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Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Carmen G. Tajalle
Commissioner

Andrew S. Leon Guerrero
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(Vacant)
Commissioner

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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, December 16, 2010; 1:05pm - 3:26pm

I. CALL TO ORDER

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

Acting Chairman Oscar Calvo - Keep in mind I just want to let you guys know that this is going to be our last Board meeting with this Board because of going into the new administration. Okay, so I just want to make that clear to you folks.

II. ROLL CALL

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

III. APPROVAL OF MINUTES (November 18, 2010)

Vice-Chairman David Matanane - Mr. Chair I would like to move to accept the minutes of November 18, 2010 subject to corrections and I would like to make a comment on that, bear in mind that in the previous meeting Mr. Carlos Camacho has mentioned that that particular loan was a grant and we'll discuss that in the following agenda. Move to accept the minutes of November 18 subject to corrections.

Commissioner Andrew Leon Guerrero seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

Acting Chairman Oscar Calvo - Keep in mind folks that we're only here today and whatever you discuss today will just be heard on but no other action would be taken because of the new administration coming in next year. So we don't know who is going to be the new Director or who are going to be on the Board and so forth but we'll take this and go ahead and listen to your whatever and then we'll tape it out and then give it to the whoever the incoming administration, okay. So I just want to caution you and let you guys understand that.

1. Alicia Pinaula - Good Afternoon, my name is Alicia Pinaula. I've been here every month for the board meetings and on November 26 I have been informed by GHURA that there has been a discussion and present were Bob Barber, Joanne Brown, Oscar Calvo, Jesse Garcia present in reviewing my home rehabilitation loan and the estoppel. And I have here a memorandum of understanding...(interrupted).

Rev. 02/19/2010

Vice-Chairman David Matanane - Mr. Chairman since we have heard her we will discuss this in the pending business okay Ms. Pinaula because like I mentioned when we approved the minutes that bear in mind that there was subject to corrections on your part. So can you forego now for your public comments so we can include you on the pending business okay. As we come up to the pending business you can come up and then we can address your problem.

Alicia Pinaula - Okay.

Vice-Chairman David Matanane - Alright.

Alicia Pinaula - Sure fine.

Vice-Chairman David Matanane - Thank you.

2. Laura Cruz - I just want to find what's the status?

Acting Administrative Director Jesse Garcia - Actually she's coming in because she wants to find out what's the status of her thing.

Acting Chairman Oscar Calvo - Laura I was just told by Eileen what is transpiring right now is because we need to put this into another day and to also schedule every individual family. Because they did go out there but everybody was just still fighting among each other and we got to dispute this one way or the other way. So we're going to have to do it in a single grilling of each family to come up because everybody is claiming this, this and that. So I have to put that as part of the next board or whoever is going to be on the next admin and it will be followed through and I will make sure that if that's the case on that issue. But right now as it stands that's what Eileen Chargualaf informed me because they did go out and did an investigation but because of family dispute fighting among you and that's the last thing I don't want to get into involvement and we got to narrow it down to who really owns and there's a lot of illegal activities going there okay. So there's going to be more that just, some might be just be terminated for what they have been built and they have already connected with Public Works there's some illegal structures that were built there that's not supposed to be there within not with the Chamorro Land Trust okay. So just to save you some time on that on whoever is going to be on the new coming in administration, new Director there will be a follow up on that and you know we'll make sure that these things are still followed through. You're not going to be forgotten that I can assure you okay. And the new administrator will of course ultimately would have to look at the situation and what not so I think that's the best thing that we can do right now for that okay. So I'm sorry but there are dispute on that property right now and we're trying to narrow that down to who's who and who's not and there's some illegal activities that were done there that was not properly supposed to be done according to Eileen. They did go out there and inspect. What we need to do is have each one of those families come in and you know say their stake because everybody is fighting out there and that's not the way to answer it and to solve it. Either they come down and compromise once that's the only way we're going to do that. Okay, so yeah we're done for that one.

3. Anita Benavente - Good Afternoon, I'm Anita Benavente and my issue is in regards to this site that was assigned to me and what happened on this site. I know I understand I went into your office two weeks ago and I asked what's the hold up with this property which I've been following up every year, every few months why I cannot do something about this property. To begin with my husband is handicapped, totally bed ridden I was referred here by VA knowing that I also submitted an application in here a long time but was never introduced so I made a follow up finally. Now when I first came in I was introduced to Mr. Quan okay and the first thing he told me was I would give you the property but do you have the money to survey? I said not at the moment. So I asked him when can, when do you people go out to the field I'd like to at least have an idea of where my site where I would be assigned to and the response back was I will not take you out to see a site, when you're ready with your money and you have it in your pocket give me a call okay. Now to me that's a threat. So as sick as my husband is I made an effort okay. I followed through this and if you were to look in my file I went through the process. I understand I signed the paper stating that this property is not yet registered under Land Trust but I would agree to stay at that property until such time it's registered under Land Trust okay. I signed that document in March okay. In April I got a call and received a letter to go ahead and find a surveyor, I've got 90 days to survey. First of all before that Mr. Quan told me I had 30 days to survey the property okay and he did bring me out to the site which I turned down because I was already shown a site that I chose to take. But he still insisted to take me out to a second site. So I received a letter stating because I was told to contact my surveyor which I had a listing that was given to me by your office so I got a hold of the surveyor after I received the letter that I had 90 days to survey. I had the surveyor survey but I didn't even make that move until such time again. My husband is in the hospital in ICU, I got a call on my cell phone that my documents for water and power hook up authorization is ready and needed to be picked up on that day. I tried to explain that my husband is in critical condition but I will make the time which I did. So I got a hold of my surveyor he hand delivered the map after I asked him to please start working on it because I have VA coming in from Honolulu every year waiting for a property so that they can build an accessible home for my husband. He needs a ramp, he's totally bedridden, he's amputated, he's got no legs. Just October 12 recently they amputated another leg okay. My question is when can this be done, until he dies? I went through the process and I followed up. When my name appeared on the newspaper to come in on that Saturday that you people were putting up the listing I was going to leave the following week on a Monday for medical for my husband again. I came into that meeting and I met again with Mr. Quan and also Mr. Mesa, I said I am leaving off-island for medical, I cannot do anything with this property yet but it has already been surveyed. And when I came back again I followed up. The answer to me always was you cannot do anything with this property because of all the problems that the other people that are in the land is not complying with the regulations and all that. The next answer every time I follow up is they're doing inventory on the property. Now I've bet I've done what Land Trust wants to do, they're pressuring people or I was pressured to survey, I did that. I know people that are staying on the property for ten years or more and are not even surveyed. As we speak right now my husband is home unattended. When can this happen? This property is not registered under Land Trust. What do I do now? I've done

everything through the process that Land Trust has asked. I did not do anything until I am given the authorization to do so.

Acting Chairman Oscar Calvo - Jess, do you know where this property is at?

Acting Administrative Director Jesse Garcia - I don't know.

Anita Benavente - This is in Yigo and I have the map which was hand delivered because my surveyor knew the condition of my husband.

Acting Chairman Oscar Calvo - Mrs. Benavente is this the first time you ever appeared to the Board?

Anita Benavente - The first time because of the fact again there was another issue that I brought up. My mom that's deceased I have asked can this property be transferred to one of my brothers. I met with Mr. Borja he told me he said it's not paid, go pay it and bring the receipt over. I did that that very same moment. When I came in with the receipt he said hold on to the receipt and I don't remember the date that there was supposed to be a board meeting that they scheduled me. I got a call saying that board meeting was cancelled but they will call me for the next board meeting. I followed up and followed up and followed up and they keep telling me there have not been any board meetings. So this is why it's the first time. I've tried and I've called and I've spoken to Mr. Mesa and he can if he's here he can verify that every year, two, three, six times a year, throughout the year months by months.

Acting Chairman Oscar Calvo - You shouldn't have wait that long. That's totally irresponsible of the employees.

Anita Benavente - Like I said sir my husband is in and out of the hospital, we're in and out of the island for medical. We left here just after this property was surveyed for medical. Three days we landed in Hawaii he encountered another stroke then we came back. He just got released from the hospital for another amputation. I cannot be dragging him in and out. I have nobody here it's only me and him. You will see my records there, I wouldn't have done the surveying.

Acting Chairman Oscar Calvo - Okay Mrs. Benavente by all due respect because this is the first time that this was brought into the Board okay and I know maybe another day of you we would need to really look into that of what really transpired there because I have no knowledge of this. It's the first time I don't know if anyone of these Board members have ever had knowledge of this situation and it's the responsibility of this employee that they should have brought that up okay, regardless of what. You shouldn't have to be here for that matter okay. If there was a problem at that time they should have informed the Director or somebody where your situations are. Because you going back and forth and especially being a veteran himself, your husband okay that itself shouldn't and it warrants for something that you know these employees has to, this is where it needs and it shouldn't have been this far. The only thing that we can do now is we got to look at that

record okay and I know this is going to be kind of really hard to make that decision because this is basically going to be our last board meeting to this administration. But I don't know who's going to be the new but I'll make damn sure excuse the language on the next administration that the Governor or the new Director and whoever the Board to follow on this particular. That I can assure you, that I can assure you on that one. I'll make that, Terese make that a priority on this one okay.

Anita Benavente - Because every time I call and I speak to Mr. Mesa I said Mr. Mesa my husband just had an open heart surgery, my husband just had his bladder his removed, my husband just had another stroke, my husband just had his other leg amputated, when is this thing going to happen? Until he dies?

Acting Chairman Oscar Calvo - I don't want to say to you it's going to happen today or tomorrow but something will be done that I can assure you okay.

Anita Benavente - I hope so.

Acting Chairman Oscar Calvo - Because like I said right now this is the first time I wish you would have brought this up a lot earlier.

Anita Benavente - I wish I would have but I don't know when your board meetings are, they're supposed to call me and when they don't call me they do call.

Acting Chairman Oscar Calvo - No usually the boards they announce the board ma'am and they put it in the news normally and they give the public notice.

Commissioner Andrew Leon Guerrero - Mr. Chairman does the Board have to approve the issuance of this property? Does it need to come before the Board?

Acting Chairman Oscar Calvo - Well you see because that's it's an unregistered property that's the problem that we have.

Commissioner Andrew Leon Guerrero - Okay so is there anything that at least we can do before the administration, this administration goes out and to help Mrs. Benavente I mean is there a way to fast track the process? I don't know that's why I'm asking.

Vice-Chairman David Matanane - I would appreciate if the current Director can take all the notes and put it in file so that the next board that comes in can scrutinize it. But right now we cannot address it you know off handedly.

Commissioner Andrew Leon Guerrero - But we as a Board don't need to right?

Legal Counsel Delia Lujan - We can't lease or license unregistered properties.

Acting Chairman Oscar Calvo - See the problem because we did speak to the Land Management something on this issue last week when we had our multi meeting and there are some properties that you know being transferred but is not registered.

Commissioner Carmen Tajalle - It's complicated. Through a multi task agency we had a first meeting hopefully Jesse can continue on the next board so we're making efforts but it's not going to happen overnight.

Commissioner Andrew Leon Guerrero - I just you know Mr. Chairman I just see a sense of urgency here I mean I feel for Mrs. Benavente her husband is..(interrupted).

Acting Chairman Oscar Calvo - Trust me Andy I feel for her.

Commissioner Andrew Leon Guerrero - No my question to you sir is are there any registered properties that we can I mean I'm just..(interrupted).

Commissioner Carmen Tajalle - To move her to that's available.

Commissioner Andrew Leon Guerrero - That is registered. I mean is that a possibility? Because Mrs. Benavente I know that's the property site that you saw that you chose..(interrupted).

Anita Benavente - That's the property site and because of the site that was shown and the reason why I turned down what Mr. Quan showed me is because it's a junk okay. It's got all kinds of junk cars, all kinds of rocks. His next offer was there's one in the Mangilao but he said that there's something called acho' ayuyu. I said my husband is handicapped he can't even get down to see the property. He's sitting in the car looking out just as far as what he can see. I am trying to get a property where I had to deal with it.

Commissioner Andrew Leon Guerrero - Here's the reality right now Mrs. Benavente is with the property that was issued to you even though you had it surveyed it's not registered so you can't have the property if I'm correct. But if Chamorro Land Trust could find some sort of property that is registered that may be feasible or may you know may be an advantage to you then there's that possibility where we can just switch off. Give you that new property and you won't have to wait long periods of time just to get a piece of property.

