



Kumision Inangokkon Tano' Chamoru (CHamoru Land Trust Commission)

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

Jack E. Hattig III
Administrative Director

ADMINISTRATIVE DIRECTOR'S REPORT OF CLTC REGULARLY SCHEDULED MEETING Thursday, September 19, 2019 at 1:00PM

III. APPROVAL OF MINUTES

1. May 2, 2019 – Motion to approve meeting minutes subject to changes.
APPROVED.
2. May 18, 2019 – Motion to approve meeting minutes subject to changes.
APPROVED.
3. June 6, 2019 - **TABLED**

IV. OLD BUSINESS

1. COMMERCIAL LEASING

a. GLOBAL RECYCLING

Representatives - Alan Chu and Daniel Chu

- i. Per Director, Global Recycling being used right now for dumping goods
- ii. \$100k paid towards the Trust and per JBC it was put into the CLTC Operations Fund
- iii. EPA has a recording of all Global Recycling operations documents; Chairwoman requesting for a copy of this for CLTC file
- iv. Services provided from Global Recycling are catered to the mayor offices especially when needed such as natural disaster
- v. Mayor's Council/GHURA has an open P.O. with Global Recycling
- vi. Land Trust owned a heavy equipment from DOC but it was inoperable
- vii. Closing down Global Recycling would be detrimental as it is being used to help with the clean up especially with what's going on right now in the community
- viii. No Rules and Regulations were set in place so no lease has ever been designated per Daniel Chu who has asked for a lease before
- ix. Improvement for public purpose

b. UOG HATCHERY – Bill 76-34

Representatives - Denise Mendiola, Mark Acosta, Cathleen Moore-Lin

- i. Portion of one of the buildings encroaching into CLTC property
- ii. L5412-R11, introduced by Senator San Agustin
- iii. UOG came up with a program that can help assist farmers from subsistent farming to commercial use

- iv. Training in aquaculture and agriculture – market gardening; can become distributors, etc
- v. Familiar with rules and regs to be in compliance; plenty opportunities with different programs such as NCRS
- vi. Get support from GEDA and Agriculture (directors) to help assist in getting federal grants in assisting beneficiaries
- vii. Forming of a committee (ADHOC); explore more and how we can use UOG's in-kind services and structure in the form of an MOA
- viii. There is a current appraisal, top quarter acre of land about 20k, bottom 1/3 of the property is eroded shoreline – pending copy of UOG's appraisal to be submitted to CLTC
- ix. Pending in-kind services to be offered to CLTC (UOG will need to look at an appraisal first, etc)
- x. 2009 service between CLTC and UOG – pending report to be submitted to Director and CLTC; Director requesting for follow-up report/services on what happened in 2009; assessment on CLTC property however, Chairwoman wants to sit down and further discuss
- xi. UOG to develop a proposal to Chairwoman for review and approval; to be given possibly next week
- xii. Dr. Barber was the advisor to CLTC (liason between CLTC and UOG)
- xiii. Agriculture and Cottage Industry – development on CLTC properties; bed and breakfast; online businesses in regards to the Cottage Industry; training to be provided to help business grow per Denise Mendiola
- xiv. Per Chairwoman, Director to get together with UOG and receiving appraisal and coming up to some agreed upon amount

c. GUAM RUGBY CLUB

Representatives – Genevieve Rapadas (lawyer for Calvo, Fisher), Ross Morrison (coordinator), Mike Mateo (board member of Guam Rugby), Joseph Mateo (board member of Guam Rugby)

- i. 2002 agreement per Joseph Mateo (Master Plan); 2016 changed; 750k spent for infrastructure, etc
- ii. Commission voted to delete the easement on part of Hal's Angels
- iii. Kristen Finney (LC of DLM at that time)
- iv. Monte Mafnas and Guam Rugby came into an agreement without the Commission's approval (per CLTC Legal Counsel)
- v. April 2018, contact Rugby, notifying the user of the easement (Feb 2018)
- vi. Access for Rugby to come from Lada Avenue; 2016 Commission decision based on concurrence with DPW
- vii. Rugby had no knowledge of the change of the easement
- viii. Rugby has no access to the field because of the closure of the easement coming from Hal's Angel

- ix. Per Morrison, requesting for CLTC to reconsider the easement usage from Santa Monica Avenue
- x. Per LC Gen Rapadas, office was involved in negotiations regarding the easement alongside with Mr. Shiroma; amendment is part of the license – cannot separate the license from the amendment
- xi. Mr. Shiroma is fully aware of the amendment from 2010 (has a legal counsel rep)
- xii. Packet from Guam Rugby indicates that people from the public are in support to the Guam Rugby and LC of Guam Rugby would like that to be part of the packet
- xiii. Per Guam Rugby, no written notice or verbal notice given regarding the deletion of the easement; DPW hasn't open the easement that was supposed to be given to them; no access to field due to the gate put up by the Shiroma's
- xiv. Request to go back to 2010 amendment per J. Mateo
- xv. Per Director, will work with Hal's Angels and DPW regarding easement access; easement opening for Guam Rugby
- xvi. Reconvene from recess

- xvii. Open discussions on the table between Guam Rugby and Hals Angels
Hals Angels Rep: Blue Shiroma and brother Shiroma

SOLUTION TO THE EASEMENT ON SANTA MONICA PENDING MEETING BETWEEN PARTIES AND DIRECTOR; TO MEET NEXT WEEK ASAP.

V. NEW BUSINESS

1. CONSTITUENT MATTERS

- a. Joileen R. S. Benavente (pre-moratorium) requesting for a lease issuance on Lot 7-R2, Block 14, Tract 10316 Dededo containing an area of 1,900± square meters. **Motion made by A. Duenas, Seconded by A. Santos. Motion passed. APPROVED.**
- b. Gabriel Guerrero requesting for a lease issuance on Lot 5-R2, Block 9, Tract 15213 Mangilao containing an area of 1,838± square meters under preoccupancy status. Represented by POA, Kenneth Guerrero. **Motion made by A. Duenas, Seconded by A. Santos. Motion passed. APPROVED.**
- c. Genevieve Ericsson Manglona requesting for a lease issuance on Lot 10122-64 Dededo for ½ acre. **Motion made by A. Duenas, Seconded by A. Santos. Motion passed. APPROVED.**
- d. Christianna Ramez fka Christianna Nededog requesting for lease issuance on Lot 14, Block 8, Tract 178 Yigo. **Motion made by A. Duenas, Seconded by A. Santos. Motion passed. APPROVED.**

2. GEDA - Determination of Need (DON)

GEDA Representative Larry Toves

This report does not constitute meeting minutes and is intended only as an administrative reference document.

- a. Involve CLTC and Ad. Dir. in the full process
- b. Okay to leave Oka Point out but must get Yigo property in the determination.
- c. 1. Lower Tumon Tracks across PROA, 2. Behind East West Rental, 3. Yigo gym other Yigo property across Yigo church T10123, L7128REM
- d. Need approval from CLTC for Determination of Need
Motion made by A. Duenas, Seconded by A. Santos. Motion passed. APPROVED.

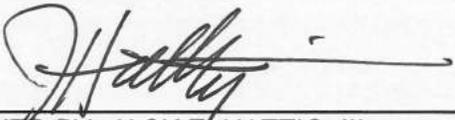
VII. PUBLIC COMMENT

1. Lisa Marie Tajalle: request for UT authorization; currently resides on property CLTC applicant Joseph C. Tajalle. Requirements: needs POA from father or father needs to come in see LA view the file. PL22-157 can be granted under Joseph C. Tajalle; no board approval needed.
2. Pedro Taitano: applied in '95 for CLTC, claims bona fide farmer, requesting for lease for agriculture. AG Application date 2014 and Res Application in '95.
Motion to change 1304 from Residential to Agriculture. Motion terminate 2014 Agriculture 7830 application. Motioned by A. Duenas, 2nd by A. Santos. APPROVED.
3. Mae Quenga
Request for a lease under the mom's LUP within T9210. Per JG, need to be revisited due to a prior issuance on that property. "A" needs to come in and sit down with one of the land agents to process her request
4. Joseph Nededog Salas
Intent to issue a lease; given a survey authorization but expired in 2017 with disability; need to verify if the lot that was issued based on the S.A. is still available

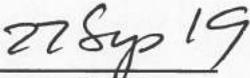
VIII. COMMISSIONERS' COMMENTS

- Pika – final 6 months on the commission; expiration in March 2020
- SOP in place
- Policies in place
- We need to speed up the process of issuing out to applicants
- Lots of follow ups from Chairwoman to the Director
- Next meeting October 17, 2019 at 1pm
- Joseph I. Cruz has been re-nominated to come back on as CLTC Board Member
- Arlene Bordallo pending confirmation from Legislature

VIII. ADJOURNMENT



APPROVED BY: JACK E. HATTIG, III
ADMINISTRATIVE DIRECTOR



DATE

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Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Vacant
Vice-Chairperson

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Vacant
Commissioner

Jack E. Hattig, III
Administrative Director

Kumision Inangokkon Tåno' Chamoru ***(CHamoru Land Trust Commission)***

P.O. Box 2950 Hagåtña, Guåhan 96932

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

BOARD OF COMMISSIONERS MEETING AGENDA
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, September 19, 2019
Regular Meeting - 1:00PM

Public Notice: The *Guam Daily Post* on September 12, 2019 and September 17, 2019

- | | | |
|--------------|---|---------------|
| I. | CALL TO ORDER | 1:00PM |
| II. | ROLL CALL | 1:05PM |
| III. | APPROVAL OF MINUTES | 1:10PM |
| | 1. May 2, 2019 – Regular Meeting | |
| | 2. May 18, 2019 – Regular Meeting | |
| | 3. June 6, 2019 – Regular Meeting | |
| | 4. July 18, 2019 – Regular Meeting | |
| IV. | OLD BUSINESS | 1:30PM |
| | 1. Commercial Leasing | |
| | a. Global Recycling | |
| | b. UOG Hatchery | |
| | c. Guam Rugby Club | |
| V. | NEW BUSINESS | 2:30PM |
| | 1. Constituent Matters | |
| | 2. Commercial Leasing | |
| | a. GEDA – Determination of Need | |
| | b. ReMax request for easement – Lot 472 | |
| | c. Kwikspace Guam, Inc. | |
| VI. | FINANCIAL REPORT | 4:15PM |
| | 1. Report on Current Commercial Leases | |
| VII. | PUBLIC COMMENT | 4:30PM |
| VIII. | COMMISSIONERS' COMMENTS | 4:45PM |
| IX. | ADJOURNMENT | 5:00PM |
| | Next Meeting – Thursday, October 17, 2019 at 1:00PM | |

FEMA official in Puerto Rico accused of taking bribes after Hurricane Maria

SAN JUAN (Reuters) - The U.S. Justice Department on Tuesday announced corruption charges against a senior government official and a contractor who oversaw the rebuilding of Puerto Rico's electrical grid after Hurricane Maria devastated the island in 2017.

In a 15-count indictment, U.S. prosecutors allege that Ahsha Tribble, who oversaw the Federal Emergency Management Agency's efforts to restore electrical power after the hurricane, accepted helicopter rides, hotel rooms and other bribes from

Donald Ellison, who was then president of Cobra Acquisitions LLC, which was contracted to do the work.

In return, Tribble pressured FEMA and the Puerto Rico Electric Power Authority (PREPA) to steer work to Ellison's firm, prosecutors said. PREPA said that Cobra was paid \$1.1 billion of a contracted \$1.9 billion. The contracts were canceled by the utility in March when it "became aware of possible irregularities," PREPA said in a statement on Tuesday.

Tribble was not immediately reachable for comment.

Ellison, who left Cobra in June, denies wrongdoing and will plead not guilty, his attorney William Leone said in a telephone interview. "This indictment is filled with allegations of innocuous events that somehow the government has cobbled into a theory of bribery," he said. "It's not a crime to be friends with people you work with."

Prosecutors also charged Jovanda Patterson, a former FEMA deputy chief of staff, who they say evaluated Cobra's work even as she was trying to get a job with the company.

Patterson was not immediately reachable for comment.

All three defendants have been arrested, officials said.

"Defendants arrived in Puerto Rico to allegedly help in the recovery of the devastation left from Hurricane Maria," U.S. Attorney Rosa Emilia Rodríguez-Vélez said at a news conference. "However, they decided to take advantage of the precarious conditions of our power grid and became involved in a bribery and electronic fraud scheme to illegally enrich themselves with our suffering."

Church cancels anti-Muslim event scheduled on 9/11

DETROIT (Detroit Free Press) - A Bloomfield, Michigan, church canceled an anti-Muslim event scheduled for Wednesday's 9/11 anniversary after facing condemnation from Michigan representatives and organizations.

Bloomfield Hills Baptist Church

announced in a one-sentence email that it will cancel the two-day "9/11 forgotten? Is Michigan surrendering to Islam?" event that was originally scheduled for Wednesday and Thursday.

The event was slated to host two speakers, who would address topics like "How the interfaith movement is sabotaging America and the church" and "How Islam is destroying America from within."

FBI: Florida man threatened to kill Jews

(Miami Herald) - A Florida man who threatened to shoot up a Florida synagogue was arrested Friday in Volusia County, law enforcement officials say.

The FBI and Volusia County Sheriff's Office charged Hanson Larkin, 25, with making threats using interstate

communication. Larkin made numerous threats about killing Jews, court documents show.

According to the complaint affidavit, Larkin made the threats to persuade another individual to meet him in Miami. The individual continued to rebuff Larkin's advances but the Deland, Florida resident's text messages just kept escalating.

GUAM ENVIRONMENTAL PROTECTION AGENCY
 AĦŠŠIŠIEN PĤIĤEŠIŠIEN LĤIŠIŠIEN GUĤIŠIEN
BOARD OF DIRECTORS MEETING: Thursday - September 19, 2019 • 4:00PM
Guam EPA Administration Conference Room - 17-3304 Mariner Avenue Tiyen

AGENDA: 8. Call to Order; 9. Agenda Approval; 10. Approval of 04/15/19 Minutes; 11. Administrator's Report; 12. Old Business: IAFB Site/visit Report for Contractors - HON #2019-001, Active RWPs (Tobashi Hotel/Mippo USA Inc. - Water Pollution Control, Lin's Hardware - Safe Drinking Water, Su & Zhang Corp. - Safe Drinking Water, Folyong Construction & Engineering - Safe Drinking Water, Seabridge update), REE approval process status, FWAS activities update, Septic systems, lot sizes, & advanced on-site treatment proposal; 13. New Business: Proposed Underground Storage Tank Rules & Regulations, Volusia Statement/Wisconsin Statement/Agency name in Chamorro approved by Kamidion I Fim Chamorro update; 14. Miscellaneous; 15. Next Meeting Date/Adjustment

Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300-475179 or via email at arlene.achill@epa.guam.gov

CHamoru Land Trust Commission
(Komishon Inangaklon Tino' Chamoru)

CHamoru Land Trust Commission Regular Meeting
Thursday, September 19, 2019 at 1:00 p.m.,
Public Comments will be held at 4:30 p.m.,
Land Management Conference Room 3rd Floor, ITC Building,
590 S. Marine Corps Drive, Tamuning.

For a copy of the agenda you may email your request to lia@cltcdland.guam.gov in compliance with ADA requirements. Individuals requiring special accommodations, auxiliary aids or services, may call 646-5263 Ext. 400. This ad is paid by CLTC funds.

GUAM ENVIRONMENTAL PROTECTION AGENCY
 AĦŠŠIŠIEN PĤIĤEŠIŠIEN LĤIŠIŠIEN GUĤIŠIEN
PUBLIC ANNOUNCEMENT

PERFORMANCE REVIEW - ADMINISTRATOR WALTER S. LEON GUERRERO
 Pursuant to 5 GCA §43203, the Guam Environmental Protection Agency (Guam EPA) wishes to notify the public that the Agency Administrator's performance review, as required under 5 GCA §43202, and completed by the Guam EPA Board of Directors on August 15, 2019, is available for public review on the Guam EPA website, and can be found by visiting: epa.guam.gov/administrator-review

GUAM EPA | 17-3304 Mariner Avenue Tiyen Barrigada, Guam 96911-1017 | Tel: 672-300-4751/72 | Fax: 672-300-4631 | epa.guam.gov
 TUDU Y NĤĤĤĤĤ Y TĤIŠIŠIEN LĤIŠIŠIEN AĤIŠIŠIEN LĤIŠIŠIEN THĤIŠIŠIEN ARE OĤIŠIŠIEN
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CHAM DAILY POST • TUESDAY, SEPTEMBER 17, 2019

Top Democrats tell Trump gun bill must include universal background checks

WASHINGTON (Reuters) - Top Democrats in Congress told Republican President Donald Trump on Sunday that any gun control legislation that falls short of universal background checks for gun sales "will not get the job done."

Senate Minority Leader Chuck Schumer and House of Representatives Speaker Nancy Pelosi said they spoke to Trump by phone on Sunday morning, which marked 200 days since the Democratic House passed legislation to expand background checks to all gun purchases.

In the aftermath of a series of mass shootings in August that killed more than 30 people, Trump has been discussing potential legislation with lawmakers in both parties. He said on Wednesday that progress was being made on gun legislation, adding that many areas were under discussion, including background checks.

The Republican-controlled Senate has yet to take up the House bill. Majority Leader Mitch McConnell told reporters last week: Until the White House gives us some indication of what the president is willing to sign we are waiting to see what it looks like."

He added: "These horrendous shootings - in my opinion - deserve a response, I hope we can get something that can actually become the law of the United States of America."

Pelosi and Schumer said in a joint statement after the phone call with Trump: "This morning, we made it clear



BACKGROUND CHECKS ACT: House Speaker Nancy Pelosi, left, and Senate Minority Leader Chuck Schumer hold a news conference with fellow congressional Democrats to demand that the U.S. Senate vote on the Bipartisan Background Checks Act passed by the House of Representatives at the U.S. Capitol in Washington, D.C., Sept. 9. Jonathan Ernst/Reuters

to the President that any proposal he endorses that does not include the House-passed universal background checks legislation will not get the job done, as dangerous loopholes will still exist and people who shouldn't have guns will still have access."

The two leaders said they promised to join Trump "for a historic signing ceremony at the Rose Garden" if the president would endorse the legislation and lean on McConnell to pass it "to save as many lives as possible."

The White House described Trump's call with Pelosi and Schumer as "cordial," but said the president had not made any commitments on the House bill, known as H.R. 8.

Trump has "instead indicated his interest in working to find a bipartisan legislative solution on appropriate responses to the issue of mass gun violence," White House spokesman Judd Deere said in an emailed comment. "The president reiterated his commitment for his administration to continue work on these issues."

Previous attempts to pass gun control after mass shootings, including the December 2012 killings of 20 children and six staff members at Sandy Hook Elementary School in Newtown, Connecticut, have mostly failed in the face of fierce lobbying by the National Rifle Association and other gun groups.

Omar says she's confident Trump will be impeached

NEW YORK (Bloomberg) - Rep. Ilhan Omar said it's a matter of when, not if, President Donald Trump will be impeached, and she's not worried about House Speaker Nancy Pelosi and others not moving ahead right now.

"It is OK for some people to have hesitations, for other people to catch up to where some of us have been for a very long time," the first-term Democrat from Minnesota said Sunday on CBS's "Face the Nation," billed as her first one-on-one network interview.

Omar, with New York's Alexandria Ocasio-Cortez, Michigan's Rashida Tlaib and Ayanna Pressley of Massachusetts, refer to themselves as "the Squad" and drew repeated attacks from Trump over the summer.

The president also has singled out Omar and Tlaib over what he's called their "hatred" of Israel. A plan by the two to visit Israel in August sparked controversy because they support a boycott of the country over its treatment of Palestinians. The lawmakers in 2018 became the first Muslim women elected to the U.S. Congress.

The Minnesota representative said that with Israeli Prime Minister Benjamin Netanyahu standing for re-election on Tuesday, she hopes people there will "make a different decision" and "recognize that his existence, his policies, his rhetoric really is contradictory to the peace that we are all hoping that that region receives and receives soon."

The Honorable
Lourdes A. Leon Guerrero
Governor

The Honorable
Justina F. Tenorio
Lt. Governor

PUBLIC NOTICE

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene its Regular Board Meeting on Tuesday, September 24, 2019 at 3:00 p.m., in the Terminal Conference Room No.3. In addition to regular matters, pursuant to 5 G.C.A. §8111(c)(2), Executive Session will be held to discuss pending litigation to which GIAA is a party. Parking is available in the Public Parking Lot.

For special accommodations or agenda items, please call the Board Office at 842-4717/18.
(This ad paid for by GIAA)

Chamoru Land Trust Commission

Comision Mangokkon Tano Chamoru

Chamoru Land Trust Commission Regular Meeting
Thursday, September 19, 2019 at 1:00 p.m.,
Public Comments will be held at 4:30 p.m.,
Land Management Conference Room 3rd Floor, ITC Building,
590 S. Marine Corps Drive, Tamuning.

For a copy of the agenda you may email your request to ina.jacosa@land.guam.gov. In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 849-6283 Ext. 400. This ad is paid by CLTC funds.

Committee on Health,
Tourism, Historic Preservation,
Land and Justice

SENATOR THERESE M. YENLAJE
| Mian'Vrisal Single na Libeslaturan Guåhan
35th Guam Legislature | 472-3586

PUBLIC HEARING • 1:00 PM • Thursday, September 19, 2019

Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

1:00p.m. **Public Hearing: 818 187-35 (COR)**- An Act To Adopt the Rules And Regulations attached hereto as: Exhibit A, Entitled: "Rules and Regulations Governing Adoption of Codes of Professional Conduct and Ethics by the Guam Board of Allied Health Examiners" Specifically Adding a New 5101201 to Title 25 of the Guam Administrative Rules and Regulations.

2:00p.m. **First of a Three Part Series of Informational Briefings on Guam's Medical Malpractice Mandatory Arbitration Act** (Citation 10 GCA Chapter 10)

- Overview of Current Law and Prior Case Outcomes
- Patient Perspectives

Petitioners may be submitted to the office of John P. Kelly, Suite 207, 173 Avenida Armas, Hagåtña, Guam 96910, to the Guam Congress Building or via email at petitions@legis.guam.gov. The hearing is limited to 15 minutes. GSA Chapter 21, (Guam Chapter 119024 and related rules on 11/20/2018) and the Rules of the Guam Board of Allied Health Examiners, Section 5101201. This ad is paid for with government funds.

DEPARTMENT OF
REVENUE AND TAXATION
Government of Guam

LUISER A. LEON GUERRERO, Governor
JOSEPH F. ROBERTO, Lt. Governor
DAFNE MANSAPIT - SHIMIZU, Director
MICHELLE B. SANTOS, Deputy Director

PUBLIC NOTICE

The Real Estate Commission will hold a meeting on Tuesday, September 24, 2019 at 2:00 p.m. at the Department of Revenue and Taxation Building, Director's Conference Room, at 1240 Army Drive, Barrigada. For further information, please contact the office staff at 635-7669/7668/1844

DAFNE MANSAPIT - SHIMIZU
Real Estate Commissioner



Kumision Inangokkon Tãno' Chamoru *(CHamoru Land Trust Commission)*

P.O. Box 2950 Hagåtña, Guåhan 96932

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

BOARD OF COMMISSIONERS MEETING AGENDA
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, September 19, 2019
Regular Meeting - 1:00PM

Lourdes A. Leon Guerrero
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Commission Members

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Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Joseph B. Cruz, Jr.
Acting Administrative Director

Public Notice: *The Guam Daily Post* on September 12, 2019 and September 17, 2019

AFFIDAVIT OF DISCLOSURE

I, JACK E. HATTIG III, Administrative Director, CLTC hereby reports that there are no conflicts within the 3rd Degree of Consanguinity to any of the following CLTC Applicants scheduled to be heard on September 19, 2019, CLTC Board Meeting:

1. Christiana Ramez
2. Gil Mendiola
3. Gabriel Guerrero; POA Kenneth Guerrero (father)
4. Joileen Benavente
5. Genevieve Ericsson Manglona
6. Patrick Garcia Tuncap
7. David Chaco Nauta

JACK E. HATTIG III
Administrative Director

19 Sep 2019

DATE



Kumision Inangokkon Tano' Chamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932

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

BOARD OF COMMISSIONERS MEETING ATTENDANCE SHEET

Lourdes A. Leon Guerrero
Governor

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G. Pika Fejeran
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Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

Date: Sept. 19, 2019

Time: 1:04 pm

Adjournment: 5:34

Place of Meeting: DLM Conference Room, 3rd Floor

| NAME: | TITLE: | SIGNATURE: |
|-----------------------|-------------------------|------------|
| 1. G. PIKA FEJERAN | Chairwoman | |
| 2. AMANDA L.G. SANTOS | Commissioner | |
| 3. AUSTIN J. DUENAS | Commissioner | |
| 4 (VACANT) | Commissioner | |
| 5. (VACANT) | Commissioner | |
| 6. NICOLAS TOFT | Legal Counsel | |
| 7. JACK HATTIG III | Administrative Director | |

CLTC Staff:

- | | |
|------------------------------|-----------------------------|
| 1. <u>Joy Cruz</u> | 7. <u>Heana Praxex</u> |
| 2. <u>Matt Leon Guerrero</u> | 8. <u>Glenn Eary</u> |
| 3. <u>Tina Janson</u> | 9. <u>Pierce Castro</u> |
| 4. <u>Jessica Naydang</u> | 10. <u>Fiken Changuelaf</u> |
| 5. <u>John Gumataotao</u> | 11. _____ |
| 6. <u>Coraine Nededog</u> | 12. _____ |

Rev. 02/4/2019



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VISITORS' SIGN-IN SHEET CLTC Board Meeting

Date: September 19, 2019 at 1:00pm

Lourdes A. Leon Guerrero
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Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techira
Commissioner

Jack E. Hattig III
Administrative Director

| NAME (Please Print) | Contact# |
|--|----------|
| LisaMarie C Tajalle | |
| MaryAnn B. Cabrera | 688-8365 |
| Elizabeth Cruz | 707-6941 |
| Janice Benavente for Joileen Benavente | 688-2271 |
| Joe Mesngon | 646-4770 |
| Alan Chu | 632-0789 |
| Mark Acosta | 735-2029 |
| FUMAONO JEDIDIAH | 687-8859 |
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| Tony Costa | 788-7823 |
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| ROSS MORRISON | 688-2440 |
| Kenneth C. Guerrero (Gabriel Paul Sturges) | 493-7245 |
| Angie m Tarpicio | 648-8845 |
| Natalie Calvo | 688-2071 |
| Leonard Calvo | 687-2072 |

APPROVAL OF MINUTES

**MAY 2, 2019 - REGULAR MEETING
MAY 16, 2019 - REGULAR MEETING**



Kumision Inangokkon Tano' CHamoru *(CHamoru Land Trust Commission)*

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Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman P. Fejeran

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Administrative
Director

05/02/2019

COMMISSION REGULAR MEETING MINUTES

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

Thursday, May 2, 2019 from 1:02pm – 4:15pm

Public Notice: The Guam Daily Post on April 25, 2019 and April 30, 2019

I. CALL TO ORDER

Chairwoman P. Fejeran called the Chamorro Land Trust Meeting to order at 1:02pm

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman P. Fejeran, Commissioner Santos, Commissioner Techaira, Legal Counsel Nicolas Toft, Administrative Administrative Director Jack Hattig

Absent: Vice Chairman Joe Cruz and Commissioner Austin Duenas

Chairwoman P. Fejeran: Let's move onto the next item on the agenda. We're looking at March 21st, 2019 meeting minutes. So, I do see, as I was going through this, I saw a few notes in here as we were, I guess as staff and legal counsel were going over the minutes. I do see a few issues with motions that were made so I just wanted to go over those to see what we can do to rectify this. So, the first one I found, if you all can turn to page 10. This is in regards to an SBA loan guaranty for Erica Jean Benavente. There was a motion made by Commissioner Techaira that the recorded survey map number that was stated in the motion was incorrect.

Commissioner S. Techaira: Wait, I'm sorry.

Chairwoman P. Fejeran: Sorry, page 10.

Commissioner S. Techaira: What was the motion?

Chairwoman P. Fejeran: Yeah, so if you look down please note motion made by Commissioner Techaira stated recorded survey map number 198-208 should have stated recorded survey map FY198-2018, instrument number 932595.

Commissioner S. Techaira: I read the survey map.

Chairwoman P. Fejeran: It might have been a typo on what we were looking at?

T. Jocson: Here's an exhibit I attached a copy of the map to your file.

Commissioner S. Techaira: *(inaudible response)*

T. Jocson: So, on the recorded map you should have the number on there.

Chairwoman P. Fejeran: Okay.

Administrative Director: It's at the end; so, she attached the exhibit which is at the end of the minutes and it's marked Erica Jean Benavente.

Chairwoman P. Fejeran: Okay, it's 198FY2018.

Administrative Director: Yeah.

Chairwoman P. Fejeran: So, do we need to do a new motion?

L.C. Toft: I would yeah, just to be clear.

Chairwoman P. Fejeran: So, yeah, okay, so if the commission sees the attachment.

S. Techaira: I don't see that.

Chairwoman P. Fejeran: I think you were looking at a staff report or something. It was a 1 missing.

L.C. Toft: It could be a simple motion to correct the survey map number.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: Okay, motion to correct the survey map number for a motion that was made for the meeting of March 21 for SBA to approve SBA loan guaranty of \$85,000.00 for Erica Jean Benavente, survey map should be reflected and amended to read as 198-2018; 198FY2018.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: Okay, all those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: All those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Ayes have it. Thank you for that correction. Thank you for catching that in the minutes. Okay, moving down to minutes, there was another note added to the meeting minutes on page 13. I guess when we listened back to the audio there was no actual motion although I thought I heard a motion there was no actual motion. So, I guess Vice Chairman said the commission will approve the loan and I said okay motion's been made. But I guess he would have had to say specifically, I;

L.C. Toft: There was an intervened...*(inaudible)*.

Chairwoman P. Fejeran: Ah, I see. There was an intervening motion, so, I see our legal counsel has advised us that the motion needs to be restated as a first motion.

Commissioner S. Techaira: Okay. Okay, so motion to approve the SBA loan guaranty in the amount of \$188,400.00 for Priscilla Catalina Garrido Indalecio.

Chairwoman P. Fejeran: A motion has been made.

Commissioner A. Santos: And I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: All those in favor.

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it. So, the motion made and passed. Let's see there is one more.

L.C. Toft: Page 19. It's the last one.

Chairwoman P. Fejeran: Oh, thank you, so page 19, there is a note from the staff and legal counsel that the motion that was made is in the wrong municipality. So, the motion, this is for, Paul Bernard Junior Pangelinan. So, the wrong municipality stated was Barrigada

Commissioner S. Techaira: And it should've been Mangilao?

Chairwoman P. Fejeran: And it should've been Mangilao.

Commissioner S. Techaira: Alright, motion to approve the request for Paul Bernard Junior Pangelinan as a beneficiary, an applicant on Tract 18113, Block 8, Lot 6 Mangilao.

Chairwoman P. Fejeran: Okay, motion's been made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: All those in favor?

Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: All those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it. Motion made and passed. Again, thank you to the land trust staff and legal counsel for going through this with a fine-tooth comb to make sure we're doing all the right things. I did have a correction also on page 19, halfway down, I guess subject number three, one, Joseph San Nicolas. It says in response "not yes but he is asking". If you look here, I think it should be "not yet".

T. Jocson: Not Yet.

Chairwoman P. Fejeran: It should say "not yet". Then the sentence in conversation makes more sense. And then my last comment about the minutes, is almost on the last page, page 33. Okay, I think where it says seven new business and then one, two, A, B; A - Administrative Matters; 1, 2, that's referring to when I asked for the items to be tabled?

