Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932 *Phone: 475-4251 Fax: 477-8082*

Felix P. Camacho
Governor of Guam

Kaleo S. Moylan
Lieutenant Governor of Guam

Commission Members

Delfin R. Damian, Jr.,
Chairman

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

(Vacant)
Commissioner

Joseph M. Borja
Acting Administrative Director

REGULAR BOARD MEETING AGENDA
Guam Ancestral Lands Commission Conference Room, Anigua
November 22,2006; 4pm

I. CALL TO ORDER – **4:20pm**

- **Present: Chairman Delfin Damian, Commissioner Annie Perez, Commissioner Oscar Calvo, Legal Counsel Ike Aguigui & Acting Administrative Director Joseph Borja. Not present: Commissioner David Matanane.**

II. APPROVAL OF MINUTES (September 27, 2006)

- **Commissioner Perez moved to approve the minutes of September 27, 2006 with the notation of executive session to discuss personnel matters subject to corrections. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

III. NEW BUSINESS

1. From Guam Power Authority

Re: Hawaiian Rock Products License Agreement on Lot 5412, Mangilao

- **Commission to await feedback from both Hawaiian Rock Products & GPA if they have worked out their plans.**

2. From Daniel D. Swavely

Re: Hawaiian Rock Products License, overlap with GPA plans

- **Commission to await feedback from both Hawaiian Rock Products & GPA if they have worked out their.**

3. From Guam Environmental Protection Agency

Re: Availability of Government Land

- **Commission is preparing a response on what is available.**

4. From Coretech International

Re: Extension request

- **Commissioner Calvo made a motion to grant the 5 year extension subject to the review of the license fee after the original lease is completed in 2007. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

5. From Guam Outdoor Shooting Range, LLC

Re: Commercial request for a shooting range

- **Item tabled for staff review.**

6. From Carlos Diaz & Vance Reklai

Re: Proposed Ysengsong Commercial Building

- **Commission members requested that the applicant present their request at the next meeting.**
- **Director to conduct research if the area requested is zoned for commercial use.**

7. From IT&E

Re: License request

- **Staff to develop license for Board review.**
- **Commissioner Calvo requested Administrative Director to inquire if IT&E had tested the area.**

IV. OLD BUSINESS

1. Eclavea/Naputi – Occupational rights

- **Chairman Damian informed Legal Counsel that the Commission as a whole give authorization to begin the process of serving papers (file injunction) with regards to the Naputi, Cruz and Eclavea situation.**

2. KGTF TV12 – license agreement & request for waiver

- **Commissioner Perez made a motion to base the license agreement with KGTF on Option D (one-fourth of one percent, waiver of the 40% fee & 6 months extension of payment after receiving the construction permit) to include in kind services. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

3. Subdivision of Lot 7022, Yigo

- **Staff has identified 6 pre-existing leases in the lot and will be providing the information to Mr. Castro to accommodate it in the subdivision.**

4. Duenas Bordallo & Associates – survey of Tract 1022, Dededo

- **A memo has been sent to Department of Administration requesting that the invoice be paid. The Commission is hoping to get the invoice paid no later than 30 days from now.**

V. PUBLIC COMMENTS – **None.**

VI. ADVISORY / ADMINISTRATIVE MATTERS

1. New School sites

- **Commissioner Calvo made a motion to accept the resolution of the ground lease for the new school sites. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

2. Inadahen I Lina'la' Kotturan Chamoru, Inc. – license request

- **Commissioner Calvo made a motion to approve the request by Inadahen I Lina'la' Kotturan Chamoru for use of 8 acres in Ypao Point. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

3. Block 24 issues

a) G. Ricardo Salas land exchange

- **Commissioner Perez made a motion to approve the land exchange of Lot 317 with Lot 4 for G. Ricardo Salas. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

b) Transfer of Lots 1, 2 & 3 to Historic Preservation Office

- **Commissioner Perez made a motion to transfer Lots 1, 2 & 3 to the Historic Preservation Office. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

c) Cristobal land exchange

- **Commissioner Calvo made a motion to approve the Cristobal land exchange of Lots 139-1 & 140-1 with a proposed lot of equal size. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

d) Proposed public facility building

- **Commissioner Calvo made a motion to approve a resolution to reserve Lot 14NEW-R4 for the proposed public facility building. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.**