Anita Benavente - Okay but my next question will be again who will be responsible for the surveyor? I had hard to try because I was given so many days.

Commissioner Andrew Leon Guerrero - That's a legitimate question.

Anita Benavente - I couldn't even speak to this person until I had the money on hand to survey. He won't even show me the site.

Acting Chairman Oscar Calvo - First of all that person who told you that should have never told you that, to come out and say if he said to you that if you didn't have the money you know and to come out that's like you said just like bribing.

Anita Benavente - I was like felt threatened, okay let me work on it.

Acting Chairman Oscar Calvo - If you're willing to write a statement to that degree Mrs. Benavente on that individual you know because that's pure say so I mean this is open public comments right now okay. And it's only open public comments here we really can't take any actions at this point in time anyway. So I need something in that degree what Mr. Quan or the previous Board that have been told to you. I know it's another uphill battle for you but because the property that you're in right now there's not much we can do until that property is really and that's up to the Land what we have to do with the Land Management and Land Management already has informed us in our last meeting on that. And we need to get your file and look at your file and see you know. That's the only solution at this point in time I can give you. I can't give you, I can't as this board right now to say that we're going to do something it'll be lying to you right now and giving you false hope. So I just wanted to make that clear to you but I will make sure who ever is going to be the new Administrator coming in that will be one to be followed through and see. But keep in mind it's we're going into another administration. This administration is going out there will be another administration you know maybe some of us board might be here I don't know.

Commissioner Andrew Leon Guerrero - You know Mr. Chairman if it doesn't require Board approval I think the Administrator Mr. Garcia should pass the baton on to the next Administrator and make sure that we take care of Mrs. Benavente because I mean I'm really sorry that you're going through this you know I really am.

Anita Benavente - And you know as it stands right now my reason for not being able to leave is I have therapists coming in the home because it's hard for me I have occupational therapists, I have home care nurses coming in.

Acting Chairman Oscar Calvo - You know Mrs. Benavente I understand and I sympathize with your problem okay but this is something that we need to that the new Director coming in and Jess Garcia will follow through with the next Director. Because for us to take that action right now I'll be blunt with you right now we can't approve anyway because this is just a comment so until the next you know.

Commissioner Andrew Leon Guerrero - Just meet with Mr. Garcia.

Acting Chairman Oscar Calvo - Yeah and just meet with him and then Jess you know.

Alan Quan (CLTC staff) - Mr. Chairman can I give some clarification. I remember this case about two years ago, she came in to the office and of course her time is up but the husband was handicapped so the area that we were showing was mostly like Mangilao, rocky and the access wasn't there. So what I did was I tried to place her next to a road

and that's what I did and after I showed her the property I did a processing for her to get that lot. So what I did I processed it and it has to go to the Director but the Director at that time was Mr. Borja and he said that, it wasn't Mr. Borja that said it but the supervisor in charge at the time said you cannot give next to the road. So my processing terminate on that area. I never showed her another lot but I did process it but it wasn't approved. But I don't recall telling her about a surveyor at that time because I processed for a survey authorization but it was never processed. So later on somebody you know showed her another area and that's how it came about. But the area that I was showing her is Lot 10125 which is okay registered and it's next to the road and it's the most accessible to any disability. It's next to the road, it's next to Marine Drive I would consider that and next to another road. This is a corner lot but it didn't go through because the Director or it was noted that you cannot give an area next to that road. So that's where my responsibility terminated I didn't go any further than that but then she saw another agent that gave her the property. Why are they blaming me for that? I never, I never showed her the property because no it's registered land I think that was 7153, that was unregistered.

Anita Benavente - This property is up NCS.

Alan Quan (CLTC staff) - Yes that was an unregistered land but I never showed it you.

Anita Benavente - Yes we met at the bus stop, 7 o'clock in the morning.

Acting Chairman Oscar Calvo - You know what I think what we need to do here is really hold off on this and we'll tape this out.

Acting Administrative Director Jesse Garcia - She'll meet with me after the meeting.

Acting Chairman Oscar Calvo - Yeah you meet with her okay.

Alan Quan (CLTC staff) - But I don't want to be blamed for something I didn't do.

Acting Chairman Oscar Calvo - Okay alright. You meet with Mr. Garcia okay.

4. Francis Taitano - My name is Francis Taitano, I was here a little over a year ago, I made a request for a lease of Government land under as I understand it the Chamorro Land Trust. And it is my recollection and I may be corrected if I'm wrong that it was put on hold. The transaction that occurred, my uncle let me back track if I may, my father's brother farmed it forever. When I say forever I'm not exaggerating before I was alive over 60 years, before Land Management existed this is a place called Lajuna. He farmed and raised his younger brothers and he said on his request for an extended lease to the Department of Land Management I'd like to lease this place for a longer term, long term and that was back in the 80s I guess when the transition was from Agriculture to Land Management. And so the letter was written, his request was presented to Land Management. Land Management responded I presented those memorandums between the agencies and they said yes, we agree, Mr. Taitano, Artemio Taitano could lease it the problem is it is unregistered, un-surveyed, sounded familiar from the earlier discussion.

So we need to survey it and then the term they used was we need to allocate the cost of survey to Mr. Taitano. So my uncle waited and for a better term the ball dropped the survey was perhaps funds weren't available and so nothing happened he just continued. In 2003 he got ill and he allowed me to carry on the farming while he was ill and then he died in 2004 and so I came in and requested for the continuation. So it's been an uninterrupted farmed area in Yigo, Lajuna. When I presented it I believe your response sir was you know Land Management can you follow up on this there were these letters and you said this so lets tell us what's going to happen. So you couldn't commit to me because there was a proposal. What has happened ladies and gentlemen since that time last year was the military came into the picture with the marines coming over and so I was watching that and they of course as you probably and maybe everyone knows here in the vicinity of Pagat they said this is what we would like for a target range for a firing range. And for your information that proposal so I said ah ha I wonder if it's going all the way to Lajuna and as it turns out and I have an aerial photograph but this is their map and this is Pagat point that's identified and the furthest northern extent of their boundary that they hope to acquire and these are the shooting ranges like there's three that kind of shoot out towards the ocean. This is their map they're identifying this as the Route 15 lands, range complex alternate mean. And when I look at it and I look at the maps that I have it just so happens that this northern line that is struck for the northern most boundary of the target range or the shooting range is just south of the Lajuna area. And when it comes down to the ocean to the coast line it just spills in there's a little light color here and I believe that is just about where the first what my uncle calls the first mesa these are benches on the cliff line. You go down and then it levels then down and then it levels and that's where he farmed, he farmed on the benches the first and the second mesa. The first mesa which is at the ocean level or just above it 15 feet above the ocean there's no beach it's just rock that drops into the water. It's about 15-20 feet above and it's the widest leveled area and I believe and I can show you the map and how this picture looked because it's very clear this little curve, this little arch this bay after Pagat Point is defined in the maps. So you can see where roughly it's going then it comes right towards and maybe spills into a little of the farm area of the pugua trees he planted so there's some of it..(interrupted).

Acting Chairman Oscar Calvo - Mr. Taitano I've been in that area but basically can I just ask you to get to the point.

Francis Taitano - Oh what I'm getting at is this now defines the southern boundary because of the issue I'm proposing and it may not be acceptable but the northern boundary would define by a map made by Meliton Santos for the Government of Guam and it's called lot so, so Lajuna is here where I'm at, this line was struck they actually traversed and you can see a light line where they were going to survey this they went down his trail, it's a walking trail and they demarcated the northern end. Now comes the military and they strike a line on the southern end. This piece where he's at this un-surveyed Government land runs long into the Pagat area below the cliff line. I found out from Meliton Santos, I just dropped by his office before coming here that he did survey and they called it 7164 and I have a portion of that so now this piece is now part of what is called 7164. What is the exact status of the map? I don't know so I'm in a portion of the northern portion of 7164. Enter the military and they strike a line on the southern end.

What I'm asking is you can pretty much define the area where we're in. Bounded in the north by 7163 and bounded in the south by the proposed line that the military hopes to occupy all the way down the remaining part of 64. So I'm saying until such time that the Government which they propose to do and have the private owner bear the cost or I do it whatever defines it with cutting out a portion of 7164 and saying here now is where Mr. Artemio Taitano where Francis Taitano is now at, this northern piece of this piece. You already have a line struck so you can say in a lease agreement in my mind this piece to be leased is bounded on the north by 63, 7163, bounded on the east by the ocean and bounded on the south by the military line that they drew that they hope to occupy. So it has already a defined then there's nothing else they thankfully didn't spill all the way and meet 63 and say this is what we want the whole thing of 64. They struck a line south of it and the majority I would say now maybe 80 percent, 85 is within the farmed area.

Acting Chairman Oscar Calvo - My only problem right now Mr. Taitano is because we don't know where we're going with this military issue. That was also brought in the Land Management in the multi task force on these properties, partially registered and some of them are not. So to that degree right now what you're saying is for this Board to say that we're going to set the boundaries at this point in time I think that will be warranted more towards the Land Management. Until we get a clarification from Land Management because even if the military was to decide to they would still have to go to Land Management for that matter. So visualizing your point of view okay I can understand the scope of work that you're trying to come to that degree but that's as long as we don't know what's the intentions of the military coming in. I know that they're saying that it's a done deal but I know the new administration is totally against that. So I don't know, it'll be very premature for us to say to you right now where do I set my boundary line okay. You know where your boundary lines are so I think it'd be just more appropriate until this thing does come in to play then that's when you know the Board whoever the Board will be will take course of action at this point in time. But I sense you know your sentiments to that issue and like I said I've been up there and I know it's a beautiful place. But and I know what you're alluding to is you just want to protect something that's supposedly belongs to your grandpa years ago for that matter. But still you got to understand that there's still has to be an investigation through the Land Management on this issue too because it is not for us to because this property falls back then and it's been you know everybody says I've been farming here 30 years, 50 years, 100 years for that matter okay. But I'm not going to dispute that so whatever the Land Management people would present then that's what we you know but at this point in time even to say what's our position on this to me I have no position at this point in time because I don't know where these people are going to be.

Francis Taitano - Understand. Mr. Chairman if I may I know it's not hard and fast and it's still up in the air even the military feels this way, what I'm getting at in the interim with a continuous occupation of it. I wonder if maybe even a letter of understanding or something to say Mr. Taitano is still there and we're looking into it and the area that we're looking in is roughly, this is not precise there's no hard fast boundaries there are some, but to say in this area that is bounded this is what we are as an interim agreement. Whatever to just pin it down because my uncle passed and so now Francis his nephew is here, the siblings the brothers and sisters says he's the one to carry on. So I was just

hoping for because I know it's not I understand your position you're quite right I agree but I was just hoping for now it seems to be that there is this kind of place and so as an interim not a formal lease agreement perhaps if you don't want anything monies to be exchanged because we don't have a hard and fast. But just something from the Board or Land Management that says Mr. Taitano is here and we're looking into the final actions of the military and the Government in resolving the boundary issues of this area because it's just a small portion of this larger tract of land. So just something perhaps that says this is why he's running in there and going and gathering and planting because they've been doing it and we see it.

Acting Chairman Oscar Calvo - And like I said okay that issue itself okay that will be determined by Land Management okay. They will be the one to basically who will know where are those boundaries where it lies right now. So for me to give you some sort of that you know it will be I don't know how the other Board members feels but to me I would not because I don't want you having thoughts in your mind and giving you a piece of paper and saying well this is what you gave me in the Board and you assured me for that matter you know. So until the facts are done then that's when we can say you know we can give you some sort of..(interrupted).

Francis Taitano - Would you give me leeway sir to go and coordinate with them and say here's what I'm looking at..(interrupted).

Acting Chairman Oscar Calvo - That's your prerogative sir.

Francis Taitano - And then they can say okay we looked at what Mr. Taitano is saying and with the new Chamorro Commission in the next term we feel that he's in this right you know we agree that he's here and whatever come what may because the military may not be there till the 2014 or past whenever because of all of the conflict but we have an area that we see, if I can do that.

Vice-Chairman David Matanane - I suggest that you put it in writing as to what's your proposal and besides that the main point is its unregistered land right and that's what you're referring to.

