Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

Rev. 2/27/2017

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Buidling, Tamuning
Thursday, February 16, 2017; 1:03 p.m. – 4:19 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:03 p.m. by Chairwoman Pika Fejeran.

II. ROLL CALL

Present were Commissioner Pascual Sablan, Commissioner Amanda Santos, Legal Counsel Kristan Finney, Administrative Director Michael Borja, Chairwoman Pika Fejeran. Chairwoman Pika Fejeran announced that Pascual Sablan had stepped down as a Chairman and thanking him for his service.

Former Chairman Pascual Sablan's Remarks:
I would like to take this opportunity thank each and every one especially the management and the staff and of course the legal counsel for all their support during my tenure as a chairman. It's a must that I step down because of health problem really, nothing else. I really enjoyed and there's a big task ahead of us and I believe we can overcome that by facing the task and getting the support from the management and the staff especially Chamorro Land Trust. I thank each and every one of you folks it's a regret but a must that I step down. I'm very concern about Chamorro Land Trust. There's a lot of things that we have to face and overcome, address and solve the problem. I stepped down as a chairman but I like to stick around and I ask the director, Mr. Borja, to really encourage the Governor to appoint someone to take my place. The reason I'm sticking around is I know we are having a problem meeting a quorum like now. During my absent there won't be a quorum so that's the reason why I'm still around but as soon as the governor appoints an individual is confirmed I can submit my resignation maybe 2-3 month from now when I know what would be the best way to approach it. Because once I put my resignation effective date and there's no new appointment then there will be a problem again. One thing I really enjoy is working with Mr. Borja he's a very competent director and I think he's the best so far that knew and I came across and thank you Mr. Borja. We are very fortunate to have a legal counsel also and in fact, I have here the clipping from the last GLUC despite of your advice they just went ahead. I was there (before) and we didn't have a legal counsel. Thank you to all the staff for all your help and support. Thank you again. I don't want to prolong the meeting just for…it hurts really but it's a must because my health and my wife's. Okay. Let's start. Thank you. If you need help…prayers will always be with you people.

Chairwoman Pika Fejeran: Thank you Mr. Sablan. I'll do my best and I'm glad I was able to sit on the commission when you were the chairman because I definitely learned a lot from you and to move us forward hoping to do you proud!

Administrative Director Michael Borja: and I have spoken to the Governor's office to get some new folks nominated as soon as possible. So we're working on that.

Commissioner Pascual Sablan: Thank you.

III. APPROVAL OF MINUTES – February 2, 2017

Chairwoman Pika Fejeran moved for the approval of Regular Meeting Minutes of February 2, 2017. Commissioner Amanda Santos moved for the Minutes to be approved based on corrections. Commissioner Pascual Sablan second. There was no objections. Motion passed subject to correction.

IV. PUBLIC COMMENTS

Chairwoman Pika Fejeran: Next item on the agenda I have Public Comments and I have the Public Comments sign-in sheet up here. Baltazar Jerome Bordallo Bell. Are you present? Please state your name for the record.

1. **Baltazar J. Bordallo Bell**: Yes. My name is Baltazar Jerome Bordallo Bell. I'm the son of Osmond Bordallo Bell, otherwise known as Pumpkins. I'm here because I have a vested interest in one of the properties being discussed today. I was recently contacted by the Chamorro Land Trust Commission to be offered to take over my mother's ranch in Nevermind Road. I was surprised. It's been a long time since she was a farmer there and I had no interest as a youth to be a farmer or gardener neither did she until my grandfather died and she took over his trees and his garden and ranch in Perezville. I didn't understand why that was important at the time, but now I do. She was important enough to have a ranch, an empty property on Chamorro Land Trust land that she turned into a ranch and with her own hands and with a help of her common-law husband they built a foundation figuratively and literally out of concrete and it was a foundation for a wooden house that is no longer existing because the above ground is in permanent structure but I suggest I will take that land because it would kill me to know I just pass on that opportunity for our family. Knowing that ranching, farming and gardening. These are all really labor intensive and big commitments that I have no experience in but I'm willing to learn and I'll take that responsibility and go on with it and prepare the next generation to my family not through my own future kids but for my nieces and nephews that I'm willing to take that on. I know now that although again this is relatively recent there's has been a lot of contesting or other people wanting this land. I know that there's a gentleman who has been squatting there and if I understand correctly is refusing to leave. I'm not concerned whether or not how that's going to end. I know that Chamorro Land Trust has to make sure he's gone

otherwise there's no point in having a Chamorro Land Trust if you can just move in and squat there will be a big land grab. People ignoring the long list of families that have been on the waiting list for decades. I just look at that as a delay. But what is more concerning is very recently, in fact, this week I was told that there's another residence of Nevermind Road who is contesting whether or not I should be able to inherent the land, I believe he's also the person who had advised this Mr. Manibusan that he can just simply move in without even checking with Chamorro Land Trust. I understand now there's a third party that's actually saying that's their land. That is very shocking to me and concerning but I think with the board we'll go through paper work go through records. I believe there will be written oral testimonies from people that are familiar with my mother and her property and can give hopefully testimony on what was hers as far as what land is given to her legally. What she has built. I know there is sometimes issues that people are told that is theirs and they start building on it and then later find out they were given the wrong property to build on it and that makes an issue of who really deserves or maybe not deserves it but has the legal right determine what to be done with it. I think I've exhausted my concerns and I've told everyone everything I feel needs to be said. I leave it in your good hands. Thank you.

Chairwoman Pika Fejeran: I have a question, who was the land agent who's working with Mr. Bell?

Margarita Borja (CLTC): Jose.

Chairwoman Pika Fejeran: And this will come up with another agenda item. Thank you Mr. Bell so the property that you are referring to is on our agenda so we will get to that. Thank you for your comments.

2. **Alfredo Lastimoza**: Good afternoon. My name is Alfredo B. Lastimoza. I have a lot that is given to me in Dededo by the Batulu Fanihi Road going in. I've been in the lot for over a year already and my brother lives in the lot behind me so we've had it surveyed, cleared out, back hoe and everything and I had canopy there set up. The next step is for me to develop the arrangement there so I asked the commission to give me authorization for utility so I was given that. So I went to Water Works and I spoke to a Maureen McDonald and she told me that in order for me to be hooked up with a meter I have to go to Public Works to get a building permit so I went to DPW and spoke to one of the guys there and he told me in order for me to get a building permit I have to get a structural blueprint. He said if I do I get that and I went and check made a research so I did and there was one in the phone book for $1,500 and $3,000 just for person to draw up a blueprint. I went back to Waterworks and talked to Maureen there in Engineering and I also spoke to Vince Laguana from Planning and he specified a situations like this usually from the Land Trust so they both are teaming up on getting with your guys to get some kind of a way to help us with the process of getting a utility. Not only water but power. This includes my brother here who's here listening. He has a lot also he's in the process of developing so as well as other people that are entering their lots to live on. My concern and issue today is that I paid my place to be surveyed and also paid for backfill or clearing of the land and to record and all that and I end up stopping this situation. I also got a letter from Governor Calvo dated 2015 saying that he's willing to help but they vetoed, I don't want to mention a

senator, but he stopped. So I spoke to Margret about this so she's well informed about it. Maureen said she will send the email but Margret said there's no email yet. So if this is resolved with water it will also affect the power so the utility (inaudible) so we can continue our lives with a decent structure, a decent place to live that the commission has given a lot to live on.

Chairwoman Pika Fejeran: So if I'm understanding correctly you're feel like you're stuck right now. You can't move forward. You have a residential lease?

Alfredo Lastimoza: Yes, residential. That makes it harder because you know agriculture is a lot easier for utilities because my experience is, what I researched is they didn't have to go to all those process to get power and water. (reading from a brochure from Chamorro Land Trust) I'm not here being negative I'm just laying it on the table.

Chairwoman Pika Fejeran: Sir, I appreciate that you read from the brochure and we are well aware of our Mission's Statement and objectives. Unfortunately, in order to build a house you do have to abide by regulations set up by DPW, GWA, and GPA. Have you explored looking into Guam Housing, they offer a loan program to help you put those plans together and secure funding in order to build a house that DPW will approve and sign off on your. . .(paused).

Alfredo Lastimoza: With that process of loan there got to be a mortgage with the bank. Right? So I don't want to have anything to do with it. I just want to move in to my land that is given to me to access, to develop, to get water and power. I have a family living with me. I got my son, my granddaughter, my son's wife . . . three year old girl and so here we are in that land for over a year and still we haven't have utilities. I'm still cleaning, I'm still developing and I'm still trying but all these things I'm facing is like... I'm glad I have a job. I can afford certain things but what if the person doesn't have a job who's on Food Stamp and welfare and given a Chamorro Land Trust place and doesn't have money to do all these things. They probably give up. It's an obstacle, it's a big obstacle I see that and I'm not only talking for myself I'm pretty there's other recipients of land that are on this same situation, same. I know the last typhoon we have, I've even got the blueprint from FEMA here. I brought it in and I didn't know but a guy gave it to me 2008 but when I called recently they said he died from Public Works. I brought in the blueprint and they guy said "where did you get that"? So the guy took it in because his boss called me in and asked me "where did you get this"? But we stopped doing this since '08 because people are using it, abusing it and so we stopped. So it's a blueprint made like I have it here.

Administrative Director Michael Borja: Have we been in discussions with Waterworks to talk about his water hook up?

Margarita Borja (CLTC): Yes, according to him, he said Maureen had emailed and then I went ahead and checked and I had not received an email.

Administrative Director Michael Borja: Okay, we'll follow through on this and find out what the issue is with Waterworks in getting water hookup. Now in these circumstances you

know it's not our currently responsibility right now, because there is no funding to do any infrastructure installations like water and power. But you do give you utility authorizations and we will work with Guam Waterworks to find out what the issue is in getting your water hook up and the power as well. So we need blueprint just to get water hookup?

Margarita Borja (CLTC): Yes, because he's in a residential lease so in order for them to process they need . . .

Administrative Director Michael Borja: But if it was an agriculture lease the water meter can be installed. Is that whole area only for residential leases no agriculture?

Margarita Borja (CLTC): That was the whole intent of that subdivision and there are some maybe that were issued agricultural leases I just got to double check.

Alfredo Lastimoza: Based on my research I did, the meter will cost $600, and the pipes is like $2,000 something for SNC and water is more expensive than power because power is just pay for installation and then the meter so forth.

