



# Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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## COMMISSION MEETING MINUTES

Department of Land Management Conference Room  
3<sup>rd</sup> Floor, ITC Building, Tamuning

Thursday, October 20, 2016, 1:05 p.m.– 6:08 p.m.

### I. CALL TO ORDER

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

### II. ROLL CALL

Present were Chairman Pascual Sablan, Commissioner Amanda Santos, Commissioner Gyongyi “Pika” Fejeran, Legal Counsel Kristen Finney and Administrative Director Michael J. Borja.

### III. APPROVAL OF MINUTES – August 18, 2016

Commissioner Amanda Santos second the motion of August 18, 2016. Commissioner Pika Fejeran made a motion to approve. Subject to correction. There were no objections, motion passed. Concurred to use the new agenda with the new item. No objection.

### IV. PUBLIC COMMENTS

**Chairman Pascual Sablan:** Let’s go to Item IV of the Public Comments. Frances Yoshida. Is Frances Yoshida here? Please come forward and identify yourself.

**1. Frances Yoshida:** I’m Frances Yoshida but I had put my name down basically because I just have a question but I don’t know what. This is the first I’ve been here, so to my understanding is I’m here because I do have a question in regards to the property that I’ve been given in terms of boundary lines. I had noticed that my neighbor behind us who also has property from Land Trust, they started to clean and then I noticed that they kind of like.(interrupted)

**Chairman Pascual Sablan :** Frances, you know in all fairness to everybody if there’s no objection I would like to turn the chair over to Pika. I have an ear problem and I can’t hardly hear anything, okay so, you have any objection Mrs. Santos?

**Commissioner Amanda Santos:** No.

**Commissioner Pika Fejeran:** Sorry for that interruption Mrs. Yoshida

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ael J.B. Borja  
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, 4/4/2016

**Frances Yoshida:** My question is I was trying to go about finding out how would I get confirmation in regards to my boundary, my actual boundary points, according to clearing it's like, I feel they are kind encroaching a little bit, but not to cause any problem or what, I just wanted to find out how to go about getting clarification for those points of boundaries without going through survey. I know it's been surveyed already but just so that everybody doesn't end up fighting I don't want any, you know, like (inaudible) right?

**Administrative Director Michael Borja:** But you have to, that's your neighbor, you have to talk to them. Have you talk to them?

**Frances Yoshida:** Yea. I have to talk to them, but like I said, I want to know. (paused).

**Administrative Director Michael Borja:** Well, you have your survey marker down there that you can see?

**Frances Yoshida:** They were in the same survey, the markings. Who would I go to that would guide me in terms of, you know, if I was to (inaudible)

**Commissioner Amanda Santos:** You cannot go to your surveyor and ask where's your boundary?

**Frances Yoshida:** My surveyor? I tell you the surveyor is like trying to get a blood out of a stone from the surveyor, it's taking us so long just to get to the property, so long just to get the surveyor to respond to us and finally when he does respond, yea everything, we're all in agreement yea, yea, but then after so many years again, you know, activities starts up with properties (paused).

**Administrative Director Michael Borja:** But your marker, you can see them?

**Frances Yoshida:** I can see the marker.

**Administrative Director Michael Borja:** And your neighbor can see them? Then that's your line.

**Frances Yoshida:** What I'm saying is my map is saying straight, the line, but yet clearance is going side. I mean, in an angle.

**Administrative Director Michael Borja:** Have you talked to any of the staff in Chamorro Land Trust?

**Frances Yoshida:** No not yet.

**Administrative Director Michael Borja:** Then you need to start with them.

**Frances Yoshida:** Oh actually, I did I had called to find out what are the procedures, what do I have to do and I was told first and foremost one is “the land is surveyed already. The land is surveyed already and we can’t send anybody out there to confirm because we are not surveyors.” Would you guide us at least to have someone step in at least from your agency to help us out, to get these things confirmed without having to go through (paused)?

**Administrative Director Michael Borja:** Your neighbor. Have you spoken with your neighbor?

**Frances Yoshida:** I haven’t spoken to my neighbor.

**Administrative Director Michael Borja:** That’s always a good start. It is!

**Frances Yoshida:** It’s just my neighbor gives me, you know, not want to cooperate, and then that’s when I come to you folks.

**Administrative Director Michael Borja:** I’m not trying to be sarcastic or rude but I mean we are here to help you out but you have to start telling us what you have done yourself already to help out and if everyone understands where the lines are, then everyone should be clear about that and you know, I know, a lot of people know where their lines are so you need to start looking at that.

**Frances Yoshida:** That’s my one only concern, just me and the neighbor behind me. That’s it. Because like I said I may not be an engineer reading maps, but my map is showing me a straight line and all, but yet clearance is being done in an angle and it looks like its encroaching. I don’t mind that if it helps me clear my land, but when it comes time for me to say okay this is where I want to plant now permanently, I don’t want to have any arguments, no complains, and same with me, I don’t mind if you want to come over little bit to my side and you want to clear, hey, no problem with me. But let’s be civil when it comes time for us to put things down permanent now.

**Commissioner Pika Fejeran:** I would suggest Mrs. Yoshida that you would follow Mr. Borja’s advice, get your survey map that shows the two points and a straight line, go out there and invite your neighbor to come out and maybe attach a string between two points creating that straight line so that you would (interrupted).

**Frances Yoshida:** That’s what I was thinking off that I’ll just take the straight between this point and this point and put them together and say okay this is it.

**Commissioner Amanda Santos:** Go down there and get your own marker down if they don’t want to cooperate.

**Frances Yoshida:** When you say own marker, for each lot when it’s surveyed and marked, is there supposed to be one point separating the lot, or is there a point for

my lot and a point for the neighbor's lot?. How does that go? Is it just one point going from corner to corner to corner to corner?

**Margarita Borja (CLTC):** You share boundary marker with your adjacent neighbor, so your marker is his marker also.

**Commissioner Pika Fejeran:** You know, I think if you approach your neighbor like you approached us right, open and perhaps (interrupted)

**Frances Yoshida:** And also, like I said I don't know how to read the map and you know where it says this thing about square feet so many square feet for the overall property. Would you folks be able to help me figure out, you know, each corner, each side and I then I can just now go home and measure it on my own so I have to do it 50 feet at a time. So I can come to you guys then and you can help me say this is how much I should have on each side, and then who would we go to, is there a specific agent that we have to meet with?

**Margarita Borja (CLTC):** Her name is Eileen Chargualaf.

**Frances Yoshida:** Is that for overall or is that for different areas? Yigo area because I'm from Yigo?

**Margarita Borja (CLTC)** Just your last name "Y".

**Frances Yoshida:** Oh so you're going by last names. So Eileen Chargualaf. Okay.

**Commissioner Pika Fejeran:** Mr. Victor Duenas are you (interrupted).

**2. Victor Duenas:** My name is Victor Duenas, I'm from Inarajan.

**Administrative Director Michael Borja:** Are you part of this access road issue too?

**Victor Duenas:** I'm part of every access road.

**Administrative Director Michael Borja:** No, on the discussion item on the agenda.

**Victor Duenas:** Yes.

**Administrative Director Michael Borja:** Okay, then we will go to that part then we will hear your testimony at that time.

**Victor Duenas:** But I'm here to testify under my brother's. That's why I signed up because it's for the meter with my easement road up there by the Inarajan Middle School. I paid for that easement road and somebody's putting people in there to farm in the back of the Inarajan Middle School. They went down to the legislature

and testified and I don't even know what's going on and I'm the one that paid for that road.

**Commissioner Pika Fejeran:** Mr. Duenas, I'm sorry to interrupt you can we hold off on the comment until we get to that portion of the agenda that way we can have a map and we can see exactly what's going on

**Margarita Borja (CLTC)** This is another issue.

**Commissioner Pika Fejeran:** Separate issue, aside from no. 6? Okay, go ahead.

**Victor Duenas:** But the road is never complete because this have something to do with politics. The governor of Guam was helping me on that easement road but they never complete that easement road. They pull all the crusher, the excavator, the rover, (inaudible) and they never complete that easement road. So that's why I'm here to request you if you could push it again so that they could open that land lock road down from my property. This is not fair when the Land Management and the Public Works are involve and it's almost there, it's almost there to get me there and there's a lot of property that are land lock and there's no road. But if they complete that that will benefit all of us in Inarajan. But this new easement road is going to give to Mr. Quinata. I'm proud that they are giving it to Mr. Quinata but my question is are the coral is going to be involve there with public works to make that road available for this for this family property too? Because what they did to me is not fair, they just abandoned me because of politics. Just because I went to Gutierrez party in general election that's why they pull all those equipment out and now I'm hurting because I cannot get through my property and there's not a banana there. I'm a farmer so I cannot get to that property now.

**Administrative Director Michael Borja:** How are you getting into the property?

**Victor Duenas:** I have to go to the riverside. I only have to wait until dry season to get to my property. Now I cannot go there even a 4-wheeler cannot reach that farm so please board, would you please help me open that road again and talk to the governor he can be involve too because he already approve that project but they never completed it. All I'm asking is about 50 more feet to get to that property and now they are putting more people in there after I made them open that road. I paid for that road, I paid for the land survey, I paid for mapping, and you know, for the easement, \$10,000. Ten thousand dollars and you could check that record, I have a copy I can submit you that later on, but for them to do that kind to me is not fair at all. Why are you going to open a new easement road and don't complete that easement road. Water, power pole?

**Administrative Director Michael Borja:** Commissioners, I have been out to this site to make visit while the construction was underway, it's a very stiff terrain, very stiff and it require more civil engineering than just having a dump truck come and drop rocks and a bulldoze, pushing it over.

**Commissioner Amanda Santos:** And who's doing politics there?

**Administrative Director Michael Borja:** I don't know.

**Victor Cruz:** Yes its politics, I know that, because I support Governor Calvo in primary but then I changed my vote and when they heard I was with Gutierrez that's the time they start pulling out those equipment. This is politics.

**Commissioner Pika Fejeran:** I'm sorry sir. Who is the one paving the road and clearing it out?

**Victor Cruz:** No paving yet. Its public works that was involve there. They are the ones that hauling those coral there, it's almost complete, it's almost there but I feel sorry for these people that are requesting for land lock easement and when the government goes in there to give them that road, those access to give them that road, those access and then they going to abandon them like what they did to me. This is not fair at all.

**Commissioner Amanda Santos:** Wait we're going to tell Governor Calvo to please involve in that, this is not supposed to be involved in any politics.

**Victor Cruz:** Thank you for that statement. This supposed to involve all the people and not just picking people. I support Governor Calvo he's doing a great job, I'm not against him.

**Administrative Director Michael Borja:** But I have 3,000 other lessees who also don't have their land surveyed.

**Victor Cruz:** Sir, my project was ongoing and they stopped. Finish that easement road first before you get to another.

**Administrative Director Michael Borja:** But it wasn't stopped because of someone not wanting to do it or because of your change in politics. I think it was stopped because, seriously, there was serious danger in preceding forward because of the stiffness of the trail. You know that you can't even drive down there in the truck right now. It is extremely stiff.

**Victor Cruz:** It was dry season when they are working on that project. The weather was always good.

**Administrative Director Michael Borja:** and when the rains come down that rock (inaudible).

**Victor Cruz:** Now you cannot go there because it's raining, but when they were working on that project it was very dry there's hardly rain but they abandoned me

and I don't want to fight because it's politics. They should (inaudible) for the people that are farming there and using that land and then I'm helping them because all of that property is land locked. But this is Chamorro Land Trust property that I went through. I went through all the channel, I got the map, everything was approved and then they abandoned me.

**Commissioner Amanda Santos:** How big is your land there?

**Victor Cruz:** My land is about, from the outside is 12 acres. This is Lot 354 belongs to Chamorro Land Trust next to the school all the way in to the dam but somebody is trying to bid another farmer from the University of Guam to use that for medicine and I don't even know that after I make them open that road. The *Amot*, I think you were involve there in the legislature sir, when you guys went down there and testify that I'm trying to put a stop there because I'm trying to change the Chamorro Land Trust was given to me. to see if I could secure that property and add on to the private property for my carabao to use that land because there's no way you're going to plant medicine there *ufa aju bafao*.

**Commissioner Amanda Santos:** Mike what is the limit for the Land Trust for his carabao. Is there a limit?

**Administrative Director Michael Borja:** 40 acres

**Administrative Director Michael Borja:** But how many acres have you already been leased out?

**Victor Cruz:** Governor Gutierrez gave me 20 acres but it's still not enough so I went in to the Chamorro Land Trust, what's his name, Oscar Calvo was the chairman there. They add another 20 acres for me but it's still not enough again so (interrupted)

**Administrative Director Michael Borja:** You got 40 acres?

**Victor Cruz:** I got 40 acres.

**Commissioner Amanda Santos:** Too big.

**Administrative Director Michael Borja:** The new law says that if you want anything greater than half an acre you need to get the legislature's approval. So there's nothing more we can do without the legislature's approval.

