Speaker's Office <speaker@guamlegislature.org>

CLTC MEETING PACKET_08.15.2019

Jhoana M. Casem <Jhoana.Casem@land.guam.gov> Thu, Aug 29, 2019 at 9:37 AM
To: "speaker@guamlegislature.org" <speaker@guamlegislature.org>
Cc: Tina Jocson <Tina.Jocson@land.guam.gov>, Jessica Dayday <Jessica.Dayday@land.guam.gov>

Good Morning Madam Speaker,

Please see attached CLTC Meeting Packet from our August 15, 2019 Meeting.

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

Thank you and have a good day!

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

356L-19-0960
Speaker Tina Rose Muña Barnes

AUG 2 9 2019
Time 1:53 ( )AM (/)PM
Received By: alan

2019 AUG 29 PM 4:31

08.15.2019 CLTC Meeting Packet.pdf
6525K

0960

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

Commission Members

G. Pika Fejeran
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

ADMINISTRATIVE DIRECTOR'S REPORT
OF CLTC REGULARLY SCHEDULED MEETING
Thursday, August 15, 2019 at 1:00PM

I. **APPROVAL OF MINUTES**

1. Commissioners need more time to review May 2, 2019 Meeting Minutes. **TABLED for September 19, 2019.**

II. **PUBLIC COMMENTS**

1. Hawaiian Rock – Jerry Johnson appeared before the board for a follow up regarding their request for utilization of a portion of Lot 5412-R11 Mangilao

2. Joseph Tedtaotao – Inquiring on procedures of a deceased CLTC Applicant. Advised to come and visit CLTC office to meet with a Land Agent

3. Jesusa S. Muna – Requesting for water installation – advised that it's costly to put in water pipes; pending survey completion; no board decision

4. Justin Atalig – Requesting to utilize grandmother's LUP and occupying on the property she once used; CLTC Office needs to further research on the property; no board decision.

5. Robert Celestial – Doing a follow up on his lease issuance. No decision made at the board's level.

6. Maccarthy John Borja – Been living on property since 1993. Indicating he's on the wrong lot; field agents came to show him where he's at; requesting to be on Residential; mother had an LUP but vacated – sister now is building on an area within Tract 1722; pending submission of qualifying documents; no lease issuance.

III. **NEW BUSINESS**

1. Global Recycling - Motion made and passed to issue a 90-day cease and desist letter to GRC Inc. Motion made by A. Duenas and seconded by A. Santos. **APPROVED.**
DIRECTOR ACTON ITEM: Board requesting for an impact report

2. Kwikspace Guam Inc.- Board made no decisions. Site visit and report to be conducted prior to any board decision.
DIRECTOR ACTION ITEM: Conduct site inspection and present at next board meeting

3. ReMax – No decision made regarding easement request.
CLTC FOLLOW-ON ITEM: Site visit; speak with Ms. McDonald regarding easement request; request for ReMax to appear at next board meeting

IV. NEW BUSINESS

1. Constituent Matters

a. Christine Diane Roberto – **TABLED**

b. Sanonie Salas Melia – **TABLED**

c. Gil LG Mendiola – **TABLED**

d. Michael Beven Salas – Motion made and passed for issuance of a Residential Lease on Tract 9210, Block 23, Lot 4 Yigo. Motion made by A. Duenas, Seconded by A. Santos. **APPROVED**

e. Maria Cruz Palomo – Motion made and passed to add son, Roland A. Cruz to the Residential Addendum Lease of Maria Cruz Palomo. Motion made by A. Duenas, Seconded by A. Santos. **APPROVED**

f. Donny Jay Tainatongo – Motion made and passed for issuance of an Agricultural Lease for Lot 505-15 Merizo. Pending farm plan submission prior to a lease issuance. Motion made by A. Duenas, Seconded by A. Santos. **APPROVED**

g. August Christopher C. Guerrero – Motion made and passed for a Lease issuance for Tract 15213, Block 9, Lot 5-2 Mangilao. Motion made by A. Duenas, Seconded by A. Santos. **APPROVED**

h. Michael Arriola – Motion made and passed for a Lease issuance for Tract 15213, Block 9, Lot 5-1 Mangilao. Motion made by A. Duenas, Seconded by A. Santos. **APPROVED**

V. ADMINISTRATIVE DIRECTOR'S REPORT – Tabled for September 19, 2019.

VI. ADJOURNMENT

APPROVED BY: JACK E. HATTIG, III
ADMINISTRATIVE DIRECTOR

21 Aug 19
DATE

This report does not constitute meeting minutes and is intended only as an administrative reference document.

Kumision Inangokkon Tåno' Chamoru
(CHamoru Land Trust Commission)

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

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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, August 15, 2019
Regular Board Meeting - 1:00PM

Public Notice: The *Guam Daily Post* on August 8, 2019 and August 11, 2019

I.	**CALL TO ORDER**	**1:00PM**
II.	**ROLL CALL**	**1:05PM**
III.	**APPROVAL OF MINUTES**	**1:10PM**
	1. May 2, 2019 – Regular Meeting	
IV.	**PUBLIC COMMENTS**	**1:15PM**
V.	**NEW BUSINESS**	**1:45PM**
	1. Commercial Leasing	
	a. Global Recycling	
	b. Kwikspace Guam Inc.	
	2. ReMax – Request for Easement	
	3. Constituent Matters	
VI.	**ADMINISTRATIVE DIRECTOR'S REPORT**	**2:30PM**
VII.	**EXECUTIVE SESSION**	**3:00PM**
VIII.	**ADJOURNMENT**	**5:00PM**
	Next Meeting – Thursday, September 19, 2019 at 1:00PM	

Rev. 02/4/2019

CURRENCY EXCHANGE RATES On Aug. 7, $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.

| 52.307 PHPP | 106.26 JPYY | 1,214.69 KRWW | 31.475 TWD NT$ | 7.037 CNYY | 1.4882 AUD A$ | 0.8928 EUR €

TakeCare alleges GovGuam delegated power to GRMC

TakeCare alleges in a new lawsuit that the government of Guam granted private hospital, Guam Regional Medical City, the right to exercise legislative and/or police power over all the health insurers on the island without providing any standard or safeguards.

Guam Public Law 35-2 required that bidders for the GovGuam health insurance contract for thousands of employees and retirees and their dependents should cover care at a private hospital. The law gave GRMC an advantage as the only private hospital on the island.

"TakeCare has filed this lawsuit because the government of Guam and the defendant have blatantly and flagrantly failed to correct the unconstitutional problems in Public Law 35-2," TakeCare's lawsuit states, in part.

The lawsuit asks the court to stop GovGuam and the Judiciary from giving GRMC the advantage.

"The Legislature has granted to GRMC, a private entity, the unilateral and unfettered right for any reason, or for no reason, to prevent or otherwise block any health insurer, also private entities, from exercising statutory rights inherent by virtue of Guam's procurement laws, regulations, and the (request for proposals) to submit a bid, unless TakeCare submits to any and all of the demands of GRMC," the lawsuit states.

TakeCare contends GRMC has demanded that TakeCare pay off patient bills that TakeCare does not legally owe.



TAKECARE: *The FHP Health Center, which is part of TakeCare, is shown in February at its location in Tamuning. TakeCare has sued GovGuam, alleging the government delegated its power to select health care insurers to private hospital Guam Regional Medical City.*
David Castro/The Guam Daily Post

The initial lawsuit challenged the Judiciary's decision to move ahead with the health insurance procurement without TakeCare. The lawsuit has been amended to include GovGuam in general.

The practical effect of Public Law 35-2 and the RFP has been to delegate the authority to GRMC to determine who can participate in the bid for GovGuam's health insurance contract, the lawsuit contends.

TakeCare has been denied its right to due process under the Constitution, the lawsuit contends.

"The Fifth and 14th Amendment to the Constitution guarantees that every person has a protected property interest that may not be deprived without due process of law," TakeCare states.

Attorney Louie Yanza filed the complaint against the Judiciary of Guam on July 12.

Five Guam Superior Court judges have removed themselves from the case.

Northern Marianas Superior Court Judge Robert C. Naraja will preside over the case. ***(Daily Post Staff)***

> "TakeCare has filed this lawsuit because the government of Guam and the defendant have blatantly and flagrantly failed to correct the unconstitutional problems in Public Law 35-2."
>
> – *TakeCare's lawsuit*

CHamoru Land Trust Commission
(Kumision Inangokkon Tano' CHamoru)

CHamoru Land Trust Commission Board Meeting
Thursday, August 15, 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
ARENSIAN PROTEKSION TINA'LA GUAHAN

BOARD OF DIRECTORS MEETING: Thursday • August 15, 2019 • 4:00PM

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

AGENDA: I. Call to Order; II. Agenda Approval; III. Approval of 07/18/19 Minutes; IV. Administrator's Report; V. Old Business: AAFB Stipulated Request for Continuance – NOV #2019-001, Active NOVs: (Tsubaki Hotel/Nippo USA Inc. - Water Pollution Control, Lin's Hardware - Safe Drinking Water, So & Zhang Corp. - Safe Drinking Water, Feiyang Construction & Engineering - Safe Drinking Water), RRF approval process status, Administrator's Performance Evaluation; VI. New Business: Septic systems, lot sizes, & advanced on-site treatment proposal, PFAS activities; 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 ariene.ocfalle@epa.guam.gov

Connect with Guam EPA!

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT
123 CHALAN KARETA MANGILAO, GUAM 96913-6304

LOURDES A. LEON GUERRERO, GOVERNOR NIMAGHAGA'
JOSHUA F. TENORIO, LT. GOVERNOR SIGUNDO MINGLA'An
LINDA UNPINGCO DENORCEY, MPH, DIRECTOR
LAURENT SF DUENAS, MPH, DSW, PhD, DEPUTY DIRECTOR

NOTICE OF PUBLIC HEARING

PURSUANT TO § 9301, DIVISION 1, CHAPTER 9 TITLE 5 GCA, ALL AGENCIES OF THE GOVERNMENT OF GUAM ARE REQUIRED TO PUBLISH A NOTICE OF PUBLIC HEARING ON THE ADOPTION, PROMULGATION, REPEAL, RECISSION, OR AMENDMENT OF RULES. THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WILL BE ACCEPTING PUBLIC COMMENTS ON THE PROMULGATION OF RULES AND REGULATIONS GOVERNING THE FOLLOWING:

INSTITUTIONAL PLAYGROUNDS

DATE: Thursday, August 22, 2019
TIME: 3:00 P.M. TO 5:00 P.M.
PLACE: DIVISION OF SENIOR CITIZENS CONFERENCE ROOM, CASTLE MALL, MANGILAO

Copies of the proposed rules and regulations are available for inspection at the Division of Environmental Health (DEH) on the 2nd floor of the Department of Public Health and Social Services in Mangilao, and on the DPHSS webpage at dphss.guam.gov. Please call DEH at 735-7221 for questions and assistance.

/s/ LINDA UNPINGCO DENORCEY, MPH
Director

JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3589 Fax: (671) 475-3337
www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council of Guam will conduct its monthly meeting on Thursday, August 15, 2019, in the Justice Monessa G. Lujan Appellate Courtroom located on the 3rd Floor of the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña at 12:00 p.m. The agenda will be made available prior to the meeting.

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 475-3544, or Shelterihna T. Alokoa at 475-3589.

/s/ CHIEF JUSTICE KATHERINE A. MARAMAN
Chairwoman

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THE GUAM DAILY POST

CURRENCY EXCHANGE RATES 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.

On Aug. 12, $1 was worth: 52.038 PHP₱ | 105.43 JPY¥ | 1,216.09 KRW₩ | 31.37 TWD NT$ | 7.06 CNY¥ | 1.47 AUD A$ | 0.89 EUR €

TakeCare refiles lawsuit in local court, also sues in federal court

By Kevin Kerrigan
kevin@postguam.com

TakeCare Insurance Co. filed two lawsuits Monday alleging a new Guam law favoring the Guam Regional Medical City violates the health insurer's constitutional rights.

After having withdrawn its lawsuit against the Judiciary of Guam and the government of Guam last week, TakeCare refiled one lawsuit in the Superior Court of Guam against the government of Guam, the Department of Administration and the Office of Public Accountability. It seeks to overturn the public auditor's decision that TakeCare did not submit a timely protest with the Department of Administration.

The second lawsuit was filed in the District Court of Guam against Edward Birn, the director of the Department of Administration, and John Lizama, the administrator of the Superior Court. It seeks to declare Public Law 35-2 unconstitutional.

Both lawsuits cite the law which was passed by Guam lawmakers overwhelmingly in February by a vote of 13-0, and then signed by Gov. Lou Leon Guerrero.

The law requires insurers who want to provide health insurance to GovGuam employees to include Guam private hospitals in their networks. Guam has only one private hospital and that's Guam Regional Medical City.

District Court

The focus of the District Court lawsuit is on alleged violations of constitutional protections.

TakeCare says that Public Law 35-2 is "an unconstitutional delegation of executive, legislative and police power to a private entity in contravention of the Due Process Clause of the 14th Amendment and the separation of powers doctrine."

Passage of the law allowed "GRMC to use the sovereign power of GovGuam to gain an advantage, economic or otherwise, over another private party," states the lawsuit which also claims the law "is an improper delegation of power that allows a private entity, such as GRMC, to determine what entities may participate in and ultimately win a contract for the RFPs."

TakeCare asks the federal court to block implementation of the local law and order GovGuam to reissue a request for proposals for the GovGuam health insurance contract.

Superior Court

The Superior Court lawsuit details what TakeCare says were its efforts to comply with the law and submit a plan that provided coverage at GRMC.

The lawsuit alleges GRMC "insisted that TakeCare pay rates that are higher than the ones it charges other health insurance carriers."

TakeCare says it "rejected GRMC's demand" that it be included in "all of TakeCare's federal and commercial" health insurance networks.

The company says it also "rejected GRMC's demands" that TakeCare not charge an additional fee for including GRMC.

The second lawsuit asks the Superior Court to reverse the OPA's rejection of TakeCare's protest and declare it "null and void."

Speaker's reaction

Speaker Tina Muña Barnes, who introduced Bill 30-25 which became Public Law 35-2, issued a statement in reaction to the lawsuits.

"Contrary to what (Takecare President and CEO) Joe Husslein thinks, this was always about doing right by the hardworking men and women in the Government of Guam," she said.

"The truth is that every customer has a legal right to determine the benefits they will pay for – even when that customer is GovGuam."

Airbnb will participate in GVB's Travel Talks Summit

Online rental marketplace Airbnb is participating in the Aug. 14 #instaGuam Travel Talks Digital Global Summit and a workshop the following day.

Airbnb provides access on its platform to over six million places to stay in more than 100,000 cities and 191 countries and regions, including Guam. The company was founded in 2008 as an online marketplace that leverages technology to help economically empower millions of people around the world to become hospitality entrepreneurs.

Representing Airbnb at the Travel Talks summit is Steven Kim, the public policy manager from Airbnb's Seoul office, the GVB press release states.

"He will discuss alternative accommodation industry trends, strategies, and the potential for the Airbnb community to support Guam's growing tourism industry ecosystem. Airbnb will explore opportunities to work with GVB in developing Guam into a sustainable tourism destination and cultivating micro-entrepreneurship around the island, expanding tourism beyond Tumon and extending the benefits of tourism to local residents," the press release stated.

GVB and Airbnb are also hosting an Airbnb Host Workshop on Aug. 15 to provide an overview of how to set up an Airbnb listing, and engage in a discussion regarding tips and best practices on hosting to help hosts get started.

(Daily Post Staff)

Check it out

What: BnB E-Commerce Workshop: 9 a.m. Aug. 15

Where: Senator Antonio M. Palomo Guam Museum & Educational Facility

RSVP: Email info@visitguam.org

Summit: Aug. 14

Where: Dusit Thani Guam Resort

Registration is now open at guamtraveltalks.com

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PROTEKSION FINA'LA GUAHAN
BOARD OF DIRECTORS MEETING: Thursday • August 15, 2019 • 4:00PM
Guam EPA Administration Conference Room
17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913
AGENDA: I. Call to Order; II. Agenda Approval; III. Approval of 07/18/19 Minutes; IV. Administrator's Report; V. Old Business: AAFB Stipulated Request for Continuance – NOV #2019-001, Active NOVs: (Tsubaki Hotel/Nippo USA Inc. - Water Pollution Control, Lin's Hardware - Safe Drinking Water, Su & Zhang Corp. - Safe Drinking Water, Feiyang Construction & Engineering - Safe Drinking Water), RRF approval process status, Administrator's Performance Evaluation; VI. New Business: Septic systems, lot sizes, & advanced on-site treatment proposal, PFAS activities; 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 ariene.actalle@epa.guam.gov
Connect with Guam EPA!

CHamoru Land Trust Commission
(Kumision Inangokkon Tano' CHamoru)
CHamoru Land Trust Commission Board Meeting
Thursday, August 15, 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/
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/s/ CHIEF JUSTICE KATHERINE A. MARAMAN
Chairwoman

Doc. No. 35GL-19-0960.*

Kumision Inangokkon Tano' Chamoru
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Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

BOARD OF COMMISSIONERS MEETING ATTENDANCE SHEET

Date: August 15. 2019

Time: 1:03 - Regular Mtg. 4:51 - Special Mtg. **Adjournment:** 3:24 PM - Regular Mtg. 4:57 PM - Special Mtg.

Place of Meeting: ***DLM Conference Room, 3rd Floor***

NAME:	TITLE:	SIGNATURE:
1. G. PIKA FEJERAN	*Chairwoman*	
2. AMANDA L.G. SANTOS	*Commissioner*	
3. AUSTIN J. DUENAS	*Commissioner*	
4 (VACANT)	*Commissioner*	
5. (VACANT)	*Commissioner*	
6. NICOLAS TOFT	*Legal Counsel*	
7. JACK HATTIG III	*Administrative Director*	

CLTC Staff:

1. Tina Jocson
2. Shoana Brazer
3. Jessica Dayday
4. Melvin Carter
5. Pierce Castro
6. Joey Cruz
7. Eileen Changualay
8. John Gumataotao
9. Matt Leon Guerrero
10. Margarita Borja
11. Glenn Eay
12.

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Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

PUBLIC COMMENT SIGN IN SHEET
CLTC Board Meeting

Date: August 15, 2019 at 1:00pm

NAME: (Please Print)	Contact Number
✓ JERE JOHNSON HWÑ ROCK	488-7656
✓ Tenorio, Joseph	477-~~1988~~1988
✓ Jesusa S. Muña	
✓ Justin Atalig	
✓ Robert Celestial	

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Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

VISITORS' SIGN-IN SHEET
CLTC Board Meeting

Date: August 15, 2019 at 1:00pm

NAME (Please Print)	Contact#
Jesusa S. Muña	858-5233
Atl LG. Mendiola	482.6200
JERE JOHNSON	488-7656
MICHAEL SALAS	678-5193
AUGUST GUERRERO	686-1876
Robert N. Celestial	688-7277

Rev. 02/4/2019

Approval of Minutes

1. May 2, 2019 – Regular Meeting

Kumision Inangokkon Tåno' Chamoru
(CHamoru Land Trust Commission)

Doc. No. 35GL-19-0960.*

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

05/02/2019
COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning

Thursday, May 2, 2019 from 1:02pm – 4:15pm
Public Notice: The Guam Daily Post on April 25, 2019 and April 30, 2019

I. CALL TO ORDER

Chairwoman P. Fejeran called the Chamorro Land Trust Meeting to order at 4:15pm

II. ROLL CALL

Notation of Attendance

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

Absent: Vice Chairman Joe Cruz and Commissioner Austin Duenas

Chairwoman P. Fejeran: Let's move onto the next item on the agenda. We're looking at March 21st, 2019 meeting minutes. So, I do see, as I was going through this, I saw a few notes in here as we were, I guess as staff and legal counsel were going over the minutes. I do see a few issues with motions that were made so I just wanted to go over those to see what we can do to rectify this. So, the first one I found, if you all can turn to page 10. This is in regards to an SBA loan guaranty for Erica Jean Benavente. There was a motion made by Commissioner Techaira that the recorded survey map number that was stated in the motion was incorrect.

Commissioner S. Techaira: Wait, I'm sorry.

Chairwoman P. Fejeran: Sorry, page 10.

Commissioner S. Techaira: What was the motion?

Chairwoman P. Fejeran: Yeah, so if you look down please note motion made by Commissioner Techaira stated recorded survey map number 198-208 should have stated recorded survey map FY198-2018, instrument number 932595.

Commissioner S. Techaira: I read the survey map.

Chairwoman P. Fejeran: It might have been a typo on what we were looking at?

T. Jocson: Here's an exhibit I attached a copy of the map to your file.

Commissioner S. Techaira: *(inaudible response)*

T. Jocson: So, on the recorded map you should have the number on there.

Chairwoman P. Fejeran: Okay.

Administrative Director: It's at the end; so, she attached the exhibit which is at the end of the minutes and it's marked Erica Jean Benavente.

Chairwoman P. Fejeran: Okay, it's 198FY2018.

Administrative Director: Yeah.

Chairwoman P. Fejeran: So, do we need to do a new motion?

L.C. Toft: I would yeah, just to be clear.

Chairwoman P. Fejeran: So, yeah, okay, so if the commission sees the attachment.

S. Techaira: I don't see that.

Chairwoman P. Fejeran: I think you were looking at a staff report or something. It was a 1 missing.

L.C. Toft: It could be a simple motion to correct the survey map number.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: Okay, motion to correct the survey map number for a motion that was made for the meeting of March 21 for SBA to approve SBA loan guaranty of $85,000.00 for Erica Jean Benavente, survey map should be reflected and amended to read as 198-2018; 198FY2018.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: Okay, all those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: All those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Ayes have it. Thank you for that correction. Thank you for catching that in the minutes. Okay, moving down to minutes, there was another note added to the meeting minutes on page 13. I guess when we listened back to the audio there was no actual motion although I thought I heard a motion there was no actual motion. So, I guess Vice Chairman said the commission will approve the loan and I said okay motion's been made. But I guess he would have had to say specifically, I;

L.C. Toft: There was an intervened*…(inaudible).*

Chairwoman P. Fejeran: Ah, I see. There was an intermeeting motion, so, I see our legal counsel has advised us that the motion needs to be restated as a first motion.

Commissioner S. Techaira: Okay. Okay, so motion to approve the SBA loan guaranty in the amount of $188,400.00 for Priscilla Catalina Garrido Indalecio.

Chairwoman P. Fejeran: A motion has been made.

Commissioner A. Santos: And I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: All those in favor.

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it. So, the motion made and passed. Let's see there is one more.

L.C. Toft: Page 19. It's the last one.

Chairwoman P. Fejeran: Oh, thank you, so page 19, there is a note from the staff and legal counsel that the motion that was made is in the wrong municipality. So, the motion, this is for, Paul Bernard Junior Pangelinan. So, the wrong municipality stated was Barrigada

Commissioner S. Techaira: And it should've been Mangilao?

Chairwoman P. Fejeran: And it should've been Mangilao.

Commissioner S. Techaira: Alright, motion to approve the request for Paul Bernard Junior Pangelinan as a beneficiary, an applicant on Tract 18113, Block 8, Lot 6 Mangilao.

Chairwoman P. Fejeran: Okay, motion's been made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: All those in favor?

Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: All those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it. Motion made and passed. Again, thank you to the land trust staff and legal counsel for going through this with a fine-tooth comb to make sure we're doing all the right things. I did have a correction also on page 19, halfway down, I guess subject number three, one, Joseph San Nicolas. It says in response "not yes but he is asking". If you look here, I think it should be "not yet".

T. Jocson: Not Yet.

Chairwoman P. Fejeran: It should say "not yet". Then the sentence in conversation makes more sense. And then my last comment about the minutes, is almost on the last page, page 33. Okay, I think where it says seven new business and then one, two, A, B; A - Administrative Matters; 1, 2, that's referring to when I asked for the items to be tabled?

T. Jocson: Correct.

Chairwoman P. Fejeran: Okay, so maybe we can move; so, we can move that section to right up to that statement

T. Jocson: Okay.

Chairwoman P. Fejeran: Because then there's that other sentence that talks about the working session. So, move the working session sentence after the list of items tabled. So, I guess what's the protocol for this? Do the notes stay in there or were those just more for commission review?

L.C. Toft: Those are just for Commission review; you can remove the notes once the minutes are approved.

Commissioner S. Techaira: Okay, got it.

Chairwoman P. Fejeran: But since the motions were made today, do we just leave it as is?

L.C. Toft: Yeah.

Chairwoman P. Fejeran: As directive of what happened.

L.C. Toft: Yes.

Chairwoman P. Fejeran: And then in this meeting minutes it will show the motions to correct them?

L.C. Toft: Right, right.