4. Acceptance of Acting Administrative Director

- **Commissioner Perez moved to accept the assignment of Joseph Borja as the Acting Administrative Director effective the date of the Governor's assignment memo to the Commission. There were no objections, MOTION PASSED by all members including the Chairman.**

VII. ADJOURNMENT – **6:50pm.**

Chamorro Land Trust Commission

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COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Anigua
November 22, 2006; 4:20pm

I. CALL TO ORDER

Meeting was called to order at 4:20pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner Oscar Calvo, Legal Counsel Ike Aguigui and Acting Administrative Director Joseph M. Borja. Not present was Commissioner David Matanane.

Commissioner Calvo commented that per the approval of Legal Counsel the 3 members present of the Commission constitute a quorum.

II. APPROVAL OF MINUTES (September 27, 2006)

The Administrative Director informed the Commissioners that as per Legal Counsel's request that the minutes of September 27, 2006 be amended to show that there was Executive Session to discuss personnel matters.

Chairman Damian commented that it is being reflected.

Commissioner Perez moved to approve the minutes of September 27, 2006 with the notation of executive session to discuss personnel matters subject to corrections. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

III. NEW BUSINESS

1. From Guam Power Authority
Re: Hawaiian Rock Products License Agreement on Lot 5412, Mangilao
2. From Daniel D. Swavely
Re: Hawaiian Rock Products License, overlap with GPA plans

The Acting Administrative Director informed the Commissioners that Hawaiian Rock Products is favorable towards requesting for a license to quarry the area however the plans that they have overlap with the area reserved for Guam Power Authority. GPA will be meeting with Hawaiian Rock to see how they can coordinate their plans to the mutual satisfaction of both parties and will report back to the Commission to formally ask and get approval for a license to quarry the area. GPA is going to build their central distribution office in the area. The next step would be for the Commission to await feedback from Hawaiian Rock Products if they have worked out their plans with GPA.

3. From Guam Environmental Protection Agency
Re: Availability of Government Land
The Acting Administrative Director informed the Commission that the Guam Environmental Protection Agency is occupying land in the Tiyan area through the good graces of private landowners. They are applying for a federal grant of approximately 2 million dollars to build a permanent facility and are shopping around for Government property in the central area. The Chamorro Land Trust Commission is preparing a response to them on what is available in the sense of size and not necessarily available for their use. Four out of five of the properties on the list given to them belong to the Chamorro Land Trust.

Chairman Damian clarified if they are asking for a minimum of 4 acres and a maximum of 10 acres.

The Acting Administrative Director commented yes and they are looking at the central areas such as Asan, Ordot-Chalan Pago, Barrigada, Mangilao,Tamuning, Hagatna, Agana Heights, Anigua, Sinajana and Mongmong-Toto-Maite.

Commissioner Calvo inquired if the Commission has properties in these areas.

The Acting Administrative Director commented that the Chamorro Land Trust has properties in most of these areas however not feasible for their request.

In Chalan Pago there are 12 acres that have wetlands and access problems.
In Barrigada Heights the biggest property that might be available is 4 acres.
In Asan, Agana Heights, Anigua and Sinajana there are no properties available.
In Mangilao the Commission does have property.
In Tamuning there is about 5 acres below Tiyan.
In Hagatna other than Block 24 there are no other property available.
In Mongmong-Toto-Maite there are wetlands.

Chairman Damian commented that he suspect that the Commission has not seen a last of these requests in light of recent movement in the Tiyan area in terms of vacating the properties.

4. From Coretech International
Re: Extension request
Carlos Camacho, Developer of Ironwood Estates, is requesting for an extension on behalf of Coretech on the 5 acre ground lease that they are using as a staging and construction site for their project. The agreement that was made with the Commission is for a two- year agreement. At that time there was a lot of metallic waste on the Chamorro Land Trust property and in exchange of using the property as a staging area the company was to clear the metallic waste and when the project was completed they were to put a chain link fence to deter any further dumping. They are now developing another couple of hundred houses for the working class families. The first project was for a 108 homes and they are now in the stages of getting occupancy. In 2006 Mr. Camacho came before the Commission requesting some additional properties for the utility hookup for the Phase 2 of the project which is called Ironwood Manor consisting of 110 units. They are scheduled for a 2- year project schedule and unfortunately the ground lease for the original project is going to end next year in 2007 which is why they

are requesting to extend the ground lease to accommodate the next phase. For the FY2007 project they are going to build Phase 3 which is called Ironwood Acres that is going to be behind Ironwood Estates. Each project has a project schedule of two years and what they are looking at is if they can get the approval from the Board to extend to 2012 which will give them ample time to finish the remaining 200 homes they are building next to this project site.

