



# Chamorro Land Trust Commission *(Kumision Inangokkon Tano' Chamoru)*

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Commission Members

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Acting Chairman

*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

CLTC Office, Suite 101, Anigua Commercial Building  
September 17, 2009; 1:09pm – 3:50pm

### I. CALL TO ORDER

Meeting was called to order at 1:09pm by Acting Chairman Oscar Calvo.

### II. ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Andrew Leon Guerrero, Commissioner Pauline Gumataotao, Commissioner Carmen Tajalle, Legal Counsel Delia Lujan and Administrative Director Jesse Garcia.

### III. APPROVAL OF MINUTES (August 20, 2009)

Vice-Chairman Matanane moved to approve the minutes of August 20, 2009. Commissioner Tajalle seconded the motion. There were no objections, MOTION PASSED.

### IV. PUBLIC COMMENTS

None.

### V. PENDING BUSINESS

None.

### VI. CORRESPONDENCE

#### **1. Joaquin M. Barnes – Application rights of Linda M. Santiago**

Joaquin Barnes – I'm requesting to take over the land from my mom that passed away, Linda Santiago.

Vice-Chairman Matanane – Are you the only child?

Joaquin Barnes – Yes.

Acting Chairman Calvo – Jess on the application that Mr. Barnes is applying on his mom was there a beneficiary on that thing?

Administrative Director Garcia – Let me pull out the file.

Acting Chairman Calvo – Mr. Barnes did your mom by any chance put you as the beneficiary for this?

Joaquin Barnes – I have no idea.

Acting Chairman Calvo – Okay, you have no knowledge of that, okay.

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Administrative Director Garcia – No beneficiary assigned.

Acting Chairman Calvo – Was there any probate done on this? You know when you do the probate that you're going to be the one to be taking over the piece of property. You know since your mom did not leave any Will saying that you're going to be the one to assume the property.

Joaquin Barnes – I'm not sure what you mean by that.

Acting Chairman Calvo – You know because you're coming in here to stake claim on your mom's piece of property okay but on the beneficiary it doesn't state, your mom did not leave anybody to take over the piece of property okay. So ideally what it is is you need a probate to go through that and correct me on this legal counsel.

Legal Counsel Lujan – It depends on what the lease states but in the absence of that any interest that she has it would have to pass through probate to clear areas. If there's a Will then there's a beneficiary listed in that. If there's no Will then according to the law it would go to the husband. It all depends on the nature of what it is but it would go according to law, he is the son so he may have right to that.

Administrative Director Garcia – The reason why it had to come to the Commission is because in the law for the Chamorro Land Trust I think its 160 days after the passing of the person that died to take over and the request is way over. She passed away in November of 2007 so that is why it's coming to the Commission to take consideration that's why he's here. But if the request came in within then...(interrupted).

Acting Chairman Calvo – Then it would be easily to be transferable to him for that matter.

Administrative Director Garcia – Right, because of the time frame it would need Board approval.

Vice-Chairman Matanane – And if he is the only child then it would pass to him but we would need an affidavit from him and attest to it that he is the only child and probably a little bit of looking into in order for it to make sure that he is the only child. I'm not saying that he's not.

Administrative Director Garcia – Okay so if he gets the affidavit then it would be fine to relinquish it.

Vice-Chairman Matanane – Yeah.

Commissioner Gumataotao – Do you guys have also a copy of the birth certificate?

Joaquin Barnes – I got everything from my mom's sisters and everybody stating that I am the only child. I got the birth certificate stating I am the only child. I got everything that was needed prior to me being up here, what was needed to be done.

Acting Chairman Calvo – Even the death certificate, right?

Joaquin Barnes – Everything.

Acting Chairman Calvo – But also on that one we would still need an affidavit you know to that to make sure it's more documented okay. And it will be more legal for that than just a letter and the reason why we need that affidavit is because assuming that one of your mom's aunties or uncles or whatever might have a challenge issue later on and says I talked to your mother and your mother said this and this. So that's why it's important to get that affidavit among your uncles or whatever to state that claim. It protects you at the same time it protects us too okay. So if they agree to that and say you know we're not disputing that you're the only son for that matter okay, that's good. But we just need something in that so that we can be sure that you're the so called son of Barnes and so forth and your mom's death certificate of course the death certificate would prove its just that your mom never....(interrupted).

Administrative Director Garcia – There's an affidavit here.

Acting Chairman Calvo – There's an affidavit already? Let me see it.

Legal Counsel Delia Lujan – Well it appears that under the law the lessee can designate who the beneficiary to the lease would be. In the absence of a designation the Commission shall select from the relatives of the lessee who would succeed to the lease. So the Commission has the right to select a successor after the death of a lessee and there are qualified people in the following order that would be the husband, wife, children, widows or widowers and he's a child. Is there a spouse that is survived? Is there a husband?

Joaquin Barnes – She was married to this Santiago guy but since she passed away he just disappeared and never claimed for the land or anything. I thought that he had right to everything that she had but my mom's sisters all told me that I should come up and claim this land because you know nobody's taking care of it. He hasn't come around since she passed away so that's why I stepped in and said might as well.

Administrative Director Garcia – Legal Counsel it's over the 160 days so I guess that's why the Board could probably make the decision to do the transfer.

Legal Counsel – Yes there is a provision in the Paul Bordallo Rules regarding the transfer of application rights and that's no later than; *request for succession for application rights shall be made to the Commission in writing not later than 180 days after the death of the applicant.* So the applicants I would have to see whether or not that means someone who is simply an applicant and then became a lessee. Because the law states that, the law addresses lessees whereas these Rules are referring to applicants so I think I have to look into that a little bit more.

Acting Chairman Calvo – But your mom was married to...

Joaquin Barnes – Santiago.

Acting Chairman Calvo – If I may ask do you carry the name Santiago?

Joaquin Barnes – No.

Acting Chairman Calvo – So technically your dad is not Santiago. I don't want to be too personal for that okay.

Joaquin Barnes – No.

Acting Chairman Calvo – Legal Counsel on this issue what Mr. Garcia is alluding is that the expiration date had simply expired on that where the; when your mom passed away was she still with Mr. Santiago at the time or no? Were there separation for that matter?

Joaquin Barnes – He just stayed I guess with her when he felt I don't know.

Legal Counsel Lujan – Actually I believe that the 180 day limitation regards to only applicants so that after the applicant dies any request by relatives to succeed to the application rights have to be made within that 180 days after the death of the applicant otherwise the application will be cancelled and the applicant's name removed from the waiting list. So this only deals with applicants to leases but succession to lease rights is actually addressed separately in Section 75109, Successors to Lessees, which allows the Commission to select a relative of the lessee to succeed to the lease rights beginning with spouse and then children. So actually there is no deadline for that.

Administrative Director Garcia – So then he should be okay.

Legal Counsel Lujan – He should be.

Acting Chairman Calvo – He should be okay?

Legal Counsel Lujan – He should be okay with this or a request to succeed should be okay.

Acting Chairman Calvo – So ideally if we can approve this today and with the affidavit stating from that he's turning in today because he is the biological too to his mom anyway.

Legal Counsel Lujan – Do we have all that evidence?

Acting Chairman Calvo – Well yeah.

Administrative Director Garcia – There's an affidavit that was submitted.

Acting Chairman Calvo – And you said he's got all the documents, his mom's birth certificate and death certificate and so forth.

Joaquin Barnes – I have everything.

Administrative Director Garcia – It's all in the file.

Acting Chairman Calvo – It's all in the file there Legal Counsel.

Legal Counsel Lujan – Has the Board had an opportunity to review the file?

Administrative Director Garcia – The office has reviewed it, if the Commissioners would like to review it.

Acting Chairman Calvo – What is your take on this Mr. Garcia to the Board? What's your recommendation?

Administrative Director Garcia – I have no problems on transferring it with the sufficient documents.

Acting Chairman Calvo – Your mom was married to Mr. Santiago, right?

Joaquin Barnes – Yes.

Commissioner Leon Guerrero – And the succession of order is?

Legal Counsel Lujan – Beginning with spouse and then the children.

Administrative Director Garcia – My take on this is the spouse never came in. It's been already 2007 it's 2009, the only interest being shown right now is from the son. So that's why I would recommend that we go ahead and do the transfer.

Acting Chairman Calvo – We just want to be very cautious on this you know because ideally since your mom was married to Mr. Santiago even though he vanished for whatever reason that's why I asked you whether there was a separation or divorce for that matter. But on the law from what the Legal Counsel states that you know that he had a 160 days which is more than 160 days has surpassed.

Legal Counsel Lujan – The 180 days is irrelevant because she's not just an applicant she was actually granted a lease.

Acting Chairman Calvo – So that itself now that the son is here he would like to assume that piece of property because otherwise if not the Commission that piece of property comes back to the Chamorro Land Trust it's just a matter of the Commission to terminate that because there's no one to claim it but at this point there is which is the son now claiming that piece of lot.

Vice-Chairman Matanane – Legal Counsel can you review the affidavit, the last two sentences?

Acting Chairman Calvo – You know what I think what we can do on this if Legal Counsel can just look at this document here.

Vice-Chairman Matanane – I guess from Barnes to Santiago is that what he's trying to say there?

Legal Counsel Lujan – Mr. Barnes you were adopted by Lucky and Rosario Mafnas Barnes?

Joaquin Barnes – Yes.

Legal Counsel Lujan – So right now you are not the legal heir or legally the child of Linda Santiago.

Joaquin Barnes – Yes.

Legal Counsel Lujan – Well it says here husband and wife, children, widows or widowers of the brothers and sisters or the nieces and nephews so Mr. Barnes qualifies as a relative that the Commission can select from.

Acting Chairman Calvo – So he qualifies?

Legal Counsel Lujan – He qualifies as a relative. I'm sorry that's assuming that Lucky and Rosario Barnes are; how are they related to Linda Santiago?

Joaquin Barnes – My Auntie that's actually the niece. Linda my real mom and my auntie are...(interrupted).

Administrative Director Garcia – Sisters.

Joaquin Barnes – No not sisters but Linda's mom my grandma is sisters with the one who adopted me.

Acting Chairman Calvo – But Linda is your mom.

Joaquin Barnes – Yes, biological.

Legal Counsel Lujan – I think this would need a little bit more review.

Vice-Chairman Matanane – Move to table.

Acting Chairman Calvo – Yeah we'll move to table just so we have more better clarification okay. Mr. Barnes what we're going to do here is we want the legal counsel just kind of really advised us to really look into it so we won't have any oversight or mistake but to make sure everything is in tact. So maybe by doing that and once that is if you have time maybe you and Mr. Garcia and Legal Counsel if you have the time to review this week or whatever and then ideally maybe we'll set up a meeting or a date where Mr. Garcia will give you a call okay.

Joaquin Barnes – Okay.

Acting Chairman Calvo – So that's the least at this point in time we can do for right now okay. Because it's kind of really complicated because of the way the; well at least one thing we know that your mom is Linda and you're the biological son so that itself and we just want to be very cautious so there will be no challenging down the line just to make sure to make things right, okay.

Joaquin Barnes – Okay.