T. Jocson: Correct.

Chairwoman P. Fejeran: Okay, so maybe we can move; so, we can move that section to right up to that statement

T. Jocson: Okay.

Chairwoman P. Fejeran: Because then there's that other sentence that talks about the working session. So, move the working session sentence after the list of items tabled. So, I guess what's the protocol for this? Do the notes stay in there or were those just more for commission review?

L.C. Toft: Those are just for Commission review; you can remove the notes once the minutes are approved.

Commissioner S. Techaira: Okay, got it.

Chairwoman P. Fejeran: But since the motions were made today, do we just leave it as is?

L.C. Toft: Yeah.

Chairwoman P. Fejeran: As directive of what happened.

L.C. Toft: Yes.

Chairwoman P. Fejeran: And then in this meeting minutes it will show the motions to correct them?

L.C. Toft: Right, right.

Chairwoman P. Fejeran: Okay. Okay, thank you. So, pending those corrections. Does the commission wanna...*(interrupted)*.

Administrative Director. I just had one, page 14 in references to the Guam Housing Corporation. It should be Acting President Alice Tyrone not Vice President. So, just for the record, to reflect the proper title.

Chairwoman P. Fejeran: Okay, so everywhere that her name is.

Administrative Director: Right, to all references.

Chairwoman P. Fejeran: Okay, are there any other comments from the meeting minutes?

Commissioner S. Techaira: No.

Chairwoman P. Fejeran: How does the Commission; does the Commission want to move forward to approve or do you want to see the corrective version? I think before we've been able to make a motion.

Commissioner S. Techaira: Yeah, we should review.

Chairwoman P. Fejeran: Review again? Okay, please make corrections and represent to the commission.

Administrative Director: Okay.

Chairwoman P. Fejeran: All right, thank you. Alright, moving on to down the agenda under four (IV), Old Business, Administrative Matters, first that we'll be looking at is, Guam Legislature request for property for Department of Rev and Tax, for Lot 5412-R11 in Fadian. So, in our packets we have a letter from Senator Joe S. San Augustin's.

Administrative Director: And, also Madame Chair, we provided you with the minutes from the meeting went this was the last discussed. So, as to give you a reference to the commission's position when it was previously presented to them.

Chairwoman P. Fejeran: Okay, this looks like the UOG minutes?

Administrative Director: It should be, sorry. I'm sorry, ma'am.

Chairwoman P. Fejeran: I think we did have someone present to the commission with the same request.

(Inaudible discussion in background)

Chairwoman P. Fejeran: Yeah, I'll just read, I'll just read and then we'll get copies. Unless you can make it here.

M. Borja: Yeah, we'll print here. Jess?

Chairwoman P. Fejeran: Okay, as we gathering the minutes to review from the last time, let's keep going down to the UOG boundary proposal.

Administrative Director: Yeah, that's what this is for.

Chairwoman P. Fejeran: So, Bill Number 76-35 is also looking at Lot 5412-R11.

M. Borja: Same area.

Chairwoman P. Fejeran: So, as it was just passed out, over two years ago that would be March 16th, 2017, the 34th Guam Legislature had proposed a Bill Number 18-34 to transfer a portion of Lot 5412-R11 to the University of Guam for the Fadian Hatchery. Okay, let's see, and we have the minutes from the last meeting with former Director Mike Borja discussing, discussing this. (long pause) Yeah, okay, so what we looked at before there was not specific boundary lines that UOG had provided, they just said that they wanted to get the property. So, essentially it happened and I think the University of Guam; we have a letter from the dean of college of natural applied science to Director Hattig. So, the university is seeking the commission's approval to resolve a long-standing boundary issue that would involve one and a half acres of CHamoru Land Trust property which has been in use as part of the Guam Aquaculture Development and Training Center operations since the mid-1980's. So, I guess the history is in 1985, the fish hatchery located on lot number 2517-17 in Fadian Mangilao was transferred to the Department of Commerce. The Department of Commerce constructed permanent structures on and across the boundary line of the lot that they received into CHamoru Land Trust property. And then in 2001 Public Law 26- 35 transferred the Guam Aquaculture Development and Training Center to the University of Guam including all

property and structures, inclusive of those structures encroaching on one point five acres of CHamoru Land Trust property.

Administrative Director: Ma'am?

Chairwoman P. Fejeran: Yes?

Administrative Director: I had a question with regards to the lot numbers and I was talking to the land administrator on this. In their letter they referenced 25-17 but in all of our maps, Fabian is 54-12. So that was the first question that I had, the map that they had submitted is a map that they had their surveyors do. And that is being verified by land management right now, so I didn't want for the sake of preventing confusion they, reference it but is not an official map.

Chairwoman P. Fejeran: Ah, I see.

Administrative Director: See, so we're going to reference that as the official map 5412-R11.

Chairwoman P. Fejeran: So, I'll reference to 25-17 is actually 5412-R11.

Administrative Director: Which was the; when we went back historically, we looked at the minutes, this was the reference for this particular lot that borders the hatchery.

Chairwoman P. Fejeran: And we have a map of that over here.

M. Borja: Can I just make a quick reference?

Chairwoman P. Fejeran: Yes.

M. Borja: 2517-17 is the hatchery and that's the private property. 2517NEW, what they're showing on the request, that new portion is supposed to read 5412-R11.

Chairwoman P. Fejeran: Oh, okay, okay. That's just map...*(inaudible)*.

M. Borja: It's a map that wasn't; it's a map going through the process and it was an error.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: Could you enlarge the area in question, the one point five acre.

Commissioner S. Techaira. We went over this before, right?

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: Alright, cool. It's like a... (*inaudible*).

Chairwoman P. Fejeran: So that's the boundary line that they crossed over to land trust property when they build the structure? Okay, and is that one and a half acres that additional blue cut out there, yeah? Is that what they're asking for? So, those lot lines referred to their coordinates that listed?

M. Javier: Based on their maps.

Chairwoman P. Fejeran: And that's one and a half acres?

M. Javier: Yes.

Chairwoman P. Fejeran: Why so big?

Commissioner S. Techaira: It looks enormous!

Chairwoman P. Fejeran: Is that really one and a half acres?

M. Borja: No, this one. Show him the boundary line. From this boundary line, this way. That's the small rectangular portion.

Chairwoman P. Fejeran: Okay.

M. Borja: That's the one-point-five (1.5) acres.

Chairwoman P. Fejeran: And that's one-point-five (1.5) acres?

Melvin: Just this portion right here.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: Most of that isn't even usable; to most of it to the south where the coastline is, yeah, so they would only be utilizing the area that they built on a sensually.

Chairwoman P. Fejeran: Okay, looking back at the history of the last time we looked at this in 2017, the commission decided and I believe a resolution was prepared. I'm referencing CLTC Resolution 2017-03, when we did provide support for the Bill Number 18-34 which would transfer land to UOG in an effort to correct the encroachment of Fadian Hatchery facilities and then the board further concurred that the costs associated with the land transfer, this includes survey, appraisal and payment of the land be the responsibility of the University of Guam. So basically the land trust will incur no expenses for this but also appraisals will be required to value the land and I think that, in the Bill Number 18-34 that we looked at, yeah, it said that UOG extension, yeah, would; either UOG would, UOG would pay for the value of the land or provide some in-kind services to the trust.

Administrative Director: And that's consistent with their proposal in the letter from Doctor Eudene.

Chairwoman P. Fejeran: So, the new proposal before us today has the same?

Administrative Director: Right, in essence, it's the University through its cooperative extension will provide a series of training workshops for clients on the CHamoru Land Trust to assist in the instruction of best methods use in cultivating the land for agricultural uses.

Chairwoman P. Fejeran: Okay.

Administrative Director: For a period of time negotiated by UOG and the Commission.

Chairwoman P. Fejeran: Okay, I mean that doesn't; I don't see anything in the letter that they will get this property appraised, to get the, what is it, the mean market value, median; fair market value.

Administrative Director: When we respond to the; because we haven't responded obviously, subsequent to your discussions and we can respond with our terms and such consistent with what we've responded in the past in terms of this particular land. Also, I am gonna be attending a meeting with the governor on this, with representatives of the university at which time I'll present the trust position if we reach one on this which, that way you know, we can be on this in line with what the governor wants; it's initiative with the aquaculture task force that she initiated. This is supposed to be, the hatchery supposed is supposed to be the impetus for this but this, but I will put together a response subject to the commission's position.

Chairwoman P. Fejeran: Okay, what does the commission feel? I mean, before we said you know we had knowledge that your property, your buildings are encroaching but we also acknowledge the value that the facility provides the island and the industry but again this is CHamoru Land Trust property that will be transferred outside of the trust.

Commissioner S. Techaira: What in-kind services are they planning to offer, would they offer? I think it might be beneficial for them to incur the cost of the appraisal; of that size light it's not going to be cheap, right, it might be; depends on the terrain...*(inaudible)* I mean we don't have that kind of money.

Chairwoman P. Fejeran: Yeah, because if they want the property, they should incur all cost to get this property transferred through including appraisals and whatever land management fees there are.

Administrative Director: If I may, Madame Director, commissioners, we did suggest, or I did suggest an MOU and working agreement you know to operate you know, in consistency with this rather than a land transfer, but what I understand through the University they're going to enter into a public/private

partnership and they need possession of the land or control of the land in order for them to enter into that agreement so that's why the MOU was I guess not a feasible method of approaching this but I do agree too that any and all costs associated with any land transfer should be bared, borne by the university.

Chairwoman P. Fejeran: Okay, so, I think we could have that as our first condition. Can we list that as a first condition, which is consistent with our previous resolution, right? So any and all cost borne by the University of Guam and then, you know, I really believe that the University of Guam has a lot of great services and resources that the land trust can really benefit from, not only just the staff and the team here but also the beneficiaries and this can really be a way that we can get that support from UOG and resources without expending our own limited funding, but my concern is that, is that we have the correct value for this property that's being transferred out, so, I think, I would recommend to the commission that we require the appraisal to get the fair market value to determine the value of the property.

L.C. Toft: I think you already did that. In the resolution 2017-03...(inaudible); university bare all cost associated with the land transfer and pay the fair market value for the land and also the recipient bare all costs associated with the land transfer and appraisals and to pay the fair market value for the land, so I think we covered that.

Chairwoman P. Fejeran: Okay. Yeah, with this older resolution, I mean we can't use this for this new bill, right? Maybe we could just draft another one?

L.C. Toft: Yeah, I guess update it for the new bill would be the simplest.

Chairwoman P. Fejeran: Simplest?

L.C. Toft: Yeah, because there's nothing new that's happened or altered anything as far as the position stated in the 2017 one from the commission.

Chairwoman P. Fejeran: Yeah, I actually don't have a copy of the proposed new bill.

Administrative Director: Yeah, that's currently not in the packet, I apologize.

Chairwoman P. Fejeran: Okay, my only concern is that we look at the language from the old bill and the new bill just to make sure that nothing else is kinda added in that the commission didn't have a chance to review at the last one.

Administrative Director: I did too have a concern ma'am about the university's ability to therefore sell the land and that was kind of a discussion a week ago. We did receive assurances from the University that it wasn't their intent to sell the land, it was the intent to keep the land but to enter into a public/private partnership with an investor or with an operator for the hatchery.

Chairwoman P. Fejeran: Okay, so, I guess I would be interested to see the proposed bill, actually they don't even mention it in their letter to us, the proposed bill.

Administrative Director: Yeah, see it didn't come together that time.

Chairwoman P. Fejeran: Ah, I see.

Administrative Director: The university's proposal that came in the subsequent meeting was not connected initially to the bill. And now that the bill has been introduced so they're connecting their proposal together in the hopes that one will get the approval of the trust first for the land transfer and then the bill would be the correction, the boundary correction; it will set the lines in the sand so to speak, to have the new map reflect the boundary but I think that was the intent as I look at the abstract of the bill, it's to correct a boundary.

Chairwoman P. Fejeran: Yeah, it's not to be a transfer.

Administrative Director: Right, it's not a transfer. See, so the transfer, so the transfer would occur at core level to the boards resolution and have that effect and then the bill would correct the boundaries so that its, I think that's what's going to be discussed on Tuesday's meeting so I share your concern about the review of that legislation. It was introduced rather quickly; I didn't even get a chance to review it yet.

Chairwoman P. Fejeran: I mean, is that, legal council is that how transfers;

L.C. Toft: I'm pulling it up right now to see if there's a red flag.

Chairwoman P. Fejeran: I mean, I prefer to have all of the conditions that the commission is requiring in the bill and not a secondary agreement on the side.

Administrative Director: Right, and I think that's going to be our attempt to clarify that at the meeting.

Chairwoman P. Fejeran: Okay.

Administrative Director: Because the meeting is actually through the governor's legislative review committee, so that committee reviews the legislation and kind of provides positions and we get a chance to afford our position here.

L.C. Toft: It may be best and; I can review this while we move on to a separate subject.

Administrative Director: Right.

L.C. Toft: And come back to this decision later.

Chairwoman P. Fejeran: Okay, okay. So, we'll read it as if this as the legal counsel looks at the actual; goes thru. Let's go back up to the request for property for Department of Rev and Tax.

Administrative Director: You should have the correct;

Chairwoman P. Fejeran: Yeah, so, we were also handed meeting minutes from May 3rd of 2018. I think it was a representative from Senator San Agustin, who joined our meeting. Basically, Senator San Augustin is coming back to the commission in this new legislative here, requesting property for Rev and Tax on the same lot, it's a pretty big lot, 5412. Okay, so we have a letter from Senator San Augustin to the director requesting the transfer of 12 acres of property in Fadian, that's Lot 5412-R11U0. So, this is the same property, everybody wants a piece of it.

Administrative Director: Yeah.

Commissioner S. Techaira: Yeah, I mean, we're already used it to.

Chairwoman P. Fejeran: Yeah, so can you show us where's the; this is the lot that GPA was carved out of?

M. Javier: Yeah, that's the GPA area.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: Wait, okay so that's the whole remaining Portion of 5412-R11?

Chairwoman P. Fejeran: And he's asking for 12 acres?

M. Borja: 12 acres.

Chairwoman P. Fejeran: How many acres does GPA sit on?

M. Borja: It's probably about like 10 or 15.

Chairwoman P. Fejeran: I mean at least UOG is saying that they'll work with us for the property

Administrative Director: Right.

Chairwoman P. Fejeran: But this letter has nothing about paying for the property, I mean kind of an enumeration for the trust saying that they're going to pay for the property. I also believe that;

M. Javier: 60,000 square meters, I mean 60,700 square meters.

M. Borja: About 14, 15 acres; so, the same size.

Chairwoman P. Fejeran: Yeah, that's a lot of land. So, yeah, so they're asking for a sizable chunk. Can we look into how GPA got that property?

Commissioner S. Techaira: Yeah, I'm kind of curious about that.

Chairwoman P. Fejeran: It's kind of been brought up to the commission before that there was something that the land trust was supposed to receiving something from GPA that I don't think we're receiving. Was that a bill; it must've been legislation?

M. Borja: It was Legislation. Back in 1993 the government agencies had to come in and make reservation to certain properties that they needed for future use. GPA did come in and requested for that and its Public Law 22-18.

Chairwoman P. Fejeran: Okay.

M. Borja: So, their next step was to have to just go to the legislature, because they're an autonomous agency. They needed a deed, so they went and did that; they got legislation and put that together and it was transferred to them.

Chairwoman P. Fejeran: Oh.

L.C. Toft: But Rev and Tax is not part of that list.

M. Borja: No, and that's the reason why Revenue and Tax is coming before the trust because they did not make reservation.

Administrative Director: Right.

M. Borja: For future use, for their building. So, now they're coming here. So, all agencies that did not utilize that back in '93 to come in and just reserve, Government of Guam properties before all properties got transferred back, so there's a lot of agencies that didn't, so that's the reason why they're coming through the trust to request for;

L.C. Toft: And last time they came through, we asked for

Administrative Director: Plans and we asked for construction.

L.C. Toft: Yeah, because it's such a huge amount and were saying, why don't you build multiple stories to reduce the footprint; they said they didn't have plans yet so we said to come back when they had plans but they came back with a letter asking.

Administrative Director: Yeah, exactly!

Commissioner S. Techaira: *(inaudible)*...I think, they already cleared a lot of it, access point.

Chairwoman P. Fejeran: How about that whole front portion of green space?

Commissioner S. Techaira: If Rev and Tax wants it, that's really a valuable piece of property. It could be used for;

Chairwoman P. Fejeran: I mean, GPA isn't even using half of it. Is that right?

Commissioner S. Techaira: *(inaudible)*

Chairwoman P. Fejeran: They're not using it? Why don't we refer them to GPA? Yeah, GPA has the property, you know, public use, they can share their parking, expand the parking;

Administrative Director: They can use GPA's parking space for a driver's test, parallel parking. I think that's; in conversation when I conducted a courtesy visit with Senator San Agustin, this is before the letter he indicated that to me and I said we received your letter and the commission will discuss it, but he did ask for the 12 acres then and to include like a drivers course; you know, not just the building but to conduct DMV driving test. I could see maybe 5 acres but not 12 acres. Even 5 acres is usable.

Chairwoman P. Fejeran: Okay, I mean, as this is the second time, we're looking at the same request, from the same office, it did not provide us anything more for what we're asking for.

Commissioner S. Techaira: *(inaudible response)*

L.C. Toft: I mean the letter is saying, similar to the last time, we need more information from them to;

Chairwoman P. Fejeran: Yeah, and we suggest that they talk to their friends at GPA that have this large piece of property; half of it from the looks of it unused.

L.C. Toft: About 5 acres worth.

Chairwoman P. Fejeran: Yeah, about 5 acres worth.

Administrative Director: That's why I'm suggesting 5 acres. That front part can be utilized.

Chairwoman P. Fejeran: Okay, so director you got that?

Administrative Director: Yes ma'am.

Chairwoman P. Fejeran: Okay, thank you.

L.C. Toft: If I go back to the hatchery issue; so, the bill itself is just fairly bare bones and it doesn't include any mention of CLTC whatsoever, it just says to extend the boundaries. So, if anything I think we need an even stronger declaration position as far as the resolution, and it echoes what we said back in 2017 but emphasizes the fact that they are taking CLTC land; it's not just a simple re-drawing on the border.

Chairwoman P. Fejeran: Yes, agreed. Thank you, legal counsel. So, does the Commission want to direct our Director to create a new resolution?

Commissioner S. Techaira: Yes, please.

Administrative Director: Okay.

Chairwoman P. Fejeran: And just to recap, we would ask that the proposed bill be amended to include the land would be transferred from CLTC to UOG, that UOG will incur any and all costs for the transfer, the appraisals will be ordered to determine the fair market value and that the trust will be paid back for the fair market value of the, whatever, one and a half acres that they're asking for. However, even previously based on the other resolution, the trust is open to, not just receiving a dollar amount but the in-kind services to really use UOG's resources.

Administrative Director: Right. I wanted to quantify that it would be in perpetuity, I mean it will be continuing existing cooperation not just a one time, a couple of years and that's it. I mean, if they're going to keep the land in perpetuity, then we should have the services in-kind in perpetuity and I would think that the trust; because we have lessees, we have agricultural lessees that are expanding, that are moving and that are actually farming. See this would be something that could be viable for them moving forward.

Chairwoman P. Fejeran: Yeah, I mean, let's ask for it and see where it gets us. Thank you very much.

Commissioner A. Santos: That's a large property.

Administrative Director: Okay.

Chairwoman P. Fejeran: Okay, when your draft that resolution, can you send it to the commission and legal counsel for final review?

Administrative Director: Yes ma'am.

Chairwoman P. Fejeran: Okay, thank you. Alright, moving on down under Old Business, we have Administrative Matters, Guam housing Corporation MOU. I think this has been in our Old Business, we had, the Commission had some questions about the use agreement and how that would affect the land trust; this is between Guam Housing and I guess, their contractor.

Administrative Director: Right, with Wada Company. That should be next to the line after;

Chairwoman P. Fejeran: So, did legal counsel have a chance to look over this MOU and the attached use agreement?

L.C. Toft: I have over the MOU but I have to go over the lease agreement.

Chairwoman P. Fejeran: Okay, so, the purpose of this Guam Housing Corporation and CHamoru Land Trust MOU and then subsequent use agreements is to really increase the opportunity of our residential lease applicants to build affordable homes. So, Guam Housing Corporation would develop I believe it's 9 of the lots. They've already developed 1, so they have 9 more that they would enter into the agreement with a contractor to build affordable homes and have the building plans prepared so that our Residential Lessees can go and see the type of home that can be built based on their budget. So, I think this is a great; you know, I think this is a really good example of the trust working cooperatively with Guam Housing to improve the condition of our Residential Lessees.

(long pause in between)

Commissioner S. Techaira. So, I see that here, number 2...(inaudible); it says that it will allow a sub leases but it doesn't give details, it just says for homes and licenses...(inaudible).

Chairwoman P. Fejeran: So, I think that's with the use agreement, the sub license would be to the contractor?

L.C. Toft: (inaudible response to the Chairwoman)

Chairwoman P. Fejeran: And that was our concern, what are these sub licenses, right, because then the attachment says use agreement not sub license. Maybe just change the verbiage on the MOU that we're going to be signing?

L.C. Toft: No, sub license is okay.

Chairwoman P. Fejeran: Sub license is okay?

L.C. Toft: The only thing that strikes me is in the MOU, there's an indemnification that's; between the developer and GHC but not to CLTC. That's not necessarily a huge issue on this but it's something where we do issue a lease to anybody for any of those particular properties that we would need an indemnification clause for the lessee to CLTC. Does that make sense?

Chairwoman P. Fejeran: Ah, yes. Right, cause it wasn't us that built it so we shouldn't be held liable.

L.C. Toft: Correct. Just something we need to keep in the back of our mind.

Administrative Director: When we issue leases to individuals on this

L.C. Toft: Yes.

Chairwoman P. Fejeran: So, like Miss Linda Hernandez, we approved her transfer into the one model home that was built there. Has that lease already been prepared and signed?

Administrative Director: Yes.

Chairwoman P. Fejeran: Can we do an addendum with an indemnification clause?

Administrative Director: Yes.

Chairwoman P. Fejeran: And have that be the boiler plate for these other tracks of land?

Administrative Director: Sure.

Chairwoman P. Fejeran: Yeah?

Administrative Director: Sure, absolutely, yes.

Chairwoman P. Fejeran: Okay.

Administrative Director: Can we do an addendum to the lease? An indemnification?

L.C. Toft: If it's not there already.

M. Borja: It's not.

Administrative Director: Then it's an addendum?

L.C. Toft: Then it be an addendum. Yeah.

Administrative Director: Okay, you want us to put together a board of approval for that?

Chairwoman P. Fejeran: For the addendum?

L.C. Toft: Do we need authorization to;

Chairwoman P. Fejeran: Only certain addendums.

L.C. Toft: Oh, okay, so that would;

Administrative Director: And only certain situations.

L.C. Toft: Okay, so that one we don't need board approval on it.

Chairwoman P. Fejeran: Okay, can we just do a motion to right now?

Commissioner S. Techaira: So, can we do a motion right now?

L.C. Toft: Yeah!

Chairwoman P. Fejeran: So, this is in regards to an addendum to the lease held by Lisa Hernandez

Administrative Director: Linda, Linda.

Chairwoman P. Fejeran: Linda, Linda, thanks. Linda Hernandez, the Addendum to; I guess content would be an indemnification clause for CLTC.

L.C. Toft: Yes.

Commissioner S. Techaira: Motion for the Director to prepare an addendum attached to the lease of Miss Linda Hernandez to include an indemnification clause for the CLTC.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioner S. Techaira and Commissioner A. Santos: None.

Chairwoman P. Fejeran: Okay, all those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, motion's been made and passed. So, this motion was made to prepare or can he execute it or do we need a;

L.C. Toft: If you authorize him to execute it, he can.

Chairwoman P. Fejeran: Okay, do we need a motion for that?

L.C. Toft: I would just to be on the safe side it.

Commissioner S. Techaira: What is the wording of my motion to prepare the addendum lease for; to execute... (*inaudible*);

Chairwoman P. Fejeran: You said that he'd prepare the addendum lease.

Commissioner S. Techaira: So...*(inaudible)*;

L.C. Toft: Motion to allow the Administrative Director to execute...*(inaudible)*.

Commissioner S. Techaira: Okay, motion to allow the administrative director to execute the addendum for the lease of Linda Hernandez to include an indemnification clause for the CLTC.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded. Okay, all those in favor?

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it, thank you. So, I would just like to have the director keep that in mind so that if we do end up leasing any of the model homes, we use the same verbiage to the lease.

Administrative Director: Will it include an indemnification subsequent to a lease?

Chairwoman P. Fejeran: Yes. Okay, so I guess back to the Guam housing Corporation MOU, our legal counsel looked over it; I have had no more comment on this. Does the commission want to move forward and approve this MOU? I believe you would need a motion.

(inaudible discussion on the table)

L.C. Toft: *(inaudible)*.... yeah, between the CHamoru Land Trust and the Guam Housing Corporation.

Administrative Director: Change that.

Chairwoman P. Fejeran: Oh yeah because it's been lease out? Is that within here already?

L.C. Toft: Yeah.

Commissioner S. Techaira. Okay, so motion to approve the CLTC, GHC MOA to take possession of the lots for fixed terms for the purpose of having built upon affordable model homes.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Okay, motions been made and seconded. I would like to ask if the commission would like to keep in Lot 1, it's under number 1a, here. This is the one that Miss Linda Hernandez has the lease for, you probably just want to transfer that to them.

Administrative Director: It's this lot right here? Number A, Letter A...*(inaudible)*

Administrative Director and L.C. Toft: *(inaudible discussion between the two)*

Chairwoman P. Fejeran: So, the motion has been amended to strike out Track 113, Block Number 12, Lot Number 1 in the municipality of Dededo. (54:35)

Commissioner S. Techaira: So, motion to strike out Track 113, Block Number 12, Lot Number 1 municipality of Dededo from this MOA.

Chairwoman P. Fejeran: Okay, another motions been made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Can I have all those in favor of the striking out of Lot Number 1 motion.

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay that motion passed. Now for the approval of the CHamoru Land Trust and Guam Housing Corporation MOA as amended. All those in favor.

Commissioner S. Techaira and Commissioner A. Santos: Aye.

Chairwoman P. Fejeran: Okay, ayes have it. Thank you. Alright! Okay, so next on our agenda is cannabis cultivation. So, I know we looked at this a few years ago when the medicinal marijuana bill passed. I didn't see anything in our packet.

L.C. Toft: No. *(inaudible)* So, we have reviewed this issue back and we have requested a memorandum from the Attorney General's Office and they had begun to prepare one but then the recreational bill passed and the results of the election happening, there's the transfers of attorney generals, so, it didn't get formally signed, and also the issues had changed because of that secondary passing of recreational

Chairwoman P. Fejeran: Okay.

L.C. Toft: So, portions of it are no longer applicable but there is the one major portion of it is lack able; because there is still a federal prohibition on it and because the parliament does have the power to, it's still a schedule one substance on the federal controlled substances list. That The federal government does have the power to prosecute and seize assets related to production and cultivation of cannabis and also to prosecute not only those who are growing but also associated with the decision use of it as well so such as the board could be held liable for allowing cannabis cultivation on those lands under federal law, not under Guam law.

Chairwoman P. Fejeran: Right.

L.C. Toft: So, there's this whole jurisdictional issue but at this time I would strongly advise the board not allow cannabis cultivation on CHamoru Land Trust lands. And it has also been brought up, I know there's a side comment from the audience from the last time this came up about hemp. And, so what happened with hemp was with the farm bill of 2018, hemp was removed off the schedules as far as it being a controlled substance but in that same bill there was the provision in there that required each state or territory to come up for their Department of Agriculture to come up with a development plan as far as hemp farming to submit through the USDA. It had to be approved by the governor and the AG of the state or territory that basically show that they were monitoring the production to make sure that it was below the .3% of THC content like a random sampling of farmers and that if the state and territory did not have this type of program then the federal government program would control and the problem is the federal government has not set up their program to, to analyze it either yet, so we're kind of in this weird gray area where Guam is not set up a program to that would bring in any sort of issues relating to hemp outside of the federal prosecution issue and the feds haven't set up the their program too as their fall back either, so we're just kind of just wait and see as far as CLTC where it's not fully legalized but not fully illegal either if that makes sense.

Chairwoman P. Fejeran: Yes.

L.C. Toft: So, that's kind of where we're at right now. Short answer on both is no to cannabis while it remains a federally illegal; wait on hemp until we have either a territorial program or the Department of Agriculture or until the feds implement their program as far as licensing and such.

Chairwoman P. Fejeran: Okay. I thank you for that presentation. So in regards to the cannabis cultivation, I've asked the director to prepare a letter of request for official legal opinion on the cultivation of cannabis on CHamoru Land Trust property, so he's provided us a draft of the letter.

Administrative Director: There's just two typos, sorry about that.

Chairwoman P. Fejeran: Okay.

Administrative Director: Sitting, sitting in the 3rd, 2nd paragraph, "The CHamoru Land Trust" in the last paragraph.

Chairwoman P. Fejeran: Okay. Thank you.

Administrative Director: Essentially what I did was I cited the laws that were passed including the medicinal law and as well as its subsequent amendments and then I also provided in the past the commission did allow for the cultivation of medicinal purposes only. I did reference the February 24th 2017 memo that

was issued by Land Management at that time; we were all combined, we were all one entity so that the regarding cannabis cultivation on public lands. As it pertains to 33-220 and of course 34-125 permitting it under certain conditions and then the most recent passage on April 4th of The Guam Cannabis Act of 2019. So, referencing all of those specific laws as per the commission to please officially request an official legal opinion of the Attorney General on cannabis use. Do you want me to add hemp to that?

Chairwoman P. Fejeran: I think maybe for hemp we can ask Department of Agriculture to stand that program up, right? Because it would be the attorney general, the Department of Agriculture.

L.C. Toft: I mean, it's under the farm bill, it's kind of clear that agriculture has to make the move on that. I mean we could as the AG but they're going to come back with that same thing; agriculture has two...*(inaudible)*.

Chairwoman P. Fejeran: Okay, so let me just review this letter. So, the; Sorry; February 24th 2017, a memorandum was issued in the Department of Land Management prohibiting cannabis cultivation;

Administrative Director: On public lands;

Chairwoman P. Fejeran: On public lands following verbal instructions by the sitting AG. So, you just placed the "regarding" with prohibiting.

Administrative Director: Okay.

Chairwoman P. Fejeran: But again, that was based on the verbal conversation with Land Management and The Attorney General.

L.C. Toft: Yes.

Chairwoman P. Fejeran: And that memorandum and that conversation was never presented to the commission until recently when we brought it up again.

Administrative Director: I included it in our packet last and we discussed it.

Chairwoman P. Fejeran: Okay, thank you.

Commissioner S. Techaira: What are the benefits in pursuing the cultivation?

Chairwoman P. Fejeran: Cannabis cultivation?

Commissioner S. Techaira: Yeah. Only because it just seems like it's a lot of work too; because Federally it's not on the list so it seems like a lot of legwork to dig into it. I'm just wondering what is exerting energy into it. How's that beneficial? I mean, what regard? *(inaudible)*.

Chairwoman P. Fejeran: My opinion is the; especially with this recent passage the cannabis industry will be a new market on our island and seeing as we have a large number of agricultural lessees in agricultural properties, I would like our agricultural lessees to be able to participate in this new market.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: And previous to that, the Joaquin Casey Concepcion Compassionate Use Act was for the patients that needed the medicine.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: Like at this point, there's no cannabis cultivation that's been approved or authorized on land trust properties to be clear, and maybe just ask the Attorney General to provide an opinion based on this new, the new law.

