



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 400 Fax: 649-5383

Lourdes A. Leon Guerrero
Governor

Joshua F. 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

Paul L. Santos
Acting Administrative Director

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning

Thursday, January 17, 2019, 1:11 p.m. – 5:10 p.m.

Public Notice: The *Guam Daily Post* on January 10, 2019 and January 15, 2018

I. CALL TO ORDER

Chairwoman Pika Fejeran: Calls the regular meeting of the Chamorro Land Trust Commission to order at 1:11 p.m.

Apologizes to the public for the time the meeting is called to order.

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman Pika Fejeran, Vice Chairman Joseph Cruz, Commissioner Amanda Santos, Commissioner Austin Duenas, Commissioner Shawntel Techaira, Legal Counsel Nicholas Toft, Acting Administrative Director Paul Santos

III. APPROVAL OF MINUTES

Chairwoman Pika Fejeran: First item on the agenda is the Approval of Minutes; states the minutes listed on the agenda were previously reviewed and there were a few corrections to be made.

Chairwoman Pika Fejeran: CLTC September 6 Meeting Minutes, would like to revisit Ratification of Switched Leases, Page 4.

Spoke with Land Agent I, Tina Jocson regarding the section under the Ratification of Switched Leases, basically mirror Resolution No. 2018-10 and add to the minutes for September 6, 2018 to reflect the full discussion of the Ratification of Switched Leases.

Chairwoman Pika Fejeran: indicates CLTC Meeting Minutes for September 6, 2018, to be tabled for next meeting date.

Chairwoman Pika Fejeran: Moving onto CLTC December 20, 2018 meeting minutes. Has two comments:

1. Koku Recycling Bill – need to change unfortunately, to fortunately, restates the CLT Commission was relieved that the Koku Recycling Bill did not pass.
2. Indahen I Lina'la Kotturan Chamoru, Inc. – Points out at that (referring to December 20, 2018) meeting, the commission did not move forward to award the lease. It was only the Right of Entry Agreement for Lot 5173-1-R2NEW-4

Rev. 01/8/2019

until June 30, 2019. The organization still needs to provide proof that they are full tax exempt status. Once the organization has the proper documents to show they are full tax exempt status, the commission would further discuss the license lease agreement with them before approving.

Vice Chairman Joe Cruz: indicating correction to be made on the Right of Entry Agreement lot description. Should be **5173-1-R2NEW-4** and not **51733-1-R2NEW-4**.

Chairwoman Pika Fejeran: indicates to have the corrections /revisions made and CLTC Meeting Minutes for December 20, 2019, tabled for next meeting.

Chairwoman Pika Fejeran: requests for a summary and action items of every meeting to be done and emailed to the commissioners. It was something Director Michael Borja had always done in the past and would like it to continue.

Chairwoman Pika Fejeran: moving on to the next item on the agenda, Public Comments.

IV. PUBLIC COMMENTS

Chairwoman Pika Fejeran: calling first on the list, Anjolisha Aguon

Anjolisha Aguon: states her name and the reason for appearing before the Board of Commissioners. Speaking on behalf of her father in law, Gregory Aguon.

Following up on the status of her father in law's property in regards to the road, utilities and lease.

Chairwoman Pika Fejeran: acknowledges Anjolisha Aguon and states they have spoken a few times over the phone. Refers the situation to Assistant Attorney General Nicolas Toft for updates in regards to the other individual who is blocking access to Gregory Aguon's property.

Assistant Attorney General Nicolas Toft: replying to Chairwoman Pika Fejeran; yes, there was a request for default age that was made at the Superior Court and was heard before Judge Iriarte. She (referring to Judge Iriarte) did not make any immediate decisions on the case but will make a written decision within 90 days of that hearing. That is what we're (CLTC) is waiting on.

Chairwoman Pika Fejeran: asking when is 90 days as far as when is it up.

Assistant Attorney General Nicolas Toft: replying to Chairwoman; not when the 90 days is up but the case was heard about 3 to 4 weeks ago.

Chairwoman Pika Fejeran: verifying if the 90 days is to get Judge Iriarte's judgement on the case.

Assistant Attorney General Nicolas Toft: replying to Chairwoman Fejeran, roughly about 60 days.

Chairwoman Pika Fejeran: responding, basically it's a waiting game.

Assistant Attorney General Nicolas Toft: responding to Chairwoman Fejeran; Yes.

Chairwoman Pika Fejeran: Apologizes to Anjolisha Aguon for the situation

Anjolisha Aguon: asking what do they (her and her family) do for the next three months. Still without water, without power, no road, no lease, etc... wait another whole year.

Commissioner Shawntel Techaira: chimes in, and explains to Anjolisha Aguon that the law needs to run its course. Express understanding and concerns to the inconvenience the situation has caused her and her family. But unfortunately, given the “complexity of the issue”, we (referring to CLTC and Anjolisha Aguon) have to let the law run its course. The case has been referred to the courts and CLTC cannot by pass that.

