Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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David J. Matanane
Vice-Chairman

Pauline Gumataotao
Commissioner

Carmen G. Tajalle
Commissioner

Andrew S. Leon Guerrero
Commissioner

Jesse G. Garcia
Administrative Director

COMMISSION MEETING MINUTES
2nd Flr. Division of Highways, DPW Compound, Tumon
Thursday, December 17, 2009; 1:10pm - 2:09pm

I. CALL TO ORDER
Meeting was called to order at 1:10pm by Administrative Director Jesse Garcia.

II. ROLL CALL
Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Andrew Leon Guerrero, Commissioner Carmen Tajalle (arrived at 1:30pm), Legal Counsel Delia Lujan and Administrative Director Jesse Garcia. Not present was Commissioner Pauline Gumataotao.

III. APPROVAL OF MINUTES (November 19, 2009)
Vice-Chairman Matanane moved to approve the minutes of November 19, 2009. Commissioner Leon Guerrero seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS
1. Francisco Cruz (speaking on his behalf is Lourdes T. Aguon) - I am here on behalf of Franciso P. Cruz, my name is Lourdes T. Aguon, I am representing him because of a hearing imperative. His has written a little note to prepare for this meeting today. We were not sure what this meeting is really for but when we saw it in the news so we thought we'd be interested to come in and attend one more time before the last of the year. The note goes like this: To whom it may concern, this is to inform the Chamorro Land Trust that the property in Yigo that was surveyed by Mr. Frank Leon Guerrero Castro was paid two-thousand dollars and completed and mapped. The Chamorro Land Trust later offered me another property in Dededo that is not landlocked and was surveyed by Mr. Robert Ventura and was also paid two-thousand five-hundred dollars completed and mapped. Furthermore I quote Mr. Sabino Gumataotao interpreted that as soon as a client is found to be interested for this lot you will be called for reimbursement on the survey fee. I have accurately paid for two years ago. Bottom line I have come to make my presence today the end of two years ago of this waiting for nothing and I so declare that I am on borrowed time. (and that's what he claims right) Is there anyone that can come forward to give me a simple answer of my purpose here today?

Acting Chairman Calvo - Jess do you want to see on we okay from Mr. Castro which you paid the first surveyor and then the second surveyor okay and when you went down to the Chamorro Land Trust they told you that they were going to give you a refund once they find another client by Mr. Sabino that the property would be reimbursed back or the money that he had spent for these

two properties. So technically you have two properties that had been surveyed under here for that reason. Jess can you check on that Jess?

Administrative Director Garcia - This is what I've been saying all along with the survey of Chamorro Land Trust properties. To me I don't think any more land should be given out unless the Government of Guam Chamorro Land Trust does the survey. We have a mirror of problems and it came up to light in the meeting that we had last week regarding survey issues and this is one of the problems that we have and this is only I guess one of the many that we have pending. We have survey maps pending at Land Management dating back more than five years.

Acting Chairman Calvo - Okay but if both maps were approved okay it's still our responsibility in the Chamorro Land Trust because he paid two different surveyors.

Administrative Director Garcia - That's the whole thing with my issue with the surveying is that Chamorro Land Trust is letting the lessees survey the property and it's not at our call of exactly where exactly it's going to be at the pin point each corner. It's up to them to hire a surveyor and then they get the surveyor to pin point it out there that's based on field conditions and what they show us here is a sketch on what the field conditions when they go out to do the survey. That's why it has to be controlled.

Acting Chairman Calvo - Yes and I agree to that degree that it has to be controlled but in this case what they're alluding, Mr. Cruz is he was given priority in coming in to Chamorro Land Trust that he was given a piece of property up in Yigo and that was surveyed but because it was landlocked the course of that venue was he was given another piece of property down in Dededo to offset that landlock okay. So encumber to that he had already made that survey up in Yigo but when they gave him that piece of property down in Dededo they also tagged them for a survey. And you're requesting for the reimbursement of that first survey and I think legal counsel I think we need to figure this out the reimbursement portion because there is a disparity on this. Because you know the Chamorro Land Trust back then was given Mr. Cruz that piece of property first to survey and he did survey and he has according to him it's been approved, signed, sealed and delivered and so forth right?

