Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

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Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Pauline Gumataotao
Commissioner

Carmen G. Tajalle
Commissioner

(Vacant)
Commissioner

Joseph M. Borja
Administrative Director

COMMISSION MEETING MINUTES
Agana Youth Center, Hagatna, Guam
January 15, 2009; 1:05pm- 2:15pm

I. CALL TO ORDER

Meeting was called to order at 1:05pm by Acting Chairman Oscar Calvo.

II. NOTICE AND ROLL CALL

Administrative Director Joseph Borja - The meeting has been properly noticed, we have copies on file of the newspaper advertisements announcing the meetings according to the law and now we shall proceed with roll call.

Present were Acting Chairman Oscar Calvo, Commissioner David Matanane, Commissioner Pauline Gumataotao, Commissioner Carmen Tajalle and Legal Counsel Rebecca Santo Tomas of the Law Firm Lujan, Aguigui & Perez.

There is one vacancy on the Commission but the attendance for today's meeting is 100% of all Commissioners appointed and confirmed by the legislature. We have a quorum to conduct business.

III. APPROVAL OF MINUTES

A. December 4, 2008 meeting minutes completed
B. December 24, 2008 public hearing minutes completed
C. December 31, 2008 meeting minutes still being transcribed

Administrative Director Borja – We apologize for just giving you the package this morning. The minutes of December 4, 2008 I believe that's approximately 33 pages and the minutes of the public hearing on December 24 is approximately 36 pages. Because these minutes are quite lengthy I would recommend to the Commissioners that they suspend the approval of the minutes for this meeting and give yourselves a chance to read it especially the minutes of the public hearing for the commercial rules and regulations because there were some very good suggestions made on it. It's up to the Commission but I would recommend that you take some time to read the minutes before actually approving it especially like I said the public hearing for the commercial rules and regulations.

Commissioner Matanane – So move Mr. Chairman.

Commissioner Gumataotao acknowledged the second to the motion.

(There were no objections)

Acting Chairman Calvo – Passed.

IV. ELECTION OF VICE CHAIRPERSON (as per Public Law 29-116)

Administrative Director Borja– As you remember under Public Law 29-116 the Commission is now mandated and required to have a meeting every third Thursday of the month which today is the third Thursday of January at 1pm. This will be our first meeting as per that public law but also in that public law there was a section there that required the Commission to have an election of Vice-Chairperson so that in case the Chairperson is absent business can still be conducted. So that's the item on the agenda now up for Commission's action is the election of a Vice-Chairperson.

Commissioner Gumataotao – I would like to nominate Mr. David Matanane.

Commissioner Matanane – I also would like to make a nomination to nominate Ms. Pauline.

Commissioner Tajalle – I nominate Mr. Matanane.

Acting Chairman Calvo – I vote to also, I would like that you Dave take the position of the Vice-Chairman.

Commissioner Matanane – Noted, thank you very much.

Acting Chairman Calvo – Do you accept it?

Commissioner Matanane – Accepted.

Acting Chairman Calvo – Thank you, so be it passed, majority vote.

Administrative Director Borja – Let the record show a unanimous vote in favor of David Matanane as the Vice-Chairperson of the Chamorro Land Trust Commission.

V. PUBLIC COMMENTS

1. Annie Garrido – I'm just here to follow up on the water installation on the lease property that we were given. On our last meeting Mr. Borja said that he was going to talk to the Commission about the money approved so that we can get water in our area.

Acting Chairman Calvo – I know that Mr. Borja did speak to me about that and as you know Annie we are just getting now into our budget issues and other things. So it'll be premature right now for me to say yes until I get the final figures from Joe on this water issue and I don't know how the other Board members feel.

Vice-Chairman Matanane – I would like to get specification as to which lot and where is that area and what it takes for water to go in there.

Administrative Director Borja – Mr. Chairman actually at the last meeting that we had it was not just a meeting between myself and Ms. Garrido. It was a meeting with Mr. Don Antrobus who was the Chief Engineer for Waterworks and at that particular meeting the last decision that was made was that Ms. Garrido and several of her neighbors offered to be able to actually pay for the installation of water, the pipes. However, the installation that they were proposing was an installation of I believe a 2inch pipe whereas Guam Waterworks was requesting or their process is actually a 6inch water line on it. Mr.

Antrobus took the matter under advisement to see whether they would go ahead and approve the installation of the pipe at their cost. At the meeting that we had I believe it was Mr. Blas that made the proposal that he was going to submit a recommendation or request to Waterworks for that. The one thing that is remaining before the Commission can make any decision on this matter is we don't know yet what the cost is to install those water lines. My feeling from the meeting was that Waterworks was not really committed to installing the water lines or even approving the request by Mr. Blas and Ms. Garrido's group however, I am not sure whether Mr. Blas has submitted that. At the time that we met with Mr. Antrobus I believe Leonard Olive the new Waterworks General Manager just came on board and Mr. Antrobus would take it up with Mr. Olive.

Vice-Chairman Matanane – What's the cost of the 2inch that they are requesting for?

Administrative Director Borja – I'm not sure, Mr. Blas I believe has not submitted that yet to Waterworks.

Annie Garrido – It's not Mr. Blas its Mr. San Nicolas.

Administrative Director Borja – Sorry, yes Edward Blas San Nicolas I take that back references to Mr. Blas is Mr. San Nicolas. My apologies.

Vice-Chairman Matanane – And the distance, I would like to know also the distance from where you are going to tap that water up to their place.

Administrative Director Borja – I believe the estimate that we were given in that area was 2,000 feet approximately.

Vice-Chairman Matanane – At 20 foot pipe.

Administrative Director Borja – Yes, you're looking at 100 pieces of pipe. Generally pipes come in at 20 foot length.

Acting Chairman Calvo – I remember this because we had a talk with Mr. Benavente at that time when he was the Acting General Manager of Guam Waterworks and we kind of really put them where to show the cost of that and Annie was at that meeting too and I know that you probably met with Mr. Benavente or with Simon Sanchez at that time. Now I know that the PUAG is requiring that amount but it's a lot of burden to you guys but like I always said at the beginning it has to do a lot with the budget issues too Annie. It's not that we don't want to do but we got to find out the right figures and if PUAG is willing to put in their two cents with us too because at the end everybody, they will really be the winners of that waterline than the Chamorro Land Trust. Because we're going to be providing them with customers. With the new Board coming in now with the PUC I had a little time to talk with Mr. Joey Duenas on this issue and he told me he was going to look into the matter. I don't know when now but I'll try to follow up with him and see where we stand on this.

Administrative Director Borja – You have a new CCU and you also have a new General Manager of Waterworks.

Vice-Chairman Matanane – My concern is you know you really need the water I don't know how many people are in that area and I was talking to just a couple of tenants that are I guess and if they can hook it up themselves if you requested to Guam Waterworks and then it takes maybe a 3inch so they can get a sufficient water. I believe its only for irrigation and maybe some washing but its not industrial thing.

Acting Chairman Calvo – But 2inch, does Waterworks allow you to go ahead and run that 2inch?

Administrative Director Borja – They do not allow 2inch in their normal process and their normal application but Mr. Don Antrobus was willing to accept an application based on a 2inch waterline that Mr. San Nicolas and his neighbors would put into that area but Mr. Antrobus could not give a definite approval or disapproval at that meeting and he said he will take it up with the new General Manager.

Vice-Chairman Matanane – I think we should get back to Mr. Antrobus since he's indicated that he is willing to do that but he has to take it up higher so maybe we can just try to move it along and since they are willing to get the pipes I'm pretty sure there's some progress.

