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Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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COMMISSION MEETING MINUTES 2nd Flr. Division of Highways, DPW Compound, Tumon Thursday, August 19, 2010; 1:05pm - 3:25pm

I. CALL TO ORDER

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

II. ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Andrew Leon Guerrero, Legal Counsel Delia Lujan and Administrative Director Jesse Garcia. Not present was Commissioner Carmen Tajalle.

III. APPROVAL OF MINUTES (June 17, 2010)

Vice-Chairman Matanane moved to approve the minutes of June 17, 2010 subject to corrections. Commissioner Leon Guerrero seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Bob Barber (University of Guam) - I just wanted to come in today we've ended our MOU, the extension in July 31st we're now in the process of preparing to go forward for that and the goal is to try to have it done in the next few weeks. I wanted to come to you today and just give you a couple of things of how in the actual implementation of the MOA we've changed from the original agreement just to get it on the record and find out if there are anything that I need in to do in the report to address this. In the original MOA we intended to give you quarterly written reports. The first six months you got a six month report instead of two quarterly reports because we spent the first part getting the protocols for how to do all that together and that first report was the one we submitted in last December. In the second six months of the MOA instead of focusing on getting reports we shifted some of the focus to getting the Multi-Agency Advisory team working with Jesse and the Chief of Staff's Office to get that team and all the different agencies working together to get that additional program out and then to also help with the draft legislation that we're going to go present tonight. And so instead of doing reports, two quarterly reports, I'm going to give you a final report, will be a single report documenting all these efforts and will document what happened in terms of the assessment of ag leases and will give you the complete breakdown as we did in the first report for the first that we did it will give you a complete breakdown of the second. It will document all the educational programs we conducted on campus for this, it will also document what we've done with the Multi-Agency Advisory Group and will document our work

towards this legislation and that's what I'm looking at in making the report. Now since then we've signed a bridge MOU to continue with this effort but then include assessment of the commercial lease so hopefully I'll at least have the preliminary assessment of what we've done in the percentage of the commercial leases we've looked at to give to you also so we can utilize it. The larger MOA we're hoping to get the legislature's support with some additional funds to bring Land Management in and work on developing a more thorough protocols based on what portion of this new legislation gets passed and what we've found in the past. So those are where we are right now. I just wanted to find out if there are any questions or clarifications or issues I may have to deal with as I'm preparing in the next few weeks these reports.

Acting Chairman Calvo - Actually Bob I know that because I've participated in that with the other departments and so forth and just for point of information Dave and Andy the group organization that the Governor taskforce put together which encumbers of Land Management and other organizational which I've attended in one or two occasions and what Bob is alluding to that is it's really a resourceful issue because now we got the multi-agencies together and putting all there pros and cons to this and adding to addition what we're getting some professional advice from these organizations and now it encumbers now to put it into once. So I really have no objections in doing that because you know I've gone into that and I know that Mr. Garcia also is the leading of that organization that conducts that meeting for that matter. So Jesse is full aware of the issue.

Vice-Chairman Matanane - I just wanted to make comments because I was watching the budget hearing yesterday and I believe the MOU plus thirty-three thousand that is already approved so I believe that MOU has been.

Bob Barber - Oh they approved it? Wow I didn't even noticed. I want to also stress the activities, on field activities of the MOU did not, have not stopped or been short changed at all. The team's been out there. What's been missing is my involvement with the team which results in these reports getting in and the letters going out. Now after tonight's hearing I can now redirect my attention in getting these reports out and getting the letters out and starting another round of education for all the people who are going to get letters and so we can continue with that. But the team's been out doing their job everyday so that's moving on.

Acting Chairman Calvo - Okay thanks.

2. Therese Cepeda - I was here in June for the meeting and I brought up that the property I was on is under federal property up at Pagat Mangilao and I just came in to you know I wanted to see I mean I built something up there already and I'm not asking to be reimbursed I just want to see if they could relocate me somewhere else.

Administrative Director Garcia - Okay what's going on there Oscar is we're still having that place under review that 5402 up in Pagat. So as soon as the Multi-Agency Advisory Group's report comes out then that's when we can address the Cepedas issue. This is the one that came in the last time.

Acting Chairman Calvo - Yeah I remember.

Administrative Director Garcia - Three or four of them, the sister and the mother.

Vice-Chairman Matanane - I remember the case you said its federal property right? How did you manage to get up there and occupy the property?

Therese Cepeda - Oh I was there I've been talking to Balbino Gumataotao and then as soon I wanted to go and apply for utilities and permit and that's when Mesa was telling me it was under federal property.

Vice-Chairman Matanane - And did you get any lease from Chamorro Land Trust?

Therese Cepeda - No, I had a lease...(interrupted).

Vice-Chairman Matanane - Or any paperwork? Do you have any paperwork on the Cepedas?

Administrative Director Garcia - There's paperwork but apparently it's supposed to be on Lot 5402. But without field surveys it's was later identified that they're outside the 5402 boundary but the land agents assumed that it was on Government property.

Vice-Chairman Matanane - I remember there were three of you ladies that were here and I did ask for the folder and see if we have any agreement within or any lease for that matter on your folder or any contact on how or when was the recent contact with Chamorro Land Trust. Did you contact Chamorro Land Trust before you even built that building?

Therese Cepeda - Yes I've been talking to Balbino Gumataotao and he was the one that told me that I needed to start putting up something because he said if you don't show any effort in putting up something that they could take the property away so that's when I started building and when I went in to apply for utilities and everything he sent the paperwork in and also I informed them that I had land, a lease for Dededo and they told me that I had to sign that lease, give it up and sign the papers and put where I was at up at Pagat Mangilao.

Vice-Chairman Matanane - My next question is which one of you three is the client for Chamorro Land Trust? Are all three of you or?

Therese Cepeda- Me and my sister are right beside each other. She has all her documents already, she has authorization for utilities and also for surveying.

Vice-Chairman Matanane - She has an authorization?

Therese Cepeda - She has it, it's been signed.

Vice-Chairman Matanane - And you didn't get the survey done?

Therese Cepeda - No she didn't get it done yet.

Vice-Chairman Matanane - See if the survey comes in there he would have notified you it's not Chamorro Land Trust property and why didn't you follow up on it when you had the

authorization? Because three of you I got concerns concerning that now. She's asking for that particular piece of property I don't know what's the thing with you, your sister and somebody else?

Therese Cepeda - Oh just me and my sister.

Vice-Chairman Matanane - Because if I remember correctly there were three of you that occupied that property, three of you that were here.

Therese Cepeda - Oh my mom was.

Vice-Chairman Matanane - Oh your mom but it's under your name not your mom.

Therese Cepeda - Yeah me and also my sister.

Vice-Chairman Matanane - So you're vying for the Chamorro Land Trust property, both of you.

Therese Cepeda - Yes.

Acting Chairman Calvo - Let me just get this straight, when you had, by the way you remember the date of application that you had that just off your head right now?

Therese Cepeda - When I applied for that land?

Acting Chairman Calvo - Yeah, when did you get it?

Vice-Chairman Matanane - And when did you apply?

Therese Cepeda - I applied since 94 or 95, December.

Acting Chairman Calvo - 94 okay so that more than qualifies you. So what I think what transpired here Dave is when they were given the property it was through the Land Agent at the time I guess when they were given they did not identify or told them that they were actually sitting on the federal property, encroaching I guess or whatever for that matter. And low and behold now that you decided to build or do something in there you got so I think it's the responsibility of the Chamorro Land Trust now for us to see how we can address this issue more because it's really not to their negligence to the fault because they were just following all of the procedures and they do have documentation. So I will get with Mr. Garcia on that and see how we can you know but Mr. Garcia is. Jess on her, on their case and the family because I was just saying that at the time when these properties were assigned I guess the Land Agents failed to look at it and identify that that property was encroaching or belongs to the military and now we that is you know we have given them authorization they have gone out there and now they want to begin but now they're being fall back because of that and that one the one that you were talking about earlier once that is done.

Administrative Director Garcia - Well that's part of the test case that we're doing is that area so they're aware of what's going on with the Cepedas.

Acting Chairman Calvo - Okay.

Administrative Director Garcia - It's being worked on.

Acting Chairman Calvo - And you and Land Management is working on that.

Administrative Director Garcia - Land Management, EPA, Public Health, everybody all agencies are involved with the Multi-Agency Advisory Group.

Acting Chairman Calvo - Do you think by the next Board meeting?

Administrative Director Garcia - I don't know if it'll be resolved by then because just with it's, just the lot itself we have major problems in that area.

Vice-Chairman Matanane - What I'm concerned with is whose application are you working on? Is it her, her mom or her sister's?

Administrative Director Garcia - All of the cases, the leases that are being reviewed not only them it's everybody.

Acting Chairman Calvo - So there's more than one or two beside the Cepedas it could be any other family.

Administrative Director Garcia - It's also the people that are within the lot that's supposed to be intended for the lease. Because their actual intent was for Lot 5402 but when they actually were placed they were placed outside 5402 which the land agents...(interrupted).

Acting Chairman Calvo - So if that lot, is that Lot 5402 is that right now being utilized?

Administrative Director Garcia - Yeah actually to tell you the truth when we pulled out all the leases that we have on Lot 5402 there's more leases than the land available. So that's one of the cases that's why we had that moratorium on issuing out any more leases because of the problem.

Acting Chairman Calvo - Okay, alright. Well the thing here is I don't, you won't lose the property you know because...(interrupted).

