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Director

DAVID V. CAMACHO
Deputy Director

GALC COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Wednesday July 19 2017 | 2:20 pm to 4:30 pm

I. CALL TO ORDER

Meeting was called to order at 2:20 pm by Chairman Anthony Ada

Chairman Anthony Ada: In Compliance with Public Law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, July 12, 2017 and Monday, July 17, 2017 in the Guam Daily Post.

II. ROLL CALL

Present were Chairman Anthony Ada, Commissioner Ronald T. Lagaña-absent, Secretary/Treasurer Maria Cruz, Commissioner Ronald Eclavea, Commissioner Anita F. Orlino, Commissioner Antonio Sablan, Commissioner Louisa M. Wessling, Director Michael Borja- absent, Deputy Director David Camacho, Land Administrator, Margarita Borja, Karen Charfauros, Land Agent, and Assistant AG Nicolas Toft.

III. APPROVAL OF MINUTES

Chairman Anthony Ada: This meeting is called to order.

IV. TITLE HEARING

Chairman Anthony Ada: We are to start the Title Hearing but we need one more Commissioner and she is on her way so we are going to move to old business.

Commissioner Ronald Eclavea: We could move "d" up to "c", we could start on court cases first.

Chairman Anthony Ada: Okay, Court Cases Updates.

V. OLD BUSINESS

A. Court Cases Updates

Attorney Sandra Miller: I am here to update on Civil Case 1235-12 which is involving the Lots 5001 up near the Mall, Mr. Highsmith and I went to the District Court of Guam, that's the Federal Court, where Judge Joaquin Manibusan presiding over the tax case involving the Torres Estate. The tax cases where GRT is trying to get taxes for the estate and they don't owe taxes because the land is in disputes part of it through the Gov.'s office we were invited by Judge Manibusan to come and see whether there's a possibility for trying to settle both the tax case and 1235 and so Mr. Highsmith and I agreed that we go hear it out. We're going to go and at least hear what they have to say. So the hearing, because we have not had a change to coordinate this with the commission, the Judge postponed it until July 31st. So on July 31st he's going to try to do a mediation over the tax case and within that tax case, see if there's any (inaudible) room to open the doors for discussion on 1235. So Mr. Highsmith is doing the tax, I'm doing the 1235. So the Judge had asked if the commission would be amenable to coming to the courtroom on July 31. So I'm here to no. 1 put that invitation in front that everyone is invited. It's nice that he's there he just want to talk to everybody and see where this is going. It's what we call a mediation if a cases cannot be settled then that's fine we can just continue on our track and right now the current status is that Mr. Highsmith's case before the Supreme Court to appeal his disqualification, I believe their hearing is next month in August. So if the Supreme Court has a hearing in August they probably will issue a decision by November or so and the Commission will know whether AG is backing all the case. So between now and then I think it was the suggestion of the Torres estates they wanted to invite the commission to come and try mediating with Judge Manibusan. This is just an invitation, you can say no and decline it and I will go back and tell the Judge no, the commission is not interested. But I would just like to get some direction so you don't have to make up your minds today because we still have till the 31st so the if the commission wants to discuss this amongst themselves or take a vote on it I'll leave that to you. I'm just asking for some guidance as to what I should tell the court. So think about it and we can come back at the next meeting. Or if you already know and you're firm in your thoughts how you want to proceed that's okay too.

Chairman Anthony Ada: Or we can just show up to observe?

Attorney Sandra Miller: Or you can just show up and in fact it would be appreciative if some or all of the board members would show up and at least tell the Judge how they feel about it. By the way, this is all done in private it's not in an open courtroom you will be in a room just with the Judge and me and maybe Mr. Highsmith. The Torres's are not there, they will be in a separate room and the Judge will go over to their room and it's conducted privately so you can talk to him honestly and tell him how you really feel and it's all very confidential. That's the mediation.

Chairman Anthony Ada: Could he use what we say inadvertently against us or?

Attorney Sandra Miller: No, how it works is that he will come and tell you all the stuff that's wrong with your case, you're going to lose, this is not the way or he'll tell you all the good points and will do the same to the other side and he'll try to figure out the way if there is some kind of a middle ground. Like I said, it's not public, it's done in his chambers in a separate rooms and you can finally have your time with the Judge and just kind of let it all out. And it doesn't cost the government anything. What he's really trying to do is settle, hopefully, the tax case and within the context of that see whether there's...there seems to be...and to be honest with the commission that the Torres Estate is very interested in settling 1235 more than the others and I question them about that they said cause they could get the door open on this one. There's a possibility that maybe we can resolve the others so I said well, just from the Governor's perceptive he's always been open to trying to reach a mutual resolution that's good for everybody. Its 10am on July 31 I will be there, Mr.

Highsmith will be there, the director of Revenue and Tax will be there for the Government of Guam side. It is the Federal District Court in Hagatna. You would just go in through the door. If I know you are coming I would wait for you and then we would go in together and if I just let them know ahead of time.

Chairman Anthony Ada: Was this case always in the Federal Court?

Attorney Sandra Miller: Tax cases are in Federal Court. Because it's within the context of the federal case that's always in the federal court.

Chairman Anthony Ada: So when we're talking about the land will that be something that you said do this and that because it's not his court?

Attorney Sandra Miller: His court? Well, he cannot force anyone and his job is just to facilitate discussion between the two. If you can reach the resolution, hopefully, it will also have an effect of the tax case. I think that's where that was going. So again it's your decision. I will come back to the director and inquire of him how the commission feels if you want to think about it otherwise, 10:00 am July 31st, District Court let me know you're coming and I will wait in the front.

Nicolas Toft, Legal Counsel: Would this require an executive session of the board, wouldn't it violate a government law if the board is meeting especially in private outside the natural setting?

Attorney Sandra Miller: Within the context of the court case?

Nicolas Toft, Legal Counsel: Yes.

Attorney Sandra Miller: I don't know. The open government law doesn't contemplate that you need to give notice if you're going into a mediation.

Nicolas Toft, Legal Counsel: I'm looking at the subject rule so an executive sessions under no circumstances shall public agency hold executive closed meeting to discuss legal matters, impending legal matters or legal strategies with an attorney except when provided below. So it would require a written recommendation of the attorney (inaudible).

Attorney Sandra Miller: Well if it's compliance with the open government law which requires which requires we simply given the notice of putting it out there that's easy enough to do. I mean we have way more than the five days required.

Nicolas Toft, Legal Counsel: There's several (inaudible) before an executive session.

Attorney Sandra Miller: If this is to be considered an executive session and I don't know if it is. I would need to look into it.

Nicolas Toft, Legal Counsel: I mean, if they are just attending and not doing anything and observing that's one thing, but I think if they are actively entering into discussions regarding settlements or possible resolutions then that would certainly constitute meeting for the board and order due to not violate the open government law that we would need to have to take this precautionary steps of given the notice of an executive session prior to the meeting.