Administrative Director Borja – That was the only matter there at that meeting was 2inch versus what normally Waterworks applies. With the Commission's approval I would be willing to go before the CCU on an official request to see if we can process and speed up the application by Annie Garrido, Mr. San Nicolas and Ms. Salas in that group because they are actually not the only ones. We have actually 5 groups, 5 clusters of people that are willing to spend the money to put it in. The major difference like I said are the people are willing to put in the 2inch waterlines for themselves and fund it by themselves but not the 6inch waterline that Waterworks normally requests.

Vice-Chairman Matanane – That's where I'm coming from because they really need the water and also I remember our discussion with Mr. Benavente and all that but since they are willing to invest you know.

Administrative Director Borja – Would there be any objections from the Commission if I appear before the CCU specifically Guam Waterworks to pursue the matter?

Acting Chairman Calvo – I think you should go ahead and follow up and see the CCU on that issue, Joe. They've been waiting for a long time and as far as I'm concerned you got my approval to go ahead and follow through with Guam Waterworks so that we can get their paper work processed so at least these people can get their water in to where it's going to go.

Administrative Director Borja – It might be a positive thing because we're not looking at putting water into a subdivision for example and Mr. San Nicolas brought that up we're using irrigation and the water use is not going to be the same all year. You have the rainy seasons that you're having and also the area that Ms. Garrido, Ms. Salas and Mr. San Nicolas is in is really not a residential area so the water use in that area would be purely for agricultural purposes and not servicing any large subdivisions. I think that's where Waterworks was willing to at least accept it at that point and bring it up to the higher ups

which would be the General Manager and the CCU to see if they can allow that and if Mr. San Nicolas and other members of the group the go ahead to install those waterlines.

Acting Chairman Calvo – Annie would you be okay with that once Mr. Borja gets that approval from PUAG?

Annie Garrido – Acknowledged yes.

Vice-Chairman Matanane – I second that too Mr. Chairman and also if PUAG wants to bring in a 6inch line in place of whatever they put up there I think they should reimburse them.

Acting Chairman Calvo – For what the costs they have put in there.

Annie Garrido – But eventually in the future PUAG will come in and put in the 6inch line wouldn't they?

Acting Chairman Calvo – Hopefully.

Administrative Director Borja – I'm not sure I cannot speak for them at this point but we should be able to find that out at the meeting whether they would be willing to do that.

Acting Chairman Calvo – But in the mean time I think you shouldn't be held back for that reason because it's really more or less their call on this part like I stated to you Annie it is really on their part and if PUAG is willing to accept that 2inch at least I don't know whether they would probably put it in on a temporarily basis till the lines is done in the near future. But in the meantime at least you have running water to where you're at and if you people are willing to put together and stretch that piece of pipe because on a 2000 feet is as good as down to the street light. Judging from here at least from where we're at that's down to at least the intersection that's a good at least 2000 feet so if you base yourself on every pole in between poles that's normally about 150 feet per pole. So if you count 10 poles that's about 1500 so you'll need about almost 15 poles.

Administrative Director Borja – We did a site inspection of the area along with Ms. Garrido's group and when we went out there we were actually the ones showing Waterworks where their waterlines were because when we did the initial application for the area they were showing us an area that was approximately 2,000 feet away but we found waterlines that were closer than 2,000 feet and those waterlines were 8inch waterlines. The area that Ms. Garrido is in is almost contiguous almost right next door to the planned Lada Estates. If you remember that subdivision that they created up there for residential units well there are 8inch waterlines already installed in the area for the Lada Estates and when we went out there with Waterworks the first question we asked was where was the nearest waterline that these people can hook up and we were referred to Mr. Ignacio Iriarte if I'm not mistake on his name and that was a straight line distance of about 2000 feet. However, we did show Waterworks that there is another waterline which is an 8inch waterline which is not being utilized right now because the Lada Estates although it's planned and the infrastructures in there really is no houses in that area. So we did find a closer waterline, I think that waterline is probably maybe 200 feet maybe less than 500 feet away from the lots that Ms. Garrido, Ms. Salas and Mr. San Nicolas are occupying. I think at that point Waterworks was convinced that we can hook up to that

waterline and the only decision to be made was whether to allow Ms. Garrido and Mr. San Nicolas the option of installing 2inch waterlines because normally they require 6inch waterlines. But the 2000 feet I think we cut that down to a shorter distance which would be less expensive and I think the only item that Mr. Antrobus at that time needed to get clarification was whether Waterworks will allow Mr. San Nicolas, Ms. Garrido and Ms. Salas the option of putting in 2inch waterlines. It did seem that Mr. Antrobus was willing to do that but he did say that he needed clearance because it was out of what their usual requirements are. But being "an emergency basis" it did seem that Mr. Antrobus was willing and he did tell Mr. San Nicolas to submit your plans to hook up 2inch.

Acting Chairman Calvo – So why don't we go ahead and work on that Joe so that we can get these people. The only question there because that's being in the Lada area and it was designed basically for that whoever ran that waterlines back then was, that would be in a construction cost of the Lada Estates. Now I don't know maybe we might have, hopefully that we don't have stumbling block on that because for them to hook up is it really hooked up directly now and I think PUAG would be the only one. So if we can find all that resources would it be feasible enough to be hooked up and if its available and we can tap in there cut the costs for these people instead of 2,000 feet and we can cut down to 500 feet that's great.

Administrative Director Borja – And like I said the only question at that point was whether Waterworks would allow them to use a 2inch waterline. So we'll follow it up with a meeting with Mr. Antrobus to see if Mr. San Nicolas had submitted those plans if not development of that plan it's pretty easy it doesn't need an engineer to do that. We have the maps we have the locations of those pipelines so we could submit that on behalf of Mr. San Nicolas if he hasn't done so and then if he has done so then we'll take it up to the next level of meeting with the new General Manager and the CCU. Especially if Chairman Calvo had already spoken to Mr. Duenas then at least they are aware of the situation and the request.

Acting Chairman Calvo – Are you okay with that Annie?

Annie Garrido – Yes, thank you.

VI. INCOMING CORRESPONDENCE

Administrative Director - This incoming correspondence is really not for any Commission action but just as an informative matter.

A. Senator Ben Pangelinan – Commercial Rules and Regulations

Administrative Director – Senator Pangelinan was requesting that since the public hearing was to have been held December 24th which is Christmas Eve, Senator Pangelinan did not feel that attendance at that hearing would have a lot of people on it and he was requesting that the Commission might consider another public hearing for the rules and regulations. However, if you read the minutes and I believe I don't know if we attached the sign up sheet on that but the public hearing for the Commercial Rules and Regulations was attended by approximately 50 people and out of the people 27 actually came up and presented testimony. Now that's almost more than triple of what the normal public hearings are at the legislature. If you have a bill at the legislature and you have a public hearing if you get 10 people testifying on a bill that's a pretty good turn out on it but on the Commercial Rules and Regulations that we had we had a total of 27 people that not only

attended but actually testified actual attendance at the public hearing waivered from 50 to 60 people. This whole room here was filled with those people and at the hearing the farmers were very well represented and a lot of them did their homework. If you read the minutes they made some very I believe in my opinion some very good recommendations on it. We not only had the farmers themselves but we also had the farmers advocates. And by the farmers advocates I mean the College of Agriculture Extension Service from the University of Guam as well as the Northern Watershed Conservation Group and the Southern Watershed Conservation Group. You know agriculturally these groups there's a group that attends to farmers up north and there's a group that attends to farmers down south. Both of those groups were represented as well as the farmers advocates like I said the people from the University of Guam and people from Department of Agriculture and Mr. Roland Quitugua who is a very active farmers advocate, they were all there. We had several of Guam's biggest and most successful farmers that were there. Mr. Bernard Watson was there, Mr. Ernie Wusstig was there and several other farmers. As well we did receive at least one written comment on the rules and regulations from a former Director of the Chamorro Land Trust Commission as well as the author of the commercial rules and regulations and himself being a former Director Mr. Ron Teehan. So I believe the public hearing was very well attended and I believe that the comments made at that hearing were very well prepared. Another group of people that attended the hearing were the Chamorro Land Rights advocates, Trini Torres, Pagat Jackson, Josephine Jackson, Joe Garrido, Joe San Agustin and like that so I believe the public hearing did what it was intended to do. Staff recommendation at this time is that no further public hearing be held on the rules and regulations at least not from the Commission side. I think we did a pretty good job and it was very well attended. Now that doesn't mean that any comments or any new ideas concerning the commercial rules and regulations is closed no, because when these rules and regulations go over to the legislature the legislature again would have the option of having a public hearing for them. So there is another option as well as we're still accepting you know if people come in and say I want a copy of the rules and regulations and I have some comments on it we're still taking comments on it so the door hasn't been closed on that. So I don't recommend that we don't have another public hearing on the rules and regulations.