Administrative Director Garcia - You won't lose your place.

Acting Chairman Calvo - Yeah it's just that it's going to be in a different location okay and we'll make sure that and even with the Board signing off on that. Dave I think we should have the Director and then we'll sign it off to make sure that these things does not happen anymore. Okay.

Therese Cepeda - Thank You.

3. John Cepeda - I have the same problem but mine is over at Hahasu Drive. I was staying there for a long time already. All my neighbors have power and I'm the only one who don't have power. I can't get power they're saying it's federal property. The other thing about it is the Mayor put some junk cars on the property when they were doing a land clean up and up till now there's still parts, chairs all over the place I can't even clean it.

Acting Chairman Calvo - The Mayor should be responsible for that. The Mayor should have never put anything there. The Mayor should go back and clean that spot for whatever reason the Mayor did that you know. The Mayors do not have that authority if anything you know unless I'm not saying unless maybe one of your friends or family for that matter but I think you should take it up with the Mayor.

John Cepeda - I took it up with the Mayor.

Acting Chairman Calvo - And what did the Mayor say?

John Cepeda - They said they were going to do it until now it's already been a year.

Acting Chairman Calvo - Okay because if that stuff that was dumped there through the fault of the Mayor and it's the responsibility of that Mayor of that village. They should clean up for that reason because you know when we gave you that piece of property at the time and I'm almost sure that there is no junk in there you know and whoever dumped junk there whether it be refrigerator, stove, cars or what not okay and if you're saying that the Mayors were the one who did that it should go back to the Mayor and demand that. That hey this is not you know you people just went ahead and dumped the material or he could say well your cousin was the one who authorized me to go ahead and dump it there you know that's one way of following through. But for us to be honest with you to say to you that we're going to go out and clean it it's you know, we're not in the cleaning.

John Cepeda - Well I know that also I have that same problem with my sister it's under federal what I'm trying to say also is how can my neighbors all around me have power and I'm right in the middle of those guys and I can't get power?

Acting Chairman Calvo - Jess let's look into that issue on his why if those other neighbors have, they're in the same with the Cepeda family area right?

John Cepeda - No, mine is at Hahasu Drive by Swamp Road area.

Acting Chairman Calvo - Okay Hahasu Drive, Swamp Road. You know anything about that?

Administrative Director Garcia - No I got to look at it. John you have a lease?

John Cepeda - Yes I do. Or well not a lease but you know for power and water.

Administrative Director Garcia - No but do you have an actual lease with Chamorro Land Trust?

John Cepeda - Well I applied for well they transferred me from was it Batulo to...(interrupted).

Acting Chairman Calvo - No but do you have an actual lease saying that the Chamorro Land Trust did give you this lot 101 for whatever?

John Cepeda - No they haven't given me that lease yet but I applied for it for a long time already.

Administrative Director Garcia - That's where we're going to have the problem if he doesn't have an official lease because we've been denying utility hook up if they don't have an official lease.

Acting Chairman Calvo - That's what PUAG and that when we talked about.

Administrative Director Garcia - That's the one the issue that we had with Waterworks and with GPA because if there's no official lease Waterworks will not hook them up not even GPA.

Acting Chairman Calvo - How did you apply for that property if I may ask?

John Cepeda - Well actually I had property somewhere in Dededo but they asked me to transfer.

Acting Chairman Calvo - Who asked you to transfer there?

John Cepeda - Jesus Mesa I think, he's an old man I don't know if he's still around.

Acting Chairman Calvo - Okay but were you part of the, did you apply and do you remember what, were you with the original applicants?

John Cepeda - Yes, I applied since 93 even because that's when my daughter was well we got kicked out of GHURA and we stayed somewhere we were the ones that they gave property to.

Acting Chairman Calvo - Okay, Mr. Garcia check on his lease because there's got to be some sort of record in there okay. For us to take any action we have to identify first.

Administrative Director Garcia - John what's your contact number?

John Cepeda - 888-2302.

Acting Chairman Calvo - Okay at this point in time there's not much I can really do until we get the facts to it okay.

John Cepeda - Alright, thank you.

4. Anita Orlino - Good morning, I'm just here today just to find out any progress report on applicants that were by passed, December 2nd, 1995 and or 97 or anything just to give me feedback from the last time that I was here to find out about the application.

Administrative Director Garcia - Basically with all the applications I haven't been processing any new applicant for any lease or anything until such time the inventory is completed. We're still stuck with the basic issue with the Chamorro Land Trust is the land inventory. Like what I mentioned earlier with the Lot 5402 when we did the research it showed that there's more leases than property available. So those are the things that we need to settle before we start issuing out any more leases because we don't want to end up with that same scenario.

Anita Orlino - Okay. In a case where there are squatters on certain, I hear a lot, they have occupied that place, let's say after 95 some of them just moved in or what, are you looking into that?

Administrative Director Garcia - Yes that's why we have the what I referred to as the Multi-Agency Advisory Group, it was an executive order put out by the Governor for all the GovGuam agencies that are involved with environmental health, safety and the welfare of the people is to go out there and help the Chamorro Land Trust come up with an assessment that would lead to the inventory of all the Chamorro Land Trust properties to identify squatters, are the buildings that are on Chamorro Land Trust properties safe, do they have building permits, stuff like that, are they contributing to the contamination of the water lens. All of these things are all being reviewed by this group that the Governor formed and until such time we get a good handle on the inventory then that's when we'll probably be able to proceed with issuing out the leases. But right now it's not going to do you any good if I was to issue you out a lease and you're going to have problems 10 years down the line.

Anita Orlino - So you're saying everything is on standstill and even to the point of the rules and regulations have that been a...(didn't finish).

Acting Chairman Calvo - Well the rules and regs is on the commercial that will be heard tonight so you know but that rules and regs now will only be well it's going to go to the legislature. It's already been presented to the legislature so there'll be questions and answers I guess tonight and then from there on the legislature will be one to make the final adoption. Now if they adopt it we presented the rules and regs to the Governor and the Governor has already give his blessing from us so at least that's one huddle that we went through. Now the final huddle is the legislature. Now the legislature might accept it as it is or they might make changes for that matter but you know. I can't give you an answer for that until the legislature you know approves the rules and regs other than that it's pretty much a stand still until we get these things done.

Anita Orlino - On the side do you prioritize? I meant let's say for example my application was submitted on the 2nd of December 1995 and then another one same date and they're applying for agricultural and I'm applying for residential do you first issue residential or agricultural or how do you prioritize the applicants or how do you issue leases on that basis?

Acting Chairman Calvo - Well what it goes down to is if you applied in 95 let's for example in your case if you have two you applied for residential and agricultural okay and like what Mr. Garcia okay the availability of land has to be identified first okay. And if you were to be given a residential or commercial lease I mean agricultural that would be we have to identify the property and make sure that that is strictly for what it's for. Now as far as to prioritize okay that depends on where it is and on the location of the property is. And to me for us and this is some of the problems that we have and we're identifying all these problems right now is by using that land use commission and with the taskforce now identifying all these problems right now and I think if you come tonight and listen I think you will get a lot of feedback on what really, the reports that we're going to give out okay.

Anita Orlino - Yes, one more thing so tentatively do I look forward to six months down the line or wait until 2011? Or until such time that everything is in place then maybe I'll attend the meeting. I look forward to these meetings just to hear about the progress report because really I am pressed with you know to move.

Acting Chairman Calvo - Well there's really not much but what you can do is you can write to us and that's the least and then at least this way it's documented okay. I mean it's also documented in the..(interrupted).

Anita Orlino - The lease.

Acting Chairman Calvo - No in your request.

Anita Orlino - On my quest oh like the quest card okay. Okay then I'll maybe kind of wait around. When is your next meeting? Next month?

Administrative Director Garcia - Next month.

Anita Orlino - Okay thank you.

V. PENDING BUSINESS

1. Edward Cruz / Catalina Mesa - Property dispute on Tract 19412, Mangilao

Edward Cruz - I've talked to my auntie and also my cousin Frankie back here, Tommy was not around when we met up at her house so we've come to a conclusion here what made me brought this up was you know just to let the Board know my mother passed away over thirty some years and for the first time since she passed away this is the very first time that she ever visited me and talked to me about the problems that we are encountering on the property up in Mangilao okay. Though I know there were a lot of things that have happened on this property, let it be, be by gone, be by gone and I want to move forward. I want to leave where my auntie and my cousins are staying now all I'm asking right now is for the Land Trust to issue us another land in place of this property that were given up to my auntie and my cousin.

Acting Chairman Calvo - Well that's really nice Eddie and you know Mr. Mesa and I'm glad that you guys came down to that you know so at least you know it's a warm feeling and a talk for that for you know it's to happen something in that nature because you know you're

family and it's not you know the land is not always the answer to our lives. One day you might need his help or the other day so being a neighboring to that you know. But there's one thing though I want to ask you right in front of you and this board okay can I see you two hand shake?

Edward Cruz - Oh yeah we did this already.

Acting Chairman Calvo - I just wanted to you know at least I know that there's a peace treaty there already okay. Getting back to that other piece of property you know that like what Mr. Garcia said earlier until all this is said and done I don't want to come to that conclusion Ed and say to you I'm going to make a promise today to you that you will get your property today, tomorrow or next week. I want you to understand that portion okay. But I'll have Jesse look into that and see how we can address the issue you know. It's really a nice day for something to happen like this you know and I'm glad that you have that like what you said by gone is by gone it's gone okay.

