



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 435 Fax: 649-5383

REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Thursday, May 19, 2016; 1:00 PM

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Pascual V.A. Sablan
Chairman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Gyongyi "Pika" P. Fejeran
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 1. April 21, 2016 Meeting
- IV. PUBLIC COMMENTS
- V. OLD BUSINESS
 1. East West Rental Center Inc.
 2. GEDA Lajuna RFP
- VI. NEW BUSINESS
 1. GWA – Request for right of entry agreement on portion of Lot 7022-7, Yigo
 2. GEDA Property Management MOU
 3. Joaquin S. Reyes – Request for approval to decline leased land
 4. John Garcia Raymundo – Request for approval to decline leased land
 5. Victor Mata Hamling – Loan guaranty request
 6. Johnny Ayuyu Torres – Loan guaranty request
 7. Alfred Panabe – Answer to complaint by Maria Chaco
 8. Haya Foundation – Application for Hatdin Amot Chamorro
- VII. DIRECTOR'S REPORT
 1. Revenue collection report for April 2016
- VIII. COMMISSIONERS' COMMENTS
- IX. ADJOURNMENT



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Rev. 4/4/2016

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, May 19, 2016; 1:05pm – 5:03pm

I. CALL TO ORDER

Meeting was called to order at 1:05pm by Chairman Pascual Sablan.

II. ROLL CALL

Present were Chairman Pascual Sablan, Commissioner Amanda Santos, Commissioner Pika Fejeran, Legal Counsel Kristan Finney and Administrative Director Michael Borja. Not present was Vice-Chairman Joseph Cruz.

III. APPROVAL OF MINUTES – April 21, 2016

Commissioner Amanda Santos moved to approve the minutes of April 21, 2016. Commissioner Pika Fejeran seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Vincent Aguon – My name is Vincent Aguon of Dededo. This is a repeated issue. Mr. Borja took care of it last year but it came back again, the same issue with the squatters. This year is like now they're shooting our dogs you know. I'm wondering what we can do about it. Mr. Borja warned them already you know he came out personally and took care of it like he said he would have last year. But it seems that Chamorro Land Trust is not coming around because it settled down they're starting back up. According to the neighbor next to the squatters is that Chamorro Land Trust already evicted them last year October. But Chamorro Land Trust gave them a chance to look for a place they cannot just get up and go because that would leave them homeless. Well they never attempted and they're still there. Now we keep asking them stop harassing the dogs at night because we also have other neighbors that are asking us about our dogs like it's not just the dog barking just to bark it's those kids over there. I keep asking them please stop bothering the dogs at night because the other neighbors are complaining to me about my dogs. We cannot afford a surveillance camera you know so all we have are dogs. My wife and I we're both you know at poor health. We cannot keep getting up in the middle of the night to go out and try and see what's going on. It's just so unfortunate that we found one of our dogs shot you know. To me that's, Mr. Borja I don't know if you recall where we stay in Nevermind Road. Okay there are two houses, the one in the front Mr. Borja strengthened them out. They're still strengthened out but the one in the back where all the kids are at they're the cause of all these problems. Now I asked the ones that's living next to our house you know they're not the landowner they're just staying there so I asked them please tell these kids stop coming

near the fence because the dog and the neighbor across the street just had a baby and they're complaining to me. I can't move that dog. If I move that dog our house will be broken into again. That's the only alarm we have from that side because that side is dark. That's where our house got broken into once so we put a dog there. I don't know what else to do. Already the neighbors around where we stay are yelling at these kids. They don't want them near their property not even on the easement. That's how bad it's been getting up there ever since you know the inspection slowed down. Last year, Mr. Borja himself like I said comes up once a week or once every other week to see if it's progressing. It did it progress but then when it did you know it was no longer needed for Chamorro Land Trust to keep coming up and talking to these folks. Then when Chamorro Land Trust disappeared it came back. Now the only thing I see is Chamorro Land Trust is the only thing they're scared of up there. I called GPD, GPD said they can't do anything because it's a private lot it belongs to Chamorro Land Trust. Until I can identify the person that shot the dog there's nothing they can do. I said I cannot identify who shot the dog because by the time I got out you know the police saw how slow I was walking it's by the time I got out they were all gone already. You know and they throw rocks at the dogs I mean. The dogs are tied up they're not lose. I have some sort of barrier a little net fence so the little kids don't accidentally stroll in where the dogs are okay. Now I don't know what else to do. I tried going with GPD it's nothing they can do. I'm not going to lie to the cops just to get them in trouble because I don't know who did it. But there's been a lot of problems up there. The same gentleman that lives behind that one house that I'm talking about you know he even threw a rock at a little girl you know. Started a fight with Ms. Palacios family and started throwing rocks to the kids. The cops came but there's nothing they can do. You know this is an ongoing thing ever since Chamorro Land Trust backed out a little bit. Now like I said the only thing they're scared off up there is Chamorro Land Trust coming around. Because when Mr. Borja and some of the agents were coming up like I said once a week or sometimes every other week or you know when they see Land Trust presence up there constant everybody seems to behave down there. But as soon as Land Trust says okay we have other properties we got to tend to not just this area I understand. I totally understand. But GPD cannot help us because the issue of the lands you know because they were asking me if they're the legal residents I don't know I don't work for Land Trust. I'm not going to pretend that I'm the landlord up there or anything or if I know what everybody's status is up there because I don't. I just want to live whatever's left out of me and wife you know just to be left alone you know. But apparently it won't happen. Now they're spreading rumors that I'm pointing guns at kids. I'm like now okay what's next you know? The other neighbors they're old, they're not going to complain because they don't want their house picked on okay. They think that my house is getting picked on because I get mad at the kids to stop throwing rocks at the dogs, stop harassing the dogs. So they don't want to complain to Chamorro Land Trust because they don't want their property harassed. To me you know it's like I tell them you know if you let Chamorro Land Trust know maybe they can give me some kind of advice for GPD when we call GPD. But right now even GPD come up if we cannot directly recognize the person that you know is doing it they don't want I think and I'm not going to lie to them you know. But it's happening it's coming up bad you know. Like I said Mr. Borja all that effort you did last year thank you for that. I mean you really locked them down on it but nobody is moving and the problem is just getting worse. Ms. Sofi wanted to come up here but she's not feeling well. I know you know Ms. Sophia Palacios right she's one of the main

complainers because she lives right in the middle of the two houses you know. I told her well I'm going up there but I got to go to my doctor's appointment right after I can't take you. So she was asking me you know if I can just mention her house because the lady she's not financially structure. Her house only has three walls you know but she's trying to make do with what she has. Now for other people to come over and take what very little that she has I mean she don't work, the boyfriend don't work because they're all elders and they're both sick you know. So I told her I'll bring that up after I bring up about the kids harassing the dogs. I don't know what else to do. Mr. Borja I took your advice we called the police next time you know it's happening after hours but like I said even when I do they can't do nothing. So I'm hoping I'm seriously hoping something can be done. I mean I understand they have no where to go but that doesn't give them the right to start harassing the people that are legally there.

Chairman Pascual Sablan – Are you being harassed because your dog barking?

Vincent Aguon – They're harassing my dogs because my dogs barks at people that comes near the fence. So when I told the kids stop harassing the dogs stop hanging out over there to let the dogs bark now they're harassing the dogs because I'm harassing them. I'm not harassing them I'm keeping them away because the fence I got up there is made of plastic. I don't know if you know those nets that they use for the garden to control the grass. Agriculture gave us some of that but I didn't use it for the grass I used it to block to where little kids are not going to stroll in and get bit. We have pit bulls. There's no way I'm going to pry a pit bull off a little child so my concern is safety the child's life. But you know that doesn't give them a line to stand on the other side and start you know harassing the dogs. I keep the dogs in a short chain so it doesn't have a running distance to snap the chain. I'm doing everything I can but like I said my efforts are useless. These are the same family that you told that they have to move out of the property right next that was putting all their poop and everything in a bag and throwing it. You know those are the same people. All they did was move from where you told them they have to leave that area immediately down the next one.

Administrative Director Michael Borja – We'll revisit this issue again and see what we can get done.

Chairman Pascual Sablan – Thank you Mr. Borja, but how many dogs you have?

Vincent Aguon – I'm sorry?

Chairman Pascual Sablan – How many dogs do you have?

Vincent Aguon – We have 4 now because now we have to put them in certain areas because our storage you know our little storage in the back got broken into.

Chairman Pascual Sablan – And they're all leashed?

Vincent Aguon – They're all tied up.

Chairman Pascual Sablan – Do you put signs up?

Vincent Aguon – Yes sir. That was one of Mr. Borja's thing I got to put up no trespassing and beware of dogs. So we did do that.

Chairman Pascual Sablan – You know I'm not advocating it because I have a neighbor too that their dogs bark 24/7 but I found out from the former Attorney General that I think dogs have more rights than us. It's really sad. If you make a noise after 11 o'clock they can call the cops on you but on the dogs the cops don't do anything. And the former Attorney General John Tolentino told me that. Well anyway Mr. Borja he just offered his help.

Vincent Aguon – It does piss the neighbor off because like I said there's a lot of elders. Mr. Borja can tell you that and they go to bed 7, 8 o'clock they're snoring. Then the dogs start going off 9 you know 8:30, 9 o'clock then they start going at the fence to get my attention you know I don't blame them. They get mad at me I apologize I tell them I'm sorry you know there's nothing I can do until these people leave the dogs alone. I move the dogs they're going to break in. Our house has been broken into twice until we started putting dogs up that's when the break-ins stop.

Administrative Director Michael Borja – I'll be spending a lot of time up at Okkudo High School in the next two weeks so I'll be in the area.

Vincent Aguon – Like I said Mr. Borja came up personally himself I mean he visits our house to let us know you know ask us what else and everything and he did take care of it. It's just when everything settled you know they have other places also they have other complaints you know.

Chairman Pascual Sablan – Okay Mr. Aguon, Mr. Borja is going to be visiting you. Thank you Mr. Borja, boy I didn't know you provided that service.

Vincent Aguon – Because it was a big problem health issue when I mentioned about health issue he totally got personally involved in it that he was coming up. I mean I don't know Mr. Borja until I met him here but you know it's appreciated that he didn't "bs" us and actually showed up himself.

Administrative Director Michael Borja – I bring my bouncer looking land agents.

Vincent Aguon – No but the problems came back and Mr. Borja and his crew knows about this problem. The feces stopped all over the yard now you know the neighbor's yard don't have human feces all over no more. But it's still you know I'm like I don't care they have kids and stuff we all have kids. I got grands come over and play on my yard and stuff but they all know leave the neighbors dogs alone. You know don't be crossing over and bothering the neighbors you know. The thing is what got us is when they shot the dog you know. What if that was my grandkids out there playing at night and the bullet miss the dog and hit one of them you know. That's all I have.

Chairman Pascual Sablan – Thank you Mr. Aguon but at the same time please make sure that you know the kids are safe from your dog.

Vincent Aguon – Yes I did I put up a barrier for the dogs. The kids are the ones coming up to the fence.

Chairman Pascual Sablan – I know how kids are.

Vincent Aguon – Yeah we've all been there but you know it's also the parents responsibility hey, you know that dog is going to tear you up stop going over there. Hey you know that guy keeps telling you guys knock it off, then knock it off. I mean back in our time we see our father's fist or the (inaudible) or the extension cord we see something. Now a days you can't you know.

Chairman Pascual Sablan – Thank you Mr. Aguon.

V. OLD BUSINESS

1. East West Rental Center Inc.

James Adkins – Good Afternoon. We sent you a letter to the Board and to everyone requesting a land exchange between East West Rental Center and the property behind East West Rental Center which is owned by the Chamorro Land Trust. We would like to do a land exchange for the 8,808 square meters with value for value property that's up across from the Windward Hills golf course with approximately 65 to 70,000 square meters of property up there. The land there is very good for building houses. It's right on the road it has water it has power. There is a road the main road right in front of it so it will be an ideal property to do an exchange for it. The Chamorro Land Trust I know one thing you would like to do is to give housing lots to people who need those. For what I understand there's a need for that type of property in the southern part of the island. The people there told me they need the property there for the Chamorro Land Trust to give it to the people. So we're offering to make an exchange. The property behind East West Rental is an old rock quarry. It was from the WWII where the CBs took the coral out of that and used it for the Harmon air strip. So it's going to cost us a lot of money to put the property the way we want it. Once we get it the way we want it then we can build a building there and we can hire more people for our business and that could help out the island in employment and also to pay taxes, more taxes. I think all in all this would be a very good exchange for the Government of Guam Chamorro Land Trust and also to help out our company to expand in an area where we already exist. We would like to exchange and have the property behind us so we can increase our business.

Commissioner Pika Fejeran – Mr. Adkins thank you for coming to us. Welcome Mr. Adkins. Thank you for the letter we've had a chance to review it. I appreciate the business that you have on Guam I know it's been around for a long time and I appreciate that you're looking to expand your operations and do more of your business. I have some questions on my part. I'm new to the Commission so I'm still trying to wrap my head around all of our properties and all of that. I guess one question I have for CLTC is what is our current CLTC land inventory in Tumon village? Do we have an approximate number maybe?

Margarita Borja (DLM) – We have one well for the Tamuning-Tumon area it's about 100 acres. With respect to the Tumon area I don't think it's going to be even 50 so it's very, very minimal.

Commissioner Pika Fejeran – Okay so approximately 100 acres for both villages. I ask because you know that Tamuning and Tumon is the most built up villages on our island so I want to kind of see how much land inventory we have there. Do we know how much inventory we have in Yona?

Margarita Borja (DLM) – About 82 acres.

Commissioner Pika Fejeran – It's my understanding that the subject lot is on our list for commercial properties to be leased out. One of eight maybe? I'm sorry how many?

Administrative Director Michael Borja – Twelve.

Commissioner Pika Fejeran – So you know we just have the rules and regs for commercial leases and that property was identified as one that would potentially be issued as commercial lease. Have you thought about perhaps being one of those once we get that started?

James Adkins – Well one thing if you look at the map on that and you see the topo there's a big pit where the coral was taken out of it. It would cost probably 100, 150 to 250,000 dollars to go in and buy new material and bring it in and prepare it for a commercial lease. So that's going to cost you a lot of money to put up before you can even put it out to lease for someone to use it. When you put out for lease your leases are what 25 years I think it's what it is now. In order to build a building on it and do something with it we could not even write out a lease. Government of Guam does not allow for our taxation it takes 37 years to depreciate the property that we have to you know the money we put into it. So it would not be feasible for us and I don't think for anyone else to go in and spend a lot of money fixing up a piece of property and building on it and then you can't even get enough return out of it to make it worth your while. That's something we considered and it's really tough to put that kind of investment like that. That's why we'd like to go ahead and make a land exchange because anyone who goes in there is going to have to spend a tremendous amount of money just fixing it up in order to use it.

Commissioner Pika Fejeran – I see some of the lot is already paved.

Administrative Director Michael Borja – Cleared.

Commissioner Pika Fejeran – It's cleared, it's being used as a parking lot?

Administrative Director Michael Borja – It's being used by East West Rental without authorization.

Commissioner Pika Fejeran – So you're already using part of the property.

James Adkins – Yes Public Works has told us years ago to just go ahead and use it because that was a road before. It was a road and it was not a road. When we first went there it was a road behind East West Rental alright then they built some housing over behind where Nissan is now. When they built the housing the road was closed off there was no more road going through there. So Public Works put signs and we told them we wanted to do a you know with the property and they said just go ahead and use it because its Government property don't worry about it just use it. So we were given the authority to do it then and the road was closed off already.

