Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 651 Fax: 649-5383

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Michael J.B. Borja
Acting Chairman

David J. Matanane
Vice-Chairman

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

REGULAR BOARD MEETING
AGENDA

Department of Land Management Conference Room
3rd Flr. ITC Building, Tamuning
Thursday, January 30, 2014; 1pm

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES
1. December 19, 2013

IV. PUBLIC COMMENTS

V. OLD BUSINESS
1. L.K.C. Farmers Corporation – Submittal of appraisal reports

VI. NEW BUSINESS
1. David B. Herrera – Submittal of grazing plan
2. Department of Public Health & Social Services – change in disposition of property

VII. DIRECTOR'S REPORT
1. Revenue collection report for the month of December 2013
2. GICC Junior Golf & High School Golf supporting program
3. Draft commercial rules and regulations

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

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Rev. 09/21/2012

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, January 30, 2014; 1:05pm – 2pm

I. CALL TO ORDER

Meeting was called to order at 1:05pm by Acting Chairman Michael Borja.

II. ROLL CALL

Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos, Assistant Attorney General David Highsmith and Acting Director David Camacho.

III. APPROVAL OF MINUTES (December 19, 2013)

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

IV. PUBLIC COMMENTS

1. Joaquina Manibusan Ignacio & Joseph Santos Ignacio

Joaquina Ignacio – We're from Yigo and the reason why we're here we're recommended by Land Trust by Matthew Leon Guerrero to attend the meeting because right now we're in the agriculture land in there by Chalan Emsley and we've been there for a long time and all we have originally was an acre. The reason why we're here is we wanted an additional acre because we're already occupying both for cows, chicken, goats, long term plants you know and he recommended that we're here because he won't authorize another additional unless I come to the Board.

Acting Chairman Michael Borja – Okay is Matt here? Who was it you spoke with?

Joaquina Ignacio – Matthew Leon Guerrero. They've been inspecting the place for a long time and then in 2004 I wrote a letter for the approval of that additional and they come in and do an inspection; oh go ahead and occupy, use the land up to 2013. Now it's 2014 and every time they come to do the inspection; oh go ahead.

Acting Chairman Michael Borja – Go ahead and do what? Use the additional land?

Joaquina Ignacio – Yes use the additional because it's adjacent we're right next to it.

Acting Chairman Michael Borja – So right now you have been given one acre of property for agricultural purpose and they've inspected and they haven't had any issues with your agricultural. Are you growing things? Do you have crops as well as livestock?

Joaquina Ignacio – Yes.

Acting Chairman Michael Borja – And so there has not been any problems with what they had found right?

Joaquina Ignacio – No, no.

Acting Chairman Michael Borja – And you put in a request for an additional acre.

Joaquina Ignacio – Since 2004.

Acting Chairman Michael Borja – Mr. Camacho are there any issues that we have with this specifically?

Acting Director David Camacho – No issue Mr. Chairman.

Acting Chairman Michael Borja – So the adjacent lot is available?

Acting Director David Camacho – It's available.

Acting Chairman Michael Borja – Do you guys have any questions on this?

Vice-Chairman David Matanane – Do we have an agent Matthew?

Acting Director David Camacho – He is the land agent supervisor for Land Trust.

Joaquina Ignacio – We wanted to survey and they said why survey an acre when you can wait for the approval for the additional and then we can do the survey.

Acting Chairman Michael Borja – Well if we do authorize that additional acre you're going to have to go out and get it surveyed.

Joaquina Ignacio – Right.

Joseph Ignacio – Well we got the money and all that. We're just waiting for the approval.

Joaquina Ignacio – They keep telling us you know make your money ready and whenever it's approved we'll go ahead and do the survey.

Acting Chairman Michael Borja – So you have submitted all the paperwork.

Joaquina Ignacio – The Land Trust yes.

Acting Chairman Michael Borja – Yes so we should have had this as a regular item.

Acting Director David Camacho – Did you submit a plan for the additional acreage as to what is needed?

Joaquina Ignacio – We were waiting for them because every time they come they said it's all written down. So we're still waiting.

Joseph Ignacio – They even looked at my livestock that I got. They came and looked at my two cows where I was pasturing it and I told them hey this is too far away from where I am at. So when they came up there and they saw that area where I requested it they said go ahead and clean it and occupy it. So that's all I need is paperwork saying this is approved from Land Trust that this additional acre is for us or for the livestock that we got.

