



Eddie Baza Calvo
Governor

Ray Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

Rev. 03/17/2017

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

Tuesday, October 2, 2018; 1:07 p.m. – 5:30 p.m.

Public Notice: The *Guam Daily Post* on September 25, 2018 and September 28, 2018

I. CALL TO ORDER: 1:07 p.m.

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman Pika Fejeran, Commissioner Amanda Santos, Commissioner Austin Duenas, Commissioner Shawtel Techaira, Assistant Attorney General Nicolas Toft, Administrative Director Michael Borja

Not Present: Vice Chairman Joseph Cruz

III. APPROVAL OF MINUTES

Chairwoman Pika Fejeran: States the August 16, meeting minutes were given at the September 20 meeting and had some time to review. Asked the Commission Members if they have any comments.

Chairwoman Pika Fejeran: comments, on the August 16, meeting, would like to see the items that were placed on the agenda that were not discussed and scheduled to be addressed for the next meeting on the minutes.

Administrative Director Michael Borja: confirms and is noted

Private Secretary Tina Jocson: acknowledges

Chairwoman Pika Fejeran: states the September 6 and the September 20 meeting minutes were just received in the morning and would like to table those minutes for the next meeting schedule for October 18, 2018.

Chairwoman Pika Fejeran: would like to ensure the packets for the commissioners are received a few days prior than the morning of the meeting. Most of the commissioners have full time jobs and it becomes difficult for the commissioners to review.

Chairwoman Pika Fejeran: informs Administrative Director Michael Borja that she sent an email in that regard.

Administrative Director Michael Borja: Acknowledges.

Chairwoman Pika Fejeran: Moving on to the next item on the agenda, Old Business.

IV. OLD BUSINESS

Chairwoman Pika Fejeran: The Old Business includes the review of the Resolutions based on the motions that were passed on the last meeting (September 20, 2018).

Suggested to take a few minutes for the commission to read the resolution.

The first resolution is Resolution No. 2018-08, Declaration and Ratification of Residential and Agricultural Leases.

Chairwoman Pika Fejeran: asks Administrative Director Michael Borja if the resolution is a revision of the previous resolution that was provided at the last meeting (September 20, 2018).

Administrative Director Michael Borja: in response to Chairwoman Fejeran's question. Yes, it is.

Chairwoman Pika Fejeran: no part on the agenda for public comments and asks the commission members if they want to discuss public comments before going right into the discussion of the resolutions; asks for a public comment sign in sheet.

Chairwoman Pika Fejeran: Calls Trini Torres

Trini Torres: speaking in the Chamorro language is requesting to be given a copy of the meeting packet so she herself as well as others can know and understand what the commission is discussing and provide any comments if need be.

Continues to justify why she is asking for the full packet of the meeting materials.

Chairwoman Pika Fejeran: refers to Administrative Michael Borja and Assistant Attorney General Nicolas Toft in regards to what was done in the past, prior to her sitting in the commission.

Administrative Michael Borja: in response to Chairwoman Fejeran's question.

Minutes does not get posted on the website until the commission approves them.

Staff reports are for presentation from the staff to the commission, it is the privilege of the commission to review them (referring to the packets) first.

Chairwoman Pika Fejeran: in response to Trini Torres' request, asks Administrative Director Michael Borja if there are some documents that can be release to the public along with the agenda such as bills from the legislature; other documents are understood should be reviewed by the commission first prior to releasing.

Chairwoman Pika Fejeran: calls Josh LG.

Joshua Leon Guerrero: states his name and is present because he wants to follow up on his application status. He applied in 2015 but did a switch with his uncle who applied in 1995. He went through the whole process to switch with his uncle.

Chairwoman Pika Fejeran: in response to Joshua Leon Guerrero's status. The commission has not addressed the switched list yet, but will be soon and advised that no new leases have been issued at this time.