Chairman Pascual Sablan – Mr. Adkins first of all thank you for all your business, employment of workers and I know you've been around and also I think this is your third time before us. Is this your only option is to exchange? I believe the last time I think you made an offer or leasing it so much and exchange so much something of that I don't know I need to look at my file. I heard you say earlier that it might be difficult to you know for example if you lease the property and maybe to take it to the bank and say I have this property you know I want to of course you cannot mortgage but give me a loan of xx amount you know so I can build things. Or rather in the contract we can maybe put an option that you know you can extend it upon expiration of the lease.

James Adkins – Well we can work out, we've made three offers you know to either land and land because I know your land so you'll like to have more land. We've made offers for land and cash. So you could tell us what's your need and then we'll see if we can work on it. But if we go in and we build a building personal banks don't want to make a loan on a piece of property it's not maybe 50 years I think is what they're requiring for on leasehold. So if we go in and we build a small building something that's not going to be very good for us or improve the area yeah we can put in something cheaper. But if we're going to go in and put a lot of money and time into something that's going to be good for the area then it takes more money and we have to write it off over a longer period and to get our money back. So we're willing to work with you but we got to look at it from a business point of view how much money is it going to cost us to go out and make an investment and are we going to be able to get our money back. So that's one of the things that we'd have to consider how long it would take. With us we've mentioned the purchase to go ahead and do a land exchange or land and cash or all cash. That way we know what we got we know how we can work with it over the years and go from there. Where if we're going in on a leasehold there's nothing certain on that. If you do make an extension on the lease or whatever then those things with Government things change you know. What you're saying today and 10 years from now things may change around and they may not do the same thing then. So you know in business it's hard to make money these days and we want to get it where we have something that's solid if we can.

Chairman Pascual Sablan – You're a successful businessman I'm pretty sure you have the formula to make that thing work if you were to lease this property. I'd like to support you but on a lease basis not in sale Mr. Adkins. Will you take that?

James Adkins – Well if that's what we'd have to do then that's what we'll have to do. It's not our first priority let's put it that way it could be on our second priority.

Administrative Director Michael Borja – Just know Commissioners there are ways of extending beyond 25 years by doing determination of need and putting a request so the length of the lease can be much longer than 25 years.

Chairman Pascual Sablan – You heard that Mr. Adkins?

James Adkins – I didn't hear exactly.

Administrative Director Michael Borja – I'm sorry there is a way to make the lease longer by going through the process of doing a determination of need to make the parcel lease period much longer.

James Adkins – How much longer can it get?

Administrative Director Michael Borja – Well you know I mean for certain things and commercial it's a lot different like you were talking about and we're going to face this with whatever commercial activities we're going to do. So 50 plus 49 kind of set ups.

James Adkins – Okay. We can see how that would work out I guess.

Chairman Pascual Sablan – Mrs. Santos you have anything?

Commissioner Amanda Santos – No.

Chairman Pascual Sablan – So what's the consensus of the Commission?

Commissioner Pika Fejeran – You know if I may I understand the business that you need to have certainty and owning the land gives you that certainty right? From my perspective I see that there would be a missed opportunity for CLTC to give up that land in a land exchange. I know that we have a lot of lands that we've even subdivided lands for residential uses and we're ready to move on that. Our impediment issuing the residential leases please correct me if I'm wrong our impediment is the infrastructure that these residences need and the commercial leases that we would be issuing would be providing revenue to the CLTC so that we can turn around and use that revenue to put in the infrastructure for Chamorro leaseholders residential and ag. So for me I don't believe that a land exchange for more property to be developed for residential uses is in our best interest. We have a lot of property that we've already set aside for residences that were ready to go forthwith but what we lack is the revenue to make it happen. I believe that there's an opportunity for this lot it's in a prime location and commercial area. I believe we would really be giving up too much potential with the CLTC. So I do not think this is in our best interest to do a land exchange. But perhaps there's another way that we can do it so that you would get your certainty and then we would have our needs met as well. **I move to not approve the land transfer for this lot because of the opportunities that would be lost to us.**

Chairman Pascual Sablan – Mr. Director help us.

Administrative Director Michael Borja – What?

Chairman Pascual Sablan – It looks like the consensus is you know maybe we'll entertain the lease but not the exchange.

Administrative Director Michael Borja – Right the request here is to grant them an opportunity to give approval so that they can move forward on a land exchange. But you know this land exchange would have to have legislative approval anyway. This would be the first step towards getting that but it's not a required step for getting that. If the Adkins have the desire to go to the Legislature and accomplish this task without our approval you know the Legislature has that authority to do it as well. Here you can either say no we don't agree or you don't have to say anything. So you can move to disapprove a land transfer or you cannot act in approval or disapproval.

Chairman Pascual Sablan – But how about to lease?

Administrative Director Michael Borja – Oh to lease I mean that's what you're still reserving the right for to lease to them. But again if they are able to get specific legislation to allow them to specifically lease the property then it bypasses the commercial rules and regulations. If we open this up according to the rules and regulations for leasing it has to be submitted through an RFP and that then they would be just an offeror in responding to this RFP and whoever is the best offeror of any would be the one selected. So you know it's still a chance that they're going to have if they wanted to lease it. Now if they want to go to the Legislature and ask if they could be permitted to lease for 50 years plus an option of 49 and then only then that can be done by the Legislature but it can't be done by us. We have to follow the rules and regs if we need to do a lease.

Chairman Pascual Sablan – But I'd like to show on the record too that we're taking positions you know.

Administrative Director Michael Borja – Okay you can make a motion that you want to reserve the land for lease purposes only.

Chairman Pascual Sablan – And then after that we'll have to go through RFP.

Administrative Director Michael Borja – Right but we still have to get it approved by the Legislature. It still has to go through the process. It had a public hearing we just haven't moved beyond that public hearing because the last time I brought it up as a group of lands there was not enough votes to approve it.

Chairman Pascual Sablan – Okay. You heard everything Mr. Adkins?

James Adkins – No I think I put my position on the table on what we'd like to do. Our company has been in business for a long time. We'd like to expand we hired a lot of people and we want to continue that in employing people. I think if by us having the property behind there would be good otherwise we'll have to move our whole operation to another

location because where it is now it's not big enough for what we need we'd have to expand. So it'll cost us tremendous amount of money to move. Either that or we cut down on employees and we don't want to do that. So that's our position that's why we keep coming back and asking to get the property so we can expand there instead of having to move somewhere else.

Chairman Pascual Sablan – Okay so a motion was made.

Administrative Director Michael Borja – If I may add one more thing if the Commission's desire is to allow this property to be leased in the commercial rules and regulations the steps and processes we've taken towards this is we've publically announced it, it had a public hearing. If you wish to identify this specific lot to be approved by the Commission for the purpose of commercially leasing it you can make a motion on that and then we can move to the next step where I then now present it to the Legislature as a single piece of property for their approval to be commercially leased. Because it's already gone through all the steps it just needs the approval of this lot.

Chairman Pascual Sablan – Okay so I think Pika's motion is still in order that you have to show on the record that this Commission is not supporting the land exchange and you can go to another step.

Administrative Director Michael Borja – And make another motion to approve this particular lot for the purpose of leasing.

Chairman Pascual Sablan – Okay so a motion was made.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Santos – Aye.

Chairman Pascual Sablan – Aye, the ayes have it.

There were no objections, MOTION PASSED.

Chairman Pascual Sablan – Now another motion is in order.

Administrative Director Michael Borja – So what you had was Guam Waterworks had divided this property we already approved for Waterworks to have the north side of this lot. Land Management had to assign a lot number and so if you'd want to have that particular piece of land to be approved this is the lot number we'll be using, it's described as Lot 5075-REM-ANEWR1 with an area of 7,807± square meters. And that would be the particular lot that

if you would like for it to be leased you can approve to use it for commercial leasing and to allow that piece of property then to be forwarded to the Legislature for their review.

Chairman Pascual Sablan – Are you reading the correct lot because I believe there's a road in front of that lot.

Administrative Director Michael Borja – Well it's been re-divided. Yeah there's a road here.

Chairman Pascual Sablan – Is that the Marine Drive?

Administrative Director Michael Borja – No, no, no that's not Marine Drive. And then you can refer to it as shown on the parceling sketch the survey map number 057FY2016. It's not a recorded survey map yet but it's a parceling sketch.

Chairman Pascual Sablan – Okay are you guys ready to entertain that motion?

Commissioner Pika Fejeran – You know I'm very new I'm not 100% up to speed on each of these lots. I don't feel ready to move one forward without looking at the rest.

Administrative Director Michael Borja – No we're not going to move anything else. That's not the intent to do the package.

Commissioner Pika Fejeran – Right exactly but I don't know what everything else is.

Administrative Director Michael Borja – You just talked about wanting to lease this piece of property.

Commissioner Pika Fejeran – I think if we were to use the land we would only want to lease it.

Administrative Director Michael Borja – Right and so now this would take it to the next step by allowing it to be leased by approving that one particular lot only not the whole group but that one particular lot.

Legal Counsel Kristan Finney – This would be the first one that would go through the procedure but there are a number of steps that have to happen before it can be considered. If you guys are wanting to do that then you would have to make a resolution to approve that lot for leasing and then you would have to send that to the Legislature.

Chairman Pascual Sablan – So if you make the motion for example to approve that lot for lease commercial lease it's not necessarily that you're saying to give to Mrs. Santos or Mr. Adkins or anybody.

Legal Counsel Kristan Finney – You wouldn't be able to do that.

Administrative Director Michael Borja – No you can't do that.

Chairman Pascual Sablan – Okay so do you want us to entertain that? Here's the sad thing Mr. Adkins there's only three of us if only one that don't agree it fails. So I want to take that step to a motion to and of course I'm not forcing.

Commissioner Pika Fejeran – I'm not comfortable making that step today. I would like to understand more but I would definitely would like to reserve the right in the future to do that.

Chairman Pascual Sablan – Okay like I said there's only three of us, one don't agree. Okay so there's no motion. I think we're done thank you Mr. Adkins. We'll take the next step maybe in the near future.

James Adkins – Okay.

2. GEDA Lajuna RFP

Administrative Director Michael Borja – What you have is this package that they presented and I don't know if you would like to hear them on the discussion. But the discussion here needs to also determine whether or not you know what stand we want to take on GEDA RFP 14-002.

Jacqueline Terlaje – Hafa Adai Mr. Chairman, I'm Jacqueline Terlaje I'm an attorney for Purestone LLC. and this is Samantha Stern a representative of the company.

Chairman Pascual Sablan – I don't know what to say in fact this letter was dated May 18 yesterday right?

Jacqueline Terlaje – That's correct Mr. Chairman and that's the reason what we wanted to do for the fact that you had this item on the agenda was to try to give you a status so that you would know from Purestone's perspective where we are on this RFP process. The attorneys involved between GEDA, CLTC and Purestone have been discussing the legal issue surrounding this matter. But from Purestone's perspective we're prepared to proceed forward with the RFP and that's the reason why we have set forth here in this memorandum at least some information for you to consider to determine whether or not you are prepared to move forward on the Lajuna project. You know I want to start with the first thing is that Commissioner Fejeran said that one of the primary concerns of this body is that you do not have revenue available for the land mass that you have in your inventory. And that's one of your issues is that consistently when you look at the land available the CLTC is unable to give the land back to the people for the use of residential projects because of the fact that you don't have the revenue to give them the infrastructure to get into that land. And in terms of the Lajuna project one of the major issues you have is this is cliff line property. You have to think of this more like a Barrigada Heights the development of Barrigada Heights. It was a huge cliff at one point and at a certain point they had to grade the entire cliff side and terrace the entire cliff side in order to create the residential development. That's exactly what Lajuna is. Lajuna is a big giant cliff. You can't drive into the cliff and say I'm going to put my tent right here this is where I'm going to live because it's impossible

without terracing. And the RFP, RFP 14-002, anticipated that and it contemplated the terracing of that property to develop a master plan to put in homes and right now what we're looking at is offering 200 residential units in Yigo to develop this land for 200 homes for which the CLTC can start to dole out over the years. The problem is the grading. So the question that GEDA, CLTC and Purestone have been engaging in is whether or not this particular RFP was somehow cancelled by the new law the Public Law 33-95. And when you look at Public Law 33-95 which is exhibit 1 in your packet that particular law sets forth that only those solicitations and procurements in which a commercial lease are contemplated are cancelled. And so the question is was a commercial lease contemplated under this particular RFP? Our position is no, we're not interested in a commercial lease. Purestone doesn't want to lease the property. Purestone wants to grade the property, purchase the minerals on the property the surface of the property the terracing and the gravel of the property in order to create a revenue for the CLTC. What we have proposed already to the CLTC is that we will give a guaranteed revenue over a 5 year period 9.3 million dollars. Just to sign the development contract we have committed a \$300,000 non-refundable fee and then we give back to CLTC 9 million that's in the first 5 years. Now if 5 years is insufficient to terrace this property because frankly we haven't been into the property to a certain degree to check the gravel material in this land. It may take 10 years to terrace this property in full. So after if you take into consideration the CLTC rules and say let's extend it out 21 years under the rules the CLTC revenue on this particular RFP which has gone through the entire process is over 47 million dollars. 47 million which could be used to survey the CLTC properties, create the infrastructure to do mass public interest. There's a lot of things that can be done with 47 million dollars over a 20 year period. And so the issue that you have before you is whether or not this Commission is prepared to move forward on the RFP. It's our position that the law does not prohibit our RFP. First of all the Public Law 33-95 is very specific. It defines for you what a commercial license is what a commercial lease is. We don't want to occupy your land we just want to take and terrace the land. There was some confusion I've listened and saw some of your prior Commission meetings about what was going to be done with Lajuna and there seems to be some confusion in the public that the intention was to create a big pit. That's completely an untrue picture of what the master plan of what Lajuna is going to be. Lajuna will be terraced for gravel so that our investors can sell the gravel to create the 47 million dollars of revenue for the CLTC. So what we're asking the CLTC to do is to commit to the Lajuna project. You've already gone through the entire RFP process. We've already completed that process and that's why Lajuna was taken off the inventory because the Lajuna project was already dedicated to the development of residence. And that's what we're asking to do. We're asking let's move forward, let's sign the development agreement because the only hold up on the development agreement from two years ago was the passage of the Commission's rules and regulations. Now that you have the Commission's rules and regulations in place there's nothing that prevents us from moving forward so that we can put houses in the land of the people. Houses transferred back to the people of Guam. And that's what we want to do we want to take part in this project so that that way the people of Guam can have at least 200 houses in the next 20 years. That's what we're asking the Commission to do to act on Lajuna.

Commissioner Pika Fejeran – Sorry Jackie, thank you for that. I got the 9.3 million revenue in 5 years. Where does the 47 million come from?

Jacqueline Terlaje – There's an extension period under the CLTC rules and regulations that if the minimum term of 5 years on a license an access license is not available or it's not sufficient to complete the project then you can extend a license up to 21 years. That's provided specifically for in your rules. So with respect to licenses you can go up to 21 years but if you want to go past that time frame you need to get Legislative approval to do that. So when you do the math we guarantee you a 1.8 million dollar revenue per year. And we also have an additional 1.2 million that will come in if we grade up to 3 million cubic yards of material. There's also another provision in our development agreement that says if we take more than 3 million cubic yards which would be subject to an audit between GEDA, CLTC and Purestone that we will pay \$1.25 per cubic yard unit okay. And so there are provisions that are built into our contract that actually increase the revenue. The numbers I've given you are the floor, just the bottom level of the amount of revenue that we have committed to under this development agreement. And that's why I started out with telling you why are we not moving forward with a project like this. This is the revenue the CLTC is asking for. A commercial access license to the Lajuna property that grants the right to Purestone under an already completed RFP to allow us to begin the grading the permitting process to grade the property so that CLTC can see an actual revenue this year of 1.8 million dollars. \$300,000 of which is non-refundable that means you get to keep that first \$300,000 by just signing the contract. That's all that's required. This is a process that's been in works for years. This started I want to say pre 2014 before the RFP went out in, it was 2014-002 is the number. So that tells me that the RFP was actually issued in 2014.