Acting Chairman Michael Borja – One of the other things we've always asked folks to do when they want an agricultural lot is to give us a farm plan. They should have a template of what a farm plan is to show what it is specifically you're going to be doing with the property and of course you already are using an acre right now. So you just have to explain what that additional acre is. One of the other things that we're probably going to need to do is we need to see a report from this land agent and what his recommendations should be before we can really get into the details. Coming forward to us you brought it to the table and brought it to our attention and so what we're going to require is to see a report from the land agent and what the recommendation is and present us with the application that you guys have. And as well what I would suggest because we probably may not be able to discuss this until the next meeting to formally approve it if that's what we do but come up with the agriculture plan to be submitted together. Let me just give you heads up our monthly meetings are held every third Thursday but due to scheduling circumstances this month it's been delayed and again it will be even earlier next month. So our next meeting will be February 11. So it's not much time it's just under two weeks to be able to prepare that farm plan. They have a template that you can work from. It's not anything that's too difficult to do but it is something that is necessary that needs to be done. Matt, we have some questions about the Ignacio's request for an additional acre to their land. You have reviewed their case and inspected the property?

Matthew Leon Guerrero (DLM) – Yes I have. They're currently occupying it. They have some goats and stuff and a cage right by their house. When they came over they were asking for additional acreage and that's all I advised them that if you're going to get anything over an acre it requires the Board's approval.

Acting Chairman Michael Borja – Have they made a formal request in writing through an application or anything like that? Or submitted any farm plan to show the additional use of the property?

Matthew Leon Guerrero (DLM) – This was just verbal communication between myself and them.

Acting Chairman Michael Borja – Let's do a couple of things here. We need a report from you whether or not you recommend or not recommend what the request is but we also need a formal request from them in writing to them saying you're looking for this additional piece of property on the map where it specifically is. And it can be submitted to us for approval.

Joaquina Ignacio – We do have the letter.

Joseph Ignacio – 2004 is when we put in this request.

Acting Chairman Michael Borja – Okay then let's just put all that stuff together as a package for us to review for our next meeting and then help them come up with the farm plan that they need to show what they're going to be doing with the additional acre and what they plan to do with it just because it is one of the things that we require for all folks that want agricultural property. And the deadline is really kind of short because our next meeting is going to be February 11th so we really need to get all these stuff, that's a Tuesday. So you really need to get as much of it put together as possible so we can have it available to review for our next meeting okay. So please work with Mr. Leon Guerrero. Mr. Leon Guerrero work with the Ignacios to sort this thing out and present it to us formally so we can look at it. We can't really give you an approval on this just on your verbal request but you brought it to our attention so let's just move forward with this and see what we've got okay. We need to make sure that that land is available, it meets all the criteria that we have and nobody else is occupying it that kind of stuff okay. Because then if we do approve it like I said you would have to do your survey. So don't spend your money doing a survey on something that hasn't been approved to be looked at.

Joseph Ignacio – The property where we're at right now they got power, they got water, they got cable they got everything that we need except sewer line that's it.

Acting Chairman Michael Borja – Well you're lucky because what we would probably be doing on that property it's probably been identified for possibly allotting to other folks who are on the list for agricultural property because it has the infrastructure in there. That's one of the issues we have right now the reason we haven't been able to move down our waiting list as quickly is because infrastructure is not available in many of the lands and we don't want to be giving out land anymore that people can't use because there's no power and there's no water to the property. It's extremely expensive to run your own pipes in accordance with Guam Waterworks requirements. We had a lady come in here one day to ask to swap lands because it was going to cost her eighty thousand dollars just to lay the pipes down to her property and that's money most people don't have in their pockets. That's just for the water let alone she probably still wants to build something and she can't afford to do that either.

Joaquina Ignacio – That area where we're at its Lot 7151, Chalan Emsley. My dad is originally a farmer, Juan Manibusan, he was in there so that's what started the whole thing. Brothers, sisters we're all in there in that area.

Acting Chairman Michael Borja – Well let's just sort this out and work it with Mr. Leon Guerrero and let's get this thing formally requested okay.

Joaquina Ignacio – Alright thank you so February 11th.

Acting Chairman Michael Borja – February 11th well you guys have to get it to us before then.

Joaquina Ignacio – Yes alright we'll work on that.

Joseph Ignacio – Alright thank you.