Commissioner S. Techaira: Got it.

Chairwoman P. Fejeran: So, does the commission want to request the director to prepare a letter to Department of Agriculture requesting the hemp program that our lessees can adhere to? Hemp is a very, you know; You can make so many things with hemp; you can make hemp cream with it, you can make clothing, animal food, CBD, right?

Commissioner S. Techaira: Yeah, yeah.

Administrative Director: Yeah.

Chairwoman P. Fejeran: It has healing property, that's all. Ok, thank you. So, I guess with those corrections Director, you can go ahead and forward this to the attorney general.

Administrative Director: Yes ma'am.

Chairwoman P. Fejeran: Okay, moving on to the agenda, financial report.

Administrative Director: It's right here on a separate insert. The long, the really long;

Chairwoman P. Fejeran: Håfa Adai sir. Please state your name for the record.

Joey Cruz: My name is Joey Cruz and I'm the Program Coordinator III for the Commission.

T. Jocson: Can't hear you.

Commissioner S. Techaira: Thank you.

Chairwoman P. Fejeran: Thank you Mr. Cruz.

Joey Cruz: Aside from the normal financial report we submit monthly, Director Hattig had request that we give a brief summary of the types of funds associated with the trust. So, the trust has a total of eight funds. Unfortunately, five out of the eight are dormant. And that's due to, they have no identified funding resource.

Chairwoman P. Fejeran: Okay.

Joey Cruz: Those funds that are dormant and inactive are known as The CHamoru Home Loan Fund, The CHamoru Commercial Loan Fund, The CHamoru Home Repair Loan Fund, The CHamoru Development Fund and The CHamoru Educational Assistance Fund. The three active funds are the first active fund is known as The CHamoru Land Trust Operations Fund. This fund is restricted to fund the day-to-day operations of the Commission. The revenue source for this fund derive from application fees, interest earned from our bank account, commercial leases/licenses executed prior to October, 2015. And you can see what leases are related for; fund this on Exhibit A.

Chairwoman P. Fejeran: That's this one?

Joey Cruz: Yes.

Chairwoman P. Fejeran: So, all of the commercial licenses and leases;

Joey Cruz: Under column; Operation Fund.

Chairwoman P. Fejeran: OK, I see it. Okay, got it. That goes into operations fund?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And then our collection to date, you can find on attachment B, first page. So, from October 1st 2018 to present or to March 31st 2019, the operations fund has collected a total of \$619,255.50. Our concern is our projections for the operations fund which is attachment C. In our projection document for FY2018 we used the total cash and cash equivalence balance from our draft audit financial statements ending September 30, 2018 and will be less the due to the Government of Guam which came out to a balance of \$2,175,187.13.

Chairwoman P. Fejeran: What is it mean due to go to Guam? What is that?

Joey Cruz: That's monies that wasn't accredited to our account, yet and we owe the government; they use the general fund to pay our expenditures...*(inaudible)*. So that was a high figure for 2018.

Commissioner S. Techaira: Why?

Chairwoman P. Fejeran: Yeah why? Did somebody not pay on time?

Joey Cruz: Not that, sometimes our cash flow doesn't meet our expenditures for the month, so, the general fund will pay upfront and then later, the trust will reimburse the fund, or the general funds. So, for 2019 we were appropriated; the trust was appropriated funds for \$27,963.00. We project from our cash receipts from our active leases that relate to the operations fund and he will only collect \$800,589.00 which you can see on the second page of Attachment C, in details how much we should collect for the year, if everybody pays.

Chairwoman P. Fejeran: Okay.

Joey Cruz: So, we continue projections all the way to FY26; our expenditures, a 2% increase annually which is very conservative and by the end of 2025 there will not be enough money in the bank to fund our operations into 2026.

Chairwoman P. Fejeran: And that's with our expenditures be increased by a certain percentage?

Joey Cruz: 2% annual which is very conservative and just increments.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And any expenditure from this fund requires legislative appropriation.

Chairwoman P. Fejeran: So, we can't just spend without approval.

Chairwoman P. Fejeran: All right.

Joey Cruz: The next active fund; the second active fund of the trust is the CHamoru Loan Guarantee Fund. The funding source for this fund is, comes from payment of taxes which comes from the real property taxes that are paid annually from our constituents and the interest earned from the bank account. We have a Bank of Guam and collection to date from October 1st 2018 to present is \$68,238.63. This fund is restricted and the expenditures that relate to this fund are either to pay for defaulted loans, loan guarantees or to pay, repayment of loan where interest is due or pending loan reassignment.

Chairwoman P. Fejeran: Thank you. I'm looking; sorry, Attachment B, I see the collection for the loan guaranty 3415, where can I find the balance? For all of these funds?

Joey Cruz: We can provide that to you.

Chairwoman P. Fejeran: OK so it's not this one here.

Joey Cruz: No ma'am, this is just a collection from fiscal year 2019.

Chairwoman P. Fejeran: What is the non-appropriated funds, the account balance as of March?

Joey Cruz: This is the Bank of Guam Account 274?

Chairwoman P. Fejeran: Yeah.

Joey Cruz: That's all associated with the loan guaranty fund.

Chairwoman P. Fejeran: That's loan guaranty? Oh, these are all loan guaranty? Okay, so that's the current balance of that fund 500 or least in March 2019?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: And we're required to have at least \$500,000.00 in there?

Joey Cruz: Yes.

Chairwoman P. Fejeran: And how much was taken out of this fund?

Joey Cruz: In FY2017?

Chairwoman P. Fejeran: In 2017?

Joey Cruz: Three hundred, a little over three hundred some thousand dollars.

Chairwoman P. Fejeran: Okay.

Joey Cruz: I don't have exact figure.

Chairwoman P. Fejeran: So then if the money hadn't been taken eight hundred something dollars, eight hundred thousand? Okay, thank you, and I'm sorry;

Joey Cruz: There's one more, the third active fund is known as The CHamoru Land Trust Survey and Infrastructure Fund. The funding sources, the funding source from this fund comes from our commercial leases/licenses executed after October 2015, although in PL33-95, it sets a cap to year end September 2020, so come September 30, 2020 or October 1st 2020, the funds that come from the commercial leases/licenses will be diverted to the CHamoru Home Loan Fund.

Chairwoman P. Fejeran: Ah, I see.

Administrative Director: One of the dormant ones.

Chairwoman P. Fejeran: One of the dormant ones.

Joey Cruz: Yes, but also in addition to that, 25% of the amount of monies covered in the CHamoru Home Loan Fund annual shall be transferred to The CHamoru Home Development Fund.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And then also 10% of the amount of monies covered into the CHamoru Home Loan Fund annual shall be transferred into the CHamoru Education Assistance Fund.

Chairwoman P. Fejeran: Okay.

Administrative Director: So, from that pot, it spills over to the other government funds.

Chairwoman P. Fejeran: Okay, let me see, so any funding for commercial leases and licenses executed after September 15 are currently deposited into CHamoru Land Trust Survey and Infrastructure Fund?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: And then, the year-end September 30th 2020 which is next year, right, they're going to stop going into the Survey and Infrastructure Fund and they're going to put be put in the home loan fund and then the other funds.

Joey Cruz: They'll be dumped in. Other revenue sources for the Survey and Infrastructure Fund or interests that is earned from our bank accounts are Agriculture and Residential lease payments, sale from government land

Chairwoman P. Fejeran: And the collection from the leases/licenses executed after October 2015.

Joey Cruz: The unique thing about this fund is that it doesn't need Legislative appropriation.

Administrative Director: It's board resolution.

Joey Cruz: In public law; in Chapter 75 expenditures from the fund shall be made pursuant to a resolution by the CLTC.

Chairwoman P. Fejeran: Okay.

Joey Cruz: But of course, we have to prepare a report for the legislature with details from the collection for the month.

Chairwoman P. Fejeran: Okay.

Joey Cruz: And the collection to date from the Survey Infrastructure Fund is \$53,027.22.

Chairwoman P. Fejeran: Okay.

Joey Cruz: This one also, in 2017, there was about a little over \$11,000.00 that was cancelled out to credit.

Chairwoman P. Fejeran: This one is the one that also had money from 2017.

Administrative Director: Right.

Joey Cruz: Yes, ma'am.

Chairwoman P. Fejeran: Which we'd be seeing 353 or 300 something thousand dollars which the Commission did make a resolution today to go survey and put infrastructure if needed. Okay, so I also see on your notes here that the legislature's intent of this fund was solely for the surveying of the unsurveyed land and for operational needs in support thereof. And then spending from this funding source is restricted to subdivision, surveying, mapping and registration of tracts of residential and agriculture land in the CLTC property inventory and for construction as infrastructure to include access roads, water and power utilities to service CHamoru Land Trust tracts of land.

Commissioner S. Techaira: *(inaudible)*...a lot of money in this account. Is there any progress on getting it back?

Chairwoman P. Fejeran: I don't know, we forwarded a letter, right?

Administrative Director: We did forward a letter in March of this year.

Commissioner S. Techaira: You know how much land we could survey with that, that amount of cash?

Commissioner A. Santos: *(inaudible discussion with Commission members)*

Chairwoman P. Fejeran: So, I guess my question is since going to the CHamoru Land Trust Operations Fund, we, your projections show us running out of money by 2026. Right, so that's like a nine year, seven years. What is our alternative to keeping this fund in our operation center?

Joey Cruz: More Commercial licenses, but also the law needs to be quantified or changed. Public Law 33-95, it states that any commercial leases executed after October 2015 shall be deposited into the Survey Infrastructure Fund, after that it goes to the Home Loan Fund, so no new money from any new leases will be deposited into the Operations Fund, which is, that needs to be amended if possible.

Chairwoman P. Fejeran: Okay, so we can look at that. What about for these, the leases that were executed prior to 2015 that are going into the Land Trust Operations Fund? What if we sign a new lease and extend the term for those that because; the reason why our balance is going down is because we're not bringing in as many, is that because the leases are expiring?

Joey Cruz: They're starting to expire. Yes ma'am.

Chairwoman P. Fejeran: So, what if we, you know, when they're expiring, we want to renew with them?

Joey Cruz: The commercial rules and regs doesn't. It's really straightforward, I mean, once the lease expires, the Commission will identify it as a commercial piece of property, send the resolution to the legislature; 60 days and all that other great stuff, so;

Chairwoman P. Fejeran: Ok, okay. So, then it wouldn't, like we couldn't still consider it one of these revenue sources because it has to go thru the commercial leasing and licensing process?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Ah, I see and then it would be deposited to, what is that, The Land Trust Survey and Infrastructure Fund?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Okay.

Joey Cruz: Sorry about that.

Chairwoman P. Fejeran: It's okay. This is a really great report, thank you for putting it together Joey. This is the first time we've had a very thorough understanding of the funds that were created for the trust. I mean I see the dormant ones as they're dormant but there is a time that money will be deposited, right?

Joey Cruz: Yes ma'am. That amount of money that we deposited is very minimal.

Chairwoman P. Fejeran: Yeah.

Joey Cruz: I mean also we start to get into the business of loaning money, you may want to consider to start planning for an MOU whether it be with Guam Housing, GCC and UOG. I mean it's another task that would be added on to our whatever we're doing now.

Chairwoman P. Fejeran: Yeah.

Joey Cruz: It's just kind of overwhelming.

Chairwoman P. Fejeran: Well, it's not till 2020 but that is next year.

Administrative Director: Next year.

Chairwoman P. Fejeran: I mean yeah, we are in May.

Joey Cruz: Also attached to my summary is a copy of the CLTC's FY2020 budget.

Chairwoman P. Fejeran: Okay, before we move to the budget can we just look at this again. I wanted to look at the loan guaranty fund. This is where payment from Real Property taxes is deposited.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: It's my understanding that all of the payments from real property taxes paid by our CHamoru Land Trust lease holders are not currently being deposited into this fund? They're being paid but not handed over?

Joey Cruz: It's booked as a receivable.

Chairwoman P. Fejeran: It's booked as a receivable?

Joey Cruz: Due from the general fund. So, what happens is there is a government account standard report, standard number 34 that deals with the interfund loan. So, when the collection is made, paid to the Treasurer of Guam, let's say we include it into the daily task for the Government of Guam, but sometimes that money, not sometimes; most of the time that money is used to pay for operations, so when they report any transactions on our books, they'll record a revenue but then the receivable from the Government is Guam, from the general fund. So, if the money is not paid within a reasonable timeframe then we have to apply it as a 34...*(inaudible)*.

Chairwoman P. Fejeran: Just write it off as;

Joey Cruz: A transfer

Chairwoman P. Fejeran: Just like how we did the huge chunks of money, six hundred twenty something thousand.

Joey Cruz: If we don't acknowledge and comply with GASB 34, then CHamoru Land Trust's financial audit will probably receive a qualified opinion, which is not a favorable opinion for the trust. So that's why we had to apply to GASB 34 in October 2017.

Chairwoman P. Fejeran: How do we, how do we prevent the general, prevent it becoming a receivable and instead have it being directly deposited?

Joey Cruz: I've been tasked in previous years, so I also maintain the books for Ancestral and they have custody of all their accounts. So that's the one given, but because it's a tax collection you don't have the authority or unless Rev and Tax sends us. So, if we maintain, if we gain custody of the account, that's one thing and preventing any transpose in the future.

Administrative Director: Can that be done through legislation?

Joey Cruz: Yes ma'am, yes sir. We're capable of maintaining her own accounts. And then we've done this with the Guam Ancestral Lands Commission, so there's no reason why we couldn't do it for the Commission.

Commissioner S. Techaira: Why wasn't it ever, like, wouldn't it make more sense to have custody of the account? I didn't think it wasn't possible.

Joey Cruz: At one point in time the commission did have custody of the accounts but then it incurred and went to the custody of the Department of Administration.

Chairwoman P. Fejeran: So, can we;

Administrative Director: I had discussions already with the director. He pointed to DRT; that's it's DRT that has to identify where it's going to go and then once it comes over to DOA, then it goes into where it's supposed to go. And so my question was what are the identification is wrong, it's not being identified correctly from DRT, so that's my conversation with the DRT director is, how can we start to do that; but the question I got back is, was, well we don't have a lot of our lessees aren't being properly being taxed because we don't have our parcel identification numbers and then we break into this issue with Land Management of how we get that.

Chairwoman P. Fejeran: Yeah.

Administrative Director: Once an addendum is done for a lot description correction and then they can begin being taxed on a correct lot or correctly, but if it's a portion of they don't get taxed on a portion of, they don't get taxed on unless it's properly identified, so it leads to another issue and so we're trying to resolve that issue with Land Management right now.

Commissioner S. Techaira: *(inaudible response)*

Chairwoman P. Fejeran: Okay. I mean, can we pursue control of the account with DOA?

Joey Cruz: For the last six completed audits, we've received qualified clean audits. I mean, that should be sufficient.

Chairwoman P. Fejeran: Oh, Okay.

Joey Cruz: To justify...*(interrupted)*

Administrative Director. To justify regaining back our account.

Chairwoman P. Fejeran: Okay. So, okay. Well, I see three main issues with our; that we learned from my financial report. The first is our operations needs an additional funding source or else we will be non-operational in 2026. Is that right?

Joey Cruz: We become dependent on the general fund.

Chairwoman P. Fejeran: Which we cannot be, okay, so that's the first glaring issue; the second is, again the transfer out of the approximately six hundred thousand dollars (\$600,000.00), at the very least, I mean, at the very least the \$300,000.00 transferred out of Land Trust Survey and Infrastructure because that is within the Commission's priority use, so, we need that back. And then what was the third one, control of the account. It's the home loan; the CHamoru Home Loan Guaranty Fund that would be the account that we would request control of the fund?

Joey Cruz: All three would be.

Chairwoman P. Fejeran: So, none of the three are in our control? Okay, so requesting control of all active funds.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Okay. And then also it looks like we might need to see how, maybe look at the previous public law you mentioned Public Law 33-95 and allow the trust little more flexibility in where the funds get deposited and how we spend it, maybe.

Administrative Director: Also, the adjusting of the dates of when we do commercial leasing. You know, all the commercial leasing that we're about to do, that we're about to embark on. We have to modify those dates sometimes, so that when those; I call that a faucet, so the faucet can be turned on into a fund and then when it turns off and put into another fund and we need to be able to adjust those dates.

Chairwoman P. Fejeran: Right, because I mean, maybe when they wrote this law, they thought we already have a lot of revenue coming in from the new leases?

L.C. Toft: It's possible.

Chairwoman P. Fejeran: Maybe. Okay.

Administrative Director: I'd also like to focus ma'am on collections because it's been a sore spot; I mean, I think that, that would be a; the reason why I had Joey put a sovereignty report together is to identify our weaknesses and I think one of our weaknesses is collections. So, I need to collect from our lessees, our commercial lessees, that is, in terms of payments that are being made on time; to make sure that these funds maintain their cash flow, because as it's alluded; if we in a particular month if we don't make our cash flow then the general fund has to take over and may be reimbursed by us, so to speak, so, in order to keep those levels up I would like to focus also on you doing that and marking on new leases is having our collections in place, for our method of collection.

Chairwoman P. Fejeran: And the report your referring to is attachment A, the sovereignty report?

Administrative Director: This is in its entirety what it is, it's a sovereignty report. It gives you our snapshot of where we're at.

Chairwoman P. Fejeran: And then this Attachment C;

Administrative Director: Right.

Chairwoman P. Fejeran: This is how we go under the land?

Administrative Director: Right.

Chairwoman P. Fejeran: Can we go over the collections right now, that's this one right?

Joey Cruz: That's our listing of leases.

Chairwoman P. Fejeran: And it shows the accounts receivable?

Joey Cruz: Yes.

Chairwoman P. Fejeran: Unpaid balances?

Joey Cruz: Yes, so the first one for the Cushing Zoo, (*inaudible*)... to pay their \$30.00 up front, so that's why there's a credit or a negative.

Chairwoman P. Fejeran: Pay it in advance, pay it in advance. Okay.

Joey Cruz: Evelyn store which has an accounts receivable balance of \$806. That's a communicative total for how many years already, they only pay \$26 a month, that's the store in Umatac, so we've done our inspections and we've reached out to Miss Lujan and we send her invoices and account statements. Now our, we've already prepared already some staff reports and we'll forward it to the board before the next board meeting for commercial issuance.

Chairwoman P. Fejeran: Okay. Okay. Great! So, we're going to have a larger commercial lease, kinda;

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: But yeah if you can go over this quickly.

Joey Cruz: The Guam Broadcasting Partners/Sorensen Media Group has an Accounts Receivable balance of \$21,766.43. The previous board in the past years had approved their payment plan that they have submitted, so they roughly only pay \$193.00 towards their arrears which was approved by the past board, so we're monitoring that.

Chairwoman P. Fejeran: Are they current except for the arrears?

Joey Cruz: I think they're a couple of months behind but we send them an invoice monthly for their account statement.

Commissioner S. Techaira: How about receipts?

Chairwoman P. Fejeran: The accounts receivable?

Joey Cruz: The last column.

Chairwoman P. Fejeran: The last column, but we'll get a full staff report on this? Thanks.

Joey Cruz: Yes ma'am. The next commercial lease holder that has an Accounts Receivable is the Guam International Country Club. Their AR is \$34,044.80. Mind you the accounts receivable balance is, as of April 24; I believe they came in the other day or today to make payment so that would be reduced a little but also, we do send GICC a letter and invoice monthly of accounts receivable reminding them of their past due.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next commercial lessee/licensee is the Guam Resource Recovery Partners. Their accounts receivable balance is greater than \$30,800. The only reason why its reflects \$30,800 is the recent in the past years we unclassified their AR's...*(inaudible)*; and only because the court had terminated their lease but they exercise their right for hearing, to be heard but with the recent news in the paper about Mr. Wagdy Guirguis' indictment or convicted, it was unknown, but then recently Mr. Sablan has mentioned to the Post, that GRRP, whatever case is going on, that the GRRP will have to go through court, so it's still unknown what their intentions are.

Chairwoman P. Fejeran: Okay.

Joey Cruz: But in the event that a hearing is given to GRRP, and its determined that they're willing to pay them the arrears, we can always reverse that entry and it will record the total.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next Lessee with account receivable is I&TE, with \$761.68. IT&E pays through EFT so it goes directly to the government of Guam and into the Government of Guam closes books for the month or for the quarter and posts it and then we go in to adjust it...*(inaudible)*.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next Lessee with an Accounts Receivable total is I-Connect, \$8,312.64. We've been sending I-Connect also letters monthly, invoices monthly, account statements monthly; we will prepare a staff report and forward it for the board at the next commission meeting under commercial.

Chairwoman P. Fejeran: Okay, thank you.

Joey Cruz: The next lessee is Johnny Cool Towing. They have a credit of \$6,176.08.

Chairwoman P. Fejeran: Okay.

Joey Cruz: The next Lessee for the operations side with an accounts receivable balance is the United States Postal Service which is \$3,648.16. We're communicating with their contracts officer, I think, that's her title, in the US so we're preparing to forward her all the previous leases so they can do the reconciliation on their part. And then for the Survey Infrastructure Fund, the United States Postal Services again has an accounts receivable balance of \$4,125.05. This lease is associated with the Dededo Post Office. The reason why it has a receivable amount is instead of us invoicing them \$415.33 a month, the lease calls an annual rate of \$55,000.00, I mean \$5,500. And agricultural leases they have no... *(inaudible)*.

Chairwoman P. Fejeran: Okay, so as you're putting so gather to staff reports for the next meeting, will it be focused solely on the ones that are in arrears?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: And then can you also; I circled a bunch of leases that are expiring or have or have expired, I see you one, the first DOCOMO one expired last year, 2018.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: There is a; and then I also see a bunch of leases that are expiring this year 2019 and also 2020. So if you can also pull those leases

and give us a staff report on the property because if we have to go through the commercial rules and regs to get those commercially leased again, I think we should be ahead of the curve and have the whole process done before the lease expires.

Administrative Director: I've asked Joey already to keep an eye on that and he's providing me with reports on how we can do that and get ahead of the ball game especially for DOCOMO, IT&E overseas, and GTA TeleGuam.

Chairwoman P. Fejeran: I mean, I see Johnny Cool Towing has 3,783 square meters and they have pay \$477 dollars.

Joey Cruz: And eighty-eight (\$0.88) cents a month.

Chairwoman P. Fejeran: A month?

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Yeah, so I'm glad that one's expiring soon, I mean I think we need to; so if you can give us a report of was expiring and then we can identify on map and move forward to possibly engage or to go through the process; we have to have public hearings and go through that whole thing. Okay, thanks Joey. Awesome.

Joey Cruz: So, the next documents.

Administrative Director: Could ask him to just go over the land inventory just to conclude.

Chairwoman P. Fejeran: Okay, yeah.

Administrative Director: That's just a very important point for me here.

Chairwoman P. Fejeran: Oh, this last page, thank you.

Administrative Director: Land inventory, commercial land inventory.

Joey Cruz: So, PL33-95 was enacted on November 9, 2015 and authorized CLTC to declare and designate 9% of the total remaining unassigned CHamoru Land Trust Commission land inventory for commercial use. So what we did was we took the total land inventory as of year-end September 30, 2015 which was 11,061.78 which also reflected in our year end audit 2015 and then we took the total assigned inventory which was 2,846 acres point 22 and we deducted it left us with an unassigned inventory amount of 8,215.56 acres, so 9% percent of that came up to 739.40 acres and then there was an increase in 2018 which would be reflected in our final audit report of 606.38 acres and then we took the difference between 17 and 18 which was more interest which is 23.49 acres so it left us with unassigned acres 582.89 acres, 9% of that came out to 52.46 acres which came up with a total acres available for commercial lease license

791.86 acres. As of April 24, 2019, we've leased 603.76 acres, which leaves a balance of 188.1 acres left to be leased.

Chairwoman P. Fejeran: Okay, so sorry for the total acres lease license is four twenty-four nineteen, that includes everything we're looking at here, so that would include the raceway.

Joey Cruz: It's already encumbered.

Chairwoman P. Fejeran: So, it's already encumbered. Okay, so we're talking about newly designated commercial licenses that we send.

Joey Cruz: Just keep in mind is that every time you convey property or inventory decreases; so, with our 9%, it would increase also.

Chairwoman P. Fejeran: Okay, so we have 188.10 acres left.

Joey Cruz: Yes ma'am.

Chairwoman P. Fejeran: Can we just circle back to the public law because I'm wondering if the, this 9% is inclusive of existing commercial land inventory. Because right now we're assuming it the existing licenses were inclusive of the 9%? But they've already been designated so they're not newly designated so I would just ask that we just clarify with what the public law will be in you to get it in and I understand the intent is to limit commercial leases because our real purpose here is to give land for homes and farms but so that's just something we can look at. So that I mean just makes it even more clear that the commission should use the properties that are already leased that will be expiring soon to get new leases and revenue.

Administrative Director: The unassigned, does that include the five properties that we set aside for commercial lease?

Joey Cruz: It does not include the five properties that we set aside.

Chairwoman P. Fejeran: The unassigned?

Joey Cruz: Well the unassigned, it includes all the seven. Our calculation of total acres lease/ license doesn't include.

Chairwoman P. Fejeran: Does not include, right because they haven't been leased in a while? Ok, thank you.

Administrative Director: Thanks Joey.

Joey Cruz: Last documents for FY2020 budget for CHamoru Land Trust. The Bureau of Budget Management and Research set a ceiling for the trust for one million, forty-seven thousand eight hundred thirty-two dollars which is detailed in the letter.

Chairwoman P. Fejeran: Okay.

Joey Cruz: There is a lot of cuts that had to be made for our operations in order to meet the budget ceiling considering our existing staff. So, if we flip to BBMR form 96A which is after the digest, one more page, one more, before that, we can just look at the digest, sorry. The budget digest; it details what we're requesting for FY2020. So, salaries for FY 2020 we are requesting \$593,013.00; benefits \$203,721.00; contractual services \$86,596.00; office space rental \$124,391.00; supplies and materials \$15,000.00; drug testing, \$80 dollars; miscellaneous \$7,200.00 which brings the total to operations of two hundred, I'm sorry; telephone \$17,831.00 which brings a total of probation request to \$1,047,832.00. So, we're within our ceiling but we had to sacrifice a lot of services, contractual services that we had this year. So, like our hearing officer we have no funding for 2020 to fund the hearing officer. That was one of the contractual services we had to sacrifice.

Chairwoman P. Fejeran: Did we ever pay a hearing officer?

L.C. Toft: We never used it. *(inaudible)*

Joey Cruz: We never even used it.

L.C. Toft: *(inaudible discussion with Chairwoman)*

Chairwoman P. Fejeran: Oh great. Okay, okay.

Administrative Director: We also had to forgo the recruiting of the Private Secretary. At the beginning of February, we were slated to; we had to sacrifice that one too. Just factoring in our separation of agencies, too. The utilities or the communications is the big one the \$17,000.00 for communication to maintain our own communications.

Joey Cruz: For 2020 we also incurred cost for a copy machines which we never had in the past.

Administrative Director: We're working with the management right now to see if we can work out a deal for continued services, joint services for copies.

Chairwoman P. Fejeran: So, for office space rental, when they do move this is our budget for the year.

Joey Cruz: Yes ma'am, for the year.

Chairwoman P. Fejeran: Okay.

Joey Cruz: It's a carryover, roll over from previous years. It hasn't decreased.

Chairwoman P. Fejeran: Okay, thank you. I look forward to reading more of this and I know you guys put a lot of work in it. I see good stuff here. Thank you.

Administrative Director: Thanks Joey. I appreciate it.

Chairwoman P. Fejeran: Thanks. I'd like to call a 10-minute recess. Thank you. We'll reconvene at 3 o'clock.

Administrative Director: We're on time.

Chairwoman P. Fejeran: I'd like to call this CHamoru Land Trust Commission meeting back to order. Next up on the agenda is New Business, Number One, Administrative Matters, Former Land for the Landless properties ready for leasing. I think we had a misconception that had very strong comments at the last meeting that you know I went home and really reflected on it. Although she was commenting; her and her son are 1995 applicants and she still, they still don't have a lease right and they're one of many, however we did find out that she has been offered properties that she declined, so we were trying to service her but besides the point, you know, it's in just about a year since we put a moratorium on all new leases

Commissioner A. Santos: For Barrigada Heights;

Chairwoman P. Fejeran: For newly assigned Leases, right, And I would like to go over the former land for the landless properties that are actually in our inventory now and ready for leasing and ask the commission, if the commission would like to instruct the director and staff to move forward to issue new leases. I know that we've been, you know that we've had a whole workshop about all the changes we would like made to the law but you know that is a very lengthy process to go through the legislature and all of that. While we will still be going forward to pursuing those changes, I think it is also important that the commission still moves forward in leases of properties to those people on our waiting list. Of course, adhering to the existing rules and regs, right? So, what we have in our packets are former Land for the Landless properties. What was provided were affidavits of administrative transfer by public law so basically just tells us, there's;

Commissioner A. Santos: How many lots?

Chairwoman P. Fejeran: There's five subdivisions with lots that have been added into the CHamoru Land Trust inventory.

Commissioner S. Techaira: Oh wow, I like it!

Commissioner A. Santos: And they're leased too?

Chairwoman P. Fejeran: No, these are ready for leasing, they're vacant. So, I actually wanted to ask because there was no like staff report or any analysis provided.

Administrative Director: We actually just got these, actually last month, but we've been made aware of the Land Management. There's a couple of issues in the Ija Subdivision; just a couple in, in Inarajan, and so I'd like Margarita Borja to kinda expound a little bit on what some of those issues might be in regards to that subdivision and then we can put together a whole staff report.

Chairwoman P. Fejeran: Okay, actually, maybe we can get back to that later? But what I'd like to do is just; there were notes found. Whose notes are these?

Administrative Director: That's, um, Mr. Joe Borja.

Chairwoman P. Fejeran: Oh, Joe Borja, okay. So that was kind of the start of my understanding. So, there's five subdivisions. There's Umatac, Talofoto, Ija, Pigua and FEMA. And these are all down south, right? I think Pigua I saw was in Merizo, Malesso;

Commissioner S. Techaira: FEMA is in Dededo.

Chairwoman P. Fejeran: Oh, FEMA is the only northern one. So, just based on the notes from the Director of Land Management, it looks like there's a lot of lots that were transferred but there's only, there's 16 lots in your Umatac; 16 lots but only two I would consider leasing.

Commissioner A. Santos: Available?

Chairwoman P. Fejeran: Right, available because there's utilities and there's access. Okay?

For Talofoto there's 12 lots that are in our inventory and all 12 are leasable. Ija, there's 103 lots but there's no numbers associated. 103 lots, it says sporadic utility, sporadic paving.

Commissioner A. Santos: So, how big is the land?

Chairwoman P. Fejeran: So, these properties are a quarter acre lots. Is that right? So, these are a quarter acre lots. There's only 103 lots but sporadic access and utilities so what I'd like to ask is the director and the staff to determine how many of those lots are leasable, which means there's access and utilities. For Pigua, all 36 of the lots are leasable. For FEMA all 10 of the lots are leasable and there were also additional notes from Mr. Borja that the FEMA property has access to amazing facilities; there's a playground, there's schools walking distance, it's across the street from a fire station, so I really see that those 10 FEMA lots in Dededo are very conducive for families with small children.

Administrative Director: It's right near Astumbo.

Chairwoman P. Fejeran: It's in Astumbo?

Administrative Director: It's in Astumbo, Sagan Lintahyan.

Chairwoman P. Fejeran: Oh, Sagan Lintahyan.

Administrative Director: That's what he's referring to, that area; the two schools, Astumbo Middle and Astumbo Elementary and fire station that's there in Astumbo.