**Victor Cruz:** Everybody signed it, even the board member.

**Administrative Director Michael Borja:** I know I'm not talking about the past.

**Victor Cruz:** This is in the past. I understand sir that this has to be corrected I know that but the past is the past.

**Administrative Director Michael Borja:** It's 80 times more than most people get.

**Victor Cruz:** Every head of the carabao is 2 acres to feed them, even USDA was involve with me when we went to the board and they approve it so what I am asking I could beef up the 20 acres and secure that next to the school and add it with my dad's property.

**Commissioner Amanda Santos:** How many carabaos do you own?

**Victor Cruz:** I used to have 35, now I'm down to 12 because the USDA told me to try to get rid of some carabao because the field is not enough. You could go in there to my ranch and see what's happening because there's (inaudible).

**Administrative Director Michael Borja:** On the matter that you have we'll have the staff work with Mr. Duenas to see what we can do with the road. I know you've been talking to Mr. Camacho too.

**Victor Cruz:** Mr. Camacho is a very good man, very *pikaru* too but I admire the guy, he's doing his job. Thank you for including me and allowing me to speak I hope that you will listen to my request and we do something about this area behind the school. So you give it to me so I can give you back the 20 acres and give me at least the 10 acres. The dirt is better down there than where I am at right now.

**Administrative Director Michael Borja:** And you're right. That road will give many people down there the rich farm areas a better access.

**Victor Cruz:** Even the mayor of Inarajan have a property there that don't have no road. The farmers' are really hurting there. They farm and they abandon because the rainy season came in. Thank you.

**Commissioner Pika Fejeran:** Thank you Mr. Cruz. Next one on the public comment please, Patricia Duenas

**3. Patricia Duenas.** I have a land behind my house that when I first got it it was *arendu* and then it was a Chamorro Land Trust and there was a lot of stuff going on where there's people behind me who end up getting most of the land. At that time I was working with Monte and right here is a letter where Monte gave me because I had to go off-island to attend a funeral and Monte assured me the paper work was being.... It is safe for me to leave, when I came home, they took my land from me. That's lucky thing that I have paper works that I did not give back to Chamorro Land Trust that they kept asking me for. Okay. And I don't know how that my land end up hooking up with another land that I got up in Yigo that was residential, the one behind my house is supposed to be agriculture since it was an *arendu* but I have



paper works here, I gave them paper works that I don't know how but two lands end up together to be the same thing, so they had me, and I spent a lot of money because when it was *arendu* we paid for \$40 a year and then it became Chamorro Land Trust. Okay, but the people behind me seems to want the area when I came back home from the States, and I only spent 3 months there to consult my children from their loss, they turned around when I started to clean they said, "oh, you don't have no business behind here, this is ours". They had to do a squatter shock, I said why they had to do a squatter shock when my land is one acre. So it took a lot of showing them stuff and this and that they had me give up another land because they said, "oh, behind there behind your house is a residential". I said, how it be residential, how can my neighbor's be agriculture and I'm residential so I am the only one that's residential. The paper stuff up here that my land and that I even have papers that they made me sign, made me re-pay for the whatever you call this. But like I said when I came back home Joffre Aguon even tried to ask me, "oh you don't have no name here that you applied for land", I said excuse me what are you talking about I don't have no name there that I applied for land. See if he would have found my name when I applied for the land I guess he would have gotten rid of that one too. But at that time I was married to a Quitaro and my name was Quitaro not Duenas because he was looking for Duenas. I have been battling this for years and years and when Monte was in he actually tried to do something. He assured me, right here is his letter that there is paper works that's being done. I said are you sure it's safe for me to leave because I really need to go to consult my children. He said yes Ms. Duenas, it is. I've been battling this, I moved in my house since 1979 and at that time they told us it was a no way in no way out that we had priority to get land and that's why I applied for *arendu* and those days that's what the land was right, it's *arendu nai*. Then they created *arendu* to Chamorro Land Trust then they told me oh you have to reapply for another Chamorro Land Trust. I'm not educated, I am actually illiterate but I tell you what I am not stupid, since we already have the *arendu* why didn't they just tell us oh we're just going to transfer it to Chamorro Land Trust because you already got the *arendu*, and because this person (inaudible) is behind my house and that's how they get the land, and they created this squatter shock. We don't get squatter shock around there because the land that was given to me hints to that one area and it's going to get to the road. I've been going back and forth to Chamorro Land Trust to try to get somebody to help me. One time I even went to Pangelinan when he was alive, the Senator, and they were working on it then he passed away, and as soon as Monte passes away everything went to hell again. So I finally I got someone to come up there and I told that person, and I told that person because that person claim that she was my land agent to come up and see what's going on but that's not what it was, then I went there to see what's going on to see if there' anything that was wrongly done to me, they went there just to see the area and give the heads up to the other person. "Oh, you got to clean it or else you lose it". But I found out the whole area wasn't even clean for years. They got a big bus there, it's been there for years now they got a container there and to let you know this is my neighbor that's joint with me.

**Commissioner Amanda Santos:** How big is the land?

**Patricia Duenas:** Well, when they first gave it to me it was an acre but they end up cutting it down to half an acre, barely half an acre, they have to give me this way, it was this way straight, boundary to boundary. So what they did is when I finally fought it back, they gave me this way because that's Japanese *nei*. So they barely made it a half acre and then they said oh we'll clean the junk, until now the junk is still there. Somebody turn around and said to me, so you don't think anybody deserves land? That's not it. The thing about it is right is right, wrong is wrong. You can't keep encroaching to somebody and leaving them out in the cold, now I understand they have family and they got kids, I have kids.

**Commissioner Amanda Santos:** They should not deprive you of that land because you got it first.

**Patricia Duenas:** That's right and that's what I've been fighting for years and years and years. Now they tell me I have to talk to you board and it's your decision whether they can re-do it. And the thing about it is that all of us got the same person that measure our land. The same person that measured all of our land that's why you guys are telling her to approach the neighbor? They should not approach those neighbors. Because it's the same surveyor, surveyed all of us and they told us its better if he surveys everybody because he's already surveying the Santos, or the whatever, okay? And they are good friends . . .it took a lot for me to even validate that \$1,500 to pay for a piece of crap that they gave me. I even have videos on my phone on what the land looks like. Enough is enough, you know, just because the son-in-law works for Land Management (inaudible) getting away with this. Monte tried to clean the Department but God bless his soul. He didn't make it. I sure would like to see it cleaned up before I pass away. I'm 71 years old in December and I work with my hands, I don't use back hoe, I use my hands and I'm the only one who's cleaning, enough is enough. Chamorro Land Trust cannot do nothing? That I have to come and talk to you guys for you guys to see the irony of what's going on? Then I'm pleading with you people to clean it up the Department, do something. I have to even change the one that whoever did to me from plantation to whatever so I made it but then they turned around to me and say, "Oh that is not a guarantee that you can get back your land". Why you trying to make me not get back my land? Is it fair? I'm a single mother and raised 9 kids, and believe me I'm a mean mother. Well, they said I got a big mouth but I do what is right and I'm asking for you people to do what is right and I ask you people to do what is right.

**Commissioner Pika Fejeran:** Ms. Duenas I hear you and looking at the staff report on your case, the first we've seen it, this is an issue decades long and I'm surely sorry that you had to go through this. You know a lot of what we've been doing on the Board is correcting issues from the past. It's like we're always having to go back and fix what's been done to you and (interrupted)

**Patricia Duenas:** And that's what Monte was trying to do.

**Commissioner Pika Fejeran:** You know I'm sure you have been advised by the staff and which is why they told you to come here. You know you're not the only one that would be affected by this, right, you have other people.

**Patricia Duenas:** Actually it was Mr. Borja was very nice to inform me to come here.

**Administrative Director Michael Borja:** I asked her to speak to the board to make a matter of record, I told her the steps that we have to take are steps that have to be done first especially in light of the issues that she's made claim about her neighbor's. Full disclosure, however, her neighbors' are her immediate relatives. But the problem we have is that, I think it might express this needs a site report is that there's significant trash in that neighboring property that's not being used property so we're monitoring that and they maybe some issues in which the size of the lot could be reduced because it's not being used according to the law. We still have to look into that and at that point we will be able to make some accommodations for Ms. Duenas.

**Patricia Duenas:** But like I said them being related to me, relations don't do things like that to relations, at least in my book. I appreciate it, and I appreciate if somebody really looks into it and really does something and for nobody to turn around and tell me, well do you think the other person doesn't deserve land? Sure, in the right way, everybody deserves land.

**Administrative Director Michael Borja:** Well let's just move forward. That's not what I said to you. Someone said to you in the past. Let's just move forward.

**Patricia Duenas:** I never said it was you. We talked about that, remember. It was of one your staffers.

**Chairman Pascual Sablan:** I'm kind of confused. It says here on Lease Summary that she has a lease recorded residential lease in Yigo then now it's in Westig road?

**Administrative Director Michael Borja:** She has 2 applications, one for residential and one for agriculture. This was at *arendu* that she had that she would automatically be transferred over to her with the size of the lot which was originally was one acre, got a reduction and how it happened and why it happened, the list goes back to a period in time in which even if you see other names mentioned here outside of the former employees I would also then will have questions about due to the integrity of those individuals and they are no longer here because of those kinds of problems. But we are trying to work with Ms. Duenas, we've had a discussion with her up at the Governor's office as well so they are perfectly aware of the issues but I wanted her to come and speak her issues directly with the board so it is a matter of record.

**Patricia Duenas:** The one in Yigo was taken away from me, and I've been paying tax on that one, was taken away from me just because of my land in Dededo. From what I know by the law, and I follow the law, is that you are entitled to agriculture and residential but they took my residential away from me; they made me sign it off and not even 2 days later they give it to somebody else.

**Chairman Pascual Sablan:** Anyway Ms. Duenas the director here is saying they are working with you trying to work out a solution to your problem.

**Patricia Duenas:** But the one in Yigo they took away, they should have not, it was illegal. Thank you, I really appreciate it.

4. **Doris F. Lujan:** Actually I'm just here because it involves my constituent as a mayor of the municipality of the Inarajan. I would like to know what's going in my village. I'm here just to hear the testimonies and I hope and pray that the board will decide on the best interest of both parties. Thank you very much.

**Commissioner Pika Fejeran:** Thank you mayor.

5. **Agusto S. Castro:** My name is Agusto Santos Castro. I used to be from Tamuning but now living in Mangilao because the land that they gave me up in Chalan Nativo, there's no infrastructure. In other words what I'm talking about is water. The power I applied for power, water, and cable. All I'm asking is to change it from that land to the land in the front because the land in the front was given to somebody else but nothing has happened. Nobody has cleared it, nobody has done nothing. So all I want to do is to change it, I'll clear, I'll survey it, (inaudible) and get my water, because it's going to cost me about \$10,000 just to get water. I called the senator like everybody else but they just ignored me I think. I don't know because my last name is Castro, maybe they think from Cuba, I don't know. This guy from GWA, I don't know what's his last name, he came up to the senior citizen up in Astumbo and he brought up his meter, but I don't need no meter, I need water. How can I have a meter if I don't have water? So we can't tap in to a 6 inch line in the middle of the road because that's a distributing line. There's a pump there no. 24 and no. 25, and what it does it does all the way up to *Sanat Pagot* and it fills up this container of whatever and distribute it up to Dededo. All I want to do is change that land up to the front then I'll have it cleared and I'll have it survey and do everything.

**Administrative Director Michael Borja:** Have you spoken to anyone in the Chamorro Land Trust staff about this?

**Agusto Castro:** I spoke before long time ago but the first thing they told me is, "oh this is somebody's land". The thing about this is there's a land there but nothing has been done so give it to me, I'll clear it, I'll survey it and all that good stuff.

**Administrative Director Michael Borja:** Well, we need to get the details of this and if it's already been leased out to someone, even if they haven't done anything we

can't just take the lease back. So we need to find out the details of what was done before.

**Agusto Castro:** I do understand what you are saying but the thing is if it's just sitting there and I've been there for about 9 years, I think and nothing is being done so give it to me man, I'll clear it. I'll do whatever I need to do. If I can spent 23 years in the Army to fight my country, I can do that.

**Administrative Director Michael Borja:** We will try to get the details and I need you to talk with the Chamorro Land Trust staff so we can get the details of where your lands at and which land you're talking about that's vacant that you are interested in. If it's possible we can work on that, we can move people who have declined their original property but we need to understand on what is available.