Commission Members: thanks Anjolisha Aguon and her family for their patience and moves on to the next person for public comments.

Chairwoman Pika Fejeran: calls on Rita Santos Cruz but informed by Land Administrator Margarita Borja that she is on the agenda.

Chairwoman Pika Fejeran: moves on to the next person on the list, Alicia Aguon
Not present

Chairwoman Pika Fejeran: calls the next person on the list, Ina Carillo

Ina Carillo, no comments to be made.

Chairwoman Pika Fejeran: calls on Jermaine Guerrero.

Jermaine Guerrero: states his name for the record and his reason for appearing before the board. Request for information on the Pre-occupiers Claus.

Chairwoman Pika Fejeran: responding to Jermaine Guerrero by citing PL 23-38; Section 6.4 (a) and (b). Awards to occupants of homeland.

(a) Notwithstanding the provisions of section 5, subsections 5.4 through 5.10; the commission shall not serve eviction notices to individuals who presently reside and continuously resided on Chamorro Homelands prior to July 12, 1995, and who qualify under the act.

(b) Persons presently holding land use permits and to qualify under section 5.2 will hereby maintain their home or farms and adhering to all other requirements the Act and of these rules and regulations.

Jermaine Guerrero: asking if that (referring to what was just read by Chairwoman Fejeran) apply to all the individuals who applied in '95? Does it affect them?

Chairwoman Pika Fejeran: responding by explaining there were previous programs to the Land Trust. The Land Use Permits and the Aruendo; the two sections state the Chamorro Land Trust Commission; believes the process now is all those individuals would have to come in and apply and note on their application that they are pre-occupiers.

Jermaine Guerrero: informs the commission (we) referring to him and his family were not aware of that at the time they applied in 1995 and moved into their property in 1995; would that affect those individuals? Would they be evicted?

Chairwoman Pika Fejeran: in response; it is Pre 1995

Jermaine Guerrero: continues to mention, they (he and his family) were not informed at the time they applied, built their homes and moved in. States, the Commission did not inform them.

Vice Chairman Joe Cruz: chiming in; asking how did you (referring to Jermain Guerrero) occupy the property in 1995? Were you assigned to the property? Were you given notice to the property?

Jermaine Guerrero: responding to Vice Chairman Joe Cruz; yes, we (referring to he and his family) were given notice. Director Joe Borja at the time; was given notice, given permits for water and power at the time. "We were given all those things, and so we built our homes in '95".

Chairwoman Pika Fejeran: stating, there were no leases issued in 1995. They were issued in 1997.

Jermain Guerrero: replying, we (referring to him and his family) were given permission to go in. Lot 5402 Tun Kiku Feja. The family has been there.

Chairwoman Pika Fejeran: states the property that you (referring to Jermaine Guerrero) is referring to, is on our agenda.

Jermaine Guerrero: asking about the Lot 5402, what about the lands that were surveyed. A couple of years ago, his mom had the land surveyed with permission from Chamorro Land Trust.

Chairwoman Pika Fejeran: acknowledges his question and asks to table the discussion so the commission can look at the entire case as a whole.

Jermaine Guerrero: acknowledges and agrees to table the discussion. However, has one more concern regarding the Guam Raceway. Voicing his concern; CLTC should not have given the land to be used for the Guam Raceway, to build a race track. Doesn't agree with CLTC or the legislature to have that piece of property leased out to the Guam Raceway. The land should have been used for the Chamorro people to build their homes.

Chairwoman Pika Fejeran: in response to Jermaine's concern; it was not a doing of the present CLT Commission. The organization went to the legislature and the legislature made it a priority. The Bill passed and has directed the land trust to negotiate with Guam Raceway to develop a lease. Although, nothing has been done, it has been sitting there and there is a certain time frame for the organization to act on it.

Jermain Guerrero: Thanks the commission.

Chairwoman Pika Fejeran: Calls the next person on the Public Comment list. W. Tenorio

W. Tenorio: states she'll wait for the agenda to move on, she is representing Norma Arciga Benavente who is a part of the agenda.

Chairwoman Pika Fejeran: Calls Emily G. Sablan, the next person on the Public Comment List.

Emily G. Sablan: states her name and her reason for appearing before the commission. Give's a brief history time line from when her son lined up to apply for CLTC which was in 1995 and when she was called because her time and date is up which is in 2005. Requests from the commission to get an addendum done on land that was given to her. She went through the process, paid a deposit to have the land surveyed by Mr. Ventura. At the time Mr. Ventura, the Surveyor, went to survey the property, there was foundation on the property.

Chairwoman Pika Fejeran: Asked if she (referring to Emily Sablan) has been in touch with a land agent.

Emily Sablan: responding, yes, she has. She has been communicating with John Gumataotao, Land Agent I.

Land Agent I John Gumataotao: in response, explains the problem and that (we) CLTC found the solution. Unfortunately, the time that Ms. Sablan came in, it was explained to her that it may not make it to this (referring to today's) meeting but will put in the request for the next meeting. Basically, we (CLTC) needs to prepare an addendum for her.