Acting Chairman Calvo – I was in that meeting here Joe that day too so like what Mr. Borja stated here the people that came here they really showed up in good faith and I did mention to them at that time that they also that we did that by the law that we should come up with the rules and regulations. In the beginning they thought that it was a permanent document that we were hitting them but I made it clear on that day that it's, we needed the input. So the input that we have gotten from them and from there on I told them then it would go the legislature and the ball park is really on the legislature now and that's when they can make another disagreement with the legislature for whatever the reasons are. But I attended that hearing that day and it was well received and like Joe said we had various people from the University from other organizations and it was well attended because even I think there was maybe one or two business people.

Administrative Director Borja – Right I forgot to mention that there were other people from the business community that wanted to look at to see how it might affect them.

Acting Chairman Calvo – Because it would have affected them in some way or another but I told them at that time and Mr. Borja did state at that time that it doesn't mean that what Ron had to do at that time it was just that it was never really followed through and

this Board now is taking that course of action to really set the rules and regulations for the Chamorro Land Trust. So once that goes it's really to be on the ball park of the legislature. Yes, it is like what you said Mr. Borja we just I guess we just have to wait for Senator Ben Pangelinan to make that hearing and all that. I think you've submitted already some of the transcripts some of the comments.

Administrative Director Borja – Not yet, I just also want to mention that there was also staff from Senator Pangelinan at the hearing. The next step on the commercial rules and regulations was actually the completion of the minutes so those could be given to the Commissioners to look at. And the Commission at this point here after reading the public hearing minutes their option would be to have another work session and decide whether to incorporate some of those suggestions into the proposed rules and regulations or to maintain the proposed rules and regulations and submit it over to the Legislative Secretary. Now we are required to submit everything that was presented. We can't say you know what we didn't like this idea we're not going to submit that. Everything that was brought up at that hearing has to be submitted to the Legislative Secretary as a bundle whether we agree with it or not whether it was frivolous or whether it was a bad idea or what. So that's one way that we can do or after reading the minutes the Commission may come back and you say that's a good idea I think we should incorporate it into the submittal to the legislature. That would be the option of the Commission. Also under the law the Commission, we don't have to have another public hearing if we decide to change or redraft the commercial rules and regulations. We don't have to have another public hearing on the redraft on the new proposed ones. The law does give the option of having one but it is not necessary. We can submit it as it is with the idea that it will have another public hearing at the option of the legislature.

Acting Chairman Calvo – We will still submit the entire documentation to the legislature.

Administrative Director Borja – Everything that was testified at the public hearing.

Acting Chairman Calvo – And whatever changes that we make on that would be also put into that document to the legislature and if the legislature decides to change it for whatever reason that's their call.

Administrative Director Borja – What I would suggest is go ahead and read the minutes in the next week or so. We don't have to wait for another meeting if the Commissioners read the minutes and you say Joe I would like to include this in there then we can have another work session. Or if you read the minutes from the public hearing for the rules and regs you might just come back and say Joe go ahead and submit the package. What I can do is maybe given a couple of weeks about two weeks time we can call up the Commissioners and poll them and say how do you feel about the rules and regulations? Shall we submit it as is or do you guys want to do a redraft and then submit it to the Legislative Secretary? Once we submit it to the Legislative Secretary the legislature has 90 days to act on it where they can do three things. One is approve it as it is, two is disapprove it and three is amend it. They have to do that within the 90 days. If they don't do that within the 90 days then it by default it automatically becomes the rules and regulations. But being and recognizing that the oversight chair Senator Pangelinan is very proactive on these matters I would assume that he would probably have another public hearing on the rules and regulations whatever form comes before him.

Acting Chairman Calvo – So members if you read up on that and you feel you have comments you can call Mr. Borja or Terese and just leave that. But if you're agreeing to it then you know but if you feel that there are some minor changes that you want to make that's your discretion.

Administrative Director Borja – We can have a work session and put that into the word processing.

Acting Chairman Calvo – So do you guys want like one work session together?

Commissioner Tajalle – I agree we should read through it and then if we have any comments or make any decision with regards to the minutes on the rules and regulations then we would advise Terese and if the majority is coming in then we can decide for a work session. That's the process I feel we should go and there should be a timeline whether next week or two weeks.

Administrative Director Borja – Again I just want to mention that a lot of people are under the impression that if we approve this commercial lease rules and regulations that it replaces the commercial license. It doesn't. The commercial license process still goes on. The commercial lease rules and regulations are basically for the qualified Chamorros and it's kind of strange because the Commission not only this one but previous Commissions have issued out commercial licenses even before Native Chamorros can do commercial leases. But the commercial lease rules and regulations does not replace the commercial license that we have the authority to issue to corporations and to non-Chamorros. That process is still in place in the law so it doesn't really replace it. But that commercial license process is basically for those people that are not Native Chamorros and for these companies so the Commission would still be able to issue commercial licenses the difference being now we can issue commercial licenses to Chamorros which for example in Mr. George Torres's case would really clarify the situation for him.

Acting Chairman Calvo – But the only thing that I see on that side Joe on the commercial side is and by the way when they had that public hearing here the comments that they were making and like what Mr. Borja says was the fee. That was the most crucial part was the fee where if the new license was to come out, if the legislature assuming that they pass it next week and they base themselves on the new what they are asking there is will it affect us.

Administrative Director Borja – Does it work backwards.

Acting Chairman Calvo – Yeah. So does it grandfathers them I don't think so in my personal opinion at that time I told Joe. But then if you have a business like Mr. George Torres because any businessman can come in here and say okay George you're going to be the one and the reason they're doing that is because they are going to get it at a lower cost. And this is actually where we have to really watch is whoever applies for that application whether it be an outsider, it could be an outsider but then you have an insider you know. And that insider could be okay I think that's one agenda that I'm really just kind of leery about it is to have someone on the outside and act just as a front man. This is where we really have to really look at that issue is when whoever applies for that application what bondage does he have with this person, with this company outside? I want to know the full extent of that guy okay because if you're saying I am the so-called

owner and everything then that's fine but if he's just going to be the middle man you know he'd be a front man. I think this is what we really have to look at. That's my take on that. Now if Mr. Borja came in here and applied and says I want to open a mom and pop store up there, we know Mr. Borja you know. I think to me its okay but then you know we still got to look what's behind the agenda. And this is what I'm trying to say I think we have to look at that scenario and that's my take on this issue.

Administrative Director Borja – If you look at the rules and regulations it does address the control of these businesses by a Chamorro. So that the business applying for the commercial lease is not controlled by someone who is not Chamorro. The rules and regulations does address that where people, companies applying for these commercial leases have to be controlled by a Chamorro and it even goes down to clarifying what type of ownership structure is allowed for those commercial leases. It was very good in the sense that it recognizes that you don't get a company coming in here and the Chamorros are the ones sitting here making the application and the Chamorro owns one percent of the business and the business is actually ninety-nine percent by a non-Chamorro. The rules and regulations does address that situation to make sure that the corporation or the company is actually controlled by a Chamorro and not out voted.