**Aguston Castro:** I understand what you are trying to say but if you go to back to the Chalan Atigo area there, if you go in the back there there's a lot of people staying there and it's not their land. You know they just move in, build on it and do whatever they need to do, and here I am sitting there and I don't even have no water and when I bought the land up there in Mangilao I had colon cancer so they have cut it out. I'm a survivor now and later on I had hernia. So getting water from the Senior Citizen, getting water from the gym, getting water from mayor, it just don't work. Just give me the land, give me the land that has water and I'll be good to go. Because if I had water in that land that they gave me I won't even buy a house I'll stay right there because I love Guam. I left Guam since 1969 and I didn't come back until 1992. The only time I came back is when my dad died in 1976, my mom died in 1990 and brother died in 1993. So if you can help me hey, I'm glad. Thank you.

**6. Kenneth Guerrero:** Good afternoon. Thank you for having me up here. My name is Kenneth C. Guerrero. I wondering if could help me and please bear with me because I'm still new to the laws, things keeps changing and my first question was It's acceptable for a Chamorro Land Trust individual to have a residence as well as residential. I can apply for 2 places under one name? It's new to me *ne*. Please entertain me because I was told when you apply for Chamorro Land Trust I only can get residential or agriculture. I'm a farmer in my heart, I love to raise pigs, and I grow plants, you know. I like to grow. I was awarded a deed in Yigo when Gutierrez was here. My issue there in Yigo is I got 7 telephone poles to get water. The DPW with kindness in their heart, they put a (inaudible) the 8 inch pipe, no meter so we got to have about 7-15 poles to get to your house and a shut off valve over there. No I don't want to do that, I want to build a nice home for my family. But if I can have a land and also a farm, I appreciate that too. Like I said, I was told I can only get one. .If I can get a farm then can you inform me about this. This is new to me and I'm opening this door right now.

**Commissioner Pika Fejeran :** Thank you for coming to us. This actually came to us on our last commission meeting and there has been some confusion so I'm going to see our legal counsel Ms. Finney.

**Kristan Finney, Legal Counsel AG:** Actually I did since the last meeting I went back and looked at this a little more closely, the law doesn't specifically say you can have both but it seems to be written to only have one although the rules are written in a way, you have your statutes and you have your rules, the rules are written in a way that seems to contemplate having both even though the law really talks about one, and the laws would controls. From what I can see and I don't know what the status is now how many people are out there that might have both the only rule restriction in the rules is that you're limited to one residence. So you can't have an agriculture lease and have a residence there and have a residential lease.

**Kenneth Guerrero:** So if you have agriculture you cannot build a *palapala* for you to sleep when it's too hot, that's what you're telling me? You cannot have a structure there, strictly a farm?

**Kristan Finney, Legal Counsel AG:** The rule say you can only have residence but going back to looking at the way that the law is written it doesn't seem to allow both so again, because the law controls over the rule the best for the commission is to limit to just one. But again, I don't know what the status is out there and I'm just going off the research that I've done and I haven't had the chance to discuss this research yet. For example, if I can discuss it with the staff and I can see what the effect is, and again, I don't know how many people might be affected and what's out there. It's just a recommendation going forward that (inaudible).

**Kenneth Guerrero:** The reason why I'm really questioning it because my land in Yigo I been paying taxes for it I have documents and the deed and everything for it and I've been to Camacho era, Gutierrez era, Calvo and it's kind of depressing when I go to the DPW, the director and they said, "at this time sir Mr. Guerrero, a lot of people are really in the same boat as you that we don't have the proper money to build the infrastructure for the water". So I'm getting tax for my land up there but I can't get the simplest need as water. That's what they told me. So please pardon me I've been patient. I only got residential but if I knew I could apply a farm I should have applied both. This is all new to me, and I said wow.

**Commissioner Amanda Santos:** I think in agriculture you can build something to sleep.

**Kenneth Guerrero:** The reason why I'm here is because I'm close to the breaking point where I don't want my land in Yigo it's too much trouble. Twice I put a 40 foot container up there and someone comes and steal my container. I spent close to \$400 to ship it from GSA all the way up to Yigo and I come back there and it's not there. You cannot blame me for being disgusted I let my grass grow again, I spent my hard money to get a backhoe up there. I used chain saw because at that time I cannot afford a backhoe but this is how disgusted I'm getting already. I'm being patient man, I appreciate I got the land, I deserve better. Taxation without representation. I'm not that old man but I got common sense and my coconut is still

good. What can we do about this? If I have to transfer I transfer but it's kind of ridiculous I've been talking and talking and been patient going to the director of the DPW and they are telling me the same thing. At this time it's to other people on the same boat as you, please be patient. Thank you.

**7. John L.G. Benavente:** I'm leasing Lot 5401 in Mangilao, and I would like to have the Chamorro Land Trust, this is my third time to come over here, to stop interfering with that land. Stop assigning leases to people. I have been stopped by the government because they don't know what to do. I wasted a lot of money and when I try to negotiate with the Attorney General, they threw out my paper because they can't afford to pay me back. You know the concern I have and the letter that I receive from the governor to hold the construction is already a breach of contract and then you guys have to come in here to my area and start assigning again. I understand the law, on the bottom of that law that it says, no land use permit shall be terminate and those people should not enter under Chamorro Land Trust, there are land lease people there that just squatting there, but for Chamorro Land Trust people to come in and start assigning people again and start dividing in that area, hey, I spent \$6,000 just to identify the monument, and not only that but when I first came in to that lot I spent a lot of money yanking out the junk cars.

**John Gumataotao:** This is the area that Mr. Benavente is talking about (pointing to the map). This is a Department of Agriculture lease, a long term lease.

**Administrative Director Michael Borja:** They can get grandfathered in to the Chamorro Land Trust if they're eligible. What we had to do is determine where these people were located and then do a master plan to identify the lots in which they were at so that we could legitimize the contract with them on a complying piece of property and I believe we're not adding anyone in there. We're just taking who's been there and formalizing the leases through land survey.

**John Benavente:** But if you people want to go ahead with me (inaudible) because (inaudible) I applied this property since '90 I got approved I went off island to all the trouble trying to find how to bring it in where to have your crate made, you vet have to come in with a cattle and on top of it the senator is going to ask you, how you going to multiple?: and when I started explaining everything he can't believe how am going to do with it. But it's forced to be done by now I should have had about 500. I presented my blue print and everything. I went to USDA and everything but I guess the government don't want people, or Chamorro people to build something build something. You go to Payless right now you think you go out \$100 with a bigger bag? Or just one bag if you're buying meat? I went to all the trouble from 20,000 layers finding what the best EPA approval and when I found it I presented it. Not only that the property have to be tested whether it's under water lands to have a livestock. Just can't have a livestock all over the island, you contaminate your water, you have your livestock where there's no water land. But if you guys want to negotiate and want the property back hey I will present my receipt to you guys and

check whether you can proof you can pay me back my spending and my time. I'll give it to you, and I want it for the record please.

**Commissioner Pika Fejeran:** Thank you I will note that. Okay. That will conclude our public comment portion for our meeting.

## **V. OLD BUSINESS:**

We will move on to the next agenda item. Old business, status of previous agenda's action items. I have a few questions to follow up. Mr. Iriarte that didn't have a lease and he was trying to get utilities hooked up to his area.

**Jhoana Casim (Chamorro Land Trust):** That's something we still trying to work with utilities company to see whether or not they will allow because he doesn't have a lease, his area is unregistered land.

**Administrative Director Michael Borja:** We can work on some kind of action request without the proper documentation but they are very reluctant, so that's where we are on that.

**Commissioner Pika Fejeran:** The Guam Racing Federation? Still in progress?

**Administrative Director Michael Borja:** Yes it is and we had a chance with Mr. Simpson to provide us with the details and he's been working on getting that stuff. He did provide us other documentation that is required I think there was a life insurance policies so we go all that. But we still need to verify the certification.

**Commissioner Pika Fejeran:** and also the missing piece was the admission loyalties?

**Administrative Director Michael Borja:** Right, and I think Joey has been working with them to finalize everything they are supposed to provide.

**Commissioner Pika Fejeran:** Okay, and just the same issues with the two leases or applications? And then *Haya*, have you met with *Haya Foundation*?

**Administrative Director Michael Borja:** Yes, we met with *Haya Foundation* and we've got through the breakdown of how we would look at working with agreement to do something. The issue too is making sure all the documentation that is required, the proof of the nonprofit organization reporting, the financial disclosures, and all those kinds of issue. Probably see the newspaper this week but we've gone through greater detail. First of all, everything seems to be straightforward on how we're going to do this, she also understands that we're not going to start with the whole 35 acres in the case of Mangilao but instead to work with a smaller amount but we have to still come up before we even do any of the stuff and policy with regs so that all other *sarunahos* are eligible to come in and use the land for their lease but



then how do you certify the *saruhaho*? We're trying to get to that point, but as far as that Bill goes it has a public hearing, it hasn't gone to the floor yet but again we are trying to determine, can they be the identified organization or should it go out too for bids. For example to find the best interest party that can serve those needs. So those are kind of stuff that still need to be finalized with the legislature. They are fully identified with the Department of Revenue and Taxations as a nonprofit corporation with all the necessary documentation. There's no doubt about that part. What we need is either someone to manage that so that others can come and use it or is it just one organization that has exclusive rights to use it. That's the part of the legislation that needs to be fixed. The legislation is very big, in fact, it did name Haya Foundation to be the user but actually the organization will insist on making policies and rules. What I suggested is they not be the one to issue out sub-leases, it's still always be with Chamorro Land Trust.

**Commissioner Pika Fejeran:** I don't have any other questions on the old business. Thank you director

## VI. NEW BUSINESS

1. **Jerry David Sanchez** – was not present.

**Administrative Director Michael Borja:** We need to go over it.

**Margarita Borja (Chamorro Land Trust):** He got a half acre, he's going through survey right now on half acre adjacent to his property we deemed it available if in case the board or the legislature approves him for the additional half acre.

**Administrative Director Michael Borja:** The law requires us to go to the legislative approval for anything greater than half acre so it could be held in reserve for possible addition if he had proven his farming (inaudible) for his half acre. He doesn't have a lease yet.

**Commissioner Pika Fejeran:** Sounds like he's farming already.

**Margarita Borja (CLTC):** He's not farming the additional that's he's asking, he's farming the existing that he doesn't have a lease for and that's what the survey authorization is for. He's just waiting on the surveyor to complete the mapping. Actually the surveyor came out and marked his points and then he started surveying but the map is still pending.

**Administrative Director Michael Borja:** How long ago did he get the surveyor authorization?

**Margarita Borja (CLTC):** Not even a year.

**2. Guam Economic Development Authority - Renewal of the MOU between GEDA and Chamorro Land Trust for General Consultancy and Property Management Services.**

**Administrative Director Michael Borja:** On the issue with GEDA's MOU we currently have with the Chamorro Land Trust it was the one that was issued back in 2013 and the MOU is now subject to the first renewal I attached a copy of the MOU and the letter from GEDA asking us if we want to exercise the option. What I like you guys to determine today is if we going to renew the MOU, or create a new MOU. The new MOU could be modified from the existing with the modification areas that I marked in red because there are things that need to be done. This MOU primarily create our rules and regs for commercial use and that's been accomplished and so in the recommendations here I have a list of things that need to be taken out and some need to be change but one of the things that really need to reevaluate is the payment services that they are asking for in managing any of our properties and the amount that they have in here is 14%. That's the considerable amount of money and with the services that we can do now we can manage our own properties as there are not many commercial leases out there. We are already doing it for a number of other commercial properties. What I consider important need to have MOU with GEDA, and they be compensated in some way, is the creation of any RFPs. As we move forward to do anything commercial you have to have an RFP and they are one of the few organizations and agencies in the government to do RFP so it's an absolute necessity with keep that kind of relationship. What I'm asking today is get your direction on what we want to do either sign the extension as is or go to them and say we want to make some changes, and these are the changes we want to do as I stated; drop the management of the properties and pay for services that's needed for things like RFP.

**Commissioner Pika Fejeran:** I went through this MOU. I want to add, under agreement 1d I'm good with crossing out ABC as you have done but 1d should include that the "preparation of the RFP is in collaboration with us", so we going to be telling them. The following letters they talked about with collaboration with the commission but it's not mentioned of in number "D". Then also in no. 2 the next page, in connection with the services provided to the commission GEDA may retain expert advisers, consultants, legal counsel if necessary. That seems very open ended.

**Administrative Director Michael Borja:** Right now for example, they are having to defend RFP they issued, right, because we're supposed to pay them some money, but actually we're not paying them anything, but it's in their contract that they have to defend. Even more specifically, they had to bring in a conflicts attorney because their regular attorney has a conflict out of the case.

**Chairman Pascual Sablan:** I think we are better off if we just pay them as we need their services.

**Administrative Director Michael Borja:** The other trail of thought is measured by the lands committee chairman is to, why don't we solicit it out to have someone come in and manage our properties. I think you know that finding someone else that can be more competitive on what our cost would be might be a good idea but, again that would be something we could look at. I don't know if we can be able to get an outside agency to write up our RFP, I don't even know if they can issue an RFP in behalf of a government agency. I have to find out who can issue a RFPs for the government. So what I'm asking is you guys want to sign as it for another 5 years or do you want to go and sit down and have a renegotiation on what we want them to do for us and how we going to pay for it?