Chairwoman Pika Fejeran: asking if everything is complete including the survey.

Land Agent I John Gumataotao: replying yes, everything is in order.

Chairwoman Pika Fejeran: addresses Ms. Sablan and suggest to include her request on the agenda for the next meeting.

Vice Chairman Joe Cruz: chiming in, asking what changes are to be made from the existing lease.

Land Agent I John Gumataotao: in response to Vice Chairman Cruz's question, the current lease doesn't have a term date and the property description needs to be corrected.

Vice Chairman Joe Cruz: asked, if the property description is the same

Land Agent I John Gumataotao: replying, no, there is no term or date listed on the lease and the lot description is not the same; that's the reason why an addendum needs to be made. The current lease states a portion of with three different phases. Now that her property was surveyed, there is a different lot description. It was also explained to MS. Sablan, if she was shown the property markers from her surveyor; she is more than welcome to go into her property and bush cut. But to bring in heavy equipment, CLTC will not allow it until an addendum is made and CLTC can issue the required permits.

Emily Sablan: asking what is the turnaround time to prepare and process for the addendum.

Land Agent I John Gumataotao: explaining an estimated time frame

Chairwoman Pika Fejeran: chiming in, suggesting to have an earlier meeting in February and is looking at February 7th to go over the items such as the addendum approvals and other necessary approvals. Also asked Ms. Sablan if it'll be okay to discuss and look further into her case on then (referring to February 7th).

Emily Sablan: asking how was the other person able to put a building / foundation on the lot when the lot was assigned to her (referring to Emily Sablan)

Land Agent I John Gumataotao: explaining the situation, her (referring to Ms. Sablan) original survey authorization stated a Portion of Lot 278-R4 which consist of the following lots. (Shows on the flat screen the aerial map of the area Ms. Emily Sablan is referring to) Within this area / lots, it was never distinguished with Ms. Emily Sablan's original land agent which lot was assigned. Ms. Sablan says this is her property (shown on the aerial image) but there is a ditch or a slope; so CLTC assigned her this property.

Basically Surveyor Ray Cruz continued to complete the survey from Mr. Ventura on an adjacent lot; at the same time Ms. Sablan contracted and paid Frank Castro to survey her parcel which was assigned Lot 278-13-1. Mr. Castro realized a subsequent parceling of an adjacent lot which duplicated Ms. Emily Sablan's initial lot description resulting in a special note on the recorded map reflecting the correct lot description; thus, a need for an addendum to the above lease.

Chairwoman Pika Fejeran: calling Mr. Dave Duenas, next person on the Public Comment sign in sheet.

Dave Duenas: states his name for the record, representing Guam International Media Coordinators Association who handles off island film crew.

Basically wants to share his thoughts about a certain lot in the Ija Subdivision in Inarajan. CLTC gives him a written approval to utilize the piece of property to film commercials, movies, magazines etc... with the off island film crews.

Like most Gov. Guam Agencies, he (Dave Duenas) is suggesting to charge a fee to utilize the piece of property for filming. Although, the fees will not come out of the Association he is representing but the Off Island Production is willing to pay the fees. Just a way for the CLTC to get a more money as a way to assist for some of the CLTC infrastructure, survey etc... Informs the board it is not only the Ija Subdivision they use, but others lots under the CLTC Inventory throughout the island as well.

Chairwoman Pika Fejeran: Thanks Mr. Duenas and ask to submit a formal request to the Department and we'll (CLT Commission) will work with Legal Counsel to what type of agreement can be made to include fees.

Gilbert F. Arciga: Not on the public comment sign in sheet but is present along with other family members with Norma Arciga Benavente who is on the agenda. Insist on asking a question regarding a public commenter that appeared before the board earlier in the meeting.

Asks what happens in the case of Emily Sablan when someone is building on her property?

Chairwoman Pika Fejeran: informs Gilbert F. Arciga that is NOT the case.

Gilbert F Arciga: asking if there is a provision in the CLTC Rules and Regulation law that states if a CLTC lessee was assigned a piece of land and has not ever stayed on the land, did not take care of the land and it is all jungle. Can the lessee CLTC take away their land?

Chairwoman Pika Fejeran: in response, yes. If there is infrastructure within 100 ft. of the property, the lessee must occupy the property within three years. And it becomes a compliance issue. The lessees have a lease, they (lessees) know the terms and conditions of the lease.

Chairwoman Pika Fejeran: calling the next person on the Public Comment list, Crissy Quinata.

Crissy Quinata: states her name and her reason for appearing before the board. Her grandfather was given CLTC property, passed away, passed on to her grandmother, grandmother relinquished her rights to the CLTC property and gave it to her (Crissy Quinata). The property that was issued is unregistered land.

Chairwoman Pika Fejeran: asks if she has been working with a land agent.

Crissy Quinata: in response, yes, with John Gumataotao.