Chairwoman Pika Fejeran: calls Lasia Casil

Lasia Casil: States her name and informs the commission her is also a CLTC applicant who applied in 1995, she has a Power of Attorney for her father and would like to follow up on her father's application status as well.

In addition to her comments, will all the technology we are offered today; she suggest for the CLTC meetings to be streamed live on Facebook.

Chairwoman Pika Fejeran: agrees Lasia Casil in regards to getting all the information out to the general public and asks Administrative Director Borja if any of the commissions or departments use Facebook.

Administrative Director Borja: in response to Chairwoman Fejeran, no, we (referring to CLTC, GALC and DLM) don't use Facebook.

Chairwoman Pika Fejeran: states she would like to have the audio version of the meeting posted on the website and at the same time post the meeting packet at the least so the beneficiaries can view what the commission viewed and discussed as well.

Chairwoman Pika Fejeran: asks Administrative Director Michael Borja to consult with the Office of Technology regarding live streaming or broadcasting.

Chairwoman Pika Fejeran: calls Anjolisha Aguon

Anjolisha Aguon: states her name and is following up on the status of the road access to her Father in law's property.

Administrative Director Michael Borja: responding to Anjolisha Aguon, The Office of the Attorney General of Guam filed with the Superior Court of Guam a summons and a complaint on Mr. John LG Benevente on September 28. They served or attempted to serve the documents to Mr. Benevente but he refused to sign the received documents but the server noted it was delivered to him. There is a summons and a complaint which request for his appearance to the Superior Court of Guam to discuss the issue.

Mr. Benevente has 20 days from the notice of complaint issued to him to appear before the court. It is the legal remedy necessary to cease the blocking of the easement and is being done in conjunction with DPW and Department of Agriculture.

Anjolisha Aguon: asking what day was the notice issued

Administrative Director Borja: it was issued on September 28.

Anjolisha Aguon: states she just wants to know how much longer. Basically just wants to get an idea of how much longer. It's really hard for her and her family to not be able to gain access, even after the typhoon and asked about his lease so her father in law can connect power and water.

Administrative Director Michael Borja: in response to Anjolisha Aguon, the easement exists but the individual is hindering access to everybody.

Anjolisha Aguon: reconfirms the waiting period of 20 days to hear back from the Office of the Attorney General and CLTC.

Chairwoman Pika Fejeran: asks if it is calendar days

Assistant Attorney General Nicolas Toft: in response to Chairwoman Fejeran's question, it should be calendar days.

Chairwoman Pika Fejeran: states he (referring to John LG Benevente) has until October 18th to respond.

Chairwoman Pika Fejeran and Anjolisha Aguon ask what happens in the event he does not appear in court

Assistant Attorney General Nicolas Toft: if he did not appear most likely a default judgement would be applied for an intern then the subject of the complaint which is a permanent injunction against him interfering would be issued. That would be used by any government, such as Department of Public Works, Guam Power Authority and if necessary GPD (Guam Police Department) as well.

Anjolisha Aguon: states okay and asks, when the road does open, they (referring to GPA) would bring in another power pole.

Chairwoman Pika Fejeran: replies to Anjolisha Agon and informs her she would have to obtain a Utility Authorization and inquire with GPA.

Chairwoman Pika Fejeran: reconfirms her father in law, Gregory Aguon is the lease holder and he has a lease

Anjolisha Aguon: replying to Chairwoman Fejeran's statement, no he does not have a lease. He had a lease, it was just at the final stages of the signature process then it was voided when the Barrigada Heights topic came out.

Chairwoman Pika Fejeran: corrects Anjolisha Aguon and restates that NO leases have been voided.

Anjolisha Aguon informs Chairwoman Pika Fejeran that her father in law's lease now has an X.

Administrative Director Borja: chiming in and states, he (Gregory Aguon) never had a lease issued to him. We (referring to CLTC) was in the process of doing it until all of this (referring to the Barrigada Heights Controversy) came out.

Chairwoman Pika Fejeran: asks Administrative Director Michael Borja, if there is a list of those leases that are in the same process as Gregory Aguon.