2. Peter Sablan Aguon – Board members and everybody else, my name is Peter Sablan Aguon. I applied for twenty acres of agriculture land since 1995 and just now we need to try to get it. Just to update my situation maybe you guys know about it I least I sent a copy of my violation I'm raising pigs on my own. I used to raise pigs back there it was agricultural then I guess they rezoned it with me not knowing into a residential. At the present time I've been working with Mr. Camacho and Margarita and Joffre Aguon. I have one acre so far I have one acre that I have already surveyed and all that and because of the fact that I had requested for twenty acres for me to get any more than one acre I didn't see this in writing they told me I have to go before the Board. I tried to make my name on the agenda I don't know why it's not there but I'm lucky I called this morning and I found out the meeting is today. So I guess basically what I'm here for is to try and get as much land as I can get. I'm in the process of transferring my; I'm raising pigs by the way I'm raising pigs for my piggery. At the present time I already applied for temporary agriculture water and hopefully within the next two weeks I'll have that thing hooked up. So my sole purpose for being here is to get additional acres.

Acting Chairman Michael Borja – Are you working with a specific agent in the Land Trust? Are you working with someone on this request?

Peter Aguon – Yes I do.

Acting Chairman Michael Borja – Have you submitted a farm plan as well?

Peter Aguon – Nobody asked me to do that but I will submit it if it need be.

Acting Director David Camacho – What is happening Mr. Chair is he has a problem in which you guys probably know about the piggery up in Mangilao. To accommodate him and to resolve the problem right away we went in and helped him out in identifying one acre so that he could survey and put in his pigs. We told him that as far as obtaining or requesting for the additional acreage that he has to put in a farm plan as to what's going to be done then we'll set him up to come and schedule him to attend in front of the Board.

Acting Chairman Michael Borja – One of the requirements is always to submit a farm plan. Now your application has been in since 1995 so that's the year we're still working on anyway. Twenty acres though is a substantial amount.

Peter Aguon – No, no, I understand there's no way at least for whatever, according to I guess Mr. Camacho and somebody there's still vacant acres there so if I can just get that in line I sure would appreciate that.

Acting Chairman Michael Borja – What we do is we start off with at least five acres of some agricultural. Your farm plan can be for the full twenty but you got to tell us what you're going to do with the first five and then we work from there. If that first five is being done properly it's being used correctly then we can consider an increase at a later time. But one of the issues that we've had in the past is when leases were being given out for agricultural property and were for substantially large pieces of property they weren't being used the way they were intended. They were left vacant many times or people were actually subleasing it out. I'm not saying that that's what your intent is but what we do need you to do is to do all those things that are required for us to be able to entertain this. So the additional well let's start off with a five acre plan of what you're going to use it for and if it's just for raising pigs then there are issues that have to be in compliance when you do do livestock like that. I think a lot of it has to do with how it's going to be maintained so that it's not a health hazard to neighbors and that's kind of important especially for a pig farm.

Vice-Chairman David Matanane – Mr. Aguon, Chamorro Land Trust should provide that agricultural for piggery and all that you know the one that came from UOG you know Dr. what's his name.

Peter Aguon – Are you talking to me because I can't hear you.

Vice-Chairman David Matanane – Oh okay have (inaudible) for those packet for agricultural they have items in there for grazing, for piggery, for chickens or whatnot. So you should look into that and there are some guidelines there. If we do go down and check your property it might not be in terms of the agreement and we don't want to come in and then you didn't know about it. So I suggest you should ask Chamorro Land Trust I think the Chamorro Land Trust should have copies of those things and if not then go to Department of Agriculture or University of Guam agricultural extension program. You should get a whole packet concerning agriculture and follow that guideline and you won't be in any problems. As far as the environmental or how you're going to get all those piggery stuff out of the way and not make it smell.

Peter Aguon – Just to let you guys know I am working with EPA and both Public Health as a result of my violations. EPA specifically he said he was going to be here but I don't see him, Mr. Ray Calvo, because I asked them to come so that they can justify my urgent need so to say. Other than that I will go to your respective resources and get my packet together and put it in as soon as possible.

Acting Chairman Michael Borja – Please do that and I know you said Mr. Camacho you've been already working with the Mayor on this.

Acting Director David Camacho – Yes.

Vice-Chairman David Matanane – You have already situated him on an acre now?

Acting Director David Camacho – Yes. I believe the livestock would be transferred already or going to be transferred.

Peter Aguon – In the process because just to show you guys I originally had deer and cattle but I got rid of it because of no resources and then they just stole it too you know what can I say. So I will comply.

Acting Chairman Michael Borja – Alright thank you.

Peter Aguon – Thank you too.

V. OLD BUSINESS

1. L.K.C. Farmers Corporation – Submittal of appraisal reports

Joseph Cruz – Good afternoon, Joseph Cruz, I'm the treasurer for L.K.C. Farmers Corporation.