Acting Chairman Calvo – Jess, Mr. Garcia get with and maybe we can resolve this issue before the next Board meeting, okay.

Administrative Director Garcia – If Legal Counsel gives me the information then we can resolve it we don't have to come back to the Board.

Acting Chairman Calvo – Okay.

**2. Agnes S.N. Rillera – Application rights of Henry S.N. Ofeciar**

Administrative Director Garcia – This is another case this is an application there is no lease it's only an application. The mother of the deceased would like to take over but the deceased passed away in 2007. He was in the military he died in part of the war.

Vice-Chairman Matanane – Your last name ma'am, what's your last name again? Rillera and what's you and Mr. Ofeciar the deceased?

Agnes S.N. Rillera – He's my son.

Vice-Chairman Matanane – He's your son?

Agnes Rillera – Yes.

Vice-Chairman Matanane – You remarried?

Agnes Rillera – Right.

Commissioner Gumataotao – Mrs. Rillera did your son have any children?

Agnes Rillera – No.

Commissioner Gumataotao – No children at all, a surviving spouse?

Agnes Rillera – She's an Indian.

Commissioner Gumataotao – But he does have a spouse?

Agnes Rillera – Yes.

Administrative Director Garcia – She's saying that the wife doesn't qualify.

Acting Chairman Calvo – Legal Counsel this is almost the same case as what we just went through.

Legal Counsel Lujan – Does the application state a beneficiary?

Acting Chairman Calvo – Was there any beneficiary on this? No, Jess, right?

Administrative Director Garcia – No.

Acting Chairman Calvo – Now she's trying to stake claim on her son's application if she can just assume that responsibility of her son because of her son being killed in war.

Legal Counsel Lujan – Did your son have any children?

Agnes Rillera – No.

Acting Chairman Calvo – Can I ask you very personal if the Board was to render this decision today now you're presently married right now, right?

Agnes Rillera – Right.

Acting Chairman Calvo – Do you have any other kids besides with your present husband if I may ask?

Agnes Rillera – No.

Acting Chairman Calvo – No, so the reason why I asked that because you know if the Board was to authorize you and give you that piece of property today then there will be a beneficiary into that applicant to apply in just to in other words if the Board approves today and gives it to you and God willing that you might want to give that piece of property if anything happens to you to your spouse or your grandkids or kids or someone for that matter. You follow me? Right now you stake claiming of your son's okay, now if the Board approves and says okay we'll go ahead and approve to give you the land under your name but on the other side of that equation and that's why I asked you, you remarried, I'm assuming right?

Agnes Rillera – Right.

Acting Chairman Calvo – Now when you were married the first time your son was the only son on that in your first marriage?

Agnes Rillera – No I have four including my son.

Acting Chairman Calvo – So your son is not the only one in your first previous marriage and this takes us back because they might have stake claim themselves too. They may have an interest in this too because you know and what ideally is and that's why the affidavit is important to clarify with the other original four kids that you're assuming this piece of property from your son and you know so they might ask Mom who would you put that piece of property if you were to die later on in life. So that's why I'm saying it would go to your first four kids you know, okay. I just want to make clear that portion.

Agnes Rillera – My other kids they applied through the Land Trust also.

Acting Chairman Calvo – Okay. The reason why I raised this question is you assume the property and your last four kids lets say you gave it to Mary just an example but the last four ones are still alive and the last three says how come Mom didn't put my name as the beneficiary okay. Because in this case your son didn't put any beneficiary for that matter, I guess the beneficiary he was trying to do was maybe for his future wife or kids for that matter.

Agnes Rillera – I'll put in my oldest grandson but he's 15 only. I can get an affidavit from my other kids and they're okay.

Legal Counsel Lujan – I think the problem here is Rule 5.8 states that request for succession to application rights shall be made to the Commission in writing not later than 180 days after the death of the applicant otherwise the application will be cancelled and the applicant's name removed from the waiting list. Whether there is a way around that, that would require more research but on this basis it seems that the application would have to be cancelled because if it's past the 180 days.

Acting Chairman Calvo – Okay so the application itself would be just terminated after 180 days and that's the law that we have to abide to, right?

Legal Counsel Lujan – It's Rule 5.8 which is passed in Public Law 23-038. This was when it was first passed in 95 and I'd have to check if there has been a revision to that particular Rule but I can't think of any right now. So I would have to look into it a little bit more.

Acting Chairman Calvo – Okay, we'll have to have pending on this issue right now because on the law issue portion there. If I may ask when did you find out about this on the piece of property that your son had claim on the Chamorro Land Trust?

Agnes Rillera – Just this year because things have come down with me, so when I started looking over his stuff that's when you know I thought I'd do something.

Commissioner Gumataotao – Excuse Mrs. Rillera, you said you just found out this year about your son's application?

Agnes Rillera – I applied for his but you know after he passed away it's like it's hard for me to, it took me a while to really get back to.

Commissioner Gumataotao – But you said you just found out this year?

Agnes Rillera – Yes.

Commissioner Gumataotao – Because on his application you were the one who filled it out for him and you got it notarized, it's not your son...(interrupted).

Agnes Rillera – But I didn't know that there's a limitation to reapply after any certain death.

Commissioner Gumataotao – Okay.

Legal Counsel Lujan – I would just have to do some research to see if there is any way around that Rule which states that it be cancelled and also to see, I haven't looked at the applications, it may designate someone. Mrs. Rillera do you have a pending application under your own name?

Agnes Rillera – I'm not sure, I was only looking for my son's.

Acting Chairman Calvo – Did you ever apply for Chamorro Land Trust by any chance on your own?

Agnes Rillera – I'm not sure.

Acting Chairman Calvo – Why don't we table this out and maybe we can discuss more and then we'll figure out something. What we'll do Legal Counsel on this maybe you can check if there something around it where we can.

Legal Counsel Lujan – I'll take a look at it to see if it can be done.

Acting Chairman Calvo – I don't want to put you into a lot of distress but you know I know its an emotional thing for you too but its something too that we have to do ourselves here that we have to make sure that we follow the laws, okay.

Agnes Rillera – Okay.

Acting Chairman Calvo – I just want to make that clear to you but we will do our best way how we can resolve this issue. Okay, thank you, have a good day.

Agnes Rillera – Okay thank you.

### **3. Margarita T. Cruz – Application rights of Francisco L.G. Topasna**

Vice-Chairman Matanane – Mr. Chair I would just like to make a statement that I'm recussing myself on this particular applicant for conflict of interest.

Acting Chairman Calvo – Okay.

Vice-Chairman Matanane – Thank you Mr. Chair.

Administrative Director Garcia – This is a similar case to the one that just past except that he didn't pass away in the war he passed on and she would like to take over the brother's application, there is no lease.

Acting Chairman Calvo – But there's no lease that's been issued yet.

Administrative Director Garcia – No lease has been issued.

Acting Chairman Calvo – When did your brother die?

Margarita Cruz – 1997.

Acting Chairman Calvo – Does your brother have any children?

Margarita Cruz – No, he was never married, no children. He was incapable person he's like mental.

Legal Counsel Lujan – I'm sorry you said your brother was incapable or mental?

Margarita Cruz – Yes, he was living with my sister's daughter. I wasn't here at the time when he passed away I was in the States and then I moved back here in 2005 and he passed away and I wasn't here so my niece told me about this. She's over in the States right now and she told me about this situation that she applied for my brother.

Acting Chairman Calvo – But your niece was the one who made the application for your brother.

Margarita Cruz – Yes because he can't do it.

Acting Chairman Calvo – Ideally this is one of these cases where the niece acts on his behalf because of his I guess physical and mentally you know on him maybe which knowledgeable wise I don't think so he really fully understand at the time what kind of you know whether he was given an opportunity for the beneficiary too to that. He hasn't really been given a piece of property since the application itself and she just wants to assume that application to make sure that maybe you know the application can be warranted to her now.

Commissioner Leon Guerrero – Mr. Chairman this is the exact same scenario as the case before except it's longer.

Acting Chairman Calvo – Yes this one is since 1997, that's over 10 years and you just found this out like in 2005.

Margarita Cruz – Yes sir because I came here in 2005, I moved back here in 2005.

Acting Chairman Calvo – Yes, but at that time your brother because your niece was the one that took the application, helped him put out the application for that matter right?

Margarita Cruz – Yes sir.

Acting Chairman Calvo – From 2005, when did you actually know about this? Just recently?

Margarita Cruz – Just recently when I saw in the newspaper I saw his name and I wasn't sure if that was him so I came down here and I checked it out.

Acting Chairman Calvo – See this is some of the issues that we have where the applicants either passed away or moved to the mainland for that matter.

Legal Counsel Lujan – Was your niece legal guardian for your brother?

Margarita Cruz – No because my brother sometimes he'll stay at another niece over here but you know they take turns taking care of him. But this last one here she's the one that helped him out.

Acting Chairman Calvo – When she applied it was still under your brother's name.

Legal Counsel Lujan – I would need to take a look at the file to see if there was someone designated. Do we know if someone was designated to succeed to the application?

Administrative Director Garcia – No I don't think so.

Legal Counsel Lujan – I think that whether the Commission can entertain the request depends on whether that 180 days is something that can be surmounted. Whether there

is some kind of reason for the Commission to consider to go beyond that 180 days I think it all depends on what my research reveals. Just like the other applicants whether the Commission can consider this because its 12 years it goes back to the question that it would have to be addressed with the previous Mrs. Rillera.

Acting Chairman Calvo – We'll have to take it out and consider it with the legal counsel and she'll make the interpretation what is more appropriate. Right now if we were to say you know we just want to make sure because it's in a situation where your brother passed away and it exceeded the 180 days. The law stipulates that if that exceeds the days the application is dead because there is no one put on the application on who is going to take over the land in case he dies. The other point is one of the other siblings would want to come in and take the land for that matter. That's the problems that we have. What I really said to her Delia was the application because of the situation we're in where her brother passed away and there was never really anyone given a Will to who's going to take over for that matter and also because of her sisters and brothers I'm assuming there's a couple of you still alive right?

Margarita Cruz – We're just three of us living but they're back in the States.

Acting Chairman Calvo – But still even if they're in the States what is there to prevent I want to stake claim on my brother's property too so all of these things have to be considered.

Margarita Cruz – So what do I need to...(interrupted).

Acting Chairman Calvo – Right now we will get a hold of you once the Legal Counsel comes up with the best way we can approach it and then we would have to get the opinion from the Legal Counsel and if the Legal Counsel says whether we can grant you or not grant you that would be where it's going to go.

Margarita Cruz – Okay.

Acting Chairman Calvo – Okay, so we're not committing yourself that the property would be given to you for that matter at this point in time. So I don't want you to think that way until we get a legal counsel opinion on this basically and she'll render a decision on how we should approach it.

Margarita Cruz – Okay.

Legal Counsel Lujan – Mrs. Cruz can I ask when you first learned about your brother's pending application with the Commission.

Margarita Cruz – In 2008.

Legal Counsel Lujan – That's when you first found out about his application with the Chamorro Land Trust?

Margarita Cruz – Yes, ma'am.