Francis Taitano - You know the line next to it (inaudible) registration and the one that Meliton Santos gave me proposes so I don't know I'll find out from Land Management.

Vice-Chairman David Matanane - Not until you (inaudible).

Francis Taitano - Because the map I had before when I met with you it says a portion unregistered now they've made a map but I don't know if they followed up.

Vice-Chairman David Matanane - It's forthcoming I guess. But your proposal put it in writing so you know..(interrupted).

Francis Taitano - To who? To Land Management or to you folks?

Vice-Chairman David Matanane - No to Chamorro Land Trust and we will consider that with the next Board.

Francis Taitano - With a cc to Land Management.

Vice-Chairman David Matanane - And your proposal as to whatever really that you have and it will be in writing so we can consider it.

Francis Taitano - I just don't know if there is such a document or a letter that allows me to continue on until this is resolved.

Acting Chairman Oscar Calvo - The letter that you would give us is just basically that we did entertain your..(interrupted).

Francis Taitano - No I meant from that to say Mr. Taitano you can continue and then we'll let you know somewhere down the road. Thank you for your time.

Acting Chairman Oscar Calvo - Okay no problem sir have a good day.

V. PENDING BUSINESS

1. Hals Angels Football Association and Guam Rugby Club, Inc. - Agreement

Representatives present: Arthur Clark (Calvo and Clark representing Guam Rugby) and Ivan Shiroma (representing Hals Angels Association).

Acting Chairman Oscar Calvo - I hope that we came today as the end of the peace bill.

Arthur Clark - Well Mr. Chairman the meeting snuck up on us a little bit we understood there wasn't going to be a meeting in December and we just found out recently so we kind of had a hurried discussion to try to make sure to see of where we are. One of my associates Ms. Janalyn Damian met with Ms. Lujan yesterday and one of the issues that came up was with respect well first of all there was a draft that we prepared on an MOU which Terry Brooks looked at and he sent back and we were okay with the language. Because the area we understood was going to include the football field and then go over to the baseball field but when we saw the sketch that came over from Terry it also included the kind of the area above that which straddles which basically is adjacent to both the rugby lot and where theirs is going to be which to date has been used as kind of joint parking. Now the agreement between the parties was going to call for the use of that for joint parking so our recommendation is rather than it go to Hals Angels as part of their license is that part, portion remain as joint parking it remains with the CLTC.

Acting Chairman Oscar Calvo - That was what we you know I thought both parties agreed to even it was well represented by your legal counsel last time.

Arthur Clark - Well I talked to Terry about it and he said he was going to talk to his client about it and make the recommendation that we would go along with that. So I haven't

really had an opportunity to discuss with Mr. Shiroma if he's okay with that but one of the questions that Ms. Lujan had for Ms. Damian yesterday was the maintenance of that area and to date my understanding is it's basically it's been Guam Rugby that's been maintaining that and Guam Rugby will continue to maintain that for joint use parking for both parties. So in that sense again Guam Rugby is not looking to take that and have it included in theirs we just want to have that left open still under the ownership of CLTC. Nobody has an exclusive license with respect to that property, everybody gets to use it for parking and if Mr. Shiroma is okay with that I think that was the last thing that we needed to get resolved.

Acting Chairman Oscar Calvo - Well you know I'm glad that we, that will still remains under the Chamorro Land Trust on the parking area and both you guys sharing the parking but you know being so that you both have the field the rugby and the football field on one side okay I think it's also in fairness too that you people maintain at least you know the parking area to make sure that there's no trash and things like that. I think it's more appropriate I mean you're basically getting a free parking lot at no expense to the Chamorro Lands otherwise we're going to turn around and charge you guys for at least to keep it up in the maintenance.

Legal Counsel Delia Lujan - It's correct that joint parking area is outside of the current Rugby license and so I'm wondering if there is an agreement between the two clubs on that issue.

Ivan Shiroma - This is the first I've heard of that so I need to talk with Mr. Clark here and try to come to some kind of agreement because it sounds like it's just shrinking our inventory again.

Arthur Clark - Well actually I think we've increased the inventory. As I reviewed everything that was done before it was pretty clear to me Chamorro Land Trust intended for their license to include the football field only. Now it's moving over to include the baseball field which Guam Rugby has agreed to take and move over onto its lot and it's going to do that. And Ms. Lujan asked for some kind of assurance some additional language she wanted in there about good faith efforts to obtain funding that's that discussion you had with Janalyn that's not a problem so we're okay with that. So we're actually here I understand doubling the size of their license and now Mr. Shiroma wants to triple it. When in fact we just want him to have that area remain status quo, have it used for parking for both parties depending on the games that are going on at any particular time. That sounds consistent with what the Board had intended. I don't see where anymore discussion on this at least between us is going to reach a different resolve whether he's going to remain you know he's going to continue to object to it and we're going to insist on it or request that it happen. So I don't know what Mr. Shiroma thinks is left to be discussed between us to resolve it. I just assume we discuss it right now in front of the Board, we reach an agreement or we don't reach an agreement, we turn it over to the Board and let the Board decide.

Acting Chairman Oscar Calvo - Mr. Shiroma what makes you say that they're going to be more gaining when both of you would have the same rights to that parking lot. You both will be sharing onto that issue.

Ivan Shiroma - You got to define the boundaries Mr. Calvo. Where exactly are we talking about because that's like a t-area that's being considered here? Is this in between the football and the baseball field or on the side of it? Where are you talking about?

Acting Chairman Oscar Calvo - Jess, on that remember when we went up there and that parking area between the two the baseball field I mean the rugby it's basically like in between here. That's where the parking lot is.

Arthur Clark - If I can show you Mr. Chairman we've provided the sketch over and over and it's even attached as an exhibit to the agreement we sent over what the proposal is, let me show Ivan first. The proposal is right now this is what your license is. Your license now is going to extend all the way over to here and cover all of this.

Ivan Shiroma - Now you're defining what my license is. This is not what Joe Borja's telling me. So now you're saying this is all I have?

Arthur Clark - Well what Joe Borja's telling you and what I'm reading is two different things okay from what you're saying.

Ivan Shiroma - So now Mr. Calvo is in Joe Borja's seat right now so we can't believe him now?

Arthur Clark - What we're talking about is this area right here it's marked up here for parking, parking, parking, parking, all of this has been defined and it's been defined for a long time right now.

Acting Chairman Oscar Calvo - See what I'm saying here Mr. Clark is right now the existing parking lot is here okay now here's the main entrance okay.

Arthur Clark - And the idea is to move that over here so you can expand the (inaudible).

Acting Chairman Oscar Calvo - Exactly yeah so the end to me I'm looking at it in my view the access will come in here to the back and that's where you're parking and this will be the entrance and this will attach. Okay this will move here and this is new the entrance here Ivan the whole property and you still have the baseball field. So what I'm saying is the driveway I mean the access to both of you, you have better access because you still have the frontage and the rugby will be basically here.

Ivan Shiroma - Oscar in the agreement they're saying just put an access here from Public Works by create a road here, I have no problems with that, look at this boundary here and here they can put a parking lot right there. Not just draw a line right in between us so we don't have any arguments in the future.

Arthur Clark - That's Chamorro Land Trust property that's under the CLTC.

Ivan Shiroma - No never mind just give me a boundary where you stay on your side, I'll stay on our side, we won't argue. There's a trust issue here from day one.

Legal Counsel Delia Lujan - So are we not agreeing to this as a joint parking area?

Arthur Clark - We are that's our proposal he's not. This is the idea this is the joint parking area right here so their license would encompass this area right here and then this area will remain Chamorro Land Trust and be used for joint parking.

Ivan Shiroma - Because Mr. Calvo from day one after being bypassed because these guys, we were waiting for our license, these guys got theirs, all of a sudden they got two pieces of property here. Now you want to take this so we can share. Now I look like a selfish guy here. Draw a line in between you do your side I'll take care of my side, that's it, we're all happy.

Acting Chairman Oscar Calvo - Well then you know what we need to go back and refigure this thing because I thought we because this what we initially started and you understood and even the you know that this is good this will be a shared cost of parking for the rugby.

Legal Counsel Delia Lujan - And also that's in the draft that Terry has looked at.

Arthur Clark - It's in the agreement. Ivan you make it sound like this is the first you've heard of this. I mean this has gone back and forth with your lawyer for months.

Ivan Shiroma - So why you got a different issue from what was in your agreement? Now it's becoming a separate issue right?

Arthur Clark - This has been in a draft for months it's been going back and forth.

Ivan Shiroma - So you know what we need to talk about it again.

Arthur Clark - That's what I'm saying I think we've reached a point where talking is not going to get anything.

Ivan Shiroma - Well do what you have to do. What do you have to do go to court?

Arthur Clark - No it's not going to court, the court is right here. So this is the proposal from the Chamorro Land Trust.

Ivan Shiroma - There's a lot of guide ways, that's not even set in this place so that's why everything is all, nothing is set in stone here everything can change in a..(interrupted).

Legal Counsel Delia Lujan - Well let me ask a question because when I spoke to Attorney Damian she indicated that Rugby's concern was that and just correct me if I'm wrong in

my understanding of Rugby's position, Rugby's concern is simply that that area above the existing football field and the current baseball field be used as a joint parking okay and so that was just their concern that Rugby have access to that for parking. And I think the only question was whether or not that joint parking area is going to be a part of Hal's license when the property description is amended. And so if Rugby, it was my understanding that Rugby would be fine with that area, the joint parking area being under the Hal's license so long as they had the right and it was made clear that they also had the right to that parking.

Arthur Clark - No, no the idea was that it would remain with Chamorro Land Trust so that way the two of us aren't going to get into you know situation where people are putting ropes up and chains like has already happened. I mean you know there's a precedence for the concern here.

Ivan Shiroma - To prevent dumping not to keep these guys out and it's not locked anybody can open the gate.

Acting Chairman Oscar Calvo - Dave if we're going to do this right now if we cut it right down here okay this back portion would be strictly your parking if that's the case. What I'm going to propose here if you guys can't settle this since this, I will cut this right down the trench. This would be your access from your point here this part is where the Rugby will come in here and you will get from this point to this point, point A to point B straight down the line down to the baseball field. This particular parking area will remain to the Chamorro Land Trust to access and that's the most logical right now. If you guys, that's the decision I'm going to take right now.

Legal Counsel Delia Lujan - Well, the Board would have to vote.

Acting Chairman Oscar Calvo - But I'm letting these guys know I mean if you guys, this has been months compromising.

Arthur Clark - Just cut the line down to the end here and make that parking.

Acting Chairman Oscar Calvo - That way Ivan you will still get your property and you have, what I'm trying here to prevent is maybe you guys can come to sort of a solution and answer to that parking area. So that piece of property that parking lot will be maintained by the Chamorro Land Trust.

Legal Counsel Delia Lujan - Well I think Rugby has already offered to maintain it.

Acting Chairman Oscar Calvo - Yeah.

Arthur Clark - And Rugby is offering to maintain it, it has been maintaining it for years, we'll continue to maintain it and offering to do so.

Acting Chairman Oscar Calvo - So in offering to that is you put a chain link in the back right down his boundary if that's the case. Because you got in between here and in fact this is the parking lot right now looking at it visually. We'll run your property line here your border line here right down the stake and then your access will be here you figure out how to get an access. That's one solution that you guys have to you know because this is like you said it's just been back and forth, back and forth and I want to settle this. And I thought we did already but you know I'm really hard for core for this issue because no one, one wants to agree the other one I thought we came down to an agreement. And the thing here is everybody talks about this is about our kids. I don't think so to me it's just a freaking power, excuse the language, power struggle. I mean I don't want to sound too harsh but I think you know if that's one solution that we're going to solve then we'll do it that way I don't know about the other Board members, Dave? What I'm saying here is since they can't ..(interrupted).

Vice-Chairman David Matanane - It's in agreement with, the Rugby is in agreement what about you Mr. Shiroma?

Ivan Shiroma - I don't know what you're proposing I'd rather go down to that place and see the actual area.

Vice-Chairman David Matanane- Come on up here and this is what I think the Chairman is trying to emphasize and if you can't then the Chairman and the Board will decide. Now here the Chairman is saying that you're going down where?

Acting Chairman Oscar Calvo - This is the main drive, Marine Drive okay, this is the football field here's the baseball field you've got frontage Ivan you've got frontage okay. These guys in the back yes there is a road that comes back here to go here in Rugby okay but this is a residential.

