Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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David J. Matanane
Vice-Chairman

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, October 17, 2013; 1:10pm – 2:54pm

I. CALL TO ORDER
Meeting was called to order at 1:10pm by Acting Chairman Michael Borja.

II. ROLL CALL
Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos, Legal Counsel Robert Cruz and Acting Director David Camacho.

III. APPROVAL OF MINUTES (September 19, 2013)
Vice-Chairman David Matanane cited the correction on page 17, 3rd line to read Acting Director David Camacho instead of Acting Director David Matanane.

Vice-Chairman David Matanane moved to approve the minutes of September 19, 2013 subject to corrections. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS – None.

V. OLD BUSINESS – None.

VI. NEW BUSINESS

1. Spa Bali – Request to license Alupat Island for spa operations

Daniel Bradley – Good Afternoon gentlemen and ladies. My name is Daniel Bradley and I'm from a company, a Guam corporation Melasti Spas. We do business currently on Guam as Spa Bali. We also operate four resort based spas in Bali Indonesia as well. We've been in business on Guam since 2004. We've been in business in Indonesia since 2002. I've been a resident of Guam since 1963 so I guess I'm a Chammaolie. Our company is interested in obtaining a license to operate on Alupat Island in Tamuning in the Alupang area. We had been planning for a number of years to design the world's truly first eco spa. When I say eco spa I mean we're totally off the grid, non-polluting. We don't take anything from infrastructure, from the Government infrastructure and we don't put anything back; waste effluent or other materials. Any electricity that would be used on the island would be generated from renewable resources; solar power, possibly wind power. Any waste materials generated on the island would be handled by modern technological self-composting units. For instance toilets, there's technology within the last five or six years where you can have a toilet that uses no water.

It produces absolutely no contamination or discharge into the environment. We've been researching as I said for about three to five years on these systems. Air conditioning, we can air condition a 15 by 15 foot room with four solar panels and two batteries nowadays with the new technology and air conditioning. Ten years ago that was impossible. So these elements I believe we have copies for you of some of the actual physical technology items that we would be looking at to use. On the island itself we envision following guidelines established or Chamorro culture would be the identity of the facility itself. Buildings, we look to erect about eight temporary wooden buildings on elevated footings. In other words we wouldn't be digging into the ground to establish foundations. We wouldn't be putting cement we would do a building actually the way the old time people did. They didn't have cement foundations up until probably World War II. So we know that kind of thing works and the vision presentation of the facility would have a strong Chamorro identity. Also the activities on the island besides operating a spa facility and this spa facility would provide services that we currently provide to the tourist and local people of Guam, massages, body scrubs, hair treatments and things like that. But besides these treatments we would also want to establish a demonstration area of suruhanu and suruhana, herbal medicines and herbal treatments that have been passed down for many generations from the people of Guam. So this facility wouldn't be totally a commercial facility to provide the services to the tourists and residents it would also be a presentation of culture. Our expertise, I used to be a special consultant for Tom Gottlieb he was the founder and owner of Mandara Spas, the original founder and original owner. Under his guidance I contributed to building sixty spas around the world. All of these were in "exotic" destinations like Fiji and the Bahamas. I don't know if Las Vegas qualifies as exotic but that was one of the places also. These spas that we built, I built all the elements in Indonesia and in a knock down state and brought them to the destinations around the world and assembled them there. So we do have expertise in creating the physical plant and creating it in a way where it can be transported without a big problem. Some of the spas I was involved with especially in the Bahamas won awards as the world's most luxurious spa. In fact we built one, one year and two years later we built another one a mile down the road. Well we won the award the first time and then we beat ourselves on the second time so we got two of the awards. The reason I mention this is for benefits for Guam we can't promise huge employments, huge tax benefits with GRT. You know we're not a big corporation, we're not going to be doing a hundred million dollar worth of business but our experiences by designing something that is first and is truly a green enterprise and by the way this would be truly the world's first off the grid operation like that. We've researched, nobody else is doing it. The publicity benefits we've already been approached by people like National Geographic, the Discovery Channel, E Magazine on television. All of these people would love to come and do features on this type of operation especially since it's the world's first. The value for publicity for Guam and Guam's tourism business is conservatively five to six million dollars free publicity. We envision that, I know my wife who's my boss actually, the owner of the company; my wife tells me well you know where are you going to get customers? And I tell her well when we build something like this people will come to Guam for that. That's another reason to come to Guam. They won't come to Guam and then look at the brochure. Of course some will and then go to that facility but with the world wide publicity they would look at this facility and go where is this? It's in Guam, let's go to Guam it's the only place in world for this.

Acting Chairman Michael Borja – You're looking to try and obtain the lease for this island to be able to use it for this facility. I know in the records that you have for us today the Sheraton Hotel was using that facility and they have now allowed the lease to expire right, so now this has become available. I got a couple of questions sir, I just want to ask how would you transport people back and forth across?

Daniel Bradley – We have identified an electric powered small boats that draw three to four inches of water, have no propellers and no jet pumps either by the way. These are actually a paddle wheel type of thing, they run off electric motors that are charged by solar electricity. They carry possibly four passengers. In our operations now we run vans all through Tumon and Tamuning to pick up the customers. We have six passenger vans which are rarely full so we envision a four passenger boat to be adequate.

Acting Chairman Michael Borja – Now you talked about building something that's a little bit different it's not, you're not going to dig on the ground and put down a foundation, have you checked to ensure that your building can be built in accordance with the building codes of Guam?

Daniel Bradley – We have preliminarily. A wooden building can be built to meet the building codes of Guam. Primarily a hurricane eclipse, certain components that have to go into the structure to allow a wooden building to pass the code are available and we have looked at it.

Acting Chairman Michael Borja - Okay. How many total people do you think are going to be working out there?

Daniel Bradley – Our current operation which would probably be close we have fifteen people working for the company. At any given time in the actual plant maybe eight.

Acting Chairman Michael Borja – Okay so in this whole thing you plan to be completely off the grid. You're going to get your own water; you're going to generate your own electricity that's required.

Daniel Bradley – Yes. Our electricity requirements are very basic. We need an air conditioner, a light bulb and a fan for one of the, we have six treatment rooms, one reception area and one sanitation facility for toilets.

Vice-Chairman David Matanane – On your excess water let's say you have the spa after a ton of people taking the shower or your hot tub what would you do with your excess water or the plumbing?

Daniel Bradley – Yes very good question. In our current spa operations we feature bathes and showers as an important part of the treatment process however in this facility we will eliminate any bath tubs first because water is the hardest thing for us to produce and also the hardest thing for us to get rid of in an ecologically safe manner. So the most we would

do is we would have showers available. Our current operation is about I would say maybe five percent of our customers use the showers after a massage that translates into about three people a day. That amount of water would go into a treatment actually without electricity or anything just to separate out any oils that might be present because the oil is the worst thing to put into the environment. The soaps that we would use there are soaps available which are totally biodegradable and acceptable for discharge.

Vice-Chairman David Matanane – That's my concern is you would abide with all the environmental substance and not dump it out.

Daniel Bradley – No there will be no pipes that (interrupted).

Vice-Chairman David Matanane – You will have to go on the regulations okay. Another thing just to side step on this, Mr. Camacho do you know when they left that island the Premier Hotel have you checked?

Acting Director David Camacho – The expiration of the lease was on September 30, 2013.

Vice-Chairman David Matanane – Have they left it the same way as when they came in and utilized that place? We would like to check and see if there is any changes or left overs or whatever.

Acting Director David Camacho – I have no knowledge but I'll have someone check on it.

Vice-Chairman David Matanane – We need to do that and have they complied with all the lease agreement that we have before we even clear and accepted their termination of the five year lease? That was my concern and also for your excess water sir.

Daniel Bradley – Yes.

Vice-Chairman David Matanane – Because you said that you would be self-contained and not hurt the environment. As you know it's too small an island not as big as Guam. But you will be I guess the Environmental Protection will be checking on you daily huh?

Daniel Bradley – We would welcome them.

Vice-Chairman David Matanane – And that way you'll be most be alert about that.

Daniel Bradley – Certainly.

