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

Michael W. Cruz, M.D.
Lieutenant Governor of Guam

Commission Members

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Joseph M. Borja
Acting Administrative Director

REGULAR BOARD MEETING AGENDA
Guam Ancestral Lands Commission Conference Room, Anigua
March 28, 2007; 4pm

I. CALL TO ORDER - **4:04pm**

- **Present: Acting Chairman Oscar Calvo, Commissioner Annie Perez, Commissioner David Matanane, Legal Counsel Rebecca Santo Tomas & Acting Administrative Director Joseph Borja.**

II. APPROVAL OF MINUTES (February 28, 2007)

- **Minutes approved;**
- **Board welcomed Mr. Joseph Borja as the Acting Administrative Director.**

III. UNFINISHED BUSINESS

1. From Guam Youth Football League
   Re: Request to lease Lot 10057-NEW-R6, Dededo
- **Item tabled till next meeting;**
- **Representative to be invited to next meeting to make presentation.**

IV. NEW BUSINESS

1. From Sasajyan Land Company
   Re: Request to license Lot 5402-R5-NEW-1G, Mangilao
- **Item tabled pending staff review on designated use of said lot;**
- **Staff to identify other areas best suited for commercial use;**
- **Response letter to be provided to applicant relative to Commission's position.**

2. From Guam Fire Department
   Re: Request for 2 acres on Lot 5173-1RNEW-R2, Tamuning to construct a state-of-the-art emergency response facility
- **Item on hold pending legal counsel's review of P.L. 25-179 on designated use of said lot.**

V. ADVISORY / ADMINISTRATIVE MATTERS

1. ISC

- **Staff needs to verify possible encroachment by UOG Fish Hatchery Center;**
- **Commission needs to provide notice to George Flores on termination of license;**
- **Staff to obtain documentation relative to easement access provided by Manuel Perez;**

2. **CLTC Budget**
    - **Commissioner Matanane requested copy of law stating that CLTC license collections to be deposited to DOA;**
    - **Agencies ordered to cut operations & to develop a furlough plan;**
    - **Staff to provide listing of all commercial licenses issued to date for next meeting & breakdown of those behind in payments;**
    - **Commissioner Perez requested also for list of residential leases paid/pending;**
    - **Commission staff needs to send notices to commercial licensees who are behind in payments;**
3. **Lot 7022, Yigo**
    - **Staff to follow up w/Surveyor Frank Castro on hold up of subdivision development.**

VI. PUBLIC COMMENTS

1. **Brenda Balbin – clarification of title search – Director to meet w/title company.**
2. **Zina Pangelinan-Charfauros – preoccupancy issue – Director to meet w/Pangelinan-Charfauros / verify date of occupancy.**
3. **Alicia Pinaula – deletion of easement request – staff reviewing map, will draft letter to DLM on easement deletion.**

VII. EXECUTIVE SESSION – **None.**

VIII. ADJOURNMENT – **5:54pm**

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Joseph M. Borja
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COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Anigua
March 28, 2007; 4:04pm – 5:54pm

I. CALL TO ORDER

Meeting was called to order at 4:04pm by Acting Chairman Oscar Calvo. Present were Commissioner Annie Perez, Commissioner David Matanane, Legal Counsel Rebecca Santo Tomas and Acting Administrative Director Joseph Borja.

II. APPROVAL OF MINUTES (February 28, 2007)

Commissioner Matanane moved to approve the minutes of February 28, 2007. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.

Mr. Mike James has returned as the Deputy Director of Dept. of Land Management and in his place the Governor has appointed Joseph Borja as the Acting Administrative Director pending the acceptance of the Commission.

The Board welcomed Mr. Joseph Borja as the Acting Administrative Director of the Chamorro Land Trust Commission.

III. UNFINISHED BUSINESS

1. From Guam Youth Football League
RE: Request to lease Lot 10057-NEW-R6, Dededo

Acting Administrative Director commented that at the last meeting the Guam Youth Football League was requesting use of Lot 10057-NEW-R6 in Dededo which is property that was previously being used as the Hal Shiroma Football Field. Staff has prepared the information package as to where, how big the property is and the status. We did not get in contact with Mr. Steve Phillips in time for him to come to the meeting after we go this information. The Acting Administrative Director recommended that the Guam Youth Football League be invited to the next meeting to make a presentation as to what they are going to use the property for and all other details.

There were no objections from the Commission on tabling the request until the next meeting.