Lourdes Aguon - Sir the obstacle course here is that the property at Emsley Road is landlocked so we went back down and we said hey is there any way you can give us another property because it's landlocked there's no way we're going to be able to build, it's going to take a long, long, long time. So then they gave over at Astumbo right behind the new middle school. We surveyed the one on Emsley Road with Max Castro and we never heard anything from him about a map or whatever is happening, nothing at all. So then the second property behind the school we surveyed that again and this time we got a map from Mr. Ventura but not signed. So when we went down to Chamorro Land Trust the administrator said there's nothing we can do because the map you got on hand is not signed where is the signed one? So we went up there to check him about the signed one, he said oh, don't worry I'm going to bring it down there to Chamorro Land Trust. Sir, we're only here to follow up and see if there is a signed map that's down there at the office already or what's going on, where is it?

Acting Chairman Calvo - Okay now I understand because what you said earlier that the map was done by Mr. Castro and it was done but what you just stated now it's different.

Now let me just cautious something when you do when you hire your own survey it becomes your responsibility to deal with the land surveyor okay whether it be Mr. Ventura, Mr. Castro or anyone of these out there. Now when you hire them it's your responsibility to go after them for whatever reason and for that money too because they never completed the project to begin with okay. Now since that piece of document hasn't been given to the Chamorro Land Trust legally signed by Land Management stating that the property is now legal that it can be acquired by you so you got to go back now to Mr. Ventura and ask where since you paid him. We have cases where a lot of these people they pay the surveyor but see we have no control over that. It's between you and the surveyor. So for us to make a follow up on that you have to make the follow up yourself with the surveyor and demand from them you know. If for whatever reason he can't come up then you can take him to the PEALS Board and that's one route that you can take them to. I don't know maybe legal counsel can elaborate to that issue.

Legal Counsel Lujan - A preliminary matter Ms. Aguon is a family friend. I don' t believe that disqualifies me in any way I'm still able to provide advice regarding this but I'm not familiar with, I can't give an answer at top of my head.

Acting Chairman Calvo - But from understanding from her point of view is the property that was given to her, Mr. Cruz in the earlier was up in Yigo okay but then they found out that it was landlocked and then Mr. Castro never completed the project for whatever reason I don't know okay. Then the Chamorro Land Trust opted to give you another piece of property where it would be feasible and you can get in and so forth. You guys brought down a map down there that is not approved. But that's only the surveyor he himself signs that he knows better than to bring that down.

Lourdes Aguon - He says to us don't worry I will bring down the signed one. We're here sir, kindly. We just came to follow up if you have it already.

Acting Chairman Calvo - No we don't have not that I know. So what you have to do is go back with them and demand Mr. Ventura and for whatever stake claim because that's money you paid him already, that's money you paid him and you have that right. You have that right to follow through and if not then you can always take him to the PEALS Board and demand that money because you already paid. The holding back is you know on Mr. Cruz side.

Lourdes Aguon - With Max Castro the first surveyor that we paid no map at all. Has he brought any map down to your offices?

Acting Chairman Calvo - No not that I know.

Lourdes Aguon - Okay that's all we wanted to find out that's why we're here sir.

Acting Chairman Calvo - Okay so you understand that now, okay.

Vice-Chairman Matanane - Do you have receipts that you paid?

Lourdes Aguon - Yes.

Vice-Chairman Matanane - Then you can have a case on that.

Lourdes Aguon - We were just here sir to find out if you've had any feedback from them the two gentlemen, that's it, thank you sir.

Commissioner Leon Guerrero - You know Mr. Chairman we've heard a lot of war stories with surveyors and stuff I know it's not our responsibility to undergo or look into surveyors and decide whether they're good or they're not but every time we get these sort of complaints a lot of the local people don't like to go to court or go to the PEALS Board and make complaints. They don't want to do this. What we need to do is we need to forewarn the up and coming applicants and say hey stay away from these sort of surveyors because you know you pay them and they don't provide you the service that you require from them. So I think it's our responsibility to start writing or making a list of these surveyors and stop saying go to the PEALS Board, go the PEALS Board, go to the PEALS Board because they're not. Fifty or more percent of these people are not going to go to the PEALS Board because you know that's just not the way it is that's not the way they are. We need to make our own list of these surveyors that just don't provide the service or I'm sorry to say just stealing from these people.

Administrative Director Garcia - There's no way that we can do that Andy because we cannot tell these guys who to go to because if we tell them who to go to and they don't get the service then we're going to get the blame.

Commissioner Leon Guerrero - And then we everyday they come in here they make these complaints.

