



*Eddie Baza Calvo*  
Governor of Guåhan

*Ray Tenorio*  
Lieutenant Governor of Guåhan

Commission Members

*Michael J. B. Borja*  
Acting Chairman

*David J. Matanane*  
Vice-Chairman

*Amanda L.G. Santos*  
Commissioner

*(Vacant)*  
Commissioner

*(Vacant)*  
Commissioner

*Monte Mafnas*  
Administrative Director

# Chamorro Land Trust Commission

## (Kumision Inangokkon Tano' Chamoru)

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### COMMISSION MEETING MINUTES

Department of Land Management Conference Room  
3<sup>rd</sup> Flr., ITC Building, Tamuning  
Thursday, June 20, 2013; 1:05pm – 3:48pm

#### I. CALL TO ORDER

Meeting was called to order at 1:05pm 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 Director Monte Mafnas.

#### III. APPROVAL OF MINUTES (May 16, 2013)

**Vice-Chairman David Matanane moved to approve the minutes of May 16, 2013. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.**

#### IV. PUBLIC COMMENTS

**1. Frances Jarrett** – Good Afternoon my name is Frances Pangelinan Jarrett. I just wanted to actually get more information regarding that property the Layao on the Old Business. I was one of the people that was promised property that was actually taken from me and have not yet to be replaced in the last 6 years. I've been shown many properties but that doesn't do me any good because the money that I had was spent on clearing the property that was given to me which belongs to somebody else. It just had so many problems in regards to my situation. I've waited so long and frankly I'm not getting any younger. I think I might be older than most of you. I'm 67 and I'm still waiting so God forbid should I kick off tomorrow. But I've been shown property that is not going to do me any good. It does not have any infrastructure, property in which I have to clear like I did the other one. I spent my money on that. Plants that I have bought to plant on my property you know lemon, breadfruit all those things they're all gone because I put them in pots and they've gone through the pots in which I moved to an area which does not, to a housing that does not require any plants at all. I had to either give them away or have somebody hold them for me because I cannot plant them because I don't the property just yet. I've lost money on that. You know even a lemon tree it cost twenty bucks just for one lemon tree.

**Acting Chairman Michael Borja** – Okay so you were then told you were supposed to have some land in the same area where Layao was at and we have details on this right Monte on her.

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**Director Monte Mafnas** – Yes we were supposed to evict Mr. Layao and put her in, give her a half acre of property. In fact we met I think it was in November, December as a group all six people eight people informing her that we have exhausted everything we can to evict. I personally could not evict Layao by myself so I brought it to the Board. The Board all signed in December we did serve Mr. Layao an eviction notice. So he's refused and countered by filing with the AG for discrimination. So consequently, subsequently we have an attorney now Mr. Bob Cruz who is going to take this matter to the next level and file in the Superior Court to finally evict Mr. Layao and Mr. Quintanilla and go for unlawful detainer.

**Acting Chairman Michael Borja** – Mr. Cruz did you have an opportunity last month I think we spoke about this last month with the Attorney General's Office concerning the Layao complaint.

**Legal Counsel Robert Cruz** – Yes I met with Deputy Attorney General Pat Mason, requested that I be designated as Special Assistant Attorney General for purposes of evictions for the Chamorro Land Trust and that was granted so I've received that appointment. I've also met with attorneys in the AG's Office that have actually done evictions and they shared forms and strategies. So we're at the point where we can now go to Superior Court and file the necessary request.

**Acting Chairman Michael Borja** – Do you have any kind of timeline?

**Legal Counsel Robert Cruz** – I would say by the first week of July we should have filing in by the end of the first week of July.

**Acting Chairman Michael Borja** – So it should be filed but then a court date is?

**Legal Counsel Robert Cruz** – Would then be set. We have to track down the individuals and serve them.

**Acting Chairman Michael Borja** – Oh then serve them and then a court date is set.

**Legal Counsel Robert Cruz** – Yes that's the process.

**Acting Chairman Michael Borja** – Ms. Jarrett I know that it has been a long process but what we thought was going to be just a regular I mean it was agreed upon with these folks on what we were going to do and then went and made changes at the last minute and disagreed with what we agreed with and decided to go take it to court that's where we're in that dilemma now. If you are willing to work on something else I know you don't want to move to another land but is there any other way we can assist Ms. Jarrett on this issue?

**Frances Jarrett** – The last that I've heard I think it was a month ago when I went to look at the property that was being offered to me was that they are in the process of surveying what's this Layao's.

**Acting Chairman Michael Borja** – Who is surveying?

**Frances Jarrett** – I don't know.

**Director Monte Mafnas** – Department of Land Management is surveying.

**Acting Chairman Michael Borja** – So you can subdivide it.

**Director Monte Mafnas** – Correct. But in all fairness Ms. Jarrett we did show you other properties, correct?

**Frances Jarrett** – Yes.

**Director Monte Mafnas** – That's true right?

**Frances Jarrett** – True.

**Director Monte Mafnas** – And you declined.

**Frances Jarrett** – I declined because on the first few that I saw it's like there's no way, it's going to be put me back in the same mode. I'm going to be sitting down waiting for infrastructure. What was taken from me was a full package it had everything. So why should I, I expect that back. I expect to be given a property back that has infrastructure as the way it was taken from me. Otherwise if I accept a property that I saw several times I would like, I'd be dead before I could probably have that infrastructure. I'd be back to base one frankly. I just feel so I'll just stick to waiting I've waited this long.

**Acting Chairman Michael Borja** – Hopefully it will be a matter of a few months depending on the actions of the court and hopefully it will be in our favor because everything pretty much I think we've done everything according to what we're supposed to do.

**Director Monte Mafnas** – I'd like to ask our Legal Counsel a question and that is can you do an ex-parte for eviction?

**Legal Counsel Robert Cruz** – What do you mean? Some kind of expedited process?

**Director Monte Mafnas** – That is correct.

**Legal Counsel Robert Cruz** – Well it depends on the strategy, there's different possibilities.

**Director Monte Mafnas** – But you're an Assistant Attorney General today correct?

**Legal Counsel Robert Cruz** – Yes.

**Director Monte Mafnas** – So maybe there's a possible, we can move it forward.

**Legal Counsel Robert Cruz** – Well yes but the process may still take some time to rightfully implement the actual eviction.

**Director Monte Mafnas** – So we're looking at all angles. I just want Ms. Jarrett to understand that collectively, collaboratively we're helping her. She may not know it but we are helping her to the best of our Government abilities.

**Acting Commissioner Oscar Calvo** – Monte, Mr. Chairman, if I'm not mistaken because you know I'm fully aware you and I on this case and the property that we have there is about what four or five acres right?

**Director Monte Mafnas** – Five acres.

**Acting Commissioner Oscar Calvo** – So we're actually just debating on the issue of where Mr. Layao is right now right where his homestead at that small piece of property on the front.

**Director Monte Mafnas** – Illegal squatter is what he is.

**Acting Commissioner Oscar Calvo** – Yeah I know.

**Acting Chairman Michael Borja** – But he personally holds a lease for (interrupted).

**Director Monte Mafnas** – Had a lease.

**Acting Chairman Michael Borja** – But it's for that entire property so we can't really move on anything there until we resolve that in court.

**Acting Commissioner Oscar Calvo** – That's the only thing that I was thinking about is maybe we can you know but it that's the case I'll leave that to you whatever.

**Director Monte Mafnas** – So Ms. Jarrett we're trying everything we can so we appreciate your patience.

**Frances Jarrett** - I do have another question I don't know if I overheard you. When I was with Eileen on this last show of the property over at Layao's she mentioned that I would be given an acre rather than half. I don't know if Mr. Oscar Calvo remembers me when I was in there, I can't remember the Director's name I'm sorry what was his name?

**Acting Commissioner Oscar Calvo** – At the time it was Jesse.

**Frances Jarrett** – Jesse, because of what was done to me and he was very understanding instead of the half he was giving me full acre and please understand that I also went from residential to agriculture. It has changed in the few years back. So in lieu of all that I've been to all this anguish I think I deserve that and that's from what Eileen mentioned she did mentioned an acre.

**Acting Commissioner Oscar Calvo** – Just for the record whatever transpired with you and Eileen there what I said at the time was to help you in any way because we were having with Mr. Layao but I never said an acre. Whatever was given to you would be what in going back to that now whatever other issues that Mr. Jesse told you that besides only for the

record Mr. Chairman and Director on that issue. So I just want to make that clear. Yes I was there but whatever transpired that day I want to make sure that I didn't not to my recollection at least that I said to give you an acre for that reason.

**Acting Chairman Michael Borja** – Is there anything in the files in her files that would indicate any conversation?

**Director Monte Mafnas** – I would like to interject that in all fairness your request is noted.

**Frances Jarrett** – Is what?

**Director Monte Mafnas** – Is so noted. However when I brought all the people who were bypassed I did inform each and every one of the families there's 6 families that will be getting half acre lots because it's the right thing to do to help everybody we can. We can't just okay five acres we give it to five people. So I took it upon to subdividing the four acres into eight half acre properties so I can accommodate the other seven families okay. So that's always been, just like you you've been consistent in your request so have I been consistent in your request that noted but I can only give you one-half. So when we get to that point in time I will prepare a lease and you decide if you want to just wait for one acre because I'm firm about giving only one-half acre. So the request will be yours it'll be so noted but it will be the decision of the Board. I stand firm in helping everybody I can. There's not one less Chamorro or more Chamorro or what they're all the same thing. I've always been consistent Ms. Jarrett.

**Frances Jarrett** – It is not my fault that I've waited this long.

**Director Monte Mafnas** – I understand but we're trying everything we can to appease you to give you your application rights as a bonafide Chamorro.

**Frances Jarrett** – I don't understand how can anybody give a piece of property that already somebody has. It has to be on record so what happened? How did I fall into the crack? I came back from the mainland for health reasons is the reason why I left there. There was a letter in my file and I come back I go to the property to start and then there's a family living there I mean.

**Director Monte Mafnas** – I agree there's so many inequities that transpired in the past but you just stated that you had an application for a residential correct?

**Frances Jarrett** – Correct.

**Director Monte Mafnas** – By law the largest property we can give you for residential is a half acre that is where I'm coming from. I am following the law. Your original application was residential so I'm giving you the highest I can a half acre.

**Frances Jarrett** – So now that it's agriculture I still remain in the half acre?

**Commissioner Amanda Santos** – Switch, agriculture she could get more.

**Director Monte Mafnas** – If we entertain Ms. Jarrett and give her one acre that means I have to remove the other family. Where's the fairness, where's the equitable? They're getting all the same.

**Frances Jarrett** – Where's the fairness with me? I've waited so long I've lost six years of my life trying to (interrupted).

**Acting Chairman Michael Borja** – Ma'am I understand and we do sympathize and we have compassion but there's I mean we've actually not been assigning lands unless now that they're properly accounted for that there's infrastructure that's available. We're trying to do many other things behind the scenes to get lands that have infrastructure or get infrastructure into lands so that people who are assigned these properties like yourself will then be able to go in and you'll have your water and you'll have your electricity without having to suddenly go in and make the application at Guam Waterworks and be told it's going to cost you eight thousand dollars, your own hard earned money to install the six inch water line to your property. And so we're trying to be fair in all aspects and Mr. Mafnas does have, we're dealing with a lot of people. We're still on a list of people that applied in 1995. We haven't been able to get beyond that.

**Frances Jarrett** – But I'm not on that list. I'm not on that line. I'm on the line where something was taken from me I get a replacement to find out I spent my money over a thousand dollars to clear that property (interrupted).

**Acting Chairman Michael Borja** – What was taken from you?

**Director Monte Mafnas** – The lot.

**Acting Chairman Michael Borja** – You were already assigned Chamorro Land Trust (interrupted).

**Director Monte Mafnas** – But in all fairness Mr. Chairman the lot that we're replacing to accommodate Ms. Jarrett has infrastructure, has infrastructure.

**Frances Jarrett** – Yes, yes but when I hired someone to clear that property a gentleman came by and claimed it and we had a confrontation because I was fighting over the same property that I was given.

**Director Monte Mafnas** – Ms. Jarrett what I'm trying to establish is the property you would be getting has infrastructure, has water, has power (interrupted).

**Frances Jarrett** – The last one that I saw which was.

**Director Monte Mafnas** – No the one where I dedicated to you consistently. This is what you're going to get. Just be patient until we evict Mr. Layao. So that has water, power and there's a paved road, Ysengsong Road. So whatever happened to you that generate, that messed up your life for six years is no longer working for CLTC. I apologize on behalf of CLTC for what transpired to you. But we're moving forward, we're learning, we're correcting the deficiencies and we're trying our best to help the people the beneficiaries of

the Trust. So I'm asking you to just be patient because we have an attorney on board to take it to the next level and we're going to win. You will get your lot.

**Acting Chairman Michael Borja** – And a lot of the things that we've been held back on is because we had not had an attorney. I've been on this Board for over two years now and it's only been the last two months we've had an attorney. And so things that require actions of an attorney such as evictions had to be put on hold or had to wait its turn in the Attorney General's Office. They'll be with you, Mr. Mafnas and his staff will be in touch with you to give you the updates and the status of this legal action that's going to be taken and once that's completed hopefully in our favor then we can begin the process to formally get you your property.

**Frances Jarrett** – So in regards to money spent on a property that wasn't even mine who do I present that bill to for reimbursement? At that time I was working, I'm no longer working.

**Director Monte Mafnas** – Are you asking me?

**Frances Jarrett** – I'm asking the Board. So I've spent money on property that was given to me and then later find out after it was cleared that it belonged to somebody. So since I've cleared it with my own dollars what happens?

**Acting Chairman Michael Borja** – You have to file a claim with the Government then.

**Frances Jarrett** – A claim to whom?

**Acting Chairman Michael Borja** – With the Government of Guam. Maybe perhaps Mr. Cruz might be able to assist you on any of that stuff.

**Legal Counsel Robert Cruz** – It requires filing with the Attorney General's Office. You could contact them, there are forms you can find them online you can find them on their website but it's the Attorney General's Office that handles claims against the Government. There's a process, forms you have to attach, receipts or some justification for possible reimbursement. It's not guaranteed.

