023** (the "Termination Date").

(3) OPTION TO EXTEND

Lessee shall have the right to extend the term of this Agreement upon the same terms, covenants and conditions as herein contained, except as otherwise provided herein, for nine (9) successive additional periods of five (5) years each from and after the Termination Date hereof. In order to exercise said option to extend; Lessee shall deliver to Lessor written notice of the intent to extend the term, no later than sixty (60) days

Initials: ____ ____

before the end of the then-current term of the Agreement. In no event shall the term of this Agreement and any extensions thereof exceed fifty (50) years.

(4) LIMITATION TO DESCRIBED PURPOSE

The PROPERTY may be occupied and used by lessee solely for the activities proposed by Lessee and for incidental purposes related to **operation of a raceway, related support facilities, and various outdoor events** from the Commencement Date, and continuing until this agreement is terminated as provided herein. In no event shall lessee begin any required leased activity without obtaining all requisite authorization and permits from the appropriate government of Guam or federal agency or authority.

(5) COMPENSATION

Lessor and Lessee expressly acknowledge that base rent for this lease shall be equal to **ten** percent (**10%**) per year of the fair market value of the PROPERTY, and that the initial fair market value will be determined and mutually agreed upon to be the average of two appraisals. Furthermore, Lessee will be responsible for the expenses of the appraisals. One appraiser will be the choice of the Lessee and the other of the Lessor.

Lessor and Lessee agree that the fair market value is to be **$**_____**.**

a) The initial yearly rental fee is _____ **($** _____**)**, based upon the fair market rental value of the leased property. The monthly fee is payable monthly in the amount of **$** _____, due on the beginning term of the lease and monthly thereafter.

b) If Lessee shall exercise its option to extend the term of the Agreement, a rent escalation of one percent (1%) will occur after the first initial five years of the lease and shall escalate one percent escalate every five years thereafter based on the fair market value at the time the option to renew is exercised. But in no event shall the rent be less than the previous five years. Lessee will be required to conduct two appraisals and be responsible for all expenses related to the appraisals. One appraiser will be the choice of the Lessee and the other the Lessor.

Initials: ____ ____

c) Lessor and Lessee expressly acknowledge that participation rent for this lease shall be equal to **five** percent (5**%**) of the revenues generated above a mutually agreed threshold. Participation rent payment shall be applicable from the fifth (5^{th}) anniversary date to the last day of the lease. The annual participation rent shall be made in four (4) equal quarterly installments.

d) All rent in arrears shall bear interest at a rate of four percent (4%) per annum in excess of the prime rate, calculated daily and compounded monthly, without demand, from the date it should have been paid to CLTC until actual payment to CLTC.

e) Lessee may request to develop a payment plan for back rent and shall submit in writing with the reasons for the request. In addition, lessee shall submit a copy of its audited financial statements covering the previous three (3) year period Payment plans must include a provision for payment of interest on the unpaid balance. In addition, payment plans must contain the requirement that late fees using the industry standard be paid, in the event the lessee does not make payments as scheduled, and if the lessee is not deemed to be in breach of the lease. Financial institutions must be provided with copies of approved payment plans if estoppel, mortgage or other such agreements require such notification. To the extent possible, payment plans for outstanding rent must be paid off within the fiscal year.

(6) <u>SUBLEASE</u>

Lessee is granted the ability to sublease for the purposes related support facilities, various outdoor events, and other related establishments with the approval of the CLTC board. Lessor and Lessee shall share fifty/fifty (50/50) of sublease rental fee.

(7) <u>TAXES AND FEES</u>

Any and all taxes, fees and assessments, to include, taxes on improvements to Chamorro Land Trust Lands and assessments of Payments in lieu of Real Property Taxes on Chamorro Land Trust Land, as provided pursuant to Section 9 of Public Law 24-168, levied upon the real property described herein shall be borne and paid for by the Lessee.

Initials: ____ ____

DRAFT

(8) NO INTEREST IN REAL PROPERTY

Lessee expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the above described real property of Lessor, by virtue of the rights granted under this Agreement or its occupancy or use granted herein.

(9) ASSIGNMENT OF RIGHTS

The rights of Lessee under this Agreement are personal to Lessee and may not be transferred or assigned to any other person, firm, corporation or other entity.

(10) INDEMNIFICATION OF LESSOR

In consideration of the privilege granted by this Agreement, Lessee shall not claim any costs, claims or damages from Lessor in connection with or on account of any injuries or damages arising in or on the real property described above regardless of the fault or negligence of Lessor while being used by Lessee and Lessee's Officers, employees, members, guest(s) or invitees and Lessee shall indemnify Lessor from any and all costs, losses, claims or damages of any kind or nature arising in connection with the use of the real property described above by Lessee and Lessee's officers, employees, members, guest(s)s or invitees.

(11) NO WARRANTY

Lessor does not warrant or represent that the real property described above is suitable for the purposes for which it is permitted to be used, nor that the Lessee is specifically entitled to the issuance of any permits necessary to carry out any activity on said real property.

(12) MINERAL EXTRACTION

Lessee is not authorized to conduct any mineral extraction activities on leased property.

Initials: ____ ____

DRAFT

(13) IMPROVEMENTS TO PROPERTY

Any improvements made to or upon the real property shall belong in title to the Lessor upon termination or expiration of the lease, and that any removal required by the Lessor of improvements or items remaining on the property shall be the responsibility of the Lessee at no cost to the Lessor. Furthermore, Lessor may require Lessee to restore the land to baseline levels established at the start of their lease or license and shall bear all expenses relating to such restoration.

(14) PROCESSING FEES

Lessee shall pay for those expenses associated with the processing of leases, amendments, assignments, estoppels, consents or other such documents, including, but not limited to, attorney's fees, appraisal fees, title report fees, survey fees, credit report fees, recording fees, and documentation fees, but not including Lessor's staff time. Payment of fees shall be made prior to document recordation or pick up.

(15) BUSINESS LICENSE

Lessee must be licensed to do business in Guam prior to the execution of a lease and must maintain a valid license to do business in Guam during the term of this lease.

(16) ENVIRONMENTAL SITE ASSESSMENT

Lessee shall be required to prepare at their own expense, a Phase I Environmental Site Assessment (ESA) of the leased property to serve as a baseline of conditions at the site prior to the start of the lease. The comprehensiveness of the assessment shall be determined by CLTC in collaboration with the Guam Environmental Protection Agency. The Phase I ESA shall be referenced in any lease or license agreement for the property. Prior to the issuance of any agreement, tenants or prospective tenants much conduct a Phase I ESA of the site at tenant's expense.

Initials: ____ ____

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(17) COMPLIANCE WITH ENVIRONMENTAL LAWS

Lessee must ensure that all activities on leased or licensed property shall be in compliance and maintained in accordance with existing environmental laws. Failure to comply with environmental laws shall be a material default by tenant.

(18) EVENT OF DEFAULT

Any of the following events shall constitute (each an "Event of Default by Lessee"):

a) If rent or any part thereof shall not be paid on any day when such payment is due, CLTC may, at any time thereafter, give notice of such failure to the Lessee, and if the failure is not remedied by the Lessee within five (5) days after the giving of such notice; or

b) If the Lessee shall fail or neglect to perform or comply with any of the terms, covenants or conditions contained in the lease (other than the covenants to pay rent) on the part of the Lessee to be performed or observed, CLTC may, at any time thereafter, give notice of such failure or neglect to the Lessee:

i. If the matter complained of in such notices is capable of being remedied by the payment of money, has not corrected the matter complained of within a period of five (5) days after the giving of such notice; or

ii. If the matter complained of in such is not capable of being remedied by the payment of money has not corrected the matter complained of within a period of twenty (20) days after the giving of such notice, or if a period of more than such twenty (20) days is reasonably required to remedy, with reasonable diligence, the matters complained of in such notice, has not forthwith commenced to remedy the same and diligently prosecute the remedying of the same to completion; or

iii. If an event of insolvency shall have occurred with respect to the Lessee; or

iv. A breach of an obligation by the Lessee which has resulted in cancellation of insurance coverage where the Lessee has not prior

Initials: ____ ____

DRAFT

to or concurrent with such cancellation replaced such coverage with comparable coverage or breach of an obligation where there has been a notice of cancellation of insurance coverage which has not been cured and where the Lessee has not, within the period of time set out in such notice (or within ten (10) days where no period is set out therein) replaced such coverage with comparable coverage or which is otherwise a breach of the obligations respecting insurance; or

v. Abandonment of the project by the Lessee.

(19) RIGHT TO CURE DEFAULT

Without limiting any other remedies the CLTC may have arising out of a lease or at law in respect of any default in the performance of the Lessee's obligation under a lease, the CLTC shall have the right, in the case of any default and without termination of a lease, to enter upon the property and cure or attempt to cure such default (but this shall not obligate the CLTC to cure or attempt to cure any such default or, after having commenced to cure or attempt to cure such default, prevent the Lessor from ceasing to do so) and the Lessee shall promptly reimburse to the CLTC any expense incurred by the CLTC in so doing and the same shall be recoverable as rent.

(20)TERMINATION

This Agreement may be terminated by either party on one hundred eighty (180) days prior written notice to the other party without cause, or on ninety (90) days written notice for cause. For purposes of this Agreement, cause shall mean the non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, or any adjudicated regulations of the Lessor. Pursuant to 34-142 the term of this Agreement shall be for a period not to exceed fifty (50) years. Upon termination by notice for cause for non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, any adjudicated regulations of the Lessor, or expiration of fifty (50) years, this Agreement shall become null and void, except that either party may enforce any and all obligations of Lessee arising out of acts or failure to act, occurring prior to such termination.

Initials: ____ ____

(21) ENTIRE AGREEMENT

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

(22) MODIFICATION OF AGREEMENT

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

(23) GOVERNING LAW

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

(24) NO WAIVER

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

(25) BINDING EFFECT

This Agreement shall bind and inure to the benefit of any respective successors of the parties.

(26) NOTICES

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

(27) INDEMNIFICATION OF CHAMORRO LAND TRUST COMMISSION

Initials: ____ ____

DRAFT

Notwithstanding anything to the contrary in this license and irrespective of any insurance carried by Lessee for the benefit of Chamorro Land Trust Commission, Lessee agrees to hold Chamorro Land Trust Commission harmless from any claim or demand by third persons for loss, damage, or injury including claims for property damage, personal injury or wrongful death occurring in, on, or about the PROPERTY, including sidewalks and parking areas adjacent thereto, or occasioned by any nuisance made or suffered on the PROPERTY, or by any fire thereon, or growing out of, or cause by any failure on the part of the Lessee to maintain the PROPERTY in a safe condition and will reimburse Chamorro Land Trust Commission for all costs and attorneys' fees in connection with the defense of any such claim.

(28) PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE

Lessee and all sublessees will procure, at its own cost and expense and keep in force during said term for the mutual benefit of Chamorro Land Trust Commission and Lessee, a policy of comprehensive liability insurance in such form and with such insurance company as Chamorro Land Trust Commission shall approve, with minimum limits for injury or death to one person and for any one occurrence, and a policy in the sum of $100,000.00 insuring against the claims of third persons for property damage. Said policy or policies or copies thereof must be deposited with the Chamorro Land Trust Commission and must cover the PROPERTY, including entrances to the PROPERTY and sidewalks and parking areas adjacent to the PROPERTY. Chamorro Land Trust Commission may review the foregoing limits of coverage and require increases therein but shall not require increases more frequently than annually. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change insurance coverage without first giving Chamorro Land Trust Commission and Lessee thirty (30) days prior written notice of such change or cancellation.

(29) PRE-EXISTING CONDITIONS AND RELEASE OF LIABILITY

Parties recognize there may be known or unknown pre-existing conditions on subject property and agree to hold each other harmless from any liability arising out of such conditions.

Initials: ____ ____

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

Lessor:

_____

Jack E. Hattig, III
Administrative Director
Chamorro Land Trust Commission

Date: _____

Lessee:

_____

Representative
Guam Racing Federation

Date:_____

ACKNOWLEDGEMENT

On this _____ day of _____, 2019, before me the undersigned notary personally appeared **{ Name of Director }, Administrative Director**, known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

_____
NOTARY PUBLIC

DRAFT

Initials: ____ ____

ACKNOWLEDGEMENT

On this _____ day of _____, 2019, before me the undersigned notary personally appeared **{ Lessee}**, known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