Administrative Director Garcia - But these guys on the list from the PEALS Board this is a PEALS Board listing not the Chamorro Land Trust.

Commissioner Leon Guerrero - No but we can recommend not to go to them.

Acting Chairman Calvo - No we can't.

Administrative Director Garcia - No we can't.

Commissioner Leon Guerrero - Really? Then these guys are everyday going to, really there's nothing we can do?

Administrative Director Garcia - But these guys are professional engineers, surveyors that's the responsibility that's their ethics.

Commissioner Leon Guerrero - How many times since I've been here I've heard this Castro name.

Administrative Director Garcia - Yes, but the problem of the ethics of a professional engineer and surveyor that's why they have the PEALS Board for these guys to if they're not getting the proper services from the surveyor it's an ethical complaint. They're professionals they're licensed to do business.

Acting Chairman Calvo - Legal Counsel do you care to elaborate or comment in that? Because I know for a fact on this land list of surveyors okay is because like what Mr. Garcia has stated that when we give them a list it's almost like for us to pick and choose. Even though we knowingly that Mr. Ventura, Mr. Castro or so is one of these guilty party okay. No he says don't go to Mr. Matanane, don't go to Mr. Lujan or for that matter because we're going to be dictating and I understand where you're coming from.

Commissioner Leon Guerrero - You can take them off the list you don't have to say don't go to them.

Acting Chairman Calvo - Well that's one alternative.

Administrative Director Garcia - That was part of an investigation it was on-going here at the Chamorro Land Trust where one of the agents were being accused of giving a particular surveyor all the projects and that's why we don't do that.

Commissioner Leon Guerrero - Yes but if you have a list and then you start eliminating these bad apples from that list you know what I mean because I've heard these names before and it's getting old you know.

Acting Chairman Calvo - I think this is one issue that we can look into Legal Counsel.

Legal Counsel Lujan - Well it's not the responsibility of the Chamorro Land Trust to determine who's a good surveyor so I would advise against it. There's the appropriate forum for that and I would devise against the Chamorro Land Trust vouching for some people and it's just tarnishing others.

Acting Chairman Calvo - Okay.

V. PENDING BUSINESS

1. Agfayan Incorporated - License status

Administrative Director Garcia - I got a call the other day from their attorney that they won't be able to make it, the legal counsel won't be on island.

Acting Chairman Calvo - So I guess we need to put them on the next agenda which is 2010 next year. I definitely by next board meeting even if the legal counsel is not in I would definitely want them in. So if we set them for the next meeting on the agenda whether they say that their legal counsel is not here that's their problem but I definitely want them here to answer to a lot of these issues okay. Give them note and hold that to them.

2. Application rights of Vicente Baza Pangelinan

Heirs present: Mae San Agustin, Toni Acfalle and Cynthia Taijeron

Acting Chairman Calvo - I'm happy to see that you guys came and compromised to the issue so now how can we help you?

Toni Acfalle - Are you going to give us Christmas today?

Administrative Director Garcia - The last time they were here I guess they were to find out if

the application rights would apply to them.

Vice-Chairman Matanane - I believe if I remember correctly we wanted you to look into the folder and to see whether the amount of acreage is accurate.

Legal Counsel Lujan - And I believe it was also whether Mr. Vicente Pangelinan had actually provided to the Chamorro Land Trust an application for lease.

Administrative Director Garcia - He was occupying that property before because I dealt with him during my tenure at Public Works.

Vice-Chairman Matanane - I believe like I said it was an arrendo. So they have the rights for that piece of property because that's the arrendo program they have first crack at it. So all I wanted was to find out if the acreage was correct.

Acting Chairman Calvo - I think it was something like 13 or 12 acres.

Vice-Chairman Matanane - We were tossing around 13 but I wanted to find out what's the acreage in the folder. You know we don't want them short changed. Was there a map provided in the arrendo program?

Toni Acfalle - (map provided) That's from Land Management, Lot 199.

Vice-Chairman Matanane - Yes, almost to the 13 acres. Okay I'm satisfied with this Mr. Garcia. If we can get a copy of this.

Administrative Director Garcia - We have a copy.

Vice-Chairman Matanane - That's about it I just wanted to be satisfied if you cut that thing up and you guys are evenly.

Acting Chairman Calvo - You guys already came to neutral ground on how you're going to divide the property.

Toni Acfalle - Yes, we already did.

Vice-Chairman Matanane - I make a motion to go ahead and approve the Pangelinan's case.