Tom Mesa (son of Catalina Mesa) - I just want it to be known too yeah there was a lot of family issue here but you know my mom didn't do it illegally. You know I just want it to be known I mean yes he had a strong point but even us too how everybody looked us down because you know they were saying we didn't have this we didn't have that. But in reality I got all documents here stating from way back too that my mom legally applied for that lot and was given it. Yes they had an issue about it and it kind of escalated and all over silliness if you ask me you know what I mean. But I want it to be known today we end it today I want the points shown to both Mr. Cruz and myself by some representative you know to pin point out the exact spot. I do not want this thing in the long run or anything you know to happen again because I'm not going to be around here for the next thirty years you never know you know what I mean. Whoever my mom's beneficiary is I don't want them to go through the same problem you know what I mean. It's little things like this that we belittle as the Government of Guam you know what I mean we tend to oversee it just because it's a pare, pare system or something you know what I mean. It's kind of ridiculous if you ask me if we got black and white you know what I mean.

Acting Chairman Calvo - And that's good Mr. Mesa for what you've come today and I'm happy for that and I'm glad that we came down to that point okay, appreciate it.

Edward Cruz - One more thing Mr. Chairman if you don't mind please and Board my primo says here that he has documentation well to be honest with you we all have documentation. All of us have that. The only thing here that gets me is you know Mr. Administrator here and some of the Boards and also the staff actually know what went on with that property. But I mean like you said let it be, forget it, just give me another land I'll be happy, I'll move on with my life and leave my family alone. That's all I'm saying, I'm asking for.

Acting Chairman Calvo - Okay, alright thanks.

Josephine Cruz - Is that going to be true in writing, Jess?

Administrative Director Garcia - What is that?

Josephine Cruz - About the exchange.

Administrative Director Garcia - Oscar, the settlement the one that they're asking about is that they're going to let that go and then get another area but when they get the other area to, for their kids.

Acting Chairman Calvo - Okay then we'll look into that okay.

Josephine Cruz - We don't want to just go through and then we don't get the land at all.

Acting Chairman Calvo - I don't want to say to you these folks today I have to make Mr. Garcia do and find out where that location okay. I don't want to dispute to that, I don't want to say tomorrow, next week or next year okay. I just want to make sure that that's an understanding today.

Edward Cruz - Okay. Just for your information then we were called up by someone at the Chamorro Land Trust office and we were offered another place yeah, and they said if you like it there's one here up in Yigo okay and then Mr. Bob Barber also when we met up he also told me Ed if you let go this property are you willing to accept another property somewhere in Mangilao. I said let me know where you know. I can always select it doesn't matter as long as we get a property.

Acting Chairman Calvo - Okay.

Administrative Director Garcia - Let me look into that Ed the one area that you're talking about. Who called you?

Edward Cruz - Ms. Lorraine Nededog and Bob Barber.

Administrative Director Garcia - Okay so I'll verify with Lorraine the property and then we can..(interrupted).

Edward Cruz - Call us. Okay, thank you.

Tom Mesa - I got another one you know talking about squatters earlier, right behind my place actually where Mr. Cruz and I were having problems they said they were going to give my mom a little bit more portion I happen to know for a fact that there are people using that lot and the original owner had died already. You know how I know is because I talked to him at my place of work and it seems to be that they're just squatters coming in and that's the lot Jess that they were going to offer us to that and I don't think it would be fair. I think it should be lottery out to people who actually applied for it and need it you know what I mean.

Administrative Director Garcia - Well that's why the inventory is real important for the Land Trust. We need to get an inventory of all the Government, Chamorro Land Trust properties that we own because with the inventory it's going to indicate who's on the property and what kind of activities are being conducted on that property.

Tom Mesa - How current is your watchdog you know the one you guys post on the internet? Is that real current or is it lacking information? The website, is it real current because you know I could sunshine somebody's act you know their lease just by sunshine act and it only proves to me there's still people staying up there.

Administrative Director Garcia - It's being checked by our staff but Eileen do you know, is it updated?

CLTC staff, Eileen Quichocho - The website is only posted from that time because that's just for PDN.

Tom Mesa - Yeah but how often do you guys actually make it current for public information?

CLTC staff, Eileen Quichocho - We don't not for PDN.

Administrative Director Garcia - I guess to answer your question Mr. Mesa would be if you have a sunshine request it's best to just send it in to our office.

Tom Mesa - Yes, I've been doing that Jess, my mom did that too and there was no respond. When they get back to me I'm tired of Jesus Mesa and Lorraine Nededog getting involved saying this, saying that when I want to speak to somebody that actually can answer my questions. I don't want to speak to a Land Agent I that's going to tell me or you know tell me bogus information I mean you know we're all working individuals hard life, we're trying here like every time I submit something I get the negative feedback from you guys you know.

Acting Chairman Calvo - You said you submitted letters?

Tom Mesa - Yeah and honestly it wasn't answered right? We even have copies of it when we sunshine it to Chamorro Land Trust. And they cannot produce but on their watchdog it says there's a lease but when we asked to view it as public information there's no lease, it happened to disappear overnight or what? That's what I'm asking.

Administrative Director Garcia- It wouldn't be published on the website we would have to show it to you hard copies.

Tom Mesa - That's all I'm asking is how current is it, you know is it precise or what? I mean can you guys give me something to look at you know what I mean? That's all I'm asking that's public information you know what I mean. That's all I'm asking, I'm not asking for anything illegal here I'm only asking by the book you know.

(Chamorro translation by CLTC Staff Eddie Artero)

Franklin Mesa - The folders, the files at Land Trust we found some vital documents that are missing. I don't like to say that because I have a family member working there, the brother of my father, Jesus Mesa a land agent. That's when the problem came out with Eddie Cruz, they are a close family relative. We were checking on our documents and that's when we asked Jesse Garcia to give us papers. There's a lot that we found the beneficiary documents, request for surveys, the land use permit since 1980 and those documents were

all lost. We verified with Land Management and yes they forwarded it over. That's why I want to address this issue because I know this is GovGuam, I know because I'm a GovGuam employee also and I know I can take this document and put it in file 21. That's why we need to carefully look at it and I'm not saying what, hey it's beyond my control. But we found some documents, beneficiary documents and it has been approved and authorized and all of them are lost, the file for my mom a lot of them are lost and then I looked at mine they gave me authorization for Land Trust and SBA to build a house.

Acting Chairman Calvo - That's the problem that we're encountering okay. That's why you have to document it and submit it in.

Franklin Mesa - I was ready to forward this to the AG's office.

Acting Chairman Calvo - Yes and that's when we can take it to the Attorney General. I'm not doubting you don't get me wrong. The court will decide and the court will ask you if you have a problem, is this what the client said and this is what they took. One is the employee might have taken it but it shouldn't be taken out. And then it's the employee's word against the applicant and when you write it down who the employee is who did it that takes for an action for the employee, an adverse action. I've gone out there many times a lot of people tell me that but if you don't write it down that is more important. Write down the incident on what happened. No document should not come out of the file or out of the office. No one should touch those documents even me as the Chairman I don't even go there for that matter okay. If I need any document I ask the Director or one of the employees that handles it. I don't proceed to touch the files without asking the Director.

Franklin Mesa - Mr. Garcia knows and I know that he has plenty to address.

Acting Chairman Calvo - Maybe in that statement that you mentioned and I'm glad that you brought it up so we can discuss and talk about it so we can better explain it and put it down in writing.

Franklin Mesa - I just want to let you know that we need to look at it.

Acting Chairman Calvo - Yes, you're right there is only eye and the Director can only focus on one. We're addressing the problem as we move ahead and cleaning up the problems.

Franklin Mesa - This problem is that it's within the family and we want to address it.

Acting Chairman Calvo - Even though it's a family issue if they're wrong we need to correct it and look at what you just mentioned that the employee shouldn't interfere.

Tom Mesa - The Land Agent I and the secretary of the Chamorro Land Trust came out and told my mom that they are going to relocate her not knowing that she has documents. The employee of the Chamorro Land Trust should look into the files to know what documents are in there.

Acting Chairman Calvo - The position of the Land Agent is that if he has any questions on the documents then he should go out to investigate. That's the appropriate channel.

Tom Mesa - Yes, the appropriate channel it goes to Jess and then Jess channels it forward.

Acting Chairman Calvo - Okay.

Franklin Mesa - One more thing can we get this in black and white and request for..(interrupted).

Tom Mesa - You know can we get a date to come out and pin point to Mr. Cruz and ourselves so no conflicts?

Administrative Director Garcia - I'll get that, actually we sent the surveyors out before but I'll send them out...(interrupted).

Tom Mesa - When you send them out Jess nobody is there. I want Mr. Cruz and one of us to be present that way you know it's a done deal.

Administrative Director Garcia - Okay.

Franklin Mesa - Now my mom can sleep well. My mom was deeply troubled with this issue that she couldn't sleep at night and I was asking her why she couldn't sleep and she mentioned about the family issue. So I told my mom to pray and ask for assistance and eventually your prayers will be answered.

Administrative Director Garcia - We'll schedule the survey.

Tom Mesa - My contact number is 898-8672 Jess if you can give me a date when you're going to come there and one of us will guarantee be there. Just to solve it so no more problems.

Franklin Mesa - At least the family are in agreement.

Acting Chairman Calvo - Okay and that's more important.

Franklin Mesa & Tom Mesa - Thank you.

