



Eddie Baza Calvo
Governor

Ray Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Michael J.B. Borja
Administrative Director

Rev. 03/17/2017

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Thursday, December 20, 2018; 1:03 p.m. – 5:51 p.m.

Public Notice: The *Guam Daily Post* on December 13, 2018 and December 18, 2018

I. CALL TO ORDER: 1:03 p.m.

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman Pika Fejeran, Vice Chairman Joseph Cruz, Commissioner Amanda Santos, Commissioner Austin Duenas, Commissioner Shawntel Techaira and Administrative Director Michael Borja

Absent: Legal Counsel Nicolas Toft who is in a deposition and may not be attending.
Note: Legal Counsel Nicolas Toft is present at a much later time during the meeting.

III. APPROVAL OF MINUTES

Chairwoman Pika Fejeran: states there are five (referring to five different meeting minutes) that was received, starting from August 16.

Starting with August 16, 2018, minutes modified from Chairwoman Pika Fejeran's request made on CLTC Meeting held on October 2, 2018, to reflect items listed on the agenda but were tabled.

Chairwoman Pika Fejeran clarifying the decision made for Administrative Director Michael Borja to approve and sign Utility Authorizations as mentioned in the minutes. Clarification was made, the approval is only for those with leases.

August 16, 2018 Meeting Minutes: Motion made to approve: Passed unanimously

Chairwoman Pika Fejeran: moving on to the September 6, 2018, states it was not a regular CLTC Board of Commission Meeting but was more of a working session and points out a few items on Page 4 to be revised and corrected which are listed below.

1. Details to be added on lease ratification for switched leases
2. Remove editorialized comments
3. Complete spelling of Chairwoman Fejeran's last name

September 6, 2018 Meeting Minutes – Tabled for the next meeting scheduled for January 17, 2019.

The following Meeting Minutes were approved:

September 20, 2018 Meeting Minutes – Motion to approve: PASSED Unanimously

October 2, 2018 Meeting Minutes – Motion to approve: PASSED Unanimously

October 18, 2018 Meeting Minutes – Motion to approve: PASSED Unanimously

IV. PUBLIC COMMENTS

Chairwoman Pika Fejeran: Calls for Public Comments

a. Paul Rosario

Paul Rosario: states his name and his reason for appearing before the board.
Requesting for Utility Authorization

Chairwoman Fejeran: requesting for a staff report for Paul Rosario

Land Agent I: John Gumataotao explains Mr. Rosario is his client and informed him his request would have to go through the Board of Commission.

Mr. Rosario is requesting for a Utility Authorization for an area that he is currently occupying but does not have a lease. Mr. Rosario also appeared before the Board of Commission a few years back and his Utility Authorization was approved. However, he was not able to complete the process back then.

Chairwoman Pika Fejeran: requesting for Paul Rosario's file

Administrative Director Borja: confirming if the applicant has met all the requirements.

Land Agent I John Gumataotao: in response, yes, but he is a 2007 applicant.

Administrative Director Michael Borja: asking if he is a pre occupier?

Chairwoman Pika Fejeran and Land Agent I John Gumataotao both responding to Administrative Director Michael Borja, yes.

Chairwoman Pika Fejeran: reads the Mayor's Certification letter indicating Paul Rosario has resided on the lot since 1985.

Land Agent I John Gumataotao: informs the Board of Commission that Paul Rosario has a one acre property but because his application type, the lot size needs to be reduced to a half acre.

(Discussion ensues)

Board of Commission's decision to approve map scheme for the half acre portion of M05 T10125 B21 L8 occupied by Mr. Rosario and to issue a lease with the newly defined lot subject to survey as well as to issue the utility authorizations.

MOTION to approve: PASSED unanimously

b. Vicent Aguon

Chairwoman Pika Fejeran: calls for Vicent Aguon next on the list for Public Comments

Vicent Aguon: states his name and his reason for appearing before the board.
Concerns about an ongoing situation with squatters in his neighborhood with trash build up.

Land Agent II Glen Eay: responding to the concern and informs the Commission and Vincent Aguon the problem was addressed to the Guam Environmental Protection Agency. Guam EPA has gone out to the area, the individuals were served with a Notice of Violation and given a certain time to remove the trash. They were told to clean up the area. Guam EPA has gone out a second time to do a follow up inspection and are pleased with the area being cleaned up. There are a few more items that need to be removed such as metal; Guam EPA is working with the individuals in regards to the remainder of the trash.

Chairwoman Pika Fejeran: asking if the individuals have a lease

Land Agent Glenn Eay: responding to Chairwoman Fejeran's question, No, the individuals do not have a lease

Vicent Aguon: shares other concerns in regards to his property being taken away from him because of a water wall or a water reservoir and he couldn't be able to farm unless he has a septic tank.
Also informs the Commission his property is Agriculture and his wife who has a piece of CLTC property is Residential.