Chairwoman P. Fejeran: Okay. Okay, thank you. So, pending those corrections. Does the commission wanna*...(interrupted).*

Administrative Director. I just had one, page 14 in references to the Guam Housing Corporation. It should be Acting President Alice Tyrone not Vice President. So, just for the record, to reflect the proper title.

Chairwoman P. Fejeran: Okay, so everywhere that her name is.

Administrative Director: Right, to all references.

Chairwoman P. Fejeran: Okay, are there any other comments from the meeting minutes?

Commissioner S. Techaira: No.

Chairwoman P. Fejeran: How does the Commission; does the Commission want to move forward to approve or do you want to see the corrective version? I think before we've been able to make a motion.

Commissioner S. Techaira: Yeah, we should review.

Chairwoman P. Fejeran: Review again? Okay, please make corrections and represent to the commission.

Administrative Director: Okay.

Chairwoman P. Fejeran: All right, thank you. Alright, moving on to down the agenda under four (IV), Old Business, Administrative Matters, first that we'll be looking at is, Guam Legislature request for property for Department of Rev and Tax, for Lot 5412-R11 in Fadian. So, in our packets we have a letter from Senator Joe S. San Augustin's.

Administrative Director: And, also Madame Chair, we provided you with the minutes from the meeting went this was the last discussed. So, as to give you a reference to the commission's position when it was previously presented to them.

Chairwoman P. Fejeran: Okay, this looks like the UOG minutes?

Administrative Director: It should be, sorry. I'm sorry, ma'am.

Chairwoman P. Fejeran: I think we did have someone present to the commission with the same request.

(Inaudible discussion in background)

Chairwoman P. Fejeran: Yeah, I'll just read, I'll just read and then we'll get copies. Unless you can make it here.

M. Borja: Yeah, we'll print here. Jess?

Chairwoman P. Fejeran: Okay, as we gathering the minutes to review from the last time, let's keep going down to the UOG boundary proposal.

Administrative Director: Yeah, that's what this is for.

Chairwoman P. Fejeran: So, Bill Number 76-35 is also looking at Lot 5412-R11.

M. Borja: Same area.

Chairwoman P. Fejeran: So, as it was just passed out, over two years ago that would be March 16th, 2017, the 34th Guam Legislature had proposed a Bill Number 18-34 to transfer a portion of Lot 5412-R11 to the University of Guam for the Fadian Hatchery. Okay, let's see, and we have the minutes from the last meeting with former Director Mike Borja discussing, discussing this. (long pause) Yeah, okay, so what we looked at before there was not specific boundary lines that UOG had provided, they just said that they wanted to get the property. So, essentially it happened and I think the University of Guam; we have a letter from the dean of college of natural applied science to Director Hattig. So, the university is seeking the commission's approval to resolve a long-standing boundary issue that would involve one and a half acres of CHamoru Land Trust property which has been in use as part of the Guam Aquaculture Development and Training Center operations since the mid-1980's. So, I guess the history is in 1985, the fish hatchery located on lot number 2517-17 in Fadian Mangilao was transferred to the Department of Commerce. The Department of Commerce constructed permanent structures on and across the boundary line of the lot that they received into CHamoru Land Trust property. And then in 2001 Public Law 26- 35 transferred the Guam Aquaculture Development and Training Center to the University of Guam including all

property and structures, inclusive of those structures encroaching on one point five acres of CHamoru Land Trust property.

Administrative Director: Ma'am?

Chairwoman P. Fejeran: Yes?

Administrative Director: I had a questing with regards to the lot numbers and I was talking to the land administrator on this. In their letter they referenced 25-17 but in all of our maps, Fabian is 54-12. So that was the first question that I had, the map that they had submitted is a map that they had their surveyors do. And that is being verified by land management right now, so I didn't want for the sake of preventing confusion they, reference it but is not an official map.

Chairwoman P. Fejeran: Ah, I see.

Administrative Director: See, so we're going to reference that as the official map 5412-R11.

Chairwoman P. Fejeran: So, I'll reference to 25-17 is actually 5412-R11.

Administrative Director: Which was the; when we went back historically, we looked at the minutes, this was the reference for this particular lot that borders the hatchery.

Chairwoman P. Fejeran: And we have a map of that over here.

M. Borja: Can I just make a quick reference?

Chairwoman P. Fejeran: Yes.

M. Borja: 2517-17 is the hatchery and that's the private property. 2517NEW, what they're showing on the request, that new portion is supposed to read 5412-R11.

Chairwoman P. Fejeran: Oh, okay, okay. That's just map*…(inaudible).*

M. Borja: It's a map that wasn't; it's a map going through the process and it was an error.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: Could you and large the area in question, the one point five acre.

Commissioner S. Techaira. We went over this before, right?

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: Alright, cool. It's like a… *(inaudible).*

Chairwoman P. Fejeran: So that's the boundary line that they crossed over to land trust property when they build the structure? Okay, and is that one and a half acres that additional blue cut out there, yeah? Is that what they're asking for? So, those lot lines referred to their coordinates that listed?

M. Javier: Based on their maps.

Chairwoman P. Fejeran: And that's one and a half acres?

M. Javier. Yes.

Chairwoman P. Fejeran: Why so big?

Commissioner S. Techaira: It looks enormous!

Chairwoman P. Fejeran: Is that really one and a half acres?

M. Borja: No, this one. Show him the boundary line. From this boundary line, this way. That's the small rectangular portion.

Chairwoman P. Fejeran: Okay.

M. Borja: That's the one-point-five (1.5) acres.

Chairwoman P. Fejeran: And that's one-point-five (1.5) acres?

Melvin: Just this portion right here.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: Most of that isn't even usable; to most of it to the south where the coastline is, yeah, so they would only be utilizing the area that they built on a sensually.

Chairwoman P. Fejeran: Okay, looking back at the history of the last time we looked at this in 2017, the commission decided and I believe a resolution was prepared. I'm referencing CLTC Resolution 2017-03, when we did provide support for the Bill Number 18-34 which would transfer land to UOG in an effort to correct the encroachment of Fadian Hatchery facilities and then the board further concurred that the costs associated with the land transfer, this includes survey, appraisal and payment of the land be the responsibility of the University of Guam. So basically the land trust will incur no expenses for this but also appraisals will be required to value the land and I think that, in the Bill Number 18-34 that we looked at, yeah, it said that UOG extension, yeah, would; either UOG would, UOG would pay for the value of the land or provide some in-kind services to the trust.

Administrative Director: And that's consistent with their proposal in the letter from Doctor Eudene.

Chairwoman P. Fejeran: So, the new proposal before us today has the same?

Administrative Director: Right, in essence, it's the University through its cooperative extension will provide a series of training workshops for clients on the CHamoru Land Trust to assist in the instruction of best methods use in cultivating the land for agricultural uses.

Chairwoman P. Fejeran: Okay.

Administrative Director: For a period of time negotiated by UOG and the Commission.

Chairwoman P. Fejeran: Okay, I mean that doesn't; I don't see anything in the letter that they will get this property appraised, to get the, what is it, the mean market value, median; fair market value.

Administrative Director: When we respond to the; because we haven't responded obviously, subsequent to your discussions and we can respond with our terms and such consistent with what we've responded in the past in terms of this particular land. Also, I am gonna be attending a meeting with the governor on this, with representatives of the university at which time I'll present the trust position if we reach one on this which, that way you know, we can be on this in line with what the governor wants; it's initiative with the aquaculture task force that she initiated. This is supposed to be, the hatchery supposed is supposed to be the impetus for this but this, but I will put together a response subject to the commission's position.

Chairwoman P. Fejeran: Okay, what does the commission feel? I mean, before we said you know we had knowledge that your property, your buildings are encroaching but we also acknowledge the value that the facility provides the island and the industry but again this is CHamoru Land Trust property that will be transferred outside of the trust.

Commissioner S. Techaira: What in-kind services are they planning to offer, would they offer? I think it might be beneficial for them to incur the cost of the appraisal; of that size light it's not going to be cheap, right, it might be; depends on the terrain*…(inaudible)* I mean we don't have that kind of money.

Chairwoman P. Fejeran: Yeah, because if they want the property, they should incur all cost to get this property transferred through including appraisals and whatever land management fees there are.

Administrative Director: If I may, Madame Director, commissioners, we did suggest, or I did suggest an MOU and working agreement you know to operate you know, in consistency with this rather than a land transfer, but what I understand through the University they're going to enter into a public/private

partnership and they need possession of the land or control of the land in order for them to enter into that agreement so that's why the MOU was I guess not a feasible method of approaching this but I do agree too that any and all costs associated with any land transfer should be bared, borne by the university.

Chairwoman P. Fejeran: Okay, so, I think we could have that as our first condition. Can we list that as a first condition, which is consistent with our previous resolution, right? So any and all cost borne by the University of Guam and then, you know, I really believe that the University of Guam has a lot of great services and resources that the land trust can really benefit from, not only just the staff and the team here but also the beneficiaries and this can really be a way that we can get that support from UOG and resources without expending our own limited funding, but my concern is that, is that we have the correct value for this property that's being transferred out, so, I think, I would recommend to the commission that we require the appraisal to get the fair market value to determine the value of the property.

L.C. Toft: I think you already did that. In the resolution 2017-03…(inaudible); university bare all cost associated with the land transfer and pay the fair market value for the land and also the recipient bare all costs associated with the land transfer and appraisals and to pay the fair market value for the land, so I think we covered that.

Chairwoman P. Fejeran: Okay. Yeah, with this older resolution, I mean we can't use this for this new bill, right? Maybe we could just draft another one?

L.C. Toft: Yeah, I guess update it for the new bill would be the simplest.

Chairwoman P. Fejeran: Simplest?

L.C. Toft: Yeah, because there's nothing new that's happened or altered anything as far as the position stated in the 2017 one from the commission.

Chairwoman P. Fejeran: Yeah, I actually don't have a copy of the proposed new bill.

Administrative Director: Yeah, that's currently not in the packet, I apologize.

Chairwoman P. Fejeran: Okay, my only concern is that we look at the language from the old bill and the new bill just to make sure that nothing else is kinda added in that the commission didn't have a chance to review at the last one.

Administrative Director: I did too have a concern ma'am about the university's ability to therefore sell the land and that was kind of a discussion a week ago. We did receive assurances from the University that it wasn't their intent to sell the land, it was the intent to keep the land but to enter into a public/private partnership with an investor or with an operator for the hatchery.

Chairwoman P. Fejeran: Okay, so, I guess I would be interested to see the proposed bill, actually they don't even mention it in their letter to us, the proposed bill.

Administrative Director: Yeah, see it didn't come together that time.

Chairwoman P. Fejeran: Ah, I see.

Administrative Director: The university's proposal that came in the subsequent meeting was not connected initially to the bill. And now that the bill has been introduced so they're connecting their proposal together in the hopes that one will get the approval of the trust first for the land transfer and then the bill would be the correction, the boundary correction; it will set the lines in the sand so to speak, to have the new map reflect the boundary but I think that was the intent as I look at the abstract of the bill, it's to correct a boundary.

Chairwoman P. Fejeran: Yeah, it's not to be a transfer.

Administrative Director: Right, it's not a transfer. See, so the transfer, so the transfer would occur at core level to the boards resolution and have that effect and then the bill would correct the boundaries so that its, I think that's what's going to be discussed on Tuesday's meeting so I share your concern about the review of that legislation. It was introduced rather quickly; I didn't even get a chance to review it yet.

Chairwoman P. Fejeran: I mean, is that, legal council is that how transfers;

L.C. Toft: I'm pulling it up right now to see if there's a red flag.

Chairwoman P. Fejeran: I mean, I prefer to have all of the conditions that the commission is requiring in the bill and not a secondary agreement on the side.

Administrative Director: Right, and I think that's going to be our attempt to clarify that at the meeting.

Chairwoman P. Fejeran: Okay.

Administrative Director: Because the meeting is actually through the governor's legislative review committee, so that committee reviews the legislation and kind of provides positions and we get a chance to afford our position here.

L.C. Toft: It may be best and; I can review this while we move on to a separate subject.

Administrative Director: Right.

L.C. Toft: And come back to this decision later.

Chairwoman P. Fejeran: Okay, okay. So, we'll read it as if this as the legal counsel looks at the actual; goes thru. Let's go back up to the request for property for Department of Rev and Tax.

Administrative Director: You should have the correct;

Chairwoman P. Fejeran: Yeah, so, we were also handed meeting minutes from May 3rd of 2018. I think it was a representative from Senator San Agustin, who joined our meeting. Basically, Senator San Augustin is coming back to the commission in this new legislative here, requesting property for Rev and Tax on the same lot, it's a pretty big lot, 5412. Okay, so we have a letter from Senator San Augustin to the director requesting the transfer of 12 acres of property in Fadian, that's Lot 5412-R11U0. So, this is the same property, everybody wants a piece of it.

Administrative Director: Yeah.

Commissioner S. Techaira: Yeah, I mean, we're already used it to.

Chairwoman P. Fejeran: Yeah, so can you show us where's the; this is the lot that GPA was carved out of?

M. Javier: Yeah, that's the GPA area.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: Wait, okay so that's the whole remaining Portion of 5412-R11?

Chairwoman P. Fejeran: And he's asking for 12 acres?

M. Borja: 12 acres.

Chairwoman P. Fejeran: How many acres does GPA sit on?

M. Borja: It's probably about like 10 or 15.

Chairwoman P. Fejeran: I mean at least UOG is saying that they'll work with us for the property

Administrative Director: Right.

Chairwoman P. Fejeran: But this letter has nothing about paying for the property, I mean kind of an enumeration for the trust saying that they're going to pay for the property. I also believe that;

M. Javier: 60,000 square meters, I mean 60,700 square meters.

M. Borja: About 14, 15 acres; so, the same size.

Chairwoman P. Fejeran: Yeah, that's a lot of land. So, yeah, so they're asking for a sizable chunk. Can we look into how GPA got that property?

Commissioner S. Techaira: Yeah, I'm kind of curious about that.

Chairwoman P. Fejeran: It's kind of been brought up to the commission before that there was something that the land trust was supposed to receiving something from GPA that I don't think we're receiving. Was that a bill; it must've been legislation?

M. Borja: It was Legislation. Back in 1993 the government agencies had to come in and make reservation to certain properties that they needed for future use. GPA did come in and requested for that and its Public Law 22–18.

Chairwoman P. Fejeran: Okay.

M. Borja: So, their next step was to have to just go to the legislature, because they're an autonomous agency. They needed a deed, so they went and did that; they got legislation and put that together and it was transferred to them.

Chairwoman P. Fejeran: Oh.

L.C. Toft: But Rev and Tax is not part of that list.

M. Borja: No, and that's the reason why Revenue and Tax is coming before the trust because they did not make reservation.

Administrative Director: Right.

M. Borja: For future use, for their building. So, now they're coming here. So, all agencies that did not utilize that back in '93 to come in and just reserve, Government of Guam properties before all properties got transferred back, so there's a lot of agencies that didn't, so that's the reason why they're coming through the trust to request for;

L.C. Toft: And last time they came through, we asked for

Administrative Director: Plans and we asked for construction.

L.C. Toft: Yeah, because it's such a huge amount and were saying, why don't you build multiple stories to reduce the footprint; they said they didn't have plans yet so we said to come back when they had plans but they came back with a letter asking.

Administrative Director: Yeah, exactly!

Commissioner S. Techaira: *(inaudible)*…I think, they already cleared a lot of it, access point.

Chairwoman P. Fejeran: How about that whole front portion of green space?

Commissioner S. Techaira: If Rev and Tax wants it, that's really a valuable piece of property. It could be used for;

Chairwoman P. Fejeran: I mean, GPA isn't even using half of it. Is that right?

Commissioner S. Techaira: *(inaudible)*

Chairwoman P. Fejeran: They're not using it? Why don't we refer them to GPA? Yeah, GPA has the property, you know, public use, they can share their parking, expand the parking;

Administrative Director: They can use GPA's parking space for a driver's test, parallel parking. I think that's; in conversation when I conducted a courtesy visit with Senator San Agustin, this is before the letter he indicated that to me and I said we received your letter and the commission will discuss it, but he did ask for the 12 acres then and to include like a drivers course; you know, not just the building but to conduct DMV driving test. I could see maybe 5 acres but not 12 acres. Even 5 acres is usable.

Chairwoman P. Fejeran: Okay, I mean, as this is the second time, we're looking at the same request, from the same office, it did not provide us anything more for what we're asking for.

Commissioner S. Techaira: *(inaudible response)*

L.C. Toft: I mean the letter is saying, similar to the last time, we need more information from them to;

Chairwoman P. Fejeran: Yeah, and we suggest that they talk to their friends at GPA that have this large piece of property; half of it from the looks of it unused.

L.C. Toft: About 5 acres worth.

Chairwoman P. Fejeran: Yeah, about 5 acres worth.

Administrative Director: That's why I'm suggesting 5 acres. That front part can be utilized.

Chairwoman P. Fejeran: Okay, so director you got that?

Administrative Director: Yes ma'am.

Chairwoman P. Fejeran: Okay, thank you.

L.C. Toft: If I go back to the hatchery issue; so, the bill itself is just fairly bare bones and it doesn't include any mention of CLTC whatsoever, it just says to extend the boundaries. So, if anything I think we need an even stronger declaration position as far as the resolution, and it echoes what we said back in 2017 but emphasizes the fact that they are taking CLTC land; it's not just a simple re-drawing on the border.

Chairwoman P. Fejeran: Yes, agreed. Thank you, legal counsel. So, does the Commission want to direct our Director to create a new resolution?

Commissioner S. Techaira: Yes, please.

Administrative Director: Okay.

Chairwoman P. Fejeran: And just to recap, we would ask that the proposed bill be amended to include the land would be transferred from CLTC to UOG, that UOG will incur any and all costs for the transfer, the appraisals will be ordered to determine the fair market value and that the trust will be paid back for the fair market value of the, whatever, one and a half acres that they're asking for. However, even previously based on the other resolution, the trust is open to, not just receiving a dollar amount but the in-kind services to really use UOG's resources.

Administrative Director: Right. I wanted to quantify that it would be in perpetuity, I mean it will be continuing existing cooperation not just a one time, a couple of years and that's it. I mean, if they're going to keep the land in perpetuity, then we should have the services in-kind in perpetuity and I would think that the trust; because we have lessees, we have agricultural lessees that are expanding, that are moving and that are actually farming. See this would be something that could be viable for them moving forward.

Chairwoman P. Fejeran: Yeah, I mean, let's ask for it and see where it gets us.Thank you very much.

Commissioner A. Santos: That's a large property.

Administrative Director: Okay.

Chairwoman P. Fejeran: Okay, when your draft that resolution, can you send it to the commission and legal counsel for final review?

Administrative Director: Yes ma'am.

Chairwoman P. Fejeran: Okay, thank you. Alright, moving on down under Old Business, we have Administrative Matters, Guam housing Corporation MOU. I think this has been in our Old Business, we had, the Commission had some questions about the use agreement and how that would affect the land trust; this is between Guam Housing and I guess, their contractor.

Administrative Director: Right, with Wada Company. That should be next to the line after;

Chairwoman P. Fejeran: So, did legal counsel have a chance to look over this MOU and the attached use agreement?

L.C. Toft: I have over the MOU but I have to go over the lease agreement.

Chairwoman P. Fejeran: Okay, so, the purpose of this Guam Housing Corporation and CHamoru Land Trust MOU and then subsequent use agreements is to really increase the opportunity of our residential lease applicants to build affordable homes. So, Guam Housing Corporation would develop I believe it's 9 of the lots. They've already developed 1, so they have 9 more that they would enter into the agreement with a contractor to build affordable homes and have the building plans prepared so that our Residential Lessees can go and see the type of home that can be built based on their budget. So, I think this is a great; you know, I think this is a really good example of the trust working cooperatively with Guam Housing to improve the condition of our Residential Lessees.

(long pause in between)

Commissioner S. Techaira. So, I see that here, number 2…(inaudible); it says that it will allow a sub leases but it doesn't give details, it just says for homes and licenses…(inaudible).

Chairwoman P. Fejeran: So, I think that's with the use agreement, the sub license would be to the contractor?

L.C. Toft: (inaudible response to the Chairwoman)

Chairwoman P. Fejeran: And that was our concern, what are these sub licenses, right, because then the attachment says use agreement not sub license. Maybe just change the verbiage on the MOU that we're going to be signing?

L.C. Toft: No, sub license is okay.

Chairwoman P. Fejeran: Sub license is okay?

L.C. Toft: The only thing that strikes me is in the MOU, there's an indemnification that's; between the developer and GHC but not to CLTC. That's not necessarily a huge issue on this but it's something where we do issue a lease to anybody for any of those particular properties that we would need an indemnification clause for the lessee to CLTC. Does that make sense?

Chairwoman P. Fejeran: Ah, yes. Right, cause it wasn't us that built it so we shouldn't be held liable.

L.C. Toft: Correct. Just something we need to keep in the back of our mind.

Administrative Director: When we issue leases to individuals on this

L.C. Toft: Yes.
Chairwoman P. Fejeran: So, like Miss Linda Hernandez, we approved her transfer into the one model home that was built there. Has that lease already been prepared and signed?

Administrative Director: Yes.

Chairwoman P. Fejeran: Can we do an addendum with an indemnification clause?

Administrative Director: Yes.

Chairwoman P. Fejeran: And have that be the boiler plate for these other tracks of land?

Administrative Director: Sure.

Chairwoman P. Fejeran: Yeah?

Administrative Director: Sure, absolutely, yes.

Chairwoman P. Fejeran: Okay.

Administrative Director: Can we do an addendum to the lease? An indemnification?

L.C. Toft: If it's not there already.

M. Borja: It's not.

Administrative Director: Then it's an addendum?

L.C. Toft: Then it be an addendum. Yeah.

Administrative Director: Okay, you want us to put together a board of approval for that?

Chairwoman P. Fejeran: For the addendum?

L.C. Toft: Do we need authorization to;

Chairwoman P. Fejeran: Only certain addendums.

L.C. Toft: Oh, okay, so that would;

Administrative Director: And only certain situations.

L.C. Toft: Okay, so that one we don't need board approval on it.

Chairwoman P. Fejeran: Okay, can we just do a motion to right now?

Commissioner S. Techaira: So, can we do a motion right now?

L.C. Toft: Yeah!

Chairwoman P. Fejeran: So, this is in regards to an addendum to the lease held by Lisa Hernandez

Administrative Director: Linda, Linda.

Chairwoman P. Fejeran: Linda, Linda, thanks. Linda Hernandez, the Addendum to; I guess content would be an indemnification clause for CLTC.

L.C. Toft: Yes.

Commissioner S. Techaira: Motion for the Director to prepare an addendum attached to the lease of Miss Linda Hernandez to include an indemnification clause for the CLTC.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: Okay, all those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, motion's been made and passed. So, this motion was made to prepare or can he execute it or do we need a;

L.C. Toft: If you authorize him to execute it, he can.

Chairwoman P. Fejeran: Okay, do we need a motion for that?

L.C. Toft: I would just to be on the safe side it.

Commissioner S. Techaira: What is the wording of my motion to prepare the addendum lease for; to execute… *(inaudible);*

Chairwoman P. Fejeran: You said that he'd prepare the addendum lease.

Commissioner S. Techaira: So…*(inaudible);*

L.C. Toft: Motion to allow the Administrative Director to execute…*(inaudible).*

Commissioner S. Techaira: Okay, motion to allow the administrative director to execute the addendum for the lease of Linda Hernandez to include an indemnification clause for the CLTC.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded. Okay, all those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it, thank you. So, I would just like to have the director keep that in mind so that if we do end up leasing any of the model homes, we use the same verbiage to the lease.

Administrative Director: Will it include an indemnification subsequent to a lease?

Chairwoman P. Fejeran: Yes. Okay, so I guess back to the Guam housing Corporation MOU, our legal counsel looked over it; I have had no more comment on this. Does the commission want to move forward and approve this MOU? I believe you would need a motion.

(inaudible discussion on the table)

L.C. Toft: *(inaudible)….* yeah, between the CHamoru Land Trust and the Guam Housing Corporation.

Administrative Director: Change that.

Chairwoman P. Fejeran: Oh yeah because it's been lease out? Is that within here already?

L.C. Toft: Yeah.

Commissioner S. Techaira. Okay, so motion to approve the CLTC, GHC MOA to take possession of the lots for fixed terms for the purpose of having built upon affordable model homes.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Okay, motions been made and seconded. I would like to ask if the commission would like to keep in Lot 1, it's under number 1a, here. This is the one that Miss Linda Hernandez has the lease for, you probably just want to transfer that to them.