Administrative Director Michael Borja: I know, I had some discussions with the General Manager of the Guam Power Authority and in our discussions he mentioned the fact the fact the Consolidated Commission on Utilities wants to start looking at avenues and ways to get services to get Chamorro Land Trust lands. They got a new commissioner on board who is very advocate about that as a priority so there's something we can work with them on that as well. But we will have Margarita touch base with GWA (inaudible).

Alfredo Lastimoza: (inaudible)

Administrative Director Michael Borja: We understand your plight and unfortunately you're not the only one in this, it's everybody and it's an issue we continue to deal with and we're trying to find ways to get this thing done throughout the island.

Alfredo Lastimoza: Thank you.

Chairwoman Pika Fejeran: Next item on the agenda is Old Business.

V: OLD BUSINESS

Chairwoman Pika Fejeran: Did you have anything, Director?

Administrative Director Michael Borja: I was going to talk about the cultural center. We issued them the letter explaining that we've accepted their request to reserve and laid out the conditions that were necessary for them to enter into an agreement. So what I have for you today to look over is the Resolution we did that we're going to sign that we agreed from the last meeting. You want to go over that now?

Chairwoman Pika Fejeran: Were you going to do it in the Director's Report? We can do it. Okay next item on the agenda is New Business.

VI. NEW BUSINESS

1. Peter James Rosario Manibusan – Order to Cease and Desist

Jhoana Casem (Chamorro Land Trust): Good afternoon Commissioners before you we have Peter James Rosario Manibusan. This is the area (showing the map) that Mr. Bell that came before us was discussing which is on Nevermind Road. This area is the portion of Track 10316, Lot 11, Lot 4. So going over the chronological facts Mr. Manibusan's agriculture application date and time was for December 8, 1997. On October 12, 2016 a site inspection was conducted where myself Ms. Stephanie Duenas, Mr. Arnold Jose discovered Mr. Manibusan occupying all of this property.

Chairwoman Pika Fejeran: Sorry, question. Where you guys just passing by or how did you come up on this?

Jhoana Casem: The reason why we came about this area was because Mr. Bell came before us indicating that his mother preoccupied the land so we were doing some research where possibly his mother was pre-occupying when we came about this area.

Chairwoman Pika Fejeran: Did she have a lease?

Jhoana Casem: She has an LUP (Land Use Permit) so it was something that was in search of the area but not specifically this exact area. It was something where I believe Mr. Jose and Mr. Bell were in discussion as to possibly where they were before but not (inaudible). So upon us coming to this area we did discovered that there was somebody on the property which was Mr. Manibusan so that's what happened back in October of 2016. Now on October 2 of 2017 another site inspection was conducted where Land Agent's John Gumataotao and Arnold Jose were approached by Gregory Schacher and Mr. Manibusan in front of the subject property. Again on February 6, 2017 the Land Agent Supervisor Mr. Leon Guerrero along with Mr. Glenn Eay and Arnold Jose attempted to deliver a document Order to Cease and Desist Notice to Mr. Manibusan however he was not present and a copy of the notice was left on the padlock on the front gate. Again, the following day, February 7, 2017 Mr. Eay and Mr. Jose attempted to deliver the same document however Mr. Manibusan wasn't present and another notice was left on the front gate. And lastly, on February 10, 2017 our supervisor Mr. Leon Guerrero and Mr. Jose attempted to deliver the document again and he wasn't present therefore they left another notice. So I believe in the Inspection Reports he did our first initial ones as well as the pictures that were documented there and so all attempts were made to try to deliver this document to Mr. Manibusan so I believe we have him here present along Mr. Schacher.

Chairwoman Pika Fejeran: Before we get into that, I just to get familiar with the area. Are there leases in the lot adjacent or what's the status of the land? Currently right now what's

highlighted is a one acre which was through a Master Plan which Lydia Rivera is currently the occupant there as you can see. That's her structures and she has a lease with Chamorro Land Trust based on our Master Plan, because she has a one acre that's how we divide it. We cut out the area at that time. However, just recently we did have someone, Ms. Frances Quichocho, who currently has a lease within a 10122 which was a subject lot prior and she does have a lease and she did come forth indicating that she has been aware that Mr. Manibusan has been occupying there and that she and her family were there in this subject lot prior. The reason being that they are not there currently the house was burned at one point and that her and her husband were undergoing medical that's the reason why they vacated the premises. But they did specify that at one point there was a house there but it was burnt down so now I believe present they've been trying to come back, however, they've been...Mr. Manibusan is occupying the premises.

Chairwoman Pika Fejeran: And it's the same subject lot, the right side of Mr. Rivera's portion lot.

Administrative Director Michael Borja: So what we have here is an individual who has a lease for one acre. An individual who is the beneficiary of someone with the land use permit that is in the similar area but never came forward to transfer into a lease and a person who has no lease, Mr. Manibusan, but is occupying the land.

Chairwoman Pika Fejeran: And Ms. Quichocho who says she was there prior to Mrs. Bell and she has a lease?

Jhoana Casem: She has a lease for portion of 10122. She's not in this area.

Margarita Borja (CLTC): She does have a lease though. Not knowing that she was occupying that area we probably placed her in another area.

Administrative Director Michael Borja: Okay, so she has a lease but she's not using the land so if we needed to move her and she's willing and agree to another location we can work that out. But in the meantime we have two people who have bonafide rights to the property but three people who are claiming it.

Margarita Borja (CLTC): I guess what we need to find out basically is to confirm that Rosa Mandy Bell was actually located there. We confirmed it from one of our staff, Joff Aguon, confirmed that Ms. Bell was there but with this individuals now coming out and claiming that...(paused).

Administrative Director Michael Borja: But if again in this case Mr. Bell is the beneficiary of his mother and this is the area but it's not been used for many years as well and if he's willing to be relocated to a different lot of a similar size to match the LUP then we can work that out with him. So what does leaves us with is basically an individual who doesn't have a lease but is erecting a residence there and now we need to find out why he's there and how long he's been there.

Chairwoman Pika Fejeran: Okay, turning it over to you gentleman.

Greg Schacher: I have a lease on the corner there on the Nevermind Road (pointing to the map) on the right side (inaudible) excuse me the left side is where I live near the bus stop. Adjacent to the property that we're looking at which used to be Navarro by the way so some of your records, the problem you're having is the Land Trust itself is confused and they are multiplying the problem by not knowing what's going on out there.

Administrative Director Michael Borja: No sir, let me explain what's happening is that we had leases that were issued out in the earlier days of the Land Trust for as you saw in this case a one acre portion of a large tract of land that wasn't specifically defined by anyone. So that's the problem we've been trying to get out that's what we're trying to fix by creating a Master Plan to identify where everybody that's supposed to be in that area where they are actually located so we can give them an actual lot number and define the location.

Greg Schacher: I realize that because it constantly changing and with these changes the folks that are there are unaware of these changes and like Pumpkin Bordallo when she had that lot next to Tony Toves...Tony Toves received a second letter of intent from (inaudible) Resource Chairman late Ben Pangelinan who is supposed to assume that lot from Pumpkin because there was no heir that was steward of that property and then the property next to them is (inaudible) is where Mr. Manibusan is homesteading now was (inaudible) used as a dumpsite and I would assist in cleaning up that place and so were my family and him and his wife and his disabled son was helping as a result we kept it clean and the Quichocho's came in after the place was cleaned up and set claim to it. After seven years the fire and police were called in for crime that were committed and jet skis in the back and garbage everywhere and we helped each other in the neighborhood so I was there since conception.

Administrative Director Michael Borja: So you are located in this area that's outline in the blue?

Greg Schacher: Yes.

Administrative Director Michael Borja: and that's across the street from (Paused).

Greg Schacher: And I'm aware of every tenant there and the deceased and the children and the heirs who has abandoned it said no claim until things become developed and then they come in and they set claim. Mr. Manibusan here who is a grandson of his grandfather's land was condemned and taken by the United States in Mangilao and he has no land and he has a disabled son and they just been good stewards assisting me in moving forward and he has been cleaning that place spends 3-4 hours a day cleaning it. Because it is an eyesore and that whole street is infused with states compact multinationals and Land Trust comes up down the road citing this and that with constant changes not aware of which really going on. And I'm aware of what's going on and I just wanted to come in and just say a few things because I believe good stewardship here is important and we need to recognize we have Chamorros here that do fall in intent of the authors of this Chamorro Land Trust and I think irregardless of what's really going on here because most

of these folks have land elsewhere to be quit frank and are not Chamorro but are on these properties and we need to concentrate on those things and clean that first thing up and our environment before we start handing out any more properties. And that's the situation right there where the Navarro's are because it's a Fire Department situation just like in the back of my property there was a house that was burned down after these crimes are committed they usually burn down the house down. It's an unfortunate thing but it gets condemned for human safety and this is what's going on these rural areas and I'm with the Chamorro Tribe and I'm trying to establish a ground we can work on so we can infused federal grant for housing.

Commissioner Pascual Sablan: Excuse me. Why are you speaking for Mr. Manibusan?

Greg Schacher: Because he's a tribal member.

Commissioner Pascual Sablan: Are you an extended arm of Chamorro Land Trust?

Greg Schacher: No I'm not but we have the same recognition.

Commissioner Pascual Sablan: We have rules and regulations that we have to follow so let us do our job and you're a recipient then stay where they assigned you and let Mr. Manibusan speak for himself.

Greg Schacher: He's going to I'm just finishing my part, I'm at the tail end.

Commissioner Pascual Sablan: You are not part of this.

Greg Schacher: Okay, Mr. Manibusan go ahead.

Peter Manibusan: (Reading from a letter) My name is Peter James Rosario Manibusan native Chamorro and Native Tribe member. And with the direction and of the guidance of the Chamorro Tribe (inaudible) who is chairman and his son Gregory, Jr. (inaudible very low voice).

Chairwoman Pika Fejeran: I'm sorry sir I'm having trouble hearing you and can you speak up.

Commissioner Pascual Sablan: Excuse me. We cannot hear you. Can we get a copy of the letter.

Peter Manibusan: I'm diabetic and something to my nerve inside. (continued reading from a letter) I would like to know that I have applied in the Chamorro Land Trust since 20 years ago and that I paid $50 application fee on December 9, 1997. Today I have not receive any contact from your agency in regards to my application status.(inaudible) regarding this pressing matter concerning the native homeland located on Nevermind Road Dededo which me and my family had been (inaudible) since 2015.

Chairwoman Pika Fejeran: Thank you for your testimony. Just going through the history of this you're going to see what we are dealing when things done in the past giving out leases that were not fully defined and we're here to try to rectify the situation (interrupted).

Peter Manibusan: and why it takes 19 years for me to get a lease? (Inaudible)

Chairwoman Pika Fejeran: Yes sir. There are many people waiting for a lease.