Attorney Sandra Miller: Alright let me check into that because we're not meeting to...and you don't have to make a decision, like I said right now but I can check with...maybe Mr. Toft and I can talk offline and discuss it little bit more and we can check with the AG.

Chairman Anthony Ada: Since four constitutes a quorum what if among ourselves we decide only three of us will show up, would that be allowed?

NicolasToft, Legal Counsel: I think if it's two or more we need than your (inaudible).

Deputy Director David Camacho: I have a question there Sandra, it's only the board that has been requested, let's say the executive, let's say the director and myself, do we participate?

Attorney Sandra Miller: The Judge said anyone from the agency so he appreciates that and he's very open to it. But perhaps, let me get Mr. Highsmith involve because Mr. Highsmith is also a party to this and maybe we can talk offline, the attorneys, and kind of figure this out.

Nicolas Toft, Legal Counsel: So it would be more like a subcommittee that is visiting the court and getting information (inaudible).

Chairman Tony Ada: But not interacting?

Nicolas Toft, Legal Counsel: I think interacting is fine as long as there's not a decision making made at the (paused).

Chairman Tony Ada: So the question on the quorum and then about decision making, right?

Attorney Sandra Miller: I think any decision, what would happen is that they will give you a proposal and then you can come and bring it.

Nicolas Toft, Legal Counsel: Then you can bring it before the board in public.

Attorney Sandra Miller: We want to make sure we do it right. Mr. Highsmith has the updates on the other cases but I don't think too much has happened.

Chairman Anthony Ada: He's not here today. Could you identify yourself for the recording.

Attorney Sandra Miller: I signed in, but I'm sorry, Sandra Cruz Miller for the Office of the Governor.

B. GEDA MOU

Vice Chairman Ronald T. Laguana: Somebody want to update me real quick on what happened I wasn't here for the old...I wasn't here.

Commissioner Maria G. Cruz: No there's nothing. On MOU we did not (inaudible) after I come in that the director and the deputy director get together (interrupted)

Deputy Director David Camacho: The MOU has already routed for signatures.

Commissioner Maria G. Cruz: For GEDA MOU because we have not...so you know, we haven't gotten... I guess, I'm very flexible but no body offered so what I'm going to suggest is the director

and the deputy director and GEDA negotiate and come to us for approving the MOU. So can we continue to extend the MOU?

Deputy Director David Camacho: I will mention that to the director because we did clarify that we leave it to board because the board is supposed to come up with certain condition to additional (inaudible) on the MOU. So now that you are requesting if the board wants us to (pause).

Chairman Tony Ada: We went through those items and (paused).

Deputy Director David Camacho: The only thing the board is concern about is the percentage and all those things, the (inaudible) our office (inaudible) is the financial side of the MOU (inaudible) our office will handle the financial side (interrupted).

Commissioner Maria G. Cruz: I have a question is it possible that each property that we list with GEDA that we have an MOU or does it have to be a blanket? Because I was thinking about it and I talked about this in our last meeting that if we can have an MOU where that expires as soon as everything is done such as the RFP then negotiations by contract then they continue for maybe a year to have them received or recover the funds that they spent (inaudible) for profit and then we take over after that when everything is in place. So all we have to do is collect so that is the best proposal for me and they continue the same rates however we shortened their term for a year after we have a contract with lessor.

Chairman Tony Ada: The last time you spoke about it we went through each item and then GEDA was supposed to follow through with and most of the time we said we continue to do that and then our part is the collections of the receivable and then (inaudible) follow up (inaudible) then we enlist the help of GEDA and jointly make the notice and we agree that would get them a five-day grace period. Remember when the MOU went through me, it's one of those items and majority of them says that should stay with GEDA. And so then the questions is, are they entitled to the 14.6% ever since time for the life of the lease, like what you just mentioned recover their cost and then a small continuing fee. But that's what we were supposed to, as a working group, come up with.

Commissioner Maria G. Cruz: Mr. Chair, I request that you hold that thought and we recognize commissioner member Wessling and requesting that we resume the Title Hearing because we have the five that we need.

Title Hearing

Chairman Tony Ada: That's a good ideas. Commissioner Wessling is here. We have the numbers needed to go into the Title Hearing. So if we go back to the Title Hearing this is for Lot number 2211-1 and this is in *Ta'i* Barrigada, the Lot faces *Ta'i* Barrigada under the estate of Tomas Duenas. Iriarte so can we invite the representative of the family to come up.

Commissioner Maria G. Cruz: Can you remind standing so that I can swear you. Can you please state your name and what is your interest on this Lot number 2211-1 Barrigada.

Tomas F. Iriarte: My name is Tomas F. Iriarte.

Commissioner Maria G. Cruz: What is your interest on the Lot?

Tomas F. Iriarte: I am the son of Tomas Duenas Iriarte.

Commissioner Maria G. Cruz: Could you please raise your right hand. Do you solemnly swear that you tell the truth, the whole truth, and nothing but the truth so help you God.

Tomas F. Iriarte: Thank you.

Commissioner Maria G. Cruz: Thank you, you may be seated.

Chairman Anthony Ada: Just to recognize that we have the five that's needed.

Deputy Director David Camacho: Commissioners please acknowledge your presence. Chairperson Anthony Ada, Vice Chair Ronald Laguana, Secretary-Treasurer Marie Cruz, Commissioner Eclavea, Commissioner Anita Orlino, Commissioner Antonio Sablan, Commissioner Louisa F. Wessling, again I would like to acknowledge our Attorney Toft, Director Mike Borja. Mr. Chair, we have a quorum for the Title Hearing.

Chairman Tony Ada: Earlier we read the notice of Title Hearing was published in the paper and to meet the requirement for notice. Here the procedures are simple. The commission will call each application, in this case the (inaudible) the estate of Lot 2211-1 Barrigada, the Estate of Tomas Iriarte and Karen, one of the Land Management staff will help present your recording documents and evident. Then after that the commission will be given a chance to ask questions and the public will be allowed to make a statement on the application being heard, if there's anybody. The commission will take a vote on the application today, or take the application on advisement and vote later. Director, can you inform the applicant of the fees.

Deputy Director David Camacho: This is \$25 for deed, \$2 for each affidavit for a total of \$27.50 per Lot. It can be a personal check or money order payable to the Treasurer of Guam. Applicant needs to provide this payment at the sign in ceremony that will be later on after we finish the title.

Chairman Tony Ada: Thank you director again the individual Lot we are referring to is Lot no. 2211-1 Barrigada and this is only one Lot being entertain it will be I guess we can proceed from there. In the application for the ancestral title to Lot 2211-1 Barrigada own at the time was taken by Blas Duenas Iriarte. His descendant is the applicant present which is a (inaudible) Iriarte, the son of Blas. So just for the recording could you state who's bringing in the application. Please state your name sir.