Samantha Stern – 13.

Jacqueline Terlaje – 13 okay so 2013 so we're talking about a 3 year wait at this point. This is why there is impetus behind my client's desire to move forward in this project. They have their investors who are ready to proceed. We are ready to proceed with the EPA requirements and the testing requirements. All that is required to do is for this Commission to decide whether or not it's moving forward with this project under this RFP. And whatever impediments that you believe that might exist based on the discussions that I have had with counsel the Public Law 33-95 was the impediment. We don't believe Public Law 33-95 is the impediment because it specifically defines in your law in your rules and regulations that a commercial license can be granted under the RFP and that's what was contemplated in our RFP as well.

Chairman Pascual Sablan – You know what I'm new too on this place but I haven't seen the RFP. This report just came in I believe yesterday. I don't want to be forced or suppressed in doing something that I'm not really familiar. I'd like to read this before I make any more comments.

Jacqueline Terlaje – Chairman Sablan then what we would be happy do is perhaps if what you would like to is have Purestone do a presentation of what the project contemplated. We would be happy to do a presentation for the Commission so that the Commission fully

understands what the purpose of that RFP was. Because you know when lawyers and people talk about what RFP numbers are you know a lot of time it goes in one ear and out the other on what the issues are involved with the RFP. So what we would like to do is do a presentation for you if you would like to schedule a presentation. It's up to you sir.

Administrative Director Michael Borja – Mr. Chairman let me add something. I was the Chairman of the Chamorro Land Trust during the process of creating the Lajuna project and then later the Administrative Director as we were discussing the agreement. The purpose of creating a license agreement I mean excuse me a development agreement or whatever it was called an extraction agreement as opposed to what should have been called a lease was because we had no rules and regulations. In the process of developing this agreement you know we then brought on Legal Counsel who looked at this agreement and said this is really a lease and it should be and has to be called a lease. That's the reason why we stopped it until we receive the Chamorro Land Trust rules and regulations when it had passed. In the process when we were trying to finalize that agreement prior to us going into creating the rules and regulations we were having significant issues with the offeror in committing the financial responsibilities that they had said they were going to give us. It got to a point in which we were also ready to terminate because they have not provided the financial commitment that they had agreed to do and then everything froze because we were told to just stop. So we stopped everything and then in the process of creating the rules and regulations these rules and regulations are not what we submitted. This is the creation of the Guam Legislature and they added this one section in there item no. 6 under I think section 2 which talks about pending solicitation for interests or proposals prior to the enactment of this act for commercial activity on CLTC land with the intent of entering into a commercial lease shall be null and void. The debate is, is this a lease or not a lease? The way we have viewed it at least I have viewed it and with the advice of our legal counsel is that this meant this and any RFP or solicitation that we had ongoing prior to the enactment of the rules and regulations. This was the only solicitation or proposal that we had ongoing prior to the enactment that had not come to any kind of conclusion or wasn't created because it was done by Public Law or whatever and therefore we had taken a position and issued a letter once before that said that we wanted to exercise the right that this mentioned under our reserve rights in RFP 14-002 that we can terminate the process of the RFP at any time. And that's the position we took at that point and then it became more discussions between the attorneys and so the discussion here is whether to continue forth or to submit a resolution to take a position on where the Commission stands in regards to this RFP. I feel that if we moved forward on this RFP specifically we stand to really have a more sour relationship with what the, we're violating the intent and the spirit of what was put in in the authorization we were given. And it would have some dire consequences with our relationship moving forward with many of the members of the Legislature.

Jacqueline Terlaje – If I may respond Mr. Chairman. The specific provision that is at issue here is section 75122. I want to read it to you because I think it's important that the Commission hears what it says. It says any solicitation for interest or proposals prior to the enactment of this act for commercial activity on CLTC land with the intent of entering into a commercial lease shall be null and void. And so the question is, is the development

agreement that we are proposing to sign is that a commercial lease? We're telling you no it's not. It's not a commercial lease.

Administrative Director Michael Borja – But what we were going to do Mr. Chairman was that we were not going to label it any longer as a development agreement but instead as lease because the definition of a lease has other meanings in which the activity that would be going on would require us to do a lease.

Jacqueline Terlaje – And that's why the memorandum we've provided you is important that you look at the memorandum. That you look at what Guam's law is with respect to mineral rights on Guam. Guam's law says that if I'm an owner of land which you are you know as a representative of GovGuam is that you own everything above and below including the land. And so I'm not interested in giving you back the subsurface materials that I am taking off the land. I am giving you a price for it. So you're selling me not the ownership rights in the property. You're not leasing me for a specific term rights in the property. You're selling me minerals on the land. And so that's the reason why an access license as defined by the public law is critical because the public law says that the license to access the land is distinct from a commercial lease in which you obtain an interest in the land. So in this particular instance there was some talk about an access license agreement years ago which Director Borja referred to in which we did not put up the initial \$60,000 they were demanding. We had no development agreement in place. They wanted to give us an access license and they demanded payment in 10 days and we said wait a minute we won the RFP, we have not signed the development agreement and you wanted us to pay you \$60,000 even though you are not committing to the obligations under the RFP to Purestone. So Purestone didn't put up the cash at that time because the stall on the development agreement was the Commission's rules and regulations surrounding commercial activity. Now I respect the Commission's desire to have a good working relationship with the Legislature and that the Legislature is a very important function of our complete democratic process. However, it was the Legislature who drafted this law. It was the Legislature who approved the provisions of this law and the only prohibition they put in to place for this Commission was that you cannot proceed in procurement involving those with the intent to enter into a commercial lease. We never intended to enter into a commercial lease. We intended to develop a master plan to terrace the property so that you would have 200 homes. That's what the plan was for.

Legal Counsel Kristan Finney – Can I say just a few things? Just to respond about to help you guys understand what they're saying is we're not asking you to lease us anything we're asking you to sell us the mineral rights. So first of all you wouldn't be able to outright sell them the mineral rights forever without the Legislature. You can't sell Chamorro Land Trust without the Legislature giving you that authority. The second thing is the mineral rights is part of property rights. It's part of what makes the property what it is. So if you're going to sell the mineral rights for a certain period of time that is effectively what a lease is. When you lease property you sell the right to use the property for a certain amount of time. So you would be effectively leasing the mineral right even though they don't want to call it that because it's not putting it clearly without any question under 33-95. I don't know if I'm

saying this clearly enough but the mineral rights of property is part of the property rights. So if you're going to sell that for a particular period of time that is what a lease is.

Administrative Director Michael Borja – And I just want to add on here as well that you know it was our hope that after the enactment of the commercial rules and regulations we could then proceed forward with the completion of this RFP, come up with an agreement in a form of a lease with the best offeror to this RFP. But because this one provision was put into this law our hands were tied and it just wouldn't allow us the way we saw it to move forward. It's not because we didn't want to do this RFP. We always wanted to try and do this RFP and to define it. We were at the point of being able to define as counsel has mentioned what this whole process was about. She explained it very clearly and very well. But it's just because of this one provision that was put in here that really just caught us off guard as to what we could do with this RFP. It was really not a happy thing for us for it to have happen and unfortunately this is what we have to live with though.

Jacqueline Terlaje – And so Commissioner what you end up with is essentially an RFP that's still valid in terms of the administrative procedure. So the question that this Commission needs to deal with is whether or not administratively speaking you are able to terminate the RFP. We've already gone through a procurement appeal process. Originally the CLTC cancelled the RFP and as provided in your packet the Office of the Public Auditor determined that the CLTC did not have the ability to independently terminate the procurement it would have to be through GEDA. And so if the Commission decides to support a termination then it would be GEDA as the issuing authority to issue a notice of cancellation. And from that point then there would be another administrative process on whether or not we should appeal and whether or not there should be an independent interpretation of what this particular provision under the law says. Does it really mean that we can't enter that the Commission is prohibited from entering into a development agreement? Is that what this particular law says? And the OPA would be the body to determine that at least from our perspective. I can't guaranty you that that's going to be GEDA's perspective. GEDA may take a different position.

Chairman Pascual Sablan – GEDA is our agent.

Jacqueline Terlaje – That's correct.

Chairman Pascual Sablan – Okay we hire them, we terminate them okay. RFP also can be terminated and as the Director said earlier that the recent enactment of this or approval of the rules and regulations specifically mentioned this so it's not that our hand is only tied here in us Commission we have a fiduciary responsibility to look into all these things. And we have to make decision based on what we have before us and what we feel is the best okay.

Jacqueline Terlaje – And that's what Purestone is asking you to do Mr. Chairman.

Chairman Pascual Sablan – Well I think you make already your presentation it's just sad that we just received this yesterday but anyway I've been making research on this and I

think I come to a conclusion. So the Chair is ready to hear a motion as to what to do with this. We as Commission members we have the right to terminate the RFP.

Administrative Director Michael Borja – What I provided each of you Commissioners is a draft resolution that would be a declaration and position on the Guam Economic Development Authority request for proposal 14-002. If you want I'll read the entire thing.

Whereas, the Chamorro Land Trust Commission (hereafter CLTC) in accordance with a Memorandum of Understanding with Guam Economic Development Authority (hereafter GEDA), engaged GEDA to issue a Request for Proposal (RFP) for master planning and site preparation (including provision of utility infrastructure) of Lot Number 7163-R1, Yigo, Guam, consisting of approximately 1,634,290 square meters (404 acres) of undeveloped land, and

Whereas, GEDA issued RFP 14-002 on November 21, 2013, entitled Lajuna Point Residential Community, Yigo, Guam on behalf of the Chamorro Land Trust Commission, and

Whereas, GEDA RFP 14-002, Section 3.12, GEDA/CLTC'S RIGHTS RESERVED stated: While GEDA/CLTC has every intention to award a development agreement as a result of this RFP, issuance of the RFP in no way constitutes a commitment by GEDA/CLTC to award and execute a development agreement. Upon a determination such actions would be in its best interest, GEDA/CLTC, in its sole discretion, reserves the right to:

- Cancel or terminate this RFP;
- Reject any or all proposals received in response to this RFP;
- Waive any undesirable, inconsequential, or inconsistent provisions of this RFP which would not have significant impact on any proposal;
- Waive any minor informalities in proposals received, or have them corrected by the offeror in accordance with applicable regulations;
- Not award if it is in the best interest of GEDA/CLTC not to proceed with development agreement execution; or
- If awarded, terminate any development agreement if GEDA/CLTC determines adequate funds are not available.

(Specifically the quotations from the RFP)

Whereas, I Liheslaturan Guahan passed Bill No. 175-33 to create the CLTC Rules and Regulations for commercial use of CLTC properties and I Maga'Lahen Guahan signed it into law on November 9, 2015, as Public Law 33-95, and

Whereas, Section 2 of Public Law 33-95 added §75122 (b) (6) to Chapter 75 of Title 21, Guam Code Annotated which reads:

(6) Any solicitation for interest or proposals, prior to the enactment of this Act, for commercial activity on CLTC land with the intent of entering into a commercial lease shall be null and void.

Whereas, GEDA RFP 14-002 did not result in an executed agreement with any qualified Offeror prior to the enactment of Public Law 33-95.

Now therefore be it resolved,

1. The Chamorro Land Trust Commission Board of Commissioners concurs that Public Law 33-95 nullifies all solicitations or proposals for commercial activity on CLTC land prior to the enactment of said law.
2. The Chamorro Land Trust Commission Board of Commissioners exercises its reserved right as stated in GEDA RFP 14-002, Section 3.12 to cancel or terminate said RFP.
3. The Chamorro Land Trust Commission Board of Commissioners directs GEDA, by virtue of this resolution, that it is exercising its reserved right as specified in RFP 14-002, Section 3.12 to cancel and terminate GEDA RFP 14-002, effective immediately.
4. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to the Guam Economic Development Authority Board of Directors.

Administrative Director Michael Borja – So that's just the proposed resolution if you wanted to entertain that if your view is that we don't have any further authority to proceed on this RFP.

Chairman Pascual Sablan – Okay so the Chair is ready to hear a motion to adopt this resolution.

Commissioner Pika Fejeran – I have a question as to the process. If we chose this resolution it gets pushed to GEDA and then GEDA is the one that would have to formally terminate?

Administrative Director Michael Borja – Correct.

Commissioner Pika Fejeran – Based on this resolution.

Administrative Director Michael Borja – Because they're the issuer of the RFP.

Chairman Pascual Sablan – GEDA is our agent only.

Commissioner Pika Fejeran – Because they issued the RFP they have to (interrupted).

Administrative Director Michael Borja – If we had issued the RFP then we could cancel it but they issued the RFP out.

Chairman Pascual Sablan – And if we go against Public Law 33-95 then we would be violating the law.

Commissioner Pika Fejeran – I understand right now, Jackie I know you were talking about we weren't going into a lease this is a development agreement but I believe the spirit of the law was that any commercial activity as it's written here in this resolution the law nullifies all solicitations or proposals for commercial activity.

Administrative Director Michael Borja – What the intent of that law too was for us to enter into any commercial process by following what was laid out in the rules and regulations. Identifying the land, getting it approved for commercial use, issuing a proposal or solicitation, getting offerors in going through the RFP process and then identifying a best offer and proceeding towards a lease agreement.

Commissioner Pika Fejeran – Tan Amanda any response?

Commissioner Amanda Santos – I think I don't understand the whole concept of this.

Chairman Pascual Sablan – You want more time to read that?

Commissioner Amanda Santos – More time yes.

Chairman Pascual Sablan – Okay let's take 5 minutes recess.

(Break: 2:25pm – 2:42pm)

Chairman Pascual Sablan – Any motion on this resolution before us?

Commissioner Amanda Santos – I move the motion to approve the resolution.

Chairman Pascual Sablan – You move to make motion to approve this resolution can you be more specific is this the motion you're talking about 2016-05?

Commissioner Amanda Santos – Yeah.

Chairman Pascual Sablan – Okay a motion has been made to approve the Chamorro Land Trust Commission resolution no. 2016-05.

Commissioner Pika Fejeran – I second.

Chairman Pascual Sablan – Okay it has be second any discussion? None. Let's take a vote. Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Aye, ayes have it motion has been approved on 2016-05.

VI. NEW BUSINESS

1. GWA – Request for right of entry agreement on portion of Lot 7022-7, Yigo

Administrative Director Michael Borja – This is the property up in the area behind Simon Sanchez High School. It's part of a subdivision of properties that we have in that area.

Tom Cruz – Good Afternoon, I'm Tom Cruz the Chief Engineer at GWA.

Bobbie Cruz – Hi I'm Bobbie Cruz, Land Agent for GWA.

Chairman Pascual Sablan – What do you have to present to us?

Bobbie Cruz – What GWA has done is for the northern area we're doing a new development for exploratory wells and for Lot 7022-7 in Yigo we found that we did some well drilling and we found some potable water quality to do a production well on that lot. So what we're requesting is 132.51 feet by 150 feet on the portion which is on the master plan which is about 1,101 square meters for the production well.

Administrative Director Michael Borja – And you're talking about Lot number 7022-R2?

Bobbie Cruz – Correct the basic lot.

Administrative Director Michael Borja – How many total square meters do you see?

Bobbie Cruz – 1,101 square meters.

Administrative Director Michael Borja – 1,101 square meters?

Bobbie Cruz – That we're requesting, GWA. Do you have that agricultural subdivision master plan?

Commissioner Pika Fejeran – Yes we see that. There's something highlighted on ours I'm not sure if that's, that's not the subject lot right?

Margarita Borja (DLM) – That is the subject lot.

Bobbie Cruz – Yes well site no. 8.

Commissioner Pika Fejeran – Oh okay, okay but then I see Lot 7022-7 across the street.