Administrative Director: It's this lot right here? Number A, Letter A…*(inaudible)*

Administrative Director and L.C. Toft: *(inaudible discussion between the two)*

Chairwoman P. Fejeran: So, the motion has been amended to strike out Track 113, Block Number 12, Lot Number 1 in the municipality of Dededo. (54:35)

Commissioner S. Techaira: So, motion to strike out Track 113, Block Number 12, Lot Number 1 municipality of Dededo from this MOA.

Chairwoman P. Fejeran: Okay, another motions been made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Can I have all those in favor of the striking out of Lot Number 1 motion.

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay that motion passed. Now for the approval of the CHamoru Land Trust and Guam Housing Corporation MOA as amended. All those in favor.

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it. Thank you. Alright! Okay, so next on our agenda is cannabis cultivation. So, I know we looked at this a few years ago when the medicinal marijuana bill passed. I didn't see anything in our packet.

L.C. Toft: No. *(inaudible)* So, we have reviewed this issue back and we have requested a memorandum from the Attorney General's Office and they had begun to prepare one but then the recreational bill passed and the results of the election happening, there's the transfers of attorney generals, so, it didn't get formally signed, and also the issues had changed because of that secondary passing of recreational

Chairwoman P. Fejeran: Okay.

L.C. Toft: So, portions of it are no longer applicable but there is the one major portion of it is lack able; because there is still a federal prohibition on it and because the parliament does have the power to, it's still a schedule one substance on the federal controlled substances list. That The federal government does have the power to prosecute and seize assets related to production and cultivation of cannabis and also to prosecute not only those who are growing but also associated with the decision use of it as well so such as the board could be held liable for allowing cannabis cultivation on those lands under federal law, not under Guam law.

Chairwoman P. Fejeran: Right.

L.C. Toft: So, there's this whole jurisdictional issue but at this time I would strongly advise the board not allow cannabis cultivation on CHamoru Land Trust lands. And it has also been brought up, I know there's a side comment from the audience from the last time this came up about hemp. And, so what happened with hemp was with the farm bill of 2018, hemp was removed off the schedules as far as it being a controlled substance but in that same bill there was the provision in there that required each state or territory to come up for their Department of Agriculture to come up with a development plan as far as hemp farming to submit through the USDA. It had to be approved by the governor and the AG of the state or territory that basically show that they were monitoring the production to make sure that it was below the .3% of THC content like a random sampling of farmers and that if the state and territory did not have this type of program then the federal government program would control and the problem is the federal government has not set up their program to, to analyze it either yet, so we're kind of in this weird gray area where Guam is not set up a program to that would bring in any sort of issues relating to hemp outside of the federal prosecution issue and the feds haven't set up the their program too as their fall back either, so we're just kind of just wait and see as far as CLTC where it's not fully legalized but not fully illegal either if that makes sense.

Chairwoman P. Fejeran: Yes.

L.C. Toft: So, that's kind of where we're at right now. Short answer on both is no to cannabis while it remains a federally illegal; wait on hemp until we have either a territorial program or the Department of Agriculture or until the feds implement their program as far as licensing and such.

Chairwoman P. Fejeran: Okay. I thank you for that presentation. So in regards to the cannabis cultivation, I've asked the director to prepare a letter of request for official legal opinion on the cultivation of cannabis on CHamoru Land Trust property, so he's provided us a draft of the letter.

Administrative Director: There's just two typos, sorry about that.

Chairwoman P. Fejeran: Okay.

Administrative Director: Sitting, sitting in the 3rd, 2nd paragraph, "The CHamoru Land Trust" in the last paragraph.

Chairwoman P. Fejeran: Okay. Thank you.

Administrative Director: Essentially what I did was I cited the laws that were passed including the medicinal law and as well as its subsequent amendments and then I also provided in the past the commission did allow for the cultivation of medicinal purposes only. I did reference the February 24th 2017 memo that

was issued by Land Management at that time; we were all combined, we were all one entity so that the regarding cannabis cultivation on public lands. As it pertains to 33-220 and of course 34-125 permitting it under certain conditions and then the most recent passage on April 4th of The Guam Cannabis Act of 2019. So, referencing all of those specific laws as per the commission to please officially request an official legal opinion of the Attorney General on cannabis use. Do you want me to add hemp to that?

Chairwoman P. Fejeran: I think maybe for hemp we can ask Department of Agriculture to stand that program up, right? Because it would be the attorney general, the Department of Agriculture.

L.C. Toft: I mean, it's under the farm bill, it's kind of clear that agriculture has to make the move on that. I mean we could as the AG but they're going to come back with that same thing; agriculture has two...*(inaudible).*

Chairwoman P. Fejeran: Okay, so let me just review this letter. So, the; Sorry; February 24th 2017, a memorandum was issued in the Department of Land Management prohibiting cannabis cultivation;

Administrative Director: On public lands;

Chairwoman P. Fejeran: On public lands following verbal instructions by the sitting AG. So, you just placed the "regarding" with prohibiting.

Administrative Director: Okay.

Chairwoman P. Fejeran: But again, that was based on the verbal conversation with Land Management and The Attorney General.

L.C. Toft: Yes.

Chairwoman P. Fejeran: And that memorandum and that conversation was never presented to the commission until recently when we brought it up again.

Administrative Director: I included it in our packet last and we discussed it.

Chairwoman P. Fejeran: Okay, thank you.

Commissioner S. Techaira: What are the benefits in pursuing the cultivation?

Chairwoman P. Fejeran: Cannabis cultivation?

Commissioner S. Techaira: Yeah. Only because it just seems like it's a lot of work too; because Federally it's not on the list so it seems like a lot of legwork to dig into it. I'm just wondering what is exerting energy into it. How's that beneficial? I mean, what regard? *(inaudible).*

Chairwoman P. Fejeran: My opinion is the; especially with this recent passage the cannabis industry will be a new market on our island and seeing as we have a large number of agricultural lessees in agricultural properties, I would like our agricultural lessees to be able to participate in this new market.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: And previous to that, the Joaquin Casey Concepcion Compassionate Use Act was for the patients that needed the medicine.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: Like at this point, there's no cannabis cultivation that's been approved or authorized on land trust properties to be clear, and maybe just ask the Attorney General to provide an opinion based on this new, the new law.

Commissioner S. Techaira: Got it.

Chairwoman P. Fejeran: So, does the commission want to request the director to prepare a letter to Department of Agriculture requesting the hemp program that our lessees can adhere to? Hemp is a very, you know; You can make so many things with hemp; you can make hemp cream with it, you can make clothing, animal food, CBD, right?

Commissioner S. Techaira: Yeah, yeah.

Administrative Director: Yeah.

Chairwoman P. Fejeran: It has healing property, that's all. Ok, thank you. So, I guess with those corrections Director, you can go ahead and forward this to the attorney general.

Administrative Director: Yes ma'am.

Chairwoman P. Fejeran: Okay, moving on to the agenda, financial report.

Administrative Director: It's right here on a separate insert. The long, the really long;

Chairwoman P. Fejeran: Håfa Adai sir. Please state your name for the record.

Joey Cruz: My name is Joey Cruz and I'm the Program Coordinator III for the Commission.

T. Jocson: Can't hear you.

Commissioner S. Techaira: Thank you.

Chairwoman P. Fejeran: Thank you Mr. Cruz.

Joey Cruz: Aside from the normal financial report we submit monthly, Director Hattig had request that we give a brief summary of the types of funds associated with the trust. So, the trust has a total of eight funds. Unfortunately, five out of the eight are dormant. And that's due to, they have no identified funding resource.

Chairwoman P. Fejeran: Okay.

Joey Cruz: Those funds that are dormant and inactive are known as The CHamoru Home Loan Fund, The CHamoru Commercial Loan Fund, The CHamoru Home Repair Loan Fund, The CHamoru Development Fund and The CHamoru Educational Assistance Fund. The three active funds are the first active fund is known as The CHamoru Land Trust Operations Fund. This fund is restricted to fund the day-to-day operations of the Commission. The revenue source for this fund derive from application fees, interest earned from our bank account, commercial leases/licenses executed prior to October, 2015. And you can see what leases are related for; fund this on Exhibit A.

Chairwoman P. Fejeran: That's this one?

Joey Cruz: Yes.

Chairwoman P. Fejeran: So, all of the commercial licenses and leases;

Joey Cruz: Under column; Operation Fund.

Chairwoman P. Fejeran: OK, I see it. Okay, got it. That goes into operations fund?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And then our collection to date, you can find on attachment B, first page. So, from October 1st 2018 to present or to March 31st 2019, the operations fund has collected a total of $619,255.50. Our concern is our projections for the operations fund which is attachment C. In our projection document for FY2018 we used the total cash and cash equivalence balance from our draft audit financial statements ending September 30, 2018 and will be less the due to the Government of Guam which came out to a balance of $2,175,187.13.

Chairwoman P. Fejeran: What is it mean due to go to Guam? What is that?

Joey Cruz: That's monies that wasn't accredited to our account, yet and we owe the government; they use the general fund to pay our expenditures...*(inaudible).* So that was a high figure for 2018.

Commissioner S. Techaira: Why?

Chairwoman P. Fejeran: Yeah why? Did somebody not pay on time?

Joey Cruz: Not that, sometimes our cash flow doesn't meet our expenditures for the month, so, the general fund will pay upfront and then later, the trust will reimburse the fund, or the general funds. So, for 2019 we were appropriated; the trust was appropriated funds for $27,963.00. We project from our cash receipts from our active leases that relate to the operations fund and he will only collect $800,589.00 which you can see on the second page of Attachment C, in details how much we should collect for the year, if everybody pays.

Chairwoman P. Fejeran: Okay.

Joey Cruz: So, we continue projections all the way to FY26; our expenditures, a 2% increase annually which is very conservative and by the end of 2025 there will not be enough money in the bank to fund our operations into 2026.

Chairwoman P. Fejeran: And that's with our expenditures be increased by a certain percentage?

Joey Cruz: 2% annual which is very conservative and just increments.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And any expenditure from this fund requires legislative appropriation.

Chairwoman P. Fejeran: So, we can't just spend without approval.

Chairwoman P. Fejeran: All right.

Joey Cruz: The next active fund; the second active fund of the trust is the CHamoru Loan Guarantee Fund. The funding source for this fund is, comes from payment of taxes which comes from the real property taxes that are paid annually from our constituents and the interest earned from the bank account. We have a Bank of Guam and collection to date from October 1st 2018 to present is $68,238.63. This fund is restricted and the expenditures that relate to this fund are either to pay for defaulted loans, loan guarantees or to pay, repayment of loan where interest is due or pending loan reassignment.

Chairwoman P. Fejeran: Thank you. I'm looking; sorry, Attachment B, I see the collection for the loan guaranty 3415, where can I find the balance? For all of these funds?

Joey Cruz: We can provide that to you.

Chairwoman P. Fejeran: OK so it's not this one here.

Joey Cruz: No ma'am, this is just a collection from fiscal year 2019.

Chairwoman P. Fejeran: What is the non-appropriated funds, the account balance as of March?

Joey Cruz: This is the Bank of Guam Account 274?

Chairwoman P. Fejeran: Yeah.

Joey Cruz: That's all associated with the loan guaranty fund.

Chairwoman P. Fejeran: That's loan guaranty? Oh, these are all loan guaranty? Okay, so that's the current balance of that fund 500 or least in March 2019?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: And we're required to have at least $500,000.00 in there?

Joey Cruz: Yes.

Chairwoman P. Fejeran: And how much was taken out of this fund?

Joey Cruz: In FY2017?

Chairwoman P. Fejeran: In 2017?

Joey Cruz: Three hundred, a little over three hundred some thousand dollars.

Chairwoman P. Fejeran: Okay.

Joey Cruz: I don't have exact figure.

Chairwoman P. Fejeran: So then if the money hadn't been taken eight hundred something dollars, eight hundred thousand? Okay, thank you, and I'm sorry;

Joey Cruz: There's one more, the third active fund is known as The CHamoru Land Trust Survey and Infrastructure Fund. The funding sources, the funding source from this fund comes from our commercial leases/licenses executed after October 2015, although in PL33-95, it sets a cap to year end September 2020, so come September 30, 2020 or October 1st 2020, the funds that come from the commercial leases/licenses will be diverted to the CHamoru Home Loan Fund.

Chairwoman P. Fejeran: Ah, I see.

Administrative Director: One of the dormant ones.

Chairwoman P. Fejeran: One of the dormant ones.

Joey Cruz: Yes, but also in addition to that, 25% of the amount of monies covered in the CHamoru Home Loan Fund annual shall be transferred to The CHamoru Home Development Fund.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And then also 10% of the amount of monies covered into the CHamoru Home Loan Fund annual shall be transferred into the CHamoru Education Assistance Fund.

Chairwoman P. Fejeran: Okay.

Administrative Director: So, from that pot, it spills over to the other government funds.

Chairwoman P. Fejeran: Okay, let me see, so any funding for commercial leases and licenses executed after September 15 are currently deposited into CHamoru Land Trust Survey and Infrastructure Fund?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: And then, the year-end September 30th 2020 which is next year, right, they're going to stop going into the Survey and Infrastructure Fund and they're going to put be put in the home loan fund and then the other funds.

Joey Cruz: They'll be dumped in. Other revenue sources for the Survey and Infrastructure Fund or interests that is earned from our bank accounts are Agriculture and Residential lease payments, sale from government land

Chairwoman P. Fejeran: And the collection from the leases/licenses executed after October 2015.

Joey Cruz: The unique thing about this fund is that it doesn't need Legislative appropriation.

Administrative Director: It's board resolution.

Joey Cruz: In public law; in Chapter 75 expenditures from the fund shall be made pursuant to a resolution by the CLTC.

Chairwoman P. Fejeran: Okay.

Joey Cruz: But of course, we have to prepare a report for the legislature with details from the collection for the month.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And the collection to date from the Survey Infrastructure Fund is $53,027.22.

Chairwoman P. Fejeran: Okay.

Joey Cruz: This one also, in 2017, there was about a little over $11,000.00 that was cancelled out to credit.

Chairwoman P. Fejeran: This one is the one that also had money from 2017.

Administrative Director: Right.

Joey Cruz: Yes, ma'am.

Chairwoman P. Fejeran: Which we'd be seeing 353 or 300 something thousand dollars which the Commission did make a resolution today to go survey and put infrastructure if needed. Okay, so I also see on your notes here that the legislature's intent of this fund was solely for the surveying of the unsurveyed land and for operational needs in support thereof. And then spending from this funding source is restricted to subdivision, surveying, mapping and registration of tracts of residential and agriculture land in the CLTC property inventory and for construction as infrastructure to include access roads, water and power utilities to service CHamoru Land Trust tracts of land.

Commissioner S. Techaira: *(inaudible)...*a lot of money in this account. Is there any progress on getting it back?

Chairwoman P. Fejeran: I don't know, we forwarded a letter, right?

Administrative Director: We did forward a letter in March of this year.

Commissioner S. Techaira: You know how much land we could survey with that, that amount of cash?

Commissioner A. Santos: *(inaudible discussion with Commission members)*

Chairwoman P. Fejeran: So, I guess my question is since going to the CHamoru Land Trust Operations Fund, we, your projections show us running out of money by 2026. Right, so that's like a nine year, seven years. What is our alternative to keeping this fund in our operation center?

Joey Cruz: More Commercial licenses, but also the law needs to be quantified or changed. Public Law 33-95, it states that any commercial leases executed after October 2015 shall be deposited into the Survey Infrastructure Fund, after that it goes to the Home Loan Fund, so no new money from any new leases will be deposited into the Operations Fund, which is, that needs to be amended if possible.

Chairwoman P. Fejeran: Okay, so we can look at that. What about for these, the leases that were executed prior to 2015 that are going into the Land Trust Operations Fund? What if we sign a new lease and extend the term for those that because; the reason why our balance is going down is because we're not bringing in as many, is that because the leases are expiring?

Joey Cruz: They're starting to expire. Yes ma'am.

Chairwoman P. Fejeran: So, what if we, you know, when they're expiring, we want to renew with them?

Joey Cruz: The commercial rules and regs doesn't. It's really straightforward, I mean, once the lease expires, the Commission will identify it as a commercial piece of property, send the resolution to the legislature; 60 days and all that other great stuff, so;

Chairwoman P. Fejeran: Ok, okay. So, then it wouldn't, like we couldn't still consider it one of these revenue sources because it has to go thru the commercial leasing and licensing process?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Ah, I see and then it would be deposited to, what is that, The Land Trust Survey and Infrastructure Fund?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Okay.

Joey Cruz: Sorry about that.

Chairwoman P. Fejeran: It's okay. This is a really great report, thank you for putting it together Joey. This is the first time we've had a very thorough understanding of the funds that were created for the trust. I mean I see the dormant ones as they're dormant but there is a time that money will be deposited, right?

Joey Cruz: Yes ma'am. That amount of money that we deposited is very minimal.

Chairwoman P. Fejeran: Yeah.

Joey Cruz: I mean also we start to get into the business of loaning money, you may want to consider to start planning for an MOU whether it be with Guam Housing, GCC and UOG. I mean it's another task that would be added on to our whatever we're doing now.

Chairwoman P. Fejeran: Yeah.

Joey Cruz: It's just kind of overwhelming.

Chairwoman P. Fejeran: Well, it's not till 2020 but that is next year.

Administrative Director: Next year.

Chairwoman P. Fejeran: I mean yeah, we are in May.

Joey Cruz: Also attached to my summary is a copy of the CLTC's FY2020 budget.

Chairwoman P. Fejeran: Okay, before we move to the budget can we just look at this again. I wanted to look at the loan guaranty fund. This is where payment from Real Property taxes is deposited.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: It's my understanding that all of the payments from real property taxes paid by our CHamoru Land Trust lease holders are not currently being deposited into this fund? They're being paid but not handed over?

Joey Cruz: It's booked as a receivable.

Chairwoman P. Fejeran: It's booked as a receivable?

Joey Cruz: Due from the general fund. So, what happens is there is a government account standard report, standard number 34 that deals with the interfund loan. So, when the collection is made, paid to the Treasurer of Guam, let's say we include it into the daily task for the Government of Guam, but sometimes that money, not sometimes; most of the time that money is used to pay for operations, so when they report any transactions on our books, they'll record a revenue but then the receivable from the Government is Guam, from the general fund. So, if the money is not paid within a reasonable timeframe then we have to apply it as a 34…*(inaudible).*

Chairwoman P. Fejeran: Just write it off as;

Joey Cruz: A transfer

Chairwoman P. Fejeran: Just like how we did the huge chunks of money, six hundred twenty something thousand.

Joey Cruz: If we don't acknowledge and comply with GASB 34, then CHamoru Land Trust's financial audit will probably receive a qualified opinion, which is not a favorable opinion for the trust. So that's why we had to apply to GASB 34 in October 2017.

Chairwoman P. Fejeran: How do we, how do we prevent the general, prevent it becoming a receivable and instead have it being directly deposited?

Joey Cruz: I've been tasked in previous years, so I also maintain the books for Ancestral and they have custody of all their accounts. So that's the one given, but because it's a tax collection you don't have the authority or unless Rev and Tax sends us. So, if we maintain, if we gain custody of the account, that's one thing and preventing any transpose in the future.

Administrative Director: Can that be done through legislation?

Joey Cruz: Yes ma'am, yes sir. We're capable of maintaining her own accounts. And then we've done this with the Guam Ancestral Lands Commission, so there's no reason why we couldn't do it for the Commission.

Commissioner S. Techaira: Why wasn't it ever, like, wouldn't it make more sense to have custody of the account? I didn't think it wasn't possible.

Joey Cruz: At one point in time the commission did have custody of the accounts but then it incurred and went to the custody of the Department of Administration.

Chairwoman P. Fejeran: So, can we;

Administrative Director: I had discussions already with the director. He pointed to DRT; that's it's DRT that has to identify where it's going to go and then once it comes over to DOA, then it goes into where it's supposed to go. And so my question was what are the identification is wrong, it's not being identified correctly from DRT, so that's my conversation with the DRT director is, how can we start to do that; but the question I got back is, was, well we don't have a lot of our lessees aren't being properly being taxed because we don't have our parcel identification numbers and then we break into this issue with Land Management of how we get that.

Chairwoman P. Fejeran: Yeah.

Administrative Director: Once an addendum is done for a lot description correction and then they can begin being taxed on a correct lot or correctly, but if it's a portion of they don't get taxed on a portion of, they don't get taxed on unless it's properly identified, so it leads to another issue and so we're trying to resolve that issue with Land Management right now.

Commissioner S. Techaira: *(inaudible response*)

Chairwoman P. Fejeran: Okay. I mean, can we pursue control of the account with DOA?

Joey Cruz: For the last six completed audits, we've received qualified clean audits. I mean, that should be sufficient.

Chairwoman P. Fejeran: Oh, Okay.

Joey Cruz: To justify*...(interrupted)*

Administrative Director. To justify regaining back our account.

Chairwoman P. Fejeran: Okay. So, okay. Well, I see three main issues with our; that we learned from my financial report. The first is our operations needs an additional funding source or else we will be non-operational in 2026. Is that right?

Joey Cruz: We become dependent on the general fund.

Chairwoman P. Fejeran: Which we cannot be, okay, so that's the first glaring issue; the second is, again the transfer out of the approximately six hundred thousand dollars ($600,000.00), at the very least, I mean, at the very least the $300,000.00 transferred out of Land Trust Survey and Infrastructure because that is within the Commission's priority use, so, we need that back. And then what was the third one, control of the account. It's the home loan; the CHamoru Home Loan Guaranty Fund that would be the account that we would request control of the fund?

Joey Cruz: All three would be.

Chairwoman P. Fejeran: So, none of the three are in our control? Okay, so requesting control of all active funds.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Okay. And then also it looks like we might need to see how, maybe look at the previous public law you mentioned Public Law 33-95 and allow the trust little more flexibility in where the funds get deposited and how we spend it, maybe.

Administrative Director: Also, the adjusting of the dates of when we do commercial leasing. You know, all the commercial leasing that we're about to do, that we're about to embark on. We have to modify those dates sometimes, so that when those; I call that a faucet, so the faucet can be turned on into a fund and then when it turns off and put into another fund and we need to be able to adjust those dates.

Chairwoman P. Fejeran: Right, because I mean, maybe when they wrote this law, they thought we already have a lot of revenue coming in from the new leases?

L.C. Toft: It's possible.

Chairwoman P. Fejeran: Maybe. Okay.

Administrative Director: I'd also like to focus ma'am on collections because it's been a sore spot; I mean, I think that, that would be a; the reason why I had Joey put a sovereignty report together is to identify our weaknesses and I think one of our weaknesses is collections. So, I need to collect from our lessees, our commercial lessees, that is, in terms of payments that are being made on time; to make sure that these funds maintain their cash flow, because as it's alluded; if we in a particular month if we don't make our cash flow then the general fund has to take over and may be reimbursed by us, so to speak, so, in order to keep those levels up I would like to focus also on you doing that and marking on new leases is having our collections in place, for our method of collection.

Chairwoman P. Fejeran: And the report your referring to is attachment A, the sovereignty report?

Administrative Director: This is in its entirety what it is, it's a sovereignty report. It gives you our snapshot of where we're at.

Chairwoman P. Fejeran: And then this Attachment C;

Administrative Director: Right.

Chairwoman P. Fejeran: This is how we go under the land?

Administrative Director: Right.

Chairwoman P. Fejeran: Can we go over the collections right now, that's this one right?

Joey Cruz: That's our listing of leases.

Chairwoman P. Fejeran: And it shows the accounts receivable?

Joey Cruz: Yes.

Chairwoman P. Fejeran: Unpaid balances?

Joey Cruz: Yes, so the first one for the Cushing Zoo, *(inaudible)...* to pay their $30.00 up front, so that's why there's a credit or a negative.

Chairwoman P. Fejeran: Pay it in advance, pay it in advance. Okay.

Joey Cruz: Evelyn store which has an accounts receivable balance of $806. That's a communicative total for how many years already, they only pay $26 a month, that's the store in Umatac, so we've done our inspections and we've reached out to Miss Lujan and we send her invoices and account statements. Now our, we've already prepared already some staff reports and we'll forward it to the board before the next board meeting for commercial issuance.

Chairwoman P. Fejeran: Okay. Okay. Great! So, we're going to have a larger commercial lease, kinda;

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: But yeah if you can go over this quickly.

Joey Cruz: The Guam Broadcasting Partners/Sorensen Media Group has an Accounts Receivable balance of $21,766.43. The previous board in the past years had approved their payment plan that they have submitted, so they roughly only pay $193.00 towards their arrears which was approved by the past board, so we're monitoring that.

Chairwoman P. Fejeran: Are they current except for the arrears?

Joey Cruz: I think they're a couple of months behind but we send them an invoice monthly for their account statement.

Commissioner S. Techaira: How about receipts?

Chairwoman P. Fejeran: The accounts receivable?