F. Iriarte: F. Iriarte

Chairman Tony Ada: Is anyone acting on your behalf or assisting you?

Karen Charfauros: I am sir, Karen Charfauros.

Chairman Tony Ada: Okay, madam secretary will administer an oath for them. Oh, they did already. That's sufficient right? Okay. Mr. Iriarte, we can proceed with your presentation.

Karen Charfauros: Mr. Chair, I bring before you the application for Lot 2011-1 Barrigada, the estate of Tomas Duenas Iriarte. We present to you Exhibit A, the Ancestral Title and Compensation Application of Tomas F. Iriarte for Lot 2211-1 Barrigada the son of Tomas Duenas Iriarte. We also present the affidavit of Tomas F. Iriarte for Lot 2211-1 Barrigada. Birth certificate of Tomas F. Iriarte, the death certificate of Tomas Duenas Iriarte, the family tree evidencing his heirship as the son of Tomas Duenas Iriarte and the claim of interest of Tomas F. Iriarte which was recorded on April 3,

2017 instrument no. 905229. Also included is Exhibit D, the 1941 tax rule for Barrigada showing record of owner Tomas Duenas Iriarte for Lot 2211-1 Barrigada *Ungaguan*. Exhibit C the district court Judgements Civil Case number 3450 acknowledging Tomas Duenas Iriarte to be the sole owner and claimant of Lot 2211-1 Barrigada. Exhibit B the Quitclaim Deed from the United of America to the Guam Economic Development Authority to the Radio Barrigada A-6 Document 636645. Exhibit E Quitclaim Deed from Guam Economic Development Authority to Guam Ancestral Lands Commission Lot Radio Barrigada A-6 Document 638645. Exhibit F includes the Surveyor Certification for Lot 2211-1 Municipality of Barrigada by Frank L.G. Castro. Map of Lot Radio Barrigada A-6 proposed boundary of Radio Barrigada and Radio Barrigada A-6 overlay. Exhibit G is the aspect of title from Title Guarantee of Guam for Lot 2211-1 Barrigada.

Chairman Anthony Ada: Thank you, we'll take a few minutes to forward the documents. Karen, can we ask you to go over the aspects of the file.

Karen Charfauros: Okay, the Abstract Title is Lot no. 2211-1 Municipality of Barrigada, Territory of Guam Estate no. 1995 Suburban. Agana, Volume 7 page 154 Estate no. 1995 rural land planted to coconut located in Gaguan of this jurisdiction bordered on the East by Estates of Joaquin Pangelinan and on the West by the Estate of Felix D. Borja and on the North by the road leading to Adacao and the estate of Juan Camacho and on the South by the estate of Ignacio Garrido and Vicente Garrido with the extension of 6 hecters and 74 acres of approximately. It does not appear charged with any encumbrances. This was made by court of first instance of desiring in favor of Jesus Cepeda Y. Mendiola dated February 5, 1903 recorded September 21, 1903. The next page, Agana Volume 20 page 37 estate no. 1995 suburban a tract of partial of lands lying and being situated in the place known as Ungaguan municipal district of Agana, Guam designated by the official government survey of Lot 2211 containing an area of 10,478 +/- square meters made by Jesus Mendiola Cepeda, widower, in favor of Jose Cepeda Rabon, dated June 13, 1926 and recorded July 13, 1926. Guarantee Claim number 2594 named Jose Cepeda Rabon reference Agana Volume 20, page 123, premises Lot 2206-1 and 2211 Agana estate number 1995. Agana Volume 20 page 123 Estate no. 1995 list suburban the cautionary notice letter "a" of this estate appearing on page 37 of this Volume showing that Jose Cepeda Rabon with a Certificate of Identification number 208 acquired this estate by deed from his uncle Jesus Mendiola Cepeda converted it into definite record as a defect which caused the suspension of same has been corrected by means of having been presented in this registry, the plan of this estate according to each plan this estate is situated in the place of Ungaguan municipal district of Agana Guam designated by the official government survey as Lot 2211, Lot 2206, Lot 2261 the area is 10,478 +/- square meters, recorded on November 17, 1926. There was a Deed of Sale, the grantor being Jose Cepeda Rabon, grantee was Tomas Duenas Iriarte. The premises is Lot 2211-1 Ungaguan Barrigada the area is 2,441 +/- square meters dated June 9, 1938 recorded on March 24, 1939, Document number 14611, certificate of title number 1736 named Tomas Duenas Iriarte premises for 2211-1 Ungaguan, Agana. Area 2,441 +/- square meters. 1941 tax roll named Iriarte Tomas Duenas, Premises Lot 2211-1 Ungaguan area 0 hecters 24 ares, 41 centaurus. Now, there's a Judgement, Civil Case number 3450, the petitioner was the United States of America. Defendants there was a total of 11,825, 263 +/- square meters of land more or less in the municipality of Barrigada, Island of Guam, Mariana Islands, and Pedro L. Cepeda, etal owner is Tomas Duenas Iriarte, amount was \$60.00, premises Lot 2211-1, suburban, dated May 8, 1953, filed May 8, 1953. There was a notice of this pendants for Civil Case no. 34-50, the plaintiff being the Naval Government of Guam, for and behalf of the United States of America. Defendants were 11,825,263 +/- square meters of Land, more or less, in the Municipality of Barrigada, Island of Guam, Marianas Islands and Pedro L. Cepeda, etal. Ostensible owner is Tomas Duenas Iriarte, premises Lot 2211-1, Barrigada, dated July 20, 1950, recorded July 20, 1950. Document Lot no. 21812. There was a declaration of taking CC#34-50. The plaintiff being the Naval Government of Guam for and

on behalf of the United States of America, defendants: 11,825,263 +/- square meters of land, or less in the Municipality of Barrigada, Island of Guam, Marianas Islands and Pedro L. Cepeda, etal. Purpose: "proposed Boundary of Radio Barrigada Area #15" Ostensible owner: Tomas Duenas Iriarte. Premises: Lot 2211-1, Barrigada, Area: none, Dated: June 29, 1950, recorded: September 28, 1951. Document number: 23719, Certificate of Title #5683, Name: the Naval Government of Guam, for and on behalf of the United States of America, Premises: "Proposed Boundary of Radio Barrigada (Area#15)". Area: 11,825,263 +/- Square Meters. There was a claim of interest for Civil Case no. 34-50 made by Tomas F. Iriarte, heir to the Estates of Tomas Duenas Iriarte, heir to the Estate of Tomas Duenas Iriarte. Premises: Lot 2211-1, Barrigada, dated March 31, 2017, recorded, April 3, 2017, Document no. 905229. This abstract of title is to the hour of 8:00 a.m. on May 17, 2017.