Ivan Shiroma - Even here right here.

Acting Chairman Oscar Calvo - Yeah but Ivan you've got to understand this is Chamorro Land Trust there are people there okay.

Ivan Shiroma - This is the pipeline.

Acting Chairman Oscar Calvo - I know there's a pipeline here Ivan on the corner okay. So what I'm saying if you can't seem because right now we attach this together because right now you're coming down right in between right? Okay, what I'm saying is we'll connect this together down to where that baseball field and then the road will come here for the Rugby okay. You got frontage the Rugby has their own private road coming around that way. That way you have your own.

Ivan Shiroma - You're going to put a boundary right in between the road?

Acting Chairman Oscar Calvo - Yes that's what it's going to be.

Ivan Shiroma - From this boundary and here in between.

Acting Chairman Oscar Calvo - No the boundary will stand here because this is Chamorro Land Trust, this will be Chamorro Land Trust property okay. And since Rugby is willing to maintain the small parking lot here okay and that will be only strictly for parking.

Arthur Clark - Absolutely.

Acting Chairman Oscar Clavo - Only strictly for parking on this. You can't expand any further out for whatever reason for any future development. It will only be strictly for parking.

Arthur Clark - Absolutely.

Acting Chairman Oscar Calvo - I mean that's, the other solution is either you guys share cost for the parking back to back that's up to you. Your parking will be here on the Marine Drive that's where your people are going to be, their parking will be here.

Ivan Shiroma - That's what we're trying to avoid we've been parking at the Public Health all these years.

Acting Chairman Oscar Calvo - Well that's why Ivan this is one solution right now we can you know because one has to give, one has to give. So I'm saying it's like he's having his own private parking, you'll have your own private parking. What I'm saying right now is both of you sharing the parking in the back and you still have your football field with an extended baseball field down and him having an extended and they're willing to maintain the parking area. So I'm just saying that's its pure and simple okay. That's my take, Dave? That's my decision I'm telling you.

Vice-Chairman David Matanane - Well the Board can decide but since it's still a proposal and you include that you know agree on it then it's the Board's decision to make that particular suggestion. Remember two or three meetings ago that you don't want us to decide but now I guess it comes down to it where we have to.(inaudible).

Ivan Shiroma - Oscar I just want to make clear that that license that I have for everything that Mr. Borja said and put in that license is null and void so it doesn't mean anything my boundaries are separate now. I need my boundaries to be defined again? So everything from that previous license that I have that is current.

Acting Chairman Oscar Calvo - Rugby is fine with joining with the parking lot okay. But Ivan I know where you're coming from but we have to settle this once and for all.

Ivan Shiroma - I'm okay with the initial agreement Mr. Calvo like I said this thing just came up.

Acting Chairman Oscar Calvo - Then Ivan I mean you know I really this has really been just a consultation back and forth with the legal counsel and yourself. I thought that we can come to some sort of conclusion.

Ivan Shiroma - We have.

Acting Chairman Oscar Calvo - It's really a simple matter that we can resolve this so if, my decision if you want me to make that decision then that's where it's going to be. Then that's going to be my decision as of today.

Arthur Clark - Mr. Chairman for the record just to clarify I think you've been referring to Santa Monica Drive as Marine Drive.

Acting Chairman Oscar Calvo - Right.

Arthur Clark - Yes that's the main one that heads down Wettengel.

Acting Chairman Oscar Calvo - Right, and you got that frontage. What I'm saying here Ivan it's a win-win situation okay. That's all I'm saying. You still get your playing baseball field I mean you're football field and additional to that okay. And they, both of you will be parking and you can work if there will be a game on Rugby next week or whatever you know.

Arthur Clark - Even if the games overlap I don't know if that's enough parking to go around to accommodate everybody presumably.

Acting Chairman Oscar Calvo - I mean going in there is not even going to be that enough to be quite honest with you. I've seen that with Mr. Garcia I went up there and I looked at it personally okay. I don't know maybe between the two fields maybe just about what 30, 40 feet between the two fields between the Rugby, roughly right?

Acting Administrative Director Jesse Garcia - About 60 feet.

Acting Chairman Oscar Calvo - About 60 feet so that's a buffer street down that alley and then you know your line of boundary will come here and everybody that's, Dave?

Vice-Chairman David Matanane - Well Mr. Chair if the two doesn't want to agree we'll put a motion on the floor and then we'll finalize this thing and then we'll take a vote and move from there.

Ivan Shiroma - Well my next question is this is everything that Mr. Borja did for my license is thrown out?

Vice-Chairman David Matanane - Well there's no excuse.

Ivan Shiroma - No I just want to know this now that you guys are going to make a decision and then a new board comes in next can they overturn everything you guys say again? I don't get how this thing works. But you know mine is stamped and recorded at Land Management and then now it's like it doesn't even, my boundaries on that license don't mean anything now.

Arthur Clark - What boundaries? What boundaries? There's no boundaries on that license.

Ivan Shiroma - This is my boundary right here.

Arthur Clark - There's nothing on there describing the boundaries. In all the discussions beforehand this was the football field Ivan.

Legal Counsel Delia Lujan - One other question I had was regarding the Hals practice field, that practice field is just going to be for Hal's use and when the Rugby Club relocates the baseball field to that corner that newly relocated baseball field is going to be a multi-use field.

Arthur Clark - Available for the community in general.

Legal Counsel Delia Lujan - Okay so the current baseball field just to say again that's for Hal's use.

Arthur Clark - Right so that field will be converted to however they want to use it as a practice field or a new playing field I mean however they want to use it. But the baseball field will be moved back into the corner where the multi-use field was intended and that will be available for community use. The Dededo Mayor's Office can coordinate use of that with the Rugby people at any time. If we're going with resolution here I mean we were trying to get this signed with Hals in an MOU so I don't know if Ivan's going to sign anything now.

Ivan Shiroma - I have no problem with the initial agreement. Like I said this issue with the parking just came up just today.

Acting Chairman Oscar Calvo - Ivan that parking situation has been existing. We talked about that last time Ivan. That was the reason why this came about because of that parking in between there and the field in the back. So you know Ivan I don't want to be..(interrupted).

Ivan Shiroma - Tell me where my boundaries are Mr. Calvo. Where are my boundaries? Is it right outside my football field or the parking? You tell me because according to Mr. Borja it's everything outside of their boundary. That's why I'm saying is Mr. Borja's word all nothing now so we can restart again I can change the way I'm thinking because he's giving me the impression he put in writing in my map. This is my boundary and now you're saying that's a parking.

Arthur Clark - Ivan and that's why you were using our field? If you understood your boundaries was it outside of our..(interrupted).

Ivan Shiroma - If you guys kept up with your agreement from day one I wouldn't go on that field.

Arthur Clark - Your stories keep changing Ivan.

Ivan Shiroma - And if you care about little kids that's what I'm doing I'm coaching little kids.

Arthur Clark - Your stories keep changing here.

Legal Counsel Delia Lujan - So just to question, so Mr. Shiroma you would be fine if the boundary is defined to be below the shared parking area and that shared parking area will be available for use by both Rugby and Hals?

Arthur Clark - I think he said the opposite.

Legal Counsel Delia Lujan - Well I'm wondering I mean the question is where are the boundaries so if the boundaries is set there is that so long as you have that defined and you have also the use of that shared parking. I guess Rugby's concern is that there not be an exclusive use of that shared parking and that both teams be allowed to use that and I believe that that's consistent with what was originally agreed to in this you know what is that paragraph 10, shared parking. So I think the whole dispute is whether or not to allow that joint parking to be a part of Hals property description and then you know and then Hals or and the Commission consents to Guam Rugby Club almost sublicense, a sublicense to Rugby Club to use it so it's not an exclusive use by Hals.

Arthur Clark - Delia I don't think that that's where the discussion has gone at this point the..(interrupted).

Legal Counsel Delia Lujan - That was my discussion with Jan yesterday.

Arthur Clark - Jan right so I'm not sure what transpired but the suggestion was that that portion would remain outside of both parties boundaries remain Chamorro Land Trust. Now Mr. Shiroma's, his counsel has drawn that line to include that joint parking and it sounds to me now like he wants exclusive use of that parking. We've always intended that that would be outside of both party's boundaries and just maintained by the Chamorro Land Trust and we will maintain it so that it remains with Chamorro Land Trust. We offered joint use. Mr. Shiroma now wants that whole property and it sounds to me that he wants exclusive use. So we would follow then with Mr. Calvo's recommendation, make their boundaries the edge of the fields and then leave that available for parking for the Rugby then.

Legal Counsel Delia Lujan - I don't think that that's what you had offered just right at the start of this meeting I think that and my discussion..(interrupted).

Arthur Clark - No what we offered was joint use. Joint use of that field but again not within the boundaries of either party.

Legal Counsel Delia Lujan - Well I think it was a matter of form but now you're changing the substance by not making it a shared parking.

Arthur Clark - No it would be shared.

Legal Counsel Delia Lujan - You're altering the substance of the agreement now. If your saying that that area is just for Rugby because I think both teams..(interrupted).

Arthur Clark - No, no, no, I'm not altering, Mr. Calvo proposed that because Ivan won't agree to our suggestion. Our suggestion was it would be joint use and I'm hearing Mr. Shiroma is having difficulty with it.

Legal Counsel Delia Lujan - Well I think that that was the suggestion by both teams it was just a matter of form.

Arthur Clark - Well we wanted it outside of the boundaries of both parties and our experience is our experience has been that ropes go up you know and quite frankly you know the ones who are going to be maintaining this is Rugby. So if the intent here is to put it within the boundaries of the Hals Angels license but you're going to have Rugby maintaining that doesn't make any sense. We're talking about access issues, we're talking about liability concerns.

Legal Counsel Delia Lujan - But then another issue becomes are we violating the moratorium by increasing Rugby's license?

Arthur Clark - Well that's just it we're not increasing our license. He's not proposing to give it to us he's proposing..(interrupted).

Legal Counsel Delia Lujan - That's what it sounds like if you want that shared parking you have to get a license to use it.

Arthur Clark - Our suggestion is to leave it with Chamorro Land Trust. Leave it with Chamorro Land Trust we don't want it, we're not asking for it to be a part of our license.

Legal Counsel Delia Lujan - You could leave it for Chamorro Land Trust but you're violating the rules by using it for a joint parking. That will be a de facto license. So I think that that might violate the moratorium.

Ivan Shiroma - Where's my boundaries Oscar right now?

Legal Counsel Delia Lujan - So my suggestion actually was just to keep it with Hals and allow Hals to sublicense to Guam Rugby because there is an ambiguity in the property description for Hals. So that ambiguity would allow the property to well it would allow the Commission to really define what it intended or what it intends to..(interrupted).

Acting Chairman Oscar Calvo - Yeah but when you do that when you subleasing that license okay then they become yeah on this Chamorro Land Trust they would have to be paying too an economical fee to the Chamorro Land Trust for that matter.

Legal Counsel Delia Lujan - Well the moratorium right now..(interrupted).

Acting Chairman Oscar Calvo - Yeah but if Ivan is willing to do that you know then there will be a lease factor to that because it's just like if you're going to be charging. To me I think it's really just common sense that we you know we agree to that point but.

Arthur Clark - Ivan, joint use everybody uses it.

Acting Chairman Oscar Calvo - Everybody uses it everybody use it, it's Chamorro Land Trust it's really no it's to me it's a different scenario because it's not like it was a personal ownership that Mr. Matanane owns it and Andy okay. I can understand that but this is a government okay and it's to render the services to provide to you people for both parties to that degree. And I don't understand because if it was your property Ivan and that was yours I can understand the point of argument but this is Government that none of you guys would ever really own this property.

Ivan Shiroma - I've been asking you Mr. Calvo define where my boundaries are right now.

Acting Chairman Oscar Calvo - And I'm telling you Ivan we are going to define that. We're going to put that where you're straight down the line.

Ivan Shiroma - Right at the edge of the football field is my boundary?