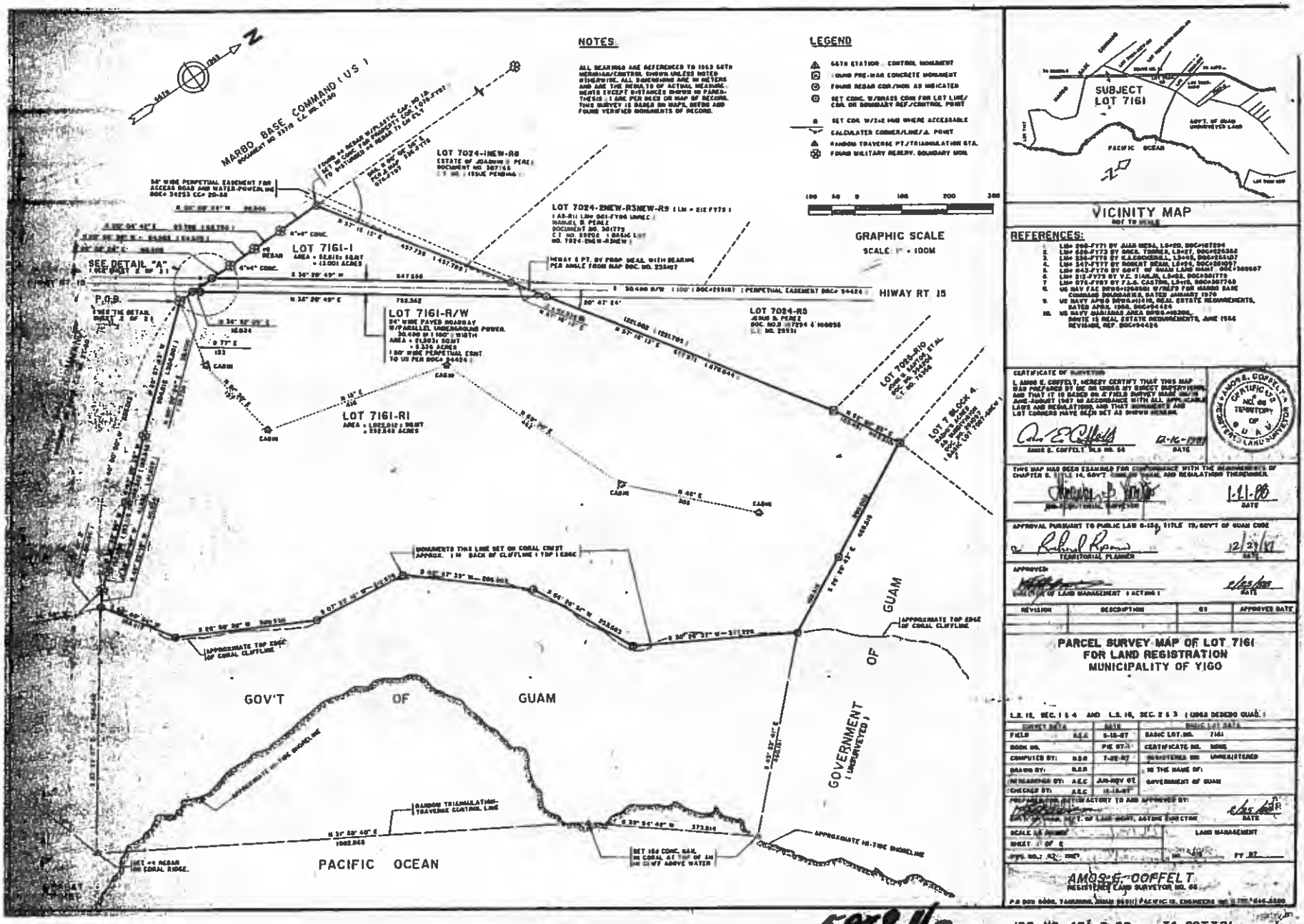
_____
NOTARY PUBLIC

DRAFT

Initials: ____ ____

395666

5958 1/2 5958



REFERENCES:

1. L.Bk. 208-71(1) BY JUAN MESA, L.S.#20, DOC#1078294
2. L.Bk. 226-71(2) BY ERICA TORRES, L.S.#17, DOC#1253868
3. L.Bk. 226-71(5) BY K.A.ZSCHOCHER, L.S.#18, DOC#1254107
4. L.Bk. 247-71(1) BY ROBERT MEAD, L.S.#16, DOC#1281207
5. L.Bk. 443-71(5) BY GOVT. OF GUAM LAND SURVEY, DOC#1309567
6. L.Bk. 212-71(3) BY V.C. SIANI, L.S.#28, DOC#1301775
7. L.Bk. 276-71(1) BY T.J.A. CASTRO, L.S.#15, DOC#1307760
8. US NAVY FAC DWG#1250561 W/REF'S FOR MARBO BASE COMMAND DRAWINGS, DATED JANUARY 1970
9. US NAVY APRO DWG#A1010, REAL ESTATE REQUIREMENTS, DATED APRIL 1980, DOC#964424
10. US NAVY GUAM/ADLA APRO#-082000, DWG#15 REAL ESTATE REQUIREMENTS, JUNE 1986 REVISION, REF. DOC#964424

CERTIFICATE OF SURVEYOR

I, AMOS E. COFFELT, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT IT IS BASED ON A FIELD SURVEY MADE ON 15 JUNE-AUGUST 1987 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AND THAT MONUMENTS AND LOT CORNERS HAVE BEEN SET AS SHOWN HEREON.

AMOS E. COFFELT, R.L.S. NO. 66 — DATE 12-16-87

AMOS E. COFFELT — CERTIFICATE NO. 66 — TERRITORY OF GUAM — REGISTERED LAND SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 14, GOVT. CODE OF GUAM, AND REGULATIONS THEREUNDER.

DATE 1.11.88

APPROVAL PURSUANT TO PUBLIC LAW 6-136, TITLE 19, GOVT OF GUAM CODE

TERRITORIAL PLANNER — DATE 12/21/87

APPROVED:

DIRECTOR OF LAND MANAGEMENT (ACTING) — DATE

REVISION	DESCRIPTION	BY	APPROVED DATE

PARCEL SURVEY MAP OF LOT 7161 FOR LAND REGISTRATION MUNICIPALITY OF YIGO

L.S. 15, SEC. 1 & 4 AND L.S. 16, SEC. 2 & 3 (1963 DEDEDO QUAD.)

SURVEY DATA		DATE	BASIC LOT DATA
FIELD	A.S.C.	5-18-87	BASIC LOT NO. 7161
BOOK NO.		PG. 87-	CERTIFICATE NO. NONE
COMPUTED BY:	A.S.C.	7-20-87	REGISTERED NO: UNREGISTERED
DRAWN BY:	A.S.C.		IN THE NAME OF:
INTERCHECK BY:	A.S.C.	AUG-NOV 87	GOVERNMENT OF GUAM
CHECKED BY:	A.S.C.	12-16-87	

PREPARATION WITH ACTORY TO AND APPROVED BY:

DIRECTOR, DEPT. OF LAND MGMT., ACTING FUNCTIONS — DATE

SCALE AS SHOWN — LAND MANAGEMENT

SHEET 1 OF 2

SYS. NO.: 82, 83 — FY 87

AMOS E. COFFELT
REGISTERED LAND SURVEYOR NO. 66

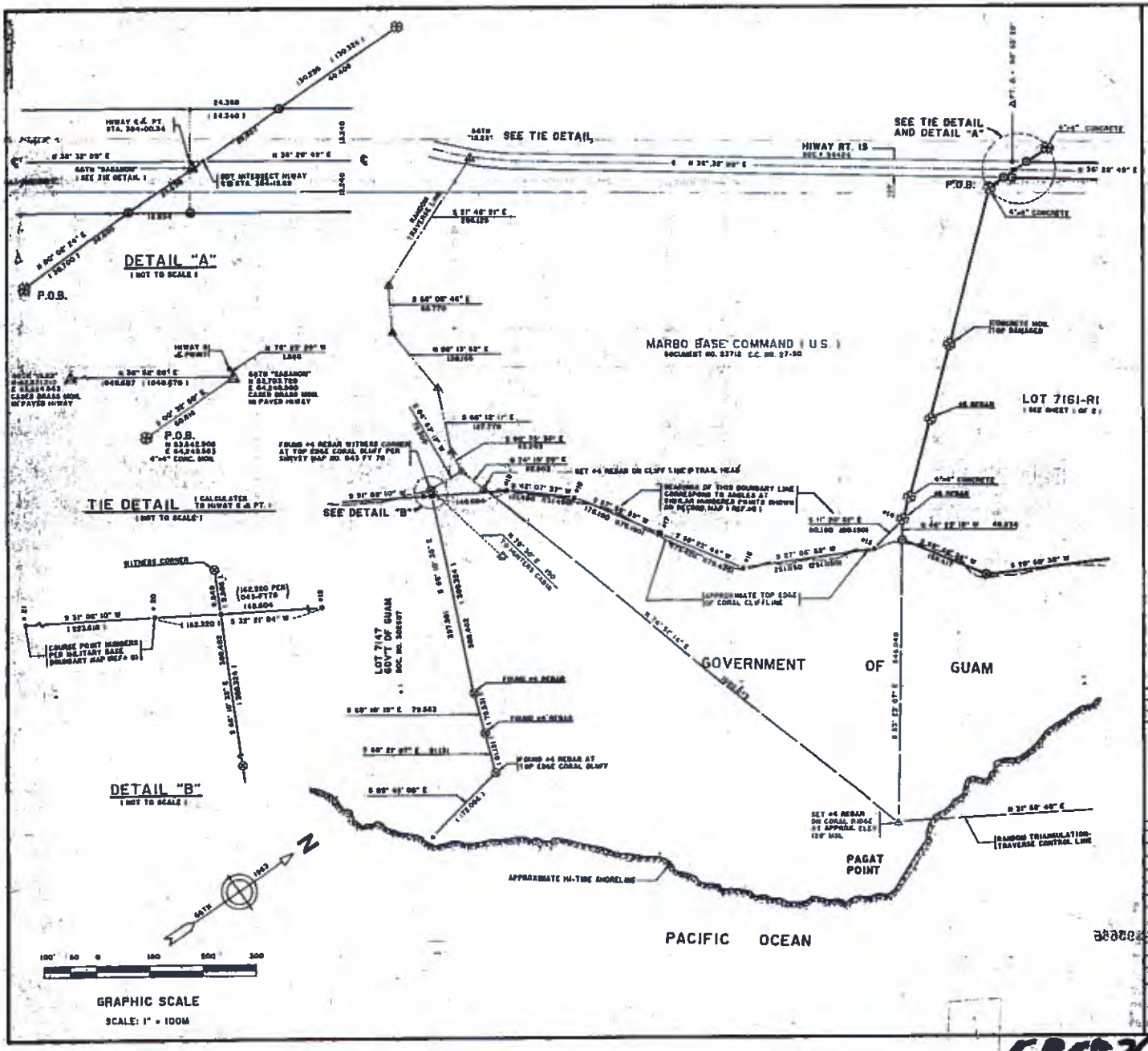
P.O. BOX 8888, TAMUNING, GUAM 96911 | PACIFIC ISLANDS ENGINEERS INC. | TEL. 646-8888

JOB. NO. 421-2188 — I4-88T301

395666

5958 1/2

395666



JAMES E. COFFETT
CERTIFICATE NO. 98
TERRITORY OF GUAM
REGISTERED LAND SURVEYOR
12-16-87

REVISION	DESCRIPTION	BY	APPROVED DATE

PARCEL SURVEY MAP OF LOT 7161 FOR LAND REGISTRATION MUNICIPALITY OF YIGO

L.S. 15, SEC. 1 & 4 AND L.S. 16, SEC. 2 & 3 (1968 DEDEDO QUAD.)

SURVEY DATA		DATE	BASIC LOT DATA
FIELD	A.E.C.	6-10-87	BASIC LOT NO. 7161
DOCM. NO.		PIE 87-4	CERTIFICATE NO. NONE
COMPUTED BY:	M.S.R.	7-22-87	REGISTERED ON: UNREGISTERED
DRAWN BY:	M.S.R.		IN THE NAME OF:
MEM.ANCHES BY:	A.E.C.	AM-NOV 87	GOVERNMENT OF GUAM
CHECKED BY:	A.E.C.	12-15-87	

PREPARED FOR, SATISFACTORY TO AND APPROVED BY:

DATE

SCALE AS SHOWN — LAND MANAGEMENT

SHEET 2 OF 2

JAMES E. COFFETT
REGISTERED LAND SURVEYOR NO. 98

PACIFIC ISLANDS ENGINEERS, INC. | TEL. 646-8550

59587/2 JOB. NO. 421-2-88 I4-88T301 395666

Doc. No. 35GL-19-0766.*

UOG HATCHERY

INADAHEN I LINA'LA I KOTTURAN CHAMORU

(Above Space for Recordation Only)

Chamoru Land Trust Commission
License Agreement

THIS LICENSE AGREEMENT is made effective as of _____, 2019 by and between the **Chamorro Land Trust Commission** whose mailing address is **P.O. Box 2950, Agana, Guam 96910 ("Licensor")** and **Inadahen I Lina'la' Kotturan Chamoru, Inc.** whose mailing address is **PO Box 4157, Hagatna, Guam 96932 ("Licensee").**

RECITALS

WHEREAS, Licensor has jurisdiction over **Lot 5173-1-R2NEW-4, Municipality of Tamuning, Guam**, by virtue of the "Administrative Transfer of Jurisdiction of Certain Government of Guam Lands" dated January 19, 1994, recorded under Document No. 503740 at the Department of Land Management; and

WHEREAS, Licensee had demonstrated interest to the government of Guam in commercially leasing **Lot No. 5173-1-R2NEW-4, Municipality of Tamuning, Guam, containing an area of 34,419 square meters, together with eight (8) buildings as shown on the** attached "Exhibit "A" of this Agreement, hereinafter referred to as the "PROPERTY" for the purpose of a Chamoru Cultural Center; and

Initials: ____ ____

WHEREAS, Licensee, has demonstrated interest to this property for the purpose of a locally owned and managed Chamorro Cultural Center to perpetuate the Chamoru culture; and

WHEREAS, Licensee, is particularly interested in the PROPERTY; and

WHEREAS, Licensor has determined that highest and best use of the PROPERTY is not realized in residential or agricultural activities; and

WHEREAS, the PROPERTY can be used most effectively by Licensee; and

WHEREAS, Licensor has the authority to grant a twenty-one (21) year lease for such purposes pursuant to Public Law 33-203; and

WHEREAS, on _____**,** _____, Licensor voted to approve the grant to such license;

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

(1) GRANT OF LEASE; DESCRIPTION OF PREMISES

Licensor hereby grants to Licensee a lease to occupy and use, subject to all of the terms and conditions of this Agreement, the following described real PROPERTY:

> **Lot 5173-1-R2NEW-4, Municipality of Tamuning, Guam, containing an area of 34,419± square meters, as shown on the Lot Parcelling Survey Map of Lot 5173-1-R2NEW-R3, Municipality of Tamuning, as shown on L.M. Checked No. 044FY2011, recorded under Instrument No. 814430.**

In order to comply with federal law and regulations, and to protect public safety, Licensee may use any and all reasonably appropriate means of restricting public access to Licensee's equipment and/or facilities temporarily placed on said property; provided, however, the Licensor shall have the right to itself and to the agents and representatives of the

Initials: ____ ____

government in which said leased PROPERTY are situated, to enter and cross any portion of said leased PROPERTY for the purpose of performing any public or official duties; provided, further, in the exercise of such rights, the Licensor shall not unreasonably interfere with the Licensee's business activities and use of the PROPERTY.