Bobbie Cruz – That's correct.

Commissioner Pika Fejeran – Oh that's where you did the drilling?

Bobbie Cruz – No not at, are we looking at the left side or the one on the top right?

Commissioner Pika Fejeran – Top right.

Bobbie Cruz – Top right no. We did the drilling on the reserve where it says well site no. 8.

Commissioner Pika Fejeran – Okay sorry my copy is very, I can't read it I just see the yellow.

Administrative Director Michael Borja – What is this grant of right of entry agreement? What is it going to allow you guys to do?

Bobbie Cruz – Basically develop the projection well there.

Administrative Director Michael Borja – And then put the well into service?

Bobbie Cruz – Correct.

Administrative Director Michael Borja – Can you explain to the Commissioners what you guys request on all your water wells as far as an area, the radius area that you need around all your water wells. 300 foot radius, 1,000 foot radius those issues. Can you explain what that does?

Tom Cruz – So where ever we have water production wells there is essentially an overall planning desire to protect at least the 1,000 foot radius around that well given where the well head is exactly that's where we're drawing the water from. But anything within that radius you know has potential to influence the water below ground in the aquifer if there's in any way influences if you will like contaminants. So having that 1,000 foot radius is sort of a protection measure that is desired but you know we understand that in many cases (interrupted).

Administrative Director Michael Borja – But you also have a 300 foot radius right?

Tom Cruz – We have a 300 foot radius but this is more I guess along the lines of GWA and Guam EPA.

Administrative Director Michael Borja – Can you explain what that is because it's been expressed to us before.

Tom Cruz – Correct. That we would like to see that there isn't like homes that are built where septic tanks are constructed within that 300 feet radius of that well. In many cases right now with GWA we're actually looking at capital improvement projects to sewer around our existing production wells. But that is definitely a long term solution but in this particular location we selected this location primarily because of the subsurface the aquifer that's below it. They tested the water and the available water that can come from this is good and so we're looking to develop the well and essentially to feed into our distribution system feed into the reservoirs in Yigo as well as I think Kaiser and ultimately improve the pressures in the area.

Administrative Director Michael Borja – You know the CLTC is willing to always assist and work with the Guam Waterworks Authority by the fact that we did enter they passed a resolution in the previous meeting to engage in the process of doing land transfers for your water tanks and reservoir systems. So we do have a good working relationship with those kinds of issues. In this one though you're basically then restricting the Chamorro Land Trust from being able to use or to issue out leases in the surrounding area that may still be

vacant for example. I mean it's kind of difficult to do something if someone's already there right. But you're prohibiting us from using the other parcels of properties which we had created if there was no sewer infrastructure installed.

Tom Cruz – Correct.

Administrative Director Michael Borja – In granting you this could there be a way we can have you guys put the sewer lines in then? I mean for the use and the need for the water which is for all the public you know. If this was a private piece of property which is considered to be and you wanted to tell a private owner well we found a well right here we don't want you to do anything within 300 feet or a 1,000 foot radius on your property from that well you're basically taking away any kind of potential use he may want for his land. This is likewise the same kind of issues that you're presenting to Chamorro Land Trust if we would grant you this. You do have and I know you reserve lands in Public Law 22-18 to be able to identify wells and of course the northern aquifer and the whole region up there is right for putting in wells. But again it also happens to be a lot of Chamorro Land Trust properties in that area too that would be restricted. So you know in granting you this request we're basically going to be telling ourselves we can't issue any properties out any leases out to these properties. Is there any kind of reciprocal that can be done by Guam Waterworks for those areas that you have a concern with to put in sewer lines so that we can continue to use our properties that already some people may have leases and we're trying to put others into the properties as well? That's the question that I think you know I would pose back to the Guam Waterworks and your Commission on Utilities because your need for your product is at our significant cost for what our charter is all about as well. Of course then if you don't have water, you can't get the water out everybody else suffers too. But all those other people too you're going to probably be surveying them and saying hey look anybody comes in and tries to get a permit for a leaching field is going to be denied immediately so it's going to be really tough for anybody out there. So our concern is what can you do to help the Chamorro Land Trust to get the sewer lines put in place for the use of the property?

Tom Cruz – Well similar here to what I mentioned earlier in the existing production wells we have with the desire to protect the aquifer there is that desire to go and sewer around the production wells. But like I said that is sort of a long term program. In this particular case it is an opportunity to catch it in the beginning. We tested the well it shows it's a good well but that's all we've done so far. And if there is I would imagine an ability to condition however the approval and then it goes back to our management and our Board. I wouldn't see why we would not want to work with you guys to ensure that we're not because I mentioned earlier we have production wells that happen to be near other properties. And with that desire to protect the aquifer and we have wells all over the place we're going to end up closing off close to Yigo or Dededo. So we do understand there is this continued or there will be that continued discussion about how we protect the aquifer as well as maximize the usage of the properties. I guess in this particular case this Y8 as well as another site we have in our current potential CIP its exploratory wells that have a lot of water but no sewer you know nearby. So our desire to go in is actually forcing us also to look at the need for the sewer development because if we get water in the other case of the location we have

we need the well to improve the pressure in the area. Once we improve the pressure in this particular area we would see that the whole area will blow up with people coming in because they can finally you know get water with appropriate pressure. So there's a positive in improving the pressure but the negative is the raw land that's going to be there is just going to start blowing up if you will and so that has forced us to look at the need for sewer for that other location. I would imagine it's the same with this one. We can't just do one without really doing the other. So there is I'm not quite sure if there is conditions that potentially would be required. Maybe that's where we can start.

Chairman Pascual Sablan – I think you should go back to your boss because I was reading his letter they want us to give him land for access. Free? Any compensation? Not necessarily cash but land exchange or anything. Well it's one plus what the Director just said if you're going to prohibit us within 300 radius of building a septic tank then you have to place the sewer. I believe that's the safest you know way of doing it. Are you prepared to make that commitment? Nothing on the letter it says that you know other than Guam Waterworks Authority has completed it's but what? Give you access on our land and what happen to the 300 radius? We need commitment you know that you're going to place the sewer.

Tom Cruz – It's definitely up to the, I mean the Commission's I would imagine prerogative to force that on GWA. I understand that this right of entry request is essentially step one of many steps as far as acquiring the property. I understood that it would be something that we would be purchasing or somehow compensating. I'm not quite sure this was just step one of several.

Chairman Pascual Sablan – My question is are you authorized to you know. Why are you here? Just to ask for access to your water well or also to tell us that we cannot give out land because you want to protect the aquifer nearby.

Tom Cruz – That statement is not necessarily what we're telling you now that's sort of just the desire to protect the aquifer and because where the water is pulled out at that particular well there is you know essentially a closer radius of 300 feet that (interrupted).

Chairman Pascual Sablan – What would happen if I'm one of the Chamorro Land Trust recipient you know and they give me a land nearby I still have to come to you people for clearance before I build my house right. Would you clear even though you see I'm just a 100 feet away from the water well?

Tom Cruz – Unfortunate at this point in time that is Guam EPA's purview. If Guam EPA is the one who says no to that we don't have authority over that Guam EPA does. And so the issue of the 300 foot radius is you know just to protect the well how we improve upon protecting the well is development of sewer within the radius of that particular well. You are Chairman I'm in no way having authority to bind GWA to that but this piece of property is something that we have been investigated to be ideal for a production well. But it does not necessarily mean that it outright shall be a production well. If the Chamorro Land Trust

Commission has certain conditions I would imagine that's something we would have to adhere to if we want to go and further develop the production well.

Commissioner Pika Fejeran – Looking at the staff report it looks like that lot has already been leased to a Mr. Taitingfong and he's already contracted a surveyor. So we do have a CLTC leaseholder on that land and he's already taken steps to use that land. Is that lease an agricultural lease or that's for residential?

Administrative Director Michael Borja – It's probably agricultural.

Chairman Pascual Sablan – Most of the land is under agricultural but actually given out for residential.

Margarita Borja (DLM) – It's an agriculture.

Chairman Pascual Sablan – And now Mr. Taitingfong we have to reduce because of the (didn't finish).

Commissioner Pika Fejeran – Who else would be affected considering that's on his lot?

Chairman Pascual Sablan – 50 others.

Commissioner Pika Fejeran – How many?

Chairman Pascual Sablan – 50 others that we haven't issued out. As the Director said I think the only way is to put the sewer line and if they're willing to give us then we're ready to entertain that.

Commissioner Pika Fejeran – I see no in the request for right of entry from Mr. Bordallo it doesn't show any compensation given.

Chairman Pascual Sablan – Yeah but I'm asking that question what are going to do just keep on giving out land without compensation?

Administrative Director Michael Borja – Well we haven't I mean in the last three ones that we did with Guam Waterworks which is going to be for a public hearing next Friday during the height of Festpac it's for the water the resolutions that we passed last time to allow for the transfer of land to Guam Waterworks. But the compensation not yet decided but must be determined within 180 days of the enactment of that bill into law. So there is compensation understanding but in this case you know there's something greater than that not only is it the compensation issue but now through Guam EPA and their requirements to uphold the safe water act provisions to protect the aquifer to restrict any other use of the properties within 1,000 foot radius. So that's the issue I mean it would have to be something that's addressed not only to Guam Waterworks but you know since they're also not only the supplier of the water but they're also the taker of the waste that there would be some requirement if we do grant them this right of entry that they would be subject to

installation of sewer lines so that our properties are not going to be hampered with. And then it would have to be something you know again that their Commissioners would have to make a determination on is the Consolidated Commission on Utilities because Guam Waterworks can't make that decision on their own. Their Commission on Utilities have to approve that as well. And you know it'll be something that we could put down as an expectation for the approval of this right of entry agreement.

Chairman Pascual Sablan – So for the time being what are we going to do? I'm not much because the access is only 1,101 square meters but putting a restriction on the 300 radius I want (interrupted).

Administrative Director Michael Borja – Yeah so if you do do something like this that there will be conditions. Just like Land Use Commissioners do we place conditions on this right of entry agreement and that it would be that due to the Guam EPA restrictions as we state in this staff report 22GAR under EPA Division II, Chapter 7, Section 7112 that places this 1,000 foot and 300 foot radius restrictions that we would require that there be sewer lines placed in there so it wouldn't restrict us. Now you know obviously a sewer line can't be put in overnight. Their bond money already has been I think pretty much committed to specific activities and so it has to be something long term but it's something that would definitely be put in the top of some priority list. If there was an intent to actually tap into this water well that it came with a condition they would have to put that at the top of a priority list. In the meantime what we I think the Chamorro Land Trust Commission need to then do is put a moratorium on issuing anymore leases in that area so that we don't put someone into a bad situation. Because we know now what's going to happen with the restriction on the land that it wouldn't be our best interest. If we have anyone that hasn't built anything then we would have to move them out. Maybe perhaps if there was even some people who already had been assigned leases but haven't done anything but have paid for their survey maybe that would be another requirement that we insist that wherever they get transferred to that Guam Waterworks has to survey the properties. Those are the kinds of things that we can look at and place down as a condition. Because like for example this man has already surveyed his one acre property it's just pending approval now that has to be modified. And in this case I don't think that's going to be a difficult thing if their surveyor portioned out that quarter acre that they need you know and make an adjustment to his survey map. But I don't know how that's going to, that cuts through the center of his lot or wherever it goes exactly but we would have to move him and do something else to his assigned piece of property.

Commissioner Pika Fejeran – I have a question about the production well. There would need to be access provided because it looks like the well would be put on the back of the lot but there would need to be access for GWA to go in and monitor the well right?

Tom Cruz – Well maintain it I mean if there was a well there yes.

Administrative Director Michael Borja – As you can see in the proximity of this area not only do you have already existing residential areas and they're developing fast you have two schools, Simon Sanchez and F.B. Leon Guerrero Middle School. Simon Sanchez is

about ready to undergo a brand new development so you know but it's not going to stop it's still going to be a consumer even while the construction is ongoing. So you know you're going to have this constant and pressing need and in the case I believe you said the water pressure in there is probably not too good. And one of the things that's going to happen to this Simon Sanchez school is the fire department regulations for fire suppression systems is pretty strong and it keeps getting stronger and it's for a reason it's necessary but when there's inadequate water pressure it puts additional cost onto them. I mean if you look up for example at the new Farmer's Co-Op up there in Dededo you'll see a huge water reservoir in there and that's because they don't have adequate water pressure in there either. Likewise, with the new Public Health mosquito lab. So they had to put in after the fact changes to their plans to include new water reservoirs on the property just so they can have adequate water pressure for their fire suppression.

Chairman Pascual Sablan – Mr. Director what would happen if we were to entertain this and put all those conditions? Can we be assured that (interrupted).

Administrative Director Michael Borja – Well you know their Commissioners would have to accept it or reject it. If they reject it then they don't have a right of entry unless they go to the Legislature and say give me the land. But then we would have a document that says but these were the conditions that we want and you know we can easily add those back into the bill too if it's not there. But you know I don't want it to be a tit for tat because I think we need to work cooperatively because it is really something for the public good and if you look at this general area it is populated highly populated and growing fast. But there's also a you know a restriction on our properties and everyone else's properties but most of these other people they have sewer line in there. It's just on our properties we don't and we cannot issue out any leases to people if there's not going to be you know they can't hook up to the sewer.

Chairman Pascual Sablan – Okay make sure of that. As you mentioned something once they come in and build their water well everybody benefit.

Administrative Director Michael Borja – Everyone like they said when that water pressure increases the property values are going to go up because some people are going to be building because they can get water pressure.

Chairman Pascual Sablan – Okay so whoever is going to make that motion make sure that you put all those stipulations.

Commissioner Pika Fejeran – I'm ready to make a motion to approve the right of entry contingent upon compensation provided to the leaseholders currently in the area that will be affected and also in the form of sewer lines for those adjacent properties.

Administrative Director Michael Borja – No, no, compensation would not be to the leaseholder. Compensation would be with the Chamorro Land Trust and they assist in the surveying of any affected properties and that most importantly they place utmost prioritization to the sewer infrastructure installation in this area.

Commissioner Pika Fejeran – Okay so let me correct that motion to approve the right of entry contingent upon compensation to CLTC in the form of sewer lines and surveys for the adjacent properties.

Chairman Pascual Sablan – Affected because they don't know (interrupted).

Administrative Director Michael Borja – Anyone that's affected by (inaudible).

Commissioner Amanda Santos – I second the motion.

Chairman Pascual Sablan – Discussion? No, none? Okay so those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Aye, ayes have it.

Tom Cruz – Can I just add just for your information USEPA and the Guam EPA even if we've gone to court there's been this tremendous cooperative you know agreement to improve our waste water system including the military that's going to be coming. There's also funds that are going to be coming to improve a big chunk of our collection line come in essentially from the northwest side of the island. I guess I just wanted to (inaudible) the Commission that the protection of the aquifer is very important to USEPA as well as GWA and therefore just through the last few years and the years to come there is like I mentioned that desire to protect our aquifer which is our drinking water and a big reason or big mechanism in doing that is the sewer lines. It's a continuous process so I just wanted to add that.

Chairman Pascual Sablan – Do you know if the USEPA is inspecting the water well inside the fence?

Tom Cruz – I don't know sir.

Chairman Pascual Sablan – Oh okay.

Tom Cruz – But they should right.

Chairman Pascual Sablan – That's my worry.

Administrative Director Michael Borja – Oh USEPA?

Chairman Pascual Sablan – Uh huh.

Administrative Director Michael Borja – Oh I think they do.