Acting Chairman Michael Borja – I know you've been here before you guys submitted your whole agriculture plan and this was the last thing I think we needed right was the appraisals to determine what the lease amount would be, the lease cost would be. The requirement is for two appraisals? Okay so we did get two separate appraisals for this piece of property and you're aware of what the appraised values were of the property right. So based on that we take a mean amount of the two and the mean appraisal value is $276,500 and just for the record this is for Lot 10090-1 in Machanao. We're looking for a five acre portion of this lot which is in Dededo. So with the mean amount of $276,500 we determined what the rental amount would be at 1% of that value so the rental amount the annual rental would be $2,765. That's annual right Margarita? Not bad so it comes out to just over $200 a month; less than $300 a month so about $250. So that's what the rental amount would be. Is this all we're waiting for on this piece of property on finalizing this is the (interrupted).

Acting Director David Camacho – Yes and the approval by the Board.

Acting Chairman Michael Borja – The approval for leasing the property at this amount.

Margarita Borja (DLM) – We're just waiting on the surveying mapping.

Acting Chairman Michael Borja – We're just waiting on the survey map which they have to do?

Margarita Borja (DLM) – It's going through the process.

Joseph Cruz – It's going through the process.

Vice-Chairman David Matanane – And also your corporate papers. Did you submit it?

Joseph Cruz – I believe we turned in our Articles and By-Laws but we can submit another one that's no problem.

Vice-Chairman David Matanane – Yes we do require that.

Margarita Borja (DLM) – It was provided in the initial packet that was provided.

Acting Chairman Michael Borja – Yes I think they did. It was submitted when they came in the first time. We're talking about your corporate documents you guys are incorporated on Guam and you came in with all the Officers right?

Joseph Cruz – Yes sir.

Acting Chairman Michael Borja – And everyone came in at that time. So the only thing that is pending is just our approval on the amount for their lease and the survey which is really when that's done it's done right.

Margarita Borja (DLM) – But we need to identify the lot description based on the survey map so we're going to have to wait on that and then we do the lease.

Acting Chairman Michael Borja – Okay do we need an approval on the amount right now? Do you guys have any issues on the amount?

Vice-Chairman David Matanane – The only pending thing is the survey?

Acting Chairman Michael Borja – The survey.

Vice-Chairman David Matanane – Who is doing the survey?

Joseph Cruz – Gene Villaflores, they've already submitted the check print but it was returned for corrections so they're doing the corrections to submit the final.

Vice-Chairman David Matanane – Move to approve the request of L.K.C. Farmers Corporation's five acres lease at the amount of $2,765.

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – Okay the motion on the floor is to approve the annual rental amount for L.K.C. Farmers Corporation to be $2,765. It was moved and seconded. There being no disagreements or objections, the motion is passed. So

that's what your annual fee would be but the lease will not be concluded until the surveying is completed okay.

Joseph Cruz – Thank you.

Acting Chairman Michael Borja – Good luck.

VI. NEW BUSINESS

1. David B. Herrera – Submittal of grazing plan

David Herrera – Good Afternoon Mr. Chairman and members of the Commission. My name is David Babauta Herrera. I am a resident of Agat and I am respectfully coming before the Commission to present the grazing plan for review and any inquiry or comments. This is for property down in Agat specifically Lot 252-1 or Tract 319 if possible; a portion of Tract 319.

Vice-Chairman David Matanane – I appreciate all the pictures there Mr. Herrera. Are you part of any; what company are you heading there?

David Herrera – Self-sustaining farmer.

Vice-Chairman David Matanane – On your own.

David Herrera – Yes sir and I work closely with University of Hawaii Extension Service.

Vice-Chairman David Matanane – That was my next question as to are you affiliated with any of the Hawaiian?

David Herrera – No you know surprisingly if you look at the plan right knowing that Guam has an abundance of tangantangan the primary feed or forage that's being fed to a lot of the Australian cattle farms are high grade tangantangan and I think it will be feasible for us to provide that kind of figure. There's basically four types of species on the tangantangan family. So I think it's sustainable if I get into this kind of feed.

Vice-Chairman David Matanane – What is your resource Mr. Herrera? If we should approve it what's your timeline?

David Herrera – I already invested about maybe $30,000 in equipment. I just need to verify which specific property that I'm going to put the improvement of fencing in as well as the security system. Understanding that Mr. Aguon that was here just noted that his livestock has been stolen. Even myself I have a problem with the livestock I have now.

Vice-Chairman David Matanane – You have livestock already?

David Herrera – Yes I just don't have enough. We have been grazing since back in the 50s it's just that we don't have a lease a solid lease for us to really put our resources in because you know it takes a lot of money and I don't have a lot of that but we can adapt.

For fencing instead of steel posting we can use fa'gao, gagu. You know barbed wire versus stainless steel cable. Tangantangan too if you plant it in a uniform perimeter we can use as a fencing.