Commissioner Calvo inquired on what if they finish the project in three years time.

Carlos Camacho commented that each project that starts in FY2005, FY2006 and FY2007 have a two year window of schedule so the last project will end in 2010. The reason why he asking for a 2 year extension above that is that while they finish all the project they have the 1 year for the warranty period in the event they have problems.

Commissioner Calvo commented that he doesn't see any problems in extending the lease agreement but with cost this time.

Chairman Damian commented that on Section 4 of the lease agreement there are provisions for compensation. The Commission will need to review the fees because of the long-term agreement that we will be entering in.

Commissioner Calvo made a motion to grant the 2-year extension to Coretech International. Commissioner Perez seconded the motion.

Carlos Camacho clarified that they are requesting for an extension from 2007 to 2012, a 5-year extension.

Commissioner Calvo rescinded his original motion. Commissioner rescinded her second on the original motion.

Commissioner Calvo made a motion to grant the 5-year extension subject to the review of the license fee after the original lease is completed in 2007. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

5. From Guam Outdoor Shooting Range, LLC
Re: Commercial request for a shooting range
The Acting Administrative Director informed the Commission that the Guam Outdoor Shooting Range is requesting to transfer an existing shooting range located in Talofofo Falls Park to the north.

Commissioner Calvo inquired if they are looking at moving their entire operations.

The Acting Administrative Director commented yes. Right now they are occupying about 5,200 square meters.

The Acting Administrative Director informed the Commissioners that there is an existing license for another shooting range outfit in Barrigada however he doesn't believe they have ever made payment on the license. Pending submission by the Commercial Division this should be one license that should be revoked.

Chairman Damian commented that in the past the Commission had made attempts based from previous legal counsel to revoke the license.

The Acting Administrative Director commented that as recent as last week staff had tried to contact Mr. Flores of the shooting range.

This request now before the Commission is not requesting for a specific piece of the property but rather to be referred to the Commission staff to meet on the availability of Land Trust properties.

Chairman Damian inquired if they had submitted a timeline as to when the shooting gallery is expected to be moved.

Acting Administrative Director commented no.

Commissioner Calvo suggested that because there is no representative present that the Commission table the request.

The Acting Administrative Director commented tabling it for staff review.

6. From Carlos Diaz & Vance Reklai
Re: Proposed Ysengsong commercial building
The Acting Administrative Director informed the Commission that they are proposing to build a commercial building on the corner of Ysengsong and Route 3. They are requesting to build a single storey commercial building consisting of 3,000 square feet on a proposed site of 2,000 square meters which is approximately a half acre.

Chairman Damian inquired if there are any conflicts with zoning because the area is a heavily residential area.

The Acting Administrative Director commented that he is not sure but it looks like a commercial area because of its location.

Commissioner Calvo commented that he doesn't think that the size of the property will accommodate their needs.

The Acting Administrative Director commented that the applicant's proposal feasibility analysis states that the property is assumed zoned commercial. If it is Government property the Director of Dept. of Land Management can issue a letter classifying the property as commercial.

Chairman Damian commented that the only reason why he brings up the zoning is because the entire area is surrounded by housing areas.

Chairman Damian inquired on what the commercial venture is for.

Acting Administrative Director commented that it is a commercial complex for retail use.

Acting Administrative Director commented that the Commission may need to look at the commercial rules and regulations that have already been developed so that the Commission an enter into longer-term leases.

The Acting Administrative Director suggested that the applicant present their request at the next Board meeting.

Commissioner Perez suggested that in the mean time that the Director conduct research if the area requested is zoned for commercial use.

Commission members requested that the applicant present their request at the next meeting.