Chairman Anthony Ada: Is it proper in order for us to ask Title Guaranty to correct that typo of acres correct it to ares? Is that for us to do or for Mr. Iriarte to do? Okay, Mr. Iriarte, it's just a typo that you need to ask Title Guaranty to issue another abstract of title and correct mention of acres to ares.

Administrative Director Michael Borja: If they are going to do that I would recommend the next page to correct that month.

Commissioner Maria Cruz: Junly to July. They need to this is an important document and it should have been corrected.

Chairman Anthony Ada: Thank you Karen, the floor is open for any questions. Board? Okay, so there are no questions from the commissioners?

Commissioner Maria Cruz: Can we go ahead and make our decision based on those documents to reflect the correct typo errors.

Chairman Anthony Ada: Okay, I'll present the members no. 9 here. Is there anybody here that wants to make a statement to contravening the evidence presented or is in disagreement with the applicant's claim of the ancestral land ownership? Okay, nobody's protesting? •If any protest is registered, formal submittal is required. If the petitioner does not have a transmittal letter of their protest, staff can provide the form. All protest must be turned over to the director who will direct his staff to officially receive the documents. Staff will return the documents to the director who will present them to the Commission for further review. •It is the commission's discretion to entertain a verbal protest within the time of hearing, however, documentation will still be required if the petitioner desires to invoke the protest within the 10-day appeal period after the Commission's Final Written Decision in Order of the Applicant's claim is issued. •If the resolution is not reach between the parties prior to the issuance of the Commissioner Final Written Decision and Order, and the petitioner in facts submits to protest a rehearing must be called and prompt response issued. •Every person coming before the commission to present evidence must be sworn in by the Secretary/Treasurer as directed by Chair. Is there any commissioner that has a question, does the board has any questions?

Ronald Eclavea: I'll make a motion (inaudible)

Deputy Director David Camacho: Can I include the appealed decision, the appeal will come in only first day of the advertisement of the award ceremony of the intent to award the property to the Iriarte (inaudible) for the appeal to be announced and after the 10-days period if there's any (inaudible) schedules deed signing ceremony with the governor.

Commissioner Ronald Eclavea: So Mr. Chairman I make a motion. I make a motion to approve the applicant's request for Title for Lot 2011-1 Barrigada, estate of Tomas Duenas Iriarte based upon Exhibit A, the application Exhibit B, the 1941 tax roll showing Tomas Duenas Iriarte owns Lot 2211-1 Barrigada, Exhibit C, the Civil Case no. 3450 also acknowledging Tomas Duenas Iriarte as the sole owner of Lot no. 2211-1 Barrigada, also Exhibit D, Quitclaim Deed from the United States of America to the Guam Economic Development Authority with the same Lot no. of Radio Barrigada, I'm sorry Lot Radio Barrigada A-6 Document 636645 also Exhibit E the Quitclaim Deed from Guam Economic Development Authority to Guam Ancestral Lands Commission, Lot Radio Barrigada A-C Document 638645, also based on Exhibit F the Surveyor Certification for Lot 2211-1 and also Exhibit G, Abstract of Title, also showing Lot 2211-1, Municipality of Barrigada, the owner as Tomas T. Iriarte.

Commissioner Maria G. Cruz: I second that.

Chairman Anthony Ada: Second by Mrs. Cruz.

Commissioner Anita Orlino: Approve.

Commissioner Louisa F. Wessling: Approved.

Commissioner Ron Eclavea: Approved.

Commissioner Maria Cruz: Approved.

Chairman Anthony Ada: and I too approve.

Deputy Director David Camacho: One thing that we need to advice the Iriarte is that the (inaudible) on the deed that they should provide an easement on the property not the land lock (inaudible) and this easement will be based on the tentative plan that we have and a copy will be provided to them or the surveyor that's going to do the survey of the property.

Chairman Anthony Ada: Is that the map that you are holding?

Deputy Director David Camacho: This the approved (inaudible) easement map of that area. They should comply with this.

Commissioner Louisa Flores Wessling: (inaudible) are not land lock, right?

Deputy Director David Camacho: Yes, on the back side.

Chairman Anthony Ada: Mr. Iriarte, what Mr. Camacho said was basically if there's a property behind you that cannot get through because your property is blocking it we want to make sure that we allow for a passage through.

Mr. Iriarte: Yes.

Chairman Anthony Ada: So it was moved and seconded it was an unanimous vote, congratulations. This is your property.

C. GPA Request for Land Purchase

Commissioner Maria G. Cruz: Mr. Chair, Is there's any use in that because the last meeting we didn't discussed or yes we did but we have not made any decisions so commissioner Eclavea, there still some thoughts?

Commissioner Ron Eclavea: Well basically I think they already did a Lot of research done with also on...I know our chairman did a Lot of research on this and also I think part of the divisions of that Land Management and I think we are in consensus that majority of their property is still being withheld by the federal government. So I am in favor of moving ahead and doing the sell only because that is the hotel zone and because of the fact that you have the sewage treatment plant right nearby this, I don't think we have the best opportunity to defend all that in the near future precisely because of the fact that you got that sewage treatment plant was there also going to expand. So I'm in favor of moving forward with getting the highest sale value which is GPA is willing to do right now at hotel zone. I'm off the opinion that we could use the money, we don't have to, but we can use the money to but we can use the money to get the properties that they were looking at getting but are prevented because of that limitations with the school district, right. And then using the rest of the money to develop some of our properties in Tiyan or Polaris Point so that we can generate more income. I really don't think just my opinion that we are going to get any other activity up there except...it's nice, it's a hotel zone but I don't see anybody really doing any housing or resort developments right in front of that, and I'm far from it in the cliff line. My family's at the cliff line but every now and then when the wind blows right...even the ones right there in front of it so I don't want to lose this opportunity to get that type of value purchase that they are willing to do. I think they are still under negotiation, I think they are even willing to go up to a \$100 square meter or more, I think there will be more for that. So I'm in favor of moving forward with the sale of it.

Chairman Anthony Ada: Okay, so you have some kind of additional information that you are bringing to the table?

Commissioner Ron Eclavea: No that's just my personal feeling that we should not lose it. We should really think about it, not lose this opportunity to get the highest investment for the value since we're not going to get that in the near future. It's going to sit idle for years unless GWA wants to expand more but I don't see that even though it's a hotel zone I don't see any investor/developer trying to take advantage. Just my feeling.

Chairman Anthony Ada: And just so that we put it out on the table both Commissioner Sablan and Commissioner Laguana, the option of them leasing the property instead of reducing the inventory of the land bank.