Commissioner Leon Guerrero - I second the motion.

There were no objections.

Acting Chairman Calvo - So be it PASSED.

Mae San Agustin - Since I already applied well I asked Land Trust for water service I already got the certification can I go ahead and apply?

Acting Chairman Calvo - I don't see why not.

Mae San Agustin - Because I hear that the meter is getting higher, higher and higher.

Toni Acfalle - I think we need to go to Agriculture.

Mae San Agustin - I already went there.

Administrative Director Garcia - Actually I think your father did apply for agriculture water.

Mae San Agustin - Can I get that meter re-hooked?

Administrative Director Garcia - The way it works is you got to go back to Agriculture for the agricultural water and have them reassess your farm to see if you guys qualify.

Mae San Agustin - I already got one.

Administrative Director Garcia - Just bring that document to Waterworks.

Vice-Chairman Matanane - Do you have the map now when you divide it up we would like to get a copy of the map.

Toni Acfalle - We have a sketch.

Vice-Chairman Matanane - Provide it to Mr. Garcia and we'll incorporate it in the folder.

Toni Acfalle - Also Jess I need to find out my husband had an arrendo that's why I wanted to make an appointment with you and it was in the vicinity of that but it turned out to be landlocked.

Administrative Director Garcia - So anyway this would be better off because husband and wife can only get one.

Acting Chairman Calvo - Excuse me the Legal Counsel just quoted me on some issue and she wanted to clarify this issue with you guys okay just so we make the record straight okay.

Legal Counsel Lujan - For you all to be transferred the application rights of your father there has to have been an application that was submitted to Chamorro Land Trust.

Mae San Agustin - We have a letter.

Toni Acfalle - We all put in letters, we all have applications.

Legal Counsel Lujan - Okay it's the application rights of your father.

Administrative Director Garcia - You applied already?

All heirs answered yes.

Administrative Director Garcia - So you guys paid the fifty dollars.

All heirs answered yes.

Toni Acfalle - The four of us paid.

Legal Counsel Lujan - I guess my question is whether Mr. Pangelinan your father himself in his name submitted an application.

Administrative Director Garcia - Yes

Heirs answered yes.

Legal Counsel Lujan - Also another concern is you would all be using this for agricultural purpose.

Heirs answered yes.

Legal Counsel Lujan - Yes, okay we would need some kind of plan.

Administrative Director Garcia - The farm plan.

Toni Acfalle - We're going to plant? Oh when we start doing it?

Commissioner Leon Guerrero - You just need a plan just see Jess.

Acting Chairman Calvo - As a matter of fact that was one of the programs that we did at the University for the MOA on this farming issue okay. The University is willing to help you guys, will send you to class on this area and it'll be free by the way on how to plant and what kind of trees you're going to plant in there. Because you still need to meeting the requirements so just to caution that portion that if you have two, three acres there's a percentage that you have to plant so many trees.

Toni Acfalle - Yes, erosion control, trees, yes I know.

Acting Chairman Calvo - Okay so we're pretty much you know we're okay on this Legal Counsel?

Legal Counsel Lujan - Another question is if any of you ladies has a currently a lease with Chamorro Land Trust.

Heirs commented no.

Toni Acfalle - My husband had an arrendo but we can't make use of the land because there's no road to it.

Acting Chairman Calvo - So just so we get our facts right and everything today so we all understand. Legal Counsel we're okay with everything here they have all their documents.

Legal Counsel Lujan - If there was an application that the father had to preserve his priority then it would seem that there can be a transfer.

Acting Chairman Calvo - Which Mr. Garcia the Director said they do have an application to that. I know that they had letters on our last board meeting maybe about two months ago. I know that you guys had letters inquiring about the property, that I know. Each one of you had of the interest of your father's estate.

Mae San Agustin - Right.

Toni Acfalle - We only want to save it that's all.

Acting Chairman Calvo - But I cautious you too when you do save that okay because you know I'm cracking down on this MOA issue type okay that you know when you want to make sure that you use that land because ideally right now this is what's been happening in the past or you know the way I look at it is people just want to hold to that piece of stake and preventing other individuals that really want to plant okay. I know it's not that easy but that's what you're asking for and just make sure that you plant on those grounds. Otherwise you'll forfeit the property the rights to that property. It's rightly because I know that we have on cases where people say I want ten acres, twenty acres and they can at least plant sweet trees.