Chairwoman P. Fejeran: So, from my calculations leaving Ija out of it because you don't know the exact number but you'll get us the number. There's at least sixty (60) properties that the commission can lease out to those on our waiting list.

Commissioner S. Techaira: (*inaudible*)...So that's 12; you're not including Ija?

Chairwoman P. Fejeran: So, Ija, we don't know how many is leasable.

Commissioner S. Techaira: Oh, okay, so then;

Chairwoman P. Fejeran: 2 in Umatac, 12 in Talofoto, 36 in Pigua, and 10 in FEMA. I think that's 60?

Commissioner S. Techaira: So only 2 lots out of 16 are good in Umatac?

Administrative Director: Because of utilities and;

L.C. Toft: Probably some geographic, topography as well; some of them are lots that are basically; (*inaudible*)

Administrative Director: Mostly hills mostly on the deep end, cliffs and stuff

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: So my question, my question for the commission is, do we want to direct the director and the staff to; I think before we get to the process it actually...(*inaudible*); what I'd like to see is a very simple, standard operating procedure for how we're going to about the leasing, the leasing process, right?

Administrative Director: Right.

Chairwoman P. Fejeran: And that will come right out of PL23-38, right?

Administrative Director: Yes.

Commissioner S. Techaira: I think;

Chairwoman P. Fejeran: With the waiting list;

Commissioner A. Santos: First come, first serve.

Chairwoman P. Fejeran: I want to see the waiting list, first come first serve and then the priority ones. Okay? How you propose to do the noticing

Administrative Director: Right.

Chairwoman P. Fejeran: And how many on our waiting list are you going to notice?

Administrative Director: Right, right.

Chairwoman P. Fejeran: Because say we have 100 properties available. Are we only going to notice the first hundred? Are you going to notice the, you know; how are you going to do this?

Administrative Director: Okay.

Chairwoman P. Fejeran: So, I'd like to see a very simple standard operating procedure process, a process flow that the commission can review, and legal counsel can review, so that we can make sure we're abiding by the Public Law 23-38.

Commissioner A. Santos: And award those that really need it.

Chairwoman P. Fejeran: Yes, and then we'll go; we're going to start at the very top of the list and go down that. Basically, follow the law, right?

Administrative Director: Right.

Chairwoman P. Fejeran: And as you're going through in putting this process together, I'd also like you to put together; there's going to be common questions that come up.

Administrative Director: FYI.

Chairwoman P. Fejeran: We're going to notice somebody's grandpa and they're going to get the notice and their grandpa passed away, so we're going to have to have answers to commonly asked questions, like what do I do, I saw my grandpa on the list?

Administrative Director: Okay.

Chairwoman P. Fejeran: We should have like a standard boiler plate if, if your relative was noticed and they passed away. This is what you have to do, like find out if there's a beneficiary right; this is who you talk to at land trust, if there's a death right? Also, I think for the noticing, one of the sticking points was that one of our adjustments to the public law was the noticing by registered mail

versus certified mail, we prefer certified mail but I believe that is only if we are only going to take somebody's name off the list. We have to go to that process.

Administrative Director: Okay.

Chairwoman P. Fejeran: So, I would ask the director and staff to consider maybe doing; not going to registered mail because it's very cost prohibitive and instead doing another way of noticing and then the people that don't respond within 90 days, we just move, we just keep their name on the list but Flag it as non-responsive, non-responsive, non-responsive. I'd also like for the director to present the boilerplate language to be used for the leases so that the commission can review. I've asked Shawntel, our real estate advisor here to take a look at the lease with a fine-tooth comb to see if that the lease terms are up-to-date.

Commissioner S. Techaira: That's Nick's job. *(laughter in background)*

Chairwoman P. Fejeran: Oh, Nick always has the final say but you know, you've been in the industry, you know the language and the terms that are very common in best practiced today, so if you could look at the lease the boilerplate lease that's proposed and then also kinda propose your own, add it in and then of course we'll have Nick look at everything. So, I'd like, maybe;

Commissioner S. Techaira: If I can get that? You have a template for that?

Administrative Director: Sure, sure.

Commissioner S. Techaira: Just to have a look thru it.

Administrative Director: I'll email you.

Commissioner S. Techaira: Okay, thank you.

Chairwoman P. Fejeran: So, what I'd like, okay and then, what I'm hoping right, is we don't go through leasing on a person by person basis, it's chunks of property by chunks of property and this will be her first chunk of property, right? So, we have at least 60 and what I'd like is to get at least those; to get the 60 or however many lots were gonna lease, bring all of those applicants that have accepted the award, bring them all thru the process at the same time, okay; to get to the actual awarding and I would also propose, I would also ask the Commission and the Director consider awarding on a lottery basis.

Commissioner A. Santos: Lottery?

Chairwoman P. Fejeran: Yeah, so rather than servicing each individual and;

Commissioner A. Santos: That's a good idea.

Chairwoman P. Fejeran: Saying okay here's a map; what property do you want it's okay; I would ask the Director and the staff to look at the properties and if they think it makes sense to kind of allow applicants to decide, oh I wanna be in Umatac, then okay they can be in Umatac but then okay they'll pull a lottery for what actual lot they're going to get. So, it makes sense? (2:00:57)

Administrative Director: I'd have to go; I think I have to also talk also; look at the language of the current legislation as to what that allows, the declination process number one and the ability for them to choose, I just have to make sure that we're going on the same statute and then once I do that, once we figure it out will provide a process for you;

Chairwoman P. Fejeran: Okay, great!

Administrative Director: That way you can look it over.

Chairwoman P. Fejeran: Okay, awesome! It'll be a process, right? For identifying;

Commissioner A. Santos: Land for the landless;

Chairwoman P. Fejeran: The applicants on the waiting list will be servicing.

Commissioner S. Techaira: Is there a way that you guys can tell what the land is like? Or you already know out of this whole batch there's only "x" amount to work with?

Chairwoman P. Fejeran: I mean, I was just going off of Department of Land Management Director's notes.

Commissioner S. Techaira: Is that down the cliff or whatever, you know?

Administrative Director: I'm going to be surveying; I'm going to be physically going out and looking at the properties anyway and I think that's our goal is in the compilation of what you requested for Ija especially but for all the lots, I think that's important for us to physically look at it and see if its viable and then report back and give you back that definitive list of properties and make a lottery out of.

Chairwoman P. Fejeran: Great, great let's do that. And if you're out there, can you take photographs

Administrative Director: Of course

Chairwoman P. Fejeran: And give us a slide show and see what it looks like. And then also, if you're out there and there are lots that are definitely not developable, identify those as well and we can set those aside as conservation.

Administrative Director: Right, okay.

Chairwoman P. Fejeran: Okay, so that we're not revisiting it five years from now just to realize again we can't be leasing it. So along with the process what I'd also like to see is like at every step of the process common questions that our beneficiaries will have and like very direct and straightforward answers to those questions so that the staff is not constantly repeating themselves or sharing different kinds of information.

Administrative Director: Right. Correct. Okay.

Chairwoman P. Fejeran: And that's a lot of work, I know that's a lot of work but I know you guys can do it.

Commissioner S. Techaira: You know what's awesome about these though? He has these notes here I see.

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: So how is he able to get like all this information, I see sporadic like utilities; I see, I'm sure, I'm sure;

Chairwoman P. Fejeran: Yeah, yeah.

Administrative Director: He has a lot of institutional knowledge because he was Land Management, Land Trust Director.

Commissioner S. Techaira: I'm sure he has access to overlays and wouldn't that be helpful if that was included?

Chairwoman P. Fejeran: Yeah. This is just a very initial, let's get this going but I'm hoping; in a subsequent meeting, I'm hoping we'll have all that information. So, I realize it's going to be a lot of work. I would like to propose that in lieu of our first meeting of the month in June we cancel the first meeting of the month till the first Thursday; we cancel that so that the staff and director can really work to get us where to where need to be with this new leasing process for the third meeting of June.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: Does that make sense?

Commissioner S. Techaira: Yeah.

Chairwoman P. Fejeran: Because I know that you guys do a lot of work to get the agenda and all the public noticing out for the first meeting and then all the staff is here.

Administrative Director: Yes.

Chairwoman P. Fejeran: Right, so let's cancel the first meeting of June, and what I'd; but maybe instead of the first meeting in June you send us a progress report or drafts of whatever you have so that the commission can review and respond prior to having a full presentation in June. Do you think that's feasible?

Administrative Director: So, June 6th? So, send it to you by June 6th and send a draft forward?

Chairwoman P. Fejeran: Yeah, draft, progress report.

Administrative Director: And then by the 20th do you want the; is that when the actual presentation will be made?

Chairwoman P. Fejeran: If yeah; I think you guys, I think you guys could do it! What do you think?

Administrative Director: I think that's feasible.

Chairwoman P. Fejeran: Feasible? Okay!

Commissioner S. Techaira: You're going on leave, right?

Administrative Director: Pretty soon, pretty soon.

Commissioner S. Techaira: So how does that work if he's on leave?

Administrative Director: Well I'm on leave but I come in, come in and work still; so they'll be patches of time when I'll be in, I won't be completely gone, it's not so I'm going to come in from time to time to make sure that I; you know I complete my reports and then I visit the staff and say deadlines, you know provide me with; I'm going to back plan 6th June to 20th June, and I'm going to back plan so I know exactly when and where, you know, these reports are going to be in and what stages.

Chairwoman P. Fejeran: Okay, okay.

Administrative Director: But I won't leave the commission hanging.

Chairwoman P. Fejeran: Okay, and you know the June 6th if you don't have a draft, that's okay, just give us a progress report a progress report.

Administrative Director: Progress report?

Chairwoman P. Fejeran: Yeah, I'd rather you guys take a little time to make it stronger than to rush through it but also know that the clocks are ticking.

Administrative Director: Oh yeah, yes ma'am.

Chairwoman P. Fejeran: Okay, awesome this makes me really excited and I think that the commission can move forward to start issuing new leases. We just have to set the process now so that there's no question and I think that there's going to be some policy questions, you know, like how we identified in the public law; there's a lot of ambiguity, so as those ambiguities come up for you as you're going through the process, if you could flag down and present them to the commission, so that the commission can make and state on record what our policy is for this ambiguity rather than waiting the lot to be amended. I think we can set policy at the commission level on how we handle that. Thank you. Okay, any other comments about the new, new way forward? Going onto New Business, Commercial Leases Status Updates.

V. NEW BUSINESS

2. Commercial Leases - Status Updates

Administrative Director: KoKo Recycling. They just want; there's nothing going to be in your packet.

Chairwoman P. Fejeran: Okay.

Administrative Director: I'm just giving you a verbal updates, and they want to continue their tire recycling initiative and program there, so they've come in to re-initiate that. I met with a representative last week and I've advised them to give us a timeline and also we've advised them to clean up whatever's already there because we took a look at the site, we went for a site visit and there is still stuff that needs to be cleaned before they begin any other operations. So, they've agreed in principle to submit a time line;

Chairwoman P. Fejeran: Okay.

Administrative Director: For their operations and I will give reports to the commission based on those time lines.

Chairwoman P. Fejeran: So is KoKo Recycling, oh yeah right here. So, they're in Barrigada and they're current?

Administrative Director: Yes.

Chairwoman P. Fejeran: Okay, this is the one that went to the legislature; they are the ones asking for reimbursement, right; for the typhoon debris and recycling

Administrative Director: Yes, yes.

Chairwoman P. Fejeran: But that's not going anywhere?

Administrative Director: No.

Chairwoman P. Fejeran: Okay, but they are currently our Lessee?

Administrative Director: Yes.

Chairwoman P. Fejeran: Nick, would our working with them on this new endeavor, I don't know have any impact on what they're claiming what is owed to them?

L.C. Toft: I mean, no not yet, it kinda depends on what we; how we do it.

Chairwoman P. Fejeran: Okay, okay.

L.C. Toft: Not in it of itself, no.

Chairwoman P. Fejeran: Okay.

Administrative Director: With regards to the raceway, actually right here on the; there is a separate staff report.

Chairwoman P. Fejeran: Oh yeah, okay.

Administrative Director: So, the raceway is on it, so if you could take a look at the staff report for the raceway. So currently these are the facts right now. One of the complaints or issues were that they were noncompliant before. Event admissions was never being remitted and so that's why we need to kind of get into that with the new lease, right? In terms of the new lease and make sure there are safe guards so that we don't, that we can prevent this noncompliance especially on the event admission of participation fee.

Commissioner S. Techaira: I don't understand. What does that mean?

Administrative Director: That means they we're holding events and they were supposed to give us a part, a portion of those fees, but they never have.

Chairwoman P. Fejeran: Yeah, like \$2.00 per ticket that was sold was to come to the trust. And then didn't they just have Smokin' Wheels?

Administrative Director: They did.

Chairwoman P. Fejeran: Do people pay to enter?

Administrative Director: Absolutely!

Chairwoman P. Fejeran: Really?

Administrative Director: Yeah!

Commissioner S. Techaira: Can't we just go get all that money?

Chairwoman P. Fejeran: So, they're still noncompliant?

Administrative Director: That's what the issue currently is and that's why am moving into the new lease terms we're; we're not you know; I'm not entirely

sure how to proceed with their non-compliant, so of course we're going to get the money, but in terms of renewing their lease because I believe it's up before the actual June deadline. So, the commission has maybe like 14 days where they can; I don't know, whether they want to continue the lease for 14 days from my understanding.

Chairwoman P. Fejeran: It's not a month to month? I thought were in month to month?

L.C. Toft: We were in a month to month but we said not to exceed a year.

Chairwoman P. Fejeran: Right, okay, okay, okay. I see, okay, just for the record I just want to reiterate here, they're non-compliant with the existing month to month lease and we're being asked to give them a new lease;

Administrative Director: Right.

Chairwoman P. Fejeran: When they're noncompliant?

Administrative Director: Right.

Chairwoman P. Fejeran: I suggest you reach out to Mr. Simpson and them and say where's, why;

Administrative Director: Yeah, under Item G, other details, no event admission has been paid since March of 2018 so that's what we're going to try and seek redress for.

Chairwoman P. Fejeran: Okay.

Administrative Director: I did mention it to them in our first meeting, in our initial meeting to discuss the new lease was that we have noncompliance issues from a previous lease. So, I don't know whether that precludes us from moving forward with any negotiation on a new lease but our thinking, Joey and I's thinking was to prevent this noncompliance we need to put more, and Nick chimed in on this too, right, more in their lease that requires them to comply and then more that holds them accountable, language that holds them accountable.

Chairwoman P. Fejeran: Right, I mean how about what if we just say, "ok you're really terrible at keeping track of your events, so we're just going to assume you do, you would be paying us this much for your events so we'll just tack it on to the rent". Can we do that? That way we don't have to check.

Administrative Director: Yeah, and something we can consider, you know any arrears or anything that they owe.

L.C. Toft: Well, I think we should make that part of the terms going forward.

Administrative Director: Sure.

L.C. Toft: Is, I believe they hired Attorney Cunliff to work with them on this, so I'll make it clear that that's a; it's part of...*(inaudible)* before we get to the term's current proposal.

Administrative Director: Right! Is that like a written acknowledgment?

Chairwoman P. Fejeran: Payment for like; to become compliant? As comprised to? And you know what, if he doesn't have numbers, we can put together numbers for him that he owes us, right? We could social media, backlog everything.

Commissioner S. Techaira: They know, they know.

Chairwoman P. Fejeran: They know! EIF; I've been to a concert there, paid fifty dollars (\$50.00).

Administrative Director: So that's our current; we did provide a draft lease there for the board's review.

Chairwoman P. Fejeran: Okay. Thank you.

Administrative Director: So, the board can review those and see if you have any concerns that need to be addressed and again and any draft will go through the legal counsel and make sure he figures everything at the top.

Chairwoman P. Fejeran: Okay, does the property need to be, have an appraisal to set the fair market value?

Commissioner S. Techaira: I think so man, it's 2019. It's a different market.

Administrative Director: I also question how often...*(inaudible)*.

Commissioner S. Techaira: It's a beautiful place. That two dollars (\$2.00) is a little bit low. You might wanna;

Chairwoman P. Fejeran: That was even public law. The public law said two dollars (\$2.00).

Administrative Director: I didn't see any anything in the law. I mean if I'm wrong;

Commissioner S. Techaira: No, not in the;

Commissioner S. Techaira: I mean, the way this is working out, it is very one sided.

Administrative Director: I think in the modest market, they need to provide a fair market value. I think the only one was the environmental assessment was the one that was required.

Commissioner S. Techaira: We've been working on this for a while.

Chairwoman P. Fejeran: Can we request their audited financial statements covering the last three (3) years as we negotiate this lease?

Commissioner S. Techaira: That's a good one.

Administrative Director: Sure. Can we put that down?

L.C. Toft: Yeah. I think we should.

Chairwoman P. Fejeran: Yeah, let's do that.

Administrative Director: So audited financial statement for 2016, 17 and 18 or 19? 2017 to 19? 2019?

Chairwoman P. Fejeran: 2016, 2016. When did we tell them to stop quarrying? Do you have a number? 2016, right? Yeah, 16 or 17? I mean I wonder if they're even going to pursue this because the public law says that they can't do rock, what is it? No extractions.

Administrative Director: No mineral extractions.

Chairwoman P. Fejeran: So, when does the, when does the right of entry or month to month or when does the month to month end?

L.C. Toft: *(inaudible)*

Joey Cruz: May 31.

Administrative Director: May 31st.

Chairwoman P. Fejeran: Well, and then we're supposed to have a lease negotiated by June 18.

Administrative Director: Yes.

L.C. Toft: Are we able to get an appraisal performance before then?

Commissioner S. Techaira: I mean, we can rush it.

(Inaudible conversation amongst the round table)

Chairwoman P. Fejeran: It has to be them.

Administrative Director: It gotta be them. Well when we get a hold of them; we'll signal that then, in my next meeting, you know, we're gonna talk about the

appraisal and we'll tell them to get their appraisal done because it's really, you know, its dependent upon, the lease is dependent upon that.

Chairwoman P. Fejeran: Yeah, also, how about, shouldn't we get our own appraisal? Is that how are done? Like one party gets their appraisal, we get another one?

L.C. Toft: *(inaudible response)*

Commissioner S. Techaira: *(inaudible)*...you get them to pay for theirs, they can fix it and vice versa.

Chairwoman P. Fejeran: Right.

Commissioner S. Techaira: Because they'll just hire whoever...*(inaudible)*

Chairwoman P. Fejeran: Yeah, right.

Commissioner S. Techaira: So, it would be better if they get theirs.

Chairwoman P. Fejeran: Right, we would have to get ours too or we set, or we just set the rent ourselves. There's nothing from preventing us to set the rent ourselves, right?

L.C. Toft: Correct.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: I mean, that's a long lease. They've only been in;

Administrative Director: A monthly rental of \$4,000.00.

Commissioner S. Techaira: \$4,000.00?

Chairwoman P. Fejeran: I mean I know! That's why we set it ourselves.

Commissioner S. Techaira: Yeah, it really needs to be look up very, very carefully. *(inaudible)*...happening fifty years from now. *(inaudible)*

Administrative Director: Joey, are we able to get this appraised ourselves?

Joey Cruz: We shouldn't have. It should be the licensee.

Administrative Director: It should be the licensee, right? To appraise this?

Chairwoman P. Fejeran: They would have to pay for it.

Administrative Director: Yeah.

Chairwoman P. Fejeran: But then also just so we are secured, get our own appraisal.

Joey Cruz: In the past they would require...*(inaudible)*...by the licensee, then the government would choose...*(inaudible)*.

Administrative Director: But it's paid for by the licensee, for both.

Chairwoman P. Fejeran: Okay, so both paid but we get to choose the appraiser for one of them? Okay, that sounds fair.

Administrative Director: Okay.

Chairwoman P. Fejeran: Or we just set it ourselves arbitrarily? *(long pause)*
Yeah, this is fifty (50) years. Okay, can we revisit this at the May 16th meeting?

Administrative Director: Sure.

Chairwoman P. Fejeran: Hopefully by that time you've spoken with them, expressed our real concerns and then if I can task Commissioner Techaira to look at the proposed lease terms and provide comment.

Commissioner S. Techaira: Okay. So that's to this draft here?

Chairwoman P. Fejeran: No, not that one, this one. The proposed CLTC lease terms

Administrative Director: The bigger one.

Commissioner S. Techaira: *(inaudible)*

Administrative Director: No, no we're gonna to develop in this format but we just wanted to lay it out first.

Commissioner S. Techaira: Okay, so these are together?

Administrative Director: The draft was the one that they sent, the first one, was the one they sent us.

Commissioner S. Techaira: Okay, gotcha!

Administrative Director: Then the second one.

Commissioner S. Techaira: On both pages?

Administrative Director: Yeah, very short.

Commissioner S. Techaira: *(inaudible)*

Chairwoman P. Fejeran: It's probably missing some of those, I just think we just have to be very, very clear and tough with what the payments are required; what recording they had to do. I understand they keep racers off our streets, which is so important to the safety of our island. But we also have to consider that we have thousands of our applicants waiting for property and; so okay, so will revisit Guam Raceway May 16th.

Administrative Director: Okay, thank you. Okay, so, the commission...*(inaudible)*

Chairwoman P. Fejeran: Yes please.

Administrative Director: We do have a representative here. The Hal's Angels Football Association has requested through the director's office to require the Guam Rugby Club maintain their access on the Lada Avenue through their property rather than through Santa Monica through the Hal's Angels property. So, I spoke and I think with you about it and we've given the opportunity to sending a letter outlining exactly what the trust did in terms of making sure that, that was made hold instead of making it a public access and we're going to send that letter out. We're having trouble trying to locate the office.

Chairwoman P. Fejeran: Which one?

Administrative Director: The Guam Rugby Club's actual office; we attempted to serve. Did you? Okay.

Chairwoman P. Fejeran: I saw there too that they owe rent?

Joey Cruz: Guam Rugby?

Administrative Director: Actually, it's zero.

Joey Cruz: Their fee was waived.

Administrative Director: Yeah, their fee was waived.

Chairwoman P. Fejeran: Their fee was waived? Oh, I see, it says here. Their rate is zero? They pay nothing?

Joey Cruz: They don't pay.

Administrative Director: They don't pay. Yeah.

Chairwoman P. Fejeran: You're kidding! How did that happen?

Commissioner S. Techaira: Yeah?

Administrative Director: Yeah, I don't know. When he put the star reports together, we can raise that issue but so I did speak with Mr. Shiroma who is in

attendance today and he's satisfied with us trying to enforce, even myself trying to enforce the right of way, their entrance to their facility.

Chairwoman P. Fejeran: Yes.

Administrative Director: We did take a look at the property and he made; Rugby Club was moving some of backfield that was in the area on Hal's Angels property, so he told them to please stop, you know that's not your property but they also put concrete poles down to kind of prevent access, you know, to the backside or to the vacant field adjacent to the rugby field, so that was a concern and then there was also trash in the area. That was not Hal's responsibility, so we're going to be addressing that to the Rugby Club.

Chairwoman P. Fejeran: Okay, well, I'll be honest, when we first spoke about this, I think it was last week, right, when I was looking at the agenda. I was kinda blown away that what we decided was not followed through and I apologize to you, Mr. Shiroma. My assumption was things were going great and our decision was followed.

Administrative Director: Right! I've advised also Hal's to continue to put their chain up because they do have a barrier there, but they were being told that Rugby comes every weekend and puts down the chain and just goes in. So, I might have to do a visit this weekend, you know an official visit this weekend while they're there to make sure that I personally, you know, have seen it and tell them about it, you know, advise them about it.

Chairwoman P. Fejeran: Okay, is it too soon to do a cease and desist and what, what, what bearing does their actions have on their lease, Guam Rugby.

L.C. Toft: I have to see the lease to see what the terms are but yeah, we could always do a cease and desist at any point.

Chairwoman P. Fejeran: Yeah, I say we do a cease and desist because it's been how long since we made the decision. The commission expected it was being adhere to, come to find out now it hasn't been. I think more than we; I'd like to issue a cease and desist for the access and if legal counsel could look into their lease terms to see if what recourse if any.

L.C. Toft: Okay.

Administrative Director: I'll draft a cease and desist letter.

Chairwoman P. Fejeran: Okay. I mean we made it very clear to them. Their access is to be on Lada Avenue.

Ivan Shiroma: Ma'am.

Chairwoman P. Fejeran: Yes? Hi!

Ivan Shiroma: (*inaudible*)...follow the order of the new license. Also, the waterline that they have is a service line, it's like PUAG or waterwork's line. We have that running through our property. It's preventing me from doing any trenching for development on our side. So I don't want to be wrecking their lines and be held liable for any issues and even that Mike Borja told me to give them almost a year to have them transfer their water line, service line, but they still haven't done that so just wondering if I should call the waterworks and ask waterworks to remove their meter because it's on my property also. I just wanna let you guys know that that's one option that I am taking upon and I just wanna let you guys know, so that it shows that I'm not making a good faith effort in trying to resolve this issue. I can't move if that waterline is still on our property.

Chairwoman P. Fejeran: Right. What are his rights as the tenant, as the leaseholder?

L.C. Toft: (*inaudible*)...as the leaseholder, so, it's all based on the leases.

Chairwoman P. Fejeran: It's all based on the leases?

L.C. Toft: Yeah.

Chairwoman P. Fejeran: Okay.

Administrative Director: Nick, can that; the water line and meter on the cease and desist.

Chairwoman P. Fejeran: Okay. Would, would you say we should wait till, we have to wait for everything before he can actually;

L.C. Toft: Well, in the cease and desist, we would give them a time period to respond.

Chairwoman P. Fejeran: Okay. Can we get the date of the last; that when we made the decisions about access?

Administrative Director: Okay.

Chairwoman P. Fejeran: So, we can find how much time has passed. I don't want Hal's Angels to be waiting another, even a month is too long, after all this time. Okay, so a cease and desist about the water meter and the access.

Administrative Director: Right.

Chairwoman P. Fejeran: Right? Okay and then if we put a time limit on the cease and desist, what do at the end of the cease and desist?

L.C. Toft: That's why we have a check the lease to see what the terms are as far it's whole;

Chairwoman P. Fejeran: Okay, so, we'll check the terms on the lease. Okay, so I would urge Hal's Angels to; I'm sorry give us a little bit more time, we'll go through proper channels and make sure everything is all okay.

Ivan Shiroma: I've been waiting 30 years so we're fine.

Chairwoman P. Fejeran: Thank you sir, well I'm glad you came back again, like I said I expected things were fine and dandy down there. So, okay.

Ivan Shiroma: Thank you.

Chairwoman P. Fejeran: Okay, thank you

Commissioner S. Techaira: Thank you.

Chairwoman P. Fejeran: Sorry can we just have your name for the record. My name is Ivan Shiroma.

Chairwoman P. Fejeran: I know you, Mr. Shiroma. Okay, thank you sir.

Ivan Shiroma: Thank you.

Commissioner S. Techaira: Thank you.

Chairwoman P. Fejeran: Okay, thank you, okay, yeah moving on. (2:29:00)

Administrative Director: So, thank you for that email today at 11:30 today.

Chairwoman P. Fejeran: I know.

Administrative Director: We had trouble finding out who is in charge of Inadahen. I mean we went there and we didn't see anybody in charge, we actually went to the physical location. We saw a field trip going on with school students going through. So, we were trying to figure out because we needed to get a hold of them, but thank you for that;

Chairwoman P. Fejeran: Sure.

Administrative Director: And will put together the draft lease so give us an opportunity to do that and make our recommendation with regards to this, but the right of entry does still exist, yeah, so that's the current status right now.

Chairwoman P. Fejeran: Okay, okay, yeah, great! I know I thought that was good timing too. They only sent it to me.

Administrative Director: I know, that's why I was like;

Chairwoman P. Fejeran: But I know those were the; one of these happen to be the one document we were waiting for, so we have that now.

Administrative Director: Okay.

Chairwoman P. Fejeran: So, the lease;

T. Jocson: This is for Inadahen, right?

Administrative Director: Right, Inadahen.

Chairwoman P. Fejeran: So again, the director and staff will develop the lease to propose to the Commission and negotiate it with Inadahen I Lina'la. Okay?

Administrative Director: That's all we have for New Business ma'am.

Chairwoman P. Fejeran: Okay.

Commissioner S. Techaira: *(inaudible discussion with Chairwoman)*

Chairwoman P. Fejeran: Yeah, I know; So, now let's move to public comment. We're a little bit early. Would anybody like to provide public comment today?

Mike Gallo: Good afternoon ma'am.

Chairwoman P. Fejeran: Hi!

Administrative Director: Please, please so we can get it for the record, sir. Thank you. (2:30:41)

Chairwoman P. Fejeran: Oh, okay. Thank you. Thank you for your patience.

Mike Gallo: Hi good afternoon ma'am, Board of Commissioners, Director, my name is Mike Gallo, this is my brother-in-law Ed. We actually are attending to get information; excuse me just before I;

Administrative Director: Just making sure it's on; just move it closer to him...

Commissioner A. Santos: Miracles.

Mike Gallo: Yes, before I begin to kind of discuss the issues that we were concerned about, I just wanted to express our appreciation for the board members; hard work it seems like you got a lot of work you gotta try and fix things that been done in the past; appreciate the problems that you're having with the finances and budgets, you know, so, it definitely looks like things are moving forward which is good to know. We're actually here because we came in to CHamoru Land Trust last week and we were told that there is still a continual moratorium on I guess leases with the program and so we were told that there is a board meeting that we could attend and possibly get information on how things are gonna be moving forward from here. Now it seems like

you've been given the directive to your director to put together some kind of plan. And one of the things and listening to how you're putting together those procedures and I appreciate the fact that you want to be fair and impartial where things haven't been done that way in the past. But one of the things we were wondering you might be considered as you make these procedures is consideration for siblings coming in that are batched together within that group of applicants that submitted in 1995 to get adjacent properties, I guess.

Chairwoman P. Fejeran: Okay.

Mike Gallo: I heard about the law which seems to be probably the first way to distribute property. And partially so that people don't get to choose prime lots over others. There were also concerns with the way that the application were submitted and where those are currently being set because so much time has passed that people's situations have changed with regards to property ownership and so I guess my understanding with correct rules are set with if a person would like to change the type of application from a residential to agriculture because now you own a home, you have to vacate that application then start from the beginning. So, if maybe some consideration could be for those have initially submitted applications but now because of your situation changing that they would not be put on the priority list based on those certain standards. So that's the only concerns that we have; it looks like those things might be moving forward which I'm here. I'm not sure if my brother-in-law, this is my brother-in-law Ed. I'm not sure if he wanted to add in to that.

Chairwoman P. Fejeran: Can we get his folder? Edward Unpingco.

Edward Unpingco: Yes, I was just wondering on the leases because we were given leases in the beginning but when we were I guess, when we went to go check on it, people were squatting on the borders, so all the borders were messed up so they were offering us different lots and I guess we decided to come down and check because we kept on going in. It's just nothing was for sure, so we just decided to check how our leases were. As my brother-in-law said if you have consideration for just family putting us together, then we want that consideration. That's it.

Chairwoman P. Fejeran: Thank you, thank you for your comments and your feedback.

Commissioner A. Santos: Acres?

Chairwoman P. Fejeran: Yeah, you know, definitely from switching from residential to agricultural, it's kind of been, it's been administrative practice that I don't think the board or the commission had the chance to review and put a strict policy on how we will handle those but I understand your concern. 24 years later, you were, you did well for yourself, you got property and now you're gonna be at the bottom of the list, right? So that's something that I think the commission should consider and I hope that would be one of the ambiguities that the director will present to us. The upcoming meeting when we talk start

talking about these new leases, so we can decide then but I think families sided together, if we're going to use a lottery system how would that work, right? And if, I think, maybe it would work if the family that wants to be cited together sit in line together, stood in line together because then you would be right after each other. Is that the case?

