



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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COMMISSION MEETING MINUTES

Department of Land Management Conference Room

3rd Floor, ITC Building, Tamuning

Thursday, December 15, 2016, 1:00 p.m. – 3:06 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:00 p.m. by Acting Chairperson Pika Fejeran

II. ROLL CALL

Present were Chairman Pascual Sablan, Vice Chairman Joseph I. Cruz, Amanda Santos, Acting Chairperson Gyongyi "Pika" Fejeran, Legal Counsel Kristen Finney and Administrative Director Michael J. Borja.

III. APPROVAL OF MINUTES – November 17, 2016

Chairman Pascual Sablan made a motion to approve, second by Mr. Cruz. There were no objections, motion passed.

IV. PUBLIC COMMENTS

Administrative Director Michael Borja : Madam Chair, let me just make a correction the Public Notices, this is the agenda for today's meeting.

Acting Chairperson Pika Fejeran Fejeran: The public notices for this meeting were posted on the Guam Daily Post on Wednesday, December 7, and Tuesday December 13, 2016.

First person on public comments, he is Mr. Geoge Mendiola, please step forward sir.

1. George Mendiola: Si Yu'os ma'ase. I'm here to request for the transfer of my land. It's in Yigo and I've been going there for the past years, that I've been in that land and all the problems I have is being either stolen of my properties that was there, have been take away, I couldn't do anything every time I go up, I just need something closer to Ysengsong if I can. It's been too long already, I've been trying and trying since you guys were in Anigua and I just hope that I can transfer my property.

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Pascual V.A. Sablan
Chairman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Gyongyi "Pika" P. Fejeran
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

Rev. 4/4/2016

Acting Chairperson Pika Fejeran: Thank you. John, do you have his lease?

John Gumataotao (Chamorro Land Trust) Unfortunately, Mr. Mendiola was here on the last meeting, however, he had to reschedule due to a lack of quorum he had to have been scheduled and I did make a comment on that I will try to put him on the agenda for this meeting so that an approval or some sort of a recommendation can be made for Mr. Mendiola. It's unfortunate the materials that he brings to this property up in Yigo are being taken away from the property without his say so but we are trying to find him a better place to lease, however because a lease was issued and it's up to the board to grant a final approval to transfer. I'm not sure if the board wants to act on issuing approval to transfer based on him not being on the agenda but because of last meeting's cancelation.

Acting Chairperson Pika Fejeran : I would like to see a Staff Report on the next Agenda that way we have all the proper documentation to make a decision. Discussion?

Chairman Pascual Sablan: No we will table it until we see the Staff Report.

Acting Chairperson Pika Fejeran : So please work with John so he can put together Staff Report. And then you can appear before us next month and we can make an official decision.

George Mendiola: I appreciate your answering of our (inaudible).

Acting Chairperson Pika Fejeran : Thank you I'm sorry you came last week and we didn't get to meet.

Acting Chairperson Pika Fejeran : Is there anyone else who wants to comment publicly before we move on? Okay. So we will move on to the next item on the agenda on Old Business.

V. OLD BUSINESS

Chairman Pascual Sablan: On the old business Mr. Director, I guess we're right about our interpretation on the golf course.

Administrative Director Michael Borja: I'll go over that in the director's report. But we discussed that on the old business before. I do have all the reports here for you if you would like a copy of that now and bring it up. We meet with the public auditor and we never receive a copy of a revision that they had promised to give us and then what was put out was noticed to all the media never got a copy until 3 days later so what we received finally was, I

think Tuesday or Wednesday, actually of the next week. We got pretty much the details of what we discussed in the meeting with public auditor when we were doing the draft document. It's pretty much the same, the only thing they struck out was the fact the use of the 2014 tax roll was inappropriate because it had only been certified in March of 2015, 12-13 month after the fact so we couldn't use it. Now, and in their report they had also forwarded the lease for review to the Attorney General and to determine whether it was valid and on December 9 letter to the Office of the Public Accountability from the Office of the Attorney General they determined that the 2014 Chamorro Land Trust's Lease Agreement with the Guam International Country Club is valid. So you will see, on the back side, I did send a letter to the Public Auditor then requesting to amend our management responds to the audit report because of the new information and that the letter from the Attorney General be made a matter of record to be included with this audit and then we requested that the Auditor reevaluate their reports as to the leases validity, pretty much invalidates three of their four findings so this letter just went out today.

Chairman Pascual Sablan: It looks like they orchestrated everything and all, the audit report was released it was our issue in the media then (inaudible) the public hearing comes out and looks like, you know, one way of justifying their action. I was called by Chamorro Nation, one of the member and boy, he was really angry on what we did in extending and I tried to explain everything to him, in bilingual in Chamorro and English but looks like he doesn't want to accept and I said well that's the big picture, and he said he was going to come and visit you and all those things and I said I'm pretty sure Mr. Borja is ready to entertain you. What really kind of puzzled me is that when we had a meeting with Doris Flores Brooks that she was very objective and receptive of our explanation then of course she's rushing because she has to leave the island but she should have waited at least for the AG's result because you assured her that we're going to get something from the Attorney General but it looks like I think she has to go off island and she has to release that. I was really kind of shocked if she even mentioned the words, "it's better to have 2% of something than trying to get a 100% of nothing" after we explained everything what happened, but I guess she didn't use that analogy of they took 2% of something than 100% of nothing so I was really very dismayed of the way how they handle this but I think you did a good job Mr. Director. Congratulation!

Administrative Director Michael Borja: Thank you. That's why I want to make it as a matter of public record that the Attorney General's opinion be part of this audit report. It has to be, they requested for it now it's there, it should be part of it because if you don't read that letter and only this audit you'd only get one person side of the story which now an untrue story.

Acting Chairperson Pika Fejeran : In the meeting we had with the Public Auditor she did mention she had requested an opinion from the Attorney General and whether that opinion would state that the lease is valid or not and if it states that it is valid then her report will be moved.

Administrative Director Michael Borja: Right. We'll see where they go. That's why I'm asking my letter be part of an amended version of our management report. It also includes this letter from the Attorney General so that it's all part of the package for this audit report.

Acting Chairperson Pika Fejeran : You mentioned three out of the four findings would go away with the Attorney General's letter. Which one is remaining?

Administrative Director Michael Borja: Well, the four Financial Report performance but really that was an action of the golf course itself, you know, there was a past due account on their rent and on their property tax which we had explained have been made current way before they exercise the lease renewal option and so we had no reasonable reason to deny them the option to renew. But you know if the lease is valid then their claim that it wasn't authorized by the legislature is not true, nor was it approved, it's merely a renewal of the existing lease that's previously authorized and approved by the governor as well and that it was an unauthorized assignment and (inaudible) and this opportunities to raise rental, there were no opportunities to adjust the rental, none that was established, mentioned and authorized in the law, none that was discussed and authorized within the lease itself except for the increment increases every five years. And that's what we have to do. So just because it wasn't prohibited didn't mean it was authorized. It's a contract, a lease is a contract. If we had done that we would have been breaking a contract and then we would be under litigation and then the question will come back and "who told you, you could?"

Commissioner Amanda Santos: How come I read in the paper about the rules and regulation like we don't have one, is that right?