2. GEDA Property Management MOU

Administrative Director Michael Borja – This is the property management thing the MOU that we have with them. It was for a period of three years and they're asking for it to be renewed. Now there really hasn't been anything they have done for Chamorro Land Trust Commission except to do that RFP and I'm not going to fault them for what the outcome of that RFP was they did a good job in doing the RFP. The question that Commissioner Fejeran had asked was has there been any other experience with GEDA's management of other properties that we manage. And under Guam Ancestral Lands Commission they manage the properties well they do the RFP well they just don't know how to do account receivables and collections. The Guam Ancestral Lands Commission's audit has just been completed and they have only one write up one finding and that is that the management of the accounts receivables needs attention and of course it's their job to do it. There was an issue that we had with them where they asked us to release \$50,000 security good faith deposit not a security deposit but a good faith deposit and when we were reviewing that account that account was in arrears of \$124,000 but GEDA had asked us to sign off on the release of this \$50,000 escrow. So we went back to GEDA and said unless you've received the money and have (inaudible) you better look and see if you can determine and confirm that they are truly in arrears and they were. They collected immediately but their accounting system has been pretty sad. So we are taking in Guam Ancestral Lands Commission taking control over the management of not the management of the leases or anything or collection that's still under the MOU but we are doing it in a way we can be more financially accountable in the process rather than them telling us what it is that we should be receiving. We tell them what it is that they're supposed to pay us and that way our books can be up to date all the time. So in this process the only thing that I would have with Guam Economic Development Authority's proposal to renew the MOU is that the amount that they want for their services should be renegotiated. Currently it's 14% which is really a lot of money. And in Guam Ancestral Lands Commission it's 14.3% and if we're doing all the accounting for them I don't know what they're collecting the money for. I've expressed this concern with both the Administrator and the Chairman of GEDA recently but you know they have made some good moves forward in correcting all the past problems but you know it's still something that we have issues with. So if there's anything that I would recommend on this is that we can move forward but only on a condition that we renegotiate what the terms of the contract should be. And I think it shouldn't be just on in general it should be case by case. So that if we're going to ask them RFP you know a specific piece of property lets say it's that upper Tumon property we're going to say hey for your services you should be getting something or we can do it ourselves. We can issue out the RFP or at least engage in their services for a fee to create an RFP for us and then we issue it out and we'll be the issuer.

Chairman Pascual Sablan – Do we have the manpower and the expertise to do the RFP ourselves? I'm pretty sure.

Administrative Director Michael Borja – Well that's what I mean or we can engage in their services for a fee so they create the RFP for us. You know what I mean but we are the issuer. Or we engage in their services just to produce and RFP for us but in the end we manage the contract.

Chairman Pascual Sablan – Why don't we do that so maybe next time around we can show them or justify ourselves that we don't have to pay you that high percentage.

Administrative Director Michael Borja – What I would like to ask is that you guys just give me the authorization to proceed with discussions with on a wide range of things on how we can improve the Memorandum of Understanding so we can have a better one that doesn't have such a nasty rate. The cost of them doing something and there's a cost behind them doing those kinds of things creating RFP, putting out the RFP there's a cost behind a lot of that. So you know there's legal fees behind that as well so you know they just want to be able to break even on those costs. At 14% I mean every time they have to call a lawyer in on something like for example on the whole discussions with the RFP 14-002 that took a lot of legal costs and they don't have an Attorney sitting on the staff they have an Attorney that they pay as they use. He sends them the billable (inaudible) and they get to pay him a lot of money.

Chairman Pascual Sablan – What happened to that I think there was a bill that lowered it to 6% or something like that?

Administrative Director Michael Borja – Well the rules and regs originally were going to set an amount but there's no amount set in the current rules and regs.

Chairman Pascual Sablan – I thought there was one.

Administrative Director Michael Borja – I mean it might have started off with it but when it goes into the voting session it comes out a different sausage than when it went in.

Chairman Pascual Sablan – So okay why don't we do it like this lets give him the (interrupted).

Commissioner Pika Fejeran – Motion.

Chairman Pascual Sablan – Yeah.

Commissioner Pika Fejeran – I make a motion to authorize you Director to engage with GEDA to renegotiate the MOU and come to more favorable terms for the CLTC and then present that to us.

Administrative Director Michael Borja – Okay thank you.

Chairman Pascual Sablan – Okay a motion has been made.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Those in favor say aye.

Commissioner Pika Fejeran – Aye.

Commissioner Amanda Santos – Aye.

Chairman Pascual Sablan – Okay the ayes have it.

3. Joaquin S. Reyes – Request for approval to decline leased land

John Gumataotao (CLTC) – My name is John Gumataotao, I'm a land agent with Chamorro Land Trust. Mr. Reyes' son Jordan Cruz was here earlier but unfortunately he had to go back to work. His request before the Commission is because of the requirement on a new procedure that any lease that's been issued and the lessee would like to decline or get relocated would have to come before the Board for approval. So that's his issue right now. Mr. Reyes' son is currently going to Guam Housing to get prequalified on a residential loan and part of that prequalification is an identification of a lot that has infrastructure. I have just so you are aware of where this property is it's in the area where infrastructure as far as utilities power is over 2,000 feet away from the actual property.

Commissioner Pika Fejeran – And access it looks like.

John Gumataotao (CLTC) – Actually the access is through Chalan Natibu and off of Ysengsong Road. We found a favorable lot for him. We were able to identify a lot that has power and water services within 100 feet of the property.

Administrative Director Michael Borja – Which one are you talking about the red square?

John Gumataotao (CLTC) – The red square is the current lease which he would like to decline and get an approval to relocate to another area. As you can see the green slash is where the end of power utility is service and that's already about 1,100 feet away from the subject lot. The red squiggly line is where the water line ends. So anything beyond that up to the subject lot is of course at the expense of the lessee. So you're talking at least \$30,000.

Administrative Director Michael Borja – And it took him 12 years to figure this out?

John Gumataotao (CLTC) – Actually it's the son that you know recently he transferred the lease from him to his son after the 10 year expiration so now the son is wanting to build a residential house for him and his family so.

Commissioner Pika Fejeran – And you identified another location?

John Gumataotao (CLTC) – Yes.

Commissioner Pika Fejeran – Okay where is that?

John Gumataotao (CLTC) – We have actually two selections one is in Barrigada Heights on the back side and the other one is in Pagat. So once the Board approves the relocation and decline then we'll be able to show him.

Commissioner Pika Fejeran – I don't have any questions.

Chairman Pascual Sablan – One in Barrigada Heights and one in Pagat so which is which?

John Gumataotao (CLTC) – See that's thing is because of the new requirement that a declination approval has to come first by the Board then we'll be able to show him the two which the service of utilities are within 100 feet.

Chairman Pascual Sablan – On Barrigada Heights or Pagat correct?

John Gumataotao (CLTC) – Correct.

Chairman Pascual Sablan – Within 100 feet?

John Gumataotao (CLTC) – Yes sir.

Chairman Pascual Sablan – What is this just a plat that we have here or is this the existing we could say partitioning already or just plat?

Margarita Borja (DLM) – It's the masterplan.

Administrative Director Michael Borja – It's part of the master plan.

Margarita Borja (DLM) – You still need to survey it.

Administrative Director Michael Borja – Just getting off the subject real quick so if we get the appropriations to go into this three year surveying process that would be assigned to one surveyor so he can do the whole thing cleanly. Rather than you know this individual coming in and surveying his property and the only way to do is to survey the whole big tract first and then cut out his specific lot if that surveyor had not done it before.

Chairman Pascual Sablan – By looking at it there are some houses already that's sitting between the two properties.

Administrative Director Michael Borja – Well it kind of looks that way here but we try to coordinate it. I mean that would be see that's the thing that would have to happen anyway when he goes out there the surveyor is not going to, his instruction would not to dissect a house just because that's where he thinks the line should go but to try and move around but he'll probably coordinate those kinds of things with us.

Chairman Pascual Sablan – Be careful because the judge just did that to my brother you know divorce, half of the house for the wife and the other (didn't finish).

Administrative Director Michael Borja – Then the (inaudible) one goes and burns his half.

Legal Counsel Kristan Finney – Is the property that we try and move from did they survey it?

John Gumataotao (CLTC) – A survey authorization was issued but the father wasn't able to do the survey at the time.

Legal Counsel Kristan Finney – But what about the property that they're going to move to or that you want them to move to? That's all registered and everything already?

John Gumataotao (CLTC) – Because his son who is now the recipient of the lease he is ready to proceed with building a home so going through that process he needs to get prequalified with Guam Housing but Guam Housing although they initially prequalified him they won't literally put it in writing until there's a lot identified that has utility serviced already. So once that happens he'll get it surveyed.

Legal Counsel Kristan Finney – So those already were surveyed so he wouldn't have to survey it.

John Gumataotao (CLTC) – He still needs to do a survey which is part of I guess that package deal with going through that process. And you know in a short time you're going to hear from successful lessees who have gone through that process with Guam Housing.

Chairman Pascual Sablan – So who is going to do the survey?

Administrative Director Michael Borja – He is unless we end up doing it before he gets to it.

Commissioner Pika Fejeran – I'd like to make a motion to approve his decline of the current property so that we can offer him another more suitable property so he can move forward with building his home.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – I'm sorry?

Commissioner Pika Fejeran – I make a motion to approve his declination of this property and the land agent will show him another property that would be favorable to build a home from Guam Housing.

Chairman Pascual Sablan – And you said he's ready to build a house right?

John Gumataotao (CLTC) – Yes.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – A motion has been made and second by Mrs. Santos. Those in favor say aye.

Commissioner Pika Fejeran – Aye.

Commissioner Amanda Santos – Aye.

Chairman Pascual Sablan – Ayes have it.

John Gumataotao (CLTC) – Thank you.

4. John Garcia Raymundo – Request for approval to decline leased land

John Raymundo – Good afternoon, John Garcia Raymundo. I have this land up in Yigo Phase I. I had this land since 1995. I had problems a year after only because the location where they had placed me was up on a slope where the easement road goes to the back side of Phase 1. Back in 1995 that road was about 8 to 9 feet up so I only had about a 10 feet entrance to get into my property. So through the years that road with the heavy rain coming down had come into my land. The land previously now is pretty much I would say it's a big sink hole because the property behind me also slopes down. The property before me slopes down.

Commissioner Pika Fejeran – To your property.

John Raymundo – Yes so the center part of my property is very soft. I can take a 6 foot rod pound it down with a sledge hammer in four hits. I also have been monitoring the property and the animals the wild pigs that actually go onto the land can dig a hole and water would actually be in that water hole.

Commissioner Pika Fejeran – So in these photographs this is the road that has eroded into your property?

John Raymundo – That's looks like the main, that's the main?

Jeff Aguon (DLM) – Yeah that's the one going up.

John Raymundo – Going up yes see how flat that road is now it used to be 10 feet up and then going to the top. So if you're looking in front of the road everything going up actually is on my property now. I believe last year they had it, had the road redone so all the gravel that was there actually is now on my land. I try to go there and clean it as much as I can. Even parking on the side my truck would go down. So the only thing that's actually holding that land you know from the rest of the dirt to come down are the I believe four or five agao trees that are place on the front that I did not cut down only because you know if I did cut that down or remove it all that rocks and road would come down to my area.

Chairman Pascual Sablan – You don't want to take advantage of planting kang kung its good for this.

John Raymundo – You know what I believe previously I believe that was agricultural land because within that whole facility had a lot of barbed wires, a lot of stakes that I actually you know stepped on while cleaning the area. We even had at one point I had a back hoe come in and upon entering the stake popped the tire. There's a lot of agricultural plants. There's pickles in there, there's guava, there's lemonchina trees the lemon. It's good for planting but at the center of the land it's not good for building.

Chairman Pascual Sablan – Have you surveyed the property John?

John Raymundo – It was pre-surveyed when they gave to me in 1995 I believe it was done by (interrupted).

Jeff Aguon (DLM) – Land Management.

John Raymundo – By who?

Jeff Aguon (DLM) – Land Management

John Raymundo – Oh Land Management.

Chairman Pascual Sablan – And registered under your name already?

John Raymundo – Yes I mean I had it since 1995 I never paid the tax until 2014 when I started receiving the forms for the land tax. So between that time between 1995 actually 1996 when I started having that issue the old office used to be up in Tiyan so I would always call in and I believe my agent back then was Mr. Quan. But I never really got a chance to work with him. Every time I called in they would tell me he's out. I leave messages I don't get anything back and that's since 1996. So from where I'm at now this is progress for me you know coming to try and change the land. Of course I believe at one point the main office was closed due to relocation when you guys moved from Tiyan to GWA area.

Chairman Pascual Sablan – So if we move him is there available land for him?

Jeff Aguon (DLM) – I have that done already it's just that I don't want to call him because the minute we call the client they have the high hope and we don't want to give them that hope until we bring it to you guys attention. I recommend this lot actually to be reserved as we use it as a ponding basin because that's the most lowest.

Administrative Director Michael Borja – Yeah that's right.

Jeff Aguon (DLM) – Whenever water comes and pours so I recommend that this lot be used as a ponding basin but I have a lot already for him.

Chairman Pascual Sablan – You must be the assigned case agent right?

Administrative Director Michael Borja – He’s an extraordinary land agent he’s one of my bouncers that I take out on the site inspections.

Commissioner Amanda Santos – Bouncer?

Administrative Director Michael Borja – Yeah they look at him and they’re already afraid I’m just kidding. Jeff Aguon has been doing this for a very, very long time.

Chairman Pascual Sablan – They don’t call him Po?

Administrative Director Michael Borja – He dreams land all the time.

Chairman Pascual Sablan – Oh because I just came back from the Philippines and everybody calls me Po.

Commissioner Amanda Santos – Yeah Po a sign of respect.

Chairman Pascual Sablan – John if we were to approve your request and they show you another land if you turn it down you have to sign.

John Raymundo – Yes sir.

Chairman Pascual Sablan – Would you promise us that you would sign the rejection?

Jeff Aguon (DLM) – He would have to sign that first before I show him the other lot.

John Raymundo – As long as the land is not another sink hole. I don’t mind building on top of rock or gravel that’s even better you know as long as it’s not red dirt that’s going to sink that’s the only you know concern that I have.

Chairman Pascual Sablan – Okay.

Commissioner Amanda Santos – I move that he need to be given another choice or another land that is suitable for farming yeah and not to catch ayuyu.

Chairman Pascual Sablan – A motion has been made by Mrs. Santos.

Commissioner Pika Fejeran – I second.

Chairman Pascual Sablan – Okay second by Pika. Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

There were no objections, MOTION PASSED.

Chairman Pascual Sablan – Okay John good luck.

John Raymundo – Thank you very much.

Chairman Pascual Sablan – Thank you.

5. Victor Mata Hamling – Loan guaranty request

Victor Hamling – Hafa Adai my name is Victor Hamling. I live in Dededo and I'm in the process of using my Chamorro Land Trust. I'm preapproved already from Guam Housing Corporation and they're just trying to finish the final loan guaranty.

Matt Leon Guerrero (DLM) – Mr. Chairman, Mr. Hamling has I know on the staff report I put that his lease is pending because it was pending recordation but we have now I have it in file. He was preapproved by Guam Housing for \$220,000 but he's requesting the Commission guaranty a loan for \$170,000 which is all he needs to build the house that he wants to put on this piece of property. He's got actually I need to give you his updated sketch for his house. The initial sketch that was submitted was revised to this.

Chairman Pascual Sablan – This must be the same contractor of the different owner that came before us the last time.

Matt Leon Guerrero (DLM) – Yes Mr. Chairman that's Wadaco he's the contractor that built that model affordable home up in the Sagan Linahyan area. These are individuals that have seen what he's put out there and are going with that same contractor to build on Land Trust property.

Chairman Pascual Sablan – Oh okay.

Matt Leon Guerrero (DLM) – Mr. Hamling is at the end stages of his loan. If the Commission gives that guaranty he can go forward with his closing with Guam Housing and commit to this contract.

Commissioner Pika Fejeran – I know we have the draft rules and regs for the loan guaranty which places certain responsibilities on, would place certain responsibilities on Mr. Hamling. Would it be premature to discuss?