**Chairman Pascual Sablan:** We should modify it.

**Commissioner Pika Fejeran:** I think we will renegotiate.

**Kristan Finney (Legal Counsel, AG):** You have increased capacities in house to implement some of these responsibilities that GEDA had to take responsibilities for previously?

**Administrative Director Michael Borja:** Yes, we have much better capacity, in fact, because I wear multiple hats I had the privilege of also working with another commission that is using them actively to manage their leases and it's very unsatisfactory.

**Kristan Finney (Legal Counsel, AG):** So the scope of what the commission would need is change from what it was.

**Administrative Director Michael Borja:** Yes it is, with the Quickbooks financial accounting system within the department and we are running all our Chamorro Land Trust residential/agricultural leases through that system, we have all our commercial leases in that system as well.

**Chairman Pascual Sablan:** Okay, so I make a motion on the GEDA existing MOU be negotiated as recommended.

**Commissioner Amanda Santos:** I second it.

**Commissioner Pika Fejeran:** Any comments. I guess my comment will be to that the renegotiation would be to renegotiate the MOU so that their job as RFP process only and once we chosen then their job ends and Chamorro Land Trust takes over management.

**Commissioner Pika Fejeran:** Those in favor say aye.

**Everyone:** Aye.

**Margarita Borja (CLTC):** Basically what it is, is PBS has a current license with us for Track 9, Block D on 10-RD in Barrigada. They are coming in to notify us that they are going into a user agreement with KPRG for antennae site and it is allowable in the lease and the only thing that he basically needs to do is notify us. This is his notification and we're just bringing it (inaudible) and for advisements.

**Commissioner Pika Fejeran:** I reviewed the lease, the notice, my only question is in reviewing our revenues from licenses PBS Guam is not a paying license holder, I understand that it's a tradeoff services. I didn't see that agreement, is that a written and signed?

**Administrative Director Michael Borja:** No, I think that was one of these agreement that was made by previous administrator to overcome the lack of payments and because they had been in arrears on making payment so they came up with this agreement to assist in doing these kind of things for us recording us making archive. We are also looking in trying to use KGTF for other uses outside of Chamorro Land Trust for example we have a significant amount of land records that are on the old microfilm format and we have not more readers to read it and we need to have it digitize so we trying to move in that effort to have it digitized. Lot of that record even though it belongs to the land management division all of that land is actually Chamorro Land Trust land too and unrecorded/unregistered land. So it will have a direct benefit to the Chamorro Land Trust Commission to find out what's on this pre-war. They're all Naval records. Some land records were found and flown in from Hawaii.

**Commissioner Pika Fejeran:** I bring this up because I saw in the sublease between PBS/KPRG that the rent that they will be getting from KPRG is exactly equal to the rent KTGF should be paying.

3. **Darryl Taggerty (PBS Guam KGTF):** Good afternoon I'm Darryl Taggerty I'm the General Manager of PBS Guam. Thank you very much for placing this item on the agenda. We have a great relationship with the Chamorro Land Trust Commission with the property we have up in Barrigada Heights. It's a beautiful site for broadcasting from and we have the newest tower on Barrigada Heights. At the time when we obtained the license we already anticipated adding KPRG to our site as a tenant, in fact our design for the construction, one is for 2 additional FM stations to be installed in our foreplan and the space in our tower for our FM antennae or more than one FM antennae. So these were compatible uses that were anticipated years ago it was only in June of last year when KPRG commercial license was coming up for a 10 year renewal and they had ask me if they can move to our tower and it was pretty much with just a phone call. It been the intention the whole time since we started and so that's what we are. The executive director did leave out one item of the cooperation that we have with the Chamorro Land Trust that is over the past year we have digitize a 129 of cassette recordings of these meeting from 2001 to 2011 as now you have a digital archive as least for the types that we provided, there may be more because of the recordings of the seasons were you were

considering these license were not part of the type set that I receive. But these are back in your position as no cost. We didn't even have an MOU on, we just did because that's how good our relationship is and our services you've been enjoying and how long it has, even before I came on. So you've been receiving services and we have not reduced it to a dollar figure. I also would like to point out that the amount that we have asked KPRG to remit as a base rent in the Resolution passed by my board back in May 2016. The concept has been presented to them since before we had a quorum but in May they adopted a resolution that provided a pricing scheme for anyone who would be added on as a tenant and we only anticipate adding on none commercial or nonprofits for broadcasters to the site and the total rent from all renters will be no more than what we are being charged by the Chamorro Land Trust as far as the base rent. Operational cost are different because of course there's power and there's maintenance and if there's going to be relocation of antennas on the tower that's an operation matter, gas cutting and what not. So we provide all these paper work to you as a notification as provided in our license. If you have any questions I would be happy to answer.

**Commissioner Pika Fejeran:** You know it's my understanding that the services you provided you provided today with the gentleman and the camera and then with the digitizing that none of that has been memorialize in the agreement formally accepted by the board. I would just like to move that offline so we can memorialize it and see what you are doing for us and come to an agreement that the rent will be waved for services.

**Darryl Taggerty (PBS Guam KGTF):** That would be great because in fact the project that we are trying to firm up now having to do with your pre-war records will go a long way towards addressing a problem that you have, you actually have the expertise here within the government of Guam. We can manage this process and make it affordable or almost free to you because of the agreement process. We going to make it as cost free as possible for you and observe those cost as we document the cost over all for per project so we can memorialize this so we will have a way of booking the value.

**Commissioner Pika Fejeran:** Okay so we can have a separate meeting off line about this.

**Administrative Director Michael Borja:** We can. So we'll get together Darryl to work on the details to memorializing these.

**Commissioner Pika Fejeran:** Do we need a motion. No. Okay, thank you for the notice, appreciate it.

4. **Simplicia Garrido**: Request to appropriate funding to purchase improvements on Lot 11, Block 2, Track 10314, Dededo.

**Administrative Director Michael Borja:** The only problem is there's a house on the lot. And the law requires to have to purchase that house and so what we have done, in accordance with the law, we had to give three appraisals, the way it works now, whatever money we like to spend for appraisals and any other expenses gets deducted out of what we have to pay her and that final amount is what we now have to go forward and it an appropriation for to be able to pay to her. I'll let her speak, her daughter is here with her. It's taken a long time for us to get 3 appraisals, it was a major issue. We have come up with a fair market value and that balance minus the cost through appraisals and any other taxes that are owed and anything like that would be the balance. So what we need to do today on this one. This specifically needs a motion from the board to request the legislature to appropriate the amount of money needed to pay for the house so we can pay it to her. The amount determined is, the value of the improvement less the appraise cost is \$34,237 so we do have money within our account to be able to pay for that and then what we do is then take that house and sell it and whatever money we make out of it has to be at least \$34 something but the appraised value of the home is actually much higher than that because we have to pay for the appraisals. It's a very modest humble home, 400 sq. feet.

**Commissioner Pika Fejeran:** Any other comments, questions.

**Chairman Pascual Sablan:** when is the appropriation from the general fund or?

**Administrative Director Michael Borja:** No, it's Chamorro Land Trust money. \$34,237 request the legislature to appropriate that money as a payment to Mr. Simplica Garrido for the purchase or her home.

**Chairman Pascual Sablan:** making a motion Mrs. Santos

**Commissioner Amanda Santos:** I move this motion.

**Commissioner Pika Fejeran:** okay I heard a motion, do I have second?

**Chairman Pascual Sablan:** I second the motion.

**Commissioner Pika Fejeran:** any questions, comments? All in favor say Aye.

**Everyone:** Aye.

**Commissioner Pika Fejeran:** Ayes have it. Thank you.

5. **United States Postal Service** – Renew a Contract, Dededo

**Administrative Director Michael Borja:**The U.S. Postal Service, we got a notice from them that they wanted to renew the license agreement they have with Chamorro Land Trust and so they went a notice and I just needed a congruence

from the board. This one is perfectly permissible in concordance with 21 GCA section 75-107 paragraph c. and it specifically spells out post offices. So the U.S. Postal Services is asking to renew that contract and the annual fees, we've done this earlier with Agat and Inarajan, and it's at a 10% increase every 5 years so they already know the price. So I just need to have the congruence by motion. Actually what I'll do is create a resolution as well for their signatures to (inaudible) improve a resolution that approves the U.S. Postal Service to extend their license agreement for Building 125 Iglesias Street in Dededo.

**Commissioner Pika Fejeran:** I understand that the Postal Service licenses, leases are standard.

**Administrative Director Michael Borja:** They used their standard form. They created it, we just give them the details and they put it all together and send it to us.

**Chairman Pascual Sablan:** Are they except from real estate property? Because if they are not then we're going to end up paying. I just want to .. and about the insurance liability?

**Commissioner Pika Fejeran:** I have a question on the license fee, how is that calculated?

**Administrative Director Michael Borja:** Something happened in the previous license agreement which it got reduced down to \$5,000 and there was notification of this reduction. That through official request so now we are going through extension so we just going back to the original concept of every 5 years and 10% increase and that's how we come up with that. It's in the Guam Code Annotated that you give these kinds of lease to post offices. We need a motion to approve the request by the United States Postal Service to renew Dededo license at 125 Iglesias Circle and then we'll also approve it by Resolution.

**Chairman Pascual Sablan:** I'll make the motion.

**Commissioner Pika Fejeran:** I heard the motion.

**Commissioner Amanda Santos:** I second.

**Commissioner Pika Fejeran:** Comment or questions? Discussions? All those in favor say aye.

**All:** Aye

**Commissioner Pika Fejeran:** Ayes have it.

6. **Daniel Quinata** – Request to appropriate funding to purchase improvements on no. 8-13 and 8-14, Municipality of Inarajan and Allan J. Duenas Lot no. 8-15, Municipality of Inarajan

**Daniel Quinata:** Good afternoon board members! I'm here to find out the result when I was seeking for an access to our property located in Inarajan and I just got information that the Chamorro Land Trust Commission work something with the family adjacent to our property coming to an understanding in giving us some access from their Land Trust area so that's the reason why I'm here appearing. I think the Duenas family are here to testify on behalf of giving us an access to our property.

**Margarita Borja (CLTC):** Basically what it is, is we have two leases that we will be utilizing their properties, A-13 & 14 is with Joseph Duenas and Alan Duenas for A-15. We will be coming in and consolidating 13 and 14 for Mr. Joseph Duenas and at the same time cutting a 16 foot easement down this end cutting into the Quinata family and another 16 feet from Mr. Alan Duenas to allow for the 32 foot easement into. So we will be consolidating the 13 and 14 and subdividing it and then also surveying out the A-15 into the right of way and surveying the remainder to Mr. Duenas. We were looking at the Quinata family inheriting the survey cost, I believe of \$2,300, just for the easement part, we'll take care of all the consolidations and the survey of Duenas so the easement I believe they came up with the amount of \$23,000. They are here too.

**Duenas:** We're here. We're in agreement. I also need help on the 16 because there's plants there already and I'm wondering if you guys can help me compensate for the plants there, the mango trees and citrus.

**Margarita Borja (CLTC):** So on the right of way that we are coming 16 feet on Alan's side, are you Alan, Joseph, so what it is along here where we are proposing the 32 feet, 16 feet is Joseph and the other 16 feet on Alan. They indicated that there are some plants that the want compensated for.

**Administrative Director Michael Borja:** So why don't we select that area?

**Margarita Borja (CLTC):** That is the most feasible area for us to utilize and they currently using it at this time with authorization by Allie. The Quinatas are currently using.

**Commissioner Pika Fejeran:** I just want to make sure that I'm cleared Mr. Quinata, your land is privately own, it's not Chamorro Land Trust.

**Mr. Quinata:** Privately owned it's not government.

**Administrative Director Michael Borja:** But there's a standing law that if the government has any available lands to allow for land lock lands to have access that they need to use it. The problem here is the government land that's leased out to



Duenas' and one of them is asking for compensation for allowing us (inaudible) to the Chamorro Land Trust land.

**Commissioner Pika Fejeran:** First I want to say congratulation as neighbors you are working together to access Mr. Quinata's land, I appreciate that, I wish we saw more of that cooperation. However, that is an agreement between all three of you, the three parties, I think for the Chamorro Land Trust the approval that we would give is okay you if you 2 are willing to give up your land for the easements for Mr. Quinata then I think that would be something we can entertain and approve. As far as any compensation I'm not comfortable compensating for a present landowner.