IV. NEW BUSINESS

1. From Sasajyan Land Company
RE: Request to license Lot 5402-R5-NEW-1G, Mangilao

The lot requested is located on the vacant corner when you make the left hand turn into Latte Heights from Route 15. It is a prime piece of property where the Commission has had several verbal inquiries.

Commissioner Matanane inquired on the acreage of the property.

The Acting Administrative Director commented it is about 3 acres or about 13,300 square meters. On these request for commercial use the Commission might want to consider looking at its inventory of commercial properties and putting a list out in the newspaper that these are available and have it put out for bid. Right now the interested party applies for it, gets an appraisal and a certain percentage of that appraisal is the rent. We only receive these commercial requests as they come in and we don't actively go out and solicit them. The commercial licenses are very important especially now with the budget because the budget for the Land Trust is approximately $492,633. This is the estimate of what comes in from the commercial licenses.

Commissioner Perez inquired if the adjacent property leased by Mr. Jackson is under commercial or residential.

Acting Administrative Director commented that the area where Mr. Frank Jackson is located at is commercial and Danny and Arthur Jackson's area is agricultural.

Acting Chairman Calvo commented that he has no objections and that way we won't have any repercussions from the public by putting it out to bid.

Commissioner Perez commented she also has no objections but her only concern is that because the two Jacksons are agriculture is there anything in the Land Trust lease that says that the property within agriculture must all be for agriculture use? Or is there a combination where we could have agriculture, commercial or residential? I just want to make sure that we are not making a mistake when we lease it out and then find out that we can't because it's a residential area or a farming area. I want to make sure that we are touching bases before we make an appeal to put it out for bid.

Acting Administrative Director commented that this is really government property and there is really no zoning for that government property. However, the Director of Dept. of Land Management is authorized to classify government property. The Commission in its previous licenses that it gives out for commercial uses may not necessarily be commercially zoned property. For example, the license that the Commission approved for the rent a car in Yigo is really agriculturally zoned property. What staff is planning on doing is make a request to Dept. of Land Management to classify those properties which we think should be logically commercial.

Commissioner Perez commented the reason why she brings this up is because she doesn't want the Commission to be criticized that we are going for commercial before residential because we know that commercial is the moneymaking property. I want to make sure that

our main goal as a Commission here is to put those that are landless into the property rather than our idea of making money. We are not a making money Commission.

Acting Administrative Director commented that legal counsel will take note that Lot 5402 is designated for residential use by law.

Commissioner Perez commented that she doesn't want the Jacksons coming before the Commission to say that the business is going to jeopardize their farming.

Acting Chairman Calvo commented that we will table the request pending further review by the Commission staff.

Acting Administrative Director commented that staff will research and document the area that it is for residential use and work with legal counsel.

Acting Chairman Calvo requested that the Administrative Director identify other areas best suited for commercial use.

Acting Administrative Director commented that he will make a response back to the applicant informing him of the Commission's plans.

Commissioner Perez commented that we want to make sure that we have really looked into what kind of property it is and that we are not in any violation for any other activity.

Acting Administrative Director commented that the request is for an aggregate amount of 2 acres and Sasajyan which is owned by Calvo Enterprises is looking at developing a possible gas station and a convenience store.

2. From Guam Fire Department
RE: Request for 2 acres on Lot 5173-1RNEW-R2, Tamuning to construct a stated-of-the-art emergency response facility

Acting Administrative Director informed the Commission that the Guam Fire Department is requesting 2 acres on the Ypao Point property to develop a state of the art emergency response facility. Basically, what they are looking at doing is relocating the Tamuning fire station as well as the medic units over to this area if the Commission approves the request. Previously, the Commission and the Dept. of Land Management had begun the mapping of 9 acres for the Inadahen I Kutturan Guahan which is almost in the exact same area where the fire station wants to be. The cultural group had been having problems in the area with vandalism and burglaries. They met as a group and they approved and would like the fire station around their area sort of like a security factor. The cultural group is open to the re-shifting of their boundaries to accommodate the fire station because it does have some benefits for them. The fire department actually wanted an area by the new hospital but I recommended against that because there are residential units around and it might be better down at the other end.

The Acting Administrative Director recommended that the Commission hold back on any action on this until we get feed back from legal counsel on the issue whether the Commission can use it for any other purpose other than what was designated in P.L. 25-179.

Acting Chairman Calvo inquired on when is the Fire Department actually going to commence construction.