Chairwoman Pika Fejeran: asking Vicente Aguon if he is currently residing on his wife's leased property.

Vicent Aguon: responding to Chairwoman Fejeran's question, yes.

Chairwoman Pika Fejeran: reconfirming if it is her (referring to his wife) lease.

Vicent Aguon: responding, yes, it is her (referring to his wife) lease.

Chairwoman Pika Fejeran: getting clarification with Mr. Vicent Aguon in regards to what he is asking from the Board of Commission.

Chairwoman Pika Fejeran: recalls from a few meetings back, CLTC would work with Guam EPA to issue a Notice of Violation and get the individuals to clean up the property first. Asks, what would be the next step now that Guam EPA is satisfied.

Administrative Director Michael Borja: responding to Chairwoman Fejeran's question, the next step would be to issue a Notice to Vacate.

Land Administrator Margarita Borja: chiming in, explaining there are two properties. The property he (Vincent Aguon) is referring to is being occupied by Sophia Palacios. The grandson of Sophia Palacios is the qualifying lessee who has a letter requesting for his grandmother (Sophia Palacios) to stay at the property. There is a letter in file.

Vincent Aguon: informing the Commission prior to him getting married, he had his own property and his wife had hers. Later, became disqualified. In 2010, when he came in to the CLTC office, he was told each of them (he and his wife) shouldn't have any problems or it shouldn't be an issue owning both properties after becoming husband and wife. Today, it is a problem.

Chairwoman Pika Fejeran: referring to Land Administrator Margarita Borja to respond to his (Vincent Aguon's) statement.

Land Administrator Margarita Borja: responding, Lillian Aguon was an applicant, Mr. Vincent Aguon was an applicant who both have leases, Agriculture Leases. In the law, it states, whenever two applicants get married, one lease would have to be given up. There is a Small Business Administration or SBA loan on Ms. Lillian Aguon's property; that was the reason why it was suggested for Vincent Aguon to give his lease. However, instead of terminating the lease, Vincent Aguon passed it on to his niece.

Vincent Aguon: stating he is confused in regards to his property that was mention from Land Administrator Margarita Borja whether it was an Agriculture Property or a Residential Property.

Vice Chairman Joseph Cruz: chiming in to explain and give clarification to Mr. Aguon and informs him his property is an agriculture lot.

(Discussion ensues)

After discussion and numerous explanation to Mr. Vincent Aguon, no action taken by the Board of Commission.

Chairwoman Pika Fejeran: requested for a staff report to be done in regards to the lot that GEPA had given a Notice of Violation to which is also the lot Mr. Vincent Aguon initially inquired about.

c. Ruth Santos

Chairwoman Pika Fejeran: calls Ruth Santos, next on the list for Public Comments

Ruth Santos: states her name as Ruth B. Santos and her reason for appearing before the board. Requesting for a Utility Authorization. Informs the Commission, she was previously issued a Utility Authorization before, unfortunately, Guam Power Authority misplaced it.

Administrative Director Michael Borja: asking Ms. Ruth Santos if she had spoken to any of the staff in regards to her request.

Ruth Santos: responding to Administrative Director Michael Borja, yes, and was told the request would have to be presented to the Board of Commission.

Land Administrator Margarita Borja: Informs Chairwoman Pika Fejeran and the Commission members, she (Ruth Santos) is a part of the agenda.

Chairwoman Pika Fejeran: reviewing the Staff Report.

Administrative Director Michael Borja: if there is a recorded lease as stated in the staff report, we could issue a UT.

(Discussion ensues)

Board of Commission's decision, while reviewing the Staff Report it was proven that Ms. Ruth B. Santos has a recorded lease and all agreed to issue Ms. Santos a Utility Authorization.

Motion to approve the issuance of the Utility Authorization.

Motion PASSED unanimously. The Utility Authorization was processed and issued to Ms. Ruth Santos during the meeting.

Chairwoman Pika Fejeran: asking if anyone else is present for Public Comments.

No response from the public.

Chairwoman Pika Fejeran: next item on the agenda

V. OLD BUSINESS

a. Bill No. 356-34

Chairwoman Pika Fejeran: informs the Commission under Old Business, would like to talk about the Bills that were drafted and referred to Administrative Director Michael Borja to discuss more on the Bills.

In response to Chairwoman Fejeran's request, Administrative Director Borja discussed legislation items affecting CLTC.

a. Bill No. 356-34

Bill No. 356-34 based on Resolution Numbers 2018-08 & 2018-10.