Acting Chairman Calvo – Actually she just found out too because of newspaper that we put out. That's how she found out that her brother's name was but at this time all this time you didn't really know that he had an application with the Chamorro Land Trust, right?

Margarita Cruz – No, I didn't know it until I saw his name on the paper and then I came down here and verified it to check it out if that was his.

Legal Counsel Lujan – And this all happened in 2008?

Margarita Cruz – When I came down?

Legal Counsel Lujan – Yes.

Margarita Cruz – No just recently I came down here and checked it out to see if that's his name when I saw it in the paper. I forgot what month.

Commissioner Tajalle – In August 21<sup>st</sup> your applicant request for your brother's property so that's the date and month.

Margarita Cruz – Okay that's it.

Commissioner Tajalle – Do you have any maybe you can look into any Will of your brother that would help, any documents that would state about the property.

Margarita Cruz – No, nothing.

Legal Counsel Lujan – There's never been a probate case for him at court?

Margarita Cruz – No.

Acting Chairman Calvo – Okay.

#### **4. Cunliffe & Cook – Lot 237-6-1, Hagatna**

Legal Counsel Lujan – I'll have to inform the Board that I have to disqualify myself, I'm involved in a case against Mr. Cook's client.

Administrative Director Garcia – On this case the lot that is in question Lot 237-6-1, Agana is part of the fractional lot in Agana which was designated as Block 9, Lot 9, I believe.

Acting Chairman Calvo – Where's this lot at if I may ask?

Administrative Director Garcia – Right here across KFC in Anigua.

Commissioner Tajalle – The Radhi's building?

Administrative Director Garcia – Yes.

Attorney Cook – It's the back side of the building that's on the corner right across from KFC. It used to be I believe a floral shop, two story building and the section and property that's involved here is on the very back side on the curved road.

Administrative Director Garcia – That lot has been the lot and block system Lot 9, Block 9 has been changed hands, title to it and only now I guess when they did a PTR they caught it but you know it's always been considered private. So it's up to the Commission.

Acting Chairman Calvo – What's the size of this lot Jess?

Administrative Director Garcia – 100 square meters, real small. Like what I said there was title to it before for the lot and block to a private individual so they're just trying to clear it up because the PTR shows that there's an interest that the Government has but title has been issued before. It's been reviewed by the AG's Office and also Land Management has a comment you guys should have it in the file.

Vice-Chairman Matanane – Since even the Attorney General has written to us but in the first place it was transferred, that piece of property was transferred over to Chamorro Land Trust through a public law. So I think it's the wrong venue that you're looking at because you would have to go back and make sure that the legislature in its good intention would clear your lot Mr. Cook I'm sorry to say that. But the way I read it here it was through a public law and you have to go through the legislature in order for you to clear it up. According to Mr. James we are authorized, sure but if it's our land if it's truly our Chamorro Land Trust right. So that's my take on it that's my opinion that in order for you to clear this particular thing you would have to go back to the legislature.

Attorney Cook – Mr. Matanane I agree with you and we've actually been if you'll notice the letter I sent to management included a letter to Senator Pangelinan who has oversight over land matters and they have advised us that they are prepared to go back and that basically this was a mistake.

Acting Chairman Calvo – It would be better if the legislature because it's really just a small portion of property and like what Mr. Matanane said because of the way the law, the legislature passed that law and I guess for some strange reason they overlooked that part of the law. So they have to be the one to go back and make that correction even though it was transferred over to the Chamorro Land Trust. Which is ideally you would be the one to really talk it over with the Senator Ben Pangelinan and the issues and what the Board's position on this I would rather that the legislature be the one to you know take care of this problem.

Attorney Cook – That would be fine so let me just ask would the Commission send some sort of transmittal letter to the Senators simply saying that you're sending it back to the legislature for their appropriate action?

Acting Chairman Calvo – We can do it.

Attorney Cook – I appreciate it so they'll know that you took action in redoing it.

Acting Chairman Calvo – Okay we can do it. Jess make sure that we can do a resolution on that.

Attorney Cook – That would be fine.

Acting Chairman Calvo – Okay, it would be easier on that way for us than ...(didn't finish).

Attorney Cook – No understood that's why I contacted Senator Pangelinan's office but because it was under your authority under the public law we also had to contact your offices. So if you can send that transmittal to the legislature that would really help.

Acting Chairman Calvo – No problem.

##### **5. IT&E – Conditional use of property for antenna towers**

Mar Santos - Good afternoon Mr. Chairman, Commissioners, Mr. Garcia, my name is Mar Santos I'm the Executive Director for network of IT&E. We requested for conditional use of land for our antenna tower in three locations. This is part of the on-going expansion and includes coverage improvement project of IT&E to include the cellular mobile for the both CDMA and GSM network of the whole island.

Vice-Chairman Matanane – As you know Mr. Santos we are kind of locked into not giving out any commercial leases. So I guess until we have submitted the rules and regulations concerning the commercial I think we should table this until such time we are cleared to give out any leases.

Administrative Director Garcia – Mr. Santos approached the Commission, approached me and asked me about it. I told him to just write the letter of intent and then we'll take it from there at least he has it in file that there's an intent.

Vice-Chairman Matanane – At least put in file and when we lift the blind then probably we'll take action on it.

Acting Chairman Calvo – Like what Mr. Matanane stated that it's as far as the legislature Mr. Ben Pangelinan the oversight that hears this any commercial lease will be halted at this point in time until the rules and regs. If your application was entertained before this thing came out then it would be a different scenario because then you know the application would have been entertained. But at this point you're coming in now as I guess new clients to this issue. I know that you have an existing tower and so forth and I think what you guys alluding here is you just want to expand the tower site into that piece of property. The tower site where it sits right now why would you need the other additional 40 feet? Is that to put another antenna up?

Mar Santos – No sir these are new locations. Actually we have existing lease with the Chamorro Land Trust in I think three locations where we have existing towers. These three are additional areas.

Acting Chairman Calvo – Yeah but that's not within the same...(didn't finish).

Mar Santos – Existing lease, it's a new area.

Acting Chairman Calvo – Okay, like what Mr. Matanane stated until we complete the rules and regs then we can pursue on this. But as far as your application it's already been taken, considered to that fact.

Mar Santos – I would like to also if the Commission can reconsider on moving forward that the purpose of this is public service. As soon as the Commission can decide on that so that we can also include the...(interrupted).

Acting Chairman Calvo – I know the communication wise.

Vice-Chairman Matanane – Well as you stated Mr. Chairman that particular law was vetoed by the Governor and was never overwritten then we would have to still confer with our legal counsel so we can make sure that we're not violating any...(didn't finish).

Acting Chairman Calvo – Yeah, the law what Senator Pangelinan you know that was passed by the legislature recently that was from what I understand the Governor vetoed that portion but was it ever override I don't know. But still itself we have to comply with our Senator over there and I don't know how we can get around to this point. But we'll, I know that it is very vital and it's very important for the communications I know that and it's just the towers you guys are putting up you know. But even with that itself too you know to if we give you one what's the other one comes in and says you know so everything is important in life but like I said we're really looking down into these issues now we just want to make sure that we follow everything within the law now. Not in the past that we haven't done but we want to be more stringent about it now, okay.

Mar Santos – Okay.

Administrative Director Garcia – When Mr. Santos came and approached me about this thing I told him its best that he put his interest in that way when it's lifted he could probably be one of the first to be entertained on the commercial.

Acting Chairman Calvo – Okay, now as far as timeframe I can't say and you know I have to get with the legal counsel once we get our rules and regs.

Mar Santos – Thank you Mr. Chairman.

#### **6. Debbie D. Santos – Request to transfer lease to son**

Administrative Director Garcia – Let me give you a brief history on this case. What it is is she's our first client to ever default on a lease. Chamorro Land Trust had paid it off. She's still occupying the lot and the house that we paid off. She has a disabled son, she's unemployed, her husband's unemployed. I basically met with her and told her she would have to come to the Commission and ask if her son can take over but she's not here today to represent herself. So I don't know what the Commission would want to do but this is a case that we need to deal with, with her still occupying Chamorro Land Trust property. There is no official authorization in writing for her to be there. She should have been evicted, I don't know why she's still there. That's part of one of the problems that I'm investigating and stuff like that and that's why I called her in because I found out that she was still on the property. So I called her in and she informed me of what's going on. She asked me if we can transfer it over to her son, I said I'll try and present it. She's not here to represent herself so I can't state what other if it was a great importance to her she would probably would have been here.

Acting Chairman Calvo – You know I was reading on this and her information where both of them are not working and their son is 15 years old and is bedridden due to medical

condition when he was 13 years. Now I'm not disputing that if the son is sick or whatever does she have anything to showcase what kind of illness the son has?

Administrative Director Garcia – Well to me I take sympathy to her son being ill but I asked her I tried to help her to come and plead with the Commission to see if they can transfer it to one of her sons that is able to take over the property but they didn't show up so that's as far as I can go. I can't force them to do it.

Acting Chairman Calvo – Well you certainly made the effort Mr. Garcia and if they really wanted to really resolve this issue okay they should have been here. For whatever obvious reason where I mean if she's saying that, one of them could have been here whether it be the husband or herself and also her son. And they didn't make any effort of calling to at least say hey we can't make it down today for that matter.

Vice-Chairman Matanane – Well Mr. Chair I would like to also see the documentations and the numbers what we paid off. You don't have to mention it sir maybe...(interrupted).

Administrative Director Garcia – Well not on her but just to let the Commission know we have about 12 million dollars outstanding guaranties of loans and that's part of the requirements when we allow these people to go out and get loans to build their houses through Guam Housing or SBA we have to guarantee that loan.

Legal Counsel Lujan – What was the default?

Administrative Director Garcia – It's way...(didn't finish).

Acting Chairman Calvo – Whether they took that loan, Debbie Santos they were the one who initially signed that loan at the time. From the Guam Housing interest they just want their money.

Administrative Director Garcia – It was back in 2005 around that time.

Acting Chairman Calvo – So in reality you know I mean I sympathize with her son being ill and so forth and what kind of illness I don't know. None of us know what kind of illness whether you know bed patient I don't know what kind of bed patient he is. But like I said if they were that adamant and want to really show good faith to the Board first of all she hasn't done any good faith on their part by also not paying there what they encumbered in getting the loan to build a house. So to me they didn't make any effort as of today so I think the Board's decision on this is we have to get part of that money back simple as that.

Vice-Chairman Matanane – Have we tried to get the money back in a small payment agreement or something like that?

Administrative Director Garcia – To tell you the truth when she came in early September they don't even have power at the house.

Acting Chairman Calvo – I know I was reading on that they run an extension to the next door neighbor and then the water I don't know where the water's been connected to.

Commissioner Leon Guerrero – So the husband doesn't work the son of 22 does he work?

Administrative Director Garcia – He doesn't stay with them at this time.

Vice-Chairman Matanane – On this loan did they get the loan for building a house?

Administrative Director Garcia – Yes for a concrete house.

Acting Chairman Calvo – They got a loan through Guam Housing to build that house but then they defaulted but then Guam Housing said hey you know what I want my money so we ended up paying that.