Mike Gallo: I think that's the case. It's sequentially together.

Chairwoman P. Fejeran: Okay then, I think in that case it can be a consideration that we can kind of work into how we go about awarding and assigning actual properties. Okay, if the siblings were not in line together then maybe the sibling, further down the list would be eligible for an award until later and so the person higher in the line would be given a property and all the adjacent properties given at the same time. So, if you guys are standing in line together then that's a possibility. You know I love it with families wanna live adjacent to each other, often times we have families coming in here, family squabbles and they are just almost ready to kill each other and we have to like.

Commissioner A. Santos: *(inaudible)*

Chairwoman P. Fejeran: So, I like that you know you guys want to be cited together and you know it's like family compound, that's how, that's how a lot of our families are raised you know you live in the same property with our nã'nan bi'ha, right. Okay.

Mike Gallo: Thank you.

Commissioner S. Techaira: Thank you.

Administrative Director: Thank you very much.

Mike Gallo: One additional thing I'd; in inquiring last week with regards to the switching type of a lease, I know that they mentioned that there was a possibility under the current rules, I'm not sure if the rules are going to be rewritten but addition again, I'm going to be a senior citizen this year. If I don't get to use a lot soon; *(laughter on the table)* but one of the things I'm looking at is retirement within the Government of Guam with the current retirement structure. It dawns on me that I may not be able to live comfortably on just the government retirement, I may have to farm and so I was looking at not residential but an agricultural where I can eventually also build on to reside. So that was the other question that I asked, if I could convert that application to an agricultural one so I could do those things?

Chairwoman P. Fejeran: Okay, okay. I think that definitely needs to be clarified. I think the commission needs to clear policy on allowing on allowing those types of application transfers.

Mike Gallo: That's all I had, thank you.

Chairwoman P. Fejeran: Thank you, thank you both for coming and sitting through the meeting.

Mike Gallo: Thanks again.

Chairwoman P. Fejeran: Thank you.

Commissioner A. Santos: Thank you.

Administrative Director: Thank you!

Chairwoman P. Fejeran: I also have a; I'm guessing Mr. Unpingco, your wife is Adelin? Adelin?

Edward Unpingco: Yes.

Chairwoman P. Fejeran: So, I have a Jennie G. Laguana.

Edward Unpingco: Yes, that's my sister. She had to leave to go get her son.

Chairwoman P. Fejeran: Okay, so that's; you represented all of you?

Mike Gallo: Yes.

Chairwoman P. Fejeran: Alright. Thank you because last meeting we had; the names went all the way down the list. Oh my gosh! Okay. Okay. Oh, next item on the agenda, Commissioner Comments. Tan Amanda, I know you've had a lot of stuff to say but you've been holding back.

VII. COMMISSIONERS' COMMENTS

Commissioner A. Santos: (*inaudible*) But it's hard to hear.

Chairwoman P. Fejeran: How about for the Commission, you can speak to us? No?

Commissioner A. Santos: It's too long. I wrote it in CHamoru.

Chairwoman P. Fejeran: Oh, you wrote it in CHamoru? Okay.

Commissioner S. Techaira: Wait, what is it? I can't wait till later. I think I'm important enough to hear this. You can tell us!

Commissioner A. Santos: Wait, it's in CHamoru.

Commissioner S. Techaira: Let's get a translator.

T. Jocson: Jessica, she's a CHamoru teacher.

Chairwoman P. Fejeran: Oh yeah?

J. Dayday: No, I'm actually a Land Agent now. (*laughter in the background*)

Commissioner A. Santos: I'm one of the board members, Mrs. Amanda L.G. Santos. I am the mother of the late Angel Santos, the fighter for human rights. So, this is what I wrote last night, to get it out of my chest. It says here -- (*Letter written in CHamoru, translated by Land Agent, Jessica Dayday*) Hello, my brothers and sisters, on Monday I was reading the Pacific Daily News about Peter Rosario's family. This really touched me that he had no water on his Land Trust property. What are we going to do now about this problem? This is a sad way of living. I am one of the board members and want to help all the CHamoru people who don't have water yet because it is sad to have no water at home. No one can live without water or what? On our Land Trust board meeting it was said that we have money from the income tax, but where did it go. Many times, it was mentioned that the money was for infrastructure but where? Heard the saying "easy to say but hard to do" am I wrong? Every meeting my heart cries for the CHamoru people who are trying to make a life for their families. I am a mother of nine children, one hundred grand and great grand, I have tried suffering. For twenty years I have made a place to stay for my family. I have rented a house for my children. What can we do but move forward and make a life for our families? One plan I have as a board member, I want us to go and wake up the senators and make them hear us. We will ask the Land Trust Chairman to have a public hearing for our Land Trust recipients and lessees, they will have to hear all our problems. Once upon a time they testified them without confession in public when they voted them to help our land for our problems. Last week the boss of Waterworks was given a raise plus \$10,000.00 bonus. For what? In the Pacific Daily News, they mentioned the CHamoru Land Trust Commission budget. There was money for infrastructure but then it was taken away and used for another problem. When will see it again? Wake up CHamoru People and let's see if we can wake up the governor too. You are the CHamoru people let's join and protest. May God bless the poor, landless, homeless, and helpless. Wake up my brothers and sisters. Twenty years people have waited so long. Let's fix this and move forward for our beneficiaries. Without our homelands, we have no identity as CHamoru. Am I wrong my brothers and sisters, or am I right? Many CHamoru people have questioned me why they haven't been called about their application that was since 1995. I tell them to please have patience because there are many problems. One time there was a governor who gave land to those who voted for them. I did not know a batch were given because they were family and helped with a surveyor. The late Angel L.G. Santos did a good job for his CHamoru people. He sacrificed by going on hunger strikes and camped out at Adelup every day and night. He sacrificed so much to help the CHamoru people who don't have land at the time. There are some CHamoru's who are tired of waiting for land and by passed on the list. Some have been waiting twenty years back. Yes, this concern may be considered for those who were bypassed. I will encourage the Land Trust Board and Mr. Administrative Director Hattig to look for vacant land for those to put a roof over their heads and their families. So, let's have patience and ask God to help us with this problem. Thank you all, Amanda Santos. It's all in CHamoru, I'm just practicing.

Chairwoman P. Fejeran: Si yu'os ma'ase, Tan Amanda.

Commissioner A. Santos: I retired from CHamoru studies since 2011.

Commissioner S. Techaira: Could we make copies of this?

Administrative Director: May we make a copy so we can include it in the attachment?

Chairwoman P. Fejeran: Yes, please!

Administrative Director: Can you make a copy and bring it back to her?

Chairwoman P. Fejeran: Oh, Tan Amanda, you brought up so many good points, and I'm so glad that you did. The meeting is not over yet, right, right? You know you started off because of that article. Mr. Rosario was here last month talking about his; he has to bring in the water for his grandbabies and I have the chance to read it. Infrastructure we know is one of the biggest impediments to allowing our beneficiaries and our lessees to actually live with dignity on our land.

Administrative Director: Right.

Chairwoman P. Fejeran: The last 23-24 years we've been giving land when there's no infrastructure or even access. I wanted to ask; I'm going to put Joey on the spot again because I know there were some bills passed late last year for the sale of government land, so can you tell us how much money we can expect to put in our; and I think it goes into our survey and infrastructure fund?

Joey Cruz: A little over two hundred some thousand.

Chairwoman P. Fejeran: Okay, so we're looking at possibly over two hundred some thousand to add to our current balance, right? And our current balance is;

Joey Cruz: That's just our collection to date. It doesn't include the carry-over from...*(inaudible)*.

Chairwoman P. Fejeran: Okay, can we get a projected balance for that fund, next time. And what I'd like to do is, you know what, we have that money, we're going to have that money now, let's come with a plan to spend it. I know we talk a lot about surveys; I know surveys are great but we can work off of schemes, right? At least at this point? What I'd like is; I'm just thinking how we can go about identifying properties that need the infrastructure the most, whether it's the staff going out and identifying people actually living on the properties like Mr. Rosario that don't have the infrastructure; finding those properties that should invest to get the infrastructure off the greatest benefit for the most amount of people. I'd like the Director and staff to put together a proposal, a plan for how to use this money that's coming in for the greatest benefit of our beneficiaries.

Administrative Director: I'm glad you mentioned that Madam Chair. We had conversations with Land Admin on how we can best identify the priority for survey and infrastructure, so we can present to you, so we just; it's a long process, we have to actually go out into these areas and we have to view.

Chairwoman P. Fejeran: Could we also ask our lessees to petition us?

Administrative Director: Yes.

Chairwoman P. Fejeran: That could be one way;

Administrative Director: There are methods.

Chairwoman P. Fejeran: Right: Yeah, like have them come to us and say, we need this, we need this and have everybody in their little neighborhood sign the petition and that way, it's like these guys need it, they're like coming and banging at our door; let's give it to them because we have money.

Commissioner A. Santos: Right, right.

Administrative Director: We have some suggestions already in the pipeline, for instance identifying an area of a lot of lessees that don't have access and that's what we can do. We can also put out notices for them, for anyone that's interested in surveying to come forward and request for that survey and actually have a line right; a separate line for survey. That you can improve and we can move;

Chairwoman P. Fejeran: What I'd like to see is like lessees in an area to get together to petition us. I don't know; so, it's on an area basis?

Administrative Director: Right.

Chairwoman P. Fejeran: Okay, so can we get that on our radar?

Administrative Director: Sure.

Chairwoman P. Fejeran: Maybe when we talk next about our Commercial Leasing;

Administrative Director: Okay.

Chairwoman P. Fejeran: Let's also talk about infrastructure and how we plan on using that money. You know the meeting's not over, right? (speaking to PBS)

PBS: I was only told till four. I was told to stay till four.

Chairwoman P. Fejeran: Oh, okay. Okay, the meeting, okay; maybe just let them know or ask them if that, you're cutting the meeting short or are you supposed to stay through the whole meeting?

PBS: That's what they told me today.

Chairwoman P. Fejeran: Okay.

PBS: Four o'clock.

Chairwoman P. Fejeran: Okay, okay. Thanks.

PBS: Sorry. I just do what I'm instructed to do.

Chairwoman P. Fejeran: Yeah, yeah, yeah, okay. I know; I thought maybe you thought it was over.

PBS: No, no, I know it's not over.

Commissioner S. Techaira: Maybe cuz he stayed too long the last time; comp time, comp time.

PBS: They're flexing my time.

Administrative Director: I think that's what happens.

PBS: See you guys on the next one.

Chairwoman P. Fejeran: Alright, thank you.

Commissioner A. Santos: *(inaudible discussion)*

Chairwoman P. Fejeran: Alright. Thank you. You're going to have to put a disclaimer on the DVD, like; meeting;

PBS: Was still going. *(laughter among table)* Still going, I just left. *(laughter continues)*

Chairwoman P. Fejeran: Thank you, have a good day.

Administrative Director: Thanks John.

PBS: You're welcome.

Commissioner A. Santos: *(inaudible)*.... leaving early.

Chairwoman P. Fejeran: Thank you Tan Amanda for bringing that up. Let's make some real progress here! I feel like we're, we can actually move forward and make progress.

Commissioner A. Santos: Just to help those people that are crying.

Chairwoman P. Fejeran: Right? We have to help.

Commissioner A. Santos: Yeah. Those who have no access to their land trust.

Chairwoman P. Fejeran: And then I wonder if there's some way, as we're kinda putting this plan together, let's start talking to GPA, GWA and see, like, hey if we're gonna invest two hundred thousand dollars, maybe they'll reduce their rates?

Administrative Director: That was my next; as I mentioned in our comments; in the media;

Chairwoman P. Fejeran: Yeah, yeah.

Administrative Director: We already have plans, we just gotta wait for the board to approve that and move forward.

Chairwoman P. Fejeran: Yeah, yeah, let's engage. And I'd also like you to engage with the trash company;

Administrative Director: Sure, sure.

Chairwoman P. Fejeran: Because I know that trash collection our properties is the very minimal but we all know people live and generate trash.

Administrative Director: Right.

Chairwoman P. Fejeran: So, if there's some way we can build in to our leases, even for these new leases; build in our leases some kind of trash pick-up, service;

Administrative Director: Service;

Chairwoman P. Fejeran: That they will be paying on top of the ninety-nine-year lease; ninety-nine dollars.

Administrative Director: Sure.

Commissioner S. Techaira: Trash is expensive that's why I'm not shocked that people are not disposing properly.

Chairwoman P. Fejeran: It is expensive.

Commissioner S. Techaira: You have to make tough choices;

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: What goes on the plate.

Chairwoman P. Fejeran: But maybe if we go to them and say hey, we have sixty properties; I don't know; something like that.

Commissioner A. Santos: Yeah nai, like arrangement.

Chairwoman P. Fejeran: Yeah, we can make an arrangement for trash. Okay, okay.

Commissioner A. Santos: Cuz some cannot have their homes built because of trash. They need to be charged!

Chairwoman P. Fejeran: Yeah, yeah. So, that's just protecting our island environment, you know?

Commissioner S. Techaira: True, true.

Chairwoman P. Fejeran: You know, you're doing something with the trash. Okay, any other comments from the Commissioners?

Commissioner S. Techaira: I just wish I could fully understand the whole;

Chairwoman P. Fejeran: The CHamoru?

Commissioner S. Techaira: Yeah.

Commissioner A. Santos: Tell her.

Chairwoman P. Fejeran: I can help you. We could go thru it after the meeting.

Commissioner S. Techaira: Okay.

Chairwoman P. Fejeran: Yeah, cuz she wrote it down. I did get a note from Vice Chair Cruz that he's likely not going to be renewing his role as commissioner and I think his already lapsed within the ninety (90) days; okay, he mentioned he will be. So, I'd like us to start thinking if there's any, anyone you might recommend.

Commissioner A. Santos: Interested.

Chairwoman P. Fejeran: We can discuss and forward name to the Governor. I think we could really use some financial prowess on the board. I know Shawntel, you're my real estate prowess; he was actually our land administration prowess

Commissioner A. Santos: Who, si Duenas?

Chairwoman P. Fejeran: No, Cruz,

Commissioner A. Santos: Ah, si Cruz.

Chairwoman P. Fejeran: So, if there's somebody else. I'm talking to everybody, you know, if there's somebody out there you know, that will be willing to step up and serve as a commissioner that has that understanding of land administration, that would be great to replace him.

Administrative Director: So, we could have somebody that's had the opportunity to serve as a mayor. I mean really as a voice of the people, a voice of the lessee. Because we've come across a lot of lessees with regional issues in municipalities. So, maybe it would be beneficial for us to have a former mayor, a retired mayor, maybe somebody of the land that might be able to help us out in terms of the lessee.

Chairwoman P. Fejeran: Okay, great ideas. Okay, so yeah, let's start thinking because we don't wanna fall short.

Commissioner S. Techaira: *(inaudible)*

Chairwoman P. Fejeran: The what?

Commissioner S. Techaira: The quorum, right.

Chairwoman P. Fejeran: Yeah, I don't want that to be an issue. For a long time, we were two people short. So, okay. Any other comments. So, our next meeting is Thursday, May 16th at 1:00PM. That's the one where we're going to be looking at a lot of constituent matters.

Administrative Director: Yeah.

Commissioner S. Techaira: And how many more meetings before I'll illegal to be attending? I just don't want to be coming at the wrong time.

Chairwoman P. Fejeran: I know! Ninety days, so that's three months.

Administrative Director: Ninety days from April 4th.

T. Jocson: April 9.

Chairwoman P. Fejeran: April 9, so;

Administrative Director: Ninety days from April 9th.

Commissioner A. Santos: When is the next meeting? May 16?

Chairwoman P. Fejeran: May 16; so May, June, July 9th. So June would be; are you not renewing? Are you not gonna;

Commissioner S. Techaira: I don't believe I'll be on island.

Chairwoman P. Fejeran: Okay

Commissioner S. Techaira: I might be... (*inaudible*)

Chairwoman P. Fejeran: Okay. Okay. Motion to adjourn.

Commissioner S. Techaira: Motion to adjourn.

Chairwoman P. Fejeran: This meeting is adjourned.

Administrative Director: Thank you very much everybody.

Chairwoman P. Fejeran: Thank you everybody. I can't believe it!



Kumision Inangokkon Tano' Chamoru *(CHamoru Land Trust Commission)*

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Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

05/16/2019

COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room 3rd. Floor, ITC Building, Tamuning

Thursday, May 16, 2019 from 1:06pm – 5:17pm

Public Notice: The Guam Daily Post on May 9, 2019 and May 14, 2019

I. CALL TO ORDER

Chairwoman P. Fejeran called the Chamorro Land Trust Meeting to order at 1:06pm

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman P. Fejeran, Commissioner Santos, Commissioner Techaira, Legal Counsel Nicolas Toft

Absent: Vice Chairman Joe Cruz and Commissioner Austin Duenas

Chairwoman P. Fejeran: Hafa adai everybody, I would like to call this CHamoru Land Trust Commission Meeting to order, the time is now 1:06 p.m. This Commission meeting was, public notice was provided in the Guam Daily Post, on May 9, and on May 14. Before we begin, I would like us to rise to state the Inifresi.

All: Reciting Inifresi (Guam Pledge).

Chairwoman P. Fejeran: Biba CHamoru!

All: Biba!

Chairwoman P. Fejeran: Biba CHamoru!

All: Biba!

Chairwoman P. Fejeran: Biba ta!

All: Biba!

Chairwoman P. Fejeran: Si yu'os ma'ase. So, we like to say the Inifresi before we begin every Commission meeting to remind ourselves as commissioners and everybody in the room with us of our mission to protect our properties. I'd like to call roll; I have Commissioner Amanda Santos.

Commissioner A. Santos: Here

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft

Legal Counsel N. Toft: Here

Chairwoman P. Fejeran: Our Vice-Chairman Joseph Cruz is out, as well as Austin Duenas, our other commissioner. Shawntel Techaira is here but she had to step out

for a moment, she will be right back. So, umm...I just received word that Director Hattig is not joining us today, umm...yes, he ah, he just had a new addition to the family. So, he is taking time with wife and his new baby, so. Congratulations to them. Umm...I do have the staff here with me today and they will be able to speak on many of the matters the director otherwise would have spoken on. Umm...and I also have been assured that ah, extensive notes will be taken and shared with the director upon his return.

Land Administrator M. Borja: Jhoana?

Land Agent J. Bragg: Yes ma'am.

Chairwoman P. Fejeran: Thank you. Okay, going down the agenda, the next item is approval of minutes, and we had presented in our packets, the March 21 meeting minutes. This is the second time we've reviewed this. Umm...the last time, we requested several, umm...revision and it looks like the revisions were added in. Umm...I did find some typos in like umm...just formatting issues. Those are pretty minor, nothing substantive. Has the commission, had a chance to review these revised minutes?

Commissioner S. Techaira: No, I haven't.

Chairwoman P. Fejeran: Okay, that's okay. I can, umm...it's really just spacing and just two typos. I think with the umm... incorporation from those revisions, I have no comments, other comments. Okay, okay. Mmmhmm...

Commissioner S. Techaira: Motion to approve minutes from March twenty-one, twenty nineteen.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Okay, a motion has been made and second it to approve the minutes from March twenty first, no further discussion? All those in favor?

Commissioner A. Santos/Commissioner S. Techaira: Aye

Chairwoman P. Fejeran: Okay, aye has it. Okay, thank you. Umm...the next agenda item is old business; we have administrative matters. But first is the UOG boundary proposal, bill no. 76-35, this is in regard to Lot 5412-11 in Fidian. So, what was included in our packet was the bill. Is that right? The proposed bill?

Land Administrator M. Borja: Yeah, did you get the Director's Report? Jhoana?

Land Agent J. Bragg: I just need to make a copy.

Chairwoman P. Fejeran: Okay. We will wait for the Director's Report. Okay, stand by. Thank you, okay, we have the Director's Report for the UOG Hatchery. In the Director's Report, there is a timeline. Umm...it will take a minute to review this.

Commissioner S. Techaira: What is AD?

Chairwoman P. Fejeran: AD is Administrative Director.

Commissioner S. Techaira: Oh.

Chairwoman P. Fejeran: Okay, so, the last time we visited this subject was at our, looks like, umm...May ninth, was it May ninth Commission meeting? No. Okay, May ninth, oh no May second, May second, Commission meeting. Where we reviewed the Bill and we directed the Administrative Director to draft a board Resolution, that would require appraisal, appraisals to be done on the property, the cost to be borne by the UOG, cost to be borne by the UOG for the transfer, and, and that we would require payment for the property. Right? So, then it looks like he had a meeting with UOG and the Governor. Are you able to speak about that meet, this? Or is that just the Director's input?

Land Administrator M. Borja: He just asked that you consider the recommendation.

Chairwoman P. Fejeran: Okay, so, the Director's recommendation is...So, the proposed Legislation has nothing in there, even describing the land, CHamoru Land Trust property, it says nothing about umm...the taking of that land does for the Land Trust. If we are going to be reimbursed for the land, or they are going to pay for it. So, it looks like, all we have is this proposed bill, 76-35. Nick, can we do this?

Legal Counsel N. Toft: I mean, I agree with the Director, if it continues as just a boundary correction, we need to propose it and bring our concerns to the Legislature. It's basically siezing it is Land Trust property without compensation.

Chairwoman P. Fejeran: Okay. That makes sense to me, I mean, tried to work with them the Director had several meetings with them.

Legal Counsel N. Toft: We, we just need to be on top of it, it looks like he met with them today, ***phone ringing***

Chairwoman P. Fejeran: Well, umm...a future amendment will be nice, but at this point, there is nothing on the table for us to support. I believe, the only thing on the table is this bill, as a legal counsel said it is basically seizing Land Trust property without any compensation. So, I don't know, I think everything on the table is just basically this Bill. Umm...I do not believe that the Commission supports this Bill, in fact we oppose it as it is currently drafted. Okay, so umm...should we just motion or ask

Legal Counsel N. Toft: I don't think we need a resolution

Chairwoman P. Fejeran: Okay.

Legal Counsel N. Toft: I think we should wait another week or two. If things do break down, let's meet again. It looks like things are preceding the way we want them to. We just haven't seen anything down on paper yet.

Chairwoman P. Fejeran: Okay, that makes me uneasy because I don't know, maybe we might not have quorum next time where we as a group can decide and maybe oppose it. Is there some way we can document it?

Legal Counsel N. Toft: Yeah, it could work.

Chairwoman P. Fejeran: Yeah.

Legal Counsel N. Toft: We can do it.

Chairwoman P. Fejeran: What should it say?

Legal Counsel N. Toft: Simple Resolution saying, at this time we oppose this Bill, in its current form.

Chairwoman P. Fejeran: Okay, but we hope that there's future, umm...cooperation to reach a

Legal Counsel N. Toft:

Chairwoman P. Fejeran: Yeah, what's beneficial. Okay, I would be happy with that. Umm...Resolution.

Commissioner S. Techaira: Do we make the motion or just a Resolution to the Bill?

Chairwoman P. Fejeran: Umm...

Commissioner S. Techaira: Motion to approve

Chairwoman P. Fejeran: Well I think, what we can say is umm...maybe we can let the Administrative Director our position, that if this current meeting or current discussion would be our policy, if that breaks down then he has our direction to prepare this resolution.

Legal Counsel N. Toft: Yup, that will work.

Chairwoman P. Fejeran: Yeah, it will

Legal Counsel N. Toft: The Resolution

Chairwoman P. Fejeran: So, for the Administrative Director, our direction will be, should current, umm...what is it? Discussion? Okay, with policy team, the Adalup policy team, not reach our previously stated

Legal Counsel N. Toft: Goals.

Chairwoman P. Fejeran: Goals. Then he has the authority to draft a Resolution and opposing the Bill. Opposing Bill 76-35, okay, and we don't need a motion for that or anything?

Legal Counsel N. Toft:

Chairwoman P. Fejeran: Just on the record as a direction to the Director.

Legal Counsel N. Toft: Right.

Chairwoman P. Fejeran: Okay, thank you. Okay, well I'm, I'm hopeful. I'm optimistic that we won't have to go that route. I'm sure they hear us, and they want to work as fairly with us as we want to with them. Okay, any other discussion before we move on? Okay, next item on the agenda is the former Land for the Landless properties, ready for leasing. So, umm on the last meeting we directed the Director to look at all the properties that were given back to the Trust from Land for the Landless program. And just on our tabletop view of this properties, there are at least six lots that umm have the infrastructure ready to be develop for Residential leases. Umm but before we can actually get to the process of going down our waiting list and identifying

beneficiaries, that would receive these properties, we asked the Director and the staff to put together a, what is it, like a standard operating procedure for how they are going to go about this leasing process. Then we also asked them to umm look further into all of the properties and get a firm number of properties that are, have the umm infrastructure needed. So, I think this is on our agenda. Is there a status update?

Land Administrator M. Borja: Okay, basically what we did was, we're ah, still drafting the SOP, we've had the survey division, ah, identify all the properties on an aerial, identified all the properties on an aerial, together with a Lidar to show, to at least let us know which properties are developable.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Umm...according to them they were not able to umm identify them, based on the tabletop. They wanted to go out and do a physical inspection of each of these properties, so, that's our next step.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: So, umm, about hundred and seventy-seven lots were transferred to the Trust, but at our last meeting I know we discussed that sixty of them may only be, probably be identified as usable property.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: But we will go ahead and have those firm numbers for you in the June 20, right? I think that was our target date.

Chairwoman P. Fejeran: That was our target date.

Land Administrator M. Borja: Was to come up with the whole assessment.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: So, we will go ahead and have the SOP put together on that date and also the final assessment of the all the properties.

Chairwoman P. Fejeran: Oh okay.

Commissioner A. Santos: How do you pick all the people that apply?

Chairwoman P. Fejeran: Well we have to follow the rules and regulations. So, first come, first serve.

Commissioner A. Santos: First come, first serve.

Chairwoman P. Fejeran: And also, must be priority one, meaning the own no property. So, those will be the first people we reach to get these loans, leases. So, we are still looking at June 20,

Land Administrator M. Borja: June 20th is a target date to finalize a SOP, on how we are going to move forward. And the assessment of the properties.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Based on the aerial, overlay that we have, we identified probably about two, that have occupants. So, we still need to go out there, revisit that, find out who they are, not sure if they are the ah, applicants under the Land for the landless were awarded the property, and whether or not they qualify, those are the things we need to look at.

Chairwoman P. Fejeran: ahh...

Land Administrator M. Borja: And put together as far as our SOP, so far there are two, occupants, and don't know whether or not they're applicants for the Trust and if they are not, how are we going to move forward and if they are qualified.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: I don't know if they are pre occupier's status, we just need to get all that information.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: But we will have all of that by the twentieth.

Chairwoman P. Fejeran: Okay, I'd like to ask that as the team is really going out and looking at these properties, that you also put together a SOP, for how you're reviewing the properties. So that, we know that these are not the only lots we are looking at and trying to figure out what's going on there. So, if we can have a SOP that, how your, I guess, you're checking inventory, right. You're inventorying it, what kind of things that you would come across, and how we will handle it. Cause I'd really like to use this leasing process for like land for the landless be our pilot program. Set all the policies, set all the procedures, so that we can apply it to the other subdivisions that we have.

Commissioner S. Techaira: I think we should make like a fraction of the umm inspection checklist.

Chairwoman P. Fejeran: Yeah, uh ha, I know you guys have seen inspection checklists, but is there, I think that's very like "Lot" specific, right. Is there like another area, another tool you guys could use, umm when you're doing that. Right?

Land Administrator M. Borja: Property development.

Chairwoman P. Fejeran: Yeah. So, basically everything you guys are doing, document it, and put it on the SOP so that we understand your step by step process.

Land Administrator M. Borja:

Chairwoman P. Fejeran: Yeah.

Land Administrator M. Borja:

Chairwoman P. Fejeran: Yeah.

Chairwoman P. Fejeran: Thank you, okay, umm did you guys have any other questions? Okay, let's move on down the agenda. Moving along nice and quick today. Umm financial report. Need to print status update. Joey are you here to present to us? Hi Joey.

Program Coordinator J. Cruz: Our last minute, you wanted an update on the Survey Infrastructure Fund.

Chairwoman P. Fejeran: Yes.

Program Coordinator J. Cruz: So, what you have in front of you is a print out of the government's accounting system by DOA. The general ledger account, our balances. So, the Government of Guam hasn't closed the books for the second part of FY 2018. Between January and present or May. We collected about a hundred, forty-two thousand, one hundred twenty-six dollars and twenty-four cents in revenues. Although, if you look at CLTC's Survey Infrastructure's Fund, the second line item. Out of that hundred forty-two thousand dollars, they only deposited fifty-two cents to the bank. The rest has been recorded as a receivable.

Chairwoman P. Fejeran: Okay

Program Coordinator J. Cruz: From the Government of Guam. So, we've been tracking it and that's been deposited

Chairwoman P. Fejeran: Yeah, can you speak up. They can't hear.

Audience Member: We haven't been hearing anything since you started discussions. Can we please hear what he is saying?

Chairwoman P. Fejeran: Oh, sorry. Yeah can you please speak into. We will try to speak up, I'm sorry about that.

Commissioner A. Santos: Yeah.

Chairwoman P. Fejeran: So, umm Mr. Joey Cruz is our Program Coordinator. He's talking about our current funding and balances.

Program Coordinator J. Cruz: For the Survey Infrastructure Fund.

Chairwoman P. Fejeran: For the Survey Infrastructure Fund it is about one thousand, four hundred, fifteen dollars.

Program Coordinator J. Cruz: That's the balance

Chairwoman P. Fejeran: The balance?

Program Coordinator J. Cruz: What's owed by the Government of Guam, a total of one hundred eighty-nine thousand, four hundred thirty-nine dollars and fifty-nine cents.

Chairwoman P. Fejeran: So, we expect that to be deposited into the Survey Infrastructure Fund?

Program Coordinator J. Cruz: Hopefully.

Chairwoman P. Fejeran: Hopefully?

Chairwoman P. Fejeran: How long has that been sitting as account receivable from the general fund?

Program Coordinator J. Cruz: Last year.

Chairwoman P. Fejeran: Last Year?

Program Coordinator J. Cruz: The only reason why this year we elected from the FY 2019, audit did a write off, because they do show some kind of remittance payment, but it's only the interest earned.

Chairwoman P. Fejeran: Okay.

Program Coordinator J. Cruz: So, this year if there's no money remitted, substantial amount, they have to advise you guys

Chairwoman P. Fejeran: No, we can't do that. So, how do we move the money to where it should be deposited?

Program Coordinator J. Cruz: When I consulted with Attorney Toft, since the board has the ability to spend money just through Resolution, we can create the proper accounts needed, on the books it doesn't say there's money in the bank, but there's a receivable from the Government of Guam.

Chairwoman P. Fejeran: Oh okay,

Program Coordinator J. Cruz: So, we can offset it;

Chairwoman P. Fejeran: Okay.

Program Coordinator J. Cruz: We can start sending

Chairwoman P. Fejeran: Okay, well that makes sense. Umm, so that means, that will be about, a hundred and ninety thousand dollars, for Survey and Infrastructure Fund?

Program Coordinator J. Cruz: So, for FY twenty nineteen, we're gonna lose seven thousand dollars.

Chairwoman P. Fejeran: So, we have two hundred, twenty thousand dollars.

Program Coordinator J. Cruz: Yes, ma'am

Chairwoman P. Fejeran: That we can spend for survey or infrastructure for our properties.

Commissioner A. Santos: Yeah that's right.

