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Commission Members

Michael J. B. Borja
Acting Chairman

David J. Matanane
Vice-Chairman

Amanda L.G. Santos
Commissioner

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Monte Mafnas
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Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, April 18, 2013; 1:12pm – 2:31pm

I. CALL TO ORDER

Meeting was called to order at 1:12pm by Acting Chairman Michael Borja.

II. ROLL CALL

Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos, Acting Commissioner Oscar Calvo, Legal Counsel Robert Cruz and Acting Director David Camacho.

Acting Chairman Michael Borja – We have sitting with us at the table as well is Oscar Calvo former member and currently nominated to sit on the Board but awaiting approval. For the purpose of this meeting Oscar we'll just make sure that your discussions are kept to a minimum, no motions and no votes on any motion.

Acting Commissioner Oscar Calvo – I do understand.

III. APPROVAL OF MINUTES (February 21, 2013)

Vice-Chairman David Matanane moved to approve the minutes of February 21, 2013. **Commissioner Amanda Santos** seconded. **There were no objections, MOTION PASSED.**

IV. PUBLIC COMMENTS

1. Aleta San Nicolas - Yes I have a preliminary agreement the land has been surveyed. I am one of the applicants for Chamorro Land Trust for agricultural purposes. I haven't called in and I wanted 3 acres to develop for commercial. One of the intents I have particular concern to provide nutritious foods for homeless feeding centers. My background is I'm a nurse by profession with a Master's Degree in Public Health and a tremendous concern to assure having chronic conditions myself somehow to make an impact on the health of people. Knowing full well that there's no purpose with money because when you're sick it's gone. So I would like to promote not only my health but the people of Guam and also I discovered that the best way to do that for both mental and physical health is to be grounded to the land and to maintain nutrition through food in the land. I am a chronic disease I guess victim. I'm a breast cancer survivor, I've had precancerous polyps in my intestines. There's a hole in my intestines as a result of the removal. I have diabetes, high blood pressure, obesity, some eye problems, inflammatory. And through this journey I can truly tell you that the best way to handle my

health problems as well as problems with the people of Guam and throughout the world because everything is projected that cancer, osteoporosis will increase. Diabetes will increase. We already have obesity problems. I have lost over 60 pounds in the past two years because I've changed to a plant based diet. It gives me great comfort and happiness because they recently released the consumer price index and everything has been going up. Meat has gone up, you know meat, fish, has gone up to 4 to 11 percent in the cost and vegetables because of the conservative effort of the stores, the health, buy local and just health awareness vegetables have gone down point 4 percent. In the papers you would see the restaurants changing to a healthy diet or healthy menu really are making money. I guess business wise if vegetables are going down and people are buying then business wise it's a win-win. So things have been slow but I'm optimistic because I'm still in the process. One of my concerns is to save the environment. I don't think we should farm the land to death. And really what's happening because I've spent tremendous amounts of money to study and one of the things I found as far as the nutritional status of the land is it's very low in magnesium potassium which is much needed or phosphates one of those is very much needed in health maintenance. Potassium magnesium is recommended for hormonal balance for many of the chronic conditions. So I have been slow because I've been studying and my focus is permaculture which is really a working collaboratively of nature and man so that we don't just develop our land and kill everything there must be balance. So although my land, forgive me the land I applied for has been surveyed. My application went through with the tentative approval in 2005, it's been surveyed, it's pending approval, it's gone through Land Management it's now at the desk of the Director's approval. And it's okay because one of the greatest needs where I chose is not developed in road and water. There's like a 100feet from the main source of water to bring it up and of course there may be some surveying issues but I'm not too sure. But these are monumental costs for a farmer. So I have been keeping abreast of where Chamorro Land Trust is and there's been a mention of moving into water and roads. As one farmer said he's a big farmer his steering wheel just fell out because he's got bumpy road and it's just one struggle with another. But I'm very optimistic really that since there is a push for sustainability that the whole island all facets will work together for us to develop sustainability in food, water and just maintain our resources all around. So I'm here to listen. It's giving me time, I do things very strangely. I study things and I've been criticized why don't you just go out and plant. Where there's a little bit more science and there's more intricate relationship between the environment so I like to study, I like to know and I may be moving towards that where I would have a senior who's quite versed with public works, landscaping and stuff to really look into developing a design. I believe in designs because I as a single older person I'm 65 there's limitations. Labor is not always available. I would like to design my farm to have a balance, make sure there's water. It's already been projected that it'll get hotter that's biblically as well as global warming. Water will be an issue and the villains of pests and diseases are there that's coming true. So I thank you for listening to me and I think I will take your recommendation for Mr. Guerrero this is where you're at, think positively I think that's the greatest asset we can all have for success. Have a positive attitude that Chamorro Land Trust is doing its best and that I think after this meeting I will go and speak to the Acting Director and to just really give this agency and this Commission time because that's really what's needed.

Acting Chairman Michael Borja – Well what year did you apply? What's your application date?

Aleta San Nicolas – I think it was when it first started and then 2005 was when we went through this procedure.

Acting Chairman Michael Borja – Okay so then you know that's where we're still trying to go clear through that year.

Aleta San Nicolas – Yes.

Acting Chairman Michael Borja – I appreciate your patience and I commend you for your dreams.

Vice-Chairman David Matanane – You mentioned that it's already been surveyed?

Aleta San Nicolas – Yes sir. So it's been surveyed, it's gone through Land Management it's been approved and it's now going to be on the desk of Chamorro Land Trust.

Acting Chairman Michael Borja – Okay thanks a lot.

Aleta San Nicolas – Thank you very much.