Acting Chairman Oscar Calvo - Exactly then the parking lot in the back. You want to further it back I know where you're coming from so either we you know that's my take on this right now because we got to put this to an end today and you know it's either you, I thought that we resolved all this issue and I tried to leave it basically to the lawyers and you people to come to this solution and answer because we all talk about kids that's the biggest thing it's about it's for our kids okay. To me it's a Government piece of property. It belongs to the Government and we're here to serve the people whether it be you, the young ones and in this case we're serving for the young ones. So I think you know you have to come to that conclusion. You can't have it both ways in this situation. You're still going to have a football field and you'll still and to that degree you will be given another additional piece of property down to widen your property. So I don't see where the disparity that you think that you're not gaining.

Arthur Clark - And you're going to have the parking.

Acting Chairman Oscar Calvo - And you'll still have parking. You will have access to that parking okay and they're willing to maintain that parking. They're willing to do that. So I don't know what more can you get out of this Ivan okay. And in reality you, it's in more beneficiary because you have the back parking and you have the front parking. They are playing in the field in the back if they have a game if they run out of parking they have to you know go to the front. The advantage is on your part.

Arthur Clark - And even though its joint use Rugby will maintain the parking for both parties use.

Ivan Shiroma - I didn't see that in the agreement.

Arthur Clark - That was it's not in there now because that was a question that came up yesterday and she asked that and we said yes we will maintain it. We'll put that in there.

Acting Chairman Oscar Calvo - Put that in there.

Arthur Clark - And Delia also proposed some other additional language and we said we're fine with that too.

Acting Chairman Oscar Calvo - Because to me I see it you're in a better you know you're not going to lose anything out of here Ivan. You're not. I'm just saying you know I think it's more appropriate you, if they have a game and you have a game that day whoever comes to the parking lot okay first you have the advantage you have a back rear parking and you have a front parking. They would only have a back rear parking. So all I'm saying right now I think we have to come to this agreement right now okay and if you're willing Mr. Clark we need to, it needs to be revised on that and what we just discussed now.

Ivan Shiroma - Put it writing.

Acting Chairman Oscar Calvo - Put it in writing and I hope to God that it's a trust issue okay. Are you in agree to that Ivan?

Ivan Shiroma - Put it in writing.

Acting Chairman Oscar Calvo - No but are you in agreeable to that?

Ivan Shiroma - I need to see what is in writing. What if he puts something else? Put it in writing and lets see. It's very simple hey I'm willing to compromise.

Acting Chairman Oscar Calvo - This is what I'm going to do right now, this is what I'm going to do okay, put it in writing and then..(interrupted).

Ivan Shiroma - Call me.

Acting Chairman Oscar Calvo - Call him right now and just adjourn if you can sum up that writing today or tomorrow.

Arthur Clark - Okay what is it you're expecting to see?

Ivan Shiroma - No you tell me.

Arthur Clark - What is it you're expecting to see?

Ivan Shiroma - When you say maintain what does maintain mean because did they ever once say we're maintaining that road too.

Arthur Clark - What is it you're expecting to see in writing Ivan?

Acting Chairman Oscar Calvo - What do you want Ivan? What do you want?

Arthur Clark - You tell me so I'm not going to surprise you. What is it you're expecting to see?

Ivan Shiroma - I need to think about it because put asphalt and make it a nice road I don't know and stop using that we're blocking the road excuse because we're blocking it because there are people dumping in there.

Acting Chairman Oscar Calvo - Okay Ivan once this..(interrupted).

Arthur Clark - Every time we give an inch it becomes a hundred yards.

Acting Chairman Oscar Calvo - Ivan you got to be okay maybe you're blocking it for what ever rational okay and that's a good gesture Ivan okay to do that right now but I think that's very to me its uncalled for at this point in time okay.

Ivan Shiroma - Okay put it in writing and let's come together then.

Acting Chairman Oscar Calvo - So I'm going to let you know what I want okay and Mr. Clark I don't know whether you agree or not but this is what I like I said put it in writing what I just said. Ivan if you not then I would go that same route what I just said that we'll just run down there and you. It's a win-win situation for you Ivan.

Ivan Shiroma - You're just saying it now that's what I'm saying put it in writing.

Acting Chairman Oscar Calvo - Then we'll put it in writing Ivan okay.

Arthur Clark - We're going to be back here in a month, we're going to be back here in a month.

Acting Chairman Oscar Calvo - Yes.

Arthur Clark - Because what's going on right now is we're going to maintain it and it's Chamorro Land Trust property it's not licensed to either and he's going to want now to dictate asphalt, parking strips.

Ivan Shiroma - You're asking what I want now its..(interrupted).

Acting Chairman Oscar Calvo - Ivan be reasonable Ivan okay, come on.

Ivan Shiroma - Have you ever seen that place? It's very rocky there. You have to put cascajo (gravel) every time every two months when it rains.

Acting Chairman Oscar Calvo - Ivan then this is where you guys have to work on that issue okay. I mean you can't always have your cake on a silver platter okay. I'm just telling you right now okay. There are parking lots out there too that are not paved for that matter so I have to go to another issue so put that Mr. Clark in and then..(interrupted).

Arthur Clark - So is the Board not going to make a motion today?

Vice-Chairman David Matanane - Mr. Chairman we should see the other light of the day for Rugby and Hals Angel. That means we would calendar or I guess probably the new administration would have to calendar that in a new meeting and they have to review all the items that we so you know if your suggesting Mr. Chairman that you're going to do what we have to do you know I mean we have to put a motion on the floor to get it done because I believe Mr. Shiroma his want is to define his property. Where's his points and that's about it. I mean isn't that Mr..(interrupted).

Ivan Shiroma - Since day one I've been asking I still don't know.

Vice-Chairman David Matanane - What I gathered from you is saying you want to define you know define that.

Acting Chairman Oscar Calvo - And that's right there from this point to this point.

Vice-Chairman David Matanane - And then the Rugby is saying that you'll take care of the parking lot and all that, are you in agreeable?

Arthur Clark -Yes.

Vice-Chairman David Matanane- So Mr. Chair I think if Mr. Shiroma had it in writing and he's requesting the writing, the way we're trashing you know throwing it out I don't think we will come to a conclusion I think the Board should settle it.

Arthur Clark - I agree.

Vice-Chairman David Matanane - And you know Mr. Chairman we can make..(interrupted).

Acting Chairman Oscar Calvo - But that's the option okay. That is the way I would honestly feel that I would go and you know that's the most sensible and answer to that solution right now. Look at it visualize right down the middle here okay, this is it you're out here you're in the rear. You got a parking lot that can be used by both parties okay and they're will to maintain that okay. You have an advantage because you got a rear and front parking okay. You got a buffer street right down the Marine Drive. So you know so that's we can take it to the next Board I guess.

Vice-Chairman David Matanane - You want to suspend this now and not settle it now?

Acting Chairman Oscar Calvo - Yes, yeah.

Commissioner Andrew Leon Guerrero - I think they want to settle it.

Vice-Chairman David Matanane - Okay alright.

Arthur Clark - I would request a motion be made along those line because I mean you know Ivan says put it in writing I think he's, I'm hearing he's saying in principle he's agreeing to the idea it'll be joint use parking. Let's go with that, the Chamorro Land Trust owns it, Chamorro Land Trust can dictate to Rugby you're not..(interrupted).

Acting Chairman Oscar Calvo - And that's what I'm dictating.

Arthur Clark - You're not doing well enough, clean this, do that, fix this, fix that and Rugby will do it but we'll be back here in a month without any further progress.

Legal Counsel Delia Lujan - I think that the only problem with having the Commission state right now what those boundaries are whether or not that joint parking is going to be within Hals or not is regardless of the Commission's decision is this agreement still going to hold?

Arthur Clark - Yes because the only thing in there that is pending is the description on exhibit B where the Hal Shiroma's boundaries is going to be. We had envisioned on our mind where it's going to be and then we were given a broader description.

Ivan Shiroma - That's the problem their vision and my vision are two different things.

Legal Counsel Delia Lujan - So I think if the Commission took action then it might throw out this whole agreement.

Vice-Chairman David Matanane - Definitely because Mr. Shiroma won't sign it.

Legal Counsel Delia Lujan - Yes so.

Arthur Clark - Then fine.

Commissioner Andrew Leon Guerrero - And we're right back where we started.

Arthur Clark - We're talking about helping them improve their property and doing all those things. Rugby keeps coming here giving it you know every time they want more we give more, we give more and it's just not enough.

Vice-Chairman David Matanane - So I believe we should settle it and I make the motion move to accept the Chairman's suggestion that we cut it down the middle so both sides and if the Rugby is in agreeable to go ahead and clean the place and that we appreciate but the motion is to define the line as to where's the Rugby and where's the Hals Angels, that's my motion.

Legal Counsel Delia Lujan - Can I also clarify if this motion is if at the same time accepting all the other terms of the agreement?

Acting Chairman Oscar Calvo - No, no, no.

Vice-Chairman David Matanane- No that thing will be moot because we the Board is making the decision rather than an agreement between those two.

Legal Counsel Delia Lujan - Well I think that the Board needs to be aware of its decision because if you're doing that then you are, if you're mooting this agreement then you're relieving Guam Rugby of its obligations in this agreement.

Vice-Chairman David Matanane - But it's not an agreement, it's not an agreement because the other party doesn't agree.

Arthur Clark - Now that's the problem but we're happy to continue with the agreement as written and what we hope to get out of this is the Board's definition of the boundaries to exhibit B. And if the Board will define it as per Mr. Calvo's suggestion and which is really what we've been suggesting it will allow that parking for joint use everybody uses it jointly we'll sign it and I think you know if that's the last issue that needs to be resolved by Mr. Shiroma the Board's going to resolve it and I'm hoping Mr. Shiroma will sign it also.

Legal Counsel Delia Lujan - Okay so I just wanted that clarified so you'll still..(interrupted).

Arthur Clark - We'll still continue with this if Mr. Shiroma is willing to do it I mean if the Board is going to define that for joint use.

Vice-Chairman David Matanane - He wants a definition of his boundaries so you know we'll give him the benefit of the doubt that we are doing it you know him a favor.

Ivan Shiroma - You still didn't give me an answer that's my problem. From day one of my license you guys haven't given me an answer where's my boundaries.

Acting Chairman Oscar Calvo - Well Ivan I'm going to give you that answer today.

Vice-Chairman David Matanane - Well when you went into that particular agreement with the Chamorro Land Trust have you been given the boundaries? Have you been given the boundaries?

Ivan Shiroma - Yes from Mr. Borja and I got the map it's the same as he has. I'm under the impression that parking was included in our inventory and our boundary with mine and his is where his ends mine begins. Now they want a shared thing and now I look like Mr. Selfish over here.

Arthur Clark - Now I'm hearing everything else even all of that off to the side of the Rugby.

Legal Counsel Delia Lujan - The shared parking is outside of the Rugby license.

Vice-Chairman David Matanane - Delia this line or indication does it encroach into Hals Angel or Rugby if we put a line down there? That's the existing road right?

Legal Counsel Delia Lujan - Well the line well you'd have to include where the current field so well no because right now the, well right now the property description is vague and under their agreement they're acknowledging that Hals would include the current baseball field and that they would prepare that practice field for Hals.

Vice-Chairman David Matanane - But Mr. Shiroma he's saying that he has his boundaries already set, he know his boundary and he's saying that we're cutting into his boundaries if we draw out that thicker line.

Legal Counsel Delia Lujan - I think it was Mr. Shiroma's previous understanding I don't know if it's still current but I think his understanding was that he had a lease on the whole old lot, the big lot before it was subdivided.

Ivan Shiroma - Exactly what Mr. Borja said.

Legal Counsel Delia Lujan - And that so even the school would be encroaching. So that parking is definitely going to be in the big one.

Vice-Chairman David Matanane - His lease right does it, if we draw a line does it encroach in his lease agreement or Rugby? Either one?

Legal Counsel Delia Lujan - It wouldn't encroach on Rugby. Rugby is above the shared parking.

Vice-Chairman David Matanane - Does it encroach in Shiroma?

Legal Counsel Delia Lujan - Shiroma's boundaries have not been clearly defined. It had not been clearly defined we will be defining that now.

Arthur Clark - And if I can comment all the minutes we've read..(interrupted).

Vice-Chairman David Matanane - And that's what you know we're trying to do is so as we don't you know encroach in his lease agreement or his mark down on what property he's supposed to be occupying on and also of Rugby so what we were saying is that if it doesn't encroach onto either party and we can you know draw the line down there if this is an access road then we should you know cut it in half and both of them will be accessible to whatever property that you guys are inquiring.