Acting Chairman Calvo – On top of that if the Chamorro does hold a corporation on that what is the percentage of that because I don't think so any business wants to reveal what the percentage would that be, he'll be stupid to do that. So that's my only lingering part of that is when that time comes when they make that application okay what is John Doe? Yes I am the so-called owner I own ninety-nine percent of this, that's fine. But once we make and sign that lease agreement for whatever and it becomes a law we're going to be tied and it has to go back to the legislature for that matter. So I think that's the one thing that I really look at on this issue and we should charge the outside people. I mean they are coming here whether to open a mom and pop store for whatever reason and the local guys I mean this is our land this is our island we should give them that integrity part of that too. Because the guy from the outside he is going to be making the money versus the same thing with the guy in the local but that's okay. But I think it's only fair and fitting for the local people here to really have that growth here and to share that wealth here. So that's my only thing and I think if you guys agree to that I think that might be one of your, you know.

B. Hawaiian Rock Products

Administrative Director Borja – The Hawaiian Rock Products correspondence was received on December 31, 2008. This is the request for a license agreement for a portion of Lot 5412. The submittal that you have now is just the transmittal letter that was given to the Commission. The other parts of the submittal are the maps and the environmental baseline study and the archeological study and the grading plan that they have. Those have not yet been provided to you. We will try to make adequate copies so that the Commissioners can look through it and at the next meeting if the Commission wishes to take it up and make a decision that would be the prerogative. But at least now it is incoming correspondence and we do have like I said the cover letter that you have there is not the only attachments to that letter. We do have the other attachments to it which is the mass grading plan the environmental baseline study and the archeological inventory. As soon as we make copies of that outside of the office we'll be able to transmit that to the Commissioners for their review.

C. Agfayan, Inc.

Administrative Director Borja – The Agfayan Inc. we've been trying to meet with him trying to find him along with our other priorities and we have not been able to contact him. However, when the story came out on the media that the Commission is taking action on it they did submit a letter on the issue. Again, I want to remind the Commission that along with the non payment of the license fee for that particular property the reason why the Commission voted to terminate this license was of the subleasing part on it. It is not necessarily that he hasn't paid his license fee, he's made attempts to pay his license fee and he's made some recent payments. But the fact of the matter is the reason of the termination was the subleasing of the property and the building to a Chinese company that was selling these large vases. We have that documented by staff inspection report to the site as well as photographs of the area. They've requested a meeting and we'll see if we can meet with them sometime in the next couple of weeks but we already have a draft of a letter that we will give to Legal Counsel and send that letter out certified mail notifying Agfayan Inc. of the action of the Commission in terminating that license.

Acting Chairman Calvo – Joe, I've read the letter and also the breakdown costs of this company but I find it very ironic because what he specifically stated down on all the figures here you know this is a corner lot in Dededo right across the Flea Market. And you know he's saying he's paying for surveying approximately $6,000, clearing $8,000, $55,000 for grading and then $15,000 for water costs and then another $30,000 for the water costs which is I find it very strange because he also said he spent the building of the property $108,000 and the power installation of $10,000 and then other costs of $22,000. If my calculation is right that's about $246,000 so the way I figure this out, this guy knows that this is how much he owes the Chamorro Land Trust for doing business on the side and everything so he is going to calculate that in. Now that's a very easy scenario to figure that out because that corner lot there it doesn't take $10,000 to put the telephone pole or nothing because it's right there. It doesn't take $20,000 for a waterline to be put right there because the waterline is right there. He doesn't have to run like what Ms. Garrido has to run 1,000 feet, 2,000 feet of water. So what I'm saying here these numbers that he has given us I don't really care. If its true then I want him to put it and also have it documented and to go back to this construction to these people that he said he did business with and I want that to be certified. Because if this is for example, Joe Lujan did the grading and Joe Lujan charged him $55,000 then I want Joe Lujan to because the other business person okay, is not going to be he's going to be thinking because to me this is almost like a fraudulent thing of him and to say that he wasn't aware he was doing no business? He was charging every Sunday or every weekend for parking and all these things and leasing. I have no sympathy. I have no sympathy for that and of then of course his brother they have their own flea market there and the lease itself is basically for the Co-Op which he should have been doing that, get the people from the Co-Op. So I think and if he is then I want full restitution on this because these are matters and the minute we find something all of a sudden they forget. I mean just like you have a power bill and you don't pay your power. It's ironic so I'm figuring out all these expense that he spent for that small corner lot there is no where in hell he would have spent $246,000. It's a corner lot he does not have to open roads, nothing, its right there. Like I said I looked behind there because when I was working for the phone company that was our driveway to the back door to the exchange and that's the pipeline that runs there.

Administrative Director Borja – We know that Mr. Chairman and like I said again he did not mention anything in his letter about the fact that there was this Chinese company that

was occupying the building and I am assuming that they are not occupying it for free. I'm assuming that there's some sort of business arrangement from them where he was subleasing to them and we have that documented like I said by inspection report and by photographs of the area.

Acting Chairman Calvo – I mean that's fine, I mean all these figures that he's given out and to say to cover their expense and cost. Sorry you broke the law and that's just it and then you come to say to the Commission that he didn't know after you've been doing and then all of a sudden now you get knock on woods. I can understand if this property was way in the jungles and maybe like he said it's going to cost me $20,000 to open the, but man this is a corner lot. These kind of incidents Board members it really gets me because I think we're being abused and I'm tired for the Chamorro Land Trust to be abused by other business people. It is only fair that we let them know too that we mean business and when we started this Board, Dave in the beginning I already told you that our job here is to clean up the mess and I'm going to clean this mess as much as possible. They may not like me but I don't care.

Commissioner Gumataotao – The bottom line here is you've breached the agreement.

Acting Chairman Calvo – On the agreement they never followed through on their agreement, they weren't faithful to their agreement. All these years they're making and now that we give them a Dear John they say oh I forgot. Come on let's get real.

Administrative Director Borja – Without objections from the Commission I'll go ahead and meet with them they've requested a meeting but like I said the letter that we have drafted to be sent out actually already says that the license has been terminated on it. And he's saying that he has good faith efforts in complying with the Land Trust lease agreement, it's very much the contrary. And like I said we have evidence and documented facts that he's subleased that property to somebody else for another purpose.

Acting Chairman Calvo – I mean if he was not consciously right now he should have been here today. But sending me a Dear John well I got another Dear John back for him. I don't need this Dear John.

D. Layao Enterprises

Administrative Director Borja – This is almost the same issue. With Layao Enterprises we did an inspection in April 2008 and we discovered that Mr. Layao was not really doing what he said he was going to do under the license. We did another inspection in October and it was worse and we did another inspection in November and it was even worser. Because at that time the area had turned into a full fledge construction site of with heavy equipment repair, actual construction activity going on with these big concrete culverts, workers barracks had been constructed and there was even above ground fuel storage tank and there was a heavy equipment repair shop. Like I said we got this all documented I believe there is approximately maybe about 40 pieces of construction equipment on the property and again that's the basis for the termination on that. I did meet with them in September before the second inspection and they said that they would come before the Board to ask for readjustment or realignment of their license and that they are willing to make payment on the difference of the amounts that they've received under subleasing but after I met with them in September I never saw them again and they never submitted anything until January 7 after our meeting. There's a letter in your file

there dated December 15 but it was received by the Commission on January 7 about 3 weeks later again asking that the Commission make the necessary changes. But they have not come since and they've paid their yearly fee of $600 but they have not come into compliance with what the terms of the license were and they're asking to meet again. And without objections from the Commission I would at least have the courtesy to meet with them to see what they might want to bring up but we also have a letter for them awaiting Legal Counsel approval informing them that the license has been terminated.