Administrative Director Michael Borja: Well, there are no rules and regulations at the time.

Commissioner Amanda Santos: For the commercial?

Administrative Director Michael Borja: For the commercial, we were waiting to get that thing written.

Chairman Pascual Sablan: My advice to my colleagues here is that we have to be very coherent and cumbersome really of what we do and (inaudible) because no matter how much we try to do our best, things just comes back and in the medias as you know, through

my years of experience would put things out what the readers wants to read. It's not really the true picture but I'm glad that (paused).

Administrative Director Michael Borja: Well, the other fact is that this lease was not a creation of the Chamorro Land Trust Commission. It was the creation of the Guam Legislature so it wasn't something that . . . we just inherited it and then had to continue with this renewal because it was authorized. If I get any other feedback from the Auditor concerning our request to reevaluate and they do reevaluate this audit report I'll forward that on to you.

Vice Chairman Joseph Cruz: I have a concern. Just a few question on this. Since the Auditor indicated that we could have an increase of rent during the renewal time and the lease was created by a public law. What's the chances of that law being repealed so that we can amend the lease?

Administrative Director Michael Borja: I don't think you can change the law.(inaudible) because these would be grandfathered.

Vice Chairman Joseph Cruz: No, but to repeal a law that establish a lease for 50 years.

Administrative Director Michael Borja: But the lease is already there we can't just terminate it with the public law. It's a legal binding documents, it's a contract. You can say you will never be able to lease this property for anything like a golf course after the termination of the lease.

Vice Chairman Joseph Cruz: No but being that the lease was created by a law, is it possible to repeal the law to reflect additional . . .? (paused) I mean I'm just throwing that out since we're being hunted with this public law that our hands are tied to remove or to increase any of our lease we just have to comply with a 50 year old lease, I mean, public law? That there's no chance of repealing it or saying, I'm just throwing that out.

Chairman Pascual Sablan: I think I'll just say the magic word, our hands are tied because there is a lease submitted before it was establish by public law then a lease has been established and they have the option to extend it. I see where you are coming from Joe but cannot back date the effective of the law or to terminate the lease that is in effect. I wish we could do that but it's. . .legal counsel, am I right?

Kristan Finney (Legal Counsel AG) Not after already an agreement, no.

Acting Chairperson Pika Fejeran : Any other comments, position on this item? Thank you Mike for the report. I think maybe all other old business can be kind of wrap in with

under new business no. 3 with the strategic plan so we will move on to the new business. The first one is Ms. Clarissa Jean Cruz requesting additional acreage. Please step forward, are you Mr. Rick Cruz.

VI. NEW BUSINESS

1. Rick Cruz (for Clarissa Jean Cruz): Good afternoon. Commissioners Good Afternoon. My name is Ricardo Cruz and I am here with a Power of Attorney for my daughter as well and I am here to represent her on the case of a request for an additional acres.

Acting Chairperson Pika Fejeran : Have you been working with an agent? Is there already a lease? There's no existing lease?

John Gumataotao (Chamorro Land Trust): With regards to Mr. Cruz's request, there was a lot identified which is just north of the coral pit for the government of Guam which is approximately two acres. So at minimum we provided a half acre agriculture lot for an applicant for their perusal. Mr. Cruz would like to establish a piggery so it's the reason why he's requesting for additional one and a half acres.

Rick Cruz: If I mistake please a . . . the initial application which I have with my daughter dated back since October 31, 1995. The only act on this request was two years later was when we were advice that we needed a Power of Attorney on account that she is off island and in order for me to carry this on which was again 10 years after the application date. And here it is 2016 another 10-11 years later that we are now still talking about this request or rather. I know the basis of it, it was because I was informed that the law that was changed only to allow local residence half acre for agriculture verses what was requested initially and in my daughter's case, an initial request was for two acres back in 1995. Twenty-one years to act on this is, seriously, really unreasonable no matter what the circumstance is whether it's the new administration or laws, no laws, something like that. It's hard for me to actually try to understand on what the problem is because it shouldn't be a problem in my situation and I understand the people have been on the basis of election, people been replaced and put in place and come to find out the regulations are not in place and the authority was not vested in some shaper form and 21 years I cannot understand. I don't think, and not a direct insult to the commissioners or even to the director in the account that he's the new person.

Administrative Director Michael Borja: I'm not new. Just get to the point. You want the piece of land we're going to need to find you a piece of land and so we're trying to find something. You've identified something, John, we need to know where it's at and what we got around there. You said north of the Hawaiian Rock?

John Gumataotao (Chamorro Land Trust): No, the coral pit on the Ysengsong Road.

Administrative Director Michael Borja: Ysengsong Road!

John Gumataotao (Chamorro Land Trust): On the same side of the road if you want to call it of the property it's considered an agricultural farm land on the right side of the road it's designated as a residential so that's the only thing that divides the designated residential verses agriculture is the road.

Administrative Director Michael Borja: Right. So does this property you've identified have surrounding residence?

John Gumataotao (Chamorro Land Trust): On the right side yes. It's on the same side of the area. It's north of the (paused).

Administrative Director Michael Borja: I don't want to put this gentleman on a piece of property with pigs that he's intending to raise only to have it become a full blown residential area and then he becomes the victim. So we really need to find something that is more suitable in its location that's not going to disturb the neighbors because pigs frankly it might taste good but they don't smell so well when they are alive. So we need to find something that's suitable in location for him.

Rick Cruz: That statement is very much true. Director is alluding to the fact that previously as I provided I was a hog farmer, a prominent hog farmer. And as Mrs. Santos can testify. And again, alluring to the director's comment the situation with the pig nowadays is yes, it's very disturbing and the smell, the aroma of it is not very acceptable to the surrounding neighbors and at present time hog farmers, there used to be a legitimate agricultural area where they rezone to residential and like the director was saying they were forced to shut down the farm because of the surrounding area being residential and I totally agree with that statement the director was saying.

Acting Chairperson Pika Fejeran : Mr. Cruz, I want to say that I hear you and I understand your frustration. I don't blame you 21 years is too long, way too long but we are here today to move forward. It sounds like we're going to need to find a suitable location for you and if your aim is two acres, let's look for a place that there are two acres that may be available and get you a lease. We can only lease out, is that right, half an acre and then anything more than half acre you'll have to go to the legislature.

Administrative Director Michael Borja: Will do that on his behalf and we'll assist him trying to get that but I think we've worked, in the past you had a business plan and all that right?

Rick Cruz: Yes.

Administrative Director Michael Borja: So you know with a full business plan and being a bona fide farmer or anything showing that respect we'll assist in getting additional acreage with the department. Unfortunately, half acre is the max because of the recent public law but it's not an end all so there are steps (inaudible).

Acting Chairperson Pika Fejeran : Any comments? Commissioners?

Chairman Pascual Sablan: I think he's asking for additional acres for residential right?

Acting Chairperson Pika Fejeran : No, agriculture.

Rick Cruz: The reason why, I guess, is because of the additional request and the intent of the land use, maximum land use of the land, I did provide a Farm Plan and the photos were just recently submitted just to accommodate the request.

Acting Chairperson Pika Fejeran : Thank you sir.