**Acting Chairman Michael Borja** – I can see your frustration and I could feel for your frustration but I want to give you something that you could take away with but the only thing we can say is this land is now we're proceeding forward and trying to evict the individual who has been occupying it improperly and has refused other actions that we've asked from him in the past. Now with our attorney we're going to be able to get them evicted off and then we can subdivide that property and get it issued out to people like you who have been allotted one of those pieces of property. I appreciate you coming forward to express your concerns and it's duly noted.

**Director Monte Mafnas** – I want to apologize its taking this long. I am very frustrated about this exercise myself. I am sorry it's taking this long but it's beyond, it is the law now that we have to deal with.

**Commissioner Amanda Santos** – And also we blame the people assigning the lots. If they assign one lot to one person why do they have to assign the same lot to (interrupted).

**Director Monte Mafnas** – The person assigning the lots Commissioner Santos is no longer working for CLTC. So we took care of that problem thank you.

**Commissioner Amanda Santos** – Next time we need to be careful.

**Acting Chairman Michael Borja** – Thank you very much ma'am.

## **V. OLD BUSINESS**

### **1. Feliciano Layao dba Layao Enterprises & Jesus Quintanilla eviction status**

Item discussed under IV. Public Comments.

## **VI. NEW BUSINESS**

### **1. Department of Public Health & Social Services**

#### **Re: Land exchange pursuant to Public Law 22-18, Reservation list for Homeless Shelter, Children's Foster Home and Public Health Facility**

**James Gillan (Director, DPHSS)** – Good Afternoon Commissioners, my name is James Gillan I'm the Director of Public Health and Social Services. I'm here to ask you to consider a proposal to trade approximately seventeen acres in Chalan Pago that was donated to the Department under Public Law 22-18 and that was well before my time here. Obviously nothing had been done with the property from all that time.

**Acting Chairman Michael Borja** – Nothing had been done as far as Public Health.

**James Gillan (DPHSS)** – That's correct. The intent was to develop a foster care home and a homeless shelter among other things. The recent events in the last couple of years really brought us to pay more attention to perhaps the opportunity to use this land. We discussed this with Mr. Camacho and we went out and took a look at the land. I think there's some renderings and pictures there and some topographics to show you it's a really difficult piece of property to develop for the purposes that we'd like to entertain. Unfortunately our business is many things one of them is Child Protective Services and business has been very brisk. Just to give you a one week's, this is just a seven day period we've had referrals, twenty-two referrals to Child Protective Services. That's three a day that's a slow week. A lot of those children have to be taken out of the situation that is presented that requires the referral and they're placed in emergency shelters and some of them unfortunately have to stay in those shelters as we look for foster care for these children. Right now we have one hundred fifty-eight children in foster care. Thirteen are in a waiting list for foster homes so we already have children in the emergency shelter who should not really be there because the emergency is over but they're waiting placement. We don't have enough people so the need for another foster care facility is pretty eminent. We are looking at trying to obtain a piece of property that we could basically go right into the ground with that has infrastructure already available. We are hopeful that if we can do this trade we would be able to talk to GHURA under the community development grant to go ahead and build this facility which we're estimating to be about a million dollars. We can only under group home regulations build for twelve, occupancy for twelve that's the limit which is right now would meet the fairly immediate need but there will be needs in the future unfortunately

we're just getting more and more of these things. We also have a grant from Department of Interior to construct what we refer to as our mosquito lab and again we were looking at that property in Chalan Pago and it's not just suitable.

**Acting Chairman Michael Borja** – A mosquito lab?

**James Gillan (DPHSS)** – A mosquito lab. One of the things we're concerned about from public health and environmental health stand point is the presence of dengue fever in this area. It's in Palau, it's in the Federated States of Micronesia, it's in Marshalls. Recently in Yap there was an outbreak and unfortunately those poor folks lost three children to that. In Marshalls three hundred people were affected. It's just a matter of time before that vector is here. We have the vector all we need is one infected person to get bitten and then that mosquito goes on and lays some eggs. Also unfortunately malaria is starting to crop up again because of the over use of the anti-malarials in the region they're getting often resistant to the treatment. So having a first line lab for that in addition to not only the mosquito detection lab we also have a food inspection activity there which could at least do some basic findings for some very easy to identify pathogens which we don't have to send off-island to determine. We had an outbreak in one of the schools in the last year over some food, it took almost three months to finally determine what that pathogen was. It would have helped to identify that sooner to see if we had to do any extra treatment or have other concerns. We have the grant for three million dollars to build that mosquito lab. We think the ideal location of that would be co-located with the community health center in Dededo if we could get a parcel there. We also have plans to develop a level two laboratory for our public health activities which among we'll be identifying the H1N1 virus and we also have our concern with the H7 and 9 that's in China and this one that's in the Mediterranean now that's killing six out of ten. We really do need that kind of specialized investigation and diagnostic activity in our public health portfolio. We believe that co-locating all of that activity in that Dededo area is ideal. So we'd be asking to trade approximately seventeen acres that we have in Chalan Pago.

**Acting Chairman Michael Borja** – That kind of laboratory since you're talking about some pretty contagious diseases, what kind of protection would you have so that it remains isolated to that facility? I mean you're talking about a place in Dededo that's smack in the middle of the largest village of the island.

**James Gillan (DPHSS)** – The construction of those laboratories I mean even this mosquito lab the people from the Centers for Disease Control will help us with the design of this. It's pretty intensive, very highly technical work and to develop a level two we already have a smaller capacity in our lab in Mangilao and the isolation activity and the isolation area is very secured. So it would be, it's all self-contained and negative atmosphere and so there's no danger in terms of getting out to the community. I mean the Centers for Disease Control itself they have some of the most horrible pathogens in the world is smack dab in the Emory University Campus. So there are ways to design these labs to make sure that they are safe for the community.

**Acting Chairman Michael Borja** – So that laboratory you're looking at the property that's behind the Dededo Public Health facility right? That's the one we're talking about.

**Director Monte Mafnas** – Right adjacent to, contiguous to.

**Acting Commissioner Oscar Calvo** – Is that a vacant lot?

**Director Monte Mafnas** – Yes, yes it is.

**Acting Chairman Michael Borja** – And then the property for the foster care what are we looking at?

**James Gillan (DPHSS)** – Ideally we'd like to have it located as close to the hospital as possible, to the schools, to the shopping so these children have an opportunity to have some kind of a normal life and not just be a part of an institution.

**Acting Chairman Michael Borja** – And that's the place which can only hold twelve you said right?

**James Gillan (DPHSS)** – That's correct.

**Vice-Chairman David Matanane** – What's the size of the lot on that?

**Director Monte Mafnas** – Its 4,129 square meters.

**Acting Chairman Michael Borja** – On both types of facilities how large are you looking for for both types of properties?

**Director Monte Mafnas** - We're taking away seventeen acres Mr. Chairman in exchange for this one acre and this two acres here in Dededo.

**Acting Chairman Michael Borja** – Seventeen for three? Well no but I can see here this original seventeen acres is a ski slope.

**Director Monte Mafnas** – But please be mindful Commissioner that Chamorro Land Trust has issued nine leases since 1997, over thirteen acres of this property already.

**Acting Chairman Michael Borja** – So it's already been committed. Who is there then? Who's using this property?

**Director Monte Mafnas** – There's a lot there's the Scroggs, there's the Aguons, there's (interrupted).

**Acting Chairman Michael Borja** – Oh, individuals.

**Director Monte Mafnas** – Nine different leases.

**Acting Chairman Michael Borja** – In this hilly property?

**Director Monte Mafnas** – Yes.

**Vice-Chairman David Matanane** – So Mr. Chair who owns the property?

**Director Monte Mafnas** – Which one?

**Vice-Chairman David Matanane** – The one that is exchanging it?

**Director Monte Mafnas** – Government of Guam owns all of these properties we're talking about.

**Vice-Chairman David Matanane** – But this property that Mr. Gillan is trying to transfer or (interrupted).

**Director Monte Mafnas** – Belongs to Chamorro Land Trust.

**Vice-Chairman David Matanane** – Still belongs to Chamorro Land Trust.

**Director Monte Mafnas** – Right but this is Government of Guam property dedicated, reserved for Public Health for homeless shelter and foster homes.

**Vice-Chairman David Matanane** – There's a public law already.

**Acting Commissioner Oscar Calvo** – What the issue on that Dave is back then when the 22-18 was being distributed out what they had done there was all the Government agencies that include from the Fire Department and all these agencies were given the first opportunity to get a crack of the property back then. So that's why they ended up with the seventeen and whoever made that determination back there was I don't really know. But that's how these Government properties ended up to all these public health, fire stations, DPS and (interrupted).

**Director Monte Mafnas** – It was called a reservation list.

**Acting Commissioner Oscar Calvo** – Yeah the departments had the first implementation on that.

**Vice-Chairman David Matanane** – Yeah but there was a timeline on that.

**Acting Commissioner Oscar Calvo** – Yeah there was a timeline that they were supposed to (interrupted).

**Director Monte Mafnas** – Ten years.

**Vice-Chairman David Matanane** – Then it should go back right?

**Acting Commissioner Oscar Calvo** – Yeah.

**Director Monte Mafnas** – We were leasing it out prior to, prior to 1997.

**Acting Chairman Michael Borja** – Even if it was reserved it ended up getting leased out?

**Director Monte Mafnas** – Yeah we leased it out. So we're trying to correct the wrong, right the wrong that has passed in the past.

**Vice-Chairman David Matanane** – So the exchange is 17,000 square meters and (interrupted).

**Director Monte Mafnas** – No seventeen acres.

**Vice-Chairman David Matanane** – And to and what's this?

**Director Monte Mafnas** – To three but be mindful Commissioners the request is tailored made. One, it must be close to the hospital. Two, it has to have infrastructure and roads Three, addresses the immediate needs of public health and etcetera and the functions and mandates of law.

**Acting Chairman Michael Borja** – Who would be operating the foster care facility? How is that run, is Public Health the one that operates these facilities?

**James Gillan (DPHSS)** – Public Health can operate it but right now as we do with the Alee Shelter we contract through Catholic Social Services to do that. We probably would do that also because it's a lot easier to have a non-profit or even a for profit do that so that the department doesn't incur all that fixed expenses of salaries and classified employees. So it's probably going to be bid out for the operation.

**Acting Chairman Michael Borja** – And you said you already had some grants already to build this facility, a million dollars you said.

**James Gillan (DPHSS)** – GHURA is looking at if this land is conveyed, finding funds under the community development grants that they have to build this facility for us and under the Department of Interior we already have three million dollars for the mosquito lab.

**Acting Chairman Michael Borja** – Okay so you have three million for the mosquito lab that's already been designated you just need the location to be identified and the blue prints have already been designed or are you just (interrupted).

**James Gillan (DPHSS)** – CDC is doing a lot of that for us so we have pretty much all the space requirements the lay out, we're pretty ready to go.

**Acting Chairman Michael Borja** – Okay and so you build this foster care facility and it belongs to Public Health but then you can contract it out for operations purposes.

**James Gillan (DPHSS)** – Yes.

**Acting Chairman Michael Borja** – But it will always belong to Public Health so that we'll have the ownership of the lands still remains with the Government the building remains with the Government.

**Director Monte Mafnas** – Correct precisely.

**James Gillan (DPHSS)** – I'm sure even on a trade you wouldn't allow us to convey that to any other entity except to the Government.

**Director Monte Mafnas** – And you can't sell it for profit either.

**James Gillan (DPHSS)** – Oh no, no, no.

**Vice-Chairman David Matanane** – So you still have the money of 2009 and 2010 and what about 11 and 12 do you guys have grants too for that particular project that you guys are, I assume that when you're mandated they should fork out the money too.

**James Gillan (DPHSS)** – It's kind of worked backwards because they say here's the money find some place to build and that was kind of the emphasis because they said we'll give you three million dollars to build this lab and that's when we started looking at the Chalan Pago land.

**Acting Commissioner Oscar Calvo** – On this Dave because I distinctively remember this issue we had, they were approaching the Chamorro Land Trust back then in reference to this before this Director and they did have that, they were trying to make that. There was no trade off at that time when this was decided back then it was just strictly but I'm fully aware of that property in Chalan Pago. I took the initiative back then to really scope that with Mr. Borja back then and (interrupted).

**Vice-Chairman David Matanane** – I got to apologize.

**Acting Chairman Michael Borja** – This is the Health Care meeting so he got Public Health confused with Mental Health.

**Vice-Chairman David Matanane** – I was looking at the other okay.

**Acting Chairman Michael Borja** – On this property Mr. Mafnas in Dededo what has that designated property been reserved for?

**Director Monte Mafnas** – The existing use is now known as the Northern Public Health Center.

**James Gillan (DPHSS)** – Community Health Center.

**Acting Chairman Michael Borja** – But the vacant properties has it been on hold for anything?

**Director Monte Mafnas** – It behooves me that no one ever (interrupted).

**Acting Chairman Michael Borja** – Put residential lots in there.

**Director Monte Mafnas** – Multi family or building or where else, I just found out about this property through our research last year identifying our inventory. It has always been Government land and never been dedicated or used. So now clearly the highest and best use of this land is compatible with the northern health clinic so the mosquito lab being here the working environment is established.

**Acting Chairman Michael Borja** – I don't have a problem with a facility up there but is there anything that we need to do in order to allow the public to be informed of the possibility of this construction or this facility going into that place? I mean if there are any concerns from the community do we need to address this to the Mayor of Dededo and you know any kind of public notice. Do we need to have any other discussion on this at all? I mean I have no problems with it because it's proximity to your northern facility the benefits that will come out of this kind of stuff. The other question I have Mr. Gillan, is there any reason why something like this can't be co-located for example with the University of Guam and to have some sort of cooperation with the University Science folks who might have some way or some reason that they can mix with this thing or could this be an extension for them as well?