Administrative Director Michael Borja – No, no but while we're on that real quick I just want to let you know that the only thing that had been holding up these rules and regs from being forwarded on for review by the Attorney General was the lack of an economic impact statement. We finally got that like last week. The package which I gave you shows the submission to the Attorney General on Monday. I think it was Monday or Tuesday for her review and then after that it gets submitted down to the Governor for transmittal to the Legislature. It's not a very controversial thing it's just a procedural thing that has to be done in accordance with the law. But in all the cases with the Guam Housing Corporation I mean they're being vetted by the lender. They got preapproved then they approved for these loans so they come to us already as a good risk if you want to put like that. They're not a

risk client. So our failure rate with these kinds of situation is very, very low. In fact the law gives us the provisions to take over and put someone else in that house. We take it over completely. So it's not like we're going to lose something we're actually going to get a leasehold improvement that would be something that is marketable and sellable. The only ones that we've had problems with were things that occurred after a storm where FEMA through SBA gave out loans and that we were required to do loan guaranties. These rules and regs are designed to definitely put a structure behind anybody that gets their monies from a disaster that we had to give a guaranty on. But just to kind of give you a history originally when we first drafted this up it was designed so that the individual could only qualify for an amount based on the number of people in his family. And based on the Guam Housing Corporation's input is if this was a single man and he wanted to build a house he'd have to only build a one bedroom house and that's not a very marketable item if he ended up foreclosing and trying to find someone who wants to buy a one bedroom house or one bedroom suite. So the best thing to do is they recommended at least make them be three bedrooms because three bedrooms is the industry standard here on Guam.

Commissioner Pika Fejeran – I have a question why would we only be guarantying \$170 out of the \$202,000.

Administrative Director Michael Borja – No it went down right?

Matt Leon Guerrero (DLM) – No he was approved for \$200 but he's just asking for that.

Victor Hamling – That's the budget me and my fiancée had talked about.

Commissioner Pika Fejeran - Okay so you'll only be taking \$170,000.

Victor Hamling – Yes.

Commissioner Pika Fejeran – So that \$200 was the approval that's how much they could give you if you wanted it.

Victor Hamling – Yes.

Chairman Pascual Sablan – Preapprove normally you submit your financial statement and they'll look at your capability you know but not necessarily that you're going to get that whole amount.

Commissioner Pika Fejeran – Right, right okay.

Chairman Pascual Sablan – My question to you Mr. Hamling the lease agreement between the Chamorro Land Trust and you is that including your fiancé?

Victor Hamling – Yes.

Administrative Director Michael Borja – No the lease agreement does not (interrupted).

Victor Hamling – Oh I'm sorry oh no on the lease agreement I'm sorry it's just me but on the Guam Housing Corporation it's me and fiancé on the loan.

Chairman Pascual Sablan – Okay.

Commissioner Pika Fejeran – So it wouldn't be premature to share with him the borrower's responsibility?

Administrative Director Michael Borja – Oh no, no, no we could definitely give him a copy of that.

Commissioner Pika Fejeran – So the responsibilities are in draft form for you but it's basically to tell us well that you have to keep your loan payments current. Anytime you change your address, contact information you need to let us know as soon as possible. And then you would need to provide the CLTC a copy of your January and July loan statements within 30 days. So that's just so we have record to show that you are keeping your loan payments on time.

Victor Hamling – Okay.

Administrative Director Michael Borja – Yeah that's all it is. We don't want to see you know we don't care what your bank account number is at all we just want to know if you changed your address we need to know that. That bank statement will show it if that bank statement shows that you've been behind on payments then we need to then begin taking certain steps because you're coming on final notices from a bank for example. We need to stand by to begin our process just for our protection too because we're the co-signor basically so we have certain requirements that we have to do that.

Commissioner Pika Fejeran – I make a motion to approve this loan guaranty in the amount of \$170,000.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Do you accept (inaudible) good?

Victor Hamling – Yes sir.

Chairman Pascual Sablan – No because if you later on change your mind and you want higher you have to come back again. **So motion was made and second by Mrs. Santos. Those in favor say aye.**

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Okay.

There were no objections, MOTION PASSED.

(Break 3:49pm – 3:58pm)

6. Johnny Ayuyu Torres – Loan guaranty request

Johnny Torres – Hafa Adai my name is Johnny and I live in Tamuning. I'm here to try to get a loan guaranty for my loan that's been approved from Guam Housing.

Commissioner Amanda Santos – Did you apply already?

Johnny Torres – Yes I did.

Matt Leon Guerrero (DLM) – Mr. Torres here actually went through the gamlet as well as Mr. Hamling did but he kind of went a little further. He's got approved building plans already that he submitted to us. He just needs this approval to close to do the actual closing with Guam Housing so construction could start. He's requesting for the loan guaranty in the amount of \$121,000.

Administrative Director Michael Borja – Dang what did the other guy have? What was he getting for that you can do for much less and you're four bedrooms that's pretty good.

Johnny Torres – I got connections, no I'm just joking.

Administrative Director Michael Borja – Oh okay got cheap concrete huh? Or are you guys doing some self-help?

Johnny Torres – Oh no just through the contractor.

Chairman Pascual Sablan – I know you mentioned concrete where are you coming from Mr. Director?

Administrative Director Michael Borja – Oh no he's only asking for a \$121,000 loan guaranty for a four bedroom as opposed to the other one was \$170,000. It's a big \$50,000 difference in houses.

Chairman Pascual Sablan – The reason why I'm asking I was wondering whether the bank approving or you know the lending institution approving semi-concrete?

Administrative Director Michael Borja – I don't think so.

Chairman Pascual Sablan – This is a full concrete right?

Johnny Torres – Yes.

Chairman Pascual Sablan – What are you with Guillermo?

Administrative Director Michael Borja – You know him?

Chairman Pascual Sablan – Up at Swamp Road.

Johnny Torres – No sorry.

Commissioner Pika Fejeran – Do we have all the documents for this one?

Matt Leon Guerrero (DLM) – We weren't able to reduce it because he submitted the actual full size one but this was the best our survey division can come with and I didn't want to make seven of it but that's the complete stamped and cleared by DPW and all the permitting agencies.

Administrative Director Michael Borja – Why does Guam Housing in their program call it a six percent with a number 4% in parenthesis?

Matt Leon Guerrero (DLM) – They have their 4 and 6% program. If it's a 3point whatever it would be at their 4% program. If it's above a certain number it's their 6% program.

Administrative Director Michael Borja – Oh okay up to 6%.

Chairman Pascual Sablan – I believe what they said at the last time it all depends on the income of the person, difficulty and all those things. It's not the same contractor as the (interrupted).

Matt Leon Guerrero (DLM) – No Mr. Chairman.

Administrative Director Michael Borja – Oh I can understand the cost difference you already have infrastructure.

Johnny Torres – I can refer them to you guys.

Administrative Director Michael Borja – No, no, no I mean you already have infrastructure here at Sagan Linahyan the other guy maybe have to lay 5 or 6 stubs you know.

Commissioner Pika Fejeran – Oh I see because his house is actually bigger than the first (interrupted).

Matt Leon Guerrero (DLM) – Mr. Hamling is actually in the same location well on the opposite side.

Administrative Director Michael Borja – But he may not have the pipes as nearby.

Matt Leon Guerrero (DLM) – He's almost across his lot.

Chairman Pascual Sablan – Mr. Director have you ever discussed with the Guam Housing about the performance bond? My only concern is I don't want a contractor to start and then half way through abandon the client.

Administrative Director Michael Borja – Well they vet these contractors too. Are you using Wadaco also or no? No. I allow them to do what they need to do because they have an interest in it as well in getting it complete because they are the lender you know in issuing the payments and stuff.

Matt Leon Guerrero (DLM) – Mr. Chair, a part of Guam Housing's process these contractors they are required to bond their project.

Chairman Pascual Sablan – That's all I want to hear.

Matt Leon Guerrero (DLM) – They are I've been working closely with Mary Guerrero.

Administrative Director Michael Borja – He's a graduate, he's now on the installment plan side of it.

Matt Leon Guerrero (DLM) – I went through the program but on the VA side. I've worked with them on our clients and they do require these contractors any of their contractor they're required to be bonded before they even issue you know their (didn't finish).

Chairman Pascual Sablan – I just don't want to see them become victim.

Commissioner Amanda Santos – I move that the loan for Johnny Ayuyu be approved.

Chairman Pascual Sablan – The loan guaranty.

Commissioner Amanda Santos – The loan guaranty be approved for \$121,000.

Chairman Pascual Sablan – Okay a motion was made by Mrs. Santos.

Commissioner Pika Fejeran – I second it.

Chairman Pascual Sablan – Second by Pika. Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Aye, thank you.

There were no objections, MOTION PASSED.

Administrative Director Michael Borja – Congratulations you're good.

Johnny Torres – We're good oh thank you so much that just made my dream come true.

Commissioner Amanda Santos – Good luck on your house.

Johnny Torres – Okay thank you.

7. Alfred Panabe – Answer to complaint by Maria Chaco

Alfred Panabe – Hi my name is Alfred Panabe

Lorraine Nededog (CLTC) – He's here to answer to the complaint from Maria Chaco.

Chairman Pascual Sablan – What is your relationship to Maria Chaco?

Alfred Panabe – Grandmother.

Commissioner Amanda Santos – Is that in Santa Ana?

Alfred Panabe – Yes.

Administrative Director Michael Borja – Mr. Panabe whenever we have anybody that has an issue with any kind of parcel of property that belongs to the Chamorro Land Trust we do have a land agent go out and do a site inspection report. As such since you are a Chamorro Land Trust lessee we had land agents go out to take photographs and do an assessment of what we found on the land. One of the things that was screaming at is do you have any infrastructure in there. You have water and power?

Alfred Panabe – No. That's why I was doing all the survey and all that stuff.

Administrative Director Michael Borja – How long have you had this lease?

Lorraine Nededog (CLTC) – He had this lease since 2011.

Administrative Director Michael Borja – Okay five years ago but you're living there now. You're living there on the premises right?

Alfred Panabe – Yes.

Administrative Director Michael Borja – No water, no power. Are you living there by yourself?

Alfred Panabe – No.

Administrative Director Michael Borja – Who's living there with you?

Alfred Panabe – My girlfriend and two siblings.

Administrative Director Michael Borja – Two siblings? Your girlfriend's siblings?

Alfred Panabe – Mine.

Administrative Director Michael Borja – Your siblings. Any children?

Alfred Panabe – Yes.

Administrative Director Michael Borja – How old are the children?

Alfred Panabe – One is 10 and I got one legal guardianship.

Administrative Director Michael Borja – One is 10. How many kids, two kids? So one is 10 years old how old is the other one?

Alfred Panabe – Three.

Administrative Director Michael Borja – Three? You don't have water or power. So one of the findings that we had on the property is that there was, we found human waste.

Alfred Panabe – Okay that property was just you know because my grandmother this is where the complaint came in because she's saying that I chased (interrupted).

Administrative Director Michael Borja – No you're the lessee Mr. Panabe we're discussing the issue that we found on your lease.

Alfred Panabe – That was there when you know my (interrupted).

Administrative Director Michael Borja – The human waste has been there for five years?

Alfred Panabe – No you're talking about the outside restroom? Yeah that was there when I got in that place because there was other people that was staying there.

Administrative Director Michael Borja – Well that's not my point that's right so you've been there for five years and you have no septic tank, no leaching field, no sewer system, no running water, no power.

Alfred Panabe – That's the reason why I was applying for it.

Administrative Director Michael Borja – You have children, minor children living on the property and you have no infrastructure and you have human waste on the property. That's a violation of the lease. And you know it's an unhealthy and unsanitary condition that we are finding on this lease on the land. You're just the lessee it is still the Chamorro Land Trust land and our concern is that you know these are findings that we have discovered on the property. And there's also some household waste disposed around the property as

well. So we have an issue with the spoiling of the property with trash but worse than that is the spoiling of the property with human waste and that you have minor children and other adults living with you with no sanitary facilities for your use. This is a public health issue and you know it could become other problems as well with other Government agencies should we report it out. That's the things we have to look at now that we know we have minor children there. That's a very serious problem because it's not the kind of condition that is suitable for living in a place like this if you haven't provided for the basics of what you need to have in a house and for the caring of minor children as well. So we do have serious issues with this matter. The issue here is not that you know your grandmother had a specific complaint we're not even getting into that part. But when we do go out and go do inspections of properties and you heard earlier you know we had an individual complaining about his neighbors having human waste we were out there right away to see what was going on and why it's happening and to get it stopped. The absolute minimum you need to at least have there is a port-a-potty to be able to accommodate that with a regular service because you're spoiling the land with human waste. If you were up anywhere above the aquifer, Agat is not above the aquifer, but if you were I mean you know you're on the edge of just losing your lease completely because not only are you spoiling the land you're potentially poisoning the drinking water of the island. So those are the concerns that we have and that's what we wanted for you to understand that you know in some way or form there's got to be some penalties involved because of these findings and that you're not using the land properly. I believe the lease is for one acre?

Lorraine Nededog (CLTC) - Yes sir.

Administrative Director Michael Borja – For agricultural purposes. When was the last time you planted a tree there? Are you actively farming?

Alfred Panabe – Umm I just had this place cleared also you know (interrupted).

Administrative Director Michael Borja – Five years you've had your lease and according to your lease it spells out if you're not going to be actively farming the property like you know a farmer would do you have to plant xx number of trees every year per acre. It's not hard math because it's only one acre but you're supposed to have a lot of trees there and you don't you know if those trees are pre-existing that might have been because of what already had been growing there. It's not hard to tell what a five year old tree looks like and what a twenty year old tree looks like. The issue here is that you're not using the land in accordance with the lease. You're spoiling the land on top of that and then all those other issues I've mentioned as well. So that's the reason we called you in for this meeting is because we need to take you know (interrupted).

Alfred Panabe – Well I am working on it.

Administrative Director Michael Borja – Well I don't know you need to then give us an action plan on what you're working on and number one is you need to find some way to have more adequate sanitary conditions for your children.

Alfred Panabe – I will.

Administrative Director Michael Borja – Because when we find that it's not when we make another visit we have no recourse but to report it to other agencies.

Alfred Panabe – Not a problem.

Administrative Director Michael Borja – You understand? I think maybe we might not be doing our fiduciary responsibility and not reporting it today okay. So if there's going to be a timeline I'm going to give you on doing that it's going to be by Monday because it's absolutely essential now that we know that we didn't know that but we know that now. I'm not doing this to lecture you sir I really am not but the problem is when we find human waste on the property and there's no known servicing of the property for waste then we do have a problem okay.

Alfred Panabe – Okay.

Administrative Director Michael Borja – Based on whatever the Commissioners may want to do there may even be a reduction on the size of your lot since it hasn't even been surveyed yet.

Lorraine Nededog (CLTC) – He's in the process of a survey already. You have a receipt there that you have paid for a survey.

Chairman Pascual Sablan – Alfred what have you planted so far?

Alfred Panabe – I just had that thing back hoed down because those are old plants those things they're (inaudible) they're bad fruits already so I just put a new a batch down.

Chairman Pascual Sablan – In five years since you had the lease what have you put down on the ground?

Alfred Panabe – I'm planting like you know peppers things like that.

Chairman Pascual Sablan – You have to clean the land first?

Alfred Panabe – Yes.

Chairman Pascual Sablan – So in other words you haven't planted anything.

Alfred Panabe – I just got it cleaned also right now.

Chairman Pascual Sablan – When did they transfer the land from your grandmother to you?

Alfred Panabe – And she was still living with me also and some other people were living there also. So they had different structures there and then I was advised by Land Trust that you cannot have several structures on the property.