Administrative Director Garcia – I believe its SBA not Guam Housing.

Commissioner Leon Guerrero – So is that common practice if they default...(interrupted).

Vice-Chairman Matanane – We're guaranteeing.

Administrative Director Garcia – That's the loan guarantee that's part of the deal if they don't pay it off then Chamorro Land Trust guarantees that we're going to pay it off.

Commissioner Tajalle – If the client defaults like I mentioned at the last meeting we're obligated.

Legal Counsel Lujan - And whose name is it on?

Administrative Director Garcia – Debbie Santos.

Legal Counsel Lujan – Just her and not her husband?

Administrative Director Garcia – No I think it's her.

Commissioner Leon Guerrero – And even after that she's still staying there.

Acting Chairman Calvo – Yeah.

Commissioner Tajalle – So see so now the property is back to the Chamorro Land Trust and they're the applicant that defaulted so now they're living there because at the time Joe Borja said that with the situation of the son they could stay there but he didn't give them a limitation.

Acting Chairman Calvo – Timeframe.

Legal Counsel Lujan – But that's according to what Debbie says.

Commissioner Tajalle – Yes.

Acting Chairman Calvo – Yes and this is why I wanted her to because was there really any statement by Mr. Borja? I mean that's pure say so where they say well I was told.

Administrative Director Garcia – I stand corrected the loan is between her and her husband Christopher.

Commissioner Tajalle – Is the husband able to work now?

Administrative Director Garcia – I don't know.

Commissioner Tajalle – There's got to be some effort there.

Acting Chairman Calvo – I think to me because they can still get public assistance if they really want to do it whether it be Section 8 or whatever. But I don't think so they're making that effort.

Commissioner Leon Guerrero – So in a situation like this Mr. Chairman if someone defaults on a loan Chamorro Land Trust assumes the loan, what does Chamorro Land Trust what legally can it do to that property and house?

Acting Chairman Calvo – We can take it back it's ours.

Commissioner Leon Guerrero – Once we take it back what do we do with it?

Administrative Director Garcia – Actually that's part of the problem that I'm going through with all the review with all the files I have seen. The issues with how to remove these people is not in the rules and regulations so that's one of the things I'm going to be bringing up probably at the next meeting or so when we come up with the inspection of the agriculture leases and stuff. I'll package everything and come up with my findings because there's a lot of things that the law has to be revised.

Acting Chairman Calvo – Jess when was that loan?

Commissioner Tajalle – We guaranteed on the 22<sup>nd</sup> of October 1999. The loan was paid off on May 21<sup>st</sup>, 2003 to Small Business Administration.

Acting Chairman Calvo – How much were they paying a month if I may ask?

Commissioner Leon Guerrero – Chamorro Land Trust didn't pay it off right we're still paying?

Acting Chairman Calvo – Yes we did. I know we paid about sixty some thousand. What's your take on this I mean I don't want to be very not sympathetic about it too.

Commissioner Leon Guerrero – I'm always a sympathetic person but sometimes you have to just put your foot down. You can't have your cake and eat it too.

Acting Chairman Calvo – And she's been eating her cake all these years.

Administrative Director Garcia – I would recommend that we have legal counsel review it and give us recommendations of how to handle cases like these because she's not the only one. I think there's going to be a possible three more that I have seen that are potential to default. So this is the first of many to come.

Legal Counsel Lujan – Is this the only one that the Commission's paid off?

Administrative Director Garcia – This is the only one but we got notice of about three more that may be in default.

Vice-Chairman Matanane – Have we given any notice prior to the foreclosure?

Administrative Director Garcia – Yes, the Commission had been given notice.

Vice-Chairman Matanane – The Commission should also write a letter taking them to task and notice saying you need to, have to evict this place.

Administrative Director Garcia – There's nothing in the rules and regulations of how to handle that type of case. So I don't know we might have to seek legal counsel to give us recommendations of what we need to do.

Legal Counsel Lujan – Maybe in the lease.

Administrative Director Garcia – It doesn't say how to remove them.

Legal Counsel Lujan – Maybe just to follow the regular Guam law.

Acting Chairman Calvo – Which is 180 days.

Legal Counsel Lujan – Which is like an unlawful detainer.

Administrative Director Garcia – The same thing like if the house or the lot was raided for drugs or whatever and there's no way in the rules and regulations to terminate the lease of any violation but in the federal guidelines any person leasing from a federal housing unit these guidelines say if they're dealing drugs or whatever they would be automatically removed from the program. In our program as far as I read nothing is stated.

Vice-Chairman Matanane – I suggest Mr. Garcia on behalf I don't know about the others but we should give them notice now just to let them know that we've seen their cases.

Acting Chairman Calvo – That we're taking action on it right now it's that simple.

Commissioner Leon Guerrero – We have to start at least somewhere.

Administrative Director Garcia – That's part of my whole thing when I came in was to try to beef up the Commission's staff because one of the things we're lacking out there is enforcement out in the field. We don't know how many people are out there, how many people are squatting. All we have is enough people just to run the day to day operation in the office and we can't go out and do what the law intended for us to do that we do a quarterly inspection of each lease which is not being done.

Acting Chairman Calvo – At this point in time we will go ahead and send her at least so they can already be expecting that this is what's going to be happening.

Administrative Director Garcia – Just to inform the Commission that I've been working on issues with all the leases and shortly I'll probably give my findings and recommendations and then we'll present to whoever it needs to be presented to.

Commissioner Leon Guerrero – I'm just curious on this loan from this institution was it 100% guaranteed by the bank or was it like an 80%?

Administrative Director Garcia – Whatever they borrowed is what we guaranteed. Let me tell one case I came upon is not only did they have problems with the loan they transferred it to somebody else without letting us know.

Commissioner Tajalle – One of our clients had a loan from a financial institution and they transferred?

Administrative Director Garcia – Without letting us know that's what I'm finding out right now. I'm looking at the case right now but that's pretty much it. These are things each file that you go through in here are different issues. They're not all going to be the same there's different ways and there's no way to remedy it and that's what I'm going to probably come up with my findings.

Acting Chairman Calvo – Legal Counsel if I may ask would it be okay for us to go ahead and start writing that letter.

Legal Counsel Lujan – Has there been any notice on that? I think that there should at least be reminders.

Acting Chairman Calvo – But she's been reminded periodically.

Vice-Chairman Matanane – It should be given out even though they have not moved out we still have to notify them that they are on notice. We have the desire for them to move out at least that.

Legal Counsel Lujan – It's up to the Commission.

Acting Chairman Calvo – Okay I just want to make sure.

Vice-Chairman Matanane – I believe that, that's my recommendation at least that we are aware and we want to notify that you know.

Commissioner Leon Guerrero – My point that I want to get across because I'm kind of worried about future loans is that if a lending institution guarantees a hundred percent of lets say if they're building a home for a hundred thousand and then okay you don't have to come up with anything it's a zero down loan and they finance a hundred percent that means that if they default we assume everything one hundred percent of the loan. Did we ever ask is there a way that we can stipulate in any loan for the purpose of building a home that the bank should only guarantee eighty percent and then the tenant or...(interrupted).

Commissioner Tajalle – The bank has policies, I can speak only generally, every bank has their policies. So the bank like I said at the last meeting the bank would protect its

interest. The Chamorro Land Trust as a guarantor also needs to take the same road its business. So if certain banks only finance a hundred percent and the applicant defaults whatever was not paid to principle plus interest plus the penalty of the monthly payments there's other additional and every bank has their own fee charge.

Acting Chairman Calvo – That's why the Guam Housing is the only bank really that takes the risk at the end of the day because other banks would not because they still have to go to three banks okay. But the first thing a lot of the bank will say Andy, Mr. Leon Guerrero I'm applying for a hundred thousand dollars by the way what are you going to put up, I have a one acre lot, who owns it, the Chamorro Land Trust, they'll deny you right there. Even Guam Housing is taking the risk so when they approve their documents there it comes to us and says we will guarantee that loan that Mr. Andy Leon Guerrero is going to assume that hundred thousand dollars and as a good landlord we're binding ourselves to saying that Andy Leon Guerrero is going to be in good faith, going to make payments and so forth and all these things okay. But some where along the line Andy two, three years down the line decides not to pay for that matter so it's almost like a risking take. The only way that we can really make that change is maybe to the legislature's role for that matter, policy.

Commissioner Leon Guerrero – I'm really concerned. Once we evict these people or because they default they should be evicted right now we have a property and a house how do we in turn give that?

Administrative Director Garcia – It should be the next qualified applicant.

Commissioner Leon Guerrero – So now we have a house.

Commissioner Tajalle – We have a house and a property.

Commissioner Leon Guerrero – So how much now is it still going to be the same lease?

Vice-Chairman Matanane – But we do have a loan program here so it needs to be activated and then we will take the hundred percent guarantee.

Commissioner Tajalle – We guaranteed it so we lost that now we're trying to find ways to get it back but based on the law...(interrupted).

Commissioner Leon Guerrero – Okay so what if we're on the eleventh house and we run out of money?

Administrative Director Garcia – Mr. Chairman can I recommend that we table this and we'll go on to the next one?

Acting Chairman Calvo – Okay, why don't we discuss this later.

#### **7. Mary C. Camacho – Request to add son onto lease**

Mary Camacho – I'm here to request that my son Shawnny Mesa be part with my lease. If you want me to give you my rational behind it it's simply because he is number one, my beneficiary and the other part is I do have an incapacitated son and my son and I doing a joint venture may allow us to get our house that we did a self construction 15 years ago to

be more reliant and sufficient. We do need a lot of fixer uppers because we have a semi concrete and a lot of leakage and 15 years of tin house needs a little or a lot of face lift.

Administrative Director Garcia – Her lease was executed on December 24<sup>th</sup>, 2002.

Mary Camacho – Oh I'm sorry, when I say 15 years it was during my father's time and then it reached my time.

Administrative Director Garcia – Going back to the lease it already passed the 7 years so it can be transferred or maybe add the son's name in without any problems. It just needs board's approval.

Acting Chairman Calvo – But you stated earlier that your son is also on the beneficiary.

Mary Camacho – Yes.

Administrative Director Garcia – Yes but I guess they might want to borrow a loan but the son is the one that's going to I guess...(interrupted).

Acting Chairman Calvo – So in other words you want your name totally out of this.

Mary Camacho – Negative. What I wanted to do is have my son with me and then we'll just designate another beneficiary.

Administrative Director Garcia – It will just be an addendum to the existing lease to add in her son's name with her name.

Mary Camacho – Right we're both single so you know we want to improve and just make it more livable and we're in compliant with the 7 years too, we need a loan.

Legal Counsel Lujan – I'm sorry when was the lease executed?

Administrative Director Garcia – December 2007 or it will be coming up to 7 years.

Vice-Chairman Matanane – If I may ask where are you going to get the loan from?

Mary Camacho – I hope what I overheard is still in existence from you guys.

Vice-Chairman Matanane – Do you have an existing loan on the piece of property?

Mary Camacho – No we did a self construction.

Acting Chairman Calvo – She's not making any loan to any other institution.