Vice-Chairman David Matanane – So what kind of livestock do you have right now?

David Herrera – Right now I have I got about twenty some piglets and five cows; two carabaos. But I cannot expand until I understand the parameter of where I am going to put the fencing in. I'm willing to put money in to protect the livestock because again you know theft and vandalism is one major problem we have down in our village in Agat.

Vice-Chairman David Matanane – You're a sole farmer then. You're not partnering up with anybody else.

David Herrera – No, me and my sons, I have my sons and my son-in-law and we work together.

Vice-Chairman David Matanane – Oh okay family.

Acting Chairman Michael Borja – Who are you expecting to market your cattle and maybe your pigs?

David Herrera – You know for the past like twenty, thirty years what we normally do is that I basically bring for example the piglets on pig season for holidays up to the high populated area in Dededo in a cage and I kind of sell it there. You know that's for the excess and also you know to family members.

Acting Chairman Michael Borja – How about the cattle are you going to be selling cows?

David Herrera – The cattle the way I work with the other families is that if we incorporate maybe three or four people to chip in $100 or $200 a piece then a small calf for example can be sold at about $700 to $800 to get the cost back. Then when you butcher the cattle then we share it with the family.

Acting Chairman Michael Borja – So it's just meant for personal consumption or family consumption not for sell to (interrupted).

David Herrera – For commercial, yes not because we don't have a slaughterhouse that certifies the meat but it's still consumable you know as long as it doesn't have any bacteria that's hazardous to the body.

Vice-Chairman David Matanane – That's the reason I asked if you have any resource because I hear things about out there too you know and that's the reason why I asked are you in partnership with anybody or are the resources coming from someplace else.

David Herrera – Like equipment, no I kind of just generate and trade and buy.

Vice-Chairman David Matanane – Other than that too do you have specific type of cows which is the different type of cows and I was wondering if you have an idea or is somebody already asking knocking on your door saying if you should get that piece of property we can partner up and bring in those other types of cows where Angus is not another type you know. That's the reason why I asked you that. My mind is working too fast I guess and that's why I asked you are you partnering up with anybody and you're a sole farmer then that's fine just leave it at that. Thank you Mr. Herrera.

Acting Chairman Michael Borja – Mrs. Santos do you have any comments?

Commissioner Amanda Santos – I agree with what he plan is.

Acting Chairman Michael Borja – Okay so you've submitted the grazing plan to the Land Trust what's our next step on all this?

Acting Director David Camacho – One thing is he's looking at two properties down in Agat in which we did an inspection already by our Chief Planner and Margaret and the surveyor Mr. Santos. We're looking at which property is more feasible for his needs. I believe that it's going to go to the Chief Planner on this because of the certain issue on certain property that we have to recertify it that it could be utilized for the benefit of the lessee. There's certain property there that looks like it's going to be a residential Land Trust property but the feasibility of building houses is not there because of the wetlands and all those things. That's what he's utilizing at this time right?

Margarita Borja (DLM) – Yes.

Acting Director David Camacho – That's where he's utilizing and we're trying to afford him because he's there already whether we could do something to recertify the land itself.

Acting Chairman Michael Borja – Okay so it's an on-going case right now. What's the timeline on trying to get this thing resolved? Any idea?

Margarita Borja (DLM) – He has his findings already.

Marvin Aguilar (DLM) – I have my findings already sir.

Acting Chairman Michael Borja – Okay so maybe we can hear something out here soon.

Marvin Aguilar (DLM) – Yes.

Acting Chairman Michael Borja – Alright so we got your documentation, they're finalizing the property which one is probably going to be best for your needs and so we got the correct fit for what you're going to need. So we're getting close be patient.

David Herrera – I'm very grateful you guys are doing a great job.

Acting Director David Camacho – You know Mr. Chair one thing good about his program is that he don't have to get some other cattle or cow they have this sperm bank.

David Herrera – The artificial insemination it's only about eighteen bucks a semen. So you can minimize the bull and increase your female because you know the bull takes it takes about maybe sixty to seventy pounds of feed a day so that's why you really got to have a lot of acreage.

Acting Chairman Michael Borja – And then they have an attitude.

David Herrera – Just this morning my other calf ran after me at five in the morning you know because they have an attitude.

Acting Chairman Michael Borja – It's a bull a young bull?

David Herrera – No it's a young calf but what happened is somebody hit the lips because I tie it close it to the road and I had to cut the bottom part of the lip. So this morning I checked it early in the morning to see if it's eating or drinking and it ran, it really ran after him. But they do have a personality. Okay so thanks so much.