Administrative Director Michael Borja – That's right you're only allowed to have one dwelling to live in on any size lot that is given on your lease. These other people that are living with you who are they again?

Alfred Panabe – They're my grandmother's siblings.

Administrative Director Michael Borja – Your grandmother's (interrupted).

Lorraine Nededog (CLTC) – Children.

Alfred Panabe – Yes I'm a grand.

Chairman Pascual Sablan – You have any pictures?

Lorraine Nededog (CLTC) – That's what was there before now it's only one because he cleared it out and there's what he did recently.

Chairman Pascual Sablan – What is this out here?

Lorraine Nededog (CLTC) – That's the outhouse.

Chairman Pascual Sablan – So you have an outhouse right?

Alfred Panabe – Yes sir where it used to be an old house on the bottom side but somebody used to live there also.

Lorraine Nededog (CLTC) – The front here was what he broke down which was over here on this lot here and then right behind the front here is the house and the outhouse in the back. But he kept the outhouse and tore down the other structures.

Chairman Pascual Sablan – Is there any nearby utility, power and water?

Alfred Panabe – Yes sir that's the one I need documents something like clearance or is it clearance?

Administrative Director Michael Borja – Well let me tell you right now that Guam Waterworks we have to sit down and just work with them on a case by case basis on cases like yours. If you do not have a survey map which gives you a legal name for that lot and shows where the specific easement is Guam Waterworks is not likely to hook you up nor is Guam Power because they need to know where that easement is and where your piece of property is at and without a survey map they aren't able to do that. You can't get a lease without a survey. I don't give out survey authorizations until there is a lease. So you know

the way this thing works is you got the land and you've lived on it then you're going backwards to do everything else. That's not the way it's supposed to be done. You're instructed what your property is you're supposed to survey it and then we give you a lease with the legal definition of the property and then we issue you your utility authorizations. So you know you're kind of going it's kind of backwards. I mean we'll work with every lessee on a case by case basis.

Chairman Pascual Sablan – Excuse me I suggest you listen to the Director he is talking.

Lorraine Nededog (CLTC) – He does have a map here.

Administrative Director Michael Borja – Is it recorded?

Lorraine Nededog (CLTC) – No not yet.

Administrative Director Michael Borja – Is it signed by anybody for approval?

Lorraine Nededog (CLTC) – No.

Administrative Director Michael Borja – It's not signed by any of the surveyors or?

Lorraine Nededog (CLTC) – No not yet.

Administrative Director Michael Borja – Okay so it's a sketch.

Lorraine Nededog (CLTC) – More or less yes.

Administrative Director Michael Borja – It has an FY number?

Lorraine Nededog (CLTC) – 149FY2014.

Administrative Director Michael Borja – 2014 so they started this thing two years ago and it hasn't come to a conclusion. Is there a reason why? Has he been paid in full?

Alfred Panabe – Yes I have the receipts here.

Chairman Pascual Sablan – The Director question why if he stated two years ago why that they haven't finished the map?

Alfred Panabe – I haven't (inaudible) all the time and I kept on calling for the surveyor or whoever the survey is and he already marked out everything down there and then from there on I never saw him after that.

Administrative Director Michael Borja – Who's the surveyor?

Lorraine Nededog (CLTC) – Santos, Meliton.

Administrative Director Michael Borja – Meliton Santos.

Lorraine Nededog (CLTC) – Yeah.

Administrative Director Michael Borja – Who did you give that money to on your receipt? Do you remember who it was that you dealt with?

Alfred Panabe – Mr. Atalig, Blas Atalig.

Administrative Director Michael Borja – He's one of the problems that we've had in the past this individual who most likely may have collected the money but not completed the project and he's not a surveyor.

Chairman Pascual Sablan – But Mr. Director how can he continue to do that using Meliton Santos?

Administrative Director Michael Borja – Well he's been cited by the PEALS Board on a couple of occasions already and Mr. Meliton Santos has also been sanctioned by this department to bring these things forward. We're no longer assigning any projects to that company until they can clean up these maps.

Chairman Pascual Sablan – Anyway so terminate.

Administrative Director Michael Borja – Oh yeah they're not on our listing.

Chairman Pascual Sablan – But Atalig is the one causing all the trouble.

Administrative Director Michael Borja – Well but that's not my call but he's had a number of issues and you know it's been an ongoing problem. Now ever since I came in and with the Chief Surveyor's concerns about that kind of performance we tried to take a lot of different actions on this issue. But this is a case again I'm glad you kept your receipts Mr. Panabe it looks like you have the originals because those are things that we can use on the individual. Make sure if we don't have copies of those receipts make copies of them.

Lorraine Nededog (CLTC) – No he just brought it in today.

Administrative Director Michael Borja – Make copies of those receipts. Also make note of the FY number in fact just make a copy of the lower part of his map so we can get the details of what the map is and the surveyor so we can have it in our system. If you don't mind we'd like to make copies of those things just for our records. See these are the kinds of things too you know you have these issues come talk to us so we can move forward in trying to assist you in this matter because it does you no good that a surveyor (interrupted).

Chairman Pascual Sablan – Alfred I think you should listen to the Director that he's giving you all kinds of advice you know.

Administrative Director Michael Borja – You know this is a bad case of somebody that might have taken advantage of you. You didn't know that but if you're wondering why this guy is not taking your call and not giving you a finished product well you know that's where we come in when you come to us and show us these kinds of things so we can assist you with that. That's why I asked you who did you pay this money to plays a big deal in this because this guy has a history. You don't know that but we do and that changes the whole scene of what your problem is in trying to get this stuff done that you need to have done for your case okay. But that still doesn't delete the problem of what you have going on you really need to take care of on the sanitary conditions.

Chairman Pascual Sablan – Do you understand?

Alfred Panabe – Yes.

Chairman Pascual Sablan – If you have any problems see the Director don't sit on it.

Administrative Director Michael Borja – Now the other question that comes to us now relate to the complaint we received from your grandmother. How did she assign her lease over to you? Under what conditions did that occur? She just said I love you I want you to have my lease?

Alfred Panabe – She just signed it over to me. She went up to Land Trust I guess or wherever had it notarized and stuff.

Administrative Director Michael Borja – Who prepared her documents?

Alfred Panabe – My deceased mother like three, four years ago.

Chairman Pascual Sablan – And where's your grandmother now?

Alfred Panabe – Staying together with the son which is most likely (interrupted)

Administrative Director Michael Borja – Your uncle?

Alfred Panabe – Yes most likely where that's the complaint coming down from now.

Administrative Director Michael Borja – Well why would they be doing this? Is there something else going on?

Alfred Panabe – Maybe because they knew that they transferred that land from her to me and why you know it should have been them. That's the only thing I can think of.

Administrative Director Michael Borja – Okay well we gave them certain conditions too okay and so we're dealing with them in a different way as well. But they have to do their part as well and if they don't do their part we can't help them out with it. But in this case you know we'll see what we could do to help you out in this map so we can get you moving.

Because like I said it's hard for us to move on anything for you to get you your utilities if we don't have that done.

Alfred Panabe – This is probably the hold up for it this surveyor.

Administrative Director Michael Borja – Uh huh, yeah that's the hold up.

Alfred Panabe – If I get this done then I could you know I can start moving on (interrupted).

Administrative Director Michael Borja – Well you're right you can get your utility authorization. Well we know how to find him he visits us all the time because he believes he can demand things from us. But make sure we have good contact information on you your phone numbers, if you have an email address in case we need to send it that way. I appreciate you coming in today.

Alfred Panabe – Thank you for the info because that way I can get this thing going.

Administrative Director Michael Borja – But like I said there's still some other discussions we're going to have to have separately and we'll probably set up an appointment to come in and talk to me about this okay.

Commissioner Amanda Santos – Mike could he apply for water at least?

Administrative Director Michael Borja – It's hard Commissioner because they need certain things to do it. I mean we can talk one on one we'll try and work it out so they can get their water under these conditions because they need it and we'll work with them that's why (interrupted).

Commissioner Amanda Santos – Because the little kids.

Alfred Panabe – I did try to do that and Waterworks did come down there and I was showing them the (interrupted).

Administrative Director Michael Borja – And they won't do it right?

Alfred Panabe – They said they had to cut across the road which I was showing them there's an existing pipe that's already underneath the asphalt and they said they don't tap in anymore to the opposite side of the road so I don't know what's going on.

Administrative Director Michael Borja – Yeah you have to dig across.

Alfred Panabe – That's something which I did show effort on that also to even to try to get the (inaudible) and build up the pedestal already its right next to the pole.

Administrative Director Michael Borja – When you guys are done here get in touch with anyone down in survey and find out if that FY is, if they have a copy of it. If not take him

down to survey and have them make a copy of that map so we have a full copy of what it looks like so we can at least have that to work with. Just have them make a copy and shrink it down to something smaller. Okay so she'll need to take you down to survey just so we can verify that we have a copy of it and if we don't then we need to make a copy of it okay. Because it's not recorded it may not be in the formal system that they may have or some kind of copy already. But Meliton hasn't even signed off on the map right?

Lorraine Nededog (CLTC) – He hasn't signed off on it.

Chairman Pascual Sablan – So what's the bottom line?

Administrative Director Michael Borja – I'll have him come in and we'll work on getting his water set up and also getting the map finished and we'll discuss the issue with the sanitary conditions and issues concerning the size of the land.

Chairman Pascual Sablan – Alfred make sure you make that effort to see the Director.

Alfred Panabe – I will I'll make an appointment with Mr. Borja.

Administrative Director Michael Borja – We'll be in touch through the land agent too.

Alfred Panabe – Okay thank you.

Chairman Pascual Sablan – One thing I ask you if the Director's talking to you, you listen okay.

Alfred Panabe – Yes sir.

Chairman Pascual Sablan – Thank you.

8. Haya Foundation – Application for Hatdin Amot Chamorro

Administrative Director Michael Borja – Ms. Zita Pangelinan and I had a conversation last week it was along with Margarita to kind of discuss some of these issues and Speaker Won Pat got me the other day to find out where's the status of this thing from her public law that she had created. I guess you guys had the same presentation with the Guam Legislature earlier this week.

Zita Pangelinan – Yes.

Administrative Director Michael Borja – And so I told her we're going to be moving on on trying to do something. I also explained to her the fact that the acreage required by the law is grossly insufficient and that what you guys had as an idea worked out a whole lot better but she still had an idea of wanting to do something where you could create another one of these amot display facilities down in a central place. The proposed lot that she had asked to do was the Chalan Pago lot. This was the lot that when Public Law 22-18 from the reserved land list for all Government agencies they put all the health care facilities in this

property in Chalan Pago on the inner part of Chalan Pago back there where the hills are like this. Of course you can't build a hospital or medical facility with terrain like that but in exchange we've been giving them other pieces of land elsewhere. And so that's all now a lot of it is agricultural and it's good for agricultural but that is a proposed place to look at for one kind of setup. But the other idea that's proposed by Haya like she mentioned last time is the idea of preserving and having certain areas around the island where we can ensure that the plants that the areas they need to grow both coastal, mountain and limestone area right is held and preserved. So one of the places we talked about and we've been discussing this before is the limestone forests along the inner cliff line of Pagat all the way up to Lajuna which a lot of it belongs to Chamorro Land Trust and the Ancestral Lands Commission. And working to kind of come up with a designated area for creating a conservation easement which can then be used in conjunction as well with supporting other ideas like a park or a path or trail where people can go through and it's still protected. A couple of things come in to play is we'll need legislative authorization to do that also memorandum of agreement with Parks and Recs to maintain it. We don't do that they do. Then they can set up some kind of their own rules that might be necessary for you know fees or whatnot. But can you speak a little bit about what the Speaker wants as far as it's not rules and regulations it's some sort of task force.

Zita Pangelinan – Well I'm not sure what she was but we did present before the Legislature on Tuesday and at that point shared with her we need to keep the integrity of the properties such as the one in Fadian which is our idea. And working with other agencies including we had also talked to the USDA about providing technical assistance in trying to develop something that will also generate revenue and create the walk paths and so forth. So that would be the Fadian and so it would be more of a conservation for biodiversity in that regard. We then also discuss the idea of there are two things that you noticed in the documentary real critical is the protection of the environment and the jungles. The second thing is also the education and getting the knowledge of our traditional healing practices in. So with that in line with that we identified the property down in Inarajan and the reason is that the school is located right close by and we also met with the school teachers, Mr. Mike Meno, the principal of Inarajan Middle School as well as teachers and recognizing again this critical situation. We really have to get the children educated. We thought this would be a great pilot down south with Inarajan Middle School, Inarajan Elementary School and more towards the south. But that would be looking at food as medicine working up farms, working with the students, working with the schools to promote and develop this area for that. They already started a farm a little agricultural project. They think that we can expand it and take advantage with the properties that we're talking about.

Administrative Director Michael Borja – This is not an overnight task but it is a worthy task but we need to move a little bit faster. I think the issue here is you know try and as we saw in the video you missed a great video that you need to take your amot for three days. But you know these plants we need to definitely get going on some of the preservation of it.

Zita Pangelinan – One of the things we've collected is over 200 plants. We've been going through the jungles and collecting to propagate because as Ms. Frances here she's been in the jungles we are finding that we're losing amot but also the access is harder and harder.

So have collected to propagate but we recognize that a little more than 40% do not survive. And so the ones that have survived they're growing in these pots and they really have to be transferred on the place that they need to go. So we've been at this for 3 years. We didn't want to come before you until we were confident and with all the work that we've done we believe it's now time and momentum is there. I believe we can get the legislative support after our presentation.

Administrative Director Michael Borja – Good and who do you think is going to help you lead the charge, the Speaker?

Zita Pangelinan – The Speaker, Senator Frank Aguon was also there, Senator Mary Torres was also there so people are quite interested in what we've done. We are trying to get the word out as much as we can in discussing this and educating the public.

Administrative Director Michael Borja – So if there is any specific person to work with the Speaker would probably be the best one. Okay.

Zita Pangelinan – And Tina Muna Barnes is also another advocate.

Administrative Director Michael Borja – And you saw in the Cushing Zoo bill that you know you need to take them on a hike that will win their hearts really fast.

Zita Pangelinan – Yes.

Administrative Director Michael Borja – I mean they didn't take Tom Ada to the Cushing Zoo he decided to go take a look and suddenly he became the chief cheerleader in the matter so that would help.

Zita Pangelinan – And they were very excited after watching our documentary.

Administrative Director Michael Borja – But if you're going to go take them tell me because I want to put on my on my hiking boots because it's getting kind of dry.

Zita Pangelinan – Will do, will do, we'll definitely do that yes.

Administrative Director Michael Borja – And do it before it starts to rain because then there's no bugs.

Zita Pangelinan – Don't worry right after FestPac we'll schedule it. Just get us through FestPac we're running on 150 miles an hour I think this is all FestPac right stuff now.

Administrative Director Michael Borja – Yeah that's the same here.

Chairman Pascual Sablan – So at this time they're not asking for any particular lot?

Zita Pangelinan – Yes we are.

Chairman Pascual Sablan – You are?

Administrative Director Michael Borja – To identify the lot in Inarajan.

Zita Pangelinan – One in Inarajan and one in Fadian.

Administrative Director Michael Borja – Is that the map that we gave you?

Zita Pangelinan – Yes.

Administrative Director Michael Borja – What I would like to do is I'll work with you on this after FestPac I'm going to turn on my bill writing because I got a bunch of things I got to write bills on and this will be one of the ones I'd like to write up then I'll propose it to the Commissioners. Hopefully I'll get it done before the next meeting so within a month because FestPac is just kind of a like a short little thing right. We should be all energized and ready to go afterwards. But there's a couple of bills because one of them has to do with money and it's already getting stolen so I need to tap into my money source before they steal more and we can get together and finalize the bill and present it at the next meeting.

Zita Pangelinan – Okay so (interrupted).