Joey Cruz: The last column.

Chairwoman P. Fejeran: The last column, but we'll get a full staff report on this? Thanks.

Joey Cruz: Yes ma'am. The next commercial lease holder that has an Accounts Receivable is the Guam International Country Club. Their AR is $34,044.80. Mind you the accounts receivable balance is, as of April 24; I believe they came in the other day or today to make payment so that would be reduced a little but also, we do send GICC a letter and invoice monthly of accounts receivable reminding them of their past due.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next commercial lessee/licensee is the Guam Resource Recovery Partners. Their accounts receivable balance is greater than $30,800. The only reason why its reflects $30,800 is the recent in the past years we unclassified their AR's...*(inaudible*); and
only because the court had terminated their lease but they exercise their right for hearing, to be heard but with the recent news in the paper about Mr. Wagdy Guirguis' indictment or convicted, it was unknown, but then recently Mr. Sablan has mentioned to the Post, that GRRP, whatever case is going on, that the GRRP will have to go through court, so it's still unknown what their intentions are.

Chairwoman P. Fejeran: Okay.

Joey Cruz: But in the event that a hearing is given to GRRP, and its determined that they're willing to pay them the arrears, we can always reverse that entry and it will record the total.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next Lessee with account receivable is I&TE, with $761.68. IT&E pays through EFT so it goes directly to the government of Guam and into the Government of Guam closes books for the month or for the quarter and posts it and then we go in to adjust it...(*inaudible*).

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next Lessee with an Accounts Receivable total is I-Connect, $8,312.64. We've been sending I-Connect also letters monthly, invoices monthly, account statements monthly; we will prepare a staff report and forward it for the board at the next commission meeting under commercial.

Chairwoman P. Fejeran: Okay, thank you.

Joey Cruz: The next lessee is Johnny Cool Towing. They have a credit of $6,176.08.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next Lessee for the operations side with an accounts receivable balance is the United States Postal Service which is $3,648.16. We're communicating with their contracts officer, I think, that's her title, in the US so we're preparing to forward her all the previous leases so they can do the reconciliation on their part. And then for the Survey Infrastructure Fund, the United States Postal Services again has an accounts receivable balance of $4,125.05. This lease is associated with the Dededo Post Office. The reason why it has a receivable amount is instead of us invoicing them $415.33 a month, the lease calls an annual rate of $55,000.00, I mean $5,500. And agricultural leases they have no*... (inaudible).*

Chairwoman P. Fejeran: Okay, so as you're putting so gather to staff reports for the next meeting, will it be focused solely on the ones that are in arrears?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: And then can you also; I circled a bunch of leases that are expiring or have or have expired, I see you one, the first DOCOMO one expired last year, 2018.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: There is a; and then I also see a bunch of leases that are expiring this year 2019 and also 2020. So if you can also pull those leases

and give us a staff report on the property because if we have to go through the commercial rules and regs to get those commercially leased again, I think we should be ahead of the curve and have the whole process done before the lease expires.

Administrative Director: I've asked Joey already to keep an eye on that and he's providing me with reports on how we can do that and get ahead of the ball game especially for DOCOMO, IT&E overseas, and GTA TeleGuam.

Chairwoman P. Fejeran: I mean, I see Johnny Cool Towing has 3,783 square meters and they have pay $477 dollars.

Joey Cruz: And eighty-eight ($0.88) cents a month.

Chairwoman P. Fejeran: A month?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Yeah, so I'm glad that one's expiring soon, I mean I think we need to; so if you can give us a report of was expiring and then we can identify on map and move forward to possibly engage or to go through the process; we have to have public hearings and go through that whole thing. Okay, thanks Joey. Awesome.

Joey Cruz: So, the next documents.

Administrative Director: Could ask him to just go over the land inventory just to conclude.

Chairwoman P. Fejeran: Okay, yeah.

Administrative Director: That's just a very important point for me here.

Chairwoman P. Fejeran: Oh, this last page, thank you.

Administrative Director: Land inventory, commercial land inventory.

Joey Cruz: So, PL33-95 was enacted on November 9, 2015 and authorized CLTC to declare and designate 9% of the total remaining unassigned CHamoru Land Trust Commission land inventory for commercial use. So what we did was we took the total land inventory as of year-end September 30, 2015 which was 11,061.78 which also reflected in our year end audit 2015 and then we took the total assigned inventory which was 2,846 acres point 22 and we deducted it left us with an unassigned inventory amount of 8,215.56 acres, so 9% percent of that came up to 739.40 acres and then there was an increase in 2018 which would be reflected in our final audit report of 606.38 acres and then we took the difference between 17 and 18 which was more interest which is 23.49 acres so it left us with unassigned acres 582.89 acres, 9% of that came out to 52.46 acres which came up with a total acres available for commercial lease license

791.86 acres. As of April 24, 2019, we've leased 603.76 acres, which leaves a balance of 188.1 acres left to be leased.

Chairwoman P. Fejeran: Okay, so sorry for the total acres lease license is four twenty-four nineteen, that includes everything we're looking at here, so that would include the raceway.

Joey Cruz: It's already encumbered.

Chairwoman P. Fejeran: So, it's already encumbered. Okay, so we're talking about newly designated commercial licenses that we send.

Joey Cruz: Just keep in mind is that every time you convey property or inventory decreases; so, with our 9%, it would increase also.

Chairwoman P. Fejeran: Okay, so we have 188.10 acres left.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Can we just circle back to the public law because I'm wondering if the, this 9% is inclusive of existing commercial land inventory. Because right now we're assuming it the existing licenses were inclusive of the 9%? But they've already been designated so they're not newly designated so I would just ask that we just clarify with what the public law will be in you to get it in and I understand the intent is to limit commercial leases because our real purpose here is to give land for homes and farms but so that's just something we can look at. So that I mean just makes it even more clear that the commission should use the properties that are already leased that will be expiring soon to get new leases and revenue.

Administrative Director: The unassigned, does that include the five properties that we set aside for commercial lease?

Joey Cruz: It does not include the five properties that we set aside.

Chairwoman P. Fejeran: The unassigned?

Joey Cruz: Well the unassigned, it includes all the seven. Our calculation of total acres lease/ license doesn't include.

Chairwoman P. Fejeran: Does not include, right because they haven't been leased in a while? Ok, thank you.

Administrative Director: Thanks Joey.

Joey Cruz: Last documents for FY2020 budget for CHamoru Land Trust. The Bureau of Budget Management and Research set a ceiling for the trust for one million, forty-seven thousand eight hundred thirty-two dollars which is detailed in the letter.

Chairwoman P. Fejeran: Okay.

Joey Cruz: There is a lot of cuts that had to be made for our operations in order to meet the budget ceiling considering our existing staff. So, if we flip to BBMR form 96A which is after the digest, one more page, one more, before that, we can just look at the digest, sorry. The budget digest; it details what we're requesting for FY2020. So, salaries for FY 2020 we are requesting $593,013.00; benefits $203,721.00; contractual services $86,596.00; office space rental $124,391.00; supplies and materials $15,000.00; drug testing, $80 dollars; miscellaneous $7,200.00 which brings the total to operations of two hundred, I'm sorry; telephone $17,831.00 which brings a total of probation request to $1,047,832.00. So, we're within our ceiling but we had to sacrifice a lot of services, contractual services that we had this year. So, like our hearing officer we have no funding for 2020 to fund the hearing officer. That was one of the contractual services we had to sacrifice.

Chairwoman P. Fejeran: Did we ever pay a hearing officer?

L.C. Toft: We never used it. *(inaudible)*

Joey Cruz: We never even used it.

L.C. Toft: *(inaudible discussion with Chairwoman)*

Chairwoman P. Fejeran: Oh great. Okay, okay.

Administrative Director: We also had to forgo the recruiting of the Private Secretary. At the beginning of February, we were slated to; we had to sacrifice that one too. Just factoring in our separation of agencies, too. The utilities or the communications is the big one the $17,000.00 for communication to maintain our own communications.

Joey Cruz: For 2020 we also incurred cost for a copy machines which we never had in the past.

Administrative Director: We're working with the management right now to see if we can work out a deal for continued services, joint services for copies.

Chairwoman P. Fejeran: So, for office space rental, when they do move this is our budget for the year.

Joey Cruz: Yes ma'am, for the year.

Chairwoman P. Fejeran: Okay.

Joey Cruz: It's a carryover, roll over from previous years. It hasn't decreased.

Chairwoman P. Fejeran: Okay, thank you. I look forward to reading more of this and I know you guys put a lot of work it. I see good stuff here. Thank you.

Administrative Director: Thanks Joey. I appreciate it.

Chairwoman P. Fejeran: Thanks. I'd like to call a 10-minute recess. Thank you. We'll reconvene at 3 o'clock.

Administrative Director: We're on time.

Chairwoman P. Fejeran: I'd like to call this CHamoru Land Trust Commission meeting back to order. Next up on the agenda is New Business, Number One, Administrative Matters, Former Land for the Landless properties ready for leasing. I think we had a misconception that had very strong comments at the last meeting that you know I went home and really reflected on it. Although she was commenting; her and her son are 1995 applicants and she still, they still don't have a lease right and they're one of many, however we did find out that she has been offered properties that she declined, so we were trying to service her but besides the point, you know, it's in just about a year since we put a moratorium on all new leases

Commissioner A. Santos: For Barrigada Heights;

Chairwoman P. Fejeran: For newly assigned Leases, right, And I would like to go over the former land for the landless properties that are actually in our inventory now and ready for leasing and ask the commission, if the commission would like to instruct the director and staff to move forward to issue new leases. I know that we've been, you know that we've had a whole workshop about all the changes we would like made to the law but you know that is a very lengthy process to go through the legislature and all of that. While we will still be going forward to pursuing those changes, I think it is also important that the commission still moves forward in leases of properties to those people on our waiting list. Of course, adhering to the existing rules and regs, right? So, what we have in our packets are former Land for the Landless properties. What was provided were affidavits of administrative transfer by public law so basically just tells us, there's;

Commissioner A. Santos: How many lots?

Chairwoman P. Fejeran: There's five subdivisions with lots that have been added into the CHamoru Land Trust inventory.

Commissioner S. Techaira: Oh wow, I like it!

Commissioner A. Santos: And they're leased too?

Chairwoman P. Fejeran: No, these are ready for leasing, they're vacant. So, I actually wanted to ask because there was no like staff report or any analysis provided.

Administrative Director: We actually just got these, actually last month, but we've been made aware of the Land Management. There's a couple of issues in the Ija Subdivision; just a couple in, in Inarajan, and so I'd like Margarita Borja to kinda expound a little bit on what some of those issues might be in regards to that subdivision and then we can put together a whole staff report.

Chairwoman P. Fejeran: Okay, actually, maybe we can get back to that later? But what I'd like to do is just; there were notes found. Whose notes are these?

Administrative Director: That's, um, Mr. Joe Borja.

Chairwoman P. Fejeran: Oh, Joe Borja, okay. So that was kind of the start of my understanding. So, there's five subdivisions. There's Umatac, Talofofo, Ija, Pigua and FEMA. And these are all down south, right? I think Pigua I saw was in Merizo, Malesso;

Commissioner S. Techaira: FEMA is in Dededo.

Chairwoman P. Fejeran: Oh, FEMA is the only northern one. So, just based on the notes from the Director of Land Management, it looks like there's a lot of lots that were transferred but there's only, there's 16 lots in your Umatac; 16 lots but only two I would consider leasing.

Commissioner A. Santos: Available?

Chairwoman P. Fejeran: Right, available because there's utilities and there's access. Okay?
For Talofofo there's 12 lots that are in our inventory and all 12 are leasable. Ija, there's 103 lots but there's no numbers associated. 103 lots, it says sporadic utility, sporadic paving.

Commissioner A. Santos: So, how big is the land?

Chairwoman P. Fejeran: So, these properties are a quarter acre lots. Is that right? So, these are a quarter acre lots. There's only 103 lots but sporadic access and utilities so what I'd like to ask is the director and the staff to determine how many of those lots are leasable, which means there's access and utilities. For Pigua, all 36 of the lots are leasable. For FEMA all 10 of the lots are leasable and there were also additional notes from Mr. Borja that the FEMA property has access to amazing facilities; there's a playground, there's schools walking distance, it's across the street from a fire station, so I really see that those 10 FEMA lots in Dededo are very conducive for families with small children.

Administrative Director: It's right near Astumbo.

Chairwoman P. Fejeran: It's in Astumbo?

Administrative Director: It's in Astumbo, Sagan Linahyan.

Chairwoman P. Fejeran: Oh, Sagan Linahyan.

Administrative Director: That's what he's referring to, that area; the two schools, Astumbo Middle and Astumbo Elementary and fire station that's there in Astumbo.

Chairwoman P. Fejeran: So, from my calculations leaving Ija out of it because you don't know the exact number but you'll get us the number. There's at least sixty (60) properties that the commission can lease out to those on our waiting list.

Commissioner S. Techaira: *(inaudible)*…So that's 12; you're not including Ija?

Chairwoman P. Fejeran: So, Ija, we don't know how many is leasable.

Commissioner S. Techaira: Oh, okay, so then;

Chairwoman P. Fejeran: 2 in Umatac, 12 in Talofofo, 36 in Pigua, and 10 in FEMA. I think that's 60?

Commissioner S. Techaira: So only 2 lots out of 16 are good in Umatac?

Administrative Director: Because of utilities and;

L.C. Toft: Probably some geographic, topography as well; some of them are lots that are basically; *(inaudible)*

Administrative Director: Mostly hills mostly on the deep end, cliffs and stuff

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: So my question, my question for the commission is, do we want to direct the director and the staff to; I think before we get to the process it actually...*(inaudible);* what I'd like to see is a very simple, standard operating procedure for how we're going to about the leasing, the leasing process, right?

Administrative Director: Right.

Chairwoman P. Fejeran: And that will come right out of PL23-38, right?

Administrative Director: Yes.

Commissioner S. Techaira: I think;

Chairwoman P. Fejeran: With the waiting list;

Commissioner A. Santos: First come, first serve.

Chairwoman P. Fejeran: I want to see the waiting list, first come first serve and then the priority ones. Okay? How you propose to do the noticing

Administrative Director: Right.

Chairwoman P. Fejeran: And how many on our waiting list are you going to notice?

Administrative Director: Right, right.

Chairwoman P. Fejeran: Because say we have 100 properties available. Are we only going to notice the first hundred? Are you going to notice the, you know; how are you going to do this?

Administrative Director: Okay.

Chairwoman P. Fejeran: So, I'd like to see a very simple standard operating procedure process, a process flow that the commission can review, and legal counsel can review, so that we can make sure we're abiding by the Public Law 23-38.

Commissioner A. Santos: And award those that really need it.

Chairwoman P. Fejeran: Yes, and then we'll go; we're going to start at the very top of the list and go down that. Basically, follow the law, right?

Administrative Director: Right.

Chairwoman P. Fejeran: And as you're going through in putting this process together, I'd also like you to put together; there's going to be common questions that come up.

Administrative Director: FYI.

Chairwoman P. Fejeran: We're going to notice somebody's grandpa and they're going to get the notice and their grandpa passed away, so we're going to have to have answers to commonly asked questions, like what do I do, I saw my grandpa on the list?

Administrative Director: Okay.

Chairwoman P. Fejeran: We should have like a standard boiler plate if, if your relative was noticed and they passed away. This is what you have to do, like find out if there's a beneficiary right; this is who you talk to at land trust, if there's a death right? Also, I think for the noticing, one of the sticking points was that one of our adjustments to the public law was the noticing by registered mail

versus certified mail, we prefer certified mail but I believe that is only if we are only going to take somebody's name off the list. We have to go to that process.

Administrative Director: Okay.

Chairwoman P. Fejeran: So, I would ask the director and staff to consider maybe doing; not going to registered mail because it's very cost prohibitive and instead doing another way of noticing and then the people that don't respond within 90 days, we just move, we just keep their name on the list but Flag it as non-responsive, non-responsive, non-responsive. I'd also like for the director to present the boilerplate language to be used for the leases so that the commission can review. I've asked Shawntel, our real estate advisor here to take a look at the lease with a fine-tooth comb to see if that the lease terms are up-to-date.

Commissioner S. Techaira: That's Nick's job. *(laughter in background)*

Chairwoman P. Fejeran: Oh, Nick always has the final say but you know, you've been in the industry, you know the language and the terms that are very common in best practiced today, so if you could look at the lease the boilerplate lease that's proposed and then also kinda propose your own, add it in and then of course we'll have Nick look at everything. So, I'd like, maybe;

Commissioner S. Techaira: If I can get that? You have a template for that?

Administrative Director: Sure, sure.

Commissioner S. Techaira: Just to have a look thru it.

Administrative Director: I'll email you.

Commissioner S. Techaira: Okay, thank you.

Chairwoman P. Fejeran: So, what I'd like, okay and then, what I'm hoping right, is we don't go through leasing on a person by person basis, it's chunks of property by chunks of property and this will be her first chunk of property, right? So, we have at least 60 and what I'd like is to get at least those; to get the 60 or however many lots were gonna lease, bring all of those applicants that have accepted the award, bring them all thru the process at the same time, okay; to get to the actual awarding and I would also propose, I would also ask the Commission and the Director consider awarding on a lottery basis.

Commissioner A. Santos: Lottery?

Chairwoman P. Fejeran: Yeah, so rather than servicing each individual and;

Commissioner A. Santos: That's a good idea.

Chairwoman P. Fejeran: Saying okay here's a map; what property do you want it's okay; I would ask the Director and the staff to look at the properties and if they think it makes sense to kind of allow applicants to decide, oh I wanna be in Umatac, then okay they can be in Umatac but then okay they'll pull a lottery for what actual lot they're going to get. So, it makes sense? (2:00:57)

Administrative Director: I'd have to go; I think I have to also talk also; look at the language of the current legislation as to what that allows, the declination process number one and the ability for them to choose, I just have to make sure that we're going on the same statute and then once I do that, once we figure it out will provide a process for you;

Chairwoman P. Fejeran: Okay, great!

Administrative Director: That way you can look it over.

Chairwoman P. Fejeran: Okay, awesome! It'll be a process, right? For identifying;

Commissioner A. Santos: Land for the landless;

Chairwoman P. Fejeran: The applicants on the waiting list will be servicing.

Commissioner S. Techaira: Is there a way that you guys can tell what the land is like? Or you already know out of this whole batch there's only "x" amount to work with?

Chairwoman P. Fejeran: I mean, I was just going off of Department of Land Management Director's notes.

Commissioner S. Techaira: Is that down the cliff or whatever, you know?

Administrative Director: I'm going to be surveying; I'm going to be physically going out and looking at the properties anyway and I think that's our goal is in the compilation of what you requested for Ija especially but for all the lots, I think that's important for us to physically look at it and see if its viable and then report back and give you back that definitive list of properties and make a lottery out of.

Chairwoman P. Fejeran: Great, great let's do that. And if you're out there, can you take photographs

Administrative Director: Of course

Chairwoman P. Fejeran: And give us a slide show and see what it looks like. And then also, if you're out there and there are lots that are definitely not developable, identify those as well and we can set those aside as conservation.

Administrative Director: Right, okay.

Chairwoman P. Fejeran: Okay, so that we're not revisiting it five years from now just to realize again we can't be leasing it. So along with the process what I'd also like to see is like at every step of the process common questions that our beneficiaries will have and like very direct and straightforward answers to those questions so that the staff is not constantly repeating themselves or sharing different kinds of information.

Administrative Director: Right. Correct. Okay.

Chairwoman P. Fejeran: And that's a lot of work, I know that's a lot of work but I know you guys can do it.

Commissioner S. Techaira: You know what's awesome about these though? He has these notes here I see.

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: So how is he able to get like all this information, I see sporadic like utilities; I see, I'm sure, I'm sure;

Chairwoman P. Fejeran: Yeah, yeah.

Administrative Director: He has a lot of institutional knowledge because he was Land Management, Land Trust Director.

Commissioner S. Techaira: I'm sure he has access to overlays and wouldn't that be helpful if that was included?

Chairwoman P. Fejeran: Yeah. This is just a very initial, let's get this going but I'm hoping; in a subsequent meeting, I'm hoping we'll have all that information. So, I realize it's going to be a lot of work. I would like to propose that in lieu of our first meeting of the month in June we cancel the first meeting of the month till the first Thursday; we cancel that so that the staff and director can really work to get us where to where need to be with this new leasing process for the third meeting of June.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: Does that make sense?

Commissioner S. Techaira: Yeah.

Chairwoman P. Fejeran: Because I know that you guys do a lot of work to get the agenda and all the public noticing out for the first meeting and then all the staff is here.

Administrative Director: Yes.

Chairwoman P. Fejeran: Right, so let's cancel the first meeting of June, and what I'd; but maybe instead of the first meeting in June you send us a progress report or drafts of whatever you have so that the commission can review and respond prior to having a full presentation in June. Do you think that's feasible?

Administrative Director: So, June 6th? So, send it to you by June 6th and send a draft forward?

Chairwoman P. Fejeran: Yeah, draft, progress report.

Administrative Director: And then by the 20th do you want the; is that when the actual presentation will be made?

Chairwoman P. Fejeran: If yeah; I think you guys, I think you guys could do it! What do you think?

Administrative Director: I think that's feasible.

Chairwoman P. Fejeran: Feasible? Okay!

Commissioner S. Techaira: You're going on leave, right?

Administrative Director: Pretty soon, pretty soon.

Commissioner S. Techaira: So how does that work if he's on leave?

Administrative Director: Well I'm on leave but I come in, come in and work still; so they'll be patches of time when I'll be in, I won't be completely gone, it's not so I'm going to come in from time to time to make sure that I; you know I complete my reports and then I visit the staff and say deadlines, you know provide me with; I'm going to back plan 6th June to 20th June, and I'm going to back plan so I know exactly when and where, you know, these reports are going to be in and what stages.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: But I won't leave the commission hanging.

Chairwoman P. Fejeran: Okay, and you know the June 6th if you don't have a draft, that's okay, just give us a progress report a progress report.

Administrative Director: Progress report?

Chairwoman P. Fejeran: Yeah, I'd rather you guys take a little time to make it stronger than to rush through it but also know that the clocks are ticking.

Administrative Director: Oh yeah, yes ma'am.

Chairwoman P. Fejeran: Okay, awesome this makes me really excited and I think that the commission can move forward to start issuing new leases. We just have to set the process now so that there's no question and I think that there's going to be some policy questions, you know, like how we identified in the public law; there's a lot of ambiguity, so as those ambiguities come up for you as you're going through the process, if you could flag down and present them to the commission, so that the commission can make and state on record what our policy is for this ambiguity rather than waiting the lot to be amended. I think we can set policy at the commission level on how we handle that. Thank you. Okay, any other comments about the new, new way forward? Going onto New Business, Commercial Leases Status Updates.

Administrative Director: Coco Recycling. They just want; there's nothing going to be in your packet.

Chairwoman P. Fejeran: Okay.

Administrative Director: I'm just giving you a verbal updates, and they want to continue their tire recycling initiative and program there, so they've come in to re-initiate that. I met with a representative last week and I've advised them to give us a timeline and also we've advised them to clean up whatever's already there because we took a look at the site, we went for a site visit and there is still stuff that needs to be cleaned before they begin any other operations. So, they've agreed in principle to submit a timeline;

Chairwoman P. Fejeran: Okay.

Administrative Director: For their operations and I will give reports to the commission based on those timelines.

Chairwoman P. Fejeran: So is Coco Recycling, oh yeah right here. So, they're in Barrigada and they're current?

Administrative Director: Yes.

Chairwoman P. Fejeran: Okay, this is the one that went to the legislature; they are the ones asking for reimbursement, right; for the typhoon debris and recycling

Administrative Director: Yes, yes.

Chairwoman P. Fejeran: But that's not going anywhere?

Administrative Director: No.

Chairwoman P. Fejeran: Okay, but they are currently our Lessee?

Administrative Director: Yes.

Chairwoman P. Fejeran: Nick, would our working with them on this new endeavor, I don't know have any impact on what they're claiming what is owed to them?

L.C. Toft: I mean, no not yet, it kinda depends on what we; how we do it.

Chairwoman P. Fejeran: Okay, okay.

L.C. Toft: Not in it of itself, no.

Chairwoman P. Fejeran: Okay.

Administrative Director: With regards to the raceway, actually right here on the; there is a separate staff report.

Chairwoman P. Fejeran: Oh yeah, okay.

Administrative Director: So, the raceway is on it, so if you could take a look at the staff report for the raceway. So currently these are the facts right now. One of the complaints or issues were that they were noncompliant before. Event admissions was never being remitted and so that's why we need to kind of get into that with the new lease, right? In terms of the new lease and make sure there are safe guards so that we don't, that we can prevent this noncompliance especially on the event admission of participation fee.