Acting Chairman Michael Borja – Alright thanks for coming.

2. Department of Public Health & Social Services – change in disposition of property
Acting Director David Camacho – Director Gillan called me up just two days ago asking to cancel out the request for them to appear concerning this. It's a misunderstanding between him and part of the staff. We're in the verge of going to the legislature for their request and we're going to communicate with the Senators down there to go ahead with what we plan to do in the first place.

Acting Chairman Michael Borja – Okay so originally when we did a land swap of what was designated for Public Health properties in this unusable area in Chalan Pago we had allotted them for foster homes in the Perez Ville area and to use some properties adjacent to the northern Public Health facility for a mosquito lab so now that's all been kind of rescinded. They wanted to change that because there's going to be a law or there's a bill being introduced to do this.

Acting Director David Camacho – No Mr. Chair no we're going to continue that because we already discussed it with two of the Senators and they are going to go through and do a bill on this for the land swap or land exchange. But again when this Bill 265 came into the picture it's going to change a lot of things again because it's included with nonprofit organization and all those things and they can come in and apply. But as of now we're still going through with the Legislature the Senators to introduce a bill for the land swap. The request on this is that they want to come back one of his staff and GHURA to come in and request to change it from Land Trust to a license, ask for a license for it. Mr. James Gillan didn't know about that so when he saw the agenda he called me up and said are we going this way and I said no we're still going with the Senators so he asked me to cancel this out.

Acting Chairman Michael Borja – Okay so then they'll come forward if there is any other need for us.

Acting Director David Camacho – Yes.

Vice-Chairman David Matanane – But Mr. Chair he has an email here stating that he wanted to can it, Mr. Gillan the Director.

Acting Chairman Michael Borja – Right that was earlier in the month but since then they've been in discussions.

Acting Director David Camacho – Since then we've sat down with Senator Rodriguez with the Land Administrator and we discussed all the issue about the unusable of the property up there in Chalan Pago for Public Health usage and he agreed to us and he said he's going to present it he's going to do a legislation on that so we went that route.

3. Bill 265

Acting Chairman Michael Borja – One other thing that's not here on the agenda before New Business I'd like to discuss there is a bill that's been introduced, Bill No. 265 sponsored by Senator Pangelinan. It's an act to authorize the Chamorro Land Trust Commission to enter into economic leases. Here's the copy of the bill and I drafted up a letter concerning this. What I basically kind of like what this is trying to do is it's allowing the Chamorro Land Trust to identify parcels of property to use for economic leases for the purpose of obtaining additional funds to help build infrastructure so that we can get agricultural and lands for homes to have infrastructure so that they can be leased out. Unfortunately we're sitting on a lot of properties that can't be used because there is no infrastructure. So that's I think what the intent of this bill is all about. So for that reason I basically support it. What the bill also says at the very last part of it is that all revenues collected from these economic leases be deposited into the Chamorro Home Development Fund and that I strongly support. As you guys know all the monies we've been collecting from Chamorro Land Trust leases basically go into the general fund and I don't know how different Chamorro Home Development Fund is going to be from the general fund but the point we have here is we're trying to work it out so that those monies that have been collected for the Chamorro Land Trust stay with the Chamorro Land Trust. It can't be redirected for use on other purposes and then we can finally use the monies to go out and get infrastructure development done. There are a lot of programs that are out there that can help us do that like the SUTA program but we still have to have some monies available to help out on that. There are two things that I had concerns with this bill and the first one was that it allowed the leases for these economic leases to be a maximum of fifty years but at five year increments. My concern here at five year increments, ten five year increments on a lease can potentially be not good for any kind of economic commercial lease because if someone wanted to lease something for fifty years and they want to make a major investment into that piece of property which might mean obtaining financing to do so that most banks don't like the idea of even giving anyone anything if we could cut off that lease in five years. They won't be able to get a return on their investment or may not be able to