V. OLD BUSINESS

1. GMH parking lot issue

Senator Aline Yamashita – I wasn't really going to speak I was just here to lend the support since the opportunity is here. It was months ago when Director Monte Mafnas and I had the conversation about the serious situation about GMH that we all know about and he had talked about the possible development of a parking garage which then would require some land exchanges. I know it's a really serious decision to be made but once he raised it I thought that was really something to really look into to see if it can indeed be done. I connected with the GMH and June was at the table right away and we got the families who own the land at the table and they're very open to all that conversation. I know that at one of your meetings support for the conversation was granted and so Mr. Mafnas had been taking the lead in having those conversations. And we know that right now we all pray for him as he gets better and as we wait for his return. But as he's been in California getting better Mr. Camacho has been at the table on trying. So for today's purposes and I'll let June really do more of the talking but for me here is to listen to see what kind of support might be needed if we are going to proceed with this. I am a representative of the people who is very concerned about when we get sick or if someone is dying we can't park and not to mention the employees who are trying to get into work but they can't park and then sir the overflow into the neighborhoods. It so happens that I live with my mom who lives on the street right next to the hospital and we do not mind sharing but when we get home and we cannot get into our house it is problematic. And even with that I wouldn't mind walking but I have a son who has autism and when he's in

a middle of a meltdown it's very difficult for me and I'm not the only person in that situation and we all make do. But as Mr. Mafnas said this is a possibility, we are all open to possibilities. We do know how precious land is, we do know how serious this discussion is and I certainly appreciate and I thank you for taking the issue up and discussing what we might do in the best interest for all of our people. But in particular GMH and the business that they do and stuff. So we've all been there driving around for 20, 30, 40 minutes and the person's already dead by the time we get in there. That's why I'm here but you know we have many Senators who are very concerned about this issue because its land and so those are steps that we have to take and stuff. That's why I am here, I just want to help and I want to know how I can help in that regard.

Acting Chairman Michael Borja – With a bit of background that I can recall the issue with the parking at GMH did come up and Monte did bring up the idea that perhaps there is something that we can do with some of the adjacent land to GMH that can be used for parking. However what he recognized that some of the land that's most accessible are actually privately owned. And so his idea was to exchange land that's closer towards the cliff with those existing landowners so that we can assume that land they currently own and then in an exchange and develop that land for a parking lot or possibly even a parking garage that can be used for paid parking of some sort. My understanding as well from what I heard is that some of that land that has existing buildings, old buildings from the past that that was the land we were going to exchange to the current landowners and the only problem is that those buildings would probably have to be removed. So with that being said is that what we were looking at right now? The property to the south I think to the north side of the hospital closes towards heading down towards the Hilton Hotel area.

Senator Aline Yamashita – That's correct.

Acting Chairman Michael Borja – And there's a couple of lots that we're looking to exchange.

Senator Aline Yamashita – I want to commend the employees of Land Management, they've done a lot of research and a lot of work and they've presented some stuff for you all to consider. So they've identified the lots now that part of it I'm not engaged in but I do know they have researched that and I do know they do have to clear the land which will then require resources to do that. But I think what we want to know is if we could move forward then we can actually try to look for resources if your honorable Board supports that right then we can move forward and see. I know it would require legislation to do any kind of land swaps, land exchange which of course we already know it's going to be very controversial in itself because it's prime land.

Acting Chairman Michael Borja – Well at the time of the discussion we approved as a Board to allow Monte Mafnas to engage in the discussions on this possibility and that anything beyond that we need to make any approval on the final outcome of what's going on. I think June you wanted to say something?

^{Perez}
June Perez (Program Coordinator for the administration office of GMH and member of the parking taskforce for GMH) - Thank you very much Mr. Chairman and members of the Board and Mr. Camacho and Mr. Cruz. Parking at GMH is a major, major problem and

one of our top priorities at GMH for problem resolution. We have convened a taskforce that is addressing many avenues in providing solution to the parking problem. This land exchange that Director Mafnas has very graciously come to our aid with is why I'm here. The parking is a problem. This is one quick solution that can be availed with your support with your administrative approval. With a resolution we can then take it to the next level and take it to the legislature for a public law approval and as the good Senator has said this of course is a very sensitive topic and that it is involving precious, precious land but it still will be kept in the Government inventory. Its purposes would though be designated for parking use for much needed parking relief that our patients and their families and the hard working employees of the hospital are in need of. Everyday it's a daily problem that we have to contend with. Security is preoccupied everyday with parking complaints, parking violations. We are constantly towing people for parking areas that are unsafe and inappropriate for them to be at. They are trespassing into private properties. I think our island leaders are well aware of the hardships this problem has created not only for the patients and the families and the staff but also for the surrounding community. It is a major inconvenience and does pose some serious safety concerns that the hospital is now taking serious steps in addressing and this is one avenue. We of course have Director Monte Mafnas in our prayers for a quick and speedy recovery and return back to Guam because he has been our Godfather in this land exchange. He had a vision to use this land this precious asset of the Chamorro and Guamanian people to serve our island for parking. And not only for the hospital but as the area that precious area that we call Oka Point is finally developed there will be a parking solution already in place thanks to Director Mafnas's vision that he is now hopefully expediting into place because of the parking issues that also are affecting Guam presently. So Director Monte's vision is addressing our problems today the immediate problems we have now and also his vision goes far into the future for when that area does become developed to continue to serve our people and the parking issues also would then be addressed then as hopefully that they can be now.

Acting Chairman Michael Borja – What specifically are you talking about in the Oka Point?

^{Perez}
June Perez (GMH) – There's lands adjacent to the hospital's emergency room. There are four parcels of privately owned lands.

Acting Chairman Michael Borja – Oh okay I thought you're talking about the development on the other side the towers.