Vice-Chairman Matanane – Putting in your son's name you are preparing to get a loan right?

Mary Camacho – Yes to joint venture to build a house or improve the existing.

Administrative Director Garcia – Actually on December 24<sup>th</sup> it'll be 7 years exactly so I guess it's up to the Board now.

Legal Counsel Lujan – If can just tell the Board Rule 7.5 deals with transfer of lease and Ms. Camacho wants to transfer one-half of her interest in the lease to her son and so what the rules states is *requests for transfers will be considered for approval only if the lessee has held such lease for a period of at least seven years*. So it's not within 7 years but she has to have the lease for at least 7 years.

Mary Camacho – If you can waive that little months you know that be highly considered it sure will if we have a descent you know we have a livable house but what it is if you have leaking you need a face lifter, I just need security. It's all upon your hands board members.

Commissioner Leon Guerrero – Legally there's no problems with it.

Administrative Director Garcia - At least 7 years it says.

Legal Counsel Lujan – At least yes.

Mary Camacho – See at least is give or take correct?

Vice-Chairman Matanane – We just have a couple of months more.

Acting Chairman Calvo – Mary I think since December is just around the corner and I don't want to send a message out to other applicants in this sense where ideally you have to wait for that period of time and at least just my recommendation board is why don't we wait for that time comes and that will be more appropriate.

Mary Camacho – Okay then discard the loan how about my son being part owner with me on the lease?

Commissioner Leon Guerrero – We're not saying no you just have to hit that 7 years.

Mary Camacho – I understand but you won't consider a waiver within the short period. At least 7 years but it didn't say precisely 7 years you understand where I'm coming from give or take in consideration. So you might want to reconsider that.

Legal Counsel Lujan – The rule states that request for transfer will be considered only if the lessee has held the lease for a period of at least 7 years so at this point the Commission cannot consider the request for transfer unless there is an emergency situation that makes the transfer imperative.

Mary Camacho – Okay then if you would consider the emergency my house has been shifted. It passed through a 200 some miles typhoon and it's still there while everybody went flat. Now I'm just very worried about the next typhoon where we'll be roofless and almost homeless and you know in that case having an incapacitated child who's 29 years old I feel that it's ideal to plead for your consideration. I mean I can wait I'd rather see it to be more devastating to my situation on my safety regards. You know find it in your heart that I'm just trying to get my son in to assist me in making a loan to be safe. Having a

decent home where I don't have to worry about the shifted roof. I don't need a beautiful house I just need as a veteran as well and I don't want to go through the whole cliché and all the duress having to go through putting the paper works for applying with eligibility for the veterans. I am coming to you as a local person.

Acting Chairman Calvo – I understand that Ms. Camacho but I got to very sympathetic about that and also with you and the other board members how they would stand on this issue. I know that what 60 days, 90 days down before and what you're asking us is to make a waiver if the other board members feel within their own because I can't speak for how they want to vote on this issue. And the legal counsel opinions on this whether it be warranted to give her a waive since its just within the next would you consider this as well as an emergency or not.

Legal Counsel Lujan – Ms. Camacho you would like to build improvements to your current home?

Mary Camacho – That to include the power. We had not too long ago we had a black out in my house. A power line blew off and I needed to get an emergency certified electrician to come in whereas I was charged an arm and a leg because it's an emergency. It's livable but it already put me through a trauma and my son being incapacitated and I'm just expediting this because I feel strongly the word emergency is an essence.

Legal Counsel Lujan – So your reason to add on to the lease so that you can apply for the loan to make improvements to your home?

Mary Camacho – For safety if anything else yes.

Legal Counsel Lujan – It's just that if there's going to be an improvement made to or even a building structure constructed on the premises those structures and improvements can only be built on the premises getting written authorization from the Commission. So if you have any plans to make any improvements the Commission has to give its approval after you submit a plan to design, materials and probable value and use of the structure to be built and the structure and improvements you are planning to build must meet building and zoning codes and other ordinances and regulations of Guam. So the Commission actually needs to be made aware of the improvements that you would like to make to your structure and actually I think the Commission has to give approval for the structures.

Mary Camacho – Okay that I concur all those would be from within the regulator procedure I agree.

Acting Chairman Calvo – It would give us something concrete that you are the reason why and you got to specify and you got to write this in statement also have it certified that you know you do need to upgrade the leaky roof, buy tins, materials and the costly part of it. It is very important that this is how much it would cost you to put a roof over your head. You have a present roof but you want to change it, fix the electrical or whatever any home improvements inside and this is where you need to identify that.

Mary Camacho – Right because if a construction come in they may not see it as an improvement they might see it as total just knock down the whole woods. Part of it is concrete and the remaining of the house is wood so it is semi-concrete. So all those after

so many years it needs to just be demolished other wise if I know it is just minor I probably would be able to do on my own self you know.

Acting Chairman Calvo – Because from what you're saying this is something that's going to cost not only just a thousand dollars of repair okay.

Mary Camacho – Well I don't know what's your limit on the loan.

Acting Chairman Calvo – No what I'm saying the repair that you're looking at to fix the tin roof or fix the electrical and so forth okay and other things that you want to may be to a livable condition.

Mary Camacho – That's all I need, livable and safe.

Acting Chairman Calvo – And safety and this is where we need to say okay we know that you need to get electrical we know that you need to upgrade your water lines or whatever security doors, windows and so forth.

Mary Camacho – I'll get all the estimates.

Acting Chairman Calvo – That's what we need.

Commissioner Tajalle – That process will take more than 60 days...(interrupted).

Mary Camacho – Well that's okay but see if I were to wait until December it's just extending me another 60 days whereas if you say okay go for it go start then I'll start working hopefully by December we'll have some decision making. It's just to prep me and give me the confidence that you are in my side as to my safety and shelter for my family if anything else. And like I said having my son joint venture and selling him half of my lease will also help me financially if anything else.

Vice-Chairman Matanane – There's an emergency provision can you legal counsel state that again.

Legal Counsel Lujan – *Requests for transfer will be considered for approval only if the lessee has held such lease for a period of at least seven years, unless the Commission, in its considered opinion, finds that an emergency exists which makes the transfer imperative.* That's the provision regarding transfer of leases but there is also the provision regarding building requirements which requires that the Chamorro Land Trust gives it's written approval of all building structures and improvements that are made on the premises and the Commission can only give it's written approval after the plan to design, materials and probable value and use of structure to built on the leasehold is submitted to the Commission for it's review.

Acting Chairman Matanane – But it's stated there a transfer of the lease. She just wants to include the son on the lease.

Legal Counsel Lujan – Yes, they are separate.

Administrative Director Garcia – If your son's name was to be added to this lease are you going to rebuild?

Shawunny Mesa – The main structure on the foundation is good so what we're going to have to do it looks like the front part of the house is concrete. The first three walls are concrete so that's okay. The roof is tin. But the last part the back side is actually an extension of tin and wood so we would need to break that out and then modify it so we can put a fourth wall which will be concrete and then layer the ceiling concrete as well.

Administrative Director Garcia – What the law is stating in the Chamorro Land is the house has to have a building permit. It has to comply with safe building is what basically it is and if you're going to do it if the building is substandard at this point in time and if you're going to say that you're going to rebuild and put it to a standard safe building then the Commission could probably take it into consideration because it's a substandard house right now it doesn't meet the building code.

Shawunny Mesa – Okay.

Administrative Director Garcia – So if you say you're going to build then the Commission may take that into consideration as an emergency because it's a substandard. So that's why that question is imposed now are you going to rebuild or just a fixer up.

Commissioner Leon Guerrero – I think it definitely falls into place the seven year will be in December all the necessary documents to give to us for this reconstruction will be completed about the same time so by the beginning of that term you not only do you add your son on to the lease but you also have approval to reconstruct your house at the same time.

Administrative Director Garcia – You understand right the way this program works it's only a lease so when you go out to get a loan there's only so many people you can go to and it will be like Guam Housing or SBA are probably the only two that the Chamorro Land Trust would be able to on the loan guarantees.

Shawunny Mesa – Right because we're not the actual owners.

Mary Camacho – I just want to assure that it's never been taken away from us until it reaches the last of my family. If you have a foreclosure at this point we'll buy the house and we'll set you free of your debt.

Acting Chairman Calvo – The only reason why Mary as you heard a couple of cases just earlier and this board is really cracking down on these issues now because it's an issue that happened way you know. But I'm not looking what transpired in the past because we're the present board right now and I've always made this clear to the board since I started that this board is a clean up board okay. Well in the eyes of the public they look at it differently. The things that we get hit is ideally it wasn't through our you know but if I'm just going to go to that same thing and just walk away like this then I'm no better than...(interrupted).

Mary Camacho – I apologize Mr. Chairman.

Acting Chairman Calvo – I just want to be very cautious and I want to make sure that we're within the law and we're making a lot of changes on this thing and that's why I wanted to really reiterate a lot to this issue to make sure you understand it. It's not that we don't want to help you but you know there's five of us here and like I told Mr. Cunliffe at our last board meeting you're one of our client but we represent the entire island as our client too. So if I'm going to give one favoritism to you know then we're really going to have a chaos. So that's why I just want to make sure that you fully understand this and what the board has recommend you know in terms of that and if the legal counsel is in agreeable to these things and what Mr. Garcia has come out with. You know the timeframe is just 60 days down the line and it's really up within...(interrupted).

Vice-Chairman Matanane – There's the emergency thing that's mentioned there that she needs to fix up her house in order to be you know comfortable. At least there's that emergency that they need something on top of you know your roof over your head and live comfortably.

Mary Camacho – So right now we're working with trying to get him as part of the lease and also trying to make a loan so if it's going to take him up to a few more months before you might reconsider it. How about trying to reconsider the emergency part which is giving me a loan so I can start building?

Administrative Director Garcia – You would have to go out and get the loan on your own. The Commission will decide if it's an emergency and that's what they're trying to do is justify the emergency of a substandard housing.

Legal Counsel Lujan – I think that what would help the Commission is it sounds like Ms. Camacho you have a plan to make these improvements to your home and if you can submit to the Commission as soon as you can the plan of the design, materials and probable value and the use of what you would like to build at your leasehold that would greatly assist the Commission. And I think also determining the condition of your current home so that could help in considering if it is really an emergency. But this is really the first thing that would need to be done towards rectifying that situation is the Commission needs to consider the plan that you have for your home.

Mary Camacho – Okay would I be receiving or meeting an inspector to come at least and see the physical?

Administrative Director Garcia – This is what you got to do, you got to go to Guam Housing or SBA just fill out the application because it's going to take you awhile to fill out all those things and just assume that the lease is already going to be with you and your mom just to apply for it and then what it is is you're going to have to get a building plan. Once you get that building plan or sketch on what you're going to do submit it back to the Commission. The Commission will review it and approve it as an official building plan of what you plan to do and then by then everything would be working out and then by the time December comes then your loan you can just submit your loan to wherever you're going to submit it to and then it'll be approved. Because it takes time it's not an overnight thing. So just go ahead and get the application and start filling out as if it's already going to be done and then in December when you get the addendum then its because it takes you awhile to get the permitting process.

