Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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David J. Matanane
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Michael J B. Borja
Commissioner

Rita T. Franquez
Commissioner

Amanda L.G. Santos
Commissioner

Monte Mafnas
Administrative Director

Rev. 04/13/2011

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, May 19, 2011; 1:05pm - 4:21pm

I. CALL TO ORDER

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

II. ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Michael Borja, Commissioner Rita Franquez, Commissioner Amanda Santos and Administrative Director Monte Mafnas.

III. APPROVAL OF MINUTES - April 21, 2011

Vice-Chairman David Matanane moved to approve the minutes of April 21, 2011 subject to corrections. Commissioner Michael Borja seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS - None.

V. OLD BUSINESS

1. Edward I. Cruz - Follow up on lot issuance
(Recording malfunction)

Edward Cruz - I agreed to the former administrator that I would give up the land provided you will give me another property. I was offered a property up in Yigo for exchange of the land that was taken from me. Up till now we have been waiting for any action to be taken and you know the land that we have given up to the person that invaded us they're building houses all over the lot and here we are waiting for the property that we were offered. That property that was given up was our property way back. Eventually somehow somebody in the Land Trust put that individual in where our property is. Mr. Garcia asked Mr. Artero, Edward Artero with Ms. Chargualaf and Ms. Nededog they're all Land Trust employees to start the documents to start working on the documents for the property up in Yigo right across Simon Sanchez High School. Every time I call in they say oh we're still working on it but Mr. Garcia assigned us to another project we have to put a hold on to this. So sure enough I hope there's a documentation that the former Administrator is very much aware of this also the former Board also Mr. Calvo and Mr. Dave Matanane were present and you knew about the property that was taken away from us up in Tai, Mangilao.

Acting Chairman Oscar Calvo - Ed at this point in time the Board has sanctioned and gave the Director you know what has to be done and I think once everything is pretty much intact then Monte will be getting a hold of you okay.

Edward Cruz - I really appreciate it.

Acting Chairman Oscar Calvo - We'll follow up to that issue and hopefully by the next Board meeting or even with that Monte will get in contact with you okay.

Edward Cruz - Thank you very much.

2. Ana Ishmael - Follow up on lot issuance
(Recording malfunction)

Issue: Mrs. Ana Ishmael's husband had a land use permit and his brother who also applied for Chamorro Land Trust used the same land use permit number. Her brother in law was issued a lease for the area and Mrs. Ana Ishmael is following up on her rights to her husband's property as he had passed away.

Acting Chairman Oscar Calvo - I'm aware of this case on Ishmael I know that we did run into that on the last Board on the issue of that piece of property and like what you said because it's really the brother in law but the wife as far as the documentation has really rights to that but he's claiming to that issue and we were on the legal counsels issue at that time but we never really got back but with the new one.

Vice-Chairman David Matanane - I think the last statement with Ishmael I asked her to get together with her brother in law and they have to agree as to which portion left or right of that piece of property and she assured me that she will come in and contact I guess has she contacted you?

Administrative Director Monte Mafnas - I believe she did call in but she told the land agents that she wants to pursue this interest and I told the land agents to call her in so I can talk to her face to face. But yes I appreciate that comment Commissioner I think that's a fair and equitable remedy to this problematic solution and its best if we can amicably resolve it before it becomes a legal issue.

Vice-Chairman David Matanane - Just be clear that she agreed, if they can't settle it between themselves then I guess the Board would have to.

Acting Chairman Oscar Calvo - Just for heads up on that issue on Ishmael and if I can distinctly remember on the board that we had at that time was the brother in law was here and we wanted them to work out the differences on the issues. And she's just willing to get the portion on the front where the original house that they were staying at one time or another before her late husband passed away. And in agreeable to that issue at the time was they tentatively agreed that they would you know divide but then somehow the brother in law couldn't make it in one or two occasion of the board because he had to go off-island

for medical for whatever that reason and but yeah pursuant to this issue we definitely need to clear this matter once and for all. And in this terms she has really fully rights to that issue because the brother in law did have but only using the Land Management rights to that okay.

3. St. Lourdes Subdivision - Easement request on Lot 7128-3-1, Yigo

Administrative Director Monte Mafnas - That's on Lot 7128-3-1 municipality of Yigo. They've been here on the Board in the past back in March 19, 2009. Their Planner Marcel Camacho requested a 60 feet easement and the Board had questioned that size. Obviously 60 feet is like a boulevard in terms of accessibility and the easement and I guess that will incorporate all the infrastructure on future development as to water, power, sewer and telephone lines.

Vice-Chairman David Matanane - Is he here?

Administrative Director Monte Mafnas - No he's not but the reason why I put this in the Board is that they will be forthcoming in requesting for this easement again and I wanted the Board to review the past minutes and be enlightened by it and have an understanding before we make a decision. He will be invited on the next Board because there's nothing executed in writing other than the request and the map will be forthcoming and I just want the Board to know and be educated as what's forthcoming and the concerns. And one major concern is that because it's going to be a perpetual easement for the people of Guam so they say it will necessitate legislative concurrence and I agree that's the proper avenue to take. Unless deemed otherwise I stand corrected but because again it's a perpetual easement and utility easement ingress and egress we should involve the Legislature just to make sure that it's concurred, qualified and quantified.

Vice-Chairman David Matanane - And Mr. Mafnas this will be where? Where is this going to be at?

Administrative Director Monte Mafnas - The access will begin on Marine Corps Drive, it's directly across the Yigo gym and it begins on Chamorro Land Trust meets up with their private easement and ends up on our easement to the road known as Churasa which it splits up and ends up in Chalan Evangelista again in the municipality of Yigo. It is the intent of St. Lourdes Subdivision to have a major subdivision and that is why they're addressing the easement at this point in time.

Vice-Chairman David Matanane - How long is that would occupy on the Chamorro Land Trust? What's the length of the street or the roads?

Administrative Director Monte Mafnas - If you add the length and the width of both easements running from Marine Corps and ending up to Churasa it contains an area of approximately 1 acre which is 4,000 square meters or 43,000 square feet.

Acting Chairman Oscar Calvo - Are we looking at in terms of just the easement side or the width of the road down the property?

Administrative Director Monte Mafnas - Collectively the two addressed easements will compile to the amount of 1 acre. So it's 60 feet width that's so many feet, I don't have the actual feet at this point in time but if you add the two, length and width against times two because there's two slivers here two easements that they're requesting the total acreage is 1 acre.

Vice-Chairman David Matanane - It's similar to the development up here going up towards Yigo I forgot the name before you get to Yigo.

Administrative Director Monte Mafnas - The 60 feet is basically a convenience because it's really a boulevard but the law states anywhere from 32 feet to 50 feet for agricultural subdivision. That's what is stipulated in the subdivision law. This request is an accommodation for the developer.

Vice-Chairman David Matanane - It would really help out Chamorro Land Trust. Does this connect to any other private entity or any other property owner?

Administrative Director Monte Mafnas - Basically it does serve the Camacho family in total and some lessees of Chamorro Land Trust.

Acting Chairman Oscar Calvo - If we opt to give this piece of property what will the Chamorro Land Trust gain on this in return?

Administrative Director Monte Mafnas - In return what they propose is to do two exercises. Number one, to identify all the lands surrounding, abutting, adjacent to their project. They're going to effectuate a topographical survey and they're also going to also parcel out and identify the monuments of our basic lots and eventually parcel out that sliver of land fronting Chalan Churasa. So it's a, there's a give and take here, it's not just one sided.

Vice-Chairman David Matanane - Would it affect any of our lessees?

Administrative Director Monte Mafnas - In terms of boundary, no. In fact it helps us make a decision because it would include an as-built survey so we can delineate the road, future road or subdividing that property for other farmers or other master plan ideas that's possible at this point in time.

Vice-Chairman David Matanane - Also I would like to inquire whether if they build this road will it be all the utilities and other amenities that's supposed to go through along the road be installed? Not just a paved road and that's it.

Administrative Director Monte Mafnas - It will be inherited upon the developer to provide such infrastructure improvements to better serve the subject lots and put an additional price to it because of the full infrastructure requirements as stipulated by the subdivision law.

Vice-Chairman David Matanane - I don't know if it's proper to put it in a conditional thing unless they put all the infrastructure pertaining to that road then we will agree on it or wait till they finish the road then we can hand it over to them if all the infrastructure is there.

Administrative Director Monte Mafnas - We have to clearly define all infrastructure simply because when you say all and complete infrastructure it means water, power, sewer, berms, storm drains, sidewalks, etc. So I don't think that they have ever mentioned that at this point in time. In a perfect world we'd rather have that but if it begins nowhere and ends nowhere it doesn't help us. But basically what we need to qualify is what infrastructure are they presenting to accommodate to us. It's a very good point Commissioner.

Acting Chairman Oscar Calvo - The problem in that Monte is for them to you know as far as widening that road and so forth and like what's alluded and on what Mr. Matanane states is at the end of the day it seems like they're looking to only benefit their people on that part and at the end we're going to be giving out a 60 feet piece of property at no cost and not get any return. So my take on that is before we really close this we need to really put what are their terms and what are our terms that we want to put in there that this is what has to be provided in order for them to..(interrupted).

Vice-Chairman David Matanane - To consummate the deal.

Acting Chairman Oscar Calvo - Yeah to consummate the deal.

Administrative Director Monte Mafnas - Commissioners I appreciate that, I appreciate those points.

Vice-Chairman David Matanane - And it's really up to you for you to speak for the Board that this is what our requests are and before we even put our x and thumb print on it.

Administrative Director Monte Mafnas - I appreciate that Commission I do know how to speak in Chamorro and in English but I can do that.

Acting Chairman Oscar Calvo - But that's what we need to clarify from their part because from what they're asking is it will only benefit their estate and it does not benefit ours. So in the long run is the water and infrastructure and power there that also if any of our clients within the Chamorro Land Trust will be entitled to be hooked up to that area and it will not be a costly to our client in that terms because you know and even if they did go to the Legislature for that matter I think we still have to say so too because it is our property technically.

Commissioner Rita Franquez - Otherwise you know what will happen they would assume that because we signed on they would assume that yes Chamorro Land Trust would put in the water, power, sewer and television cables and stuff. No it has to be clarified and written that they are responsible not have anybody question or assume that Chamorro Land Trust is going to do it.

Acting Chairman Oscar Calvo - And in the process of doing that is when they're doing that infrastructure that they would really have to show to us that because you know it's easy to say yeah we'll put it out but ideally we need to identify is there really a water line connecting there or whatever running through that infrastructure, sidewalk for that matter.

Administrative Director Monte Mafnas - Commissioners I really appreciate the points it's well taken and stipulated and we can have those conditions annotated on the survey map for final approval at Guam Land Use Commission. All subdivisions have to be finally approved by GLUC so yes I like those ideas very much.

Vice-Chairman David Matanane - I'm very confident you can do that Mr. Mafnas.

Administrative Director Monte Mafnas - Thank you very much.

VI. NEW BUSINESS

1. Agfayan Incorporated - Termination of license

Acting Chairman Oscar Calvo - We'll hold off on that. Pete, I'm going to hold back on him for now okay.

Administrative Director Monte Mafnas - Okay.

(Note: Item tabled prior to proceeding to VII. Director's Report of the agenda.)

2. Inadahen I Lina'lan Kotturan Chamoru, Inc. - Survey of Lot 5173-1-R2NEW-R3, Tamuning

Representatives present: Anna Marie Arceo (President of Hurao Inc., Inadehen I Lina'lan Kuttoran Chamoru), Ray Arceo (Chairman of the Board for Hurao Inc., Project Director for the cultural center), Barbara Burkhart (Architect representing Chubach Alaska), Raf Unpingco (Project Director, Vice-President of Inadahen I Lina'lan Kotturan Chamoru).

(Chamorro translation by CLTC Staff Ed Artero and Eileen Chargualaf)
Anna Marie Arceo - *We're here today because we have something that is not completed yet and we want to continue our project up there including the architect and all the permitting that they are doing now and to move forward to open up the land to the public. According to the plan the property that they're receiving is 8 acres. The 8 acres according to the map and the number 1 house and there are 8 houses in that area it divided in the middle of the 8th house and at that time we asked Joe Borja can we get a little bit more to complete the 8th house. That's the reason why we want to continue to open the easement road and the acreage to compensate on the 8th house acreage. When they surveyed it the land mark was in the middle of the 8th house and that's why we needed the additional acreage.*

Acting Chairman Oscar Calvo - *How many acreage out from the property that was surveyed and how much acreage of property are you asking?*

Ray Arceo - *Thank you members of the Board. Yes your people from your department came out to survey the property. Yes the land marker was in the middle of the house about 15 feet out from the front of the 8th house more towards the left side.*

Acting Chairman Oscar Calvo - *Where are you guys at?*

Ray Arceo - *We're here now number 1 house and here's the number 8 house and then the first time that they surveyed it it showed that the boundary marker was in the middle of the house and here's the new survey...(interrupted).*

Acting Chairman Oscar Calvo - *The last house is where the problem is.*

Ray Arceo - *Yes.*

Acting Chairman Oscar Calvo - *So you guys are asking 15 feet out.*

Ray Arceo - *Yes. Looking at the map here and your people going out to confirm the boundary they made the correction on the property map and we're waiting for confirmation from your people.*

Acting Chairman Oscar Calvo - *The bottom section and you guys are on the top section.*

Ray Arceo - *Yes.*

Acting Chairman Oscar Calvo - *And up towards the old GMH hospital area.*

Ray Arceo - *Yes.*

Acting Chairman Oscar Calvo - And the bottom part is separate.

Ray Arceo - Yes.

Commissioner Rita Franquez - Where is the property?

Acting Chairman Oscar Calvo - That's at Ypao Point Ms. Franquez.

Ray Arceo - *The old hospital area and here is where the house is located. There is another part on the back side and the area that we're looking has more fine grass as you look down the cliff. We're asking more acreage for the purpose of fencing the area for safety. When we install the fencing the area will be more convenient for the kids.*

Acting Chairman Oscar Calvo - *That's on the cliff line area.*

Ray Arceo - *Yes.*

Acting Chairman Oscar Calvo - *So just follow that area as you go up then drop.*

Ray Arceo - *Yes.*

Acting Chairman Oscar Calvo - *So even if we give you 2 acres on that area it's still a drop towards Hilton. The Hilton is right below you guys.*

Ray Arceo - *Yes. So that's the reason why we're here to get permission from the council so you guys can approve the map plan.*

Acting Chairman Oscar Calvo - Why not just go this way? *Looking at the map pointing at the cliff side area and you're asking more acreage, it doesn't make sense what you're asking for. When you're going to put the fence* you would have to do it here anyway. So I don't see the logic point for you to ask when this is a drop and remember that this is also Hilton right behind us. *So if you put the fence on this area* so I don't think so you need this piece property here. Basically this is just like a view.

Ray Arceo - *The property boundary is here in the house and we need to relocate it.*

Acting Chairman Oscar Calvo - *So the property boundary is here and you want to extend the fence along the cliff line.*

Ray Arceo - *Yes for the protection of the kids.*

Acting Chairman Oscar Calvo - *How many feet from this area to that area?*

Ray Arceo - *Total about 20 feet.*

Acting Chairman Oscar Calvo - *It depends on how the house structure and looking at the map on one area you're short and on the other area you have more space.*

Ray Arceo - *Yes there is more space in the back side of the house.*

Acting Chairman Oscar Calvo - *This is where your problem is in that area.*

Ray Arceo - *Yes.*

Acting Chairman Oscar Calvo - *You're asking to divide this area.*

Ray Arceo - *Yes.*

Administrative Director Monte Mafnas - Mr. Chairman I would like to request Mr. Paul Santos and Mr. Pierce to come up and clearly define the boundaries because nothing against the architect but you know this is superimposed. We want actual and factual, clear delineation of the property lines and to establish what the request is because they did shoot the transit and that's very accurate.

Anna Marie Arceo - *Yes we do have the documents on hand if you want to look at it. We were given a map after the survey was completed.*

Administrative Director Monte Mafnas - By the way Paul, Mr. Chief Cadastre, ares is square meters correct? Not acres? Is it acres?

Paul Santos (DLM) - Ares is one square meter.

Administrative Director Monte Mafnas - That's right.

Anna Marie Arceo - Ares is acre?