2. Guam International Country Club - Payment status

Kelvin Torres (Accounting and Administration Manager, GICC) - Good afternoon and members of the Board we're actually here today to inform everybody that Mr. Henry Langit had resigned our organization and next to me is Mr. Yohei Koike, he's here today, he's actually the nephew of the owner of GICC. I guess the owner decided to bring a family within our structure because of the failed administration, two failed administrations of the Guam International Country Club. It's because we have tried to catch up on our arrears. Mr. Koike was sent here to do some investigation and I guess he, just let him speak and introduce himself. Mr. Yohei Koike is our Japan Golf Management Director of Operations who owns Guam International Country Club.

Yohei Koike - Hello, my name is Yohei Koike, sorry for my level of English, please if you ask me questions, please ask me like slowly so I understand, thank you. Last month I was here for internal investigation as Kelvin said and I went back to head office in Japan and I report everything. I reported that how serious the matter with Chamorro Land Trust and that our outstanding is very big. But unfortunately GICC is not doing very good in financial point and in also our main business in Japan Golf Management is not good as we used to be. So they kind of hesitated to send money to GICC that's why it's been so long that we couldn't pay and I would like to apologize as a member as a worker of Japan Golf Management that we kept not paying such a long time and this time when I came back from Japan I talked with our owner and our owner promised me to pay.

Kelvin Torres - Actually, I guess everybody knows the amount of arrears that we have. Actually today we're actually presenting a two-hundred thousand dollars check to Chamorro Land Trust and this is actually, it is actually a post dated check dated on September 6. We really tried to work with our financial with Japan Golf Management and we told them we need to have some kind of guaranty because we don't want to have this sing along thing that we've been going through for so many months or years that I've been with GICC and that we need to have some kind of a solid black and white at least in a form of a check that it's going to guaranty clear on September 6. So I have a check here today for two-hundred thousand dollars which we will present it to Chamorro Land Trust and then we will be working Mr. Jesse Garcia a more realistic payment plan from what Mr. Henry had proposed from the beginning. Of course if GICC makes money and I know that Mr. Yohei Koike will be spearheading all the financials and I think that his idea will work. He doesn't have no personal gain to this he is the nephew of the owner and he reports directly to the owner itself.

Vice-Chairman Matanane - Since you have the check for...

Kelvin Torres - Two-hundred thousand.

Vice-Chairman Matanane - Up till September?

Kelvin Torres - This is actually with 2008 and most part of 2009...(interrupted).

Vice-Chairman Matanane - No my question is you have a check?

Kelvin Torres - Yes.

Vice-Chairman Matanane - For September.

Kelvin Torres - September 6 sir.

Vice-Chairman Matanane - Post dated up to September what?

Kelvin Torres - 6th.

Vice-Chairman Matanane - Why can't you make it effective August 31st?

Kelvin Torres - Because the money will be wired on the 31st of the end of the month and then we just don't want it to go in and it might clear and we don't want to pay a handsome fine.

Vice-Chairman Matanane - Well if you make it August 31st I don't know about the two here but if you post dated it up to September why not August 31st?

Kelvin Torres - Okay well actually we could do that. Yeah 31st is Friday?

Administrative Director Garcia - The 31st is Tuesday.

Vice-Chairman Matanane - And then we'll hold that a day maybe a day it won't take a day to clear it right?

Acting Chairman Calvo - This is what I want to do with this okay on that check I would like to have that check you know for but to post date the debt I also want that in a cashier's check because I want to make sure that there is funds on that two-hundred check because you can give me a check on the 31st and low and behold we're going to go back to the same situation. I want to make sure that that check is good you know. I want a cashier's check delivered to the Chamorro Land Trust for that matter okay. If they're saying that there's money that you know that money is legitimate I'm not saying it's not right now but you know too many bounced checks now a days and two hundred grand I know is a lot of money man you know. But I think what you could call Japan or your family and I want that check in a cashier's check because then I know come September 1st I guarantee you that when I go down to the bank and Mr. Garcia deposits there's no hesitation. I don't want this of saying well we got to wait two weeks, three weeks to the banks, I don't want that okay.

Kelvin Torres - Actually the 31st is a Friday so actually I mixed my weeks so it was actually for...(interrupted).

Acting Chairman Calvo - If you want to bring it on let's say hypothetically right now okay you can even do it tomorrow or this week okay but I want it in a cashier's check okay. I'm not disputing, I'm not saying that your company check is not good but it's the check that you're going to present that belongs to the people of Guam and I'm going to have to be held accountable for and the people of Guam would say you got two-hundred thousand but you know what I can't cash it you know but I can honestly say that but I want a cashier's check on that okay.

Kelvin Torres - Okay.

Acting Chairman Calvo - Okay so tell your, I guess your boss or whatever in Japan that that's the only way the Chamorro Land Trust will accept that check. It has to be in a cashier's check.

Administrative Director Garcia - The cashier's check if it's going to be a check it would have to be made to the Treasurer of Guam.

Acting Chairman Calvo - You can work the detail with Mr. Garcia on how that check will be posted but definitely it's going to be a cashier's, I do not want just a regular company check. I don't want a company check.

Kelvin Torres - Okay.

Acting Chairman Calvo - I mean it'll still be in the company's name but I know for a fact that there is two-hundred thousand sitting in that okay because if come whether you come on the 31st and you present me that check I mean right now you're telling me you post dated the check since September 6th you know that's giving me right now you're not sure there's two-hundred thousand.

Kelvin Torres - Actually I'm sorry I kind of missed my week it's supposed to be the 31st on a Friday...(interrupted).

Administrative Director Garcia - No it's a Tuesday.

Kelvin Torres - A Tuesday, oh okay.

Acting Chairman Calvo - From now to the 31st okay, it doesn't have to be on the 31st but the minute you get that cashier's check and that can be wire transferred right away within the next what 10 days I guess more but I want that check in a cashier's form okay.

Kelvin Torres - Actually that would be good I mean we would like to direct...(interrupted).

Acting Chairman Calvo - That way it assures me that you guys are being truthful to that because if I get a regular check like I said and that's why it dawn my mind when you said post dated the check okay. Come 31st and you're going to say okay and I, they're going to put that deposit that money in then you know how the bank is especially with that amount they say that we got to check and that could take a week you know I don't know how for that great amount. I mean even sometimes for a hundred dollar check when you get and you go to the bank it can take a week or two weeks so that amount of money I want it in a cashier's check okay.

Kelvin Torres - Yes.

Acting Chairman Calvo - Because that way when I hold that check and they deposit it's guaranteed money.

Kelvin Torres - This is actually we would like to have it processed with the Chamorro Land Trust as soon as possible of course we do have arrears other arrears that we have to close out.

Acting Chairman Calvo - And on top of that when you do present that check then we'll talk and negotiate on the other half of that payment plan okay.

Kelvin Torres - Yes.

Acting Chairman Calvo - But right now I want to see that by the 31st okay so you'll have more than because this thing has been going back and forth, back and forth and I'm really tired because I'm getting chewed out not only by the Governor but also to the media and also to the people because that belongs to the people of Guam. It's not mine and I have to be accounted for so I want to make sure that we understand that sir so I guess the best way when we finish here call Japan.

Kelvin Torres - Actually Mr. Koike was actually would want to record this meeting and send this to Japan and how serious is Chamorro Land Trust on ...(interrupted).

Acting Chairman Calvo - Oh we are serious I'll tell you this much because if we don't in the 31st in fact we were going to advise the Director today to go ahead and we were going to advise the Director to you know close down. So I'm glad that you guys came today but come 31st or from now till the 31st but I want to make it loud and clear I want a cashier's check.

Yohei Koike - The reason we post dated 6th is the owner told me just to secure he said he will send the two-hundred thousand until the 31st but if something happens like a bank transfer you know something could happen that's why he said make sure make it to the 6th because you know it might get bounced.

Acting Chairman Calvo - And that's exactly why I don't want that because you have already given me the notion of that that you post dated the check on the 6th so that tells me that maybe there is two-hundred thousand there may be more but for us to say here okay I'm going to accept that two-hundred thousand dollars I mean yeah honestly and truthfully I want to accept that check but it's going to be on a cash because come on the end of the month you know I have to so you just have to get back with Japan okay because honestly and truthfully like when we had the meeting up there we all have our problems here okay. What goes in Japan, that's Japan, my worry is Guam okay. If you're not doing good in Japan that's not my problem okay and I want to make that my only worry is my concern here is you know because of the people of Guam.

Vice-Chairman Matanane - And according to your letter you want to clear your books for 2009 and the amount is 225,292. Why not make that check that amount?

Kelvin Torres - Well actually we're up...(interrupted).

Vice-Chairman Matanane - If you're going to clear your books for 2009 you must have the money.

Kelvin Torres - Well I'm actually discussing that with Mr. Koike. I mean maybe if you can give us a little time on that amount at least we can meet our utilities, you know our payroll at the same time. It's such a big amount that would really give us a...(interrupted).

Vice-Chairman Matanane - You're concerned about the big amount.

Kelvin Torres - Yes.

Vice-Chairman Matanane - Aren't we all.

Kelvin Torres - Actually the two-hundred thousand is for Chamorro Land Trust but at the same time we are also considering our other vendors and our other obligations.

Vice-Chairman Matanane - Let's put it this way it's two-hundred thousand cashier's check or more or even two-twenty five two ninety-two okay.

Kelvin Torres - Okay.

Vice-Chairman Matanane - But we won't accept less than that two-hundred thousand.