^{Perez}
June Perez (GMH) – Well that I'm sure once it's developed and I'm sure once your planners and your wise judgment you know brings that land into full use for the island's benefit they're going to need parking. They will need parking and already Director Mafnas is addressing that need which quite coincidentally at this time is also addressing the hospital's present crisis with parking. The whole vision of a parking structure I'm sure is a long term development but if we can at least get access to that property now and just get it cleared we can use just bare gravel parking even just for the hospital employees so that the paved parking areas that are in front can be reserved strictly for public use by patients and their families. We just need quick immediate relief.

Acting Chairman Michael Borja – So what have you guys determined so far in your meetings?

^{Perez}
June Perez (GMH) – Mr. Chairman we've made tremendous progress. The private owners of these lots, one lot belongs to Dr. Sautet a prominent dentist on island and the three other lots are owned by the Del Carmen family. They are very eager and anxious to make this deal happen, this land exchange happen. They're willing to give up their personal lots and arrange for a meter per meter exchange with Chamorro Land Trust just further down the road from their private properties. They had some reservations in the beginning because they are of course owners of some valuable property but we have you know in continued dialogue with them they are very much convinced also that the hospital would best benefit in the release of these properties to the Government for parking use. And so they are willing and waiting to start signing documents that will get these properties exchanged so we can get in and start clearing the lots and making space available for the parking at the hospital so everyone can use at this time.

Acting Commissioner Oscar Calvo – Monte and I had worked on that way before on this issue and I know where that property is adjacent right next to the and part of that property would be handed down right where they have the Sagan Managu you know all those modular homes that was still there. And Monte and I sat on this at one time in his office and we looked at it and this is before the real parking issue really came up about with the and one of the solution that I you know entered into with him at the time is if only we can get that piece of property next door that will pretty much enhance you know solve some of these problems with the parking issues. You know that alone with Monte and of course you know with the Chairman now we have looked at that vision on the long term because I give myself one issue like this morning. I went around and around and around almost about a good 20 and I had a meeting with Maria Perez this morning up on the fourth floor and it took me about 20 minutes really just to you know get to the one. I ended up parking believe or not over at the tower down that and when it says there no parking but when I looked at it I see a lot of cars parking along there. But I sympathize and I understand the frustration but what at least Monte and I discussed at that time was the overhaul to solve at least the hospital employees parking lot so you alleviate the problem on the main parking area. And the focus of that parking lot was to put the employee park on that corner of the hospital until you know. What he envision was also and I think he probably brought this up was put a first and second floor level or whatever at the time and that was the time when of course the Board did take action on that. But I fully support that Mr. Chairman but it's really your call and the Board members now but I just wanted iterate that part.

Acting Chairman Michael Borja – Dave and you June have you guys specifically identified the lots?

^{Perez}
June Perez (GMH) – Yes.

Acting Chairman Michael Borja – The lots, the existing privately owned lots and the existing Chamorro Land Trust lots that are in question.

Acting Director David Camacho – Mr. Chairman it has been identified the private owned property likewise the Land Trust property. We have finished already the surveying of the Land Trust property. But in order for us to consummate the land exchange we need to do something from the Board, give it to Senator Yamashita some tools to go into the Legislature to have it you know to put it on the Legislature for the land exchange. As of now the way I look at it no document can be signed between the private owners and us since there's no Public Law instructing us or giving us the authority to transfer the property.

Acting Chairman Michael Borja – So we're talking it needs to be a Public Law.

Acting Director David Camacho – It needs to be a Public Law. I was questioned when I discussed it with Senator Pangelinan and it came to the question as to who's giving out Land Trust property for land exchange. Under the Government of Guam it's already been identified that there's certain property for land exchanges. It's already been identified this is under Department of Land Management. However since the needs of the Guam Memorial Hospital is there and the owners of the property wants that area too for the land exchange it's imperative for us since you know Oscar said the parking lot issue is very important and it's a need for the people of Guam.

Acting Chairman Michael Borja – Concerning that building that's sitting on the Chamorro Land Trust lot that would be exchanged whose responsibility would it be to remove that? Because basically except for those places that might have a building on it already everything is unimproved.

Acting Director David Camacho – Through the clearance also of Monte Mafnas our Director we are the ones responsible to demolish and remove those buildings there. It's in the making already we've been doing that for the past couple of weeks. We're going through EPA, we're going through all those..(interrupted).

Acting Chairman Michael Borja – Oh you guys are already beginning the process to remove.

Acting Director David Camacho – Yes and it's on hold now as I said we cannot even touch the private owned property. The Government property we can go in anytime and demolish that and all those things but for us to go into the private property we need documentation from both sides exchanging the land.

Acting Chairman Michael Borja – Now as far as the land assessment values go are they equal even if we were to exchange meter for meter are they really equal?

Acting Director David Camacho – I cannot say that Mr. Chairman we need to ask an appraiser on that.

Acting Chairman Michael Borja – I know I mean if I had a piece of lot over there that had a big rock on top that it would take me a fortune to remove and someone says oh would you like this one that's sitting on the cliff overlooking the ocean.

Acting Director David Camacho – The private owned property is full of boulders and all those things. On the Land Trust property it's flat and it's a hill. I have a map that shows the subdivision already.

Acting Commissioner Oscar Calvo – Mr. Chairman on that issue which Monte and I did speak and what Mr. Camacho has stated that it needed to go which is in action to this I think this is where the good Senator can push the issue of getting this. I think ideally if the members of the family are willing to make that exchange and according to Monte when I spoke to him about that he said that he had spoken to I guess the family members and they would have hesitation because of the value of the property. But then in reality the property that they're getting is really more of a value because it's more flat than what we're initially adding on because that is over, its boulders behind that you know. But yes what Mr. Camacho has stated that if the Board would have done that today if was given that resolution to you know but because of the law prohibits us and we need to get a public and that falls on the Chairmanship of Ben Pangelinan. Now he would have to be you know be the one and I think your best bet to this issue Mr. Chairman and the good Senators I think this is where you guys have to dialogue on the property exchange.