Commissioner S. Techaira: I don't understand. What does that mean?

Administrative Director: That means they we're holding events and they were supposed to give us a part, a portion of those fees, but they never have.

Chairwoman P. Fejeran: Yeah, like $2.00 per ticket that was sold was to come to the trust. And then didn't they just have Smokin' Wheels?

Administrative Director: They did.

Chairwoman P. Fejeran: Do people pay to enter?

Administrative Director: Absolutely!

Chairwoman P. Fejeran: Really?

Administrative Director: Yeah!

Commissioner S. Techaira: Can't we just go get all that money?

Chairwoman P. Fejeran: So, they're still noncompliant?

Administrative Director: That's what the issue currently is and that's why am moving into the new lease terms we're; we're not you know; I'm not entirely

sure how to proceed with their non-compliant, so of course we're going to get the money, but in terms of renewing their lease because I believe it's up before the actual June deadline. So, the commission has maybe like 14 days where they can; I don't know, whether they want to continue the lease for 14 days from my understanding.

Chairwoman P. Fejeran: It's not a month to month? I thought were in month to month?

L.C. Toft: We were in a month to month but we said not to exceed a year.

Chairwoman P. Fejeran: Right, okay, okay, okay. I see, okay, just for the record I just want to reiterate here, they're non-compliant with the existing month to month lease and we're being asked to give them a new lease;

Administrative Director: Right.

Chairwoman P. Fejeran: When they're noncompliant?

Administrative Director: Right.

Chairwoman P. Fejeran: I suggest you reach out to Mr. Simpson and them and say where's, why;

Administrative Director: Yeah, under Item G, other details, no event admission has been paid since March of 2018 so that's what we're going to try and seek redress for.

Chairwoman P. Fejeran: Okay.

Administrative Director: I did mention it to them in our first meeting, in our initial meeting to discuss the new lease was that we have noncompliance issues from a previous lease. So, I don't know whether that precludes us from moving forward with any negotiation on a new lease but our thinking, Joey and I's thinking was to prevent this noncompliance we need to put more, and Nick chimed in on this too, right, more in their lease that requires them to comply and then more that holds them accountable, language that holds them accountable.

Chairwoman P. Fejeran: Right, I mean how about what if we just say, "ok you're really terrible at keeping track of your events, so we're just going to assume you do, you would be paying us this much for your events so we'll just tack it on to the rent". Can we do that? That way we don't have to check.

Administrative Director: Yeah, and something we can consider, you know any arrears or anything that they owe.

L.C. Toft: Well, I think we should make that part of the terms going forward.

Administrative Director: Sure.

L.C. Toft: Is, I believe they hired Attorney Cunliff to work with them on this, so I'll make it clear that that's a; it's part of...*(inaudible)* before we get to the term's current proposal.

Administrative Director: Right! Is that like a written acknowledgment?

Chairwoman P. Fejeran: Payment for like; to become compliant? As comprised to? And you know what, if he doesn't have numbers, we can put together numbers for him that he owes us, right? We could social media, backlog everything.

Commissioner S. Techaira: They know, they know.

Chairwoman P. Fejeran: They know! EIF; I've been to a concert there, paid fifty dollars ($50.00).

Administrative Director: So that's our current; we did provide a draft lease there for the board's review.

Chairwoman P. Fejeran: Okay. Thank you.

Administrative Director: So, the board can review those and see if you have any concerns that need to be addressed and again and any draft will go through the legal counsel and make sure he figures everything at the top.

Chairwoman P. Fejeran: Okay, does the property need to be, have an appraisal to set the fair market value?

Commissioner S. Techaira: I think so man, it's 2019. It's a different market.

Administrative Director: I also question how often*...(inaudible).*

Commissioner S. Techaira: It's a beautiful place. That two dollars ($2.00) is a little bit low. You might wanna;

Chairwoman P. Fejeran: That was even public law. The public law said two dollars ($2.00).

Administrative Director: I didn't see any anything in the law. I mean if I'm wrong;

Commissioner S. Techaira: No, not in the;

Commissioner S. Techaira: I mean, the way this is working out, it is very one sided.

Administrative Director: I think in the modest market, they need to provide a fair market value. I think the only one was the environmental assessment was the one that was required.

Commissioner S. Techaira: We've been working on this for a while.

Chairwoman P. Fejeran: Can we request their audited financial statements covering the last three (3) years as we negotiate this lease?

Commissioner S. Techaira: That's a good one.

Administrative Director: Sure. Can we put that down?

L.C. Toft: Yeah. I think we should.

Chairwoman P. Fejeran: Yeah, let's do that.

Administrative Director: So audited financial statement for 2016, 17 and 18 or 19? 2017 to 19? 2019?

Chairwoman P. Fejeran: 2016, 2016. When did we tell them to stop quarrying? Do you have a number? 2016, right? Yeah, 16 or 17? I mean I wonder if they're even going to pursue this because the public law says that they can't do rock, what is it? No extractions.

Administrative Director: No mineral extractions.

Chairwoman P. Fejeran: So, when does the, when does the right of entry or month to month or when does the month to month end?

L.C. Toft: *(inaudible*)

Joey Cruz: May 31.

Administrative Director: May 31st.

Chairwoman P. Fejeran: Well, and then we're supposed to have a lease negotiated by June 18.

Administrative Director: Yes.

L.C. Toft: Are we able to get an appraisal performance before then?

Commissioner S. Techaira: I mean, we can rush it.

(Inaudible conversation amongst the round table)

Chairwoman P. Fejeran: It has to be them.

Administrative Director: It gotta be them. Well when we get a hold of them; we'll signal that then, in my next meeting, you know, we're gonna talk about the

appraisal and we'll tell them to get their appraisal done because it's really, you know, its dependent upon, the lease is dependent upon that.

Chairwoman P. Fejeran: Yeah, also, how about, shouldn't we get our own appraisal? Is that how are done? Like one party gets their appraisal, we get another one?

L.C. Toft: *(inaudible response)*

Commissioner S. Techaira: *(inaudible)...*you get them to pay for theirs, they can fix it and vice versa.

Chairwoman P. Fejeran: Right.

Commissioner S. Techaira: Because they'll just hire whoever...*(inaudible)*

Chairwoman P. Fejeran: Yeah, right.

Commissioner S. Techaira: So, it would be better if they get theirs.

Chairwoman P. Fejeran: Right, we would have to get ours too or we set, or we just set the rent ourselves. There's nothing from preventing us to set the rent ourselves, right?

L.C. Toft: Correct.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: I mean, that's a long lease. They've only been in;

Administrative Director: A monthly rental of $4,000.00.

Commissioner S. Techaira: $4,000.00?

Chairwoman P. Fejeran: I mean I know! That's why we set it ourselves.

Commissioner S. Techaira: Yeah, it really needs to be look up very, very carefully. *(inaudible)...*happening fifty years from now. *(inaudible)*

Administrative Director: Joey, are we able to get this appraised ourselves?

Joey Cruz: We shouldn't have. It should be the licensee.

Administrative Director: It should be the licensee, right? To appraise this?

Chairwoman P. Fejeran: They would have to pay for it.

Administrative Director: Yeah.

Chairwoman P. Fejeran: But then also just so we are secured, get our own appraisal.

Joey Cruz: In the past they would require*...(inaudible)...*by the licensee, then the government would choose*...(inaudible).*

Administrative Director: But it's paid for by the licensee, for both.

Chairwoman P. Fejeran: Okay, so both paid but we get to choose the appraiser for one of them? Okay, that sounds fair.

Administrative Director: Okay.

Chairwoman P. Fejeran: Or we just set it ourselves arbitrarily? *(long pause)* Yeah, this is fifty (50) years. Okay, can we revisit this at the May 16th meeting?

Administrative Director: Sure.

Chairwoman P. Fejeran: Hopefully by that time you've spoken with them, expressed our real concerns and then if I can task Commissioner Techaira to look at the proposed lease terms and provide comment.

Commissioner S. Techaira: Okay. So that's to this draft here?

Chairwoman P. Fejeran: No, not that one, this one. The proposed CLTC lease terms

Administrative Director: The bigger one.

Commissioner S. Techaira: *(inaudible)*

Administrative Director: No, no we're gonna to develop in this format but we just wanted to lay it out first.

Commissioner S. Techaira: Okay, so these are together?

Administrative Director: The draft was the one that they sent, the first one, was the one they sent us.

Commissioner S. Techaira: Okay, gotcha!

Administrative Director: Then the second one.

Commissioner S. Techaira: On both pages?

Administrative Director: Yeah, very short.

Commissioner S. Techaira: *(inaudible)*

Chairwoman P. Fejeran: It's probably missing some of those, I just think we just have to be very, very clear and tough with what the payments are required; what recording they had to do. I understand they keep racers off our streets, which is so important to the safety of our island. But we also have to consider that we have thousands of our applicants waiting for property and; so okay, so will revisit Guam Raceway May 16th.

Administrative Director: Okay, thank you. Okay, so, the commission...*(inaudible)*

Chairwoman P. Fejeran: Yes please.

Administrative Director: We do have a representative here. The Hal's Angels Football Association has requested through the director's office to require the Guam Rugby Club maintain their access on the Lada Avenue through their property rather than through Santa Monica through the Hal's Angels property. So, I spoke and I think with you about it and we've given the opportunity to sending a letter outlining exactly what the trust did in terms of making sure that, that was made hold instead of making it a public access and we're going to send that letter out. We're having trouble trying to locate the office.

Chairwoman P. Fejeran: Which one?

Administrative Director: The Guam Rugby Club's actual office; we attempted to serve. Did you? Okay.

Chairwoman P. Fejeran: I saw there too that they owe rent?

Joey Cruz: Guam Rugby?

Administrative Director: Actually, it's zero.

Joey Cruz: Their fee was waived.

Administrative Director: Yeah, their fee was waived.

Chairwoman P. Fejeran: Their fee was waived? Oh, I see, it says here. Their rate is zero? They pay nothing?

Joey Cruz: They don't pay.

Administrative Director: They don't pay. Yeah.

Chairwoman P. Fejeran: You're kidding! How did that happen?

Commissioner S. Techaira: Yeah?

Administrative Director: Yeah, I don't know. When he put the star reports together, we can raise that issue but so I did speak with Mr. Shiroma who is in

attendance today and he's satisfied with us trying to enforce, even myself trying to enforce the right of way, their entrance to their facility.

Chairwoman P. Fejeran: Yes.

Administrative Director: We did take a look at the property and he made; Rugby Club was moving some of backfield that was in the area on Hal's Angels property, so he told them to please stop, you know that's not your property but they also put concrete poles down to kind of prevent access, you know, to the backside or to the vacant field adjacent to the rugby field, so that was a concern and then there was also trash in the area. That was not Hal's responsibility, so we're going to be addressing that to the Rugby Club.

Chairwoman P. Fejeran: Okay, well, I'll be honest, when we first spoke about this, I think it was last week, right, when I was looking at the agenda. I was kinda blown away that what we decided was not followed through and I apologize to you, Mr. Shiroma. My assumption was things were going great and our decision was followed.

Administrative Director: Right! I've advised also Hal's to continue to put their chain up because they do have a barrier there, but they were being told that Rugby comes every weekend and puts down the chain and just goes in. So, I might have to do a visit this weekend, you know an official visit this weekend while they're there to make sure that I personally, you know, have seen it and tell them about it, you know, advise them about it.

Chairwoman P. Fejeran: Okay, is it too soon to do a cease and desist and what, what, what bearing does their actions have on their lease, Guam Rugby.

L.C. Toft: I have to see the lease to see what the terms are but yeah, we could always do a cease and desist at any point.

Chairwoman P. Fejeran: Yeah, I say we do a cease and desist because it's been how long since we made the decision. The commission expected it was being adhere to, come to find out now it hasn't been. I think more than we; I'd like to issue a cease and desist for the access and if legal counsel could look into their lease terms to see if what recourse if any.

L.C. Toft: Okay.

Administrative Director: I'll draft a cease and desist letter.

Chairwoman P. Fejeran: Okay. I mean we made it very clear to them. Their access is to be on Lada Avenue.

Ivan Shiroma: Ma'am.

Chairwoman P. Fejeran: Yes? Hi!

Ivan Shiroma: *(inaudible)...*follow the order of the new license. Also, the waterline that they have is a service line, it's like PUAG or waterwork's line. We have that running through our property. It's preventing me from doing any trenching for development on our side. So I don't want to be wrecking their lines and be held liable for any issues and even that Mike Borja told me to give them almost a year to have them transfer their water line, service line, but they still haven't done that so just wondering if I should call the waterworks and ask waterworks to remove their meter because it's on my property also. I just wanna let you guys know that that's one option that I am taking upon and I just wanna let you guys know, so that it shows that I'm not making a good faith effort in trying to resolve this issue. I can't move if that waterline is still on our property.

Chairwoman P. Fejeran: Right. What are his rights as the tenant, as the leaseholder?

L.C. Toft: *(inaudible)….*as the leaseholder, so, it's all based on the leases.

Chairwoman P. Fejeran: It's all based on the leases?

L.C. Toft: Yeah.

Chairwoman P. Fejeran: Okay.

Administrative Director: Nick, can that; the water line and meter on the cease and desist.

Chairwoman P. Fejeran: Okay. Would, would you say we should wait till, we have to wait for everything before he can actually;

L.C. Toft: Well, in the cease and desist, we would give them a time period to respond.

Chairwoman P. Fejeran: Okay. Can we get the date of the last; that when we made the decisions about access?

Administrative Director: Okay.

Chairwoman P. Fejeran: So, we can find how much time has passed. I don't want Hal's Angels to be waiting another, even a month is too long, after all this time. Okay, so a cease and desist about the water meter and the access.

Administrative Director: Right.

Chairwoman P. Fejeran: Right? Okay and then if we put a time limit on the cease and desist, what do at the end of the cease and desist?

L.C. Toft: That's why we have a check the lease to see what the terms are as far it's whole;

Chairwoman P. Fejeran: Okay, so, we'll check the terms on the lease. Okay, so I would urge Hal's Angels to; I'm sorry give us a little bit more time, we'll go through proper channels and make sure everything is all okay.

Ivan Shiroma: I've been waiting 30 years so we're fine.

Chairwoman P. Fejeran: Thank you sir, well I'm glad you came back again, like I said I expected things were fine and dandy down there. So, okay.

Ivan Shiroma: Thank you.

Chairwoman P. Fejeran: Okay, thank you

Commissioner S. Techaira: Thank you.

Chairwoman P. Fejeran: Sorry can we just have your name for the record. My name is Ivan Shiroma.

Chairwoman P. Fejeran: I know you, Mr. Shiroma. Okay, thank you sir.

Ivan Shiroma: Thank you.

Commissioner S. Techaira: Thank you.

Chairwoman P. Fejeran: Okay, thank you, okay, yeah moving on. (2:29:00)

Administrative Director: So, thank you for that email today at 11:30 today.

Chairwoman P. Fejeran: I know.

Administrative Director: We had trouble finding out who is in charge of Inadahen. I mean we went there and we didn't see anybody in charge, we actually went to the physical location. We saw a field trip going on with school students going through. So, we were trying to figure out because we needed to get a hold of them, but thank you for that;

Chairwoman P. Fejeran: Sure.

Administrative Director: And will put together the draft lease so give us an opportunity to do that and make our recommendation with regards to this, but the right of entry does still exist, yeah, so that's the current status right now.

Chairwoman P. Fejeran: Okay, okay, yeah, great! I know I thought that was good timing too. They only sent it to me.

Administrative Director: I know, that's why I was like;

Chairwoman P. Fejeran: But I know those were the; one of these happen to be the one document we were waiting for, so we have that now.

Administrative Director: Okay.

Chairwoman P. Fejeran: So, the lease;

T. Jocson: This is for Inadahen, right?

Administrative Director: Right, Inadahen.

Chairwoman P. Fejeran: So again, will develop the director and staff will develop the lease to propose to the Commission and negotiate it with Inadahen I Lina'la. Okay?

Administrative Director: That's all we have for New Business ma'am.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: *(inaudible discussion with Chairwoman)*

Chairwoman P. Fejeran: Yeah, I know; So, now let's move to public comment. We're a little bit early. Would anybody like to provide public comment today?

Mike Gallo: Good afternoon ma'am.

Chairwoman P. Fejeran: Hi!

Administrative Director: Please, please so we can get it for the record, sir. Thank you. (2:30:41)

Chairwoman P. Fejeran: Oh, okay. Thank you. Thank you for your patience.

Mike Gallo: Hi good afternoon ma'am, Board of Commissioners, Director, my name is Mike Gallo, this is my brother-in-law Ed. We actually are attending to get information; excuse me just before I;

Administrative Director: Just making sure it's on; just move it closer to him...

Commissioner A. Santos: Miracles.

Mike Gallo: Yes, before I begin to kind of discuss the issues that we were concerned about, I just wanted to express our appreciation for the board members; hard work it seems like you got a lot of work you gotta try and fix things that been done in the past; appreciate the problems that you're having with the finances and budgets, you know, so, it definitely looks like things are moving forward which is good to know. We're actually here because we came in to CHamoru Land Trust last week and we were told that there is still a continual moratorium on I guess leases with the program and so we were told that there is a board meeting that we could attend and possibly get information on how things are gonna be moving forward from here. Now it seems like

you've been given the directive to your director to put together some kind of plan. And one of the things and listening to how you're putting together those procedures and I appreciate the fact that you want to be fair and impartial where things haven't been done that way in the past. But one of the things we were wondering you might be considered as you make these procedures is consideration for siblings coming in that are batched together within that group of applicants that submitted in 1995 to get adjacent properties, I guess.

Chairwoman P. Fejeran: Okay.

Mike Gallo: I heard about the law which seems to be probably the first way to distribute property. And partially so that people don't get to choose prime lots over others. There were also concerns with the way that the application were submitted and where those are currently being set because so much time has passed that people's situations have changed with regards to property ownership and so I guess my understanding with correct rules are set with if a person would like to change the type of application from a residential to agriculture because now you own a home, you have to vacate that application then start from the beginning. So, if maybe some consideration could be for those have initially submitted applications but now because of your situation changing that they would not be put on the priority list based on those certain standards. So that's the only concerns that we have; it looks like those things might be moving forward which I'm here. I'm not sure if my brother-in-law, this is my brother-in-law Ed. I'm not sure if he wanted to add in to that.

Chairwoman P. Fejeran: Can we get his folder? Edward Unpingco.

Edward Unpingco: Yes, I was just wondering on the leases because we were given leases in the beginning but when we were I guess, when we went to go check on it, people were squatting on the borders, so all the borders were messed up so they were offering us different lots and I guess we decided to come down and check because we kept on going in. It's just nothing was for sure, so we just decided to check how our leases were. As my brother-in-law said if you have consideration for just family putting us together, then we want that consideration. That's it.

Chairwoman P. Fejeran: Thank you, thank you for your comments and your feedback.

Commissioner A. Santos: Acres?

Chairwoman P. Fejeren: Yeah, you know, definitely from switching from residential to agricultural, it's kind of been, it's been administrative practice that I don't think the board or the commission had the chance to review and put a strict policy on how we will handle those but I understand your concern. 24 years later, you were, you did well for yourself, you got property and now you're gonna be at the bottom of the list, right? So that's something that I think the commission should consider and I hope that would be one of the ambiguities that the director will present to us. The upcoming meeting when we talk start

talking about these new leases, so we can decide then but I think families sided together, if we're going to use a lottery system how would that work, right? And if, I think, maybe it would work if the family that wants to be cited together sit in line together, stood in line together because then you would be right after each other. Is that the case?

Mike Gallo: I think that's the case. It's sequentially together.

Chairwoman P. Fejeran: Okay then, I think in that case it can be a consideration that we can kind of work into how we go about awarding and assigning actual properties. Okay, if the siblings were not in line together then maybe the sibling, further down the list would be eligible for an award until later and so the person higher in the line would be given a property and all the adjacent properties given at the same time. So, if you guys are standing in line together then that's a possibility. You know I love it with families wanna live adjacent to each other, often times we have families coming in here, family squabbles and they are just almost ready to kill each other and we have to like.

Commissioner A. Santos: *(inaudible)*

Chairwoman P. Fejeran: So, I like that you know you guys want to be cited together and you know it's like family compound, that's how, that's how a lot of our families are raised you know you live in the same property with our nå'nan bi'ha, right. Okay.

Mike Gallo: Thank you.

Commissioner S. Techaira: Thank you.

Administrative Director: Thank you very much.

Mike Gallo: One additional thing I'd; in inquiring last week with regards to the switching type of a lease, I know that they mentioned that there was a possibility under the current rules, I'm not sure if the rules are going to be rewritten but addition again, I'm going to be a senior citizen this year. If I don't get to use a lot soon; *(laughter on the table)* but one of the things I'm looking at is retirement within the Government of Guam with the current retirement structure. It dawns on me that I may not be able to live comfortably on just the government retirement, I may have to farm and so I was looking at not residential but an agricultural where I can eventually also build on to reside. So that was the other question that I asked, if I could convert that application to an agricultural one so I could do those things?

Chairwoman P. Fejeran: Okay, okay. I think that definitely needs to be clarified. I think the commission needs to clear policy on allowing on allowing those types of application transfers.

Mike Gallo: That's all I had, thank you.

Chairwoman P. Fejeran: Thank you, thank you both for coming and sitting through the meeting.

Mike Gallo: Thanks again.

Chairwoman P. Fejeran: Thank you.

Commissioner A. Santos: Thank you.

Administrative Director: Thank you!

Chairwoman P. Fejeran: I also have a; I'm guessing Mr. Unpingco, your wife is Adelin? Adelin?

Edward Unpingco: Yes.

Chairwoman P. Fejeran: So, I have a Jennie G. Laguana.

Edward Unpingco: Yes, that's my sister. She had to leave to go get her son.

Chairwoman P. Fejeran: Okay, so that's; you represented all of you?

Mike Gallo: Yes.

Chairwoman P. Fejeran: Alright. Thank you cuz last meeting we had; the names went all the way down the list. Oh my gosh! Okay. Okay. Oh, next item on the agenda, Commissioner Comments. Tan Amanda, I know you've had a lot of stuff to say but you've been holding back.

Commissioner A. Santos: *(inaudible)* But it's hard to hear.

Chairwoman P. Fejeran: How about for the Commission, you can speak to us? No?

Commissioner A. Santos: It's too long. I wrote it in CHamoru.

Chairwoman P. Fejeran: Oh, you wrote it in CHamoru? Okay.

Commissioner S. Techaira: Wait, what is it? I can't wait till later. I think I'm important enough to hear this. You can tell us!

Commissioner A. Santos: Wait, it's in CHamoru.

Commissioner S. Techaira: Let's get a translator.

T. Jocson: Jessica, she's a CHamoru teacher.

Chairwoman P. Fejeran: Oh yeah?

J. Dayday: No, I'm actually a Land Agent now. *(laughter in the background)*

Commissioner A. Santos: I'm one of the board members, Mrs. Amanda L.G. Santos. I am the mother of the late Angel Santos, the fighter for human rights. So, this is what I wrote last night, to get it out of my chest. It says here -- *(Letter written in CHamoru, translated by Land Agent, Jessica Dayday)* Hello, my brothers and sisters, on Monday I was reading the Pacific Daily News about Peter Rosario's family. This really touched me that he had no water on his Land Trust property. What are we going to do now about this problem? This is a sad way of living. I am one of the board members and want to help all the CHamoru people who don't have water yet because it is sad to have no water at home. No one can live without water or what? On our Land Trust board meeting it was said that we have money from the income tax, but where did it go. Many times, it was mentioned that the money was for infrastructure but where? Heard the saying "easy to say but hard to do" am I wrong? Every meeting my heart cries for the CHamoru people who are trying to make a life for their families. I am a mother of nine children, one hundred grand and great grand, I have tried suffering. For twenty years I have made a place to stay for my family. I have rented a house for my children. What can we do but move forward and make a life for our families? One plan I have as a board member, I want us to go and wake up the senators and make them hear us. We will ask the Land Trust Chairman to have a public hearing for our Land Trust recipients and lessees, they will have to hear all our problems. Once upon a time they testified them without confession in public when they voted them to help our land for our problems. Last week the boss of Waterworks was given a raise plus $10,000.00 bonus. For what? In the Pacific Daily News, they mentioned the CHamoru Land Trust Commission budget. There was money for infrastructure but then it was taken away and used for another problem. When will see it again? Wake up CHamoru People and let's see if we can wake up the governor too. You are the CHamoru people let's join and protest. May God bless the poor, landless, homeless, and helpless. Wake up my brothers and sisters. Twenty years people have waited so long. Let's fix this and move forward for our beneficiaries. Without our homelands, we have no identity as CHamoru. Am I wrong my brothers and sisters, or am I right? Many CHamoru people have questioned me why they haven't been called about their application that was since 1995. I tell them to please have patience because there are many problems. One time there was a governor who gave land to those who voted for them. I did not know a batch were given because they were family and helped with a surveyor. The late Angel L.G. Santos did a good job for his CHamoru people. He sacrificed by going on hunger strikes and camped out at Adelup every day and night. He sacrificed so much to help the CHamoru people who don't have land at the time. There are some CHamoru's who are tired of waiting for land and by passed on the list. Some have been waiting twenty years back. Yes, this concern may be considered for those who were bypassed. I will encourage the Land Trust Board and Mr. Administrative Director Hattig to look for vacant land for those to put a roof over their heads and their families. So, let's have patience and ask God to help us with this problem. Thank you all, Amanda Santos. It's all in CHamoru, I'm just practicing.