7. From IT&E
Re: License request
The Acting Administrative Director informed the Commission that this is an ongoing request that was tabled back in June. IT&E had submitted in June 7 a license request and the request was tabled in June 14 until such time as IT&E obtain land surveys and appraisals for the lots. IT&E has two valid licenses in Dededo and Yigo. They are requesting for two more sites, 100x100 in Yigo next to the Gill Baza subdivision and the other in Lot 5419-3, Mangilao for 50x50 by the Ladera Towers area. The next step would be to develop the information into a license to be presented to the Board.

Chairman Damian commented that the 100x100 lot is standard measurements for single dwellings and inquired if the Commission does something smaller like 50x50 would it impact any of the Land Trust properties with respect to surveying.

The Acting Administrative Director commented that not in this case because it is right next to the road.

Commissioner Calvo inquired if IT&E had already tested the site if they are in range for their antennae.

The Acting Administrative Director commented that they did do a field inspection with staff.

Commissioner Calvo requested that the Administrative Director inquire if IT&E had conducted a test of the area because should the Commission approve their request they may later find out that the area is not conducive to them.

Commissioner Perez commented that she is sure that they would have done their assessment before even requesting for a license for the area.

IV. UNFINISHED BUSINESS

1. KGTF TV12 – license agreement & request for waiver
The Acting Administrative Director commented that from the previous meeting staff was to prepare the licenses to be presented before the Board. Staff had prepared 5 proposed licenses, one being the standard license, and all with a compensation difference.

Jackie Ronan, General Manager for KGTF informed the Commission that Johnny Sablan, Assistant General Manager, and Benny Flores, Operations Manager, have been the ones working through the process with the different options with the Commission staff.

Johnny Sablan commented that KGTF had submitted a letter on September 12 asking under Section 5, Compensation, for Lot 10-R3, Block D, Tract 9, Barrigada Heights for a full waiver on the commercial license fee for 10 years and to lower the market rent of one-fourth of one percent of the appraised market value. KGTF would also like to offer a trade in services for the rent payments in combination of both monetary and trade services for any services that the Commission would like for them to do in the future. KGTF is a public non-profit corporation quasi belonging also to Government of Guam, agency. They get their funding through fundraisings and a small amount of appropriation from GovGuam. Their main mission is to build the tower in Barrigada Heights and they had received grants to build it.

Jackie Ronan informed the Commission that because of the new location some additional studies had to occur. One of which was the glaring fact that they would have to have FAA approval for the property in order for them to build a tower on it. They have to date secured approval from FAA to go forward in building the tower. As soon as they are able to solidify a relation with the Commission they could then proceed on the project. KGTF is mandated to put out a digital signal as with everyone by 2009 however as all the different broadcasting stations throughout United States have been going through this whole transition they were already allocated a particular channel that they had to do within a set period of time. They are pushing to be able to complete this project and start putting out the digital signal as early as July next year with their final destination being their final channel by February 2009. There is going to be a Phase 1 and Phase 2 to this and it is only because they initially got digital channel 5 which is an okay number but is not a number that they would want. They were also able to get digital channel 12 and it is all FCC applications. Because of how the regulatory system works they had to broadcast 5 first and then make the transition to 12 in 2009. The timing is important for them and the urgency is also there to get the tower up.

Chairman Damian commented that out of the 5 proposed licenses the last option (Option D) is what KGTF is requesting from the Trust.

Johnny Sablan commented that Option D would be very favorable to them during the early process in getting the tower up. If there was an agreement on it they would certainly appreciate it and would like to push the agreement set on Option D. KGTF is asking for one-fourth of one percent which comes out to the agreed fair market value of $340,000 and one percent of this is $3,400 per month. This is very steep for them as a Government agency and a public nonprofit organization. KGTF is requesting for one fourth of $340,000 which would be $850. They can begin paying this rent beginning 6 months after they get FCC construction permit or if they are allowed they can begin by July 2007 or October 2007.

Chairman clarified if it would be for the life span of this agreement and then looking at the 10% compensation.

Johnny Sablan commented yes and that they were looking for a waiver of the 40% fee for those who are with them as a non-profit. They are willing to pay 10% for any rent collected on commercial space if they are able to do that. They are also looking at the trade in services.

Chairman Damian inquired if the trade off would be for the life expectancy of the agreement.