Administrative Director Monte Mafnas - No it's only eight acres. I just wanted to enlighten you that you're reducing your area from eight acres to eight ares.

Anna Marie Arceo - Ares is not acre?

Administrative Director Monte Mafnas - No, eight square meters.

Anna Marie Arceo - Eight square meters.

Acting Chairman Oscar Calvo - Hectaria.

Anna Marie Arceo - What is hectaria? Isn't that a hectare?

Administrative Director Monte Mafnas - Hectare, that's two and a half acres.

Anna Marie Arceo - Okay.

Administrative Director Monte Mafnas - So that's why I just wanted to let you know that.

Anna Marie Arceo - So I said eight ares right.

Administrative Director Monte Mafnas - Eight square meters.

Anna Marie Arceo - So I'm doubling.

Administrative Director Monte Mafnas - No you're lessening.

Anna Marie Arceo - I'm lessening? Oh please excuse me for the record Terese take that out its not correct. Thank you Monte, thank you. So what's an acre?

Paul Santos - Four thousand forty-three.

Administrative Director Monte Mafnas - No in Chamorro what is acre?

Anna Marie Arceo - *What is an acre in Chamorro Land Trust?*

Administrative Director Monte Mafnas - *I don't know, there is nothing to my knowledge.*

Paul Santos - Acre is an English term it's not really a metric term.

Acting Chairman Oscar Calvo - Actually acre is really basically hectaria.

Administrative Director Monte Mafnas - No, hectaria is two and a half.

Acting Chairman Oscar Calvo - Yeah two and a half.

Administrative Director Monte Mafnas - There is no definition for acre.

Paul Santos - *Because they don't use it.*

Anna Marie Arceo - *So it's only one acre.*

Administrative Director Monte Mafnas - No.

Paul Santos - My name is Paul Santos I'm the Chief of Cadastre for the Department of Land Management. Okay what is the question? I'm sorry.

Administrative Director Monte Mafnas - The boundary that exists to be defined along the cliff line because there's a growth a necessity of half an acre or one acre. So we need to clearly define where the boundary is.

Paul Santos - Well this is a survey that we did and we certified it back in October of last year for the Hurao Academy right.

Anna Marie Arceo - Lina'la Hurao.

Paul Santos - At any rate the survey that was required was to include all the existing houses there. Unfortunately to meet with the eight acre requirement we had to cut through the last house. So in order to kind of skirt that requirement we diverted the survey to pan out to the end of the boundary line. As I understand it now as you can see we did a location survey of the edge of the cliff okay. As I understand it now they would like to extend their lease to the edge of that cliff for obviously we're talking about anywhere from five to twenty feet out farther and it's my understanding that for safety reasons it would probably be a better boundary line to extend your fence line in okay. Right now the way it is it's useless to anyone okay because all you have between the property line and the cliff there's a piece of a swap of land that you can't do anything with it okay. So the department is more than happy to perform the surveying services for Chamorro Land Trust in this case Chamorro Land Trust is really our client and we would be more than happy to do whatever it is that Chamorro Land Trust wants us to do. We're one Government.

Commissioner Rita Franquez - I am all for giving land for the advancement of our culture and heritage. It might only be approved today but it may be a potential problem later as Hilton wants to cut into the cliff line and then you're going to be subject to erosion. So to me it is safer to go ahead and extend it to the cliff line because it's not a problem today. But in the event that Hilton wants to cut into that cliff you have to say no it stops here. You can't cut under it and then there's erosion problem. So I think addressing this issue now is a prevention of serious issues later.

Paul Santos - And also the Hilton boundary is actually farther out to the cliff. So you have the cliff here and below that there's still some leveled area which I believe that Hilton is cleaning but there's still that buffer there on the bottom portion.

Commissioner Rita Franquez - So there is a definite area that Hilton cannot.

Paul Santos - Yes.

Acting Chairman Oscar Calvo - If you were to do that basically and put the boundaries like requirement like maybe five feet from where the cliff line in that way there's a space behind the fence. There will be a space behind the fence where they can cut grass and make it clear. So this is your boundary and this is your boundary here so you said maybe five feet away but the boundary will come to this point but when you do make your fencing you don't want it right on the cliff line. You don't want that.

Anna Marie Arceo - Yeah.

Paul Santos - But that's up to..(interrupted).

Acting Chairman Oscar Calvo - Yeah that's up to them yeah.

Anna Marie Arceo - *Excuse me since we're in this conversation I would like submit that my boundary from the cliff line I don't know the distance down to the Hilton area. The portion on the bottom side of the Hilton I don't know of how many footage and we don't know if that is our area. We started cleaning the jungle area for the kids to teach them about the lessons in the jungle area that is not disturbed and we need to protect that area. I would like to extend if it's possible to maintain this area if you will allow me to continue. We are asking if possible if we can continue to use this area as a nature trail for the kids.*

Acting Chairman Oscar Calvo - Remember Hilton is on the bottom below you. We've been up there some times on the site and I've seen that. I know that that's a long drop to me personally okay it's a danger for the kids to go even for that hiking trail. My own personal opinion I would not because there's a lot of sharp rocks in case the kids slip, for the safety. Yeah you can identify there is the dokdok tree, the breadfruit tree, guava tree or whatever for that matter okay and it's really just a short trail. So I think in reality I think you're better off to where we just put the point there and square it off there you know.

Anna Marie Arceo - *Okay whatever you are willing to give us we will like to provide our curriculum to our kids.*

Acting Chairman Oscar Calvo - Because your plans there you guys are going to be planting all sorts of trees anyway along the coast there.

Anna Marie Arceo - *Yes, the trees of the land and the plants.*

Acting Chairman Oscar Calvo - Yeah the fadang tree, ates tree or whatever for that matter you know all these things. So that alone it's in the inner. That cliff line to me I would not for the mere fact *if the kids fall off the cliff we the Chamorro Land Trust will be liable and we don't want that thing to happen.*

Anna Marie Arceo - *Yes I know we have to have liability insurance and inform our officials.*

Acting Chairman Oscar Calvo - But why go to that degree that's what I'm saying. *So if the kids fall off then we're going to think about it.*

Anna Marie Arceo - *Yes we are going to prepare for the safety of the kids because that's a liability to our part also to our Chamorro program. We're going to build a lookout point for the kids and the visitors. It will be a revenue income from the visitors and the tourists for them taking pictures from the cliff line towards the Two Lovers Point on the other side.*

Commissioner Michael Borja - So what's the main purpose of this project? A school or a tourist attraction?

Anna Marie Arceo - A school.

Commissioner Michael Borja - So you're a lookout point for who to use?

Anna Marie Arceo - For the kids, all the time it's for the kids we have a commitment to give to Land Trust five percent of our entrance fees and we in our grant to ANA have written in a business plan to include opening one weekend every quarter for visitors whether it be tourists or our people of the island to come in and enjoy the fruits of the apprenticeship programs and this area. So for always first our children.

Acting Chairman Oscar Calvo - Mr. Santos I guess you already offered that you can help us with this issue on the map.

Paul Santos - Help the CLTC.

Commissioner Rita Franquez - One more question, can you access your leveled land adjoining that is contiguous to Hilton, can you access that through the access that Hilton uses now? Can you go in through that property?

Acting Chairman Oscar Calvo - No.

Commissioner Rita Franquez - Without having to build a stairway going down or some other way.

Ray Arceo - *No*

Commissioner Rita Franquez - *Could you access the property from the bottom?*

Ray Arceo - *No we can't.*

Commissioner Rita Franquez - It's not contiguous.

Ray Arceo - *Yes we talked and they have a plan and they presented it to us about a botanical garden and they would like their visitors and many times they are taking the visitors to other areas to look at other plants and trees and they considered the cliff side area then they made their presentation to us. And when they looked at what it's going to cost them it's about 8 million. The Watson Architecture provided architecture and plans and when they saw what it was going to cost them they said Ray and Ann Marie the Ken Corps doesn't want it at this time. Yes their plans also included stairways going down to the bottom but they're not going to disturb any plants. On the top where the houses are they are going to provide food to their visitors. They're asking for a contract for them to provide a program for entertainment to their visitors where the students will be dancing, etc. But we're not there.*

Commissioner Rita Franquez - *If the stairway is straight down it will be too sharp and dangerous. It'll be better if it was a winding stairway it is safe.*

Ray Arceo - *Yes.*

Commissioner Rita Franquez - I think it is at this point perhaps Ken Corporation may be amenable to revising or revisiting this plan and see because they need destinations and they need to provide cultural interest and events that reflects local culture. And to me if they are seriously looking for that maybe they could spend part of their money into seeing that that is provided very close to where they are how convenient and maybe if you revisit this previous plan maybe they might be amenable to it now because they are looking for local culture and events.

Ray Arceo - *Yes, thank you for comments.*

Administrative Director Monte Mafnas - I have a question for Mr. Santos, the buffer the sliver that you allocated or defined on the map the owner clearly is Government of Guam?

Paul Santos - Yes.

Administrative Director Monte Mafnas - Do you have an approximate area in terms of acreage?

Paul Santos - Yes you're talking about the ..(interrupted).

Administrative Director Monte Mafnas - Yes outside of their boundary.

Paul Santos - From their property to the...(interrupted).

Administrative Director Monte Mafnas - To the foot of the hill or..(interrupted).

Paul Santos - To the foot of the hill or to the top?

Administrative Director Monte Mafnas - From the top we've already established, correct? I'm talking about from the foot of the hill which will be abutting Hilton which is Ken Corporation. No idea, no approximate?

Paul Santos - We have an idea but I don't have it here.

Administrative Director Monte Mafnas - One acre? Two acres? Mr. and Mrs. Ann Arceo you mentioned liability insurance and I appreciate that, do you have any idea as to the amount?

Anna Marie Arceo - I'm sorry I don't have the exact documentation with me today but we do have liability insurance with the school site on the children side.

Administrative Director Monte Mafnas - I would like to suggest for possibilities for possible suits in the forthcoming because you're dealing with kids and people going in and out, ingress and egressing out of your site there's a possibility in the future of a nuisance suit, liability suits, etc, etc, and that should be a minimum of at least a million dollars at least. Now we need validation to that effect once you get your coverage if and when you get it. We need to get an official copy validated that that certificate is in effect okay.

Anna Marie Arceo - Yes.

Administrative Director Monte Mafnas - Also I'd like to ask you about are you aware that there might be a possibility of reservation as proclaimed by the Perez family? That any and all uses of the basic lot is for medical reasons.

Anna Marie Arceo - Mr. Tom Perez who is one of the heirs to the property is our Chairperson for this project. He's our fundraising chair and he has promised us to get a written document from all of his siblings to release this property to the cultural center without any you know on that topic because I know that kept lingering in the air as we were going and nobody had knowledge of that. *So when I spoke to Tom and invited everyone that's when we confirmed that the rumors were not true and could be challenged. So Tom and the family will prepare the documents to address the issue. We could not provide those documents at the moment. In checking with the insurance, the camp is not active to open the school yet. This portion to extend the area out we have to work with the architecture to install the fence for the protection of the kids and the permitting with Public Health, EPA and the Fire Department we need to install the fence and we need your approval to install the*

fence. The architect will not touch this until we get the approval and this will delay the school program for the summer. For our concern and the safety of the kids and the liability us at Hurao have a program for the kids and before we open there has to be something on the Lina'la side of the land because that's our partnership agreement.

Acting Chairman Oscar Calvo - *On the fence how high is it going to be?*

Anna Marie Arceo - *Four feet.*

Acting Chairman Oscar Calvo - *Four feet up.*

Anna Marie Arceo - *Yes that's what was approved for the permitting that if there are kids it needs to be four feet.*

Acting Chairman Oscar Calvo - Normally I think it would go about five feet up.

Administrative Director Monte Mafnas - I appreciate that *but four feet is too low and the kids they'll jump over the fence.*

Anna Marie Arceo - *I'm going to let her talk because she's the one working on the permitting and that's the permitting requirement.*

Vice-Chairman David Matanane - *Are you sure Tom Perez is going to give you the letter and if you can provide us a copy.*

Anna Marie Arceo - *Yes, for sure.*

Administrative Director Monte Mafnas - Please address Barbara the height of fence. Why is it that you came four feet?

Barbara Burkhart - It's actually forty-two inches is the minimum requirement that is the guardrail height as dictated by codes you know on stairs on cliff lines you need a minimum of forty-two inches.

Administrative Director Monte Mafnas - But we're under the premise that the expansion not only would afford the boundary line to eliminate the cutting of the house the severing of the house but also the cliff line for safety reasons. Am I right or am I wrong? That's part of the reason of extending the boundaries to the cliff line.

Barbara Burkhart - Right but we still need a guardrail especially since we have children you know we want to keep them from, you know they're children.

Administrative Director Monte Mafnas - That's our concern.

Commissioner Michael Borja - I think what we're trying to say is that the minimum requirement is not enough as far as the fence.

Barbara Burkhart - The forty-two inches is not enough? You know we visited with Public Health and we did an extensive search of the codes and Public Health doesn't even..(interrupted).

Commissioner Michael Borja - Right but you're talking about a drop and if you look at some of the areas around the island where they have dug a hole down for the water to collect, ponding basins you'll see that the fence lines there are much larger than forty-two inches.

Barbara Burkhart - Okay do you have a suggestion because there's no mandates in the codes on what that height should be and they just asked that in, the code doesn't specify a height it doesn't even specify a fence it just says primarily to ensure that children are protected from danger.

Acting Chairman Oscar Calvo - I think the reason why they went with that four feet whatever that code is based it depends on where the area is whether it's on a flat area but in this situation you're on a boundary where the cliff line is and that's my concern there because I think along the fence on the back you should put at least, to me personally I would rather put a six foot fence there than a four feet or a five feet.

Barbara Burkhart - Well I'm familiar, I've done some design work in the States on parks, national parks..(interrupted).

Acting Chairman Oscar Calvo - But see those are parks.

Barbara Burkhart - And I've been to the Grand Canyon..(interrupted).

Acting Chairman Oscar Calvo - I've been there too.

Barbara Burkhart - And the guardrail there is forty-two inches it's not six feet.

Acting Chairman Oscar Calvo - No but the Grand Canyon now it's changed because I've been there okay. What they did now they extend because every year you know that in the Grand Canyon every year an average of about six to ten people fall off there because of the guardrail. They removed that guardrail now in the Grand Canyon. If you go there now it's not there.

Barbara Burkhart - What's in its place?

Acting Chairman Oscar Calvo - It's now what they did was they did like a plateau going out there okay with a higher and the railing are more higher on that and then the fencing because on the Grand Canyon area there that used to average anywhere between five to six people, ten people fall off. Because people want to take a picture on the wall so they reach out there.

Barbara Burkhart - Oh good news there's nothing there they'd want to photograph on our side.

Acting Chairman Oscar Calvo - No but our concern here is the safety of the kids okay. We're talking about the kids and this is my concern because at the end of the day the Chamorro Land Trust will be in some way or fashion would be responsible you know that's why we need that insurance to make sure that we're covered and the liable.

Barbara Burkhart - I'd like to ask a question of Raf he's representing Lina'la. We originally proposed a six foot fence and Lina'la asked us to research the height because they as artists you know they like view right that's a very important thing on the view. So that's why I went to the codes to find out what was prescribed and then came back and proposed forty-two inches to the artists.

Raf Unpingco - One of the statements or one of the concerns that the visual artists community up there have about it is yes we are on prime property and everything and it's beautiful but to put up I mean we know what schools are public schools are like six foot fence with barbed wire you know. It really I don't know coming from an artist we have an aesthetic issue that we try to always address and I know a forty-two inch fence or even a four foot high fence would not do as well as a six foot high fence with barbed wire as far as deterring people from jumping over it but you know thing is we want to make it that it's aesthetically you know.

Commissioner Michael Borja - If your elevation is sloped down towards the fence line then technically your fence line would be lower than if you were on a higher elevation and you don't have an aesthetic issue. But I think what you're hearing from the group here as a whole most likely is that you know the liability issues we're concerned with and the safety of the children probably supersedes aesthetics. But I think you can work out those aesthetics in some other way in the way the land is landscaped and if you know it slopes down in anyway and you're at a higher level than when you're down by the fence that's the whole idea is that we don't want them to be..(interrupted).