^{Perez}
June Perez (GMH) – Your absolutely right sir I think the ultimate decision will have to be our lawmakers. This would have to be sanctioned through Public Law and so we have good sponsors with our loyal Senator Yamashita here. Senator Rodriguez has indicated full support in what measures are needed from his office to get the hospital parking relief. The families are totally committed to helping and making this land exchange possible. As far as land assessment I'm not a land expert I'm sure though the closer to cliff line the more valuable the property is. But the value Mr. Chairman and members of the Board can be offset by the convenience that the Government can now provide to the hospital in safety and in just providing just a safe solution to parking issues that are being faced through the use of this land. The families are so intent in making this solution happen even before the Public Law is signed they are even willing to sign a memorandum of agreement so that the land can start getting cleared and the movement of this vision of Director Mafnas can start happening. In the event that it doesn't get approved everything just reverts back but at least there's effort going forward in trying to get parking relief to the hospital. Dr. Sauguet, the Del Carmen family, Senator Yamashita we have eagle scouts, we have military partners the community is stepping forward to help in making this land exchange possible as quickly as your Board would allow us. Your approval today or when you should so wisely decide and a resolution that your Board can provide can then allow Mr. Camacho and your Land Management leaders to take it to the next level which would be a request for a Public Law approval through the Legislature. And that again is of course another hurdle we would gladly go and advocate public support for the hospital's patients and patients benefit.

Vice-Chairman David Matanane – How much square meters are you exchanging?

Acting Director David Camacho – Per lot we're giving 1320 square meters.

Vice-Chairman David Matanane – But how much property does the individual have per square meters?

Acting Director David Camacho – As I mentioned it's meter to meter.

Vice-Chairman David Matanane – Meter to meter, how big, 3,924 square meters do they have that?

Acting Director David Camacho – Yes that's comprised of both private properties.

Vice-Chairman David Matanane – Like the Chairman says the set value of those properties but I guess we need to have it appraised and then we're coming down to a fair exchange.

Acting Director David Camacho – As far as the presentation of June Perel the needs that we're looking at is the needs of the people of Guam.

Vice-Chairman David Matanane – I understand I have no qualms but I'm questioning the exchange itself because nothing can happen unless we exchange. That's the first hurdle of the exchange then we can take action. As soon as the exchange is done then that's when..(interrupted).

Acting Chairman Michael Borja – You understand there could be public criticism to say I have equal size lot but it's a swamp, how about I get a cliff line property too and then you can go and build this. But I understand in the past we agreed on this okay and I don't think we're back tracking on that at all. It's just we didn't even know at the time that they're getting a sweet deal and they're getting even a sweeter deal because the lots are going to be cleared where their current lots are not. But to proceed forward then we need a public law right and Senator does your office have all the information you need lot information and all that? What you need to make the necessary legislation.

Senator Aline Yamashita – Mr. Chair we have access to the information but we would need from you is Board action. It will be a resolution saying you support such exchange for the purpose of that and so once we have that resolution from you then we go forward. Now I may not be the best person to introduce this please understand that. You know that I'm a minority member and so I would actually think that Speaker Ben might be the best person because he's also oversight Chair of land. Now I know Mr. Camacho has already met with Speaker Ben and Senator Rodriguez and I have already spoken and we too will speak with Speaker Ben. I already know what Speaker Ben's concerns are and I appreciate them. So what you are all raising are his concerns and so I think with the open dialogue we can move further.

Acting Chairman Michael Borja – So he's saying the same thing well it might be size for size but the value for value is different.

Senator Aline Yamashita – The value issue and has the Board actually made a statement of support. That's what he actually said to Mr. Camacho. Dave helped him understand that the conversation was ongoing and so Speaker Ben said you need Board action before we can talk about introduction of a bill. And so I unfortunately have not had the opportunity to speak with Speaker Ben about this but I do look forward to that conversation. But I have spoken to Senator Rodriguez who has oversight of the hospital and he fully supports this and looks forward to helping champion this issue as well.

Vice-Chairman David Matanane – Has Speaker Ben raised the issue of the value?

Senator Aline Yamashita – Yes Speaker Ben what I understand Speaker Ben has actually asked why are we exchanging well actually maybe I should let Mr. Camacho explain.

Acting Director David Camacho – We discussed it between us and Senator Pangelinan, it was not mentioned about the land exchange and all those things. The question arises as to who's doing the land exchange and all those things and I mentioned that it's to benefit the Guam Memorial Hospital for a parking lot and all those things. So in essence what he suggested, what he told me that a resolution from the Board is needed so that it could support the bill in the land exchange between Land Trust property and the private property. It never mentioned about, it never brought up about the price or what.

Acting Chairman Michael Borja – Well the other part here I think while it's Chamorro Land Trust land being made in exchange for private property now the other part is the Chamorro Land Trust land is now going to belong to who?

Acting Director David Camacho – As far as we're concerned it stays with the Land Trust.

Acting Chairman Michael Borja – It stays with the Land Trust and so until such time they decide to do some building on it but for the interim it's probably just going to be cleared to make it into a flat parking space.

Vice-Chairman David Matanane – I believe the Senators have to take that action because we can't do that unless the complete exchange has been done then we will make a resolution that this particular piece of property now belonging to Chamorro Land Trust will be adhered as a garage for Guam Memorial Hospital.

Acting Chairman Michael Borja – No I think what we're looking at here is we support the legislation as a Board resolve that we approve to move forward..(interrupted).

Vice-Chairman David Matanane – A resolution is fine I mean we will do the resolution but it's incumbent upon the Senators to do the exchange.

Acting Chairman Michael Borja – Now Board members you guys agree on this, do we not agree, do we have any other comments on this?