Vice Chairman Joseph Cruz: So John, this request is to get additional acreage?

John Gumataotao (Chamorro Land Trust): Like I said the applicant was awarded a lot subject to a lease but the lot was for half acre, the lot that was identified is two acres in total so Mr. Cruz has submitted a Farm Plan based on the two acres. Of course we are not able to issue a lease unless it's preapproved by the board and also the legislature.

Vice Chairman Joseph Cruz: So now this request is coming in as a relocation, are we relocating him?

John Gumataotao (Chamorro Land Trust): It's to confirm the two acres of the property. Right now the situation is the area surrounding this lot on the right side of the property is designated as residential. We only issue residential leases to that area. To the south of the property is the coral pit and everything on that side of the property on the left side of the road is all agricultural designated properties.

Vice Chairman Joseph Cruz: I understand that but the application that we are entertaining is for agriculture lease, and it was never issued?

John Gumataotao (Chamorro Land Trust): Right!

Vice Chairman Joseph Cruz: So on top of the request to issue a lease is asking for additional acreage?

John Gumataotao (Chamorro Land Trust): Yes. The additional acreage will be considered the one and half acres, in total for the two acres that they initially requested for back in 1995.

Vice Chairman Joseph Cruz: I'm just trying to figure out how are we going to assign the lease for the minimal acres that's require by our. . .?

John Gumataotao (Chamorro Land trust): We would actually identify a lot which we have and then once the board says yes to approve the additional acres then Chamorro Land Trust will issue a lease based on two acres.

Administrative Director Michael Borja: No, no what we would do is if you grant this two acre lease than we go to the legislature for the approval of the two for the agriculture lease because anything above the half acre requires legislative approval so then if that's approve than we issue the lease at that site for that size.

Acting Chairperson Pika Fejeran : We need to go back to the drawing board because parcel which already identified is not conducive to a hog farm.

Vice Chairman Joseph Cruz: Because you have a lot number here so that's why I'm asking does the lease apply to this lot number that is given on the application. And are we extending that location with additional acreage?

John Gumataotao (Chamorro Land Trust) The lot number that's identified.

Acting Chairperson Pika Fejeran : It's not an award until there's an actual lease. It was identified for you, right? Pending the lease so there's no lease but now that we see the development around there we have to find another location for you and then we'll take it from there.

Administrative Director Michael Borja: Please make sure that you expressed to John, your land agent, what undesirables you have like you don't want to be in Inarajan or you don't want to be, a location you rather not be in. There are sites that may be suitable

because it's isolation it might be best but it might not be something that you want to. So we can work with that, okay.

Rick Cruz: Thank you Mr. Director. It's a very good point. I would like to apologize if I insulted anybody please in a capacity but I'd like the director was saying maybe some of your interpretation of my expression is just letting out frustration as the chairperson was saying. And like I said again, I'm sorry if you feel directly insulted or attacked in any way. Thank you everybody. Merry Christmas!

Commissioner Amanda Santos: Merry Christmas!

Acting Chairperson Pika Fejeran : Next item on the agenda, Mr. Jerry Sanchez – Requesting additional acreage

2. Jerry Sanchez: Good afternoon. I'm Jerry Sanchez from Umatac and I be moving up to Dededo if I get the additional acreage.

Glen Eay (Chamorro Land Trust): I'm assigned to Mr. Jerry Sanchez and I'm his assistant in his request. I want to give a little history on Mr. Sanchez background, if I may. On May 2005 in a Notice of Intent was to award a portion of Lot 42-11 a half acre in Dededo and was later declined and in February of 2006 a Notice of Intent to award a portion of Lot 421 half acre lot, this was located in Talofofu, and October 2011 Mr. Sanchez was issued an half acre agriculture lease a portion of Lot 421 in Talofofu and the lease was then later cancelled because it was found to be an unregistered lot and as a replacement of Lot 421 Track 1021 Block 1A, Lot 4-1 Dededo was offered to Mr. Sanchez and March 2016 citadel authorization to initiate survey to Lot 4-1 Block 1A T1021 was issued to them and then last but not least August 18, 2016 we received a letter from Mr. Sanchez requesting an additional acreage from the joining lots that are unoccupied and undeveloped. The Lots are 4-2 and Lot 4-8. Mr. Sanchez is here today before the commission requesting additional acre which is one acre to include an expansion of the agriculture operations. The reason for requesting additional acreage is because the existing lot have coral that do not landed, tilling or farming. September 2016 a site inspection was conducted by Chamorro Land Trust agent and myself and finding reveals that Lot 4-1 and the adjoining Lot of 4-2 and 4-8 have the same field conditions. After reviewing the farming plan that Mr. Sanchez submitted looking under the few cash crops as per mentioned, food crops and cash crops can be planted by traditional and conditional farming methods by tilling, plowing and mulching and composing. It was mentioned that in the farming plan that he's able plant all these crops I recommend that Mr. Sanchez proceed with his given farming location because he can actually do farming there in that where he was given. Actually right now there's no lease,

okay, because right now is that hasn't been finalized and as of yet Mr. Sanchez is not a bona fide farmer but he has plans to take some classes to obtain his license. That's my presentation.

Administrative Director Michael Borja: Where exactly is T1021 again?

Glenn Eay (Chamorro Land Trust): This is *Chalan Ibang*. If you to the right of the UR Market in Dededo right across there is a bus stop there, you make a right turn. If you look at the photos up there the one at the top picture is the Lot that's 4-1 that is actually offers to Mr. Sanchez. The bottom picture is Lot 4-2 where he's asking additional acreage. Right now he built a make shift shaft. He started doing some. . . (paused).

Jerry Sanchez: The plants that I planted have grown so I want to transfer it out into the nursery.

Glenn Eay (Chamorro Land Trust): So the next photo you see on the top again is the property facing 4-1 adjoining property which he wish to lease, he plans to sell betel nuts and some bananas on the lot that is not yet leased. He's requesting for this lot right now 4-2. The reason for that he told me that he's planted it there again was that the plot 4-1 is not good for tilling.

Jerry Sanchez: Because they are mostly rocks that's why I transferred it to the bottom because of the rocks that's why there are more plants at the bottom. If there's land that's much better for farming that's what I want.

Administrative Director Michael Borja: There's a gentleman not too far from where you are located at but has a very productive coconut and pineapple farm. Are there any water wells or potential water wells in this area?

Glenn Eay (Chamorro Land Trust): The water wells are located several miles.

Administrative Director Michael Borja: So outside of the 300 feet radius. But there's no designated lots that Guam Waterworks has identified for future sites or exploratory sites?

Jerry Sanchez: I need to validate the letters that they sent us if there's any in that area.

Administrative Director Michael Borja: The only reason we have to be concern about this is because this is the northern aquifer area and the Guam Waterworks has

numerous Water wells in the area of (inaudible). There's restrictions by the Environmental Protection Agency on what we can do near the water wells.

Chairman Pascual Sablan: I have a questions. Mr. Sanchez, I noticed the betel nut tree there that you planted are healthy and the last visit of the staff you only farm on approximately one percent of the area. Have you ever had the opportunity to go and visit Ernie Wusstig's property, where he's selling corn out of his (inaudible) he has nothing but coral in that property? I think if you consult an expert as to how to use the property.