Peter Manibusan: Many people are getting their land.

Administrative Director Michael Borja: No they are not.

Peter Manibusan: My sister they were…(paused)

Administrative Director Michael Borja: No they are not, not under the last 6 years. We're still working with people that are on 1995, there are like 6,000 or 7,000 people who had applied in December of 1995 and we are still working on that group. So I know it's been a long time, it's been 20 years and it's unacceptable but that's where we are right now, still working with the 1995.

Peter Manibusan: (inaudible)

Administrative Director Michael Borja: If you were going to be offered a lease are you ready to survey the land?

Peter Manibusan: I don't know, I don't have money, I'm not working.

Administrative Director Michael Borja: That's a requirement to get a lease as well. We are able to get beyond the survey parts right now because we had to create these Master Plans to define where existing people are so we can actually give them a lot. But you see you are even up against somebody else's. So how did you select this piece of property?

Peter Manibusan: Like Mr. Schacher said it's been abandoned for so many years, junks there, been using as a dumpsite. You can go over there and look at it, we're cleaning it up, so far from the front all the way back, household trash, couches, burned materials, and everything you name it is there.

Administrative Director Michael Borja: Where is it at now.

Peter Manibusan: It's still there. We moved some of them out but I can't move everything because I'm not working, my wife makes $60 a month (inaudible). I walk down that street cleaning it up and the reason I put up the gate and fence so nobody can dump no more. You can go up there yourself, take pictures. I just took out a load half acres of trash.

Commissioner Pascual Sablan: Oh I can hear your now, loud and clear. Mr. Manibusan, the director have written to you several times or you've been requested several times to come in...you know (interrupted).

Peter Manibusan: Sir if you are earning $60 bucks, you have propane gas. . .

Commissioner Pascual Sablan: Wait I'm talking. I think Madam Chair, I would like to make a motion to approve a letter from the Director the Order to Desist of all activities and appear before the Chamorro Land Trust we need to. Unless we want to entertain him, why don't we hear from the other side too?

Administrative Director Michael Borja: I think what we need to do is with all these parties that are involved we've already discussed the individual... we've already made an offer to split her one acre to two halves and to give her the portion of the land behind her to make up for it we have the issue with the people who had been there before trying to relocate them to another location as well as Mr. Bell as the beneficiary to his mother's property if we are able to work all these situations out and then to deal with Mr. Manibusan trying (inaudible) that it's clear to everybody why we're doing this then I think it's for the best interest of individual. He has the 1997 applicant we can go through that process and determine but I want to make sure it's clear to the chairman of the land committee at the legislature and before the record why we jump the list, if we do jump the list for him to issue the lease to use this area. But I want to probably also in working with him to make sure there's certain understandings as to what is expected out of this.

Commissioner Pascual Sablan: Yea Mr. Borja but the only way we can work things out is if Mr. Manibusan cooperate to show up and see you.

Administrative Director Michael Borja: Well, I think we can give him that opportunity in trying to work that out. We're willing to work this out with you (Mr. Manibusan) and work this out with all the other individuals in this area. We need your cooperation in this as well. As I was telling the commissioners we don't jump the list, you might be a special circumstance. If we do I would make it plain and clear to everybody including the legislature that for justifiable reasons which I'm going to get from you. Your health and all that. This is the reason we need to jump from 1995 to 1997 applicant a lease because I have been oversighted by the legislature who wanted to bark at me for 14 leases that were done over the last 10 years and each case they were justifiable. But they didn't want to hear from me were why there were a 140 of them that were in violation in 1998. But we need to work with you and you need to work with us and then if there's going to be some corporation as well to make (inaudible) of understanding because there are other individuals and families who are also involve with the surrounding properties. And then I need to show in good faith to them too that we are trying to work with them because of this whole mess. Now granted it's because the cause of it was just poor management back in the old days. I'm not here to point fingers and place blame on anyone. Mistakes may have been made in the fast but today we are trying fix that and we're trying to do it the proper way so that it's all clear today why doing it and when everything is done correctly that the leases are property identified and some acre portion of some tract when nobody knows where the hell that is until

somebody planted their house in the ground and now we have to determine where that is located at. Okay. With the concurrence of the commissioners, we need to be able when we get a hold of you. You have a good phone number, if not, if you want Mr. Schacher to help represent you help represent you so we can get you down, we will be glad to work with him. It's honorable for him to want to give you a hand as well. If we have to we'll visit you too but what we need to do is make sure that you have a good understanding that we are trying to help you but we can't forget and we can't dismiss the fact there are others involved in this whole situation and we need to make sure that they get an even shake in this as well and that they are treated just as well as we're going to treat you and they are not violated or displaced or not in some kind of cost to them. I know there are others that want to speak on this similar situation and we will probably bring back Mr. Bell to get specifics. Him and the other family members that were here earlier (inaudible) and we can get a concurrence from them too on how they feel about this whole situation okay, but we need to hear from them too. So please before you guys even leave here today we need to make sure we have a good contact information and Mr. Schacher if you don't mind, if you happen to have an email address let us have that so we can communicate in that way as well.

Greg Schacher: It's on my letterhead. I appreciate your time board. Thank you.

Administrative Director Michael Borja: Can we have Mr. Bell back up since he's a spokesperson and we'll just see if he's willing to…if he's working on this (inaudible).

Chairwoman Pika Fejeran: We will go back to Mr. Bell. Come to the table.

Administrative Director Michael Borja: You want to come back forward again. We kind of took your comment a little early that you were here on this specific issue as well. The same case. So you heard what I said earlier? Are you willing to work with us to try and identify a spot that will be suitable for a replacement of your mother's property area that she had had under Land Use Permit. Those are acceptable to the transfer into Chamorro Land Trust immediately so if we found another suitable area that will be a replacement for the property that she had and the size that she had as a land use permitee will you be willing to work with us?

Baltazar Bell: I'm willing to work with you although there's an elephant in the living room, so to speak, that still needs to be addressed on why this particular lot is being contested by different parties.

Administrative Director Michael Borja: As I mentioned earlier, what had happened was, and the way the leases were issued is started off identified as a tract, this tract was probably a good ten acres big and the way the lands were issued out was, like the lease that we're talking about here, is they were identified as a portion, a one acre portion of or a half acre portion of this ten acre tract. There was no other identification legally of where this property was located. So people went out there, they didn't even survey and then they just kind of stake the claim in an area and that's where they went. So there was this kinds of methods that were done back in the day and today what we could try to do is to clean this up completely by going over and if you, and if you could see the little red lines on this map, we

actually drew out a Master Plan of lots. We assigned every lot with a legal number and we recorded this map so that now all these lots have a number, a lot number and not just portion of. And what we done with the individuals with current leases is over time we brought them in, we amended their lease to identify their lot as the specific legal identification lot number as oppose to "as a portion of" so that's how these things had happen. Then in cases where people were not there and we didn't find them, we didn't know what might have been there, Land Use Permitees were allowed to come on in and we would have a registration given to us by the Department of Agriculture or even old Land Management listings that shows who was given lands to use back in the '70s and the 80s. So we use those as certified documentation to show that someone had a previous use of the land and justified. Other ways is to get mayor's certification as well so in the case of Mr. Manibusan we might want to find out from the mayor where you been residing all these other years and that helps with the justification. Those are the kinds of things that allows for us to do in determining who is going to get some kind of lot if they are already been there. The law also says too that anyone that had been occupying the land prior to 1994 we can't eject them. We have to work with them. So that's the other issue that happened with things. So we just want to find out if you are willing to work with us we can find a suitable substitution if there's other people that are there and we don't want to just go and disrupt somebody else out of there for the sake of principal or if we want to work on something else somewhere else. So you let us know that and we will be happy to move forward with you on these. There are other things we have to deal with. You can put out an application with the appropriate documentation, we attach this Land Use Permit listing that identifies your mother and you're getting it as a beneficiary for her.

Baltazar Bell: So I've done the paperwork, I believe we had finished all the paperwork and things a good to go however, again I won't harp on it too long and I won't give too much emotional discussion as far as who, or like why I would deserve it more, or what I have to lose or how deserving I am. But the reason this particular lot is highly desirable and the reason why it will be hard to actually find something of the same size that can be described as a receptacle and even trade is the construction work that I believe my mother had done. That's why other people have been willing to clear out the land and move the trash, it's not because they could have taken a pristine jungle and clear it but rather they would take a jungle and all these trash clear it's not because they want more work it's because the investment of the construction work that's already been done there which makes this all these cleaning up and moving white goods trivial as far as how much work and investment has been done. It short it's so worth it to clear all that out because everybody wants that house. I have photos on my iPad here but it's about an estimated 30' x 20' nice well build concrete slob with rebars coming up 3 or 4 feet around the entire perimeter plus dividing up the rooms of rebars. Also addition to that longer slob of concrete in the driveway and a stack brick structure next to it and lastly a large pit dug for a septic tank. So that is where everybody is fighting for I believe and that's why this spot is so contested. And if that's something my mother and my family had worked on I'll be very upset if other people were to just scoop that away from me. And if it turns out that there's a proof there's actually another family that did that first then that can be proven then I will then say okay shoot that's not something I can use then I will be happy with another plot though I've been told there's...it's possible that my mother had a concrete structure on another spot on Nevermind Road. It's

important to me to build up on where my family started and not just let it be abandoned or given to opportunistic individuals..

Administrative Director Michael Borja: But did you know about this prior to us contacting you?

Baltazar Bell: I knew she had a house that was built with concrete structure years ago I used to drive her to and from her ranch since she couldn't drive and I was a young man who have a driver's license.

Commissioner Pascual Sablan: Mr. Director, I think Mr. Bell answered your question and he's willing to sit down and discuss with you people and maybe you can go into all the details so can we move on.

Chairwoman Pika Fejeran: Thank you Mr. Bell. (Recess is requested for the next 10 minutes)

Chairwoman Pika Fejeran: Thank you for joining us (Mr. Vance Quichocho). I'm sure you heard everything that went on before the recess.

Vance Quichocho: My name is Vance Quichocho. According to him (referring to Mr. Bell) the one that was here, he said that his mom left that concrete slob and stuff like that but my father, my grandfather, we all built that together with the septic tank and everything that was there. We built that. It just happened to be unfortunate events that we did leave the land like that which my father was sick, my mom and my father had to move, I stayed there. And the more time that he spent in the hospital I had to be with him. The more time I left my home room than gave them more opportunity to burn it down. And once it was burned there was nothing I can do. I wasn't financially ready. I didn't have nothing and when my father became bedridden and I had to move them and stay there. Just recently my father has passed so that's why I'm trying to build. It's hard to say but I had no obligation to my father right now because he (inaudible). That's why I'm trying to build now.

