Chamorro Land Trust Commission

(Kumision Inangokkon Tanu' Chamoru)

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Commissioner

COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Anigua
August 24, 2005

I. CALL TO ORDER

Meeting was called to order at 4:05pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo, Legal Counsel Charles Troutman and Administrative Director Thomas Elliott.

II. APPROVAL OF MINUTES (August 4, 2005)

Commissioner Matanane commented that on Director's report in the previous meeting we have established that payments that were made previously for 2004 and 2005 aren't for community service as stated in the 2003 invoicing which should be in addition to this minutes and also stating that we should check and verify as to the invoice for 2004 and 2005. The Director will also confide with the Director of DOA and BBMR so we should get that corrected and see if we are really supposed to make payments to them.

Commissioner Matanane moved to approve the minutes of August 4, 2005 subject to corrections. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

III. OLD BUSINESS

A. Ypao Point - Procedural & Development Options

Chairman Damian stated that the Commission has some options available now that the Commission has received the official response by the YTT group. The Commission will be forwarding a response acknowledging receipt of their fax.

Chairman Damian commented that the Commission has the option of looking at the next bidder in line or to open up a brand new RFP for Ypao Point.

The Administrative Director commented that based on the memorandum submitted by Project Planner Felix Dungca, he outlines some issues that do need to be addressed. The most important issue that needs to be addressed is the constitutionality issue. Felix Dungca suggested that this issue be addressed before even proceeding to any other issues relative to Ypao Point.

The Administrative Director commented that the Commission can go to the next bidder in line which according to the ranking procedure would be D.C. Fashco or bid it out again.

Chairman Damian informed Attorney Troutman that in the previous meetings the Commission did have lengthy discussions on where to go with respect to the Land Trust and settling the issue of the constitutionality. The Commission will be awaiting any input in regards to settling the issue.

Attorney Troutman commented that he had finished his memorandum to the Commission but got direct orders from his boss not to send it to the Commission.

Chairman Damian commented that the Commission will request to meet with the Attorney General to iron out any technicalities that may be involved.

Commissioner Calvo inquired from Attorney Troutman on what is the hold up on the issues. Commissioner Calvo commented that he wishes that Attorney Douglas Moylan would be here to present his arguments.

Attorney Troutman commented that the best thing would be to have the Chairman of the Commission call to set up a meeting to meet with the Attorney General.

Chairman Damian commented that the Commission will do that prior to the next meeting and also to make an informal invitation for the Attorney General to be here to explain publicly as well.

Commissioner Calvo commented that even if the Commission wants to put out an RFP or go to the second the level we really can't do much until we get this clarified.

Attorney Troutman agrees.

Commissioner Matanane commented that then this meeting would be unconstitutional.

The Administrative Director commented that there is a clause within the RFDP that would allow for a contingency where if the Commission or the Land Trust somehow was considered invalid then the position of the lessor in any deal the Land Trust negotiates is assumed by the Government of Guam. Maybe we need to look and study that and perhaps use that as our footing for moving forward and continuing on with negotiations.

Commissioner Perez commented that the Commission went through negotiations with the first company and inquired if we ever got the $50,000?

Chairman Damian commented that when YTT was meeting with the Commission we did ask legal counsel to provide the language for the $50,000.

The Administrative Director commented that the $50,000 was initially a performance bond for the Ypao Point project. At the time that this developer was selected, they should have

placed that $50,000 on the table either in a form of a performance bond or in cash. As far as we know neither event happened. We did send a memo to the Attorney General's office in terms of requesting for appropriate language that we can use relative to the performance bond versus the cash issue.

Attorney Troutman commented that the Commission should get the first issue as far as the constitutionality of the Commission solved first.

Commissioner Calvo inquired from the Attorney Troutman if he is basically saying that the $50,000 doesn't exist until we solve the constitutionality issue.

Attorney Troutman commented that how we deal with it doesn't exist.

Attorney Troutman inquired on what does one do with the performance bond and what happens if they withdraw? Do they get a refund?

The Commission members commented no because it is indicated in the RFDP as being non-refundable.

Chairman Damian requested Attorney Troutman to review the RFDP and the performance bond issue.