Jerry Sanchez: I have already visited those people who are farming on rocks to show them how to farm. They are breaking the rocks and filling it in with dirt

Chairman Pascual Sablan: But maybe they don't know that you filled it in with dirt. Like I said I'm amazed on Ernie Wusstig land that nothing but coral but the corns are so healthy because he goes and consult the expert. Right behind you there's a woman that is expert in soil and farming and all those things. I think what you do is consult because no matter where we put you . . . what really kind of puzzle me here is that it looks like you're not really doing farming. It's only one percent, according to the report, you only use about one percent of the land in farming.

Jerry Sanchez: Because I'm the only one and there are many things I take from Umatac to Dededo from *lemai* to other grown items. That's just a little bit for me just give me time and you will see that there will be many grown items.

Chairman Pascual Sablan: I tell you the place where I plant is nothing but coral but I'm proud to say that I'm tired of eating *atis* (sugar apple) and other fruits because I use a pick and shovel. Believe me, in fact there's a quarry not too far from where I'm farming. What really kind of touch me is the finding is you only using about one percent of the property now that you have for farming. You could have planted more, you know. Look into that Mr. Santos.

Acting Chairperson Pika Fejeran : If I may, my question is two lots that we were looking already is the same environment on your lot.

Jerry Sanchez: The one on the bottom I checked on the environment the place to plant long beans, cucumber, eggplant and atis.

Glenn Eay (Chamorro Land Trust): Just to clarify that Mr. Sanchez as of now doesn't have a lease, we're working on finding him a suitable place to do the farming. That's where we stand today.

Acting Chairperson Pika Fejeran : Has it been already surveyed?

Jerry Sanchez: I'm working on that right now. I have Mr. Francisco Castro and he's the one that's going to be surveying.

Chairman Pascual Sablan: You're saying the adjacent lot is not a place to farm, why don't we give him the transfer rather than giving him additional.

Acting Chairperson Pika Fejeran : I agree. All we can do today is give you half acre so anything more than that would have to go to the legislature. If you are not happy with the lot that was identified for you that we've been talking about. It sounds like we would be open to give you the lot that you would be more satisfied with at the half acre.

Chairman Pascual Sablan: And if you turn it down than it will be third time that you decline right? I don't think next time you would get my support.

Acting Chairperson Pika Fejeran : You are only allowed three declines after we've identified a lot for you. Is there a motion?

Vice Chairman Joseph Cruz: I propose to do a relocation instead of (paused). . .to relocate him but since he doesn't have the lease the authorization should reflect which lot is more beneficial for him. Can I ask the agent, this partial here like 949-48 42, these are all proposed for us to extend his lease, is there any other applicant shown on this location if lots are available? How many tenants are waiting?

Glenn Eay (Chamorro Land Trust): 4-2 is for what I know is available, if I'm not mistaken, 4-6 maybe available. I would just focus on the adjoining property where he was.

Vice Chairman Joseph Cruz: So the adjoining property that you're proposing to extend his request are available?

Glenn Eay (Chamorro Land Trust): The one that is available is the 4-2, 4-8 is not it's reserved.

Administrative Director Michael Borja: What is this? This picture right here. What lot is that?

Glenn Eay (Chamorro Land Trust): That's facing 4-2 where he planted. That's all 4-2.
Administrative Director Michael Borja: How is this land cleared or was it just naturally cleared?

Jerry Sanchez: I cleared it out.

Administrative Director Michael Borja: With what, bulldozer, you cleared the top soil out? You pushed the soil off, that's why you don't have the soil. That's one of the reasons why we insist on people who want to do farming become a bona fide farmer and get certified because they'll learn the methods of being able to preserve the soil so you don't do something like this where it's cleared out and now you're down to rock. There's an example of the clearing that's out in the public right now, across the street from the Micronesia Mall. That's an example of clearing the property without bulldozing the soil out. It's done pretty nice so the soil is still there and the land is still good. There is a process of doing that so I had to ask.

Senator Cristobal: I don't know this gentleman but I'm from the Northern Guam Soil and Conservation Board and we're encouraging our people to become farmers so we can get this (inaudible) little more sustainable. There are ways that you can remedy the (inaudible) rocks, we all know as Mr. Borja mentioned had said that the northern part of the island is very thin soil in most places. I just want to encourage this gentleman to continue farming his hopes for a half acre farm is certainly not much. We're all grew up with backyard farms, as a matter of fact we turn those farms into lawns these days that's why we have to resort to going to the ranch and many of us don't have ranches anymore because we build our homes there. So I really want to encourage Mr. Sanchez there are ways and we provide lessons up at the University of Guam under CNAS and we bring in people who want to learn to farm on how to build up the soil. We have a lot of plants that are tolerable to limestone and forestry types of trees and that can grow there. I really want to encourage Mr. Sanchez to continue his dream to farm.

Administrative Director Michael Borja: Thank you Senator. Plus keeping the flame on for being a farmer is important. Okay. One of my recommendation will be we've done this in the past. The individual comes in and wants a big space for farming we ask them to start with this half acre and show us what you've got, what you can do and if then if you are doing well we can move you to the next step. Get your Farm Plan, get your farmer's certification, get good farming practices in place, and my other recommendation is we assign the lease to Lot 4-2, we just hold 4-1 in reserve as a possible expansion so he gets an acre. And if we're going to do that than we go ahead and go through the process of getting the legislative approval. Because at that point then the justification is

good and the likelihood of the bill getting passed into law is even better so that would even be something we could do. Do you understand what I'm saying Mr. Sanchez on what we're trying to do here? Show us what you can do on this existing lot and then we will move you into expand once there's progress shows on what you got. Can that work with you?

Jerry Sanchez: Yes Sir.

Acting Chairperson Pika Fejeran : I think the last time we did the halt of the reservation land for expansion we put a timeline on it, is that right? One year? Okay. So in one year's time from when you're issued a lease on Lot 4-2 we'll come back out and see what you're doing and if you still want to expand we will entertain that.

Jerry Sanchez: All right thank you very much. You will see improvement.

Administrative Director Michael Borja: So the word is we'll sign Lot 4-2 and reserve Lot 4-1.

Margarita Borja (CLTC): We've given him survey authorization for Lot 4-1.

Administrative Director Michael Borja: But has it been surveyed yet?

Margarita Borja (CLTC): Yes. He's getting there, the survey so do we reverse it and give him Lot 4-1 and reserve Lot 4-2?

Administrative Director Michael Borja: Well he's farming in 4-2 already.

Margarita Borja (CLTC): So it's up to him I don't know if there's going to be additional cost of survey. He may incur additional cost of moving from one lot to another.

Jerry Sanchez: The surveyor, Mr. Castro, in fact was sick when I checked him up two weeks ago and he told me once he gets well he's going to call me and then he's going to start his survey.

Glenn Eay (Chamorro Land Trust): The corner you see if from the adjoining lot and that's their common corner.

Acting Chairperson Pika Fejeran : Okay, so that you can move the survey over to Lot 4-2 without any additional cost and then reserve Lot 4-1. Thank you.