Mary Camacho – Who do I turn it in?

Administrative Director Garcia – You got to go like Guam Housing.

Mary Camacho – No once I package everything.

Administrative Director Garcia – Submit it back and then I'll schedule it for the...(interrupted).

Vice-Chairman Matanane – I believe Ms. Camacho is asking only an addition to the lease is her son's name and the loan itself it's up to her now and the son to get the loan wherever they can.

Administrative Director Garcia – But this is one of the things as I was reviewing the files majority of the files that we have here houses are out there on the lots they do not come to the Commission to request approval to have that structure on the lot. They don't meet the standard and the problem is we allowed these things to happen. If someone was to get hurt who's going to get sued? It will be the Chamorro Land Trust because it's our property. So that's why I'm trying to have her follow the proper procedure of what's needed to by the time it's done to add the son's name the loan can probably just go straight in. They won't have to wait again.

Commissioner Leon Guerrero – So we can get his name into your lease before the 24<sup>th</sup> you need to show something to us that shows that it's an emergency.

Legal Counsel Lujan – And any pictures and have it by the next meeting for the approval.

Commissioner Tajalle – So you need to get a contractor or something to do a cost estimate to repair. Just what you're saying to us verbally you need to get that repaired, it's not typhoon type of structure to survive another typhoon. So you need your blueprints, you need the cost of materials everything in repairs it doesn't matter if you're going to rebuild or renovate it doesn't matter. Those are documents required that's what the laws say and that's the same process you go through the bank. So once you get that in do your financial side with the contractor and bank you're going to then get all that documents give it to Jesse, Jesse can put it in the next meeting and we can review then we can make our decision. And it also works to kill two stones at one time to get the lessee add you and then it justifies to move on as an emergency. That's what we're trying to get here.

Mary Camacho – That's what I'm trying to get at.

Acting Chairman Calvo – Like I said Mary we want to just do things the proper way because like what Mr. Garcia is saying it's not that we don't believe you for that matter on what you're going to do but we need to justify our position here as board members too to make sure that everything is in tack whatever is supposed to be done. And like what Mr. Garcia is saying because these take time you do the process and you too you helping your mom for that matter and these things can be done you know randomly, okay.

Mary Camacho – I do have my name on the list but I have an existing one so I said we need a place to promote the artists that are Guam products you know the CocaCola

company being a Guam product seal or any where in the island but there's a property that's under my name and I would like to know if I can convert that to Guam Product Seal and a lot of the artists and all those that are recipients of the Guam Products to...(interrupted).

Administrative Director Garcia – On this lot?

Mary Camacho – No on another lot that's showing on my name that I haven't claimed yet.

Administrative Director Garcia – Private or Chamorro Land Trust?

Mary Camacho – Chamorro Land Trust.

Acting Chairman Calvo – So what you're saying you have two lots now?

Mary Camacho – I have a residential and I also applied for an agricultural which I haven't come forth to say okay because I'm having my boards meet to see if we do need the property to establish.

Administrative Director Garcia – But you don't have it yet.

Mary Camacho – We're only authorized one residential and agricultural but I haven't received the agricultural because I'm hoping that it would be permissible for Guam Product to get the local...(interrupted).

Acting Chairman Calvo – So right now where you're living at is on residential so nothing on the farming side.

Mary Camacho – Nothing, it's just an application.

Acting Chairman Calvo – Yes, it's just an application which you haven't received. Now that brings us to another...(didn't finish).

Administrative Director Garcia – No she's trying to get agriculture and residential.

Acting Chairman Calvo – But what she wants to do is on the agriculture she wants to...(interrupted).

Administrative Director Garcia – That would probably have to come up to the board because that would be more of a non-profit commercial lease.

Acting Chairman Calvo – Mary if I may ask what kind of work do you do?

Mary Camacho – I'm a retired police army and also I'm also a board member for the Chamorro Village so I'm working for locals. I'm trying to promote the island as well as part of my job.

Acting Chairman Calvo – But you yourself know already what the formalities we need to go through since you also said you also sit on a board and you know what the pros and cons that have to be done to make it done rightly okay. So I think from what the board's

discretion you can get all those documents and everything and then we can and on the other issue that's a totally...(didn't finish).

Mary Camacho – Can we have a board so I can bring my members in and have a steering committee as to...(interrupted).

Acting Chairman Calvo – Why don't we finish this first one then we'll go to the other one.

Mary Camacho – I'm multi-tasking. Thank you.

## **VII. DIRECTOR'S REPORT**

Administrative Director Garcia – What's happening with our budget is they didn't give us much money for any rental space for the office so I have sought out space up at Public Works for us to use. But at the meantime while we're pending our move up to Public Works we'll still probably be here for a month or so or until we know how much money we have for the rental. But in the meantime what I'm going to do is prepare the office up at Public Works for us to move in. There's some stuff that we need to do, renovate it a little. There's an office up there that's being used by the RCO, they're going to be moving back up to Civil Defense so that building is going to be available.

Acting Chairman Calvo – Is that office ideally to do all this?

Administrative Director Garcia – I'll be enough for us.

Acting Chairman Calvo – Even for the filing and everything?

Administrative Director Garcia – Yes, it'll be enough and I procured also a container for additional storage space.

Acting Chairman Calvo – What do we need a container for?

Administrative Director Garcia – For the files that we may have or any of the stuff that we don't need to store in the office we can put it in the container.

Acting Chairman Calvo – But the files I definitely don't want it in the container.

Administrative Director Garcia – No whatever miscellaneous stuff that we have.

Acting Chairman Calvo – Can it fit everybody?

Administrative Director Garcia – Yes it'll fit, it's only going to be for about two years. What it is, is Land Management is going to be building the new building and it's going to take maybe a year and a half to construct. So when that thing is done it's going to be down here in Agana across Julaje Shopping Center so it's only a temporary move until we get our new building.

Acting Chairman Calvo – What's the size of that? I really want to go up there and look at that first.

Administrative Director Garcia – It's up there where the Contractor's License Board if you go up to Public Works its right there by the cafeteria the concrete building. It's a separate building from the other buildings at Public Works.

Acting Chairman Calvo – We're not inside the compound.

Commissioner Leon Guerrero – Yes.

Administrative Director Garcia – Yes inside the compound.

Acting Chairman Calvo – So you still have to go to the security?

Administrative Director Garcia – No.

Acting Chairman Calvo – So it's on the far right where the old restaurant or whatever that is where the old Guam Contractor's License that building.

Administrative Director Garcia – Yes.

Acting Chairman Calvo – So that whole building is vacant you're saying.

Administrative Director Garcia – It's going to be vacant and I already secured it for us to move.

Commissioner Gumataotao – Is that enough space for you guys?

Administrative Director Garcia – Yes.

Commissioner Gumataotao – Is that more than enough or just enough?

Administrative Director Garcia – It's bigger than this right here.

Commissioner Tajalle – So it can house records, the department staff and then having a public meeting there?

Administrative Director Garcia – The public meeting we probably can have it at one of the other conference room at Public Works.

Acting Chairman Calvo – I talked to the Mayor over here, we can still use it once they finished their roof repair in Agana. If we're going to have a board meeting I would rather have it centralized than up there. I prefer there for that.

Administrative Director Garcia – The only problem is that even if we stay here for as long as we can after the money runs out how are we going to pay for the building?

Commissioner Tajalle – So that property up there are we going to pay?

Administrative Director Garcia – We're not going to pay any rental fee we would just have to pay for the power and water and that's about it. But other than it we're not going to be paying for the building thanks to Andy.

Vice-Chairman Matanane – On the budget we have made how much for the whole year?

Acting Chairman Calvo – I think it's about six-hundred some thousand.

Administrative Director Garcia – Our budget is only five seventy.

Vice-Chairman Matanane – I was wondering because we're making our own money and I would like to ask maybe our counsel here why...(interrupted).

Administrative Director Garcia – The way we were paying out the rental for this was from the checking account and the checking account is already about zeroed out.

Vice-Chairman Matanane – I'd just like to verify maybe the legal counsel can look into it because the legislature appropriates the money that we make right? Why would they reduce it? I'd like to find out why would the legislature reduce the budget itself when we were making over that?

Administrative Director Garcia – That's the projection I guess that they gave us.

Vice-Chairman Matanane – Yes but we have the actual.

Administrative Director Garcia – But total actual is six-hundred some thousand is what we collected.

Vice-Chairman Matanane – That's what I'm getting to does the Legislature have the discretion as to reduce?

Administrative Director Garcia – But you know we can always go back and ask them to increase it due to the...(interrupted).

Vice-Chairman Matanane – Or they probably lumped the excess of our money.

Administrative Director Garcia – Yes, but they can't touch it because it's only for Chamorro Land Trust use.

Legal Counsel Lujan – What I don't understand from my readings in the past meeting from Joe Borja I thought the Commission handles its own money.

Administrative Director Garcia – Yes but to use that money that is deposited at DOA...(interrupted).

Legal Counsel Lujan – Why does it get deposited there?

Vice-Chairman Matanane – It's still in a specific account down at DOA and why would the legislature appropriate a lesser amount of what we make? I still don't understand that's the reason why I'm asking. Because the legislature have the discretion as to reduce our income and tie our hands and not use that money for our...(interrupted).

Commissioner Gumataotao – That's white money remember what Joe said.

Vice-Chairman Matanane – Yes, but its still money that we can use to improve the Chamorro Land Trust.

Acting Chairman Calvo – You know why they took that responsibility from us back then because at the time the board or what they found the legislature at the time that was the reason why and they budgeted us to that amount.

Vice-Chairman Matanane – Why?

Acting Chairman Calvo – That's been in question of line.

Vice-Chairman Matanane – And I've been questioning that for the longest time and I've been here for quite a while.

Acting Chairman Calvo – And I know and I want that too.

Vice-Chairman Matanane – And also remember when I was questioning about four-hundred thousand that we were paying for community service and I still didn't get an answer on it. My question is what money that is made to the Chamorro Land Trust should stay in Chamorro Land Trust and why would the legislature appropriate money less than the amount that we have collected.

Priscilla Richards (detailed from Parks and Recreation) – That's because at the time when the budget was being prepared it's actually BBMR who does the tracking of the revenue collection. So what was showing on the Commission's collections at that time wasn't really showing that they're going to come up to the level that it's at right now. So they just average it out and project from what it was back in March I guess so in March your collection wasn't coming in maybe somebody came in and paid more right but that's how the ceilings are projected. It's the tracking of how much money you are collecting but that does not mean that the excess of the collection is going to go someplace else. It's still going to remain in the Commission's fund the revenue fund. It's going to remain there on paper okay. So what I have advised is that you can then now ask for a supplemental based on that and then of course to them up there and them over there. But the money will still remain under the Commission's funds.

Vice-Chairman Matanane – But we do have an actual collection right? The actual collection as to how they receive from Chamorro Land Trust because DOA is keeping track of those right?

Priscilla Richards – That's correct.

Vice-Chairman Matanane – So they would have actual before they even approve our budget.