Commissioner Ron Eclavea: That's what I was saying we could use the money to purchase the properties, the ones that they...you know there's another piece of property right next door we can use that probably the ones that they are looking which I know the family personally. We all gave them their lands back that I think some Lot number near the school. Then we could...we are not really using we are gaining and we have extra money to develop Tiyan so that's just my thoughts on it. Develop whatever you can to generate...build offices or develop Polaris and then generate income. I don't really want to lose that opportunity that we have right now, because I don't think we going to see that again.

Chairman Anthony Ada: So if they decide on a (inaudible) \$100 per square meter is what we sell it to GPA and we pick up the property near by then?

Commissioner Ron Eclavea: If we concern about the cleaning...but I don't think we should purchase. We just want to make sure we maintain our inventory. Then, okay, purchase that and your buyer still hotel zone and then get the other ones our there by Route 3. Or forget that other property up there up near GWA and just get the ones near Route 3 that's more commercial then we can develop for (paused).

Chairman Anthony Ada: You are putting forth the reasoning that area is not a good area we wouldn't want to buy it.

Commissioner Ron Eclavea: Yes, exactly. But if we are just concern about the cleaning then okay let's get that just to maintain but we really want to develop right. We really want to generate highest use. I'm not in favor of purchasing that one there, to be honest with you. I'm interested in purchasing near Route 3 if we can, using that money. I think by reading the legislation, if I'm reading it correctly, it allows us to be like developers, exchanging, purchasing, selling, I think it allows us to do that. That's just my thoughts.

Chairman Anthony Ada: I think during the oversight hearing I think it's not yet allowed but Senator Tom Ada said that he will do what needs to be done to make it happen. Usually that is in the land bank right now and if we're able to sell it then it belongs to the land bank.

Commissioner Ron Eclavea: I'm sure that Senator Ada would want us to make this sell to GPA so I think they will be amiable to given us the permitted (interrupted).

Commissioner Mary Cruz: It is my understanding that GPA has really gone to get an assistance in trying to convince us to sell but I don't think anybody really listens to that.

Commissioner Ron Eclavea: No, but Tom Ada has been part of the CCU for a while and he's more for the utilities so he wanted us to move forward with the GWA one.

Commissioner Mary Cruz: If we were to sell it will be at a fair market value whether it's a \$100 per square meters or what it will definitely be at a fair market value. If they want to go higher than fair market value than.

Commissioner Ron Eclavea: But my point is before, you're not going to get that out there unless it's some kind of utility company or some kind of servicing company because if hotel zone there's no (inaudible) developer going in there and buying that property to develop it for condominiums or anything like that.

Commissioner Mary Cruz: I like your thought and it really is very enticing to get Lots of monies so that we can do Lots of things for the beneficiaries, right, and we need to take a look at the entirety of how much profits we actually have.

Commissioner Ron Eclavea: Like a said if we are not going to deplete it if we want to use the money the legislature would not want to stop us from using the money to buy other lands to keep the land inventory up to where it's at so we're not losing and yet they are getting a new power plant.

Commissioner Mary Cruz: There's a difference of opinion because for me I would like to sell it but I hear the objections of the other commissioners so we can really get our thoughts together.

Commissioner Ron Eclavea: You see if their objections is they don't want out land bank to depleted then let's get the same size by the same size so it's not depleted and we're not losing we're still...if it's all about keeping our size of our land bank then buy properties that they don't want to buy. It doesn't make sense not to just buy properties and put it back in, but I'm thinking Route 3. Why would you want to not, you know?

Chairman Anthony Ada: Let's say we go down that road and buy more properties in Route 3, what's the next step? Because for the raw land for the raw land is not going to make us any money.

Commissioner Ron Eclavea: It's not making us any money. There's a property over there Route 3 right now is there's still some interest in development because of the buildup. They are asking higher prices over there too so if we can get rid of the not-so-ideal property right, because of that sewage treatment plant I'm in favor of getting one that's more ideal for commercial development one in Route 3. Because right now GPA/GWA...that's just going to sit there and just my opinion we're not going to see any activity on that property because of the sewage treatment plant.

Chairman Anthony Ada: When you say, we are...the enabling legislation that says that we can be developers?

Commissioner Ron Eclavea: Oh yes, yes, so... (Paused).

Chairman Anthony Ada: Doesn't mean that divide raw undeveloped land; after you sold raw and undeveloped land?

Commissioner Ron Eclavea: We like...we're trustees. We're looking out for the best interest of the beneficiaries; and I think we're looking out for the best interest of the beneficiaries by getting rid of the piece of property that we're not going to develop. It's not going to be developable because of that treatment plant, unless some other utility company comes along and says, hey, I want that, I'll buy that at the hotel price. I think if they are willing to buy it at a hotel price and GPA needs it and it's ideal, we're not going to see a hotel company or some resort developer who wants to go up there they would rather go somewhere else and spend over a \$100 a square meter. I think we're just going to see that thing sit. That's just my opinion and you know you don't have to agree with it just given you my opinion why we should move forward and use the money to just throw in the land bank and we take the money, not all of it, maybe we still have some funds left over, buy those other lands that are in Route 3 or some other areas you guys might think about and maybe developing parts of Tiyan and parts of Polaris and generating income because we're not going to get interest in those areas up there.

Chairman Anthony Ada: So if we want to generate, make money faster for the trust, wouldn't it make sense to... if we sold the land to go buy a commercial (inaudible) already is being is (interrupted).

Commissioner Ron Eclavea: However the boards wants to do that, however we see fit to do that.

Chairman Anthony Ada: That's why I was asking if we're going down the road of developer, not undeveloper, then if we go down that road then say we sell the raw land and use the money to buy the commercial building somewhere, that's already generate rental income and so now the raw land not contributing money into the trust is now a, say commercial building is putting money into the trust and then that's where it makes sense. But if we are going to sell raw land because nobody wants it to buy raw land (inaudible).

Commissioner Ron Eclavea: No I don't think we are making a routine thing, I think this unique situation that we have a huge request for this...you know, this is a huge deal, we are not seeing this type of thing often. We got it from GWA, now we're seeing it from GPA in the same area, kind of like that's not typical, we don't see that. This is just an opportunity I'm seeing for us. This is just a one-time shot or a two time shot to do it and then that's it. I think the legislature is all for it if we gave GPA the opportunity to develop that for a new power plant. Let's not lose this opportunity to get highest and this is the time to get the highest and best usage for piece of property, that's hotel zone that I don't think we're going to see...you can disagree with me. We got Louisa here, she's also a broker she might think differently. That's why I'm just giving my point of view.