**James Gillan (DPHSS)** – If land is available.

**Director Monte Mafnas** – May I answer that, number one Mr. Chairman those are good points you brought up and we can inform the Mayor and her council of what is happening here but in the spirit of necessity there's a timeline on grants as Commissioner Matanane was trying to establish. So this property is 100% usable, it has all the infrastructures readily available, water, power and sewer. The zoning is compatible so it's almost shovel ready so to speak. So in the spirit of expediency and necessity for the public because the mosquito lab is for everybody this is the best site.

**Acting Chairman Michael Borja** – Is there a way we can conditionally agree and approve this and just ensure for example the community of Dededo, the Mayor's office is informed of our decision to move forward with this and then if they have any specific concerns to address it formally in either writing or in our presence in the next Board meeting and then we can entertain those concerns? And then you know at that time too if we get any kind of written concerns or questions that it'll be best if people like you sir and anyone else within your Department to be present to answer any of the technical questions that may arise from the community. I only do this because I just think in fairness to the people who live in that area I don't live in that area but if one was built in my yard and this is definitely being built in quite a few people's directly in their back yard you know what concerns that they could have and as a community they could have. I mean they already have a public health facility there and if there's any reason why there's people I mean there's sick people that go there all the time anyway so they already understand what's going on there but just to know that there's some other more serious things can be going on there.

**Director Monte Mafnas** – Very good points of concern Mr. Chairman we would be glad to work collectively, collaboratively with Public Health to memorialize those points of concerns and address it with the Planning Council of Dededo.

**Acting Chairman Michael Borja** – So then we can get a letter out this week or tomorrow hopefully to the Mayor.

**Director Monte Mafnas** – Yes.

**Acting Commissioner Oscar Calvo** – On the building that you're contemplating on building is it a one story or two story lab?

**James Gillan (DPHSS)** – The mosquito lab is two stories.

**Acting Commissioner Oscar Calvo** – Two stories okay and we're looking at how many square meters for the entire?

**Director Monte Mafnas** – Building footprint I think is 20,000 square feet. The area in itself is 16,000 square meters.

**Acting Commissioner Oscar Calvo** – So they'll meet the set back and all that.

**Director Monte Mafnas** – No problem.

**Vice-Chairman David Matanane** – How many of those lots have been assigned already and the corner or the place that he was requesting for you mentioned that we have already have a lease on that.

**Director Monte Mafnas** – Oh that's on the Lot 3470 the basic lot, its huge there's still a lot.

**Vice-Chairman David Matanane** – I'm just concerned that it might be slotted and then we'd have to renegotiate.

**Acting Commissioner Oscar Calvo** – So Monte on this one if I may it's no problem with this?

**Acting Chairman Michael Borja** – Infrastructure is there, usable roads I mean everything is there.

**Acting Commissioner Oscar Calvo** – I go along with you on the issue Mr. Chairman too on the location of the area and just to be mindful to the public just to be aware of what kind of a lab is going up there because like hypothetically it's for health I mean it's health anyway so but the concern is well taken.

**Acting Chairman Michael Borja** – Amanda do you have any comments about this?

**Commissioner Amanda Santos** – No.

**Director Monte Mafnas** – Mr. Chairman I just wanted to say that based on my conversation with Mr. Gillan this is replicated. This laboratory is replicated it's not brand new, it's not new science.

**Acting Chairman Michael Borja** – Right and that's you know with all those kinds of information it's provided to the Dededo Mayor. I mean it might even be you know once we send the notice out the info the Public Health Director and then you get that and you can send something off to her saying these kinds of facilities are you know to try to ease their concerns before they have any concerns. So how do we want to move on this do we want to move to approve this thing or just tentatively approve this?

**Director Monte Mafnas** – Approve it subject to (interrupted).

**Acting Chairman Michael Borja** – Subject to any concerns and we'll bring it up again next month at the meeting to entertain any other concerns that the Dededo Mayor may have. So let's have a couple of different motions here then if we could one would be on the vote of different lands, different purposes. The first one would be I guess for the foster care we haven't talked about that one much. Is there any other discussion on the foster care?

**Director Monte Mafnas** – The foster care is they're mandated so we're just providing the land that is the highest and best use to accommodate foster care.

**Acting Chairman Michael Borja** – For Public Health's request to transfer properties to be used under formally assigned Lot 3470 in the municipality of Chalan Pago they're looking to make an in-kind swap of part of that land for parts of the land on Lot 5173-1-R2NEW-6 in the municipality of Tamuning for the purpose of building a temporary shelter and foster care facility.

**Acting Commissioner Oscar Calvo** – So Monte just for clarification Mr. Chairman we're taking the seventeen total.

**Acting Chairman Michael Borja** – It will be erased.

**Director Monte Mafnas** – Whatever they have. Whatever and everything that they have on that lot.

**Vice-Chairman David Matanane** – So moved Mr. Chair.

**Commissioner Amanda Santos** – I second it.

**Acting Chairman Michael Borja** – And the condition on this as well is to get feedback from the Dededo Community on this on the next month's meeting and if there are no concerns and objections that can't be worked out then the motion will hold and the property in Tamuning will be assigned. Now for the purpose of also making a land swap from Lot 3470 in Chalan Pago for property designated as Lot 1, Block 7, Tract 170 in the municipality of Dededo for the purpose of constructing and using a facility for a mosquito lab which is located and adjacent to the Dededo Northern Public Health facility we need a motion to allow that transfer of land.

**Vice-Chairman David Matanane** – So moved Mr. Chair.

**Commissioner Amanda Santos** – I second it.

**Acting Chairman Michael Borja** – That’s the one I’m sorry the original one was for Dededo any concerns for Dededo has to be brought up next month. The one in Tamuning that’s cleared. So we have, your property has been reassigned.

**James Gillan (DPHSS)** – Just for information is your meeting usually around the same time each month?

**Acting Chairman Michael Borja** – Exactly, third Thursday of every month at 1 o’clock.

**Director Monte Mafnas** – By law.

**James Gillan (DPHSS)** – If the Mayor has no and her constituents have no difficulties we can just report that?

**Acting Chairman Michael Borja** – Exactly if they come in with no concerns whatsoever but it might be best if you just maybe you give her a call and say come on we need to talk about this because you’re going to be asked to comment and if you have any concerns whatsoever. So fill her out on what her concerns may be and how you can alleviate those like for example you know like things I asked, how secure is the facility, how can you prove to show me that we’re not going to have release of contagious diseases in my community. You’re exactly right if it’s being designed by the Centers of Disease Control you’re right they do deal with some pretty nasty stuff things that I don’t anyone wants to be touching.

**James Gillan (DPHSS)** – I appreciate you entertaining this offer and one of the reasons for that is we tried some areas other ways to do this especially for the mosquito lab and the value of the three million dollar grant keeps dropping. We’ve even had to tone down the size of the facility since we got the grant. I’m sure Oscar knows that we tried to do some lease things and this is probably the best way the best and quickest because the land would be pretty much ready to go we can get a little bit more out of that three million than if we had to develop the land.

**Acting Chairman Michael Borja** – Right and with construction at a better cost right now. Good luck sir.

**James Gillan (DPHSS)** – Thank you very much for entertaining this.

**Director Monte Mafnas** – Thank you Mr. Gillan.

## **2. Guam Behavioral Health & Wellness Center**

**Re: Land exchange pursuant to Public Law 22-18, Reservation list for Adult Residential Treatment Facility and Children’s Residential Treatment facility.**

Representatives present: Lourdes Perez (with Quality Control overseeing the operation of the DOI grant), Dr. Patricia Taimanglo (Clinical Administrator), Peter Alexxis Ada (presently the Acting Director of Guam Behavioral Health & Wellness Center)

**Peter Ada (GBHWC)** (written testimony read) – Buenas Mr. Chairman Borja and Board Members. The Guam Behavioral Health and Wellness Center formerly known as the

Department of Mental Health and Substance Abuse has been ordered by Court Order No. 1030 on February 4, 2013 to begin the process to return four consumers currently receiving treatment at ResCare in Seguin, Texas back to the island. Due to the lack of residential facilities able to provide the appropriate care for these consumers, off-island residential treatment services were sought at ResCare. However placement at ResCare is costing our Government close to 1 million dollars annually. In February of this year the Guam Behavioral Health and Wellness Center presented a plan of action to Judge Consuelo Marshall upon the return of the Department to its new name from the Federal Management Team called FMT to the Government of Guam. Included in this plan was the acquisition of a facility and treatment center for these specific clients. Design for this facility includes a four-bedroom, living area, therapy and recreational space all beneficial to their recovery. We come before you this afternoon Mr. Chair seeking your help and consideration in obtaining properties belonging to the Chamorro Land Trust. The properties must be centralized within a short distance from Guam Memorial Hospital and Guam Behavioral Health and Well Center main building in Tamuning since many of the clients will require medical and behavioral treatments which are often needed. In this regard to funding this project has been granted \$500,000 in DOI funds for structure and design and it is our hope to be able to complete this project prior to their return which is anticipated in April 2014. Aside from the residential home we are looking at a treatment center and the consolidation of our group homes through assistance of the Guam Housing and Urban Renewal through their block grant. We have begun communication with GHURA regarding this funding for this project through their Community Development Block Grant. Ultimately the construction of these facilities will be cost savings to the Government as the buildings will be owned by our Government. Currently we are paying rent for these facilities. We kindly as your assistance, attention and consideration to this request. We would like to move forward in the implementation of this plan and it is our hope that you can assist us in bringing these consumers back home. Signed Peter Alexxis Ada. Attached with you on that letter Mr. Chairman is the document from the order from the court dated January 30, 2013.

**Acting Chairman Michael Borja** – How old are these four people?

**Peter Ada (GBHWC)** – I would like to defer that to Dr. Taimanglo because she has visited these, are you talking about the four consumers?

**Acting Chairman Michael Borja** – I guess we're looking to build a facility for four people who are receiving off-island care and you guys have been mandated by the Federal Court to return them back to Guam.

**Peter Ada (GBHWC)** – Yes.

**Dr. Patricia Taimanglo** – They are in their 40s.

**Acting Chairman Michael Borja** – Why would they be told to have to be returned back is it because they're too far away?

**Dr. Patricia Taimanglo** – No well they're being ordered to return because it's costing the Government quite a lot of money and the other part of it is that where they've been living is not really culturally appropriate. For example when I visited Seguin Texas and I was

speaking to them in Chamorro they had thought and pursuant to responding to me very appropriately they had thought that she was making up a language and so they were treating her as if she were more ill than she really was. So there's many cultural misunderstandings.

**Acting Chairman Michael Borja** – The folks who were caring for them thought that these consumers were making up their own language?

**Dr. Patricia Taimanglo** – Yes. So part of it is to bring them back home where they were raised where they're accustomed to living on the islands and really the goal is to eventually throughout the United States is to have consumers live in the community. What better community for our people to return to is to return home.

**Acting Chairman Michael Borja** – And so you're looking to build a one million dollar facility?

**Peter Ada (GBHWC)** – No it's costing us one million dollars annually for the treatment of these patients that are there.

**Acting Commissioner Oscar Calvo** – I'm aware of this issue too pretty much on this and it kind of just really boggles my mind a little bit on you visiting them back there and saying that they have to come home because of cultural. When you send these patients back then okay when they were informed that they're from Guam itself now four patients to be brought back home because the courts demands that they have to be here?

**Peter Ada (GBHWC)** – Yes.

**Acting Commissioner Oscar Calvo** – Because of language barrier that they (interrupted).

**Dr. Patricia Taimanglo** – No, no that's just one part of it. Many of the consumers have been in the continent of the United States various times. They were ordered by the court to be placed in specialized residential treatment centers. A couple of them have moved from one place to another and right now they are living in one general facility actually its two major homes but they're cared for. They are not placed there because I mean they're coming back is not because of a cultural issue. They're coming back because we're providing treatment that would be appropriate for them.

**Acting Commissioner Oscar Calvo** – But the cultural part I mean so in essence to that there are more than four that you just said it that there were other patients but because of these four there are others.

**Dr. Patricia Taimanglo** – There are four.

**Acting Commissioner Oscar Calvo** – So we're only speaking the four patients that are off-island and they have been back there for how many years or months or whatever.

**Peter Ada (GBHWC)** – Several years.

**Dr. Patricia Taimanglo** – The average here is about twenty anywhere from fifteen to twenty. One more recently and he'll be like an outlier maybe seven years.

**Acting Commissioner Oscar Calvo** – Would it be prudent to ask the question the sickness that they're being treated back there?

**Dr. Patricia Taimanglo** – They're mentally ill. They're mentally ill and they have behavioral concerns that require improved higher level of care.

**Acting Commissioner Oscar Calvo** – And that high level of care can be done here.

**Dr. Patricia Taimanglo** – I'm confident that we can. We are having a timeline of training staff to be able to bring them back by March. Well the facility needs to be ready by March.

**Peter Ada (GBHWC)** – If I may add Mr. Chair in alluding to Mr. Calvo's question at the time when these four patients were sent off-island Guam was lacking a facility and the kind of treatment. It is now the contention of the court when we were ordered to bring them back is that we must be able to provide, conduct the training that is required of these four patients to include a visitation to where you're at and constant so that there can be a direct contact with these patients while they are there. When they come over here then it becomes a solid ground that they be provided the same service if not better to include, Dr. Taimanglo and I were just talking we want to start getting them outdoor and back of the facility a therapeutic outdoor training program. Because they need that they need to get out once in a while.

**Acting Chairman Michael Borja** – So on your previous letter that you sent to the Commission you mentioned that the facility is not only a residential treatment home but it's also for transitioning the consumers, transitioning them to what?

**Peter Ada (GBHWC)** – The transitioning we're referring to here is rather than we're going to have our staff who will already be trained by them to be at that home and they would be the ones conducting pretty much like a one to one with these consumers.

**Acting Chairman Michael Borja** – So this is not transitioning them back so they can live outside of the home.

**Peter Ada (GBHWC)** – No we will have a separate home and that is the anticipated hopes.

**Acting Chairman Michael Borja** – So these individuals can no longer live with their families?

**Peter Ada (GBHWC)** – We did not say that. For right now they still require that direct acute care by the program.

**Acting Chairman Michael Borja** – But if they've been in these facilities for twenty years then they've never (interrupted).