Informs the Board of Commission; unfortunately, Bill No. 356-34 did not make it to the last 34th Legislative session. The Bill was not placed on the agenda. A Committee report was supposed to be submitted but was informed, Joe Borja who is putting information together is still reviewing the files. There will be an information hearing scheduled for December 28,

2018, 9AM, at the Legislature to discuss the Land Committee's findings on the CLTC Resolution numbers 2018-08 to 2018-10.

Chairwoman Pika Fejeran: clarifying if Joe Borja is the Joseph Borja, Chief of Staff for Senator Tom Ada, the Senator who is Bill Sponsor.

Administrative Director Michael Borja: responding to Chairwoman Fejeran, yes, it is.

There was supposed to be another Bill in regards to Resolution Number 2018-09; the recommendation to update the rules and regulations in P.L. 23-38 but was never introduced. However, the resolution is still good and is suggested to resubmit the bill.

In other old business, Chair Woman Pika Fejeran inquired about the Koku Bill which did not pass.

Administrator Director Michael Borja: Confirms. After a very long meeting the Bill did not go through. It is our (referring to CLTC) License Agreement, so it does affect CLTC. There were some items that the Bill had which was more than paying for services rendered. Some of the items in the Bill suggested to extend the terms and to operate out of a different land. Among the Bill discussion it was stressed out to KOKU Recycling that they needed to clean out the land. Guam EPA informed KOKU Recycling about the likelihood of ground contamination is high.

(Discussion ensues)

Fortunately for the CLT Commission, the Bill did not pass.

b. Newly Enacted P.L. 34-142

The Bill did pass, but has not been able to view what is stated on the public law. Based on what the contents of P.L 34-142 is what the commission will use to towards the lease agreement.

Guam Raceway Lease needs immediate action since the Bill became public law and there is a time line. The board commented on using GEDA to assist with the lease.

Chairwoman Pika Fejeran: agrees.

Chairwoman Pika Fejeran: inquiring about the Gef Pago Bill.

Administrative Director Michael Borja: responding to Chairwoman Fejeran's inquiry. No it did not.

c. Newly Enacted P.L. 34-137

In regards to P.L. 34-137, this involves GTA. One of the license agreements affecting a lot in Piti was mislabeled. To have the correct lot description for the CLTC GTA Lease Piti Lot, an addendum with the correct lot description has to be made.

The Bill only allows the changes to the lot description on license agreement.

d. Other Newly Enacted Laws

Other newly enacted laws and passed bills, the sell of government land with money will go into the CLTC Survey and Infrastructure Fund.

Chairwoman Pika Fejeran: asks for any more items to discuss under Old Business

Administrative Michael Borja: responding to Chairwoman Fejeran, none

Commission Members: responding, none

Chairwoman Pika Fejeran: Moving on to New Business

NEW BUSINESS

1. Administrative Actions

a. Maps & Addendums

Administrative Director Michael Borja: Calling CLTC Staff, Melvin Javier to discuss schemes.

CLTC Engineering Tech II Melvin Javier going over the Survey Schemes.

Chairwoman Pika Fejeran: asking if the scheme being presented conforms with all the requirements.

Vice Chairman Joe Cruz: asks if what is being presented is a proposed subdivision

CLTC Engineering Tech II Melvin Javier: responding to Vice Chairman Joe Cruz's questions, it is a proposed lot scheme, until it is given out to the surveyor.

Chairwoman Pika Fejeran: verifying the difference between a subdivision and a scheme

CLTC Engineering Tech II Melvin Javier: in response to Chairwoman Fejeran, the subdivision is a map. A scheme is not a map.

Vice Chairman Joe Cruz: suggested to call or rename the documents, Proposed Parceling Lot Scheme.

(Discussion ensues)

The commission members agreed to rename the documents after discussion in regarding the schemes, parcels, maps and subdivisions.

Chairwoman Pika Fejeran also requested for a spread sheet with additional information in regards to the lot schemes that requires board approval.

The following schemes were APPROVED by MOTIONS:

- a. M05-S0 for T10125 B3 L3 Dededo
- b. M05-S046 for L10119-36 Dededo
- c. M05-S047 L1071 Dededo
- d. M05-S050 T10316 B4 L4 Dededo
- e. M05-S B051 L10171 Dededo
- f. M05-S052 L10140-31 Dededo
- g. M05-S5053 L10120-107 Dededo
- h. M14-S001 L153 Yona
- i. M07-S019 T15213 B7 L4 Mangilao
- j. M02-S012 L457-R8 Agat
- k. M13-S019 L7116-1-2-1 Yigo
- l. M13-S023 L7022 Yigo

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

b. Utility Authorizations

Chairwoman Pika Fejeran: informs Commission and CLTC Staff Utility Authorization will be tabled if there are any requests without a lease. Referring only to the requests placed on the agenda for today's meeting. If there is a lease, the Administrative Director can approve the UT request as discussed early in the beginning of the meeting.

c. Beneficiary Updates

1. Hazel Jane San Miguel

Hazel Jane San Miguel- had the lease for over seven years and is requesting to turn her lease over to her daughter Ha'ane Joy San Miguel which is in pursuant to PL 23-38, Section 9.1 and for approval for GWA Utility Authorization.