Anna Marie Arceo - *It'll be too low.*

Commissioner Michael Borja - Right because it is too dangerous I mean you know kids would do it. Even up in Anderson for example you can have the military putting great restrictions on people to not go to certain parts of the cliff line by the golf course but you know kids are kids and when I lived up there as a child I was in the jungle but I never fell off fortunately but people can and you know it's just the dangers.

Administrative Director Monte Mafnas - As a former municipal planning council member of Tatuha the proof is in the putting, somebody died there. So we don't need a second death. So to me I'd like to suggest the Board that is not negotiable. Aesthetics is one thing but the life of a child is another, it's of great importance.

Anna Marie Arceo - *I really appreciate, I am the president of both organizations and I really appreciate that we are discussing this now because the work keeps going and we don't see. As President I will make sure that behind the cliff line it'll be 6 or 8 feet and on the surrounding areas that will close off the boundaries it will be as low as 4 feet.*

Acting Chairman Oscar Calvo - *The fence will not go as far down as you're explaining because the boundary is from there to there* so the view actually your view there is about I would say about here from here that's it your view you're getting from the top. So this is only much if anybody was to come up there it will only be this distance wise. The rest to your right and to your left it all and its all jungle further up the one that's clear. So the basic portion of that area you can see Hilton you can see to Two Lover's Point and so forth and that is your clear vision okay.

Anna Marie Arceo - Because I'm President for both organizations I'll make sure that it is completed.

Administrative Director Monte Mafnas - It's my understanding code allows six feet anything there after necessitates a variance request so Barbara you can check that out. If it's six feet it's allowable, over and beyond six feet you have to get a request with the GLUC.

Barbara Burkhart - And again in my review with Public Health there is no reference to a height.

Administrative Director Monte Mafnas - I agree with you but Public Health doesn't dictate the zoning law neither the subdivision law or the fence. It is a Department of Land Management function. Is that correct Mr. Santos? That is correct according to his eyebrows moving up and down.

Barbara Burkhart - So we're agreed the fence will be six feet. Is that what I'm hearing at the cliffline?

Administrative Director Monte Mafnas - One last question I needed to be enlightened about this exercise because it happened prior to my watch. I just want to ask the whole body of Lina'la and Hurao there is an identified Government area that is specifically for the Chamorro culture and other culture in Dededo and I was instructed, I was informed that it ranges from ten to twenty acres. Now my question is this, did you know about that because this is a bigger land for two reasons, it's a bigger land if you decided to take that other space and number two, it's the best location there is no more populated area than Dededo. So the growth would be a lot faster to perpetuate the culture and the language.

Anna Marie Arceo - What land is that?

Administrative Director Monte Mafnas - Mr. Santos can you enlighten us because you know that better than I do. It's that Dededo cultural area around the Lada Estates correct? Yeah it's supposed to be ten or twenty acres.

Pierce Castro - By the VFW?

Administrative Director Monte Mafnas - Right and was specifically reserved for a cultural purposes correct?

Pierce Castro - I'm not sure about that.

Administrative Director Monte Mafnas - That's the statement from the Land Administrator. That reservation was afforded for a cultural preservation.

Ray Arceo - *I have a friend name Glen San Nicolas and two months ago he presented the idea to me. It's supposed to be a cultural center but for the Asian side, all kinds of roots will there for example Palau, China, Japan.*

Administrative Director Monte Mafnas - *But this is the island of Guam but they are accommodating others why can't the principle be Chamorro?*

Ray Arceo - *Yes and all kinds of roots will be there, that will be their place.*

Commissioner Rita Franquez - *Is it a law?*

Ray Arceo - *It has been approved but it's not a law.*

Administrative Director Monte Mafnas - There's a perfect example right, Ms. Franquez a perfect example is the Polynesian Cultural Center in Hawaii. You know there's a lot of university students there that work there in the day time and go to school upon as needed but it's the most successful tourist venue in the State of Hawaii for decades. They make millions and millions of money. So they're occupying that land. I'm just interjecting if you guys did your due diligence and you know went through everything possible before you decided on this site and prior to building any structure that's what I'm presenting to you that alternative that viability, that possibility if that will be better for you guys.

Anna Marie Arceo - *This is the first time I heard this and I am the President and I think they're hiding it from me. I don't know who owns it but I will go look now that I know all about this. The mission for this property since the very beginning Oscar has been on the Board when they approved this and all the time it will be for our children first.*

Administrative Director Monte Mafnas - That's beautiful I'm just putting alternatives another idea on the table that's all..(interrupted).

Anna Marie Arceo - *Maybe we can occupy it depends on who opens it and if they are going to open it.*

Administrative Director Monte Mafnas - Government of Guam.

Anna Marie Arceo - Government of Guam.

Administrative Director Monte Mafnas - Yes Land Management.

Raf Unpingco - The Chamorro culture is you know this is Guam. One of the issues is that every other place in the world you know they try their best to hold that culture. We do a

Micronesian cultural center or even whatever international cultural center that would be very powerful but the Chamorro culture would be lost there in the mix and we won't have anything to glue it. And that's what makes us who we are and to do a multi-cultural center that's a great idea but we need to have a Chamorro cultural center also because we need to jump on top of this. And as far as the arts being involved in it one of the issues and I can just point at this room how many pictures do you have on this wall? Artists go to school or they do their art to the best of their ability. There's no way that they pass it on. There have been attempts, there have been attempts but to really do it right to have a classroom full of twenty kids or adults that are learning specifically what this one person knows that is a challenge and that's what we're trying to do.

Administrative Director Monte Mafnas - I'll take that under advisement, I appreciate that.

Anna Marie Arceo - *I will mention this because this is in our contract that 5 percent of the entrance fee will go back to the Land Trust to help. This summer I will be sending a first check depending on how many kids participate.*

Acting Chairman Oscar Calvo - Board? Mr. Santos? Monte?

Administrative Director Monte Mafnas - I have no further questions.

Paul Santos - Just tell us what has to be done and we'll do it.

Acting Chairman Oscar Calvo - Okay Monte on that.

Administrative Director Monte Mafnas - Yeah I'll work with them.

Commissioner Rita Franquez - I have one question, this ten acres that you're talking about where is it? Is there a lot number because I am very interested in that?

Administrative Director Monte Mafnas - Nine.

Commissioner Rita Franquez - Because we are to serve culture I think it should serve Guam's culture which is Chamorro first. Or possibly we can extend it to Northern Marianas because it's still and possibly Micronesia but not worldwide.

Administrative Director Monte Mafnas - It's situated on Lot 5173-1-R2NEW-R3, Tamuning municipality.

Anna Marie Arceo - May I just make an official clarification, *Mr. Santos can you clarify if it's Ypao Point or Oka Point?*

Paul Santos - We register the lot by the lot number so regardless of what whether it's Oka Point or Ypao Point...(interrupted).

Administrative Director Monte Mafnas - That is a place name. It's a place name it is not your true and accurate description.

Paul Santos - Call it Hurao Point.

Anna Marie Arceo - Hurao Point, we should include that in numbers and make it place names too.

Administrative Director Monte Mafnas - Or Chief Hurao Point.

Anna Marie Arceo - Chief Hurao Point.

Acting Chairman Oscar Calvo - Okay Annie I guess Mr. Santos and you get together on the mapping. Paul?

Paul Santos - We'll go through the Director.

Administrative Director Monte Mafnas - Thank you.

Anna Marie Arceo - So may I ask for the official judgment of the Board today? Is it approved or?

Acting Chairman Oscar - Once the property map is surveyed and finalized.

Administrative Director Monte Mafnas - With those conditions stipulated yes we can finalize it and the Executive Session will be forth coming if you want to wait with that.

Anna Marie Arceo - Barb can I ask in putting the fencing up and preparing for summer like I said *we need to put up the fence right away and while it's not approved we will not be able to move forward to put up the fence. We're going to open the summer camp on June 13.*

Administrative Director Monte Mafnas - *We can assist you with this if you want we can go together to the Building Permits section to make it faster.*

Anna Marie Arceo - *Okay good I like that thank you because that's where it's tangled at now and we can't be able to do anything until the building permit is done.* He says he's going to help us with permitting Barbara.

Paul Santos - Even if we get the notice to proceed to revise the survey map we won't have it for another two months. I'm going off island unless you FedEx it to me I won't be able to do it okay so I won't be back for another month. So we'll see whatever it is we need to do but the property map will not be done.

Administrative Director Monte Mafnas - We can get a conditional subject to Mr. Santos's signature that will validate that it is a survey map.

Barbara Burkhart - Just so you understand that we just want to put up one fence you know one six foot fence before June 13th so we, I'll just be honest we'd like to put it along the cliff line rather than on our existing property line.

Administrative Director Monte Mafnas - Makes a lot of sense.

Barbara Burkhart - So you know no hidden agenda no secret fence. So with your permission we'd like to go ahead and put the fence where we..(interrupted).

Commissioner Michael Borja - Well I think that goes back to the original question we're asking you for is where is the Hilton's property line? At the bottom of the cliff?

Ray Arceo - Yes.

Commissioner Michael Borja - Okay.

Barbara Burkhart - Yeah we're nowhere near their property line.

Administrative Director Monte Mafnas - To be expeditious I strongly suggest you reduce it in writing memorialize it and present it to the Board so we can quickly act on it even though Mr. Santos have a safe trip on your two months.

Anna Marie Arceo - Okay so you're saying that we're going to do that and go under a conditional permission.

Administrative Director Monte Mafnas - Subject to yeah his..(interrupted).

Anna Marie Arceo - To go ahead and do the fencing so we can finish.

Administrative Director Monte Mafnas - Yeah at least we can meet with the regulatory agencies and have their opinions in writing you know. They would not, accept it or not it would be up to them but we can walk the area and ask them are you going to approve it yes or no.

Anna Marie Arceo - We're actually on permitting we're at EPA already as soon as it's done we will head back down to DPW.

Administrative Director Monte Mafnas - Please be advised that Chamorro Land Trust does not dictate other regulatory agencies to approve it. I'm only suggesting that I can help you guys but it is clearly their territorial rights and they're as to code.

Anna Marie Arceo - T*hank you I would like to invite you guys to visit the place. Once the permitting is done we will call you and the Board and we'll do it all at one time to show you guys the plan of what we are doing and see what we are blessing for us.*

Administrative Director Monte Mafnas - So prior to building you're sure you want to be there?

Anna Marie Arceo - We're very sure.

Administrative Director Monte Mafnas - I just want it on record.

Anna Marie Arceo - Just so you'll know the Governor came by we had a whole work day we had about seventy people if you haven't seen the news. We had seventy people volunteering from Home Depot, Chugach, Pepsi, Baldyga Group. Even Baldyga group is supporting us though they're building their own Disney Land there of our own Chamorro culture but this is different. It's a different mission so they were there feeding us they provided the food. We're working in partnership with that. Who were the other, M Co., *the community came together and I also invited the Governor to drop by to see that they are really supporting this program. He approved it* and in our month opening for our summer camp he wants to come and do the opening with us we made sure that he's on our schedule. So just so you'll know this is under Oscar's watch this continues to be under Oscar's watch and the Governor's watch.

Acting Chairman Oscar Calvo - No that's under the Board.

Anna Marie Arceo - *Oscar let me make it clear back then in 2006 when we asked for this property we almost didn't get approved. Right now there's not one property we can say is ours and we are going to fix it. All the lands it belongs to the Japanese, Koreans, they're telling us what to do with the land.*

Acting Chairman Oscar Calvo - No it was the Board not myself. Annie you got to clear that okay. It's not myself.

Anna Marie Arceo - *But you are the remaining from the Board.*

Acting Chairman Oscar Calvo - No here's Dave.

Anna Marie Arceo - Oh Uncle Dave was there, excuse me please.

Acting Chairman Oscar Calvo - So I want to make that clear it wasn't just me it has to be with the Board.

Anna Marie Arceo - Well the Board and that administration then we'll give that credit to.

Acting Chairman Oscar Calvo - It's only fair play that they also.

Vice-Chairman David Matanane - All the Board.

Anna Marie Arceo - I will give that administration credit.

Acting Chairman Oscar Calvo - And this Board itself would you know also have credit on this.

Anna Marie Arceo - And we're happy to serve under this Board also so we make you proud and this is the project we present to you under Chamorro Land Trust.

Acting Chairman Oscar Calvo - You don't make it proud it's the people of Guam that you're going to make proud okay.

Anna Marie Arceo - *You are very humbled, you are very humbled.*

Acting Chairman Oscar Calvo - Okay to let me just get back on the fence you said no hidden agenda.

Barbara Burkhart - Six foot high following on the cliff line at the you know at a safe it will be safe. I want to acknowledge another thing that's hidden in that is Lina'la cuts the grass regardless of where the line is. You know they go they even get down below the cliff line they're adults you know they consider everything they see under their guardianship.

Acting Chairman Oscar Calvo - That's why I said when you do set your fence there five feet in at least from the cliff line that would give the walk through for the maintenance man in the back. But if you put the fence right to the edge I won't agree to that.

Administrative Director Monte Mafnas - And that's why we should include Lina'la in the insurance provision please. I just wanted to commend everybody here and Barbara is a representative of Chugach Alaskan company so there might be some funding from Alaskan Aboriginal rights that you might share with the Chamorro rights.

Anna Marie Arceo - They have already they actually have because they have the same summer camp that's why the interest in doing this because they have what they call the Nunchik Spirit Camp in Alaska that has the same mission that we try to carry out.

Administrative Director Monte Mafnas - And we appreciate that and we salute you thank you very much.

Anna Marie Arceo - Thank you.

3. Layao Enterprises - Government claim
Feliciano Layao - I'm Feliciano D. Layao Sr.

Administrative Director Monte Mafnas - I asked Mr. Layao to be here because he has filed a claim against Chamorro Land Trust in the Attorney General's Office and he's alleging that his lease is being terminated. His term does not expire till June 30, 2011 for his initial term.

Commissioner Rita Franquez - Is it renewable?

Administrative Director Monte Mafnas - Renewable? No it is not going to be renewed no. Simply because Mr. Layao has blatantly abused the law and there's a lot of sections that we cited such as zoning infractions, such as not meeting the rules and regs of the agricultural provisions, such as not complying to the lease in terms of subleasing. He has subletted the property and he has made considerable amount of money and he has repeatedly done this over and over again. But to his knowledge he filed against us. So he thinks we encroached in his rights but on the contrary I think he is encroaching on our rights as landlords. I met with Mr. Layao in January and I mentioned the infractions that he has perpetuated continuously over and over ago and I warned Mr. Layao that the lease will end in June and it's my responsibility to bring it before the Board because it also includes EPA violations. He has not been a very neighborly man with his neighbors, he's encroached on property lines, he's built his piggery on the adjacent lot owner, he's parked heavy equipment, he's maintaining heavy equipment, he has no catchment containment issues that necessitates concrete or polyurethane covering and he has three houses on the site. He has one meter for three houses, it's all on one meter for water and power, an extension cord and water line. His use is currently heavy industry. The zoning is not correct and he's making money hand over fist. But he has the audacity to file a claim against Chamorro Land Trust and I told him do what you want to do. Bring it on. If you think you have the legal rights then I respect you, bring it on. But I'm telling you pursuant to the lease, sections and provisions of the lease he violated every section just about. So he's here please present your case Mr. Layao.

Commissioner Rita Franquez - End of June or first of June that it ends?

Administrative Director Monte Mafnas - End of June, June 30th.

Feliciano Layao - I don't go, when I go to the Attorney General I don't file a complaint.

Administrative Director Monte Mafnas - It's in writing Mr. Layao, its right here, it's all in writing everything is in writing. The Attorney General will not accept anything in verbal.

Feliciano Layao - I just go there to ask the Attorney General because I'm applying for the USDA loan and the USDA loan said they cannot approve you if you don't have an extension on your lease. So that's why I go there and I don't file against the Government. I have a letter here for the USDA.