**Dr. Patricia Taimanglo** – They have contact with their families.

**Acting Chairman Michael Borja** – But not to the point where they can live with their own family? Are they unable to?

**Peter Ada (GBHWC)** – Mr. Chairman to answer that question there are some families that really are not able to provide that kind of service.

**Dr. Patricia Taimanglo** – It's like it's not in the best interest at times.

**Acting Commissioner Oscar Calvo** – And that's exactly what I was alluding to and when I was asking you to bring them back because you know is it because their cultural issue or because there's no family to attend to them for that matter and being back there like what Mr. Chairman says being back for about what fifteen, twenty years.

**Dr. Patricia Taimanglo** – But they still have family they still have people, they still relate to being here.

**Acting Chairman Michael Borja** – Well lets get back to the original request here we have a request for (interrupted).

**Vice-Chairman David Matanane** – May I make a comment Mr. Chair, you mentioned in your opening statement that they were speaking other languages when they're back there. In your opening statement you mentioned that they were creating new languages.

**Dr. Patricia Taimanglo** – That the people who lived and worked (interrupted).

**Vice-Chairman David Matanane** – Is that the reason why they're being sent back?

**Dr. Patricia Taimanglo** – No they're being court ordered.

**Vice-Chairman David Matanane** – But you did mention that the people over there that's taking care of them is creating new languages.

**Dr. Patricia Taimanglo** – No, no.

**Acting Chairman Michael Borja** – No, no, no they think when they're speaking Chamorro it's a new language.

**Vice-Chairman David Matanane** – No I heard it distinctly Mr. Chair that you mentioned that the individuals over there that's being taken care of is communicating in a different language. So I took it upon myself and said wow, if they are mentally ill probably and they are trying to communicate among each other I don't think, no, no it bothers me when you mentioned that it bothers really when you mentioned that they are creating a new language. That's all my comment.

**Dr. Patricia Taimanglo** – They were speaking Chamorro.

**Vice-Chairman David Matanane** – That's not a new language ma'am.

**Acting Chairman Michael Borja** – The caregivers in Texas were assuming that our patients were creating their own language when they were speaking Chamorro. They weren't creating a new language.

**Vice-Chairman David Matanane** – The caretaker didn't know that they came from Guam. It really bothers me when a person that's taking care of another individual saying that he doesn't know what he's saying because he's saying in another language.

**Dr. Patricia Taimanglo** – Yes I agree.

**Vice-Chairman David Matanane** – It really tickled my ear and even broke my eardrum concerning that. If they cannot communicate how can they take care of them?

**Acting Chairman Michael Borja** – That's part of the reason why that they need to come home. The court has determined that they need to be returned home.

**Peter Ada (GBHWC)** – May I just add also that one of the advantages of this of having this residential treatment home here is that it will pretty much will start bringing their families hopefully together for reunification. They have been separated for so long and it will be very, very helpful to the community for the family, the consumer and the community.

**Vice-Chairman David Matanane** – I understand that Director Ada but in the first place why were they sent over there?

**Peter Ada (GBHWC)** – As I said earlier sir at the time when they were sent Guam was lacking such a facility and treatment center. Now we're pretty much up to par.

**Acting Chairman Michael Borja** – Okay so let's get to the technical part of this on the land. So you originally said Mr. Mafnas that this has to do with the same Public Law 22-18.

**Director Monte Mafnas** – Yes.

**Acting Chairman Michael Borja** – What was their original land reserved at?

**Director Monte Mafnas** – There.

**Acting Chairman Michael Borja** – The Chalan Pago one?

**Director Monte Mafnas** – That is correct.

**Acting Chairman Michael Borja** – So they're a part of the seventeen acres on this hilly land in Chalan Pago.

**Director Monte Mafnas** – Yeah even Guam Memorial Hospital.

**Acting Chairman Michael Borja** – Oh I thought we were talking only seventeen acres there that belonged to Public Health so it's all for medical.

**Director Monte Mafnas** – And then some.

**Acting Chairman Michael Borja** – So the land we're looking at transferring to is where?

**Director Monte Mafnas** – There is Chamorro Land Trust property located almost perpendicular to McDonald's beneath Tiyan and almost right angle to Home Depot. It's a couple of lots away from airport road. It's adjacent and abutting to some airport property and the Mendiola estate so access would come from Route 10A airport road.

**Acting Chairman Michael Borja** – Is the land right next to that water tower?

**Director Monte Mafnas** – Not too far back.

**Acting Chairman Michael Borja** – Isn't there a cliff there too?

**Director Monte Mafnas** – That is correct.

**Acting Chairman Michael Borja** – Is this property above the cliff, below the cliff or on the cliff?

**Director Monte Mafnas** – No it's totally flat. It's on the lower end of the cliff and it's a flat land and all usable land.

**Acting Commissioner Oscar Calvo** – Can I reiterate for a minute that property too was also at the time was designated for the fire department.

**Director Monte Mafnas** – That's right.

**Acting Commissioner Oscar Calvo** – So the property basically that was designed for that one is because I'm aware of that.

**Director Monte Mafnas** – We asked them and they have no interest at this point in time.

**Acting Chairman Michael Borja** - The question I have too is that there has been quite a bit of discussion lately about this Tiyan Parkway. Where is the Tiyan Parkway in relation to this?

**Director Monte Mafnas** – This is outside the parameters of Tiyan Parkway. Not abutting not contiguous not adjacent, it's outside of Tiyan Parkway.

**Acting Chairman Michael Borja** – There's a buffer between this property and the Tiyan Parkway.

**Director Monte Mafnas** – That is correct. In fact there's a ditch separating it too. It's all flat.

**Acting Chairman Michael Borja** – So I know where we're at right up there against the cliff then its unimproved property right?

**Director Monte Mafnas** – Unimproved all vacant except we do have one farmer farming one acre of property there.

**Vice-Chairman David Matanane** – Are you sure the airport is not going to claim?

**Acting Commissioner Oscar Calvo** – No I don't think so they're not going to claim that.

**Acting Chairman Michael Borja** – My concern here folks is that I didn't want it to be you know we decide on a piece of property and then all of a sudden we're back to square one because the Tiyan Parkway now is because you're up in an industrial zone by the airport where it could be quite noisy and a lot of traffic. It sounds like it's going to be quite quiet down there.

**Acting Commissioner Oscar Calvo** – It is a quiet spot.

**Acting Chairman Michael Borja** – You don't hear the airplanes much either.

**Director Monte Mafnas** – I want to go on the record Mr. Chairman that Mr. Acting Director Ada requested for five acres. There is five and a half acres here however pursuant to his request and building a house and having outside recreational facility or you know for the patients I don't think that we should give him five acres. We definitely should give him one acre in my opinion. It'll be up to the Board. I can only support one acre but I have a reservations of more than that.

**Acting Chairman Michael Borja** – I think there was also discussions as well that there was going to be, you're looking to do some other things on this property other than just the treatment facility.

**Peter Ada (GBHWC)** – Yes sir a (interrupted).

**Director Monte Mafnas** – And maybe you should enlighten that because all you mentioned today Mr. Ada was just the house. So please enlighten us.

**Peter Ada (GBHWC)** – Yes currently we are renting, we operate a total of eighteen group homes. About ten of those are subcontracted out, eight of those we operate ourselves and we're paying rent on them on a monthly basis. We hope to be able through the consolidated block grant to be able to put them all together but we need to separate this residential center, residential home for these four consumers aside from these group homes. In addition to that we have what is called a treatment center. A treatment center is for patients that are out-patients. Some of them have come from in-patient, many in fact most on all of them are from the group homes and the out-patient.

**Acting Chairman Michael Borja** – So in this area then you're looking to have (interrupted).

**Peter Ada (GBHWC)** – Expansion.

**Acting Chairman Michael Borja** – This original residential treatment homes for these four individuals plus other residential facilities or to have other administrative facilities?

**Peter Ada (GBHWC)** – Not administrative no they're primarily they're residential yes.

**Acting Chairman Michael Borja** – So how many total occupants are you looking at building for?

**Peter Ada (GBHWC)** – Aside from the treatment center, it's eight group homes.

**Acting Chairman Michael Borja** – Eight group homes which house how many people?

**Dr. Patricia Taimanglo** – We own the property for one of them already the Government, Asusthena is owned by the Government but the other ones that we are using are all rented and in doing so it doesn't help the Government because it's money going out. The goal again would not necessarily, the first part of the project would be to build a home for these four coming back. In my study and observation of where they're situated in Texas one of the advantages was that there was a lot of space. There was a lot of space so that if they were having difficulty some of the strategies for calming down was that they had places that they could walk to so that they could calm down. They'd sit under a tree, they'd walk again and then they can come back. So in most residential settings you know the 100x100 or half acre it's too small in my estimation for that facility. We really require space for them to be able to calm down and outdoor activities with trees so that they can have places that are healthy for them not necessarily like living in certain residential you know where there's a lot of neighbors. They need more floor space. I think with what Mr. Ada's talking about is eventually with the help of GHURA is to build maybe one or two maybe three depending on how much land this group needs. We won't really know on Guam how much they need but what I do know where they live right now it's out in the middle of nowhere so when they do try to run away they have to walk quite a ways. So we can't have them situated like in the central Tamuning area. We do need to have them have space to learn how to calm themselves to calm down and eventually as we are able to get money through other means is maybe building one or two group homes.

**Acting Chairman Michael Borja** – Well then do you think perhaps this location might not be totally conducive to those kinds of requirements? I mean you're in an area that's extremely dense heavy, busy with traffic, there's an airport nearby there's industrial you know things (interrupted).

**Dr. Patricia Taimanglo** – It has to be close to right sorry to interrupt you.

**Acting Chairman Michael Borja** – But if there's some other property elsewhere on the island that still has the proximity you need but not have the overall non-residential kind of activity going on.

**Dr. Patricia Taimanglo** – I think that if it were, you know I think we were thinking about asking for five acres I think that may have been shared with you. They do need to be near a hospital though. Some of them are on medications that are very, very sensitive. What I'm saying is that they could have major medical emergencies so they can't be too far from the

nearest hospital. There they do have yes it is far away from like a major hospital but they have plans already on how they're going to get them there.

**Acting Chairman Michael Borja** – Do you envision that the only hospital that can support them would only be the Guam Memorial Hospital that this other new hospital is not a facility that can support them?

**Dr. Patricia Taimanglo** – Oh I would imagine that they would but where is that going to be located in Yigo?

**Acting Chairman Michael Borja** – No, no the new hospital that's going to be built over in Dededo on Route 3 right there at the intersection.

**Dr. Patricia Taimanglo** – In Harmon?

**Acting Chairman Michael Borja** – Upper Harmon yes across the Micronesia Mall. You know the new hospital is under construction but that's the only reason I asked that I mean I'm just trying think that there are certain areas on the island where there's still you know you don't have this kind of industrial zone.

**Dr. Patricia Taimanglo** – Is that zoned industrial?

**Acting Chairman Michael Borja** – No maybe not zoned industrial now but the potential for this whole area if looking down the street because you spend a million dollars in the course of the next five years let's say to build these facilities but let's say twenty to thirty years from now when neither one of us are around anymore to be doing any of this stuff that the island grows in such a way that now you'd have to build ten foot walls to keep them isolated from what's going on around them. The properties that's along on the outside that's private property right?

**Director Monte Mafnas** – Correct.

**Acting Chairman Michael Borja** – And you know who is to say that and that's a large tract of private property and who is to say one day that you know a large type of facility goes inside there whether it's multiple dwelling residences or it's a WalMart who knows and all the kinds of stuff that come with those kinds of shopping facilities.

**Director Monte Mafnas** – Mr. Chairman I was the one excuse me that suggested to Guam Behavioral Health and Wellness Center that this is the best site simply because of the accessibility to the hospital. So I was under the impression that was your primary concern and that is why I suggested this property.

**Vice-Chairman David Matanane** – But Mr. Chair since you guys are building the facilities for the patients wouldn't you have all the necessity of those particular patients? You would have the drugs there a Doctor I guess or whoever is taking care of them all the, if you're building a new facility you should provide everything in there so they don't really need to be close a hospital.

**Peter Ada (GBHWC)** – Member Matanane your statements are exactly accurate that's where the treatment center comes in that's where it is. The homes are totally different. They're pretty much there just to sleep and they come in different levels. You just don't throw anybody in there and say go stay in house number three.

**Vice-Chairman David Matanane** – I understand that Mr. Ada but even us at home we would have aspirin you know if you're building a new facility you would accommodate your patients there.

**Peter Ada (GBHWC)** – That's why sir we're hoping to be able to include in that the treatment center.

**Vice-Chairman David Matanane** – Are you going to pay all the necessary materials that those patients need in that facility if not you need to be close to that hospital right? But if the hospital is not there then you should provide that for the patients. Aren't we there for the patients or are we just depending on the hospital to drive them to the hospital and get the ambulance over there. So you know I understand, maybe I don't understand all the science of medical aspects. Even I, I would have handy aspirin, Benadryl or whatnot.

**Acting Chairman Michael Borja** – But I think sometimes the treatment that Dr. Taimanglo's mentioned is (interrupted).

**Vice-Chairman David Matanane** – That is necessary for that particular patient.

**Acting Chairman Michael Borja** – Well if they have a severe reaction to a drug that requires them immediate hospitalization that they can't be done in this kind of facility.

**Vice-Chairman David Matanane** – I know but they would know before hand what drugs you know.

**Acting Chairman Michael Borja** – Well not necessarily all the time I mean for a personal side I've seen someone administered a new drug and then all of a sudden the person goes into a severe reaction that required immediate medical treatment.

**Peter Ada (GBHWC)** – Mr. Chairman may I just add to that if you don't mind currently what we even do ourselves right if it is a medical issue we send them to Guam Memorial right now. If it is a behavioral issue it stays with us.