Vice-Chairman David Matanane – We agree to do the resolution for a land exchange. I guess the Senators would have to go into that detail for the exchange. That's why I asked you concerning Speaker Ben does he consider the value. I am pretty sure that he will.

June ^{Perez} Perez (GMH) – Sir I'm sure Senator Ben being the watchdog that he is will review every consideration before he will support any legislation affecting Chamorro Land. The final decision will be Public Law from the Legislature and signed by the Governor. But I think it all has to initiate in your good hands here Mr. Chairman and members of the Board they're looking for you to formalize this offer to be made. The landowners are waiting, the public is waiting for parking.

Acting Chairman Michael Borja – Understand and we've had delays on our meetings as well. Mr. Cruz do you see anything legally on this whole matter?

Legal Counsel Robert Cruz – I've participated in a couple of meeting with the landowners with Helen and with the Staff. The second meeting actually was with Boy Scout representatives who made contact with the military. He was in the process of contacting Seabees with the AirGuard, the Army Reserve, the Army Guard to see what help they can get with the clearing.

Acting Chairman Michael Borja – I was wondering what that had to do with this the military and the boy scouts. So they're looking to try and use donated resources to clear the land.

Senator Aline Yamashita – Yes they're going to earn a badge. They are going to earn an eagle badge.

Legal Counsel Robert Cruz – It will be a civic action project for the military. We also had drafted at the request of the land owners and actually everyone involved in the meeting I did a preliminary draft to release liability. The landowners were actually very willing for there to be clearing and we're willing to waive liability to anyone that might come onto the property. At the same time though the legislation really needs to happen that's the foundation of this whole thing. The property has some piles that came from as I understand it a project in Tumon bay that they were meant to be pierced foundation and found not to be adequate they were put on the property by I believe by Mr. Del Carmen for his company. Anyway that would require heavy equipment to move. There's also some natural rock that is really on the Government land behind it and perhaps that could be reserved for some kind of park use or advantage point and not necessarily leveled and clear the entire property including the Government land. It might be safer too for all those cars that are there. There needs to be some professional design. But there is no, anyway I have been deeply involved in the meetings.

Acting Commissioner Oscar Calvo – Actually Mr. Chairman where that boulder stands and it's ironic the way that property is really designed because the frontage of that and Dave you can probably follow through this behind there is really Government property overlooking that view. It's really you know over that overlooking the ocean side. How that happened you know because Monte and I we looked at that and I said hey Monte look at this, this is actually still our property but we can't get to there. But I think in my support to that and the Board you know the resolution I don't foresee like what Mr. Matanane stated but it really and I think if the family members agree too because that's what Monte and I really talked about that we need to narrow it down to you know that their meters for meters and what not. And is the family okay with that and I think, I know that the property of that value has a value maybe at a higher. You need an appraiser like what Dave said to really value that. But I think if the landowners understand lets hypothetically that if was appraised at let's say at a rough number \$100,000 for that matter okay which is probably more but at this range they're only getting it at a very lesser price you know. I think this is where the Legislature too would really agree that the family members are in agreeable too and it might be higher like what Dave said. You know the cost of that and I think that's where Senator Ben Pangelinan who's the chairman of that committee I think his point

made there is if I transfer all these piece of property over to this okay but the Chamorro Land Trust can make money out of that a lot more than what the parking so are we looking more on the money or are we looking more for the health of the people of Guam, the need of the people? I think that's the biggest question that I would pose. I think that's where the Legislature really should enhance.

Senator Aline Yamashita – Indeed once it gets to the floor we certainly can make the arguments. I mean I'm very comfortable of making that argument and stuff but the questions I am so sure will be asked by all our representatives and we'll deliberate in the best interest.

Acting Commissioner Oscar Calvo – And you're going to get back lashed on this from the public.

Acting Chairman Michael Borja – **The Chamorro Land Trust resolves to endorse legislation for the exchange of properties between landowners and Chamorro Land Trust properties on Lot 5173-1-R2NEW-R4 in the municipality of Tamuning for the purpose of making land available to the Guam Memorial Hospital for parking and for future activities to be determined.**

Vice-Chairman David Matanane – That's a motion Mr. Chair and so moved.

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – And it's passed.

Senator Aline Yamashita – Bravo. The families of Guam thank you. We move forward one step at a time but we thank you.

Acting Chairman Michael Borja – Hope it all works out.

Senator Aline Yamashita – Oh we do too.

Acting Chairman Michael Borja – And call us when it's time for the public hearing.

June ^{Perez}~~Perez~~ (GMH) – Guam Memorial Hospital thanks all of you.

2. Ignacio Guerrero, Jr. – application status

Ignacio Guerrero, Jr. – Thank you Mr. Chairman for inviting me at the old business in the Board. Right now the only thing so far that I have comment was I actually submitted a letter via email and that was the concern about having, requesting of course my application was 10 acres at the initial request and then the letter that I wrote was requesting at least just about an acre if possible just to compensate for..(interrupted).

Acting Chairman Michael Borja – Reduce to an acre?

Ignacio Guerrero, Jr. – Yes.

Acting Chairman Michael Borja – In increments yes we were looking at increments on your presentation last time right. Now I may have made a mistake on our meeting last

where I kind of thought that in one way I probably knew that you had already sent in an application but I did not intend to move the application forward in any I mean we have to be fair with everybody. The Commission is actually doing their utmost best to take care of them in numerically as they have been applied. You have a great plan I don't want to squash that plan at all because that's going to squash your heart. We need people like you who can do well on the land and produce stuff from the land.

Acting Director David Camacho – That's the reason why Mr. Guerrero came in because of his request from 10 acres to 1 acre so that he could start using the property for his intention. However through review on the application he applied in January 2001 in which the application is not up yet to issuing.

Acting Chairman Michael Borja – Where are we at right now?

Acting Director David Camacho – We're still in 95.