Acting Chairman Oscar Calvo - Mr. Layao just to interject what the Director has stated I've been in that place, I've gone to that place, I've seen that place even to a electrical company was making over twenty million dollars a month that was doing that. They finally moved out of there and the pig pen. When this lease was given then back then Mr. Layao okay it was basically designed for a piggery okay. But the intent was never there okay. And I've seen that area, I've been up there all around and what the Director has stated I've been in there not once but twice in that area and you were warned by this. I warned you on the last Board on what the issues were and you continue to violate. And in reality you know Mr. Layao I know that you were married to a local and your wife passed away but that doesn't entitles you anymore because you cannot hold any piece of property for that mere fact. So

it would be a decision of the Board but in my case I would not grant that for the mere fact because you were continuously on you know and through the years you have hidden this agenda making money on the side. Whether you made hundred dollars, four hundred dollars it doesn't matter that's not the point. The point is that you literally funneled money through your own and not letting the Chamorro Land Trust know or give the four percent that Chamorro Land Trust should have been granted or given to at that time. And this piece of property it wasn't just one acre I think it's about three acres if I'm not mistaken.

Feliciano Layao - No it's only five acres.

Acting Chairman Oscar Calvo - See it's even five acres so something in that but I've been in there Mr. Layao I'm sorry I you know you've been warned not once, twice too many times okay and you continue to do it and for whatever reason I'm not going to dispute that I'm not going to answer that with you okay. That's your decision.

Commissioner Michael Borja - Director are all the violations fully documented in the files, all the letters and all the pictures?

Administrative Director Monte Mafnas - Yes there's pictures that are supporting all our claims.

Commissioner Michael Borja - And so basically the term of this current lease expires on June 30, 2011 so we're basically just not going to be renewing. We're not terminating his lease or are we terminating or just not renewing?

Administrative Director Monte Mafnas - We're not terminating we're not extending and renewing that's one and number two we still have to address the issues of the illegal buildings built with no building plans, the removal of all those impediments and violations of concern and junk. That's another good word. So yes there's several issues and concerns that we must address.

Commissioner Michael Borja - How do we look at approaching that part? Is there liens that can be placed on structures?

Administrative Director Monte Mafnas - That's an innovative statement Commission if he filed a mechanics lien we can do that in the Department of Land Management. But the problem is does he have an ongoing contract? Does he have an ongoing construction? So I'm not so sure if he even has that. But we can assess all the violations and group it up and then file a court case against him if we need be then we must litigate.

Commissioner Amanda Santos - No just evict him.

Administrative Director Monte Mafnas - In addition to that because we'll be stuck with all those things. But we have to be fair too to give him ample time to remove the junk as Commissioner Santos said.

Commissioner Michael Borja - But you've been in discussion since January of this year and so for the last four and a half months or so he's been aware that the possibility of renewing his lease was not going to happen.

Administrative Director Monte Mafnas - He's a very clever man you need to see his writings.

Commissioner Michael Borja - So the amount of time we need to allot beyond the termination of his lease I mean we can understand you know giving him the ample time but I think he's had enough time and there shouldn't be much beyond that.

Administrative Director Monte Mafnas - I'll take that under advisement that's the Board's call but your policy to it. I'm just stating facts.

Acting Chairman Oscar Calvo - I think overall he's been given enough time to clear all this and you were aware of this Mr. Layao. You have brought in other people in the past trying to stand behind you to support you. But you violated so much that's only especially on the EPA and like I said I can go up there right now and I can tell you there's barrels and trucks and cars, junk there that is still sitting there. And you know like I said you had an electrical company that..(interrupted).

Feliciano Layao - No more.

Acting Chairman Oscar Calvo - It doesn't matter whether it was no more that's not the point. The company that was making over twenty million dollars a year you know. But the point is you made a hidden agenda because when you came to the Chamorro Land Trust back then you asked for a piggery that was the whole part of that piece of property. Which you never, you built a piggery but there's no pigs.

Feliciano Layao - It's lots of pig.

Acting Chairman Oscar Calvo - Maybe now you put one pig or two but at the time when we came there there's no pigs and I've been there Mr. Layao more than once or twice.

Feliciano Layao - I have the certification for the Department of Agriculture, the USDA, I have the inspection every month and my place my plan and what's this I have the paper. I have the Mayor's certification. Maybe the Board if you want to see all my paper I have all my paper what I do. I have all the paper for the piggery and for what I'm doing. I have the permit for the building all what I do I have the permit I have all these paper. I have the map, I have for the Public Works, I have for the Department of Agriculture, I have for the Mayor.

Commissioner Rita Franquez - You have permit for a junk yard?

Feliciano Layao - No. There's no junkyard. They told me that junkyard when I bid for the Public Works all the back hoe I cannot bid one I have to bid for the whole lot.

Acting Chairman Oscar Calvo - When I say junk yard there are vehicles abandoned and materials and tires and what not.

Administrative Director Monte Mafnas - I have a question Mr. Layao, do you know what you're zoning is that you're occupying? What zone? Do you know what the zoning is?

Feliciano Layao - Yes.

Administrative Director Monte Mafnas - What is it?

Feliciano Layao - Agriculture.

Administrative Director Monte Mafnas - That is correct. Do you have heavy equipment there?

Feliciano Layao - Yes.

Administrative Director Monte Mafnas - Is that agricultural use?

Feliciano Layao - Yes because I have the contract before for the Department of Agriculture for department I've been doing that exactly six years.

Administrative Director Monte Mafnas - Mr. Layao what is the heavy equipment for?

Feliciano Layao - That is for cleaning, clearing and make the road for the farming.

Acting Chairman Oscar Calvo - But the point Mr. Layao you never cleaned that. You cleared to put up a building there a building structure with electric company and you cleared to put another side of building on the other side and to build your house on the front the wooden structure house in the front okay. But the whole five acres there's not a farming that you did there.

Feliciano Layao - I have.

Acting Chairman Oscar Calvo - Maybe now but I'm saying..(interrupted).

Feliciano Layao - You know my grapefruit there is one already for fifteen years. My banana, my coconut is already bearing fruit.

Administrative Director Monte Mafnas - Mr. Layao the problem is not your agricultural. You're saying you're a bonafide farmer and you can support that, fine and dandy. You're problem is using the property over and beyond what is allowed. You're not zoned properly, you're using it as a M1 or M2, you're not supposed to fix or have any heavy equipment there if it's not for cleaning. What you have is heavy equipment not a tractor. You have a pay loader and everything. Number one again you're only allowed to build one structure on

five acres whether it be one acre or ten acres. You're only allowed one structure on the agricultural lease. You have three houses. How can you say you're not in violation?

Feliciano Layao - I have my permit for everything.

Administrative Director Monte Mafnas - Who gave you the permit?

Feliciano Layao - Public Works I have here.

Administrative Director Monte Mafnas - For all three houses?

Feliciano Layao - No just the house that they built this.

Administrative Director Monte Mafnas - Okay so where are you leasing the land from?

Feliciano Layao - I'm using the land for farming and raising pig.

Administrative Director Monte Mafnas - But who gave you the lease? Who gave you the lease?

Feliciano Layao - The Land Trust, Chamorro Land Trust.

Administrative Director Monte Mafnas - That's right Chamorro Land Trust. Did you ask permission from us?

Feliciano Layao - Yes.

Administrative Director Monte Mafnas - Who? Who's yes?

Feliciano Layao - Before its Mr. Borja.

Administrative Director Monte Mafnas - Okay let's say you did verbally how about in writing?

Feliciano Layao - Writing yeah I have.

Administrative Director Monte Mafnas - Let me see.

Commissioner Rita Franquez - That you can build three houses?

Administrative Director Monte Mafnas - That you can build three houses?

Feliciano Layao - No.

Administrative Director Monte Mafnas - Prove it in writing approval to build three houses. Approved to build warehouse?

Feliciano Layao - Yes.

Administrative Director Monte Mafnas - Let me see. By Chamorro Land Trust? I beg to differ.

Feliciano Layao - It's Public Works.

Administrative Director Monte Mafnas - Okay so we don't have to see that because that's Public Works. What we need to see is Chamorro Land Trust.

Feliciano Layao - This is a building permit.

Administrative Director Monte Mafnas - Okay so you got a building permit but you built three houses. You're not supposed to build three you're supposed to build one.

Commissioner Rita Franquez - And your lease is with Chamorro Land Trust not Public Works.

Feliciano Layao - Okay I'm sorry ma'am.

Administrative Director Monte Mafnas - That's what I'm saying Mr. Layao is a very clever man.

Feliciano Layao - If that's what I'm sorry because every time I do something I ask the Government to install the power line and water line and telephone line. I have permit for the underground.

Administrative Director Monte Mafnas - So you said you have a permit to build, how many houses can you build on your permit?

Feliciano Layao - Only one.

Administrative Director Monte Mafnas - And how come you have three?

Feliciano Layao - What three?

Administrative Director Monte Mafnas - Oh you don't have three?

Feliciano Layao - That the other..(interrupted).

Administrative Director Monte Mafnas - Oh that's other houses besides the warehouse.

Feliciano Layao - The house and the warehouse.

Administrative Director Monte Mafnas - How about the other one?

Feliciano Layao - The other one that's the Chuukese that's watching when I work.

Administrative Director Monte Mafnas - How about the other one? There's three houses.

Feliciano Layao - There's no house there only three, my house on the front.

Acting Chairman Oscar Calvo - The one in the back Mr. Layao the concrete building and where the existing used to be a maintenance area where the dump trucks used to when the electrical company was leasing. Weren't you leasing that at one time at four hundred a month because man that was a..(interrupted).

Feliciano Layao - No they paid me only for one year.

Administrative Director Monte Mafnas - How much is that?

Feliciano Layao - That's five thousand.

Administrative Director Monte Mafnas - And how much do you pay Chamorro Land Trust?

Feliciano Layao - I pay six hundred a year.

Administrative Director Monte Mafnas - And you charge five thousand.

Feliciano Layao - Yeah but I pay for my business license for four hundred fifty a year and I pay for the permit and I pay for..(interrupted).

Commissioner Rita Franquez - You got a business license?

Feliciano Layao - Yeah I have my business license.

Commissioner Rita Franquez - Why didn't you come to Chamorro Land Trust? Why do you go everywhere to get your permits instead of coming to Chamorro Land Trust that leased you the land?

Feliciano Layao - Well on that time I stay at Agana Heights.

Commissioner Rita Franquez - Where do you stay now?

Feliciano Layao - The Mayor Portusach he don't want me to stay there because I have a business so I went to the Land Management and the Department of Agriculture. The Department of Agriculture because you have a lease in the Public Works you have a lease in the Guam Power Authority you have a lease in the Department of...(interrupted).

Commissioner Rita Franquez - Did it ever occur to you to come to Chamorro Land Trust instead of going everywhere and anywhere to get your permits you need? Has it ever occurred to you to come to Chamorro Land Trust because that is where you are leasing?

Feliciano Layao - I'm sorry ma'am I'm just trying my best to live and to work. I'm 79 years old already and I'm still working. I have four bypass, I got one eye and I don't go for help from the Government. I work even now I'm still working so I have no choice but your decision if you think that I'm doing is no good so it's up to you and I'm ready to go.

Administrative Director Monte Mafnas - Thank you very much.

Acting Chairman Oscar Calvo - Thank you very much.

Commissioner Rita Franquez - Thank you.

Commissioner Amanda Santos - Does he have any kids?

Administrative Director Monte Mafnas - Nothing he has no kids no heirs.

Commissioner Michael Borja - I'd like to make a motion that on the Chamorro Land Trust Commission license agreement with Layao Enterprise and Feliciano Layao that we allow this lease to expire on its termination date of June 30, 2011 and not to be renewed and to allow Mr. Layao the opportunity to exit from the land and to do it no longer than 90 days after the termination of his contract or his license agreement.

Commissioner Amanda Santos - I agree

Commissioner Rita Franquez - Is that a motion? Second it.

Commissioner Amanda Santos - Second it.

Acting Chairman Oscar Calvo - Okay so be it.

There were no objections, MOTION PASSED.

4. Younex International - Delinquency

Cynthia Ecube - Good afternoon Mr. Director and Good Afternoon Chairman Calvo and the Commission members. My name is Cynthia Ecube and I'm an attorney licensed to practice law here on Guam.

Commissioner Rita Franquez - Cynthia what?

Cynthia Ecube - Cynthia Ecube, E-c-u-b-e, and I'm an attorney practicing law on Guam and a solo practitioner and I represent Younex International. If I may Mr. Chairman and Commission members I was just and for Mr. Mafnas I was very happy fairly recently I was contacted by Mr. Mafnas with respect to this issue involving Younex and the Oka Point. So I'm very happy that both the Director and of course the Board has allowed me to come and just enter my appearance on behalf of Younex International. I have been representing Younex on a couple of different business matters specifically this particular matter involving Oka Point. About two days ago I had my first discussion with the new Director of CLTC. It

was brought to my attention members that in January of this year CLTC had forwarded a letter to my client concerning an Attorney General opinion that was issued by a former Attorney General who now has since passed away, Attorney Steve Newman and as well issued a notice of violation and vacating part of the premises located on Oka Point. I expressed to Mr. Mafnas that I would like to appear just briefly before this Commission or this Board to share with them my experience with this particular case. And as I've expressed to Mr. Mafnas it was very welcoming for him to finally make contact with me. I'll be quite honest I've represented Younex for the last three and a half years on this matter and at the time this was still the existing board I recall even reading the minutes Chairman Calvo was on the Board, I believe Commissioner Matanane was on the Board and Mr. David Tydingco had appeared before this board sometime around June of 2008 asking for approval by this Commission to enter into a commercial lease license agreement to lease out a certain portion of Oka Point. Unfortunately, since 2008 I've had difficulty because myself as counsel attempted to work with then it was Lujan, Aguigui and Perez to try to formalize the particular agreement because in the agreement as I understood is approved by this Commission. The Younex agreed to build infrastructure that will also specifically benefit CLTC. In fact it's my understanding and I was informed by Younex that that has already been completed the water line and sewer line was completed. There was a lateral that was already installed on the Oka Point property that would allow for developers or individuals that enter into either general lease agreements or lease agreements involving agriculture and residence to have access now to those particular utilities. So the actual construction of the water and sewer line area in through that property had already been completed. One of the problems that we had was in order for us to complete all the conditions at the time I was informed by Attorney Santo Tomas that they had to withdraw as counsel and then upon the departure of then Director Borja I was referred over to then Acting Director Jesse Garcia. I had sent him correspondence sometime in the early part of 2009 in fact I was trying to obtain the minutes because at the time your private counsel was not going to prepare the minutes so that we could formalize the agreement. And unfortunately as I expressed to Mr. Mafnas who's just recently come on board I attempted and have been attempting to communicate with the Attorney General's Office. I've met or I've spoken with Pat Mason who was then at that time your attorney when Lujan, Aguigui had withdrawn to try to formalize the license agreement. and unfortunately to dismay I've gone through three attorneys there. It was only recently till I spoke to Mr. Mafnas and when my client forwarded me the letter that this whole issue came about and then the decision from the Attorney General's Office that was issued in May of 2010 of which as counsel I've never, ever, ever received a copy of that opinion. And I think if the Board members review the opinion Mr. Newman or the late Mr. Newman specifically referred to me in the opinion that Younex was represented by myself and I had been communicating. So in summary I wanted to present to the Board that having spoken to Mr. Mafnas two days ago it is the intention of Younex to complete all the conditions that they previously agreed to during the 2008 Board meeting. I think the problem that we've run into or at least I've experienced is who do I deal with because I have been dealing for the most part with the attorneys from the Attorney General's Office. And this is the first that I've actually had the opportunity to now speak with Mr. Mafnas two days ago and ultimately Younex wants to complete the conditions. We want to do what is necessary and proper to work out a resolution of this. I can represent to the Board at this time that all the materials that were eventually used as a

staging area on a portion of that Oka Point property has now been removed so there's nothing there. So there is nothing with respect to Younex any equipment or pipes that initially that was the intention was the staging area to install all the piping so that's been removed. Now we just need to rectify this issue with the lease agreement or the license agreement which I've had difficulty trying to work with the AG's Office. So I'm hoping that with this particular Board that will allow Younex to continue to complete those conditions, work with CLTC so that we can reach an amicable resolution. As I pointed out Mr. Mafnas and I spoke and I informed him that there are documentations that I had sent over to then Director Garcia, Acting, Garcia as well as correspondences, draft lease agreements, emails that I've forwarded to both Pat Mason who's the attorney for the AG's Office and then it was Tom Keeler who I dealt with for almost eight months then it was Steven Newman for four months. So it's been really a difficult attempt for me as counsel for Younex and so if the Board would allow I certainly would like to be able to work with CLTC directly unless there's a need to work directly with the AG's Office, I just have not been able to get any kind of positive response to move this project along.