**Acting Commissioner Oscar Calvo** – On the building that you guys are going to build okay you're bringing in four patients back now is it going to be an individual homes that you're looking to build on? Because what I'm envisioning here is if these individuals, are they going to be living on their own but still be so it'll be on a regular one straight building itself. So they'll only be using that particular building like what you said for the use to sleep and use the restroom and so forth and to shower. Now there will be a kitchen area for these people to be, they're not going to be self cooking themselves.

**Dr. Patricia Taimanglo** – No.

**Acting Commissioner Oscar Calvo** – No so there will be someone there basically 24-7.

**Dr. Patricia Taimanglo** – That's right it will be staffed fully. Many of these consumers if they have to leave like to go to the hospital they have to have one to one. So it will be staffed.

**Acting Commissioner Oscar Calvo** – See what I'm thinking here is you never really expressed that portion where these facilities and like what Mr. Matanane is saying there it'll be all these staff so in reality there's going to be more than just a four-bedroom to build in there because then you'll have a 24-7 staff there to maintain these people whether they'd be taking their meds or because I'm pretty sure they're going to be given their meds. Someone has to administer that meds for them. So it'll be more than just a one-bedroom but be maybe and the kitchen and where ever they're going to eat and so forth.

**Vice-Chairman David Matanane** – It's like a gated community huh? Shouldn't it be? I'm not trying to but you know you need to secure that area.

**Dr. Patricia Taimanglo** – In addition to where they're going to be living you know people cannot just stay 24-7 in the home. You have a recreation facility that we're hoping to build and then outdoor activities. They will also as part of their recovery is to still be involved with the community but they will still need one to one if they are anywhere in the community.

**Acting Chairman Michael Borja** – But will you be building a facility just solely for these four people or are you going to be looking to build a facility that would provide additional consumers?

**Peter Ada (GBHWC)** – What we are coming before you right now is for the four consumers and the treatment center that's what we're coming before you today. We are asking for the additional properties so that we can continue with our plans to build those group homes. And if I may just add to that conversation that just ended member Calvo here had alluded to this point and I have to say every unit of those group homes will have its own staff. It's not like putting two homes together so that they can (interrupted).

**Acting Commissioner Oscar Calvo** – That's where I'm coming to because you're only saying bringing four and then having a facility over there for medical or whatever in terms of that because they are going to be watched 24-7 like I said. Okay and to make sure that Tun Juan and Tun Maria that is coming in is going to be given hey it's time for you to take the meds or for that matter. So the fact remains there of what I'm trying to say Pete is you're looking at four, about eight people to be in there because it's going to be the four individuals coming in and then you're going to house the other staff that's going to be (interrupted).

**Peter Ada (GBHWC)** – You're talking eight people at any given time.

**Acting Commissioner Oscar Calvo** – Any given time that's exactly at the 24-7.

**Peter Ada (GBHWC)** – Yes that's correct.

**Acting Chairman Michael Borja** – Alright so let's try and get to the details of this, so you have a need you've expressed the need, you have court order that demands this need and we just have to identify the property and move on from here. The property that has been identified over here in Tamuning you know for the short term I don't have any issues with it. I was hoping it wasn't the part that was on the cliff because that would be conflicts in the near future but I just want you guys to know that if that property is allotted the potential for long term could be that you're up against some industrial development in the area because it's only kind of I think a given. There's always been some kind of plan for that area by all kinds of people and nothing has come about but you know it's a good piece of property in the central business district. So that's the only concern I have especially since you have consumers who can be quite sensitive to the surroundings. If there is not a plan B with another lot that we can readily identify I mean we should look at something else I don't have those you know if it's not available now can we talk about it amongst yourselves after the meeting to look at this because in principle I stand behind you. I mean I'm not speaking for the Board I'm speaking for myself but you know we have to comply with this court order and we have to do what we can to assist you with that in bringing these consumers home but it's just a matter of finding the correct location. If this is the correct location then we just need to make a motion on that.

**Vice-Chairman David Matanane** – I believe Director Mafnas suggested not that area so can you task him to look for other areas that is suitable for Department of Mental Health?

**Director Monte Mafnas** – I'm anticipating long term goal that Director Ada said you know we could accommodate the one acre for now for their expedient needs in conforming with the court order but to grow will probably be a better place if we relocated. Because of their concern of the highest and best use around that property is industrial or commercial so it might have a compatible use. I only suggested the one or two acres to accommodate the court order. That's what I suggested but not the whole five maybe we should master plan future growth.

**Acting Chairman Michael Borja** – Right and I think that's a form because you can keep a lot of your facilities all within the same reasonable area that assists many aspects in the operations but I know that they need to move on this thing as well. So what can we do to find another piece of property if the five acres is what's needed long term but one acre is needed now? We hate to say you got your one acre here but the other four how about in someplace else and that might not help the way you guys might want to plan. I was kind of hoping if we had come together back in April we could have begun the discussion on this kind of thing in detail so we could've come to some resolution very quickly.

**Vice-Chairman David Matanane** – I suggest Mr. Chair that the Director and the special affair to maybe look into other areas and where it will accommodate them and for future expansion on the particular area because I believe you cannot just stand on four because as years go who knows how many more.

**Acting Chairman Michael Borja** – But in principle do you agree with what they're asking for?

**Vice-Chairman David Matanane** – Oh yes.

**Acting Chairman Michael Borja** – Okay, Amanda do you have any questions or comments?

**Commissioner Amanda Santos** – Two acres is sufficient enough?

**Acting Chairman Michael Borja** – Well they're looking at five.

**Director Monte Mafnas** – They're asking for five.

**Acting Chairman Michael Borja** – Do you have any problems with the principle of the need for the land for their purposes?

**Commissioner Amanda Santos** – No.

**Acting Chairman Michael Borja** – So basically without any motion you basically have the concurrence of the Commission to proceed with some land for your use but if you are only looking for one acre like I said we can look at this piece of property and say yes today or we can try to get together with you guys, work on another piece of property and next month we approve it or if we need to call for a special meeting.

**Dr. Patricia Taimanglo** – If we have this piece of property and even three acres it will help buffer if there is any development. If you give us one then there will be no buffer with any of the development that occurs over time. If you give five there will be more buffer. So you know I don't want to be greedy. I'm thinking about the consumers, I'm thinking about our island the people who need land but if we're in only one acre then as time passes your point is well taken is that there will be no buffer with all the changes that occur. So I would really appeal to your consideration and of course you don't have to decide anything today or next month. But I just wanted to say one way to ensure that the home no matter where it's located and you know that all over the island developments are going on all over and one way to buffer it to ensure that the residents who ever lives there would have a stable environment in spite of all the development that's occurring. But developments are occurring all over the island so the smaller plot you give us the more chance that changes the variances the changes in (interrupted).

**Acting Chairman Michael Borja** – But I think if you're located in a place where the development is primarily residential it's different than if you're located in a place where the development could potentially be commercial industrial and that's where I think we need be concerned.

**Peter Ada (GBHWC)** – I need to stress this before we end this afternoon I think it's coming to an end is that we do have to report this back that we have appeared before this body and that it is in consideration because those are all factors that are being taken into the consideration by the courts. If I may with your permission do say that we have come before this body.

**Acting Commissioner Oscar Calvo** – Mr. Ada on the court order that you guys have what's your timeframe on that?

**Peter Ada (GBHWC)** – It's supposed to be completed by April of 2014. So the clock is looking at us right now.

**Acting Commissioner Oscar Calvo** – And you're getting half a million dollars for this.

**Dr. Patricia Taimanglo** – Only for the buildings.

**Lourdes Perez** – It's for the design and the construction of the building.

**Acting Commissioner Oscar Calvo** – So that's only for the design and the construction.

**Peter Ada (GBHWC)** – That's correct, only for the residential.

**Acting Commissioner Oscar Calvo** – See what you guys really failed to do to come today is to give some sort of master plan on how you're going to lay it out because that's you know.

**Acting Chairman Michael Borja** – Well you don't have any drawings yet right?

**Acting Commissioner Oscar Calvo** – No but I think in reality to that Mr. Chairman is I think because this project is really pushed back since the former Directors and I did and quote me if I'm wrong Mr. Matanane we did comply with these people back then give us a master plan of how you guys were going to approach this. And that's why I asked you earlier by all due respect to you Doctor is at the time I did allude and I told them I said you know give us what are your goals in how you're going to build this and what size of the building and so forth. Because in the beginning you stated four people coming home okay but then these would have to be staffed by one to one and it'll be four individuals plus whoever is going to be staff 24-7 all these issues. And I brought that up at the time Mr. Vice-Chairman back then but we did confront the former Directors we did and for whatever reason and I'm not saying maybe that maybe you're not aware of it for that matter but that was an issue that I strongly gave them at the time was give me that master plan. Because everything that we really that the Chamorro Land Trust wants to do here too is we need a master plan. Whether it be a farmer whether it be a residential, what are you going to plant or ranch for that matter. So I'm not trying to you know disqualify anything and yes I'm aware of this issue. It just kind of really boggles my mind that you know that it's not really come to okay Mr. Chairman.

**Dr. Patricia Taimanglo** – Currently all of our homes are staffed 24-7. None of the staff live in the home they work there so there's no bedroom for them. They come in they do their eight hour shift and they leave. So it's not an additional four rooms or three rooms. They come in to work and work with the consumers that live in the home and then they go home. So I just wanted to clarify that it's still going to be four in that home.

**Vice-Chairman David Matanane** – On your letter it said in 2009 you had five hundred, in 2010 you have five hundred so that's a million so 2011 and 2012 is you got two million?

**Peter Ada (GBHWC)** – Did I send you an earlier letter?

**Acting Chairman Michael Borja** – February 21<sup>st</sup> the original letter.

**Lourdes Perez** – I think he's making reference to three grants that have been granted only to the Department of Mental Health. The first the oldest grant is going to go for the design and construction that's where the half a million is. We did ask Department of Interior if they would allow us to use the other two grants subsequent years 2010 and 2011 to do part of this training to transition them to Guam and to outfit the facility in preparation and to operate it for at least a year so we do have the funds to operate it.

**Vice-Chairman David Matanane** – Understood now you have the funds why are you building it this way and not this way because you have the money and it's the first time around you need to expand that first before you even bring in the four people. As a matter of fact four people you know be confined like, I understand that the situation with the patients have to be confined.

**Peter Ada (GBHWC)** – Member Matanane quite frankly speaking I hate to say this word but in the absence, the five hundred thousand isn't even enough.

**Vice-Chairman David Matanane** – I'm trying to give you the idea of why build this way and not this way when you have the money.

**Peter Ada (GBHWC)** – The set requirements of the facility the five hundred thousand we may even find out may not even be enough but we have to work within what we have. Once we have this property we can move and play around with it. If we have to ask for more money we don't hesitate to do that.

**Vice-Chairman David Matanane** – But you have the court order in your hands and there's no money that is coming from with the court order? Where is your revenue coming from? From grants?

**Peter Ada (GBHWC)** – From grants.

**Vice-Chairman David Matanane** – And where else?

**Peter Ada (GBHWC)** – From the DOI, Department of Interior.

**Vice-Chairman David Matanane** – And?

**Acting Chairman Michael Borja** – They mentioned three years of five hundred thousand each.

**Vice-Chairman David Matanane** – No, no your revenue is coming from grants, Department of Interior and what else?

**Lourdes Perez** – You mean our department revenues or this particular?

**Vice-Chairman David Matanane** – Yes ma'am.

**Lourdes Perez** – General Fund.

**Vice-Chairman David Matanane** – The general fund right and yet did you budget yourself or you requested for a budget right?

**Lourdes Perez** – The department.

**Vice-Chairman David Matanane** – The department yes so we have three sources of revenue.

**Peter Ada (GBHWC)** – Yes in addition to what we're currently renting.

**Vice-Chairman David Matanane** – Of course.

**Acting Chairman Michael Borja** – Okay let's stick to the subject here okay I think we're going beyond our bounds.

**Vice-Chairman David Matanane** – I'm just giving you an idea.

**Acting Chairman Michael Borja** – So can I please have (interrupted).

**Director Monte Mafnas** – So Mr. Chairman I'd be glad to sit with Mr. Ada and Dr. Taimanglo and Ms. Perez to identify an alternate site okay.

**Acting Chairman Michael Borja** – Okay let's do that and if we have to have a special meeting you know there's announcements we have to make but otherwise it will probably be discussed and you know there's no reason at this point to say we're not going to approve it that we get that so you can get it done next month.

**Peter Ada (GBHWC)** – I take it Mr. Chair that what you're really saying is just stamping, putting the signature on of approval but otherwise you do give me the privilege and the honor to go ahead and inform DOI that we have identified a property.

**Vice-Chairman David Matanane** – Ask them for more money.

**Acting Chairman Michael Borja** – We have given you our concurrence that we agree you need the property. The identification of that property is yet to be determined. Unless you want a single acre in that location which I don't think you want if we can give you the five acres somewhere else where it will be best suited (interrupted).

**Peter Ada (GBHWC)** – As long as it's close to the hospital sir.

**Acting Chairman Michael Borja** – Right so you guys need to identify that piece of property and then we will move forward.

**Peter Ada (GBHWC)** – Great I'm satisfied.

**Director Monte Mafnas** – Houston we have a problem, close to the hospital is not conducive at this point in time I can tell you that right now.

**Acting Chairman Michael Borja** - Well closest proximity let's see what we can work with.

**Director Monte Mafnas** - If we have nothing we have nothing.

**Dr. Patricia Taimanglo** – In close proximity to a highway that can take us to the hospital that would be fine.

**Acting Chairman Michael Borja** – I mean I'm not talking about putting you out down in Umatac so we're going to be okay. I mean I think if I was going to be wanting to be away from everybody that's where I would be personally.

**Director Monte Mafnas** – So the ball is really up to you, back in your court. Document an area that you said the existing facility is on a 100x100 is that correct?

**Dr. Patricia Taimanglo** – No, no what I said is that most lots are either a half acre or I mean I was raised on a 100x100 lot so that would be way too small for any facility.

**Director Monte Mafnas** – Okay because an acre lot is 200x200 I just wanted to impress upon you that there is space around there. An acre lot is 42,560 square feet so there's quite a lot of square footage.

