Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Commission Members

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Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Angiua
September 30, 2005

I. CALL TO ORDER

Meeting was called to order at 4:08pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo and Administrative Director Thomas Elliott.

II. APPROVAL OF MINUTES (September 7, 2005)

Commissioner Matanane moved to approve the minutes of September 7, 2005 subject to corrections. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.

III. OLD BUSINESS

A. Legal Counsel – Request by AG to meet Board

The Administrative Director commented that at the last board meeting held on September 7, 2005 the Commission discussed the termination of the Office of the Attorney General as legal counsel and procurement of legal services from the private sector. This is due in part to the heavy workload at the Office of the Attorney General as well as comments made by Attorney Charles Troutman regarding constitutionality issues related to the Trust. The agency has been in existence for more than 10 years and on June 8, 1992 the Superior Court of Guam upheld the validity of the Chamorro Land Trust Act to Public Law 12-226 and ordered immediate implementation on February of 1993. This agency has survived political inference and legal challenges and will continue to do so. It is the collective will of this agency and the supporters who stand to those who threaten the success of the Trust if it is true that the programs of this agency are racially selective then it must also be true that those who threatened the Trust are selectively racial. The Superior Court believed that the CLTC is a valid entity and this Commission must continue to conduct itself as such. In a prior meeting Legal Counsel Charles Troutman suggested resolution of the constitutionality issue. I believe it is this Commission's intent to resolve the legal counsel issue particularly with no less of mutual respect and full confidence between the Trust and legal counsel. With all due respect to the Commission and the diminished patience regarding charges of unconstitutionality and I do recommend dialogue with current legal counsel to address these mutual concerns.

Attorney General Moylan made it clear that Mr. Troutman did not speak on behalf of the Attorney General's office when he made those statements. The Attorney General's office had withdrew one of the opinions that had been previously issued by Mr. Troutman without my review and I can say that of what he said, our office is going to disavow his statement that it is unconstitutional. I think that it is accurate that a judge of the Superior Court has found it constitutional and nobody has brought an action to find the Trust unconstitutional and take action from that decision. When I spoke to Mr. Troutman after that day he spoke to the Commission he was specifically informed that he went out of line and had no authority to be making statements like that especially since so many people are building their lives around a commitment to property, home life and what ever else goes with that, that are relied upon this Trust being constitutionally valid. I understand that there is an effort because of what Mr. Troutman had said to hire separate counsel for it. We are trying to establish our office in the scheme of things being an elected office now and I will assure you that if this ever does get taken to court and right now all we have are people threatening to do certain things but the judgment I think was back in 1991 or 1990 from Judge Cruz. I recall Mr. Troutman informing me that the discriminatory practices might be permissible because they are politically based as opposed to true cultural based practices because the Chamorro from what I understood in the Act is defined as a person becoming an American citizen or Chamorro as of 1950, something of that nature which is more of a political characterization because we know that non Chamorros were on Guam in 1950. That is why I think there is room for debate and discussion and legal briefing if this case ever gets challenged in court. Our office has no intent and I must inform the Commission that we have a duty and responsibility if the Attorney General believes that a statute is unconstitutional he has a duty and responsibility and right to go to court and find it unconstitutional. There's no plan at the Attorney General's office to do that for the Chamorro Land Trust. That's why I believe Mr. Troutman, as much as I respect the man, he has a lot of credibility and years behind him to have earned that, he went too far with it. There is no federal court decision that has found the Chamorro Land Trust unconstitutional hence shut it down and our office has no plans to do that to take it to court. In the scheme of things I'm trying to make sure that our office has at least the respect of the Commission to understand that as much as we represent the people of Guam we also understand that you too have a role in this, being appointed to the Commission to represent the laws interest in the Commission's existence. To take it one step further I think the brink question in everyone's mind right now is that if this case was challenged in a federal court per say because we can't ignore the fact that there are at least two cases out there that have made a statement on the Chamorro Land Trust but they just haven't taken it to its logical conclusion which is to shut it down. In one of them I know that was not the key issue of the case it was more of dicta even though Mr. Troutman disagrees with me whether it was dicta or not. I refer to the Land Trust case dealing with F.L. Moylan. That I will assure was not the position of F.L. Moylan, it was a position of the Attorney General's office back then that had raised the issue and not my grandfather basically and I was his counsel at the time. We never mentioned anything about finding the Chamorro Land Trust constitutional or not. Judge John Unpingco pulled that issue and tried to make a decision based upon that and there would be no change on the status of his property because the Attorney General's Office never appealed it when the Judge issued that. I think the Commission should not have to worry about the fact that one of those cases I was an attorney on. We never argued it and I challenge anyone to bring a brief to show that I orally or in writing said that the Chamorro