All qualifying documents in file.

Chairwoman Pika Fejeran: going over the file and the request, ensuring all is in order.

Motion made to APPROVE the request to transfer the lease to the daughter, Ha'ane Joy San Miguel and the request for UT authorization. PASSED Unanimously.

2. Jerry Rosario Santos (Deceased)

Jerry Rosario Santos – Named his two sons as beneficiaries, passed away in January 2015. A relinquishment letter to Journey M. Santos by Jeremiah M. Santos, (second named beneficiary) submitted to CLTC and placed in the file.

Motion made to APPROVE the request to transfer the lease to Journey M. Santos as the beneficiary to Jerry Rosario Santos as required by PL 23-38, Section 9.1(a)(b) Designation of Successors. PASSED Unanimously.

Chairwoman Pika Fejeran: addressing the commission in regards to designating the Administrative Director to approve beneficiary requests.

Approval was given to the Administrative Director for giving utility authorizations for those who currently hold a lease.

Inquired if the Commission would be open to do the same for the designation of successors, provided it is with PL 23-38, Section 9.1 (a)(b).

Commission Members all agreed.

CLTC Board of Commissioners designate CLTC Administrative Director to approve beneficiary designations in accordance with PL 23-38, Sections 9.1 (a)(b) and 7.5.

Monthly Status reports to be provided to the Commission on all beneficiary designation approval.

Motion made to APPROVE. PASSED Unanimously

d. Constituent Staff Report

1. George Cruz Perez: Not discussed.
2. Marilyn Guerrero: After reviewing the file and back and forth discussion with the Commission and Marilyn Guerrero, the Commission's final determination to deny Marilyn Guerrero's request for her father's leased land returned because she is not identified as the beneficiary.
3. Juan Benavente: Not discussed
4. Lot 5174REM-1: Not discussed

e. Evelyn's Store Commercial Lease:

Administrative Director Michael Borja: informs the Commission notices of past due account sent to show arrears of 24 months. Recently found that the property is now being used by a new store owner and the CLTC staff will be making contact with the new store owner as well as the owner for Evelyn's Store. The Past due amount will have to be identified as "doubtful account" for audit purposes.

f. Indahen I Lina'la Kotturan Chamoru, Inc.

The Commission advised the Organization to provide 501(3)(c) documents showing tax exempt status. Once full tax exempt status is shown, the commission would like to meet with the organization to further discuss the Cultural Center License Agreement.

Other discussion with the Organization is the renewal of the right of entry for Lot 5173-1-R2NEW-4, Tamuning until June 30, 2019.

Motion was made to APPROVE the Right of Entry Agreement: PASSED Unanimously.

g. GWA Right of Entry Lot 5075-REM-A-NEW-R1

The Commission discussed GWA's response to their conditions for the extension of the right of entry and modified the conditions to propose to GWA for the use of the land for its construction purposes on the following:

- i. Clear all vegetation
- ii. Fill depression with any aggregate from their construction
- iii. Erect fencing along areas not fenced

If all conditions are acceptable, issue Right of Entry Agreement until October 31 2019.

h. PBS. Guam KGTF Channel 12; Guam Educational Telecommunications Corporation

Request for deferred payment, ongoing agreement with PBS for in kind services. Chairwoman Pika Fejeran and Commission Members requesting for additional in kind services such as place meetings on their website, or have a link to their website and or air CLTC Board of Commission Meetings.

Motion made to APPROVE deferred payment: PASSED unanimously

ADMINISTRATIVE MATTERS

Chairwoman Pika Fejeran: briefly discussing the items listed below and requested for information to be provided at the next meeting.

- a. Staff to identify all available lots
- b. Legal Counsel to provide a status of all land registration cases and those that need to be registered.
- c. CLTC Staff to identify all leases halted in May 2018
- a. Administrative Director to provide the transition report before departure

COMMISSIONERS COMMENTS

Commission members extend great appreciation to Administrative Director Michael Borja for all his hard work and dedication with the commission throughout his years serving as the Administrative Director and continue to wish him well. Mr. Borja has mentioned to the Commission Members that his tenure as the Administrative Director will be ending when the new administration comes in.

ADJOURNMENT

Meeting adjourned: 5:51PM

Next Meeting – Thursday, January 17, 2019, 1PM