Kelvin Torres - Yes, two-hundred thousand is secured for Chamorro Land Trust.

Vice-Chairman Matanane - Or more which is according to your letter here you're trying to clear your books you should have that money.

Kelvin Torres - Yes.

Acting Chairman Calvo - But like what Mr. Matanane says if you can add that twenty five grand it would be great that way you know that would be a lot better. But the two-hundred thousand it's no more than that okay if you come tomorrow or next week and say we're only presenting a hundred thousand it's not going to work even though you're presenting me that amount of check okay. But I just want to reemphasize I want a cashier's check.

Kelvin Torres - Yes.

Acting Chairman Calvo - Okay because that one already tells me there is money in there and nobody can touch that even in Japan because when that is deposit in because I got to pay my legal counsel right now. She's already slapping me on a bill you know so I need to do this.

Administrative Director Garcia - Let me get it clear, so you're ordering me if the two-hundred thousand is not made by the 31st you're telling me to take action, appropriate actions to proceed with...(interrupted).

Vice-Chairman Matanane - To close out.

Acting Chairman Calvo - To close out.

Administrative Director Garcia - Okay, I want to get it clear.

Acting Chairman Calvo - Now from now until the 31st and you do put that money in okay but we can negotiate on the terms after but presenting that check right now it's non-negotiable okay. There's no negotiable right now.

Kelvin Torres - Yes and also good news for the head office of JGM they had committed actually there's a twenty thousand dollars reinforcement exclusively for Chamorro Land

Trust on a monthly basis and then that's something that I guess we as I said we are singing a different song now. I don't think that the family will shame Mr. Koike being in there within the family structure and unfortunate there were hidden agendas on the past administration of GICC and for as long as it's been I think a lot of people have talked about the Guam International Country Club and that's a reason why Mr. Koike is here and he's going to be running or at least overseeing the GICC.

Acting Chairman Calvo - Because you know tonight we're having the rules and regs and when we have that rules and regs you're gone seriously.

Kelvin Torres - Actually I emphasized that to Mr. Koike you have to let Japan the head office know that after this month we might as well just close I mean we just have to if we can't present anything to Chamorro Land Trust.

Acting Chairman Calvo - Okay so come 31st the Board has directed Mr. Garcia they'll put a barrier there.

Kelvin Torres - If I can get Mr. Garcia's calling card I can meet with you or contact you and I could set up the cashier's check as soon as possible as soon as tomorrow right now it's just a lot of legal stuff that's going on.

Commissioner Leon Guerrero - Mr. Chairman if I may I'm sure that the GICC golf course understands the demands we've made of them but should they not make the check good by the offer date of the 31st of August we cannot just go in and shut them down. We have to go through a process.

Acting Chairman Calvo - Oh I know that.

Commissioner Leon Guerrero - I just want to make sure that that was clarified that we will go ahead and move forward to make recommendations to do whatever is necessary to void the existing contract or lease that we have with the GICC and the Chamorro Land Trust.

Acting Chairman Calvo - What I actually meant on that is on the 31st okay there's no more negotiation after that I'm just letting you know that's primarily letting you guys know in Japan. Now if you come on the 31st and there's no more negotiation but you still want to continue on then I expect the full amount of on that turf. But right now after the 31st if we don't get that anything then you're looking at of course we would give you guys time to but it will be on a different negotiation issue okay.

Vice-Chairman Matanane - Yes we can we have already given enough notice.

Acting Chairman Calvo - More than enough notice.

Board took a break at 2:10pm and reconvened at 2:35pm.

VI. NEW BUSINESS - None.

VII. DIRECTOR'S REPORT

1. FAA lease

Administrative Director Garcia - Oscar I mentioned to you earlier since last week about the FAA so we have a representative from the Airport and FAA here so if we can just discuss that.

Randy Reeves - Good afternoon, Randy Reeves, I'm with the FAA here on Guam.

Administrative Director Garcia - I guess what basically what happened is the lease is going to expire on September 13, 2010 and they need to come up with a new agreement. This is for the property up at Nimitz Hill.

Randy Reeves - I believe 30.

Administrative Director Garcia - Okay September 30 but anyways this is the glide slope that they have up in Nimitz Hill.

Randy Reeves - It's not the glide slope there's actually two facilities up there. One is called the VOR and that provides, it's a navigational aid for aircraft flying within Guam's airspace out to two-hundred and fifty nautical miles and then there's another navigational aid that's up there called the non-directional beacon and it's also a navigational aid for the airspace around Guam.

Acting Chairman Calvo - That's the one that guides the planes in at night.

Randy Reeves - Yes sir.

Acting Chairman Calvo - Or mostly at night because daytime it's yeah.

Administrative Director Garcia - The location is up at Nimitz Hill where the KAL crash that area.

Acting Chairman Calvo - Yeah, okay now what are looking in the size of that property Jess?

Randy Reeves - I was looking for that through the agreement and it was just a bunch of coordinates. I don't see any actual acreage listed there.

Administrative Director Garcia - It's about 71, the total property is 71 but I don't think they're using the whole 71 acres. I guess they just identified the whole lot.

Vice-Chairman Matanane - I'm now just aware of this particular piece what gets me is number 3 item there. I thought we are in a lease agreement but the lessee shall pay lessor no money consideration in the form of rental. That's my question sir when the first lease agreement happened was it the Board has agreed with those?

Randy Reeves - Actually sir the lease was administered to the FAA through the US Navy and I believe all that land in that Nimitz Hill area was returned to the Chamorro Land Trust

Commission some years ago but the two facilities that are occupied by the FAA I don't believe that they were ever addressed and we weren't knowledgeable about this transfer to Chamorro Land Trust Commission.

Acting Chairman Calvo - Looking at this it's really dated back in 1946.

Vice-Chairman Matanane - Yeah, since we just received this and we have no time to look into it and read it and you're lease is going to expire on the 30th of September?

Randy Reeves - I believe so yes.

Vice-Chairman Matanane - So we will have time to look at it and maybe digest what happened here because to me what really concerns me is you know as trustee of people's land and consideration is non (inaudible).

Randy Reeves - I understand just as a note though those two facilities are critical to the air navigation around the island of Guam. They're our approaches so it's a definitely an important factor to consider sir.

Vice-Chairman Matanane - We acknowledge that, I acknowledge that.

Commissioner Leon Guerrero - We won't ask you to remove it.

Acting Chairman Calvo - I myself because Jess called me about this last week and of course we all want to...(interrupted).

Vice-Chairman Matanane - We haven't even digested it, I just got to the third page and that's it.

Acting Chairman Calvo - What I think what has to go back on this now is there will be a lease given on this which the FAA would have to concur and pay because this is a Chamorro Land lease now you know. Of course you know we're not like what Mr. Leon Guerrero says we're not going to go up there and because of the safety.

Randy Reeves - So what I suppose I could do because I can't really speak on behalf of the FAA I'd get in big trouble if I did but I will tell you that what I'll do with the outcome of this meeting is I'll speak with our real property officer who handles these matters, she's the one who provided the draft lease agreement.

Commissioner Leon Guerrero - And who would that be?

Randy Reeves - Her name is Darice Young.

Administrative Director Garcia - Out of Honolulu, right?

Randy Reeves - Right.

Administrative Director - Randall, maybe I will make a suggestion Oscar because of the sensitivity of the time and the need of the property maybe if they want we can do a conference call but they would have to be with the members the Commission.

Acting Chairman Calvo - Yeah.

Randy Reeves - Because of the timing essence.

Administrative Director Garcia - Yeah because of the time, September is going to run fast and this document is getting signed back in Hawaii it takes time.

Vice-Chairman Matanane - We need time also to digest the lease.

Administrative Director Garcia - So in the meantime we're reviewing it and if they want to do a conference call maybe we can schedule one.

Acting Chairman Calvo - Or I think, conference call I would rather really have more physical bodies.

Administrative Director Garcia - No because the main players are in Honolulu.

Vice-Chairman Matanane - Or in writing.

Acting Chairman Calvo - Or in writing for that matter and making note and make them understand the situation because of the property itself that there is going to be some sort of payment plan or whatever to be done in a lease agreement on this now you know because it now belongs to I mean of course we're not going to take (inaudible) for that matter.

Vice-Chairman Matanane - Maybe on the lease agreement on Section 8 notices October 96, all notices/correspondences shall be in writing reference to lease number and of course we adhere to the modern times but I still would like to see it in writing because you know nobody can dispute.

Randy Reeves - So I will email Darice and I'll copy you folks in on that email so we can start the dialogue and hopefully we can get something figured out between now and then.

Administrative Director Garcia - Maybe Randall what will make it easier for the Commission to digest the issue is would you guys happen to have the old lease or the original lease so they can see it on how it was...(interrupted).

Randy Reeves - This is a standard format.

Administrative Director Garcia - Yeah but the one that was done 25 years ago right?

Randy Reeves - Sure, Darice would have it.

Administrative Director Garcia - That way it will show why wasn't there no payment where for what reason.

Acting Chairman Calvo - But see at one point it was government entity and then it actually fell under the military at the time and that was that's why it was way back in 1946 and then Chamorro Land Trust came into play a couple of years ago so what they did is when they put all that piece of property now you know so and you can probably in here in earlier in why these issues have to be because we have to make an accountability to the Chamorro Land Trust people. So and like what Mr. Garcia stated that you know for whatever reason at the time you know but it might be a change of course and menu on this issue okay.