**Peter Ada (GBHWC)** – Mr. Chairman just before we split out of here I would say I'm hoping and praying that you would consider us so that the long planning range of the department is to be able to put all of our group homes together.

**Acting Chairman Michael Borja** – And that's exactly what we want to do I think as a group we concur with that.

**Peter Ada (GBHWC)** – We do have a picture by the way of our treatment had I known that you wanted that I could have brought it with me.

**Acting Chairman Michael Borja** – I'm absolutely familiar with what you guys do over there.

**Director Monte Mafnas** – One more point of concern Commissioners and Mr. Chairman is this will be in exchange for the interest of Lot 3470.

**Peter Ada (GBHWC)** – Oh that's fine.

**Director Monte Mafnas** – We just need to clarify that.

**Peter Ada (GBHWC)** – Is that the one in Chalan Pago?

**Director Monte Mafnas** – Yes.

**Peter Ada (GBHWC)** – That’s fine.

**Director Monte Mafnas** – Okay. Thank you.

**Peter Ada (GBHWC)** – Thank you all very much.

### **3. Re-conforming HMS Recycling dba Ko’Ko’ Recycling license agreement**

**Director Monte Mafnas** – I tried to get a hold of Mr. Benny Bello and he’s not available. But I just want the Commissioners to understand that last year we gave Mr. Bello a second opportunity (interrupted).

**Acting Chairman Michael Borja** – We did I remember that.

**Director Monte Mafnas** – To make good on his promise to clean up the five acres in Barrigada.

**Acting Chairman Michael Borja** – And this five acres again for our, where is it located at?

**Director Monte Mafnas** – Its right adjacent to the Department of Revenue and Tax.

**Acting Chairman Michael Borja** – Okay so lower Barrigada Heights area and he was supposed to remove these tires that was collected after the typhoon is that what it was?

**Director Monte Mafnas** – He collected.

**Acting Chairman Michael Borja** – And it has not been removed and we have to keep that area cleared under EPA guidance for the clean water act right?

**Director Monte Mafnas** – Right. So Mr. JR Mateo has offered to step in and make good on that promise and also he needs the property for a wrecking service.

**Acting Chairman Michael Borja** – In that same location?

**Director Monte Mafnas** – Same location.

**Acting Chairman Michael Borja** – But I thought we were trying to try to remove everything from there.

**Director Monte Mafnas** – Yeah but in addition to that he is going to put a concrete pad so that there’s no more seepage to the ground to affect the environment.

**Acting Chairman Michael Borja** – Now I know we’ve had Mr. Mateo here before he’s a good client. We have allotted him so much property and we reduced his original property and the terms we’ve adjusted the terms and the property size and in doing this then we were going to allot him this piece of property which he is going to clear and then assign him that property.

**Director Monte Mafnas** – Yes.

**Acting Chairman Michael Borja** – So currently the lease, it's a lease?

**Director Monte Mafnas** – Yes with Ko'Ko' Recycling.

**Acting Chairman Michael Borja** – So we have to terminate that lease.

**Director Monte Mafnas** – Correct.

**Acting Chairman Michael Borja** – And you've made attempts to contact Ko'Ko' Recycling?

**Director Monte Mafnas** – Many attempts.

**Acting Chairman Michael Borja** – And he knew that there was meeting today?

**Director Monte Mafnas** – I couldn't contact him so he did not know but he has failed to do his due diligence his promise to clean up the property. He came once and we inspected it and to no avail he has done nothing since that point in time.

**Acting Chairman Michael Borja** – Well the grass must be so high you can't tell that there are tires there.

**Director Monte Mafnas** – Yes.

**Acting Chairman Michael Borja** – Any questions or comments members?

**Director Monte Mafnas** – All I'm asking is the Board to move and terminate his lease.

**Vice-Chairman David Matanane** – **Move to terminate the lease.**

**Commissioner Amanda Santos** – **I second it.**

**Acting Chairman Michael Borja** – **Okay there has been a motion to terminate HMS Recycling dba Ko'Ko' Recycling license agreement due to failure to comply with his agreements to remove the tires on the property that have to be removed in accordance with EPA regulations and he has failed to do so we have now moved to have him vacate that property. Mr. Cruz let's make sure we give him the proper legal notice of his termination of lease and upon that becoming effective then we can entertain the formal request for anyone that wants to remove this waste from the property.**

**Director Monte Mafnas** – Subject to a five year lease pursuant to the new law.

**Acting Chairman Michael Borja** – Subject to a five year lease pursuant to the new law as said.

**Acting Commissioners Oscar Calvo** – Monte I think we also need to put a timeframe on that.

**Director Monte Mafnas** – Yes.

**Acting Chairman Michael Borja** – Now I know Mr. Mateo you came forward to speak publicly you signed up on here is there anything you want to say concerning this or would you like to reserve that for later?

**JR Mateo** – Not really I just want to wait for the decision of the Board whatever the outcome is today with the eviction or what have you. My only concern is that maybe I don't know if we have to reapply for that area or am I automatically or what?

**Director Monte Mafnas** – You have to apply.

**JR Mateo** – I have to apply.

**Director Monte Mafnas** – Yes sir.

**Acting Chairman Michael Borja** – But that discussion is with Monte and the staff concerning this specifically okay.

**JR Mateo** – I'll do that.

#### **4. Request to redefine highest and best use of Lot 382-R1, Inarajan as affordable housing and/or agricultural use**

**Director Monte Mafnas** – Mr. Chairman and Commissioners I brought this before the agenda simply because this subject lot has been identified by public law strictly as affordable homes. Now the topography is erroneous, it's steep slope, there's no sewer line in the area. There is only a six inch water line and some power poles, it's in the village of Malojloj. So it's going to be very expensive and very difficult to subdivide and parcel out and build affordable homes.

**Acting Chairman Michael Borja** – Where is this at? In the Malojloj area?

**Director Monte Mafnas** – Yes you see the big hole in Malojloj and the water tank adjacent to Malojloj before you get to DanDan that's where the subject site is.

**Acting Chairman Michael Borja** – The one that's all filled with waste already?

**Director Monte Mafnas** – Yes and all the way back to the ocean.

**Acting Chairman Michael Borja** – Yes they filled it up with solid waste after the typhoon.

**Commissioner Amanda Santos** – Isn't that the dump before?

**Acting Chairman Michael Borja** – Yes there's a transfer station right there and so we're going to do what to do this?

**Director Monte Mafnas** – What we should do is re-zone it to agricultural use.

**Acting Chairman Michael Borja** – It can be used for agriculture? That's rocky land.

**Director Monte Mafnas** – Rocky land but you know.

**Acting Chairman Michael Borja** – Crab hunting maybe.

**Director Monte Mafnas** – One guy Pastor Duenas that we gave him twenty acres (interrupted).

**Acting Chairman Michael Borja** – Right he was looking at this and so that hole in the ground is part of this larger property.

**Director Monte Mafnas** – Yes.

**Acting Chairman Michael Borja** – He was going to use it to do some sort of plant medicinal stuff and other plants that are good for the body.

**Director Monte Mafnas** – But this whole basic lot is one point two million square meters of land, three hundred plus acres so it's a huge tract.

**Commissioner Amanda Santos** – It's mostly rocks.

**Acting Chairman Michael Borja** – Yes its coral rocks.

**Director Monte Mafnas** – So it's very difficult and expensive to develop.

**Acting Chairman Michael Borja** – I guess if you can't use it for residential the other thing is agriculture.

**Director Monte Mafnas** – Correct.

**Acting Chairman Michael Borja** – You can set up a water farm.

**Director Monte Mafnas** – At this point in time it is the highest and best use for agriculture.

**Acting Chairman Michael Borja** – Okay any other questions on this? Do we have a motion?

**Vice-Chairman David Matanane** – Move to approve the (interrupted).

**Acting Chairman Michael Borja** – Lot 382 (interrupted).

**Commissioner Amanda Santos** – And I second it.

**Acting Chairman Michael Borja – Dash R1 to agricultural. It's moved and seconded and it's passed.**

**5. Need of Request for Proposal for removal of old teachers housing; to install infrastructure; to erect concrete panels**

**Acting Chairman Michael Borja – This is located where?**

**Director Monte Mafnas –** Hospital Point, Oka Point or Perezville also known as. This is subject to the deed of exchange with the Del Carmen family, Dr. Sauget, so there are homes there. Now we found a contractor who is willing to demolish the building for free and he demolish and take it down grade it to the ground (interrupted).

**Acting Chairman Michael Borja – Why does he want to do it for free?**

**Director Monte Mafnas –** He'll do it for us because he has a lot of Chamorro Land Trust property already so he wants to give back. But he's not going to remove it from the subject site unless he gets paid.

**Acting Chairman Michael Borja –** Oh he's going to demolish it for free but you pay him to remove it.

**Director Monte Mafnas –** In compliance with the procurement law I suggest we do an RFP to make sure we do it the correct and legal way.

**Acting Chairman Michael Borja –** And what are you talking about erect concrete panels? What we're going to keep the existing foundation?

**Director Monte Mafnas –** No remember when we were going to relocate the Taitano family in Yigo the twenty five acres so we can accommodate a hundred and sixty two homes. Part of that exercise is to build a house for Mr. Taitano because he has an existing house there.

**Acting Chairman Michael Borja –** Oh and those were these concrete panels that were formally for the school buildings in Anderson or something.

**Director Monte Mafnas –** Right exactly. So I just want to take care of the Board, take care of us on management point of view that we do the correct thing by having by ensuring and effectuating a RFP.

**Acting Chairman Michael Borja –** Okay so we need to proceed with that then right?

**Director Monte Mafnas –** Right.

**Acting Chairman Michael Borja –** Do it the right way. He's asking for money we can't, anyone that wants to be paid it has to go through the proper channels.

**6. Request for consideration of acceptance of application processing fee received after 30-days**

**Acting Chairman Michael Borja** – Do we have something specific this is concerning or is it something in general?

**Director Monte Mafnas** – I regret that there was a potential lessee an applicant, Chamorro Land Trust applicant submitting a paid receipt for her 2008 lot so I asked that person to write me a letter so I can present it to the Board because she has two applications 1995 and 2008. She said she paid or he paid 1995 well they never provided that but they have evidence of paying 2008. So I told that family, bring the letter and I'll present it. Now our rules and regs prohibit us from entertaining a payment made (interrupted).

**Acting Chairman Michael Borja** – And everyone knew that upon signing up there's a fee right?

**Director Monte Mafnas** – That's correct.

**Acting Chairman Michael Borja** – And you pay the fee you're on the list.

**Director Monte Mafnas** – Otherwise your application is not complete. Just like you failed to deliver your birth certificate, identifying your beneficiary to the Trust, etcetera, etcetera, etcetera.

**Acting Chairman Michael Borja** – And so they ended up reapplying for land again and they made the payment.

**Director Monte Mafnas** – Now they want us to retrospectively quantify them.

**Acting Chairman Michael Borja** – And we don't show anything that the payment's been made and they don't have proof either.

**Director Monte Mafnas** – Right and we have been consistent in telling everybody no. So I just want the Board to make a decision that we cannot entertain such a request because they failed to complete the application process.

**Acting Commissioner Oscar Calvo** – Mr. Monte that's 95 application right and then there's a 2008 right now they didn't come up with the 95 fee or whatever.

**Director Monte Mafnas** – No.

**Acting Commissioner Oscar Calvo** – But was there any in their file showing their name?

**Director Monte Mafnas** – No they didn't present us a receipt.

**Acting Commissioner Oscar Calvo** – They didn't present you a receipt because normally we had that problem too in the past there's a way that they can do that but that's up to them to proof point on their part is and normally the Department of Administration basically normally would have a copy.

**Director Monte Mafnas** – Correct of everything paid.

**Acting Commissioner Oscar Clavo** – So did they go to that route?

**Director Monte Mafnas** – I told them to go.

**Acting Commissioner Oscar Calvo** – Oh okay that's my only concern so what they have to do if they didn't go that route then I'm assuming that they just never had a 95 application.

**Director Monte Mafnas** – But for those people in all fairness I wanted to present it to the Board and let the Board decide but I have been consistent we have been consistent that we say no.

**Acting Chairman Michael Borja** – Well and you go back to the first individual today Ms. Jarrett who has been trying to play within the rules of the game and being tossed from side to side to the point now that she expended her own funds and has gotten her nowhere and nothing. So there are those who are trying to do it the right way and getting shafted and those who are wanting to get ahead for doing something that they didn't do properly in the first place.

**Acting Commissioner Oscar Calvo** – My thought on that is if they couldn't present that and they want that 2000 I think they should stand in line the same way.

**Acting Chairman Michael Borja** – Yeah and if it's been a consistent pattern I think we should follow that rule because otherwise we'll get everyone else who may have had similar situations where they have an application from 1995 and one from another year and then say let's rearrange this thing.

#### **Transfer of lease after 7 years**

**Director Monte Mafnas** – Mr. Chairman since we're on the CLTC rules and regs we have hit a quandary with the original applicant getting a lease and now has multiple children and now would like to start transferring their lot, portion of their interest to their kids.

**Acting Chairman Michael Borja** – So they got like an agricultural lot of eight acres and they want to subdivide it into different smaller.

**Director Monte Mafnas** – And start giving it to their kids.

**Acting Chairman Michael Borja** – But then it just destroys the rules of what the agriculture lot was for right? One building on there and the rest is going to be grown. What are they going to do just subdivide it into separate properties and then you build a home on every one of them and you plant a couple of (interrupted).

**Vice-Chairman David Matanane** – One residence only on that particular.

**Director Monte Mafnas** – That’s a point well taken Mr. Chairman however there is a language on the agriculture lease that allows the lessee to give out their property a portion of their property after seven years.

**Acting Chairman Michael Borja** – Okay well then if that’s the case.

**Director Monte Mafnas** – I’m not so sure it’s a language on the lease.

**Acting Chairman Michael Borja** – If that’s the case for seven years but it should not go below, the division shouldn’t go below what we would normally provide for. What’s the smallest agriculture lot an acre?