Senator ma'am did you want to give a comment today or do you have a question. I think you came in the end of the public comments so do you want to speak?

Senator Cristobal: I think what we would do is our board is wanting to understand whether your board has received any request for information on the development, the *Lajuna* Developments, and we're concerned because of the soil and water conservation aspect of the property so we've asked our chairman. Just now I texted him to write to you find out if you received any, we thought it was going to be on this agenda.

Administrative Director Michael Borja: No we have not and but to give you a background on what's going on. In December of last year we set out a list of properties designated as commercial and then in *Lajuna*, the lot up there was one of the selected properties to go through the public hearing process. The RFP that we had originally for that piece of property was put on hold and then the highest bidder or the best offeror appealed our stoppage of the RFP and took it to the OPA so it's still there right now and as a result of that we withdraw that lot off the list to be considered for any commercial use at this time. Now should we look at it at a later date it would probably have a totally new look. It would not be 400 acres, we would probably survey out only what we think we want to use for a housing development and Senator I just want to let you know too that what we had already began to do hopefully by tomorrow if it hasn't been done today there's a bill waiting for the Governor's signature that establishes the *Hatsan Hamut Chamorro* and that's just north of the Mangilao Golf Course, 35 acres. And it becomes a conservation easement and our proposal is to look and try to create a green conservation easement all the way to the north to the Anderson fence line. It will take a variety of different shapes as it goes all the way up but the idea again is to preserve certain areas along that cliff line that is very unique in the jungle and in the plants so we can preserve them and hold them because they are actually the home of a lot of different wildlife species and plant species. But this property that is to be soon designated as a *Hatsan Hamut Chamorro* for the north is a pretty large parcel property of which we have to determine how we're going to use. It has a top plateau drops down on the cliff, goes down on the couple other plateaus before it gets to the water's edge and even the Department of Agriculture's looking to come in and plant certain kinds of indigenous trees to preserve the plant life's that may be dying off in certain areas. So that's what we're looking to try and do to help preserve that whole area to the north. But as far as the *Lajuna* goes there's no action on the part of Chamorro Land Trust at this time. As long as there's an appeal which hasn't been settled we can't move forward on that project.

Senator Cristobal: Thank you Mr. Borja for that information sometimes we just need to come to the source to get the proper. . .(paused)

Administrative Director Michael Borja: There was a letter in an email and I'll be happy to respond to that in writing.

Senator Cristobal: Mr. Ron Laguana is (inaudible) and he's going to be writing to you folks but thank you for the information, I thought it was going to be discussed this morning.

Administrative Director Michael Borja: I'm sorry it was not brought to our attention to talk about, as far as the Northern Guam Soil and Water Conservation District. Your organization wanted to talk about that specific? Okay. There was a party of interest (they are not here) that expressed some desire to talk about that as far as the development goes but they are not here.

Senator Cristobal: We are in the information gathering right now so just got an alert that it's probably going to be included in the agenda. We did check and it wasn't there.

Administrative Director Michael Borja: It's not there because as if it was in litigation, it's in appeal with the Public Auditor, we prefer to allow that process to work its course and we have to be very cautious on what we do with that regard in saying anything in that regard until that process is complete.

Senator Cristobal: At this point we come back to you (sorry I lost my voice).

Administrative Director Michael Borja: No problem. Thank you.

Acting Chairperson Pika Fejeran : Thank you Senator. Merry Christmas. Okay the last New Business item.

3. The Chamorro Land Trust Strategic Plan

Acting Chairperson Pika Fejeran : That's a loaded three words right there and I think there's no other time to start thinking and planning out a strategizing how we're going to move Chamorro Land Trust Commission forward then today. Because we are coming up on a new year and I think it's best for us to have a handle on everything going on and also best for the people that we're working for the beneficiaries of the Land Trust. So I wanted to start off this discussion with first talking about what we as a board feel is our priorities are for our future. You know, sitting through, this might be my 8th commission meeting and sitting through eight of these and working with the director and talking with the staff, I've got my own ideas about the priority issues that we need to face and handle.

I mean, we can discuss our priorities. I can share with you my thoughts and we can go from there. One of the first priorities is our revenues and our funding, how we receive it and then also how we spend it. What is our plan for spending it? What are we doing to make sure that we are receiving what we should be receiving?

Administrative Director Michael Borja: Let me just let you know that any of our revenue that comes forward to us goes into Chamorro Land Trust Commission operations account or the infrastructure account whichever it's designated by law for us to put it in. It doesn't go into the General Fund. And then that's the basis of our operations for the staffing for everything else. We don't have a checking account where you can make an approval for us to sign off certain checks, we completely give that out of the. . . I don't want one of those. Now the revenues that we receive are primarily from commercial leasing. Anything that comes from agriculture and residential is not nominal it's miniscule and not even in value as far as the revenues goes. So everything that comes is through the primary commercial stuff. The golf course is one, GTA is another, and we're going to have a huge amount coming in pretty soon for the sales of properties that has legislatively were authorized. But the steady incomes (inaudible) little leases that are out there that really had been around for a long time and they are authorized by the law because they have something to do with the telecommunications. So you got that revenue and then that's what we need to build up if you want to do anything more. All the more reason why it's important for us to move on to try and step up to what we can use commercially and what we are allowed to use commercially so that we can create a greater revenues. We just approved three properties for commercial use, three in Yigo and one here in Upper Tumon so now is the time to think about how we're going to use this. One of those properties in Yigo is really designed to be a housing developing, subdivision, affordable homes. So what we are looking to do there, and we're not trying to make money we're trying to get some houses built by developer that our people can lease the lands and buy the house and that process we're looking in trying to kick off next month with a Request for Information so the developers can come in and talk about what possibly can happen there so we can get all the necessary information to put in the RFP together and get someone to come out and build them. Maybe we will finance the cost of the homes with buyers because that could be one of the hard part in getting financing from local financials. So you know there are still pieces of property. There's the grand property, the Ypao-Oka Point property as we have just seen we just had another five acres taken out of that inventory for a shrine and we had another eight and half acres completely dedicated formally in perpetuity for cultural center. And again those things have to be describe and are we going to get income from that? Most likely not I don't know how it's going to work but we will see. That's the thing we have to work out. But the remainder of the property, if we can get a long term income stream from that then you can really get a great idea on what kind of what kind of monies

you have potentially for you to begin planning a capital improvement project. The process to get the lands truly have infrastructure put down. If we did a subdivision then one of the things is that the developer put in the infrastructure. That's the buyers of the house actually be the one funding that but in all other cases we need to still put in roads and water, power, and hopefully even sewer in a lot of these places but the income has to come in. Now what we are trying to look at is some of the monies we are getting right now let's get the basic things done with, get the survey done, and get all those things done so now we know what we got everywhere. Get the unregistered lands registered. We have so many people living on unregistered lands that if they are not registered they don't have a lease, they really can't be paying property taxes. So we're going to be missing out on a lot of income because we're supposed to receive the money from the property taxes. See that's another revenue source and that's what we're really going to be planting hard. Chamorro Land Trust is supposed to get the land tax for those properties that are leased out.

Acting Chairperson Pika Fejeran : That was with MOU with the Rev and Tax?