Administrative Director Michael Borja: Do we have a lease in someone's name?

Vance Quichocho: This is my mom.

Frances Quichocho: My name is Frances (inaudible).

Vance Quichocho: I'm trying to get it from her.

Margarita Borja (CLTC) : Well what it is probably we weren't in contact with Mrs. Quichocho at the time that we were doing the Master Plan so what had happened is the line agents that went out identified a Frances N. Quichocho along Batulo Road. Is that you?

Frances: No there's 2 Frances. One is "T" and one is "N" I'm "N". I'm in Nevermind Road.

Margarita Borja (CLTC): You're not on Battulo Road? Okay so the Frances N. Quichocho that we identified is on Battulo Road but we can make the changes on the Master Plan. So that being said we didn't put her name up there. We put Lydia's name on that same lot that she's claiming. So we put her elsewhere but we can if we do come out and we confirm that she is supposed to be there then we'll make changes and put Frances N. Quichocho on this one if the board decides that yes…

Chairwoman Pika Fejeran: How would you confirm that?

Margarita Borja (CLTC): I guess with her testimony and I guess with other…

Frances: Ms. Bell. She was never where we're at right now. By the land that we are at, she was right next door. I know Ms. Bell. Right by where the land is at she was not right next to us. We used to go there. My mom used to drop plants for her. She was my mom's best friend. I knew her too.

Administrative Director Michael Borja: The statement you made that the construction that was, the hole that was dug, can you put that in an affidavit and notarize it and turn it in to us and we'll take that but you will be swearing that's what your statement is. And if you have any other kind of documentation that might show the backhoe or some contractor that dug in or if there's anything like that but nevertheless you need to put it down in a sworn affidavit.

Vance Quichocho: All I can do is give you my word. Everything we did have was burn in the house.

Administrative Director Michael Borja: Swear it in the affidavit and we'll have to work with that.

Margarita Borja (CLTC): Well, what we can probably do, I'm not sure if it's the same area but we got a mayor's verification Ms. Frances Quichocho got a mayor's verification in 2001 stating that she's been there and I'm not sure it's stated…It says back in May 1, 2001 she got a certification from the Dededo mayor's stating that Frances Quichocho was residing at Nevermind Road at the above address, but it doesn't have an address from May 2001. This information was provided by Mrs. Quichocho. It doesn't have a home address so we are not able to say that…did you have some maps or drawn out sketches in the file that direct us to that area? Then utilities, do you have any bills? Power and water because those things can assist us, you know as far as location so maybe that, if you can provide us with utility bills because it can lead us to that location.

Administrative Director Michael Borja: But you are not in there right now. So like I asked the other two individuals, are you willing to work with us?

Vance Quichocho: Honestly, it all depends on how long it takes.

Administrative Director Michael Borja: It should take long, you already have an existing lease it's just a matter of transferring the lease and identify an appropriate lot. Okay, I'm not saying we will but if you're willing to work I got three different parties to deal with separately and I want to make sure that you're agreeable to work on something. I need to work with the details but you guys let me know what you want to do.

Chairwoman Pika Fejeran: Mr. Director, you know I feel like this is just the initial phase of solving this I know you and the staffs will go back and work to get the documents that you need to really figure out what's going on at this property and in the case of Mr. Manibusan I don't want to set a dangerous precedents for squatters that move into a property that has not been given to them. So I'd like another meeting to revisit this and see... (Paused).

Administrative Director Michael Borja: With the details on what we talked about. Sure.

Commissioner Pascual Sablan: One quick question please. You mentioned that when you came back and found your house burned down already so this picture here is the charcoal of your house? And how come it says Manibusan Peter James Rosario? Is this where the overlap and everything is?

Chairwoman Pika Fejeran: I think those are our staff site inspection pictures. I would like to see a chronologically, your story, Mr. Bell's story, Mr. Manibusan. I would like to see all the chronological facts and as much documents as you can provide so that way we can make a decision that as evidence as to why we reach that decision. Are you working with a land agent, Margarita? Jhoana. Okay so please (inaudible) to Jhoana.

Baltazar Bell: Can I make another statement, it's going to be short?

Chairwoman Pika Fejeran: Yes, sir.

Baltazar Bell: It's very important to me that all these interested parties get along with each other because we all have to be neighbors and live with each other for generations. The worse thing will be for our grandchildren to be hating each other and they can't even remember why and so as you may have noticed I've already spoke respectfully with some of my opponents (neighbors) and you also the oral testimony from other people I'm hoping the lot next to this particular lot can be explored to see if that's the one, like I said, my mother started. I would want that. Whatever my mother started is more important than what is bigger. Because I do not want to be the one benefiting from someone else's family's hard work. So I hope the lot next door gets explored and the official word can be brought to me in that part. Thank you.

Chairwoman Pika Fejeran: Thank you sir. Okay, moving on to the next item on the agenda.

2. Yigo Land Transfer (Yigo MPC)

Chairwoman Pika Fejeran: The Yigo Land Transfer. Yigo Municipal Planning Counsel, is that what I think this is?

Margarita Borja (CLTC): Yes.

Chairwoman Pika Fejeran: Is this the same that we were looking at the last meeting?

Margarita Borja (CLTC): yes. This is the lot that I identified that I mentioned in that meeting. The Track 9210 (paused).

Administrative Director Michael Borja: So you've identified some other land to make a transfer with? Okay, just let the commissioners also that the chairman of the Land Committee Senator Ada is proposing legislation to return back this portion of land from the Yigo Mayor to the Chamorro Land Trust with the sake of expediting the lease issue that Mr. Baldwin has so he can move on with his house loan. Then at some later date they will introduce another bill for some land to be transferred to the Yigo Mayor in concurrence with the commission.

Margarita Borja (CLTC): So these were the two lots (inaudible) that I identified which was already reserved and in a recorded map for recreational purposes. Actually this here in 9210, this is the subdivision right before you get to Anderson AFB. On the right hand side our big subdivision there. So this was already, it was master planned. This is the residential subdivision (pointing at the map) there were about 400 lots that were created for Land for the Landless and it got transferred originally to the Chamorro Land Trust and these were one of the first subdivisions that were transferred to the Trust for land to distribute so all these lots were distributed and in there they reserved for recreation and park area about 5 acres here and then of course, a ponding basin and then further in was another lot, 5 acres for community convenience facilities. So it's already reserved for that purpose and that's one of the reasons why I identified it instead of...because Mr. Cruz, didn't want to give up the lot in Santa Rosa so in that last meeting I mentioned these two lots.

Administrative Director Michael Borja: So those are already dedicated. We just have to do the transfer. So might be then something we can actually add. The bill has not been introduced, we can get that information on to the senators so we can expedite this bill and hopefully try to get it for March session if we can.

Margarita Borja (CLTC): I just want to also bring up on the Baldwin situation. The lot that we're trying to get back from the mayor is a half-acre lot. Fortunately, Chamorro Land Trust had issued the lease to Mr. Baldwin for half acre and Mrs. Blas for 930 square meters so somebody is going to be displaced and if we're going to move on Mr. Baldwin then Teresita Blas or Cruz has to be moved.

Administrative Director Michael Borja: But we already gave her a (paused).

Margarita Borja (CLTC): We've identified the lot in Sagan Ninahyan but since we're displacing her it's a cost that we might have to incur. Remember, Ms. Simplica Guerrero's lot, it's $32,000 it's going to be the same amount of money that we're going to incur if were to transfer her from her place to Sagan Ninahyan because we got to build her a home

(container home) which we already got the cost estimates for and in the end to put in power and water and all that it's going to cost the same amount. It's a one bedroom house, it's concrete.

Commissioner Pascual Sablan: I thought we discussed that long time ago.

Administrative Director Michael Borja: We did…to get money to pay for house but the senator didn't want to introduce a bill to appropriate the money instead he wanted us to find the buyer who would pay her direct. In this case we would then have to still have the money appropriated. (Inaudible) But we have to pay Mrs. Garrido for the house at the fair market value minus all cost that we determine which is thirty some thousand dollars and pay her. So that might be the fix. That would work out. She already had a heart set of Sagan Ninahyan but if we go and take her over to the house over by the golf course I think she's hopefully she's going to say yes.

Margarita Borja (CLTC): Well Matt wanted to add something.

Mathew Leon Guerrero (CLTC): There's the other house…well, Simplica Garrido we need to appropriate about $35,000 of whatever the appraisal came out to. Didn't the trust pay off?

Administrative Director Michael Borja: Not yet. They want us to identify…

Mathew Leon Guerrero (Chamorro Land Trust): Also for Mr. Baldwin sir, he meet with me this morning and showed me all the documents that he had there is an existing septic tank (inaudible) right now for quarter acre. He was willing to take me out to show me the corners that divide him and Mrs. Blas.

Administrative Director Michael Borja: So in this case then that piece of property then we can make an offer to the Yigo Mayor and put it in the legislation to make the transfer so we can take care of Mr. Baldwin and then for Mrs. Blas we can take her out on those two sites and say which one do you want.

Margarita Borja (CLTC): I believe the Simplica Garridos is moving ready, the other house is not. I think the Santos house has been abandoned for a long time so $32,000 versus $68,000 I mean we can find somebody to purchase $68,000 which is the Santos house than it's better to give $30,000. We just compare the two… what we're going to offer from here to there if she is willing and her lot is just next to the hospital.

Administrative Director Michael Borja: She wants to be close to the hospital?

Margarita Borja (CLTC): The new hospital, the Sagan Ninahyan is closer but this one is concrete.

Chairwoman Pika Fejeran: I think the urgency from Mr. Baldwin to move forward and although it's not a fair transfer under the circumstances.

Administrative Director Michael Borja: I wouldn't say it's not fair it's already been obligated for that purpose anyway so now we're going to allow them to have that property that he has to do something. And it will actually promote that area if he's able to get pave the road all the way in there for example. It actually enhances that area a whole lot more, as you see there are number of vacant lots inside there.

Chairwoman Pika Fejeran: You mentioned Senator Ada is doing a bill for this? Do we need a Resolution?

Administrative Director Michael Borja: Well we can if we want let me work on that and in two weeks we will have another one and we can offer that resolution after the bill's been introduced. So let me work with the staff to select which particular lot.