**Director Monte Mafnas** – Half an acre.

**Acting Chairman Michael Borja** – Then it shouldn’t go below half an acre right.

**Director Monte Mafnas** – But improvements shall remain consistent, one house per lease.

**Acting Chairman Michael Borja** – One house per lease so then all they’re going to be doing is subdividing the lands so that this person can use it for farming or they can’t live on it right?

**Director Monte Mafnas** – Well they can but it would be just on a half acre or one acre. You said eight acres so eight houses at the most.

**Acting Chairman Michael Borja** – Oh okay well that’s my point is that’s what they’re doing is they are now taking this agriculture lot and subdividing and becoming eight residential lots.

**Vice-Chairman David Matanane** – But the primary applicant is alive right?

**Director Monte Mafnas** – Correct.

**Vice-Chairman David Matanane** – So in his beneficiary did he name all eight?

**Director Monte Mafnas** – No.

**Vice-Chairman David Matanane** – So he better do it.

**Acting Chairman Michael Borja** – Yeah because what’s going to happen when that person dies even though they subdivided it, it has to be under their names if it gets subdivided.

**Director Monte Mafnas** – That’s why they’re taking it to that level because they want to start giving it out to their kids. I guess that’s how it was thought in past you know you can subdivide this in the future. So now most of the leases that were signed are now past seven years so a lot of lessees want to start conveying their interest.

**Vice-Chairman David Matanane** – If it's allowable by law then hey what we can.

**Acting Chairman Michael Borja** – Can we have someone just give us what the pros and cons would that be because (interrupted).

**Director Monte Mafnas** – I would like to send it to the Board every time.

**Acting Chairman Michael Borja** – Per individual request.

**Director Monte Mafnas** – Per individual.

**Acting Chairman Michael Borja** – I guess we can do it because then let's see who all these, then every person that they say they're going to subdivide it to let's have them fill out an application so we have the details on them on file and then we can assure that that piece of property is going to a person who is properly authorized to have the land. Because if they subdivide it let's say to somebody and then they say well I'm going to give it to my sister-in-law but your sister-in-law is or daughter-in-law is really the widow of the son and she's not eligible then it's not proper.

**Vice-Chairman David Matanane** – And each and every one of those beneficiaries have to be on that particular lease right.

**Acting Chairman Michael Borja** – Yeah.

**Director Monte Mafnas** – Remember just several months ago Commissioners that Kawamoto remember that thing?

**Acting Chairman Michael Borja** – Oh yeah it resurfaced again I don't know if it was while you were gone. They came back disagreeing with it again.

**Director Monte Mafnas** – Although that's the family the successors are all family.

**Vice-Chairman David Matanane** – I think the son's mother-in-law has an application which he's pursuing now.

**Acting Chairman Michael Borja** – Because see everybody that they do that to we have to have a file for them and they all have to understand because what I don't want is when the original lessee passes away we're dealing with a family fight. Sometimes you have to call in the cops for those. Did you know that when the police get called for family disturbance that's like one of the dangerous responses they have to make. That's why when you see more than one cop car there it's because of that because it's dangerous. Suddenly you're arresting the people that are fighting and now they are fighting you because you're messing with family.

**Director Monte Mafnas** – But you can foresee this there's going to be a lot of requests in the future.

**Acting Chairman Michael Borja** – Well if we begin this if we allow this to happen and since it's allowed I think what we need to do is make sure is that it's fully documented and that they are fully vetted. So it's like another new applicant we have to have you on file. Does that mean then that we do a new agreement with them and there's another dollar?

**Director Monte Mafnas** – Yeah.

**Designation of multiple beneficiaries**

**Commissioner Amanda Santos** – What about that girl that came in the wheelchair?

**Acting Chairman Michael Borja** – Oh yeah well last month we had that issue where the lease holder had passed away her husband is not Chamorro therefore not eligible to participate. But the woman's daughter is and she has been listed as the beneficiary but she's handicapped she needed the mother to care for her but he is going to be assigned as the guardian for her. The only problem that he has is that there's another daughter in the picture who is not in agreement, fighting over it and thinks that you know she can get her sister to sign over the beneficiary and he built the house. So you know it's just one of those dilemmas.

**Commissioner Amanda Santos** – So what is her result?

**Acting Chairman Michael Borja** – We told him he needed to go and make sure that he had full guardianship of his stepdaughter and that she is fully the beneficiary. Right Dave did he come back to you guys?

**Deputy Director David Camacho** – We're still waiting as a matter of fact he called down and tried to make an appointment. I believe that they did make the appointment.

**Margarita Borja (DLM)** – They did visit our office and they want us to issue a lease in all three names.

**Acting Chairman Michael Borja** – To do the lease in all three names? The other daughters?

**Margarita Borja (DLM)** – Yeah that is there's three of them she named three.

**Acting Chairman Michael Borja** – Who named three people?

**Margarita Borja (DLM)** – The lessee.

**Acting Chairman Michael Borja** - The man?

**Margarita Borja (DLM)** – No.

**Acting Chairman Michael Borja** – The daughter?

**Margarita Borja (DLM)** – The woman, the mother.

**Acting Chairman Michael Borja** – Oh the mother named three people? Before she passed away she named three beneficiaries?

**Margarita Borja (DLM)** – One is handicapped and the other two I believe (interrupted).

**Acting Chairman Michael Borja** – And one of them is arguing about it right.

**Margarita Borja (DLM)** - Yeah.

**Director Monte Mafnas** – We can't do that it's one lease one person per lease.

**Margarita Borja (DLM)** – And how do we work out the ones who are not able to because we have another case where the benefactor is mentally ill actually it was the father and himself the son that were benefactors.

**Acting Chairman Michael Borja** – And he's taking care of the son right?

**Margarita Borja (DLM)** – The father dies one of the benefactor dies and now we're dealing with a child who is a benefactor who can't make any decisions or how do we? We have one case so we're not sure as to you know.

**Acting Chairman Michael Borja** – I think that's what we're seeing here of some of these things I think that case that came up was not the first time we had a person who's assisting a non-competent individual and then that person dies and this non-competent individual has people, that person named the beneficiary, it's a battle.

**Margarita Borja (DLM)** – But are we supposed to wait on the legal guardianship papers or can we move with issuing out the lease to the children who are the benefactors because he came here I wasn't sure whether we were (interrupted).

**Acting Chairman Michael Borja** – Well he's trying to see if they are all named the beneficiary can that be? You can name more than one beneficiary?

**Margarita Borja (DLM)** – Back then they were back then I believe they were allowing them.

**Deputy Director David Camacho** – There are several applicants who had listed people.

**Acting Chairman Michael Borja** – The individual that came he's concerned, his concern is that the home he physically and personally had built will be taken away from him and he'll have nowhere to live because the beneficiary one of the beneficiaries wants him removed.

**Acting Commissioner Oscar Calvo** – You know what's disqualifying on his part is because of his nationality.

**Acting Chairman Michael Borja** – Because he's non-eligible but he was going to live and still stay on the property because of his step daughter who he said would be the guardian of he will live under her care.

**Deputy Director David Camacho** – But still there's no guardianship yet.

**Acting Chairman Michael Borja** – But when it comes down to this we must comply only with desires of the beneficiaries.

**Director Monte Mafnas** – Pursuant to the law if it's a judge or court order they're going to have to adhere to that.

**Acting Chairman Michael Borja** – Exactly if he has guardianship but if the beneficiaries are the ones calling the shots they get to call the shots.

**Acting Commissioner Oscar Calvo** – I think one solution to that and quote me with this in issues in cases like that we have maybe we opt it to let it go to the court system.

**Legal Counsel Robert Cruz** – That would be more appropriate.

**Acting Chairman Michael Borja** – Then we would have a final decision a legal decision on it that we can always base ourselves on right?

**Acting Commissioner Oscar Calvo** – Yeah.

**Legal Counsel Robert Cruz** – Maybe you would want to take a look at the rules and possibly tightening up should someone name more than one beneficiary the first one named would be the one that gets the property and if that person is not able to or passes away then it goes to the second. There's got to be some way to do it perspectively and not have to have to do on a case by case basis.

**Acting Chairman Michael Borja** – Or if people list them down in order by age right?

**Acting Commissioner Oscar Calvo** – I would go to that degree to that route to let the court take its course so that way it really does not tie our hands here.

**Acting Chairman Michael Borja** – So who would be the people in the case, the lessee is going to have to bring it up and sue the Government and say I am the beneficiary and you've got to designate me and it goes to me and we challenge that in court and we let the court decide who really is the beneficiary?

**Legal Counsel Robert Cruz** – It may be something with quiet title action before a judge in Superior Court to try to resolve it among those who have a claim. There may be case law that says the first one named in a situation where there's more than one named the administrative agency would have to go through a certain order. I can actually take a look at how we have it presently structured and recommend if there may be some way to prevent these things from happening and to say that in the event that the beneficiaries are improperly named then it would be the first listed that has priority in terms of being the legal (interrupted).

**Acting Chairman Michael Borja** – That would be great to have because then we don't have to decide based on what we feel it's already a decision made by court and we just rely on those.

**Acting Commissioner Oscar Calvo** – And we base ourselves on the application of that person whoever like you said three and the first priority on that because at the end of the day the other two will probably argue and fight to that degree but we're going to base ourselves in what to that application has been rendered in. They may agree or disagree to that portion.

**Legal Counsel Robert Cruz** – And it may end up going before the court and Guam law being made through the court decision.

**Director Monte Mafnas** – I would like to see our counsel provide a legal opinion and with the AG's so like you said it might be a court case that promulgated the rules or decision.

**Acting Chairman Michael Borja** – And then we can work from there with the legal opinion so maybe we can do that and try to look at this one specifically.

**Director Monte Mafnas** – Citation or statute of law.

**Acting Commissioner Oscar Calvo** – Maybe we can use this as our guideline.

#### **Info requests from Senator Ben Pangelinan**

**Acting Chairman Michael Borja** – Okay anything else to discuss? Let me go over some of the stuff that was in our packets if we could. The first one was the letter from Senator Ben Pangelinan requesting all this information I think there were two separate letters. Have those letters been complied with?

**Director Monte Mafnas** – Yes.

**Acting Chairman Michael Borja** – And he's gotten all the details okay. I just wanted to say that I thought that the timing of it was kind of short notice with such a sizable request but I just wanted to make sure that you guys complied with that.

**Director Monte Mafnas** – But fortunately Mr. Chairman, I'm sorry to interject I must commend my staff.

**Acting Chairman Michael Borja** – Yes good job. When I saw it I said well that's not you know I don't think that's a print out. It would be nice if it was a printout but maybe perhaps the things their asking for that there be a running spreadsheet for those kinds of things, date and year when maps were approved and things like so that these kinds of stuff is compiled and you can always be ready to look it up quickly.

#### **Loan default**

**Acting Chairman Michael Borja** - The other thing then is the McCully and Beggs that has to do with the claims against Chamorro Land Trust for property that was (interrupted).

**Vice-Chairman David Matanane** – Are we going into Executive Session?

**Acting Chairman Michael Borja** – Do we need to speak this one in Executive or are you going to speak about this one on your Director's Report?

**Director Monte Mafnas** – Actually I requested to meet with Attorney Beggs to know if there was a bankruptcy case and to know if there was an application by the foreclosed person to pay off the loan. We heard that the family are getting together to make good on their note. I wanted to know if they've been to court already.

**Vice-Chairman David Matanane** – My question is has it been discharged with the bankruptcy and the other thing is why would SBA assign that loan when it's a hundred percent guaranteed and we don't guaranty anything only to the first person not the third person so there's where I'm coming from. We need to look it up and get that bankruptcy report has it been discharged.

**Director Monte Mafnas** – Okay.

**Acting Chairman Michael Borja** – Since when does the Chamorro Land Trust, we're guarantying loans?

**Director Monte Mafnas** – On the SBA loans that is correct. But Commissioner Matanane to answer your question SBA sold the portfolio to an investment firm so we're the ones foreclosing it's not to another party, person it's another investment firm.

**Vice-Chairman David Matanane** – But my main concern is check the bankruptcy has those notes been discharged? That's the main info in there. If that has been discharged by the bankruptcy where is that loan coming in is it after the bankruptcy or before the bankruptcy?

**Acting Chairman Michael Borja** – My concern here is some of the things we're looking at down stream with the HUD loans and things like that, I think we were talking about ways where CLTC was going to I guess guaranty these loans that they got through HUD if they foreclosed our part was to take that and reassign it to another individual and let them pay it off. But that should have been the same case as this. We were never notified of the foreclosure right?

**Director Monte Mafnas** – And we won't know until they do foreclose the loan.

**Vice-Chairman David Matanane** – And we were never notified of the assignment.

**Director Monte Mafnas** – That's a very good point Commissioner.

**Vice-Chairman David Matanane** – We just don't guarantee and you transfer the guaranty.

**Director Monte Mafnas** – But this is an SBA this is a federal.

**Acting Chairman Michael Borja** – That’s why I’m also kind of concerned I heard from someone who’s a member of the Board of a local bank that there was an individual who borrowed some money to build something on Chamorro Land Trust property that they have a proper lease for and then they foreclose and so the bank has the opinion that the land can be theirs.

**Director Monte Mafnas** – No.

**Acting Chairman Michael Borja** – That’s why we have to be careful of that we have these kinds of things happening and lending institutions begin to acquire the lands based on because they assume that it could be used as collateral.

**Director Monte Mafnas** – That’s why Chamorro Land Trust guarantees the loan to protect the land.

**Acting Chairman Michael Borja** – How do we pay it?

**Vice-Chairman David Matanane** – We have our security deposit of five hundred thousand I think it’s still.

**Director Monte Mafnas** – It has been done in the past Mr. Chairman.

## **VII. DIRECTOR’S REPORT**

### **1. Monthly report for May 2013**

**Director Monte Mafnas** – The revenue collection for May 2013 is in the amount of \$69,392.16. \$68,371.16 was from the commercial license, \$700 from the application fees and \$321 from the land lease. Documents issued for the month of May was 3 leases, 9 survey authorizations and 10 utility authorizations. Calls and visitors entertained for the month of May were 813 calls and 545 visitors. I want to take this opportunity to thank each and every employee of Chamorro Land Trust and Department of Land Management for making this report and working diligently in my absence.