Vice-Chairman Matanane – Mr. Chair we will not meet with him unless he takes care of all the back payments and then we'll meet with them and then we will have the part where he comes in and submits his proposal.

Acting Chairman Calvo – This is another good scenario that we're in the predicament that we're in you know. They so-called knew that they were making on the sideline I mean they leased out a piggery and what are the piggery? Bulldozers, concretes, woods and so forth things that are not alive, things that are to built. They are trying to get away with issues. That's fine if they want to come back to the Chamorro Land Trust but they are going to have to pay that restitution too. They may be paying their monthly $600.

Administrative Director Borja – Yearly.

Acting Chairman Calvo – They may be paying $600 yearly but how many thousands of dollars that they have made in these years from the construction and other materials and everything. So that's my take on these people. Whether he said well I wasn't making money how do I know that? He could be leasing to John Doe anywhere between 50 to 100 thousand dollars a year for that matter and only pays us $600 that's not fair for the Chamorro Land and for the other local people. As you know we're hurting here for budgets and so forth I would rather use that. On top of that when they do come back they are going to have to pay for the entire even the legal fee.

Administrative Director Borja – This is kind of good and ironic that previous in the public comment section is that Ms. Garrido came forward because that is a situation where if these businesses on the license agreement would have paid and did their job and complied with the terms of the license and paid and everything, that money could have been earmarked by the Commission to pay for the infrastructure for something like that. So we're loosing out on both ends if we don't pursue this. I would recommend though that being as a public agency and I think it would be good that we inform them, bring them over at the next meeting and say okay we got your letter, here you are today, what's the situation. It's fine that they send letters because it documents the situation but they don't come down to at least talk to us.

Acting Chairman Calvo – That's what I said letters are fine but I want to see the person in front of me that I'm talking to.

Administrative Director Borja – We'll respond in a letter to invite them down to the next meeting.

Acting Chairman Calvo – Because to me personally why are they scared, let's beef it out and lets get our facts right that's what I want to know. And like what you said that money that could have been used there. I want to bring this if they decide to stay there and do

when we figure out what the money on this restitution of this money you know that Ms. Garrido we could have just dump all that money in there and put her 1000 feet of line of water and all cost. This is what I want to do because it's high time these people are taken advantage and I'm not about to let that happen not unless as long as I'm here and working with you guys. But other than that we just got to narrow it down to these people now and I think it's a wake up call. It's unfortunate that they're the first ones to be woke up but hey it's something that they did themselves not ourselves. Because I know that we're short staffed here and everything and we can't be out there wandering everyday when we have other things to do. But yes, if they want to come to the next meeting for that matter and explain themselves you know but there are going to be some restitution they are going to have to take some cost to these issues because I'm not just going to go with a letter and say that's fine I'm agreeable. I don't know how the other Board members feel but that's where my stand.

Vice-Chairman Matanane – That's how I feel too Mr. Chairman.

Administrative Director Borja – Okay we'll do a formal invitation for them.

VII. DIRECTOR'S REPORT

Administrative Director Borja – The Director's report is actually just two major items I believe one is the financial report up to approximately December 31 of this year which would represent the first quarter of the budget year. In the first quarter of this budget year from October 1 to approximately December 31, 2008 the Land Trust received about $4,150 in application fees. What basically that means is people are still coming to the Commission and applying for Chamorro Land Trust property and that $4,150 represents approximately 83 new applications just in that quarter so applications are still coming in. They're coming in actually at a faster rate now because of the publicity we've been getting in terms of processing the pending applications. Another income revenue in that quarter are from these commercial licenses. As of December 31st last year we brought in about $95,801 and that's from the commercial licenses. And then the payment of the Land Trust leases this is the $1 a year payment, we've received $532 on that. So for the first quarter of FY2009 the Commission has received approximately $100,483.00 in revenue. Last year in the entire fiscal year we actually received almost $500,000 so in that first quarter we've received approximately $100,000 one-fifth of our entire budget in that quarter. In the next quarter we fully expect at the end of today's meeting I'll be signing the license for Tata Communications and we should be receiving at the time of signing exactly $255,000 for that license. $250,000 processing fee and the first year $5,000 rent for that submerged land in Agat. Also after the meeting today I should be signing the Alupat Island license and that should also come with a check of about $12,000 I believe on that one. So in the next quarter we should be receiving some good revenues. On the government side from Department of Administration and BBMR I believe we might be the only agency that BBMR and Department of Administration has loaded our entire budget into the accounts. Some of you that may not be familiar with government budgeting when they passed the budget in September or August or whenever they pass it before the beginning of the fiscal year and for example they say Land Management you have a budget of 4 million dollars the Director's don't line up at DOA or BBMR or at the Legislature and they are not given a 4 million dollar check right away. They basically ask what do you need to get by this month and they say oh we got to pay payroll we got to pay rent and their given that amount but they are not given the entire amount to use. None of the agencies are handled that way except for the Chamorro Land Trust. All the

money that has been budgeted to us has been loaded up on the $500,000; one hundred percent. And I'm waiting confirmation and probably James can inform me right here but also DOA has identified the $240,000 and my last meeting about two weeks ago with Director Perez of DOA is that she's instructed BBMR to make sure that the account is set up from their cash management side and as soon as they do that and we give them instructions on that they would transfer the $240,000 and that way they would make the entire FY2009 budget amount accessible to us. Why is that important? Because if we want to pick up additional staff BBMR would not process the recruitment papers and once I receive confirmation on that tomorrow or next week at the latest then we would begin the issuance of those recruitment papers to hire staff specifically for the commercial division to handle that. Also we are working with staff to journal voucher transfer the one-half of the money involved in that compliance project that we have with Department of Agriculture and the College Extension Service. So we're doing the paperwork now to hopefully transfer I believe it's like $49,000 to that project. And that's the project again we go out and we say you got a 10 acre lease are you using the whole 10 acres. If not why not, what are your problems and to help them out. It's not really an eviction process it's compliance to see that they are really utilizing the land the entire lot that they were leased for and that they are doing what they said that they would be doing according to their agricultural plan. If they are not the other members of the compliance inspection team would identify what the problem is and another member of the compliance team would make recommendations. So the compliance team really is three faults. One member from the Chamorro Land Trust Commission to absolutely identify that it is Mr. Jose Cruz who has a lease on that property, it is that property that we're looking at and that he did have that lease for 10 acres. That would be the job of the Land Trust member of that team. The Department of Agriculture team would look at that lease and say you know what 1 acre should yield a thousand pounds of bananas and I'm just using those figures as an example. A half-acre agricultural lease you're planting eggplant, should yield five hundred pounds. They have these things already as experts already set up and if they're not getting the yield off that property that it should be getting then the third member of the team which would be the Agricultural College Extension Service would analyze it and say you know what the reason why your bananas aren't growing good is because you're planting on rocks or your soil needs help you need fertilizer to increase your yield or oh your seeds are being blown because you don't have a windbreak and this is what we recommend. So it's basically to help them out. In addition to that people that are now applying for agricultural leases as well those previous ones would be required to attend training seminars on basically how to farm and the good management practices for agricultural use and like that and that's also funded in part by that $50,000 that we are going to be sending. They will be setting up classes they will also be given plants, seedlings if they need for example to build a windbreak those will be provided to them through that fund and again those classes for best management practices for agricultural activity they would be required to attend that so it's basically a comprehensive thing and it really wasn't set up by the Commission it was set up by the agricultural experts themselves. So we look forward of having good product coming out of that Memorandum of Agreement that we have. So financially we're doing very well as long as we manage our money wisely we should be alright. There are and I'll just head right into the pending business on the director's report on the agenda.

Vice-Chairman Matanane – How much of the listing the ones that we sent out how much of that have we collected the people that haven't paid the $50 how much of that?