Johnny Sablan commented throughout the life of the agreement as stated in the payment terms for rent payment combinations of both monetary and trade services for production and air time service on a current and updated production rate schedule of KGTF. What ever the rate schedule is they will off set it.

Acting Administrative Director commented that the $850 that KGTF is proposing actually falls in line with the amount of money that the Commission has been getting from other telecommunication antennae sites.

Commissioner Calvo commented that after three years the Commission would have to renegotiate the lease agreement.

Acting Administrative Director clarified that the term of the license is for 5 years and if the Commission approves Option D the compensation is not waived for the first three years but rather for 6 months after they get the construction permit.

Acting Administrative Director inquired on how long does the antennas last.

Benny Flores commented that the antenna located on Channel 12 lasted for 24 years.

Commissioner Calvo inquired if the antenna is going to be self-supported.

Benny Flores commented that is the approach they are going to be using right now because of the height of the tower that they had been authorized.

Acting Administrative Director informed the Commission that KGTF paid cash to survey the property and in the process they have clarified the situation with three or four other lessees that the Chamorro Land Trust has in the area. There were some overlapping issues, guide wires going onto the next lot and unclear areas of jurisdiction by other licensees in the area. Also in the process it was discovered that there is an applicant who is not paying nor do they have a license but is known that the person who owns the facility are marketing the area (Communication Specialists).

Chairman Damian commented that the Commission had initiated in the past some legal action with respect to that particular company with prior legal counsel and is not aware if anything had materialized with the request. Chairman Damian commented that current Legal Counsel may be able to look into the matter.

Chairman Damian inquired on when do they expect the start date to begin.

Jackie Ronan commented that it is their intention to put out the digital signal by July 2007 but the final re-channelization will be in February 2009.

Commissioner Perez commented that she thinks that the 6 months extension is appropriate.

Commissioner Perez made a motion to base the license agreement with KGTF on Option D (one-fourth of one percent, waiver of the 40% fee & 6 months extension of payment after receiving the construction permit) to include in kind services. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

2. Eclavea/Naputi – occupation rights

The Acting Administrative Director informed the Commission that he had met with Legal Counsel on various options on the situation.

Legal Counsel Ike Aguigui commented that he limits himself on the report because it involves matters concerning attorney/client privilege. Mr. Aguigui stated that the Commission does not waive any privileges as a result of this report, and the Commission agreed. The best alternative through discussions with the Administrative Director is to file a court action against the individuals who are trying to prevent the lawful occupation of the property. They will try to get the court to issue a permanent injunction against them so that if they try to interfere with Ms. Eclavea's occupation or any other activities that the Commission might undertake pursuant to law that it simply be enforceable by getting a court order.

Commissioner Calvo inquired if the Commission would have to file it.

Legal Counsel Ike Aguigui commented yes or the Commission also has the option of having Ms. Eclavea file it.

Commissioner Calvo commented that the parties involved have already gone through the route of reporting the incidents to the police.

Legal Counsel Ike Aguigui commented that the problem of having the constant police reports is that it is obviously ineffective. Having a court action and a court order barring them from interfering with the Eclaveas use and occupancy of the property is going to be much more enforceable through the police.

The Acting Administrative Director inquired if it is also going to include the eviction of the Naputis'.

Legal Counsel Ike Aguigui commented that technically it wouldn't be an eviction because they did not have a right to possess the property. It would be an injunction to prevent them from interfering with the Eclaveas.

Legal Counsel Ike Aguigui commented that there was no lease that had been executed and only a notice of intent to award.

Commissioner Calvo commented that they are still there and inquired on what terminology are we to use if not eviction.

Legal Counsel commented that there was something issued by Tom Elliott a few months ago but things like that don't have the force of law. The advantage of having a court order is the force of law. You could hold someone in contempt for violating a court order. In the event that one of the parties violate the court order the court can issue process to bring them in and imprison them.

Commissioner Calvo commented that if the Commission gets the court order he wants to make sure that it is stipulated in the legal aspect of it that these people are not supposed to be there.

Commissioner Perez commented that the injunction would prohibit them from occupying a space that is not provided for them and the Commission would not have to be one to hand the injunctions out but rather the courts.

Chairman Damian inquired from the Acting Administrative Director based on meetings with Legal Counsel if he is in favor of filing an action.

The Acting Administrative Director commented yes.