Administrative Director Michael Borja: No it's always supposed to be but the MOU with the Rev and Tax will allow us to share the information so that we know who paid and identified that money as coming in to our pot and then we really have a good income. Because if there's anything the guy only pays a dollar a year on his rent, he's really going to pay \$50 to \$90 depending on the size of the property a year on his property tax. So there's revenues stream there times 3,000 people if you use \$50 times 3,000 that at least a \$150,000, not a whole lot.

Acting Chairperson Pika Fejeran : You know when I bring it up as a priority, I want to see what is the money we have coming in is? I know you mentioned a big chunk of chunk coming in plus, I want to see what that money we have coming in? I believe in the budget it's already been appropriated for certain things and I want to see how that all that flows through because you know we have commercial leases making a lot of money but then at the end of the day there's no money to do anything with our properties and I want to see, like what we are spending it on.

Administrative Director Michael Borja: Actually we have money that remaining that we've been asking to spend and the Governor's budget people have agreed to it because they know the funding is there. It's just that when it gets out of the legislature in the budget bill it's then removed. That's why what we are looking to do in January is to have a senator introduce a bill that appropriates money from our Chamorro Land Trust Accounts that we have and monies coming in from the sales of those properties to dedicate a one million dollars of in the course of three years, maybe 1.3 million dollars, I

don't know what it's going to be right now to finish off our survey once and for all. It's going to be about \$354,000 a year. We have that money coming in, the GTA money alone is about \$350,000 so even if that's the sole revenue source, you use that money every year, and then what we do is contract out the survey services so we can get that job done. Our guys will help in a way, but for me to go hire more people is not as productive as going out and getting the surveyors to do the job.

Acting Chairperson Pika Fejeran : So if you are saying that the money is coming in but we are not allowed to spend it so where is it?

Administrative Director Michael Borja: The thing is they are require by law to put it back so it's not like it's going to disappear but I'd rather it be going to our stuffs. And I think we passed that as a resolution a while back to dedicate the money.

Acting Chairperson Pika Fejeran : You know I'm still not crystal clear on how our budget works and how all of our funds are coming in and spent and I think it would be best in our interest as a commission to sit down with you and your people and really see, you know, follow the money.

Administrative Director Michael Borja: Well this is a good opportunity right now, we're in the process of developing the 2018 budget and it's due to BBMR sometime in January 2017 so the process is being created. All the divisions are going to create a wish list. Please fund this vacant position that I can't do without kind of thing and then we have to then convince BBMR of that need and if they agree it goes to the Governor's budget and then we're up against the legislature to determine whether or not we get it. We've never been asked to come forward unfortunately to defend our budget. We are at the mercy of whoever the budget chairman wants to call to come in even though we've made mention of it to others the budget chairman never called for Land Management, Chamorro Land Trust Commission to come forward to defend the budget.

Vice Chairman Joseph Cruz: What about the recent budget in October? We are going into the quarter October, November and December. What do we have between January, February and March and then the next quarter? By quarterly, where are we standing? You know just to get an ideas of the budget?

Administrative Director Michael Borja: The overall budget which was cut across the board. We saw a decrease from the previous year.

Vice Chairman Joseph Cruz: So we need to know what was approved, what was appropriated, what was taken out just so we can have an idea of what are?

Administrative Director Michael Borja: I probably provide you a copy of the 2017 budget. It's a single page just showing how much money we get but it's a decrease I think we lost (we don't have a large budget it's about \$4.5 million) but they \$400,000 out, that's 10%. And what it resulted is that any vacancy we had because people had moved on to other jobs or retired or something, we couldn't fill.

Vice Chairman Joseph Cruz: Now the funding that done by Senator Ada for GPA connection if other clients are coming in and start requesting for us to entertain those kind of setting. What are we looking at to (paused?)

Administrative Director Michael Borja: That came out in the survey/infrastructure fund. The only money currently in the survey/infrastructure is coming from the land for the landless payments. Land for the landless and the Chamorro Land Trust have nothing to do with each other however. Land Management had to clean up the delinquent account out of the land for the land less and we paid for the balance of the land purchases and the money had to be designated to go into the Chamorro Land Trust infrastructure/survey fund. That's where that money went and I think there was about \$120,000 in there and he took \$30,000 out. He took one fourth of that money out. That's the reason why I objected to it at the time just because it's not fair.

Vice Chairman Joseph Cruz: That being said it's like they handed us to entertain. It's our funding that was used. So what's stopping our tenant to coming in asking us the way they. . . are we ready to entertain those clients or?

Administrative Director Michael Borja: We can't, we cannot approve any of that because we can't touch our money unless it's appropriate for the purpose. The legislature has to appropriate that money for that purpose.

Vice Chairman Joseph Cruz: In the event something comes up, is the agency ready to say okay we can apply this kind of funding provided we have a criteria to say a subdivision A, subdivision B has a more priority to use whatever funding is available from the Chamorro Land Trust?

Acting Chairperson Pika Fejeran : No, there's nothing. But what you are kind of getting at is the spending plan? I think we would like to see a spending plan because all of this money (paused).

Administrative Director Michael Borja: Like to put in the power polls? The infrastructure. I'm not even touching the infrastructure yet. There's no way we can touch

infrastructure. You need to have like in the neighbor of a \$15,000,000 start to get on something like that because, you know, \$30,000 for five power polls for one customer when this plan we're trying to do up in the affordable subdivision in Yigo. One house will probably cost \$20,000 - \$30,000 and they got water, power, sewer, road and telecommunications. Right! A paved road. And so which is more economical? And that's what we need to get at. Right now, the baby steps are get the survey done if we can get . . . my recommendation is let's move forward, we've already done the public hearing on Oka Point before any more properties are taken out and authorized us to go forward and try to get a commercial lease for the remainder of the property of the Oka Point and then there will be a process involved in all of that anyway. That's the kind of income that comes in. Let's just say we get \$5,000,000 a year on rental, just \$5,000,000; ten years is that's going to be \$50,000,000 right; twenty years that's going to be \$100,000,000 so what if I had \$100,000,000 coming in a twenty year period. I can go to the bank and get a loan for say \$85,000,000 now that \$85,000,000 I can do a massive project and get a lot more done and it will be much more efficient to do it. So that's the kind of thing that you know, my suggestion is to look in those kind of terms. Right now I had to take small steps and just let's get the land settled, survey it so it's easier to give out to people, survey it so that we got the land registration done on unregistered properties. We got the whole communities, like I said, living on an unregistered land. If the water gets disconnected they don't have a survey map, they don't really have any true legal authority to be on that land but they are there. I'm not going to kick them off. But we have to be able to respond to any issues that arise in that neighborhood if that person. . . Let's just say the person dies and it goes to the beneficiary, now there's a new name change in the bill and the person is going to say, "Well show me the paper".

Vice Chairman Joseph Cruz: (inaudible) another lot being created to duplicate what they did to the Gumataotao. They do a law using our own money?

Administrative Director Michael Borja: That's the reason why I'm saying let's get our money appropriated ourselves for the big picture things and so that we're not having someone reaching in the pot and grabbing handfuls for the pet project.