Administrative Director Garcia - For the record Carmen Tajalle just showed up the other Board member.

Acting Chairman Calvo - So we're good to go Jess?

Administrative Director Garcia - Good to go.

Acting Chairman Calvo - Okay.

Mae San Agustin - I have a question Mr. Garcia gave us temporary water certification, can I have it permanent now, our certification of water?

Administrative Director Garcia - Yes we're going to have to work with you guys to give you guys a lease agreement.

Acting Chairman Calvo - Yes, you have to work first on how you guys divide the property and so forth for that matter okay.

Mae San Agustin - Alright.

Acting Chairman Calvo - As a matter of fact Dr. Robert is from UOG so later on you guys can work with them on how you guys be on that program okay.

VI. NEW BUSINESS

1. United Overseas Investment Co. - constructing an access road

Administrative Director Garcia - The representative Mr. Joseph Hsu is here and what it is is he approached me to request for an easement from their property up in Yigo out towards

Route 15. The property that is in question for a grant of easement or for a fifty foot easement through it is Chamorro Land Trust property that is up by the area where Guam Rock is trying to get their lease for grading or whatever that same property but they're requesting for a fifty foot easement. So I told them it would have to come to the Board for further approval.

Joseph Hsu - Good afternoon Mr. Chairman my name is Joseph Hsu representing United Overseas Investment. Our company have a forty acres of land in the Yigo area we call this Tract 290 about forty acres it trace about seventy hectares. We tried to clean and grade the place and the place is next to government land that's about Lot 7163 and we're asking if you can give us the fifteen feet of the easement so we can connect more closer to Route 15. Eventually right now the length, the road we have is very narrow and there is a lot of residential around the area so we're just right next to the government land. We request the property to assist so we can just more easily go to Route 15 so the equipment and all the dump truck is not going to bother the neighborhood.

Administrative Director Garcia - The reason why he would want to get a fifty foot easement through the government which will also be beneficial to the existing subdivisions up there in that area. If you look at the map that was provided in his letter it shows the subdivisions on the north of that there's no cultisac it's just straight run ending at the end of the government land. So in order to have a better transition for traffic and stuff like that it would be wise to put an easement at the end so that everybody can have a turn around or other access to get out.

Acting Chairman Calvo - But with that at the same time that will cut the property size of the Chamorro Land Trust.

Administrative Director Garcia - It'll just be for an easement. It'll still remain government we're not transferring it to his company.

Acting Chairman Calvo - Okay he just wants the access but I think our problem here Jess is it has to go to the legislature for that easement.

Administrative Director Garcia - It's a grant of easement. It's government property we're not giving it away it's still Government of Guam property so we're not giving it to him for his own use. It's going to be for the public's use.

Acting Chairman Calvo - At the present time right now the road that you guys are going through of course if you were to cut in you would have to cut into your lot to gain that access okay. But then you would lose your lot.

Administrative Director Garcia - No he's not going to lose anything.

Acting Chairman Calvo - No but if we gave him that easement rights I just want to be very cautious on that portion because I know that if we gave them that fifteen I mean ideally I like the idea because it also it's going to help the Chamorro Land Trust in the near future and you know it will save the government money in the future for that matter. I just want to make sure that when we do that that the easement road everything will be done properly and road wise and to meet all what is required by Public Works to install all these cultisacs and all

that stuff there and the drainage and so forth.

Administrative Director Garcia - Just to go a step back the Government of Guam did grant an easement to the area within the area that he's requesting but it's only a short distance so all he's asking is to extend it all the way that way it'll minimize the congestion in the inside. Instead of going out through all the side roads he'll just take it out where there's no residential houses. He's not landlocked there's an easement.

Joseph Hsu - Right now we're using a very small one.

Administrative Director Garcia - I think it's twenty feet that the government approved before.

Acting Chairman Calvo - Forty feet so if we give him that additional fifteen feet.

Administrative Director Garcia - It's only twenty feet. So what he's saying is fifty feet because fifty feet on an agricultural zone that's the requirement the fifty feet easement. Then that way when Chamorro Land Trust comes in to develop this property or whatever we can use this as part of the access.

Vice-Chairman Matanane - All the fifty feet is being given by the Chamorro Land Trust it will cut into our Chamorro Land Trust property. All the fifty feet but he doesn't have to give anything.

Administrative Director Garcia - Well that's up to the Commission to sanction because it's going to benefit the private properties in these areas.