Priscilla Richards – That may be true but see the Executive Branch is the one, the Governor is the one that transmitted the budget and this is part of the Executive Branch right. So in January they sent to the legislature okay this is the budget for the Executive Branch and this is how much this entity and so forth and what they sent for Chamorro Land Trust at that time was like I said based on how you were tracking your revenue

collection. Now during the I don't know when you went to the oversight hearing so when they went at the oversight hearing this should have been brought up, what their needs are and that the five-hundred and seventy-thousand is not going to be enough and yes we're going to collect to make up for what we need but if that wasn't done then it's going to remain at what the Governor said.

Vice-Chairman Matanane – I understand ma'am. Mr. Garcia can you check the previous years, three years back at least because I understand we have excess and did we receive it? Is it still in our account?

Administrative Director Garcia – That's what happen was the money that was lapsed they requested for it to be transferred to last years budget which came up to seven forty and what's happening now is it's coming up to the end of the fiscal year it looks like we're not going to finish that money so we're trying to use as much as we can.

Vice-Chairman Matanane – How much lapse was last years?

Administrative Director Garcia – It was two-hundred some, almost two-hundred.

Vice-Chairman Matanane – Two-hundred right, that's what I heard. Since they approved five seventy where's the lapse of last year so we can augment it to seven hundred and it still that we have the actual amount of six.

Administrative Director Garcia – They won't allow us to take the lapse from this year to add it to next fiscal year's budget.

Vice-Chairman Matanane – And why not?

Administrative Director Garcia – Because they're going to say every time we give you guys your lapse money you never finish it so why are we going to give you more money if you're not going to finish it.

Vice-Chairman Matanane – That's the reason why we can't finish it because we don't have it.

Priscilla Richards – No.

Administrative Director Garcia – No, no, no.

Priscilla Richards – That's not necessarily true for 09.

Vice-Chairman Matanane – How can we finish it we don't have the money or because you won't allow us to use it that's the thing. You know I'm sorry it doesn't add up to me because numbers may be not exact science because you can reduce it to the finest point. Anyway all I'm asking is have we received all the lapses of the previous year and when they approve the budget those lapses should augment the upcoming budget. So we have enough money to use in order for you to improve or for what ever. I haven't gotten a detailed financial here and I'm still waiting for it. I'd like to see the whole thing you know and of course the legislature has the discretion of approving our budget where we have the revenue and I don't care who hears it because I'm getting rowed up about this. You

know previous years that I've heard we have lapses of course and we have to request for our own money to use? I mean that's out of mind, out of state, thank you, I'm sorry that's it.

Legal Counsel Lujan – Any funds that are generated by Chamorro Land Trust leases or licenses does that apply to any other agencies?

Priscilla Richards – It's not supposed to be because by law all the revenues collected have to go to the Chamorro Land Trust fund. Because supposedly according to 28-68 you only have one fund now because based on the audit recommendations all of the others became defunct. They're supposed to have closed other funds and it's only one so all collections are supposed to go into that fund.

Legal Counsel Lujan – And who manages that fund?

Priscilla Richards – That's Department of Administration.

Legal Counsel Lujan – All the incoming they're all paid to DOA.

Priscilla Richards – The Treasurer of Guam yes.

Legal Counsel Lujan – Then the Governor sets the budget how much Chamorro Land Trust could use of its own money.

Priscilla Richards – Yes but like I said you know at the time when our budget is prepared by the Executive Branch they look at because the Commission is operating out of it's own revenues, correct? So they're going to look at how you are collecting and then how much you collected a year ago and then they just do the analysis and then they do the projection of where you are going to be at come October 1.

Vice-Chairman Matanane – Why do you project when you have actual? I don't understand that.

Priscilla Richards – See like I said I haven't done any analysis of how your collection came up to. For me okay I see that perhaps the general fund may be supplementing the Commission.

Vice-Chairman Matanane – But ma'am you just mentioned six hundred but why approve five seventy?

Priscilla Richards – I already I don't want to keep repeating it.

Vice-Chairman Matanane – But why five seventy?

Priscilla Richards – Because in December what ever it was that you were collecting it's showing that you're not going to exceed five seventy.

Vice-Chairman Matanane – You cannot dream about a certain amount of money when you have actual. You know when you say project you project you anticipate that you're

going to be getting this much. But when you have actual it's actual you can't deviate from that amount.

Priscilla Richards – Exactly you can't deviate that Chamorro Land Trust in December was only collecting this much so they're going to prorate that for the rest of the fiscal year as to how much you're actually going to be bringing in and they project that you're only going to bring in five hundred and seventy thousand.

Vice-Chairman Matanane – That the projection.

Priscilla Richards – That's correct.

Vice-Chairman Matanane – But what's our actual collection now?

Priscilla Richards – I can't speak for anything because I wasn't here so I don't know what was the interaction between the Commission and the BBMR and then also at the oversight hearing.

Vice-Chairman Matanane – No interaction.

Priscilla Richards – It should have happened at the oversight.

Vice-Chairman Matanane – Are you speaking on behalf of DOA?

Priscilla Richards – I'm speaking on behalf of my experience with budgeting.

Vice-Chairman Matanane – We haven't even seen a report from them as to how much is it because I haven't seen any report and I haven't seen any how much they're taking because they are doing it right? I would like to see it on a weekly basis or a monthly basis or a semi-annual or annual. But no report at all is something else.

Priscilla Richards – Can you order that to the Administrative Director then that you would like to have that.

Vice-Chairman Matanane – Well you know I've been harping about this.

Priscilla Richards – Just to be on record.

Vice-Chairman Matanane – Yes and I need that and I've been requesting for it but that's not against you Mr. Garcia but please look into it and I've been asking I've been harping about it. I want a report from them because they are the ones keeping books there and if you give us on a monthly basis at least monthly we would be tracking this now. How do we know that it is really six hundred or maybe even more?

Priscilla Richards – Well actually it's on the AS400, we can give you that report ourselves.

Vice-Chairman Matanane – Please then I would have an actual report.

Priscilla Richards – In actuality the Commission is supposed to be reconciling what is posted against what they have deposited. They're supposed to be doing that.

Vice-Chairman Matanane – But we haven't even received a report how do we determine that?

Priscilla Richards – I'm going to give you now.

Commissioner Leon Guerrero – So we have one fund right? So we're collecting all these money, what you say we have a lapse every year, they take that away from us?

Vice-Chairman Matanane –Yes.

Commissioner Leon Guerrero – Why do they do that? How can we improve infrastructure, how can we hire more people?

Administrative Director Garcia – Andy that's why this year this budget that we have we're going to lapse but we're not going to lapse that much as much as what we lapsed before because I'm making these guys use the money to get us what we need to get.

Commissioner Leon Guerrero – What scares me Jess is we start collecting these moneys that's owed to Chamorro Land Trust all these what are we going to loose all that money too?

Administrative Director Garcia – No we don't loose it.

Commissioner Tajalle – That's actual cash, he's talking about the appropriations budgeted which really don't have it yet but that's the budget.

Commissioner Leon Guerrero – No I know that.

Acting Chairman Calvo – But that's only anticipation where they do an actual but you say I'm going to budget at six hundred thousand that's an anticipation. It may go lower it may go higher but projection wise and what Priscilla is saying here is they base themselves...(interrupted).

Commissioner Tajalle – On the monthly average of our collection.

Vice-Chairman Matanane – But you have the actual which ones do you prefer the actual or dream about the next one?

Commissioner Tajalle – Of course the actual.

Acting Chairman Calvo – Yes of course you want the actual but BBMR is controlling on that budget issue portion.

Commissioner Leon Guerrero – If we're budget five hundred and seventy thousand for 2010 and we collect nine hundred thousand...(interrupted).

Vice-Chairman Matanane – But how do we know we did collect that nine hundred because they haven't got a report to us?

Commissioner Leon Guerrero – Let’s say we now because of what’s happening we get a monthly financial report...(interrupted).

Commissioner Tajalle – We’re supposed to get a budget monthly that’s why we have this meeting. We’re supposed to get a monthly financial report to know where we’re standing. So when it comes to other issues with our applicants or our premises we can justify it, take it to the legislature and say hey where’s my money you know. But we don’t have a report we’re in limbo. So we can’t make a decision without a fact. You have to have your documents. How can we fight something we don’t have?

Vice-Chairman Matanane – And how do we know it’s only six hundred?

Commissioner Tajalle – Exactly I totally agree with you I have no qualms about it. I’m in dark here and I can’t make a decision and I know what he’s pleading because we’re faced with these issues. We got major issues but we can’t fight and resolve even the simplest getting paper probably because we don’t have where we’re at.

(Commission took a 5 minute break at 3:20pm)

Financial report provided to Commissioners after the break.

Vice-Chairman Matanane –What I really wanted to is get some kind of reporting from DOA you know it’s only right that we are apprised of what we are making.

Administrative Director Garcia – I think the AS400 is the report from DOA.

Vice-Chairman Matanane – Oh that’s fine AS400 I’m familiar with it. The thing is I would like to see a report every time we meet you know. I mean a copy of whatever the amount and what we have expended you know a monthly at least a monthly.

Administrative Director Garcia – I’ll have it put in the package.

Priscilla Richards – The first page is the revenue account report which shows what’s been collected to date as of this report is as of August 31, 2009. On it the run date is of course 9/1 but the information would be as of August 31. The next report is the appropriations expenditure report which shows the current fiscal year appropriation, how much has been released, what their expenditures, outstanding, encumbrances and available balances. Now I just would like to bring up that as of August 31 its showing that you still had an available amount of about a hundred and eighty thousand so you’re going to lapse a lot. By September 30 you’re going to show a lot of money in the balance. The next report is from the Bank of Guam the three accounts.

Vice-Chairman Matanane – The TCDs and it has drawn interest. How much interest?

Priscilla Richards – Yes it’s drawing interest and the interest...(interrupted).

Commissioner Tajalle – It’s a TDOA account. What’s the rate on that? That should always be exceeded.

Vice-Chairman Matanane – 1.950 so that means that on the side that interest is still accruing.

Commissioner Tajalle – Yes.

Vice-Chairman Matanane – Every time it matures and renews.

Commissioner Tajalle – It goes into the account what ever the agreement was.

Vice-Chairman Matanane – Then the face amount will increase right every time you renew.

Commissioner Tajalle – It's supposed to increase.

Priscilla Richards – But I would like to bring to your attention that this money is set aside for the loan guaranty, it's not up for grab.

Vice-Chairman Matanane – That's true and also the loan program.

Commissioner Leon Guerrero – This checking account that you keep talking about that's when?

Administrative Director Garcia – That's when the Commission first started it gave it some many million dollars and its being depleted. Legal Counsel is being paid out of that and other stuff. Basically it's for personnel and rental is what our budget is for. So like the six hundred some thousand we would have to go back to the legislature and request them to transfer that in so we can pay our legal counsel.

Vice-Chairman Matanane – Why didn't they just do a one shot and say okay your appropriated amount is what you make in the fiscal year. Why is that? Priscilla also Jess please this is in the account already so this is the account receivable so if you go to each account whether they're up to date or not and then if somebody doesn't pay that amount for that particular month then it become a receivable that's what I wanted.