The Administrative Director addressed Attorney Troutman that since the Commission is meeting today as a Land Trust Commission and since the Land Trust Commission is in existence then we must proceed as we are legal.

The Commission will be awaiting legal reviews from legal counsel prior to looking at any movement for Ypao Point.

B. Lot 7151 & 7154, Yigo – Status of conflicting placements

The Administrative Director commented that Mr. Ramon Torres has been coming before the Commission for the past several years regarding Lot 7151 where he had at one point been awarded 20 acres and then during the interim a prior Administrative Director had rescinded that award and consequently was awarded again. This Board awarded Mr. Ramon Torres the 20 acres assuming that there would be adequate room on Lot 7151. In the interim, Mr. Concepcion was awarded 17 acres in the same area which encroached onto the 20 acres given to Mr. Torres.

The Commission staff had identified an area on the adjoining lot (Lot 7154) that would be available for us to move Mr. Concepcion onto thereby freeing up the balance of Lot 7151 where we will be able to accommodate Mr. Ramon Torres with 20 acres and his son contiguously on the same area. The remaining balance would probably be 15 acres.

IV. NEW BUSINESS

A. Introduction of consultant candidate to CLTC – Resume of Jon Abrams

The Administrative Director informed the Commission that Mr. Abrams is experienced in land registrations, land administrations and land titling. Mr. Abrams is very versed in most if not all aspects of land issues. The Administrative Director commented that it would be a benefit to the Commission to at least consider the possibility of contracting his services to assist us in the areas of master planning and expediting our land registration process.

Jon Abrams informed the Commission that he is very pleased to be present today and to meet the members of Board. Mr. Abrams commented that he recently finished an eight month assignment in East Temor as a land registration policy advisor to the East Temor Government. This experience in East Temor was quite rewarding because it was a change in his profession to start from a base of ground zero and you don't get that opportunity very often. Mr. Abrams informed the Commission that he has had considerable experience in other countries.

Chairman Damian commented that according to Mr. Abrams resume he had done quite a bit of work in the pacific region.

Mr. Abrams commented that he had done technical aspects of land surveying which is his actual profession and because of the nature of land surveying you necessarily get very involved in land registration and titling aspects.

Chairman Damian commented that the Commission will be making a decision based upon Mr. Abrams qualifications and then looking at the decision whether to hire Mr. Abrams on a contractual basis and to subsequently deliver some of the duties and responsibilities that come with the contract.

The Administrative Director informed the Commission that he has not yet had the time to meet with Mr. Abrams to go over what the specific needs of the Trust are but will be doing so tomorrow.

Mr. Abrams informed the Commission that he is looking forward to meet with Mr. Elliott to ensure that there is a match that he can provide on a quality basis on what the Commission's needs are.

B. Pacific Association of Land Professionals

1. Invitation to attend work sessions in Palau

The Administrative Director informed the Commission that the Pacific Association of Land Professionals is an organization with the president being Frank L.G. Castro. They are a group that wants to get together to promote cooperation regarding land matters among the different island communities and nations in this region. Also to provide resolutions to problems that we are all experiencing in these areas and to assist in the implementation and application of modern technology and to research and to provide training possibilities.

They have invited the Chairman and the Administrative Director to a work session to be scheduled at the end of this month in Palau.

The Administrative Director had forwarded a copy of the invitation to the Governor's office and BBMR to request their assistance and/or approval. To date the Director has not received a response.

Chairman Damian commented that part of what the Commission is looking at here is the application of modern technology. One of the issues is global positioning and how it relates to the Land Trust and surveying and getting as accurate maps as we possibly can from those satellites and then match them with what our land agents have been coming up with. This goes back to one of the areas that Commissioner Perez has brought up in previous meetings which is a reduction to zero of any accidental encroachments because of deficiency or some problems that occurred during the surveying by our own people. That very issue is going to be addressed in this meeting taking place.

The Administrative Director commented that the Pacific Association of Land Professionals are asking that we participate in this work session to set the agenda for a convention that would happen sometime in the not too distant future. This is important for the Commission because it would allow us to place for discussion all the issues that affect the Land Trust even perhaps the constitutionality issue.