Land Agent I John Gumataotao: explaining the situation. Because it is dealing with a beneficiary, it has to get board approval; more specifically because it (referring to the lease) is going from the deceased to the beneficiary (the spouse of the deceased and grandmother to Crissy) and then transferring to Crissy.

Chairwoman Pika Fejeran: asking if the a lease was ever issued to the original lessee

Land Agent I John Gumataotao: responding to Chairwoman Pika Fejeran's question, there was a lease but it was never picked up. The lot on the lease is for unregistered land.

Chairwoman Pika Fejeran: addressed Ms. Quinata, request for a staff report to be done from Land Agent I John Gumataotao to review and go over on the February 7th meeting.

Land Agent I John Gumatoatao: informing Chairwoman Pika Fejeran that Crissy Quinata is requesting to move to a property that is registered.

Chairwoman Pika Fejeran: briefing explaining the steps of, still requesting for a staff report to be prepared and will still be placed on the agenda for February 7.

Chairwoman Pika Fejeran: calling Frances Faria, the next person for Public Comments.

Frances Faria: states her full name and her reason for appearing before the board. She was issued a lease but was never recorded. Feels the piece of property issued to her gets flooded even during the rainy season. Because of her financial status, she feels she is not able to pay to fill her land to prevent flooding.

Land Agent I John Gumataotao: explaining Frances Faria's situation and showing the property on an aerial image, indicating Frances Faria's lot is adjacent to a ponding basin; so when it rains, her property will flood and the existing water from the main road will flow into her property.

Chairwoman Pika Fejeran: States the Trust is designed to help people in your (referring to France Faria) situation. We (CLTC) don't currently have properties with homes that are readily available.

Land Agent I John Gumataotao: in response to Chairwoman Pika Fejeran. There is one in the Sagan Linayan area, it is a model home. However, Frances Faria wants to stay in the same area as she was originally assigned because of her family who has an Aruendo. There is an area (shown on the aerial image) that was being occupied by people without a lease. It is now vacant, according to Frances Faria but we (CLTC) needs to go out and inspect the area to confirm the status and to be sure it is available. It was explained to Frances Faria, the next thing to do is to have her case presented to the board for decision.

Chairwoman Pika Fejeran: informs Frances Faria that the board would like to further review her situation and her case will be placed on the agenda at the next meeting, February 7th. However, during the time until the next meeting, recommended to be working with Land Agent John Gumataotao to be looking for another property suitable for her.

Land Agent John Gumataotao: chiming in and states, we (CLTC) would check if there is any availability within the requested area but CLTC would still have to go and conduct a compliance check for the specific property Frances Faria is requesting for.

Chairwoman Pika Fejeran: again informs Frances Faria to continue to work with Land Agent I John Gumataotao to identify a property. The Commission is also requesting from the Land Agent for all the facts to be put together and prepare a staff report by the next meeting, February 7th for Frances Faria's case to be presented.

Chairwoman Pika Fejeran: asked if anyone else didn't get a chance to sign up for Public Comments but wishes to step forward.

Florence Aguon Li: steps forward and states her name and her situation to the commission.

Land Administrator Margarita Borja: She is placed on the agenda; item f, Transfer of Leases/Beneficiary Rights.

Members of the Commission: considering the reason for being placed on the agenda, agree to have her case moved up

Chairwoman Pika Fejeran: informed Florence Aguon a motion was made and approved to grant approval authority to the Administrative Director to approve transfer requests that are made in accordance with P.L. 23-38; Section 7.5.

Chairwoman Pika Fejeran: asking Land Administrator Margarita Borja what is the type of transfer for Florence Aguon Li.

Land Administrator Margarita Borja: in response to Chairwoman Fejeran's question, it is a transfer of lease in accordance of PL 23.38; Section 7.5.

Chairwoman Pika Fejeran: inquired about the another lessee, Irene Iglesias Mafnas who is listed on the agenda as well under the same item line, item f, Transfer of Lease/Beneficiary Rigts.

Land Administrator Margarita Borja: replying to Chairwoman Fejeran, Irene Mafnas named two beneficiaries. One of the beneficiaries is going to relinquish their rights to the other.

Chairwoman Pika Fejeran: going back to Florence Aguon Li's case and commissioners review her (Florence Aguon Li's) file to ensure all documents are in place and the request is in accordance with the law.

After reviewing Florence Aguon Li's file a motion was made and approved to transfer the lease to Therese Aguon Guijaro for a portion of Lot 10171-4 Dededo, containing an area of not more than 1 half acre subject to survey.

Chairwoman Pika Fejeran: addresses the board to consider those types of cases (referring to similar cases as mentioned above) asked if the CLTC Board of Commission would grant the Acting Administrative Director approval authority to approve those types of cases within accordance of the law.

(Discussion ensues)

Decision and a motion was made by the CLTC Board of Commission to grant approval authority to the Acting Administrative Director to approve transfer request of leases within accordance with the law.