Randy Reeves - So do you have any development plans for that area just thought out of curiosity?

Administrative Director Garcia - No not off hand. If you noticed when I was talking earlier in the previous the inventory of the Chamorro Land Trust properties we need to get that thing done and you know like the glide slope maybe some of the members wouldn't have even known that was on Chamorro Land Trust property because there is no real inventory. But I guess if we see the original lease agreement then that would probably make the members understand.

Acting Chairman Calvo - If you can get that original agreement and the maps of whatever at that time would be very...(interrupted).

Randy Reeves - Yes it would be good to have that attached so you can see the area that we're talking about.

Acting Chairman Calvo - Because 71 acres.

Administrative Director Garcia - I think that's the total lot.

Acting Chairman Calvo- Yeah total lot because you know I mean guiding light towers you're assuming 30 by 30 by 50 or whatever.

Randy Reeves - Well the main facility which is called the VOR that has a large counter points that are there that is actually part of the radiating service so that's why that area is so large.

Vice-Chairman Matanane - Where about?

Randy Reeves - Do you know where the Korean airlines...(interrupted).

Acting Chairman Calvo - The Korean airlines that crashed up at Nimitz Hill.

Randy Reeves - It's just about there actually it looks like a teepee, if you're driving down the hill on the northern side of Nimitz Hill if you're driving down that steep part and you look out the hill you can see the site.

Vice-Chairman Matanane - Isn't there people who have already built?

Administrative Director Garcia - No that's on private property on the other ridge, this is separate.

Vice-Chairman Matanane - Oh, okay.

Randy Reeves - And then there's another site adjacent to that it's not actually on the same property there's another little antennae structure there.

Vice-Chairman Matanane - And there's an antennae?

Randy Reeves - Yes sir.

Legal Counsel Lujan - Can I just point out that the term, Page 3, says that under this new lease it will be for a term commencing on September 13, 2010 and so it's perhaps the old lease expires earlier than September 30 so that would be before the next Board meeting. So it's pretty urgent.

Administrative Director Garcia - That's why I'm saying maybe we need to have a conference call with them, it's probably easier to understand each other because it's not him that's going to make the decision it's going to be Honolulu.

Vice-Chairman Matanane - And also if we can get all the documentation on that.

Randy Reeves - I'll make sure you get that hopefully by tomorrow and I'll write Darius an email to get that going. Even maybe an extension to the existing of course the lease that we have now is with the US Navy.

Administrative Director Garcia - Well if that's what's needed then it would be.

Randy Reeves - A right of entry or something.

Acting Chairman Calvo - Because that lease that you had like you said it was in the navy time but now you're going to be so...(interrupted).

Administrative Director Garcia - They'll be here without any authorization on September 13 and they won't be able to operate that's the urgency of this.

Vice-Chairman Matanane - We can give him maybe an extension.

Administrative Director Garcia - Yeah that's what I'm saying but we need to make sure everybody in Honolulu and us are all coordinating..(interrupted).

Randy Reeves - Let me take it one step further you think a telecon would be a good idea then?

Administrative Director Garcia - I think to me that would be the most expeditious way to get it addressed.

Randy Reeves - Okay when will you be available so I can try to schedule something?

Administrative Director Garcia - Can you give me a commitment on the date because here's the issue if we stop the meeting then we have to republish the meeting date for the Commission but if you give me a confirmed date then we are going to resume the meeting, we're not going to end the meeting we're going to resume it.

Randy Reeves - How about if I try to tentatively schedule for ...(interrupted).

Acting Chairman Calvo - Today's being Thursday.

Randy Reeves - How about today's Thursday, is tomorrow too soon?

Vice-Chairman Matanane - Well you know like I said I would like you to submit all those documents.

Randy Reeves - How about Tuesday of next week?

Vice-Chairman Matanane - How soon can you get the documents?

Randy Reeves - I should be able to get it to you by tomorrow.

Administrative Director Garcia - It will have to be Tuesday morning because it will be their afternoon.

Randy Reeves - Generally around nine o'clock is a good time.

Acting Chairman Calvo - Which is about one o'clock in the afternoon in Hawaii on a Monday.

Administrative Director Garcia - If you can confirm it now we'll set the date that way we don't adjourn we'll just recess.

Randy Reeves - If they can't commit to that day then...(interrupted).

Administrative Director Garcia - We'll still meet we still need to meet on that time that's going to be set today.

Randy Reeves - Okay let's go for Tuesday at nine and I'll provide you with a calling number, 808 area code number if that's okay.

Acting Chairman Calvo - So we'll do the conference call.

Vice-Chairman Matanane- We would like to see the documents first. If that one fails maybe we could maybe give an extension on this until such time that we can thoroughly review.

Commissioner Leon Guerrero - I won't be here for that and we won't have a quorum.

Legal Counsel Lujan - Andy when will you be back?

Commissioner Leon Guerrero - The following week.

Legal Counsel Lujan - We can just do it the following week and that will give a lot more time to review all the documents.

Acting Chairman Calvo - What we'll do is it can't be next week it's got to be the following week because he's going to be going. We can't do it because he's going to be gone for a week.

Administrative Director Garcia - Is what's her name will be back?

Acting Chairman Calvo - I don't think so, hopefully she is but.

Commissioner Leon Guerrero - You're not sure if she is or isn't so I guess it's safer to say we'll do it the following Tuesday.

Randy Reeves - That will be the 31st.

Vice-Chairman Matanane - That will be what day?

Administrative Director Garcia - Tuesday, that will be the 31st.

Acting Chairman Calvo - When are you coming back?

Commissioner Leon Guerrero - The following Monday.

Administrative Director Garcia - Okay the 31st. It has to be on a Tuesday because Monday would be their Sunday there.

Vice-Chairman Matanane - Really I don't want to be rushed on this.

Legal Counsel Lujan - Oh yeah, Tuesday the 31st.

Randy Reeves - Gerard just brought up an idea it might be good to protect both parties.

Gerard Bautista - I'm Gerard Bautista from the Guam Airport Authority, knowing how the FAA works and what Boards here on Guam need to do maybe we need to ask and request from this Board an action of a 90 day extension so that way everything that comes into play can be presented and taken...(interrupted).

Randy Reeves - Well there's nothing to accept because the agreement we have is with the US Navy.

Gerard Bautista - Or grant an access of right of entry because if not then the navigates doesn't get serviced and if it goes down then we all are really stuck so in a sense but

maybe that's something that we can send back to Honolulu and just say they granted access until this point is over then the set up of the meetings can be taken place.

Randy Reeves - And we can work out the details for that particular area you have concerns.

Commissioner Leon Guerrero - I think if we have that meeting the following Tuesday we'll still have ample time to go ahead and grant those conditions for a conditional use of some sort.

Vice-Chairman Matanane - Not necessarily next week right? Not necessarily since we can do the extension..(interrupted).

Administrative Director Garcia - No we'll do it on the 31st.

Vice-Chairman Matanane - Or the next month because if we are granting them an extra thirty days where we also have ample time to go through the documents.

Commissioner Leon Guerrero - Okay so we are granting them thirty days.

Vice-Chairman Matanane - Well let's put it on a motion now.

Administrative Director Garcia - That's ninety days.

Acting Chairman Calvo - Ninety days.

Administrative Director Garcia - So Gerard would you guys be the one to generate the letter to us requesting the ninety days?

Gerard Bautista - No the FAA will.

Acting Chairman Calvo - Actually it will work in our benefit with the rules and regs tonight.

Administrative Director Garcia - That's why ninety days so that way when they get it then they...(interrupted).

Acting Chairman Calvo - Because we're going to have the rules and regs tonight and the new rules and regs will play in this.

Administrative Director Garcia - We have a public hearing on the rules and regulations for the Chamorro Land Trust tonight.

Acting Chairman Calvo - Since we're going to have that rules and regs tonight and I don't what the outcome of the legislature to that so ninety days is more than depending on what the legislature whether they'll pass it before the ninety day period. But the extension for that because definitely we can't deny them because that's a safety for the aircrafts okay and you will fall on the new rules and regs once this new lease contract comes in so it'll be a different you know scenario of the lease or the contract how it will be identified so I think yeah ninety days.

Administrative Director Garcia - They'll make the official request for the ninety days and then from there.

Acting Chairman Calvo - Yeah and if it warrants for the ninety days is not an ample time and if it warrants to add.

Administrative Director Garcia - If they need an additional extension then...(interrupted).

Acting Chairman Calvo - Additional then we can hopefully get that okay but at least ninety days is for start off. Dave do you agree with that?

Vice-Chairman Matanane - Yes but I want to see the original lease.

Acting Chairman Calvo - Legal Counsel would that be okay?

Legal Counsel Lujan - So there will be an official request for the extension and that would be either granted or rejected on the 31st Tuesday?

Acting Chairman Calvo - Yeah that will be granted on Tuesday for the ninety days which they will be submitting that letter.

Administrative Director Garcia - No we don't need to meet anymore they'll just submit the letter and when the letter comes in then Oscar can sign it off.

Acting Chairman Calvo - But we have to note there because the rules and regs being implemented.

Administrative Director Garcia - What it is they'll just write to us and then if anything comes up before the...(interrupted).