Land Trust was unconstitutional. Again I recognize the fact that Chamorros are not truly Chamorros. It's 1950 designation you have non Chamorros in this group of what they call Chamorros so its more a political designation as opposed to a truly racial designation that there is an estoppel sort of argument surrounding this where you have people investing their money and building their lives upon the reliance upon the Land Trust. If the Federal Court was to shut down the Land Trust the thousands who are using the Land Trust property would be detrimentally affected by shutting down a Trust like that. But in an abundance of caution I must say that I recommended informally to the Executive Director that efforts be made with Madeleine Bordallo to shore up and eliminate any argument that people may have on the Land Trust and to attempt to get a Congressional amendment to the Organic Act just to eliminate any possible attack on this. I know every time you're trying to rent out the Oka property people are making threats on it. So if the Commission is willing to work with our office specifically with me, Mr. Troutman was not permitted to come here today and I think he understands the gravity of what he said and how it affected the community when he kind of like off handed speculating in talking with the Commission. If the Commission's only reason for wanting an attorney through the RFP was because Mr. Troutman's statement please be assured that is not the position of our office. I ask that you continue to work with our office. We are trying to work with the legislature to get more money. We have 72 boards and commissions throughout the Government. It's not in my interest to see every board and commission in having their own attorney because the control is lost and the litigation and the disagreements will increase as opposed to having one unified legal policy which is I believe is the reason why they have an elected Attorney General.

Commissioner Perez commented that when we were doing the negotiations with Ypao and we raised the question on the $50,000 that was supposed to be given to the Land Trust that's where I think it steamed up this idea of having our own legal counsel. We asked what is the legality of that $50,000 whether the Commission should merit to have or not and he was not able to give us a legal review on that. That's where we started to get that conclusion. If we are going to depend on that kind of legal counsel and when we need to have somebody explain the legality of something and we can't get the answer, there's no credential there for our part.

Attorney General Moylan commented that he can appreciate that and apologizes if that was the situation that occurred. I know Mr. Elliott so he will definitely advise me and if you choose to continue with our services I can assure you that that problem will not occur again. The Land Trust is an important Commission and an important Act.

Commissioner Calvo commented that his problem here is you send a counsel over here to hear us on what we want and things to be done but it seems that we are not really getting that service that we want. I remember Mr. Troutman saying that it's up to my boss. There are questions that we need to solve here but we can't go with this issue of we don't have time or I don't have enough attorneys and in the mean time we have people here too that we need to solve the issues. We need to get an answer and it's not 3 to 5 months down the line. I sympathize where you're coming from but you got to understand our side on this board because we are the ones being bombarded by either the media or by the people.

Attorney General Moylan proposed that from what he understands the Guam Legislature had lifted the personal services restriction upon the Attorney General's office which was primarily the reason why we couldn't bring in the number of attorneys we needed. If the Commission is amiable to it and this is how we worked with Department of Education and other line agencies is that if you could make some of the money available to our office and again I haven't seen the final budget bill, I know they authorized additional prosecutors and maybe two child support attorneys I didn't hear much about the civil attorneys but if we work together we could probably bring on an attorney and I'm not adverse to brining a private counsel for purposes to assisting you but in conjunction as an assistant attorney general through our office. For example even with a non line agency like the hospital last fiscal year we had two legal counsels designated as assistant attorney generals. They covered the legal expenses for it and they were provided an assistant attorney general through our office I believe that was the Borman and Gavras and Gorman law firm. When they sign their papers they sign it as assistant attorney general through contract with the AG's office. If I can offer that because right now I still have the same situation we don't have sufficient lawyers to provide all the legal services and we usually go according to brush fires. Oka Point was an important issue and I apologize for that legal opinion that didn't come as quickly as you needed it. It appears after tomorrow things may change if the Governor signs the budget bill.

Chairman Damian commented that if it is the pleasure of the Commission via the Attorney General's office we will have legal counsel specific to Land Trust issues but coming out of the Attorney General office as a special attorney assisting the Attorney General.