Chairwoman Pika Fejeran: reconfirms the CLTC Board of Commission has granted approval authority to the Administrative Director for the following items:

- i. Utility Authorization for lease holders
- ii. Beneficiary Designations for CLTC lease holders within accordance of law
- iii. Lease Transfers within accordance of the law

Chairwoman Pika Fejeran: asks the board members to also consider to grant approval authority to the Administrative Director to beneficiaries for applicants; in accordance to the law, PL 23-38; Section 5.8.

Motion made to grant approval authority for the Administrative Director to approve beneficiary designation for CLTC Applicants in accordance to the law.

Chairwoman Pika Fejeran: request for the Administrative Director to provide a list to the CLT Commission of any of the above approvals that were made. The list is to be provided at every meeting.

V. OLD BUSINESS

1. Inadahen I Lina'la Kotturan Chamoru

Chairwoman Pika Fejeran has been in contact with a representative from the organization; the organization has the document showing Inadahen I Lina'la Kotturan Chamoru is tax exempt. Chairwoman Pika Fejeran is not sure if the organization has submitted the required document to CLTC.

Land Administrator Margarita Borja: confirms our office, CLTC did not get a copy of the required document showing the organization is tax exempt status.

Chairwoman Pika Fejeran: states once a copy has been submitted, then a meeting will be scheduled with Inadahen I Lina'la Kotturan Chamoru to develop a lease agreement. And they are the ones occupying Ypao Point.

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

Chairwoman Pika Fejeran: gives a brief summary of what was discussed on the last commission meeting held on December 20, 2018.

- a. Board discussed GWA 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:
 - i. Clear all vegetation
 - ii. Fill depression with any aggregate from their construction
 - iii. Erect fencing along areas not fenced
- b. If conditions are acceptable, issue Right of Entry Agreement until October 31, 2019

Calls for a representative from GWA

Miguel Bordallo a representative from GWA is present, states his name and has some concerns in regards to the conditions listed in the summary above.

As far filling the depression, there are some concerns and would like to caution and seek clarification from the CLT Commission that any development that will be permitted under any Guam Building Law or by Guam EPA regulations that requires some water detention; GWA is experiencing the same thing with their project which is adjacent to the property or (Lot 5075-REM-A-NEW-R1). The depression serves a purpose for providing storm water disposal on the site.

Chairwoman Pika Fejeran: asking for clarification, if the depression is on CLTC's site or does our (referring to CLTC's lot) depression serve purposes for GWA's storm water runoff.

Miguel Bordallo: responding to Chairwoman Pika Ferajan's question, the property line stands on the depression. A portion of it is used and GWA is forming a ponding basin which will provide some water disposal in accordance with Guam EPA regulations. It is the site that GWA is using and suggest not to fill so in the future can prevent cost from excavating what GWA had filled in; the same existing depression can be used as CLTC's storm water disposal.

Also suggested if the property can be cleared by hand as opposed to grating the vegetation due to extra time and additional work the GWA crews would have to do.

Chairwoman Pika Fejeran: Asking if there are any other concerns for the other conditions the CLT Commission is requiring such as fencing which is to include an access point.

Miguel Bordallo: in response, as for the fencing, no issues or concerns at all.

Vice Chairman Joe Cruz: Requesting from GWA to provide a site plan on the development of their lot site to include information on the topography.

Miguel Bordallo: in response, yes, GWA has that information available but it is only for GWA's site not for CLTC.

Vice Chairman Joe Cruz: still requesting for the information on the GWA site plans and would like to see what the comparison would be with CLTC.

Miguel Bodallo: stated at the begging of the request it was offered for GWA to provide a ponding basin which would benefit CLTC and serve a good purpose for any future commercial developer on the CLTC property.

Chairwoman Pika Fejeran: also states the offer never made it to the CLT Commission. The property is on one of CLTC's property that the Commission had to go through so much to obtain a commercial lease. With the request of GWA Right of Entry extension request, it will only hold the Trust back from moving forward with the original plan. Asked if the offer of the ponding basin can still be designed for CLTC.

Miguel Bordallo: in response, it can still be designed it would be a change order for GWA and would take some time. However advised the CLT Commission, the design would be based on certain assumptions of the property use. We (referring in general) would not know what the development would be or how much storm water would be generated. GWA would make their best estimates, again as a caution, depending on what the developer is building, the ponding basin may need additional work.

(Discussion ensues)

After discussion and understanding what conditions works best for both GWA and the Commission for the GWA Right of Entry on Lot 5075-REM-A-NEW-R1 extension. The Commission also agreed along with conditions the ROE has been etended to December 31, 2019. A motion was made to approve the new conditions made by Commissioner Techaira, Second by Commissioner Duenas, Passed Unanimously.

The new conditions to the GWA Right of Entry on Lot 5075-REM-A-NEW-R1 are based on the following:

- i. Hand clear all vegetation
- ii. Erect fencing along areas not already fenced and to include access point on the fence
- iii. Storm water system
- iv. To design and build a storm water detention basin
- v. Extend Right of Entry Agreement to December 31, 2019

3. PBS GUAM KGTF Channel 12; Guam Educational Telecommunications

The CLT Commission discussed at the December 20th meeting and approved deferred payments of their (PBS GUAM) license in order them (PBS GUAM) give in kind services for the CLTC Meetings. It was also discussed if the recordings from PBS GUAM can somehow be shared with the public.