Vice-Chairman David Matanane – If you do spill, you know that if you spill something out there and we're trying to protect the environment and not fish at all over there for the native people that can't even fish there we're not going to put more into it and not be able to fish.

Daniel Bradley – One of the good things about our plan is these things that are important to the environment and important for the island of Guam are also very important for our image to present to the public for this facility. So it's not just the law that we would be striving to follow it's because if we don't have a flawless operation daily we're finished.

Vice-Chairman David Matanane – But I guess all I'm saying is we need to check this back because we're not just going to leave it like this as the other (interrupted).

Acting Chairman Michael Borja – We'll check the condition that it was left.

Vice-Chairman David Matanane – Yes before we really accept your proposal and then the condition of the lease will be promulgated when we check what we have and what we are, we might be encountering things in there before we give you the books. So I suggest we table this Mr. Chair until the next meeting.

Acting Chairman Michael Borja – Yes because I still have other specifications on this. Mrs. Santos do you have any comments?

Commissioner Amanda Santos – Yes we'll wait until the next meeting.

Acting Chairman Michael Borja – My concerns are for Legal Counsel and the Director, do we need to put any kind of RFP out to announce the available of this for a lease? I admire your plan here but I just want to make sure we stay within the law and not step out of bounds and expend money for nothing.

Acting Director David Camacho – I believe under the agreement that we did with GEDA on the commercial lease unless the Board agreed to give GEDA to handle the commercial lease yes we have to talk about it. But again on a license basis the Board could decide that.

Acting Chairman Michael Borja – Yes because this is such a small amount. I mean I can see on a larger scale where GEDA would be the one. Another question, do we need to get GEDA involved on this one? Guam Economic Development Authority, we have a memorandum of agreement with them where they will manage our commercial properties for us because we're not in the property management business. We just have the properties and they have the management. And so we have in the past and still continue to manage our own properties on certain basis but there are certain large scale ones that we need to get their help to do these things. So the questions I have are, do we need to put this up for an RFP and do we need to get GEDA involved? I think here I don't think it's something that we need to have GEDA involved. It will be for five years that's the requirement by law. If there's a need for beyond that or that it be greater because of the amount of the investment there are provisions within the law to get that extended but it has to be explained fully. But you know it doesn't end in five years you can come back and say I'd like another five years but we won't have to go through the process of putting out notices it's just because this is a whole new, the other license or other lease has ended and this is going to start up a new lease.

Vice-Chairman David Matanane – He's requesting for twenty but he can break it up in fives.

Daniel Bradley – I do have a question also, would it be possible for the Commission to give us official permission to inspect the island? We don't want to trespass or would we even require the permission since it's a public (interrupted).

Vice-Chairman David Matanane – I suggest that you have Mr. Camacho and yourself go there and inspect the property.

Acting Chairman Michael Borja – Or coordinate you know so that there can be a land inspector to go out with you because you're going to have to arrange transportation out there anyways and maybe perhaps we can get the Sheraton if they still have the availability to get back and forth to assist with that so that we can inspect it because of their termination.

Acting Director David Camacho – We'll set up an appointment for that.

Daniel Bradley – Okay it might work great if you do do a final inspection we would love to come along just to get our first look of the lay of the land.

Acting Director David Camacho – We'll set it up then we'll let you know to accompany the land agent out there.

Acting Chairman Michael Borja – Now can the Chamorro Land Trust put out this RFP or do we need to have GEDA to do it?

Acting Director David Camacho – Like I said there's two things if we're going to a license the Board can make that decision and give the individuals if you could go ahead on a yearly basis or maybe, Bob?

Legal Counsel Robert Cruz – The basic problem that the Commission faces is the original enabling legislation require there being rules in place before commercial leases can be issued. Although I understand they've been submitted several times they have not ever gotten out of the committee at the Legislature. So part of what GEDA is doing is looking at all of those previous submittals and all of the testimonies that have been given at these hearings and then try to put together and rewrite the rules again and give it another go. The other complications that fairly recently the legislature had passed a law that says that no commercial leases of Government land can be more than five years without their expressed permission. Those are fairly recent or they're recent developments and again GEDA hopefully would get us past the rules issues. Why Mr. Camacho is saying that the license might be possible is because that's not a lease then. It is possible to give that again not for a long term but for a use.

Daniel Bradley – Sure for operational use. We'd be fine from what I understand the license the previous tenant well it wouldn't even be a tenant the previous licensee those terms are fine with us. We don't technically or for any other reason need a commercial lease just permission to use and I think that agreement that was with Premier was pretty specific as far as separating the benefits that you would have from a lease that wouldn't be present in a license agreement and that would be fine with us.

Acting Chairman Michael Borja – So the recommendation is that we table this until the next meeting so we have the opportunity to inspect the land and at that time can we also then generate I guess if we can do a license without an RFP or if we have to do an RFP let's get that thing resolved and determine if we need to do it or not. If we don't then we can go ahead and proceed with it determining whether to give the license for Spa Bali okay. Any questions sir? So we're going to just table this till next month and look at it in the next month we'll bring it back up on the agenda so we can determine what the current property looks like if they'd done anything to it that needs to be fixed. If it's been spoiled in any way we don't want you to be taking over a spoiled piece of property without them fixing it up. My advice is we want to also make sure that we're proceeding with this properly okay.

Daniel Bradley – Yes sir.

Acting Chairman Michael Borja - But it looks like a great program that you have going and I wish you all the best when you get it off the ground.

Daniel Bradley – We'll keep our fingers crossed.

Acting Chairman Michael Borja – Alright thanks for coming today.

Daniel Bradley – Thank you very much.

Acting Chairman Michael Borja – So be in touch with Dave Camacho's office okay so you guys can coordinate to look at the inspection.

Daniel Bradley – Thank you for your time gentlemen and ladies.

2. Yvonne Guerrero – Submittal of farm plan

Yvonne Guerrero – My name is Yvonne Guerrero and I'm here today in continuance from the last meeting in regards to trying to continue the farming on the land that my father has been occupying. I did submit a farm plan. These are pretty much these were the intentions that I'll be doing on the farm. I would like to ask the Commission if they would consider that as a beneficiary of Mr. DeSoto that I continue to do the farming on the land at least ten acres at least. The reason why I choose ten acres is because that is pretty much where all the development is. It's pretty much on ten acres.

Acting Chairman Michael Borja – What was the original size? It's always been ten acres right?

Yvonne Guerrero – No actually it was twenty plus, originally twenty, twenty-five I believe.

Acting Director David Camacho – Twenty acres.

Acting Chairman Michael Borja – And this was something that was, you mentioned last month at the meeting that the property has been with the family since your grandmother.

Yvonne Guerrero – Yes.

Acting Chairman Michael Borja – So you're the third generation.

Yvonne Guerrero – Yes.

Acting Chairman Michael Borja – And this was leased out under what type of lease would this have been?

Acting Director David Camacho – Agriculture.

Acting Chairman Michael Borja – Agriculture, but it wasn't under the Chamorro Land Trust.

Acting Director David Camacho – It's under the Chamorro Land Trust.

Acting Chairman Michael Borja – Why? Did it convert, I mean how did her grandmother have it, we haven't been in operation that long?

Acting Director David Camacho – No the lease agreement was done by Chamorro Land Trust way back.

Acting Chairman Michael Borja – Okay.

Acting Director David Camacho – It was given to the father Ivan DeSoto.

Acting Chairman Michael Borja – Okay but the family had been using that property prior to that? Is that what you're saying? Before it became part of the Chamorro Land Trust.

Acting Director David Camacho – What we have on record is that it was leased out to Ivan DeSoto.

Acting Chairman Michael Borja – Okay, alright. So the original size was twenty acres and what we're looking here is ten. Some of the things that we require you know for folks who are doing the farming is obviously this farm plan. Some of the things too is you've mentioned here you're going to work with various Government agencies like University of Guam and Department of Agriculture. There is a, what is that thing that the farmers get, a certified (interrupted).

Acting Director David Camacho – Certification for farmers.