**Patricia Duenas:** Hello, I'm the wife of Joseph Duenas. If it came across, like we're approached the right way but it happened like a shock. When we are told we cannot have 13 and 14 but the laws before did not apply like that. What we are asking compensation for is because we are giving up 16 feet into our land and there's a lot of plants already and a fence. We spent a lot of money and hard work there. So if we are giving a little we need to get some back. We're going to give you this, it's not the way it happened. If we had come across, our meeting, at least the right way, we won't be here right now? Meaning, if they had approached us personally.

**Daniel Quinata:** The reason why we didn't approach them is that I'm working with Chamorro Land Trust and they are trying to figure out where we can access to our property but you never close access is another name of the family so they said no, no on that that's why I went ahead and check what other alternative to get to that. But you know this family is a good family so that's why I didn't approach and they got hurt because I didn't approach but I working with Land Trust personnel at the time. But they have been giving us access to the area ever since we had our property subdivided.

**Administrative Director Michael Borja:** So the idea was that the Quinata family was going to compensate the \$2,300 to create the easement to pay for that portion of that survey but only that part that cuts between the two CLT Properties. What if the Chamorro Land Trust Commission were responsible for the total survey of it and doing this and the Quinata family be responsible for any kind of other issues that maybe required such as such as fence replacing or something like that. Could that be something that can be looked at? We don't have that kind of money, and we heard us earlier, just to pay for a person's house that's terminating their lease we got to buy it but we can't spend our own money we have to get a legislative authorization. So even if we're going to do this we have to get a legislature to approve us to spend money to do this kind of stuff when it's really not been any way benefiting the Chamorro Land Trust in the case of the house we have to buy we're going to resell it and then the money is going to come back. So we have to come up with other ideas and that would be one ideas, chairman, we can look at that we are going to be the ones that take care all the survey because it's Chamorro Land Trust property but the families that are going to reap the benefits of having this easement provided to them deal with whatever issues are required to make the leases who are

going to have to give up something and make it whole again and this case it will be the fence line. You said even banana and mango trees and I don't know how you value even that. You have livestock, carabao?

**Mr. Duenas:** We are more concern about the fence line area because once that gets down everything goes down because it's interconnected with the barbed wire so when you cut it the rest gets lose that's why I'm saying we have to start.

**Joseph Duenas:** I always try to protect that area because of a lot of banana trees and especially when the carabao run from fence that's the first place they hit is the banana trees. I make sure that I fence that.

**Commissioner Pika Fejeran:** Mr. Quinata, how are you accessing the property right now, it sounds like you are already going through?

**Joseph Quinata:** We've been passing through to the property.

**Administrative Director Michael Borja:** My point here is if we took care of the surveying they were going to pay for part of that survey instead they pay for whatever replacement of whatever they need to do.

**Chairman Pascual Sablan:** Who owns the property?

**Joseph Quinata:** Private. We had it subdivide not too long ago and there's (inaudible) of us physically that owns the area.

**Administrative Director Michael Borja:** for the fence line, the easement is going to cut right through where the fence line is, because that fence line is on the border. And so each side takes 16 foot stripe of road blocks to make a 32 foot wide. So my point here is that the surveying of it. If we took care of the survey and they were going to pay part of that survey instead they will pay for whatever replacement they need to do.

**Chairman Pascual Sablan:** Actually these lands in the back is worthless because they have no easement so that big benefit is for the land lock property in the back. Why did we have to come in?

**Commissioner Pika Fejeran:** My question too is why are we paying for the survey? My understanding is the lessee that pays for the survey, is that right?

**Administrative Director Michael Borja:** They've already done their survey. We're just doing the survey out of the easement but as part of the package to just make everybody all in agreement Mr. Joseph Duenas has 2 lots under his lease and what we're going to do is consolidate those two and we sever out the portion needed for easement and then we can then consolidate those 2 lots that he has and it becomes one lot. The other side of this is we go to the legislature and said appropriate us the

money to have this easement created, and any other issues that need to be made, or if you believe the Quinata family should be responsible for bearing the complete cost of the survey and the replacement of the properties that would have to be removed and the creation of this easement because it's in direct benefit of their land. But we have to grant them the land, and the ability to have access.

**Chairman Pascual Sablan:** When it comes to land lock I'm also one of them, big victim so I understand the predicament you that you people are in but they cannot approve this lot in the back, the private property without easement. The way I see this land is useless because there's no easement.

**Margarita Borja (CLTC):** They do have an easement to the property, it's just not accessible. So basically he's not land locked because he has an actual easement coming off of route 4, but it's inaccessible. The terrain doesn't allow for it. It's on a slope. When he subdivided, they included an easement.

**Chairman Pascual Sablan:** Have they checked with the survey division whether this proposed easement is granted whether it would satisfy the easement for all this property in the back? Because there's an easement here but it's inaccessible.

**Administrative Director Michael Borja:** Yes so he has to re-subdivide his lot, he has to change this in order to be able to give all his lots. In fact, he has to pay that *cul de sac* and redo to create a connecting road that goes all the way to the access way to give easement that we're trying to provide here. That's what they are talking about right now is being able to have that portion of land severed away for this easement but what they are saying is look as you do this I'm going to lose my fence, some trees, who's going to pay for that because we need it, we put the fence up because it's for a purpose.

**Joseph Quinata:** We have subdivided the property into 9 of us siblings. The 2 property there, we got it subdivided into 9 lots, but the access that is supposed to be going through is like the valley and wetland. The easement is right between 14 and 15.

**Mr. Duenas:** We're surrendering 16 on each side, my brother here and I, for Quinata's access road to for their property. Five acres because of the livestock. That's over 16 years ago.

**Chairman Pascual Sablan:** I think what we need to do is schedule this until we will make a decision later on.

**Mr. Duenas:** But I can work with Mr. Quinata with the fence and the plants and whatever is there. We can talk that over after we're done.

**Administrative Director Michael Borja:** But Alan, you're farming that land extensively, right?

**Commissioner Pika Fejeran:** and you are willing to surrender the 16? '

**Alan Duenas:** Yes

**Commissioner Pika Fejeran:** It sounds like an agreement between neighbors right? To surrender the land for this easement roadway. The issue I have is the Chamorro Land Trust Commission is the incurring the cost for the survey for that easement and whatever compensation you are looking for, provided the easement doesn't not benefit the Chamorro Land Trust beneficiaries. There is a law that says public funds should not enriched any private individual so I knew in that law that if government land is being sacrifice like I said, of being (inaudible) for easement for these property in the back so this property in the back is being enriched by government land and that I think is against the law.

**Administrative Director Michael Borja:** No if the government has land and the ability to provide easement to land lock lands then we can use that.

**Chairman Pascual Sablan:** I'm ready to approve Mr. Director but I would not agree to shoulder any cost.

**Administrative Director Michael Borja:** Well that's what you could say, we resurveying the land and consolidation of those properties but not the cost. The cost would have to be worked out by the party that's stands to gain. Or we can taper it until we find a more appropriate solution that's agreeable to everybody.

**Chairman Pascual Sablan:** We can go that route or we can go back and ask them to talk it out and when they are ready come back and we can address that we'll allow government to provide, it's allowed in the law, let them work among themselves.

**Mrs. Quinata:** That's what he's trying to say, to work on the easement they can't be the one to fork it.

**Administrative Director Michael Borja:** So what we do in other situations when anybody comes in that wants to be able to use the Chamorro Land Trust properties for whatever they need it for especially if they want to buy the property or get the property, Guam Waterworks for example, they needed for water tanks they had to buy it even though they are government agencies of sorts they still have to buy it. We didn't incur any expense and in doing so they had to pay for the full services required, the appraisals, the surveys, all those kinds of things to determine what the value of the property was to pay for. And it even comes down to unusable bull cart trails if someone is eligible to buy it then the cost is bare by the person who's making that request who's going to have that benefit of the purchase. So in this case Mr. Quinata the issue here will be, you stand to benefit solely for this, even though it's going to government land we're going to dedicate that government land but in doing so we have make the existing lessees suffer the consequences of some crop

destruction so that we are not going to sell the land but we are going to dedicate it as a right of way but the cost of the survey to do so will be your cost if it was to replace the fence line. Some of the other things I'm thinking of that's why I'm asking who's fence is it, what if perhaps instead of 16 feet sharing on both sides, it's 32 feet all the way on one side and that fence line is spared but then you share right through 32 feet wide, it's a nice little farm, it's a nice little crop areas. But you know nobody stands to lose on the lessees where you're going to be losing out on it. So even though it's the government land it's been leased out so they have their right to the lands to use it for their benefit and they are but they stand out to lose something. So that's the consideration you have to think about whether you'll be able to and willing to shoulder the cost because as you already hear the commissioners are unwilling to allow for any compensation requirements on behalf of Chamorro Land Trust to pay for all these.

**Daniel Quinata:** Can I ask you this questions, since the government is coming in to survey the property of his site and to consolidate it into one lot, is the.(interrupted).

**Administrative Director Michael Borja:** We don't have to. That was to do it so we can probably get Mr. Joseph Duenas to agree to reduce his property size and give him (interrupted).

**Daniel Quinata:** But the survey, you said I'm going to be responsible to pay for the survey and fencing? We can negotiate on that, that's no problem but getting the survey to come done by your Land Trust.

**Administrative Director Michael Borja:** No we make everyone pay for those surveys so they all have to survey their own properties and that's the thing it's not our job to go out there and survey. We wanted it to be our job to get all these lands survey once and for all but whenever we have to do this then the legislature wants us to do it gives us that requirement and we tell them this is how much it's going to cost, now appropriate that money for us to even spend on what we have to do. We have a lot other things that we have to, on a regular basis to surveyors not to go out and survey these properties even though it's Chamorro Land Trust. We don't have to consolidate those 2 lots. It's not necessary it's under one person. It will be nice but not necessary. I think it's just a selling point to accommodate Mr. Duenas but not a requirement. But severing out 60 feet stripes on both sides of the lot 14 and 15, that's what has to be done. And I don't know how much that's going to be. Fortunately it's on a straight line, it's along an existing pathway which is already cleared it's not like they have to go through a jungle of *tangantan* or rocks to get to the points. They already know the survey points that are the common boundary and all they have to do is go 16 inches that way and 16 inches that way and both end of the line.

**Daniel Duenas:** That's an easier access to Mr. Quinata's place also, closer to their property.

**Chairman Pascual Sablan:** okay so my motion is let's table this and let the Quinatas and the Duenas and whoever come back to us later on if they figure out as to how to (inaudible) things out.

**Administrative Director Michael Borja:** We'll put this on the agenda next month and I want you guys to come in with an agreeable plan where Mr. Quinata you're willing to do what we talked about, you're going to absorb the cost, you're going to access the fence line. But for us today we technically we don't have a problem with granting of the easement if that's what you want but we have a problem with who's paying for it. Because at the end somebody got to pay for the service.

**Chairman Pascual Sablan:** okay the motion has been made.

**Daniel Quinata:** If you can approve it now, we can take care of whatever is coming to.

**Commissioner Pika Fejeran:** So you all agree that if we grant easement today the survey for the easement will be on your shoulders as well as the compensation for the adjacent Chamorro Land Trust?

**Daniel Quinata:** We will take care if the government is not going to come in and I'll see what I can do with my sibling whether they can help get that thing. But the main thing is we need an access to the property.

**Administrative Director Michael Borja:** So the motion will be you conquer with the plan to create easement between Lot 814 and Lot 815 that's 16 feet wide on both sides to allow access to the Quinata properties and that the Chamorro Land Trust will not bear any cost but the cost will be with the Quinata family and that will coordinate with the Duenas families to do a survey and replace the fences.

**Commissioner Pika Fejeran:** Second by Commissioner Amanda.. Discussion? All those in favor say aye.

All Aye.

**Commissioner Pika Fejeran:** Ayes have it. Thank you.

## **7. Department of Agriculture: Memorandum of Understanding**

**Administrative Director Michael Borja:** I just want to get your concurrence to proceed creating a Memorandum of Agreement with the Department of Agriculture and the purpose here is several folds. They had already come in and ask with the University of Guam to dedicate certain lands in the Northeast section of Guam, they were looking for something that was up there near the Anderson fence line for the purpose of planting indigenous plants to replace the existing canopy trees that are there. The problem is there's no mid-level canopies and once those high level

canopies drop and there's nothing to place it everything else that was growing naturally under that canopy will be wiped out. So what this actual Memorandum of Agreement with our understanding will go even further to help us to determine where we create conservation easement at. Where these lands are and then help us define what is a biodiversity conservation easement. A conservation easement is a zoning and what we have no definition of a Guam code exist. The definition exist nationally and in some states it's used quite a bit in a lot of different places even amongst the farmers so people can end up using that kind of easement but what we want to do for the Chamorro Land Trust is to have them help us determine forestry division where in this area is the best place to preserve the existing limestone forest that are there and then what do we do to ensure that we can continue to grow trees there. They're going to want that area to be untouched or a period of time, and that's what we want to do in a conservation easement anyway. So all I need is just an agreement from you guys to allow us to proceed with creating this Memorandum of Agreement and it will help us out. Our survey doesn't know where the best place is put the lines but they know the forest and they will help us with that.