Chairman Anthony Ada: Any other comments? And this idea that my two colleagues here brought up of GPA leasing it instead of an upright purchase. The regulation of not having power plant near 1,500 feet from the school, that wasn't the bill when it was introduced. Ms. Limtiaco from GPA gave us the public law for the bill, and the bill was actually a bill to authorize the Governor to lease property to GPA. That was the bill. So then in the testimonies there was a concern from Machanao, I believe its an elementary school, that there was a generator nearby. It wasn't a baseload generator. It was one of those Festpac and the pollution coming out from it would create (paused). What I was saying is the question of, can they lease or can they not lease? That bill wasn't addressing that issue and the legislature authorized the governor to lease to GPA. So they do have properties around that they are leasing, and that's why I was mentioning that 1,500 feet. Okudo is across a five lane highway from that property that they were looking at but they cannot because it's less than 1,500 feet. Sell is one way to look at it, but if you are going to sell it has to generate money for the trust. So we cannot buy another undeveloped land that cannot generate money.

Commissioner Ron Eclavea: If it justifies a longer benefit I'm all for it. I will give you a reason why I'm against leasing for that particular property, only because the type of development that they are doing, even after 50-60 years and they are out. It's particularly next to an impossible for anybody to come in there and clean it up. Look at the Navy abandoned one down there in Cabras or take a look at the one in the Tanguisson. There's no real big value in that piece, maybe I'm wrong, but I'd say sell it take that big money, this is an opportunity, we're not going to see that for a while, take that purchase. If you are concern about keeping the land back size, let's purchase, if not if you want to use the money to dish it out to the qualifiers, their land trust, we can do that if we wanted to. But I like to personally see part of that money and develop if we have plans to Tiyan, Polaris or whatever or purchase some commercial buildings that we can...if it make sense. I'm saying we should move forward.

Commissioner Louisa Wessling: I think we all gave our opinions. I'm in favor.

Chairman Anthony Ada: The other thing I did mention on that bill. The legislature said the reason why they authorized a lease from GPA is that the reversionary clause that if they no longer need the property that it stays within the inventory of the Government not them deciding that they don't need it anymore and sell it.

MATSON – Requesting to Sublease to Cabras Marine

Commissioner Ron Eclavea: I'm in favor of this.

Deputy Director David Camacho: They are requesting that they sublease part of the Polaris Point, the Matson lease to a certain company. All the breakdown and what it's going to be used for and the amount is in the agreement request.

Commissioner Ron Eclavea: I'm in favor of this. They are already paying rental on that 1.5 acres.

Commissioner Maria Cruz: Any sublease has to come to us for approval.

Commissioner Ron Eclavea: Yes it's in our agreement they can sublease.

Deputy Director David Camacho: As you said the sublease is included in the agreement that they have.

Chairman Anthony Ada: If I calculated this correctly, a 1.5 acres is 6,018 square meters divide into \$1,750 that's 29 cent a square meter. From this we get 11% according to this. So whatever the 11% (calculating) it's \$192.50. So that's coming in to the trust.

Commissioner Ron Eclavea: On top of that probably \$1,000 something, right, that are paying for that or \$1,500 they are already paying for that acre and half.

Chairman Anthony Ada: They meaning, Matson? So is it \$1,500?

Commissioner Ron Eclavea: I'm thinking it's close to a \$1,000 per acres? I think it's less than a thousand because theirs was a big land. Theirs was a little bit below a \$1,000 or at a \$1,000 and so if it's an acre and half it's close to \$1,500. So then you are adding another \$192.50 on top of that. Are we correct director?

Commissioner Maria Cruz: You got to remember that's already under sub-lease.

Chairman Anthony Ada: Any concerns?

Commissioner Maria Cruz: One of my concern is I think Mr. Camacho wants us to decide today or can we?

Deputy Director David Camacho: That's up to the board whether you decide today or (paused)/

Commissioner Ron Eclavea: I'll make a motion to approve it. I'll make a motion Mr. Chairman to approve the request of Matson to sublease 1.5 acres.

Commissioner Louisa Flores Wessling: Wait, since the master lease isn't attach to this. How long is Matson's lease? Is it beyond what this sublease is? Oh it is. Okay. I would like to take a look at the master lease because I haven't seen that.

Commissioner Ron Eclavea: Okay, I'll withdraw my motion.

Chairman Anthony Ada: On request we will take this under advisement or consideration. Okay, we would like to acknowledge the presence of Commissioner Sablan. I can update you. Shall we go into the Rules and Regulations. I know it's going to be forwarded to the legislature. The Rules and Regs and the cover letter from (interrupted). (The Chairman paused here to update Commissioner Sablan on what was discussed before he came in)

D. Rules and Regulations

Director Michael J. Borja: No, Rules and Regulations were returned by the Attorney General on this and we already provided you with that...in our discussions to be talked about for possible amending of the law.

Chairman Anthony Ada: Yes and so the transmittal letter was drafted by Attorney Toft and then the only thing that we needed to find out is what is the routing protocol. We send it through the Governor's office to the Legislature. Already the board page opinion from the AG, it was rejected as to inform us to the legality because there were some errors that we over stepped what powers was given to us. But the Assistant AG, Finney, noted they were some sections of the code that were incompatible that needs to be reconciled and then instead of re-writing the whole thing in the transmittal letter we just wanted a letter to routed down to the legislature. So that was drafted already, right, and so then should we route it to the director of Land Management of just Attorney Toft?

Nicolas Toft, Legal Counsel: I think the goal is eventually to get it to the legislature so that they can do their part, because there are clarifications that needed from the legislature was the base part of the opinion.

Chairman Anthony Ada: Yes so then the Economic Impact Statement we are aware that BBMR has been requested to write the Economic Impact Statement?

Director Michael J. Borja: That particular one when we went back to BBMR they were unable to do one. GEDA could do it. BBMR said they didn't have an economist that would write that kind of stuff so there was to be submitted without one. So we're stuck with trying to figure out who's supposed to do this Economic Impact Statement.

Commissioner Maria Cruz: Mr. Chair, where is the letter at, where is it at now at the present?

Chairman Anthony Ada: The Assistant AG already wrote her opinion, the assistant AG. There are sections in there that she said an Economic Impact Statement is required.

Commissioner Maria Cruz: So sir there's supposed to be a letter forwarded from (interrupted).

Chairman Anthony Ada: I guess you weren't here at the time but we had discussed the status update but we were under the impression that already you had requested BBMR to write one up and that is a no answer, right? The question is who's going to write the Economic Impact.

Director Michael J. Borja: Well, even if you wrote up the Economic Impact Statement right now that's minor compare to the law needing to be modified to give clarity, by law over the determination to give definition to the things that we need to define which rules should not do.

Chairman Anthony Ada: Well, in our meeting at the time we didn't want one thing to happen then when its finish another thing, we simultaneously say okay, who's supposed to handle this sections. And so the sections and so the section that were in the law has some conflict in the definition of the word so what is just compensation and other deterrence and then what is actually allows the board to do. They already told us that we over step by saying the (inaudible) was extinguishment and the board at the time wrote in to the rules that extinguishment only occurs when land is returned.