(2) TERM

Except as otherwise provided herein, the term of this Agreement shall be for a period not to exceed five (5) years, commencing _____**, 2019** (the "Commencement Date") and ending at midnight on _____**, 2023** (the "Termination Date").

(3) OPTION TO EXTEND

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

(4) LIMITATION TO DESCRIBED PURPOSE

The PROPERTY may be occupied and used by Licensee solely for the activities proposed by Licensee and for incidental purposes related to **operation and maintenance of a Chamoru Cultural Center** from the Commencement Date, and continuing until this agreement is terminated as provided herein. In no event shall Licensee begin any required leased activity without obtaining all requisite authorization and permits from the appropriate government of Guam or federal agency or authority.

(5) COMPENSATION

Licensor and Licensee expressly acknowledge that base rent for this lease shall be equal to **ten** percent (**10%**) per year of the fair market value of the PROPERTY, and that the

Initials: ____ ____

initial fair market value will be determined and mutually agreed upon to be the average of two appraisals. Furthermore, Licensee will be responsible for the expenses of the appraisals. One appraiser will be the choice of the Licensee and the other of the Licensor.

Licensor and Licensee agree that the fair market value is to be **$_____.**

a) The initial yearly rental fee is _____ **($ _____)**. The annual fee payable the amount of **$** _____, due on the beginning term of the lease and yearly thereafter.

b) If Licensee shall exercise its option to extend the term of the Agreement, a rent escalation of one percent (1%) will occur after the first initial five years of the lease and shall escalate one percent escalate every five years thereafter based on the fair market value at the time the option to renew is exercised. But in no event shall the rent be less than the previous five years.

c) Licensor and Licensee expressly acknowledge that participation rent for this lease shall be equal to **five** percent (5**%**) of the revenues generated above a mutually agreed threshold. Participation rent payment shall be applicable from the fifth (5^{th}) anniversary date to the last day of the lease. The annual participation rent shall be made in four (4) equal quarterly installments.

d) All rent in arrears shall bear interest at a rate of four percent (4%) per annum in excess of the prime rate, calculated daily and compounded monthly, without demand, from the date it should have been paid to CLTC until actual payment to CLTC.

e) Licensee may request to develop a payment plan for back rent and shall submit in writing with the reasons for the request. In addition, Licensee shall submit a copy of its audited financial statements covering the previous three (3) year period Payment plans must include a provision for payment of interest on the unpaid balance. In addition, payment plans must contain the requirement that late fees using the industry standard be paid, in the event the Licensee does not make payments as scheduled, and if the Licensee is not deemed to be in breach of the lease. Financial institutions must be provided with copies of approved payment plans if estoppel, mortgage or

Initials: ____ ____

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other such agreements require such notification. To the extent possible, payment plans for outstanding rent must be paid off within the fiscal year.

(6) SUBLEASE

Licensee is granted the ability to sublease for the purposes related to the operating and maintenance of a Chamoru Cultural Center, and other related establishments with the approval of the CLTC board. Licensor and Licensee shall share fifty/fifty (50/50) of sublease rental fee.

(7) TAXES AND FEES

Any and all taxes, fees and assessments, to include, taxes on improvements to Chamorro Land Trust Lands and assessments of Payments in lieu of Real Property Taxes on Chamorro Land Trust Land, as provided pursuant to Section 9 of Public Law 24-168, levied upon the real property described herein shall be borne and paid for by the Licensee.

(8) NO INTEREST IN REAL PROPERTY

Licensee expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the above described real property of Licensor, by virtue of the rights granted under this Agreement or its occupancy or use granted herein.

(9) ASSIGNMENT OF RIGHTS

The rights of Licensee under this Agreement are personal to Licensee and may not be transferred or assigned to any other person, firm, corporation or other entity.

(10) INDEMNIFICATION OF LICENSOR

In consideration of the privilege granted by this Agreement, Licensee shall not claim any costs, claims or damages from Licensor in connection with or on account of any injuries or damages arising in or on the real property described above regardless of the fault or negligence of Licensor while being used by Licensee and Licensee's Officers,

Initials: ____ ____

employees, members, guest(s) or invitees and Licensee shall indemnify Licensor from any and all costs, losses, claims or damages of any kind or nature arising in connection with the use of the real property described above by Licensee and Licensee's officers, employees, members, guest(s)s or invitees.

(11) NO WARRANTY

Licensor does not warrant or represent that the real property described above is suitable for the purposes for which it is permitted to be used, nor that the Licensee is specifically entitled to the issuance of any permits necessary to carry out any activity on said real property.

(12) IMPROVEMENTS TO PROPERTY

Any improvements made to or upon the real property shall belong in title to the Licensor upon termination or expiration of the lease, and that any removal required by the Licensor of improvements or items remaining on the property shall be the responsibility of the Licensee at no cost to the Licensor. Furthermore, Licensor may require Licensee to restore the land to baseline levels established at the start of their lease or license and shall bear all expenses relating to such restoration.

(13) PROCESSING FEES

Licensee shall pay for those expenses associated with the processing of leases, amendments, assignments, estoppels, consents or other such documents, including, but not limited to, attorney's fees, appraisal fees, title report fees, survey fees, credit report fees, recording fees, and documentation fees, but not including Licensor's staff time. Payment of fees shall be made prior to document recordation or pick up.

(14) BUSINESS LICENSE

Licensee must be licensed to do business in Guam prior to the execution of a lease and must maintain a valid license to do business in Guam during the term of this lease.

Initials: ____ ____

(15) ENVIRONMENTAL SITE ASSESSMENT

Licensee shall be required to prepare at their own expense, a Phase I Environmental Site Assessment (ESA) of the leased property to serve as a baseline of conditions at the site prior to the start of the lease. The comprehensiveness of the assessment shall be determined by CLTC in collaboration with the Guam Environmental Protection Agency. The Phase I ESA shall be referenced in any lease or license agreement for the property. Prior to the issuance of any agreement, tenants or prospective tenants much conduct a Phase I ESA of the site at tenant's expense.

(16) COMPLIANCE WITH ENVIRONMENTAL LAWS

Licensee must ensure that all activities on leased or licensed property shall be in compliance and maintained in accordance with existing environmental laws. Failure to comply with environmental laws shall be a material default by tenant.

(17) EVENT OF DEFAULT

Any of the following events shall constitute (each an "Event of Default by Licensee"):

a) If rent or any part thereof shall not be paid on any day when such payment is due, CLTC may, at any time thereafter, give notice of such failure to the Licensee, and if the failure is not remedied by the Licensee within five (5) days after the giving of such notice; or

b) If the Licensee shall fail or neglect to perform or comply with any of the terms, covenants or conditions contained in the lease (other than the covenants to pay rent) on the part of the Licensee to be performed or observed, CLTC may, at any time thereafter, give notice of such failure or neglect to the Licensee:

i. If the matter complained of in such notices is capable of being remedied by the payment of money, has not corrected the matter complained of within a period of five (5) days after the giving of such notice; or

ii. If the matter complained of in such is not capable of being remedied by the payment of money has not corrected the matter

Initials: ____ ____

complained of within a period of twenty (20) days after the giving of such notice, or if a period of more than such twenty (20) days is reasonably required to remedy, with reasonable diligence, the matters complained of in such notice, has not forthwith commenced to remedy the same and diligently prosecute the remedying of the same to completion; or

iii. If an event of insolvency shall have occurred with respect to the Licensee; or

iv. A breach of an obligation by the Licensee which has resulted in cancellation of insurance coverage where the Licensee has not prior to or concurrent with such cancellation replaced such coverage with comparable coverage or breach of an obligation where there has been a notice of cancellation of insurance coverage which has not been cured and where the Licensee has not, within the period of time set out in such notice (or within ten (10) days where no period is set out therein) replaced such coverage with comparable coverage or which is otherwise a breach of the obligations respecting insurance; or

v. Abandonment of the project by the Licensee.

(18) <u>RIGHT TO CURE DEFAULT</u>

Without limiting any other remedies the CLTC may have arising out of a lease or at law in respect of any default in the performance of the Licensee's obligation under a lease, the CLTC shall have the right, in the case of any default and without termination of a lease, to enter upon the property and cure or attempt to cure such default (but this shall not obligate the CLTC to cure or attempt to cure any such default or, after having commenced to cure or attempt to cure such default, prevent the Licensor from ceasing to do so) and the Licensee shall promptly reimburse to the CLTC any expense incurred by the CLTC in so doing and the same shall be recoverable as rent.

(19)<u>TERMINATION</u>

Initials: ____ ____

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This Agreement may be terminated by either party on one hundred eighty (180) days prior written notice to the other party without cause, or on ninety (90) days written notice for cause. For purposes of this Agreement, cause shall mean the non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, or any adjudicated regulations of the Licensor. This Agreement shall be for a period not to exceed twenty-one (21) years. Upon termination by notice for cause for non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, any adjudicated regulations of the Licensor, or expiration of , this Agreement shall become null and void, except that either party may enforce any and all obligations of Licensee arising out of acts or failure to act, occurring prior to such termination.

(20) ENTIRE AGREEMENT

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

(21) MODIFICATION OF AGREEMENT

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

(22) GOVERNING LAW

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

(23) NO WAIVER

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

(24) BINDING EFFECT

Initials: ____ ____

This Agreement shall bind and inure to the benefit of any respective successors of the parties.

(25) NOTICES

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

(26) INDEMNIFICATION OF CHAMORRO LAND TRUST COMMISSION

Notwithstanding anything to the contrary in this license and irrespective of any insurance carried by Licensee for the benefit of Chamorro Land Trust Commission, Licensee agrees to hold Chamorro Land Trust Commission harmless from any claim or demand by third persons for loss, damage, or injury including claims for property damage, personal injury or wrongful death occurring in, on, or about the PROPERTY, including sidewalks and parking areas adjacent thereto, or occasioned by any nuisance made or suffered on the PROPERTY, or by any fire thereon, or growing out of, or cause by any failure on the part of the Licensee to maintain the PROPERTY in a safe condition and will reimburse Chamorro Land Trust Commission for all costs and attorneys' fees in connection with the defense of any such claim.

(27) PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE

Licensee and all Sublicensees will procure, at its own cost and expense and keep in force during said term for the mutual benefit of Chamorro Land Trust Commission and Licensee, a policy of comprehensive liability insurance in such form and with such insurance company as Chamorro Land Trust Commission shall approve, with minimum limits for injury or death to one person and for any one occurrence, and a policy in the sum of $100,000.00 insuring against the claims of third persons for property damage. Said policy or policies or copies thereof must be deposited with the Chamorro Land Trust Commission and must cover the PROPERTY, including entrances to the PROPERTY and sidewalks and parking areas adjacent to the PROPERTY. Chamorro Land Trust Commission may review the foregoing limits of coverage and require increases therein but shall not require increases more frequently than annually. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change insurance coverage without first giving Chamorro Land

Initials: ____ ____

Trust Commission and Licensee thirty (30) days prior written notice of such change or cancellation.

(28) <u>PRE-EXISTING CONDITIONS AND RELEASE OF LIABILITY</u>

Parties recognize there may be known or unknown pre-existing conditions on subject property and agree to hold each other harmless from any liability arising out of such conditions.

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

Lesssor:	**Licensee:**
_____	_____
Jack E. Hattig, III **Administrative Director** **Chamorro Land Trust Commission**	**(*Representative*)** **Inadahen I Lina'la' Kotturan Chamoru, Inc.**
Date: _____	**Date:**_____

DRAFT

ACKNOWLEDGEMENT

Initials: ____ ____

On this _____ day of _____, 2019, before me the undersigned notary personally appeared **JACK E. HATTIG, III, Administrative Director**, known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

_____
NOTARY PUBLIC

DRAFT

ACKNOWLEDGEMENT

On this _____ day of _____, 2019, before me the undersigned notary personally appeared **{Licensee}**, known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

_____
NOTARY PUBLIC

Initials: ____ ____

Financial Report

1. Current Status Update

Kumision Inangokkon Tåno' Chamoru
(CHamoru Land Trust Commission)

Doc. No. 35GL-19-0766.*

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New Business

1. Commercial Leasing
    a. Global Recycling Center, Inc.
    b. Kwikspace Guam Inc.
2. ReMax - Request for Easement
3. Constituent Matters

GLOBAL RECYCLING INC.

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report

Global Recycling Center, Inc.

1. **FACTS:**
   a. **Location:** Lot No. 10122-15, Municipality of Dededo
   b. **Lot Size / Lease Type:** 52,925+/- square meters / N/A
   c. **Lease Instrument Number:** N/A
   d. **Field Description:** Recycling Activity
   e. **Complaint/Issue:** *No Commercial Lease/License*

2. **DETAILS:**

   a. On June 19, 2006 an "Authorization to occupy and proceed with permitting, development, operation and maintenance of recycling facilities" memo was issued by Administrative Director Thomas A. Elliott.

   b. On September 6, 2011 an "Authorizing Global Recycling Center Incorporated, to continue using Lot No. 10122-15" memo was issued by Administrative Director Monte Mafnas.

   c. On January 6, 2015 an "Authorization to Occupy" memo was issued by Director Michael J.B. Borja.

3. **Recommendation:**

   a. Issue a 60 or 90 day cease and desist letter to Global Recycling Center Inc.

   b. Declare and designate Lot 10122-15 for commercial leasing or licensing to the general public pursuant to §75105(d) of Chapter 75, Title 21 GCA.

Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)
P.O. Box 2950 Hagåtña, Guam 96932 Phone: 642-4251 Fax: 642-8082

6 September 2011

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor of Guam

Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Michael J.B. Borja
Commissioner

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

TO: Mr. Daniel Chu, General Manager
GLOBAL RECYCLING CENTER INC.,
P. O. Box 11792 Tamuning, Guam 96913

FROM: Mr. Monte Mafnas, Administrative Director
CHAMORRO LAND TRUST COMMISSION,
P. O. Box 2950 Hagatna, Guam 96910

REF: Chamorro Land Trust Commission authorizing Global Recycling Center Incorporated, to continue using Lot No. 10122-15, located in the Municipality of Dededo, for solid waste "Recycling Center," fronting Batulo Street.

TO WHOM IT MAY CONCERN:

Please be advised that Global Recycling Center Incorporated, has been operating with a written authorization granted from the previous Administrative Director of Chamorro Land Trust Commission, circa 2006. Global Recycling Center Inc. has a valid permit that was approved and overseen by GEPA; to conduct recycling business of solid waste materials situated on Lot No. 10122-15, located in the Municipality of Dededo, fronting Batulo Street.

Pursuant to the newly appointed Chamorro Land Trust Commission board; they have agreed to extend a written authorization for GRCI, for an additional three (3) years effective immediately. CLTC is currently awaiting legal counsel to prepare a final documentation of a license or a lease that will be sanctioned into policy and executed once and for all by the Chairman of the CLTC Board and by the Administrative Director.

If you should have any further questions, please call me at (671)-642-4251 or email me at monte.mafnas@cltc.guam.gov I remain,

Very truly yours,

Monte Mafnas
Administrative Director

Rev. 06/13/2011

Chamorro Land Trust Commission

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

Felix P. Camacho
Governor of Guam

Kaleo S. Moylan
Lieutenant Governor of Guam

Thomas A. Elliott
Administrative Director

Commission Members

Delfin R. Damian, Jr.,
Chairman

Doreen F. Pangelinan
Vice Chairperson

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

June 19, 2006

Mr. Shang Guan Mai
General Manager
Hua Mei Enterprises (Guam) Inc.
P.O. Box 22142
GMF, Guam 96921

Mr. Daniel Chu
General Manager
Global Recycling Center, Inc.
P.O. Box 11792
Tamuning, Guam 96931

RE: Authorization to occupy and proceed with permitting, development, operation and maintenance of Recycling Facilities by your respective firms on Portions of Lot 10122-15 Municipality of Dededo, Guam.

Dear Sirs:

The Authority to dispose of Government of Guam lands, excluding lands otherwise reserved for other purposes pursuant to law, lies solely within the administrative purview of the Chamorro Land Trust Commission (see 21 Guam Code Annotated, Chapter 75 & Public Law 22-18). This authorization is based on your firms' submittals respectively for a CLTC commercial license for locally owned and operated integrated recycling facilities.

The sites for your commercial operation are described as follows:

1. **Hua Mei Enterprises (Guam) Inc.**
   A portion of Lot 10122-15, not to exceed three (3) acres subject to survey (and herein referred to as exhibit A);

2. **Global Recycling Center, Inc.**
   A portion of Lot 10122-15, not to exceed seven (7) acres subject to survey (and herein referred to as exhibit A);

Your respective firms are hereby responsible for all costs associated with the utilization of this property and shall indemnify and hold harmless the Chamorro Land Trust Commission of all liabilities. Therefore, you may proceed with obtaining any requisite licenses, permits and/or approvals with the Guam Environmental Protection Agency and the Department of Public Works that may be applicable or relative to the prescribed activities, to include, the development and construction of structures necessary to conduct the aforementioned commercial/industrial activities.

This authorization shall be deemed temporary and will be superseded by a commercial license agreement upon completion of the conditions stipulated in the following paragraph. This License (attached as exhibit B and herein provided in draft form) shall provide specific terms and conditions that will be delineated and mutually agreed upon.

Lastly, it is a requirement for all Commercial License applicants to contract the services of a locally licensed appraisal firm for purposes of determining the fair market value of the property. Additionally, the applicant is also responsible for contracting the services of a locally licensed Surveyor to determine the metes and bounds of the property. Hence, all costs associated in conducting the real property appraisal and survey services shall be the responsibility of both of your companies, inclusive of perimeter fencing for security and safety features to the general public. However, copies of the survey maps and the appraisal report must be provided to the Commission for review.

The Commission issues this authorization with the acknowledgment that all activities upon the above subject real property shall be conducted in a manner fully in compliance with the Uniform Building Code and all applicable laws, rules and regulations. Your firm shall hold harmless, and indemnify the Chamorro Land Trust Commission of all potential liabilities during construction, operation and maintenance of all related activities on the property as of the date of this authorization.

Should you require any additional information or assistance, please do not hesitate to contact Mr. Kimbley Lujan of CLTC's Commercial Division at (671) 475-4281.

Sincerely,

Thomas A. Elliott
Administrative Director

Attachments:
Exhibit A
Exhibit B

cc: Guam Environmental Protection Agency
Department of Public Works

Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 651 Fax: 649-5383

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

David J. Matanane
Chairman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

January 6, 2015

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

Subject: Authorization to Occupy

Dear Mr. Chu,

Buenas yan Hafa Adai! This is to authorize the continued use to occupy and proceed with the operation and maintenance of the recycling facility located on Lot No. 10122-15, Municipality of Dededo.

Please be advised that your company is hereby responsible for all costs associated with the utilization of this property and shall indemnify and hold harmless the Chamorro Land Trust Commission of all potential liabilities during your daily operation and maintenance of all related activities on the property as of the date of this authorization.

This authorization shall be deemed temporary and will be superseded by a commercial lease agreement upon completion of the Commercial Lease/License Rules and Regulations.

The Commission issues this authorization with the acknowledgement that all activities upon the above subject real property shall be conducted in a manner fully in compliance with any and all applicable laws, rules and regulations.

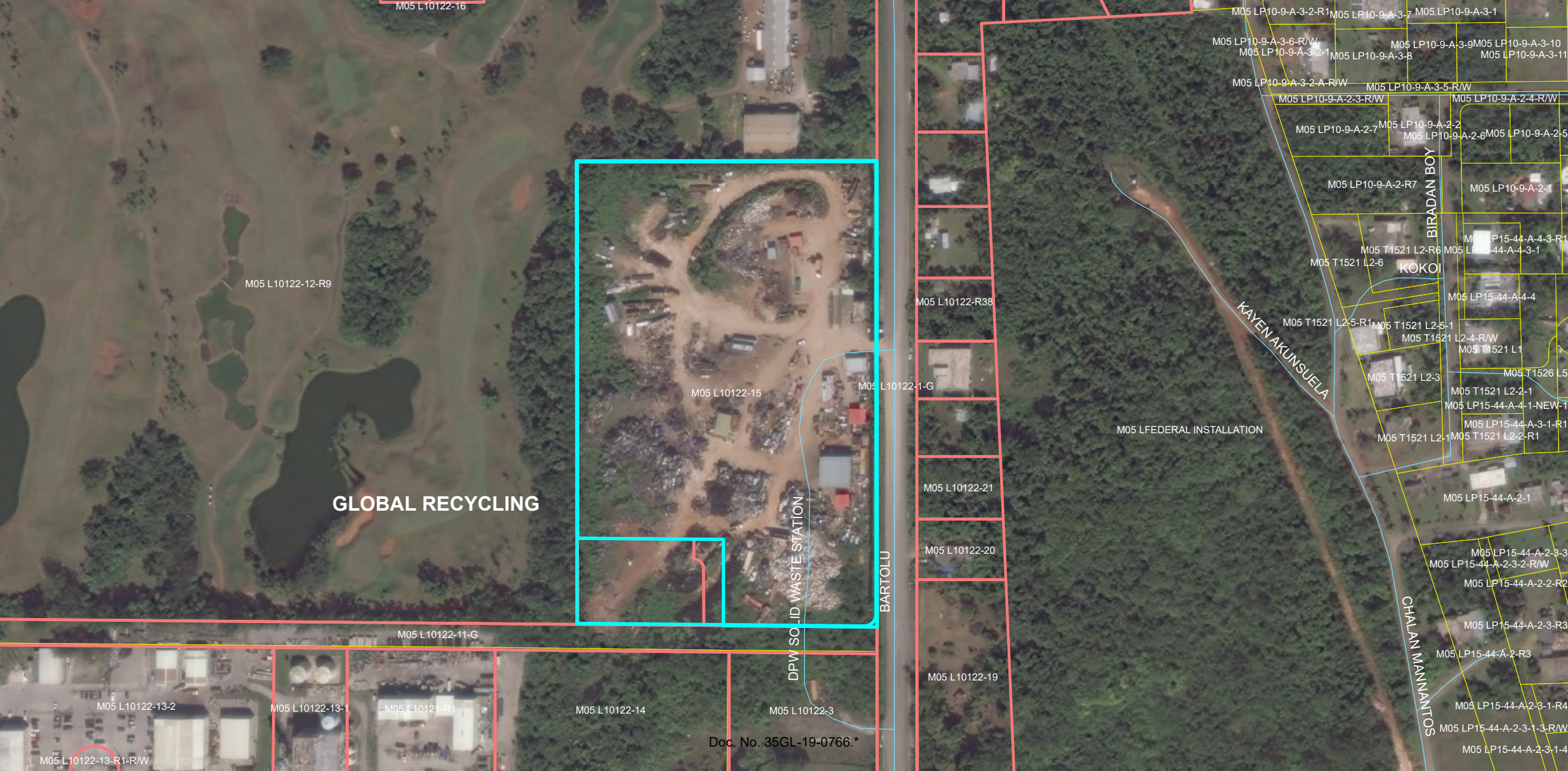
If you have any questions, please contact me at 649-5263 Ext 650.

Senseramente,

MICHAEL J.B. BORJA

Francine Fegurgur
1/8/15

Rev. 10/16/2014


M05 L10122-16
M05 L10122-12-R9
GLOBAL RECYCLING
M05 L10122-15
M05 L10122-1-G
DPWH SOLID WASTE STATION
BARTOLU
M05 L10122-11-G
M05 L10122-13-2
M05 L10122-13-1
M05 L10121-R1
M05 L10122-14
M05 L10122-3
M05 L10122-13-R1-R/W
M05 L10122-R38
M05 L10122-21
M05 L10122-20
M05 L10122-19
M05 LFEDERAL INSTALLATION
M05 LP10-9-A-3-2-R1
M05 LP10-9-A-3-7
M05 LP10-9-A-3-1
M05 LP10-9-A-3-6-R/W
M05 LP10-9-A-3-2-1
M05 LP10-9-A-3-9
M05 LP10-9-A-3-10
M05 LP10-9-A-3-8
M05 LP10-9-A-3-11
M05 LP10-9-A-3-2-A-R/W
M05 LP10-9-A-3-5-R/W
M05 LP10-9-A-2-3-R/W
M05 LP10-9-A-2-4-R/W
M05 LP10-9-A-2-7
M05 LP10-9-A-2-2
M05 LP10-9-A-2-6
M05 LP10-9-A-2-5
BIRADAN BOY
M05 LP10-9-A-2-R7
M05 LP10-9-A-2-1
M05 LP15-44-A-4-3-R1
M05 T1521 L2-R6
M05 LP15-44-A-4-3-1
M05 T1521 L2-6
KOKOI
M05 LP15-44-A-4-4
KAYEN AKUNSUELA
M05 T1521 L2-5-R1
M05 T1521 L2-5-1
M05 T1521 L2-4-R/W
M05 T1521 L1
M05 T1521 L2-3
M05 T1526 L5
M05 T1521 L2-2-1
M05 LP15-44-A-4-1-NEW-1
M05 LP15-44-A-3-1-R1
M05 T1521 L2-1
M05 T1521 L2-2-R1
M05 LP15-44-A-2-1
M05 LP15-44-A-2-3-3
M05 LP15-44-A-2-3-2-R/W
M05 LP15-44-A-2-2-R2
CHALAN MANANTOS
M05 LP15-44-A-2-3-R3
M05 LP15-44-A-2-R3
M05 LP15-44-A-2-3-1-R4
M05 LP15-44-A-2-3-1-3-R/W
M05 LP15-44-A-2-3-1-4
Doc. No. 35GL-19-0766.*

KWIKSPACE

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report

Kwikspace Guam Inc.

1. **FACTS:**
   a. **Location:** Lot No. 114-B-R3, Municipality of Dededo
   b. **Lot Size / Lease Type:** 919.7 sqms
   c. **Lease Instrument Number:** N/A
   d. **Field Description:** Easement
   e. **Complaint/Issue:** *No Contractual Agreement*

2. **DETAILS:**

   a. On May 14, 2008 the Guam Economic Development and Commerce Authority (GEDCA) submitted a letter to CLTC requesting for approval from CLTC by way of a Grant of Easement in perpetuity to the Guam Ancestral Lands Commission (GALC). The easement would be for a 60 foot-wide by 165 foot-long (919.7 sqm) at a rate of $0.20 per square meter which equates to $183.94 monthly or $2,207.28 annually.

   b. On June 25, 2008 the Board approved the grant of right of way easement request presented by GEDCA

   c. A Grant of Right-of-Way Easement was prepared but was not finalized.

   d. Kwikspace has been paying $2,207.28 annually.

   e. Lack of formal signed agreement identified as a control deficiency in FY 2016 and FY 2017 Independent Financial Audit.

3. **Recommendation:**

   a. Issue a Grant of Temporary Right-of-Way Easement to Kwikspace up until April 30, 2058 which is the lease expiration date with GALC.

   b. Maintain use rate at $0.20 per square meter, $183.94 monthly or $2,207.28 annually.