Commissioner Leon Guerrero - So when they come in from up there they would have to go back out the same way.

Administrative Director Garcia - Yes then they go back out the same way. Even us when we subdivide the property we're going to have to provide the easement road.

Acting Chairman Calvo - But at this point in time I think I want to take this into consideration Jess and we'll talk about this okay. Because I don't want to approve this something right now because we have to clear this also and make sure.

Administrative Director Garcia - Well he's here to present it and then we can table it.

Acting Chairman Calvo - Okay so we'll table this thing and Mr. Garcia will get back to you or maybe for the next Board meeting for that matter okay.

VII. DIRECTOR'S REPORT

Administrative Director Garcia - On my report I would like to call Dr. Bob Barber. I have some things to request for UOG on my report and I invited Dr. Bob Barber to attend.

Dr. Bob Barber - What I just asked Jesse to do is there's several things I'd actually like to see and I don't know if you're ready to deal with all of them today. I need a letter for the University basically stating that we do have a no cost extension on the thing. Ideally instead of making it open ended they'd like an actual date so Jesse and I are

recommending like the end of July. I would use up the money before then. I'll probably end up using up all the money by late April or May but this way it gives time for accounting and other issues. And if I can manage to get, keep the money and utilize it as we get on down we may do some category changes we might even extend it especially if we don't have another MOU to pick up. So that's the key thing I wanted to ask. In talking to Jesse there's two budget categories where I want to change how it's labeled. We're under a little bit different accounting system now in the college and the way I was told to structure it when I did the MOU doesn't quite meet the way that our current procurement group wants me to have two things. I don't know yet if that can be done without the AG so I'm going to hold that till next to give you a heads up where we had the auto repair stuff it was just for DoAG was the only one mentioned. I want to broaden to say DoAG, Chamorro Land Trust vehicle because we're using one of your vehicles as much as any other vehicle and it needs the air con repaired immediately so I want to repair that because the money is there. And then there's one Extension vehicle we use also I want to do that. And then down on the section on developing the educational stuff in the rush to do it I used the same category twice. Curriculum development the University is contributing my salary to do but the delivery and the venue is something that I had another block of funds for but I apparently mislabeled it curriculum development so I just want to change that label because that then allows me to hire outside people to help me do the trainings. That doesn't need approval today we can wait on that on your next meeting after we clear exactly how do we actually modify the substance in the MOU. What I need today is the MOU. The other thing is I hoped you all had time to look at the letters. I don't know if Legal Counsel has had a chance to review the letters or if you're all ready to move on all those or not. I would love to start sending the letters out as soon as possible so if we don't do it at this meeting then very soon I'd like to do it.

Acting Chairman Calvo - I did talk to Legal Counsel on that last week. Basically what that letter that I explained to her is basically just a really simple letter letting them know the tenants that we're you know to give them a notice of that intent why they're going to be given whether it be thirty, sixty days or ninety days. Because it's already been visited okay and we're just double backing now just to make sure that the work or the screening process that was done the areas that they weren't following instructions for that matter so we give them the ample time to correct now for whatever reason they chose not to correct those problems that's their discretion. We're just noting them letting them know that your Lot 401-2 whatever that we came out on such a date we came there in May and we did an inspection and you did had contact with these individuals because that's the biggest thing that we're looking at is I did have contact with Mr. so and so and he agreed and so forth and noting now what their discrepancy and now it's up to them to correct that and if they're not going to correct the problem then you know that they might lose their lot for that reason. That's basically what the contents of that letter.

Legal Counsel Lujan - We're actually interested in combining the letters into just one master letter that you can just check off the violations.

Dr. Bob Barber - We could do that.

Legal Counsel Lujan - Some lessees may have multiple violations so that would result in multiple letters that they sent out so maybe a master letter just with the violations checked off.

Dr. Bob Barber - That would be wonderful if we could do that.

Acting Chairman Calvo - In fact that will be better Bob come to think of it.

Dr. Bob Barber - Why don't what I do I have your email why don't I put my effort at putting it together and then let you make it final.

Legal Counsel Lujan - Okay.

Dr. Bob Barber - Because I'd love to get these letters out so people see that you're actually because all the media is saying Land Trust do this well you know it takes time to do this. I'll get something to you probably tomorrow I'll try to fire something off.

Legal Counsel Lujan - Great, thanks.