Vice Chairman Joseph Cruz: Maybe we do the priority first thinking the whatever funding we have available now is a good (paused)..

Administrative Director Michael Borja: Frankly, Commissioners, you know GWA hasn't paid us the half million yet and they are itching to give us the money. They've already for it for a long time. I just want to hold off on it until we are ready to ask to use it.

Acting Chairperson Pika Fejeran : I think if we can put together, you know, for me I want to get the big picture right, because I know operations, the operations of the department. We're getting income to pay for operations right but then we're also going to be getting all these additional income from GWA when they pay, when they sell properties.

Administrative Director Michael Borja: But those are one-time payment, it's not a continuous. It's a one-time thing so once you spend it its gone.

Acting Chairperson Pika Fejeran : Right, but the money is going to be there so I'm going to want to. . . if I were up sitting in the legislature I want to see that we know what we're going to do with that money.

Administrative Director Michael Borja: Exactly, that's my point that's why I'm saying if I have the \$300,000 coming in, in three weeks from GTA and the \$500,000 from Guam Waterworks, that's \$800,000 grand, then we get the appropriation for the \$800,000 grand for the surveying of the properties that would last for over a course of two years.

Acting Chairperson Pika Fejeran : And that will cover all the properties

Administrative Director Michael Borja: Well for two years. It may not cover them all.

Acting Chairperson Pika Fejeran : So how are we going to prioritize, how are we going to. . . I know it's all in your brain, but I want to know what your plan is.

Vice Chairman Joseph Cruz: Do we have a long range plan, or short range to apply this budget or the money that is available that . . . if we can have a listing of a long ranges and short ranges. Let's discuss that and implement it.

Administrative Director Michael Borja: Well the way I want to look at it is okay the short range to me is let's get the survey done; long range let's get the infrastructure done. And the long range is going to require a whole lot of money. . . well, even if it took us three years to get the surveying done; after that now this money is going to start building again because we're not spending it and let's say after three years with just GTA there's a \$1,000,000 right. If you spend \$300,000 in infrastructure you're not going very far. It's going to be a street and maybe some power poles, not even waste water. But you know at least by that point we would also now had, let's say Oka Point, let's say if we were able to lease that if we finally found something to be used in there we could start having an income source for that. As you can see it takes us awhile to go through an RFP process so even if I started the RFP process today I wouldn't think it's going to be concluded probably until the end of the year. And that if we find anyone that has an

interest. I mean if we got three people that are interested and none of them fit the bill we could reject this RFP and start over again because we don't like what the prospects are.

Chairman Pascual Sablan: Mr. Director, the income from the golf course are you using that income for the operations?

Administrative Director Michael Borja: Yea, it's going to the operations. Chamorro Land Trust does not get general funds.

Chairman Pascual Sablan: Maybe these anticipated revenue from the sale of the GTA and the GWA once we know that we can start allocating that this would go through this survey and this, because most of the land out there, and I stand to be corrected, but you have a lot of plot already prepared.

Administrative Director Michael Borja: Yes, exactly so we've done all the project, we've done all the master plans so I've already instructed the survey division to prioritize which ones we should go at first and determine where (paused).

Vice Chairman Joseph Cruz: You have a long range plans you can apply it to land registration mapping and if you have a short range plan apply it to a subdivision based on the criteria of what we have.

Administrative Director Michael Borja: Because the goal in the survey would be let's get the land registration surveys done.

Vice Chairman Joseph Cruz: where is the biggest problem at, the registration which is a raw land that we won't get a title on or a two hundred acres of lot that has so many encroachment of tenants so our problem is going to be there because we cannot facilitate our collection for building a lot and we're building a house to collect (inaudible).

Administrative Director Michael Borja: Well the place up in Yigo where there's a full neighborhood of unregistered lot, to me that's high priority. The unregistered land that nobody is barking about in the middle of the hills of Inarajan, that's kind of a lower priority. We'll get to that eventually but unless somebody's disputing it with us we can get to that later but there's other higher ones that we need to get at. There's a few other places that we got going on with the private property owners who are disputing certain areas. We want to get those things done too. But what we are looking at is not just using one surveyor but we go out with RFP and get at least two and we can evaluate them on their performance.

Commissioner Amanda Santos: What about John Blas issue out to people?

Administrative Director Michael Borja: That's what I'm talking about, that's still an unregistered land in Yigo that we (inaudible).

Acting Chairperson Pika Fejeran : Okay, let's wrap it up for this revenue priority. So it's sounds like the director we're asking you for a report of the anticipated revenue and the plan for that anticipated revenue. Then also that we, as a commission, would like to understand the operation side of our budget, how that works, where the money is spent, what those positions are.

Chairman Pascual Sablan: We need a master plan because if we know already that's there, the revenue, we can open that master plan and say do this, do that.

Administrative Director Michael Borja: Well our master plans are pretty much done. We have about 85 different master plans that we did throughout the island (in a lot of our properties) to accommodate the need for Rev and Tax to know the property number and the person who is on there and the size, and all the necessary information to be taxed. So these guys are already taxed based on our master plans. So we just give those master plans to the surveyors and say do it. That's what we want you to do.

Chairman Pascual Sablan: Another thing before we go further please we need to do something because we need to transmit it to the legislature and I think this is the best time about we need to (inaudible) our properties that we have identified as commercial. Look again, you see the paper that the property we have across JFK there's a Chamorro Land Trust there that they going to give it to the. . .

Administrative Director Michael Borja: No they are not going to give it to the DISID. It will always remain with the Chamorro Land Trust . The percentage will come to us.

Chairman Pascual Sablan: Why percentage?

Administrative Director Michael Borja: Well if you use the whole lot if this is that whole property there and you're is that part and yours is only 20% of the total, if they made a million dollars you get \$200,000 of it.

Chairman Pascual Sablan: That is my understanding in the paper that on our property we going to get only like half of it.

Administrative Director Michael Borja: No.

Acting Chairperson Pika Fejeran : So before the next commission meeting which will be in January, is that right? Can we maybe have a working session?

Administrative Director Michael Borja: Let's do that. What I recommend, Madam Chair, if you don't mind maybe we can have just a subcommittee and if you and I want to sit down and whoever else what's to be part of the subcommittee we can work on this thing and come up with the (inaudible) that we can present with everyone before the next meeting and be able to sit down and talk about it.

Acting Chairperson Pika Fejeran : I volunteer for the subcommittee. Are we okay with the subcommittee? We will open it up and whoever want to show. Maybe the second week of January, would that work?

Administrative Director Michael Borja: Okay.

Acting Chairperson Pika Fejeran : I think we can go on probably getting the handle of how the money works, and the department can help inform on the next priorities but there are a couple of pending things that I wanted to bring up and kind of get us ahead of the curve. One of them is the *Hatdin Hamit* Chamorro.

Administrative Director Michael Borja: That's a good one to bring up. I just wanted you guys to know I've invited Zita Pangelinan and several Senators I just need to reconfirm with them to go out to the site visit tomorrow at 1:00. And if you guys are interested we will take you all out there. We do need to sit down with this because of this law we have to create a process for determining the use, and who can use this area and *Hatsan Foundation* is supposed to be a major player in that prospect and Chamorro Land Trust will be the controller of the property but not the. . .(paused).