The Administrative Director commented that there are a lot of benefits. A couple of suggestions that the Commission may want to implement for the agenda on the subsequent convention would be grants, technical assistance and anything relating to the GIS or LIS and master planning our lands. Probably the biggest obstacle of the Commission in giving out lands for leases is the fact that most of them are not master planned.

C. Proposed Policies

1. Commercial License Application Fee

The Administrative Director informed the Commission that at this point the Commission does not have a commercial lease program. The only time that the Commission is allowed to lease Chamorro Land Trust property is by legislation. We cannot do so otherwise on our own. The Administrative Director had forwarded a draft rules and regulations relative to leasing Chamorro Land Trust properties for commercial use to the Legislature. At this point all the Commission can do is license the properties. The difference between a lease and a license is that a lease is where you are conveying an interest in the property, an interest that is actually bankable, an interest that actually has value and should be able to borrow money on it. A license is just a permit to use the property for a limited period of time not to exceed 21 years and is based on a percentage of market value.

The Administrative Director suggested that the Commission set policy where we will charge a license application fee for anyone coming in to submit a license request. The Administrative Director suggested a minimum of $250 for the license application fee.

Commissioner Calvo commented that he agrees with the concept.

Attorney Troutman commented that the Commission may have to go through the Administrative Adjudication Act because these are policies and fees. The Commission would have to have a public hearing and then take a vote on the policy and then submit it to the Legislature which generally rests peacefully for 90 days then becomes effective.

2. Descendants of Pre-Occupants

The Administrative Director commented that at this point the Commission is not allowed by law to evict those who have been occupying Government property prior to the implementation of the Land Trust in 1995. As a matter of past practice up to the present time they have been allowed to essentially step forward to the front of the line and be processed and be given a lease or be placed on Land Trust property. Do we require them to go by the date and time policy that is implemented for everyone else?

The Administrative Director commented that the law applies to those individuals or those people occupying Government lands during the arrendo or Land Use Permit period. If they were occupying Government lands prior to July 12, 1995 forward then we cannot evict them but we can process them out of sequence in terms of time and date.

Attorney Troutman inquired on what part of the Land Trust law requires the Commission to not evict these people.

The Administrative Director commented that he does not recall the section right off hand but it is in the law.

Chairman Damian requested that the Administrative Director provide Attorney Troutman and the Commissioners with a copy of the law.

Commissioner Perez inquired what Act or what entity allowed those people to stay on the property before the Land Trust was established.

The Administrative Director commented that they were under the Land Use Permit administered by Dept. of Land Management and some programs administered by Dept. of Agriculture.

Commissioner Perez inquired if they have a record.

The Administrative Director commented yes.

Commissioner Perez inquired if whether or not these people were up to date with their payments. Can they be removed if they were not up to date with their payments to these other agencies?

Commissioner Perez commented that it sounds like if anyone was there prior to 1995 they are free even if they have not paid for how many years. Whereas these people from 1995 are entitled that every year they make that payment or otherwise they could be asked to be removed. I don't see the justice where anyone before 1995 even if he didn't make payments since then are not subject for eviction.

Chairman commented that we could probably get answers from Dept. of Agriculture and Dept. of Land Management because when the Trust came in these programs came under the umbrella of the Land Trust. I believe there is statute on record regarding non-payment or delinquent payments that are embraced under the arrendo and the land for the landless issues.

D. Interagency Requests for Road Repairs

1. Tract 319 Pagachao & Lot 480 Agat; cost estimate by DPW

The Administrative Director commented that the total equipment direct cost is approximately $45,160 and they are estimating 5 days to repair West Santa Ana road and another 5 days to repair the roads on Umang Street. As far as the Pagachao road they are estimating 3 days.

This was presented to the Administrative Director by Dept of Public Works and the suggestion was perhaps the Commission can do an interagency work request however that work request would require some sort of compensation on the Commission's part to them.

Chairman Damian commented that Speaker Forbes had brought up in the round table discussions the issue of asking each mayor to submit as part of their budget these types of repairs needed. Chairman commented that the Speaker had mentioned that if you have a problem with water or power, you do not go to the Land Trust to get it fixed, you go to the respective agencies.