**Commissioner Pika Fejeran:** okay, next item on the agenda. GTA

8. **GTA** – License Agreement

**Administrative Director Michael Borja:** In this issue here is the need for GTA to have submerge cable come up from the ocean and into the land and Chamorro Land Trust Commission does have the authority of submerged lands from the high water marks existing fathom mark of the submerge land and we already have in place an existing agreement with the another company to pay for the use of that land. We also have the attorney general comments on this whole thing too so in GTA what we are going to do is to have a license agreement with them for a submerge land use. The license agreement allows them to come on to the land. When it gets to the park that's already pointed to the easement so there's no (inaudible) but have agreed to take on the responsibility to take care of the park which is under the control of the mayors so it has nothing to do with us. The compensation that was arrived was based on the other agreement. It's kind of hard to get an appraisal of submerge lands but the other agreement that is in place already talks about per annum payment fee but it didn't include an escalation rate, but this one includes a 8% escalation every 5 years and it goes to 21 years is the maximum we're allowed to do for telecommunications systems and GTA Teleguam is a telephone system so they fall under the Chapter 75. But what you have here is the agreement and also accompanying this is a Resolution. Basically in this Resolution we can kind of go through it. It states that in Title 21 it authorize the Chamorro Land Trust to grant licenses not to exceed 21 years for public utility companies and that the licensor has jurisdiction over submerged lands to the Government of Guam by the United States pursuant to the Territorial Submerged Lands Act. Teleguam Holdings, LLC doing business as GTA, the licensee is a provider of telecommunications in Guam for over 60 years. The licensee plays critical role in providing international telecommunications connectivity, the licensee is the member of the South East Asia

- U.S. Cable System Consortium and which is endeavoring to build and implement a state of the art, high capacity fiber-optic submarine cable system, and the new submarine cable will improve physical capacity of telecommunications connectivity between Guam and the world, the submarine cable will also provide additional physical redundancy, which is critical to ensure that telecommunications systems, the licensee, has determined the most efficient area to land the submarine cable is through the Tepungan channel and reef flat on Pedro C. Santos Memorial Park in Piti, the licensee is currently seeking a U.S. Army Corps of Engineer permit for work on waters of the U.S., and currently seeking a seashore clearance from Guam Coastal Management Program, in fact they are schedule for a hearing next week, I believe. Seashore Protection Commission which is made up of the same people of the Guam Land Use Commission. The licensee has reached an agreement with the Mayor of Piti and the Piti Municipal Planning Council for the use of Pedro C. Santos Memorial Park in Piti; the licensor has determined the uses proposed by the Licensee are appropriate use of the Tepungan Reef flat and the license agreement shall include compensation over term of the agreement to include an escalation rate of 8% on each 5<sup>th</sup> anniversary of the commencement date. So we resolved the Chamorro Land Trust Commissioner Board commissioners approve the issuance of the license agreement to Teleguam Holdings, LLC doing business as GTA for the purpose of laying a submarine cable land controlled by the Chamorro Land Trust Commission and the licensee shall compensate licensor for the use of the submarine land for the terms of the license agreement. The license agreement shall not be for the period greater than twenty-one years but maybe renewed upon written notice declaring intent and desire to enter negotiations to renew the agreement and the Chamorro Land Trust Commission Board of Commissioners transmits this resolution with the license agreement to the Attorney General of Guam and the Governor of Guam for their respective approvals. So if you guys concur with approving the license agreement and the resolution that we will go ahead and proceed getting the proper documents created, signed and forwarded. So today we have with us members of the GTA Teleguam Holdings and I'll let them go ahead and introduce themselves.

**DanTydingco (GTA):** My name is Dan Tydingco, I'm here today with Ms. **Claudine Camacho**, she's with our firm Duenas & Camacho & Associates, who's assisting us with this particular endeavor and I have **Serge Quenga**, he's also our legal counsel. I want to thank the commission for placing us on the agenda here this afternoon for consideration for license agreement that we put forth. We've been working with the Chamorro Land Trust Commission and the Department of Land Management to ensure that all of the provisions and requirements of the law are filled and whatever unnecessary approvals are needed, mainly the Chamorro Land Trust Commission here today. We come here respectively requesting your favorable consideration for this particular project that we've been endeavoring to do is part of a large scale project that GTA (we're no longer a Guam Telephone Authority that once government owed) but we're Teleguam Holdings and we're private entity now, nonetheless we have a bit of business here for over 60 years, we have over 497 employees presently today and one of the big project that we are excited about is



working to be part of the submarine cable concussion between us and the Republic of Indonesia, the Republic of the Philippines. We've constructed a cable landing station down in Piti, I don't know if you are familiar with our facility there, right across Santos Park, but we (inaudible) for the cable landing station and it's going to go forward from here on to Hawaii and on to Los Angeles. In addition to that, the governments of Federated States of Micronesia, namely Yap and also the Republic of Palau is taking advantage of this to do what they call branching unit disburse as those cable submerged towards our area and this has allowed the regions to flourishes so far as connectivity for those particular island nations within the region. One of the things that we saw if you guys notice about a year and half ago when the residence of Northern Marianas went black for about two weeks because of cable cut. We wanted to ensure that there's more robust services and connectivity for telecommunications here on Guam and also the residence who have joined in on this contortion, it's a multimillion dollar project, we've been working alongside the Chamorro Land Trust Commission staff at DLM staff, we worked as well with (inaudible) in making sure we have an agreement to give back to the residence of Piti as far as maintenance of the park and also provided services to the community center and to the Piti Mayor's Office so we're here asking approval and favorable consideration by the commission of a 20 year license agreement which the director has noted is pattern after an agreement that already exist with another sub-cable licensee that has an agreement which I think down in Agat right now. And we even suggested putting in an 8% escalation clause even though the other one didn't have it but we thought that would be fair for the community and we took that particular escalation clause from when we negotiated. I think if I'm not mistaken, we are probably the largest paying lessee to the Chamorro Land Trust as a result of a negotiation between GTA and Chamorro Land Trust Commission about a year and half ago with respect to all our properties but we've thrown in an escalation clause to ensure that there's valuation of the property over time that the community of being beneficers of this. I have Claudine Camacho here, again she's working with us on the technical end and she's working intimately and closely Territorial Seashore Commission and all the other regulatory review entities like the Army Corp of Engineers and Seashore Commission, and Serge Quenga as well. So we are here and available if you guys have any particular questions about our project.

**Commissioner Pika Fejeran:** Thank you for the background on the project. Sounds very exciting. I guess my question would be, you know, the director mentioned that the annual payment are based on another similar license?

**Dan Tydingco (GTA):** Actually, it's a little bit more, when I was looking at the other license which is dated back in 2009, I think or 2008, it was \$2,000 a year. I think we are starting off at \$5,000 a year, for year 1-5 and then subsequently it will be escalated within the year.

**Commissioner Pika Fejeran:** My question is, it's good we have that other license to look back on, I don't know where that number came from for that license.

**Dan Tydingco (GTA):** I think they did an appraisal with Nick Captain & Associates.

**Commissioner Pika Fejeran:** That would be my question, how we got that so I can see an appraisal was done, we are actually assigning the right value to the land? My next questions is we what just got through with the U.S. Postal Service and our escalation rate is 10% and yours is at 8% escalation? I'm only bringing this up because I know that we have licenses that we're locked in to for something like the 15 years that when we look at the rent that we apply through the license we were short changing ourselves.

**Dan Tydingco (GTA):** I appreciate that. I mean, when we had come and renegotiate it with the Chamorro Land Trust Commission when GTA was first privatize they gave the private owners of GTA the opportunity to make sure the company got off on the good start. And for all the properties that we had in the inventory and we looked throughout the island you see facilities here and there, it was a \$1 a year for ten years, but under the law, during the asset purchase agreement went forth we were required in some point in time when the ten years is up to negotiate with the Chamorro Land Trust Commission at a fair market value and we went from dollar a year to several hundred thousand dollars right now. And again we have 497 employees that are local here and the last thing we want to do is take advantage of resources of the community and stuff like that. We want to ensure that we give back fairly what is required of us so like I said if you want to pattern the escalation from 8% to 10% I don't think we're going to have too much difficulty with that.

**Administrative Director Michael Borja:** What I gave you guys is the documents we are going through which includes the License Agreement and the Resolution. Can I ask you a question on page no. 4 item no. 9, assignment of rights? In the document starting on line 27, the Licensee may, without Licensor's consent, and then on line 28-29, the Licensee may without Licensor consent, do we really need Licensee? You can get back to us and tell us what you're going to do and we'll tell you yes or no, you just don't do it without telling us.

**Dan Tydingco (GTA):** I think, for example, if we're going into a successor firm ending up purchasing GTA down the line, I don't think we need to get requirement or approval from the Chamorro Land Trust Commission or the Department of Land Management with regards to this particular license agreement or asset to proceed forth with any agreement we may be seeking with another entity during a merger and acquisition.

**Administrative Director Michael Borja:** I don't think we would have any issue with you if you got sold and signed it over to the new owners of the new company but it should come with just letting us know. Because I think that's saying that the licensee without our consent you can go ahead and lease and transfer and all that. You're not going to tell us you're in negotiations but let's say (interrupted).

**Dan Tydingco (GTA):** Let's put it this way, when we go back and forth, when we go through a merger and acquisition we're self-process, we would have to go before for example, the public utilities commission and we go before the Public Utilities Commission we have to get approval from the PUC to transfer what's called our Certificate of Authority our ability to operate within the Territory, it's almost like a license. It's basically a notification over to the PUC and similarly I don't think we would have any problems giving you guys a notification of there's a successor company coming here.

**Serge Quenga (GTA Attorney):** The provision offered here mirrors to a great extent a provision that was from the original agreement we followed and it does provide for the same sorts of rights, particularly the last sentence here, of would allow us to basically assign the agreement to a purchaser of our company. As you know it's been in the news GTA has been in the market for a while and so we just want to make sure that whatever happens with respects to all our agreements are freely assignable to perspective buyer of the company.

**Dan Tydingco (GTA):** If I'm not mistaken Mr. Director with regards to this language this may actually, I don't know if it exactly mirrors the language within the lease agreement we have between GTA presently, Teleguam Holdings and the Chamorro Land Trust Commission for all the other properties that we made reference to.

**Kristan Finney (Legal Counsel AG):** The first part of it basically says we can sub-lease a space in there and I think that's what the commission may be concern about. You can have somebody else renting that (interrupted).

**Dan Tydingco (GTA):** Well, we will have customers in there, when we're going to have a sub-cable coming in to the cable landing station for capacity and stuff a lot of customer would have to come in and out of there. So we have to notify the commission in regards on who we're going to lease to or (interrupted).

**Administrative Director Michael Borja:** You're talking about not additional cable staff you're talking about usage within the cable, right?

**Dan Tydingco (GTA):** It says here, if you're concern is without your consent on leasing or transferring the conduit of dock space, that conduit of docked space is being built by the consortium and us. The assignment of right that had presently have with the all our properties that we negotiated or lease with (inaudible) by January 1, 2015, if there's a successor company that comes in they have all those rights.

**Kristan Finney (Legal Counsel AG):** And I think that's a different situation then just subleasing something to a third party without the commission knowing or having any ...

**DanTydingco (GTA):** But we have like, for example, in the properties again that we have renegotiated with in the new rate at the fair market value, GTA presently like a

property up here in upper Tumon, we can sublease on the space, we're able to do that as we speak. It's not something I wanted to do with this particular thing because the parameters are like 6 foot wide by 512 foot (is that what it is?) length (inaudible), we're not going to say, here's one foot within our 6 feet within our license agreement within the Chamorro Land Trust that someone else could lease.

**Kristan Finney (Legal Counsel AG):** I don't know the technical part of it I think just the concern of what I would want the commission to be aware of is maintaining that control knowledge over what being leased and to whom. I'm not sure, I just wanted to just make sure that the commission was aware of this provision that says. . . it takes care of that situation like he said somebody else acquires completely but it also allows for a third party to sublicense or sublease this without any notification.

**Dan Tydingco (GTA):** You mean, does the commission want a notification as to who our customers are? This commission will certainly be notified of the new successor company for example, when at the point in time when there's a merger agreement, you will be getting the checks from whoever the new entity is. It may be formerly GTA, or formerly Teleguam Holdings but you're still going to get the rent check or the license agreement check.

**Administrative Director Michael Borja:** I don't know if we're talking so much of the physical space of the land itself hereto. The technology of this whole cable is a moving target and it moves fast so today, whatever it's called a third party. The definition of a third party, what would that be, for you guys, in this things?