Commissioner Perez inquired if we are going to be assured that every time we have a meeting that we are going to have representation from legal counsel.

Attorney General Moylan commented that especially if it is by contract I've never really seen a problem as long as they can get paid they are always there. I can provide it and I can assure you that will happen especially since I had to personally appear here to answer for one of the attorneys from my office. If he doesn't show up then I will.

Felix Dungca – It would have been nice if we heard those words back in May 13. In the May 13 meeting the attorney for the developer after nearly two years of negotiating conceptual master plans, the appraisal reports, discussions, visitations by the entourage from Taiwan, we had reached a point that it is not my intention Commissioners to go backward but I believe that if we are going to go forward a stepping ground and not have to go through the same potholes that we went through on the first round. We need to understand what the real problem was with round one and there were a lot of problems. The developers were here on the week of the May 13 when we were discussing the money issue and I realize the $50,000 came back and haunted us. The authors of the RFDP at the time GEDCA and CLTC prior to us being on board had inserted a clause in there were once the developer was selected the highest rater must put a $50,000 performance bond. The attorney for the developer could not find an insurance company to issue a performance bond. So it was his suggestion in lieu of the performance bond that it be cash. We brought that up to Charles Troutman's attention we drafted the Resolution and gave Charles Troutman. The Commission never got a response from that. That was a minor problem, the major problem was that Attorney Jerry

Tang had written a letter to the Commission listing three items that were legal issues that were critical to the negotiations and one of those issues if I recall because the threatened lawsuit by Sheldon and Davis which I believe was wrong, this attorney had to go back to his client in Taiwan and advise them as their attorney. When we did not get a response from the AG's office in fact the day after that meeting I asked Tom to ask the staff to hand deliver that letter to your office it sat for two weeks waiting for a response. When I called your staff I was told they couldn't find it. I immediately got a copy and hand delivered it to Sharon, two weeks were wasted. In the mean time the attorney for the developer was in Taiwan for three weeks trying to save a multi million dollar project, three hundred million dollar project and when he came back I asked him what does it look like. There comes a point in a multi million dollar project where you have to put the brakes and say look here is your deadline. If you are going to dance with us put money on the table and let's sign an agreement. The developer recognized that and he said his client because there were too much risks had decided to pull out. Two years of effort on the part of Joe Borja, GEDCA, myself and Tom Elliott went down the tubes and we were that close. I don't like to bring back old bad news but the problem as one developer told me here is that as long as the issue of challenges of constitutionality of the Commission exists and as long as Sheldon and Davis is out there somewhere in the woods that's going to scare any developer There is no developer that is going to put his signature on a fifty year lease on a multi million dollar project unless we have legal counsel backing us up all the way to court. And that's putting it bluntly sir, because that is exactly what this attorney wanted. I've never seen a case in Hawaii when you're dealing with a multi million dollar project and the Government doesn't have its own attorney. It doesn't work that way. This Commission stood to make $750,000 in the first year with escalation. We've negotiated with this developer at 10% escalation every five years. This Commission would have made 50 million dollars in 50 years and that project was here and we didn't have an attorney to back us up.

Commissioner Calvo commented that as he stated earlier that he doesn't want to go backwards and in order for us to go forward in the future and looking into a better world for everybody else you got to have that positive commitment. To be honest with you I've lost that faith and trust in your office because if they can't even come up with those types of documents I don't know if I can honestly say to you today that it took two years and now we're knocking on wood and saying give me a chance. What more of a chance? At the end result we are the ones being bombarded because people are saying that we didn't do our job. It's unfortunate and we got to move forward.

Attorney General Moylan commented that he understands what the Commissioners are saying and again he is not familiar to the exact information. Attorney General Moylan commented I am concerned though on the next round of negotiations. The two lawsuits that are being referenced by the federal court one I believe is the ninth circuit decision is like a bond case. Whenever there is a statement by a judiciary or on a cloud on a financial project those investors that have a fiduciary duty to ensure that the investment money is wisely invested the risk goes up and then it becomes more of a shaky project. I have to say whether the Attorney General's office is involved in this or not whoever is out there that threat and those two decisions from the federal court are scary things to invest millions of dollars in. As you can see after what happened when Mr. Troutman last appeared here I believe it was

covered in the media we not only withdrew the opinion but I came out and said that it is not our position that it is unconstitutional. I can let you know that if these things does go forward our office will defend the constitutionality of it but I also have to give the practical side. When you're dealing with the federal court you've already got two court decisions that are putting dispersions on the Land Trust and that I believe is causing the apprehension in the investors. But I cannot also put aside what the two gentlemen just said that our office could have been more supportive in this process, should have been more supportive. It is with that that I come here.