Chairwoman Pika Fejeran: ask if any representative present

Ina Carillo Acting General Manager for PBS GUAM

Chairwoman Pika Fejeran: stated at the last meeting the commission wanted to know what PBS does with the footage or the recordings of the meetings.

Ina Carillo: in response, not a problem PBS Guam can ensure the recordings can be transferred to a DVD and submit them to CLTC, if that is not happening already.

As far as the website, because it currently consist of children's programming and educational programming, not sure if the meeting is something the Commission wants to air on the PBS Channel.

However, did offer other options such as providing a DVD with a file that can be formatted to upload on the CLTC's website and YouTube; once the file is uploaded a link can be generated for CLTC's Social Media platforms.

PBS Guam can also provide slides to run on air and serve as a public notice of the upcoming scheduled board meetings. If there are any emergency meetings, PBS Guam can also air the notices in addition to the notice of regular meetings.

Chairwoman Pika Fejeran: requests for a cost breakdown of the suggested options to see how CLTC can avail from the balance from the In-Kind Services amount.

Ina Carillo: acknowledges the request and would work with Land Administrator Margarita Borja.

VI. NEW BUSINESS

1. Administrative Actions

a. Confirmation of the Administrative Director, Jack Hattig III

Chairwoman Pika Fejeran and the Commission members refer to their packet for the Appointment letter from the Governor of Guam appointing Mr. Hattig as the Administrative Director for the Chamorro Land Trust Commission. The Appointment letter is read by Chairwoman Pika Fejeran

Chairwoman Pika Fejeran: reminds the Commission that one of the priorities they (CLT Commission) had and wanted to do in order to move forward and make progress is to hire an Administrative Director for CLTC. After thinking it would be a long process to find the right person, the Governor of Guam has found someone for the Commission and states would like the Commission to meet Mr. Hattig III. Also making in clear to the Commission, under the Chamorro Land Trust Act is the Commission's authority to hire and employ an Administrative Director.

Jack Hattig III: Thanks the Commission for allowing him the time to come in and state a few words. As the administrator, he works for the Commission members, he will work to be an advisor to commission and an advocate for the people and their needs.

Transmit an executive order from the Governor of Guam, Executive Order No. 2019-01 to the Chamorro Land Trust Commission.

Chairwoman Pika Fejeran: reads Executive Order No. 2019-01 to the Commission and to all those in attendance. The Executive Order is Relative to reorganizing the Department of Land Management by re-establishing the Chamorro Land Trust Commission and the Guam Ancestral Lands Commission as separate agencies.

With the Executive Order, it is made very clear that CLTC will no longer be under the umbrella of the Department of Land Management. Because the missions are not quite in sync with the other departments (DLM and GALC) believes it is a good move, although, there are many ways CLTC is inter connected with the Department of Land Management; a lot of resources are shared with Department of Land Management.

Vice Chairman Joe Cruz: shares concerns in regards to the supervision part of the CLTC. Most of the CLTC staff are listed as Land Agents I and Land Agents II. Most of the top line Land Agents are a part of the Department of Land Management and is curious as to how Mr. Hattig will handle that situation.

Jack Hattig III - in response to Vice Chairman Joe Cruz's concern, he has also reviewed the staffing pattern of the CLTC. It is a topic and a discussion he would love to have with the Commission. Having the staff and the tools necessary to perform the job duties in place, to continue the mission of the CLTC is a concern for him as well.

Chairwoman Pika Fejeran: going back to the nomination, one of the main concerns is the salary. It is a concern because the Chamorro Land Trust funding did not pay a cent of the Administrative Director's salary from the time the agencies merged, in 2011. As we are right now, the funding is already allocated and appropriated for 2019; having an Administrative Director was not included in those funds. Asked the Commission members to allow some time to speak with the Program Coordinator, Joey Cruz and BBMR (Bureau of Budget and Management Research) who knows more about the budget. Because the agencies are now separated; and it is important to know how the CLTC budget is affected and hopefully still be able to work with the resources within Land Management while still maintaining the independent agencies and our agency's status.

Asked the members of the Commission to table any decisions for Mr. Hattig until the Commission is sure that there is enough in the budget to fully bring Mr. Hattig on as the Administrative Director.

b. Maps & Addendums - No discussion, tabled for February 7, 2019

c. Beneficiary Updates

Chairwoman Pika Fejeran: There was a motion earlier to allow the Administrative Director to approve the beneficiary requests in accordance to the law.

d. Constituent Staff Report

- i. Juan Benavente leased lot** – No Discussion, tabled for February 7, 2019
- ii. Lot 5174REM-1, Tamuning Lease**

Brief History: Lot 5174REM-1, Tamuning Lease was previously discussed on the September 20, 2018 CLTC Meeting.