**Sergio Quenga (GTA Attorney):** It will be an entity outside of telephone.

**Administrative Director Michael Borja:** So there would be someone else that's laying another cable on top or someone who's just (inaudible) within your (inaudible). So other people putting cable through that conduit? It's almost like licensing out to somebody within a building. Am I right?

**Sergio Quenga (GTA Attorney):** You're right technology is moving there could be other players that come about as we go through time want to come in with a new cable. So this provides that sort of readily available access. It allows some flexibility, I believe that's the explanation on why it was in the original.

**Administrative Director Michael Borja:** and the issue here too is the security requirements. The protection of the cables from all kinds of things.

**Sergio Quenga (GTA Attorney):** and GTA is subject to all kinds of regulatory requirements to include federal government security information and network they are very rigorous, quit burdensome so.

**Dan Tydingco (GTA):** We have a network security agreement in national security (inaudible) we're not just letting anybody come in to... we have to get clearance for anybody to come in to our infrastructures.

**Administrative Director Michael Borja:** Let's say if we this as it right now, in the approval process, if there's an issue where it's not legal to form then the Attorney General's office can bring it up. What I would like to get is just whether or not you guys concur with moving forward with this license agreement and then approving it through resolution and then we'll move on with getting the documents finalized to getting all the signatures.

**Commissioner Pika Fejeran:** I like to revisit how we came up with the \$5,000 and then the escalation rate, it's in my conscious so I know that. . .

**Administrative Director Michael Borja:** There was no escalation rate on the other one.

**Dan Tydingco (GTA):** We offered the eight percent and that was based on the escalators we've done in our last agreement, and those are fair market value escalators that we've done from Corner Stone Valuation and also Chris Felix.

**Administrative Director Michael Borja:** So we get you the contract that we used to base this on and even that, looking at the history, I'm not sure how (inaudible) come about it's just the license agreement was signed months later when the resolutions was done to approve it so it was kind of done backwards. And just to let you know they came up with some start off number, how they came up with that number, or why they came up with that number except for a fact that the agreement had a start date that was probably a decade later than the signing date. So when they created this agreement they went backwards to when it really started and then they added on some big up front amount that still didn't have any kind of ideas where that number came from so that was an issue that we (inaudible) right for us to copy as well because we didn't know how, or why that was there. There are a number of other submerge cable lines coming in to Guam that we don't have agreement with so we're going to talking to them as well that they should be also be part. It's good for everyone else.

**Administrative Director Michael Borja:** But the 10% is agreeable?

**Dan Tydingco (GTA):** I don't know where the 10% came in from the Postal Service, but I don't think that would be a deal breaker for us if the commission wants to have the escalator for every 5 years at 10%. We threw in actually the 8% based upon the agreement we had last year. Again, that was for the Cornerstone and Chris Felix company.

**Sergio Quenga:** This fact sheet indicates September 10, 2008 appraiser for the Captain Co. ground rent for submerge land of \$2,400 per year so there could be appraisal. I haven't seen one.

**Commissioner Pika Fejeran:** Does this license have to be for 20 years?

**Dan Tydingco (GTA)** Typically a submarine cable life is between 20-25 years that's where we came in.

**Commissioner Pika Fejeran:** You know I appreciate the escalation rate, I would like to see it uniform with the Postal Service license that we have.

**Dan Tydingco (GTA):** We have no issue with that.

**Commissioner Pika Fejeran:** But you know as the director mentioned since we don't have a current appraisal for that submerge (inaudible) today the only information we have is going of, of a fact sheet that states that one appraisal was done eight years ago but in the interest time, and we are just one check mark in the process for your major project for island, I don't want to hold you back from continuing your project. But I would like to see if we start at \$5,000 per year for years 1-5 I would like to see some option for us at the end of year 5 to revisit that amount and see if that is an accurate rent for the submerge lands. As the license is written now we sign of it today, we have no way to escalate the license fee outside of the escalation. We're locked in for 20 years.

**Dan Tydingco (GTA):** Again, we were the ones who offered the escalator here because there's no escalator on the one that we used as a template and the escalator scheduling that we offered for the commission was based upon a more recent valuation that was done by certified appraisals like Cornerstone Valuation and Mr. Chris Felix as well so they came up with that particular formula and say 8% and we're not averse to 10% as you suggested but 8% every 5 years is the proper valuation of the property.

**Commissioner Pika Fejeran:** but we don't know if this \$5,000 is an accurate per trail of the value of that submerge land. Can we put a clause in here that at the end of year 5 we have the option to renegotiate the license fee based on the appraisal or the escalated rat whichever is high?

**Dan Tydingco:** That why I said the formulation done by more recently with the legally mandated requirements of the law with us for our terrestrial leases last year they said come in with certified, qualified appraisers with valuations and they came up with, and I understand what you're talking about the base amount.

**Commissioner Pika Fejeran:** That's the issue, it's not the percentage escalation.

**Kristan Finney (Legal Counsel AG):** Why wasn't there an appraisal done on this one? Is it that nobody can do it or?

**DanTydingco (GTA):** You know on whatever research we've done with regards to appraisals of submerge lands. Appraisals for submerge lands are primarily for seabed minerals, mineral rights and stuff like that. At least in the area we understand down in Piti is not a mineral rich particular area and stuff.

**Kristan Finney (Legal Counsel AG):** but that was an appraisal done in 2008?

**Dan Tydingco (GTA):** That was for a different area, if I'm not mistaken that was for Agat. It's not a usual typical appraisal so all of the appraisals that we've ever had to consent with are terrestrial. If the commission wants to put language here for an appraisal in 5 years we certainly could work with the commission and the staff to do that, for your comfort label to make sure the base amount is right.

**Kristan Finney (Legal Counsel AG):** So you're saying , they are not able to do appraisal now for whatever reason but you want an option to say maybe somebody out there can do an appraisal and maybe we're starting out with the wrong assumption with this \$5,000 so you can have an option to go back and appraise and that way it would hold anything up here and it still move forward but there's kind of a catch for the commission, you're not in it for 20 years only 5 and starting out with the (inaudible) exception.

**Dan Tydingco:** Well we would like to make sure it's for 20 years and I could probably be able to (inaudible) any concerns here that if we come back and if there's any requirements for appraisal after 5 years, if there's a need for a (inaudible) we'll adhere to that, and again, it may cut both ways as the director has reference.

**Administrative Director Michael Borja:** So if we do a term for 20 years with 5 years increment at the end of the first 5 years the determination of the rental will be based on an appraised value or the increment value whichever is greater.

Sergio Quenga: If I could chime in here, if we're going to to the appraisal route in the 5 year period then we might want to get two different appraisals, it might one paid for by GTA and one paid for by Chamorro Land Trust Commission similar to how we've done with the ground lease language where that says you get your appraisal, we get our appraisal, we sit down and we talk about it.

**Dan Tydingco:** It was not even an average, it was a very specific methodology in the ground lease renewal that we had done Chamorro Land Trust and DLM had its own representatives and its own appraisal similarly we had ours and then there was a process and procedure like those two guys meet. Because they are qualified, they are licensed and their credentials are on the line and at stake so they can't be fudging around with numbers. But your suggestion is good.

**Commissioner Pika Fejeran:** I would like to also point that although the similar license that we're looking at, the Captain Co. appraised it at \$2,400 a year, the base that they started with was two times that so \$5,000, right?

**Dan Tydingco:** But you know again, if the commission wants to go ahead and do visitation or re-visitation in 5 years within an appraisal valuation we're not adverse to that. Mr. Sablan the only reason I'm respectfully asking for the consideration by the commission today to move on this when a submarine cable is commissioned, and we've been working with a very specialized company, NEC of Japan, and they are fabricating the submarine cable which actually (inaudible) under the water they have production schedules and then they have lay down schedules so they are trying to make sure that at a point in time if everything is lined up over here, we get all our approvals then the schedule is on time and they're going to be able to get in the service, otherwise, things are pushed out and it ends up costing everybody a lot of money.

**Chairman Pascual Sablan:** So why don't we approve this with an understanding that after 5 years we'll come back and revisit the appraisal value.

**Commissioner Pika Fejeran:** Two appraisals in 5 years. I'm also going to do just some elementary math based on, if the appraisal came back at \$2,400 here Chamorro Land Trust ended up charging \$5,000 per year. I understand the \$2,400 is for a 6 foot by 320 foot, Teleguam's is 6 foot x 560 feet which is 75% more so we're going off of this old appraisal value, the appraised value for the Teleguam math will be \$4,200 okay, and then looking at that we looked at what the rental rate was for the similar license they just about doubled it so if we just about double that raise it up \$8,400 as the base.

**Dan Tydingco (GTA):** Let me ask you this, instead of throwing darts if you will can we go off what's here, put in the \$5,000, put in the language for revising the appraisal to allow for a true up provision. At the point in time the appraisals will be able to true up the actual valuation, and they will be able to say GTA, the Chamorro Land Trust Commission has the opportunity to call back and you guys owe them x more or the valuation of the property list lower than \$4,200 or \$5,000 whatever.

**Commissioner Pika Fejeran:** Okay, why didn't we back that in the similar take the appraisal value per year and more than double it for the rent?

**Administrative Director Michael Borja:** I don't know if it's the same like they threw this \$250,000 add on as settlement for what for not doing this early or not doing this on time but it only covered an 8 year period, I think., and even \$5,000 for 8 years is \$250,000.

**Commissioner Pika Fejeran:** So I would recommend at the end of year five, Teleguam and Chamorro Land Trust Commission will obtain an appraisals to



reevaluate the annual license fee and also to change the escalation rate from 8% to 10% today. That would be my suggestion. Chairman? Do you have any questions?

**Chairman Pascual Sablan:** I so move.

**Commissioner Pika Fejeran:** Thank you the motion was made. Second?

**Commissioner Amanda Santos:** Second.

**Commissioner Pika Fejeran:** Those in favor say aye. ,Ayes have it.

**9. Bill Nos. 374-33 & 375-33, Ypao Point Land Use**

**Commissioner Pika Fejeran:** Director it looks like these are kind of related so we move on to number 10.

**10. Sagan Koturan Chamorro**

**Commissioner Pika Fejeran:** Thank you for your patient.

**Administrative Director Michael Borja:** We have license agreement. This whole matter has come up because there was two bills that were introduced that deal with Ypao, Oka Point and one of them is a Sagan Koturan Chamorro Cultural Center and so we had to review the current license agreement that this organization has with the Chamorro Land Trust Commission what I have on our fact sheet report is that they are currently using 8.5 acres in the license agreement that in *Inadahen I Lina'la' Kotturan Chamorro, Inc.* is a non profit organization chartered with the Revenue and Tax. The bill was asking for 99 years, the license agreement is for 20 years at 5 years increments with a provision that they have to put in writing their desire to exercise the option to renew. We estimate the value of that property to be \$4.3 million and the site has not been proposed where the lot has never been on the list for proposal for commercial use by the Chamorro Land Trust Commission. Now this organization Koturan Chamorro Inc. is a nonprofit required by law to submit annual reports at the time of the public hearing they had failed to file their annual reports for 2015-2016 but they did file those in October 17 this year. The payment terms for the license agreement says that it should be 5% of each dollar collected as an entrance fee and we have not received any money from them at all. The licensee did submit a letter dated October 12 to the Chamorro Land Trust Commission which you have a copy of that expresses their desire to exercise the second option to extend the license agreement for another 5 years. Now the actions that are required is this commission needs to determine if the requested the second option of the license agreement should be accepted... if you do accept it then set a time where we want to receive copies of the report filings, financial disclosures, publications... I don't know if they've done any of that either. I haven't check into that part but nonprofits suppose to have publicated financial reports. We should also get a business plan for the use of the land and activities that the licensee will engage in and any other action that you request. Again, there is a bill pending, Bill no. 375-33 that was

already publicly heard and this bill will allow the (inaudible) of this property as a cultural center and it assigns the *Inadahen I Lina'la'* Kotturan Chamorro as the lessee and it will change from the license agreement to a lease agreement. Their members of the board of directors are present today to talk with us are Annmarie Arceo, Raphael Unpingco and Ramon Leon Guerrero are here to answer any questions and talk in behalf of their license agreement.

**Annmarie Arceo:** As a president standing for *Inadahen I Lina'la'* Kotturan Chamorro . First of all, personally, I would like to ask pardon for not keeping with the request to renew on the property leased, I had stepped away a few years ago from the organization due to issues that I could not handle, I stepped away for a while, been wanting to step down but advise from the community and others to just hang on to see if we can work something out. Here we are today, we discussed between the three of us who are currently the board members now that we are ready to take this back on and fix it and make everything right. So on behalf of our board I would like to ask for pardon and forgiveness that we haven't kept up with this. As a president I'm ready to come back on board to make this all right. Today I'm asking your permission to go ahead and extend our license so therefore we can move forward.