Administrative Director Michael Borja – But it'll be a biodiversity concept. A biodiversity concept for the purpose of using it for preservation of the amot and then we can work out the details. So if you've got some ideas what you want it to say just email that to me okay and then I can make sure we put these pointers down in the specifics. But I'll work with this, the map is always important to have. Yeah this public law she thought it was five acres I told her I think you're only it's two but to set up a whole taskforce just to do just to make up something I just said you know I'd rather instead of a taskforce we can just create something and make it into a public law right away. Because you guys are the expertise already you'll be part of the taskforce anyway and maybe we can invite over I mean is there any reason why is it Mrs. Sablan is that her name? Who's the lady up at Dededo?

Zita Pangelinan – Nelson. Is there any reason?

Administrative Director Michael Borja – You guys have a working relationship with her or not or is she kind of not in the (interrupted).

Zita Pangelinan – Yes I mean we as a matter of fact we're also serving in the same committee for FestPac. However, her objectives are kind of different from ours where ours are primarily protecting the Marianas our amot our indigenous amot. Whereas theirs is more of she's a farmer her focus is farming and they then just collect and look at and you know whatever is there. So if it's from India, if it's from the Philippines, it's from other areas she has where we really are looking to protect what's indigenous to Guam and that's why the properties.

Administrative Director Michael Borja – Have you guys been up to Mrs. Nelson's farm?

Commissioner Amanda Santos – Yeah me.

Administrative Director Michael Borja – I wouldn't go up there right now for FestPac because I think it's on a stop. It could get kind of crowded but definitely when there's a chance it's right on Swamp Road. There's a sign, there's a sign there just kind of go in.

Frances Meno – I think it's Amot Farm.

Zita Pangelinan – Yeah that's the name of the place.

Chairman Pascual Sablan – You won't miss it there's a big sign.

Administrative Director Michael Borja – Yeah there's a big sign.

Zita Pangelinan – We held our first one day of our amot conference there. So yeah there has been collaboration but we also see differences in our approach.

Administrative Director Michael Borja – And then when we get you know if you want to bring over somebody else any of the other Yo'Amtes to talk about. Isn't Yo'Amte if you're going to say plural it's Yo' Man Amte or something like that or Man Yo'Amte is there a man that's going in front of that?

Zita Pangelinan – Man Yo'Amte.

Administrative Director Michael Borja – Man Yo'Amte that's the plural right.

Zita Pangelinan – But actually Yo' (interrupted).

Administrative Director Michael Borja – Because they were saying Yo'Amtes and I'm thinking (interrupted).

Zita Pangelinan – Yo'Amte.

Commissioner Pika Fejeran – They are (inaudible) the Chamorro?

Administrative Director Michael Borja – Yeah so it's Man Yo'.

Zita Pangelinan – Man Amte.

Administrative Director Michael Borja – Man Amte?

Commissioner Amanda Santos – There's no Yo there, Man Amte. You don't put Yo.

Administrative Director Michael Borja – Okay Man Amte.

Zita Pangelinan – Yeah but the Yo'Amtes are the healers and those are a higher level of healers. There are those the I Ma'a Amte which is you know they can just give you for cough medicine or whatever general. But those I Man Yo'Amte they're the higher they're the MDs. Whereas, the Man Amte is just the interns.

Chairman Pascual Sablan – Not Gi, Gef Man'Amte?

Zita Pangelinan – The I Man Yo'Amte is the top the one that knows more.

Chairman Pascual Sablan – Where does Emilio Ayuyu falls?

Zita Pangelinan – He's a Yo'Amte.

Chairman Pascual Sablan – Yo'Amte?

Zita Pangelinan – Yo'Amte, gof Yo'Amte.

Administrative Director Michael Borja – Gof Yo'Amte.

Zita Pangelinan – He is one of the most knowledgeable.

Frances Meno – With me I took over my mother because my mother is a Man Amte. My mother is (inaudible) Villagomez so I took over. So I've been with her you know but she passed away already so I took over.

Chairman Pascual Sablan – Okay.

Administrative Director Michael Borja – Okay so we'll get together.

Zita Pangelinan – Okay.

Commissioner Pika Fejeran – You have my full support. I'm excited and I look forward to using the CLTC to make this happen.

Commissioner Amanda Santos – We can go on a field trip with her.

Chairman Pascual Sablan – Will you go and look for medicines with her? You have to wear short shorts because the mosquitos.

Administrative Director Michael Borja – That's why go during the dry season because there's not too many bugs.

Commissioner Amanda Santos – I know the mosquitos.

Zita Pangelinan – Okay thank you.

Administrative Director Michael Borja – Thanks for the wait and thanks for the lunch and thanks for the video.

VII. DIRECTOR'S REPORT

1. Revenue collection report for April 2016

Administrative Director Michael Borja – You have a copy of the revenue. So this is what we're producing we're trying to get down to produce actually and it comes out of our Quickbooks reports. This is the kind of forms that we're going to be producing all the time especially when it comes time for our audits so we can have our audits go through real fast.

2. 2015 Audit

Administrative Director Michael Borja – Here is the 2015 audit. I'm going to take you through one section in this audit real quick. It has not been yet released although I'll give you all the pdf versions Teresa to get Henry post it on the website but I want to wait to post on the website when the auditor actually releases it but they said it can go. I want to take you to the part where it talks about the findings okay because that's really where it comes down to. You'll see under collection and monitoring of account receivables remember this is as of 2015 and it shows that we had receivables of \$314,000 of which \$56,000 was uncollected as of 90 days that you're in. Most of that money was monies that were taken it's about \$180,000 that was done for rent that the money people in the Government took out of the Chamorro Land Trust so we put it down as a receivable to show that the money was taken from our account. If you go to the very well you'll see in one of the recommendations. The public auditors went to the Department of Administration and said put it back and they did. So the money has all been put back into our account. But it kind of mentions untimely receivables and you know it got taken out and we only discovered it after we got our reconciliation with DOA. Findings No. 2, coral extractions royalties, this is really kind of an embarrassment to me personally because this has been like a repeat write-up three audits in a row. This has to do with the coral extraction being taken out of the raceway track. That's why in our revenue you're going to see it's gone down and they pointed out why is your coral extraction because we told them stop until you guys can give us some accounting on all of this. What I'm going to propose to them because the Hawaiian Rock people told me personally they have a drone system that they use. They count the trucks coming out, they calculate how much coral they've taken. They have a drone that goes in on the months end and so it does a topographical survey of the area they've taken out of down in Hawaiian Rock and it knew what it started off with with topography and what it ended up with at the end of the month and then it could calculate the difference in volume and then they compare that to their trucks and so far they've been pretty good. So here I cannot rely on the truck counts coming out of the raceway so I'm going to insist that he obtain a contractual relationship with Hawaiian Rock to use the services of their drone to determine this if he wants to do any more. Now this extraction and all these stuff this was all public law okay. It's not because we decided to put that in some kind of lease it was all because of a public law. Finding No. 3, this is an issue again it's been a repeat write-up and no matter how much that we tell them it's this issue is because when Chamorro Land Trust was put under the Department of Land Management with an executive order we used some space here. Now the way this building has lease set up is through a GSA contract really and it's not like we can just go in and just say we want

to add on and update the lease. It's a strange working relationship. We told the auditors that can you just go down we'll take you down and we'll have you sit down with the GSA people specifically to talk about how these things are working. Because nobody here really has a contract specifically. You want to add a little bit more space they just kind of work off this general RFP that was given that says needs space, lose space you know you can make this adjustments. So it's kind of, we're trying to find a way to get around this but it's really not it's not anything that's really something that we can just go in and negotiate a lease. Now that being said there's a whole new owner of this building but I don't know if that's going to happen. You know they still have to have the same relationship with GSA.

Commissioner Pika Fejeran – So the finding was that they couldn't figure out why CLTC's portion was \$10,000 right?

Administrative Director Michael Borja – No, no they're saying this is how much, the issue is that there's no underlying lease agreement identifying the terms and conditions for CLTC to be in this building. That's the problem or that's the requirement that they have to have. You see in the recommendation that we enter into a formal lease agreement but no matter how much we try to spell it out to them that it's through GSA and then GSA does it this certain way for this building we can't get them to see that. We're still working on this thing to find some kind of, there has to be some special letter that gets written by GSA or something.

Commissioner Pika Fejeran – Okay.

Administrative Director Michael Borja – Finding No. 4, cash transfers should conform with enabling legislation. Again over a course of time there was money taken out from the Chamorro Land Trust operations fund to the GovGuam general fund without any authorization. That's a cash management kind of thing and they didn't pay it back. So we well actually the auditor went to Department of Administration and said you better pay it and they did, 2 million dollars on April 21, 2016. So they paid 2 million out of the 2.3 million dollars. There's still \$360,000 I think that's (interrupted).

Commissioner Amanda Santos – Who allowed them to take it nobody?

Administrative Director Michael Borja – No, no and what may come from this is some kind of tightening of the account by the, well what we're looking is that the actually monies come under the control of the Chamorro Land Trust itself. Not for us to spend, not for us to have a checking account but that the expenditures of those monies has to have the Commission's approval. So there'll be some kind of conditions on that account because the way it worked right now the way it happened is they just assumed that with the general fund I mean they can just go in and transfer to the general fund without any conditions or without any prior approvals and they were told no they cannot so they returned it back. So those are four findings I really you know would like it to be a clean audit. You can see like I said the one with the lease the one with the special fund transfer is not going to happen again and item no. 1 is not going to happen again either. So we're all pretty good about that and I did make aware of these issues to the Bureau of Budget Management folks and to the

Governor's financial advisor that these were serious infractions and that you're going to be needing to have to transfer it back and not to do it again. But seeing how they paid it back they did well. Otherwise they would be cited on their side too. So they will be cited on their side as well but it will be with the conclusion that you know they reimbursed it. So take time to look through this. Like I said the actual publication of this thing I prefer to just when the public auditor is ready to release it and she's probably going to try and meet with us the hope was to have had it released by the first week this month but believe it or not there was just a lot of other technicalities of documentations that needed to be provided that were lacking. So those are lessons learned on our part as well. I told Joey Cruz that when we reach the point of let's say December 1st of each year we issue out these letters saying we need these documents that need to be included for our audit report. I didn't want to go pass all the other numbers in here but you'll see it you know there's a lot of stuff. They did give us credit for setting up and she was quite happy that we have moved to the Quickbooks that this was the first audit in which we just didn't come in with a bunch of papers and say there's our receipts figure out what our financial statement is. We actually produced one for them so they were very happy with that.

Chairman Pascual Sablan – Have we responded to Senator Ada's request?

Administrative Director Michael Borja – On?

Chairman Pascual Sablan – Funds collected pursuant to Public Law 33-90 and (interrupted).

Administrative Director Michael Borja – Oh yeah, yeah we did. I sent him a full blown letter explaining, this the land for the landless? Yeah the whole breakdown on how many people total were there and how many people responded. In fact I told him that Department of Land Management had to spend a sizable amount of its own monies to pay for all the certified mail and the publications. I was told last night by one of his chief of staff that they're going to reimburse Land Management. We gave them a breakdown that was reconciled with both Department of Administration and our accounting of how much money was received and in this account. So he takes that money that shows how much is in this account that's verified by us on what the AS400 shows for the Government of Guam and he created a bill that took \$30,000. I think the amount that's inside there is like around \$150,000. That's not going to grow. All we collected from the land for the landless we're not going to see anymore. Just to give you an idea 391 people were delinquent in default, 41 paid in full, 39 are asking for additional considerations.

Chairman Pascual Sablan – And I think there's a bill.

Administrative Director Michael Borja – And there's a bill that's going to be heard next week that takes, because I sent him my letter you know look we got these people who have hardships and you gave me no discretionary authority can you at least add another year. So that's what they're doing with this (inaudible). Mr. Sablan I'll give you a call later on when we can get you the formal copy of that resolution there's a typo on the back side that I

need to fix and then we'll get that signed okay. I thank you very much for your time today any other questions for me?

VIII. COMMISSIONERS' COMMENTS

Chairman Pascual Sablan – I was looking at this handout Kumision Chamorro you know the question and answer or frequently asked questions. I think the Legal Counsel has to come to this picture. Who can apply for CLTC land? Anyone who meets the following requirements can apply. Must be 18 years of age or older, must be a native Chamorro or descendent of native Chamorro. This is wrong.

Administrative Director Michael Borja – Who put that out?

Chairman Pascual Sablan – You, Land Management.

Legal Counsel Kristan Finney – What do you mean it's wrong?

Chairman Pascual Sablan – It's wrong because (interrupted).

Administrative Director Michael Borja – The only thing that needs to be added in there is as defined by the Organic Act of Guam of 1950.

Chairman Pascual Sablan – Because I asked this question my grandfather was born on Guam in 1860 he died in Saipan in 1915 you mean all his grands and great grands are qualified?

Administrative Director Michael Borja – He was on Guam in 1950?

Chairman Pascual Sablan – 1860.

Administrative Director Michael Borja – No because they actually (interrupted).

Chairman Pascual Sablan – He was born in 1860 and went to Saipan and died in 1915.

Administrative Director Michael Borja – When, when did he go to Saipan?

Chairman Pascual Sablan – Well 1915.

Administrative Director Michael Borja – 1915?

Chairman Pascual Sablan – Yeah so how about his great, great, great are they qualified? No they are not qualified because they did not become a US citizen through the Organic Act even though I'm one of his descendent. I'm qualified because of my mother but not from my father's side or my great grandfather. See that has to be corrected.

Administrative Director Michael Borja – Okay alright.

Commissioner Pika Fejeran – Sorry if I may I want to let you know I'm going to be off island in July for the whole month of July so unfortunately I'll miss it.

Administrative Director Michael Borja – Well if we don't have another member then there will be no meeting.

Commissioner Pika Fejeran – Is there any way I can call in?

Administrative Director Michael Borja – I wish I don't think. And Legal Counsel will be gone I think she said she's only going to be gone for three weeks but she's really going, I saw the hidden paperwork she's going to be gone for like five.

Legal Counsel Kristan Finney – Maybe almost four.

Administrative Director Michael Borja – Almost four.

Commissioner Amanda Santos – Four weeks wow that's long.

Administrative Director Michael Borja – Well you know when you take a vacation with family and you want to pay that amount of money you don't want a short stay. To me an ideal vacation is between four to five. By four you're broke if you're staying in hotels.

Chairman Pascual Sablan – We need to find out about Joe Cruz.

Administrative Director Michael Borja – Well we'll find out and I think his you know the Senator did raise some issues some questions asking what his status was. So don't forget Friday at 10 o'clock next week is your public hearing. I may only be able to submit written testimony.

Commissioner Amanda Santos – Confirmation.

Administrative Director Michael Borja – Your confirmation I'm sorry.

Commissioner Amanda Santos – What time 10 o'clock?

Administrative Director Michael Borja – 10 o'clock and I may only be able to submit written testimony. I'll try to be there but I asked him to postpone it and they sent out an updated correction to his public notice and all it did was for some reason it mentioned 9 o'clock and it mentioned 10 o'clock in the first notice and took out the 9 o'clock.

Chairman Pascual Sablan – I was asking that they waive the public hearing for me you know because I went off island for medical and (didn't finish).

Administrative Director Michael Borja – He keeps close track.

Commissioner Amanda Santos – What date is that?

Commissioner Pika Fejeran – 27.

IX. ADJOURNMENT

Commissioner Pika Fejeran moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 5:03pm.

Transcribed by: Teresa Topasna, Administrative Assistant: *Teresa Topasna*

Approved by Board motion in meeting of: *June 16, 2016*

Michael J.B. Borja, Administrative Director:

[Signature]

Date: *6/16/16*

Pascual Sablan, Chairman:

[Signature]

Date: *6/16/16*