Administrative Director Borja – What Commissioner Matanane is alluding to is that the Commission had published two lists there are about 3,000 names on each list. The list that was published in the Marianas Variety which is the one that Commissioner Matanane is referring to was a list of approximately 3,000 names and on a best case scenario if those 3,000 people didn't pay and they paid their money we were looking at $150,000 coming from them. However, what we discovered was a lot of those people on that list were actually duplicates in other words not duplicates but a second application. Some people were saying how come my name is on that list I applied and I paid for it? Well what happened is sometimes they make two applications. So obviously they are not willing to pay for that second one because their application has already been processed so that lowered the number a little bit. I actually expected approximately maybe a thousand people to come in on there but we only had about three hundred people that came in. Some people came in with the receipts that they forgot to turn in but the majority of those three hundred were actually people who did not pay and once they realized that they would loose their place in line they came in and they paid. The deadline was January 9. We had about three people that missed the deadline and we told them the system was set up you're still welcome of course to apply but your place in line would not be that. So in a short answer to your question Mr. Matanane it's less than three hundred.

Vice-Chairman Matanane – Okay and when is the deadline?

Administrative Director Borja – The deadline was January 9th and that was a 30-day deadline from the time we put the notice out.

Vice-Chairman Matanane – So if they are going to make a payment they go to the Treasurer of Guam.

Administrative Director Borja – Yes all payments are made at the Treasurer of Guam we do not and have never accepted payments at the Chamorro Land Trust office.

Vice-Chairman Matanane – Because people are asking me do I go to Chamorro Land Trust? I said no, the Treasurer of Guam. But for those people that their names are on that list and if they come in and make the payments at the Treasurer of Guam we'll still honor that though.

Administrative Director Borja – Yes but they still have to give us a copy of the receipt. But the deadline on that was January 9th. When somebody comes up to me and say you know I made the payment at your office and you guys haven't found my receipt. Right away I know that's wrong because we have never had accepted payments. People are saying well when I applied on the first days and you guys were up in the Astumbo I paid it up there. No that can never be because we never accepted payments for those applications. The only one place that accepted payments for applications was the Treasurer's Office.

Acting Chairman Calvo – And the Treasurer they would always have a copy of it.

Administrative Director Borja – They would always have a copy but even at that point we only through the efforts of staff member James Diaz I don't like to say that Department of Administration short changed us but through James's effort we discovered that it was actually a hundred thousand dollars short. But we collected that from Department of

Administration but if we were to have left it alone Department of Administration would have a hundred thousand dollars but it was only through James's effort in tracking it down. I think it was something like ninety-six thousand dollars but close to a hundred thousand dollars that was not in our account and was not in our books until James started digging into it and we found out that hey wait a minute that's our hundred thousand dollars. On a five-hundred thousand dollar budget that's one-fifth of our entire budget so that really helped.

Vice-Chairman Matanane – I would like to thank Mr. Diaz.

VIII. PENDING BUSINESS

1. Land Registration Project

Administrative Director Borja – The Land Registration project is a cost also that the Commission has to undertake. Our of 411 lots that the Commission has in its listed inventory 71 of those lots are unregistered properties. Approximately I believe maybe about a thousand acres worth of property that is unregistered. We have begun upon the approval of the Commission we did meet with Legal Counsel and we have begun the land registration project. Of course this project has two big major expenses. The first big major expense is the survey because a survey of these properties has to be conducted to prepare the land registration map. So that's one big expense that we're looking forward to. Even though it's a big expense the return that you get from it is of course the registered land in the inventory. And of course there will be some legal and court costs involved in that and that we're keeping track separately from the legal services that Legal Counsel provides. We are proceeding with that. There was a slight delay on the Legal Counsel selection of the Land Abstractor the Title Abstractor to do the job. The first option that Legal Counsel had the guy had another job already so he declined the job offer and Legal Counsel has now identified another Title Abstractor who is willing to take over the title abstract. Normally title abstracts of the three or four title companies that we requested quotes on just from our end to see if Legal Counsel was charging us a fair price I believe one company was $400 per lot for an abstract of title another company was $400 per lot and I believe the third company was $250 per lot and the title abstractor that Legal Counsel has engaged will be charging $350 and I think that's a reasonable price.

Acting Chairman Calvo – When you say per lot are we talking like in half an acre, an acre, 100x100?

Administrative Director Borja – No these are large lots. I believe the smallest one is 100 acres.

Acting Chairman Calvo – No because I was just looking at the map portioning it if it was 71 lots that is not registered yet and you're paying at $400 that's an nominal fee of $28,400.

Administrative Director Borja – Well let's say 71 lots at let's say $400 that's about $8,000. $8,500 for the entire 71 lots that's not a bad deal and in return if the land registration is successful you get about 3,000.

Acting Chairman Calvo – That's why I wanted to clarify that whether we're talking lots because lots could be half an acre lots.

Administrative Director Borja – These are big lots.

Acting Chairman Calvo – Okay.

Administrative Director Borja – The lots that we looked at and I'll just list them for the record:
Lot 7153,Yigo
Lot 272, Umatac
Lot 421, Talofofo
Lot 422, Talofofo
Lot 10164, Dededo
Lot 482, Agat
Lot 10148, Dededo
Lot 10154, Yigo
Tract 1021, Dededo

Like I said the smallest of these lots I believe the one in Talofofo Lot 421 is about 4 acres but that's the smallest one. The next lot above that is 98 acres and the largest lot in that list is about 572 acres. So it's a good mix.

Acting Chairman Calvo – Has any of those lots ever been by the Land Agent has given out in these lots?

Administrative Director Borja – Yes.

Acting Chairman Calvo – So technically right now they are really in an illegally.

Administrative Director Borja – Yes and it's not a good situation to be in. Although you know the only people that would evict these people from these lots would be the Chamorro Land Trust Commission and those are our clients. We actually have a break for example Lot 7153, Yigo, 110 leases in that 143 acre lot so we do have a breakdown of how many leases have been given.

Acting Chairman Calvo – 110 leases.

Administrative Director Borja – 110 leases at about a half acre lease.

Acting Chairman Calvo – How big is the lot? 143?

Administrative Director Borja – The number of acres lease in that particular lot is 143 acres in 110 leases so you're looking at an average of one and one-quarter acre per lease. And that's the largest one that we have all the others are like 12 leases, 11, 7, 5, 3, 24 by and large the 110 is the largest.

Acting Chairman Calvo – You know the reason for that is whoever is going to do a land survey this has to cut out these and portion this out that's already been leased out and then the outskirt of that remaining piece of property. Because we don't know, I'm assuming already that's been surveyed by other land surveyors but the entire map has not really been indicated as one whole. So what it does is its broken down to pieces and what that happens is remember what I was telling you Joe if the lot was the way, this guy

might be up here there's another guy down there, it's scattered. So as the surveyor comes out there and cuts that piece of property you may have for example 143 acres that could go down to maybe 140 maybe 139 for that matter. Because there's no actual really any actual easement or for that matter that's really been identified when they really so they have to go back and cut it right?

Administrative Director Borja – Yes and we tried to do a scattered thing here and the total acreage involved in those 71 acres is about 2,100 acres. The largest of those lots is 560 acres and the smallest is a quarter acre lot in the village of Inarajan. That's the smallest unregistered lot we have and at least so far at this point the largest one unregistered is Yona at 560 acres.

Acting Chairman Calvo – If the surveyor that goes out there and starts cutting this out and lets say for example this person already did a survey and cut it then they would do a marker then that itself some of these would be off-set in as far as putting it in tack. That's why I said that 143 we may loose a couple of acres of that. Because the property was never actually surveyed the way it's supposed to be or was being scattered for whatever reason. They did back then was you know the Land Agent you look at it and says okay 7153 I got this much lot here John go out and he say oh I like this corner and the next one says oh I like the middle one and the next one says I want this corner and that's our problem.