pay back on that loan. So what I have asked and I say here while fifty years may be a good length for an economic lease implementing it into five year increments may not be conducive for the lessee or developer financing even with the additional time granted. Later on in this bill it does say if that came down to financing there's a one-time option in which you can say the lease is for twenty years. The Commission and its Commissioners should have the ability to determine whether initial lease time and subsequent renewals based on the scope and intensity of the use of the land. So that's what we're here for and if we think that this guy is going to come in and he's going to lease a twenty acre piece of property and he's going to build a ten million dollar something on it that is going to do whatever maybe perhaps that should be an instant fifty year lease or maybe a twenty-five, twenty-five something like that not a five, additional five more for the next fifty years. The second concern I have on the bill is that it requires the Commission to identify ten parcels of land and to do so within sixty days of the passage of this bill into law. I'm saying that sixty days is really not ample amount of time, I've asked for a hundred and twenty days. The reason for asking for that additional amount of time is because we really need to do our research on this thing and get it done right and that takes some research and help from Land Management people as well. Also in this bill it is requiring the Commission to consult with the beneficiaries of the Chamorro Land Trust. It doesn't identify what a beneficiary; there's no definition of a beneficiary but beneficiaries basically what I come out to think is that we have to have some kind of public hearing saying these are the ten parcels of properties, anyone who has concerns come forward or any suggestions come forward and we talk about that. And to do all that within sixty days is not feasible at all. So those are my two main concerns and in this draft letter it has to be submitted to Adelup for their concurrence prior to giving it all in to the Legislature. But in the concluding paragraph I do state unless you object I put down your names as supporting it.

Vice-Chairman David Matanane – I'm in support Mr. Chairman. I'm glad you mentioned it about the beneficiary; we haven't given out the land those properties that we need to identify we have not procured it to anybody yet so who is the beneficiary?

Acting Chairman Michael Borja – Well the beneficiaries of Chamorro Land Trust properties are people who can receive Chamorro Land Trust properties. So we basically have to hold open in saying these are ten parcels of properties which we have determined would probably be best be used for economic purposes for commercial in this case it's called an economic lease and if there are any objections on their part. Like I said the purpose of this bill is to try and raise revenue for the purpose of putting infrastructure into lands that could be used for agricultural and residential use.

Vice-Chairman David Matanane – Which is the main objective in Chamorro Land Trust.

Acting Chairman Michael Borja – Which is our objective and which is what we can't do because there is no money. But the point is I think we've been raising quite a bit of money except that money is really not; it's going into a general fund.

Vice-Chairman David Matanane – I do approve with your letter and suggest that you send it out right away.

Acting Director David Camacho – We all support it.

Acting Chairman Michael Borja – Alright well then what I'm going to do is I'll reprint this letter with my signature, I'll forward it on to Margarita and you Dave and (interrupted).

Commissioner Amanda Santos – And we sign it.

Acting Chairman Michael Borja - You guys all want to sign it? You want to do it now?

Vice-Chairman David Matanane – No the Chairman can just go ahead and sign it.

Acting Chairman Michael Borja – Or I'll sign it on behalf of you guys because I do state here that you guys support even with the Executive Director I even put his name down. What I'll do is I'll send it to you guys in a pdf file with my signature and then you send it on to Ms. Taitague for blessing.

Margarita Borja (DLM) – We can have somebody pick it up from you the original.

Acting Chairman Michael Borja – Okay.

VII. DIRECTOR'S REPORT

1. Revenue collection report for the month of December 2013

Acting Director David Camacho – Inside the package you'll see the collection for December 2013 that's last month's collection. We collected $60,064.44 from the commercial licenses and $200 on application fees.

Vice-Chairman David Matanane – I have a question on your report on the last item there that Jose Castro Garrido is that a Department of Land Management name? You guys still have leases with Land Management?

Acting Director David Camacho – Which one?

Vice-Chairman David Matanane – On the bottom.

Acting Director David Camacho - Jose Castro Garrido, land lease.

Vice-Chairman David Matanane – What's that? If it's going to Chamorro Land Trust that's fine.

Acting Director David Camacho – No I believe this is, Margaret this is (interrupted).

Margarita Borja (DLM) – Which one?

Acting Director David Camacho – Jose Castro Garrido the $40, I believe that's the Land for the Landless.

Teresa Topasna (CLTC) – No that's the lease payment.

Acting Director David Camacho – His lease payment for?

Teresa Topasna (CLTC) – For his lease; they pay one dollar a year so he paid for forty years.

2. GICC Junior Golf & High School Golf supporting program
Acting Director David Camacho – Also in the package there's the GICC Junior Golf High School supporting documents that I requested from them to show whether they are doing some help or bringing help to the community of Guam and they did. They did show that they've been negotiating or been helping out the Junior Golf Organization, the various schools. This happened since the Admiral Nimitz Golf Course closed these schools went to them and now they're catering to the schools. This is one thing that we wanted in our files. They do help the community out on their lease.

3. Draft commercial rules and regulations
Acting Director David Camacho – GEDA is asking whether the one that we did went through whether they're going to finalize it and then they're going to come to the Board and present it.

Acting Chairman Michael Borja – In December I met with the folks from GEDA who drafted up the commercial rules and regs. We passed it around once before and we sort of went through it item by item, paragraph by paragraph. What I'd like to do if we can get a copy of that out with the next agenda and you guys can review it and we can look it over and if you guys have any questions on anything specific on it we can discuss it at that time. We need to finalize this commercial rules and regs especially since we're moving on into these other economic leases we need to have these things.