Chairman Damian commented that a letter will be forwarded to the Governor and the Speaker which will be attached to Mr. Elliott's request in addressing these needs. Should the emergency become so dire that we need to take it out of the Land Trust money there needs to be language in this upcoming budget that says there is a reimbursement to the Land Trust for all of this money used after we have done our share to take care of the infrastructure needs. If we are going to just take out this money because it is an emergency then everything becomes and emergency with all of our constituents.

Commissioner Matanane commented that maybe the Commission can send a copy of the invoice to Department of Administration also.

The Administrative Director commented that he had suggested to Mayor Tayama of Agat if the Commission could somehow get reimbursement from the families that will be serviced by the road repairs and she indicated that we will be getting very little if anything from the families because most of the families do not have the financial capabilities.

Chairman Damian commented that this issue would need to be included in the letter also.

2. Tract 1022 waterlines

The Administrative Director commented that the Community Outreach Office represented by John Acfalle is requesting assistance in Dededo near Swamp Road where they need water service.

There was a letter written by John Acfalle and John Vega to John Dela Rosa outlining the circumstances surrounding the issue and subsequently there was a letter from the Dept. of Land Management to Mr. Acfalle reiterating the issues. It was suggested that the Chamorro Land Trust Commission could in this case if we did make the expenditure, amortize the amount that was estimated at $40,000 and collect the reimbursement from the clients.

Chairman Damian commented that if the Commission decide to vote on this not only is it going to be accessible to these people because it is a 6 inch line but there could be other people involved in the infrastructure of water.

John Acfalle commented that there are several people who have loan approval on building their homes. There are some people without water and some with completely no water at all. According to GWA if we put in a 6 inch water line it would be feasible enough.

Chairman Damian commented that we understand the dire need of water resources.

John Acfalle commented that there are 7 families that are affected.

John Acfalle commented that they are actually estimating the cost to be $50,000.

Chairman Damian commented that his concern here is when does it end? Even if the Commission had the funding source for any kind of development it would still be a horrendous amount to continue to provide all of the infrastructure needs for our clients.

Chairman Damian commented that he doesn't have a problem of providing the basic of water and also that he is not very comfortable of having this as the Land Trust's responsibility.

Commissioner Perez commented that she agrees and that the least the applicant can do if they get the property is to spend that kind of money to get the power and water lines. I understand that this is a Land Trust property but we need to look at what the law requires of us to provide. Are we providing for every time someone asks for power and water?

Commissioner Calvo inquired from Mr. Acfalle on what does Guam Waterworks Authority think of this.

Mr. Acfalle commented that they have met with GWA and that they simply do not the money.

Mr. Acfalle commented that the families are willing to spend $3,000 to stretch in a 2 inch line to their property but then according to GWA you cannot tap into a 12 inch line but even if you do tap in on an 8 inch line and on the main line with the 2 inch it is going to be another complaint because either you have water or very little water or no water at all.

Mr. Acfalle informed the Commission that he does not have the commitment that they will amortize this but he will go back to them and then maybe it can be discussed on the next meeting agenda.

Commissioner Perez commented that once we do this for a group of families, every time that we issue property under the Land Trust then we are saying that we are committed to provide all of those things. We don't have the funding that provides us with money for those kinds of situations. If we start making exception to the rules then our exception becomes a norm.

Chairman Damian commented that if the Commission does approve the request it is still subject to the availability of funds and the issue of repayment.

Commissioner Calvo inquired from Mr. Acfalle if he had approached the Legislature on the issue.

Mr. Acfalle commented that he thinks that would be the last resort. Mr. Acfalle commented that they did meet with GWA but there were no results.

Commissioner Perez commented that the Legislature is the one that appropriates the money. We are not an agency that generates money.

Mr. Acfalle commented that he felt that if he brought this to the Commission's attention to see whether the Commission can consider it. His next move is to go to the Legislature.

Mr. Acfalle inquired if we could include this request with what the Commission is going to do with the Lots in Agat.

Chairman Damian commented that he doesn't think that the scope of work is the same as Agat.

Commissioner Perez commented that she would not want to commit this Commission for this action and later down the line be trapped with the same kind of situation. I would personally say nay to this kind of situation.

Commissioner Calvo made a motion to table the request for waterlines on Tract 1022 for the next meeting pending more information. Commissioner Matanane seconded the motion. There were no objections, MOTION PASSED.