Administrative Director Michael Borja: in response to Chairwoman Fejeran's question, many of those leases are a part of the existing list. They were entered once his (referring to Administrative Director Borja) signature was on the lease. Once this (referring to the CLTC

Board of Commissioners) board stopped everything, we (CLTC Staff and Management) halted contacting the lessee to finish signing off.

Chairwoman Pika Fejeran: in assumption once the resolution to ratify the leases are passed, you (referring to Administrative Director Borja and his staff) will continue right where leases were left off.

Administrative Director Michael Borja: in response to Chairwoman Fejeran's statement, based on your (CLTC Commission) direction.

Chairwoman Pika Fejeran: requesting for a list of all leases that were just about to be completed through the signature process but was stopped because of the current situation CLTC is in.

Administrative Director Michael Borja: in response to Chairwoman's request, a separate list will be prepared.

Chairwoman Pika Fejeran: Calling on anyone else for public comments.

No one response.

Chairwoman Pika Fejeran: moving back to Old Business, the resolutions, Resolution No. 2018-08; requesting for time to read through the resolutions.

After taking some time out to read through Resolution No. 2018-18; Declaration and Ratification of Residential and Agriculture Leases

Chairwoman Pika Fejeran: asks Administrative Director Michael Borja about Resolution No. 2018-18

Administrative Director Michael Borja: Resolution No. 2018-18 is to memorialize the ratification of Residential and Agriculture Leases that you (referring to Chairwoman Pika Fejeran) did at the last meeting, which talks about the 2,877 leases and if approved it will be transmitted with Resolution 2018-10; Declaration and Request for Legislative Validation of Ratified Residential and Agricultural Leases; and for Legislative Authorization and Ratification of Leases Issued from Switch Application Date & Time.

Chairwoman Pika Fejeran: states 2018-08 does include the discussion of the null and void, 102, asks if it's the right place to list it or should it be on a separate resolution.

Administrative Director Michael Borja: states he included it into Resolution 2018-18 because it was a part of the discussion. It is basically a summary of what all the numbers consist of. Resolution 2018-10 that will be discussed later, specifically goes into the 102 and the justification of all those leases (referring to the 102 Null and Void Leases).

[Discussion ensues]

Chairwoman Pika Fejeran, CLTC Board of Commissioners, Administrative Director Michael Borja and Assistant Attorney General Nicolas Toft continue to actively go over the resolutions and exhibits stated on the resolutions with suggestions and edits.

In conclusion to the resolution discussion:

1. Chamorro Land Trust Commission Resolution No. 2018-18; Declaration and Ratification of Residential and Agricultural Leases

- a. Memorializes the broad approval by motion from the September 20, 2018 meeting to ratify 2,877 residential and agriculture leases categorized as:
 - i. 1995 Original Applicants with Leases
 - ii. Transferred Leases Permitted by Public Law 23-38
 - iii. 1996 and After Applicants with Leases
- b. Motion to approved: PASSED Unanimously
- c. Resolution to be transmitted to the Guam Legislature to include the listing of 2,877 leases and packet of lease review

2. Chamorro Land Trust Commission Resolution No. 2018-10; Declaration and Request for Legislative Validation of Ratified Residential and Agriculture Leases; and, for Legislative Authorization and Ratification of Leases Issued from Switch Application Date & Time

- a. Requests Guam Legislature to validate those 2,877 residential and agricultural leases ratified by the CLTC Board of Commissioners, as memorialized in the CLTC Resolution No. 2018-08
- b. Requests Guam Legislature to authorize and ratify the 102 residential and agricultural leases issued from switched application date and time which the CLTC Board of Commissioners are not authorized to ratify
- c. Motion to approve: PASSED Unanimously
- d. Resolution to be transmitted to the Guam Legislature to include listing of 102 leases and their associated staff reports

NEW BUSINESS

Chairwoman Pika Fejeran: Moves on to New Business

Review of 21GCA, Ch75 & PL 23-38

Declaration and Request for Legislative Revisions to Title 21, Guam Code Annotated, Chapter 75; and The Senator Paul Bordallo Rules and Regulations for the Chamorro Land Trust Commission, enacted as Public Law 23-38

Chairwoman Pika Fejeran: states during the last four months, they (referring to the Commission) feels the Chamorro Land Trust Act and the Rules and Regs needed to be clear. It needs to be practical so in the future, the current situation is prevented.