Acting Chairman Michael Borja – Farmer's certification so that would also be one of the things but you know what we have been looking at was a reduction in size because it had not been utilized for a number of years and obviously because your father had become ill and then he had passed away. Just to be on a same playing field with others what we have determined in the past with other applicants is the size of the property. While they've come in saying they'd like twenty acres we say well can you start with five and show us what you can do and then we can work with you on increasing that once you've gone further. We've had all kinds of people come in for farming applications those who you know are farmers for life and those who are farmers that actually have a commercial kind of farming activity going on as well and that's a whole different ball game than what you are looking at. But there are different levels of farming and I'm not trying to say you're not going to farm but I just want to let you know that in order to preserve the size of the land to be equal among all the people we try to look at doing something that's fair to everyone. I know we're going from twenty to ten. I'm not trying to reduce it down to five but that's what we have done in the past for some folks. Now if you guys are in agreement to go from twenty to ten and you're Mrs. Guerrero are in agreement to go from twenty to ten I'm not going to have any issues with that. Although I just want to let you know that in the past and probably the next individual is going to say well let me have my ten acres too and that's the whole issue that we have. But in your case we're reducing the current property size. In new cases we're starting smaller and allowing them to get bigger once they show the capability of doing so. But the Chamorro Land Trust is going to be continuing to looking at all the properties it's not like they're going to come back to you next year or the year after I mean they were trying to assess so we can get certain properties that have been out there that's not being used and get them utilized by others that have been waiting on the list for quite a long time and that's what had happened here and I think that's how it came to surface with you. Dave is there any issues on this, Mr. Matanane?

Vice-Chairman David Matanane – Is there any problems of reducing it down?

Acting Chairman Michael Borja – From twenty to ten I mean that's what we're looking at right now. The original is twenty right?

Vice-Chairman David Matanane – And the fairness of it too because we have seen others that we have reduced drastically because of the un-utilization of the property. So while you have no problems with the ten you won't have any problems of five, Mr. Chair?

Legal Counsel Robert Cruz - Was your father farming commercially? Did he raise crops and sow?

Yvonne Guerrero – Yes he did and for personal use also.

Legal Counsel Robert Cruz – For I mean a long time was he actually.

Yvonne Guerrero – Yes he was.

Legal Counsel Robert Cruz – I know your dad I was in sixth grade with him at Andersen Elementary and I remember him coming to school, we had some kind of project he brought in an insect collection that would fill this table. I was amazed I never saw half of the insects that he knew, he had labeled them with their names and it just seemed like I knew he was going to be a commercial farmer when he grew up. But anyway I'm glad that he did actually do some commercial farming. Did he ever have problems with insects on his own property?

Yvonne Guerrero – Yes he did but he pretty much tried to manage it without pesticides or you know he just had his own ways on managing. But he never really had a serious problem with the types of crops that he was growing. He never really had a serious problem with it.

Legal Counsel Robert Cruz – Well that's good and another classmate, Ernie Wusstig I know has been trying to do without pesticides and use modern farming techniques to try to get out, crop rotation and whatever to use the Government land well without destroying it or degrading it.

Acting Chairman Michael Borja – Mr. Camacho have you guys obligated any of this property to others?

Acting Director David Camacho – There's a property in Yigo that was pulled back by the Government of Guam for the use of affordable homes. We are going to relocate some of those recipients from that property to this property.

Acting Chairman Michael Borja – What size of land for each would it be?

Acting Director David Camacho – The size for each family is five acres. We have two intended to move in there.

Acting Chairman Michael Borja – And they're agricultural?

Acting Director David Camacho – Yes agricultural, they're farmers, they've been farming the property that the Government took back and we need to relocate them for them to continue. Since the DeSoto property hasn't been touched for so many years no improvements, nothing we went that route.

Acting Chairman Michael Borja – Where is this property again?

Acting Director David Camacho – Route 15 going up to Mount Santa Rosa on your right side.

Acting Chairman Michael Borja – This is in Yigo.

Acting Director David Camacho – Yigo, back gate to Andersen.

Yvonne Guerrero – The entrance into Anao.

Vice-Chairman David Matanane – And we have others that are going to be placed to that particular piece of property.

Acting Director David Camacho – Right the families that are farming on the lot the Government took back.

Vice-Chairman David Matanane – Has survey been done on this Mr. Camacho?

Acting Director David Camacho – Not yet we're trying to finalize as to especially Mrs. Guerrero here as to how many acres she's going to be given then we're going to move in.

Vice-Chairman David Matanane – She stated that it's not done yet right on her survey. Maybe we can help her along and parcel it out for you know the other two that we have already committed ourselves to transfer those people over there.

Acting Chairman Michael Borja – How many were we moving out of that area in Yigo?

Acting Director David Camacho – Actually there's three families in Yigo that we're going to relocate.

Acting Chairman Michael Borja – Three, five acres?

Acting Director David Camacho – For two families five acres each. The other family member it's still up in the air, they're looking at another location. There's only about twenty, twenty-three acres on that property or twenty-five acres.

Acting Chairman Michael Borja – And that's where we're at right now because of development somewhere else we're having to relocate people because the Government took it back. And that's what's going on so there's people being relocated and that happens from time to time but these people are on five acre lots. That's what we're looking to move them too and that's what this property that you're on has been identified as a place to relocate others that are being dislocated. That's the reason why we're looking at it's a possibility of reducing your amount down to five acres and again it goes into the whole thought process of giving people five acre lots for farming. I know that it's a significant reduction. I looked at your farm plan it's I mean I can see you've allocated what you believe you might possibly have to be able to use for the ten acres. But you know I'm just curious as to how that can be redone I mean an acre for livestock and a nursery, you know watermelons on two acres I mean it just seems like it's a little bit more than, it's just a pretty large area. So we're trying to find a way that you can work with just five acres and yes I know you're coming down asking for ten but what I was telling you is that we've generally just given out five acre lots and because of the inactivity of the property that's why it was being viewed as a possibility of relocating others into that area. So in this case we still need to do a survey of the property because there's been no survey of the property since the beginning right and that's also one of the requirements is to survey the piece of property.

But if we did reduce it to five acres what I would then think it'll be in all fairness is that they get the choice of what five acre piece they want.

Acting Director David Camacho – That's why we're discussing it with her as to where, whether they have a water line in the place so we can identify it.

Acting Chairman Michael Borja – And they get that part where the water line is at.

Acting Director David Camacho – Relocate it or continue with that area and survey it out.

Acting Chairman Michael Borja – Do you know if there's a water line in there?

Yvonne Guerrero – Yes there is an existing.

Acting Chairman Michael Borja – That would be important too that the area that you would occupy let's say would be part of that would be the area that the waterline goes through that your family has put out there because why go through the expense of having to put another one up out there right?

Yvonne Guerrero – What if because like if the Commission is going to drastically reduce it to five you know I do know the land there's a lot of portions of it that is rocky so there's only certain types of planting that you can do in so many areas. Now if I'm going to get the choice to choose where I would like to be placed I know there is the meter on the side of the road but you know I would like to try to choose somewhere where the land is a little bit more fertile not you know too rocky And that would be more up on the main road which is I don't know what route that is the one straight you know in Andersen and the land there is a little bit more fertile for what I've you know all the things.

Acting Chairman Michael Borja – I don't have a problem with that.

Acting Director David Camacho – We don't have a problem with that, I don't have a problem with that.

Acting Chairman Michael Borja – Just know then that the water line if it's somewhere else you need to probably have to move it if it's your meter for example to have it relocated to the site that you select out of this lot.

Yvonne Guerrero – Okay.

Acting Chairman Michael Borja – That's the best offer I can say to you. I don't want to say I'm going slap you across and take away all this piece of property and then you get the least desirable part of it, no I don't want to do that. I want to make sure that it's a good win for you as well that you get the section that you feel that you can be more comfortable with to be able to use for agricultural for your purposes.

Yvonne Guerrero – Another question that I had is in the future as I continue to do the farming and I do understand that portions of it would be given to others that they need it for farming but what if I'm in need of a little bit more you know to expand the farming that I'm doing? Would the Commission be able to help me and assist me into expanding the acreage that I need?

Acting Chairman Michael Borja – What's on the outside of this twenty acre lot? What else is around it? Is it other properties that belong to us?

Acting Director David Camacho – Private properties on the back.

Acting Chairman Michael Borja – It's all private so it's stuck in the middle surrounded by private properties.