Acting Chairman Oscar Clavo - Actually if I can make a comment on that yes I know I'm pretty familiar with this case with you guys and just to enhance you that issue when Dave came in to the board at that time we did initial an agreement and you know what the stipulations of those agreements what have to be done and it was basically said at that time because legal counsel issue at that time and one of the stipulation that we at least the board at the time said that all legal fees would be on your burdens. You guys would have to pay all the legal fees whatever it transpires and so forth. And I did meet with Mr. I mean Dave on one or two occasions and the stipulation that what that board at the time what we confronted was that they use the job site as a staging area and just to rephrase back a little bit when you guys did opted to upgrade that was part of your contract that you guys would have to upgrade because of the high rising building there. So really yes enhancement it does qualifies and did help us but at the same token that was more of a benefit you that building because you would need to expand the water lines and so forth there because of you know because of the hospital. But what we stipulated and what the contract at that time we said with Dave with the Board that they will knock out all I think about nine or ten buildings clear all that building and put a six foot fence all around there.

Cynthia Ecube - Yes and that is the intentions.

Administrative Director Monte Mafnas - Fourteen feet.

Acting Chairman Oscar Calvo - Fourteen feet.

Administrative Director Monte Mafnas - It's on the minutes.

Acting Chairman Oscar Calvo - And enhance to that that will be what and I met Dave in a couple of occasions I said Dave what are you doing? He said well we need to do this permit. It's not the Chamorro Lands position to go and look for the permit you have to be the one to go and mitigate those issues.

Cynthia Ecube - If I may Mr. Chairman I think the difficulty was we were trying to do it and I didn't know because I've been working with the AG's to find out in order to complete the agreement what other conditions that we need to do and I think that's where it stopped. But with respect to the permitting I informed Mr. Mafnas it's still the intention of Younex to remove the buildings subject to I believe the only the condition I think that the concern that was there is just to ensure that there's no asbestos or hazardous materials. And I recall specifically in reviewing the minutes and you referred to this that there was specific federal legislation that occurred previously when you appealed to then Congressman Underwood concerning the removal of certain materials at some juncture that involved hazardous materials at another site so it's still the intention of Younex to do that. I am going to follow up with Mr. Mafnas if it's just an authorization that we need from CLTC to undergo the permitting process but I understand from Younex that they attempted to try to get the permits and the parties at that time indicated that they needed the owner in interest to complete it. So I don't know if it's just a question of obtaining the authorization or handing the permits directly to the CLTC so that they complete that portion and then Younex can proceed forward and remove all those.

Acting Chairman Oscar Calvo - You know it's really just kind of a little bit strange and ironic because when Dave came in down there okay and I think we had about one or two meetings on that and I'm glad that you came because the legal counsel that we were talking at the time when he came wasn't you but you know and that's whats throwing off this issue. And Dave and I've confronted Dave not on one or two occasions on a couple of occasions and I told him we need to get this thing moving because you know you've utilized the place you have built your risers and so forth and haven't complete your commitment of doing that fence and that was the agreement to offset the payment plan on that issue. And I beg to you know and I did tell Dave to knock out those buildings clear whatever needs to be done there and put fence and also all around that Ypao Point I mean you know that area. So as being said to that Monte I think it would be very good enhancement to work with her and then you know qualify what needs to be done to these issues.

Cynthia Ecube - And I'm happy to work directly with Director Mafnas so that way we could, it will be significant progress as I pointed out to Mr. Mafnas the difficulty was working with a lawyer on the other side which I was constantly focusing on trying to get progress and progress was just not coming forward. So I'm hoping that now we would be able to move forward even more expeditiously in this matter.

Commissioner Rita Franquez - I am amazed that you said you had only had recent contacts with Mr. Monte Mafnas recently and yet am I wrong but I think that Younex is suing Chamorro Land Trust and this case is in court.

Cynthia Ecube - No.

Commissioner Rita Franquez - Okay if you are not if Younex and Hanil are not suing Chamorro Land Trust then I must have misunderstood from newspapers but you know what too I have a question for you. You are presently are using the old what we call the old Guam Memorial Hospital area to put in Younex and Hanils or that Emerald Towers using

that for your water and other needs. To me being that Hanil and Younex would be making millions of dollars from these four structures that have recently gone up they should have incorporated their own needs for their land and their needs for water and power and whatever other uses they got for that and incorporated into your own property rather than using prime Government of Guam land to do to do what should have been done yourselves in having form that multi-million dollar corporation. It should have been included. And if Jonestown area is benefiting from that, great but that's not the issue it's just I think I don't know where you got Chamorro Land Trust to approve part of that old Guam Memorial Hospital thing but when you say you are going to clear out you mean that all the structures because when you go in to drive in that Memorial Hospital and you turn left I used to see huge not permanent buildings okay semi permanent and all kinds of equipment you mean that you will get rid of whatever you have used on top and that land will be usable then for the Government of Guam land or Chamorro Land Trust. Are you clearing out there after you have put in your water and your sewer and whatever you needed for that prime Guam Memorial Hospital? You are actually going to restore it so that land is going to be available for other uses besides your water and sewer lines.

Cynthia Ecube - Well it's my understanding as far as the clearing that the Chairman refers to is that I believe there were homes or older homes that were built up there.

Commissioner Rita Franquez - Not in that area.

Acting Chairman Oscar Calvo - There are it used to be the old staff housing.

Commissioner Rita Franquez - Yeah but it's been deteriorating.

Acting Chairman Oscar Calvo - Yeah but those buildings has to be removed and that building also has asbestos and so forth so that was the stipulation.

Commissioner Rita Franquez - You were going to clear, Younex was.

Cynthia Ecube - Yes.

Acting Chairman Oscar Calvo - They are going to clear everything for us.

Commissioner Rita Franquez - Have you cleared it?

Cynthia Ecube - No that's..(interrupted).

Commissioner Rita Franquez - You have not cleared it.

Cynthia Ecube - No not at this point this is where as Mr. Chairman has indicated I'm happy to work now directly with Mr. Mafnas on this issue.

Commissioner Rita Franquez - What brought you to finally addressing this need after all these years?

Cynthia Ecube - Because I had difficulty with the attorney that represented the CLTC. I have been working with him for the last three years.

Commissioner Rita Franquez - And you haven't come to Chamorro Land Trust directly before?

Cynthia Ecube - No because they were representing you folks and so I can't have any communications under our ethical rules I can't communicate directly with the client unless their..(interrupted).

Commissioner Rita Franquez - You have a responsibility also.

Cynthia Ecube - Well I have a responsibility not to break that ethical obligation so I was communicating with the attorneys. That's why I spoke with Mr. Mafnas and asked would this be a situation where I could deal directly with CLTC now we're going to go back to the Attorney General's Office. So again as I pointed out earlier I'm very happy now that the board..(interrupted).

Commissioner Rita Franquez - Have you paid your delinquent bills?

Cynthia Ecube - That's what we're working on right now is this issue. So the agreement was is that Younex would remove all these old hospital staffing buildings.

Commissioner Rita Franquez - When can we expect payment?

Cynthia Ecube - As soon as I can work out the rest of the conditions with CLTC we can work something out from there.

Commissioner Rita Franquez - How much?

Cynthia Ecube - I don't know yet. I'm not sure yet but I certainly want to work with Mr. Mafnas on this issue.

Commissioner Rita Franquez - It should be sizeable.

Administrative Director Monte Mafnas - I guess that question is directed to me Commissioner.

Commissioner Rita Franquez - I wanted to know how much their delinquent and how much we expect to gain.

Administrative Director Monte Mafnas - Pursuant to my last conversation when I served Mr. Tydingco the cancellation of lease as promulgated and sanctioned by the Attorney General I informed him that he needed to get two appraisals to establish fair market value and to retrospectively prepare that appraisal at the point of beginning of when if and when they

occupied the space containing an area of twelve thousand meters which is three acres of Oka Point.

Commissioner Rita Franquez - Prime land.

Administrative Director Monte Mafnas - Prime land and I never saw Mr. Tydingco until subsequently four months later. He did send me one email that he's working with Micronesian appraisals but did not mention anything about Captain and Company so I asked him and he didn't reply after that. Consequently afterwards he did send me an email that he wanted to know after my interview with the Buzz and KUAM that what statutory guidelines do I have to name a price and he wanted to know so that he can address it to his attorney. So I wrote back to Mr. Tydingco and I said pursuant to the law I am a licensed real estate broker number one for one and I am enabled to make a brokers price opinion a BPO which CPAs have utilized, mortgage companies have used, lending institutions have implemented and mitigation companies. So I asked Mr. Tydingco further more what is the name of your attorney and firm so I can email that person directly. And then Ms. Cynthia Ecube came into the picture like I came into the picture but what I'm trying to say is that it is my opinion pursuant to brokers price opinion that this is values of the land that was utilized by Younex starting commencing in the year 2008 I gave you three scenarios. One as a M1 light industrial rental amount again the area is twelve thousand meters I researched comparable lease analysis and pursuant to the analysis I came up with seventy-five cents per square meter times twelve thousand that means they owe nine thousand per month.

Commissioner Rita Franquez - Per month.

Administrative Director Monte Mafnas - Per month. Now let me just back up please prior to me doing the math I did ask Mr. Tydingco as I met him over GWA he's never come to CLTC, Mr. Yoon did come once and I told Mr. Tydingco and Mr. Yoon that all CLTC is out for fairness. What has happened to the deal that you stipulated in the minutes of the meeting? You guaranteed to remove nine houses raise it to the ground remove all the debris. You guaranteed in the minutes to erect a twelve foot fence all around the perimeter and you guaranteed in the minutes that this is a done deal our word is good. Now I asked Mr. Tydingco whatever happened to that exercise and he said to me "we cannot get the clearing permit you have to get it". Now this is three years later this is a couple of Directors later this is a different board later so I just told Mr. Yoon and Mr. Tydingco we have to be fair here. I'm entrusted by the law to protect the assets of Chamorro Land Trust in terms of land and income so having said that there was no response. The response was do what you got to do. Okay. So I present to you Commissioners and to Attorney Ecube my math you know pursuant to comparables, pursuant to my education and experience this is what I've conjured up. So in my mind they owe nine thousand a month they've occupied the property for thirty-six months or three years which equates to three hundred twenty four thousand. But in addition to that it is only right that anyone that occupies Chamorro Land Trust be responsible for real estate taxes. So the real property tax I assessed was based on a 2007 tax roll. So I took the assessed value divided that by thirty-five percent then I multiplied it times point zero zero five is the tax rate so that came up to eight-four hundred per annum so multiply that times three years its twenty five thousand two hundred. So the

total amount due pursuant to M1 light industrial use is three hundred forty-nine thousand two hundred dollars. Now I state that it is a M1 use simply because it's a stockyard and he had occupied the space and denied Chamorro Land Trust any possible having your income. Because they have occupied it physically, they've used the property physically then we cannot sublease or lease that property. So that's my justification okay. And it is correct Commissioner Franquez that you mentioned a very good point that why did you not use it on your property. Now they have two properties the cliff line which I think is about ten acres of property which constitutes four towers also known as Emerald Ocean View. They also have nine hundred some square meters and I can be corrected by the attorney of M1 use building fourteen thousand housing units for the impending Guam joint build up with the military, right. So they could have utilized that property right? But they elected to use Chamorro Land Trust because of location, location, location and you're right it's cheaper. So the other exercise I did is the fair market value. So I multiplied and I found and I did an assessment of all of the fifteen lots along, fronting Ferdinand Magellan Street aka San Vitores Street whatever street it is it could be right Guam Memorial Hospital or Route 14 because it has different names and that's because I know this because as a former MPC member but I use 2007 comparable and that equated to one hundred forty per square meter. The whole fifteen lots I analyzed and the whole fifteen lots was one hundred forty dollars so that is the fair market value that I used times twelve thousand equals one million six hundred eighty thousand dollars as the fair market value for the three acres which is also twelve thousand meters. Now I multiplied that times twelve percent a capitalization rate which is a return of investment on the money that you're loaning because you're impending receivable and I came out like six hundred thirty thousand over three years. But I used a lower rate at a more competitive rate which is utilized standard by appraisers and that's at eight percent. So eight percent times one point sixty eight million dollars equals one hundred thirty four thousand four hundred dollars times three years of use it equates to four hundred three thousand two hundred dollars plus the real estate taxes of twenty five thousand two hundred dollars the grand total is four hundred twenty eight thousand two hundred dollars and I humbly submit this to the Board for review and I also gave a copy to Ms. Ecube.

Acting Chairman Oscar Calvo - So Monte total package how much do they need to pay if they were to?

Administrative Director Monte Mafnas - I presented the numbers and I'm always looking to be fair and equitable and it is inherited upon the Board to accept. It is beyond me I am just stating facts now the Board has to agree or deny and it all depends on all their offer or their acceptance at this point in time and I don't know if Ms. Ecube is legally entrusted to accept these numbers. That's why I have it three fold because one of them is going to work. One has to work. That's what I'm coming from my opinion.

Cynthia Ecube - If I may Mr. Chairman I don't have any authority to bind the company right now. I'd have to discuss it with the client but I think perhaps if we can come back next meeting I'd like the opportunity to work with Mr. Mafnas first and go through the numbers. I'd have to discuss it with the client because I can't legally bind the client right now. I need to discuss that. He's given three different numbers and he just handed it to me two minutes

ago as he's discussing his presentation so in fairness to me I need to myself look through it as well. And these are BPOs so they are brokers price opinions they're not actual appraisals and so I do want to meet with the client they're anxious for me to sit down with them after this meeting but again would like the opportunity to start working directly with Mr. Mafnas to start.

Acting Chairman Oscar Calvo - But keep in mind also what the quotation that Mr. Mafnas gave you okay that's basically on his opinion. But regardless at the end of the day there is a price tag.

Cynthia Ecube - And as I pointed out Younex wants to complete this issue finish up everything that they agreed to do and so again it might be prudent perhaps maybe to come back at the next meeting. I hope to have some significant progress with Mr. Mafnas at that time. Again this is the first that I've met with him, I've spoken to him two days ago.

Vice-Chairman David Matanane - On the phone or personally?

Cynthia Ecube - On the phone he contacted me because I also communicated by letter. I wrote two letters to him after it was forwarded over to me from my client so I think he can represent that I sent two correspondences and then I said I will contact him this week and he did contact me so we did speak. So we've had maybe probably three communications already prior to this meeting today.

Commissioner Rita Franquez - There is rumors out there I don't know if its founded or unfounded but that Younex is having problems with the Emerald Towers and they are just waiting to sell it. And in the meantime what's happening there and that pending also a court case that they have that they're waiting for the outcome of that court case and also that they are looking for buyers for that there are presently rumor is that they are going to sell it. You can't verify or deny that?

Cynthia Ecube - I can't confirm or deny that at all. I'm here on behalf of Younex to state that the goal here is...(interrupted).

Commissioner Rita Franquez - Actually I'm more interested is how much you are willing to pay the Land Trust?

Cynthia Ecube - That's something that would have to discuss with them but..(interrupted).

Commissioner Rita Franquez - Or you can't not willing to but must.

Cynthia Ecube - We want to resolve this issue this particular issue with CLTC that is my goal here today on behalf of Younex is to resolve this issue.

Vice-Chairman David Matanane - With the consensus of the Board probably we'll have Mr. Mafnas deal with this and I think he's doing a pretty good job on it and hope that he reports back to us with Ms. Ecube by the next meeting we will have some result.

Cynthia Ecube - I'm hopeful because we've had three communications in the last week.

Administrative Director Monte Mafnas - I appreciate that Vice-Chairman Matanane again as stated by Attorney Ecube you reiterated that you want to settle this expeditiously correct?

Cynthia Ecube - Yes and amicably with the CLTC.

Administrative Director Monte Mafnas - Very good so noted but in terms of expeditiously resolving this issue like Commissioner Franquez said it has to be in dollars and cents. It's not going to go through is it am I correct to say that's what you want Commissioner?

Commissioner Rita Franquez - Oh yes definitely. I mean if it's three years delinquent isn't it about time we step in and say at this point you have to pay up or..(interrupted).