Chairman Damian commented that there are options available at this point, the Attorney General has some solutions to providing some legal services for the Trust that's one option the second option is to continue to look at the private sector for legal services. Whatever decision we have will need to wait for the budget bill number one to go into play and essentially we are talking about two weeks time. Even if we did get the budget bill passed and the Governor signs it in ten days, the mechanics of it really doesn't step in for another two more weeks with respect to hiring an attorney and looking at the contractual aspects of it. In the mean time we need to make a decision based on the budget bill to the Attorney General on a decision to continue to getting legal services from the Attorney General's office or whatever the decision may be.

Attorney General Moylan commented that if you need an attorney immediately I will have one of the attorneys specifically address whatever concerns you have until we can bring on private counsel.

B. Ypao Point Status Report

The Administrative Director commented that he had already taken the liberty at looking at the public notice from the original RFDP and also the package itself particularly the write up that was submitted to those interested individuals who picked up the bid packages the first time around. I've changed some things around and I'm hoping that perhaps with Mr. Dungca's help we can be able to get this out published and have interested parties submit by a deadline of Friday, November 18 unless that is too aggressive. I've attempted to contact Mike Cruz at GEDCA and Claudia Acfalle at GSA all this week and was unsuccessful. At this point I just wanted to inform them that we are preparing to resubmit the request for proposals. One of the changes that I recommend is the language of the $50,000 performance bond to read either in the form or cash or a performance bond to be submitted upon the selection as the master developer. That's one issue unless that falls short of being legal then that's when we have to ask GSA and our legal counsel. Other than that everything is pretty much the same.

Commissioner Perez suggested that the package be reviewed by the Attorney General before we start passing it out to any developer.

Commissioner Calvo commented that he agrees with having legal counsel review the package but he would have to give us a timeframe.

Commissioner Perez commented that the Commission can attach a memo indicating the timeframe of his review.

Felix Dungca commented that once the Director finalizes the package, the Commission approves it as to form and then route it to the Attorney General. As far as the time period for any offeror to submit a proposal it has to be reasonable.

Commissioner Perez commented that what ever package we are going to have should be reviewed at one time.

Felix Dungca commented that something with this magnitude, you really should retain someone with the real estate and finance background to sit on a reviewing panel.

Chairman Damian commented that we will continue to work to prepare the package and the other thing that this Commission needs to make a decision on is when do we go to court on the legality of this Commission.

C. Lot 7151 and Lot 7154 Update

The Administrative Director commented that he had already requested for survey fee proposals since this Commission did agree that we are to carry the cost of surveys to move Mr. Teddy Concepcion out of Lot 7151 to Lot 7154 and then the remainder of Lot 7151, 20 acres which would go to Ramon Torres and 11 acres or so would go to his son Ernie. So far I have received two survey proposals one in the amount of $11,750 to complete both individual surveys and the second survey proposal was for $16,000 both with identical scope of work items. A third surveyor did submit a proposal today however did not include a final figure on his proposal. I set today as the deadline to submit the proposals.

Chairman Damian commented that the Commission did give the Director authority to identify the surveying company and to put closure to the Torres/Concepcion lots.

Chairman Damian informed the Director that upon review the Commission will accept his recommendation with respect to which surveyor is to do the service.

The Administrative Director commented on going with the cheapest cost.

Commissioner Matanane agreed.

IV. NEW BUSINESS

A. Marilyn Borja – request for compensation for improvements

The Administrative Director commented that this is somewhat of a complicated issue where Marilyn Borja is an unqualified widow to hold Land Trust property. She is the widow of a qualified applicant. Her and her husband built a 400 square foot semi-concrete home valued at about $16,000 according to DPW Building Permits. The husband passed away in 2001 so

what that means is that she is now displaced. According to the law she is entitled to compensation for the improvements of the property and in that same law the Land Trust can also recoup those payments from the individuals that have moved in. Early on I had sent out a request for appraisals from different appraisal companies which is another thing that is required by law and I have received none. One of the option in the law states that the Commission can agree on a valuation with the individual making a claim on the improvements. I took a look at the improvements and certainly there has been some depreciation but not to a great extent. I estimate the value to be somewhere around $13,000 at this point. The original cost to build the semi concrete structure was $16,000. In a meeting with Mrs. Borja I asked her if she felt comfortable with that figure and she agreed that it was reasonable at $13,000.