Acting Chairman Calvo - So that's a blessing in the skies. If we can get this letter by the end of the year you know and at least the first of the year those persons that we have and let it be known out there. Because I've been called by the media of about four, five times different news casts and ask me what are you guys so in due time it's going to show up.

Administrative Director Garcia - When I was talking to Bob and Joanne what basically they were asking for was to give them authorization to utilize the MOU until the funding ran out. I told them it would be fine and according to Bob he came back later and said that the University needed something in writing, they need a date, they can't just use an open end. So we'll get that done if the Board approves to extend it until the end of July.

Acting Chairman Calvo - I have no problems I don't think so in the Board because you know I really want to get and in the meantime when we do meet with Senator Pangelinan I want to try to get into the next agenda to continue on the MOA lease. You know Bob I was just thinking about that when we do approach the legislature on this thing and ask them to fund it at least for another six months to a year for that matter hopefully that they can you know but definitely I have no qualms with that and I don't think so the Board. I think the report that you gave last week was very successful what ideally we have been talking about and what Ms. Tajalle said on that we knew about all these things. But we have to set the record straight out for that matter.

Dr. Bob Barber - One of the things that I've noticed and Joanne and I have been talking about how to manage the media in this and one of the things that you know I'll say it to you all direct that I have told the media in private is that you guys inherited a set of inspectors who are unqualified and that I hate to say this but they really are.

Acting Chairman Calvo - And it's true that's always been my bare thing in this is I do have that inheritance but it's sadly but I have to resolve this the hard way you know and that's why I took a stand on this I mean I don't want to just sit back and do nothing about it. Like what Mr. Matanane said but we didn't create that promise but in the eyes of the public we're the sitting duck.

Dr. Bob Barber - Somehow if we can massage it so they understood and what I say

repeatedly it's not appeared yet but hopefully one of these reports would get it right sometime is that this Commission asked for the report, this Commission opened up the doors. I think and I've also said that one of the most difficult things in the world to do is to move out a person under Civil Service protection and unfortunately those people are tying up your salaries. I've told this to some of the legislature, I've told it to reporters, hopefully this report will get it started on making, looking at that.

Acting Chairman Calvo - And I have no problems with that you know because I've made it known too I've told Mr. Garcia I make it known to the staff you know what I feel because when they get bombarded I get bombarded too.

Administrative Director Garcia - Actually Bob what you did is you just opened up the door for us too or since I took over is for me to my internal review is I've been doing with the Commission regarding the other issues. You just opened the door I'll take it and push in the other issues.

Dr. Bob Barber - I will as strong as I could based on the non-hearsay evidence everything that I can document and I'll continue, everything I can document I will document.

Administrative Director Garcia - No but most of the problems were the survey issues that's my biggest problem is the survey, the inventory which you also cited so it's all in line.

Dr. Bob Barber - And hopefully in time they'll understand that you do need to stop giving leases while it's still going out under our process that is you know until we get the process worked out right we are just creating more problems. We started the education at the legislature when they hold a hearing I have no problem of saying that right now if we continue as we're going we're just making more problems. We need to fix it whether it's just to take one lot and issue leases on that lot as we do it right. I'm not sure quite yet how I've still been thinking of this but you know the politicians are going to have a hard time because election is coming up and for them to say stop it that will get so many people angry. But if we can now document the report is going to be doing freedom of information. They've got enough with just these leases to see overlapping layers. They've got cases where people have come in and surveyed right across another families long term claims. As the reporters look at this maybe some of these stories will come out so people can understand them. Wait a minute I hate it when I hear something like Judi Gutherz saying we just need to revamp the whole thing actually what you have is a very good thing we need to just get the implementation all strengthen. We need to clean up some of the things the initial legislation made estimates of what would be appropriate production but the key thing is to get it and get the survey issue get the lot development issue figured out and right. It may take some funds initially beyond what the Land Trust has. The other thing is if you can ever get that tax money coming in to Land Trust for the lots you got that's the key thing here. You got to get some money in.