Chairwoman P. Fejeran: That's great, awesome. Yes, that's wonderful. Okay, well I appreciate you presenting this. Ummm, let's get started, let's get those accounts created so that we can use that money. Umm...

Commissioner A. Santos: I never see it. it can go out to the people.

Chairwoman P. Fejeran: Yeah, so now we need to umm, we need to determine umm, how and where we are going to use this money. Okay, umm, I'd like for some proposals from the staff. They are very aware of our inventory, umm, where can we invest this money, how can we invest this money. For the maximum benefit for our beneficiaries.

Commissioner A. Santos: In audible.

Chairwoman P. Fejeran: Yeah. Okay, umm, well I'd like the proposals. Umm, at the next commission meeting.

Program Coordinator J. Cruz: Third week of June?

Chairwoman P. Fejeran: Yeah, June twentieth. You know, we've heard from so many of our beneficiaries that they're living on their properties, and they don't even, they can't

Commissioner A. Santos: Can't get water.

Chairwoman P. Fejeran: They can't get water, they don't have power, we have money, let's use it. we've seen before when there was money in our account that was not umm spent, it was just taken out from us, so. We've got to move quickly, but also think about how we're going to fairly use this money, right. And we have to be very transparent about it, and what is the highest best use for the money. Okay.

Commissioner A. Santos: They transferred it.

Chairwoman P. Fejeran: Yeah, well they actually haven't transferred to us, yet we're calling it.

Commissioner A. Santos: We're entitled to it.

Chairwoman P. Fejeran: Yeah, we're calling it accounts receivable. Okay, let's move, thanks. Joey.

Program Coordinator J.Cruz: Thank you

Chairwoman P. Fejeran: That's all for today? Okay, awesome.

Commissioner S. Techaira: Thanks Joey.

Chairwoman P. Fejeran: Okay, so next item on the agenda is new business. For constituent matters, we have request for loan guaranty, the first case we are looking at is for a Julia SA Quinene and a Jesusa Santos Chavez. It's an SBA loan guaranty, approval request for eighty-nine thousand, one hundred dollars. They are currently occupying their property, they are a December second, two thousand nineteen applicants.

Land Administrator M. Borja: Can we make a correction, they are a December second, nineteen ninety-five.

Chairwoman P. Fejeran: Oh, okay, December second, nineteen ninety-five. Not two thousand nineteen. Ah, yeah come on up. I'm just going to talk through this. So, nineteen ninety-five applicant, this applicant has a Land Use Permit Number, for property in Dededo. So, the first lease was issued in two thousand, and recorded in two thousand five. This is the first time I've seen a mother and daughter on the lease. Can we have this file, please? Oh, and I asked for the guaranty docs. The guaranty docs?

Land Agent T. Jocson: I did mention it to the land agent.

Chairwoman P. Fejeran: Okay. Do you have it? Ah, thank you. Okay, so, this is for SBA Disaster Loan.

Land Agent J. Dayday: This was all that was submitted.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Did you request for the...inaudible.

Chairwoman P. Fejeran: Eighty-nine thousand dollars,

Land Agent Tina Jocson: Can we get the audience to be quiet in the back.

Chairwoman P. Fejeran: Okay, hi. Please state your name for the record, yeah.

Julia Quinene: Hafa adai, my name is, is it on?

Chairwoman P. Fejeran: Is it on?

Land Agent T. Jocson: It is on.

Julia Quinene: Maybe I'm just not speaking loud enough.

Chairwoman P. Fejeran: Now, now it's on.

Julia Quinene: Hafa adai, my name is Julia San Agustin Quinene, also representing my mom, Jesusa Santos Chavez. From the last minute, I was here to just move forward. I was on hold because of the guaranty that I needed from Land Trust and that is why I'm sitting waiting to move forward. Okay.

Chairwoman P. Fejeran: Thank you. Umm, were you at our umm,

Julia Quinene: My name wasn't on the last meeting; I was asked to come in. The said it was but I was really too busy.

Chairwoman P. Fejeran: Oh man. I'm so sorry.

Julia Quinene: inaudible

Chairwoman P. Fejeran: Did you give public comment?

Julia Quinene: Yes, I did.

Chairwoman P. Fejeran: Okay, so, now you're here. We have the loan documents. Umm, did the commission have a chance to review? Okay, did you have any other documents? Umm, for the loan authorization and agreement? Do you have...because we only have pages one and two.

Julia Quinene: Jessica, I gave it to you, all the copies.

Land Agent J. Dayday: These are all the documents that she gave me.

Chairwoman P. Fejeran: Do you have anything?

Julia Quinene: Yes, I do.

Chairwoman P. Fejeran: Okay, can we take a look at that.

conversations

Chairwoman P. Fejeran: Yeah.

Julia Quinene: What is it, chairwoman that you're looking for?

Chairwoman P. Fejeran: ahh, I just want to see...

Julia Quinene: The latest letter, the latest letter I had was

Chairwoman P. Fejeran: Trying to confirm

Julia Quinene: They are still going to go through the loan, but because of the hold up with my documents from Land Trust, had to extend my, but she is waiting for me today, to get back with her.

Chairwoman P. Fejeran: Okay,

Julia Quinene: To see what's the status.

Chairwoman P. Fejeran: Okay. Okay, so, umm, can you describe for us what the loan will be used for?

Julia Quinene: Yes, umm, well, I am just frustrated and tired every time there's a storm. And umm, I am living in a container right now and the foundation is getting all rusted already and inside the rain coming, we had to replace the roof. Yeah, every time we put a frame on the top, it blows again. The way they constructed it on the container in the middle part where it's cut in half, whenever that "A" frame flies away, the water comes dripping in. And there was a time when I couldn't afford to, you know, get a loan and all that, I had to put a bucket and empty all the water. It was like a serenity to me cause it was dripping into the bucket. But it's all good.

Chairwoman P. Fejeran: I love your positive outlook. I love that.

Julia Quinene: And it paid off. Well I don't, I just kept strong and kept on going. It's something you got to do.

Chairwoman P. Fejeran: Okay, so, you'd be using the umm, money to...

Julia Quinene: To build a, you know...

Chairwoman P. Fejeran: A Permanent structure.

Julia Quinene: Yes.

Chairwoman P. Fejeran: Okay. So, this is for you and your mother?

Julia Quinene: Yes.

Chairwoman P. Fejeran: Okay, umm...just wanted to see if legal counsel had a chance to review the umm, loan document?

Legal Counsel N. Toft: Yeah

Chairwoman P. Fejeran: Is there anything that we would umm, look out for? I mean, this is, we'd approve other SBA loans for the same purpose.

Legal Counsel N. Toft: The same as the previous.

Chairwoman P. Fejeran: Yeah. No, it's all umm, it's pretty straight forward. It says umm, I didn't see the

Julia Quinene: Yes, and I didn't want to keep repairing and repairing.

Chairwoman P. Fejeran: Yes, better to start over.

Julia Quinene: All and my mom and her age, it's not healthy for her, so.

Chairwoman P. Fejeran: And you have power and water?

Julia Quinene: Yes, yeah, actually there's a structure on the corner. Just waiting on that, so.

Chairwoman P. Fejeran: Okay. Do you want to see the estimate? Or that one.

That's fine.

Chairwoman P. Fejeran: Oh, there you go.

Julia Quinene: inaudible.

Chairwoman P. Fejeran: It is, and are those fruit trees

Julia Quinene: Yes, the lemon, and I'm trying to...cause if that typhoon hits I'm *inaudible* falls right on top of my house and I just want to get rid of the top of part also, so, behind that, that's also the only place that when it rains I notice that when there's a storm, right where the lemai floods, it gets really bad, so, that back part where my storage I will have it there.

Chairwoman P. Fejeran: So, you're going to build here.

Julia Quinene: Yeah, that way my brother can look over me and mama so. So, cause you know the road there is a terrible road there.

Chairwoman P. Fejeran: Well I want to thank you for keeping your property so nice and living on it. It stands. Yeah, unfortunately we see many of our properties soiled the trash, you're really doing

Julia Quinene: Pick up the trash, it's not going to pick up itself. Ah, thank you.

Chairwoman P. Fejeran: Umm, so, legal counsels reviewed the umm, SBA loan document, so he said it stands.

Commissioner S. Techaira: Motion to approve SBA Loan Guaranty approval for eighty-nine thousand, one hundred dollars, for Julia S.A. Quinene and Jesusa Santos Chavez, for Lot 7, Block 1, within Agricultural Subdivision tract 10125, Dededo for two thousand square meters.

Chairwoman P. Fejeran: Okay, a motion has been made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: And seconded it. Further discussion?

Commissioners/Legal counsel N. Toft: Nothing.

Chairwoman P. Fejeran: Okay. All those in favor.

Commissioners: I.

Chairwoman P. Fejeran: Okay,

clapping

Julia Quinene: I just want to thank Land Trust because it's been since January patiently waiting and doing my part also always following up, I appreciate, and you all deserve a praise.

Chairwoman P. Fejeran: Oh, thank you ma'am, and I will give this copy back to you. Can I have the staff just make a copy. Okay, wonderful.

Chairwoman P. Fejeran: I think she's rebuilding, yeah. I don't know, I didn't ask. I don't think she's gotten that far.

Commissioner A. Santos: Based on her comment. If somebody's interested,

Chairwoman P. Fejeran: Dispensa Ms. Quinene, so ah, Tan Amanda is asking, how many bedrooms? Two, two bedrooms. Perfect, here. Actually, she brought up a good point,

Julia Quinene: Right now, it's two-bedroom, two restrooms.

Chairwoman P. Fejeran: Okay.

Julia Quinene: So, my mom, right now, I'm trying to make it for disable. Right now, it's hard for her.

Chairwoman P. Fejeran: Umm, it didn't look like there were any building plans. You're not at the building plans phase yet, are you?

Julia Quinene: No. Not yet, I'm going step by step. Now my next step is to get a hold of SBA and then find an insurance before anything else.

Chairwoman P. Fejeran: Okay, just to give you a look into the future, when you do have your building plans ready, you have to come back to us and present it to us for approval. Okay, okay, thank you.

ITC Security: Excuse me, are there anyone parked in the third-floor parking? Any vehicles in the parking lot? The employees don't have any parking.

Audience Member: What car?

ITC Security: Anyone parked upstairs on the third floor? Right outside.

Audience Member: Yup, yes.

ITC Security: Please move your vehicles to the parking lot downstairs. The public parking lots.

Audience Member: Why?

ITC Security: This is employee parking lot.

Commissioner A. Santos: Downstairs.

Audience Member: Hold, because there's no sign there that says employees. There's no sign on the, you know, the rock. The step there, yeah. Yeah, the pavement, whatever you call it. There's no name on it. That's where we parked. We didn't park on the employees parking.

Chairwoman P. Fejeran: You have a parking permit?

ITC Security: That's employees parking ma'am, that's all I am trying to tell you.

Audience Member: Oh, I am sorry that it didn't say for employees only. I'm sorry.

Chairwoman P. Fejeran: Are you towing cars?

ITC Security: No, it's just that Land Management

Audience Member: Hey! Wait a minute here.

Chairwoman P. Fejeran: I mean they are here for a commission meeting.

Audience Member: There are disabled people in here. That have to walk in here and there is no handicap parking.

Chairwoman P. Fejeran: Maybe you can check the Land Management Records Division, maybe, some of those people are actually sitting working all day.

Audience: There is no parking downstairs.

ITC Security: There is no parking in the Land Management spots. As far as the GEDA, there are no spots available.

Audience: We don't want to leave and they are going to continue talking and I am not going to hear what you have to say, so. Can you just wait until tomorrow? You know the parking nai.

Chairwoman P. Fejeran: I'm sorry, I think you need to take it up with the security, it's a building issue. Sir, can you have a private conversation.

ITC Security: If it is GEDA spots, you would have to move your car.

Commissioner A. Santos: Can you show them, cause they're not aware?

ITC Security: If you are parked in a spot marked GEDA, please move your vehicle.

Chairwoman P. Fejeran: Thank you.

multiple conversations

Chairwoman P. Fejeran: Okay, I'd like to move down the agenda again, umm. The next business item is request for addendum. That's actually a request for loan guaranty. Alright, okay, so, this is Antonio Eustaquio. I see a staff report. This individual is a December ninth, nineteen, ninety-five applicant. Umm, in two thousand fifteen, or two thousand five, there was Survey Authorization, a Utilities Application,

another Survey Authorization, then finally in two thousand fifteen, an Agricultural Lease. Okay, so this is for Lot four dash two, Tract one, one, one, two, in Dededo. There's a loan guaranty request for thirty-one thousand, seven hundred and one dollars. And does everybody have that?

Commissioners/Legal Counsel N. Toft: Yes

Chairwoman P. Fejeran: Thank you, Jessica. Okay, so, we have the same thing as the loan documents. In Dededo. Do we have, umm, the beneficiary here? Lessee? Mr. Eustaquio. Not here?

Land Agent J. Dayday: He's not able to make it in.

Chairwoman P. Fejeran: Okay.

Chairwoman P. Fejeran: Okay, no problem, I just wanted to give him an opportunity to join us.

Commissioner A. Santos: This is a lower amount, Pika, this a lower amount.

Chairwoman P. Fejeran: So, this money would be used repair, replace disaster damage personal property. In similar kind and quantity for disaster clean up debris removal and expenses. To repair and replace damaged other land improvements. Such as driveway, septic system, etc. and twenty-three, five hundred to repair disaster damage real estate, in accordance to a class "A" standard described by the Guam Typhoon Terra. And as legal counsels going over that, submit of real estate lease.

Legal Counsel N. Toft: Was there inspection of the property?

Land Agent J. Dayday: Yes

Land Administrator M. Borja: They just inspected it, yesterday.

Chairwoman P. Fejeran: Okay.

Land Agent J. Dayday: It was locked so we weren't able to go in, but we did take some pictures.

Chairwoman P. Fejeran: Is he currently occupying?

Land Agent J. Dayday: Yes

Chairwoman P. Fejeran: Yes, Okay.

Land Agent J. Dayday: He does have some plants and...it's in the copy.

Chairwoman P. Fejeran: Oh, Okay, the inspection report?

Land Agent J. Dayday: The pictures.

Chairwoman P. fejeran: Oh pictures. Oh man, and you've been in touch with him because the letter is dated in January, says he had sixty days. Has he gotten an extension?

Land Agent J. Dayday: Yes. Due to health conditions, he's not able to come in.

Chairwoman P. Fejeran: Okay, but are these loan documents valid?

Land Agent J. Dayday: Yes

Chairwoman P. Fejeran: Okay. No, she said that the...okay. Yeah and again this is one of our lessees, that is utilizing the property for its intended use, wants to improve it and taking advantage of these low, very low loans from the SBA. Nick could you look at page one. Ah, let's see, this one the loan authorization and agreement, the collateral. The collateral is a mortgage? Held by bank of, Bank Pacific. On that property? I don't know can you check it? Umm, next page. Yeah, where it says collateral. What does that mean? Do you know what that is? Does he have a loan from Bank Pacific for building his home?

Land Agent J. Dayday: He has a residential also.

Chairwoman P. Fejeran: Residential what?

Land Agent J. Dayday: He has a house.

Chairwoman P. Fejeran: He has another house?

Land Agent J. Dayday: Yes

Legal Counsel N. Toft: Private property.

Chairwoman P. Fejeran: This is the same lot.

Land Administrator: No, no, no, she's asking, it's indicating on the loan authorization agreement, there's a collateral from Bank Pacific.

Land Agent J. Dayday: That's together with his wife. So, I am not sure if that's his wife's own. It was kind of difficult to speak to...

Land Administrator M. Borja: Is there another loan document?

Chairwoman P. Fejeran: Can you call him? Have you ever seen, I mean **inaudible and it looks like there's a...

Legal Counsel N. Toft: There's a clause.

Chairwoman P. Fejeran: Yeah

Commissioner S. Techaira: Looks like a mortgage. Existent.

Legal Counsel N. Toft: The same lot, ***inaudible***

Chairwoman P. Fejeran: Yeah, there are some pictures.

Legal Counsel N. Toft: That's odd, it's with Bank Pacific.

Chairwoman P. Fejeran: Yeah, and Bank Pacific has to come to us for approvals because we are the landowners.

Legal Counsel N. Toft: I don't think so.

Chairwoman P. Fejeran: And they have a lease

Legal Counsel N. Toft: Yeah, that's what I was thinking.

Chairwoman P. Fejeran: Right.

Legal Counsel N. Toft: I think in our documents; he wouldn't be able to sign in that way.

Chairwoman P. Fejeran: Or maybe is it saying that

Legal Counsel N. Toft: It's not entirely

Chairwoman P. Fejeran: Okay

Legal Counsel N. Toft: I'm just kind of guessing, basically. It's written.

Chairwoman P. Fejeran: I mean if they have another, I don't know.

Land Agent J. Dayday: (on phone) Mr. Eustaquio,

Mr. Eustaquio: Yeah.

Chairwoman P. Fejeran: Hafa adai, Mr. Eustaquio. Umm, I'm glad that we can call you on the phone, I understand that you are unable to come, due to health reasons, okay. Sir, we're looking at your SBA loan, umm, loan documents and we had a question about the collateral that was offered for the loan.

Mr. Eustaquio: What collateral?

Chairwoman P. Fejeran: Yeah, do you have the documents in front of you?

Mr. Eustaquio: No, I don't have any documents but ah, I think the ah, ****inaudible****

Chairwoman P. Fejeran: Okay, do you have a mortgage on the house? What is this Bank Pacific loan? Do you have a Bank Pacific loan?

Mr. Eustaquio: No, I don't have any.

Chairwoman P. Fejeran: haa...

Mr. Eustaquio: I don't have any.

Chairwoman P. Fejeran: Okay. Okay, well, ahh, I guess we've just have questions about the collateral for the loan.

Mr. Eustaquio: Yeah, I don't know, I don't have any

Chairwoman P. Fejeran: Okay. I don't know. What do we do, I mean I...

Legal Counsel N. Toft: Well, the best bet is what the loan guaranty for.

Mr. Eustaquio: Who is this?

Chairwoman P. Fejeran: Okay. Okay sir we're going to look at your documents a little bit more and our staff will be in touch with you.

Mr. Eustaquio: Oh, a, by the way.

Chairwoman P. Fejeran: Yes.

Mr. Eustaquio: Who am I speaking to?

Chairwoman P. Fejeran: Oh, my name is Pika Fejeran, I'm the chairwoman of the commission. This is the first time I've ever called somebody during our meetings, so.

Mr. Eustaquio: Who am I speaking to?

Chairwoman P. Fejeran: Umm, my name is Pika Fejeran, I'm the chairwoman of the commission.

Mr. Eustaquio: Oh, Pika.

Chairwoman P. Fejeran: Hungan

Mr. Eustaquio: You, is your father?

Everyone laughs

Chairwoman P. Fejeran: Hungan.

Mr. Eustaquio: Me and your father used to work at the Public Health.

Chairwoman P. Fejeran: So, he works with my dad.

Mr. Eustaquio: How's he doing?

Chairwoman P. Fejeran: He's doing well, thank you.

****Multiple conversations****

Chairwoman P. Fejeran: Yes, sir, that is. Mr. Eustaquio.

Mr. Eustaquio: Hey, say hi to your dad, ha.

Chairwoman P. Fejeran: I will. Hungan.

Mr. Eustaquio: ****inaudible****

Chairwoman P. Fejeran: Si yu;os ma'ase. Ai, dispensa, yes. Yes sir, he passed away.

Mr. Eustaquio: Manu na gige hao?

Chairwoman P. Fejeran: Thank you sir, I'm sorry I have to hang up, I...I got to get back to business. Okay sir, thank you.

Mr. Eustaquio: I have one more question.

Chairwoman P. Fejeran: Okay.

Mr. Eustaquio: Are you related to *******

**** Everyone laughing ****

Mr. Eustaquio: ****inaudible****

Chairwoman P. Fejeran: Oh, that's your grandson? Yes, we are related, so. We have to be careful with this. Thank you, sir. Oh my gosh.

Everyone laughing.

Chairwoman P. Fejeran: Only on Guam, right? I'm sorry, thank you everybody for your patience. Thank you for your patience.

Audience member: Nice knowing you. You're my uncle.

Legal Counsel N. Toft: I don't think the presence of the commission would really affect our position as far as backing it, unless.

Chairwoman P. Fejeran: Okay, so. Okay, so, to my understanding of legal counsel's thing of the documents, of this additional mortgage held by Bank Pacific, has really no bearing on the loan guaranty that we'll be providing.

Legal Counsel N. Toft: Right.

Chairwoman P. Fejeran: Nor does it have any bearing on the property itself because it is own by us.

Legal Counsel N. Toft: It's not encumbering of the Trust property.

Chairwoman P. Fejeran: Got it, okay, thank you. Legal counsel. Okay, umm, do you have any questions, Tan Amanda? We don't have quorum right now. So, we'll have to set that one aside for a minute. Okay, oh there's Shawntel. Yeah so, umm, so the legal counsel said the documents, the loan, or the deed that is listed as collateral with Bank Pacific, that's just an additional loan collateral, so, it's not encumbering our Land Trust property, so, our loan guaranty would still, it's still possible. We wouldn't be committed to anything or Bank Pacific isn't encumbering the property.

Commissioner A. Santos: So, that guy's loan is approve?

Legal Counsel N. Toft: Well, would have to make a

Chairwoman P. Fejeran: I think, we have to make a motion. Yeah.

Commissioner A. Santos: Okay. Make a motion.

Commissioner S. Techaira: Okay. Motion to approve SBA Loan Guaranty of thirty-one thousand, seven hundred, for Antonio Mendiola Eustaquio on lot four dash two, tract one, one, one, two, Dededo. Approved.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motions been made, and seconded it. Umm, further discussion?

Commissioner A. Santos: No.

Chairwoman P. Fejeran: Okay, all those in favor.

Commissioners: Aye

Chairwoman P. Fejeran: Okay, all those opposed? Alright, the loan guaranty approval from the CHamoru Land Trust Commission for Mr. Eustaquio is approved, so. Yes.

all clapping

Chairwoman P. Fejeran: Okay, thank you guys for the documents, now ahh, k, next item on the agenda is a request for lease, and we have on our list, umm, Poly JB Gay. Do we have a representative for Ms. Gay? Here today, no? Okay, ahh...let's see. So, she is a December 6, 1995 applicant. Priority one, she does not own land anywhere. Ms. Gay completed her survey, as authorized in 2016. The survey map was completed. Okay, Ms. Gay is one of those applicants, she's been in the process with the Land Trust. Umm, to get her residential lease, before she gets her lease, the Land Trust required her to survey her property. So, she was assigned a property but never issued a lease until she got it surveyed. So, it looks like she has it surveyed, surveyed map was turned in and it's recorded. So, umm, the next step, would a, the next step is to approve a residential lease for Ms. JB Gay. Okay, so this is, can we have her file? This is for? L7151-42-3, Yigo. Okay. Okay, so, it looks like she spent, yeah, almost, fourteen hundred dollars. Did she get the survey done? Now, umm, she's fulfilled all the duties, she's invested in the property so, now, umm, I'd like to ask the commission if they can give a residential lease for...

Commissioner S. Techaira: Motion to approve a residential lease for Poly JB Gay, for Lot L7151-42-3, Yigo.

Chairwoman P. Fejeran: Motion has been made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: And seconded it. Umm, further discussion?

Commissioners: None.

Chairwoman P. Fejeran: None? Okay. All those in favor.

Commissioners: Aye

Chairwoman P. Fejeran: Okay, ai's have it. So, her lease is approved. Great. Umm, I appreciate her patience with us, I know that she has been on our agenda several times, her patience umm, and contact her let her know, it's good to go. Umm, I have a question about our constituent matters. We tabled several cases from previous meetings that's on our agenda, and I am wondering why. So, I'll just throw that out there, can you ask the director, I really need him as he is working on the agenda, that he is following through with everything that we are tabling from before and bringing it on to the next agenda. Umm, I mean, umm, pre moratorium lease list, which I know is not, not exactly exhausted. That was never completely, we never completely looked at it as a commission. So, that absolutely has to be back on our agenda. Umm, okay. Okay, next, moving down our agenda is Public Comment. I have the Public comment sheet, and I'm just going to call your name and ah if you can just join me up here. Umm, Joseph Cruz T. Hafa adai sir, if you can state your name for the record.

Mr. Cruz: I am Joseph Terlaje Cruz. I came today to request for a lease agreement, I've been living before eighty-six, I have not received a call, no letter nothing from Land Management or anybody.

Chairwoman P. Fejeran: Okay.

Mr. Cruz: I was married and got a divorce and my ex-wife left me with a three-thousand-dollar water bill. Which I have proven I am not liable for. I am also requesting from Land Trust if I can reconnect the power and water under my name. The power is hooked up already. I just permission from Land Trust the water.

Chairwoman P. Fejeran: Okay.

Mr. Cruz: I've always been liable for that three-thousand-dollar bill.

Chairwoman P. Fejeran: Okay.

Mr. Cruz: If they plan on collecting, they would have to go to my ex-wife's grave.

****laughing****

Mr. Cruz: May the Lord be with her.

All: Amen

Mr. Cruz: For now, ma'am, I have been through strokes, three stroke surgeries, I cannot be gone anywhere without assistance. Please, I am requesting, I am asking. Just hook up the water.

Commissioner A. Santos: Work it with Waterworks

Mr. Cruz: Waterworks and I need permission from Land Trust.

Chairwoman P. Fejeran: He needs the utility authorization.

Mr. Cruz: The authorization and requesting for a lease agreement, I cannot be given

Chairwoman P. Fejeran: Have you, have you ever been given a utility authorization?

Mr. Cruz: I was given an authorization by the governor, Governor Bordallo and they don't have a record of it because it being so far back.

Chairwoman P. Fejeran: Okay. Do have a, did you apply for Land Trust back in nineteen ninety-five?

Mr. Cruz: Eighty-six. I was living out there since seventy-six.

Chairwoman P. Fejeran: Yeah, so, he'd be a pre occupier.

Commissioner A. Santos: Pre-Occupier.

Land Administrator M. Borja: Back in two thousand

Chairwoman P. Fejeran: So, he, ahh...

Land Administrator M. Borja: Two thousand

Chairwoman P. Fejeran: Pre-Occupier

Commissioner A. Santos: Must be Arendo maybe, no, arendo.

Chairwoman P. Fejeran: Do you. You know Mr. Cruz thank you for coming today this the first step for you to get working with us, umm, the, what I'd like you to do is to meet

with our staff, so they can pull your file, make sure they have all your documents. Documents we need to verify and umm, get you that lease.

Commissioner A. Santos: Issue

Chairwoman P. Fejeran: So, you can get that utility authorization.

Commissioner A. Santos: And issue the lease.

Mr. Cruz: I would really appreciate it ma'am. The ex-wife left everything in chaos where I had to do everything.

Chairwoman P. Fejeran: Yes, sir, I'm, I'm sorry for that. Umm, unfortunately, right now the commission is not in a position to make a determination for your lease.

Commissioner A. Santos: Yeah

Chairwoman P. Fejeran: Right, umm, we need you to see, we need you to work with our Land Trust staff first.

Mr. Cruz: I need some kind of document to hook up the water. I'm paying the neighbor seventy-five dollars a month and I don't even use seventy-five.

Chairwoman P. Fejeran: Yeah

Commissioner A. Santos: So much.

Chairwoman P. Fejeran: Okay, can we have him on our next meeting please.

Mr. Cruz: All Waterworks is asking is an authorization.

Chairwoman P. Fejeran: Yeah.

Mr. Cruz: To hook up the water.

Chairwoman P. Fejeran: Has he come work with the staff before? Just recently? Oh today? Okay.

Mr. Cruz: I work with Guam Power and they reversed a thousand, three hundred power bills under her name. I guess they are going to deal with God on that.

Chairwoman P. Fejeran: Okay. Okay, Mr. Cruz, I'm sorry I can't, umm, the commission can't do anything right now, we have to make sure we have all the documents in order to get you the lease and the authorization. I'm hopeful that really quickly so we can review, the next two weeks before our next meeting.

Commissioner A. Santos: Yeah, I second it.

Mr. Cruz: Thank you very much

Chairwoman P. Fejeran: Can we ahh, they have your contact? Do you guys have their contact information?

Land Agent J. Gumataotao: I think this requires to be schemed, so, this is his area right here.

Chairwoman P. Fejeran: Oh okay. So, the first step is to scheme it.

Land Agent J. Gumataotao: Well to get the approval first from the commission or the Trust to process his application as time and date. You know, time and date

Chairwoman P. Fejeran: So, we need to have the pre-occupier documentation? So, get the pre-occupier documentation, get it schemed out, so, that at the next meeting we have everything we need to make the lease decision, please.

Mr. Cruz: Whatever paperwork you need done, sir, I will have it on your desk in the next two, three days.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: I will give you a call, to confirm which documents are required.

Chairwoman P. Fejeran: Okay. So, they have it. Thank you, Mr. Cruz, thank you. Okay. Okay, next on our public comments sign in sheet is Juanita C. Diaz. I'm sorry. Hafa adai ma'am, thank you for joining us.

Ms. Diaz: Thank you for having us. My name is Juanita C. Diaz.

Chairwoman P. Fejeran: Okay. Umm, just speak in the microphone.

Ms. Diaz: I'm just requesting the umm, authorization to have power restored to my property. Umm, at Flores Rosa Avenue in Dededo. I have had problems because my late husband was in the states seeking medical care, umm, it was disconnected for nonpayment cause we weren't there.

Chairwoman P. Fejeran: Okay.

Ms. Diaz: But a I'm back and he's not no longer with me, so, I am trying to get power restored so, I can develop the property like my parents did before me.

Chairwoman P. Fejeran: Okay. So, you have power it's now disconnected, is there, do you have water?

Ms. Diaz: I have water, yes.

Chairwoman P. Fejeran: Do you have a lease with the Land Trust?

Ms. Diaz: The lease was under my mother's name, she passed.

Chairwoman P. Fejeran: Okay.

Ms. Diaz: And umm, passed it on to me.

Chairwoman P. Fejeran: Okay.

Ms. Diaz: So, umm, I'm trying to maintain it.

Chairwoman P. Fejeran: Okay, so, what we have do is, umm, again, I will direct you to the staff to sit with the staff, the first step is to get the lease, umm, in your name. And that would be an addendum, right? It would just be an addendum to the lease, it is in your name, then we can put in the utility authorization.

Ms. Diaz: Okay, there is a problem, Mr. Gumataotao brought it to my attention.

Chairwoman P. Fejeran: Okay.

Ms. Diaz: It was brought to my attention, that there is a problem with that right now. As the picture shows, my neighbor had built his house on a portion of my mother's property, and I'm okay that their, you know that their doing that, I don't want to have any problems with my neighbor, they been pretty good with taking care of my parents, while, you know, doing my things. So, I'm okay with them occupying, I'm okay with that. Would like to get power restored.

Chairwoman P. Fejeran: Yes.

Land Agent J. Bragg: I have a question?

Chairwoman P. Fejeran: Yes

Land Agent J. Bragg: So, given that you're okay with the fact that the house is kind of in your lot, is your property surveyed?

Ms. Diaz: No

Land Agent J. Bragg: Okay, so if we were to come in and, umm, do a new scheme, umm, given that it is giving within the half acre to you know umm, I guess scheme you out, maybe, just leave them and give them a different scheme, just accommodate you. Because your property is...

Ms. Diaz: My property

Land Agent J. Bragg: Is not surveyed right?

Ms. Diaz: Either, either, move me to the back a little bit or to the left if your facing the house, you can move to the left a little bit.

Land Agent J. Bragg: It would be more so of a cut shift.

Ms. Diaz: What's shift

Chairwoman P. Fejeran: The one in the top.

Ms. Diaz: Oh.