CLTC - Operations Fund
Customer QuickReport
October 2014 through September 2018

Type	Date	Num	Memo	Account	Clr	Split	Debit	Credit
KwikSPACE								
Invoice	04/07/2015	206		Accounts Receivable		Commercial Le...	2,207.28	
Payment	04/07/2015		2215071818	Undeposited Funds	X	Accounts Rece...	2,207.28	
Invoice	04/07/2016	370		Accounts Receivable		Commercial Le...	2,207.28	
Payment	04/07/2016	33342	2216070490	Undeposited Funds	X	Accounts Rece...	2,207.28	
Invoice	04/01/2017	468		Accounts Receivable		Commercial Le...	2,207.28	
Payment	04/18/2017	22170...		Undeposited Funds	X	Accounts Rece...	2,207.28	
Invoice	04/01/2018	640		Accounts Receivable		Commercial Le...	2,207.28	
Payment	04/04/2018	22180...		Undeposited Funds		Accounts Rece...	2,207.28	

Acting Commissioner Matanane commented so your recommendation is to table it.

Administrative Director commented just because of the fact that we don't want to get into the same situation like what happened to Hawaiian Rock where we gave a license to the same piece of property that already had someone on it. I'll work with legal counsel to review the original license and then probably they might recommend that we terminate that one before we actually do this one which is what their recommendation is. Like International Shooting Center that before we lease it out to anybody even though they haven't paid or had any contact is go to the termination due process and then hopefully lease it out cleanly.

Acting Chairman Pro-Tem Calvo commented lets just go until the process is all done and what legal counsel's findings are.

Legal Counsel Santo Tomas commented that they will work with the Director since he is going to work on the history of the matter.

Acting Commissioner Matanane made a motion to table the request by Global Recycling Inc. until the details are completed with the termination of the other company that is leasing that place. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.

13. GEDCA – Grant of easement, Lot 114-B-R3, Piti – GEDCA/KwikSpace

The Administrative Director informed the Commission that the request is from GEDCA on behalf of their client KwikSpace for a grant of easement on a particular piece in Piti that belongs to the Land Trust. Under the terms of a program initiated by Ancestral Land's Commission they leased a piece of property to KwikSpace with hopefully the anticipation of getting a favorable decision from Guam Public School System to have another access through Guam Public School System property. Guam Public School System so far has been hesitant to grant them that easement and they have some other issues I guess to handle rather than this. So the Land Trust has property next to it and basically they are asking to purchase a piece of the property or at least license it for access to their project. On this particular one they are not asking really for a commercial license but rather a grant of easement. On this particular case it is a little strange because most of the time when people request for a grant of easement most of the time they don't really offer to pay for it but in this particular case and in other recommendations they are actually offering to pay for the easement on the property. That would be something maybe legal counsel can do it. I reviewed it as a matter of fact I was the one who recommended certain style of easements. There were 3 options when I first met with GEDCA on this. I presented 3 options to them on providing access to the property. One was using GPSS land, one was using CLTC property and another was using a combination of both. They did try to go through GPSS but were not successful so now they are before the Commission. On this particular request I have no problem on favorably recommending this particular piece of property pursuant to their request. On this particular case I recommend approval on this particular piece of property and allow the Director to negotiate because what they are asking here is for a 50 year lease on the property. Again maybe it's just a matter of the legal wording but what they are asking for is an easement to the property rather than leasing the piece of land to use for commercial purposes. Really what they are asking for is access.

Acting Chairman Pro-Tem Calvo comment Joe work out the details on this but any billing incurred will be covered by you guys the legal fees and so forth. I have no problems on that.

Larry Toves commented yes, sir.

Acting Commissioner Matanane made a motion to approve their proposal on the request for the grant of easement and for the Director to do the detail work. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.

14. Three Wise Men LLC – Commercial application for Lot 7163, Yigo
Fred Horecky – I am appearing today on behalf of Three Wise Men. We had recently in May submitted a letter of interest for a commercial lease for Lot 7163, Yigo and then more recently on June 20th we submitted an application. However, today unfortunately the main principles of this LLC, Mr. Alfred Lam and Fred Otte are off island. They certainly would be more able to address specifics of the proposal. I think many of you know Mr. Lam is the president of Ambyth Shipping and long time resident of Guam. I think today it might be appropriate since this is a new application I also understood today that there is another application for the same lot which I was not previously aware of. I would ask that this application be continued to the next regular meeting of the Commission and at that time I would also like perhaps to meet with Administrative Director Borja about the application to see what further requirements we would need. This is quite a large lot and obviously would involve a lot of planning and development details. So I think probably we would need to continue this application for the present time and do a little bit more background and due diligence.

Acting Commissioner Matanane reminded Mr. Horecky that there are times that come into play also.

Administrative Director commented there is one other applicant for the property so I think Attorney Horecky's request is very well received. The Director set the appointment to meet with the applicant for July 10 at 11am.

Fred Horecky inquired if that is a Commission meeting or a meeting for them.

Administrative Director commented for us and staff.

15. KM Broadcasting of Guam, LLC – Request to renew license agreement
The Administrative Director commented that KM Broadcasting of Guam is requesting to renew their license agreement. This is also known as 102FM. They've had a previous license, their payment record is outstanding and they are asking basically to renew their license agreement. Administrative Director and staff recommend favorably that the license agreement be renewed. This is for a tract of land up in Barrigada Heights.

Acting Chairman Pro-Tem Calvo inquired if this is for KGTF.

Rolando Manuntag (applicant) commented the name of the station is KTKB-FM and KTKB-TV, Channel 26. We have a TV station also there, it's a free to air TV. I think that's

Governor
Felix P. Camacho

Guam Economic Development and Commerce Authority

Aturidåd Inadilånton Ikunumihan yan Kumetsion Guahan

Lt. Governor
Michael W. Cruz M.D.

Mr. Joseph M. Borja
Director, Chamorro Land Trust Commission
P.O. Box 2950
Hagatna, Guam 96932

May 14, 2008

Hafa Adai Mr. Borja:

The Guam Economic Development and Commerce Authority (GEDCA) under an MOU with the Guam Ancestral Lands Commission (GALC) manages certain Spanish Crown lands for development including a 6-acre parcel of property described as Lot 114-A located in the village of Piti. This same lot is also located adjacent to Lot 114-B-R3 which is under the auspices of the Chamorro Land Trust Commission (CLTC). By law, revenues generated from the lease of these Spanish Crown properties will be provided to the GALC Land Bank Trust to compensate those ancestral land owners who cannot regain possession or title to their ancestral lands. The Authority has recently executed a long-term (50 years) lease with a local private company; KwikSpace Guam Inc., on said property to be used as a container repair facility. As you may recall during previous discussions with my staff, the problem encountered during the negotiations on the lease is the restricted ability for the tenant to access the property from the front side along Route 1, Marine Corps Drive. This is due primarily because of the existing GPA overhead power lines which prevent large trucks and heavy equipment from traversing unto the property.

In an effort to resolve this issue, GEDCA has considered various alternatives and we have determined that the most feasible alternative would be to access the property from the backside along Assumption Road. As illustrated in the enclosed map, this would require a 60 foot-wide by 165 foot-long (919.7 sm) roadway easement for large trucks to safely access the leased property from the southern boundary of Lot 114-B-R3 assigned to the CLTC. In compensating for use of this easement, KwikSpace Guam Inc., has agreed to pay the CLTC $.20 cents per square meter which is the same rate charged under the current Lease Agreement with GALC for the adjacent 6-acre parcel. This equates to a total monthly payment of $183.94 per month during the entire term of the 50-year lease, or $2,207.28 annually, which will be paid up front in full for the first year by the tenant. In addition, the tenant has also agreed to bare all costs associated with surveying, removal of debris, clearing, grading and construction of pavement on the roadway easement. As you know, in order for GEDCA to move forward and guarantee such access to the tenant, we are required to obtain approval from the CLTC by way of a Grant of Easement in perpetuity to the GALC.

Should you agree with this proposal, we ask that it be presented to the members of the Commission for approval by way of a resolution at its next scheduled meeting. My staff can be made available if GEDCA's presence is required at this meeting to provide any additional information, or should there be any further questions regarding this request. Si Yu'os Ma'ase' for your time and support in this matter.

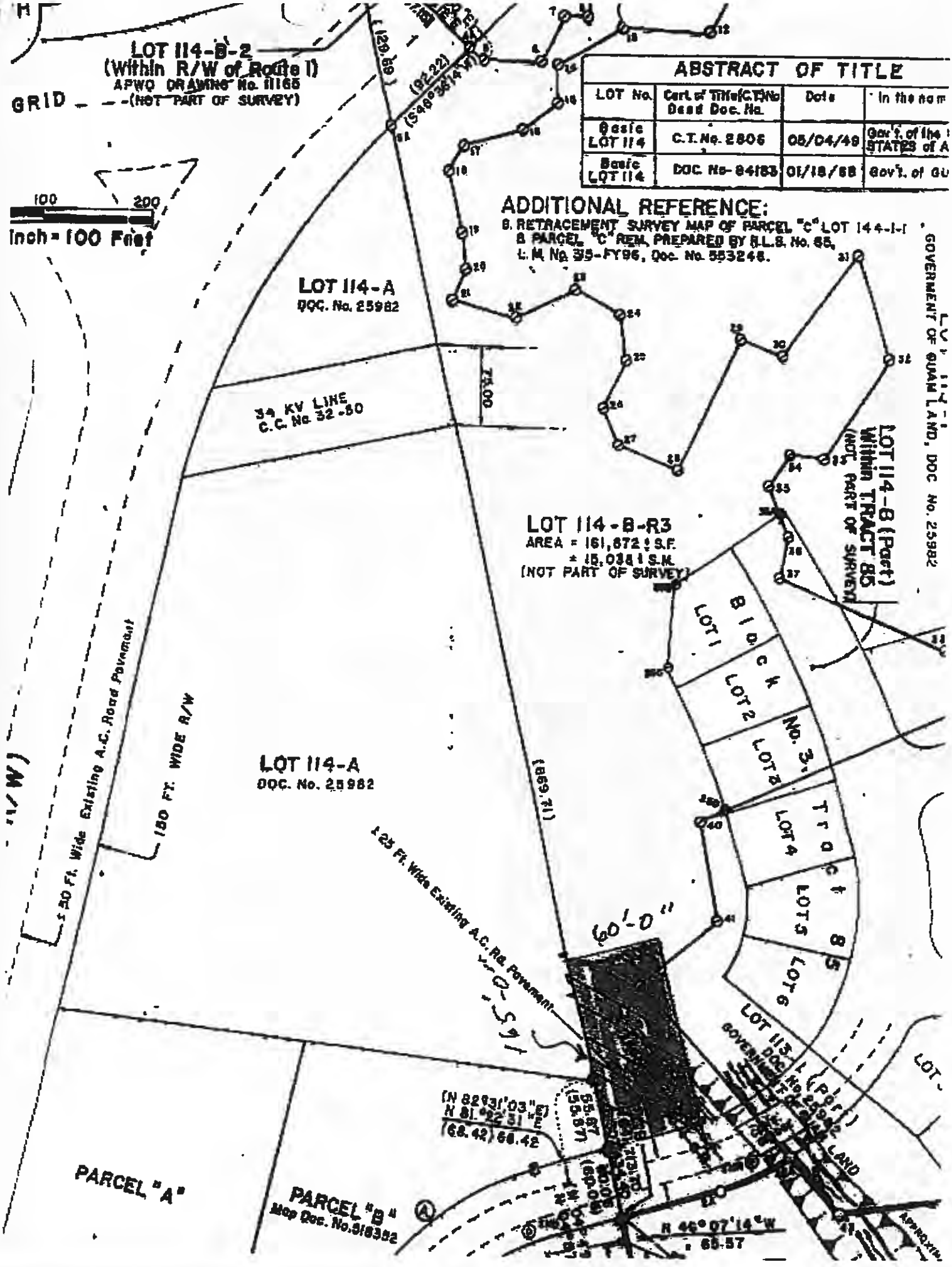
Put Respetu,

ANTHONY C. BLAZ
Administrator

Enclosure

ITC Building ~ Suite 511 ~ 590 South Marine Corps Drive ~ Tamuning, Guam 96913 ~ Tel. (671) 647-4532 ~ Fax (671) 649-4146
e-mail: help@investguam.com web site: www.investguam.com

Doc. No. 35GL-19-0766.*


LOT 114-B-2
(Within R/W of Route 1)
APWD DRAWING No. 11165
GRID - - -(NOT PART OF SURVEY)
100 200
Inch = 100 Feet
ABSTRACT OF TITLE
LOT No.
Cert. of Title(C.T.)No. Deed Doc. No.
Date
In the nam
Basic LOT 114
C.T. No. 2805
05/04/49
Gov't. of the STATES of A
Basic LOT 114
DOC. No- 84183
01/18/68
Gov't. of GU
ADDITIONAL REFERENCE:
B. RETRACEMENT SURVEY MAP OF PARCEL "C" LOT 144-1-1 & PARCEL "C" REM. PREPARED BY R.L.S. No. 65, L.M. No. 35-FY96, Doc. No. 553248.
LOT 114-A
DOC. No. 25982
34 KV LINE
C.C. No. 32-50
75.00
LOT 114-B-R3
AREA = 161,872± S.F.
± 15,038± S.M.
(NOT PART OF SURVEY)
LOT 114-B (Part)
Within TRACT 85
(NOT PART OF SURVEY)
GOVERNMENT OF GUAM LAND, DOC No. 25982
BLOCK No. 3
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 113
GOVERNMENT OF GUAM LAND, DOC No. 25982
LOT 114-A
DOC. No. 25982
150 Ft. Wide R/W
±30 Ft. Wide Existing A.C. Road Pavement
±25 Ft. Wide Existing A.C. Rd. Pavement
(869.71)
50'-0"
(129.69)
(92.22)
(S 48° 38' 14" W)
(N 82° 31' 03" E)
N 81° 22' 31" E
(68.42) 68.42
65.87
(55.87)
N 46° 07' 14" W
65.57
PARCEL "A"
PARCEL "B"
Map Doc. No. 918382

(Space above this line for Recorder's use only)

Grant of Right-of-Way Easement

This Grant of Right-of-Way Easement dated and effective as of _____, 2008 is made and entered into by and between the CHAMORRO LAND TRUST COMMISSION (CLTC), an agency of the Government of Guam, whose mailing address is Post Office Box 2950, Hagatna, Guam 96932, hereinafter called the "Grantor", and the GUAM ANCESTRAL LANDS COMMISSION (GALC), also an agency of the Government of Guam, whose mailing address is Post Office Box 2950, Hagatna Guam 96932, hereinafter called the "Grantee". Grantor hereby grants in perpetuity Grantee and its successors and assigns, the right to erect, construct, reconstruct, replace, remove, maintain and use a 60-foot wide access easement with a portion of Lot No. 114-B-R3, Municipality of Piti, hereinafter described on the attached sketch made a part of this instrument.