Chairwoman Pika Fejeran: Next Director's Report

VII DIRECTOR'S REPORT

Cultural Center

Administrative Director Michael Borja: Let me go through this things real quick here. Take one and pass it around, this is the draft of the Right of Entry and the Agreement to Reserve for the cultural center of the Ypao Point and it's pretty much the exact same thing that I put in the letter that went to them but it's two different things given them the access to use the property for one year and coincide as well with the agreement to reserve which is for one year or whenever they get a lease whichever comes first. And it requires them to get insurance. Insurance information was based on the what the current lease says for cultural center but what we would be doing in working towards the actual lease is to probably determine what would probably a more practical insurance requirements for them. I had a discussion with them. I gave them the letter that said that they agreed to their Agreement to Reserve that's what this will solidify with them. But they still need to pay a $100 because that's the reservation fee that says in the Rules and Regs. I gave them a copy of the Guam Rules and Regs then I gave them a copy of an existing cultural center lease that we have with the Palauan Community that pretty much spells out all the details that's going to be expressed in their lease as well. They understood too I want no public activity on the premises until they get their insurance. I haven't heard from them since I talked to them couple of weeks ago. The last page is the Resolution and I actually have the actual documents here if you guys agree with this then you can go ahead and sign the Resolution and the Agreement to Reserve and the Agreement to the Right of Entry. You want to take time to read over this go ahead. It will be a recorded document.

MOU – GEDA

The other thing I have here is a discussion about MOU with GEDA and in this discussion I've given you a similar findings and recommendations before but in this one now when I specifically spelled out, basically when I say is that there's certain things that can be cut out of the MOU. Under recommendations A, I specifically say we're going to manage our own leases and procure our own buildings. Payment services amounts needs to be evaluated

so down below in B payment services. This is where they originally the MOU discusses that they will be able to collect 14% from lease payments. I am basically saying we need to allow GEDA to recover whatever cost that they have to be involve with if we do a procurement request to them like an RFP or Invitation for bid and it allows them to collect those cost and any potential expenses such as a protest. It's almost like an insurance policy, you don't know if it's going to happen and it happens they got to pay for it. So in the first option I say we just don't even pay them anything. They don't get a percentage of the rent they just get whatever cost they incur. But that's going to up front to us we're going to pay them out the second, and you never know, if you get a protest to the RFP you're paying legal fees there for a while too. Option 2 says that we pay them a gradual percentage of the lease so they can recover their cost and potential cost of a defined period and not the entire life of the lease. So I say we allow them to collect 10% of the lease maybe some other number, 9% for lease the first 5 years whether there's a challenge, a protest or not and then after that it reduces down to zero or up to 3%, some smaller amount because we are managing the lease we'll invoicing, we're collecting, and we're doing it ourselves. We just don't do the RFP. That's what we would allow the MOU to say. You're just going to do RFPs for us here's our recommended ways for you to get paid to do it. I had a preliminary discussions with Larry Toves on this and he just says whatever you guys decide that's what they will present to their board as well in a form of MOU and they can approve it or not.

Chairwoman Pika Fejeran: The recommendations to "A" that's everything we discussed before. I like your creativity and the options. I like Option 2 that protects us a little bit but it also lets them know that they are going to have a secure income coming in. I recommend going with Option 2 in the MOU.

Administrative Director Michael Borja: If you guys want to make a motion of any of this and then if the percentages are what you want to do, to set the percentages, If it's zero percentage there after 5 years or 3 percent, I can't see any justification of them getting anything afterwards but they definitely will get something for going through the process (inaudible) paid for 5 years just to cover all the cost. But they would be a negotiation that I can go with them.

Chairwoman Pika Fejeran: Let's go in and start with 10% and then it goes down to zero and see.

Commissioner Pascual Sablan: How much are we paying them now?

Administrative Director Michael Borja: 14% for the life of the lease. My experience with them on the Ancestral side of the house is that their counting is just really (inaudible). We spend more time trying to reconcile it real simple thing. What we asked them to do is tell us what the gross what you collected and for what month period it was for minus out your take and show us the net that you're paying us. Instead all they give us is a net total, don't even tell us what period of time it's for that was collected so we spend a lot of time trying to fix it all us and it's not really even… In fact we got hit by the Public Auditor in the Ancestral Land Commission because of the land compare their monitoring of the lease payments.

Chairwoman Pika Fejeran: With an Option 2 it will be clear on the MOU that the lease payment comes to us and we issue the 10% to them.

Administrative Director Michael Borja: and the way that would work is we'll have some form of having to cut a check to them, we'll work that out as that arises and create some temporary checking account where it comes to this management account first and after that it's paid out or even deposit to the general fund.

Chairwoman Pika Fejeran: Do I hear a motion on this?

Commissioner Pascual Sablan: Okay, motion made.

Commissioner Amanda Santos: Second the motion.

Chairwoman Pika Fejeran: Discussion? All those in favor say aye.

All: Aye.

DOJ Letter

Administrative Director Michael Borja: The last item is a letter from the Attorney General that recently was sent out and this has to do with the issue of the Department of Justice Fair Housing (inaudible) and what the Attorney General is saying here on her letter to the Department of Justice is that we are only acting based on what the existing law say and as also found in accordance with the Supreme Court decision and this case it was Angel Santos and Chamorro Nation verses Joe Ada, the Governor of Guam. She is encouraging for the discussion and requesting to meet with the DOJ reps to discuss this in more details since we need to understand what's going on. They are request to do for us to accept the (inaudible) decree is just kind of pretty hard to swallow by her and probably by many of us and if they want us to do something then (inaudible) to sign it, not just some Department of Justice person to come up with a list of things that says do this things because you're bad. Okay. Depending on what the outcome of all these are it could have some kind of bearing later on in the future on the status of the Chamorro Land Trust Commission.

Cultural Center

So those are the three things I wanted to mention. So in the case of the Right of Entry and the Resolution that we agree to the last meeting I have those documents ready to be signed it just needs t...and I have it under your name, Ms. Fejeran, and they just need to be notarized so we got a notary here that can do that if you want to sign that Right of Entry. But I will not let them sign it until they have proven to me that they have insurance policy. So if you want to wait, we'll just wait until they provide me with the insurance policy. But the Resolution we can go ahead and get it signed and forward that off to the legislature.

Chairwoman Pika Fejeran: I would prefer to sign the (inaudible).

Administrative Director Michael Borja: Take a look at it. I'll give them a copy of the draft and tell them that they need to provide...but the resolution you need to go ahead. I got a copy

then if you want to go ahead and sign the resolution. It just basically resolves with the…we granted them the Right of Entry and they we're restricting public use until they have insurance liabilities and we approve to their Agreement to Reserve.

Commissioner Pascual Sablan: I have a quick question on Inadahen I Lina' La' Kotturan Chamorro. We do away with the requiring them to put a fence in the back?

Administrative Director Michael Borja: Well, that could be all part of the lease.

Commissioner Pascual Sablan: And also indemnify us.

Administrative Director Michael Borja: Yes, that will part of the insurance. But for the time being I need them to have some kind of general liability coverage and then as we work on the lease then the lease will be more descriptive on how as to are we increasing the insurance amount. A half a million is really no…by today's standards for an activity like that. We will have to get an insurance adjustment with quotations to work things to be the most appropriate coverage for that. The lease also talks about their requirement to pay property taxes and unless they get some kind of legislation to exempt you from property tax…if they do it for you they will do it for all the cultural centers.

Commissioner Pascual Sablan: I think we would to always encourage them to always being compliant with the law otherwise if the purchase for example, the liability insurance and they are not in compliant with the law, maybe the legal counsel can answer them if they are not in compliant with the law like filing their taxes, paying the real estate…

Administrative Director Michael Borja: That would be reasons to be in default. It's like what we have on our regular rents to get you an agricultural leases. You are in default if you don't pay your taxes. And we catch this people too, let's say they want to change beneficiaries or they want to transfer to a beneficiary or someone else we don't do it unless they have paid up on all their taxes.

Strategic Plan

Administrative Director Michael Borja: Did you guys produce some stuff for the Strategic Plan?

Margarita Borja (CLTC): Yes something really quick.

Chairwoman Pika Fejeran: No that's okay, I didn't expect you to. I just wanted to bring you guys to the table so we can get this going.

Margarita Borja (CLTC): We kind of put something real quick together with the amount of time we had so I don't know if I worded this correctly but I used Chamorro Land Trust Land Use Plan and that's just something that's existing right now and as far as the Master Plan that we put together. So basically, what it is…this is a better picture of where we're at (showing Power Point presentation) and let me zoom in to the North. The lots that are highlighted in green are all agricultural leases that we've given out. The ones in yellow are

commercial, the ones in red are indicating there that N/A meaning not available or it's a right of way or it's being occupied by another government entity. The light green ones I guess is not leased and the blue ones are residential. So we see how the leases were issued they weren't consistent so sometimes you'll see in the residential area you will see some agriculture leases that were issued. So this kind of like just an overview of the Master Plans that we put together last year.

Chairwoman Pika Fejeran: Do these Master Plans cover all the Chamorro Land Trust property or just segments?

Margarita Borja (CLTC): We concentrated mainly on the ones with leases and at the same time survey had created additional lots for lease.

Chairwoman Pika Fejeran: So when you say Master Plan, what is that mean?

Margarita Borja (CLTC): It's a subdivision Master Plan. Let me go ahead and pull one out for you.

Administrative Director Michael Borja: We actually went to all the lots and ...you know like this issue that we had when we had all these people in portions of and we defined that whole area and then we created them in the map for them and we had it approved like this. It was approved by the Guam Land Use Commission and by then the Chairman of the Chamorro Land Trust recorded it.

Margarita Borja (CLTC): This is one of the maps that we put together out of the 89 maps this is one of them. This is subdivision of a basic Lot 10122 which is now Track 10316. So what it is, is the majority of the leases...there were about a 1,000 leases that were issued since '97 that indicated the portion of. So what we did was we had to go up there and identify that portion so we came up with this. So the strategy we took was those that we knew that were occupying we put a lot line around them.

Chairwoman Pika Fejeran: It's almost like this is an as built for land.

Margarita Borja (CLTC): So there is no (inaudible) on this so that's just something that we...

Administrative Director Michael Borja: If we get the survey money appropriated that we've asked then this is what the surveyor takes out and then he'll do a survey on every lot.

Chairwoman Pika Fejeran: Which will then give us the ability give out more leases?

Administrative Director Michael Borja: Yea!

Margarita Borja (CLTC): So you know how it looks right. It doesn't look like it's...so what we need to do is they had to go around the houses so we did not want to displace anybody so that's the reason why the land kind of looks like that.

Chairwoman Pika Fejeran: If there's a name that means that was the person (inaudible).