Nicolas Toft, Legal Counsel: I think on the Economic Impact Statement, I know we want to work parallel to cut down on the time of the overall goal. But I think the way the legislature defines what

we've requested them to do and find our goal have a major impact on the Economic Impact Statement. If they state that the major goal is extinguishment of claims, obviously that's going to accelerate real estate transactions, things like that versus if the goal is how they have the land values calculated also will have the major impact on the Economic Impact Statement. If it's at the time of taking verses present time, verses...all that will really shift around an Economic Impact Statement. So I think that is one thing where I think we would need to wait.

Chairman Anthony Ada: Well, I guess the need for the Economic Impact Statement where the Government of Guam treasury is going to have to put out...and in the case of this, it's going to come from the land bank trust of which the monies have been generated from properties that have been leased out. So as far as expenses, probably, say here, photo copying, those items but not for them to put out money to compensate for the land. The trust will take care of the land.

Commissioner Maria Cruz: Okay, Mr. Chair, the last time we discussed all that and then it's pretty clear, you know, what is pending, it's my understanding that somebody's supposed to transmittal write a letter to the legislature to clarify or to correct the law that, you know in conflict. Before we can proceed that has to be clarified. And who's going to do it? One of these things I understand, unless we prepare on what stage is it and who's going to sign it?

Chairman Anthony Ada: We all have copies of the draft that Attorney Toft prepared before he went on leave and gave us a chance to look at it. I looked at it and I responded and I don't know if others have responded through email and what Attorney Toft said he (inaudible) the opinion of Attorney Finney. He just wanted to just write a quick summary, a transmittal, and that it will be sent down so I guess I was under the impression that it was already making its way.

Director Michael Borja: I haven't sign anything.

Deputy Director David Camacho: it has to come from you guys you were given the draft and you have to look at it and get back to the attorney.

Chairman Anthony Ada: Okay, everybody should have this draft in your emails. Can you look at it and respond back to the email what you think about the draft letter. I guess I'll remind.

Director Michael Borja: We issue out transmittals to the legislature and the governor on a regular basis for a number of things from Deeds to MOUs to everything so it's not a major factor. The next step is sending it to the legislature as a matter of record and but having to actually sit down and touch base and have some kind of preliminary discussions with the chairman of the committee possibly, and then working towards a round table discussion is the next step with the legislature to come up with something where...before we draft anything. They will need to draft something but they need to understand what it is that needs to be done from...some of these guys sit around want to do round tables. Some of these guys sit around and want to do round tables, some of them just write up bills in the back office somewhere and then introduce without it without any input from here.

Chairman Anthony Ada: So what's the routing protocol, through the governor's office, through the legislative?

Director Michael Borja: We can submit that straight to the legislature because it's a matter of record. In fact, I informally already submitted to both the governor's legal office and to the committee on land just to give them heads up on what's the status of the lands on the rules and regulations. I gave them a copy of the AG's letter. Anything formal, it really need to just actually express the need

to sit down with somebody in the legislature to discuss this in detail and come up with the plan of action and what would be even better in some cases is do we have a proposal as far as the legislation goes and what did we like it to say or what we think it should say or do we want to leave it up to their wisdom.

Chairman Anthony Ada: When we were straggling with this more than a year ago. We were early to just draft and then it took us...its going to go to its own bidding process down there.

Director Michael Borja: So now it has and what we have discovered now is that what you guys were defining is extinguishment really is not something that should not be written into the rules but it has to be even more clarified by law. So maybe it is up to them to (inaudible) but Lot of time if you can go to them and say here's the path we like it to go or options that are possible. Even if it's just bullets of what we are hoping to try to attain but if we don't give them that then it's really up to somebody down there to write it up and how they feel. But even in this case because it's so really so sensitive I was just looking at the bill that created the Ancestral Lands Commission and its like 30 pages of Resolution leading into the act. And it's really something that got to contemplate seriously because does change the landscape of how the money is distributed. And that's what you guys were fighting about all these years too because that's the debate. And I guess now we are seeing that the debate is not really ours to determine it's for the legislative body to determine.

Chairman Anthony Ada: There's really a little bit more to be done. The ones that (inaudible) to complement each other and not to conflict each other then we still need to identify who qualifies to be in trust.

Nicolas Toft. Legal Counsel: What I would suggest is take the draft that I have and then if any of the commissioners' have additional points or recommendations that they want the legislature to have to add those in and then the commission can draft it's letter based off on the combination of those two and send it directly to the legislature.

Chairman Anthony Ada: Based on what we discussed for a long time now, let's just put together the rules and send it on because there's going to be more. I'm sure the legislature is going to want to hear from the public and so there's going to be a Lot more of back and forth.

Director Michael Borja: They probably want to have some kind of round table discussion to lead off the preliminary development of the bill that will make the changes, otherwise, what you are going to have is just a bank account that's going to continue to accumulate wealth without being able to have some distribution.

Commissioner Maria Cruz: I'm amiable to having a roundtable discussion. I think that's a...you know a best approach because then we go and end up being the same page. Right now we are making our rules and regulations with a conflicting definition of who is the beneficiary so (interrupted).

Director Michael Borja: So the letter will be addressed to the speaker, should be, and then all you do is explain whatever it is...it probably sounds like the body of the letter already is summarize the issue and then ask for the (inaudible). Mr. Speaker, we need you to assemble or do something to change the law and to begin dialogue. Then he task it to whatever committee he think should take it and let them work from there. I'm sure it will probably end up at the land committee and they'll do something on it.

Chairman Anthony Ada: So the recommendation which I think is a good one, Attorney Toft said to read his draft and then everybody respond with suggestions or respond that says you're fine with the draft letter. Remember, again the term was he didn't want to restate what the attorney Finney said. We just want to send it on down so to help the process then it's already been pointed out where certain sections are conflicting we just have to restate it.

Commissioner Antonio Sablan: First of all, I need a clarification when you say we should have a round table discussion. You're talking about us and the legislature?

Commissioner Maria Cruz: Yes. Not the legislature, we're not including the whole body. Just some representative maybe one or two from...(paused).

Commissioner Antonio Sablan: You're not asking for the whole committee hearing but at least some subcommittee will be interested in it. Okay. When you mention about not regurgitating Finney's analysis of it and verses your write up. I like the idea of us getting together with you in reference of a trying to find a solution to it. I suggest to the legislature because once the legislature approves of our rules and reg that means the law is also amended to reflect that rules and reg. Within ourselves of extinguishing the individuals or families' claims I don't know how we could ever extinguish anybody's claim (inaudible) just specifically that particular family because we are looking here about millions and millions square meters and verses what we have to be able to lease out. If we have one and there's a 135 that we need to extinguish then we could never extinguish that from the income of one. So I like to see (interrupted).

Nicolas Toft, Legal Counsel: That's what I think the valuation question is really going to be the biggest point.