Chairman Damian informed Mr. Acfalle that should the Commission come to a decision on the matter before the next meeting then he will be informed.

V. DIRECTOR'S REPORT

1. Governor's proposal to reorganize GovGuam

The Administrative Director informed the Commission that another draft of the proposed bill will be coming out on Monday relative to the reorganization of GovGuam. The Administrative Director requested that the Commission table this item until then.

2. First Hawaiian Bank – Deposit account options

The Administrative Director commented that he had requested from First Hawaiian Bank if there is any way of generating more interest on the Commission's account. There was some concern from meeting with Laura Dacanay from First Hawaiian Bank regarding collateralizing of Government funds and she was not sure and couldn't get a definite opinion from her legal counsel if in fact our funds were to be considered Government funds. In that event then they could not collateralize our funds which would be required to achieve the highest rates.

Chairman Damian commented that one of the major recommendations by the audit report was the status of the account at a banking institution that offers very little to no interest on a substantial amount of money.

Chairman Damian commented that once Legal Counsel returns their response to our inquiries the Administrative Director can continue to look into other institutions that have more favorable interest and that we are addressing the 1999 audit.

Chairman Damian commented that the Commission did make a request to BBMR with respect to the breakdown of the invoice especially with the community service account. I did speak with the Governor already regarding the issue why they are suddenly trying to invoice us for 2003 when during the meetings that we have had they had told us that the 2003 and prior years was going to be erased and that the billing would begin for 2004. We continue to wait for communications and we will not move in any payment for any invoice whatsoever until the Commission is satisfied with what is being charged to the Land Trust.

Commissioner Matanane inquired if we are going to accept the 2004 and 2005 and not get a detailed breakdown as to what we have paid.

Chairman Damian commented that we are requesting for that information.

Chairman Damian commented that if we do not have a response back by our next meeting the we will request to meet with the Dept. of Administration Director because we cannot continue to sign payments over without the necessary documents.

The Administrative Director commented that he had submitted a letter to Public Aditor Doris Brooks in response to some questions and concerns she had previously submitted to the Commission.

Along the lines of generating financial reports and submitting them to the Legislature, the Director along with the Acting Administrative Services Officer James Diaz had attended a Quickbooks Pro seminar. The Quickbooks program was purchased and we are loading it with all the information.

The second item of concern was about the second authorized signature on the checks which still needs to be addressed. At one point it was the Administrative Director and the Chairman of the Commission who were the authorized signatories on the account.

The third item is regarding the salary of the Administrative Director and the auditor was informed that the Speaker of the Legislature was aware of this and that something was about to happen.

The fourth item is the guaranteed loans which is essentially monitored by Guam Housing because they are the ones who have funded our existing loans and of course we require legal counsel for other things including collections or evictions of foreclosed loans.

The Administrative Director commented that these are some of the items that are being addressed and I'm sure there are going to be other items as well. I did stress to one of the auditor's assistance my disappointment and frustration with the way this audit is going because it never entered my mind that this is going to create more work for me than anything else. It is creating more work for me along the lines of the auditor requiring that certain issues be immediately addressed, certain policies be immediately implemented, certain changes be taken care of as soon as possible. On top of what has to be dealt with the Trust, our mission, our mandates here again we have more to be piled up on not just myself but the staff as well. I asked a question auditor's assistant is if has it ever occurred to you why things have not changed much from the time the 1999 audit was completed to the present time. I believe they are professionals, they know what they are doing however they lack the vision of the big picture and they fail to see that we have 5 land agents handling 3,500 land lessees and recipients and we have another 6,000 to go. But yet that has not occurred to them and I was hoping that this audit would bring that to light and apparently it has not. For the record I am stating that that is the case with the Land Trust, we are sorely under-staffed. It is frustrating to attend to the needs of our land lessees because of the limited resources we have and we are essentially trying to complete a nearly impossible job.

Chairman Damian commented that the Commission can certainly request some temporary assistance and temporary personnel to be transferred to the Trust and

providing assistance to complete the audit. The Commission will need to draft a second letter and we do need to meet with the Executive branch regarding personnel because we have had this issue before. We will draft our letter of concern and attach the 1999 audit report.