Whereas, the Grantee may access Lot 114-A, Municipality of Piti, from the 60-foot Right-of-Way Easement on the Southern boundary of "Lot No. 114-B-R3", Municipality of Piti, as shown and hereby attached hereto as Exhibit "A".

Whereas, this 60-Foot Right-of-Way Easement is hereinafter described as follows:

> **A 60' x 165' foot strip of land extending partially along a portion of Lot No. 114-B-R3 situated on the Northeast corner along the 60-Foot Easement also known as "Assumption Drive" Piti, Guam, containing an area of approximately 919.7 Square Meters as delineated in that certain sketch and marked as Exhibit "A" attached hereto and is made a part hereof.**

Whereas, the Grantor further grants to the Grantee, the right to ingress to and egress from said strip over and across said parcel in perpetuity.

Whereas, the Grantee shall not hold liable the Grantor of any damages incurred and shall indemnify the Grantor against any liability which may be caused by any negligent act of the Grantee or of its successors.

GUAM, USA)
) ss
Municipality of Hagatna)

On this _____ day of _____, 2008, before me, a notary public in and for Guam, personally appeared ED BENAVENTE, Executive Director of the **GUAM ANCESTRAL LANDS COMMISSION**, known to me to be the person who executed the foregoing **GRANT OF RIGHT-OF-WAY EASEMENT**, and acknowledged to me that he executed the same on behalf of the **GUAM ANCESTRAL LANDS COMMISSION**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

)SEAL(

_____
NOTARY PUBLIC

Deloitte.

Deloitte & Touche LLP
361 S. Marine Corps Drive
Tamuning, GU 96913-3973
USA

Tel: (671) 646-3884
Fax: (671) 649-4932
www.deloitte.com

May 10, 2017

Mr. Michael J.B. Borja
Director
Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Dear Mr. Borja:

In planning and performing our audit of the financial statements of the Chamorro Land Trust Commission (CLTC) as of and for the year ended September 30, 2016 (on which we have issued our report dated May 10, 2017), in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States, we considered the CLTC's internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the CLTC's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the CLTC's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting. However, in connection with our audit, we identified, and included in the attached Appendix I, deficiencies related to the CLTC's internal control over financial reporting and other matters as of September 30, 2016, that we wish to bring to your attention.

We have also issued a separate report to the Board of Commissioners, also dated May 10, 2017, on our consideration of the CLTC's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters.

The definition of a deficiency is also set forth in the attached Appendix I.

A description of the responsibility of management for establishing and maintaining internal control over financial reporting and of the objectives of and inherent limitations of internal control over financial reporting, is set forth in the attached Appendix II and should be read in conjunction with this report.

This report is intended solely for the information and use of the Office of the Public Accountability - Guam, management, and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

We will be pleased to discuss the attached comments with you and, if desired, to assist you in implementing any of the suggestions.

We wish to thank the staff and management of the CLTC for their cooperation and assistance during the course of this engagement.

Very truly yours,

Deloitte & Touche LLP

SECTION I – CONTROL DEFICIENCIES

We identified, and have included below, control deficiencies involving the CLTC's internal control over financial reporting as of September 30, 2016 that we wish to bring to your attention:

(1) Other lease revenues

CLTC received $8,217 during FY2016 in relation to 10% of the events admission price from a certain lease agreement as mandated by Public Laws 24-141 and 30-204. However, documentation lacks a supporting events admission report to ascertain the completeness of amounts collected.

We recommend management obtain and file events admission reports to facilitate adequate documentation and to ascertain completeness of revenues received.

(2) Lease Agreements

One CLTC commercial lease with an annual rental fee of $2,207 lacks a formal signed agreement. Thus, we were not able to verify the completeness of associated terms and conditions.

Certain lease agreements stipulate that upon lease renewal of every five years, rental fees shall be adjusted to a certain percentage of the fair market value of the leased land, excluding improvements on the premises. Several lease agreements were renewed and extended. However, CLTC lacks adequate documentation that performance of an appraisal to substantiate the market value of the leased lands occurred. Thus, current rental fees billed remained at the same rate as per the initial lease. This also allows the Commission to forego opportunities of increasing rental rates based on market value of the leased lands.

A certain commercial lease agreement was signed during FY2016 with leased land valued at $16,653. However, no appraisal reports were available as required by CLTC Act of 1975.

The CLTC may consider performing appraisal of commercial lease lands to obtain market value and served as basis of current rate to be billed. In addition, we recommend that the CLTC appropriately examine the lease register, perform update of information in a timely manner, and adequately file necessary supporting lease documents. Furthermore, we recommend the CLTC management to revisit lease agreements, assess applicability based on current transactions, and determine appropriate course of action.

(3) Payments in Lieu of Real Property Taxes (RPT)

Of eight samples tested of payments in lieu of RPT, one sample lacked an invoice and was not available for examination. We were not able to verify the completeness of collections received.

We recommend management obtain adequate documentation of RPT revenues to ascertain completeness of collections received.

SECTION II – DEFINITION

The definition of a deficiency is as follows:

A *deficiency* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A deficiency in design exists when (a) a control necessary to meet the control objective is missing or (b) an existing control is not properly designed so that, even if the control operates as designed, the control objective would not be met. A deficiency in operation exists when (a) a properly designed control does not operate as designed, or (b) the person performing the control does not possess the necessary authority or competence to perform the control effectively.

MANAGEMENT'S RESPONSIBILITY FOR, AND THE OBJECTIVES AND LIMITATIONS OF, INTERNAL CONTROL OVER FINANCIAL REPORTING

The following comments concerning management's responsibility for internal control over financial reporting and the objectives and inherent limitations of internal control over financial reporting are adapted from auditing standards generally accepted in the United States of America.

Management's Responsibility

The CLTC's management is responsible for the overall accuracy of the financial statements and their conformity with generally accepted accounting principles. In this regard, management is also responsible for establishing and maintaining effective internal control over financial reporting.

Objectives of Internal Control over Financial Reporting

Internal control over financial reporting is a process affected by those charged with governance, management, and other personnel and designed to provide reasonable assurance about the achievement of the entity's objectives with regard to reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws and regulations. Internal control over the safeguarding of assets against unauthorized acquisition, use, or disposition may include controls related to financial reporting and operations objectives. Generally, controls that are relevant to an audit of financial statements are those that pertain to the entity's objective of reliable financial reporting (i.e., the preparation of reliable financial statements that are fairly presented in conformity with generally accepted accounting principles).

Inherent Limitations of Internal Control over Financial Reporting

Because of the inherent limitations of internal control over financial reporting, including the possibility of collusion or improper management override of controls, material misstatements due to error or fraud may not be prevented or detected on a timely basis. Also, projections of any evaluation of the effectiveness of the internal control over financial reporting to future periods are subject to the risk that the controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

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April 23, 2018

Mr. Michael J.B. Borja
Director
Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Dear Mr. Borja:

In planning and performing our audit of the financial statements of the Chamorro Land Trust Commission (CLTC) as of and for the year ended September 30, 2017 (on which we have issued our report dated April 23, 2018), in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States, we considered the CLTC's internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the CLTC's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the CLTC's internal control over financial reporting.

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We have also issued a separate report to the Board of Commissioners, also dated April 23, 2018, on our consideration of the CLTC's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters.

The definition of a deficiency is also set forth in the attached Appendix I.

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This report is intended solely for the information and use of the Office of the Public Accountability - Guam, management, and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

We will be pleased to discuss the attached comments with you and, if desired, to assist you in implementing any of the suggestions.

We wish to thank the staff and management of the CLTC for their cooperation and assistance during the course of this engagement.

Very truly yours,

Deloitte & Touche LLP

SECTION I – CONTROL DEFICIENCIES

We identified, and have included below, control deficiencies involving the CLTC's internal control over financial reporting as of September 30, 2017 that we wish to bring to your attention:

(1) Other lease revenues

CLTC received $2,820 during FY2017 in relation to 10% of the events admission price from a certain lease agreement as mandated by Public Laws 24-141 and 30-204. However, documentation lacks a supporting events admission report to ascertain the completeness of amounts collected. We recommend management obtain and file events admission reports to facilitate adequate documentation and to ascertain completeness of revenues received.

(2) Lease Agreements

One CLTC commercial lease with an annual rental fee of $2,207 lacks a formal signed agreement. Thus, we were not able to verify the completeness of associated terms and conditions.

Certain lease agreements stipulate that upon lease renewal of every five years, rental fees shall be adjusted to a certain percentage of the fair market value of the leased land, excluding improvements on the premises. Several lease agreements were renewed and extended. However, CLTC lacks adequate documentation that performance of an appraisal to substantiate the market value of the leased lands occurred. Thus, current rental fees billed remained at the same rate as per the initial lease. This also allows the Commission practice foregoes opportunity of increasing rental rates based on market values.

The CLTC may consider performing appraisals of commercial lease lands to obtain market values to serve as a basis of rates to be billed. In addition, we recommend that the CLTC appropriately examine the lease register, perform updates of related information in a timely manner, and adequately file necessary supporting lease documents. Furthermore, we recommend CLTC management revisit lease agreements, assess applicability based on current transactions, and determine appropriate courses of action.

(3) Lease Application Fees

One residential lease application was stamp dated December 6, 1995. A transfer of lessee occurred in FY 2017 where the new lessee paid the $50 application fee. However, P.L. 23-38, Section 5.3, states that the applicant shall pay a one-time processing fee of $50 within 30 days from application submittal. Payment of application fee did not occur within the required period.

We recommend management review lease applications ensuring that compliance with CLTC rules and regulations occur.

(4) Contractual Services

During the year ended September 30, 2017, the Commission incurred and paid $112,938 of legal counsel salaries. The amount covers services rendered for CLTC, Guam Ancestral Lands Commission (GALC) and Department of Land Management (DLM). Documentation from legal counsel to support allocation of the expenditure among three agencies was not available.

We recommend management obtain documentation from legal counsel as basis for allocation of expenditure.

SECTION II – DEFINITION

The definition of a deficiency is as follows:

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Management's Responsibility

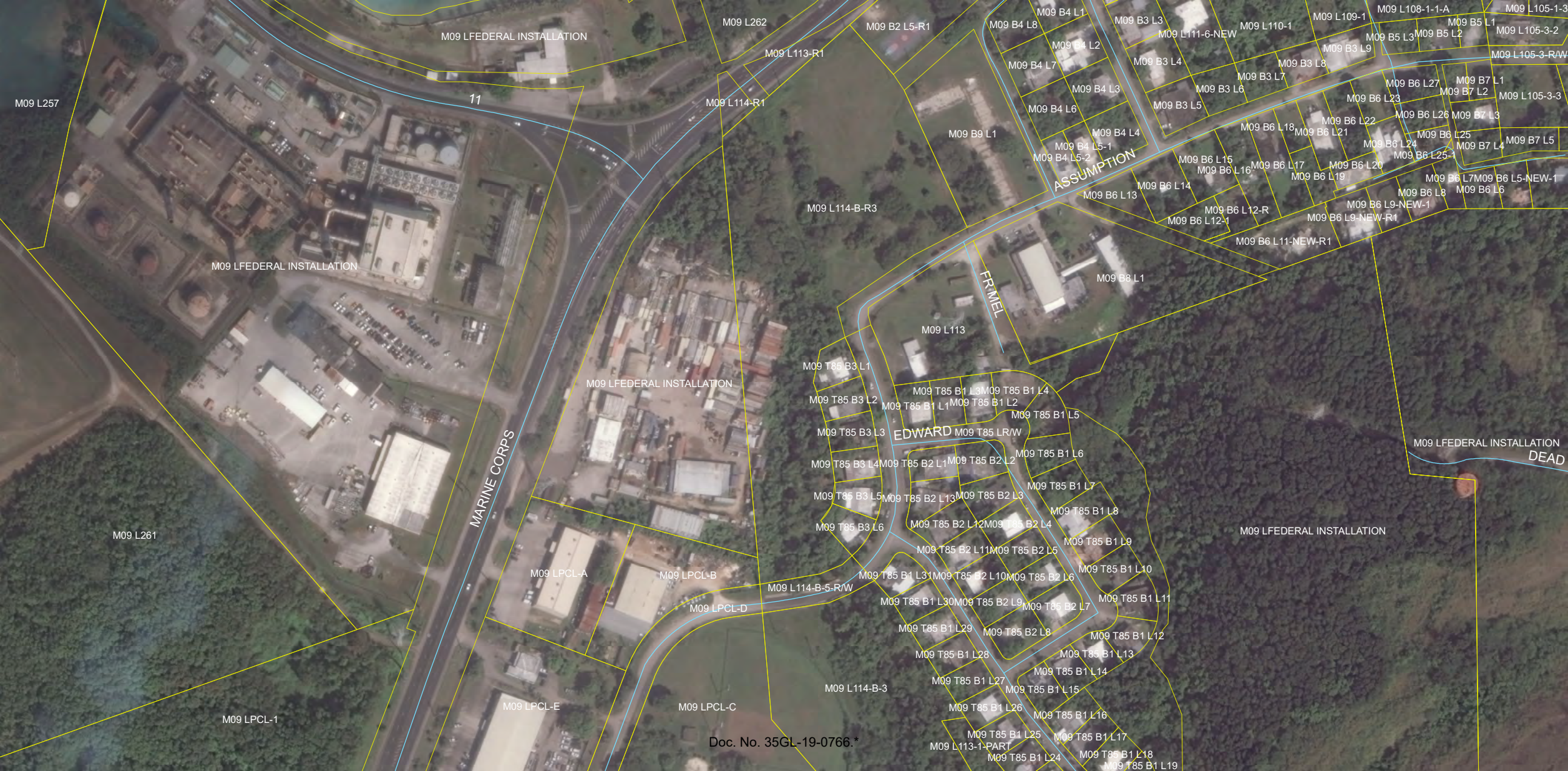
The CLTC's management is responsible for the overall accuracy of the financial statements and their conformity with generally accepted accounting principles. In this regard, management is also responsible for establishing and maintaining effective internal control over financial reporting.