Acting Director David Camacho – Well the Government land is adjacent to Route 15, it's along the Route 15 highway.

Acting Chairman Michael Borja – The property she's talking about is adjacent to Route 15 and there's nothing else around her that is in the Government it's all private around her?

Acting Director David Camacho – What I could do Mr. Chair is that once she identifies which area I could have our survey division do a sketch on that or do a sketch where we could place the other two individuals on one side and her on one side then the remainder maybe about two to three acres on one side close to her place just in case that she requests for additional. If the other individual went the other route to go to another area.

Acting Chairman Michael Borja – Okay. What he's saying is that there's three people that need to be relocated and one of them doesn't want to go there, two of them do but one doesn't so there could be the possibility of another five acre lot that will be available. So we'll try and work it out with you so that there is room for future expansion that will be adjacent to you so it's not like your lot is here and then here's the other part across the street or something or down the street. I appreciate your understanding on where we're coming from on this. We try not to hit people bad on these kinds of things I mean we're trying to be fair across the board. I think in many cases we have been with many people. Like I said even when some commercial folks come in and with grand deal plans to do something which we think they might be able to do we still ask them to show us what you can do on five acres and then we'll provide you the ability to expand once you've shown us what you can do or something like that okay. Do you have any other questions for us?

Yvonne Guerrero – No I'm satisfied.

Acting Chairman Michael Borja – I appreciate you doing this the farm plan because that is what is a requirement here. But like I said you know the other things definitely working with the Department of Agriculture and the College Extension too because they will definitely give you lots of assistance they just love to help out folks. It seems to me that if the property you're talking about still has some of the old trees that have been planted there

from the past you know you've already started with your windbreak and that's what's kind of needed in some of these places. Especially up there where it can get kind of windy because the hill. Please work with Dave and the CLTC staff so that we can work out the section that you're most interested in and we can go from there because there still is the need to do the survey okay.

Yvonne Guerrero – Alright.

Acting Chairman Michael Borja – Thank you very much for coming.

3. Pedro A. Leon Guerrero, Jr. – Submittal of farm plan

Pedro A. Leon Guerrero, Jr. – Good afternoon Mr. Chairman and members of the Board my name is Pedro A. Leon Guerrero, Jr. I'm here to seek your approval on my part of the requirements to farm; farm plan. I admit the farm plan that I have is kind of a generic farm plan but I will state that I did a lot of research, I have a lot of friends, I'm not a farmer but I'm in my part of my life where in a couple of years I'm going to have a lot of time to do different things that I'm not doing today. One of the things I always wanted to try to do was farming. So I did seek counsel with a lot of people who have been farming also in the farm business people from Department of Agriculture, USDA and whatnot. When I asked them about farming and that I had to prepare a farm plan the first thing they say is well it depends on what the land is. Is it flat land, what kind of soil do you have, the terrain, availability of water. There's a lot of things that grow better in slopes and a lot of things that grow on flat lands. So when I asked people, friends of mine that are in the business and have a lot of farm experience that when they say so what property do you have; I said well I don't have any property I have to come up with a farm plan. They said well then you need to come up with a generic farm plan because obviously a generic farm plan is the best that you can do without having the specifics of where you're going to go and this is my shot at a generic farm plan. So the reason why I want to do this again from the very beginning when the people of Guam were given the opportunity to sign up for property residential or farm I put in to do farming because I thought that was something that I really wanted to learn and do. I do have relatives who of course farm and whatnot and friends so this is where I'm at now. I was born and raised in Yigo but I live in Sinajana so basically wherever the availability if the Board does see fit to give me a chance at doing this. I do know and I am aware that if I don't produce and do what I say I'm going to do then I can lose the land so it's fairly obvious. And if I can do a good job at doing what I'm going to do in a small scale with five acres maybe I'll be able to justify going bigger and greater, expand it if it's justified. But I am willing to do the best I can with what I have. Again I'm 55 years old so in a couple of years you know I'm going to be at the time where I'm going to go to the next chapter of my life and I'm going to have a lot of time to prepare and I want to use this time to prepare and get going. Again like I said I did talk to a lot of folks that are really in the game of agriculture and again there's so many combinations and permutations of what you can do but really it's determined on the property and the availability of water and so forth. So I'm basically to answer the fact that I am up for the challenge. I am looking forward, I've always, many years ago at Chamorro Land Trust they were trying to talk to me about whether I should change my request from a farm land to residential and I basically have always stated that I

wanted to do farming. So I've always had that dream to do that and I'm really excited at the opportunity.

Acting Chairman Michael Borja – So you're already an applicant.

Pedro A. Leon Guerrero, Jr. – The initial sign up when we had the chance ten years ago I believe everybody had a chance.

Acting Chairman Michael Borja – Do you know what year you applied?

Pedro A. Leon Guerrero, Jr. – That was the very first day of the very first year.

Acting Chairman Michael Borja – Do you know where he is on the application list? We're still working on the 1995 list.

Pedro A. Leon Guerrero, Jr. – I guarantee it, what happened on the very first I mean I wanted to sign up as quick as I can I drove to Merizo to sign up because I knew that Mangilao was a lot busier so I decided to go where I can go to get me on the list and be fair and square. So I drove to Merizo my express purpose to sign up and there was a lot less people in the parking lot at the time I was able to get in there and do it fair and square. I've always kept that dream you know I know it's been many, many years and I knew that one day it's going to happen and I was never deterred and I never lost faith.

Acting Chairman Michael Borja – Okay so we need to make a determination of where he is on the list.

Acting Director David Camacho – It's 1995.

Acting Chairman Michael Borja – You're on the 95 list so you already are pretty close to being eligible for the property because we're working still to exhaust that year.

Pedro A. Leon Guerrero, Jr. – It's several years ago sir, in fact I tried to move the process forward several years ago and one of the members of Chamorro Land Trust tried to convince me to go to change to residential but I said thank you but no thanks. I wanted to stay with my dream and so I'm still holding up and hopeful.

Acting Chairman Michael Borja – Have you worked with anyone in the Commission, the staff to (interrupted).

Pedro A. Leon Guerrero, Jr. – It was actually the previous it was not this administration.

Acting Chairman Michael Borja – No but I mean lately to go in and check on your application status and come in to submit your plan for that.

Pedro A. Leon Guerrero, Jr. – I went in I think last month just to check and I was told they have my record they still have my record and they said you still need to have a farm plan and that's why I'm here.

Acting Chairman Michael Borja – Okay so we have the farm plan and we can put it into the record but can someone get in touch with him to start sorting out where he is on the list for the property assignment?

Acting Director David Camacho – Yes.

Vice-Chairman David Matanane – Are you a part of the NRCS?

Pedro A. Leon Guerrero, Jr. – No sir actually I'm not. Just to let you know these are part of the experts that I've reached out and talked to. Mr. Tuquero, I know Joe Tuquero for a long time we went to the same school that kind of stuff but you know when I found out he was there we got to talking and I was telling him what I wanted to do and my goal and he said let me help you a little bit. We sat down we tried to talk about what's my vision and he helped me sort of formulate that sort of vision and he was the one that convinced me that perhaps a generic farm plan you know. We can't really be specific because we don't know what property you have and you don't want to grow something that cannot grow. So that's what happened and of course I appreciate his help and assisted by Mr. Tuquero. He was my sort of expert friend guidance.

Vice-Chairman David Matanane – I suggest Mr. Leon Guerrero that you go up to UOG the Agricultural Extension, Dr. Barber probably will help you.

Pedro A. Leon Guerrero, Jr. – You know I wanted to sort of move the process forward and yes sir that's exactly true and I do hope to seek guidance from the experts.

Legal Counsel Robert Cruz – If I could mention too just a suggestion I've learned that there's a number of people that are into fish ponds mixed with growing crops and not only here but also my brother in law is doing it in (inaudible) and he's been able to raise a dozen different kinds of crops from an initial seating of like 250 tilapia and I think it was 50 catfish. And so from the nutrients provided by the fish on their waste it provides fertilizer for the crops. There's also a company here growing lettuce I think from just hydroponics, just straight hydroponics no fish involved in the fertilizing.