Acting Chairman Calvo - Our problem with that because when Joe was in that's one of the things I pushed on was on the Revenue and Tax you know and the Director Art Illagan was really openly wanted to help us. His problem too you know he didn't have the staff and I don't have the staff down there too. I remember the Senators telling me that we can handle that, we're not the tax department you know. When I talked to one of the tax I said just give us they said Oscar it's not all that simple you know there's certain guidelines and tax that

you have to. So you know if we can get all these tax money that's due to the Chamorro Land Trust and this is why ideally I wanted this thing to also to be to go out and be open to the media because you know the Chamorro Land Trust has been really been short changed all these years. They have been short changed all these years and we live to the mercy of the politicians you know. So to me you know I tell them straight out the ball court is in your hands. You want me to do this job but guess what I can't live on a dollar a year lease and a fifty dollar application fee and then you expect me to provide all these issues to Tun Juan and Tan Maria and so forth. I can't do that and I need qualifying people and I've stated this many times. I want people that really know what they're supposed to do. Because it's not that simple oh we'll just train someone but I want somebody who's passionately know knowledgeable to the issues.

Dr. Bob Barber - That's right and even if you take in the best Ag graduate they're still going to be trained but if you start with someone who doesn't even have the basic skills the training just becomes overwhelming. One of the things I think you have an ally in this tax thing from what I've heard him say publically is Senator Pangelinan does support strongly charging tax to the Land Trust lessees and getting that money to you guys. He may not agree with you all stopping the leases but that's on common ground. I would hope we can see some of that because the key to all this developing the surveys is getting some funds to pay for it.

Acting Chairman Calvo - See another strong hold that we have here and even Mr. Matanane has always alluded this is money that belongs to the Chamorro Land Trust yet we have no control. We have no control I mean here we are we're making the money but it's like man I'm going to go withdraw money, no you can't withdraw because it's not you know. And all we're asking all we're asking is what we make and we can finance the Chamorro Land Trust if they give us. But doing it with the people that can work down there with accounting ability and so forth and that's what the Chamorro Land Trust. See and I made this statement to the Senators you know when Chamorro Land Trust was created back then okay it was ideally that is lots for the Chamorros but I think what they failed to do it was really give a real guideline to the Chamorro Land Trust how it's supposed to do it and has to come to the legislature. Yes it was passed back then but it's so vague but I need something now that it will not be challenged for because it'll be transferrable from one administration to another administration. Because like I said every four years a new governor comes in every two years a new legislature comes in and new directors comes in and guess what the new policy maker says you know that was Mr. Garcia's back time or Mr. Underwood or whatever now I'm the boss this is what I want. That's what I need in there where you can still have your Board you can still have your Directors but you know you can do you know honestly truthfully what I believe as a Board here in government is we only approve to a certain degree provided that we have the laws to back us up but in most of these cases we don't. I read that Chamorro Land Trust issues so many times it doesn't really you know. Yes and trying to give it out to the media and make them understand because for some strange reason I mean I hear it on the radio and even to the public stating that hey it's the Chamorro Land Trust it's ours and so forth you know. No that's another thing they make a mistake they never own the property. Because when they're out there and say it's my property no it's not yours. It's different that you went down and bought a piece of property from Andy that you can stake a claim that that is yours. But in this case they always say no it's my property, no it's not your property you're only leasing it. That can be taken away from you at any given time.

Dr. Bob Barber - We've encountered that just going out where people are going what are you doing here this is mine it's like we can do with it as we want. We do encounter that already. In this the key team is going to keep going and I'm not sure how we're going to move forward in terms of fixing some of the internal issues. Hopefully as the media gets this and starts looking at it maybe you'll have more public support for addressing some of these issues.

Acting Chairman Calvo - As far as approving that we don't have problems with that right to approve all the way to July?

Commission members acknowledged no they have no objections on extending the MOA.

Acting Chairman Calvo - And Jess you'll get the letter?

Administrative Director Garcia - Yes we'll get the letter. Oscar on that letter that I'll prepare we'll just both sign it.

Acting Chairman Calvo - Yes, we'll both sign it.

Vice-Chairman Matanane - (Reference to the memo on the CLTC finances) How are we going to get the money?

Administrative Director Garcia - We met with BBMR, they told us something and then they changed it.

Vice-Chairman Matanane - Was it in writing?

Administrative Director Garcia - It was in a meeting.

Acting Chairman Calvo - It was in a meeting there and I attended and they told us what to do. See if we can get a meeting with them I doubt it this week.

VIII. <u>EXECUTIVE SESSION</u> - None.

IX. <u>ADJOURNMENT</u> - Meeting was adjourned at 2:09pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna
Date completed: December 28, 2009

Approved by Board motion in meeting of: Jan. 21, 2010

Administrative Director, Jesse G. Garcia: _____
Date: _____

Chairman (Acting), Oscar Calvo: _____
Date: Jan. 21, 2010