Acting Chairman Calvo - But what I'm saying is because I don't know the anticipation of the legislature on the rules and regs okay that alone I mean if they hear us tomorrow and next week they pass you know but what I'm saying if the rules and regs are not passed within ninety days that's what I'm saying then we can probably stipulate on that where we can give you thirty days after that again. You know request for thirty days extension and then if it doesn't okay but it should be done because I think that's the way it should be. I want to make sure that you know because on the rules and regs that's where it's going to fall off on and I don't know what the legislature's opinion now on the new rules and regs how they're going to interpret it and that's the only way. So ninety days and then after ninety days and the legislature hasn't made any approve to the rules and regs and the ninety days up we'll grant that you know the Board.

Commissioner Leon Guerrero - I think maybe we got to take a careful look at this, we can't extend a lease that doesn't belong to us okay so the extension is not a good word. Let's just grant them a conditional use for ninety days and then we'll go back and we'll look at everything and whatever stipulations occur will retroact to this date or to the thirteenth right?

Acting Chairman Calvo - But we need to stipulate on that on legal counsel do you think after ninety days is warranted and they need...(interrupted).

Randy Reeves - Actually if I can point out one more thing what we have now is invalid because they don't own it so we don't really have an agreement with anybody.

Commissioner Leon Guerrero - So because we own we give you conditional use.

Administrative Director Garcia - Even if the military turned it over to the Government of Guam it's probably covered by some...(interrupted).

Legal Counsel Lujan - It might be reserved.

Gerard Bautista - What I understand of the old lease because the Honolulu Office knows more on it it's best that we get that old lease here because there is provisions in there that I understand that when the owner changes of the property there's some negotiations that should have taken place so that's why to me it's still valid and we'll get that to you right away.

Commissioner Leon Guerrero - We do know we can grant you that conditional ninety days.

Gerard Bautista - At least with that we can go back and inform them.

Acting Chairman Calvo - Because at one time or another that piece of property was you know under jurisdiction but now it falls under Chamorro Land Trust now inventory so directly now it has to deal with Chamorro Land Trust and like what Andy says but we'll go ahead and the ninety days is you know on the conditional part.

Vice-Chairman Matanane - On this subject matter, land lease off the airport I will make a motion to grant them the ninety days conditional use of the property until such time that we get all our documentation to look into that and then we will make the decision as to the part of the fees.

Legal Counsel Lujan - And that will be subject to legal review on whether the Commission can grant that conditional ninety-days.

Vice-Chairman Matanane - Right.

Legal Counsel Lujan - Okay.

Acting Chairman Calvo - If we can get that so at least the legal counsel can really more look into that thoroughly and then by that time she can identify what needs to be done.

Commissioner Leon Guerrero - I second the motion.

There were no objections, MOTION PASSED.

Acting Chairman Calvo - So what transpired today is we're going to grant you that ninety days and then once we get all that, this may happen and then the legal counsel will have ample time to look at and see what needs to be done. And like I said with the new rules and regs that's where it's going to play, okay.

Commissioner Leon Guerrero - You know there are covenants that may be in there as Gerard said so we may not even have to do it there's probably some negotiations that actually occurred and that's why legal wants to take a look at it before we move forward on it.

Randy Reeves - Okay and also on the 31st I'm going to try to set up a teleconference?

Acting Chairman Calvo - No I don't think so we need that because we're giving you that extension.

Vice-Chairman Matanane - We need the documentation.

Administrative Director Garcia - So no matter what we're going to go ahead and put you on the pending business on the agenda for the next meeting which will be September 16.

2. Ana Ishmael

Administrative Director Garcia - Oscar this is I guess your decision on what we're going to do with the lease that they have the one acre lot.

Acting Chairman Calvo - Yeah that's an acre lot and you have already..(interrupted).

Ana Ishmael - Considered sharing the half with him.

Acting Chairman Calvo - Yeah.

Ana Ishmael - But I also like to note down if I can select which part of the half.

Acting Chairman Calvo - That's remember when you called me I told you that's between the two of you now to decide that.

Administrative Director Garcia - Actually it's a corner lot so it's fronting Ysengsong and fronting Swamp Road.

Ana Ishmael - So which part of the half?

Administrative Director Garcia - So I guess what Oscar was going to recommend is the survey.

Acting Chairman Calvo - Survey that and then you know subdivide that piece of property between the two of you.

Administrative Director Garcia - And then it's up to you two to decide which one you're going to get.

Ana Ishmael - Yeah, will we be able to get the authorization?

Administrative Director Garcia - No need, what it is the survey map has already been approved. There's a survey map for that lot the one acre so I guess what Oscar is going to do is authorize you guys to split it into two.

Ana Ishmael - So who do you authorize me or him?

Acting Chairman Calvo - Does he have a lease on that too?

Ana Ishmael - Yes he has.

Administrative Director Garcia - What it is it the survey would have to be done and then when the survey is completed come in with the amendment, addendum to amend the lease.

Acting Chairman Calvo - No but the one acre there is you already you and your brother-in-law have already negotiated or talked about it right?

Ana Ishmael - Well I told him I'll consider sharing the half but I also told him which part of that I desire. Whether or not he agrees to it I mean the way he acquired it..(interrupted).

Acting Chairman Calvo - But the real lease holder to this Jess is her right?

Ana Ishmael - Well according to the supporting documents that I have...(interrupted).

Administrative Director Garcia - She's the beneficiary of the husband but the brother got a lease.

Legal Counsel Lujan - So your husband had a land use permit and you were the named beneficiary or maybe not that but he had a land use permit but he also filed an application with the Chamorro Land Trust Commission and he named you as the beneficiary. And then your brother-in-law, your husband's brother, if I recall the facts as you've stated them before you said that he also applied for a Chamorro Land Trust lease and he listed on his application that he had the land use permit number, certain number that was actually your husband's land use permit number and so using that the Commission granted him a lease and so you do not have a lease with the Chamorro Land Trust now.

Ana Ishmael - No because at the time my husband was also inquiring about it at the same time they were you know and he never I guess his brother beat him to the punch where he was able to go in there and got it surveyed and leased and he was still inquiring about it so.

Legal Counsel Lujan - So you and your brother-in-law have reached an agreement?

Ana Ishmael - Not an agreement just verbally I just told him you know I guess he may have understood how he got it.

Administrative Director Garcia - They're not getting more land they're just splitting.

Legal Counsel Lujan - Splitting it in half?

Administrative Director Garcia - Yes the one acre that the family has.

Legal Counsel Lujan - To two half acres.

Vice-Chairman Matanane - Where's your brother-in-law wasn't he invited here today?

Ana Ishmael - No we were here at the last board meeting.

Vice-Chairman Matanane - Yes but then you're raising that concern as to which half, really you just want us to decide that.

Ana Ishmael - Yeah.

Vice-Chairman Matanane - And your brother-in-law is not here for him to, which half does he want?

Ana Ishmael - I don't know.

Vice-Chairman Matanane - You just want us to make a decision which is really unfair because he has a lease with us.

Ana Ishmael - Yeah because he used my husband's land use permit.

Administrative Director Garcia - To me it wouldn't matter because it's both fronting a road so no matter how they cut it.

Vice-Chairman Matanane - I don't know what's his intent on which half he wants but since he has a lease with us and she doesn't I believe it's his choice.

Ana Ishmael - So even if he had used my husband's use permit.

Vice-Chairman Matanane - Yes but he has a lease with us. He has the documentation saying that he has a lease with the Chamorro Land Trust. Since you agree to portion it right but he has a preference because he has a lease with us.

Ana Ishmael - But upon discovering you know...(interrupted).

Vice-Chairman Matanane - We understand that already.

Ana Ishmael - Wouldn't it be just right that his lease should be already voided because of the ...(interrupted).

Vice-Chairman Matanane - Have you guys occupied the property?

Ana Ishmael - We did we have I mean my husband even went to the Mayor's office and they even wrote a statement it was already we put it everything was given to Chamorro Land Trust.

Vice-Chairman Matanane - The fact is he has an approved lease.

Ana Ishmael - Yes. So does that, it doesn't matter how he got it it's just the way he just got it?

Vice-Chairman Matanane- We have already ironed out those specifics.

Acting Chairman Calvo - Legal Counsel what's your take on this if I may ask?

Legal Counsel Lujan - Well if there was some kind of fraud involved I would have to review to make sure but it's possible that the Commission might be able to take some action based on it and then that would you know they can terminate the lease if that's the case. So the Commission has the power to I guess investigate and then to decide whether or not it wants to take any action as a result of it's investigation but it's my understanding that you and your brother-in-law or that he is agreeing to give half an acre to you?

Ana Ishmael - I don't know if he has agreed or not. It was just something that we just, a daily conversation.

Vice-Chairman Matanane - But the question is why isn't he here if he agree and we would like to see what's...(interrupted).

Ana Ishmael - Well if you remember from the last board meeting he was here with me, he had asked...(interrupted).

Vice-Chairman Matanane - Yeah but you two agreed...(interrupted).

Ana Ishmael - No he asked the board does he get a half of it, he mentioned that also.

Acting Chairman Calvo - I think what we need to do here and I mentioned it to you Mrs. Ishmael that's why it's important that you have to agree to that and have that in an affidavit where he's also so there will be no disparity on the two of you and because and I mentioned it to you that if he says that he's okay I just want to make sure that everything is in that order and I mentioned that to you remember that what you told me that he agreed to but you know saying it and writing it is two different things. So maybe what we can do on this is put it up on the next board agenda and that he's here.

Ana Ishmael - The Land Trust also discovered that the land use permit number is under my husband's name and I have the documents. They were asking him to produce the documents which he doesn't have because it's already under my husband's name.