Acting Administrative Director commented this is being built with GHURA community block development grants. Before they do that, HUD wants a commitment on the property before the funds is committed. It is time sensitive but I believe it is better to proceed cautiously and correctly as stated by Commissioner Perez.

Commissioner Matanane inquired on what are they going to do with the old fire department building.

Acting Administrative Director commented that he did bring it up to the fire department that if they get the Ypao Point property then the Commission gets the property where the fire department is currently located at. The problem with the current location is there is no room to expand and it is right in the middle of the traffic flow.

Acting Chairman Calvo commented that we'll wait for feedback from legal counsel on the matter.

Legal Counsel Santo Tomas commented they will look into it.

Acting Administrative Director commented that the Fire Department is not one of those agencies that can own land so if they vacate that area, automatically it would go to the Chamorro Land Trust Commission unless the legislature passes a law and dedicates that for something else.

Acting Administrative Director commented that he will invite them to the next meeting to present their request.

V. Advisory / Administrative Matters

- **International Shooting Center**

The Acting Administrative Director commented that they did an initial overlay using satellite photos of the lots and it seems that the University of Guam Fish Hatchery Center is encroaching into the property (Lot 5412) which is being requested by the Guam Outdoor Shooting Range. Dept. of Land Management has agreed to do the survey of the hatchery site and at the last meeting the Commission requested that if Mr. Unpingco's group is going to survey that they engage with Dept. of Land Management so it is good to have one surveyor doing both lots so it should be coordinated. We do need to clarify if there is an encroachment because it is a building. Secondly, there was a letter in the file of the previous licensee Mr. George Flores from Mr. Elliott requesting rent but I don't believe that letter was ever signed or went out to Mr. Flores. Through meeting with legal counsel we have to begin the clock on actually giving Mr. Flores notice and we have to follow the due process.

Commissioner Matanane inquired if we have an agreement with Mr. Perez on the access to the property.

Acting Administrative Director commented not us but GPA and then it becomes public access I believe.
Commissioner Matanane clarified on how do they get access to the quarry.

Acting Administrative Director commented they would have to use the access that GPA got. Manuel Perez is the owner of property and granted GPA access.

Commissioner Matanane inquired if there is documentation to that because we can have a ricochet action if Mr. Perez decides not to grant the access.

Acting Administrative Director commented he will get the documentation from GPA.

Acting Chairman Calvo inquired if it will fall under the government.

Acting Administrative Director commented he is not sure and hasn't seen the grant of easement document.

- **CLTC Budget**

Acting Administrative Director commented that the Chamorro Land Trust Commission does not operate under the General Fund but rather under the Chamorro Land Trust Special Operations Fund. This fund is money that the Commission receives from its various commercial licenses. The Commission brings in approximately $40,000 less per month than what is projected.

Commissioner Matanane commented that he wants to see the law that states that we have to deposit all our collections to DOA.

Acting Administrative Director commented that is through the budget law and will provide a copy to the Commission.

Commissioner Perez commented that since it is going to DOA does the Land Trust have a report from DOA stating what is coming in and who is paying and who is not?

Acting Administrative Director informed the Commission that the Land Trust is connected with DOA and we are able to retrieve our account information.

Commissioner Perez inquired if we have the number of commercial leases up to date.

Acting Administrative Director commented we don't but we have recently begun the database of all the licenses we have issued and expect to have that by the next meeting.

Commissioner Perez commented even with the residential she would like to know how many have paid and how many are still pending.

Acting Administrative Director commented that will be a little bit tougher because there are many more residential and agricultural leases than there are commercial and we don't get a report in detail. We get a report from DOA on how much money came in on the leases but

not who they are. Those people who pay at DOA come to the Commission with a copy of their receipt but we have never done an aggregate total of it. Presently, we do not have anyone in the Commercial Division as the only person in that division is out on medical leave. We are getting someone from Dept. of Land Management to audit the account and we've begun the database on all of these commercial licenses but it hasn't been cleaned out yet.

Acting Chairman Calvo commented that we need to start sending out letters noticing those who are behind in their payments.

Acting Administrative Director commented that the departments have been ordered to cut operations. We are going to cut our phones lines in half and we are also going to do an aggressive power conservation. Even by cutting our phone and power bill in half it is still not such a big impact. The Commission receives about $492,63 and the staff cost of the department is about $491,000 so there is really not much left for operations. We get our operations money from the First Hawaiian Bank account but again this account is not growing. The governor is also ordering that agencies that can consolidate be consolidated. After we go with operations and we cut as much as possible and if we don't have enough cuts then it goes down to personnel. The governor has also order the departments to develop a furlough plan.