Arthur Clark - If I can explain Mr. Matanane I think the action now Ivan is reading his license its including all of R6 which you and I both know that the license says a portion of Lot 6 which is the basic lot which you have indicated it includes Wettengel so it was never included it was never defined. In all the minutes that I've read with respect to any discussion about where his license was going to be was limited to the football field and the football field only. And now you know so everything can work out he's always been asking for a practice field that was the main ball of contention between Rugby and Hals Angels was where are we going to put the practice field as the definition because it's vague, it's vague, expanded now to give him more lot than what was in all the minutes to include the baseball field area. But that's not enough and we just want to make sure that that parking again for joint use everybody gets to use it and we'll maintain it. I don't see why that is causing any kind of harping over here.

Vice-Chairman David Matanane- I remember that the first issue was where's his practice field you know you guys were using his practice field and that was the initial thing when he came in between Rugby and you. All I'm asking so that Mr. Chair the map and whatever if we can cut this then and it doesn't affect Hal Shiroma or the Rugby then we should do I mean you know so all he wants is a definition of where's his boundary line.

Acting Chairman Oscar Calvo - And we're going to give him that boundary.

Vice-Chairman David Matanane - Just as long as we don't encroach into his lease.

Acting Chairman Oscar Calvo - Yeah I know.

Arthur Clark - Pending the execution of the MOU Mr. Chairman one of the issues we're going to have also is the easements. The easements go right through where you're going to draw his boundary. Rugby needs to have access to those easements. Mr. Shiroma has asked if Rugby gets in and has to rip up the field, get to the water lines for repair, yes that's in the MOU. Everything he's asked for he said yes that's in the MOU. So we're still we'd like to follow the terms of the MOU okay. We just want to have that for a joint parking.

Acting Chairman Oscar Calvo - The property belongs to the Government okay and neither party really is owning by this property, it's different. So I think it's to me that's been always my decision and take because I like I said I took a personally out there to see that place how and how it should be and that's why I'm saying Ivan it's a win-win situation for you okay. Now they're willing to take it and maintain it okay which is you should share the cost but they're willing to take that burden themselves to maintain the parking area. And in some way it could be an advantage to you, you might have a game one day and they have a game but guess what you beat them to the parking you know. Nobody can stake claim to that parking because it's a joint venture. Everybody would be a public parking for that mere fact.

Arthur Clark - And Mr. Chairman and Delia to answer your question my client would rather the instructions come from CLTC not from Mr. Shiroma on the maintenance of that property, what needs to be done what the CLTC expects and that's where the discussion here with Janalynn I don't know how that ended up that's why Mr. Chairman was that it be outside of the boundaries and the instructions would come from CLTC. We don't want to sublicense it from Mr. Shiroma and we don't want him to essentially be the licensor and who's going to dictate asphalt you know draw the paint bumpers, trash cans, chain link fence all those stuff. We just don't want to be down that road and that's what he wants. As Mr. Shiroma said its an issue of trust and we'd rather trust the CLTC to dictate to the Rugby what to do with that joint parking area.

Acting Chairman Oscar Calvo - Okay. Andy?

Commissioner Andrew Leon Guerrero - Make a motion sir.

Acting Chairman Oscar Calvo - Dave?

Acting Chairman David Matanane - Well you know since we mentioned about the definition of his boundaries so we are setting his boundaries by putting a line where the Chairman has suggested that it won't affect the Hals Angels nor the Rugby. I believe this Board will put it up and we'll go for a vote that we should follow what the Chairman has suggested that we should do because you know we've been passing this thing around and neither party is in agreeable to any as if it's their particular own property but and to have peace and tranquility between the two I think we should make this particular motion to delineate that piece of property. That's my motion to go ahead with the suggestion of the Chairman which he has seen the place and we'll put it up for a vote.

Arthur Clark - Mr. Matanane I'd like to ask for consideration of amendment to also include that the GRC or whoever is the licensee of that new dash 5 lot in this case right now GRC has also access to the easement for easement purposes or whatever the purposes for running the water and power. I mean as you're defining Hals boundaries those boundaries include access of easements.

Acting Chairman Oscar Calvo - Of course the easement that yeah you have to include the easement boundaries to that issue.

Vice-Chairman David Matanane - For the purpose of Rugby and Hals Angels then we are taking that action to go ahead and define that particular line.

Acting Chairman Oscar Calvo - Keep in mind here Ivan okay when we go to this issue and once we define that that particular parking okay will basically almost fall under the Rugbys that they will be have to that parking lot because once we identify your parking and draw that line and this is a straight line that will your boundary. So to share cost on the parking lot they would have that parking lot over you.

Ivan Shiroma - What?

Acting Chairman Oscar Calvo - They would be the one to that's why I'm telling you Ivan the parking lot will be shared cost between the two of you.

Ivan Shiroma - You're not making any sense now Mr. Chairman.

Acting Chairman Oscar Calvo - Well I'm trying to make you understand Ivan either we're going to set up the boundaries for you.

Ivan Shiroma - You're going to put my license right on my boundary my field now they're going to have the parking lot now? So why can't you keep it the other way?

Acting Chairman Oscar Calvo - That's what I've been trying to..(interrupted).

Ivan Shiroma - We've been there since twenty years before these guys.

Acting Chairman Oscar Calvo - Well you know Ivan that's twenty years you know what we're not going to get anywhere I think Dave, Dave we just..(interrupted).

Ivan Shiroma - We've had activity on the land that's where that's the advantage right, who had activity there 20 years before them?

Acting Chairman Oscar Calvo - Yeah I know you, are you willing to join with that? Dave so what?

Vice-Chairman David Matanane - That's my motion and whoever wants to second it and take a vote on it.

Acting Chairman Oscar Calvo - Andy?

Commissioner Andrew Leon Guerrero - Let me understand the motion Mr. Chairman, what we're going to do is we're going to define Hals Angels' property by drawing a line from one point to the other end and then that defines Hals Angels' property. There will be an easement in between Hals Angels and the Rugby Club and that will remain an easement yet at the same time be a public parking area.

Acting Chairman Oscar Calvo - Exactly.

Arthur Clark - This is the easement right here so I think the motion was to draw the line here to demark both the football and the baseball field as Hals but make sure we have this easement area accessed to continue to serve Lot NEW-5.

Commissioner Andrew Leon Guerrero - Oh okay so the easement is this one.

Arthur Clark - Right.

Commissioner Andrew Leon Guerrero - And then the defined property line would be right here.

Arthur Clark - Well this is already a defined lot so this is the Rugby and then the Hals I think the defined lot is here and this will remain CLTC all of this the balance of R6 would remain CLTC property. This area here would be used for the joint parking which will be maintained by, we'll maintain but we just want to make sure that in the definitions of Hals boundaries here this easement right here all is protected.

Commissioner Andrew Leon Guerrero - I see got it.

Arthur Clark - (inaudible).. the motion on the floor to maintain the easement.

Acting Chairman Oscar Calvo - To maintain the easement which you're going to need that anyway.

Arthur Clark - So they use that for power and water to run it back to the field.

Acting Chairman Oscar Calvo - Yeah run whatever needs to go to there.

Commissioner Andrew Leon Guerrero - Okay along with the, I would like to add a recommendation that as far as the public parking is concerned that as mentioned by Attorney Clark that all stipulations and determinations of the parking area be that of the Chamorro Land Trust and that of nobody else. All improvements whatever we define, upkeeps as being defined by the Chamorro Land Trust Commission. Aside from that I have no other problems. I second the motion.

Acting Chairman Oscar Calvo - Okay. I third okay passed it. Okay that's it.

Vice-Chairman David Matanane - Mr. Chair back up can we show of hands all in agreement of this particular motion just you know to make it visual. We'll take a vote of the particular motion and I agree show of hands.

All members raised their hands in favor of the motion.

Vice-Chairman David Matanane - Unanimous.

Acting Chairman Oscar Calvo - Unanimous.

MOTION PASSED.

2. Alicia Pinaula - Estoppel Certificate

Vice-Chairman David Matanane - I think that we promised her that we would hear her case right after you know the pending business. She was here for public comments but I said suggested to her that we'll hear her on the pending because we heard her in the last meeting and we want to settle this thing. Mr. Chair, may I make a comment before Ms. Pinaula presents her case, as you remember Ms. Pinaula the first time you came over here asking for Chamorro Land Trust to collateralize the property remember you have a lease with us and we were so adamant that we suggest you go back to the Board of GHURA. You know Ms. Pinaula we're not applying for a loan you are so to get this thing and understood that we are not applying and we are not making any decision for GHURA. If they want to approve your loan that's fine it's up to you that's between you and GHURA not Chamorro Land Trust. Just bear in mind that you have a lease with us. You cannot bring Chamorro Land Trust Board to concur with GHURA. They do what they have to do we do what we have to do. Ms. Pinaula you know I thought you understood about that and the previous meeting you mentioned or Mr. Camacho has mentioned it was a grant so how can you say that you can collateralize the property? But we will settle this today and we'll put a motion whether Ms. Pinaula we would grant Ms. Pinaula to collateralize the property. That's the main thing you know that if she's borrowing a loan from GHURA, GHURA should take care of that loan whether they should approve it or not. So you know just so you understand where we're coming from and as for myself as one of the Board member I don't know about the two but to me we've been seeing you for quite some time and you keep you know coming back for us to agree to you that we should collateralize that piece of property that you're occupying from the Chamorro Land Trust. In the law it says you cannot collateralize the property and if you do then you would be in violation of the agreement of the lease agreement. So that's my take on it just so you understand where I'm coming from if we should put this on the floor or you know and we make the decision today. Go ahead Ms. Pinaula go ahead and make your comments and please understand that I understand where you're coming from and hopefully that my fellow Board members understood and I've been harping about it every time you showed up and it just so happened that you would seek the advice of Mr. Camacho and we're coming out now with MOUs where it is really moot because if you do this then we are starting a precedence that anybody that leases land, Chamorro Land Trust can mortgage it or collateralize it. So there you go thank you. Go ahead Ms. Pinaula thank you.

Alicia Pinaula - First of all, the first estoppel is let me back up okay from the very beginning it's always okay there was a problem for the first four months your legal counsel Delia, Attorney Delia Lujan said she has to look into it. There may be a conflict of interest. On the month, that's April on the month of May she said then you guys decided that there's no conflict of interest, June..(interrupted).

Acting Chairman Oscar Calvo - Ms. Pinaula I think we have gone through that stretch of that..(interrupted).

Vice-Chairman David Matanane - And the conflict of interest is between Delia and GHURA not your case, not your case. The conflict of interest is not between the Chamorro..(interrupted).

Alicia Pinaula - But that was discussed in here that's what I'm referring to.

Vice-Chairman David Matanane- Yes and I believe you didn't understand that Ms. Delia has a conflict because her office is also representing GHURA, that's the conflict. But there's no conflict between you and us nor is there a conflict between us and GHURA so..(interrupted).

Alicia Pinaula - Yes and you cleared to her that you guys don't have any conflict about it okay should we have the reading of minutes?

Legal Counsel Delia Lujan - Yes just to clarify both the Commission and GHURA waived any potential conflicts.

Acting Chairman Oscar Calvo - Exactly we did and we waived that.

Vice-Chairman David Matanane - Yes but she's mentioning there's a conflict but there's no conflict.

Alicia Pinaula - I am saying what she has said there may be a conflict and she has to investigate now hear me out and then secondly I was not borrowing any money it was always a grant given to me not I did not borrow any money.

Vice-Chairman David Matanane - But you're paying it back.

Alicia Pinaula - If, if, if I default right okay. This is the problem if I moved out of course there's a default..(interrupted).

Vice-Chairman David Matanane - Ma'am if it's a grant they'll just give it to you. Why include us? Why did you include Chamorro Land Trust?

Alicia Pinaula - Have you reviewed the estoppel, the note and the promissory and the mortgage?

Vice-Chairman David Matanane - And I told you the estoppel is a mortgage document stating that we have to mortgage the property.

Alicia Pinaula - Yes and it's a grant okay, yes.

Vice-Chairman David Matanane - But why is it then the estoppel is saying that you mortgage a property the Chamorro Land Trust property?

Alicia Pinaula - That's why I went back to them I said there's a problem here with the language then you guys wanted a language done where the...(interrupted).