Administrative Director Monte Mafnas - Well my concern is three years has lapsed as we all know correct and what they allegedly stipulated in the minutes is not in sync with what is in today. They say they were going to move the homes, nothing they say they were going to fence, nothing. So all I'm saying if you're agreeing it has to be resolved expeditiously by payment by form of a payment correct?

Commissioner Rita Franquez - And some minimum understanding of what they are entitled to do and how long.

Administrative Director Monte Mafnas - Okay, thank you.

Vice-Chairman David Matanane - I think our Director is more than capable to take care of this problem and be presented at the next meeting. Thank you.

Commissioner Rita Franquez - You have our vote of confidence.

Administrative Director Monte Mafnas - Thank you ma'am.

Cynthia Ecube - Thank you and I will be in contact with Mr. Mafnas and he'll let me know before the next meeting.

Vice-Chairman David Matanane - By the way what was said you were contacting with the Attorney General concerning..(interrupted).

Cynthia Ecube - Yes Commissioner Matanane what happened was at the time prior legal counsel which was Lujan, Aguigui before they withdrew as counsel I believe they were supposed to draft up the commercial license agreement and that never transpired. I waited nine months, I waited nine months and we followed up with CLTC to finally get the minutes nine months later I drafted a license agreement. I took the draft license agreement I forwarded it over to Pat Mason at the Attorney General's Office to say this is what we are going to do.

Vice-Chairman David Matanane - Oh so that's how the connection was.

Cynthia Ecube - Yes and then at the time when I wrote to then who was acting Director Jesse Garcia I wanted him to review the conditions if this is was what was consistent in the stipulation that was approved by the Board in 2008 to please go ahead and get the appropriate signatures so we can move forward on everything because on behalf of Younex we wanted something binding too to say this is what we were going to do because this is what was discussed at the Board meeting. Then Mr. Garcia referred it over to the AG's office I communicated with Mr. Mason many times in person and even in email and phone with Tom Keeler. Several times in person and numerous emails with Steve Newman.

Commissioner Michael Borja - Mr. Mafnas do we have a copy of that draft on our records at all?

Cynthia Ecube - I have a copy I can provide many copies to him of the different drafts that I have drafted already.

Administrative Director Monte Mafnas - Personally I have never seen it.

Commissioner Michael Borja - So basically what we're working on is verbal discussions at that Board meeting.

Cynthia Ecube - And that is where the difficulty has been because we wanted it memorialized in writing so we can start. We needed something that say this is the actual written agreement and as I explained to Mr. Mafnas that's the difficulty so I presumed then when CLTC Director said refer to AG's Office I had been communicating with him, communicating with him and I expressed to him that I will pull out all the emails all my letters I will pull out copies of the draft that I've sent over. Yes my clients have already incurred the legal fees they've paid me for that. So yes I've been doing it it's just that when this letter came from Mr. Mafnas in the latter part of January and it was forwarded to me I was surprised because at the time we received the Attorney General opinion nobody from the Attorney General's Office served my office. So that's really what that's just what caused all this delay and I, believe me I've communicated by phone by email trying to speak to him in person and it's just been very difficult because it's jumped from one lawyer to another.

Administrative Director Monte Mafnas - I just have one final question Attorney Ecube, I served a notice in January middle part and it is now May I'm perplexed how come it took so long before any written notice or any phone call or anything happened.

Cynthia Ecube - That I'm not sure because I was off-island and my client was off-island so they were trying to get with me so it could be just calendaring but when I did get the information...(interrupted).

Administrative Director Monte Mafnas - I'm just saying three and a half months is a considerable amount of time.

Cynthia Ecube - Sure.

Administrative Director Monte Mafnas - Thank you.

Commissioner Rita Franquez - I'm sorry but I really remember there is a Ms. Sablan that had some issues and took it to court and supposedly she won her suit against Younex and that's for notice and change of zoning request and I think now I know where I had this idea that there is a suit but it's already been resolved the suit was in favor of Ms. Sablan and against Younex.

Cynthia Ecube - I think right now it's before the Supreme Court.

Commissioner Rita Franquez - Of course it's being appealed of course.

Cynthia Ecube - No and they've already issued a stay in favor of Younex.

Commissioner Rita Franquez - But you see this is..(interrupted).

Cynthia Ecube - It's being reviewed I can't say anymore it's just being reviewed by the Supreme Court.

Commissioner Rita Franquez - Yeah I know but it's not a new issue with Younex and Chamorro Land Trust we've had..(interrupted).

Cynthia Ecube - Not this was, I think it was a dispute involving Sablan and I believe it was..(interrupted).

Commissioner Rita Franquez - But she sued Chamorro Land Trust as well.

Cynthia Ecube - No it was a different issue.

Administrative Director Monte Mafnas - No it was Department of Land Management.

Commissioner Rita Franquez - Department of Land Management oh okay good.

Cynthia Ecube - It was a TLUC issue and I believe it was the Government of Guam that was involved in it so the dispute was with GovGuam and with her. So that's what happened and it involved the project.

Administrative Director Monte Mafnas - She was not served notice and she was part of that five hundred feet radius.

Acting Chairman Oscar Calvo - Okay why don't we just go ahead and Monte we'll just go ahead and then you work with the legal counsel.

Cynthia Ecube - Yes thank you Mr. Chairman and thank you Commissioners for your time.

5. Guam Resource Recovery Partners - Delinquency

Administrative Director Monte Mafnas - I just drafted up a delinquency notice and they have placed a call into Chamorro Land Trust that had we received a cashier's check because the prior check had bounced and was not, it wasn't approved or was non-negotiated and our answer to that is no. But that's actually, you know payments are made at the Treasurer of Guam but it's the responsibility of the lessee to give us a copy of the lease payments okay so we can keep a record. But this lessee has not done that in the period of February, March, April and May. And I doubled check our accounting people and IT people and the whole staff and to no avail no one has seen any paid receipts from GRRP. Now based on the monthly rent of four thousand four hundred times four months they owe the amount of seventeen thousand six hundred dollars but I have to include the delinquent real estate taxes. And the real property taxes pursuant for the years 2003 to 2010 no payment has been documented at Revenue and Tax, no paid receipts have been submitted to Chamorro Land Trust so I included the total amount of thirty nine thousand four hundred thirty nine and sixty two cents which means they owe at this point in time the amount of fifty seven thousand thirty nine dollars and sixty two cents. Now if they do not pay this by the end of the week the month I think we should give them a notice of eviction notice or cancellation of the lease. It is already four months and it is their responsibility to make sure that they pay real estate taxes and we're talking about 2003 to present we're talking about seven years non-payment of taxes.

Acting Chairman Oscar Calvo - Monte on this issue and I do agree with you on the termination but I think we got to be very cautiously on dictating and giving out the, I know that they're behind for this period of time and please do address that issue that we send them normal at least two weeks notice that they to respond within ten days.

Administrative Director Monte Mafnas - Okay so noted and I'll take under advisement.

Acting Chairman Oscar Calvo - Okay so that way they can't say you never, they have to respond within ten days after ten days further action will be taken.

Commissioner Michael Borja - I think we gave you the authority at the last meeting to move forward on all these delinquent accounts including Guam Resource Recovery. Were they advised that they were going to be on the agenda today?

Administrative Director Monte Mafnas - No I did that because I spoke with them over the phone and to no avail again. I just wanted to qualify, quantify these figures and then send it out that I did get Board consensus the policies in effect and therefore you have two weeks to make current otherwise we'll..(interrupted).

Acting Chairman Oscar Calvo - And Monte when you do serve this notice make sure that its certified mail that way they say I never got the mail.

Administrative Director Monte Mafnas - It's just like the rest Commissioner Borja the rest of the delinquencies for example IBC I want to make sure that we have the legal credence and

support to file a mechanics lien. I just don't want to do that exercise and fail. I want to make sure we're correct, correct and precise.

6. Danny Jackson - Request for additional acreage
Administrative Director Monte Mafnas - I did sign a lease for seven acres pursuant to the Board's approval way back. We're talking about three or four boards back and he begs to differ he wants seven and a half.

Commissioner Amanda Santos - Is he planting on it?

Administrative Director Monte Mafnas - So he claims but according to Dr. Barber his inspection says he has not planted accordingly to the rules and regulations of the agriculture lease.

Acting Chairman Oscar Calvo - I shouldn't worry about that. I mean Danny hasn't even fulfilled his what he was originally given on that seven acres. He's asking for a point five acre to that seven and a half. If anything we should you know which is on the agricultural portion once we complete that..(interrupted).

Administrative Director Monte Mafnas - His letter is out of inspection of complying to the rules and regs like fifty other people. Yes we have started that exercise. He's fulfilled his criteria to become an eligible applicant. That is qualified, quantified.

Commissioner Amanda Santos - He's not even a bonafide farmer.

Administrative Director Monte Mafnas - His request is seven and a half because I think it's him and his wife and you can't have both you know. The previous Board did authorize seven acres that's prior to Chairman and Vice-Chairman's position. It was three or four boards back so I'm only following the regulation of the Board.

Acting chairman Oscar Calvo - And I think even when he applied I think back again in 2008 he was requesting for more.

Administrative Director Monte Mafnas - Actually he's requesting to date another hundred acres.

Acting Chairman Oscar Calvo - Yeah another hundred acres.

Commissioner Rita Franquez - How much?

Administrative Director Monte Mafnas - one, zero, zero.

Acting Chairman Oscar Calvo - He wants a hundred acres.

Commissioner Michael Borja - He wants a hundred, not half a hundred.

Acting Chairman Oscar Calvo - He already has seven and then he's anticipating and asking but now he made a request I think in 2008 or something or 9 asking for a hundred acres piece of property.

Commissioner Amanda Santos - What is he going to do?

Administrative Director Monte Mafnas - He said he's going to protect the trees.

Acting Chairman Oscar Calvo - I know that that was a very topic that he uses a lot to the legislature but he's not getting his, but in reality he does have properties and you know he just wants to grab everything for himself I hate to say it.

Administrative Director Monte Mafnas - I just want the Board to be aware and alerted that this is forthcoming. He has Chamorro Nation coming and they will..(interrupted).

Acting Chairman Oscar Calvo - That's okay that's fine with me. I'm not worried about that even if he brings Chamorro Nations or whatnot.

Vice-Chairman David Matanane - He has to come in and ask and make the application.

7. Easement sale request on Lot 189-B-2, Agat

Administrative Director Monte Mafnas - This is an old one you should be aware gentlemen because this goes all the way back this is right between David Herrera and Mary Flores Gill. Mary Flores Gill owns this property it's not landlocked there's a rear access to it a forty foot access pursuant to the subdivision map. What happens is when it rains its six months of the year she says it's impassible so she wanted a sliver of land to access her lot. The previous administrator did grant that easement but nothing ever materialized but maybe she did get physical clearance but nothing in writing now she wants to buy that. And the adjacent lot owner wants to purchase that pursuant to the arrendo program that they have been there since the 60s, 70s, 80s and that is Mr. David Herrera. So obviously there's a conflict bind between these families. But it is a triangle sliver that serves nobody but the Herrera but Gill wants it so she can open up..(interrupted).

Acting Chairman Oscar Cavlo - I'm trying to figure out where this is at in Agat. This is down at that Umang Street. We opened up that Umang Street there.

Administrative Director Monte Mafnas - Correct so it's a decision that has to be rendered. It is my opinion only that Herrera and their parents have a land use permit and an arrendo and they did accommodate the rear lot by giving up some of their land but they got compensated with Government land. But there's this sliver that serves nobody, it's a triangle sliver and they're both requesting to purchase it. Now purchase in our definition today I think is you pay us one time but you can only get it as a lease hold. Right Commissioner Matanane?

Vice-Chairman David Matanane - Yes sir.

Administrative Director Monte Mafnas - For a period of ninety nine years.

Vice-Chairman David Matanane - You're correct Mr. Mafnas.

Administrative Director Monte Mafnas - Okay thank you sir. So it's a long term lease with an upfront payment. Now the decision by the Board is that is needed is who is going to buy it?

Acting Chairman Oscar Calvo - And I did mention to that point because he was asking me they were asking me what does that actually means is that at the end of the ninety nine years in other words if you decide to sell that property at any given time to somebody else you have to deal with the Chamorro Land Trust even though you did pay let's say hypothetically whether it be five thousand or ten thousand for that matter so in reality that only encumbers that yes you have fully rights to that piece of property but at the end of the day at ninety nine years which three generations at that time we'll probably be all but yeah whatever.

Vice-Chairman David Matanane - Mr. Mafnas you got the idea so you know we're depending on you to go ahead and make..(interrupted).

Administrative Director Monte Mafnas - So do we bid it to the highest bidder? Or do we give a preference to Mr. Herrera or a preference to Ms. Flores Gill?

Vice-Chairman David Matanane - But she's already requesting for that particular piece of property.

Administrative Director Monte Mafnas - They're both requesting.

Vice-Chairman David Matanane - And they are eligible for Chamorro Land Trust?

Administrative Director Monte Mafnas - Both of them well I do know Mr. Herrera.

Vice-Chairman David Matanane - If they are eligible for Chamorro Land Trust right we'll do with the lease, we already sold the property represent a lease.

Acting Chairman Oscar Calvo - And the actual holder of that lease is...(interrupted).

Administrative Director Monte Mafnas - Provided they pay for all expenses.

Acting Chairman Oscar Calvo - Yeah.

Administrative Director Monte Mafnas - The maps and..(interrupted).

Acting Chairman Oscar Calvo - Maps and legal counsel whatever has to be done.

Vice-Chairman David Matanane - And you can confer with them as the sentiments of the Board saying that all expenses has to be paid by you and then you know we can consummate the lease.

Acting Chairman Oscar Calvo - Mike you in favor of that?

Commissioner Michael Borja - No problem.

Vice-Chairman David Matanane - Is that a motion? A motion.

Commissioner Michael Borja - Second it.

Acting Chairman Oscar Calvo - Okay passed.

There were no objections, MOTION PASSED.

Vice-Chairman David Matanane - Okay Mr. Mafnas you got it.

8. Barrigada Heights property request

Administrative Director Monte Mafnas - There's several people requesting but actually there was a lease to this property and the person who was awarded a long time ago did not sign the lease. There are other inquiries on this property by all the abutting and adjacent lot owners and the Orlino family has requested this. So I wanted the Board to make a decision as to this property because I'm negotiating, we are negotiating with Department of Revenue and Tax to build a building for them in this general area and we might need more land than as on that subject lot. So I humbly request the consideration of the Board whether it should be a, keep it for our inventory or b, lease it out. Now when I say a, keep it for our inventory we are in the motion of building something. We are doing this exercise as we speak so I've already met with Revenue and Tax employees from the Director and Deputy Director and all the supervisors and I'm moving forward in planning and master planning so what I'm trying to say is we need the land but the Board has the final decision.

Vice-Chairman David Matanane - What's your recommendation Mr. Mafnas?

Commissioner Rita Franquez - I have a question are we just because it's Revenue and Tax they should pay Chamorro Land Trust not just that we give it to Revenue and Tax because GPA doesn't give us power. Now if Revenue and Tax is going to be income to the Chamorro Land Trust great otherwise we should probably listen to other offers I mean you know. I mean in fairness to everybody but I don't believe in this well it's a Government agency just go ahead and let them have it, no not to me. They have to pay.

Administrative Director Monte Mafnas - I appreciate that Commissioner Franquez and I have two ideas. Number one, we will lease them on a ground lease but the other idea is to build a floor on top of their building and use that as our income stream.

Commissioner Rita Franquez - That is a good option but it has to benefit Chamorro Land Trust too not just because they're a Government agency that doesn't..(interrupted).

Administrative Director Monte Mafnas - I totally agree with you.

Commissioner Rita Franquez - But if we have something to benefit from it why not.

Vice-Chairman David Matanane - Just like Guam Waterworks when I requested for services and they wanted us to pay same token here we want them to pay.

Administrative Director Monte Mafnas - I'll take that under advisement.

Commissioner Michael Borja - How far along is Rev and Tax on this whole process?

Administrative Director Monte Mafnas - Well they responded and memorialized it in writing that yes we want to review each and every site, yes we want to build a building and yes we want to work with you to build the building.

Commissioner Michael Borja - And they want to keep it somewhere in that same location?