Objectives of Internal Control over Financial Reporting

Internal control over financial reporting is a process affected by those charged with governance, management, and other personnel and designed to provide reasonable assurance about the achievement of the entity's objectives with regard to reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws and regulations. Internal control over the safeguarding of assets against unauthorized acquisition, use, or disposition may include controls related to financial reporting and operations objectives. Generally, controls that are relevant to an audit of financial statements are those that pertain to the entity's objective of reliable financial reporting (i.e., the preparation of reliable financial statements that are fairly presented in conformity with generally accepted accounting principles).

Inherent Limitations of Internal Control over Financial Reporting

Because of the inherent limitations of internal control over financial reporting, including the possibility of collusion or improper management override of controls, material misstatements due to error or fraud may not be prevented or detected on a timely basis. Also, projections of any evaluation of the effectiveness of the internal control over financial reporting to future periods are subject to the risk that the controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.


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M09 L262
M09 B2 L5-R1
M09 L113-R1
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M09 B4 L1
M09 B4 L8
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M09 B4 L3
M09 B4 L6
M09 B4 L4
M09 B4 L5-1
M09 B4 L5-2
M09 B9 L1
M09 B3 L3
M09 L111-6-NEW
M09 L110-1
M09 L109-1
M09 L108-1-1-A
M09 L105-1-3
M09 B5 L1
M09 L105-3-2
M09 B5 L3
M09 B5 L2
M09 B3 L9
M09 L105-3-R/W
M09 B3 L4
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M09 B3 L7
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M09 B6 L27
M09 B7 L1
M09 B7 L2
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EDWARD
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M09 L113-1-PART
M09 LFEDERAL INSTALLATION
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M09 L261
M09 LPCL-A
M09 LPCL-B
M09 L114-B-5-R/W
M09 LPCL-D
M09 LPCL-E
M09 LPCL-C
M09 L114-B-3
M09 LPCL-1
Doc. No. 35GL-19-0766.*

REMAX

RE/MAX Diamond Realty



Mr. Jack Hattig
Director Chamorro Land Trust Commission
Tamuning, GU 96911

Ms. Pika Fejeran
Chairperson Board of Directors
Chamorro Land Trust Commission

Dear Mr. Hattig and Ms. Fejeran,

On behalf of Mr. Eisuke Sasaki, President of Jupiter Juno, a real estate investment company on Guam, we are requesting for access to be granted through Lot 472, Agat, a Chamorro Land Trust property, to the public access to Lot 453-3NEW-R2 which Mr. Sasaki is in the process of purchasing.

Mr. Sasaki is proposing building a gated community of single family homes on this property. In doing so, this will open up access to the surrounding area. In addition, he will pave the access and bring in the utilities. This will benefit the surrounding lots and enhance the Agat community.

On February 27, 2019, we met with Mr. Joseph Borja, Director of Land Management and Mr. Hattig to discuss the possibility of granting access to Lot 453-3NEW-R2 via Lot 472. Mr. Sasaki is in the process of purchasing said lot and upon further investigation it was discovered that his legal access through the Pagachao Subdivision was built on when the GHURA subdivision was developed and is no longer useable. Entry from the southern side is hampered as there are several rivers in the legal access which must be crossed making building on his lot more difficult and expensive.

After exploring the landscape more thoroughly we found that the most desirable and efficient access would be via Juan Riviera Road off of Route 2 which ends at Lot 472 and is approximately 100 feet from the access to the lot being purchased. However, that lot falls under the Chamorro Land Trust and is currently leased to Maria Yatar McDonald.

We met with Mrs. McDonald to see if she would be amenable to the access through her property and she indicated that it was something that she would consider allowing.

We understand that Lot 472 is not registered and is currently in the process of going through the court system. In hopes of proceeding in a timely manner (as time is of the essence), we are asking the board to consider our proposal.

Thank you for your attention to this matter and we hope to for a positive response to our request.
Sincerely,

Luana Simmons & Libby Pier
REALTOR®

6/3/19
Date

238 E. Marine Corps Drive, Suite 202, Hagatna, Guam 96910
Office: (671) 479-9532 • Fax: (671) 479-8913 • www.remax-diamondrealty-guam.com
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DEPARTMENT OF LAND MANAGEMENT
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JUL 10 2019
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CLTC/GALC/GLUC

RE/MAX Diamond Realty

Mr. Jack Hattig
Director Chamorro Land Trust Commission
Tamuning, GU 96911

Ms. Pika Fejeran
Chairperson Board of Directors
Chamorro Land Trust Commission

Dear Mr. Hattig and Ms. Fejeran,

As per our meeting today with Mr. Joe Borja and the pertinent administrators and attorney of the Dept. of Land Management and Chamorro Land Trust we would like to submit this letter on behalf of Mr. Eisuke Sasaki, President of Jupiter Juno,a real estate investment company on Guam. This is in regards to the letter we submitted on May 2, 2019 which detailed the purpose of such an easement.

We are requesting a resolution from the Chamorro Land Trust for this easement to be granted through Lot 472, Agat, a Chamorro Land Trust property, to the public access to Lot 453-3NEW-R2 which Mr. Sasaki is in the process of purchasing.

The proposed easement would be for ingress and egress for all properties within the area and would be a minimum of 40 feet wide and approximately 100 feet in length and be deemed a Public Access and Utility Easement. All costs to survey and create said easement would be the sole responsibility of Mr. Sasaki.

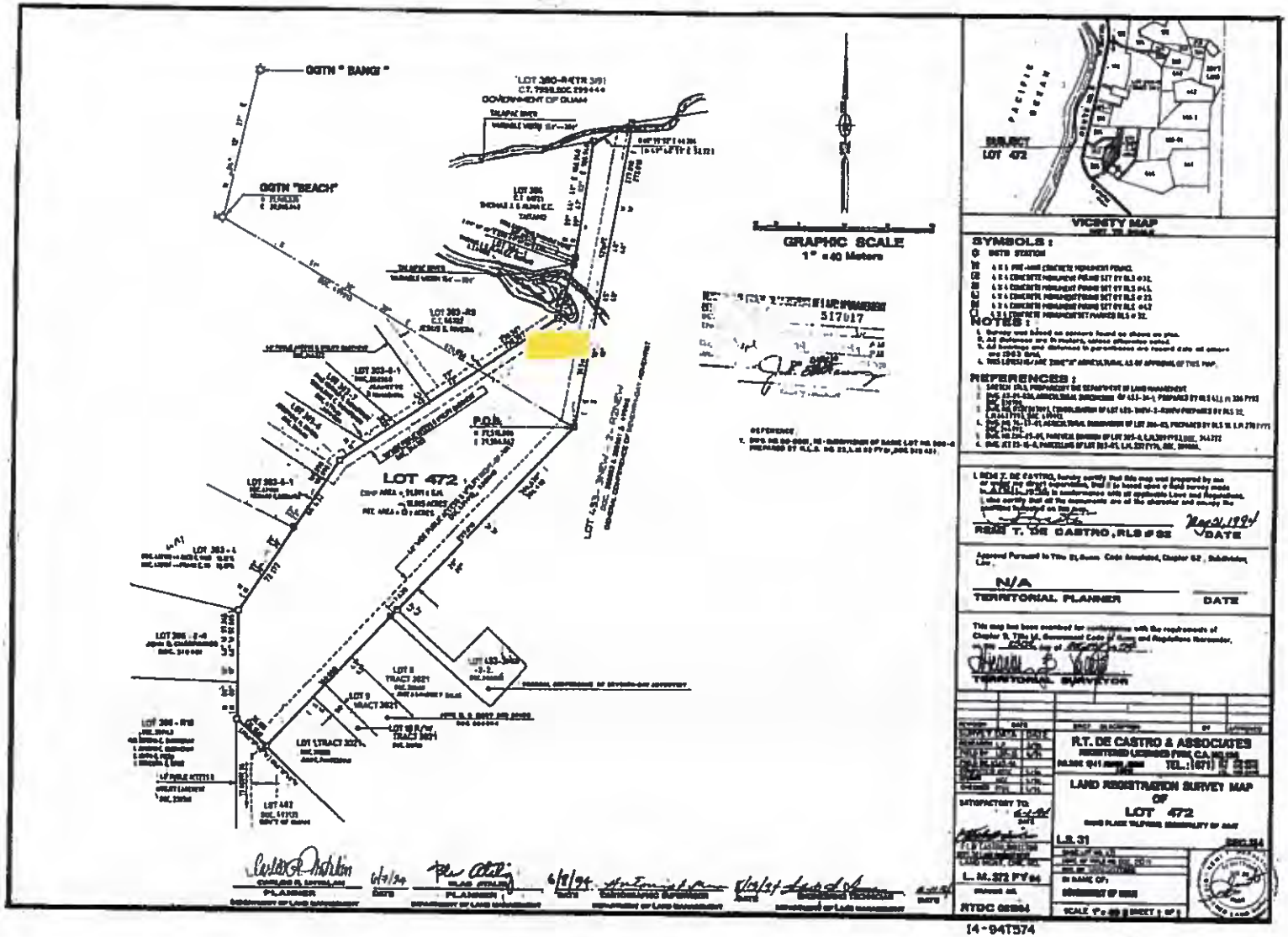
Mr. Sasaki is proposing building a gated community of single family homes on this property. He will pave the access and bring in the utilities to Lot 453-3NEW-R2 which will benefit the surrounding lots and enhance the Agat community.

After exploring all available easements it was decided that the most useable access would be via Juan Rivera Road off of Route 2 which ends at Lot 472 and is approximately 100 feet from the access to the lot being purchased. That lot falls under the Chamorro Land Trust and is currently leased to Maria Yatar McDonald with whom we have met and she indicated that it was in favor of our proposal.

Thank you for your attention to our request and we hope for a positive response.

Sincerely,

Luana Simmons & Libby Pier — 7/8/19
Date



14-94T574

Doc. No. 35GL-19-0766.*

CONSTITUENT MATTERS

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

FRANCISCO LEON GUERRERO CASTRO

1. **FACTS**
   a. **Location:** Lot 7066-5, Yigo
   b. **Lot Size/Lease Type:** 4,723+/- square meters/Agriculture
   c. **Lease Instrument Number and Signing Date:** 848167, December 26, 2012
   d. **Surveyed:** Yes, under Instrument No. 845110
   e. **Complaint/Issue:** *Building Permit Authorization*

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier:** Yes
   b. **LUP:** 7066
   c. **Original Applicant's Date and Time:** August 20 2012 at 1:24 p.m.
   d. **Application Number:** 007671
   e. **October 25, 2012:** Survey Authorization issued, approved by Administrative Director, Monte Mafnas.
   f. **December 26, 2012:** Agriculture Lease signed
   g. **February 26, 2013:** Agriculture Lease Recorded under Instrument No. 848167
   h. **October 28, 2015:** Mayor's Certification
   i. **May 14, 2019:** Change Beneficiary Designation, approved by Administrative Director, Jack Hattig III.
   j. **June 4, 2019:** Notarized Power of Attorney submitted
   k. **June 5, 2019:** Clearing, Grading permit authorization, and Utilities Authorization issued, approved by Administrative Director, Jack Hattig III.
   l. **June 13, 2019:** Request for Building Permit Authorization. Advised "A" that this will be presented to the Board members for their approval

3. **FINDINGS**
   All necessary documents needed to pursue with a Building Permit Authorization are in file for reference.

4. **FOLLOW-ON ACTION**
   - Inform Lessee of Board Decision

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

ALBERT JESUS LIZAMA

1. **FACTS**
   a. **Location:** Lot 10, block 13, Tract 9210 (Phase-1), Yigo
   b. **Lot Size/Lease Type:** 1,015 sq. meters/Residential
   c. **Lease Instrument Number and Signing Date:** Not Recorded, January 23, 1997
   d. **Surveyed:** Yes
   e. **Complaint/Issue:** Applicant deceased (August 11, 2000); beneficiary designated is not qualified under the Act. Christy-Lynn Nicole Lizama, daughter of Albert Jesus Lizama requesting to take over lease rights.

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier:** No
   b. **Priority:** 1
   c. **Original Applicant's Date and Time:** December 2, 1995 at 9:28 AM
   d. **Application Number:** 86
   e. **January 16, 1997:** Residential Interview Report, applicant designated Conchita G. Lizama (legal spouse) as beneficiary.
   f. **January 15, 1998:** SBA and DPW Building Permit Authorization was issued, approved by Joseph M. Borja, Administrative Director.
   g. **September 7, 2001:** Beneficiary submitted a letter requesting to transfer lease to her children and appoint her custodian of her children.
   h. **March 22, 2002:** Death certificate for Albert Jesus Lizama submitted.
   i. **May 31, 2019:** Christie-Lynn Nicole Lizama (daughter) requesting to take over lease rights

3. **FINDINGS**
   - Conchita G. Lizama, designated beneficiary and widow of Albert Jesus Lizama, not qualified under the Act.
   - Lease not recorded, lot not surveyed, cleared, or developed.
   - Christie-Lynn Lizama, natural child of Albert Jesus Lizama, however, there are three other natural children of lessee. All including Ms. Lizama do not reside on Guam.
   - Christie-Lynn Lizama, has been living off-island since 2002, property has not been occupied since lease was issued in January 23, 1997.