Vice-Chairman Matanane - But you both agree that you're going half.

Ana Ishmael - I am agreeing.

Vice-Chairman Matanane - But does he agree?

Ana Ishmael - I don't know that's why I'm asking the Board.

Vice-Chairman Matanane - I think we'll table it Mr. Chairman and have Mr. Ishmael here.

Ana Ishmael - Yeah and if he has the land use permit.

Vice-Chairman Matanane - There shouldn't be any more conflicts on it because and then it's our decision to which half or what.

Ana Ishmael - Yeah that's why I'm here to ask.

Acting Chairman Calvo - Okay so we'll table it and put it on the next agenda.

Ana Ishmael - Because I already hired a..(interrupted).

Acting Chairman Calvo - Ms. Ishmael by that time even if you hired I think I should hold on that from here until the time you should get some sort of consultation between the two of you and then finalize so that when you guys come to terms or when you get in to the board.

Vice-Chairman Matanane - Maybe even a letter to us saying that both of you are agreeing to go half on that piece of property.

Ana Ishmael - And if he refuses then that's his decision.

Vice-Chairman Matanane - Well then that's another problem.

Ana Ishmael - So first me and him have to agree and if he doesn't agree then we have to let the Board.

Vice-Chairman Matanane- And that's the reason why I kind of hesitate because he has a lease agreement so if you both agree then fine.

Ana Ishmael - So I have to wait, thank you.

3. Alicia Pinaula - Estoppel Certificate

Acting Chairman Calvo - I reviewed and I spoke to the legal counsel she gave her opinion on what's going on and the problem and we looked it up and she's advised me on this and I even mentioned this to you last time and I even talked to one of the GHURA Board, bring it up to the Board on GHURA on your issue. Because what I understand the Board GHURA don't even know about this when I spoke to Mr. John Acfalle and I don't want to really because that's their Board. I think it'd be wise for you to bring it up to the Board and what it is because the Chamorro Land Trust we cannot be accounted for a loan. I know it's a grant but if you default for any reason the Chamorro Land Trust is not going to be responsible and that is what needs to be clarified. That at any given time if you default for any reason okay I am not going to be responsible and that has to be clarified by their Board and to make sure because if you were to default I'm not saying you are but just in reality just in

case that the GHURA understands that and secondly because this is a Government property land of the Chamorros so what it encumbers here is GHURA is not a Chamorro okay. It's a federal agent to begin with so and this is a Government agent so it's different the federal and the Government. So I think to me personally and I went through with what the legal counsel and I did with Jess earlier and I did speak with one of the GHURA Board Mr. John Acfalle okay and I did bring this up to him. I think it's more appropriate that you approach the Board right and let them be decisive because the part that we're having here Ms. Pinaula okay and I know you're in the pilot program and it's unfortunate and I'm not trying to give you the run around but the law itself speaks for itself. That's what that law says in there and I don't want and I'm pretty sure these Board members don't want to be accounted for whatever loss on your part. So I don't want to put you in anymore distress because believe me GHURA has to come to terms on this issue and I don't know maybe in the next Board meeting maybe GHURA can come down here one of them and explain the whole thing. What do you think Dave?

Vice-Chairman Matanane - Well if it takes that like I said we can't mortgage our property.

Acting Chairman Calvo - Yeah that's being mortgage the land and we can't mortgage that property.

Alicia Pinaula - Is this not the same thing as the previous administration like Farmer's Home Loan?

Acting Chairman Calvo - No, it's different. You're dealing with the federal now okay.

Alicia Pinaula - Isn't that the same as the Guma' Trankilidat that is Government land and the same funding institution as GHURA?

Acting Chairman Calvo - Whatever prearrangement they've done with the Trankilidat I don't know and I can't honestly speak to that. That's why I need to get to them what is their rational reason because what this is encumbering is if there is a default on the payment for whatever reason okay they got to clarify that because what our rules and regs stipulates okay we're not going to be responsible for that. For that amount of money and you know if anything happens I mean I can't fork out what fifty, sixty thousand dollars whatever the program is.

Alicia Pinaula - It's a grant.

Acting Chairman Calvo - Yeah but even if it's a grant, even if it's a grant that's why GHURA has to give more of an explanation what this really that if you were to default or move out okay that they're not going to come back and hunt us and say you know that you owe us sixty thousand but you know what you signed that you authorized a mortgage and I don't know that and I don't want.

Alicia Pinaula - Okay so they have to write down the inclusion the certificate shall not be deemed to alter or modify any of the terms and conditions of the lease and that they should add on to it that in...(interrupted).

Acting Chairman Calvo - What it is at the end of the day what I need from GHURA is stipulating that the Chamorro Land Trust is not going to be responsible for any mortgage payment for that matter, right Delia?

Legal Counsel Lujan - There can't be a mortgage.

Acting Chairman Calvo - There cannot be a mortgage.

Legal Counsel Lujan - Except to a native Chamorro.

Acting Chairman Calvo- To a native Chamorro.

Legal Counsel Lujan - And GHURA is not a native Chamorro.

Acting Chairman Calvo - And that's the thing that we have there is GHURA is not a native Chamorro and they have to clarify that.

Alicia Pinault - What about if they are to put down also with this one and the fact that in accordance with the Chamorro Land Trust rules and regulations public law so and so that means in fact gives you guys the right that it has to be a Chamorro applicant is that appropriate? What do you think?

Legal Counsel Lujan - It just can't be a mortgage.

Alicia Pinault - Yeah I know but the language okay the words okay I know that the word is attorn but if it says in accordance to the rules and regulations of the CLTC Chamorro Land Trust rules and regulations public law so and so or by law if that is mentioned in here is that appropriate because just mentioning those words with that inclusion in here wouldn't that also clarify that they have to abide by the Chamorro Land Trust rules and regulations meaning the applicant has to be a Chamorro descendant right? What do you think?

Legal Counsel Lujan - The issue though is that when they are going to give you the loan if they want a security interest what they're asking for for security interest is the leasehold and your agricultural leasehold cannot be transferred or pledged. It can't be mortgaged to anyone that's not a native Chamorro. That's in the law so you can't have a mortgage so if they want a security interest if it's a grant but if they still require a security interest they're going to have to go elsewhere to find a collateral.

Alicia Pinault - Well that's through Farmer's Home Loan there's one I'll check.

Legal Counsel Lujan - Because the leasehold under the law it cannot be encumbered it cannot be burdened by security interest. The Commission can guaranty loans as security and that's in the law where they can guaranty loans that are made but that's only if there's a fund that has enough money to guarantee it and only if the Commission decides that it wants to guarantee it and there has to be money.

Alicia Pinaula - Because what they said that for each year you know the house is built and all that each year right that each year less and less amount already is being already paid for you know. But the thing is do you want that in writing?

Legal Counsel Lujan - If they're willing to look somewhere else for a security interest then that's a thing for the Commission to consider but it just can't be the leasehold. It can't be the leasehold and I don't think the Commission is in a position to guarantee repaying the loan.

Acting Chairman Calvo - Because when you put up a mortgage Ms. Pinaula always remember that at the end of the day if you default that okay that's why the bank requires you whether you acquire a piece of property because if you default for that that is their whatever money amount that you borrowed that piece of property. They'll use that property now as their mortgage as their collateral you know it's collateralized that's what it is. And I think that the problem here is because GHURA is not a native Chamorro and that is in the law unless the legislature adopts a new law to that I don't know okay.

Alicia Pinaula- I'm just kind of still baffled what about the Farmers Home Loan? Isn't that not a native Chamorro mortgage?

Acting Chairman Calvo - But that's different.

Alicia Pinaula - Because I remember I qualified under Farmers Home Loan years ago way back in 1996 you know and I was going to be given just a quarter lot and I go wait a minute what about my kids you know so I refused it and to wait till later on so what makes it since they're both federal, federally okay.

Acting Chairman Calvo - I think to go and approach their Board and present your problem to them what the situation is going through and let them be the one to and then whatever appropriate action or thing and if it's in agreement with the Chamorro Land Trust then you know but at this point in time I don't want to you know. I mean as much as I want to help you but it's the law that's tying you of this. It's not because of us, it's not because of Andy or the legal counsel, it's not because of us but because what the law it speaks out very clearly. And if any reasons for that that you default for that matter it's going to be our butts that's going to be responsible because you know we'll be the one to sign it off. So I think to that agenda I think we need to because honestly, truthfully Ms. Pinaula I have to go to a meeting.

Alicia Pinaula - Wait one more question please, but wouldn't that if forfeit the conditions it will be another applicant and it'll be...(interrupted).

Acting Chairman Calvo - That's why I keep telling you to go to GHURA and really find out with the Board and really sit down with those guys and find out what is the intent of this program because I don't, GHURA is GHURA. First of all we're not in the banking institution okay that's one.

Alicia Pinaula - Not for the banking yeah we're like repeating each other you know repeating in one way circle now...(interrupted).

Acting Chairman Calvo - Honestly, truthfully Ms. Pinaula I got to adjourn because I have to go okay.

Alicia Pinaula - Okay.

VIII. EXECUTIVE SESSION - None.

IX. ADJOURNMENT

Meeting adjourned at 3:25pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna
Date completed: August 31, 2010

Approved by Board motion in meeting of: Sept. 29, 2010

Administrative Director, Jesse G. Garcia: [Signature]
Date: _____

Chairman (Acting), Oscar Calvo: [Signature]
Date: 9/29/2010