Administrative Director Monte Mafnas - That is my suggestion because we have the land right adjacent, abutting and contiguous to their site. So it doesn't cost them any money really for moving because they can use the same phone numbers, they can use the same address because it's theirs and its right adjacent, abutting existing operations.

Vice-Chairman David Matanane - How big is that property?

Administrative Director Monte Mafnas - Five acres and then some but that's why we don't know exactly unless we get define the footprints and the parking requirements that's why we need that flexibility, the laterally and physically speaking we need as much property to make sure we can accommodate their concerns.

Commissioner Michael Borja - So Rev and Tax doesn't have any kind of artist conceptual drawings or..(interrupted).

Administrative Director Monte Mafnas - Not at this point in time we're just selecting the site.

Commissioner Michael Borja - And this property that's being asked for where exactly is it? Right on the road or is it behind?

Administrative Director Monte Mafnas - It has Route 16 access for ingress and egress but the property line is the boundary line of the existing Joeten owner and lessor and lessee is Revenue and Tax. It's right on the property line.

Acting Chairman Oscar Calvo - So what they're contemplating is because I know that Joeten building there they're only leasing that on a year or monthly or whatever.

Administrative Director Monte Mafnas - Forty some thousand dollars a month.

Acting Chairman Oscar Calvo - And adjacent to that is where what's his name the junk cars.

Administrative Director Monte Mafnas - He will be vacating very soon as we all know.

Vice-Chairman David Matanane - What's your valuation on that piece of property? Is it comparable to Ypao?

Administrative Director Monte Mafnas - No.

Acting Chairman Oscar Clavo - Unless you want to table this out?

Commissioner Michael Borja - Well no they're here if they have anything they want to say.

Commissioner Rita Franquez - Are they here?

Acting Chairman Oscar Calvo - Well yeah go ahead and listen to them.

Administrative Director Monte Mafnas - Mr. and Mrs. Orlino expressed interest on this property but in actuality we already have a lease with the other family.

Commissioner Michael Borja - But they never signed it.

Administrative Director Monte Mafnas - They never signed it.

Commissioner Michael Borja - So it's never been executed.

Administrative Director Monte Mafnas - Never been executed.

Commissioner Michael Borja - What happened?

Administrative Director Monte Mafnas - I can't answer that but in all fairness I wanted..(interrupted).

Commissioner Michael Borja - How long ago was that?

Administrative Director Monte Mafnas - Three, four years ago.

Vice-Chairman David Matanane - I think it's fair that we try and contact whoever that piece of property has been assigned to.

Administrative Director Monte Mafnas - Yeah.

Vice-Chairman David Matanane - If whether it's signed or not but we like to see what's their sentiments.

Administrative Director Monte Mafnas - But also please be mindful that there are other interests prior to the Orlinos but they've been very consistent in getting their acre and rightfully so because their mother has a 95 application and Mr. Danny Orlino has a 98 or 97 application and we all know we are addressing 1995 as we speak. We must engage in that our due diligently.

Commissioner Rita Franquez - Even if it's not signed?

Administrative Director Monte Mafnas - No but we must take care of all the 95 applicants first because they have been unfortunately bypassed.

Commissioner Michael Borja - I don't know I mean I think the thing to do with the person who the lease was originally written out to as a notification they're gone you know because you failed to execute within a reasonable amount of time and just letting you know it's not there anymore. Annd they haven't done anything to the land right?

Administrative Director Monte Mafnas - No they have called.

Commissioner Michael Borja - Those people who didn't sign have called?

Administrative Director Monte Mafnas - That's right they called me and that's why I wanted to bring this to the Board.

Commissioner Michael Borja - But now they want it back again?

Administrative Director Monte Mafnas - They want it.

Commissioner Rita Franquez - So why did they call without ever signing the original application?

Administrative Director Monte Mafnas - I can't answer that because I've asked them to come and meet with me to explain what the story is all about but they have not yet met with me. But they did call and he's saying I want this property. So I want to prevent any misunderstanding, any duplication of efforts or awarding the same property twice. We just can't do this anymore.

Commissioner Rita Franquez - But it was never signed.

Commissioner Amanda Santos - They didn't show up for three years.

Acting Chairman Oscar Calvo - But they knew that they have been given this piece of property and you gave them that call already the courtesy call for them to come and for them to it's really their responsibility now because we did our part.

Administrative Director Monte Mafnas - That's correct partially because do they know that we called them? I don't know.

Commissioner Michael Borja - Well that's another thing when a person is awarded a land and the contract or the lease is available how are they usually notified? Are they given a certified letter notifying them?

Administrative Director Monte Mafnas - No they're called to come.

Commissioner Michael Borja - They're just called so we don't really have any formal record to show that they have been notified.

Administrative Director Monte Mafnas - Correct.

Acting Chairman Oscar Calvo - Maybe this is how we can do this Mike is maybe you can try to call them back and you know I'm pretty sure you do put the date the time or whatever that you called that they have to meet a certain day that they have to come in to settle this dispute once and for all that way it's afforded the opportunity to them and then make follow up. Let's say hypothetically that we give them on Wednesday and they do not give the follow up phone call on a day or two that remember that Mrs. So and So you got a meeting with me today or tomorrow for that matter I think that would be more aggressively that way we're..(interrupted).

Commissioner Michael Borja - And you know the Commission does have monthly meetings too. I mean we have an open period for people to come and talk if they have outstanding issues they need to bring up I mean that's if they were interested I think.

Administrative Director Monte Mafnas - If you would like Mr. and Mrs. Orlino is here if you want to listen to them.

Anita Orlino - Anita Orlino I live in Barrigada. First and foremost you said that there's an applicant let's make it sweet and simple. If that applicant has done everything paid the fifty dollars applied December 1st 1995, I do not want to bother that person because I, my application is December 2nd 1995 number 236 that's been bypassed and I think overhauled I don't know. All I'm looking at is way back when I was following this I overheard that if you're from Barrigada you know first there's a lot available then you'll be first. I went and I did a tour myself and I even told my husband and he goes where are you going in this jungle I said just follow me and make sure that no one attacks me and I'll just do the and there's this one person who probably stated that he's from Dededo and they just gave him that lot there in Barrigada Heights. And right beside him are his four kids and I said wow that's nice. Like I said I waited patiently and I'm still waiting but then I told my husband I said lets go let's give it a last try. I'm just asking if there's any..(interrupted).

Acting Chairman Oscar Calvo - I want to ask you Mrs. Orlino, you have an application right?

Anita Orlino - Yes.

Acting Chairman Oscar Calvo - And that's 95 application right just so we can clear the..(interrupted).

Anita Orlino - Yes, December 2nd 1995 its number 236 and I've gone into that WatchDog, Guam WatchDog.com I've seen applicants back like in 1996 even up to 2005 they got the land and everything that's what disturbed me that's why.

Administrative Director Monte Mafnas - I just want to qualify that statement Mrs. Orlino, when you said that application is December 2nd 1995, is it your name?

Anita Orlino - No.

Administrative Director Monte Mafnas - Okay. So who's name is it?

Anita Orlino - My mothers.

Administrative Director Monte Mafnas - Okay I just wanted to be clear on the record.

Anita Orlino - Because I have a record but never for once have they called her, nothing. Then I went into her own application in which it's agriculture we're asking and I went in again and I checked there's other people like I said after 95 also after 97, 98, 99 and I know because I have relatives who come to me and tell me oh we got it. I said what did you get? When did you apply? On this date I said oh that's good for you.

Acting Chairman Oscar Calvo - Mrs. Orlino you're actually claiming for your mom's estate basically.

Anita Orlino - Yes 1995.

Acting Chairman Oscar Calvo - I just want to caution you and let you know that when you do claim this estate okay you have siblings your brothers and sisters for that matter okay, remember they also have rights to that to your mothers. If your mother did not leave any whoever is going to be the inheritance to that piece of property.

Administrative Director Monte Mafnas - Beneficiary.

Acting Chairman Oscar Calvo - Beneficiary.

Anita Orlino - Well maybe you can look into the application.

Acting Chairman Oscar Calvo - The beneficiary yeah to pass it on to the next.

Anita Orlino - Yeah I understand that I understand.

Acting Chairman Oscar Calvo - So just to clear that issue is because if your sister or your uncle or your brother whatever for that matter okay that's to find out..(interrupted).

Anita Orlino - My uncle?

Acting Chairman Oscar Calvo - No, no I'm saying you have siblings right?

Anita Orlino - Yes.

Acting Chairman Oscar Calvo - So if anyone of your siblings decides that hey my sister is claiming my mom's okay.

Anita Orlino - Oh to challenge it you mean.

Acting Chairman Oscar Calvo - Yeah to challenge it.

Anita Orlino - Oh okay very well.

Acting Chairman Oscar Calvo - So to that extent to that degree we would need from your siblings that they have no claims to that piece of property.

Anita Orlino - Okay.

Acting Chairman Oscar Calvo - That is one because I don't because we have cases like that I'll tell you right now which we have families coming out now because my mother told me. One last week on the last board meeting he's claiming on that issue. So just so we clarify that issue is you got to make that notion and cleared to your siblings that hey I'm applying for momma's piece of property for that matter okay. You need to get the clearance because they have the same rights in reality they have the same rights.

Anita Orlino - Oh no doubt I believe you because I know but the thing here is it wasn't clarified at the onset that you know if I could get that written thing. I've been told because you know I know things, they know things but if they had told me that that would have been taken care of but there's no such thing.

Acting Chairman Oscar Calvo - We need that to clarify that issue because you would need to clear and air out that anyone of your siblings your brother or sister have no interest to momma's estate. It has to be in writing and it has to be a notarized. And the thing with that because we have problems like that right now is who really has the right to the piece of property. Because in reality you have the right, your sister has the right, your brother has the right because your mom did not put as the beneficiary that you are going to be the one holding that piece of property. Because if they come in today or tomorrow and say Monte what's this Monte, that's my mother too, that's my mother. So I just want to clear that dispute because we have those problems and like I said we had one on our last board meeting for that same simple reason.

Anita Orlino - So that was just discovered.

Acting Chairman Oscar Calvo - And I wanted to air that to you so to make that yes it may be under your mother's name and you're claiming for your mother's name for that matter okay and that's fine you have every right but you have to air that out with your brothers and

sisters too because they can challenge that and say you know what gave her that right to claim momma's piece of property? So I just want to make that clear to your thoughts and that you need that they have no claims to that estate of your mom and that they would have to sign a waiver to that piece of property and also has to be notarized.

Anita Orlino - Okay my mother waited she was bypassed I was with her there's no such thing in the book nothing ever that she has been called okay. Now let's come to our application, we were bypassed also because there are some indeed 98, 99, 2000, I don't know who's at fault, I'm not pointing no finger but it's also the same thing bypassed.

Commissioner Rita Franquez - On a different lot?

Anita Orlino - Different lot? No it's different applications. Yes there's two applications, one my mom that I took over and the other one is our application it's all agricultural it's not residential.

Administrative Director Monte Mafnas - In different order is what she's saying.

Acting Chairman Oscar Calvo - But the application is in the two of you right?

Anita Orlino - No, my husbands and I know under some there are well that husband and wife can't have two separate apps I know that.

Acting Chairman Oscar Calvo - Exactly, I just want to put that to you. The rational part of that Mrs. Orlino okay let's say hypothetically that you do be granted that piece of property that you're alluding for your mom okay and he's having a piece of property that piece of property will be transferred to your name okay that's where the problem that you're going to lie to because you can only have one. You stake claim to your mom's property and then if hypothetically they approve Dan's okay you being husband and wife you can't have that. That's what I'm trying to say.

Anita Orlino - But we can transfer it to one of our children right?

Acting Chairman Oscar Calvo - Yeah you can transfer that.

Anita Orlino - Because I've seen a lot who say they gave them one app and like I said next door its four children. Did they apply all the same time? The reason why I didn't apply is because my children were still minors. But by the time they became of age there's no more you know land they tell me you have to apply so I figured out one is enough. If they could grant me my mom then we could you know relinquish the other either way. You know we're all like fishing and you know it's not, we're fishing in a clean way.

Acting Chairman Oscar Calvo - And that's good but I just wanted to clear that portion.

Anita Orlino - But no one has ever told me that, no one has ever told me that that I have to get like a waiver from each sibling.

Acting Chairman Oscar Calvo - Because that's what's been happening in the past and we're preventing that.

Vice-Chairman David Matanane - They didn't get any waiver, the family in itself is fighting for that piece of property the siblings and to top it off the mother when she's still coherent issued out or I don't if it's for a fact whether she was coherent or not when she issued out a power of attorney. And when you have a power of attorney that means that when the mother's not there that person is in place of the mother and she can do any transaction that the mother would do.

Administrative Director Monte Mafnas - Basically what the Board is saying Mrs. Orlino is we want to do this the correct legal way.

Vice-Chairman David Matanane - Correctly and above like other people say under the table we are doing it..(interrupted).

Anita Orlino - Trust me you are cleaning house.

Acting Chairman Oscar Calvo - Yes exactly.

Anita Orlino - You're cleaning house and it just so happened that when I came along and that is good. Let's all clean house but let's come back to the Watch Dog.

Commissioner Rita Franquez - What is the date of your application?

Anita Orlino - More likely it's in record I thinks it's 97 of June 1997 but my mom's 95. Today I want exactly if could produce fifteen waivers tomorrow what's going to happen that that thing will be expedited?

Administrative Director Monte Mafnas - In terms of the application yes you will be the sole beneficiary now it would be up to the Board to decide on the property as the subject is listed here. But yes we have our fiduciary responsibility to show you three properties and hopefully you accept those properties.

Anita Orlino - Okay.

Vice-Chairman David Matanane - There's only three time I believe if you deny it the properties that's been showed over to you then you go back down the line to the bottom.

Anita Orlino - Yeah I understand that I've seen others that I was there at the meeting at the Mayor's Council and I asked him I said oh no I don't like my neighbor can I change, sure enough the following week he's on another land and he abandoned that so that's okay.

Vice-Chairman David Matanane - Did it happen in this Board ma'am?

Anita Orlino - No I know this is a new Board I'm not pointing fingers at anyone please.

Administrative Director Monte Mafnas - Mrs. Orlino can you enlighten us you stated that your property, your parent's property, your parents parent's property is located or now known as the GCC Guam Community College. Can you enlighten us about that? I think it deserves air time.

Anita Orlino - Yes back in 1999 I believe my mom was still alive after the Federal the US Department of Education no longer it's underutilized that land no longer needs it they gave it out over to GCC and it comprised of like about three hundred some acres and at that time and I have the clippings where Underwood you know and I think Governor Ada..(interrupted).

Administrative Director Monte Mafnas - Three hundred acres that's a lot of land.

Anita Orlino - Yes comprised of three hundred that's under GCC right. Not only me but there's other original land owners there and you know if that's returned to us I will come in here and I would ask for those applications that I have submitted to be you know no longer needed, null and void. I don't need it. But until such time I'm just like any other people and there are some other people that are not entitled to the Chamorro Land Trust whom are occupying and making a lot of money. I can do it too. But present all I want is that one acre that I applied for and you know let's be fair.

Acting Chairman Oscar Calvo - And we want to do fairness but like I said we want to do the right and that's why I brought that..(interrupted).

Anita Orlino - If GCC and I believe if there's a legislation on that it could be because it's Government to Government already. They're holding that lot. What for? I don't know but I sure wish that if I'm on camera and they see me you know just give it back. How can you sleep soundly when it's not yours? Give it back.

Vice-Chairman David Matanane - Aren't you the Chairwoman for the Ancestral Lands?

Anita Orlino - I'm here in my hat as an applicant, I took off my hat. Anyways that's all I'm asking so today or tomorrow for example there's fifteen of us so you need fifteen waivers?

Acting Chairman Oscar Calvo - Exactly.

Anita Orlino - Okay how about those that passed on? I have six that passed on.

Vice-Chairman David Matanane - And if you've known of any other siblings that is not known please try to..(interrupted).

Anita Orlino - Not known? I don't know.

Administrative Director Monte Mafnas - So we need nine, if you take fifteen minus six you have nine.

Acting Chairman Oscar Calvo - Because the living ones are basically because and this can do a back step too Monte because the ones that's dead..(interrupted).

Administrative Director Monte Mafnas - No I would think not because the chain is..(interrupted).

Anita Orlino - That's not their mother, that's not their mother, that's my mother.