Chairman Damian commented that the law is clear on how to deal with these scenarios as they develop. We do need legal documents to be attached to receiving the check on what ever amount is agreed upon and it is good to have an appraiser going in there even though it is not on an official capacity as an appraiser for the Trust but it seems to be, Tom has had some experience in these sort of things.

Commissioner Matanane inquired if anyone is occupying the property now.

The Administrative Director commented that the sister of the deceased husband is living on the property and the deceased did not have any children.

Commissioner Perez inquired on where is the wife.

The Administrative Director commented that the wife is living with her relatives.

Commissioner Matanane inquired on how did the lease pass on to the next of kin.

The Administrative Director commented that there is no lease. At this point it is still in the application process and they were preoccupants. When Mr. Borja passed away the sister moved in right away and they claim that the widow of Mr. Borja abandoned the property.

Commissioner Calvo commented that technically the people who are there right now are not authorized themselves.

The Administrative Director commented that Ms. Maria Borja Cruz is the one currently occupying the property who is the sister of Joaquin Fejeran Borja the original applicant.

The Administrative Director commented that by law this Commission does have the authority to select or indicate from the relatives on who should take over the property.

Commisisoner Matanane commented that since they are occupying the property are they willing to pay the $13,000?

The Administrative Director commented that they have been notified that that is the case. There was a verbal reply but nothing in writing.

Commissioner Matanane commented that if they are willing to pay the $13,000 plus the $99 for the lease then it would be smoothed out.

Chairman Damian commented that it must go through the process of us giving the amount that is agreed upon and then we have to collect from the new occupants. We do have the authority as far as finding individuals to stay there.

Chairman Damian informed the Director that now that he has verbal agreement it has to be put down in writing.

The Administrative Director had informed the occupants what the law states and what the procedures were and that this had to be done this way. If they insisted that they take over the improvements then they would have to come up with whatever the Commission agrees to in terms of the valuation with Marilyn Borja.

Chairman Damian commented that we need to entertain a motion on this in order for us to allow the payment for Marilyn Borja and also to allow the individuals there to continue to stay on the Trust property subject to payment of the amounts specified.

Commissioner Calvo commented that it could be an arguable point for them because why should they pay. There also needs to be a timeframe for the payments to be made.

Chairman Damian commented that what we can do then is make a motion subject to some stipulations that need to be made for it such as the timeline for payments. If the people who are occupying the property right now do not have the money, we need to give them the timeframe.

The Administrative Director commented that the second option could be amortization over a period of 5 or 10 years.

Commissioner Matanane inquired if Marilyn Borja would agree to receive the payments in piece meals.

The Administrative Director commented that the Commission pays Marilyn Borja the full amount up front and then we collect the amortization with interest from Maria Borja Cruz.

Commissioner Perez commented that when you get married to somebody and you are legal to own Land Trust isn't there a provision that when you marry somebody that you are automatically heirs of that person?

The Administrative Director read a section of Public Law 23-38, Section 9.1 relating to designation of successors. A lessee shall upon execution of a lease designate the person to whom the lessee directs the interest in the tract to vest upon them. Such person must be

qualified to succeed to Chamorro Homelands as provided by the act and these rules. A lessee may elect to provide for the surrender upon them and may select a recipient for the proceeds from the surrender. On Section 9.4 (appraisals) -upon the death of a lessee leaving no individual qualified to be a successor lessee if the Commission is not able to designate a successor or upon the cancellation or surrender of the lease the Commission shall appraise the value of all improvements. An appraisal made pursuant to this section shall be made by three appraisers. The designated representative of the deceased lessee shall bear the cost of its named appraiser. We select one appraiser, the lessee selects another appraiser and then both appraisers select a third one. The previous lessee or legal representative of the deceased lessee may waive the three man appraisal in favor of one appraiser made by the Commission or a compromise appraisal made by the Commission or a compromised valuation made between the Commission and the lessee.