Commissioner Perez inquired from the Administrative Director if there is a possibility to make an amendment to the budget because whoever did the budget was not looking at the auditor's report. Can you write an amendment asking the Legislature for more funding so that you will be able to hire more staff so that you will be in compliance with the audit report?

The Administrative Director commented that he had attempted to do that in the budget hearings earlier this year however prior to going to the budget hearings we had a pre-budget conference at the Governor's office where we were instructed to hold the line on our prior budget year ceiling. Anything additional and over that budget ceiling would be by the request through the Governor's Office. I will gladly request for more money for staffing but I am not sure that it would be welcomed by the Legislature.

Commissioner Perez commented that there is no sense in having auditors conducting an audit if we are not going to be in compliance.

Commissioner Perez commented that when the memorandum is prepared relative to the Commission's need for additional staff that we forward a copy to the Legislature, the Executive Branch and the Auditor.

VI. PUBLIC COMMENTS

Ramon Torres – Mr. Torres commented that he had one application for 3 people, himself, his son Ernie and Raymond. Therefore my application was approved as of last year and the other two applicants were left out. I ask the Commission whether the individual who have paid the processing fee as of 1997 could be included in that tract of land where I was approved for 20 acres. I am asking the Commission whether my son can be moved in on that area because the approval of the 20 does not mention if the other two sons were identified. Maybe the Director could clarify the status of the approval of my application and the status of my other two sons.

Chairman Damian inquired if he is okay with respect to the awarding of his particular parcel.

Mr. Torres commented not really and the reason for this is because when his application was approved a map was given to him and he was given the opportunity to select what portion he will take from the 37½ acres. Mr. Torres chose the northern portion of the Tract. Up to date he have seen that there are some other people that are going in on the northern part that was approved by the Commission. His sons have not been addressed at that time and up to now. Mr. Torres inquired if the 37½ acres is still there or how much is in the tract now, being that that the Chamorro Land Trust has continued to give

applicants or approve applicants in the north. According to Mr. Torres another applicant was given in the south on the remainder of the 20 acres. Mr. Torres clarified if the other applicant was moved out and that he going to be merged with his sons on the Tract.

The Administrative Director nodded yes.

Mr. Torres commented for him and his son Ernie and inquired on what about his other son Raymond Jr.

The Administrative Director commented that the application for his other son is dated 1997 and by law we cannot move him up. Unless you want to place him as a beneficiary on your application then we have no problem with that or if your other son would like to place him as his beneficiary.

Mr. Torres commented no and that his son applied in 1997 and this individual that was given in the south applied in 1998. I just want to clarify this with the Commission because I pursue and I believe and I know that the Commission requirement is first come first served. Mr. Torres commented that it is probably not the best time to discuss this because the Commission does not have the records at hand but I wish that we can get the record straight and perhaps address it at the next meeting. I still want to know if the 37 acres minus the 20 acres given to him is still 17 acres.

The Administrative Director commented that he cannot tell him that without a survey. What we are doing is we are moving the person that was placed in the same tract with the 17 acres so that the area can be available for Mr. Torres at his request.

Mr .Torres commented that this is very confusing because when we went out with the Chamorro Land Trust staff there was no other applicant on the tract.

Chairman Damian inquired on he thought Mr. Torres agreed on the Commission's solution and the Commission was under the impression that he was happy with it and now you're coming back telling us that you are not happy and that you want your other son to be part of the solution that we gave to you.

Commissioner Calvo commented that Mr. Torres has to understand that they are the newly elected Board and that these are problems that were created back then. We are trying to fix it and make sure that everyone is in compliance. Back then it was more or less a land grab. Back then we lived in a political arena and we are trying to clear the road now and make the record straight in our term. If at any given time, yes your son did apply in 1997 and 1998 applicants came first, it wasn't our authority at the time but we are now trying to fix it. We are trying to make sure that everyone is given the opportunity and that no one is being given under the table.

Chairman Damian inquired from the Administrative Director if Mr. Torres's other son who was not involved in the recent decision is he getting another parcel of land in addition to what is already there.

The Administrative Director commented no because of his date and time.