Acting Chairman Michael Borja – Even for agriculture?

Acting Director David Camacho – We're addressing the agriculture and residential on 95.

Acting Chairman Michael Borja – And those applications are not separated out between agricultural and residential. They're not separated. I mean you don't handle them differently? Because some lands can go for agriculture they don't need the kinds of infrastructure you need for residential for example.

Acting Director David Camacho – We're addressing it as they come in. We're addressing it through the time of application on both residential and agricultural. I believe the reason why he came in is to ask the Board whether his application could be approved for the one acre.

Vice-Chairman David Matanane – When did he submit his application?

Commissioner Amanda Santos – In 2001.

Vice-Chairman David Matanane – In 2001 and we still somebody waiting further in the back. How many more have been waiting and is it a specific area that they want it? How many of those wanted that same piece of property that he is inquiring?

Acting Director David Camacho – One of the hold back on this Mr. Chair is the property that's available for agriculture are unregistered and we're on the verge of registering those properties. We're trying to avoid issuing out properties that's not registered.

Vice-Chairman David Matanane – So as soon as we're done with the registration then would he have first preference or do we have somebody else?

Acting Director David Camacho – We still have to go through the timeline. Unless we finalize already the 95 issues that's when most likely we'll come back to the Board and say everything is open. When it comes in we'll address it.

Acting Chairman Michael Borja – Oh address it as they come back down here to deal with it on a one on one basis?

Acting Director David Camacho – There's a lot of people you know, we've been trying to do advertisement. As a matter of fact I relayed to the news media concerning the applications of 95 to contact our office or come in so we can address their applications. We've been getting a lot of response from applicants.

Acting Commissioner Oscar Calvo – Dave on that program that we, you initiated I remember that and we did that program and Monte when he first, what's supposed to be Chamorro week Chamorro day which is on a Friday. Is that still on an ongoing? For people with applicants that was held back for whatever reasons back then because we initiated that with Joe Borja back then.

Vice-Chairman David Matanane – On those specific applicants are they also requesting at a specific area? That too you got to consider that if most of them wants it down there in the south or if there's another farmer that wants it up north so you can delineate those things and move him up.

Acting Director David Camacho – We're addressing as to where they want it because in essence applicants could decline three times. In the initial we issue lands where ever they want and if there's an available property available we..(interrupted).

Vice-Chairman David Matanane – As we identify also the agricultural properties.

Acting Director David Camacho – Yes.

Vice-Chairman David Matanane – But his request is a certain area.

Acting Director David Camacho – No right now it's not identified as to where. He's requesting for Yigo.

Vice-Chairman David Matanane – As you can see here that the Director is trying to delineate the lines that's supposed to be agricultural and then maybe you might be moving up the line. And besides that we have a problem of getting those lands registered. I guess you keep in contact with the Director and find out how your application is moving.

Acting Chairman Michael Borja – Like I said we need to be fair overall across to everybody but that's the whole reason why I wanted to know if we separated agriculture from residential. But at the rate what they're trying to do is register all these lands that are meant for agriculture so that they can be leased out. And then once we can get those

lands registered there will be more leases distributed out to those as they come along. You make an effort to try to contact these people I mean are you just putting out through press releases or are we sending letters to last known addresses to try to get them or contacting them in any way? I mean if they fail to respond can we move?

Acting Director David Camacho – Yes sometimes the land agents contact through the telephones and all those things. But just to advise the Board that as of now for the past couple of months we've been receiving a lot of applicants coming in.

Acting Chairman Michael Borja – New applicants?

Acting Director David Camacho – No the old ones the 95. We've been entertaining them and most of these land agents which we have only four are overwhelmed with the walk-ins.

Vice-Chairman David Matanane – You have separate applicants from farming to residential and that's where I'm coming from where most of the applicants were residential for maybe an acre lot where they can build and farm or a big time farmer where they're asking for a couple of acres. I guess the administration has to look at it and see what the applicant wants and needs and we can separate the property and say how many acres are in this particular area and if he wants 10 then you know. If it's only 1 acre maybe you have another area where we can separate them.

Acting Director David Camacho – We do have the inventory as I said we do have an inventory. We have property that is available but then again were are facing several problems Mr. Chairman some of the properties in the past were issued out to a number of people on the same lot and all those things so we're trying to correct that. Matter of fact I received one where there's two owners on the same lot. We're trying to address the problem of people being given 10, 15 acres, 20 acres and they're not using it. We're doing a site visit on this. We already have I think 2 or 3 lease agreements that the size of property was chipped down from 7 acres to 2 acres because of non-compliance you know not being utilized. Most of them are agreeable to that.

Acting Commissioner Oscar Calvo – Dave on that issue Mr. Chairman I know that when we first got on board on that too Dave was those were one of the issues that we really encountered people that owning 10, 15, 20 acres and that was one of the things that we pushed and Mr. Borja at the time was the Director was to alleviate some of those problems. I'm glad that we're really now taking further action. You probably hear this yourself Dave out there people say I notice that guy got 10 acres out there and he's not doing anything about it. I think in reality the goal itself they have amplitude time to work on these properties and most of them their reasons are I don't what to plant and there's no vision. So I envisioned that with Monte at the time when we got in and those were one of the things that Monte and I really tackled and said let's go back and look at history of all these landowners that's been holding properties that's been sitting there ideally for 10, 15 20 years. I know the rational reason why these people take these amount of property was

to distribute it among their families and that's not the whole purpose of the Chamorro Land Trust. It's to give out to every individual that can have a property.

Vice-Chairman David Matanane – I believe Mr. Chair, Mr. Guerrero we're going to have to table this and let him work with..(interrupted).