Nicole Kelly who is requesting to purchase a portion of Lot 5174-REM-1 adjacent to her property.

While going through the process to purchase, Department of Public Works wanted to make sure there is no encroachment before they give the Occupancy Permit.

Based on the strip of land (shown on the screen) it's a whole strip of land that is not being utilized. Ideally the right thing to do is have the home owners purchase a piece, but doing the research CLTC found that that strip of land has a lease with an agriculture lessee.

Staff report requested and an update.

In September 2018, a site inspection verified there is no farming activity lease property. The current lease holder recognizes a neighbor has encroached on to the lease property and is willing to reduce the lot size. The CLTC staff also found that there are no encumbrances and may be designated for land purchase as discussed on the last meeting.

Based on the last discussion, the lot is designated for agriculture, there is no agriculture activity and the lot is right along the cliff line.

(Discussion ensues)

Assistant Attorney General Nicolas Toft: chimes in, informs the Commission there is a statute and reads to the Commission 21 GCA; Chapter 75 Chamorro Land Trust Commission; § 75105. Control by Commission of Available Lands; Return to Department (c) numbers (1), (2), (3), (4), (5) and (6).

A public audience expressed concerns and voiced his opinion. He doesn't feel the piece of property should be sold, strongly feels the property can be used to farm, it should be kept and used for applicants.

Another public audience expressed her opinion to the property and is in support of selling the property to the resident requesting to purchase the land.

After looking at all the facts of the case and listening to all points from the audience and Commission members, including Nicole Kelly who is requesting to purchase the property; Chairwoman Pika Fejeran ask the Commission members to consider Nicole Kelly's request.

A motion made by Vice Chairman Joe Cruz for land owner to purchase Lot 5174REM-1, Tamuning Lease, contiguous government property that have been encroached upon, subject to survey; and in accordance with 21 GCA, Chapter 75, Second by Commissioner Techaira. Passed unanimously.

iii. Marcia Taitano

Chairwoman Pika Fejeran: Marcia Taitano, a loan guaranty concern. She was given a residential lease, in August 2017, the Commission approved the loan guaranty. However, since that time, it has been uncovered from Guam Housing that Section 3 of CLTC's Loan Guaranty Agreement requires that the borrower purchase credit life insurance.

Marcia Taitano has tried to purchase credit life insurance from three different insurance companies and was told there is no such plan being offered here on Guam.

Requests from the Commission to waive that particular requirement so Marcia Taitano can move forward.

Vice Chairman Joe Cruz: shares a concern with the Commission in regards to the requirement and would like to know if there was any guaranty loan that was completed requiring the same thing.

Land Agent Supervisor Matthew Leon Guerrero: in response, yes, there has been but the lessee never got the credit life insurance.

Chairwoman Pika Fejeran: states Guam Housing is now stepping forward to waive the requirement.

Vice Chairman Joe Cruz: suggest to amend the current Loan Guaranty agreement to remove the section that requires the lessee to get credit life insurance from CLTC's requirement.

Acting President of Guam Housing Mary Guerrero: Explains that the Loan Guaranty is a guaranty issued by the Chamorro Land Trust program. If there is credit life, then there is no need for a loan guaranty. If the lessee defaults on the payment, Guam Housing does not foreclose on the loan instead CLTC will find someone to take over the loan guaranty.

Suggest to have the credit life requirement removed in the agreement.

Motion made by Commissioner Techaira to remove the Credit Life Insurance requirement under the CLTC agreement, Item No. 3 from the CLTC Active Loan Guarantees and to also remove it from the CLTC Loan Agreement, Second by Commissioner Duenas. Passed unanimously

iv. Frank R. Cabrera – minimal discussion: Assistant Attorney Nicolas Toft and Survey Division will work with the client.

v. Joey Thomas Taimanlgo:

Chairwoman Pika Fejeran: Joey Thomas Taimanglo took over application rights of Sophia Santos Palacios, CLTC Applicant who has been occupying the lot under the Arrendu Program since 1984. The transfer of her application was due to Ms. Palacios not qualifying under the program. The transfer of application rights was approved by Administrative Director, Michael Borja on December 14, 2016.

Sophia Santos Palacios and Joey Taimanglo state their names for the record.

Joey Taimanglo: requesting from the Commission to have his grandmother, Sophia Palacios to reside on the property that was transferred to Joey Taimanlgo.

Chairwoman Pika Fejeran: informs Joey Taimanglo and Sophia Palacios there has been numerous complaints brought to the Commissioners attention in regards to misuse of the property such as trash.

Sophia Palacios: in response to Chairwoman Pika Fejeran, yes, there was a lot of trash but has managed to decrease and dispose the trash properly on the property. She (Sophia Palacios) has been working with Guam EPA and has met the Guam EPA standards.

Chairwoman Pika Fejeran: addressed Land Agent II Glen Eay, to confirm if he has been in contact with Guam EPA.