Margarita Borja (CLTC): Those are the lessee there occupying that.

Administrative Director Michael Borja: and this was also the information that was shared with Revenue and Tax so that they could access taxes for that lot and they knew who the owner was.

Margarita Borja (CLTC): Because they were accessing a portion of a big lot they were accessing more than what they should have because they didn't actually know. So this an overview of that.

Chairwoman Pika Fejeran: and this 81 of this?

Margarita Borja (CLTC): 89 maps.

Chairwoman Pika Fejeran: When we were going through this to put this together, did you also…because for me a Master Plan means not only are we seeing what's there right now but for me that's what this is. This is what's existing there but it's also planning the future and understanding like okay this lot doesn't have anyone's name but is there a squatter or is appropriate for leasing out or is it slope so much that we can't put this map and say here's a lot right here let's put you there. Was there that kind of (inaudible)?

Margarita Borja (CLTC): yea and lot of times what it is there's so many there. There's just don't have a lease.

Chairwoman Pika Fejeran: So where is that info? Like if somebody is at lot 12 but their names is not here. and putting those puzzle pieces together is on a case by case basis like if someone comes in and says where's my mom's property you know it?

Margarita Borja (CLTC): Yes. Aha.

Chairwoman Pika Fejeran: In the meantime we are giving out leases?

Margarita Borja (CLTC): Based on this Master Plan. So what you are going to find like you said there's no names identifying (inaudible).

Administrative Director Michael Borja: Also because people don't have their lot surveyed and let's say they need to get water hooked up again because they were disconnected and they had it before. Then because these maps are recorded then Guam Waterworks is willing to work with that. It also allowed us to go in and take people's leases that are described as "portions of" to do an addendum to their lease to give the actual description "as" it's been identified with these recorded subdivision maps and gives more clarification to the lease itself so that…and then the problem too is that many of those leases weren't recorded so once we do the addendum and attach the original lease as an exhibit and record it now it's part of the legal record that Revenue and Tax can use for identifying the

user, the size of the lot, the location of the lot and how much they are going to get assessed. When we create these lots in the process of doing these kind of maps electronically our system creates an identification number for the lot. That's the same identification number that the Revenue and Tax people will be using to give it its accounting i.d. number for tax purposes.

Chairwoman Pika Fejeran: So Jhoana you mentioned that it's in arc, our JS, if you were to go in and click on…?

Jhoana Casem (Chamorro Land Trust) Even some of them don't have lessees name because for example they don't have a lease so now that we have maps schemes for certain areas so we know or we identify that this person has a surveyed on this specific lot so we would just put that "it's in a process of survey" so at least the others will know that this lot is not to be given out to somebody else. So on the attributes you are able to create and delete fields in it and so we would just indicate that.

Margarita Borja (CLTC): What we did is we went in and we identified that there were 9,000,000 square meters of land that were leased out for agriculture. That's equivalent to 2,463 acres. Under commercial we leased out 528; residential, 456; and then so forth. So total we leased out 10,973 acres of land. Not leased were the ones that were vacant where they're available for lease.

Administrative Director Michael Borja: So we haven't leased out 10,000 acres.

Margarita Borja (CLTC): 6,000. Either somebody occupying it and we just haven't placed a name to it…yea. Having no lease or they are in the process of getting a lease they just haven't… so we've identified. Not necessary 6,000 maybe even a 1,000 or 2,000.

Chairwoman Pika Fejeran: of people that are there?

Margarita Borja (CLTC): that are there and the additional acreage were lots that were created by survey for us to issue out.

Chairwoman Pika Fejeran: So Chamorro Land Trust property in total is 10,000 acres? So is this the entire inventory? And the NAs?

Margarita Borja (CLTC): The NA are easements and once again the other agencies that are occupying at schools and stuff like that. Actually some of them were transferred to the Trust there were some lots that were dedicated for the schools that were transferred to the Trust.

Administrative Director Michael Borja: Not leased means that they are not all occupied that's just 6,000 acres worth…

Margarita Borja (CLTC): Of land that either have somebody on it and we haven't issued a lease or they are available to issue out.

Margarita Borja (CLTC): So on the next screen we have Land Registration so I was just concentration on the North, Central and South and we went in and we identified 11 basic lots. Out of the 11 basic lots in the north, they created 389 lots so there are 11 lots in the north that are unregistered that still need to go to the process which is equivalent to 774 acres and in that 11 lots we leased out 221 lease on unregistered in the north. And we're looking at the north being Tamuning (paused).

Chairwoman Pika Fejeran: Can you walk me through that again. So in the north there's...

Margarita Borja (CLTC): There's 11 lots. Just concentrate on the ones in here.

Chairwoman Pika Fejeran: What's 389?

Margarita Borja (CLTC): 389 what it is, is the survey came in and they subdivided those lots. Those 11 lots were subdivided into smaller lots. There are 11 basic lots, the big ones. And then we go down to the central, same thing. We leased out 19 and in the south leased out 46.
Chairwoman Pika Fejeran: I understand registration is a whole process that you're need to go all the way back to contact everybody and go through the courts?

Margarita Borja (CLTC): Yes, there are about 90 cases, I believe that are still pending with the court. Well, they were dismissed right. Majority of them were dismissed so we're having to...(paused).

Kristan Finney (Legal Counsel AG): There were a number of cases that were dismissed like a long time ago.

Administrative Director Michael Borja: They went to the process, got to the court, and then then they became stale so everything got dropped and it was ignored for about 10 years and then the court said this is stale and they dismissed them all. And all the work that's been done so in the case of one of them, for example, you have to catch the landowner and if the landowner passed away and has 14 descendants now you go to talk to 14 people. So it created a bigger problem.

Kristan Finney (Legal Counsel AG): You have to personally serve all of the surrounding landowners as well (inaudible).

Administrative Director Michael Borja: The longer you wait the more the landowner's heirs they haven't probated and the more they multiplies.

Kristan Finney (Legal Counsel AG): Also I had initially thought that if you come in we would be able take the information that we had and just, you know, update the surrounding landowner, but apparently, one of the things you need when you register a land is technical description. It was so long ago that it was under the old survey system and so the whole thing has to be (inaudible). It all has to be redone.

Margarita Borja (CLTC): A lot of mapping has already been completed so that we can keep. It doesn't have to be resurveyed or recertified. It's just a technical descriptions that needed to be. And then the new abstract need to be done because the adjacent owners probably changed. So just an example, we had one in court about 2 years ago, Lot 527, we just finished serving notices just like this year so a lot of them were deceased, the landowners, so we had to serve each and every heir so it took us 2 years.

Administrative Director Michael Borja: How do you determine who the heirs are?

Margarita Borja (CLTC): We just have to go to the mayor's office and we identified if the mayor had any information or we get one of the heirs and then from there she breaks it down and give us the whole family tree. A lot of lots in the south, those land owners they don't know, they don't know to probate or to even deed it. So now the families are left with it and there's no money. A majority of them are in the south.

Chairwoman Pika Fejeran: What happens if you do go to the court process and then what?

Margarita Borja (CLTC): So the property gets recorded and the decree to the Government of Guam and then the decree gets recorded here and then it gets available automatically. It gets transferred to the trust. We are just claimants right now. So somebody can actually come in and make a claim to it especially if adjacent to the government land there are other properties that haven't been registered. If the surrounding properties of that lot is registered there shouldn't be anybody coming in and trying to make a claim because they set their claims on their property.

Administrative Director Michael Borja: The problem with unregistered land is not just a government issue it also private property issue. There's a lot of that.

Chairwoman Pika Fejeran: You talked about the surveys that were done for the 89 Master Plans, these are the surveys we need?

Administrative Director Michael Borja: No we haven't surveyed that.

Chairwoman Pika Fejeran: So it's not a technical survey it was just the…(paused).

Margarita Borja (CLTC): Just the master plan.

Administrative Director Michael Borja: We just drew out the sketch of known boundaries of this area. We drew out the sketch of what they are and we did it through the process that's permitted through the Land Use Commission and then we got it recorded. And that way it is a legal document on how this is supposed to be laid out.

Chairwoman Pika Fejeran: and then the survey and infrastructure fund will do the actual survey. They start with the Master Plan.

Administrative Director Michael Borja: Yes.

Margarita Borja (CLTC): What's been happening now is if lessees come in and they have a leave of a portion of, we have them survey it so what we do is we give them the Master Plan. They take that Master Plan and provide it to their surveyor so the surveyor will coordinate with our survey division and they'll tell him okay this is the area, this is how the Master Plan to look like…

Administrative Director Michael Borja: Better than before where they were just given, you saw them hold up a hand drawn sketch or something and all they did was drew something in there and that was real difficult for the surveyor.

Chairwoman Pika Fejeran: But it's still not as efficient as sending one survey team out to survey the whole Master Plan. So for the land registration. Is there a specialist in the team that does it?

Margarita Borja (CLTC): Well, all the land agents' are deputized as processors so we have a team here at Land Management that is put together for land registration and is spearheaded by Survey and we just kind of assist as far as processor. We assist on the survey.

Administrative Director Michael Borja: There's a process, they are certified by the court so we don't have to hire anyone to go out and officially serve notice to someone. The Survey has to come in, Records has to come in because we actually to take the land abstractor who then determines who are the adjacent properties and who owns these adjacent properties and by going to the Land Records they can find out who the owner is and then we start from there.

Kristan Finney (Legal Counsel AG): and we also had started to work on, I think it was 421 in Talofofo but that's the property that going to be registered by GPA is going to do that. But we had started to work on it and one of the other challenges we found was that in trying to list who the lessees were, who was occupying the property we were running into discrepancies between different list and so to make sure we have complete list is kind of what more involved from process. It's just another challenge and I don't know if there's an easier way or more complete way but it's a difficult process to determine all of the people who have leases and all of the people who occupying the (inaudible) because they all have to be notified because they (inaudible) have an interest in the land. And if that part is not done then the whole registration is at risk. The interest of the land is great so you have to do it, the notification part.

Margarita Borja (CLTC): Just to let you know there's at least about 300 leases issued on unregistered property and in the law it's indicated that, "we shall not issue leases on unregistered" so that just something I wanted to (inaudible) but…(interrupted).

Administrative Director Michael Borja: Some of the priorities when we wanted to go out and have to do the survey for example, will be on those unregistered properties that have a lot

of people that have leases. The whole community up in Yigo and Agafa Gumas and it's just terrible because they are not supposed to be there but they're there. So we can't really kick them out and yet they get disconnected with their power and we really don't have anything we can do for them. It's just one of those things we have to work one on one with the utilities to say we got a Master Plan but it really doesn't mean anything because it's unregistered land too.