**Acting Chairman Michael Borja** – Here, here thank you very much Dave for all the work you did too on Monte’s absence and welcome back Monte.

**Director Monte Mafnas** – Thank you very much and thank you Mr. Camacho for all your hard work.

**Vice-Chairman David Matanane** – One request on the spreadsheet can we have the amount on the first column there the current maybe the amount of lease agreement the monthly payment.

**Acting Chairman Michael Borja** – This is a Quickbooks I don’t know if it does that.

**Vice-Chairman David Matanane** – And this is the only commercial lease that we have.

**Director Monte Mafnas** – At this point in time yes. I will be revisiting the commercial leases to generate more income and issue more violation if needed.

**Development of Lot 7163, Yigo & Lot 10122-12, Dededo**

**Director Monte Mafnas** - I formally and humbly request the Board to assist in my train of thought. This is Lot 7163 in the municipality of Yigo and it contains four hundred acres. Most of our properties are up north. I prepared a small synopsis here and my team to quantify the subject lot. It is geologically more limestone and several volcanic formations. This subject lot is one of the best soil conditions for hard rock, 7163. So I'm thinking to master plan this lot to build a thousand units. And how I'm going to effectuate this plan is to have an RFP Request for Proposal to bring in all the companies interested in hard rock in excavating minerals so each and every company express an interest can participate in this extraction of minerals. It's inherited upon us to build homes. Our mandates tells us, guides us to have agricultural and residential leases. This subject lot (interrupted).

**Acting Chairman Michael Borja** – This is all Chamorro Land Trust?

**Director Monte Mafnas** – Yes this is all Chamorro Land Trust.

**Acting Chairman Michael Borja** – There's a lot of trails going down here and there's people that are farming. I thought this belongs to some families.

**Commissioner Amanda Santos** – This is in Yigo?

**Director Monte Mafnas** – Yes ma'am. So what better way to have the project pay for itself. So I'm thinking that we have the RFP we have all these private companies expressing interest who have been doing business on Guam for quite some time for decades some of them are six decades. If they start mining the property they'll generate income number one. Number two before they start mining the property excavating mineral rights they have to present us a plan wherein the original property will remain the same after they extract minerals. In other words they have to back fill hard fill materials to the original shape and size of this subject property.

**Acting Chairman Michael Borja** – What kind of hard fill? Organic?

**Director Monte Mafnas** – Organic meaning not hard rocks like this, other dirt.

**Acting Chairman Michael Borja** – Not refrigerators and all those.

**Director Monte Mafnas** - Not metallic waste that is correct.

**Acting Chairman Michael Borja** – That one over here is pretty full. They're covering it up now I guess it stop burning.

**Acting Commissioner Oscar Calvo** – He's in trouble.

**Director Monte Mafnas** – There's another hard fill company I think the Limtiacos have a hard fill right around Route 15. So once we start generating interest and realizing how much we can generate we can hire professionals to make this one of the best subdivisions in Guam. Professionals such as surveyors. Surveyors you need for relocation survey, retracement survey, subdivisions, topo-graphical surveys. Engineers such as civil

engineers, structural to make sure that the calculations are done right, base line engineers, environmental engineers. If we need archeologists, if we need architects and consultants and planners to master plan this thousand units. Once we've done this we can invite and do a press release and bringing the by passed, five thousand applicants who have applied for residential to come here and start signing up because we are going to build.

**Acting Chairman Michael Borja** – Does this have any known archeological findings? I mean down the way over there Marbo there's some communities I'm just afraid that you know they discover something along the way. So they're just going to go to the edge of the cliff, they're going to stay away from this lower part here.

**Director Monte Mafnas** – Yes stay away. We will have to hire an archeologist and will monitor such sites.

**Acting Chairman Michael Borja** – Because the last thing you know is it could get a work stoppage because they found an unknown village that's existing there.

**Director Monte Mafnas** – So we will delineate and set aside if it's cultural then so be it. The fees generated will pay for the subdivision and the master plan.

**Acting Chairman Michael Borja** – What fees the excavation fees?

**Director Monte Mafnas** – The excavation fees.

**Acting Commissioner Oscar Calvo** – We talked about that back then if I'm not mistaken.

**Director Monte Mafnas** – Yeah when I first came on Board.

**Acting Commissioner Oscar Calvo** – That was one of the key things that we talked but the thing about there Monte is, the proposal on that I like the idea on that Mike because for the rational reason there we can put that money and not only that but now that we have the generating fund we can also go out and borrow money into a bank that we know that we have a loan guaranty coming in. I would go and support that for that fact and it's the affordable housing area there is I don't know what's affordable now today. Laterally to that also Monte we did talk I don't know maybe in another the one right across Anderson gate that small that's already been that's been worked with the (interrupted).

**Director Monte Mafnas** – Tract 9210 that's been subdivided already and leased out already.

**Acting Commissioner Oscar Calvo** – But we were looking in anticipation on that we were going to upgrade the size of that property because that property is really just point five if I'm not mistaken.

**Vice-Chairman David Matanane** – Remember the Sammy Rock adjacent to the Sammy Rock where they were going to take the coral and then we receive all the royalties and then the next person would put in the top soil is that the same area?

**Director Monte Mafnas** – Yes. That the language and provision cited on the extraction agreement that they must replenish the soil and the property has to look the same way so it can be used for residential and agricultural use. So we're going to replicate the same concept. But with the new law they went the extraction agreement. So that's why I'm presenting this. Now it's a five year lease maximum. So that's why I thought of doing this so once we get the thousand signatures then we can go see our dear Senators and say well you know this is what has to be done. I think if we work with the contractors themselves and of course our lessees (interrupted).

**Acting Chairman Michael Borja** – What was the intent of that law?

**Director Monte Mafnas** – Control, control, control I don't know they just passed that I wasn't here.

**Acting Chairman Michael Borja** – I know I didn't even know. The primary author of it was (interrupted).

**Director Monte Mafnas** – Senator Pangelinan.

**Acting Chairman Michael Borja** – No, it wasn't I can't remember who it was it was almost all of them.

**Director Monte Mafnas** – So anyways that's a thousand units and this is five hundred units and this is plan B. This golf course expires January 2014 and to date they owe \$185,783 in real estate taxes and \$136,000 in back rent.

**Acting Commissioner Oscar Calvo** – But they haven't kept cool on that right?

**Director Monte Mafnas** – No they did. They used to owe over six hundred some thousand so it went down to this much. But January 2014 is not too far from now and I'll be meeting with their legal counsel Attorney Tolentino addressing the real estate taxes but in addition to that they owe delinquencies close to half a million dollars.

**Acting Commissioner Oscar Calvo** – And also if I'm not mistaken their lease should be up anytime now.

**Director Monte Mafnas** – That's what I'm saying January 31, 2014. So this is plan B if we do not extend their lease if we do not then we have to put in a minimum of five hundred homes here. But my master plan here is to utilize the community center for a computer laboratory and blue collar and white collar and GED educational (interrupted).

**Acting Commissioner Oscar Calvo** – In other words you want to do a mini village.

**Director Monte Mafnas** – Yeah mini village you have a medical plaza you have (interrupted).

**Acting Chairman Michael Borja** – What community is this?

**Director Monte Mafnas**- This is outside.

**Acting Chairman Michael Borja** – I know but what housing?

**Director Monte Mafnas** – I think Bensons the guys that built these homes.

**Acting Chairman Michael Borja** – And this is just a big open area?

**Vice-Chairman Michael Borja** – Is this Agafa Gumas?

**Acting Commissioner Oscar Calvo** – No Agafa Gumas is further.

**Director Monte Mafnas** – We have two hundred acres here and it's huge I would like to put a commercial mall here or I could put a high rise over here.

**Acting Chairman Michael Borja** - And this is Public Works right?

**Director Monte Mafnas** – Yes this is the big quarry. In fact I would like to put a church here and a school so if we can put some government buildings here so people could walk to work and walk to school.

**Acting Chairman Michael Borja** – Is this being cleared out?

**Director Monte Mafnas** – Yes this is being cleared off yes.

**Acting Commissioner Oscar Calvo** – And he'll be moving, Monte the recycling center would be moving up to Yigo.

**Director Monte Mafnas** – Well they're requesting for an extension but I told them I have to present it to the Board. They are currently accepting solid waste because it's not being accepted by Layon landfill and they have over thirty some employees.

**Acting Chairman Michael Borja** – That's the place that always catches fire right?

**Director Monte Mafnas** – Yeah and that fire is obviously done by outsiders. They have two people that live there on site every day to protect and see what happens. So there's two hundred acres here. I want to go high density here put a condominium here and you see all these routes for the golf carts we can use that as roads for future homes and put the Veterans here where there's a lot of water cascading and lakes that's aesthetically pleasing.

**Acting Commissioner Oscar Calvo** – The beauty of that lot that Mike is the infrastructure is all there.

**Director Monte Mafnas** – Yes there's thirteen water wells there is (interrupted).

**Acting Chairman Michael Borja** – Water wells?

**Director Monte Mafnas** – Water wells.

**Acting Chairman Michael Borja** – Public water wells?

**Director Monte Mafnas** – GWA water wells thirteen of them that was paid by GICC. There are probably fifty power poles.

**Acting Chairman Michael Borja** – They might want to trade that cost of installing to their taxes.

**Vice-Chairman David Matanane** – It's not GWA its Chamorro Land Trust wells now.

**Acting Chairman Michael Borja** – We have to sell the water to Waterworks.

**Director Monte Mafnas** – I like that that's a very good idea.

**Acting Commissioner Oscar Calvo** – Why not?

**Acting Chairman Michael Borja** – Well who's pumping the water out? Waterworks?

**Director Monte Mafnas** – Yes. So Commissioners the money generated from the quarry should support all the necessary disciplines of engineers and architects and getting things done correctly.

**Acting Chairman Michael Borja** – You're making a crowded place more crowded.

**Director Monte Mafnas** – That's our job is to build homes. As I mentioned earlier I want a high density here.

**Acting Chairman Michael Borja** – So you're going to meet with Attorney Tolentino to discuss these guys at the end of this month?

**Director Monte Mafnas** – Next week. They are questioning the power of Revenue and Tax to tax them prior to the law enabling GICC. As far as I'm concerned this is all tax sold property. We know it's our property and we have to do what's right and if we're going to build we have to master plan the highest and best use of the land.

**Acting Commissioner Oscar Calvo** – Let's say hypothetically because it involves the real estate tax that they have that they owe the Government in lieu to that lets say that they opted not to pay the taxes what would be the Revenue and Tax to come into garnish the property or to hold?

**Director Monte Mafnas** – Well I'm asking the Director to do their own due diligence and pursuant to the law this is Public Law this is not from the air this is all substantiated by Public Law.

**Acting Commissioner Oscar Calvo** – That was the only thing that I was asking because I wanted to find out if and if they failed to say then they can easily say well I don't want it. Now the Revenue and Tax will say well you know you still owe half a million dollars on

property tax but of course the property belongs to the Chamorro Land Trust. I just want to know should that be (interrupted).

**Acting Chairman Michael Borja** – That we don't become encumbered with that tax.

**Acting Commissioner Oscar Calvo** – Yeah.

**Vice-Chairman David Matanane** – We got to read that in lieu of taxes law because I don't know how because I don't know if we have to go to court for the garnishment of the taxes as far as real estate is concerned. It's the same way with GRT but I guess we can have Mr. Cruz here to look into that and see you know the word in lieu of taxes. Usually Ben would say pay all taxes remember back then Senator Pangelinan was you know you can collect that but in lieu of taxes and all that. But I have not taken a look at the provision on that real property imposed into the Chamorro Land Trust.

**Legal Counsel Robert Cruz** – I'll look into it and Monte has asked me to review it but I would think that the assets of the corporation would be at risk before any you know assets of the Chamorro Land Trust.

**Acting Commissioner Oscar Calvo** – The only thing the reason why I kind of brought that up is because you know if that comes to let's say that we do have projects too and they decide because the golf course can say well then you know I don't have half a million dollars or whatever price they're supposed to pay and they decide to walk out where does that hangs us the Revenue and Tax say wait a minute you know they owe (interrupted).

**Vice-Chairman David Matanane** – Yeah the Revenue and Tax employees are Deputized Marshalls and they can issue warrants for that to collect that.

**Director Monte Mafnas** – As far as I'm concerned as long as the Corporation is not in defunct then we can go after them. We can go to them for all liabilities and taxes is a liability right Mr. Counsel?

**Legal Counsel Robert Cruz** – Yes in fact the Government, Revenue and Tax can go after the shareholders after the dividends are paid out for the taxes owed.

**Director Monte Mafnas** – We will litigate we will sue them. I'm not worried about that. In fact prior to this administration they owed almost seven hundred thousand almost a million dollars. But they brought it down considerably down to a hundred thirty six thousand. As far as I'm concerned they're not current, we're concerned so they're still delinquent. But the taxes they failed to do their due diligence. They did not get a preliminary title report to ensure that the taxes were paid that's their fault and that's going to be my argument. So bring it on. Can I get Mr. Chairman a motion to proceed with this on developing 1,500 affordable homes?

**Acting Chairman Michael Borja** – **The motion is to authorize the Chamorro Land Trust Director to begin work to master plan Lot 7163 in the municipality of Yigo and Lot 10122-12 in the municipality of Dededo for the purpose of building homes and to pursue request for proposals to quarry the lands on Lot 7163.**

Vice-Chairman David Matanane – So moved Mr. Chair.

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – Approved.

VIII. EXECUTIVE SESSION - None.

IX. ADJOURNMENT – Meeting adjourned at 3:48pm.

Transcribed by: Teresa Topasna: *Teresa Topasna*

Approved by Board motion in meeting of: July 18, 2013

Monte Mafnas, Director: *Monte Mafnas*

Date: 7-18-13

Michael Borja, Acting Chairman: *Michael Borja*

Date: 18 July 2013