Acting Chairman Oscar Calvo - Yeah.

Administrative Director Monte Mafnas - They're on a different level their heirs to the heirs of the estate.

Acting Chairman Oscar Calvo - If you can get them to write that they're waiving your mom's you know their rights that they're giving this piece of property to you that they are willing to do that and also have that also certified I mean not certified, notary rather I take it back. Okay?

Anita Orlino - They didn't tell me that in the beginning now I'm getting a headache because I have to send it to Kentucky, send it to Florida.

Administrative Director Monte Mafnas - There's certified mail, there's FedEX, there's DHL.

Acting Chairman Oscar Calvo - You need to call them and tell them sisters and brothers can you fill this out for mom's piece of property are you're interested. If they say yes all it takes is just one to change the link.

Anita Orlino - Okay for the record if you could put it in can I do like a letter, waiver and put one to nine and in one letter and submit it?

Acting Chairman Oscar Calvo - No I would rather preferably individual yeah.

Vice-Chairman David Matanane - Because you can't notarize have all nine in one place to notarize.

Acting Chairman Oscar Calvo - Cannot.

Anita Orlino - Well they could have an attachment.

Vice-Chairman David Matanane - The notary won't notarize that if that person is not there.

Anita Orlino - Okay.

Acting Chairman Oscar Calvo - It has to be the person present.

Administrative Director Monte Mafnas - Please understand Mrs. Orlino this is a protection for you too because they can also litigate against you. Why are you the sole benefactor when there's other siblings? So it protects you too.

Anita Orlino - Okay can I just ask you I know you might say never mind about the others but have you had a case, this in record?

Vice-Chairman David Matanane - We have.

Acting Chairman Oscar Calvo - We have.

Anita Orlino - And it's been cleared?

Acting Chairman Oscar Calvo - Yeah.

Vice-Chairman David Matanane - We're trying to.

Acting Chairman Oscar Calvo - Trying to.

Anita Orlino - Oh, it's not cleared yet you're just trying to clear so okay.

Vice-Chairman David Matanane - That's why we have a big headache too.

Anita Orlino - Oh no my headache went away.

Commissioner Michael Borja - Well a dispute within the family that they have to sort it out before they can come back.

Vice-Chairman David Matanane - Yeah the dispute.

Anita Orlino - Have you processed any 98 applicants yet?

Administrative Director Monte Mafnas - Not on this watch.

Acting Chairman Oscar Calvo - No none.

Anita Orlino - Oh okay.

Administrative Director Monte Mafnas - We are beginning at 95 and we are going to proceed with 95 until it's finished then we're going to go to 96 until it's finished, 97 till it's finished and 98.

Anita Orlino - But it wasn't fair for those others that got it before me even our application.

Administrative Director Monte Mafnas - I agree a hundred percent but is it fair for me to entertain your application and pass a 95?

Anita Orlino - For the 97, no.

Administrative Director Monte Mafnas - How about the 95 and the 96?

Anita Orlino - No because even my own cousin she applied in 98 and she received her land but it's okay because she's my cousin.

Acting Chairman Oscar Calvo - I'll give you an example, BJ sent us to Joe I think about fifteen or twenty names and BJ asked why is 98 being passed? I said BJ look at it, who signed it off? 95 weren't signed but keep in mind politics played in those days. I don't play politics on this one. Okay so I just wanted to air that portion. Yeah it's not fair for a 95, 94 application getting a 98 but you know back then and I don't agree to that issue.

Anita Orlino - Okay I'm going to ask you what's the guarantee if I get all the nine waivers and all of them sign and bring it in what do I get?

Administrative Director Monte Mafnas - I will personally address it and we can work on it every day, every day until we find something.

Vice-Chairman David Matanane - Monte will have to check from 1 to 285 is that your number? Monte will check number one.

Administrative Director Monte Mafnas - I have the database by the way.

Vice-Chairman David Matanane - Yeah but this is the procedure I guess that we're trying to impose is 1 to 285 if there's one 284 he has to entertain 284 before you. You understand where I'm coming from?

Anita Orlino - Oh yeah.

Vice-Chairman David Matanane - Okay so we understand. Monte will have to check all the names from the first one until he gets to your number and if there's a person there before you he has to entertain that one first before you. Right? Isn't that fair?

Anita Orlino - Oh yes.

Administrative Director Monte Mafnas - And you know that's my marching notice now okay.

Anita Orlino - Thank you.

(Continuation of New Business, Item No. 4 - Agafayan Incorporated)
Administrative Director Monte Mafnas - Do you want to Director's or do you want to go back?

Commissioner Michael Borja - No we got to go back.

Commissioner Rita Franquez - Which one?

Administrative Director Monte Mafnas - To Agfayan Incorporated.

Acting Chairman Oscar Calvo - On that Agfayan I'd like to have a, can we hold that on our meeting I know it's on the agenda I need to..(interrupted).

Administrative Director Monte Mafnas - Okay so noted.

Acting Chairman Oscar Calvo - Yeah we got to hold that one.

Administrative Director Monte Mafnas - Sure you're the Chairman.

Commissioner Michael Borja - What do you want to do?

Acting Chairman Oscar Calvo - Actually adjourn for that one.

Vice-Chairman David Matanane - Table it.

Commissioner Rita Franquez - So you're going to table Agfayan?

Acting Chairman Oscar Calvo - Yeah we'll table it.

Administrative Director Monte Mafnas - Do you want to have the President present his case and then table? Or tabled out?

Commissioner Michael Borja - Yeah he's been sitting here the whole time.

Acting Chairman Oscar Calvo - Actually if he wants to sit down but I still need to..(interrupted).

Administrative Director Monte Mafnas - Unofficially.

Acting Chairman Oscar Calvo - Yeah unofficially but we can't take any.

Administrative Director Monte Mafnas - Okay so let's just table it.

Acting Chairman Oscar Calvo - Yeah just table it okay.

VII. DIRECTOR'S REPORT

1. GTA

Administrative Director Monte Mafnas - I'm investigating all GTA premises simply because I think they need to pay real estate taxes, real property taxes, that's it. As we know GTA used to be Government and whatever the document conveying the sale of GTA included parcels so there's no lease to my knowledge other than one questionable license probably

a lease in Merizo but I think that all the property has been conveyed to GTA so the only thing to do is to bill them for real property taxes pursuant to that transaction.

2. USDA SUTTA program

Administrative Director Monte Mafnas - USDA is United States Department of Agriculture and they were here and they presented what is called the SUTTA program whereas it's for aboriginal rights area and the Pacific Islands is qualified here. It's to enable us to be recognized and identified as a participant and it is only that that they came forth. But the funding if and when it's approved and documented and proceeded to be close is for infrastructure and telecommunication and other necessities but what this enables us is to request for infrastructure loans and the beautiful thing about is to two fold. One it's pegged at two percent interest for the life of the loan and the term of the loan is forty years with viability of extending the loan for a period of fifty years so that is a. B, there's grants that would take this loan to the next level. Grants that can be written by well Guam DOE supervisor Mr. Ike Santos volunteered him and his staff to write grants for Chamorro Land Trust so we can identify grants to help process the loan for planning purposes and getting the loan for infrastructure purposes. In addition to that they want to work with us about building schools. As you know most schools now are on Chamorro Land Trust properties and I'm not so sure but I think..(interrupted).

Acting Chairman Oscar Calvo - I think they're trying to build another three or four schools.

Administrative Director Monte Mafnas - Correct.

Commissioner Rita Franquez - Charge Department of Education.

3. Mineral rights

Administrative Director Monte Mafnas - I wanted to also number three ask the Board there's been an offer verbally for mineral rights in one of our lots and I welcome the offer but I immediately told this person representing the company that we're going to need a request for proposal to be fair to any and all vendors and my idea on that is he left, he wasn't too happy about that.

Commissioner Rita Franquez - Where?

Administrative Director Monte Mafnas - In Mangilao, yeah it's one of the CLTC's properties. But my idea and I want the Board to think about this is to have the RFP and identify the highest bidder. Let's say he offers fifty cents per cubic yard and let's say that the highest bidder is two fifty a cubic yard then therefore I would like for us to go back to the highest bidder and say we will give you a discounted rate provided you give us an upfront payment number one. Number two, that he identifies a timeline so it's not an open ended contract so he has his fiduciary responsibility to take out the minerals in a certain defined timeline. But if we negotiate those terms and conditions I think we can realize seed money for infrastructure up to four million dollars. That's a quick analysis of the offer and the site and we can take that four million dollars and present it to USDA because that's twenty percent financing so we could get a hundred percent financing to take the four million and we get

about five million dollars. So we can take the five million dollars in addition to the four so about ten million dollars. So whatever the twenty percent is then we get eighty percent of that to put in infrastructure and the site I would suggest would be 9210, Mr. Chairman knows this area. It is all residential lots and it's not too far from a sewer line well I'm not I can't quantify that statement. I do know that it's fairly close to Anderson Air Force Base but the key is where can we tap in because it's not too far if its right outside the gate but it's fairly far if the manhole is over at Emsley Street. Now I'm hoping that it's right outside the fence because that's what I heard it to be. But we have hundreds of lots there as the Chairman and Vice-Chairman know. And some of them are really nice homes so we could showcase that area that this is the first seed money in development infrastructure and look at these homes it's on a..(interrupted).

Acting Chairman Oscar Calvo - It's about a quarter acre.

Administrative Director Monte Mafnas - A quarter acre, hundred by hundred, nine hundred twenty nine square meters so that could be our first pilot program for infrastructure.

Acting Chairman Oscar Calvo - If we get that lets say we do get the, agree to that money in terms to that and contract and like you said on a timeline you know whether it be five years maybe I don't know how long it will for them to take the minerals whatever that needs to be done that the upfront of that payment is nonrefundable to their part too. It's got to be sticking to that portion because you know if they opt to go in two to three years and whatever damages to the property that's not been cleared or done properly I don't want us to be stuck to that kind of issues. But I think I think what we need is for them Monte interested party is to bring them here on a round table and let them let us hear their, what their ultimate plans to those issues.

Administrative Director Monte Mafnas - Well if we have an RFP request for proposal that will clearly define who's the highest bidder. If we bring everybody here to negotiate it's not, I don't think it would be fair to negotiate as a group. I think it's fair to negotiate to the highest bidder or one to one basis. But I'd rather protect ourselves by doing the RFP and with that person that company identified let's negotiate with that company.

Acting Chairman Oscar Calvo - I mean if he's the only one that applied for it good for him.

Administrative Director Monte Mafnas - Yeah if he's the only then so be it.

Acting Chairman Oscar Calvo - But that's bad if it's only one.

Administrative Director Monte Mafnas - No because the RFP is a public..(interrupted).

Acting Chairman Oscar Calvo - No I know but I'm saying at the end of the day you know if only one submitted.

Administrative Director Monte Mafnas - You don't have too much leverage there but if there's two or three let's start with the highest and then go down and down and down you know but at least go through that exercise. I'm just trying to find seed money for us to build.

Commissioner Rita Franquez - In that case then I would say charge high because you know that the military is proposing to sink down 22 wells. You know what that's going to do to our infrastructure? Pretty soon water is going to be more expensive than gas and it's bad enough. So plan for it that water is going to be an exhaustible commodity. Saipan has already gone through that and I even had some inquiries into my land because they want to experiment with desalination. They're preparing for the day when Guam's water will be salinated I mean it will be salty. And I know that there's one place well there's one place not too far from here that had a lease for a long time and they are making millions on it and yet it went very cheap because it happened at a very cheap time when it was one of those 99 year leases for a nominal amount so I'd say water is a very expensive commodity. It'll be to Guam almost like an absolute like you have to bring it in so charge high and make it count because it's only going to happen once.

Administrative Director Monte Mafnas - I appreciate those words of wisdom Commissioner Franquez, I take that under advisement, I appreciate that. I really like especially the thought of asking high. It's easier to ask high than to go down then to ask high and go up.

Commissioner Rita Franquez - Charge for the value of what you have not what you think. Just be careful that when you do have a sale that you're going to be satisfied with it rather than have regrets because you didn't charge anywhere near the value of that property. Water is going to be very expensive in the future more so than gas.

Acting Chairman Oscar Calvo - Whatever you calculate on that lots that we figure out that we can enhance ...(interrupted).

Administrative Director Monte Mafnas - Because at two million dollars and we get a ten million dollar loan we have eight million to play with. Okay that's twenty percent of our contribution to the loan. We get ten million dollars we get eighty percent back so we have eight million dollars to work with. Now that's a nice piece of change. We should be able to put some infrastructure. I don't know the terms of linear feet at this point in time but sewer is expensive but we should put water and sewer at the same time you know.

Acting Chairman Oscar Calvo - Because I know that when we because I've been in there about maybe two, three times I've gone in there with Joe Borja and Jesse and twice with Joe Borja up there in that but those are all quarter acre piece of properties and there's road there but mostly it's really dirt roads.

Administrative Director Monte Mafnas - There's some nice houses in there.

Acting Chairman Oscar Calvo - Yeah there's some nice houses in there.

Administrative Director Monte Mafnas - I'll be a good showcase for us.

Vice-Chairman David Matanane - You know Mr. Chair I believe it needs to be the Director himself is asking for permission and with the consensus of us to go ahead and pursue and do whatever it is and then report to us and then maybe we should have some dollars.

Acting Chairman Oscar Calvo - That's why I said just go ahead and do the math.

Vice-Chairman David Matanane - Can we, do we agree? I would agree to have Mr. Mafnas to pursue those items that needs pursuing so we can realize some money into the Chamorro Land Trust. Show of hands if we agree and let the Director pursue what he was stating about you know trying to get some money in to Chamorro Land Trust so we can do our infrastructure.

Commissioner Rita Franquez - But make it high.

Acting Chairman Oscar Calvo - Well yeah.

Administrative Director Monte Mafnas - I know how to do that.

Acting Chairman Oscar Calvo - So be it passed, everybody in favor right?

Commissioner Michael Borja - Second.

Acting Chairman Oscar Calvo - He second it.

There were no objections, MOTION PASSED.

4. Paradise Estates

Administrative Director Monte Mafnas - I've identified Paradise Estates that they have been occupying Chamorro Land Trust property either them or the contractor we don't care. All we want to do is be fair and get paid what's due us. So I don't have the math yet simply because I'm trying to identify the size of the encroachment. The size of being used the property being used.

Commissioner Rita Franquez - Do you have pictures?

Administrative Director Monte Mafnas - I have a lot of pictures.

Commissioner Michael Borja - Are they responding?

Administrative Director Monte Mafnas - Yes the project manager told me that the CEO for this and that and this and that this and this is going to resolve it with us amicably or preferably with me.

Commissioner Michael Borja - Who's the CEO?

Administrative Director Monte Mafnas - Mr. Eduardo G. Camacho.

Commissioner Michael Borja - Oh the old man.

Administrative Director Monte Mafnas - The old man who happens to be my Godfather.

Vice-Chairman David Matanane - Please do pursue.

Administrative Director Monte Mafnas - That's it.

Vice-Chairman David Matanane - We can have that and thank you for looking out for things that will provide CLTC...(interrupted).

Commissioner Michael Borja - Where are you digging these guys these problems out?

Vice-Chairman David Matanane - Isn't he doing a good job?

Commissioner Michael Borja - You must have a monster in the back with a lot of problems.

Vice-Chairman David Matanane - Isn't he doing a good job?

Commissioner Michael Borja - Yes he is.

Administrative Director Monte Mafnas - Either that or I have too much time I'm not doing anything.

Acting Chairman Oscar Calvo - Believe me I've worked with Mr. Monte diligently and on many occasions and I make it a point to see him like maybe once or twice a week and we discuss and follow through on issues that we need to go through so I know he's been and actually we're adjourned already.

Commissioner Rita Franquez - Oh.

Commissioner Michael Borja - We are?

Acting Chairman Oscar Calvo - Anymore?

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

IX. <u>ADJOURNMENT</u> - Meeting adjourned at 4:21pm.

Transcribed by: Teresa Topasna: Teresa Topasna Date completed: June 1, 2011

Approved by Board motion in meeting of: June 16, 2011

Administrative Director, Monte Mafnas: Monte Mafnas Date: 6-16-11

Chairman (Acting), Oscar Calvo: _____ Date: 6-16-11