Vice-Chairman David Matanane- No we didn't want anything I mean we shouldn't be in the picture. We shouldn't be in the picture Ms. Pinaula if GHURA wants to give you that grant fine and dandy, thank you.

Alicia Pinaula - They already did.

Vice-Chairman David Matanane - Then fine then what do you want from us? What is your problem?

Alicia Pinaula - To allow me to have the house built on the lot.

Vice-Chairman David Matanane- But they gave you a grant right?

Alicia Pinaula- They already did. It's still sitting there in limbo.

Vice-Chairman David Matanane - Then why are we mortgaging it in?

Acting Chairman Oscar Calvo - Ms. Pinaula when we spoke with GHURA about maybe two weeks ago okay, what was the intention of the Chamorro Land Trust since day one in your case is we do not want to be held any accountability to this to your grant whether it's a grant whether it's whatever money you're borrowing okay. Because if you default at any given time you've got fifteen years to be in there at any given time that you move out of there okay. What we're saying here with the Chamorro Land Trust GHURA does not come in and say you know what Ms. Pinaula left up five years ago and didn't complete. Yes, GHURA would go after you for that matter but what we're staking here is we cannot use the piece of property as mortgage or to hold for that matter for a collateral. That has been the problem and we, I corrected this with GHURA I've told them I even you know I don't know how many times really. I've met with them and Joanne Brown can attest to that we sat with him and we gave them what MOA that needs to be done. It's pure simple language. You know Ms. Pinaula I really don't want to go any further on this I think you know until GHURA gets it act.

Alicia Pinaula- This memorandum of understanding is saying okay that if I default okay that they would have, give you the Chamorro Land Trust to come up with the applicant that qualifies and on their part they're going to look at do they qualify under the rehabilitation loan. That's it.

Commissioner Andrew Leon Guerrero - Ms. Pinaula what if we didn't find a candidate? What if we didn't find anybody to fulfill your..(interrupted).

Alicia Pinaula - Believe me where I'm at there's a lot of candidates.

Commissioner Andrew Leon Guerrero - No I'm just saying this is a question what if we couldn't find one, now where does the, who has the responsibility I mean would the Chamorro Land Trust lose the property because of default?

Commissioner Carmen Tajalle - They'll lose it.

Commissioner Andrew Leon Guerrero - We'll lose it right.

Acting Chairman Oscar Calvo - Yeah.

Commissioner Carmen Tajalle - Because they're the binding.

Commissioner Andrew Leon Guerrero - Right we are I mean that's mortgage 101A right?

Commissioner Carmen Tajalle - It's A and B and that's D.

Legal Counsel Delia Lujan - Well you would lose the property it's only a leasehold that's being mortgaged but it just can't be a mortgage.

Alicia Pinaula - Is that the same with all the VA loans in the past and the farmer's home loan?

Vice-Chairman David Matanane - Not unless Chamorro Land Trust guarantees it but we can't guarantee because we don't have any money.

Alicia Pinaula - Is that the same with the VA loans and all the farmer's home loan mortgages in the past? That those people have built their house including my neighbor who had their house built under the VA federal grant loan, mortgage, federal mortgage. Is that the same? Why is it that those people are allowed to build their house and other people's houses have been built on a Chamorro Land Trust and yet I am given a grant and you're worried about my behalf and that I am violating? No, what about those people? Are they in the same violation?

Vice-Chairman David Matanane - You are seeking from us to collateralize the land. We are in agreement with this MOU..(interrupted).

Alicia Pinaula - Sir, believe me it will not be under collateral because I plan to live there for fifteen years.

Acting Chairman Oscar Calvo - And we know that you're going to stay there.

Alicia Pinaula - I am not going anywhere I have children.

Acting Chairman Oscar Calvo - Joanne can you explain that?

Alicia Pinaula - Can you define that?

Joanne Brown - Thank you very much Mr. Chairman I do want to relay and I do understand where a number of the Commission members are coming from in terms of your concern. We did meet with the Chairman with members of GHURA a couple of weeks ago to discuss their proposal on working with a MOU with Chamorro Land Trust. We do recognize the very basic concern many of the Commissioners have I know all of you share that concern. We have reviewed the document that they've provided us we've made amendments to it. It is something that we do need to sit down and talk with the Chairman and also you as members of the Commission to review it because I don't think you're going to have any comfort level of approving this until your very questions like the question Commissioner Leon Guerrero just asked what is the next step, what if this doesn't happen what's the recourse. So we would need to do that. I would say we are in dialogue at this point but those comfort levels need to be there if you are to approve this. The advantage is if we are able to come to a consensus where the concerns of the Chamorro Land Trust are protected in terms of not losing the property and an agreement could be put in place like individuals like Ms. Pinaula would be able to build a home we certainly could be opening the door to many hundreds if not thousands of other Chamorros on Guam that would have an opportunity to build a decent home and a safe home for their family. But until we get to that point and we're halfway there we're not quite there because we want to go over these recommendations that we have with all of you in the Commission. We want to make sure the legal counsel has had the opportunity to review the document also confer and be able to respond to any questions or concerns you may have because ultimately as members of the Commission you will make that decision. So that is where we are at this point Mr. Chairman. I do realize there's a lot of concern here I understand you know I've been to the meetings and I see Ms. Pinaula here and her desire and it's a very basic desire of most families on Guam to want to have their own home. But I just want to relay that we are working on that but even I myself will not say we are there yet today. I think we want to be able to answer any questions or concerns we want the legal counsel to provide you ample advice so when you do make a decision you'll have level of comfort whether it's for against the proposal.

Acting Chairman Oscar Calvo - You know the GHURA did send us an MOA and I did I had the opportunity to read it but and then you know I looked at and I had it revised so but that was some of the issues there that we revised which is Dr. Barber you know I wanted him to make the revisions but that's my position. I do not know what Andy's is or Mr. Matanane's position with that.

Joanne Brown - And we can schedule a time I mean I do recognize it is the end of the term but certainly if there is any interest of you know if any Board members continue to the new term or to new Board members we can provide the information and have a session among each other collectively so that you can have those questions that you have answered and decide ultimately what you would like to do. All we can do is present the options to you.

Vice-Chairman David Matanane - I just received this today.

Joanne Brown - Yes I understand. It's fairly new too yes the revisions are fairly new.

Vice-Chairman David Matanane - There are changes are on it and on the back there where the *remedy foreclosure and termination of lease* so I didn't see that on the other one.

Joanne Brown - The copy you have that was provided to the Chairman today is revisions that the University of Guam has assisted in making but like I said we have not had time to sit down and thoroughly go through this document with your Chairman or with you as members of the Board. So now that you do have a copy you can take it with you and we can schedule a time I mean we are certainly willing to sit down and talk with you and again make sure that you have ample information so that when you do make a decision you're well informed.

Acting Chairman Oscar Calvo - Okay Ms. Pinaula.

Legal Counsel Delia Lujan - I think that any option that is presented to the Board it really I mean the problem is the collateral requirements and if the program requires a mortgage subsection E of Section 75108 clearly states that the lessee shall not in any manner transfer to or mortgage the property so that's really the problem. So if there is a way around that that doesn't require a mortgage or if the legislature changes the law to allow it I mean those are the only two ways I see around this situation.

Vice-Chairman David Matanane - And that's where I'm coming from.

Commissioner Carmen Tajalle - Because that's a binding, that's legal right there and you know all banks all financial institutions they want to protect their interests and we want her to have it but we're binded as a Commission because what the law states there. We can't do anything and it's not that we're not trying to help her but we got to find a way to make the product work and that's what I was telling John Camacho.

Joanne Brown - Right well and also ensure that the Commission is not held liable because I don't think financially you're certainly not in a position that if people start defaulting that you're in the position to pay for the cost or any requirements back for that grant being given. Again this is probably going to be further deliberated at a session where you know legal counsel will have time to review our proposal. All of you would have had time to do so and then we can sit down and discuss that and see what options are available.

Acting Chairman Oscar Calvo - We're not saying Ms. Pinaula that we're not listening to you. Believe me we are listening to you. You got to understand that there are legal..(interrupted).

Commissioner Carmen Tajalle - Legal responsibilities.

Acting Chairman Oscar Calvo - Yeah and I sat with the GHURA and you were there in that meeting and I simply told them what I needed in there. But for some strange reason the tone of language didn't come right back the way we wanted you know. So I think this Board has done its part as far as I'm concerned. We have done our part in what the Board's intention. Now it's the GHURA side now they have to be content to that because remember even if you're going to stay there for fifteen years which you'll probably stay longer than that that's not our point okay. The defaultment of that okay is what happens.

Alicia Pinaula - Well my children okay I have my youngest child I have seven is seven years old and it said there on the note that it will go to my children and one of them continue..(interrupted).

Acting Chairman Oscar Calvo - And that's fine Ms. Pinaula I'm not disputing that at all. That's not what the big problem here is, is on GHURA is trying to understand that language. I don't know why they can't simply understand that language but we have I sat with them we talked about it the Director was there, Mr. Camacho was there I think, myself and Mr. Barber and also Ron Lujan who I think handles the program or whatever the coordinator for that issue. So I'm just saying it's not you where's there is the problem, it not us, we did our part, we did our part that's all I'm saying here okay. Don't get us wrong believe me I want to solve this problem as much as because if we do solve this problem okay there is good cause in the future for other constituents. You know it's unfortunate that you're the stumbling block but until you know because we can easily say today yes and like what Andy says you know and for whatever reason it may not be your case okay. Class example lets say you did complete yours but what about the next case? The next case okay and did not follow through what is supposed to be then you know what you're going to defeat the purpose of the Chamorro Land Trust. Because then you deplete and this is what we're trying to prevent is happening okay. You may go through and you may be and you'll be faithful lady to that but then the next client from GHURA will he or she follow the same? I don't know and we want that assurance because if we follow what GHURA wants and if that's the case and the next customer comes in and follows the same trade then we're going to start losing the property but if we set up a mechanism that is going to work and irregardless whoever is going to be the next client is going to be held responsible we're not going to lose that and this is what we're trying to the protect is the Chamorro Land Trust property.

Alicia Pinaula - Yes I understand that.

Acting Chairman Oscar Calvo - Yes and I think you know Ms. Pinaula because we have a meeting here so I think until we really get together on this on the next Board. There is really not much to say right now until GHURA gets its act because right now we're just going in circle.

Alicia Pinaula - Well I went and see Senator Tina Muna Barnes to amend the law so I'm going through that route too. So there won't be any more problems in the future.

Acting Chairman Oscar Calvo - Well that's your prerogative you want to go see the Senator thats..(interrupted).

Alicia Pinault - No it's done, it's been done.

Acting Chairman Oscar Calvo - Okay.

VI. NEW BUSINESS

1. Atty. John Brown - Lots 1000, 1001, etc., Agana

Attorney John Brown - Commissioner, Counsel I haven't been to any one of these meetings before and I'm very impressed with the way you guys do business, you take care of yourselves very well. I wish I would, I don't know why I'm here, I was off-island I came back and I had an email telling me I needed to appear today. I presume it has something to do with the letter that I responded to that was initiated by J&G's tenant the Piazza. This involves property that J&G owns and the Piazza leases in Agana down on ocean side next to the Agana River across from the Paseo. The tenant is a very, a very good business person has gone out and invested a fair bit of money in there in their business and is very aggressive in their marketing and their ideas and they are very expansive in their thoughts under a relatively short term lease. They made a request to various agencies to adopt the public land seaside of our property based on the lease that they have with us and that concerned us and I responded to them and somehow it's been bumped up to this aghast body. I don't know why it couldn't been handled at a lower level.

Vice-Chairman David Matanane - Who's the lessor?

Atty. John Brown - The lessor is Jones and Guerrero.

Vice-Chairman David Matanane - And the problem is the Chamorro Land Trust property.

Atty. John Brown - Well I suppose its Chamorro Land Trust its beach side property. There's some questions as to who owns the land. There are some accretion there, there's the public access or the easement the high water mark legal descriptions and that sort of thing. That really wasn't entering into what this was all about. I responded because they wanted to adopt that property and I don't know what adopt means. I haven't been able to find any legal description of what's involved in adopting land. I don't know what rights that they get. Are they then their god parents or something like this? I don't know how, I can adopt a child but adopting land is something that's new to me.

Legal Counsel Delia Lujan - Who is the tenant again?

Atty. John Brown - The Piazza.

Acting Chairman Oscar Calvo - This is over by that bridge.