Pedro A. Leon Guerrero, Jr. – Like I said I have talked to some people that sort of gave me some different ideas also. So my eyes are wide open you know in terms of what I'm going to do. I know like you said I know that perhaps my plan is not as specific as you're used to but you know I had to use what I have and I couldn't put all my eggs in a basket that may not be suitable for the properties that are available. I'm hoping that there is a property somewhere that I can stake my claim and see what we're going to do and bring the experts out to look at it, my friends and maybe give me some other further specific advice to go to the next step. But I certainly am aware that if I don't do what I say then you know Chamorro Land Trust can say well you know you had your chance but we have to give somebody else

a chance. I do acknowledge that and I appreciate the fact that you give the folks a chance to do this.

Acting Chairman Michael Borja – Well you know we have to comply with the order of the list and so that's what we're going to have them look at and see where you are and get you notified of where it's at. They'll have this for the record to put with your application so that now they have the farm plan on here. But like we mentioned before there's also because once you get started there's the farmer's certification that they have from time to time. But you're right I mean how do you know what you can plant if you don't know what kind of soil you have. It can be on the side of the hill with all rocks, you'll have to plant grapes. So that's what we can do for now.

Acting Director David Camacho – We'll have one of the agents work with him.

Acting Chairman Michael Borja – Okay. So you registered in Merizo? What part of Cocos Island is available?

Pedro A. Leon Guerrero, Jr. – Beggars can't be choosy so whatever is available I'm going to look at it and you know it will be a positive thing for me. Mr. Chairman thank you for the opportunity again I'll answer any questions again I plan to do this and make a goal of it I'm just looking for support and an opportunity from the Board to give me a chance and again if I don't produce then it's on me and I'm willing to accept that responsibility.

Acting Chairman Michael Borja – Alright thank you.

VII. DIRECTOR'S REPORT

1. Revenue collection report for September, 2013

Acting Director David Camacho – In your package you have the receivables, the collection report that we have in September 2013. That's on the commercial lease, the application fees and the land lease.

Acting Chairman Michael Borja – This is what was collected right?

Acting Director David Camacho – What was collected during the month.

Vice-Chairman David Matanane – Going back to Alupat Island the last company that was utilizing it have we collected all the lease payments?

Acting Director David Camacho – Yes there's no arrears on it.

Legal Counsel Robert Cruz – They're paying month to month or are they not paying at all?

Acting Director David Camacho – Month to month. They've been paying up till the time it expired.

Legal Counsel Robert Cruz – And they have no interest in extending?

Acting Director David Camacho – No.

Acting Chairman Michael Borja – The lease terminated in September so I'm assuming this payment is for September. How about the golf course I don't see them on here?

Acting Director David Camacho – The golf course as you know Mr. Chair they paid off all the arrears. They're up to date as of last month. They're up to date on the monthly payment, the arrears are all paid. I received a message from Monte and the company that they have already taken care of the tax. So they'll be revisiting the Board, they'll be appearing before the Board asking to renew the lease.

Acting Chairman Michael Borja – Okay.

Legal Counsel Robert Cruz – If there is a decision to renew that lease there needs to be a penalty clause for late payments. It didn't have that from what I understand there was no penalty clause.

Acting Chairman Michael Borja – So we can do something like that in the lease. Well I think that the company that is currently holding the lease they assumed it from someone else they bought out right? That's what happened a new ownership came into place.

Legal Counsel Robert Cruz – Recently?

Acting Chairman Michael Borja – Well that's who's been paying up. Because they bought it from another company and that was the ones that were over arrears but then these guys have been pretty good. But yes I have no problem there should be a clause in there for penalties for late payments.

Legal Counsel Robert Cruz – We need the minimum legal for any interest. Some amount needs to be levied if they're late in payment otherwise there's no incentive.

Acting Chairman Michael Borja – Well then in preparation for them to come forward can you review that lease and recommend the new additions to the lease.

Legal Counsel Robert Cruz – They're supposed to come by something like 90 days before the lease is up to give the Commission notice if they want to extend. Apparently they're preparing to do just that. But those are the things that should be brought to their attention because of the history of payments not just them but the previous owners going all the way back to the initial the Commission will not allow them to (interrupted).

Acting Chairman Michael Borja – But see even the taxes that they had to pay that was taxes that they assumed from previous owners and have not paid that's my understanding. When they took over the property they had to assume the liabilities and that was part of it too which I don't think they really realized until Monte stressed to them that it was their

responsibility. But they've come clean on that and brought themselves up that's a significant jump.

Legal Counsel Robert Cruz – I don't see them also as being subject to that five year because they're just exercising the option of their initial. But still I still think there should be some periodic review of them meeting the conditions because even now it appears like they didn't at least with the former owners they didn't seem to be interested in paying the taxes or didn't seem able until they're getting close to the renewal option period then they became current.

Acting Chairman Michael Borja – I think they saw Monte's plan where we're going to take the club house and turn it into a Manamko' Center or something.

2. Miscellaneous Matters
A. Layao
Commissioner Amanda Santos – Did he move out?

Acting Director David Camacho – Not yet it's still ongoing however I did ask our Land Administrator to talk to Mr. Jesus Quintanilla and for him to come in and sit down with us and try to iron things out.

Acting Chairman Michael Borja – Who is Jesus Quintanilla?

Acting Director David Camacho – The one that was staying at Layao's.

Acting Chairman Michael Borja – Oh that was that guy I thought it was somebody else. Is there litigation still pending?

Legal Counsel Robert Cruz – I spoke with initially with Monte and then recently with Jeff, the staff that actually is in the best position to assist with if there is to be court litigation because he took part on the initial service and is familiar with the property; Jeff Aguon in the staff. I've gotten some guidance from the AG's office on whether it should be an unlawful detainer or some other because it is a failure to meet the requirements of the initial lease agreement that they have.

Acting Chairman Michael Borja – I know and we need to really move on this thing because it's almost been a couple of years now.

Legal Counsel Robert Cruz – I got a statement from Monte actually after he left island that I would have used as a declaration in the papers that would be filed in court but since his health and when he would come back I decided I'd focus with Jeff. I met with Jeff a couple of times and we actually planned to go out because I want to eye ball the property. Three times we scheduled it and then the weather was just terrible so we weren't able to go out or our schedules ended up changing. I understand that this is a priority.

Acting Chairman Michael Borja – Yes I just want to close this one off.

Acting Director David Camacho – Mr. Chairman the statement made by Mr. Quintanilla is that if the commercial license is not renewed they would like to be compensated for the improvements that they did on the property.

Acting Chairman Michael Borja – Well there was something in the past that took that into consideration and I think there is something in the record that allowed for compensation for property built; for something built on the property that had to be turned over. For example like the spouse was not an eligible beneficiary right and the applicant passed away they had a home but they couldn't keep it anymore so we had to compensate. So I think there is something already in the courts that reflected that I remember running across that and was brought to our attention. Specifically about this thing because, this and there was someone else and I think you guys provided that.

Vice-Chairman David Matanane – There was incidents where Mr. Layao was going to be chased out anyway because he was violating the rules for (interrupted).

Acting Chairman Michael Borja – For farming.

Vice-Chairman David Matanane – For commercial, he's doing commercial there where he has other people come in and renting the place out.

Acting Chairman Michael Borja – He subdivided an agricultural and built some complex of buildings and (interrupted).

Vice-Chairman David Matanane – We tried to work with him for the longest time and all the (inaudible) and now he's saying he has to be compensated. Remember back then maybe five, six years or ten years maybe when he was on the newspaper and even television where he has all these pipes that are, he's doing commercial right there on the agricultural which Chamorro Land Trust could have you know cut him off. We tried to work with him. I don't know if Mr. Quintanilla is coming in kind of where, where was he, he's not even a part. Between those two gentlemen wanting to take care of each other because you know Mr. Layao is sickly. I don't know where Mr. Quintanilla comes into place but that's their agreement the two guys. But you know Chamorro Land Trust was very considerate of these people you know. We could have you know stopped this back then but you know we have (interrupted).

Acting Chairman Michael Borja – And we were dealing with the time so we are at the present now and while I agree with you that we shouldn't give it any possible consideration I don't think that we're allowed to.

Vice-Chairman David Matanane – And here they are trying to fight us back. We've given them you know tons of yardage that they could have put the hatchet down and that's it you know.