Acting Chairman Calvo commented we need to get these licensees to pay up and we may be bringing in even more.

Commissioner Perez commented the reason why a lot of people who applied have not been awarded property is because you're understaffed and if we're going to use furlough we could hardly make ends meet right now with the staff that we have and what more if we go on furlough. I think before we even consider that as an option it should be the last resort.

Acting Administrative Director commented it is the last resort.

Commissioner Perez commented the Commission and legal counsel needs to look into it where if this is a Trust then why are we not in control of the money?

Acting Chairman Calvo inquired if we can have a list of those who are behind in their payments by the next meeting.

Acting Administrative Director commented yes, and staff will take that as a compliance review of commercial licenses and also a review of leases issues for residential. The residential review may take a little longer though.

Commissioner Perez commented that it was brought to her attention that there are some people who were given a lease for residential over 10 years ago and have not developed it who has all infrastructures in place and why has it not been taken away from them. There are people who were also given a lease who don't even have access to the property.

Acting Administrative Director commented that there are some instances where he had requested some funds from the Commission to open up the roads. We are looking at the one on Emsley Road to open up next.

Commissioner Perez commented that some people had already paid to survey their place and all we need is for these people to request for their money back because there is no way into the property.

Commissioner Perez commented there are opportunities for these people such as getting loans through Guam Housing to construct their homes and all they are waiting for is the property.

- **Lot 7022, Yigo**

Acting Chairman Calvo inquired on the status of the lot near F.B. Leon Guerrero school in Yigo.

Acting Administrative Director commented that we have not been able to get in contact with Surveyor Frank Castro who had been contracted to do the survey. The last thing that we had given to Mr. Castro is a list of people who had received leases in the area. This is also the area where we are placing people who were issued unregistered property. The subdivision plan for this area (Lot 7022) has not been completed.

Acting Chairman Calvo requested that the Administrative Director follow up on the status with Mr. Castro.

VI. PUBLIC COMMENTS

Brenda L. Balbin – I'm currently holding a lease on Lot 7160-13, Yigo dated February 1, 2006 and recorded March 3, 2006. I received notice of the intent to award in 2005 and I actively pursued plans to secure the lease and to construct. I've run into issues and finally fought my way through on getting approval with Guam Housing on September 7, 2006. The problem lies with my title search under Pacific American Title Insurance. Guam Housing Corporation will not proceed to finalize my loan although it's approved only because my title search has 4 names of other lessees. It names Joseph E. Okada, Christine Cruz, Joey Ike Barcinas Mantanona and RoseMarie Jesus. Some of which are named multiple times in the title search.

Acting Chairman Calvo inquired if you were awarded Lot 7160-13 and these other people were also included in the title search.

Brenda Balbin commented the basic lot. I've been bounced back and forth between agencies.

Acting Administrative Director inquired on who was she seeing at the Land Trust.

Brenda Balbin commented she has been working with Jeff Aguon and Michael James.

Acting Chairman Calvo inquired on who actually called her when she was first awarded.

Brenda Balbin commented initially she had been working with Jeff Aguon.

Acting Chairman Calvo commented the reason why he brings this up is because Mr. Michael James was only acting for a short period of time and wanted to know who is the actual person who contacted her and gave her this lot number.

Brenda Balbin commented it is Allan Quan.

Acting Administrative Director commented he is very sure that those names as mentioned and the lot the description of those leases is probably "a portion of Lot 7160" without basically specifying it. We've run into that problem before and the title companies will pick that up. However, we have worked with the title companies so that those people will sign off as well as the Land Trust so that the title companies can remove that from the exceptions to the list.

Brenda Balbin commented that is exactly her concern and her problem because she is not getting anything from either.

Acting Administrative Director informed Ms. Balbin that he will work with her escrow officer.

Brenda Balbin commented that she had met with Mr. James in January after she received notice from Guam Housing to clear up this matter. The letter that he had written basically just reconfirmed that she is holding a lease for that specific lot number which didn't clear up anything. I think what they are really looking for in Guam Housing is for this to be cleared up between the Chamorro Land Trust, Land Management and the title company.