Acting Director David Camacho – I'll try and get a copy of the draft and send it out to you guys for your review.

4. P.L. 31-77, Chapter 12, Section 31
Acting Chairman Michael Borja – What is the status on that one back in December for utilities, GPA, Waterworks? How much was that again?

Margarita Borja (DLM) - $875,000.

Acting Director David Camacho – We've been sending out Mr. Chair we've been sending out the notice to them and I believe once the attorney is on board we'll utilize his legal advice on that on how we can pursue the $875,000.

Acting Chairman Michael Borja – What we're talking about Mr. Highsmith there was a law which GPA folks got that parcel of property over in Mangilao and as part of this law there was an annual amount of eight hundred some thousand dollars that they would pay to the Chamorro Land Trust and so that became effective in December of 2013 or earlier in

November I think of 2013 or October of 2013 the beginning of the fiscal year. And so we are in need of enlightening them of their obligation to fulfill the requirement of the law and we would be very happy to do it as any in-kind. Especially if Waterworks and Power can run water and power into identified Chamorro Land Trust properties to set up infrastructure.

David Highsmith (AAG) – I see; we'd accept eight hundred and seventy thousand dollars worth of construction work on pipes and things.

Acting Chairman Michael Borja – Right.

David Highsmith (AAG) – Instead of (interrupted).

Acting Chairman Michael Borja – Well either way I mean the problem we have right now is if they paid the eight hundred and seventy five thousand dollars it will go into this fund that gets absorbed by somebody else right now. We don't have a full grip of the money and we're not being able to use some of it so being able to do something in lieu of receiving the cash for the in-kind payment would be even better.

Vice-Chairman David Matanane – We just want them to acknowledge that they do owe us.

David Highsmith (AAG) – Okay would you like me to mention this to my superiors at the AG's Office?

Acting Chairman Michael Borja – Sure that's one of the things that we would want to have worked on as we move forward with whoever is going to be assigned to do legal work with us because it's just the fact that they owe us this money. When we had a commercial lease lessee that was delinquent on their account we had to go after them in hot pursuit to get them to come clean and to come current and they did. Same thing with these guys I mean it's not something that we put into the law it just was put into the law by someone. We're just wanting to be able to make sure they understand it.

David Highsmith (AAG) – Well if they're under a duty to do that then it's something the AG has to be cognizant of I think.

Acting Chairman Michael Borja – Okay.

5. Evaluation of RFP

Acting Director David Camacho – The other one Mr. Chair is that we're about to do the evaluation on proposal RFP 14-002 on Laguna Point and GEDA is asking for people to participate on the evaluation and we're going to ask the Board to have a part of that evaluation team.

Acting Chairman Michael Borja – What's Laguna Point?

Acting Director David Camacho – That's the one we did up in the extraction and all those things for the RFP that we sent out, up next to the Raceway.

Margarita Borja (DLM) – On 7163, the RFP that went out that we approved for GEDA in Yigo back road.

Acting Chairman Michael Borja – Oh the back road okay yes.

Acting Director David Camacho – So Dave is one of the members and we tried to get you in but being the fact that you're to be approving they don't want plus the staff of the Land Management who will partake or participate in that evaluation.

Vice-Chairman David Matanane – When is this going to happen?

Acting Director David Camacho – We'll let you know when.

Margarita Borja (DLM) – It's Tuesday at nine o'clock.

Acting Director David Camacho – Tuesday next week.

Margarita Borja (DLM) – Tuesday next week nine o'clock at the GEDA conference room.

Acting Chairman Michael Borja – Anything else? Alright the next meeting we have to take out of sequence again as I mentioned earlier it's going to be on Tuesday, February 11th. I was going to try and do Thursday, February 13th but due to other conflicting meetings that are being held by other agencies we have to do it on Tuesday the eleventh. I will not be present for the last half of the month because of a postponed trip from last month due to a death and so I'm taking a trip next month now so I won't be here. But I still want to make sure we have a meeting each month since there's really no room for anyone not being present. Okay so February 11th and then we just need to make sure we publish that properly so people know of the date.

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

IX. <u>ADJOURNMENT</u>

Meeting adjourned at 2pm. Next meeting date is February 11th at 1pm.

Transcribed by: Teresa Topasna: Teresa Topasna

Approved by Board motion in meeting of: Feb. 11, 2014

David V. Camacho, Acting Director: D V Camacho Date: 2/12/14

Michael Borja, Acting Chairman: Date: Feb 11, 2014