Chairwoman P. Fejeran: Si yu'os ma'ase, Tan Amanda.

Commissioner A. Santos: I retired from CHamoru studies since 2011.

Commissioner S. Techaira: Could we make copies of this?

Administrative Director: May we make a copy so we can include it in the attachment?

Chairwoman P. Fejeran: Yes, please!

Administrative Director: Can you make a copy and bring it back to her?

Chairwoman P. Fejeran: Oh, Tan Amanda, you brought up so many good points, and I'm so glad that you did. The meeting is not over yet, right, right? You know you started off because of that article. Mr. Rosario was here last month talking about his; he has to bring in the water for his grandbabies and I have the chance to read it. Infrastructure we know is one of the biggest impediments to allowing our beneficiaries and our lessees to actually live with dignity on our land.

Administrative Director: Right.

Chairwoman P. Fejeran: The last 23-24 years we've been giving land when there's no infrastructure or even access. I wanted to ask; I'm going to put Joey on the spot again because I know there were some bills passed late last year for the sale of government land, so can you tell us how much money we can expect to put in our; and I think it goes into our survey and infrastructure fund?

Joey Cruz: A little over two hundred some thousand.

Chairwoman P. Fejeran: Okay, so we're looking at possibly over two hundred some thousand to add to our current balance, right? And our current balance is;

Joey Cruz: That's just our collection to date. It doesn't include the carry-over from*…(inaudible).*

Chairwoman P. Fejeran: Okay, can we get a projected balance for that fund, next time. And what I'd like to do is, you know what, we have that money, we're going to have that money now, let's come with a plan to spend it. I know we talk a lot about surveys; I know surveys are great but we can work off of schemes, right? At least at this point? What I'd like is; I'm just thinking how we can go about identifying properties that need the infrastructure the most, whether it's the staff going out and identifying people actually living on the properties like Mr. Rosario that don't have the infrastructure; finding those properties that should invest to get the infrastructure off the greatest benefit for the most amount of people. I'd like the Director and staff to put together a proposal, a plan for how to use this money that's coming in for the greatest benefit of our beneficiaries.

Administrative Director: I'm glad you mentioned that Madam Chair. We had conversations with Land Admin on how we can best identify the priority for survey and infrastructure, so we can present to you, so we just; it's a long process, we have to actually go out into these areas and we have to view.

Chairwoman P. Fejeran: Could we also ask our lessees to petition us?

Administrative Director: Yes.

Chairwoman P. Fejeran: That could be one way;

Administrative Director: There are methods.

Chairwoman P. Fejeran: Right: Yeah, like have them come to us and say, we need this, we need this and have everybody in their little neighborhood sign the petition and that way, it's like these guys need it, they're like coming and banging at our door; let's give it to them because we have money.

Commissioner A. Santos: Right, right.

Administrative Director: We have some suggestions already in the pipeline, for instance identifying an area of a lot of lessees that don't have access and that's what we can do. We can also put out notices for them, for anyone that's interested in surveying to come forward and request for that survey and actually have a line right; a separate line for survey. That you can improve and we can move;

Chairwoman P. Fejeran: What I'd like to see is like lessees in an area to get together to petition us. I don't know; so, it's on an area basis?

Administrative Director: Right.

Chairwoman P. Fejeran: Okay, so can we get that on our radar?

Administrative Director: Sure.

Chairwoman P. Fejeran: Maybe when we talk next about our Commercial Leasing;

Administrative Director: Okay.

Chairwoman P. Fejeran: Let's also talk about infrastructure and how we plan on using that money. You know the meeting's not over, right? (speaking to PBS)

PBS: I was only told till four. I was told to stay till four.

Chairwoman P. Fejeran: Oh, okay. Okay, the meeting, okay; maybe just let them know or ask them if that, you're cutting the meeting short or are you supposed to stay through the whole meeting?

PBS: That's what they told me today.

Chairwoman P. Fejeran: Okay.

PBS: Four o'clock.

Chairwoman P. Fejeran: Okay, okay. Thanks.

PBS: Sorry. I just do what I'm instructed to do.

Chairwoman P. Fejeran: Yeah, yeah, yeah, okay. I know; I thought maybe you thought it was over.

PBS: No, no, I know it's not over.

Commissioner S. Techaira: Maybe cuz he stayed too long the last time; comp time, comp time.

PBS: They're flexing my time.

Administrative Director: I think that's what happens.

PBS: See you guys on the next one.

Chairwoman P. Fejeran: Alright, thank you.

Commissioner A. Santos: *(inaudible discussion)*

Chairwoman P. Fejeran: Alright. Thank you. You're going to have to put a disclaimer on the DVD, like; meeting;

PBS: Was still going. *(laughter among table)* Still going, I just left. *(laughter continues)*

Chairwoman P. Fejeran: Thank you, have a good day.

Administrative Director: Thanks John.

PBS: You're welcome.

Commissioner A. Santos: *(inaudible)....* leaving early.

Chairwoman P. Fejeran: Thank you Tan Amanda for bringing that up. Let's make some real progress here! I feel like we're, we can actually move forward and make progress.

Commissioner A. Santos: Just to help those people that are crying.

Chairwoman P. Fejeran: Right? We have to help.

Commissioner A. Santos: Yeah. Those who have no access to their land trust.

Chairwoman P. Fejeran: And then I wonder if there's some way, as we're kinda putting this plan together, let's start talking to GPA, GWA and see, like, hey if we're gonna invest two hundred thousand dollars, maybe they'll reduce their rates?

Administrative Director: That was my next; as I mentioned in our comments; in the media;

Chairwoman P. Fejeran: Yeah, yeah.

Administrative Director: We already have plans, we just gotta wait for the board to approve that and move forward.

Chairwoman P. Fejeran: Yeah, yeah, let's engage. And I'd also like you to engage with the trash company;

Administrative Director: Sure, sure.

Chairwoman P. Fejeran: Because I know that trash collection our properties is the very minimal but we all know people live and generate trash.

Administrative Director: Right.

Chairwoman P. Fejeran: So, if there's some way we can build in to our leases, even for these new leases; build in our leases some kind of trash pick-up, service;

Administrative Director: Service;

Chairwoman P. Fejeran: That they will be paying on top of the ninety-nine-year lease; ninety-nine dollars.

Administrative Director: Sure.

Commissioner S. Techaira: Trash is expensive that's why I'm not shocked that people are not disposing properly.

Chairwoman P. Fejeran: It is expensive.

Commissioner S. Techaira: You have to make tough choices;

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: What goes on the plate.

Chairwoman P. Fejeran: But maybe if we go to them and say hey, we have sixty properties; I don't know; something like that.

Commissioner A. Santos: Yeah nai, like arrangement.

Chairwoman P. Fejeran: Yeah, we can make an arrangement for trash. Okay, okay.

Commissioner A. Santos: Cuz some cannot have their homes built because of trash. They need to be charged!

Chairwoman P. Fejeran: Yeah, yeah. So, that's just protecting our island environment, you know?

Commissioner S. Techaira: True, true.

Chairwoman P. Fejeran: You know, you're doing something with the trash. Okay, any other comments from the Commissioners?

Commissioner S. Techaira: I just wish I could fully understand the whole;

Chairwoman P. Fejeran: The CHamoru?

Commissioner S. Techaira: Yeah.

Commissioner A. Santos: Tell her.

Chairwoman P. Fejeran: I can help you. We could go thru it after the meeting.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: Yeah, cuz she wrote it down. I did get a note from Vice Chair Cruz that he's likely not going to be renewing his role as commissioner and I think his already lapsed within the ninety (90) days; okay, he mentioned he will be. So, I'd like us to start thinking if there's any, anyone you might recommend.

Commissioner A. Santos: Interested.

Chairwoman P. Fejeran: We can discuss and forward name to the Governor. I think we could really use some financial prowess on the board. I know Shawntel, you're my real estate prowess; he was actually our land administration prowess

Commissioner A. Santos: Who, si Duenas?

Chairwoman P. Fejeran: No, Cruz,

Commissioner A. Santos: Ah, si Cruz.

Chairwoman P. Fejeran: So, if there's somebody else. I'm talking to everybody, you know, if there's somebody out there you know, that will be willing to step up and serve as a commissioner that has that understanding of land administration, that would be great to replace him.

Administrative Director: So, we could have somebody that's had the opportunity to serve as a mayor. I mean really as a voice of the people, a voice of the lessee. Because we've come across a lot of lessees with regional issues in municipalities. So, maybe it would be beneficial for us to have a former mayor, a retired mayor, maybe somebody of the land that might be able to help us out in terms of the lessee.

Chairwoman P. Fejeran: Okay, great ideas. Okay, so yeah, let's start thinking because we don't wanna fall short.

Commissioner S. Techaira: *(inaudible)*

Chairwoman P. Fejeran: The what?

Commissioner S. Techaira: The quorum, right.

Chairwoman P. Fejeran: Yeah, I don't want that to be an issue. For a long time, we were two people short. So, okay. Any other comments. So, our next meeting is Thursday, May 16th at 1:00PM. That's the one where we're going to be looking at a lot of constituent matters.

Administrative Director: Yeah.

Commissioner S. Techaira: And how many more meetings before I'll illegal to be attending? I just don't want to be coming at the wrong time.

Chairwoman P. Fejeran: I know! Ninety days, so that's three months.

Administrative Director: Ninety days from April 4th.

T. Jocson: April 9.

Chairwoman P. Fejeran: April 9, so;

Administrative Director: Ninety days from April 9th.

Commissioner A. Santos: When is the next meeting? May 16?

Chairwoman P. Fejeran: May 16; so May, June, July 9th. So June would be; are you not renewing? Are you not gonna;

Commissioner S. Techaira: I don't believe I'll be on island.

Chairwoman P. Fejeran: Okay

Commissioner S. Techaira: I might be…*(inaudible)*

Chairwoman P. Fejeran: Okay. Okay. Motion to adjourn.

Commissioner S. Techaira: Motion to adjourn.

Chairwoman P. Fejeran: This meeting is adjourned.

Administrative Director: Thank you very much everybody.

Chairwoman P. Fejeran: Thank you everybody. I can't believe it!

New Business

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

Kumision Inangokkon Tåno' Chamoru
(CHamoru Land Trust Commission)

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.

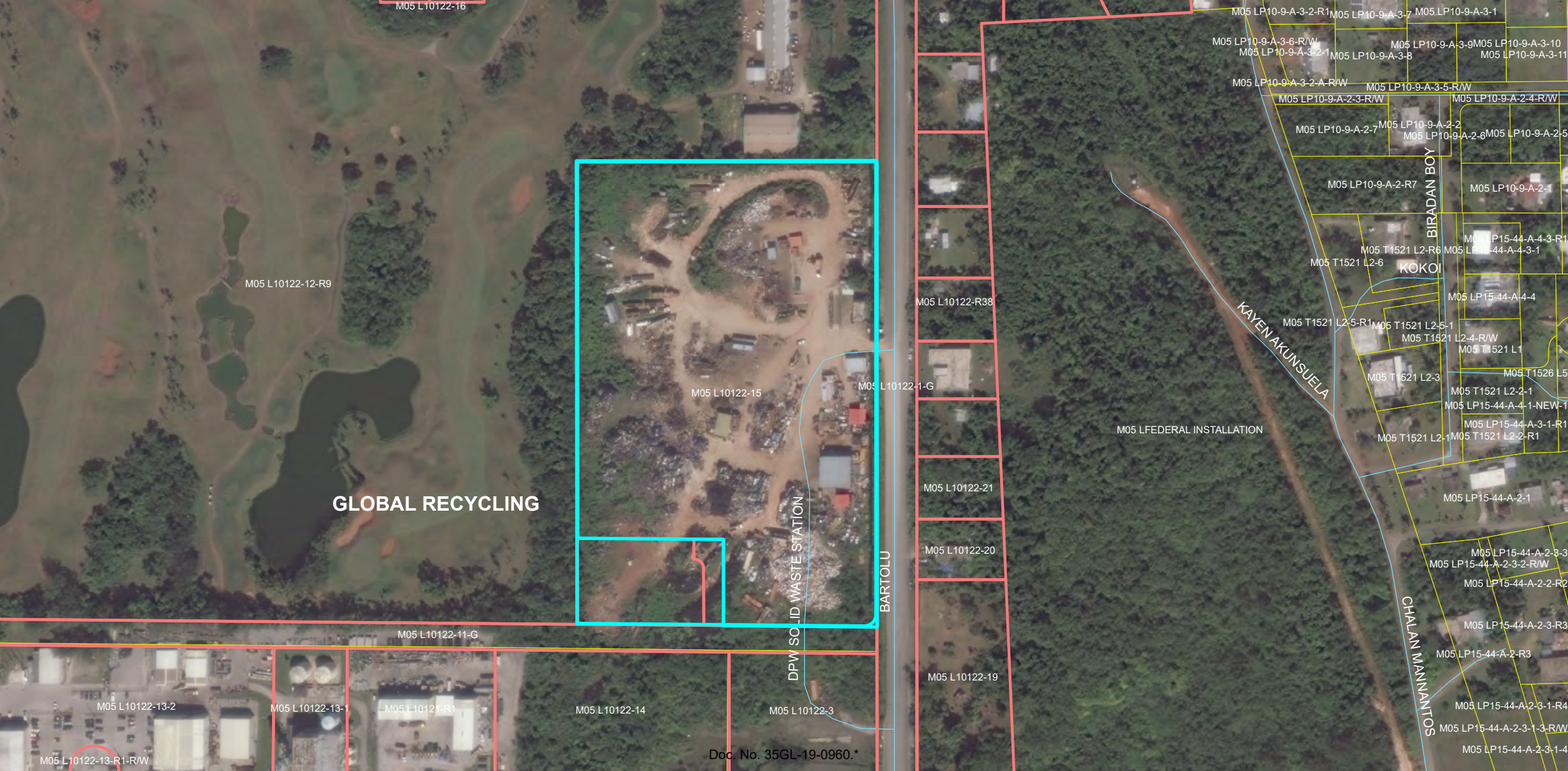
If you have any questions, please contact me at 649-5263 Ext 650.

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
DPW 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-19-0960.*

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

Guam Economic Development and Commerce Authority
Aturidåd Inadilånton Ikunumihan yan Kumetsion Guahan

Governor
Felix P. Camacho

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.

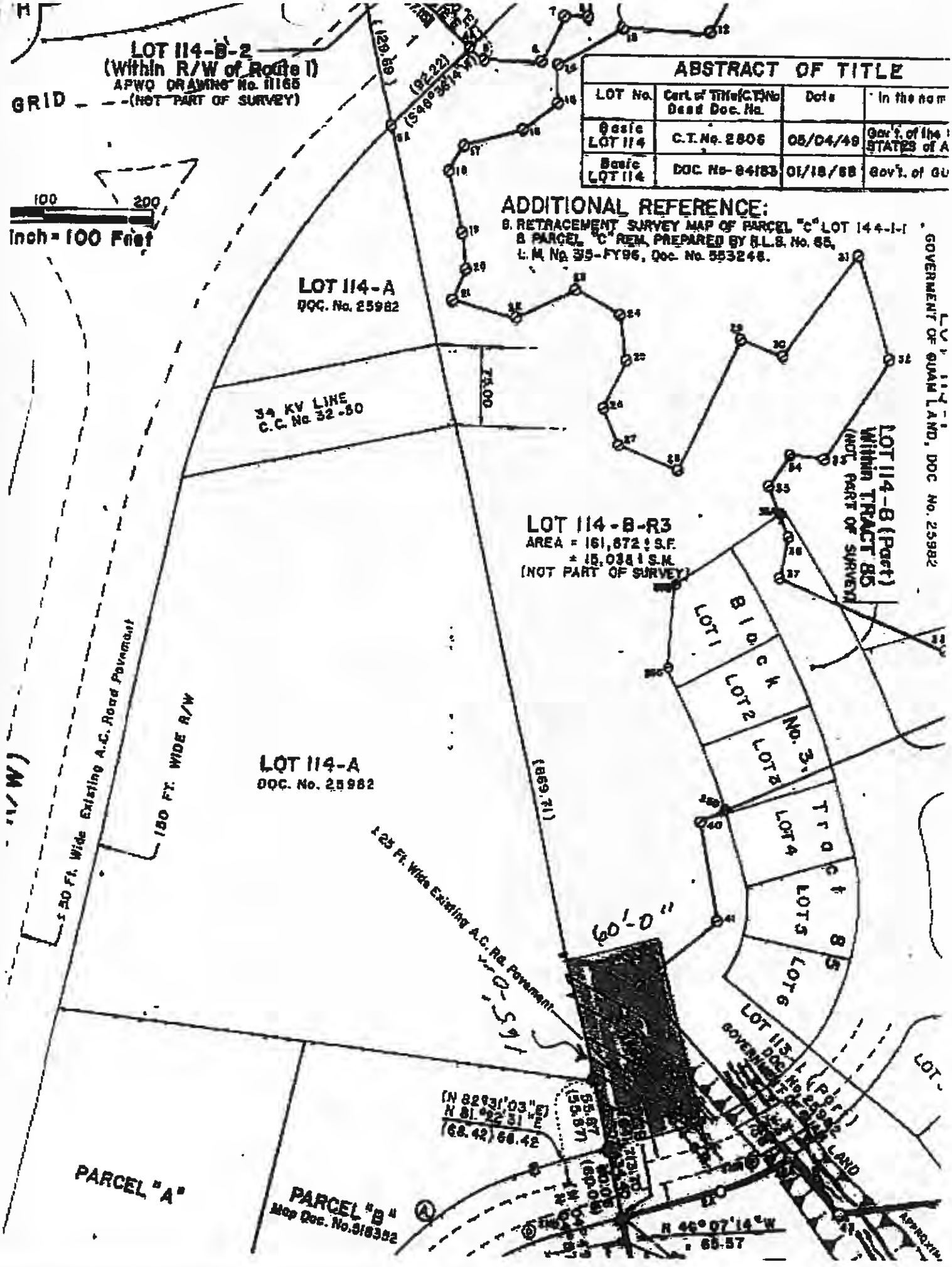
Put Respetu,

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-19-0960.*


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. 32-80
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
B L O C K
LOT 1
LOT 2
No. 3
LOT 3
T R A C T
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
(129.69)
(92.22)
(S 48° 38' 14" W)
(869.71)
S 41° 22' W
50'-0"
(N 82° 31' 03" E)
N 81° 22' 31" E
(68.42) 68.42
65.87
(55.87)
PARCEL "A"
PARCEL "B"
Map Doc. No. 518382
R 46° 07' 14" W
65.57
APPROXIM

(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 & 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.

Deloitte.

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USA

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www.deloitte.com

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.

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, 2017, that we wish to bring to your attention.

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.

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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

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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

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Management's Responsibility

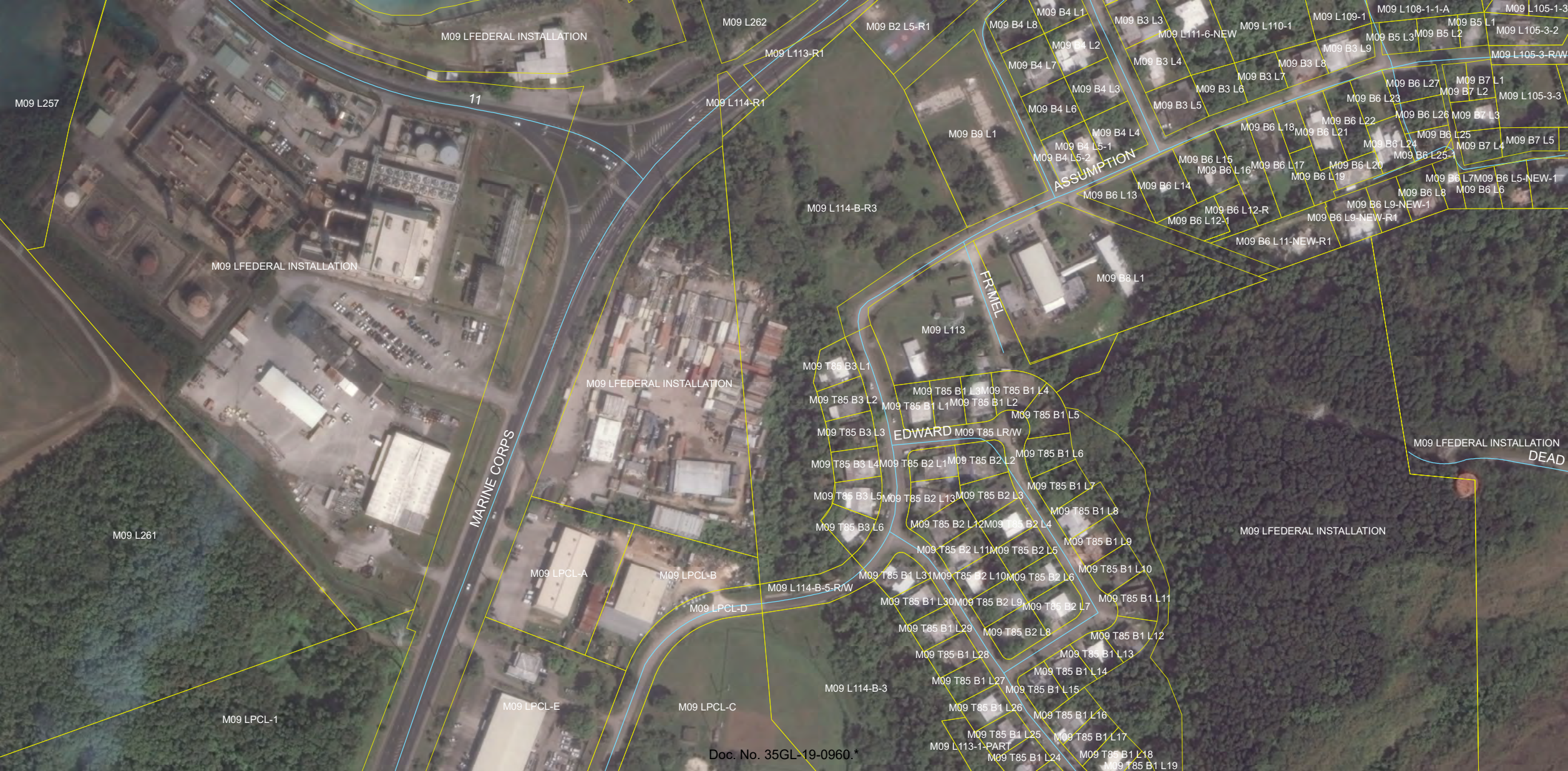
The CLTC's management is responsible for the overall accuracy of the financial statements and their conformity with generally accepted accounting principles. In this regard, management is also responsible for establishing and maintaining effective internal control over financial reporting.

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.


M09 L257
M09 LFEDERAL INSTALLATION
M09 L262
M09 B2 L5-R1
M09 L113-R1
M09 L114-R1
11
M09 B4 L1
M09 B4 L8
M09 B4 L2
M09 B4 L7
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
M09 B3 L8
M09 B3 L7
M09 B3 L6
M09 B3 L5
M09 B6 L27
M09 B7 L1
M09 B7 L2
M09 L105-3-3
M09 B6 L23
M09 B6 L26
M09 B7 L3
M09 B6 L22
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ASSUMPTION
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M09 B6 L12-1
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M09 B6 L11-NEW-R1
M09 L114-B-R3
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M09 L113
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M09 T85 B3 L2
M09 T85 B3 L3
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M09 T85 B1 L2
M09 T85 B1 L1
M09 T85 B1 L5
EDWARD
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M09 T85 B2 L2
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M09 T85 B2 L3
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M09 T85 B1 L16
M09 T85 B1 L25
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M09 L113-1-PART
M09 T85 B1 L24
M09 T85 B1 L18
M09 T85 B1 L19
M09 LFEDERAL INSTALLATION
DEAD
M09 L261
MARINE CORPS
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-19-0960.*

REMAX

RE/MAX Diamond Realty

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAY 02 2019
10:30
CLTC/GALC/GLUC

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
Each Office Independently Owned and Operated

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 10 2019
10:53
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.