Acting Chairman Michael Borja – Please work with Mr. Camacho or Mr. Mafnas when he gets back or whoever you're assigned to as the agent. You're ready to go right, you're ready to start getting your hands dirty and I appreciate that. But there is a bigger picture here involved in trying to make sure that this is handled fairly because it wasn't in the past and we had too many problems that arisen over it that we're still trying to resolve even to this day. You've heard we got these folks who somehow got more land than they really should and they've done nothing to it and it's not right either. If you can easily farm 10 acres and you're ready to do that but you're really only looking for 1 just to be able to farm something that's better than some of the folks who are not farming anything. My apologies on trying to get your hopes up high here but we really need to stick to the rules and trying to get the people taken care of as they come along. But things could move along a little faster now that we're getting lands registered and we're finding folks who are not using the lands they were given and reducing those sizes and then being able to portion it out to others.

Vice-Chairman David Matanane – You have already submitted your plans and we got everything.

Acting Chairman Michael Borja – You probably got a lot more on your plans than most of those..(interrupted).

Acting Commissioner Oscar Calvo – Dave have you guys looked also on the issue on these squatters.

Acting Director David Camacho – I was going to discuss that on the Director's Report.

Acting Chairman Michael Borja – Yes because we've got those issues too.

Ignacio Guerrero, Jr. – And that's where I've been looking at I was like you know this living out there and then coming home that's my biggest issue is that if people can be dumping you know illegally dumping up in Yigo and areas that are like Chamorro Land Trust it's a waste. If someone like me or somebody who can utilize the property and make it be known that hey there's someone present you know then that could at least alleviate the issue from people dumping.

Vice-Chairman David Matanane – Where's your preference? South? North?

Ignacio Guerrero, Jr. – Actually it don't matter. I really don't have any preference. If it's in the south I'm fine. I mean to me mileage and commuting is no issue. I've lived in the

United States and commuted hours. So this is nothing you know it's better for me here. I really don't have a preference right now.

Acting Chairman Michael Borja – Okay thank you very much.

VI. NEW BUSINESS

1. From Department of Mental Health & Substance Abuse

Re: Property for Residential Treatment Homes

Acting Chairman Michael Borja – Under New Business we had Department of Mental Health and they asked to table this till a later time. Was there a whole process that they were looking at? They're looking to try to get properties for homes under a court order or something?

Acting Director David Camacho – Right for at least 2 acres of property to build.

Acting Chairman Michael Borja – And they had money. Why are they tabling this they got money that's going to run out? Okay then if it's possible if they need to come back next month we'll talk about it next month.

Acting Director David Camacho – The problem on this Mr. Chair is they're asking property that's close to the Mental Building. The only available property is the Oka Point.

Acting Chairman Michael Borja – Well they have residential facilities that are in different parts of the island.

Acting Director David Camacho – Right but they're looking at building one through the court order to build. We mentioned something about reserved property up in Chalan Pago and I believe it falls under the Mental Health. But that area goes down the ravine and all those things.

Acting Commissioner Oscar Calvo – That property anyway that was back then when the former Director of Mental Health which is Dr. Dave Shimizu that was initially we brought on that time.

VII. DIRECTOR'S REPORT

1. Monthly report for February and March 2013

Acting Director David Camacho – Attached in the folder is the report concerning the revenue collection for the month of February and March. Documentation as to the leases that were issued out during February and March, survey authorizations, utility authorization and the number of calls and visitors that we entertained within that month. You see that we've been receiving a lot of visitors coming to the office.

2. Squatters

Acting Director David Camacho - Other than that Mr. Chair we're addressing you mentioned about squatters we have already done several evictions from places.

Acting Chairman Michael Borja – Did they leave?

Acting Director David Camacho – Some of them are building their own houses, they sold the property and now they erected their own houses.

Acting Chairman Michael Borja – They're actually erecting permanent type homes on land that's squatted land?

Acting Director David Camacho – On private property.

Acting Chairman Michael Borja – On which property? On Chamorro Land Trust?

Acting Director David Camacho – We're evicting them from the Chamorro Land Trust property. These are houses that were built way back and they have no authority or documentation that they're not even qualified too on Land Trust property. They relocate themselves by finding private property or bought some property. Some of the other evictions other squatters that are just there are really there with cardboard houses so we've been evicting them.

3. Non-utilization of acreage

Acting Director David Camacho - We're addressing as I mentioned earlier we're addressing all those people that are on a lot of acreage, 15 acres, 10 acres, 20 acres and we're doing site inspections on them and we're cutting down. We're able to cut down already three applicants. One is I think from 7 acres to 2 acres. The other one is from 5 to 2 acres in which we identified that they are not utilizing the property, fully utilizing the property for the longest time, 10 years, 15 years.

Acting Commissioner Oscar Calvo – On that squatters and your findings I don't want to sound too racial about that but you mentioned that these were unqualified Chamorro Land recipients. Are we saying whether they're Chinese, Korean or whatever?

Acting Director David Camacho – I don't want to..(interrupted).

Acting Commissioner Oscar Calvo – Discriminate on that portion.

Acting Director David Camacho – Yes.

Acting Commissioner Oscar Calvo – Okay.

Acting Chairman Michael Borja – Well to put it this way they don't have any proof that that land belongs to them and we don't have any record that that land was assigned to anyone.

Acting Director David Camacho – And again furthermore they're not qualified under the Land Trust operation.

Acting Chairman Michael Borja – Because the land could also be squatted by Chamorros who are not eligible or have not applied and the land hasn't even been given to them.

Acting Director David Camacho – Right.

4. Land Registration

Acting Director David Camacho – I mentioned again we're working on the land registration. We have hired under the Land Management we have hired an Abstractor III and that's what she's doing in conjunction with our attorney and the other divisions. Each division has provided one employee to help out with the gathering of all the necessary information to proceed with the registration. One of the properties that is on the table now it's ongoing is the Merizo property. That property that involve the bridge and all those things we're trying to register that first. Then another instruction is the property up in Dededo. Monte's vision is that we're going to at least register about 4 to 6 lands this Fiscal Year. I believe we could do it with the help of the other divisions within the Department of Land Management.