Acting Chairman Michael Borja – But it's subject to whatever funds are available to make the payment but you know it has to be an appropriation from I think the Legislature to do it because we don't have any source of funds to do it.

Legal Counsel Robert Cruz – I understand there is another kind of an issue where the loans were guaranteed by the Commission and documents were signed and then there was a failure to pay and so the banks actually foreclosed on the property and Chamorro Land Trust paid the deficiency. And then I'm told that the people may actually still be living on the property without paying rent so that may need to be put into the rules that in a situation like that when they default on the loan.

Vice-Chairman David Matanane – It's always been in the rules that you cannot lease the property and (interrupted).

Legal Counsel Robert Cruz – No but they must pay fair rent.

Vice-Chairman David Matanane – In the first place when we had I guess Mr. Layao was approved, in the lease it says you cannot rent or mortgage or all those (interrupted).

Acting Director David Camacho – I believe the Legal Counsel is talking about another lease.

Legal Counsel Robert Cruz – It's a different kind of situation where the Commission had actually paid the bank because of the guaranty of the loans for people needing money to; but then they were allowed to stay on apparently on this one case that I was told. And there's currently a void in the rules that needs to be fixed with something that requires us or enables us not just to evict them but since we own the property since we've already basically bought it from the bank or assumed it and paid off the loan we should now be allowed to by the rules to either at least lease it to the family that defaulted if not at least open it up and we'll rent it to someone who can pay for a (inaudible).

Acting Chairman Michael Borja – Well let's look at getting this thing resolved here one way or the other. We had already served them an eviction let's close this thing off and figure out where we go from there.

Acting Director David Camacho – The fastest way to resolve it Mr. Chair is through legal matters. There are a lot of things that happened in the past on Layao's property where Jesus Quintanilla agreed upon to relinquish his lease up in Yigo and to go down to Layao.

Acting Chairman Michael Borja – And has that been done?

Acting Director David Camacho – They did do that and basically went onto Layao's property with the intent that he's taking care of Layao and all those things.

Acting Chairman Michael Borja – So we've relinquished his old lease.

Acting Director David Camacho – Yes.

Acting Chairman Michael Borja – Well then it's his right and it's now Jesus Quintanilla's but then he reneged with that offer.

Acting Director David Camacho – With the agreement that they're going to come in with certain piece of property they cut up and all those things to be given to certain families.

Legal Counsel Robert Cruz – (inaudible) we need to talk I'm not aware of some of those.

Acting Chairman Michael Borja – Yes please let's just close this thing off because this has been going on since I got on the Commission. And you know we have tried to be good with this man and we tried to help out, we found a way to do it and then they turned around and made up something else. So if we can just close that one off.

Commissioner Amanda Santos – So we need to evict him.

Acting Chairman Michael Borja – We've already served him notice but he took the issue to court.

Acting Director David Camacho – We tried every avenue even to disconnect the power but again the power is under another person's name.

Commissioner Amanda Santos – Quintanilla?

Acting Director David Camacho – It's Layao's son that applied and the son is off-island not here so there's a lot of things and I believe it's more faster and it's more (inaudible) that it's through Legal Counsel that we finalize this.

Acting Chairman Michael Borja – Yes so let's just; and that's what we were waiting for before you came on Board you know for you to be able to when you did come on board to finish this one out.

B. Lot 7163, Municipality of Yigo

Acting Director David Camacho – Lot 7163 as you can see there's a breakdown as to what actually transpired on that lot. As of September 19, 2013 it was GEDA to proceed which was given by the Board to proceed with the RFP on that property.

C. Guam Behavioral and Wellness Center (GBWC)

Acting Director David Camacho – We have to relocate or we have to move the property that they want in Barrigada which is lower Barrigada Heights on the bottom we have to relocate them to another piece of property back here in Tamuning.

Acting Chairman Michael Borja – Oh I thought they agreed to that one in Barrigada Heights so what's the problem now?

Acting Director David Camacho – There's a problem there and I believe the Legal Counsel could attest to that, there's an attorney for the previous lessee.

Legal Counsel Robert Cruz – Fred Horecky has objected to the removal of his client.

Acting Chairman Michael Borja – Who's the client?

Legal Counsel Robert Cruz – Bello.

Acting Chairman Michael Borja – Bello who hasn't done anything to clean up the property that he said he was, he came to us and told us he's going to do and he's been mandated to clean up the trash because it's an EPA issue. So can we get EPA on the ball and cite him for violating whatever requirements they have to get that cleaned up so we can get this guy out of there? I mean that's the problem with this guy and I'm happy he's going to spend a ton of bucks on an attorney but he's probably not going to spend any of that money to clean up the mess he's made and that's the big problem.

Legal Counsel Robert Cruz – Horecky is saying there should have been at least an administrative adjudication law hearing you know with an accusation and statement of charges. An administrative process he was arguing that needs to happen before Bello can be evicted.

Acting Chairman Michael Borja – Under provisions within the Chamorro Land Trust law statutes to say that? I don't think there are.

Legal Counsel Robert Cruz – No there isn't.

Acting Chairman Michael Borja – Right there isn't and so by precedence we've just always reviewed it here on the Board and allowed him to come and speak with us on that and we've had him on the agenda and he's failed to attend.

Legal Counsel Robert Cruz – Has he been noticed?

Acting Chairman Michael Borja – I think he has because if you're put on the agenda you're noticed. He came before us one time with the promises that he was going to do all this stuff and we were happy and then nothing has been done.

Legal Counsel Robert Cruz – Bottom line is Mental Health was made aware that the land is not usable right now and they're under a court pressure to make things happen so they can bring back the four clients.

Acting Chairman Michael Borja – So where's this place in Tamuning they want to go back to? Right there at the cliff line?

Acting Director David Camacho – Yes across Home Depot. We're trying to clear the obstacle there in which the client Teresita Delos Reyes was leasing it already under the

agricultural lease in which the property is an R2 zoning. So she's aware of that already as a matter of fact we're having a meeting tomorrow with her to identify as to where to relocate her and remove her from that area.

Acting Chairman Michael Borja – There's no place else that's suitable for these guys to be in to put their facility? I mean this is a live-in facility and I still stand by my concerns that it's going to be smack in the middle of a major commercial zone. While it's not there today it can be there instantly tomorrow because that is a commercial area down there. It just doesn't make any sense to me. And yes they're under a court order but they haven't acted on it in what I think the due diligence on their part. But we're trying to do our best for them to get this thing going I mean they're already many months behind. It was so urgent that they asked us to talk about it and for three months in a row they postponed it. So you know I don't see any urgency in that when they postponed it for whatever. But there's nothing else? There's no other properties available?

Acting Director David Camacho – We did offer a lot of areas but they still maintain that they have to be close to the hospital itself. I said there's one going up in Route 3, there's a lot of properties up there next to Lada Estates.

Acting Chairman Michael Borja – That's what I mentioned too you know. There's a hospital over there. Is there a specific hospital it has to be nearby?

Acting Director David Camacho – So we're working on that in relocating Mrs. Delos Reyes to another property to put on an agricultural property.

Acting Chairman Michael Borja – How many acres are we talking about for this Behavioral Wellness Center?

Acting Director David Camacho – They're asking up to three acres but again they said that five acres is better because of the needing in the future and the needing area for the clientele buffer.

Acting Chairman Michael Borja – My point exactly, they want to build a buffer around there so that they don't get enclosed by the commercial development which they're going to eventually get enclosed by commercial development. Because in our own sense it would be better if we can eventually lease that out for the purpose of commercial leasing to make some money for the Chamorro Land Trust in the future because that is a future commercial development site. And it just doesn't make sense for them to go; I still stand by the fact that I don't think that's the right place for them to go.

Vice-Chairman David Matanane – Yes the same, ditto with that Mr. Chair.

Acting Chairman Michael Borja – Because I just don't get it. Is there anything around their existing facility that we can put it, empty properties that belong to us over there?

Legal Counsel Robert Cruz – The hospital didn't they just announce last week that they were going to build a standalone medical facility somewhere else?

Vice-Chairman David Matanane – The clinic right next door.

Legal Counsel Robert Cruz – Is it right next door?

Vice-Chairman David Matanane – Extended.