Commissioner Perez commented that she doesn't see any other choice but to file the documents.

Commissioner Calvo commented that he agrees with the injunction but wants to be sure that if the individuals brings it back to the court and makes an argument that the Chamorro Land Trust had the intent of giving them property although they have not been awarded.

Legal Counsel Ike Aguigui inquired if Commissioner Calvo is saying that there is a possibility of the persons interfering with the rights could be awarded the lease, Cruz and Naputi.

Acting Administrative Director commented that staff recommendation is to remove Naputi and Cruz from the area and what they are looking at doing is filing an action to do so. Are they going to come back? First of all they are going to have to defend themselves from that action and they may file a counter suit.

Commissioner Perez commented that legally they don't own the property.

Commissioner Calvo commented that he just doesn't want them to have grounds to counter sue.

Legal Counsel Ike Aguigui commented that from his understanding from discussing it administratively is that they don't have grounds to occupy.

Acting Administrative Director clarified that the Naputis don't.

Legal Counsel Ike Aguigui commented that since violence surrounds the occupation of the property that the Commission also at the same time have at some point when it leases the property it has a covenant of quiet enjoyment with the lessees. The

Commission would have to guarantee that no one else is going to interfere with the use and occupancy of the property.

Commissioner Perez agreed and being in the Commission she would not stand for that.

Acting Administrative Director commented that this is one test case of the Commission asserting its authority over the lands. There are probably about 4 or 5 other cases in this type of situation.

Chairman Damian informed Legal Counsel that the Commission as a whole give authorization to begin the process of serving papers with regards to the Naputi, Cruz and Eclavea situation.

Legal Counsel Ike Aguigui commented that he is working with the Administrative Director in preparing the factual background of the case.

3. Subdivision of Lot 7022, Yigo
Acting Administrative Director informed the Commission that he had met with the surveyor of the property Frank Castro. Staff has identified 6 pre-existing leases in the lot and will be providing the information to Mr. Castro to accommodate it in the subdivision. The total cost of the development for the subdivision by Mr. Castro is $26,000. $13,000 had already been advanced to Mr. Castro. We are looking at about 2 weeks time for the return of the subdivision plan from Mr. Castro.

4. Duenas Bordallo & Associates – survey of Tract 1022, Dededo
Acting Administrative Director informed the Commission that this is part of a $106,000 contract to Duenas Bordallo & Associates to survey Tract 1022 in Dededo. Originally there were approximately 400 lots developed in this area however the lots were 100x100 and the lot size was too small for the infrastructure available in the area. Duenas Bordallo & Associates did some civil work to develop the subdivision and to identify where the easements go. They have sent the Commission an invoice in September 2005 and the contract was to have been paid out of the general fund. The work had been done but the Commission has not yet received the final product due to lack of payment. A memo has been sent to Department of Administration requesting that the invoice be paid. The Commission is hoping to get the invoice paid no later than 30 days from now.

V. PUBLIC COMMENTS
None.

VI. ADVISORY / ADMINISTRATIVE MATTER

Acting Administrative Director commented that he had been Acting Director for approximately 60 days and going through the records he believes there are some housekeeping matters that need to be closed up which are as follows:

1. New School Sites – The Acting Administrative Director commented that he did not find any motion in the minutes approving the leasing of the school sites to the Guam Educational Finance Foundation. There are actually 5 school sites, 3 originally are Chamorro Land Trust properties, the other site which is the J.M. Guerrero in Harmon

Loop will be transferred to the Chamorro Land Trust Commission by Dept. of Land Management and the other site which is the Liguan Terrace site had already been transferred to the Commission. In the process of getting these new schools built the Commission will end up with 5 sites instead of the original 3. At the end of the 30-year lease of the new schools the Chamorro Land Trust Commission will have 5 pieces of properties with schools on them that belong to the Commission. There are 4 news schools to be built, 1 school (J.M. Guerrero) to be remodeled and will be changed from an elementary school to a middle school. Originally on one of the sites for the school, staff had identified 13 families that are on the property in Mangilao and the ones that the staff had been able to contact are willing to move. The Commission has been working with Carlos Camacho and USDA officials in trying to relocate these occupants across the street using the temporary classrooms as structures so that if they have a pre-existing structure they would be able to qualify for a USDA grant to better their homes. Department of Land Management had begun a subdivision plan of the area across the new school site in Mangilao for approximately 45 lots. The Commission might make the lots larger because there are three water wells in the area. The survey is being done by the Dept. of Land Management and they are respecting the existing leases in the area. The people who are in the subdivision already will be given leases to legitimize their existence by going by their preoccupancy and the 9 families that has been contacted who are in the new school site area will be moved into the subdivision. The Administrative Director requested from the Commission if a motion & resolution can be made relative to the 5 school sites.