Acting Administrative Director commented it is with the title company. Land Management receives it and records it but the clarification needs to be done between the title company and the Chamorro Land Trust Commission. A tentative meeting will be scheduled for this Friday, 2pm at Pacific American Title Company.

Brenda Balbin was informed by Guam Housing that once this is cleared, the last remaining document that she would need is a warranty deed.

Acting Administrative Director commented that the Commission does not issue warranty deeds.

Brenda Balbin commented also indicated in the lease is that the Commission has to approve her construction drawings and intends to provide it to the Commission.

Acting Administrative Director commented because of that requirement it would just be an initial from the Director.

Acting Chairman Calvo commented that DPW would be the ones to actually approve that. Even before you build the house it is the contractor's responsibility to take the drawing to Public Works to certify it that it meets all the requirements.

Acting Administrative Director informed Ms. Balbin that to comply with that provision in the lease the Commission can issue her a letter approving it.

Zina Pangelinan Charfauros - The purpose of speaking here is to inquire relative to my options with the documents I have. I would say that they are official documents only because they have been signed by the former Director, official documents relative to my Land Trust application. Just like the other individual I have been bounced back and forth dating back to 2002. I've been trying to inquire as to the status of my application in hopes of trying to get a lease signed. Back in 2005 I had spoken with several Land Trust agents who have informed me that the Board is the only authorized entity to provide me with a signed lease. After I was told that all that was pending with regards to my application in order to get a lease was a Mayor's Certification of Residency. I have since then turned one in and to date I have not been informed as to the status. I had a meeting March 14th with Mr. James to find out about my application. The authorization that I have here to continue occupancy and development of a portion of Lot 5402 and after that meeting it was even more frustrating because he could not provide me with a positive response. I've informed him that my family has grown in this area, my father has been in this area since the 1940s. The road eventually has been named after his family and to date there are more than just his family whom I'm not sure have been awarded a lease only to assume because they have already constructed on some of the lots there. I showed a map which I received from Land Trust to Mr. James that indicated proposed lot for property in Yigo and I tried to explain to him that this portion of the lot that we are talking about which is 5402 was not actually a municipality of Yigo but Mangilao. With that I am here today to get some answers/guidance as to the status and what my options are with regards to providing a permanent structure for my family.

Acting Administrative Director commented by looking at Ms. Pangelinan-Charfauros's file one of the reason why her application is not being processed is that she applied February 21, 2001. Although, she did indicate in her application that she was assisting her father on Land Use Permit #224 under the preoccupying concept. The problem with the certification is that it does not date when they were preoccupying. Preoccupying concept is only for those people who are occupying the property on June 30, 1995. There was a letter from Mr. Elliott dated February 8, 2006 authorizing her to continue occupancy and to develop a portion there. I would like an opportunity to go through her file and get more information from the Mayor as to when she started living in the area to see if she falls within that time frame.

Acting Administrative Director informed Ms. Pangelinan-Charfauros that these types of leases do not go before the Commission. The Director will meet with Ms. Pangelinan-Charfauros at 4pm Friday on her situation.

Alicia Pinaula – I'm here to follow up from the last meeting regarding the easement problem that I have.

Acting Administrative Director commented that if we delete this easement it will solve the problem with Alicia Pinaula and it would also free up about 3,000 square meters of land to be available for our clients. The Administrative Director commented that it is a little bit more complicated but informed Ms. Pinaula to meet with him on Friday and will show her the maps that the Commission is getting for the area. The Commission still needs to clarify a land exchange issue in the area. Once you dedicate an easement only the Guam Land Use Commission can delete it or reduce it. We hope that we don't have to go through that

route and we hope that there is some authority that the Director of Land Management may have to delete the unused easement.

Alicia Pinaula commented that Land Management did say that they cannot make any changes other than the owner of the property, Chamorro Land Trust. Rather than to come in this Friday, Ms. Pinaula inquired on when will the research be completed.

Acting Administrative Director commented that there is only one more map that they are looking at and maybe she can come in next week Tuesday and he'll have more information for her such as a letter drafted to Dept. of Land Management.

Acting Administrative Director informed the Commission that he had been working with the Governor's Office on getting two more Board members.

Acting Chairman Calvo commented that he had submitted a name, Lori Anderson, who works for the court who is interested.

VII. EXECUTIVE SESSION
None.

VIII. ADJOURNMENT
Meeting adjourned at 5:54pm.

Transcribed by: Teresa Topasna
Teresa T. Topasna
WPSII, DLM
Date: 4/2/07