Administrative Director Borja – They are already all scattered. Just as a note to this issue because I wasn't really the one that began this land registration process for whatever reason though previous Commissions have not pursued it but it actually began in 2004 under Director Felix Dungca and he started it out with one of the Land Agents reviewing this and I believe the Commission at that time just never pursued it. But we found notes and very useful information and Mr. Dungca, Director Dungca started this back in 2004 but it was just never finished at least not to the point of giving it to Legal Counsel and beginning the court proceedings and the survey for whatever reason. So you're not only cleaning it up some of the problems that we have but you're also initiating a land registration.

Acting Chairman Calvo – Once we do all these properties that are not being registered then now the Chamorro Land Trust can actually have a final mapping and saying that now all these lots are vacant or being leased out for that matter. So it would help the Chamorro Land Trust in the near future. Like what you said Joe if we don't take care of this matter now.

Administrative Director Borja – You would still have that problem and then you are going to run out of registered land to lease out.

Acting Chairman Calvo – But at least this one you can actually identify now how much we can get out of that 143 which is like I said we're going to give and take probably loose a couple of acres of this. But we may loose a couple of acres but then you know when we design that map we can say whether it be a residential 100x100 or half an acre whatever broken down.

Administrative Director Borja – We have begun getting estimates on the surveying cost of this for these properties and after we do that we would be coming back to the

Commission, staff would be coming back to the Commission and presenting those estimates so that you'll have a rough idea of at least how much its going to cost for these surveys. And then at the point the Commission authorizes then we will be putting out request for proposals from the surveyors to survey these properties and begin land registration maps and land registration surveys rather of these lots so that process can continue.

Acting Chairman Calvo – Okay I have no problem.

2. Commercial Rules and Regulations

Administrative Director Borja – I think we covered that pretty much earlier on the process of where we're at with that.

3. Evictions

a. Espiritu / Calara

Administrative Director Borja – This was a request presented to the Commission back in I believe maybe June of 2008 where the Espiritu family allowed the Calara family to occupy some Land Trust property up in Mangilao and then now the Espiritu family wants us to evict the Calara family. These two families are related and one of the reasons why the Espiritu family is asking us to evict the Calara family is supposedly the owner of the property is coming back from the States and he wants it back. I've hesitated and I have not evicted the Calara family because to do so would make them homeless and this type of situation just really appalls me where someone allows another family to move in under their authority and then when they want them out they come over here to the Land Trust and say hey you got to evict those people. This has also gone over to the legislature I've had a couple of Senators order me to appear before them to explain what the situation is and why I haven't evicted the Calara family. I don't think we are in the business of making a qualified Chamorro homeless or putting them out in the street just because somebody now wants to use the property and they were given them. So just to give you an update on that one the request for eviction by the Espiritu family has not been done by the Land Trust and the Calara family still remains on the property at this point. What the Calara family has done is they have with our authorization surveyed another lot in the area but of course that lot does not have a house on it. The structure, the house or the home that the Calara family are living in is really about tin roof, tin sides, dirt floor.

Acting Chairman Calvo – But Joe if the Calara family was given permission from was it the original owner that gave them to go ahead and move in?

Administrative Director Borja – No owner, no title, no nothing. They just said that that was our property.

Acting Chairman Calvo – No but someone, this person is coming back and wants that property now. So that's what I'm saying the original owner that signed that lease.

Administrative Director Borja - No lease, that's what I mean no documentation. There's a piece of property over there and someone says you know what go ahead and stay there.

Acting Chairman Calvo – So why would this family want an eviction if there is no lease?

Administrative Director Borja – Because we have the authority to evict them I guess but.

Acting Chairman Calvo – No but that has nothing to do with that piece of property.

Administrative Director Borja – They don't have any lease, nothing. They say that they were the ones there first but when we went out to the site they weren't there it was the Calara family that was there.

Acting Chairman Calvo – So the Calara family was always been there before this other?

Administrative Director Borja – No the Calara family they did say that the Espiritu family was the one that let us live there but what color of title or possession does the Espiritu family have on that? Nothing other than they said they were there and we were the ones that gave permission to the Calara that live there.

Acting Chairman Calvo – But the Espiritu family has to give the document. Where is their document?

Administrative Director Borja – Exactly.

Acting Chairman Calvo – So the eviction there why are they claiming?

Administrative Director Borja – And they're not living there the Espiritu family is not in a need of a home. They have a house and they're living there as a matter of fact through our…(interrupted).

Acting Chairman Calvo – As long as he doesn't produce any document on that then I don't see any problem with that.

Administrative Director Borja – And then the Espiritu family they have private property also so it's not like they're landless.

Acting Chairman Calvo – But just going back to that scenario it would be justifiable for the Calara family also to either reclaim that property for where they are at now where they are staying.

Administrative Director Borja – Well under the rules and regulations under the law if they were there on June 30, 1995 they have the rights to that property.

Acting Chairman Calvo – So maybe we can look into that.

Administrative Director Borja - We will need some clarification on this issue so now the Espiritu family is coming by and saying hey Land Trust you're really the owner of that, I didn't authorize those people, you didn't authorize those people, evict them.

Acting Chairman Calvo – But they don't have no say so either because they don't have any documents I don't understand their point. I mean if he came to you and said Joe I got a lease and I did not authorize this family then that's a legitimate for him to do that. But just because he says I never, wait a minute that's bogus. The only problem they might have here and they are going to have to settle it out with the Espiritu family is they are probably going to be having cops coming or violence or whatever.

Administrative Director Borja – Well we've taken steps on that. We do work with the Police Department, that particular case that's handled by the Dededo Precinct and what we do in that case we actually sent a letter to the Chief and the Precinct Commander up in Dededo saying the Calara family has authorization to stay on that property from the Chamorro Land Trust Commission so that if there is any harassment complaint they know hopefully which side of the law that they have. Although we haven't given the Calara family a lease on that property they are in possession of the property and to me at least looking at all the rules and regs they would probably have more rights to that piece of land than the Espiritu family.

Commissioner Gumataotao – Joe is it unregistered land?

Administrative Director Borja – No this is registered land. What it was it started out you know the Espiritu family is saying the Calara family didn't respect them so we want them evicted.

Acting Chairman Calvo – How long has that guy been there if I may ask?

Administrative Director Borja – Which one?

Acting Chairman Calvo – The Calara.

Administrative Director Borja – Almost three years at least four years maybe more.

Vice-Chairman Matanane – So if it does go back to '95 I believe the Calara should have every right to at least be given a lease since they've been there since '95 and according to the rules and regulations if they've been there since '95.

Administrative Director Borja – Yes and I'm not sure if they can substantiate and document that they've been there since 1995 under the rules and regs.

Acting Chairman Calvo – They have to prove that anyway because that's the only way more or less you grandfather them.

Angel Santos – Mr. Borja can I answer your question?

Administrative Director Borja – Well let me get back to the public comments I need to finish my report here. We had a section here for public comments in the beginning let me finish my report and then if the Commission wants to hear you.

b. Batulo Road, Dededo

Administrative Director Borja – The Commission put in 4 people in this area in one of the areas near Batulo Road and then there was a gentleman that started going around and starting issuing eviction notices to these people and we're just trying to dig up the information on this particular issue. I basically put it to the Commission for information purposes but what happened on this particular one the Commission put in 4 families in this one area and then they received an eviction letter from somebody I won't mention any names at this point until we actually document the issue not from the Commission but somebody came and issued them eviction notices that you got to get out because this is

my property. So we don't know if the guy evicting has a lease or not so we're trying to find out the situation on that.