Legal Counsel Robert Cruz – I thought it was a standalone facility at another location not there.

Vice-Chairman David Matanane – Right now I think they have the walk-in patients; it's separated from the urgent care.

Legal Counsel Robert Cruz – The location is going to be?

Vice-Chairman David Matanane – Still the same vicinity it's just an extension.

Acting Chairman Michael Borja – Mr. Camacho how much property does the Chamorro Land Trust have that these guys are intending to use or are asking to use?

Acting Director David Camacho – We have five acres now.

Acting Chairman Michael Borja – We have just five acres back there? That's all?

Acting Director David Camacho – On that area yes five acres. Most pieces of property are along the cliff line all the way on back of house ten there's Land Trust property but it's on the incline.

Acting Chairman Michael Borja – It's on the hill so just this strip of area of five acres long along the bottom of the cliff.

Acting Director David Camacho – Five acres that have wide usable area and then it goes up the hill and it comes down on a small portion.

Acting Chairman Michael Borja – It comes down on a small ledge right on top of the cliff.

Acting Director David Camacho – We have some property behind here behind the ITC building where the warehouses are at on the back of it that's Land Trust property.

Acting Chairman Michael Borja – Right back here? How big is that?

Acting Director David Camacho – That's about less than an acre.

Acting Chairman Michael Borja – Because then that would be if it was a little bit larger more sensible over here because I don't think there's much more room for growth in this area as there is over there.

Acting Director David Camacho – It's a small property back here; it's smaller for a parking lot only.

Acting Chairman Michael Borja – And nothing in Dededo, these guys say they can't even be up in Dededo. Well we didn't approve that piece of property to be used before. I don't think we can approve that property to be used again. I still stick by the fact that we should reserve that piece of property for the purpose of commercial development in the future because it stands to gain a lot. I mean it could even be as simple as a rental car facility you know that needs the space for housing their cars to use. I mean whatever it is five acres can bring a lot of money on that specific zone. I'm sure that they brought the fact up that they wanted it back there over again, right?

Acting Director David Camacho – Yes and they had already reported to the courts.

Acting Chairman Michael Borja – The courts? But we didn't approve it.

Acting Director David Camacho – It's not approved I know.

Acting Chairman Michael Borja – We never approved this piece of property to be allocated out. I don't know I guess I need to look back at the minutes of that specific meeting but I don't think we ever approved for that piece of property to be allocated out. In fact we objected to that and we never even made a motion for them to have that. Heck, let's stick them back over in the Chalan Pago hills where their original property is because that's what we were doing was moving them. In fact theirs was never moved, we never moved on a piece of property for them, made a motion because we needed to find an alternative place and I think when we ended up finding Barrigada we failed to come back with a motion to finally approve that which you know we can still do. So what's the deal; Horecky is this just a stall tactic?

Legal Counsel Robert Cruz – I don't know I mean we can move forward but what I advised Mental Health was that it may take some time for this to get sorted out and then for it to get cleaned up.

Acting Chairman Michael Borja – So it's just a stall.

Legal Counsel Robert Cruz – Well not necessarily.

Acting Chairman Michael Borja – Because we were having them vacate the property and Mental Health was willing to clean it up from my understanding they were going to assume the property, clean it up and do their construction. I thought wow that sounds like an even better deal. But in the case of this guy he's still so I mean heck let's put them on the agenda to come in next week so he can tell us what's the status of the clean up next month.

Let's put Bello on the agenda for next month. Notify him to show and give us a status on the cleaning up of that property that we asked him to do a year ago because we need to move forward on this.

Vice-Chairman David Matanane – When did Horecky came into the picture because when they were here was Horecky here?

Acting Chairman Michael Borja – No.

Legal Counsel Robert Cruz – No, I contacted them because (interrupted).

Vice-Chairman David Matanane – They came to us but Mr. Horecky wasn't around.

Legal Counsel Robert Cruz – I found in the documents that I was looking through that he had been represented by Horecky so I called Mr. Horecky up and asked him does he still represent Bello because the Commission has been trying to evict him, wants to and plans to. And he said yes and when was hearing and I said what hearing. He keeps insisting there should have been some kind of a noticed hearing and then he made a claim that there were some millions of dollars owed to him; owed to Bello for work that he had completed for the Government of Guam.

Vice-Chairman David Matanane – If I recall he took that and I asked him to produce receipts on that. If you go back to the minutes and I asked him where did you get that number? Did you bring it out of the sky that two million dollars? Heck man you haven't paid us yet. If you're talking about Bello right?

Legal Counsel Robert Cruz – Yes.

Vice-Chairman David Matanane – Take out that minutes of the last meeting because he didn't produce the amount of charges that he's saying that we owe him and he agreed that he's not claiming for that two million dollars. I believe two or three times that we have that on the agenda and he agreed I think the last time that he would clear up the property and you know.

Acting Chairman Michael Borja – Terese can you make copies and give us references to all previous Board meetings that had to deal with Bello and provide the copies to all of us before the next meeting.

Legal Counsel Robert Cruz – Also notice Horecky, make sure that he's noticed as well not just Bello; only he represents.

Acting Chairman Michael Borja – Well yes and what we're going to get is somebody who comes in to us and can't tell us any information.

Legal Counsel Robert Cruz – No both of them, I'm saying notice to both of them.

Acting Chairman Michael Borja – I know well okay fine. But I want to get the information of where we stand so we could speak to him on the subject that we have. And the subject of this meeting is not the eviction the subject of the meeting would be what the status of this cleanup is and what his timeline of getting it done is. There's an EPA requirement to do this right?

Vice-Chairman David Matanane – Yes.

Acting Chairman Michael Borja – And provide us with a copy of the EPA order that the land has to be cleaned and afterwards we'll notice EPA of our results of the meeting because we need to notify them.

Vice-Chairman David Matanane – I think we had the other guy clear it up for us. We had to bring in somebody to clear up those tires.

Acting Chairman Michael Borja – The other guy that does the junk car removal.

Vice-Chairman David Matanane – What's his name?

Acting Director David Camacho – Mateo.

Acting Chairman Michael Borja – I mean there's a guy who's really done a hell of a banged up job and in the course of doing this he lost some of his property.

Acting Director David Camacho – Now he's back on the property but we're having some glitch on that again because of certain; he was given a property up in Yigo. Was given a survey authorization to survey by Monte before Monte left and now I don't know what's going on so we just received word from the AG's Office that he filed some complaint.

Acting Chairman Michael Borja – Mateo?

Acting Director David Camacho – Yes.

Acting Chairman Michael Borja – Didn't we just award him some property?

Acting Director David Camacho – Yes up in Barrigada Heights. We took him back and gave him the Barrigada Heights as an agricultural lease and now for his wrecker service Monte had given him property up in Yigo with the authorization to survey that. I don't know why (interrupted).

Legal Counsel Robert Cruz – Is there a claim against the claims fund?

Acting Director David Camacho – Well there's an investigator from the AG's Office that came down to our office checking on the file because he made a complaint against CLTC.

Acting Chairman Michael Borja – Okay well on this Behavioral Wellness Center that definitely has to be something that needs to get resolved and so if there is a property that we can have as an alternative that's suitable for what their needs are. You know if I need to come down and we'll have a discussion with the heads of that Department we'll do that. But as it stands they never had this piece of property in Tamuning in the first place and I really don't want to parcel it out for I mean I can't believe they think that they, well anyway. See what you can do to find something else that might be suitable somewhere around but it's not to portion out something that has the potential for being a commercial property. From what I see something like this I mean you want them to be in a nice quiet place that's away from the hustle and bustle of commercial zone; just being there even though there's nothing commercial around there now.

Vice-Chairman David Matanane – But they already got the airport you got the cars you got (interrupted).

Acting Chairman Michael Borja – Everything over there.

Acting Director David Camacho – The parkway is going to go through close to it.

Acting Chairman Michael Borja – Exactly and the parkway is going to be built right next to them so they're going to have a high flow of traffic traveling I think above them.

Legal Counsel Robert Cruz – (Inaudible) was also recently talking about a monorail stretching from Naval Station to Andersen.