Land Agent J. Bragg: Because she, it would cut, just to...

Ms. Diaz: I didn't know. I did not know, my mother just took me out there one day, she said okay, your property is from here to here, so, that's the way I looked at it. From one pole to another.

Chairwoman P. Fejeran: Yes.

Ms. Diaz: I did not know that was happening until a Mr. Gumataotao said a they'd been trying to get a hold of me to let me know of that problem.

Commissioner S. Techaira: What kind of structure is that on the property?

Commissioner A. Santos: Is that a wooden structure?

Chairwoman P. Fejeran: Wooden structure here or concrete?

Ms. Diaz: My, my house, the one that my parents built is a semi foundation. Walls were concrete.

Commissioner A. Santos: Semi

Commissioner S. Techaira: The encroaching property

Chairwoman P. Fejeran: The neighbor's home?

Mr. Cruz: Wood and Tin

Commissioner A. Santos: Wood and Tin

Chairwoman P. Fejeran: Wood and Tin?

Land Agent J. Gumataotao: So, initially when we were, when I first worked on this, okay, we were supposed to transfer the file from the mom to her...

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: But because of this encroachment issue, it kind of put everything in a stand still. So, if she's willing to, to getting a reduction in acreage from a one acre to half acre we could probably do a, put the lot line up somewhere around here, and it will still meet the minimum requirements for EPA, regarding septic and sewer.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: But other than that, if she, if she wants to try to pursue a lease, or transfer the lease, maybe, you recommend she does an affidavit that the fact there is an encroachment issue, and you know. Going forward from after a decision has been made on the lease, and the encroachment still exist, at least she acknowledges, acknowledged, otherwise, you know has the option to a reduce acreage, from one acre to half acre. Just so we can exclude that portion out.

Chairwoman P. Fejeran: Okay

Land Agent J. Gumataotao: So.

Chairwoman P. Fejeran: Is the neighbor a lessee?

Land Agent J. Gumataotao: The neighbor is a

Chairwoman P. Fejeran: A Land Trust?

Land Agent J. Gumataotao: Yeah

Chairwoman P. Fejeran: Lessee?

Land Agent J. Gumataotao: Beneficiary? Something like that, like a beneficiary. This whole area is all brothers. Their all brothers and sisters.

Land Agent J. Bragg: But when you survey it, right, this as is, they're going to survey including that house. That's why if you're agreeing to reduce your lot to a half acre, as what Mr. Gumataotao was advising then, the surveyor will survey, you know, your area. If not, they're going to include that house.

Mr. Cruz: It's Agriculture, my nephew, I already talked to him and he has to remove his house. He knows his house is on your lot.

Chairwoman P. Fejeran: Okay

Mr. Cruz: Wood and tin structure, it can be removed.

Chairwoman P. Fejeran: Okay, so, you do not want to reduce your acreage, you want to keep that property, so you're going to work with your relative neighbor to move his structure out. The thing is when we go and get your mother's lease,

Commissioner A. Santos: Reduced.

Chairwoman P. Fejeran: Into your name, just want to make sure that when we have that lease, it's identifying the property appropriately. And a, and a, as we were saying, you know, sitting here today and knowing there is an encroachment...umm, we have to decide what we're going to do with that. Are we going to keep your property as it is in the lease, and as we see it today, and have that encroachment removed? Or the alternative, which is...

Commissioner A. Santos: Take the half acre.

Chairwoman P. Fejeran: Is to reduce your lot line, lot property, move your boundary, and redefine the property so that, when the lease is in your name, it is accurate.

Ms. Diaz: I'd rather keep it the way it is.

Chairwoman P. Fejeran: Keep it like it is?

Ms. Diaz: Yeah. The way my parents left it to me.

Chairwoman P. Fejeran: Okay.

Ms. Diaz: I'd rather keep it like it is.

Chairwoman P. Fejeran: Okay. Okay, so then, I think, please talk with your neighbor that they can remove the encroachment. But in the meantime, what is it an affidavit?

Land Agent J. Gumataotao: That's what I would suggest, only so the trust...

Chairwoman P. Fejeran: She's acknowledging that she knows that has to be moved off, what is her property.

Land Agent J. Gumataotao: Just, I mean, she has an Agricultural, a, the mother has an Agricultural lease, and she acknowledges the fact that there's an encroachment. In the future the trust can conduct a compliance, if the house still exists, then she's definitely not going to meet the minimum requirements to farm, you know.

Land Agent J. Bragg: She won't be in compliance.

Land Agent J. Gumataotao: Yeah, you know what, I mean, the bottom line is we don't our lessee's to be not compliant, we want them to be compliant with the law, so, either, the best recourse I think, is to reduce an acreage, I mean...

Chairwoman P. Fejeran: Or just ensure that

Land Agent J. Gumataotao: The house...

Chairwoman P. Fejeran: The house is removed. We can't have both, we can't allow the home to stay there, and issue the lease. And issue you a lease for the whole property. So...

Mr. Cruz: I know that under Land Management, there is a setback of eight feet or ten feet back from the property line. I will speak to my nephew, ma'am. I will have him remove the wood and tin structure.

Chairwoman P. Fejeran: Okay, so, then, for now we would need an affidavit.

Ms. Diaz: Just to get the power in, that's all I need.

Commissioner S. Techaira: Oh, but we just want to make sure you understand that when you do it a certain way, it will adjust some of those factors, right. The acreage will

Chairwoman P. Fejeran: She does not want to a reduce her property. She's going to have the structure removed. But we will need an affidavit stating that you will be having that structure removed, so that you can maintain your lot line, or your mother's lot line. In the meantime, the staff would have to go through the process of transferring the lease from your mother into your name, and then, umm, that would just be an addendum, that can be done at the Administrative level. And once that addendum is completed, then we can issue you the utility authorization. Okay, thanks for coming, I think that's a pretty clear process. Do you have any questions?

Ms. Diaz: No, you know, I just, like I said I really, the ranch was built with a handicap person in mind, my parents were both elderly, and they built it to, my sister is handicap, we had problems right now in my house. My being that the best course would be the two of us, because we are both widows, is from the ranch, wheelchair accessible, bathroom is wheelchair accessible, and, and with my house, currently does not meet the disability standards. So, that's why I wanted to have power installed so I can move to the ranch. Umm, Joe is my neighbor, you know, he's there when I say, hey Joe I need help, he's right there. So, that's why I wanted the power installed. So, I can move to my ranch and develop the property like my parents did.

Chairwoman P. Fejeran: Okay, you know what, umm, is there a way legal counsel that we can, considering the mother has a lease we have this course of action to get the addendum, to sign for the lease, umm, can we issue something that umm, we can give to her today to approve the utility authorization?

Legal Counsel Toft: I think we can, I mean,

Chairwoman P. Fejeran: She has an existing lease by her mother who has passed away so, it's been passed to the beneficiary.

Commissioner S. Techaira: Beneficiary

Legal Counsel Toft: Right, I don't see an issue.

Chairwoman P. Fejeran: Yeah okay, okay. Yeah, that's right, okay. So, then, we can issue, would it be a utility authorization?

Legal Counsel Toft: Right

Chairwoman P. Fejeran: Okay, based on the lease that will be passed down now in her name. Yeah? Okay. So...reading the motion, perhaps? Right, because it's not currently in her name. Juanita C. Diaz. Oh, we don't have it.

Commissioner S. Techaira: Oh, we don't?

Chairwoman P. Fejeran: Can we see your mother's lease?

Ms. Diaz: Sure.

Chairwoman P. Fejeran: So, umm, you can go off this.

Commissioner S. Techaira: Motion, motion to approve utility authorization, to issue utility authorization for Ms. Juanita C. Diaz, for portion of lot 10120, Dededo, containing not more than one acre, subject to survey.

Commissioner A. Santos: I second it

Chairwoman P. Fejeran: Okay, a motion has been made and second it. Umm, I just want to umm, clarify.

Land Agent J. Gumataotao: Maybe you can restate the motion.

Chairwoman P. Fejeran: Oh, okay, it's a different lot number? Oh, based on a masterplan. Sorry. Sorry that motions...

Commissioner S. Techaira: Been retracted

Chairwoman P. Fejeran: Retracted.

Legal Counsel Toft: inaudible.

Chairwoman P. Fejeran: Ms. Diaz, what was your mother's name?

Ms. Diaz: Rosa Martinez

Chairwoman P. Fejeran: Oh, but the utility authorization will be under her name.

Commissioner S. Techaira: Alright, motion to amend, to amend the previous motions to issue utility authorization under Juanita C. Diaz, for a portion of lot 10120-112, Dededo.

Commissioner A. Santos: And I second it.

Chairwoman P. Fejeran: Okay, a motion was amended and seconded by Tan Amanda. So, again this is in regards to the lease, umm, for her, that her mother currently holds. Ms. Rosa Martinez Caligo.

Ms. Diaz: Yoshi-Caligo

Chairwoman P. Fejeran: Yoshi Caligo. Okay, umm, further discussion?

Commissioners: None

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: Okay, aye's have it. Motion passes. Okay ma'am

Legal Counsel Toft: You have to do twice. So, that's on the amendment, voided document so that now you got to vote on the overall.

Chairwoman P. Fejeran: Well voted on the utility authorization to be prepared.

Legal Counsel Toft: No, no, sorry, think of it as inaudible.

Chairwoman P. Fejeran: Yeah.

Legal Counsel Toft: You got the, initial motion was made and seconded it, and then there's a discussion, then an amendment that was made and seconded it.

Chairwoman P. Fejeran: Oh.

Legal Counsel Toft: That vote was on the amendment to be applied, so, now the overall needs to be approved.

Chairwoman P. Fejeran: Okay, so, now umm, I'd like to ask the commission of a vote for the overall motion that was made for the utility authorization. All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Aye, okay aye's have. Thank you, legal counsel. Make sure we are all eyeing the same thing, the right thing. Okay, so we can, the staff will issue the utility authorization so you can get the power, thank you for your patience.

Commissioner A. Santos: Thank you.

Chairwoman P. Fejeran: Glad we can take of that today.

All clap

Chairwoman P. Fejeran: Okay, next on our public comment, Clement G. Bermudez. Hafa adai sir.

Mr. Bermudez: Yes, my name is Clement G. Bermudez. Umm, I had been waiting for this a, more than twenty years already.

Chairwoman P. Fejeran: Yes.

Mr. Bermudez: I applied for the Land Trust since a October 1, 1997. But when I went back and check, you know a couple of years, go and take the Arendo and get my land. They told me that I'm not qualified, so, what I did was I took my common law, she's right over there sitting down and I had a letter here, that we wrote down a to transfer it, to under her name because I'm not qualified for it. But I'm been waiting long for it and still no processing. I don't have the land and so, I came here today to let you guys know or want to see it.

Commissioner A. Santos: Does he have a lease under his name?

Mr. Bermudez: I just want to know

Legal Counsel Toft: So, we need to have the rules and regs first. This is basically a proposed transfer, pitch to the Legislature with our most recently umm resolution 2018-09. But currently it's not available to be done under our rules, so.

Chairwoman P. Fejeran: So, the switch, so, umm, sorry Mr. Bermudez, has legal counsel was saying that the switch that was authorized back in two thousand thirteen, between you and your common law wife, is, was found to be illegal by the Attorney General last year. So, the commission, umm, cannot recognize that the switch that happened. That your common law took your place in line. So, I'm sorry, umm,

Legal Counsel Toft: Hopeful that the Legislature will address the issue

Chairwoman P. Fejeran: Yeah.

Legal Counsel Toft: We have proposed Legislation that will allow us to do that.

Chairwoman P. Fejeran: So, it's out of our ****inaudible**** we really have no umm, no remedy for this, umm, it would have to be done by the legislature. See we have rules and regulations. If you're unqualified, means you don't meet the definition, is that right in the CHamoru Land Trust Act.

Mr. Bermudez: I don't understand, ****inaudible****

Chairwoman P. Fejeran: So, you, were you, do you become a US citizen by virtue of the Organic Act?

Mr. Bermudez: No, not really, my mom was born on Saipan, I was born here in Guam nineteen fifty-one. But my mom, my parents are back in Saipan. I don't know, I don't really understand why I'm not qualified.

Commissioner A. Santos: Oh, CHamoru but from Saipan.

Chairwoman P. Fejeran: Okay, well maybe that's what we can have the staff look into. I have your umm, we have a file, under your name. So, because the switch we can't, basically...

Mr. Bermudez: The reason why I tried to switch it because they told me I'm not qualified.

Chairwoman P. Fejeran: Okay, well we have to go back and look at the original application, which we have in file and see the documents there to determine that qualification and if you really are qualified or if you're unqualified.

Commissioner A. Santos: Is the wife a, does the wife, did they approve the wife?

Chairwoman P. Fejeran: No. Well she was qualified, I guess.

Commissioner A. Santos: So, she can come and apply.

Chairwoman P. Fejeran: But it will be at a later date, so, she. Unfortunately, we have to look at your application determined unqualified.

Commissioner A. Santos: You what come and apply.

Mr. Bermudez: Me?

Commissioner A. Santos: Your wife.

Mr. Bermudez: Just let me know why? Why is it that I'm not qualified?

Commissioner A. Santos: Because your parents are not born in Guam, that's why.

Chairwoman P. Fejeran: Well if you, yeah. If you or your parents became US Citizens, from the Organic Act, in nineteen fifty. Then you would be qualified, but you were born nineteen fifty-one. Here, so, then we have to look at, I don't know, what do we do for?

Land Agent J. Bragg: Sir, have you ever gone to the MARC Research in UO, at UOG?

Mr. Bermudez: What is that?

Chairwoman P. Fejeran: MARC, it's a research institution. What would he be looking for? What documents would he be looking for?

Land Agent J. Bragg: So, both parents are born in Saipan, correct?

Mr. Bermudez: Yes.

Land Agent J. Bragg: How about your great, your, your grandparents?

Mr. Bermudez: Umm, they're from Saipan.

Land Agent J. Bragg: They're from Saipan? How about your...do you have any descendants, that were, you know, that were born on Guam after eighteen ninety-eight?

Mr. Bermudez: No, I don't know.

Land Agent J. Bragg: So, we give the opportunity for our constituents, to go to the MARC Research Library, at the university, and you can get documentation from them and they will do the research. And then, from there they'd either advise you if they have something on their lineage tree under your family.

Chairwoman P. Fejeran: Could it also be that, were your parents here in nineteen fifty? Were they living on Guam in nineteen fifty?

Mr. Bermudez: Yes, they were.

Chairwoman P. Fejeran: Is that how they became US Citizens? So, if they were here, there can be proof that your parents were here in nineteen fifty, that would qualify you.

Commissioner A. Santos: Yeah, under the Organic Act.

Land Agent J. Bragg: Just have to take the initiative to go to the MARC Research.

Commissioner S. Techaira: Okay, where's and how, can you provide the steps because seems a little intimidating but he's just going to go there and what happens?

Chairwoman P. Fejeran: Yeah.

Commissioner S. Techaira: He's just gonna go there and maybe

Land Agent J. Bragg: Because, they're very aware, we send a lot of our clients up there so, they're very aware, that possibly CLTC clients will get some research in regards to...

Commissioner S. Techaira: Is there a way we can guide them or it has to be personally done? Can it be one of you? Just see.

Land Agent J. Bragg: Umm...

Chairwoman P. Fejeran: Even just a letter, saying that, you know, he was born in ninety fifty-one but just his parents were living here.

Commissioner S. Techaira: Just help him write it down.

Land Agent J. Bragg: Just come and see us sir, so, we can do a breakdown of your family tree possibly, so that we can work with one of the individuals that we work with, so, we just need a breakdown possibly submit it to them, and then from there they'd advise us weather they have any documentation or not. So, just come and see us. Sir, update your contact and we'll give you a call possibly by tomorrow. Or come in and see us tomorrow.

Chairwoman P. Fejeran: Okay.

Mr. Bermudez: Thank you very much.

Chairwoman P. Fejeran: Thank you Mr. Bermudez. Okay, the next for public comment is Ms. Francis Faria. I'm sorry about that, hafa adai ma'am.

Ms. Faria: I was here and then asking to be placed on the board to change the area that I was assigned and then somebody from *** said they will look into then, somebody was going to look into it, then somebody said they would get in touch with me. Well that didn't happen. Nobody told me about the meeting and my friend was here that day and called me up and told my sister that my name was mentioned on the following meeting, which I didn't know. And then I couldn't come in last month and I just had a death in the family too. So, I'm here today.

Chairwoman P. Fejeran: Okay.

Ms. Faria: I just came in on public comment because I just wanted to know

Chairwoman P. Fejeran: What's the status.

Ms. Faria: Yes.

Chairwoman P. Fejeran: Okay. Well I just want to apologize, I remember your name on the agenda and I know that our staff tries their best to get a hold of people on our agenda, guess they were not able to get a hold of you.

Ms. Faria: My phone is always with me, it's okay whatever happened

Chairwoman P. Fejeran: Okay. What is the status, let me see?

Ms. Faria: The property that I was assigned to is a ponding basin.

Commissioner A. Santos: Ponding basin.

Chairwoman P. Fejeran: Okay, yeah so, this

Ms. Faria: It's a swimming pool.

Chairwoman P. Fejeran: Okay, yeah I remember and that's also were your family is located.

Ms. Faria: Yes

Chairwoman P. Fejeran: Okay, so, this was at our April eighteenth meeting. We did visit it as a commission and we looked at, I guess we approved relocation for you, so, now it's just pending a suitable site. So, now we asked for you to meet with the staff.

Land Agent J. Gumataotao: This one is, ah, we're trying to find a, Ms. Faria I tried to contact you on your numbers but I believe it was disconnected or I can't remember what, so, I did write it in your file. When the board approved the relocation, we were going to seek relocation to another sub division, but you stated that you didn't want to, you wanted to be kept somewhere in that same area that your father and your family grew up. Which we decided to go with this property here in the corner.

Ms. Faria: Where?

Land Agent J. Gumataotao: The one in, it's in front of the, or it's behind the GWA pump station, the little pump station there at the corner of Ha'hasso and Route 3. We were just waiting for a memorandum from Guam Waterworks, regarding...

Ms. Faria: Is the pump station that goes inside the pipeline?

Land Agent J. Gumataotao: I'm not sure. I, just a minute.

Ms. Faria: Check nai. Because where my grandma used to stay. If you go back to the history, it's that I was under the Arendu, my father, is a Vicente, and my sister also, we have the Arendu. At the time of the birth of Land Trust, it was Arendu. And I have stated to this board that my memories are so vivid with if we have a lease with Land Management and Agriculture, we always have a meeting up at Dededo to say this is what we're talking about that they're going check and my father told me to hang on to my documents on Arendu. But sad to say I lost it in the typhoon all of it and I had to go back and forth with this thing so, with the late Joe Cruz, with the late Monte. I've been trying since we had the Arendu, I know the agreement was the people that already had Arendu has that first priority even if they applied first twenty years ago. And then, I found out when my father passed away, we were going back and forth to the ranch, but first thing I knew. When I checked with Land Management then Director Joe Cruz, he had somebody go out with me, and then we found out that the one right next to my dad, which is my area, where today the pump was built on and they told that people that are there illegal. So, up to present still waiting and I just found out not to long ago that the property where my father is, once upon time somebody was sitting in it that is not supposed to. And I did ask Mr. Gumataotao if I can get located back to that area. We have water, we have power. It's been surveyed, I don't have money to do all these things

Chairwoman P. Fejeran: And where is this and what relation to our we talking about?

Ms. Faria: ***

Chairwoman P. Fejeran: At the water pump? Oh no.

Land Agent J. Gumataotao: Well it's ahh, right here.

Chairwoman P. Fejeran: So, you want to move into the property that was your fathers? That's the one that you want?

Ms. Faria: Yes.

Chairwoman P. Fejeran: But we're trying to do, what we want to do is put you where you want to be but not somewhere that's not useable. So, let's see if we can do that.

Ms. Faria: Yes

Chairwoman P. Fejeran: So, where is it up here?

Ms. Faria: The other end.

Land Agent J. Gumataotao: This is where she's at.

Chairwoman P. Fejeran: So, your assigned that top right that has the foundation.

Land Agent J. Gumataotao: This one right here.

Chairwoman P. Fejeran: That's the ponding basin?

Ms. Faria: No, that's where my father, my father's property, Arendu. The other end is the ponding basin.

Land Agent J. Gumataotao: Well this the area that we proposed the lease to you. Right? Then, you said that.

Ms. Faria: Oh okay, I'm sorry, yes.

Land Agent J. Gumataotao: So...

Ms. Faria: That's the ponding basin.

Land Agent J. Gumataotao: So, there's a, umm...

Ms. Faria: Bomb hole, right?

Land Agent J. Gumataotao: Yeah, right around here.

Chairwoman P. Fejeran: And that is the one assigned

Ms. Faria: Yeah

Land Agent J. Gumataotao: And so, this is the proposed area that we want to give her.

Chairwoman P. Fejeran: And so, where's your father's

Land Agent J. Gumataotao: The father's in between, so, it encompasses these lots, and that.

Chairwoman P. Fejeran: Does he have an existing lease?

Land Agent J. Gumataotao: No, this is the Arendu that LUP, so...

Chairwoman P. Fejeran: So, he was never issued a lease from the Trust?

Land Agent J. Gumataotao: No.

Chairwoman P. Fejeran: Is there a, are those properties

Land Agent J. Gumataotao: Yes

Chairwoman P. Fejeran: Those properties have leases on them.

Land Agent J. Gumataotao: Yes, that's why we kind of brought Ms. Faria to us is the fact that umm, the area that she is requesting for is more specifically this property.

Chairwoman P. Fejeran: That one?

Land Agent J. Gumataotao: The house there...

Chairwoman P. Fejeran: Is that the one that you were hoping for?

Ms. Faria: Yes, is that

Land Agent J. Gumataotao: This is the Perez. Ramona or...

Ms. Faria: June?

Land Agent J. Gumataotao: This is a lessee, that we've been, that I've been trying to have the Trust terminate this person's lease.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: You know she doesn't live there; she's not using the property. So, why give it, why give leases to people that don't deserve it, you know. So, I've been trying to get the, umm, terminated. But because the Act, what's that, the...

Chairwoman P. Fejeran: Hearing officer?

Land Agent J. Gumataotao: Yeah, you know it's. kind of hard to...

Chairwoman P. Fejeran: Has it been brought to the commission, on the agenda?

Land Agent J. Gumataotao: To the prior director.

Chairwoman P. Fejeran: Okay.

Ms. Faria: At first, ma'dam Chair, there were people where my father used to be. ***I said is there anyway? He and the director, pass director, *****(voice too low to understand). I'm a seventy-three-year-old woman, alone by myself, so, I can survive. And I did everything I could. The swimming pools. And then with my brother, found there was a sign in front of me. The Navy came and cut the property in half.

Land Agent J. Gumataotao: This is usually, this tract of land right here. Which is a Naval, a Federal Government, reservation or easement.

Chairwoman P. Fejeran: When did that happen? Long time ago?

Ms. Faria: After they gave my father the land, he got the message that it's federal.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: I think the more relevant issue is, is this lot right here. You know I was trying to propose to offer to her, but because there's a, you know, a, Guam Water works has this umm, pump station on it and ahh, it's like a, you know, a.

Ms. Faria: No, I remember my niece said that whenever the government leases property, I will be relocated. But none of this is happening and, you know, I, I been, been so touched with reading of the switching and the doing and people are getting it the way the wanted. All I'm asking is a way, because right I'm just letting you know that.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: We're going to go ahead and look into GWA's, the lot that GWA's at to determine whether it's a pump station or well site. Okay, but if it's a pump station, they only need nine hundred and twenty square meters. So, if the remaining acreage area is sufficient enough, to give to Ms. Faria, if she would want it then we could go ahead and issue that lot to her.

Ms. Faria: Was the area where the pump station is, was that area assigned to us for Arendu, so.

Chairwoman P. Fejeran: So, we want to put you back there, they have identified to be able to give that to you. But they have to check with GWA first, what development can happen on that property. But we have our placement there. So, that's good. This one that is highlighted in red. That would be the property that we can place you at.

Ms. Faria: That's the one my father used to be? It was me near the pump station, then right next to me is my dad, next to my dad is Mr. Perez, the late Mr. Perez.

Chairwoman P. Fejeran: Who's in the property next to you?

Land Administrator M. Borja: Ramona Perez.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Where the house is located. That's probably Mr. Perez's daughter.

Chairwoman P. Fejeran: So, there's, it looks like there are two houses. What's the one right...

Land Agent J. Gumataotao: This one is Aguon. It's a, but they don't, this is a Aguon but their not a, I can't remember the reasons why they never came in to, to, you know do any paper work.

Chairwoman P. Fejeran: Okay, they are going to put you there, but they have to make sure if it's a pump station or it's a well site.

Ms. Faria: If it's a well site, are they occupying the whole lot? So, the one which is my father's. Is that still available?

Chairwoman P. Fejeran: No, the only one available is the one we are showing you where GWA, am I right? That's the only one available.

Ms. Faria: Okay, so, what happened to the land that was my father's that somebody just was coming on it?

Land Agent J. Gumataotato: Well that was, that was...

Ms. Faria: For respect, what I am fighting for here is of the Arendu.

Chairwoman P. Fejeran: Yes, and we...

Ms. Faria: How? And now you have a big problem with it. Then, because of what's happening, I don't even care to discuss it but it's just what's rightfully mine.

Chairwoman P. Fejeran: Okay, but you know we want to, we want to put you there, like I said that's the only property that's available to lease out. But we have to reach back to GWA to make sure that we put you guys where you can build a home for yourself.

Ms. Faria: That's what I was trying to do, if it's possible, **** if it's possible.

Land Agent J. Gumataotao: The one in between Route 3 and your brother?

Chairwoman P. Fejeran: No, so, you want your brother to move with you?

Ms. Faria: Yeah, if possible.

Chairwoman P. Fejeran: Yeah, see if he would want to relinquish that property if you're able to take your original Arendu property.

Ms. Faria: Yes, I will talk to him.

Chairwoman P. Fejeran: Okay.

Ms. Faria: His name is Ernesto Castro. The politics that was published, I just read last week, with all these switches and deals, I would like to bring this up to you guys, the board member is that my youngest sister, her real birth certificate her name is Maria R. Camacho, and of course we all know confirmation her other name is that, but in later years, her name became Mary Ruth, Mary, but it was the Ruth that the Land Trust now is document now and it makes her not eligible to get a Land Trust.

Chairwoman P. Fejeran: Okay.

Ms. Faria: But it's because of that...

Chairwoman P. Fejeran: Switch.

Ms. Faria: The Mary Ruth.

Chairwoman P. Fejeran: Mary Ruth?

Ms. Faria: But she has a birth certificate, everything her passport, all her ID's now are Mary Ruth.

Chairwoman P. Fejeran: Oh, so, it's like a name change but we're not able to verify she's qualified?

Ms. Faria: Yeah, she's not qualified because, but she has legal document she's born.

Chairwoman P. Fejeran: And so, because she wasn't born here, she found not to be qualified, she was allowed to switch with somebody?

Ms. Faria: No, she was just disqualified.

Chairwoman P. Fejeran: She was disqualified? Okay.

Commissioner A. Santos: Because of the name change.

Chairwoman P. Fejeran: Because of the name change?

Ms. Faria: I mean her social security, passport, everything. And you know down the line, my name was Frances but then I have a confirmation name, but it just keeps adding up.

Chairwoman P. Fejeran: Yeah.

Ms. Faria: Just because that little issue, my sister was told she was not qualified, and I find that very.

Chairwoman P. Fejeran: Okay, so, I would recommend that your sister come back in and we can relook at the case. Yeah?

Land Agent J. Gumataotao: Madam Chair, sorry, umm, I also handled Ms. Faria's sister.

Chairwoman P. Fejeran: Yes, okay.

Land Agent J. Gumataotao: Everything was, I mean everything was a...a...everything was done up to the point that your sister needed to sign her lease, at the time she needed to sign her lease she was off island. And she didn't designate a power of attorney to sign on her behalf.

Chairwoman P. Fejeran: Oh.

Land Agent J. Gumataotao: Yeah, so, the issue with the birth certificate, has already.

Land Administrator M. Borja: It's been settled.

Chairwoman P. Fejeran: Okay.

Ms. Faria: My sister has been back and forth for medical reasons

Chairwoman P. Fejeran: Okay

Ms. Faria: For her husband, in fact we just lost him...

Chairwoman P. Fejeran: Oh, I'm sorry.

Ms. Faria: But you know I'm trying to protect my family.

Chairwoman P. Fejeran: Yes absolutely, so, it looks like they were able to settle it and a lease was prepared. Now it's time for her to come in so that she can sign the lease, and or actually present it to the commission for approval.

Land Administrator M. Borja: We need to verify, so we will go ahead

Land Agent J. Gumataotao: Only because the lot technically was in a reserve status, but we couldn't offer it to anybody else. But because she never came in to sign it, went back into the inventory.

Chairwoman P. Fejeran: Oh.

Land Agent J. Gumataotao: So, if she still wants to follow through with the lease, we probably have to look for another.

Chairwoman P. Fejeran: Oh, I see. Okay. What, okay. Can you have her get in touch with the staff so we can reengage

Ms. Faria: Actually, she's here with me.

Chairwoman P. Fejeran: Oh, hi. Yeah, I'm glad you brought it up, she is qualified there's no issue with that. So, if you can reengage with the staff and then they'll present back to the commission. When the time is ready for lease approval. Okay.

Ms. Faria: Si yu'os Ma'ase.

Chairwoman P. Fejeran: From Margarita, Ms. Borja she's going to talk to GWA and make sure we understand the requirements that is placed on that property. Then, I actually recommend that you contact her.

Ms. Faria: Just whatever number?

Chairwoman P. Fejeran: Yes.

Ms. Faria: Si yu'os ma'ase.

Chairwoman P. Fejeran: Si yu'os ma'ase. Okay, next for public comment is an Arthor W. Jackson.

Audience Member: He went to the restroom.

Chairwoman P. Fejeran: Oh. Okay, sorry about that. So, I'll come back to him. Joseph Mendiola. Hi sir, if you can state your name please.

Mr. Mendiola: Hello and thank you for (inaudible).

Chairwoman P. Fejeran: Okay

Mr. Mendiola: First of all, I would like to thank you Mr. Gumataotao for assistance. Since we paid, property taxes, we were informed back in two thousand eighteen, that the lot that was given to us was, I guess surveyed incorrectly.

Chairwoman P. Fejeran: Oh.

Mr. Mendiola: So, we had a choice to either stay there or move to a registered land.

Chairwoman P. Fejeran: Okay, so, it's an unregistered property that you are leasing, I see.

Mr. Mendiola: Okay.

Chairwoman P. Fejeran: Okay.

Mr. Mendiola: I have a map here that was given to me, but I ***I don't know if you want to see.

Chairwoman P. Fejeran: Sure, thank you. I see, oh man. I'm sorry you're placed on unregistered property.

Mr. Mendiola: We were looking to move to registered property. Mr. Gumataotao said we will be placed on the waiting list. Per say, right? See different properties that, now, the question here is that as far as a listing, I know everyone's been patient, you know to get a land. But about fourteen years ago, we were informed that, misinformed, you know the integrity of CHamoru Land Trust. Okay, to come find that Ms. Casem, the map that I've shown to you was done incorrectly. Okay, what we are trying to move forward with it, and we thought that because of the information given to us incorrectly, we were allowed to relocate to a property that was available. And I just wanted to know if they're going to have anytime soon. This is like fourteen years ago, misinformed.

Chairwoman P. Fejeran: The misinformation was what exactly?

Mr. Mendiola: The misinformation first was the lease, but they did acknowledge this lease that my wife has that was given to her in two thousand and two.