Chairwoman Pika Fejeran: So like those communities they are included in this 89 Master Plan.

Commissioner Pascual Sablan: What would happen if a private land or eminent domain applied to private land then the government later on turn that over to the Chamorro Land Trust and then we're going through court because it's unregistered land?

Kristan Finney (Legal Counsel AG): That's a completely different process, I mean the eminent domain is when the government decides it needs private land for something that's completely different than what we are talking about here.

Commissioner Pascual Sablan: But it's an unregistered government land? The eminent domain was applied to a private property then...(paused).

Kristan Finney (Legal Counsel AG): That's not even...we're not talking about that at all here. That would be completely different process.

Commissioner Pascual Sablan: It might be completely different but is it Chamorro Land Trust is still in (inaudible) They said they are going to record that later on and they go through the process going to court to record that land then the private owner comes forward and say, "hey if it's an excess give me back my land". What's going to happen?

Kristan Finney (Legal Counsel AG): I'm not sure exactly what you are asking but in a land registration process you serve all of the surrounding land owners and they could object to the land registration. You also serve all of the...you serve all of the...anybody who has an or potentially have an interest on the land that you know of and you serve (inaudible) and they can object for the (inaudible) but that's through the court process (inaudible). You would establish where the boundary are and...(paused).

Commissioner Pascual Sablan: Who's liable then if the Chamorro Land Trust give out the land to (inaudible)?

Administrative Director Michael Borja: Oh if we accidentally lease someone on unregistered land and it was found to be a private property through land registration process?

Commissioner Pascual Sablan: No, right here. I'm very familiar with this one. This one. As a matter of fact I gave you a copy of this. There's some land here that the government got it through an eminent domain then the government found out that (inaudible) they don't

need that land. They transferred it to the Chamorro Land Trust. This again needs to go to court, isn't it?

Kristan Finney (Legal Counsel AG): Well, once the government has gone through the process of taking somebody's land they would have compensated the landowner and that's why I'm saying it's a completely different process. They compensated the landowner and then the government owns that land so there's no…(inaudible) they own the land they can do whatever they need to do with it. The former owner, you know, they can challenge it during that whole taking preceding but then later they wouldn't be able to come back and say that used to be land give it back if you don't need it because the government had already paid for it. Through that process they can only take it for a public purpose. You know there's limits on how the government can take lands but once it does it becomes government property.

Commissioner Pascual Sablan: So no potential liability?

Kristan Finney (Legal Counsel AG): Not for somebody coming back and saying that used to be my land give it back.

Chairwoman Pika Fejeran: What is next Compliance?

Mathew Leon Guerrero (Chamorro Land Trust): You asked about compliance so what we did here is these numbers are totally says in January 1996/1997. From the start of the trust to the present that's the total amount of leases given out. So what we did we separated the agriculture and residential and we came up with 5 acres and above and then 2-4 acres. So we additionally task Joffre Aguon and Glenn Eay we're going to start breaking it down this way and have them go out and hit this big acreage areas that were given in each of these months. We're starting out with the 5 acres and above (inaudible) 2-4 acres. Utilizing it instead of having big acres sitting stagnant.

Margarita Borja (CLTC): and being there's only 2 of them right now the reason why we did this and why not just start with 5 acres and above. We're going to go in and we're going to 548; 613 leases are going to be…you know and there's only 2 of them. So you as much information as you can, use the arch map, verify their occupying. If they are occupying and they are residential, kind of like go out there and see if there's 2 structures. You know, if you see anything like that on the… after they've completed their 5 acres and above concentrate on that first and then move in to other residential. If we had more under the compliance team then go and try and hit all 613 in one month. And the way we asked them to do it was complete all leases issued in that month so you can move on to the second month. I don't want them to try and carry on the 5. Let's say like in January 5, February, March five acres and above there's none. So they move on to the 2-4 acres. They exhausted that in like 3 days or 2 days then they go into smaller…and just kind of…so we kind like to present something and it's a start. We only got 2 of them right now that have been assigned to that and…(paused).

Chairwoman Pika Fejeran: I really like that approach. I think it's feasible there's like a strategic plans to get this done. My question would be what are the procedures, policies in place for one going out there determining compliance, is there like a check list with each lease because I understand each lease is different and then no. 2, if there's non-compliance what are the procedures that are in place just so that when you go out there you're addressing each one (inaudible) policies.

Mathew Leon Guerrero (Chamorro Land Trust): There is a site inspection form for that it's being utilized. A new form is being drafted it was just presented to us yesterday afternoon Glenn and Joff is working on that. They gave a draft but it was incomplete so they took it back to add more to it before we bring it back to Mr. Borja and then to you guys.

Chairwoman Pika Fejeran: and you would have the policies and procedures in place before you hit the ground.

Margarita Borja (CLTC): We kind of mirrored...there was a team that was put together in like 2012 with Dr. Barber, 2010, and they had put together a team and they had some forms that they had forms that they put together also and we kind of looked at it we tried to use it but it was kind of... it was 15 pages. But it was really detailed. They had the team, they had the agriculture specialist. We need those, but we pulled as much information as we could off that and we're trying to mirror some of it. A lot of it is to get into compliance and they are given 60 days so whatever the matter is, its 60 days.

Administrative Director Michael Borja: That thing with Dr. Baber was also to accomplish some of their requirements too, right? The University of Guam Cooperative Extension.

Margarita Borja (CLTC): We paid them like a $1,000,000 for that. We paid them and I don't know if we ever got a final report but I think I've seen it...I don't know if it was ever finalized. We paid them for that, we looked it over, we kind of extracted some information from it that we could. We tried to simplify it as much because it was like real detailed and...(paused).

Chairwoman Pika Fejeran: So my understanding is that these compliance (inaudible) for leases that were actually given out? Right? What about the land that maybe doesn't have a lease and we have showing as vacant but then there's squatters? My question is do we want to use the compliance scheme time to harp on the individuals that have leases or do we want to use that time for people that are on land that shouldn't be there?

Mathew Leon Guerrero (Chamorro Land Trust): Currently with our plan is this is what we have that the other lands (inaudible) are we met with them and say look when you go out there and you're doing either land showing or site visits to your clients and you see out of the norm stuff, jack yards that are out there, advise Glenn give them your location and those will be case by case because with the staffing we have...a lot of it is reactive, somebody calls and says hey my neighbor is doing this then we can send them out. The GIS layer though that we want to utilize is a 2013 layer and it's Chamorro Land Trust property just like the Manibusan's case. Today you go out there and there's nothing, and you go out there next week there's somebody's make shift lean to the house has been put

there. So it's kind of hard for the squatters that are there it's just whatever they see out there, whatever is reported to us.

Chairwoman Pika Fejeran: Again I think I want to relook and see, I mean, I really like the approach where you're getting the big fish and you're focusing and not spreading the team thin, but I'm wondering if there's another way we can take the same approach and have a more comprehensive look so that you're not just going out there for the big 5 acres maybe you're breaking it down by section. Or even by Master Plan. Start at the Master Plan maybe. These are just ideas, brainstorming. But because again I don't want to be going out there and someone hasn't built on their land and we have that rule that have to build within 3 years and if they haven't built then I don't want you guys spending your time to go out there who haven't built. Kind of have an ideas they have hardships I'm sure if it was in their power they would build already. So I don't want to go after those people. I want to go after the people that Tan Amanda talks about why are they there, they are not even Chamorro on our lands. What would that strategy look like? It is village by village or?

Mathew Leon Guerrero (Chamorro Land Trust): We might have to do village by village. We come across a lot of this. We've been reporting it. They've been doing out asking them to come forward, we've given notices to cease and desist and several of them moved. But what we are finding is a lot of our lessees are allowing these people to go in there. Dededo is where we have that issue.

Chairwoman Pika Fejeran: The other thing that comes to mind is we tell (inaudible) compliance realm we go out there and we see squatters you give them the notice, you guys got to get off the property. At the end of the day if we are going to finding families and shouldn't be and we're telling them to get out are we referring them to other agencies that can help them like…(paused).

Margarita Borja (CLTC): I provided you guys with part of this. This allows the trust to return temporary lands back to the department. It's people like that, who are non Chamorros who are under probably under a Land Use Permit because they were allowed to back then and remain there. So maybe what we can do is return those lands back to Land Management, put them on the Land Use Permit for one year and charge them the $40.00. That was the program that existed back then. At least we're making money and it's allowed here so I mean so we just to find out. We don't want to displace anybody but at least we're given them one year. It says here up to 25 years but I don't think (inaudible). Under the Land Use program it's year to year. We can put them and when they leave return back to the Trust so we may lease it out.

Administrative Director Michael Borja: We may have to look at some of these things where there were people who have been occupying the land prior the enactment of the Chamorro Land Trust.

Margarita Borja (CLTC): Like the Arrendu. Not just somebody who is squatting.

Administrative Director Michael Borja: Well we have like a whole Palauan community, for example in Pagat.

Mathew Leon Guerrero (Chamorro Land Trust) Sir, I asked them to do inspection report. They went out yesterday afternoon and came back little after 5 but just in one area in Pagat there was 11 houses. There is a Land Use Permit for the individual; one land use permit for all those 11 family who are related to. But they were compiling that but we just didn't get to finish it before the meeting. But it was something we wanted to bring up with that because if we can permit these 11 families that $40 for each of them a year to limited annual permit to be utilizing that property.

Chairwoman Pika Fejeran: Was it in that year that we would expect them move on.

Administrative Director Michael Borja: Well, in this case it might be necessary to do legislation to allow for certain individuals who came well before the Chamorro Land Trust Act. We can't just automatically displace them but at least legitimize them so they pay their taxes.

Kristan Finney (Legal Counsel AG): Where does the $40 come from?

Margarita Borja (CLTC): Actually it's a program under Land Management and it still exist. Majority of the properties under the Land Use Permit got transferred to the Trust. So you going to find Filipinos, other nationalities who are not qualified under Chamorro Land Trust living on there because they remained there because we never really went out there and told them to vacate when it got transferred to the Trust.

Mathew Leon Guerrero (Chamorro Land Trust): The Palauan community that Mr. Borja was talking about dates back as far as the 80s, 70s during Governor Bordallo's tenure they were there. They were there during that time frame until this day.

Margarita Borja (CLTC): So it's something we need to decide on whether (paused).

Kristan Finney (Legal Counsel AG): Are there existing leases?

Margarita Borja (CLTC): No nothing.

Mathew Leon Guerrero (Chamorro Land Trust): We couldn't after the Trust. The Trust became effective but they transferred all those properties; it's an inventory of the Trust these people remain there. There's even concrete houses out there they built.