Chairwoman Pika Fejeran: asks Administrative Director Michael Borja if Resolution 2018-09 will be reviewed as drafted.

Administrative Director Michael Borja: in response to Chairwoman Fejeran, yes, you can. The resolution was started off with Chapter 75 in Title 21 GCA; however, the bulk of the draft is from the Rules and Regs.

Administrative Director Michael Borja also explains in detail what is stated on Resolution 2018-09 to include specific items that CLTC encounters overall, such as, the first come first serve as one of the major items.

Chairwoman Pika Fejeran: asks Administrative Director Michael Borja in regards to the revision, 21GCA, Ch75, The Chamorro Land Trust Commission §75109(a) The lessee shall designate the person or persons who he directs his interest in the tract or tracts to vest upon his death. It doesn't say anything about the person to be qualified.

Administrative Director Michael Borja: in response to Chairwoman Fejeran's statement, It was typed out verbatim, but in the whole start of Ch75, it talks about the qualifications that continues on from successor to lessees, as it also states on the original law, has to be vested upon someone who is qualified to be a lessee into the Chamorro Home Lands.

[Discussion ensues]

In review of 21 GCA, Chapter 75; and, The Senator Paul Bordallo Rules and Regulations for the Chamorro Land Trust Commission, enacted as Public Law 23-38

- a. Board of Commissioners, with the advice from the Administrative Director, Legal Counsel, and staff, reviewed the two laws to recommend changes to the Guam Legislature that would modify them to be more practical and to prevent the issues currently entangling the issuance of leases. Items discussed included:
 - i. Beneficiary designation
 - ii. Clarification on applicant's declination of offered property
 - iii. Transferring or switching application rights
 - iv. Intent to award notices and publication
 - v. Board approval of listing of eligible applicants ready to be assigned a lease
- b. Due to time, review will continue at the next meeting. No board action was taken.

The following Bills were reviewed and are pending legislation affecting Chamorro Land Trust Commission:

- a. Bill No. 336-34: UOG Hatchery Land Expansion
 - i. CLTC PASSED motion requesting modification of the bill to include:
 1. UOG must survey of the desired land to be taken, if approved
 2. Appraisals of the taken land to determine the fair market value shall be Based on the value of Lot 2517-17 since the facility is already encroaching
 3. UOG provide in-kind services to the CLTC based on the value of the property taken
- b. Bill No. 341-44, Exchange Gef Pago with Ija Inarajan: Staff to provide further details of all affected properties

- c. Bill No. 342-34, Raceway Park
 - i. CLTC Passed motion requesting modification of the bill to include:
 - 1. Conditions of the lease must comply with 21 GCA, Chapter 75, Section 75122, Commercial Leases and Licenses
 - 2. Lot area not be counted towards the CLTC commercial inventory because it is designated by the Legislature and not by CLTC
- d. Bill No. 349-34, GTA Piti Leased Lot Correction: Board informed of necessary correction to properly identify the leased lot that was erroneously described in the approved and authorized GTA Asset Purchase Agreement in 2004.
 - i. Tabled for next meeting scheduled for October 18, 2018
- e. Bill No. 350-34, Ko’Ku Recycling Payment: Board informed that this bill is similar to an earlier Bill No. 98-34
 - i. Tabled for next meeting scheduled for October 18, 2018

Next Meeting scheduled for Thursday, October 18, 2018, 1PM, DLM Conference Room

Meeting Adjourned at 5:30PM