Chairman Damian commented that Commissioner Perez is asking on which law do we follow if in fact there is a law.

Commissioner Perez commented that when a person is married they own a community property so when the person dies does it no longer apply to that?

The Administrative Director commented according to the law, payments provided in subsection (a) shall be made out the Chamorro Homeloan Fund and shall be considered an advanced there from reimbursable out of payments by the new lessee. The Commission may make the payments only after a new lessee is found and commencement of the new lease.

Chairman Damian commented that first of all we need to determine whether in fact they are legally married and if they are legally married then the issue that Commissioner Perez brings up is valid. We would need to have legal counsel address that issue on which of the two laws prevail.

Commissioner Perez commented that they could take us to court on that issue.

Chairman Damian informed the Administrative Director to check on Mrs. Marilyn Borja's rights as a spouse.

Chairman Damian tabled the matter pending further information.

V. DIRECTOR'S REPORT

A. Revenues and Expenses for August 2005

The Administrative Director informed the Commission that the deposit total for the month of August is $43,901.15, the expenses total $6,038.82 and net revenue for the Trust is $37,862.33.

B. Department of Administration Invoice – DOA Response

The Administrative Director commented that DOA did respond to the Commission's inquiries regarding the invoices that they had been submitting.

Commissioner Matanane inquired as to who is doing the service.

Chairman Damian commented that the Commission wants to know specifically what type of services and what kind of actions and mobility have transpired under the Chamorro Commercial Loan. All they are doing is showing what we got under the Commercial Loan.

Commissioner Matanane commented that the question that he had raised in the past is what are we paying for in Fiscal Year 2004 and 2005. The breakdown that they had showed us in the previous report there is payment being made from our vendors like the Chamorro Golf is making payments to DOA and they have not transferred those accounts to us.

The Administrative Director commented that he is not aware of any payments being transferred.

Commissioner Matanane commented that anyone who have paid to the Treasurer of Guam should transfer those funds to us. They have never done since when, since the inception of when we opened the First Hawaiian Bank? Have they ever transferred any payments?

Chairman Damian commented that in order to answer all our questions the Commission needs to meet with Mrs. Lou Perez from DOA to know the mechanics of this report.

Commissioner Matanane inquired on what does Chamorro Land Trust get out of it. Are we receiving anything out of that particular service?

Chairman Damian commented that it looks like all they are doing is managing the numbers for us.

The Administrative Director commented that he thinks it is just an accounting category.

Commissioner Perez inquired on where is the payments going to in the Chamorro Commercial Loan, does it go straight to the Commission?

The Administrative Director commented that it should come straight to us however it is just a name of an account, is not an active account.

Commissioner Perez commented that for example if IT&E is going to make payment, where do they go to deliver their payment?

The Administrative Director commented that all our commercial clients submit payments to our office and then we deposit it to our First Hawaiian account.

Commissioner Matanane commented some and he believes the old lessee used to pay at the Treasurer of Guam and they are still receiving payments there which the Commission was never informed.

Commissioner Matanane inquired if the Chamorro golf course is still making payments to us or to Treasurer of Guam.

The Administrative Director commented that they are still supposed to be paying us.

Commissioner Matanane commented that the Treasurer of Guam is the one receiving the payments and they are supposed to transfer it to our account and not us owing them, they owe us.

The Administrative Director commented that those amounts are actually what they have appropriated for our salaries.

Commissioner Matanane commented no and that is a completely different thing.

Chairman Damian instructed the Administrative Director to set up a meeting with DOA so that the Commission can clarify the matter.

C. Website IAW P.L. 28-57 – Cost Estimates

The Administrative Director commented that according to the law the minimum requirements that the Commission would need to place on the website are notices of our meetings, identify our type of agency, contact and location information, titles and names of Board members, disclose our service fees, rules and regulations both current and proposed, have a current and proposed budget, show our lessees information updated quarterly, amount and description of grants if any, show hours of operation, programs and services, public reports and notices, forms that we provide to the general public, results of our audit and financials such as annual income statements. We received three proposals from three fairly reputable website contractors which are WSI, Guam Webzs and Icon. WSI is proposing to construct the website for us for a fee of $2,278 with free hosting and a minimum of $150 per month for maintenance. Guam Webz submitted a quotation for $690. They are proposing to charge us hosting fee of $250 a year and the maintenance is free. Icon is proposing $3,175, hosting is $50 per month and maintenance is $100 per month. I will be scheduling meetings with each of these individuals before I make a final decision. I am inclined to go with the first proposal, WSI for the amount of $2,278 for simple reason that they include modules that can be activated on the website which means that if there is something down the line that we will like to implement it would be already in the system and all they would need to do is activate it.