Commissioner Perez commented that in our last meeting Mr. Elliott had mentioned to you that he is making some move and that the person who was placed in the property that you

were given is given another property so that now you have property for you and your other son. I think that was the original problem and we had solved it.

Commissioner Matanane inquired from Mr. Torres if he is satisfied with the decision that was made at the previous meeting to solve his initial problem.

Mr. Torres commented he is satisfied but his question is that the third person who is included in this is not identified. The reason why I am saying this is because it did not happen years ago, it happened when this Commission Board is in, that this person moved in on that Tract. This person moved in the Tract just now and that is why my question is why is it that my son applied first before this person? The reason why I am here is because the communication between the Trust and myself is very little and that is why this is happening and we have to discuss it in the meeting. I for one called several times this week just to get things going. I want to find out if it is possible for my other son to get a piece of property. I believe there is nothing under the table and up to now I am still asking.

Chairman Damian clarified if Mr. Torres is asking for the inclusion of his other son.

Chairman Damian commented that we did fix the problem with respect to Mr. Concepcion now we are here trying to provide solutions to your other son.

Chairman Damian commented that if it is found that your other son is in compliance and deserves a parcel for whatever amount of land and we find that land is not adjacent to your property would he be acceptable to moving within the general area?

Mr. Torres inquired if the Commission has a map of the area identified already.

Chairman Damian commented that he is just asking if his son would be amenable to receiving a parcel of land not adjacent to your lot.

Commissioner Perez inquired if it matters if his son is close to him or not.

Mr. Torres commented that he does not know.

Commissioner Perez commented that she feels that his son should be the one to fight his own battle because Mr. Torres can not answer the questions that the Commission is asking.

Mr. Torres commented that if the Commission does not have a map to show him then he can't explain it to his son.

Raymond A. Torres Jr. commented that he is here to request and get it clear on his application status. My dad started it off and all along I have been waiting to hear when my name is going to be called. What made me come here is that on the listing that we have Commissioner Calvo and Mr. Elliott said that they are going to fix it. I keep hearing this from you Mr. Chairman that you have fixed Mr. Concepcion. The question that was brought up is whether I would accept the land any where close to the property that my dad was given, I will accept that on a request if the Commission can help me to bring it up anywhere close to where my dad is at and to be entertained also the same way as Mr. Concepcion.

Chairman Damian inquired from the Administrative Director if all three of them applied at the same time.

Administrative Director commented no.

Raymond Torres Jr. informed the Commission that he applied on August 19, 1997.

The Administrative Director commented that Mr. Teddy Concepcion applied on September 1997 and he received a lease for 5 acres on November 1997. This should be proof that the awarding of the lease to Mr. Concepcion was done by a previous Board. Subsequently he may be provided the 17 acres on the basis of a previous award of the 5 acres according to the history of the documents in the Trust. When someone determines that certain amount of acreage particularly for grazing is insufficient they come to the Trust and they request for additional acreage. That is how Mr. Concepcion ended up on Lot 7151 and at that time at least to my knowledge I was unaware that Mr. Torres was fighting for Lot 7151. I resent the implication that we are doing anything under the table because we are not.

Chairman Damian commented that the Commission would need to look at the adjacent areas where Mr. Torres is at so that the Commission can accommodate Mr. Raymond Torres Jr.'s needs. The Commission will look at what areas are available. We would still need the recommendation from the Administrative Director and the approval from the Board to move you into that position. Can he be awarded now based on the current policies of first come first served?

The Administrative Director commented that we are no where close to 1997. Just because a previous Board broke the law by pre-awarding some that was not authorized and not qualified at that time does not mean that this Board will likewise do the same.

Chairman Damian commented that we are going to try to find some solutions however we still have to work within the perimeters of the existing law. We are going to stick with the existing law. We cannot tell you why others were moved up by the previous Board. We can tell you that this Board continues to stay within the law.

The Administrative Director commented that Mr. Torres cannot penalize the Commission for what was done in the past. Mr. Torres wants the Commission to take care of all the

surveying for him which are substantial fees. The Board is willing to entertain that however, Mr. Torres cannot ask the Commission to break the law just so that we can satisfy your sense of being targeted.

Raymond Torres, Jr. commented that he is not here to fight with the Commission. He came here to request for help. I did not say anything about under the table and that he was just showing the Commission the facts. He is just here to request for what he had applied for.