**Ralph Unpingco:** Hafa Adai my name is Ralph Unpingco and the first vice president of the *Inadahen I Lina'la'* Kotturan Chamorro, when she was taking care of her situation I was pretty much tending to the center and to our volunteers, I guess the community needs. We have since been working with organizations of course Hurao, other organizations like Tasa, Tasi both are seafaring organizations Haya Foundation that works with the additional plants and also the Fisherman's Coop which we are now in talks to do the 3<sup>rd</sup> Lunar Festival. We haven't received any entrance fees for that event for couple reasons, one is to promote the center, and we want to get the community up there. It doesn't make any sense when Chamorro's especially, ask, "Why do we have to pay to be in that center?" so we want to welcome everybody, at least, in the beginning. This is an educational center and we want to try to get everybody and at the same time we're going to eventually be hosting events that will generate revenue to fulfill our 5% entrance fee that we have in our document such as concerts and 5ks to promote health and community involvement. So with that in mind we did help out in Festpac and it was a major undertaking and we were able to handle the two weeks of a lot of work with all our volunteers. With that I'll let Ray take it.

**Ramon Leon Guerrero:** Hafa Adai, my name is Ramon Leon Guerrero. What I always tell people is our facility is a learning and orientation program, it primary cater to our children and that is our key area. Questions have brought up also in the past on why we don't focus on tourism. Yes we do get tourist but first and foremost again is kids and as a parents and a grandparent we don't charge the children, especially the schools even if they are off-island students coming we make sure that we are available to teach them and explain to them what is our culture.

**Commissioner Pika Fejeran:** With this Bill before the legislature, were you the proponent of this Bill with Senator Ada? Because when we got the Bill it was out of nowhere so I'm just kind of curious, do you want this Bill to do through?

**Annmarie Arceo:** I can answer a little bit of that. Since I've been back on,, maybe just a week and half, I've been in communication with Mr. Joe Borja because he had come to see me to get some history about what's going on, where we at with all this and so I am going to speak on behalf of the last week and half that I've been in communication with them. . So I think, basically, according to what I understand the bill is coming from Senator Tom Ada, this is what I'm told, and so he's proposing the bill for 99 years now. I reviewed the bill and I see there's some areas (inaudible) to it with no restrictions and so although we want the end for this park to belong to our people for the mere cultural center that we proposed to set up for, Senator Tom Ada's office is willing to work with us for the last conversation that I had. I think they are just proposing that the bills going to states that it's going a cultural center and then leave it to Chamorro Land Trust to decide on terms and all the details of it. This is the last word that I had with Joe Borja and I suggested with Mike when we met with him because I also suggested to Joe that I think at this point before we go to this bill we need to find the time right away for the three parties to get together so we sit and decide what would be the best for our people. So between Senator Ada's office, *Inalahen I Lina'la' Kotturan* Chamorro, Inc. and Chamorro Land Trust Commission perhaps we can sit down together and see how we can visit the bill and see how we can go forward so at the end still keep that as a cultural center but make sure that Chamorro Land Trust wins also. As far as what we need to pay, as far as fees or whatever and that also *Lina'la* can handle whatever provisions Chamorro Land Trust can ask for.

**Chairman Pascual Sablan:** This is a corporation right. So you have the corporation paper? You have any plan, have you ever sent it to us?

**Annmarie Arceo:** I know my husband who was the representative of the project he came with these plans because now I have to come back now and continue what we started because it's not all done yet.

**Chairman Pascual Sablan:** So you have the program plan, yet or no?

**Annmarie Arceo:** Yes

**Chairman Pascual Sablan:** Has that been approved by your board of directors?

**Annmarie Arceo:** Yes

**Chairman Pascual Sablan:** Why was it never submit to us?

**Annmmaire Arceo:** We did

**Chairman Pascual Sablan:** The other thing, I understand you have not charged any entrance fee right? So we never got the 5% fee.

**Raphael Unpingco:** That is in the future, right now we're trying to get the community to be involve and we don't want to turn away one person just because we're asking this. Eventually we will get to that point but at this moment we want to get people to just come in. Getting people back in nature, back on the island.

**Chairman Pascual Sablan:** would you agree with me that as of this time you don't have any legal document or license between you folks and the Chamorro Land Trust? Yes. It is safe to say since you don't have that extension you can apply to use which I believe this letter and we can sit down and renegotiate if we were to extend.

**Kristan Finney (Legal Counsel AG):** About that, that was the thing I was looking at, and I don't have the copy of the license agreement to see what we had, but you can't really extend something that's already expired. The problem we're facing is what to do now since you're still occupying the property and the agreements ended.

**Administrative Director Michael Borja:** The license says they have to renew within 60 days and failure to do so, which they failed to do, means they don't have a license agreement no more.

**Kristan Finney (Legal Counsel AG):** Without the license to look at it's really hard to say, but if it says something like that that if they don't request to extend it then you would notify them that it's been terminated, or also what happens if they continue after they past the term of the agreement and so without that it's really hard to say but if the term ended and they didn't exercise the option to renew then as Commissioner Sablan said there's no existing agreement so you have to start over. But again there's a lot of assumptions there because I don't have the license.

**Anmarie Arceo:** Because we didn't renew there's no legal terms now however, I'm only asking if it means that we have to start all over, may we have that opportunity to start over and continue the plans. We spent over \$300,000 sponsorships with the plans to make that a cultural center. It's here, the plans are here for every home repair, we do have a business plan that needs to be updated and looked again to change but we do have a plan and we humbly ask you to go back and please give us a chance to continue.

**Commissioner Amanda Santos:** I feel bad because when I went over there was no power, they cannot weave at night. We can wake up and make the Chamorro Center for the Chamorros.

**Ralph Unpingco:** We are also having problems with Rhinoceros Beetle in the area.

**Kristan Finney (Legal Counsel AG):** Probably the best way to get something that is workable and legal this Bill 375 has some issues with it, but maybe you guys working together that you come up with something (inaudible).

**Commissioner Pika Fejeran:** So what you're saying is that we would not be able to, if we decide today, we acknowledge that the old license is no longer valid, we can't now on our own create a new license?

**Kristan Finney (Legal Counsel AG):** I'm not sure how unless there's something.

**Administrative Director Michael Borja:** There's no public law that gave the specific authorization for this and then beyond the term of the license agreement is really not a proper term it should really a lease. The Chamorro Land Trust can only do three kinds of leases, agricultural, residential and commercial, and anything else beyond that needs legislative authorization. So in order to get to that point, you know, Bill no. 375 will probably have to be enacted with hopefully some modifications to tone it up and make it a stronger bill in order to be continued. As I mentioned in my testimony on that bill, it talks about two different things. It talks about dedicating a piece of land to be used as a cultural center and it talks about somebody assigning some organization to be the one responsible to have the lease. Now similarly to the *hamot* farm, there's that reluctant to identify specific group in legislation although we're going to dedicate the land for that purpose. The same thing here. We kind of alluded that your discussion with Joe Borja was that you may not specifically name your nonprofit organization, it's dedicating the land for the commercial use of that there will be an organization that should be able to run it. How we come up with who that is, I don't know, that's not for me to determine although we can make some suggestions. That's the problem we had, can we go ahead and say let's start another license agreement. This was done back in 2006 and as you mention in the beginning lot of the things that we feel were correcting the ills in the past. The process was not really formulated correctly to do something proper. Counsel said, because of the failure to exercise the first option it now has negated the license agreement, and for us to act on it outside of the parameters of the license agreement allows us to do is not within our bounds and then then to come up with another license agreement is not within our boundaries.

**Commissioner Pika Fejeran:** I was under the assumption the original license they had was through the provision for improvements for public purposes?

**Administrative Director Michael Borja:** There is a provision for doing cultural centers so if you are going to call this a cultural center it has to follow those provision of a cultural center and the cultural center still needs to get legislative approval. This land hasn't been dedicated for that. Nobody can dedicate the land except for the legislature.

**Commissioner Pika Fejeran:** The original license, what was the authority that the license was made?

**Administrative Director Michael Borja:** Lot of authorities were based on that one you're pointing out whether it should be or not, that was the thing that they used. We don't want to get people's hope up and we get shut down because we failed to meet some qualifications, or rather we have all that in place before we move on. We can grant them an authority to use the facility for x number of days until this bill is resolved. That's what we did with the zoo. We kept our hands folded and we said we need to get something done, we need the rules and regulations done. When the rules and regulations got done the language that we put in to allow for that kind of stuff to be extended got wiped out so we had to go for specific legislation just for them. So if we really wanted them to continue then we give them a grant of entry so they have a legal authority to be on the land for limited period of time.

**Anmarie Arceo:** I call this a blessing in disguise because even though it may seem this is working against us really for the long term. Maybe, Mike, I have some hope in what you're saying when you're saying that even aside from asking for extension some of these provisions, maybe this is a blessing in disguise so that we really put some firm policies to fix all these issues. I hear you saying that we should have legislation which have never been created for all this to fall into place because you're saying it should be a lease instead of a license. So I want to look at this very positively that this is a blessing in disguise that happens for a reason. Let's just say we did renew and we were on time for example, what happens after the 20 years because I was looking at this when I was on board, how do we secure this property after we build so many things because as we were getting sponsored for this there was a big question about "so we're going to spend \$150,000 on here but only have the lease for 20 years"? Those were some of the questions and I could not give them anything after that because I could not make promises. We ask that you grant us time up there to secure that place as a cultural center.

**Commissioner Pika Fejeran:** I would recommend that we grant access to *Inadahen / Lina'la' Kotturan* Chamorro for 60 days and at the meantime we'll work with the Senator Ada and his office to revise the bill.

**Administrative Director Michael Borja:** Go to January 31, 2017 and by that time we will know if the bill got passed in the legislature, and if not then we got to our board meeting in January to be able to give them another 90 days or.. because hopefully legislation can get introduced again in January to start this whole process all over again. I don't know the likelihood of Bill 375 is in getting passed but it would help to be able to begin modifying it and given written suggestions to how the bill could be a better bill so that in the event they (inaudible) they can introduce it on the floor as an amended bill if it does make it in the November or December session. It already had a public hearing so it can introduced into the session and come back out as a bill that's been passed.

**Chairman Pascual Sablan:** Bill 335 Mr. Unpingco, were you people consulted by the legislature before they put it out in the public hearing? Bill 335 the defendant.

**Administrative Director Michael Borja:** 375. Were you guys consulted for this bill?

**Ramon Leon Guerrero:** We were informed about it in a very short period that's why we didn't have a chance to prepare for it until the bill came out.

**Chairman Pascual Sablan:** Did you ever ask the senator, you know from this commission what they have to say about 375 before it went through public hearing? Since (inaudible) you're the leaser and your leasing and you all are consulted and we were not consulted. If we were to support for example, I would support it if we were to go to license because but if we were to go to 99 years that would be a new thing because we didn't have this so far right, Mr. Director? Do you follow me? We have residential for 99 years but not for this kind of program. I just want to share this with you why the Department of Chamorro Affairs when they came to us because they want to use the hook up (inaudible) for the Festpac. The first thing I asked them is can we come to an understanding that I'm bring the water and utility and power and after the Festpac leave everything here so it can (inaudible) you people. The reason why I'm saying that so that we would know we have nothing against you it's just that we need to cross the "t's and dot our "l's and you have responsibility and we have responsibility too.

**Anmarie Arceo:** Thank you. We know your work is not easy I see even just sitting here the last couple of hours I never realize how tedious your work is because I see the reality now. .

**Administrative Director Michael Borja:** so the motion or the proposal is to have a grant of access.

**Commissioner Pika Fejeran:** Grant of Access until January 31, 2017 in the meantime we will be sitting down the legislature and *Inadahen* group to revise the bill.

**Chairman Pascual Sablan:** Discussion. On the license, is there a provision there that they notify us?

**Administrative Director Michael Borja:** The license agreement was written to be pretty close to what a lease looks like.

**Chairman Pascual Sablan:** I so move.

**Commissioner Pika Fejeran:** Do I hear a second?

**Administrative Director Michael Borja:** the motion is to allow for the grant of access for the organization till January 31, 2017 so we can figure out what bill is going to be.

**Commissioner Amanda Santos:** I second it.

**Commissioner Pika Fejeran:** All those in favor say aye.

**All:** Aye. Ayes have it.

VII. **DIRECTOR'S REPORT**

1. Revenue report for August & September 2016

VIII. **COMMISSIONERS' COMMENTS**

IX: **ADJOURNMENT**

Commissioner Pascual Sablan moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting Adjourned at 6:08 p.m.

Transcribed by: Ruth Sakuma, Administrative Assistant: \_\_\_\_\_

Approved by Board motion in meeting of: November 17, 2016

Michael J.B. Borja, Administrative Director: \_\_\_\_\_ Date: \_\_\_\_\_

Pascual Sablan, Chairman: \_\_\_\_\_ Date: \_\_\_\_\_