Atty. John Brown - Over by the bridge.

Commissioner Carmen Tajalle - ..(tape switch over)..and they'll be willing to pay and that's what I remember.

Legal Counsel Delia Lujan - So this was Mr. Ruth?

Atty. John Brown - Mr. Ruth.

Commissioner Carmen Tajalle - Yes from engineering or something.

Atty. John Brown - Tanaguchi Ruth, he's an architect, he's related to the family.

Commissioner Carmen Tajalle - And he's proposing because it's just a small property and there's really no use.

Acting Chairman Oscar Calvo - Actually what the problem there is there's the property separates from and they want to extend that to make their property larger.

Atty. John Brown - Well see that's it there are two different issues that have been floating around and I wasn't sure what issue that this was all about. There is the issue of an abandoned bull cart trail or at least a section of it and if that's what we're talking about that's not what I came prepared to discuss but I can discuss it with you. There's a bull cart trail that goes no where, it's a sliver of property that cuts diagonally, it parallels Marine Drive and it parallels the seashore, it doesn't go to anything. Moylans have bought off their part of it so it doesn't even extend north. It extends north of our property a little bit but I understand those owners also want to deal with this because it's just putting this pin right there and that's the piece of property fowling up everything.

Acting Chairman Oscar Calvo - I think the reason why they use the word adopting here is because they want to adopt that land.

Acting Administrative Director Jesse Garcia - It's two separates things.

Atty. John Brown - It's two separate things altogether.

Acting Chairman Oscar Calvo - I know.

Acting Administrative Director Jesse Garcia - What they're asking is to maintain the beach on the back.

Atty. John Brown - And if that's what they're talking about our objection is to anything that would do two things first of all give them an exclusive ownership, controlled dominion over that property after the lease expires because this is not a long term lease. We have our own visions to what can be done out there and the other concern that we have is that they may do something with that property that ends up being a burden on us once they leave. They've got a landscaper involved in there somehow in the joint venture whatever they're doing there it's not our business so we don't get too close to it but I don't know that the

growth that they put in there is native. I don't know how much it's going to take to keep it up and how much it's going to cost us to rip it out if it goes astray. So we have problems with some of their intentions mainly the problem is because we don't know what adopt means.

Acting Chairman Oscar Calvo - I think you know what overall Mr. Brown I think they should really come out with an ultimate plan what are their intention to that.

Atty. John Brown - Granted and they..(interrupted).

Acting Chairman Oscar Calvo - Because telling us here is totally different vision okay because I know that they came months on that issue but like you saying what is their vision to that piece of property. What are they going to adopt there because you keep in mind that is also a public access.

Atty. John Brown - Exactly.

Acting Chairman Oscar Calvo - So you're saying it's to keep the public off okay, if that goes in there if that's what they're doing..(interrupted).

Atty. John Brown - If that's what they're doing yes that might cause it.

Acting Chairman Oscar Calvo - Yeah that's what I'm saying so I think to less the discussion on this I think you should go back to these and really find out what are their plans to that and what are the development to this issue. What are they contemplating? What is the rational reason of this piece of property because there's a long goal for that piece of property whether it be a short goal or a long goal one of the two okay.

Atty. John Brown - We're not concerned what their plan is, I don't care what their plan is, I'm going to object to their plan to extend..(interrupted).

Acting Chairman Oscar Calvo - But the Board here yeah this is a concern here because if there was an adoption and for whatever reason they decide to buy the property or whatever okay for that matter okay that's a loss of income to the Chamorro Land Trust here and this is what we're trying to say here to prevent that part is there's an income here that can be you know be given to the Chamorro Land Trust for whatever reason. So I think hypothetically I don't want to put you too much into that but I think you need to get back with your constituents and say you know give us what sort of plan because like I said even yourself you just said you're confused and the only thing you know about adopting is adopting so what are you going to adopt you know.

Atty. John Brown - We have no intention of adopting anything right now. We don't want them to adopt anything that we don't understand the limits of.

Acting Chairman Oscar Calvo - And that's why I'm saying the language here is what you presented on the letter to the Board is to be an adopt so you got to clarify what's their intention to this letter.

Atty. John Brown - We don't know what their intention is and that's what we're asking is that before you even take any action you understanding yourself what their intentions are.

Acting Chairman Oscar Calvo - Yeah but at the same token we can't give you an answer back to that issue because we don't know what's their intention and you know and that's the only way the Board can pursue to an issue is what the intention of that okay.

Atty. John Brown - Well if they do intent to proceed with anything we'd like some notice of it and we would like an opportunity to object.

Commissioner Carmen Tajalle - It says here in the last portion of the paragraph, *we take notice that the tenant has recently so it seems erected an extension of the fence on our property, from our property over territorial beach to the shore. J&G did not authorize any such trespass and disavows any responsibility of it.* So the way I'm looking at this is they want to settle it so that way they have power to tap into over that property.

Atty. John Brown - They seem to be wanting to take exclusive use of the property. We have a vision that that is going to be a public problem at some point. We don't want anything that's going to happen that is going to interfere with that. We really appreciate the public access to it. That's what we're objecting to is anything that's going to impede that or cause us a burden to maintain it and we want to just let you know that J&G did not authorize and that was not behind. They don't have the power to speak for J&G in erecting that fence or anything beyond the property line. And they were using some rather lose language we thought in their presentations to Mr. Duenas and Garcia, I don't have my glasses on so I can't read that very well, but and that's why I don't know how it ended up before the Board I thought it was sticking, we were just addressing these departments.

Legal Counsel Delia Lujan - Can I get clarification, is this the situation where Mr. Ruth and others maybe came in and asked to buy that fractional lot?

Atty. John Brown - That was one thing that was a separate thing. Mr. Ruth had the carriage of representing J&G to negotiate some kind of transaction to acquire that old abandoned bull cart road. Commercial out whatever you want to do with it to do that because it does run parallel it doesn't go anywhere. This is a separate matter as far as I know. What triggered my appearance here today is I wrote this letter saying we don't want you guys to do this when the Piazza wrote to the Directors of Department of Parks and Rec, Land Management and Public Works.

Legal Counsel Delia Lujan - So at the time when Mr. Ruth came here he was authorized by J&G to try to negotiate the purchase.

Acting Administrative Director Jesse Garcia - It's a totally different thing.

Atty. John Brown - Yes totally different thing, I had no involvement with that at all.

Legal Counsel Delia Lujan - Do we have a copy of the letter from Piazza?

Atty. John Brown - It was attached to the letter that I sent in so you quoted from my letter directly I would presume that you would have the attachment to it.

Legal Counsel Delia Lujan - We don't have a copy of it we only have your letter.

Atty. John Brown - If you would like I brought it with me fortunately and I did reference in my letter that I was attaching it so people would understand what we're talking about in that one. As I said I don't understand really why this is a Board level this could have been handled a lot lower but anyway.

Acting Chairman Oscar Calvo - The reason why is because of the you know theres a Chamorro Land Trust property involved into that.

Atty. John Brown - Now is the Chamorro Land Trust property beachside or is it the bull cart trail?

Acting Chairman Oscar Calvo - It's the bull cart trail.

Atty. John Brown - Right and this doesn't involve that.

Acting Chairman Oscar Calvo - Yeah but in reality what you're technically is saying here is you're against what these other..(interrupted).

Atty. John Brown - People want to do on the beach.

Acting Chairman Oscar Calvo - Yeah they have their own boundary.

Atty. John Brown - Yeah whatever they're doing on the beach we really don't want that.

Acting Chairman Oscar Calvo - But the only thing you're concerned there you don't want the access to be blocked off for that matter.

Atty. John Brown - We want to keep public access down there.

Acting Chairman Oscar Calvo - Yeah that's what I'm saying so basically that's what you're asking is that..(interrupted).

Acting Administrative Director Jesse Garcia - Basically what he's saying is don't penalize them.

Atty. John Brown - Don't penalize us for what they're doing that's it yes sir that's in a nutshell. And as far as the bull cart trail we're very, very happy to progress some action on that. We've been talking for years and don't seem to be getting very, I say we, Mr. Ruth has and I haven't had any involvement in it so I can't talk in depth about it but I do understand the problem.

Legal Counsel Delia Lujan - The Piazza is that the new cafe?

Atty. John Brown - That's the cafe yeah. I understand it's very nice I haven't been in there but it looks like a beautiful place.

Legal Counsel Delia Lujan - Is this the one that took over Brista or?

Atty. John Brown - What was there, the building sat empty for quite a while before that it was a micro marine or something like that. I still call it the old MBI building which was thirty years ago.

Legal Counsel Delia Lujan - Was this where they had that ostrich restaurant?

Acting Administrative Director Jesse Garcia - Yeah.

Acting Chairman Oscar Calvo - Yeah but it's down the, it used to be adjacent with what's the name of that park, Pale Padre's yeah.

Atty. John Brown - Pale Padre's that further north. We're right up against the river you know where the Agana River goes in.

Commissioner Carmen Tajalle - Right in the intersection.

Atty. John Brown - Yeah right in the intersection.

Commissioner Carmen Tajalle - That's where they used to have all the boats there.

Atty. John Brown - Yeah, yes that's the property we're talking about and we moved them out, we thought they were getting kind of nasty and then we just left it sitting well Kin had some ideas and of course Kin passed away but we do have some thoughts of what to do with the property when the time is right and we feel that the time is getting near but it's not here yet.

Acting Chairman Oscar Calvo - But then the ocean is eating it in.

Atty. John Brown - Well the ocean giveth and taketh away I mean at the moment its given but it could take it away anytime it wants.

Acting Administrative Director Jesse Garcia - So now we know what his intentions are.

Acting Chairman Oscar Calvo - Yeah now that I know what your intention to that.

Atty. John Brown - Right.

Acting Chairman Oscar Calvo - That's why I asked you what you're ultimate plans to that issue.

Atty. John Brown - Yes sir what we would like to see frankly I'll let you in on a little secret, I have a vision, Mrs. Jones likes it but I don't know if she's bought into it, take the San Antonio bridge as a design and put that over the Agana River so it goes into the Paseo and then extends down the beach and you know how further along Agana you have the sea wall there use that same stone design to build that walk way so people can walk from Onward Beach Resort along the beach the whole way into Paseo. They can do that heritage walk without taking their lives at risk trying to go across the Marine Drive bridge, that's going to be this wide and there's going to be a lot more traffic coming on going south.

Acting Chairman Oscar Calvo - That's a long bridge though.

Atty. John Brown - Yeah and it's loud and it's noisy and it's scary, frightful and once they get that left turn fixed there on Route 8 there's going to be a lot more traffic coming that way so it's almost dangerous to use that heritage road because that's the little that's where it clogs, it's right there. So imagine better if you build a really nice replica of an old Spanish bridge going over the end of the..(interrupted).

Vice-Chairman David Matanane - Like a walk path.

Atty. John Brown - Well you know when you go across San Antonio Bridge it's very wide. Go across San Antonio Bridge it is very wide, it is grassed you know it's got beautiful stone on either side not all of it original but the design is nice. If you put that all the tourist would stop there at the Paseo. They'd have buses of people coming out and taking pictures of themselves on because that view across the bay is really eye catching you know it's on our flag basically that's the river and everything so.

Commissioner Carmen Tajalle - That's a historic site.

Atty. John Brown - Yeah and we would love to have that whole area down there at some point redesigned to do that but you know that takes a little bit of money and we don't have it.

Acting Chairman Oscar Calvo - You're talking about millions of dollars.

Atty. John Brown - Yes that's right but we would like to see something like that put to use to it and we don't want something temporary like this to get in the way of it.

Acting Chairman Oscar Calvo - Maybe you want to check the tourist industry on that. Okay so yeah any, Dave? Any of you guys?

Atty. John Brown - Thank you for allowing me to express my concerns and I appreciate having to be able to watch you.

Acting Chairman Oscar Calvo - Okay thank you.

VII. DIRECTOR'S REPORT - None.

VIII. EXECUTIVE SESSION - None.

IX. ADJOURNMENT

Meeting adjourned at 3:26pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna
Date completed: January 10, 2011

Approved by Board motion in meeting of: April 21, 2011

Acting Administrative Director, Monte Mafnas: Monte Mafnas
Date: 4-21-2011

Chairman (Acting), OSCAR CALVO : Oscar Calvo
Date: 4-21-11