Commissioner Calvo inquired on how extensive is the information going to be on the website.

Chairman commented that the information on the website is just information already at the Trust.

Commissioner Perez inquired if it is going to include information on our awardees.

Chairman Damian commented just statistics.

Commissioner Perez inquired if it is going to include the availability of lands in certain areas.

Chairman Damian commented that it would state what is available.

Commissioner Perez commented that it is going to be a lot of work just to update the information.

Commissioner Perez made a motion for the Administrative Director find the best website provider. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

Chairman Damian informed the Administrative Director to inform the legislature that we are moving forward to comply with said public law.

D. Lease Statistics

The Commissioners were provided with a list totaling all NOIAs and leases issued since January 2005 to date. The Administrative Director commented that we are making some progress in a snail's pace because of the fact that we are having to search for ready lands meaning as close as possible to infrastructure and also that there are roadways close by to provide access.

Chairman Damian commented that the issue that we are faced with is not land mass itself but the accessibility. One of the issues is DPW and the cost of clearing these lots. The Commission would need to look into communications with DPW as far as that's concern and with the Mayors on their respective villages. The Mayors had included that in their budget the issue of providing roads in areas that are under Land Trust.

The Administrative Director commented that one of our problems is that we seem to be doing piece meal easements on all of our Land Trust areas. For example if we are successful in placing 6 to 8 families in sequence then what that does is that it allows us to create a roadway on front of those lots thereby dedicating that easement.

Commissioner Perez inquired if it is part of DPW's responsibility.

Commissioner Calvo commented that the only time DPW gets involved is if there is going to be road widening or a subdivision area or basically if we have already identified that we are going to opening an area. That's the only time DPW gets involved in this issue. The mayor is helpful in this portion also.

Commissioner Calvo commented that in reality DPW doesn't have to do it, it is really the Commission's call.

Chairman Damian informed the Administrative Director to start meeting with the mayors on the matter.

The Administrative Director commented that we do have some substantial land areas that will benefit from master planning. We need to hire some consultant to go in there and take a look at these areas and start planning so that way we will be able to follow a definite sequence, a definite pattern of placements and surveying these lots.

Commissioner Matanane inquired if the Commission has enough land mass to accommodate all our clients.

The Administrative Director commented that he believes we do at this point as long as we hold to the half acre limit on residential and agricultural.

Chairman Damian commented that I have been asked by the legislature to provide a master plan. I believe in subsequent communications from the legislature from our round table discussions that was a request by the legislature that we provide a master plan for the accessibility of land and to expedite the awards to our recipients. We are looking at that and we do have some ideas here for us to use in the future. Of course relative to master planning we have already looked at some people such as Jon Abrams.

Commissioner Perez commented that she believes that the best route is to have a master plan.

E. Signatory on FHB account

The Administrative Director informed the Commission that one of the issue that needs to be resolved as per the audit report is the second signatory on the Commission's checking account. The Administrative Director recommended that one of the Commission members be the second signatory on the account.

Commissioner Matanane commented that it should be the Chairman.

Commissioner Calvo reiterated Commissioner Matanane's statement.

Chairman Damian commented that if it is the pleasure of the Commission then so be it.

All Commissioners were in favor of Chairman Damian to be the second signatory on the Commission's checking account, MOTION PASSED.

New signors on Commission's checking account shall be Chairman Delfin Damian and Administrative Director Thomas Elliott.

F. Affordable Housing Program

Chairman Damian commented that the Commission did sign the documents for the Commission and Guam Housing for the affordability of homes which is the backing of Dept. of Agriculture- Federal Government. One of the things we need to look at now is to educate the public on these programs. We need to work with Guam Housing and we need to go out to each individual village and have a town meeting and let the people know that there is a program.

VI. PUBLIC COMMENTS

None.

VII. EXECUTIVE SESSION – Yes

VIII. NEXT MEETING DATE

None scheduled yet.

IX. ADJOURNMENT

Meeting was adjourned at 6:30pm.

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