Commissioner Calvo commented that Raymond Torres, Jr. will get what he requested for in due time.

Raymond Torres Jr. commented that he is good with that.

Debbie Quinata – Commented that a lot of the public are not aware that there are people who have been prior occupants of property who never actually applied because we were telling them that there was no need to at that point in rushing to apply since they were already prior occupants and they got grandfathered in. Some of the people were relocated from one location to another and it wasn't done underhanded it was because the property was not slated for the intended use such as grazing. I urge Mr. Elliott and the Board to move forward with the re-issuing of the request for new RFPs. I am hoping that in spite of the opinion by Mr. Troutman who feels that the law itself that created the Chamorro Land Trust is unconstitutional we beg to differ. We are here to encourage you guys. You are the guardians of the land that a lot of people are depending on and the decisions that you guys make. We urge you to please stand up and fight for us because we truly do need to protect the lands. It is for the well being of the generations to come. It has been done in many areas. In speaking with Mr. Troutman before he left he felt that it was a technicality that needed to be fought. I asked him if he had told you guys that and he said well no that's not his job. The water request that you guys are getting I think that you made the right decision in tabling it and looking at it. If you create a precedence in one area you are going to have a lot of very upset people. I was also wondering how you are handling the non-qualified squatters. The previous administration with Chamorro Land Trust was very familiar with this and they chose to not face it. There are a lot of people who are on Chamorro Land Trust lands who are not legally there. There are even some that charge rent to our people.

Commissioner Calvo inquired if Ms. Quinata has knowledge of the people who are on the property illegally and if she could provide the documents to the Commission.

Ms. Quinata commented yes.

Ms. Quinata commented that there have been some complaints filed against these people such as tax evasion, theft and a number of different things.

Ms. Quinata commented that with respect to the Raceway Park they have a lot gravel and equipment. Part of the agreement with the Guam Raceway Park was that they would

provide us with all the gravel that we would need and I believe they would also provide the transport.

Ben Garrido – Commented that he wants to talk about the Land Trust and then after that about the Commission's legal counsel Troutman. He brought this up before and he made a suggestion to the Commission that if the person is not Chamorro and staying on Chamorro Land Trust property the Commission should know because the Commission needs to issue a permit or GPA or GWA. So that person regardless that both of them went in and shouldn't be there and they still have water and power then that agency should just go out and disconnect them because they are not supposed to be there because their permit is not from the Chamorro Land Trust that's the only way to make them come out. Now about Troutman, we were told by him that we are unconstitutional. So if the lawyer is correct then remove Mr. Troutman and change him. Mr. Troutman is not defending the Land Trust Commission. It doesn't matter if your white or black, his work is to defend the Land Trust not to tell us that we are unconstitutional or for someone else to tell us it's unconstitutional. Mr. Troutman is a conflict of interest and needs to be removed. I am asking you to defend the Chamorro Land Trust lands because the land is for the Chamorros. I believe there is no constitution for the Chamorros. We have no constitution, the only law we follow is the Colonial Organic Act, that is all we follow. There was a lawyer in the past or assistant lawyer that wrote about the status of Guam and said that the United States laws should not be applicable to Guam. In their American language only at the whim of Congress. That is the case and now they are telling us whatever will benefit the Chamorros is bad and unconstitutional. We need to protect that, the constitution and we need to stand and defend it. Hire another lawyer and make sure that they are Chamorro and if they are white like Troutman then we are all going to keep fighting. I am going to tell you guys I am stating that we are the Chamorro Nation and we are going to stand and defend and we will be together. If this situation gets worse then I am going to call upon all the Chamorros that are living on Chamorro Land Trust lands to come out and join us to defend our land because it is our land, the Chamorro land. I don't believe that while we are on our land they are telling us that it is unconstitutional.

Chairman Damian commented that we need to meet with DOA regarding the invoices and you know already where we stand with respect to legal counsel so what we are going to before the next meeting is draft a letter on our concerns and what we feel we need to do as a Commission and that is going to be stated on the letter.

VII. NEXT MEETING DATE

None scheduled yet.

VIII. ADJOURNMENT

Meeting was adjourned at 7pm.