Land Agent II Glen Eay: in response to Chairwoman Pika Fejeran's question, yes, he has met with Guam EPA. A follow up inspection was done, the resident, Sophia Palacios has cleaned up the property and has met the Guam EPA requirements.

A motion made by Commissioner Duenas to authorize occupancy of Joey Thomas Taimanglo on Lot 3, Block 20, Tract 10316, Dededo provided there are no valid complaints by surrounding land owners, Second by Commissioner Techaira. Passed unanimously.

vi. James Anthony Sandlin

Chairwoman Pika Fejeran: James Anthony Sandlin an Agriculture Lessee has a Loan Guaranty with Guam Housing Corporation in the amount of \$114,350.00 and is now trying to obtain a second loan with Small Business Administration (SBA) to extend the existing home. The lessee was advised to obtain a written consent from GHC as stipulated in the Leasehold Mortgage recorded under Instrument No. 827045. An inspection was conducted on January 11, 2019, and found three homes on the property and no sign of agriculture use. The Lessee indicated that the two homes will be demolished with the funds of the SBA loan.

James Anthony Sandlin: states his name for the record and states his reason for appearing before the Commission.

He applied for an SBA Loan for Typhoon Manghut, a recent storm that passed. Provided SBA with all the necessary information that was required by them (SBA). Because CLTC is the lessor, it is required by SBA to get a written approval from CLTC and Guam Housing.

A motion was made by Commissioner Techaira to approve the Assignment of Lease with SBA, provided they obtain a letter from Guam Housing Corporation, remove the two structures to comply with the Agriculture Lease terms and agreement; second by Commissioner Duenas. Passed unanimously.

e. Lease/Addendum/Utility Authorizations

Below are the following items that were tabled for the next meeting scheduled for February 7, 2019.

- i. Rosanna Marie Camacho
- ii. Lindsey Quitugua Mafnas
- iii. Francisco Blas Salas
- iv. Polly J.B. Gay
- v. Daniel E. Sablan
- vi. Norma Arciga Benavente
- vii. Sara Rose Flores
- viii. Ramona Perez Salas
- ix. Edward Blas Peredo

Chairwoman Pika Fejeran: moving to Rita Santos Cruz who is present and waiting to be called.

A request to correct the lot designation of the leased premises from a portion of Lot 7, Talofoto to a portion of Lot 6-R2, Block 13, Tract 2831, Talofoto, containing an area of 2 acres.

Based on CLTC's findings indicate that Rita Cruz was pre-occupying a portion of the lot requested; evidence of an old tractor and metal posts from an old shack and Customer Account with GWA for the subject lot. CLTC has issued a Residential Lease to Shawn Nelson containing an area of 2,024 square meters. CLTC has identified a replacement lot for Mr. Nelson. Mr. Nelson's lease was ratified by the Commission on September 6, 2018.

Land Administrator Margarita Borja: informs the commission, CLTC spoke with Shawn Nelson and he has agreed to relocate to a replacement lot that has been identified. The lot identified for Shawn Nelson is one of the Land for the Landless Lots. Because he (Shawn Nelson) was given a half acre lease, the Land for the Landless lots are 2 quarter acre lots.

Vice Chairman Joe Cruz: asked if the two Land for the Landless lots are going to be consolidated into one lot for Shawn Nelson. Also asked if the subdivision is in Ija, Inarajan.

Land Administrator Margarita Borja: in response to Vice Chairman Joe Cruz's question. Yes, the lots will be consolidated and it is in the Talofoto Subdivision.

Chairwoman Pika Fejeran: Asked, why would CLTC issue two lots to Shawn Nelson?

Land Administrator Margarita Borja: in response to Chairwoman Pika Fejeran's question; explains the Land for the Landless lots are quarter acre lots, his lease that was issued; he was assigned a half acre lot.

Chairwoman Pika Fejeran: asked if Shawn Nelson can take the quarter acre lot because CLTC would be able to place two other CLTC applicants on those two lots.

Land Administrator Margarita Borja: in response, informs the Commission, Shawn Nelson has already agreed to accepting the two Land for the Landless lots that was offered to him.

A motion made by Vice Chairman Joe Cruz to approve the request to correct the lot designation to read a portion of Lot 6-R2, Block 13, Tract 2831, Talofoto, containing an area of 2 acres. Second by Commissioner Duenas. Passed unanimously.

Chairwoman Pika Fejeran: informs the Commission, due to time, the following items on the agenda will be tabled for the next meeting scheduled for February 7, 2019.

1. Pre-Moratorium Lease List
2. Commercial Licenses
3. Unregistered Land
4. Infrastructure & Survey Fund Appropriations

VII. ADMINISTRATIVE MATTERS

1. Transition Report
2. CLTC Staff
3. Processing of Maps
4. Financial Report

VIII. COMMISSIONERS COMMENTS – No comments

IX. ADJOURNMENT : 5:10 p.m.

Next meeting scheduled for February 7, 2019; 1PM.