Kristan Finney (Legal Counsel AG): They haven't been displaced and they are not paying rent but they could under this (inaudible).

Administrative Director Michael Borja: Land Ad Tax

Chairwoman Pika Fejeran: Well it sound like this approach for those cases I think would probably constitute where we should focus our compliance efforts and then we can go after the people that have leases and are not using the land.

Mathew Leon Guerrero (Chamorro Land Trust): That could be revenue generated because that $40 would go into the survey fund for Chamorro Land Trust.

Commissioner Pascual Sablan: Remember Mr. Director that woman that came before us that build house like a high rise?

Administrative Director Michael Borja: Yes they build a 2-story house. They paid for their application and they thought that was enough and they went out and just found a piece of land and went and build their house. It was a 2-story semi-concrete. The reason we called this people was because somebody complained that they were renting to them and they were kicking them out and so we went to go and inspect and we called them in and they just said we just paid our fee and we thought we can go and find any land. They picked that land because the neighbor is their friend.

Commissioner Pascual Sablan: But do they have a lease with us because if they don't have how can they pay real estate tax?

Margarita Borja (CLTC): They were giving a survey authorization to survey and we haven't receive it yet.

Commissioner Pascual Sablan: The other things how about the other commercial property that we haven't turned over to the legislature? Why don't we do that too so maybe it's not a bullet proof but at least the legislature knows this body look into that (paused).

Administrative Director Michael Borja: We will provide you with the lots that went to the public hearing process a year ago and then there ready be (inaudible) and then decide to make a determinations and put that on the agenda for next week and we'll give you the remainder. I think there's 7 or 8 others.

UOG - Fidian

Commissioner Pascual Sablan: If I may again, one more. How come the University of Guam is getting a piece of property again is that for free?

Administrative Director Michael Borja: Even the University didn't realize something like this is being developed. What happened down there in the Fidian Hatchery there's a bunch of buildings and there are actually encroaching over into Chamorro Land Trust property. So what they are being told to do is to portion out and they did a sketch on the part of the property that they need to put all their buildings within their own property but they got to pay for it. I was just explaining as I was coming down last night I decided to determine how much that was. They currently occupy 21,000 square meters and the additional will bring them up to 27,000 square meters. It's over 6,000 additional square meters they need. The price per square meter is $41.10 at 6,000 some square meters it comes out about

$284,000. That's the tax assess value, that's the estimate. If this bill goes through and they get the property then after the fair market value is determined. It's probably going to be in the neighbor of a quarter million dollars that they would have to pay to Chamorro Land Trust for legally using the land and now owning the land under the University of Guam for that hatchery.

Commissioner Pascual Sablan: For using not owning, is that what you are saying?

Administrative Director Michael Borja: They are going to acquire. It's going to be transferred to them so that facility is completely under the control of the University of Guam. It's not going to be administrative transferred. There were some other lands that was transferred to them and they didn't pay for it. It's that old cliff line that's where the old administration building is there's that road that goes down to the Marine Lab. It's just that cliff line to the north of that that was all given back to the University of Guam. They didn't pay for it but in this case they are making them pay for it especially since the hatchery is profit making business.

Margarita Borja (CLTC): They reserved that lot that's why, in No. 2218, that's the reason why they didn't pay for it because they made reservation to that. All the government agencies.

Administrative Director Michael Borja: Public Law 2218. Okay.

Commissioner Amanda Santos: How big is the Land Trust there in the Fidian?

Administrative Director Michael Borja: Well, it's a huge lot but they are taking only an acre and half from. That price per square meter is cheaper only because it goes all the way up to like GPA so that coastal property right there on the coast is much more expensive than the total of the other bigger lot because it goes all over the place. It's huge. But I just decided to try to figure out what an estimated price that would be...so it's over quarter million dollars.

Commissioner Pascual Sablan: How can we stop the legislature from giving out land?

Administrative Director Michael Borja: Change the Organic Act. It is their Organic authority to control the land of Guam.

Commissioner Pascual Sablan: At least give us some respect, come to us and let us know.

Chairwoman Pika Fejeran: Will you be given a testimony, is there like a public hearing?

Administrative Director Michael Borja: There hasn't been any public hearing announced yet, I haven't seen one. I haven't written up any testimony on it at all yet. I'm just trying to get through my designated bills to change our fee schedule and to get money appropriated for the survey. But I got a meeting on Monday with Senator Ada at 2:00 p.m. and if any of you want to join me it's at his office at 2:00 until 4:00. I haven't receive the agenda yet. He

actually want to go over a number of things not Chamorro Land Trust related but it's also Land Management. Like yesterday we had an issue with Guam Land Use Commission over sign last week and they are kind of concern because they believe what they read.

Chairwoman Pika Fejeran: I want to be good as a Chairwoman as Mr. Sablan so whenever you get the notice about public hearing I'll be there.

Administrative Director Michael Borja: I will definitely let you know that. But there are 2 bills that got introduced. One is Fidian and the other one is a zone change of all of Tiyan, all the rest is South Tiyan.

Chairwoman Pika Fejeran: Is that for Atkins?

Administrative Director Michael Borja: No, no they already passed that one. It's for the rest to rezone into industrial. So what we do we take those public laws and we attached an affidavit to it to include it as an exhibit and then we record it so that Rev and Tax gets the information that they got rezoned and they get tax next year (inaudible). We don't get the money but... before nobody knew and Rev and Tax were taxing them for agriculture if they were commercial and then the legislature changed it because nobody change the zoning.

Chairwoman Pika Fejeran: and then property owners' just mum on it.

Administrative Director Michael Borja: Then we went back many years found all the bills that we could for the...well, I told them to go back 20-30 years, find them all. It's quite easy to do in the legislature website. Just search for zone and boom, up pop all these things and then we downloaded all those public laws and then we did an affidavit for every one of them and recorded all. So even when I person comes in to do title search I can find out what the zoning is for because when the person goes through normal zone change through the Land Use Commission that notice of action to change the zone gets recorded so it's for the record. The only way Rev and Tax knows that is it's recorded so we're recording it.

Margarita Borja (CLTC): Just to let you know they did a land use plan for all government properties in 1983 like Bureau of Planning so (inaudible) so just...there's something.

Administrative Director Michael Borja: That's not the North Central? There's debate over whether or not that's acceptable land use. The SP couldn't get us to say it is we go no, nobody approved it. We get the approval process that's required for this things. So they constantly referred to their land use plan whenever we send them any zone change (inaudible) whenever there's an application to the Guam Land Use Commission to do something they will always refer to it in their reports.

Chairwoman Pika Fejeran: So going back to the Compliance Plan, I think if we can put together a strategy for looking for land that (inaudible) or people are there, should they (inaudible).

Mathew Leon Guerrero (Chamorro Land Trust): We have a majority of that we know their location, we (inaudible).

Chairwoman Pika Fejeran: How to tackle it?

Mathew Leon Guerrero (Chamorro Land Trust): Yea.

Chairwoman Pika Fejeran: And then also you know not only just looking at that but even at looking at commercial properties. Again I would like Compliance Plan to be comprehensive and I understand low man power so it's broken up by village and then it would be a compliance audit of everything happening there and then get that done and move forward. Thank you I think having you guys here (looking to the Chamorro Land Trust staff) thank you for preparing this. Again I wasn't expecting it but I appreciate it.

Margarita Borja (CLTC): Something quick but something to talk about.

Chairwoman Pika Fejeran: That's good it helps to lead the discussion but then I can see where you guys are at and then we can meet in the middle.

Mathew Leon Guerrero (Chamorro Land Trust) You haven't gone out to see some of our problematic areas.

Chairwoman Pika Fejeran: No and I would like to and you guys talk so easily about (interrupted).

Planning for Site Visits

Administrative Director Michael Borja: Let's arrange for something next week even in the morning. If we can do a whole half day for example where we can actually drive from north to south (inaudible). You guys want to see the good and the bad. Not just the bad because there's enough badness. We can take you one place and your heart will sink. In fact when we went on that one tour someplace. When we went to this one place where someone stole the soil my heart sunk so low but after that we went to go look at the guy who invited us over to show us that the land that he's leasing and how he is producing it and earning him big bucks and he's got all these coconut trees and pineapple he's growing. If you go to Two Lovers Point and (inaudible) Chamorro Village and you see the guy who's chopping up the coconut for the tourist to buy. He's breaking it in. is that Naputi. Yea. Naputi. He's really hard working there and it's just so cool to see… and the thing about it is he disguise his boundary so you can't even tell what's behind it. By just growing a bunch of high plants and making sure you can't see inside. I think there's even a fence around there but you can't tell there's a fence and it's in a very populated part of Dededo.

Joseph D. Cruz update

Commissioner Pascual Sablan: One quick question. What happened to David Cruz (Joseph David Cruz) the guy that was cited by EPA what's his name?

Administrative Director Michael Borja: Oh no we are following up with him he's off island. Prior to him leaving early last month for heart treatment over in Hawaii. We inspected it and he had been cleaning up considerably removing a lot of stuff and he had records. I provided in the last meeting all his documentation so we just have to follow up. He's going through the process of cleaning up. He's trying to make good.

Mathew Leon Guerrero (Chamorro Land Trust): On the last report that Glenn did, he had about 40 cars but it has reduced it to more than half of that before he left. When Glenn went out and did a count on the vehicles that were there he reduced it for more than half like less than 20 cars. And he has the invoices with Global (inaudible).

Compliance Plan
Chairwoman Pika Fejeran: So for the Strategic Plan I would like to revisit your Compliance Plans and then also I want to talk about the director's putting together the bill for appropriating funding for surveys. So I want to hear from you guys okay we're going to have this money where are the priority areas you think we can spend it out first and why they would be priorities. That way we can have a plan to the legislature saying this is the money this is what we're going to do it and why. Okay. Revenue Collection Report for January 2017.

VIII. COMMISSIONER'S COMMENTS

Commissioners' comments? None. Thank you everybody motion to adjourned.

Commissioner Amanda Santos: I move that this meeting be adjourned.

Chairwoman Pika Fejeran: Seconded by Mr. Sablan. All in favor say aye.

All: Aye.

IX. ADJOURNMENT

Acting Chairwoman Pika Fejeran moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 4:19 p.m. RS

Transcribed by: Ruth Sakuma, Administrative Assistant: _____

Approved by Board motion in meeting of: March 16, 2017

Michael J.B. Borja, Administrative Director: _____ Date: 3/16/17

Chairwoman Pika Fejeran: _____ Date: 3-16-17