Commissioner Tajalle – He wants account receivable, account expense, it's a financial form.

Vice-Chairman Matanane – The initial date it was approved and the payments that were made and you can tally it and you'll know whether this person is behind or not. I would like to know what's in our accounts receivable. I believe like you said that three hundred some thousand that we had to pay off I wonder how much more we still have on hand.

Priscilla Richards – Actually your accounts receivable that's delinquent. This isn't really showing it's just the delinquency report. You're showing four hundred and thirty six thousand delinquency.

Vice-Chairman Matanane – That's delinquency but I would like to see each and every account that is delinquent. At least the listing of the delinquent and if they're up to par.

Priscilla Richards – You should really be getting a report of what is the total receivables and then it'll show what you are not collecting. That's the report that you should be receiving.

Vice-Chairman Matanane – That's the reporting factor I wanted and I don't how come it's so hard for it to come to me.

Commissioner Tajalle – That's right we're supposed to be getting the financial monthly.

Priscilla Richards – Who did you ask?

Vice-Chairman Matanane – I mean you know why I'm harping Priscilla.

Priscilla Richards – Yes sir.

Vice-Chairman Matanane – Because it's not that hard, it's not that hard. And also the commercial area where we have only 13 I believe when we had the oversight I believe Mr. Borja report only 13 right? Why is it so hard for you guys to give me a receivable on that particular commercial? I'm sorry I am ticked off because this is the first time I've seen a report in all the years that I've been here. When my term expires I hope to God you guys got it straight because I need to get it straight before me. Just because we are here and I would like for Mr. Garcia to go back and check that four hundred thousand billing, it seems like you know when I first started here that we were paying off four hundred some thousand for what? And I told that to Mr. Borja and I still didn't get an answer as to why we are being billed for four hundred some thousand every year. That I would like to find out why are we paying that amount. Now if you're recording it please do record it because I'd like some answers.

Priscilla Richards – What is that?

Vice-Chairman Matanane – I believe when I first saw a document stating that it's a community service and I'd like to ask each and every one of you are you a community service worker because I'd like that answer.

Acting Chairman Calvo – There was what Mr. Matanane is alluding to that thing and it did show that it was for what he's saying that you know we wanted to find what community service. Is if for bushcutting?

Vice-Chairman Matanane – And we were paying that religiously every year.

Priscilla Richards – But what I had requested for and I did get for I think like four months, what I had requested for was a spread sheet on what the checking account was being used for. But I don't know why they're not reporting it.

Vice-Chairman Matanane – Did they ever reconcile the account? They should be doing it monthly so we know where the money is going and that's the reconciliation when every month you have to. Even your personal checking account you have to reconcile it.

Priscilla Richards – But the Board should have been getting that all along.

Vice-Chairman Matanane – Yes and that’s why I’m demanding it now because I know that I’m going to go out and I want the final figures. I’m airing out my sentiments about it and why can’t we operate the Commission itself the Chamorro Land Trust and if there’s anything wrong then by all means have the Public Auditor the Attorney General come in and take care of it and you know who ever it be in fault then fine. For those who are not doing their part their job that’s supposed to be doing what they’re supposed to be doing I’d like to find out who and why and they’re still getting paid. I’m sorry but I’m pissed. Every time we meet I expect a report and it’s up to you Mr. Garcia because your staff you’re supposed to get it. I don’t know how you’re going to do it monthly, weekly or daily if you want to get your staff as to the production and you know but that’s beyond me. If you feel that one of your staff needs merits then you have to justify that then by all means if he’s working that hard and even getting their fingers scraped and all that and if they deserve it they should get it I mean come on.

Priscilla Richards – Is there any penalty for anyone occupying a government land without any proper documentation or authorization?

Vice-Chairman Matanane – Eviction.

Administrative Director Garcia – There’s no enforcement.

Vice-Chairman Matanane – And that’s what we’ve been trying to do is at least get some enforcement in there.

Priscilla Richards – Is there anything in the books that disallows it and provides for...(interrupted).

Vice-Chairman Matanane – Of course because you’re not working within the Chamorro Land Trust law.

Administrative Director Garcia – Yes, but there’s nothing in the law that says that.

Priscilla Richards – What’s going to happen to me if I just went in and start farming?

Vice-Chairman Matanane – And you went in and squat there’s some remedies to that I believe just call the police and have you taken out.

Priscilla Richards – But that’s all.

Vice-Chairman Matanane – Not unless we’re going to put charges on you.

Administrative Director Garcia – But there’s nothing in the rules and regulations of how to do it.

Legal Counsel Lujan – But there is the general law of Guam.

Administrative Director Garcia – What I want the Commission to have is a book to say what is authorized, what is not so that way it’s the Chamorro Land Trust the way the Hawaii Homelands has theirs set up something similar to that type of procedure manual.

Legal Counsel Lujan – I think until that time comes the Guam law already has procedures on that and it's actually an expedited process if the intent is to remove who defaulted on the lease.

Acting Chairman Calvo – But you can give them a 30day notice eviction even if they're a squatter letting them know that they're on government land you still have to get that notification because you can't just go today and say I want you out of there in 24 hours.

Priscilla Richards – Why not?

Acting Chairman Calvo – Because that's the way at least I remember when I was talking to Mr. Troutman way back about this I asked him about that it's really ironic because you know you could be a squatter and you go in there and you stay there for years sometimes the government can grant that itself and say you know I'm homeless and so forth and they can do that. Although we have nothing like what Mr. Garcia says we have nothing concrete with saying you got to get out.

Priscilla Richards – But we do actually for me we do. But how does GHURA address that?

Acting Chairman Calvo – But see with GHURA the difference because they follow through federal guidelines.

Legal Counsel Lujan – But they're going under an unlawful detainer law. We've filed it at Superior Court claim for an unlawful detainer that cited regular Guam laws regarding that. I mean I've sat in on some hearings I'm going to have to double check that but my office represents GHURA and I think that's what I've seen I could double check that but I believe they can just go under the regular unlawful detainer law which is what private landowners, it's available to them as well.

Acting Chairman Calvo – Because even as a squatter class example like what Priscilla's saying if she went in there and just ideally stays in there you know we still have to yes we can call the cops and say you got to be out of there in 24 hours but we still have and I remember talking to Mr. Troutman about that that you know it's never really been clarified on how do we because we just can't say you're out. We got to give notice to these people and the reason for that is you give them the 30 days notice for that reason for them to find themselves a place or a home or go to...(interrupted).

Priscilla Richards – But what if that was your own property? How are you to handle it?

Acting Chairman Calvo – Then you have the discretion on your own because it's your own property. If it's dealing with the government it's totally different.

Priscilla Richards – But you know what the Chamorro Land Trust Act and the Rules and Regulations is saying is that its saying you're to manage this as if it was your own property. So if you're going to evict me you're going to throw me out because it's your property Mr. Calvo then why not? Why the different on this government land which is for the Chamorro Land Trust Act?

Acting Chairman Calvo – But see if it's your own land...(interrupted).

Vice-Chairman Matanane – Then you got to go to court, I'll see you in court right? And that's your day in court.

Acting Chairman Calvo – You see if its government the weight of that is if its your own and you bought that piece of property versus the government that's the waiting point there is and quote me on this because...(interrupted).

Priscilla Richards – There has to be something if as a property owner as a personal property owner you can be evicted immediately then why not the government?

Legal Counsel Lujan – I think that what it all depends on is if you have a lease agreement. The lease agreement is a contract so you look first to what does the contract say what does the lease say...(interrupted).

Priscilla Richards – No, no lease just a squatter.

Legal Counsel Lujan – You mean a squatter on Chamorro Land Trust properties?

Priscilla Richards – Yes.

Legal Counsel Lujan – Then you would look to what Chamorro Land Trust if there's a certain provision in the Chamorro Land Trust and I don't believe there is one.

Acting Chairman Calvo, Administrative Director Garcia – There's none.

Legal Counsel Lujan – Then in the absence of that then you just look to the regular Guam law regarding real property.

Priscilla Richards – Because in the absence of there's rules and regulations under the Chamorro Land Trust then you have to go to the government law whatever that is the Guam law right?

Legal Counsel Lujan – Yes and Chamorro Land Trust has to have the right to be sued and be sued in its own name so if they can do that then they have the laws available to it but you look first in the enabling legislation which is Chapter 75. You look first to that to see what the specific powers are and if it enables you to go to court then you can go to court. If there's no specific provision regarding eviction of people without leases then you just utilize the law.

Vice-Chairman Matanane – The eviction law.

Acting Chairman Calvo – But you still have to give them that 30 days.

Legal Counsel Lujan – Oh yes what ever the Guam law requires.

Administrative Director Garcia – Anyways I already ordered that thing to be in the next agenda package.

Acting Chairman Calvo – Also Jess in our last meeting Board meeting we did talk about and I guess it would be the same issue with which we got it here on the people that owe and I mentioned that already. I want to start really going because that four hundred and some or a hundred and thirty six thousand dollars, well actually they owe about two sixty five I think but that's not only I really want to get to these people now. I don't want to wait for these guys anymore they know already and we got like I said we really got to set precedence on these issues now because we now mean business. If it was only a week or two weeks or a month but man when you're looking at it at fifteen months, two years behind.

Commissioner Tajalle – After the first 60days that's already a lost cause.

Acting Chairman Calvo – I mean it's like you go to the bank and buy a car and you don't pay your car and they repossess your car the bank says yes you can still have your car Andy but you know what Andy you owe me ten thousand dollars of repossession, you can still pay it and get your car you want out. This is just a trench that they're using that you know I'm hoping that they won't know they won't notice.

Commissioner Leon Guerrero – And that's why if Dave gets his wish and gets that report on the receivables we can red flag that right off the back we don't have to wait a year and half.

Vice-Chairman Matanane – Hand delivered or certified mail and say okay you're notified and we go to court you're done for because we already notified you.

Acting Chairman Calvo – Delia do you think you can on those applicants that we heard earlier on this three on Barnes and Rillera...(didn't finish).

Legal Counsel Lujan –Yes, I can look into that, it's a simple issue of first letting people beyond the 180 days or requires that the application be canceled. The first one was a lessee and then it's the biological son who is not the lawful because once he's adopted I believe he loses his rights but I'd have to look into that of inheritance.

Acting Chairman Calvo – I'm looking at this right now we have four hundred and thirty six thousand dollars okay and what I want to do that is also use that money now to help these people that need water and power and so forth.

Vice-Chairman Matanane – Plus the money that's lapses.

Acting Chairman Calvo – Jess on all that lapse fix it whatever we need.

Administrative Director Garcia – That's what we're trying to do is we're trying to show that we have the intent to use it.

**VIII. EXECUTIVE SESSION** – None.

**IX. ADJOURNMENT**

Meeting was adjourned at 3:50pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna  
Date completed: October 6, 2009

**Approved by Board motion in meeting of:** Oct. 15, 2009

Administrative Director, Jesse G. Garcia: [Signature]  
Date: Oct. 15, 2009

Chairman (Acting), Oscar Calvo: [Signature]  
Date: Oct. 15, 2009

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