4. **FOLLOW-ON ACTION**
   - Inform applicant of board decision

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

SANONIE SALAS MELIA

1. **FACTS**
   a. Location: N/A
   b. Lot Size/Lease Type: Residential Application
   c. Lease Instrument Number and Signing Date: N/A
   d. Surveyed: N/A
   e. Complaint/Issue: Requesting for a lot issuance as a Preoccupier under Anthony Quenga Salas

2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: N/A
   b. LUP: N/A
   c. Priority: 1
   d. Original Applicant: Anthony Quenga Salas (dec, 2000)
   e. Original Applicant's Date and Time: April 8, 1998 at 11:18AM
   f. Original Applicant's Number: 4585
   g. Takeover Applicant: Sanonie Salas Melia
   h. Takeover Applicant's Date: March 22, 2017

   i. October 13, 1998 – Power of Attorney Revocation of Anthony Salas, recorded under DLM Ins. No. 592156
   j. January 8, 1999 – Letter from CLTC Administrative Director Joseph Borja to GPD and Superior Court indicating the legal occupancy of Mr. and Mrs. Anthony and Julia Salas on 235 Meno St. Nimitz Hill
   k. June 21, 1999 – A "Residential Application Information – Occupying Gov't Property" form was filled out by Anthony Quenga Salas indicating his occupancy on government land (Piti district) since 1994 but also indicated that he does not have an LUP (originally under parents Joaquin and Barbara Salas)
   l. November 27, 2000 - Letter from CLTC Administrative Director Ronald E. F. Teehan to GPD and Superior Court indicating the legal occupancy of Mr. and Mrs. Anthony and Julia Salas on 235 Meno St. Nimitz Hill
   m. November 29, 2000 – Letter from Eustaquio "Pak" Punzalan regarding Authorization to continue occupancy on 235 Meno Street, Nimitz Hill, Piti; It has been determined that you are qualified to utilize said lot as per PL23-38
   n. December 1, 2000 – Letter from Administrative Director Ronald E. Franquez Teehan Team to Julia Q. Salas regarding her occupancy -- "Pursuant to said authority, you are hereby authorized to continue your occupancy and development of your residence on #235 Meno Street, Piti (portion of Lot 254, Unit #9, Piti)"

o. April, 2001 – (April 4) Letter from Administrative Director Ronald E. Franquez Teehan Team to Honorable Vicente (Ben) C. Pangelinan and (April 11) to Honorable Antonio R. Unpingco regarding dispute over rights of #235 Meno St. Piti (portion of Lot 254, Unit #9, Piti)
    i. 3rd paragraph of letter reads, "After careful consideration of the issue, it was administratively determined that both Mrs. Barbara Q. Salas and Mrs. Julia Q. Salas, the widow of Anthony Q. Salas, would each receive one-half o the one (1) acre site. Therefore, Julia Q. Salas was authorized to continue her occupancy and development of the residence at #235 Meno Street, Piti (portion of L254, Unit #9, Piti).

3. FINDINGS

a. Based on 6.4 Awards to occupants of homelands; when.
   (a) Notwithstanding the provisions of section 5, subsections 5.4 through 5.10, the commission shall not serve eviction notices to individuals who presently reside and have continuously resided on Chamorro homelands prior to July 12, 1995, and who qualify under the Act.
b. Based on CLTC Research, Lot 254, Piti has always been a Private Property Area. Lot 254, Piti was never in the inventory of the CLTC (*source – Instrument No. 503740*); and
c. Based on CLTC Research, Lot 286, Piti which sits behind Lot 254, Piti is what is in the inventory of CLTC (*source – Instrument No. 503740*); and
d. Based on the letters from April of 2001 from the CLTC Administrative Director Ronald E. Franquez Teehan Team, this letter should be honored therefore awarding Sanonie Salas Melia a ½ acre property.

It is the recommendation of CLTC Staff to award Sanonie Salas Melia, daughter of the late Anthony Quenga Salas, a ½ acre property that is within the Registered CLTC Land Inventory based on the decision written to both Senator Ben Pangelinan and Senator Antonio Unpingco on April 4 and 11 of 2001 made by the Administrative Director Ronald E. Franquez Teehan Team

4. FOLLOW-ON ACTION

- Inform applicant on board's decision
- Researching an available lot at ½ acre in pursuant of a Residential Lease

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

CHRISSY JEAN QUINATA

1. **FACTS:**
    a. Location:
    b. Lot Size/Lease Type:
    c. Lease Instrument Number and Signing Date:
    d. Surveyed:
    e. Complaint/Issue: Request for 1) Change of application type, 2) Survey Retracement and 3) Residential Lease Issuance

2. **CHRONOLOGICAL FACTS**
    a. Pre-occupier: Yes
    b. LUP: N/A
    c. Priority: 1
    d. Original Applicant: Antonio Aguon Quinata
    e. Original Applicant's Date and Time: June 8, 1998 at 4:45PM
    f. Original Applicant's Application Number: 4716
    g. October 29, 2018 – Request of Relinquishment addressed to Administrative Director Michael Borja.
    h. February 7, 2019 – Original Benefactor, Grace Q. Quinata appeared before the board to request to transfer her beneficiary rights to granddaughter, Chrissy Jean Quinata
        i. Board Motioned to grant takeover to Chrissy Jean Quinata
        ii. Pending lot issuance – to be identified by CLTC Staff
    i. February 7, 2019 – CLTC Board of Commissioners approved

3. **FINDINGS**
    1. Motion to approve change of application type from Agriculture to Residential under Chrissy Jean Quinata
    2. Motion to grant a Survey Retracement for Tract 2831, Block 9, Lot 1 Talofofo (A=980±sq.meters) identified for Ms. Chrissy Jean Quinata
    3. Motion to approve a Residential Lease for Chrissy Jean Quinata upon completion of a Survey Retracement for Tract 2831, Block 9, Lot 1 Talofofo (A=980±sq.meters)

4. **FOLLOW-ON ACTION**
    - Advisement to "A" regarding decision of CLTC Board of Commissioners
    - Completion of Survey Retracement
    - Map recordation
    - Residential Lease Issuance

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

CHRISTINE DIANE ROBERTO

1. **FACTS**
   a. Location: A portion of L10154-R5 Dededo
   b. Lot Size/Lease Type: 1 acre
   c. Lease Instrument Number and Signing Date: Not recorded; August 16, 2002
   d. Surveyed: No
   e. Complaint/Issue: 1) Request for takeover, 2) Request for lot reduction, 3) Request for change of application type, 4) Request for Survey Authorization, and 5) Addendum Request

2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: Yes, Ababa St. Yigo or Agafa Gumas
   b. LUP: N/A
   c. Priority: 1
   d. Original Applicant: Jesus C. Peredo
   e. Original Applicant's Date and Time: December 2, 1995 at 1:45PM
   f. Application Number: 448
   g. April 30, 1997 – CLTC Staff interviewed Jesus C. Peredo and named four (4) Beneficiaries
      i. Rosie Roberto
      ii. Christine D. Roberto
      iii. Jessica R. Peredo
      iv. Jeremy J. Peredo
   h. November 12, 2014 – Request of Relinquishment from other Beneficiaries to transfer to Christine D. Roberto. All documents submitted for processing.
   i. January 16, 2015 – Request of Relinquishment to Christine D. Roberto approved by Deputy Director David Camacho

3. **FINDINGS**
   1. Motion to approve takeover of application and lease rights of Jesus C. Peredo to daughter, Christine Diane Roberto
   2. Motion for approval of lot reduction on a Portion of L10154-R5 Dededo from 1 acre to ½ acre
   3. Motion for change of application type from Agricultural to Residential
   4. Motion for a Survey Authorization on a Portion of L10154-R5 Dededo
   5. Motion to approve Addendum Lease upon completion of survey on a portion of L10154-R5 Dededo

4. **FOLLOW-ON ACTION**
   - In-house scheme completion by Survey Division for reference use of hired Surveyor
   - Survey completion

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

ANNIE L.G. SANTOS

1. **FACTS**
   a. **Location:** Lot 439-R1
   b. **Application Type:** Residential
   c. **Lease Instrument Number and Signing Date:** None, lease not issued.
   d. **Surveyed:** No
   e. **Complaint/Issue:** Applicant deceased (07/26/2011); no beneficiary designated. Patrick James Santos, natural child of Annie L.G. Santos requesting to take over application rights.

2. **CHRONOLOGICAL FACTS**
   a. **Pre-occupier:** Yes
   b. **LUP:** #601
   c. **Priority:** 1
   d. **Original Applicant's Date and Time:** December 7, 1995 at 11:18 am
   e. **Application Number:** 1652
   f. **June 4, 2019:** Death certificate for Annie L.G. Santos, submitted to CLTC office.
   g. **June 5, 2019:** Relinquishment of interest letter from six (6) of Annie L.G. Santos' children was submitted to CLTC office. All letters notarized and signed.
   h. **June 25, 2019:** Site inspection conducted. Pictures and report in file for reference.

3. **FINDINGS**
   Recommendation to designate Patrick James Santos as successor of Annie L.G. Santos and takeover of application rights.

   Annie L.G. Santos (Applicant), was a pre-occupier on Lot 439-R1, however, abandoned the property prior to 1995. Site Inspection conducted, no farm activity. Lot 439-R1 is a water storage reservoir, containing an area of +/-116.25 hectares, Grant Deed, Ins. No. 567559 to Guam Waterworks Authority. Public Law 20-06:7 provides that all surface waters and ground waters are public assets and that first priority for utilization of any waters shall be for the use or resale of the Guam Waterworks Authority.

4. **FOLLOW-ON ACTION**
   - Inform applicant of board's decision

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

ELIZABETH ANN UNCHANGCO (formerly Elizabeth Ann CRUZ)

1. **FACTS**
   a. **Location:** A Portion of Lot 10125-11, Dededo
   b. **Lot Size / Lease Type**: .50 acres (subject to survey); Residential
   c. **Lease Instrument No. and Signing Date**: UNRECORDED; LEASE NOT SIGNED BY APPLICANT
   d. **Complaint/Issue:** *Applicant requests to terminate, cancel and or void her application.*

2. **CHRONOLOGICAL FACTS**
   a. **Preoccupier: NO**
   b. **Priority: 1**
   c. **LUP: NA**
   d. **Application Date and Time: December 2, 1995 at 5:03Pm**
   e. **Application Sequence Number: 000489**
   f. SP100-02 – Judgement for name change dated October 02, 2002
   g. December 11, 2003 - Lease signed by Administrative Director, Joseph Borja and acknowledged by a Notary.
   h. Lease was not signed by applicant (Elizabeth Ann Unchangco)
   i. June 15, 2018 - Letter requesting to terminate/cancel/void CLTC application submitted to CLTC

3. **FINDINGS**

   Motion to approve termination of lease for tax purpose, if any, levied in and to the above subject lot “a portion of lot 10125-11, Dededo of not more than .50 acres in the name of ELIZABETH ANN UNCHANGCO formerly known as ELIZABETH ANN CRUZ, and approval of letter requesting to void CLTC application/numerical designation 000489 in the name of Elizabeth Ann Cruz, now known as Elizabeth Ann Unchangco. Special instructions to the DRT, Real Property Tax Assessor to abate and or cancel any and all real property tax assessment made as a result of information obtained in the above lease.

4. **FOLLOW-ON ACTIONS**

   Memorandum for abatement of real property taxes assessed, unpaid and or delinquent on the above “portion of Lot 10125-11, Dededo, if any, assessed in the name of the CLTC and or Elizabeth Ann Unchangco/Elizabeth Ann Cruz.

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report

FELIX S. MUNA

1. **FACTS:**
   a. **Location:** Lot 15, Block 8, Tract 18113, Mangilao
   b. **Lot Size and Application/Lease Type:** 2,365± square meters
   c. **Lease Ins. No and Signing Date:** None
   d. **Complaint/Issue:** *Recognition as Original Pre-occupier*

2. **CHRONOLOGICAL FACTS:**
   a. **Application Date and Time: January 30, 2018 at 8:41am**
   b. **Application Number: 008247**

3. **STAFF ANALYSIS**

Mr. Muna is requesting to be recognized as the original pre-occupier of Lot 15, Block 8, Tract 18113, Mangilao. Mr. Muna was a Land Use Permittee for the subject lot under the Arrendu Program with Department of Land Management since February 12, 1988 up until 1993, where they farmed, raised chickens and pigs.

In 1991, they started construction of the semi-concrete home and was completed in 1992.

In 1992, they had utilities (power and water) installed.

In 1994, Mr. Muna was forced to relocate off-island for health issues and authorized his brother-in-law, Ignacio Aguon to occupy the property temporarily until they return. Mr. Muna returned to the island in 1996, to find his brother-in-law and his children and extended family also occupying the lot and home. Due to his brother-in-law being terminally ill, she did not want to evict them. Several years later, his brother-in-law passed and his children continued to occupy, to this date.

In 2016, Mr. Muna wanted to look at returning to the property, so they visited our office and spoke to CLTC Staff and was advised that Gregory Aguon has applied with CLTC as a pre-occupier to the same lot that Mr. Muna is claiming. Mr. Aguon's file revealed that he had provided certification from the Mayor that he has been occupying the lot since 1995. SEE STAFF REPORT (GREGORY AGUON).

Mr. Aguon provided notarized statements from Julia and Jocelyn Pangelinan stating that Felix Muna and Tomasa Aguon lived on the land after the completion of their house in 1991 and up to early 1994.

4. **RECOMMENDATION**

Motion to approve Felix Muna as the recognized pre-occupier for Lot 15, Block 8, Tract 18113, Mangilao pursuant to PL 23-38, Section 6.4.