Acting Chairman Michael Borja – You're just talking when you're talking land you're talking large blocks of land which can then be subdivided.

Acting Director David Camacho – Right. Going back to evictions some of the evictions are coming through the courts. The AG's office is filing some legal eviction notice for these people.

Acting Chairman Michael Borja – Oh really for what reason?

Acting Director David Camacho – We have..(interrupted).

Acting Chairman Michael Borja – We have cases in the AG's office to do it?

Acting Director David Camacho – Yes. One of the Attorneys has been helping us out, the Land Trust drafting up eviction notice for these people.

5. Deceased applicants

Acting Director David Camacho - We're addressing the Chamorro applicant that are deceased now. We have come up with a listing on that so we're going to revisit that as to who's occupying the property now because there's no transfer of the lease agreement to somebody and all those things.

Acting Chairman Michael Borja – There's nothing on record I mean you can make a transfer because it's by inheritance to.

Acting Director David Camacho – We're trying to identify the beneficiary of this but there's some a lot of cases where the beneficiary have not come in.

6. Assistance to fire victims

Acting Director David Camacho – One of the issues that we did about two months ago is fire victims. In coordination with Guam Housing we helped the fire victim up in Dededo Astumbo area in doing the mapping system and in doing all the necessary documentation so that the fire victim could receive certain grants from Guam Housing and from GHURA.

7. Infrastructure issues

Acting Director David Camacho – Other issues that arises in Land Trust is the water hook up, easement and power. I believe Monte Mafnas had already mentioned that we're addressing the easement issue. We are coordinating with DOC, I don't know whether he mentioned it to the Board. We are coordinating with DOC in which they have two bulldozers for us to utilize to open up these roads.

Acting Chairman Michael Borja – Department of Corrections?

Acting Director David Camacho – Yes. They have two bulldozers that they're lending it to us to actually for us to keep it and to use it for at least to open some easements for these people who have been given Land Trust property. We're trying to work it out to find whether we could get as to who is going to drive it and who's going to operate the bulldozer and all those things.

Acting Chairman Michael Borja – Someone in an orange shirt.

Acting Director David Camacho – Usually DOC would ask Public Works to do that and some of the DOC guards said they're good operators they've been doing that for their own purpose. Maybe we'll do an MOU with DOC.

Acting Commissioner Oscar Calvo – They have a V8 or the 7?

Acting Director David Camacho – They have one small one I think the small one is V6 and the other one is V8. It's big. Mr. San Agustin promised us and he gave us his go ahead.

Acting Chairman Michael Borja – He's swindling and stuff so he can get more property to build a DOC, a larger facility. They probably need a larger facility.

Acting Director David Camacho - That's what I'm going to report and I'm still communicating with Monte once in a while.

Acting Chairman Michael Borja – Well pass on to him our best wishes and prayers.

Acting Director David Camacho – He won't be back until the last part of May, May 31st.

Acting Chairman Michael Borja – Well just for the record I did send a written testimony to Senator Pangelinan's office in support of legislation I think I know I got approval from you Amanda and Dave on it. I will provide a copy to you Terese the hard copy that I sent

to him just for the record. It basically was legislation he introduced that would require Government agencies who are using Chamorro Land Trust property to sublease for commercial purposes that they are required to submit GRT on those moneys earned and that GRT or any other type of property taxes could be used for the Chamorro Land Trust Commission's purposes.

Vice-Chairman David Matanane – But it wasn't specific as to do we have a specific account for that.

Acting Chairman Michael Borja – That's an executive branch issue.

Commissioner Amanda Santos – How come I didn't know about that public hearing?

Acting Chairman Michael Borja – I didn't either, I don't know that's why they called me up and they asked me. They had the public hearing already they just asked me to submit in some testimony.

Acting Commissioner Oscar Calvo – What was the law that Ben's enacting on that thing?

Acting Chairman Michael Borja – I don't know I think it was Bill No. 24, don't quote me to that but I have it written out in my testimony. What I did find was I guess there was some, GEDA for example was opposing the legislation. Basically what they were trying to do let's say this private company rents, leases this Government property through a Government Agency he's excluded from having to pay property tax or GRT. Or the moneys made through the lease are not, don't have to pay GRT. Whereas if he rented it from this private owner the private owner would have to pay GRT on the rent and the lessee would have to pay property taxes so he's getting a good deal, he's getting less money. The Government is losing out altogether on it.

Acting Commissioner Oscar Calvo – Actually the Chamorro Land Trust is really the one that's really losing out on that portion. When we discussed with that back then Dave remember that's when Mr..(interrupted).

Vice-Chairman David Matanane – And with this other thing that was coming up and I'm good because I didn't have to question all those things that they are going to be requesting because we're going to have a ball. We mentioned that before and I don't know if you're on Board already when the Okkudu thing the extension and remember I was teasing Monte give it too because and this is another corporation because they formulated another corporation. I said no, no you can't do that because the first one is already holding it. You got to negotiate with them. But let's negotiate it and you want a renegotiation we want money now not even a dollar. There's nothing coming to our coffers. That's where I'm coming from.

VIII. EXECUTIVE SESSION

Board reiterated that Oscar Calvo will not be permitted to take part in discussions on motions, votes on motions and making of motions until such time he receives Legislative confirmation.

IX. ADJOURNMENT

Meeting adjourned at 2:31pm.

Transcribed by: Teresa Topasna: Teresa Topasna

Approved by Board motion in meeting of: May 16, 2013

Acting Director, David Camacho: David Camacho

Date: 5/16/13

Chairman (Acting), Michael Borja: Michael Borja

Date: MAY 16, 2013