Commissioner Amanda Santos: You're going to make them lease the property?

Administrative Director Michael Borja: Well that's what we have to determine. And then what I wanted to show these Senators, I invited Speaker Won Pat, Senator Barnes and Senator Ada. Speaker Won Pat has been a big push behind the lot of the *Amot* process and she was one of the sponsor and so is Senator Barnes and they are both outgoing so I just want to kind of let them know. Senator Ada was the prime sponsor of the bill as well so I'm just waiting to hear from them on whether they want to go.

Acting Chairperson Pika Fejeran : Another one is the GEDA MOU, I know we were revising it.

Administrative Director Michael Borja: Yea, I have not spoken to the GEDA folks to move on that. We were doing the same thing with them on the Ancestral Land Commission I think we were going to try and do what we can to manage our own properties and we probably do the same with them and just use them for the RFP as needed and we'll pay them for that.

Acting Chairperson Pika Fejeran : I know we're not moving forward on the properties that were approved for commercial lease (inaudible) to the legislature. That's kind of where everything stopped?

Administrative Director Michael Borja: We did three.

Acting Chairperson Pika Fejeran : We haven't gone further.

Administrative Director Michael Borja: We can take the other properties that were that went through the public hearing process. . .

Acting Chairperson Pika Fejeran : I'm talking about the three.

Administrative Director Michael Borja: No, we haven't gone beyond anything. That's what I'm saying.

Acting Chairperson Pika Fejeran : And that's what we're waiting for GEDA MOU?

Administrative Director Michael Borja: Not necessarily, no. We don't have to like, for example, the property to be used for the subdivision that's going to be a project that we do an RFI and then the RFP but yes the one in Upper Tumon we can probably work one on one with GEDA to start on that one. The other one in Yigo we can't do anything there until the end of February because the people who are currently on there we told them to get out it's the International Bridge Company (IBC) and they agreed to move they just want until February to do so. So we did a site inspection yesterday and they pretty much, I think they moved some stuff out, but they definitely, completely organized the place to be processed out.

Acting Chairperson Pika Fejeran : Just circling back to the commercial properties that we can actually look forward maybe we can put that on the agenda item for next time once we wrap our hands the revenue and funding we can move forward.

Chairman Pascual Sablan: Do we need to do that to be in the agenda?

Administrative Director Michael Borja: To approve the rest of those properties. Yes.

Acting Chairperson Pika Fejeran : I'm sorry I'm not talking about the rest of the properties I'm talking about the three that have already been through the whole process and is waiting for us to issue RFP. Those are the three I'm talking about and I would like on the agenda items so we can discuss what the RFP would include.

Administrative Director Michael Borja: there's eleven properties and we decided on the three. That's eleven minus the Lajuna and we decided on three so there eight remaining.

Acting Chairperson Pika Fejeran : Okay, let's put it in the agenda. We have to put it in the agenda and send it to the legislature.

Vice Chairman Joseph Cruz: Make a motion.

Chairman Pascual Sablan: I make a motion to go over all those to transfer because I believe that once we transfer that to the legislature whether they act or not (inaudible).

Acting Chairperson Pika Fejeran : The last pending that I have is the *Sagan Kotturan Chamoru* we gave them the right of entry until the end of January.

Administrative Director Michael Borja: Right, so the deal there is that there are twelve bills that dealt with Land Management, ten of them made it and they probably all going to become public law. The way the *Sagan Kotturan* bill reads is that it designates the same parcel of property for this cultural center known as *Sagan Kotturan* but it leaves to the Chamorro Land Trust Commission the process of determining who can be in there and I'm happy they did that. It didn't set any specific organization. There is already rules and regulations governing the use of cultural center lands that's how we are managing the lands that are used as cultural centers in Dededo behind Wettengale. The Koreans are over there. The Palauans are back there and that was the lands they designated for cultural centers and there's rules and regs that tells you how much you got to pay for rent per year. So it's already established. My suggestion is we just follow the same rules and regs. Why come up with something different. You can't discriminate it like that.

Acting Chairperson Pika Fejeran : Can I get a copy of that. I guess in January can that be an agenda item so we can look at what the rules are and if that's the way forward.

Administrative Director Michael Borja: Sure, like I said it's not public law yet that I know of but once we know it's the public law we can definitely move on. I discussed with my staff all the bills and determine what recommendation I should give to the governor with the fact almost all the senators was a sponsor for every one of those bills there's no chance of it to be vetoed.

Acting Chairperson Pika Fejeran : I think that kind of brings us to the end of the Chamorro Land Trust strategic plan discussions. We pick up next week on the item and working session to occur between that time. Any other comments? Questions? Okay let's move up to the Director's Report.

VII. DIRECTOR'S REPORT

Administrative Director Michael Borja: The only thing I wanted to talk to you about was this issue with the OPA's report and there's really not much more that's coming around. The other bill is the Chamorro Shrine and that's also used the property up in the Ypao Point. It only said that it has to be something no more than five acres and not less than two acres and it had to be contiguous with the *Sagan Kotturan*. And it has to be an access easement. So I got an ideas how I think we can do it and we'll try to play with that and go with it. Now there's supposed to be DPR is supposed to come up with the plan within 180 days and I don't think the plan is going to say anything about. . .we're going to tell them how much land they can play with. However, they have some land at Two Lovers Point and I'm going to pursue to get some of that land from DPR in exchange for this property that they took away from us to use.

Acting Chairperson Pika Fejeran: Okay thank you Director. Next item. Commissioners' Comment, any comments?

Commissioner Amanda Santos: How about this illegal squatters when are we going to touch base on it?

Administrative Director Michael Borja: Well that's one of our compliance and audit things. We want to. . .(paused).

Commissioner Amanda Santos: Getting money from the Land Trust land, sublease, Chamorro Land Trust land.

Acting Chairperson Pika Fejeran: You know, that's another priority, compliance and enforcement are very. . .(paused).

Commissioner Amanda Santos: When we drive around sometimes we see Koreans, Chinese planting, not Chamorros, and the land belongs to the Chamorros.

Acting Chairperson Pika Fejeran: 2017 is our year.

Chairman Pascual Sablan: Mike, you mentioned the unregistered Chamorro Land Trust cannot be leased out, are they?

Administrative Director Michael Borja: No the law says, that we shall not lease or do anything with an unregistered lands. It might belong to the Government of Guam, it's not under Chamorro Land Trust even though it's supposed to be it has not been property identified legally as what part of it belongs to the Government of Guam.

VIII. COMMISSIONERS' COMMENT

Acting Chairperson Pika Fejeran : Next item Commissioner's Comments. Any comments?

IX. ADJOURNMENT

Pascual Sablan moved to adjourn the meeting. **Amanda Santos** seconded the motion. Meeting adjourned at 3:06 p.m.

Acting Chairperson Pika Fejeran: All in favor say aye.

Transcribed by: Ruth Sakuma, Administrative Assistant: _____

Approved by Board motion in meeting of: February 2, 2017

Michael J.B. Borja, Administrative Director: _____

Date: _____

Acting Chairperson Pika Fejeran: _____

Date: _____