Commissioner Antonio Sablan: Again valuation is going to take us the very expensive (inaudible) and almost forever in the system. Because the valuation is...everybody is going to argue about the valuation. I think what we need to do is come to approach...and we did that in reference to say square meters. The question there when you say by the time of taking. Like many places were taken, for example, here during WWII and started being developed as an airport or airfield for the military and the taking doesn't start until the confiscation or the condemnations for the American's call it, doesn't start until 1950 so where do you value, the time of taking? What taking?

Nicolas Toft, Legal Counsel: That's why I think our ability to come up with a suggested solution and point the legislature in that direction maybe might be helpful seeing that we are (interrupted).

Commissioner Antonio Sablan: I do understand the legislature too in the very beginning of the formation of the Ancestral Lands Commission law is...there's a Lot of emotion at the time. It's very well intended but the passage of the law doesn't mean to resolve all the problems and obviously we are looking at amending some existing law to make it move forward and try to resolve some future problems.

Nicolas Toft, Legal Counsel: I think this is where the round table will be very useful too is to get these issues out there with everyone's input and trying to get to a solution. I don't think there is a solution (inaudible) because we would probably will stumbles on that already if that is the case already if that would have been the case. I think it would be very difficult I think some people are going to be left out of the (inaudible) but what needs to be done publicly in which the legislature is leading the charge is what the AG's opinion that it's beyond our legal authority to determine that we need the legislature to do it. But we can suggest options.

Commissioner Antonio Sablan: Okay, no further comment at this point.

Chairman Anthony Ada: Since already informally the right entities got a copies of this letter they probably just waiting for something to say, formal, from the Guam Ancestral Commission via the director of the Land Management via the Speaker to the Chairman of Committee and Lands and that should be top of that letter that you made. So again, everybody take a look at that draft letter and I'll make sure that the others get the same request and if you fine with it just respond that you are fine with it. It's not going to re-write the AG's opinion it's just a way of formally send it to the legislature. And if you have suggestions put them in there. If you have time tonight take a look at it and just respond that way we are that much closer.

Commissioner Antonio Sablan: For the economic impact. Could you explain it to me although we are at a quandary and what is the purpose of the Economic Impact Statement?

Chairman Anthony Ada: The impact to the taxpayers, whether the Government of Guam have to fork out money from the taxpayers to make this thing happen. So if we only say well it's going to be funded out in the land bank trust (inaudibly) authorizes fund for operational expenses.

Nicolas Toft, Legal Counsel: It's an easy way for the legislature to see whether it's going to cost more money.

Chairman Anthony Ada: (updating Commissioner Antonio Sablan on what transpired earlier in the meeting before he came in). So now you are updated.

Commissioner Antonio Sablan: Thank you sir.

VI. NEW BUSINESS:

Karen Charfauros: Trans Steel dates his signature now because we had to make changes to the signatory page because his son, Mathew who is the president, was off island and he was using the Power of Attorney so after we went through all that process of getting your signatures when the notary saw that he was using a Power of Attorney she kicked it back to us and we had to make changes on the signatory page to indicate that he was using a Power of Attorney. So after this I would need your signature. Then I added on that last line where he waived his corporate, and I had Mr. Toft look at it the line so I'll show that to you.

VII. PUBLIC COMMENTS:

Chairman Anthony Ada: No comments in the public?

VIII. REPORTS:

Chairman Anthony Ada: So next on the agenda is to announce our scheduled meeting and adjournment.

IX. ADJOURNMENT:

Chairman Anthony Ada: Do I hear a motion to adjourn?

Commissioner Maria Cruz: I motion to adjourn

Commissioner Louisa Wessling: I second.

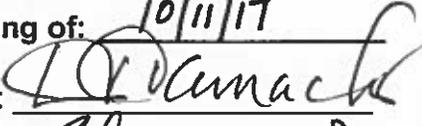
Chairman Anthony Ada: All those in favor say "Aye".

All Commissioners present: "Aye".

Chairman Anthony Ada: We are adjourned but there is a section here for a report, any kind of report.

Meeting adjourned at 4:30 pm

Transcribed by: Ruth S. Sakuma, Administrative Assistant

Approved by Board motion in meeting of: 10/11/17
David V. Camacho, Deputy Director:  Date: 10/11/17

Anthony J.P. Ada, Chairperson: 

The next meeting is scheduled for August 23, 2017.

Attachment to the Minutes of Wednesday, July 19, 2017 Board Meeting, after the meeting was adjourned.

Director Michael Borja: All I wanted to let you know is that our (inaudible) constituent Mr. Jesus Quintanilla is insisently FOYAing us on giving him a certified copy of map RE9505 to which there are none in the Department of Land Management that I can certify. I can only certify documents that have been recorded in the Land Management. Now as an Exhibit 2 a Quitclaim Deed there is a sketch of 9505 but it's not an approved map that was recorded individually in the Department so then again it's not something I can certify so he's just making a number of inquiries to get that document and I just want to give you a background on that.

Commissioner Maria Cruz: I hope you have given him a letter, I really want don't want him to attend the meeting unless his documents are noted, it's going to be a waste of our time.

Director Michael Borja: It should look like this with the surveyor's certification. Basically he wants me to certify this map so he can use that as a certification. But I can't, I can't give certification to something that wasn't recorded in the first place with the Department so I just wanted to keep you informed with that. And the only other thing is we will probably have some personnel changes within our staff here and you will be losing Mrs. Charfauros over here. All the best for her I'm sad we're going to lose her because she is very valuable but I can't offer her that opportunity here at this time.

Chairman Anthony Ada: Just an open questions about Quintanilla. What if we certify the map, how far can you take that map?

Director Michael Borja: I really technically can't certify...I can certify the document that it's part off but I'm not certifying that as an individual map. I can only certify that...yes that was a recorded document and it's only the exhibit to the document.

Chairman Anthony Ada: There's an email that was responded to him; the Naval Facilities that they don't give the map because of the technical description of the properties.

Director Michael Borja: That's true but there were number of other maps that have been in that series, there's a 9503, 9504, and I think even a 9506 that happened to have been...we had them, the recorded documents. Yes, but this one happens to not be. And probably for some reason, not every map gets certified. Every map that comes from the Department of Land Management are given a number but not every maps are given a number comes to a conclusion.

Chairman Anthony Ada: We asked Attorney Toft (inaudible) because he was putting our constitutional rights and we started making legal comments about what's his rights and that's (inaudible) that's beyond us and the lawyer needs to (interrupt).

Director Michael Borja: It is beyond us and he's asking for more than what (paused). This has been his inquiry for the last 3 years I've been here and this is the summer and he's a teacher so spends his summer vacation FOYAing us and he's actually much better in it than in the past in the way he addresses his letters. We've responded in amount of time that is required. -End-