Acting Director David Camacho – What triggered this is at the beginning Monte offered them that area then we switched it up to that then when he came out with Horecky and all those things he went back to that area. So we took it on our own to try and resolve it what we have up there with Delos Reyes which they already agreed but again it's up to the Board.

Acting Chairman Michael Borja – Do we have other agriculture in Barrigada Heights?

Acting Director David Camacho – On the back side yes.

Acting Chairman Michael Borja – On the back side but not on the lower Barrigada Heights area.

Acting Director David Camacho – I don't know whether we have one next to Commercial Tire. But on the other side of Barrigada there's still some Land Trust property.

Acting Chairman Michael Borja – Yes and that's a lot quieter over there but I don't know if that's a long ways I guess in their minds from the hospital. But I just don't get why the proximity to the hospital is such a major concern. It sounds like there's ulterior motives to me.

D. Letter from Ruth Leon Guerrero, request for extension
Acting Director David Camacho – Yes I believe Mr. Chair you received a copy of the letter from her.

Acting Chairman Michael Borja – No I did not.

Teresa Topasna (CLTC staff) – I emailed it to you.

Acting Chairman Michael Borja – You emailed me the letter.

Acting Director David Camacho – The lease agreement that they have has already expired since I believe it's (interrupted).

Acting Chairman Michael Borja – What does she represent again?

Acting Director David Camacho – Guam Rehabilitation Workshop Center, it's already expired and DISID is going to build their building up there and they're trying to get that piece of property. So an eviction notice was sent to them to vacate the place in which they're not utilizing since Mr. Nelson who oversees the rehab site and this is (interrupted).

Acting Chairman Michael Borja – And that's been since the mid-90s.

Acting Director David Camacho – So they're not utilizing it on a daily basis. Now she's asking whether she could extend the eviction date to December so that they could remove all the stuff that they have inside the building.

Acting Chairman Michael Borja – That was like a junk place right they collected things and resold it.

Legal Counsel Robert Cruz – Goodwill.

Acting Chairman Michael Borja – Oh my God does she really want to remove that stuff? That sounds like you go could remove it with a backhoe. I ended up having to remove, remember that facility next to Father Duenas the old Knights of Columbus building it's now part of the school well there's was a thrift shop there and people were donating clothes by the bags full constantly. Well if you ever walked inside there there is a chapel that's kind of two-stories high and you can access it from the bottom or from the top on the balcony and it was filled. Just imagine a room that's got a two-story, practically a three-story high ceiling and it was filled. The chapel was filled with bags of clothes.

Acting Director David Camacho – Most of the stuff belongs to Catholic Social Services.

Acting Chairman Michael Borja – Inside that place?

Acting Director David Camacho – Most of the items that they're going to remove is the Catholic Social Services.

Acting Chairman Michael Borja – Okay well I don't have a problem with extending the eviction to December for them to remove the stuff.

Acting Director David Camacho – The DISID is looking at least in phase to (interrupted).

Acting Chairman Michael Borja – And DISIS is going to now go in there?

Acting Director David Camacho – DISID has their own piece of property in front adjacent to that property. In the beginning they want to get it all even the one in the rear facing (inaudible) but now DISID is saying no just let it go and they're going to build their own building and maybe in the near future they're going to lease the Land Trust property.

Acting Chairman Michael Borja – But nobody is using that now. Now they're all deciding oh we want to use it because we're telling them to vacate. It's a hazard to health over there now. I was there one time we had a fire on the back over there from vagrants just doing stupid things back there. Okay do we need to move on that? Do we need to make a motion to extend?

Vice-Chairman David Matanane – What's our target date of the eviction date? How many months or is it a month?

Acting Chairman Michael Borja – Well just to allow the use of Guam Rehabilitation Center until December 31, 2013 for the purpose of removing their properties.

Vice-Chairman David Matanane – So moved.

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – So the motion is to allow Guam Rehabilitation Center an extension until December 31, 2013 to remove their properties from the area. All in favor?

Vice-Chairman David Matanane and Commissioner Amanda Santos – Aye.

Acting Chairman Michael Borja – Motion is passed.

Angel Santos, Sr. – Mr. Director can I ask a question?

Acting Chairman Michael Borja – Sure go ahead.

Angel Santos, Sr. – I've been keeping my mouth shut and listening and watching all the ill doing on Guam. That Vietnamese that came to Guam in the early 70s or late 70s was in business up at the intersection that goes to Wettengel. Coming up from Wettengel you go straight instead of making a left turn or right turn there's a market there that's been in business for more than thirty years. I'm wondering whether he or she owns that property

and they're making good money. I don't know whether it's Chamorro Land Trust. Those Micronesians that are in business along the road side do they have any license to repair tires?

Acting Director David Camacho – Which area is that?

Land Administrator Margarita Borja (DLM staff) – Right across Johndel.

Angel Santos, Sr. – You people better look that up because that is income for the Government.

Acting Director David Camacho – The one going to Route 3 that's private property, where the tire shop's at along the road.

Angel Santos, Sr. – Along the road and they're scattering the tires all over the island.

Acting Director David Camacho – There's one that's Land Trust property this is further up across NAVCAMS where there's tire people along the road that's Land Trust property that's in front of Finegayan Elementary. Now further down that's all private, that's all Ancestral property released to private owners.

Angel Santos, Sr. – But I mean along the road you know.

Acting Director David Camacho – Along the road, they're outside the travel portion or the buffer zone.

Angel Santos, Sr. – That's the only question I'm going to ask today.

Acting Director David Camacho – Now where's the Vietnamese, you're talking about the Vietnamese, is this across the flea market?

Angel Santos, Sr. – There's more than six on the island.

Commissioner Amanda Santos – But where? Next to the flea market or across Johndel?

Angel Santos, Sr. – No all over the island especially the north side.

Commissioner Amanda Santos – Near the Johndel store?

Acting Chairman Michael Borja – The vegetable market.

Commissioner Amanda Santos – Yes is that private?

Acting Director David Camacho – The buffer zone that's under the Mayors.

Angel Santos, Sr. – But the one that really I'm very concerned is the Vietnamese.

Acting Director David Camacho – That's under the Mayor's Council the buffer zone.

Angel Santos, Sr. – To my knowledge whether it's exercised on Guam there's a law in the United States that if you stay on somebody's property or house for fifteen years and the owner or the Government never write you a letter that remember that this land or this house is still mine. I don't know whether it's exercised on Guam.

Legal Counsel Robert Cruz – He's talking about adverse action procedures. What you're asking for that if its Chamorro Land Trust property that we take action and make sure they're legal.

Angel Santos, Sr. – And that Vietnamese if he knows about that he can own that land if they never received a letter from the Government.

Legal Counsel Robert Cruz – No it's not applicable, it's Government land.

Angel Santos, Sr. – I forgot the name of the law.

Acting Chairman Michael Borja – Legal Counsel says it's not applicable. If that's in Dededo where you have those little markets that part of the buffer zone, the Mayor. They actually have to apply to use the area by the Mayors and there's a fee they pay. Just like using the flea market that's all part of the buffer zone that they control.

Angel Santos, Sr. – I forgot the name of that law but there's a law in the United States.

Acting Chairman Michael Borja – But it's up to the Mayors to be policing most of those things. Okay anything else sir?

Angel Santos, Sr. – No.

Acting Chairman Michael Borja – Okay thank you.

Acting Director David Camacho – Yes Monte according to the wife that he's doing good now.

Commissioner Amanda Santos – He got surgery?

Acting Director David Camacho – He's undergoing the speech therapy. Information received from our Chief of Staff Arriola who went and visited him just last week a couple of days after the surgery and he did mention that Monte pulled through the operation the surgery and all those things.

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

IX. ADJOURNMENT

Vice-Chairman David Matanane moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. There were no objections, meeting adjourned at 2:54pm until the third Thursday of next month.

Transcribed by: Teresa Topasna: Teresa Topasna

Approved by Board motion in meeting of: November 21, 2013 with corrections.

David V. Camacho, Acting Director: D V Camacho Date: 11-22-13

Michael Borja, Acting Chairman: M B Borja Date: 21NOV2013

**Correction on page 5, 4th comment down made by Vice-Chairman David Matanane to read "...what we have and where we are...". Instead of "...what we have and what we are...".