Angel Santos – This is in regards to the Calara and Espiritu the two people that are arguing about the land. Well in the first place the Chamorro Land Trust is only referring to Chamorro. That's my point it is not referring to any Filipinos no outsiders and I don't know how in the hell excuse me for my words I don't know how in God's name that those people are on that government land. Because I've been trying to get a government land and I was never given a chance to or the Land Management has denied me for a government land. But like I said you know the Chamorro Land Trust is only for Chamorros it's not referring to people who occupy the Chamorro land the government land so they don't have any right in arguing that they are entitled to that property. I've been to Micronesia and the Far East and every time especially Micronesia when I bring in something for a friend of mine I was being insulted by the Customs I don't know whether they are jealous because I'm giving it to a friend of mine and lots of clothes and food and he told me when I was referring to let's dump it let's bring it over to the ground and he told me that you don't tell me what to do on my island. So I'm not against that because they are really on the island I'm only a visitor. Guess who's staying on the property? Micronesians, it's a very beautiful property and I ask them who is the owner of the land and they said Ms. Blas and I don't know from Yigo I don't know which Blas from Yigo.

Vice-Chairman Matanane – Mr. Santos please do you know for a fact that Calara's are not Chamorro?

Angel Santos – No.

Administrative Director Borja – Or the Espiritus.

Vice-Chairman Matanane – We're discussing this particular item Mr. Santos we don't want to discuss any other items there after this particular agenda. Mr. Santos just stick to the comments that you want to make on the Calara and the Espiritu. The other matters that you want to state to the Commission can you please hold it until the next meeting.

Angel Santos – Okay and this Layao I don't think Layao is authorized to stay on the property. If he has any children maybe yes but he has no children and his wife died then he has to move out of that property. Okay thank you.

Administrative Director Borja – There was a couple of items that I wanted to ask the Commission if we could we ask Legal Counsel to give us some guidance on it not right at this moment on two particular issues. Number one is the commercial rules and regulations whether when we do the commercial leases rules and regulations whether it would apply backward and that was one of the questions that was brought up that if we passed these rules and regulations in that form what about the people that got those commercial agricultural leases. Would it apply to them or not and that's one point that I'd like some guidance from Legal Counsel. The second situation that I would like some guidance from Legal Counsel is that we have some situations where both husband and wife applied separately. Now normally under the rules and regulations a husband and wife should not be able to get two residential leases at least at that point but we have some situations where both the husband and the wife applied.

Acting Chairman Calvo – And this is before marriage.

Administrative Director Borja – Yes in some cases and in some cases they met in the line and they got their lease and now they're together. The rules and regulations on the residential lease are pretty clear on that they should have to give up one. But personally myself I don't think that's fair number one, but number two also in some cases I won't say the names on this one but these guys are talking divorce so that they could each get a separate agricultural lease. Of course they can still live together but that's their business but their legal status would not be married.

Acting Chairman Calvo – You know I think we really need to clarify this and quote me with this Legal Counsel on this issues of that two persons like I said before marriage, Mary meets Joe and Joe meets Mary and like you said in the line but Joe didn't know that Mary was applying and then next thing you know they become Mr. and Mrs. Then down the line they find out that she has to give up that piece of property. But I think in all honesty to that if Mary was to give up I think if they have any kids for that matter I think that will be but then again what happens if Mary doesn't have a kid that's another thing.

Administrative Director Borja – Or if the daughter or the son or the child is a minor for example.

Acting Chairman Calvo – Yeah they would still act on behalf of them until they reach a certain age which is 18 years old where they are recognized as an adult.

Administrative Director Borja – A beneficiary can be below 18 but an applicant has to be. That issue as well as on this question that is surfacing also is at the time that they applied in 1995 they did not have any land now 1995 is 13 years ago and from the time this person applied 13 years ago they did not have any land. However either an opportunity came up or they couldn't wait for that Chamorro Land Trust property they went ahead and either bought some land or inherited some land. Staff would like some guidance on how do we treat that. If we had processed the application back then when we should have they would be under the category one of being landless but because it took long for us to process the application by the time we got to their application their status in the application has changed. Some people are saying well you know that's kind of not fair.

Acting Chairman Calvo – That's a good question because even if Mary and Joe were to get married and lets say that Mary is the one that got the land but Joe not his time yet well lets say that Joe has a piece of property the Chamorro Land Trust for example and Mary has a family property does Joe need to give up that now? That's another pondering question to that issue. I think we need to really make some sort of clarification.

Administrative Director Borja – Some policy statement and that will help staff.

Acting Chairman Calvo – Because I think what it is also is when a person applies at the same token he or she will have to identify of course I think I'm almost sure that when you guys take applications you would normally ask them if they own a piece of property.

Administrative Director Borja – It's in the application, the question is in the application.

Acting Chairman Calvo – They might be in denial or they could probably have a piece of property but guess what he has already given it to the niece or transferred that piece of property to one of their kids or nephews for that matter. And when they made that application they probably cleared that fact that they do not have a property but at one time they do. But let's say that once they get this piece of property there's such things that some times this person says okay Joe I'll just give you this property temporarily but once I get this I'll give it back to you for that matter. Worst scenario in some cases like that is that's going to happen I don't know. But I think these are things that we also have to visualize.

Administrative Director Borja – Normally we don't see these things but because it took us so long to process the applications there are situations exactly like that.

Acting Chairman Calvo – And then another issue is like husband and wife and he or she is you know a guy married to Filipina and then the husband dies that's another notation that we look at. We know that the land is basically for the Chamorro which is Joe is the Chamorro but the wife is partially Chinese, Korean or Filipino.

Administrative Director Borja – We have two cases like that Mr. Chairman up in Mangilao, husband and wife, Chamorro husband, Filipino wife, no children, Chamorro husband dies.

Legal Counsel Santo Tomas – Mr. Chair if I could suggest if you would give the Director authority I can write a list of clarified issues that have been brought up but if any of the other Commissioners would like to give specific questions to the Director and I can work directly with him to address the opinions.

Acting Chairman Calvo – Okay.

Vice-Chairman Matanane – And we will have a goal if two parties divorce.

Acting Chairman Calvo – I don't know whether that will be and Mr. Matanane has a point in that too Legal Counsel in a divorce issue but you see when your divorce...(did not finish)

Legal Counsel Santo Tomas – There is so many different scenarios that can come in to place with what you're asking in order to be sure that you are answering the questions correctly if I could be allowed if the Commission is inclined to give Mr. Borja permission to work directly with me and we go back and forth.

Acting Chairman Calvo – I think Joe has a general idea.

Administrative Director Borja – I actually have these situations listed directly what I'll do is maybe I'll pass the list to the Commissioners, see if you want to add something to it and then I'll meet with Legal Counsel and we'll look at those issues.

Acting Chairman Calvo – Because I know we talked about this on several occasions Joe because I get phone calls and door knocks asking and its more or less of a legal issue and I think we need to and now that we are doing the regulations and the rules.

Administrative Director Borja – On the husband and wife issues we have situations where it's really not husband and wife but like a father and two sons. They're all together and that's still to me within the first line of the family level.

Acting Chairman Calvo – Okay so Rebecca just go ahead and work with Mr. Borja.

IX. EXECUTIVE SESSION

Administrative Director Borja – Mr. Chairman, the staff, the Director does not have anything for executive session unless the Commissioners have but we don't have anything for executive session.

X. ADJOURNMENT

Vice-Chairman Matanane – Mr. Chairman I move to adjourn.

Acting Chairman Calvo – Meeting is adjourned as of 2:15pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna
Date completed: January 26, 2009

Approved by Board motion in meeting of: Feb. 19, 2009

Administrative Director, Joseph M. Borja: Joseph M. Borja
Date: Feb. 19, 2009

Chairman (Acting), Oscar Calvo: Oscar Calvo
Date: 2-19-09