Commissioner Calvo made a motion to approve the leasing of the new school sites. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

2. Inadahen I Lina'la' Kotturan Chamoru, Inc. – The Acting Administrative Director informed the Commission that there is no motion in the minutes of the Commission approving the license to the Inadahen I Lina'la Kotturan Chamoru, Inc. for a portion of Ypao Point. Department of Land Management had begun the survey of the site for the 8 acre portion. The license is ready for signature and the map is being prepared by Land Management.

Commissioner Calvo inquired if the cultural group is ready to start on their project.

Acting Administrative Director commented that they have been clearing up the area and are on the verge of getting their grant application in however they need the license.

Commissioner Calvo made a motion to approve the request by Inadahen I Lina'la' Kotturan Chamoru for use of 8 acres in Ypao Point. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

3. Four issues in Block 24, Agana needing closure:

a. G. Ricardo Salas land exchange request – the mapping is complete on it but paperworks need to be prepared for the land exchange of Lot 317 with Lot 4.
b. Transfer of Lots 1, 2 & 3 to Historic Preservation Office
c. Cristobal land exchange – There are two lots in the area belonging to the Crisotobal family and are requesting to exchange an equal number of square

meters immediately next to the Land Trust property in Block 24. Exchange of Lot 139-1 & Lot 140-1 with a new lot to be created in the same area.

d. Proposed public facility building – Tenants for the building will be the Chamorro Land Trust Commission, Guam Ancestral Lands Commission, Department of Land Management, Guam Election Commission and the Hagatna Restoration & Redevelopment Authority. A 6 storey, 144 square feet building could be built without going through the Guam Land Use Commission however for cost Department of Land Management is looking at building a 3 storey building with each of floors being approximately 24,000 square feet. The Chamorro Land Trust Commission is the landowner, Dept. of Land Management intends to finance the building by earmarking approximately $300,000 every year from the Land Survey Revolving Fund which is money received from recording fees, Guam Election Commission has committed a million dollars to the building of the facility and all they ask is that they take the first floor and the Hagatna Restoration & Redevelopment Authority have purview of building in Hagatna who receive real property taxes of new developments in Hagatna. The company building the new schools suggested in letting them build the building with the Commission paying them the lease for 30 years. The application is prepared and the Department of Land Management needs legislation to earmark $300,000 from the Land Survey Revolving Fund. A resolution is needed from the Commission reserving this property for the building of the new public facility office.

Chairman Damian commented that the Commission also needs to accept the temporary assignment of Mr. Joseph Borja as the Acting Administrative Director subject to review by the Board dating back to the first appointment from the Governor's Office.

4. Acceptance of Acting Administrative Director

Chairman Damian informed the Commissioners that they would also need to recognize the acceptance of Mr. Borja as the Acting Administrative Director of the Chamorro Land Trust Commission.

Commissioner Perez moved to accept the assignment of Joseph Borja as the Acting Administrative Director effective the date of the Governor's assignment memo to the Commission. There were no objections, MOTION PASSED by all members including the Chairman.

Commissioner Calvo made a motion to adopt the resolution approving and regarding the ground lease for the new school sites. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman. A written resolution is to follow.

Commissioner Perez made a motion to approve the land exchange of Lot 317 with Lot 4 for G. Ricardo Salas. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

Commissioner Perez made a motion to transfer Lots 1, 2 & 3 to the Historic Preservation Office. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

Commissioner Calvo made a motion to approve the Cristobal land exchange of Lots 139-1 & 140-1 with a proposed lot of equal size. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

Commissioner Calvo made a motion to approve a resolution to reserve Lot 14NEW-R4 for the proposed public facility building. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED by all members including the Chairman.

VII. ADJOURNMENT

Meeting adjourned at 6:50pm.

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