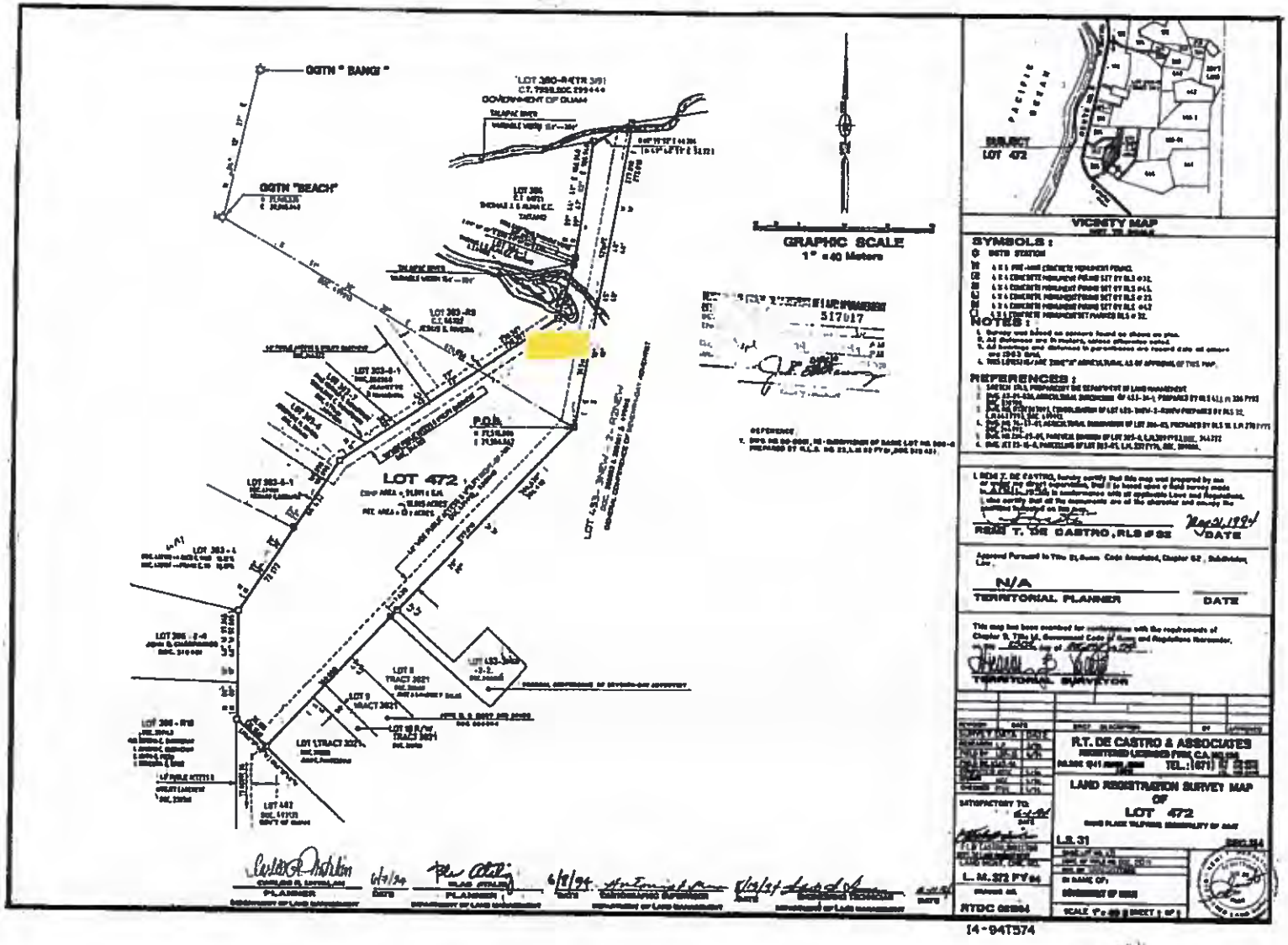
After exploring all available easements it was decided that the most useable access would be via Juan Rivera Road off of Route 2 which ends at Lot 472 and is approximately 100 feet from the access to the lot being purchased. That lot falls under the Chamorro Land Trust and is currently leased to Maria 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



Doc. No. 35GL-19-0960.*

CONSTITUENT MATTERS

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

MICHAEL BEVEN SALAS

1. **FACTS**
   a. Location: Tract 9210, Block 24, Lot 4 Yigo
   b. Lot Size/Lease Type: Residential
   c. Lease Instrument Number and Signing Date: N/A
   d. Surveyed: Yes, 196FY93 by Duenas & Associates under PLS 65
   e. Complaint/Issue: Request for reprint of Residential Lease

2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: No
   b. LUP: No
   c. Priority: 1
   d. Original Applicant's Date and Time: December 2, 1995 at 12:37PM
   e. Application Number: 296
   f. July 15, 2003 – Residential Lease issued and signed by Administrative Director Joseph M. Borja, however, Mr. Salas was unable to sign the lease
   g. July 23, 2003 – In-House approved map by Robert R. Ventura signed by Administrative Director Joseph M. Borja; map in file for reference

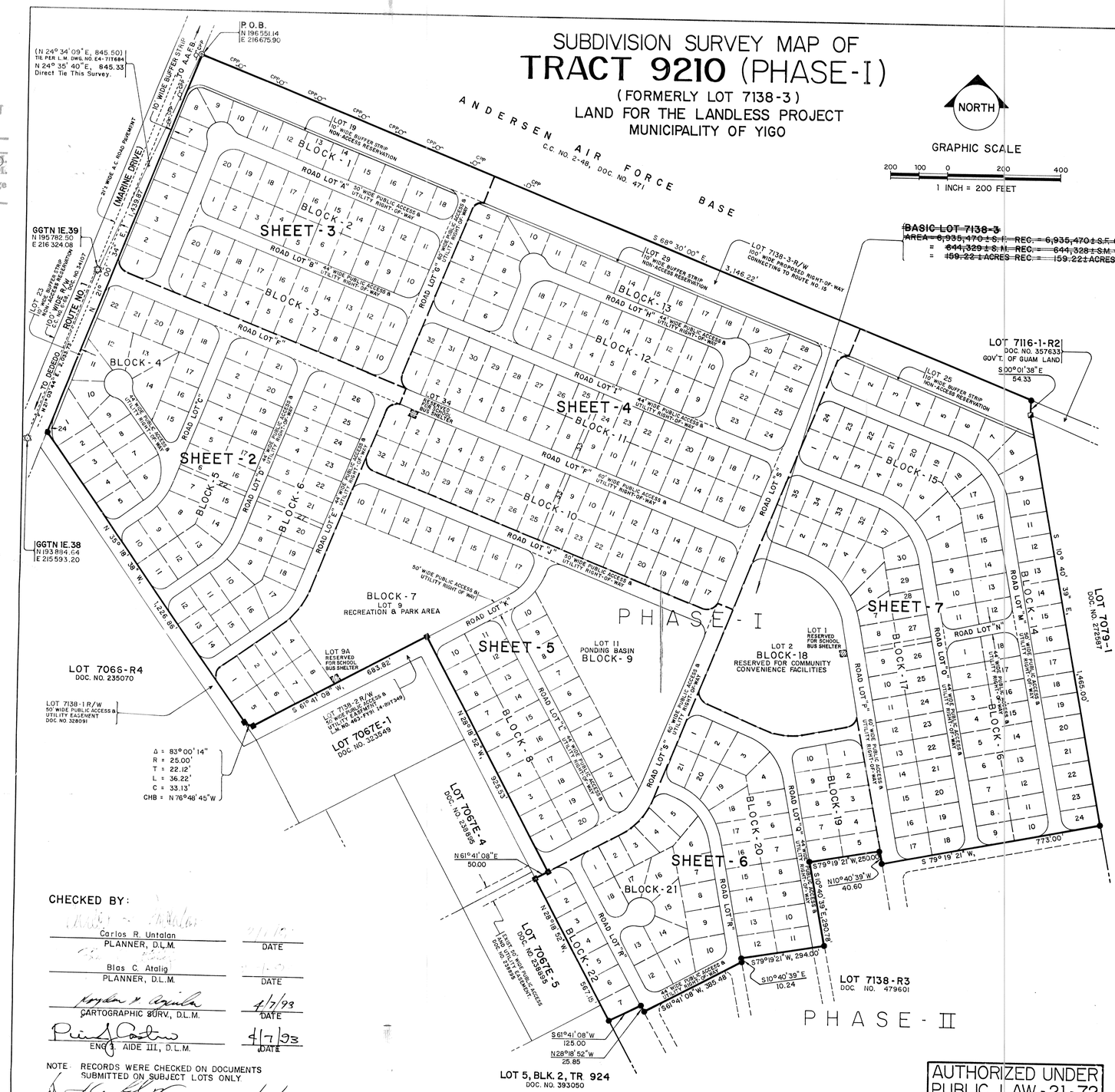
3. **FINDINGS**
   - Lease was not completed by Mr. Salas – he did not sign the lease in 2003
   - Tract 9210, Block 24, Lot 4 Yigo has been surveyed – all necessary signatures are in order (in-house approved map)

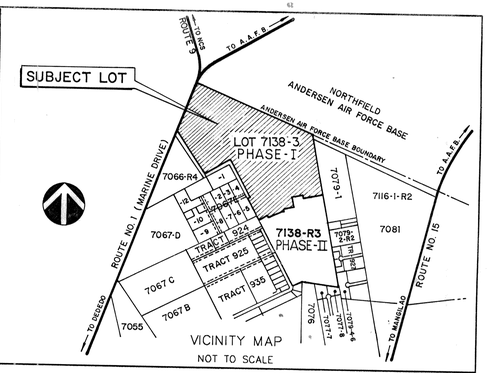
4. **FOLLOW-ON ACTION**
   - Advise applicant of Board's decision
   - Assure "A" does not own property
   - Print of Residential Lease Agreement

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT
OFFICE OF THE RECORDER
INSTRUMENT NUMBER 487458
This instrument was filed for record on 15
Day of April, 1993, at 10:24 A.M.
and duly recorded in Book Officio, at Page
Recording Fee Voucher No.
Deputy Recorder

DRAWING NUMBER

SUBDIVISION SURVEY MAP OF
TRACT 9210 (PHASE-I)
(FORMERLY LOT 7138-3)
LAND FOR THE LANDLESS PROJECT
MUNICIPALITY OF YIGO





REFERENCES:

1. PARCELLING SURVEY MAP OF BASIC LOT 7138-R2 BY RLS NO. 65, L.M. NO. 382-FY92, DOC. NO. 479601.

NOTES:

1. SURVEY WAS BASED FROM GGTN 1E.38 AND 1E.39 AND FOUND CORNERS AS SHOWN.
2. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
3. BEARINGS AND DISTANCES ARE BASED ON 1963 VALUES.

SYMBOLS:

- GGTN STATION
- FND. NO. 5 REBAR WITH 1 1/2" DIA. HARD PLASTIC CAP MARKED SURVEY MARKER
- FND. 5"x 5" CONC. MON. - NO IDENT.
- FND. 4"x 4" CONC. MON. WITH PLASTIC CAP MARKED RLS NO. 65
- FND. NO. 4 REBAR WITH PLASTIC CAP MARKED RLS NO. 65.
- NO. 4 REBAR WITH PLASTIC CAP MARKED RLS NO. 65, SET.
- 4"x 4" CONC. MON. WITH PLASTIC CAP MARKED RLS NO. 65, SET
- CONC. POWER POLE (CPP)

CERTIFICATE OF TERRITORIAL SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 21 GOVT. CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS 5th DAY OF APRIL, 1993.

TERRITORIAL SURVEYOR

CERTIFICATE OF TERRITORIAL PLANNER

APPROVAL PURSUANT TO TITLE 21 GOVERNMENT CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW.

ACTING TERRITORIAL PLANNER — 2/3/93 DATE

CERTIFICATE OF SURVEYOR

I, NESTORIO C. IGNACIO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT IS BASED ON A FIELD SURVEY MADE IN AUG.-OCT '92 IN CONFORMANCE WITH APPLICABLE LAWS AND REGULATIONS. I FURTHER CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITION INDICATED ON THIS MAP.

NESTORIO C. IGNACIO, RLS NO. 65 — 2/1/93 DATE

NESTORIO C. IGNACIO CERTIFICATE NO. 65 TERRITORY OF GUAM REGISTERED LAND SURVEYOR

DUEÑAS & ASSOCIATES Inc.
ENGINEERING • PLANNING • SURVEYING
ENVIRONMENTAL SERVICES • GEOGRAPHIC SYSTEMS
• CONSTRUCTION MANAGEMENT
WING A, HARMON PLAZA P. O. BOX 8900
TAMUNING, GUAM 96931

REV.	BY	DESCRIPTION	APPRVD.	DATE

SUBDIVISION SURVEY MAP OF
TRACT 9210 (PHASE-I)
(FORMERLY LOT 7138-3)
LAND FOR THE LANDLESS PROJECT
MUNICIPALITY OF YIGO

L.S. 9 SEC. 2

SURVEY DATA		DATE	BASIC LOT DATA
FIELD	D&A CREW	AUG-OCT.'92	BASIC LOT NO. 7138
BOOK NO.	9228 9230 9229 9235	—0—	CERT. OF TITLE NO. L.R. CASE NO. 14-74
COMPUTED	EZ/FU	AUG-OCT.'92	REGISTERED ON UNREGISTERED
DRAWN	MSV	OCT. '92	IN THE NAME OF
RESEARCHED	NCI	AUG-OCT'92	GOVERNMENT OF GUAM
CHECKED	NCI	NOV. '92	

SATISFACTORY TO & APPROVED BY:
F. L. G. CASTRO
DIRECTOR, DEPT. OF LAND MANAGEMENT — 4-13-93 DATE

DWG. NO. DAI-S-92-11 | SCALE: 1" = 200'-0" | L.M. CHECKED NO. 126 FY93

CHECKED BY:

Carlos R. Untalan, PLANNER, D.L.M. — DATE
Blas C. Atalig, PLANNER, D.L.M. — DATE
Brayden V. Arriola, CARTOGRAPHIC SURV., D.L.M. — 4/7/93 DATE
Engr. AIDE III, D.L.M. — 4/7/93 DATE

NOTE: RECORDS WERE CHECKED ON DOCUMENTS SUBMITTED ON SUBJECT LOTS ONLY

Sharon C. Rodriguez
LAND ABSTRACTOR; RECORDS DIVISION
DEPARTMENT OF LAND MANAGEMENT — 2/22/93 DATE

AUTHORIZED UNDER PUBLIC LAW - 21 - 72

PLAT OF TRACT 9210 (PHASE-I) and GGTN TIE-IN

(SEE SHEET 8 OF 8 FOR TABULATION OF P.O.Bs.)

SHEET 1 OF 8

8816 1/8

Doc. No. 35GL-19-0960.*

8816

LM NO. I4-93T459

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

MARIA CRUZ PALOMO

1. **FACTS**
   a. Location: Lot 10141-1-4-2 Dededo
   b. Lot Size/Lease Type: 1,858± square meters, Residential
   c. Lease Instrument Number and Signing Date: Addendum Lease - 909869
   d. Surveyed: 219FY2005
   e. Complaint/Issue: REQUEST TO ADD SON TO LEASE

2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: Yes, Agafa Gumas
   b. LUP: N/A
   c. Priority: 1
   d. Original Applicant: John Taimanglo Palomo
   e. Original Applicant's Date and Time: December 7, 1995 at 10:22AM
   f. Application Number: 0000158
   g. Takeover Applicant: Maria S.C. Palomo, spouse
   h. Takeover Applicant's Date: April 6, 2017
   i. August 6, 2004 – Request to add spouse, Maria S.C. Palomo. Approved by Administrative Director, Ronald Teehan.
   j. September 10, 2004 – Ground lease issued under Lot 10141-1-4-2 Dededo containing an area of 1,858± square meters. Signed by Administrative Director, Michael JB Borja. Recorded under Ins. No. 698420.
   k. April 17, 2006 – CLTC Loan Guaranty papers signed with John T. Palomo and Maria S.C. Palomo
   l. July 19, 2019 – Letter from Roland Cruz Jr. (son) to the CLTC Board requesting to be added to his mother's lease for a refinance request at Guam Housing Corporation
   m. July 23, 2019 – Affidavit letter from Maria Cruz Palomo requesting to add her son, Roland A. Cruz to her Residential Addendum Lease

3. **FINDINGS**
   - Maria Cruz Palomo has inquired with GHC regarding a refinance of her home
   - Before proceeding to complete a refinance with GHC, pending an approval by the CLTC Board to add son, Roland A. Cruz to the Residential Addendum Lease of Maria Cruz Palomo

4. **FOLLOW-ON ACTION**
   - For review and disposition by CLTC Board

AFFIDAVIT

I, **MARIA CRUZ PALOMO**, the undersigned Affiant residing at 1792 Y Seng Song Road, Dededo, and being duly sworn, do hereby depose and attest that:

1. I am Lessee of Chamorro Land Trust, and that;

2. I currently have a loan agreement with Guam Housing Corporation against Lot 10141-1-4-2, and that;

3. I am in the process of refinancing said loan agreement with Guam Housing Corporation, and that;

4. Guam Housing Corporation is considering a co-maker to the refinance loan to be my son **ROLAND A. CRUZ**, and that;

5. For favorable approval and as a requirement to said refinance by Guam Housing Corporation, my son must be named together with affiant on the lease of Lot 10141-1-4-2, now therefore;

Affiant requests the CLTC Board to approve my request to add ROLAND A. CRUZ to my residential lease of Lot 10141-1-4-2, Dededo.

That the above request is made *as a requirement to my refinancing thru Guam Housing Corporation.*

Further your Affiant sayeth not.

Maria Cruz Palomo
AFFIANT

Subscribed and sworn to before me this 23rd day of July 2019 by MARIA CRUZ PALOMO in the city of Tamuning, State of Guam.

) seal (

NOTARY PUBLIC

JOHN J. GUMATAOTAO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **JULY 11, 2021**
P.O. Box 2950 Hagatna, Guam 96932

Good Morning Jhoanna ,

Per our conversation yesterday during the July board meeting here is a summary/letter of our situation.

- I am requesting to be added to Maria C. Palomo's land lease with the Chamorro Land Trust as co-leaser.
- Guam Housing Corp. is requiring that I am added to the current lease in order to use my credit information to refinance my mother's loan through Guam Housing Corp.
- Mrs. Palomo's current financial situation does not allow her to be approved to refinance her current mortgage package.
- I currently live in Washington state and have my own mortgage. Based on what we've learned, Maria should not transfer her land lease to me because I would be responsible for her current mortgage payment that is on the property. I do not want to be primarily responsible for the balance of her current mortgage agreement.
- I want to be added to the Lease for the purpose of facilitating a new mortgage package as a "Co-signer".
- The purpose of this refinance would be to make essential daily living expenses easier to handle by lowering her monthly mortgage payments.
- I am currently Maria's beneficiary for the land. In relationship, I am her oldest son.
- If Maria passes away suddenly, I assume the current financial structure of her loan. Therefore, being proactive in restructuring her loan to somewhat assist us (in the future) to make payments on two mortgages would be financially responsible.

With the death of Maria's late husband, John Palomo and her current retirement income there is a substantial decrease in income.

I am my mother's eldest son and feel a responsibility to keep her safe, healthy and happy. I hope you are able to accommodate this special request to assist me in assisting her live out her golden years with dignity and independence.

Respectfully,

Roland Cruz

RECEIVED
DATE: 07/19/2019

PREPARED FOR AND SATISFACTORY TO:

THOMAS A. ELLIOTT — DATE 11/17/05
ADMINISTRATIVE DIRECTOR, (ACTING)
CHAMORRO LAND TRUST COMMISSION
DOC# 508926

JOHN I PALOMO — DATE 7/13/05
LESSEE: DOC# 698420

CHECKED BY:

MARVIN Q. AGUILAR — DATE 11-22-2005
Planner , D L M

JIMMY I. CAMACHO — DATE 11.25.05
ENG'G. TECH. D L M

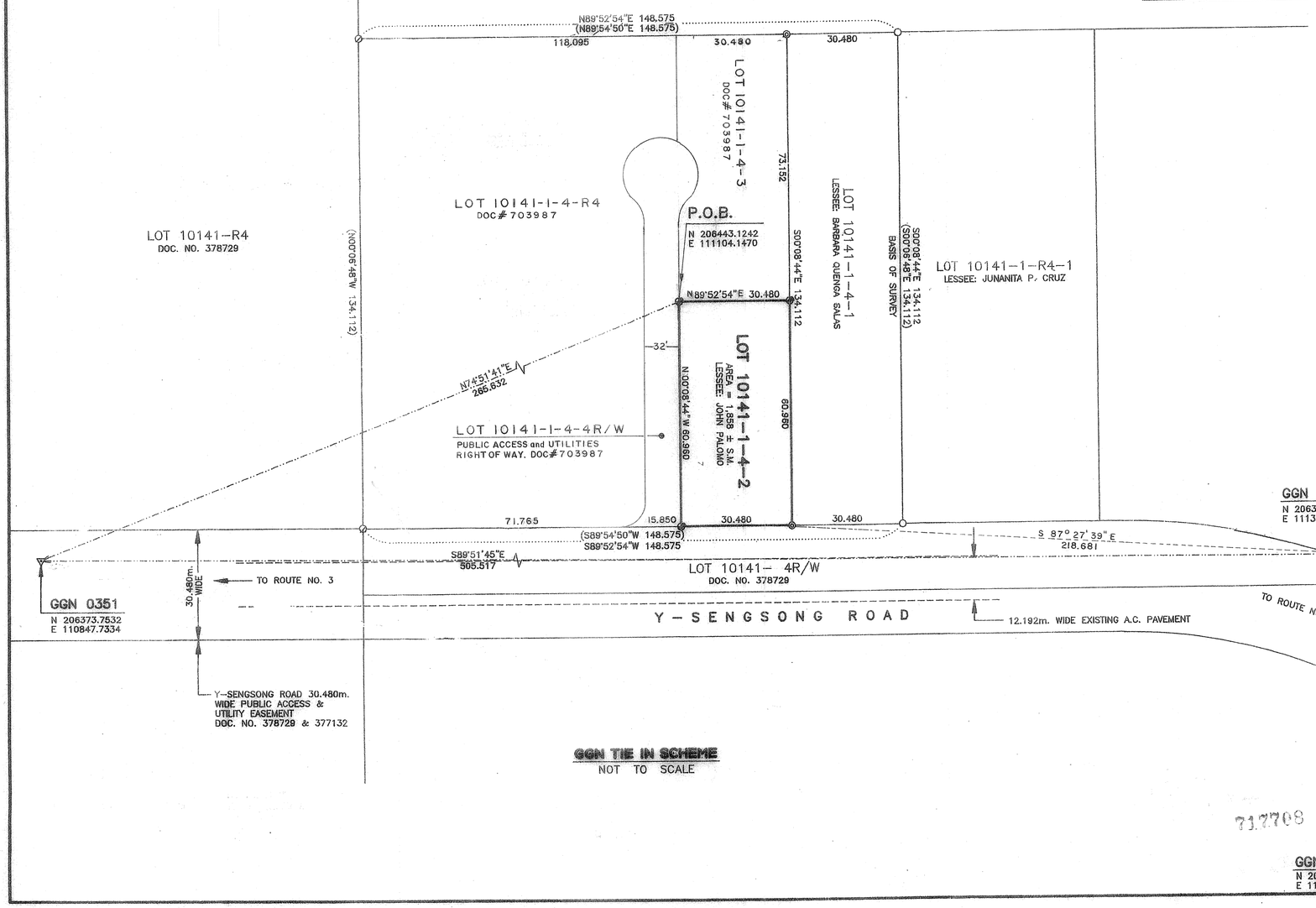
SYMBOLS:

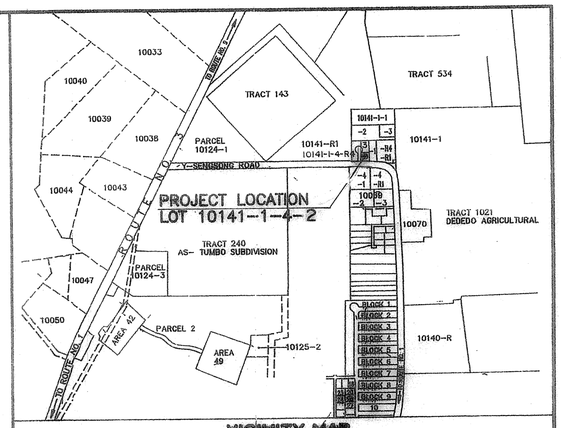
- △ GGN CONTROL STATION
- ◎ NO. 4 REBAR FOUND, WITH PLASTIC CAP MARKED PLS 19, AS PER REF. # 2.
- ● NO. 4 REBAR FOUND, WITH PLASTIC CAP MARKED PLS 19. DOC# 703987
- ⊙ NO. 4 REBAR FOUND NO IDENTIFICATION SEE REF. 3.
- ⊘ CORNER NOT RETRACED OR INVESTIGATED.

GRAPHIC SCALE
20 0 10 20 40 80
(IN METERS)
1 inch = 20 M.

Island of Guam, Government of Guam
Department of Land Management, Chamorro Recorder
File for record is Instrument No. 517147
for the year 2005 Month 12 Day 5 Time 2:25
Recording Fee
By

LOT 10141-1-2
DOC. NO. 517147





VICINITY MAP
(Not to Scale)

NOTES:

1. SURVEY WAS BASED ON RECOVERED MONUMENTS AS DEPICTED ON PLAN.
2. ALL DISTANCES ARE IN METRIC MEASUREMENT, UNLESS OTHERWISE NOTED.
3. BEARING AND DISTANCE SHOWN WITHIN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1993 GRID.
4. SUBJECT LOTS ARE ZONE "A" AGRICULTURAL AS OF APPROVAL OF THIS MAP.
5. SUBJECT LOTS ARE WITHIN THE GROUNDWATER PROTECTION ZONE,(GPZ).
6. NO AS-BUILTS EXISTS ON SUBJECT LOT AS OF APPROVAL OF THIS MAP.

REFERENCES:

1. DWG. NO. JPD-S-87-09, L.M. 339 F.Y. 87, PREPARED BY RLS NO. 65, DOC. NO. 517147.
2. RE-SUBDIVISION MAP OF LOT 10141-1-4, PREPARED BY PLS. NO. 19, UNDER CHAMORRO LAND TRUST COMMISSION, UNDOCUMENTED. ON FILED AT C.L.T.C.
3. DWG# FC04-050, LM# 003 FY 2005, PREPARED BY PLS# 19. DOC# 703987

C E R T I F I C A T I O N

I, FRANK L.G. CASTRO , hereby certify that this map was prepared by me or under my direct supervision that it is based upon a field survey made in JULY 06, 2005 in conformance with all applicable laws and regulations. That I am responsible for the accuracy of all data and information shown hereon, I also certify that all the monuments are of the character and occupy the positions indicated on this map.

FRANK L.G. CASTRO, PLS NO. 19 — DATE 11-17-05

FRANK L.G. CASTRO
CERTIFICATE NO.19
ISLAND OF GUAM
PROFESSIONAL LAND SURVEYOR
EXP: SEPT. 30, 2006

Approval Pursuant to Title 21, Guam Code Annotated, Chapter 62, Subdivision Law.

NOT REQUIRED — 11-23-05
CARLOS R. UNTALAN GUAM. CHIEF PLANNER (ACTING) — DATE

This map has been examined for conformance with Title 21, Guam Code Annotated, Chapter 60, Article 5, Uniform Triangulation System and Regulation thereunder on this 22nd day of November 2005.

PAUL L. SANTOS, PLS NO. 68 GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

REVISION	DESCRIPTION	BY	DATE	APPROVED BY	DATE

FLGC
FRANK L.G. CASTRO
PROFESSIONAL LAND SURVEYOR NO. 19
ISLAND OF GUAM
P.O. BOX 1119, AGANA, GUAM 96932 TEL. NO. 649-4540/4541

SURVEY DATA	DATE
RESEARCH BY: JI	JULY 2005
FIELD BY: FLGC-CREW	DO
FIELD BOOK: FC-04	-0-
COMPUTED BY: FLGC	DO
DRAWN BY: EMP	DO
CHECKED BY: FLGC	DO

RETRACEMENT SURVEY MAP
OF
LOT 10141-1-4-2
MUNICIPALITY OF DEDEDO
L.S. 10 SEC. 2

LAND MANAGEMENT NO.: 219 FY 2005
LOT NO. 10141-1
CERTIFICATE OF TITLE NO. DOC# 571121 LR# 0005-87
REGISTERED ON: SEPTEMBER 22, 1997
SURVEYOR'S DRAWING NO.: FC 04-036
IN THE NAME OF: GOVERNMENT OF GUAM
SURVEYOR'S PROJECT NO.: FLGC - 04036
PREPARED FOR, SATISFACTORY TO & APPROVED BY:
SCALE 1" = 20 meters
SEE PLAN
SHEET NO. 1 OF 1
OWNER: DATE

71.2708

S-12752

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

DONNY JAY TAINATONGO

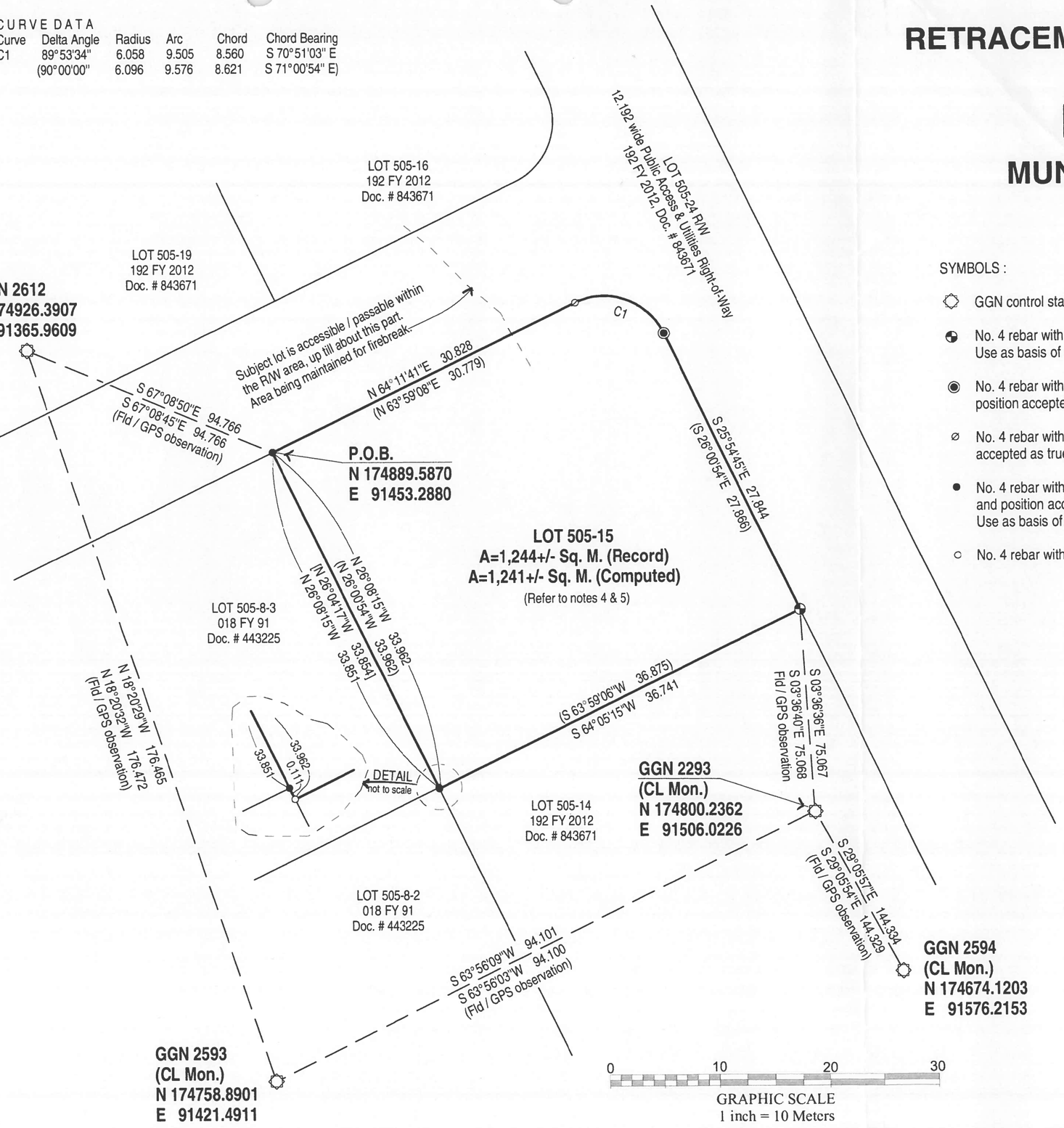
1. **FACTS**
   a. Location: Lot 505-15 Merizo
   b. Lot Size/Lease Type: 1,244± square meters - Residential
   c. Lease Instrument Number and Signing Date: N/A
   d. Surveyed: Yes, Retracement Survey completed by PLS 73
   e. Complaint/Issue: Request for 1) Change of Application Type from Residential to Agriculture and 2) Agricultural Lease Issuance

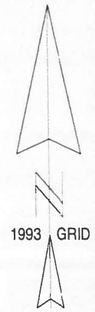
2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: No
   b. Priority: 2
   c. Applicant's Date and Time: December 4, 1995 at 8:02AM
   d. Application Number: 607
   e. June 6, 2019 – Board approval to revert application rights back to Donny Jay Tainatongo

3. **FINDINGS**
   - Lot 505-15 Merizo has been surveyed under 192FY2012, recorded under Map Doc. No. 843671
   - Retracement Survey Sketch Plat for Lot 505-15 Merizo completed by Raymond Cruz, PLS 73 on May 21, 2018 and submitted to CLTC Office for file

4. **FOLLOW-ON ACTION**
   - Contact applicant based on Board's Decision
   - Lease Issuance under Donny Jay Tainatongo for Lot 505-15 Merizo

RETRACEMENT SURVEY SKETCH PLAT
OF
LOT 505 - 15
MUNICIPALITY OF MERIZO





SYMBOLS :

- ◌ GGN control station / (CL Mon.) Center line monument
- ◒ No. 4 rebar with plastic cap marked DLM found, per reference no. 1. Use as basis of survey.
- ◉ No. 4 rebar with plastic cap marked DLM found. Placement and position accepted as true boundary marker. Use as basis of survey.
- ⌀ No. 4 rebar with burned plastic cap found. Placement and position accepted as true boundary marker. Use as basis of survey.
- ● No. 4 rebar with blue plastic cap marked PLS # 73 found. Placement and position accepted as true boundary marker. Use as basis of survey.
- ○ No. 4 rebar with steel washer marked PLS # 73 set.

REFERENCES:

1) Dwg. No. DLM I4-012T717, Re-Subdivision of Lot 505-R13, L.M. No. 192 FY 2012, by DLM, PLS # 68, Doc. # 843671.
2) Dwg. No. CSS-101190, Parental Division of Lot 505-8, L.M. No. 018 FY 91, by RLS # 14, Doc. # 443225.

NOTES :

1) Survey is based on recovered monuments and Guam Geodetic Network (GGN) control marks as depicted on plan.
2) All distances are in metric measurement, unless otherwise noted.
3) Bearings and distances shown within parenthesis are record data consistent as per ref. no. 1, shown within brackets are record data consistent as per ref. no. 2, all others are field condition / GPS observation and based on 1993 grid.
4) The difference between record and computed area as depicted, is the result based on actual field condition.
5) Subject lot is raw land, and no as-built exist at time of survey.

SURVEYOR'S CERTIFICATION

I, Raymond A. Cruz, hereby certify that this Retracement Survey Sketch Plat is prepared by me or under my direct supervision. That I am responsible for the accuracy of all data and information shown herein.

5/21/18

Raymond A. Cruz, PLS Date
Professional Land Surveyor No. 73



RAYMOND A. CRUZ



PROFESSIONAL LAND SURVEYOR NO. 73
Ma Rihistra Para Man Midi Tano Guahan
P.O.Box 5296 Hagatna, Guam 96932
Tel 969-3763 / Cell 888-6910 / ray_pls@yahoo.com

DRAWING NUMBER: RACSKMER - 01

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

MICHAEL BUKIKOSA ARRIOLA

1. **FACTS**
   - **a. Location:** Lot 5-2, Block 9, Tract 15213, Mangilao
   - b. **Lot Size:** 1,838± square meters **Lease Type:** Residential
   - **c. Lease Instrument Number:** NA **Signing Date:** NA
   - **d. Surveyed:** No
   - **e. Complaint/Issue: REQUEST TO RELOCATE**

2. **CHRONOLOGICAL FACTS**
   - **a. Pre-occupier:** No
   - **b. LUP:** No
   - **c. Priority:** 1
   - d. **Applicant's Date and Time:** December 2, 1995 at 5:16 PM
   - e. **Application Number:** 647
   - f. On March 21, 2019, Motion by the Board to approve the Residential Lease for Lot 5-2, Block 9, Tract 15213, Mangilao to Mr. Arriola.
   - g. On March 22, 2019, Occupants/Applicants adjacent to the subject lot visited our office claiming pre-occupancy on Lot 5-2, Block 9, Tract 15213, Mangilao issued to Mr. Arriola.
   - h. On March 28, 2019, Site inspection was completed by Land Agent, John Gumataotao and found a portion of an open structure situated on the lot owned by the adjacent occupant/applicant.

3. **FINDINGS**

   CLTC Staff conducted a review of potential lots that may be vacant in the vicinity for possible relocation and found that Lot 5-1, Block 9, Tract 15213, Mangilao is vacant and available for lease.

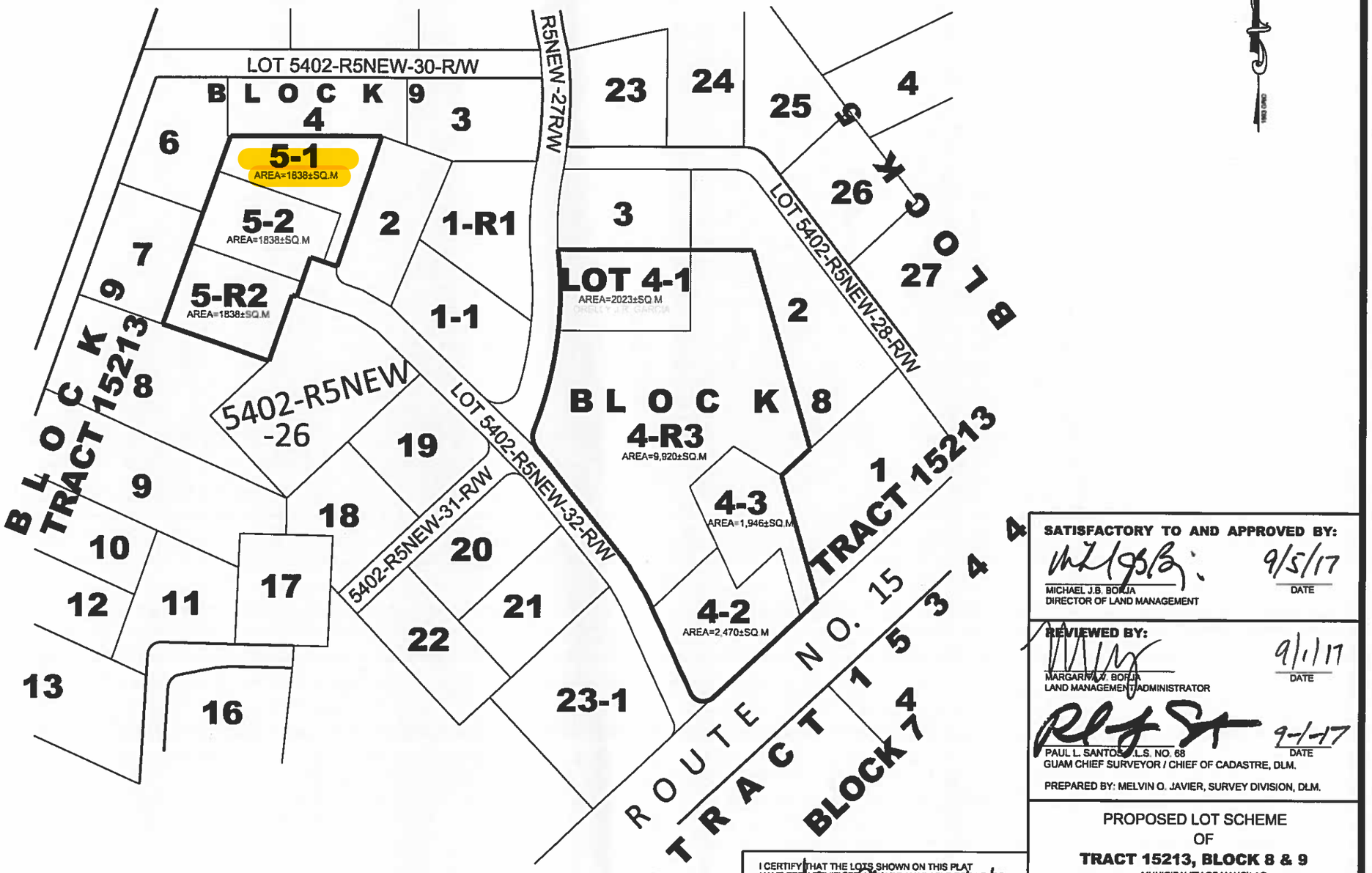
   The property requires a survey to be completed.

4. **FOLLOW-ON ACTION**

   Subject to the board's decision.

SPECIAL NOTES:

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



SATISFACTORY TO AND APPROVED BY:

MICHAEL J.B. BORJA
DIRECTOR OF LAND MANAGEMENT — DATE 9/5/17

REVIEWED BY:

MARGARITA V. BORJA
LAND MANAGEMENT ADMINISTRATOR — DATE 9/1/17

PAUL L. SANTOS, L.S. NO. 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE, DLM. — DATE 9-1-17

PREPARED BY: MELVIN O. JAVIER, SURVEY DIVISION, DLM.

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

LAND AGENT, CLTC — DATE 9/2/17

SCHEME NO: M07-S017

PROPOSED LOT SCHEME
OF
TRACT 15213, BLOCK 8 & 9
MUNICIPALITY OF MANGILAO
LAND SQUARE NO. 15 — SECTION NO. 3

GOVERNMENT OF GUAM
GUBETNAMENTON GUAHÅN
DEPARTMENT OF LAND MANAGEMENT
DIPÅTTAMENTON MINANEHAN TÅNO'
LAND SURVEY DIVISION
DIBISION AGRAMENSIAN TANO'

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

AUGUST CHRISTOPHER C. GUERRERO

1. **FACTS**
   a. Location: Tract 15213, Block 9, Lot 5-2, M07 MANGILAO
   b. Lot Size/Lease Type: 1,838± square meters, N/A
   c. Lease Instrument Number and Signing Date: N/A
   d. Surveyed: Proposed Scheme No. M07-S017, dated September 1, 2017
   e. Complaint/Issue: AS PER CLTC BOARD CHAIRWOMAN – INCLUSION INTO AUGUST 15, 2019 AGENDA.

2. **CHRONOLOGICAL FACTS**
   a. Pre-occupier: YES (AS PER APPLICANT)
   b. LUP: *Original permittee is Grandparent - Feja
   c. Priority: 1
   d. Original Applicant's Date and Time: April 14, 2000 at 2:44PM
   e. Application Number: 05334
   f. Application Type: Residential

3. **FINDINGS**

Applicant indicated on his application dated April 14, 2000 that he was living on Government land, specifically Lot 5402, Mangilao.

*POR: Recent board actions to approve issuance of leases within the surrounding area were made to children and grandchildren of the original land use permittee.

A site inspection was made on or about March 28, 2019 to establish GPS coordinates. Applicant requests the board to approve and process CLTC application number 05334 dated April 14, 2000. Applicant further requests the board to approve and issue a residential lease, subject to survey of Tract 15213 Block 9 Lot 5-2, containing an area of 1,838.00+-square meters, M07 Mangilao.

4. **FOLLOW-ON ACTION**
   - For review and disposition by CLTC Board

*Attachments included for review



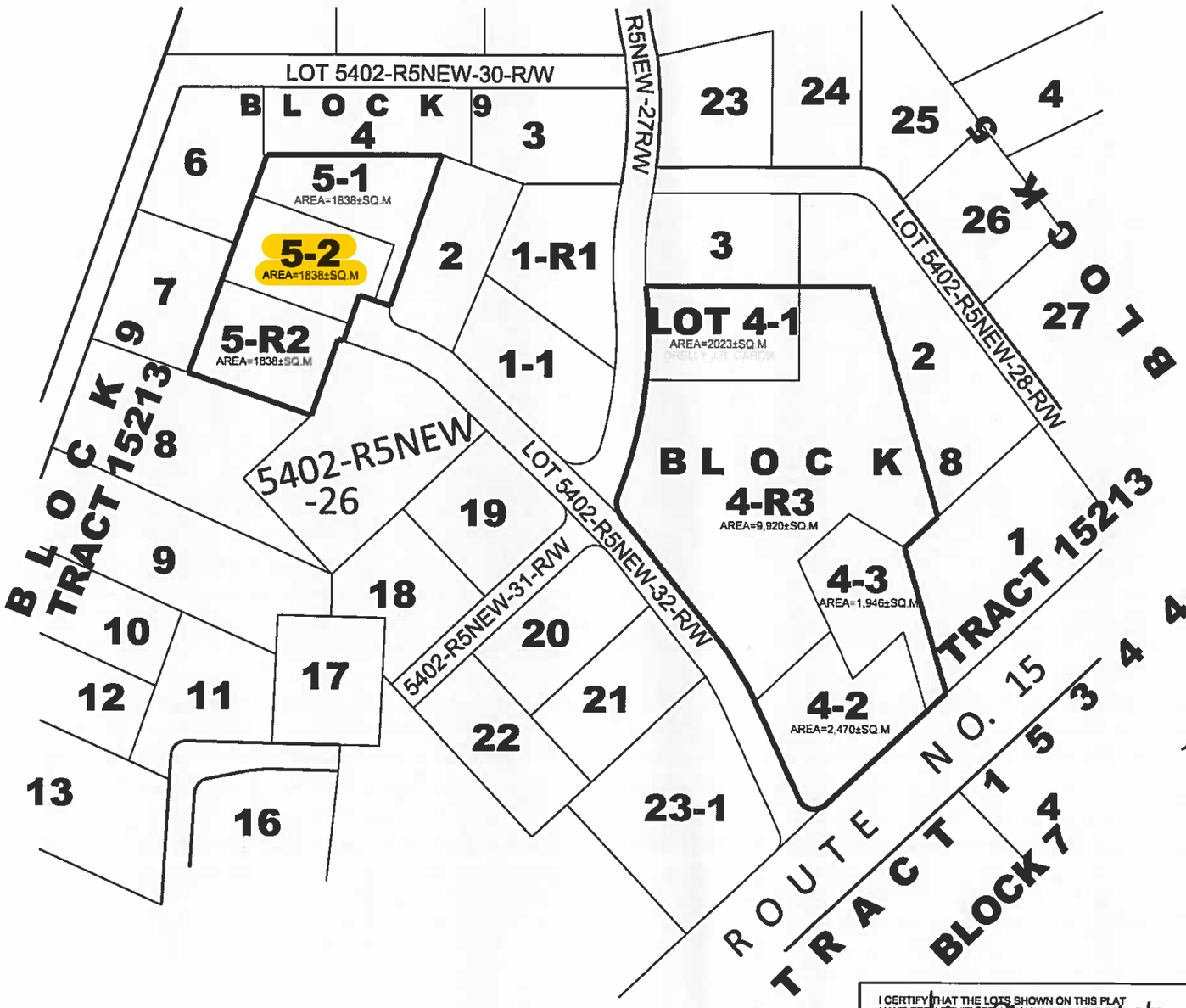




CHAMORU LAND TRUST COMMISSION
COMPILED BY LAND AGENT, JJG · 08/05/2019
AUGUST CHRISTOPHER C GUERRERO

SPECIAL NOTES:

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



SATISFACTORY TO AND APPROVED BY:

MICHAEL J.B. BORJA
DIRECTOR OF LAND MANAGEMENT — DATE 9/5/17

REVIEWED BY:

MARGARITA V. BORJA
LAND MANAGEMENT ADMINISTRATOR — DATE 9/1/17

PAUL L. SANTOS, L.S. NO. 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE, DLM. — DATE 9-1-17

PREPARED BY: MELVIN O. JAVIER, SURVEY DIVISION, DLM.

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

LAND AGENT, CLTC — DATE 9/2/17

SCHEME NO: M07-S017

PROPOSED LOT SCHEME
OF
TRACT 15213, BLOCK 8 & 9
MUNICIPALITY OF MANGILAO

LAND SQUARE NO. 15 — SECTION NO. 3

GOVERNMENT OF GUAM
GUBETNAMENTON GUAHÅN
DEPARTMENT OF LAND MANAGEMENT
DIPÅTTAMENTON MINANEHAN TÅNO'
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