Chairwoman P. Fejeran: Okay.

Mr. Mendiola: And the lot that we were all at was divided into four. Right here these are four siblings that have leases, my three siblings plus my mother. But according to the map that you see the names on it, okay, they weren't aware that's where they're supposed to be at. So, we just want to know that exactly. I know that it will take some time with the infrastructure, but since, you know, we've already started paying land taxes and I'm trying to determine how much I'm going to pay.

Chairwoman P. Fejeran: Are you currently occupying the property?

Mr. Mendiola: Yes

Chairwoman P. Fejeran: But you're living there?

Mr. Mendiola: Yes

Chairwoman P. Fejeran: Okay. It's, umm...

Commissioner A. Santos: Unregistered.

Chairwoman P. Fejeran: It's unregistered. But there's an existing lease.

Mr. Mendiola: Yes.

Chairwoman P. Fejeran: Under your wife. Legal counsel, what can we do, I'm sure this is on our list of properties to become registered.

Legal Counsel Toft: That's basically it to get registered. Just get with the Administrative Director.

Chairwoman P. Fejeran: Can we...

Legal Counsel Toft: Get it prioritized.

Chairwoman P. Fejeran: Can we leave them there?

Legal Counsel Toft: Yes.

Chairwoman P. Fejeran: Okay.

Legal Counsel Toft: I mean, the lease is there already.

Mr. Mendiola: If you take the time and identify where I'm at and where my mother in law is at, one of us was informed that we have to move because it was not surveyed correctly. See, I guess we're supposed to get allotted a half acre. But if you look at where my wife is at its half-acre as for my mother in law, so, also who has a structure though, give up our portion, and move to another area, which Mr. Gumataotao is aware of.

Chairwoman P. Fejeran: Okay, so you don't want to stay here, you want to find another property?

Mr. Mendiola: Of course.

Chairwoman P. Fejeran: Okay.

Mr. Mendiola: So, my mother in law can stay where she's at. Secondly, I just came into some findings that I guess, you know, CHamoru Land Trust staff really working hard that the area where we are at there's some lands there that are now registered. That correct? In Stampa Road?

Land Agent J. Gumataotao: There are some that are registered, regarding like survey, this area that, this is the mother in law's property and it's a substandard lot, because it's only nine hundred and ninety-two square meters in an area that doesn't have sewer.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: So, you know. So, while we are trying to get some property, of course we have to consider the existing, what they have right now and are they able to just pick up and go to another property and build right. So, we can identify some, it's just the timing it's just the only problem is the only issue and I think I'd asked Jhoana if we can start looking for a property that is cut the same, you know next to the road, access to water and power, or...

Land Agent J. Bragg: Because currently when I did speak to the husband and wife that I did advise them that it's unregistered. Right, and because they would like to move to an area that has the infrastructure, that currently this area provides, that's where I did

advise them that is the thing we have to try and find. At the moment, you know, it's hard because most of the properties that would be available, the infrastructure would be too far versus where you guys are at, that's why I did ask, are you guys in a rush to move because we are not displacing you. We are not telling you guys to move because that's an unregistered property that is where CLTC possibly placed you guys at one time, right. So, we're not holding that against you guys, because, and that's why we say, if you're in a rush to move, you know, and you guys say no, that's where we fall, right now, you know. We would like to find you guys an area where there's infrastructure. But it's

Mr. Mendiola: Because, it was 2018, pending management in 2019, that is the reason things were held back.

Land Agent J. Bragg: The moratorium.

Mr. Mendiola: Right, we informed Mr. Gumataotao when we met with him, April 12, 2019, okay, a month ago. That we would like to move.

Land Agent J. Bragg: Okay.

Mr. Mendiola: Okay, that being said, I'm not saying Mr. Gumataotao has been great as far as assisting. The disappointing part was again only that you misinformed us, you know deceived us, when this could of been done fourteen years ago. So, we were under the understanding because of that. I am not saying to be put on top of the list, but you informed Mr. Gumataotao about what had happened, you know given that opportunity to see different lands. Give us that choice you know if that's what we want. I believe I informed Mr. Gumataotao three different areas. You know that is registered; you know according to the map that he had shown us. You see, secondly, if we decide not to, this is any question, if we decide not to get that land, then they show us, are we going to placed at the bottom of the list? Wait about fourteen years.

Chairwoman P. Fejeran: No. I think that the issue is you have an existing lease, on unregistered property, and you want to find a suitable property that is registered that you can move to.

Yes.

Chairwoman P. Fejeran: Okay, so, that would be our first endeavor. I think it's clear now you don't want to stay there because it is unregistered. We're advising you that if you do stay, like she said, we're not displacing you, I think it would be easier for you if you stayed but you made it clear you don't want to stay and so we're going to have to figure out where to place that processes, because right now the moratorium, we've put a moratorium on all new leases, new leases for vacant property, right, and it might be a problem but if it's an existing lease perhaps we can do an addendum to the lease, so it would be finding a suitable property, so, there would be, we would issue a Notice of Intend to Award, right, I mean definitely if you haven't already or I think you already expressed some areas you wanted to look at but you have three declines, I guess, or is that right? Because he already has a lease.

Mr. Mendiola: Three declines?

Chairwoman P. Fejeran: Yeah, so, so if we say okay there's a property and you decline it.

Mr. Mendiola: Okay.

Chairwoman P. Fejeran: Then that's one decline. They offer you another property, you decline it, second time, the third lot we offer you is you got to choose it or you decline the third time, then we put you back down at the bottom. But then again, I think there might be clarification. Did those decline only for new leases? Because he is, or since he has an existing lease.

Legal Counsel Toft: I have to

Chairwoman P. Fejeran: We really just want to find somewhere that is suitable for you. But also, understanding that we have very limited resources, for our staff and there are many other cases to get to so, you know, we'd ask for your cooperation, in identifying a property as quickly as we can so we can move to other cases as well.

Mr. Mendiola: Is there like a time frame, as far as available lands? I know you all are busy, but I wanted to ask.

Chairwoman P. Fejeran: Yeah, yeah. No that's a fair question, like how soon can you meet with the staff.

Mr. Mendiola: Right. Only because it's been a month since I last spoke to anyone.

Chairwoman P. Fejeran: Okay,

Land Agent J. Gumataotao: Yeah as far as...based a, maybe a week ago, to GPS the property and a from there kind of brainstorm what's the best way to approach your issues, right. And because a I took comments under, on the process, I said to myself, well maybe this will give you guys a chance to maybe go with Guam Housing corporation maybe try and secure some funding right, to build on a property that they are going to end up getting. We're going to try and relocate them somewhere, in that meantime you know, was what I'm thinking.

Mr. Mendiola: It's a great suggestion, which we had done to the land we are at now.

Land Agent J. Gumataotao: Hmm...okay.

Mr. Mendiola: And because it was surveyed incorrectly, now someone has to move, so, now you're asking me to get into more debt.

Chairwoman P. Fejeran: You don't have to move.

Mr. Mendiola: Well because the way it is now, the information we got, one has to because it was surveyed incorrectly.

Chairwoman P. Fejeran: No.

Land Agent J. Gumataotao: So, the what I meant by, you know, the time to look at Guam Housing, to get some kind of financing, right is, maybe, this is to build on a future property that we are going to issue to you. But depending, you actually paid a licensed Surveyor to survey the property and put points on the ground or markers on

the ground, you did that, you paid for it, if we do find you another piece of property, you're going to have to repay or you're going, not repay, but you're going to have to pay for the surveyor. And that was the understanding because one, we're not forcing you to relocate, right, which, Jhoana had mentioned, we're not gonna tell you to move from that place.

Chairwoman P. Fejeran: You can stay there

Land Agent J. Gumataotao: We're going to...

Chairwoman P. Fejeran: Regardless of what that survey was or the misinformation.

Mr. Mendiola: The land was surveyed but was not surveyed correctly. So, the land was surveyed at that time.

Chairwoman P. Fejeran: So, for any intention

Land Agent J. Gumataotao: So, the thing is the, I mean we can find you a property. That's not a problem, we can issue, we can take the time to maybe next week we can look at three properties...

Mr. Mendiola: That's all we want and for paying taxes, and it's not surveyed correctly, then I don't want to pay taxes for nothing.

Land Agent J. Gumataotao: So, and we can work through some of the details about payment of property taxes and all that stuff later on but, just so you know, that if we do find you property, any survey fees that are incumbent, will be payed by you. It won't be payed by the Government of Guam or the CHamoru Land Trust because the...Right?

Mr. Mendiola: That's fine, thank you.

Chairwoman P. Fejeran: So, next week!

Mr. Mendiola: Okay, sure.

Chairwoman P. Fejeran: Thank you, sir. Okay, next is Mr. Arthur Jackson. Hi, hafa adai sir.

Mr. Jackson: Do I say my name? or...

Chairwoman P. Fejeran: Yes, state your name.

Mr. Jackson: I'm Arthur Jackson.

Chairwoman P. Fejeran: Hafa adai.

Mr. Jackson: I'm actually here because I did a follow up with my application and I applied back in nineteen ninety-five.

Chairwoman P. Fejeran: Okay.

Mr. Jackson: I think sometime last year this time May, June, I talked to one of your fellow coworkers, I guess his name is Glenn Eay or something.

Chairwoman P. Fejeran: Okay.

Mr. Jackson: Anyway, he checked my records because I lost my paper works. I got it when my brother got his and also mine. Anyways, so, come to find out it's a misunderstanding and I know I made a payment. He told me I on unpaid. So, come to find that on the record my name is Arthur H. Jackson but I'm Arthur W. Jackson.

Chairwoman P. Fejeran: Okay.

Mr. Jackson: So, then he already made the correction. But he told me to follow up October of last year. Or that he would give me a call last year, but I've been waiting and I didn't hear anything so, I came here two days ago and talked to Lorraine and she just told me to fill out a new application and start from the bottom or come and see you guys, that's why I came here.

Chairwoman P. Fejeran: Why would we...

Land Agent L. Nededog: He is in the unpaid and I told that ****inaudible****

Chairwoman P. Fejeran: Okay,

Mr. Jackson: I notarized everything but, I don't have...

Chairwoman P. Fejeran: But you don't have the receipt to prove it.

Mr. Jackson: No, ma'am I don't have it.

Chairwoman P. Fejeran: Ahh...so, what do we do?

Mr. Jackson: My brother is too, we are together.

Chairwoman P. Fejeran: So, you're a nineteen ninety-five applicant, you say you paid.

Mr. Jackson: Yes.

Chairwoman P. Fejeran: Our records don't show...

Mr. Jackson: I told Glenn that, he said the only one that approve that will be the director, and he will give me a call. But then he said we couldn't do anything until we go to the commission.

Chairwoman P. Fejeran: Until you come to the commission. Can we do that, Nick?

Legal Counsel Toft: Yeah.

Chairwoman P. Fejeran: Okay. So, we would honor his place in line, and just have him pay the fee now.

Legal Counsel Toft: Yeah.

Chairwoman P. Fejeran: Okay.

Mr. Jackson: I am going to pay it right now.

Chairwoman P. Fejeran: Okay. I understand that it was express earlier it was documented and all of that.

Mr. Jackson: I'm sorry

Chairwoman P. Fejeran: So, you're okay?

Mr. Jackson: Yeah.

Chairwoman P. Fejeran: Okay. Do we need a motion to?

Legal Counsel Toft: Yeah.

Chairwoman P. Fejeran: Allow payment and to keep his place in line.

Legal Counsel Toft: Yeah. ***inaudible***

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Is this going to generalize everyone on the unpaid? We have four thousand applications.

Chairwoman P. Fejeran: Four thousand?

Land Administrator M. Borja: Two thousand.

Chairwoman P. Fejeran: Two thousand, okay.

Land Administrator M. Borja: They are going to come in on a case by case basis as they come in before the board.

Chairwoman P. Fejeran: No. I'd rather set policy now, about this. I don't want to. The law says they have thirty days to pay otherwise you're taken off the list. All this time has passed

Legal Counsel Toft: It says there is a one-time processing fee of fifty dollars to pay within thirty days. It doesn't have a consequence for it.

Chairwoman P. Fejeran: Oh, it doesn't.

Legal Counsel Toft: No.

Chairwoman P. Fejeran: Oh, okay. So, what if, what do we do?

Legal Counsel Toft: Board discretion, really. In the past, we allowed people to pay despite they didn't pay in thirty days.

Chairwoman P. Fejeran: Yeah.

Legal Counsel Toft: I think the reverse course to that...

Chairwoman P. Fejeran: So, how do we

Land Agent J. Bragg: Have you tried checking DOA, sir?

Mr. Jackson: No one told me.

Land Agent J. Bragg: Because we had instances where clients made payments, not directly to CLTC and we get different Treasury of Guam. So, we had clients actually were able to retrieve their paid applications. From...maybe you paid it elsewhere.

Mr. Jackson: I don't know they said I did it together with my brother, but my brother is paid and mine is unpaid.

Chairwoman P. Fejeran: Yeah sir. I think he is okay with paying today because he doesn't have the proof, but what I'm trying to figure out, legal counsel. For all of the two thousand that are on the list that are unpaid.

Legal Counsel Toft: If they come before the board, ***inaudible***

Chairwoman P. Fejeran: Okay. Okay. I think at the last meeting I asked that a, what is it. A list of ambiguities be draft, be put together about the so, the commission can set policy moving forward. You know whether we are allowing, like this would be one of them. For all those unpaid, what is the commission's position on policy for how to handle. Can you put that on our list for the commission to revisit? To set a policy so that it's not on a case by case basis that you guys can already process administratively. So, Tan Amanda while you were gone, we heard from Mr. Arthur Jackson, who is a nineteen ninety-five applicant and he came before us because he had paid for his application but on our records, we don't show it paid. You know so we have to go with what we have on record. He is willing to pay it now; will the commission allow him to pay it and keep his place in line. So, Arthur W Jackson.

Commissioner A. Santos: Where's the place at?

Chairwoman P. Fejeran: No, he's just an applicant.

Commissioner A. Santos: Applicant?

Chairwoman P. Fejeran: Yeah, nineteen ninety-five applicant.

Commissioner S. Techaira: Motion to allow Arthur Jackson to pay application fee to hold his place in line. Anything else?

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motion made and second it. Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: Okay, all those in favor?

Commissioner A. Santos: Aye!

Commissioner S. Techaira: Aye!

Chairwoman P. Fejeran: Aye's have it. Okay, so yes.

Mr. Jackson: Okay, thank you very much ma'am.

Chairwoman P. Fejeran: So, please pay it and hold on to it.

Mr. Jackson: Where do I go to pay it?

Land Agent L. Nededog: Land Management.

Chairwoman P. Fejeran: Okay, next on the Agenda is Antonetta R Carmen.

Land Agent L. Nededog: Larimer

Chairwoman P. Fejeran: Larimer, dispensa yu. Hafa adai Ms. Larimer.

Ms. Larimer: Buenas. Buenas. Antonetta R Larimer. This is my first time to ever attend a CHamoru Land Trust. Now my question here is because I am a nineteen ninety-five applicant, and I am very, you know when I applied for this, I have little children so, my kids are now forty some years old. And as for now, I was told that you would be relocated, I applied for Residential. So, umm, I hope my nephew is in the same location that I am in. And I even made jokes with him that we can be neighbors and I can get some soy sauce from you. Anyway, we were told that he will be relocated. So, after that, there was no contacts or any kind of you know, any information to what is going on with that property. So, umm...that was the last time I went there was when the office was down in Anigua. Again, they said they will get a hold of us, and get a hold of me. But then nothing is done. So, few years go by still nothing. So, finally, since the office was here, I went in and there's this Leon Guerrero, I don't know. Anyway, he said that the place that was given to us was, to be, that was given to us, or given to me, they have to relocate me. Because they said it was in Swamp Road, so, I just kept going to Swamp Road. It's like everybody was staying around here. I mean this couldn't be my area. So, again I came back over here, I asked where in Swamp Road. They said it was oh right across the Swamp Road area that people are living in. It's so frustrating because my kids are all grown, I really need, I like, I still want the land, but again, sometime in March if I'm not mistaken. This year, if I'm not mistaken, I was about to transfer the land to my sister, because all of my kids are grown. And apparently, when I came in, they asked me to pay taxes, I said, why am I to pay taxes when I don't even know where I am going to live. So, I think I did pay one year, but the rest of the remaining, I said, wait a minute, I mean, why am I going to pay something that I don't really know. I don't even know where I am going to be at. Well so, the thing is when I went to Revenue and Taxes, they told me I had to pay this or else you will be taken off the list. So, my question is that a yes, I was supposed to be removed from list of the Land Trust. That I don't know where I would be placed.

Chairwoman P. Fejeran: No. I don't think anybody can remove you from the list for Land Trust, other than the Land Trust. So, I'm sorry, Rev and Tax told you that?

Ms. Larimer: Yes.

Chairwoman P. Fejeran: Okay.

Commissioner A. Santos: It's none of their business.

Chairwoman P. Fejeran: Yeah.

Ms. Larimer: You know, I just said, ma'am, I don't even know where my land. I know Swamp Road, but I don't know where in Swamp Road, but I only know my lot number and you know.

Chairwoman P. Fejeran: Okay.

Ms. Larimer: That's my concern. My name is off the list, this CHamoru Land Trust Lease that I have? That I was given? Because I want to transfer this to my sister.

Chairwoman P. Fejeran: Okay, so, what we have to do in your case is we'll have to have the staff do some research and present it to us so we can see what's going on. If.

Commissioner A. Santos: You applied already; to Land Trust?

Ms. Larimer: Since nineteen ninety-five.

Chairwoman P. Fejeran: And she has a lease. She has a lease, but her lease was before, because there are squatters there. So, what we've done in the past with another lease holder, who was never actually in possession, but was able to move onto the property. They were assessed taxes, you were able to access a waiver of taxes for them because of those reasons. So, we have to do some research to see what's going on in your case. And see if that's warranted for you and get that process moving finally. To relocate.

Ms. Larimer: I can even if it's twenty dollars already twenty years. But even then, you know. A dollar a year that's okay. But for you to pay taxes and don't even know where you are at.

Chairwoman P. Fejeran: And after all this time you're being told you were being relocated.

Ms. Larimer: Yes.

Chairwoman P. Fejeran:

Ms. Larimer: They keep saying Swamp Road, Swamp Road. I know it's on the side of the road. But in Swamp Road, maybe in the Swamp.

Chairwoman P. Fejeran: Yeah, okay. What I'm going to instruct the staff is to look into your case, have a staff report prepared, and get you on our Agenda, have it presented in front of the commission and have it formatted that the commission can make some decisions.

Ms. Larimer: Presented to each or some letters, my PO Box is still the same, it never changed, so.

Chairwoman P. Fejeran: Okay.

Ms. Larimer: It's really a challenge for me.

Commissioner A. Santos: How many kids?

Chairwoman P. Fejeran: Thank you for coming.

Ms. Larimer: Si yu'os ma'ase

Chairwoman P. Fejeran: Thank you for your patience

Ms. Larimer: Thank you.

Chairwoman P. Fejeran: Please contact the staff if they haven't already contacted you. Just to make sure things are moving along and you're ready and just waiting. Yeah, I think it's best that you contact them. Other than waiting for them.

Ms. Larimer: I've done that several times.

Chairwoman P. Fejeran: Okay, well they're on the commission's radar now. We'll be looking for progress.

Ms. Larimer: Okay, si yu'os ma'ase.

Chairwoman P. Fejeran: Si yu'os ma'ase, Ms. Larimer. Thank you, okay next on the Agenda on Public Comment, oh boy, uh-oh, Marita? Maria? Phone number is 483-4883. Dispensa, I have a hard time reading.

Audience member: What's the number?

Chairwoman P. Fejeran: Four eight three four eight eight three.

Audience Member: Manuel...

Chairwoman P. Fejeran: Manuel...something.

Audience Member: Inaudible.

Chairwoman P. Fejeran: Manuel. Manuel, dispensa yu.

Audience Member: Manuel San Nicolas

Chairwoman P. Fejeran: Mr. San Nicolas. Thank you for your patience. Okay.

Mr. San Nicolas: Last meeting because of a problem. I tried to make it down.

Chairwoman P. Fejeran: Okay, how can we help you today, sir?

Mr. San Nicolas: Last time I was here, I only want you

Chairwoman P. Fejeran: Okay, let's see what we have.

Mr. San Nicolas: I was told to come down.

Chairwoman P. Fejeran: The pre-moratorium?

Commissioner A. Santos: I looked at the paper.

Chairwoman P. Fejeran: Mr. Manuel Pineda San Nicolas. Okay so, the original applicant is a Felix P. San Nicolas.

Mr. San Nicolas: Yes. He is deceased.

Chairwoman P. Fejeran: Deceased? Is he your father?

Mr. San Nicolas: He is my father.

Chairwoman P. Fejeran: Your father, okay. And you were the beneficiary, for your father?

Mr. San Nicolas: Yes ma'am. There's only **inaudible**

Chairwoman P. Fejeran: Okay and it looks, okay so. Your lease was prepared for lot 480-57-1 in the municipality of Agat.

Mr. San Nicolas: Yes ma'am.

Chairwoman P. Fejeran: It was signed by you, on April twenty-six, of last year, and also signed by the director so, it was the lease, you had the lease, it was all signed everything was good. But this was the one that the director red lined, red marked. And it was under the radar until just the last few months, so, now, thank you for coming before us. Do we have his...

Land Agent J. Bragg: Yeah.

Land Administrator M. Borja: His dad Felix San Nicolas was the original applicant.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Passed away, no beneficiary named.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: In nineteen ninety-nine.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: The families came in to try to take over.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: But the Administrative Director denied their request, because they did not meet the hundred eighty-day timeline. They came back later on, I guess, after another administration. And provided the commission with letters from all the siblings, giving it all to Mr. San Nicolas.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: And then, that's when the...

Chairwoman P. Fejeran: The lease was prepared.

Land Administrator M. Borja: The lease was prepared and it was approved.

Chairwoman P. Fejeran: Okay. Okay, so...

Commissioner A. Santos: Are you residing on that place?

Mr. San Nicolas: Every now and then.

Chairwoman P. Fejeran: Okay.

Mr. San Nicolas: Just to protect my investments.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: Mr. San Nicolas surveyed. It's surveyed.

Mr. San Nicolas: Everything is done.

Land Administrator M. Borja: Everything is done with the lease, but he is one of the thirty where it was ready for Governor signature, and the director.

Chairwoman P. Fejeran: Okay, so.

Legal Counsel Toft: It requires board approval, so, that's the problem with the red line, most of the red line. If the lease requires board approval, but I think for now it just needs the Administrative Director's signature.

Chairwoman P. Fejeran: Okay. I'm sorry, I know that we approved leases that are in this category of red mark. Did we issue new leases based on the old?

Land Administrator M. Borja: Yeah, that was...

Chairwoman P. Fejeran: The old date?

Land Administrator M. Borja: That was able to record the leases.

Chairwoman P. Fejeran: Right.

Land Administrator M. Borja: Without the Governor's signature, on there. Tried to with Land Management.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: It didn't meet the recording requirement.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: So, we had to re do the leases, with the director's name and all the...

Chairwoman P. Fejeran: Is it dated. Did we back date to the original lease...?

Land Administrator M. Borja: No.

Chairwoman P. Fejeran: It was a new type...okay. Okay, so.

Commissioner A. Santos: We need to approve it, the board.

Chairwoman P. Fejeran: Yeah, so now the board needs to consider Mr. Manuel Pineda San Nicolas to re issue a lease. That he inherited from his father, Felix P. San Nicolas, for lot 480-57-1.

Commissioner S. Techaira: 480-

Chairwoman P. Fejeran: Dash, 57, dash

Commissioner S. Techaira: 57, dash

Chairwoman P. Fejeran: Dash one

Commissioner S. Techaira: Where?

Commissioner A. Santos: Agat

Chairwoman P. Fejeran: Agat, Agat. So, my earlier comment of why were not re visiting the pre moratorium leases is, I guess he is one that we...

Commissioner A. Santos: Signed.

Chairwoman P. Fejeran: So...

Commissioner S. Techaira: Okay before I say it out, 480-57-1? Okay. So, we have to do a motion on this?

Chairwoman P. Fejeran: Did we want to look at the five? Are we getting his file? Oh, you have it? Oh, here it is. Okay, it was even notarized and everything. I think we determined we're gonna;

Legal Counsel Toft: Reissue

Commissioner S. Techaira: Motion to re issue lease that was inherited from Felix P. San Nicolas to Mr. Manuel Pineda San Nicolas, for lot 480-47-1;

Legal Counsel Toft: Five, seven

Commissioner S. Techaira: For lot 480-57-1, Agat.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motion has been made and second it, all those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it. Okay, sir, so your lease has been approved. Now the staff will just draft it up and just make sure that all the right signatures are recorded on there and then it will be recorded with Land Management.

Mr. San Nicolas: Will I get a copy of it?

Chairwoman P. Fejeran: Yes, definitely.

Mr. San Nicolas: Thank you

Chairwoman P. Fejeran: Okay, thank you for coming. Okay, next, I have a Brett T. Duenas for Public Comment. Hi, hafa adai.

Mr. Duenas: Hafa adai.

Chairwoman P. Fejeran: Hi, if you can state your name for the record.

Mr. Duenas: My name is Brett T. Duenas. Chairwoman, hi, I'm here because my mom passed away, my brother was the beneficiary, my brother is off-island. He was the beneficiary on my mom's lease. I am here to see if I can transfer...

Chairwoman P. Fejeran: Beneficiary rights to you?

Mr. Duenas: Yes, ma'am.

Chairwoman P. Fejeran: Okay, I think...

Commissioner A. Santos: Where's the land at?

Chairwoman P. Fejeran: Yes, so, where's the, your...it's your mother's lease, right?

Mr. Duenas: Yes, ma'am.

Commissioner A. Santos: Where? What village?

Mr. Duenas: Dededo.

Chairwoman P. Fejeran: In Dededo, Residential. So, your brother, who's the beneficiary is Chase Taitano Junior?

Mr. Duenas: Yes, ma'ame.

Chairwoman P. Fejeran: And he is, would like to relinquish his beneficiary rights to you.

Mr. Duenas: Yes, that's right.

Chairwoman P. Fejeran: So, now you're coming to the board requesting approval.

Mr. Duenas: Yes, ma'am.

Chairwoman P. Fejeran: Okay, Legal Counsel, we've done this in the past, we just take board approval, right?

Land Administrator M. Borja: Chase hasn't been issued a lease.

Chairwoman P. Fejeran: But the mother has been issued a lease?

Land Administrator M. Borja: The mother has a lease.

Chairwoman P. Fejeran: Okay, So, if the brother, if your brother had accepted it, then addendum to put his brother on the lease.

Land Administrator M. Borja: And then come before the board to pass over to the beneficiary pass over seven years?

Chairwoman P. Fejeran: No, I don't think so. So, I know we were talking about if this was a switch. But I think...

Legal Counsel Toft: It would be a succession to the lease. Because it is not technically a switch if the brother has not been on the lease yet.

Commissioner A. Santos: Successor?

Chairwoman P. Fejeran: Successor, right. So, it would be...

Legal Counsel Toft: So, it would be for the commission to decides to approve the bypassing of the brother and go directly to the other.

Chairwoman P. Fejeran: And does he, okay, I see you did apply already, and have your paid yet. Has your brother submitted an affidavit? Submitted? Okay, there it is. Okay, so I see a notarized letter from your brother stating that he would like to, would like you to be successor of the lease and not himself okay. So, this would require board approval actually, yeah.

Commissioner S. Techaira: Just to name as beneficiary, or...

Legal Counsel Toft: Or, or successor.

Chairwoman P. Fejeran: To the lease, okay.

Commissioner S. Techaira: Motion to approve Brett T. Duenas as successor of lease to Isabella Taitano Pen, for lot, track 11405, block 13, 25. Municipality of Dededo.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motion has been made and second it. Further discussion?

Commissioners: No.

Chairwoman P. Fejeran: All in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Okay, aye's have it. Okay, Mr. Duenas thanks for coming in.

Mr. Duenas: Thank you very much.

Chairwoman P. Fejeran: Thank you, so the staff will be preparing an addendum with the lease under your name. Thank you, sir.

Commissioner A. Santos: Thank you.

Chairwoman P. Fejeran: Okay, next is a Maria Martinez. You are next!

Ms. Martinez: Yes.

Chairwoman P. Fejeran: Hafa adai Ms. Martinez.

Ms. Martinez: Hafa adai.

Chairwoman P. Fejeran: Thank you for your patience.

Ms. Martinez: Oh, patience is a virtue.

Chairwoman P. Fejeran: Okay, state your name and let us know what we can do for you.

Ms. Martinez: My name is Maria Martinez and I am the wife of the late Antonio Vicente Martinez. I'm just here to check my application because I was told about the, what do you call that, my husband passed away last year 2018 on December 14. My son told me I needed to come down here to check on the title because, you know he was told that since he passed away, I had six months to come down and have it transferred to my name. So, this is the reason why I came in. I did that so, just wanted to find if, because I really have to take this to the Agriculture, under Agriculture.

Chairwoman P. Fejeran: I see.

Ms. Martinez: Because I have the lease there for the Bona fide Farmer and transfer it to my name.

Chairwoman P. Fejeran: Okay.

Ms. Martinez: And I do have a problem, I need an approval from you guys for a power.

Chairwoman P. Fejeran: A utility authorization.

Ms. Martinez: Yes

Chairwoman P. Fejeran: Okay, that will come when the, get the lease in your name. For your case Ms. Martinez, I'm sorry about your husband's passing and having to deal with all of that.

Ms. Martinez: Yes.

Chairwoman P. Fejeran: So, you came to the right place. I see that your husband, Mr. Antonio Martinez has a lease an Agricultural Lease

Ms. Martinez: Yes.

Chairwoman P. Fejeran: Lot 6, Block, Tract 1021 in Dededo. Just the staff report has it. As you mentioned your husband is deceased, but he had no beneficiary designated.

Ms. Martinez: He did have one, but the problem is we didn't bring down the death certificate. We designated my son, my oldest, yeah so, we changed everything around and we do have a beneficiary for it.

Chairwoman P. Fejeran: I, don't think

Land Agent J. Dayday: She is talking about she designated for herself.

Chairwoman P. Fejeran: Oh okay. You, to be more specific your husband didn't have a beneficiary for him.

Ms. Martinez: Yes.

Chairwoman P. Fejeran: Okay. So, in those cases, our rules allow the commission to designate a beneficiary for the lessee. In that case, that you as the widow, you would be the first person we'd look at designating as beneficiary. So, this is...your husband was a nineteen ninety-five applicant, and his lease was since nineteen ninety-seven.

Ms. Martinez: Yes.

Chairwoman P. Fejeran: And then I saw on the staff report that you are farming and continue to keep up the property.

Ms. Martinez: Yes.

Chairwoman P. Fejeran: That's wonderful. Okay, so, in these instances, the commission has to make a motion to approve this beneficiary designation so she can succeed her husband's lease.

Commissioner S. Techaira: Motion to approve designating Maria Santos Martinez as successor of Antonio San Agustin Martinez, under public law 23-38, section 9.2. For lot 6, Block 2, Tract 10121 Dededo.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and second it, further discussion.

Commissioners: None

Chairwoman P. Fejeran: All in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it. Okay, ma'am, so your request to be the beneficiary for your late husband's lease has been approved.

Commissioner A. Santos: Continue farming.

Chairwoman P. Fejeran: Yes, please continue farming.

Ms. Martinez: If any of you wants avocado, gives a call.

Chairwoman P. Fejeran: Oh! I'll take you up on that.

Ms. Martinez: Oh, I will be there Mary. Anytime.

Chairwoman P. Fejeran: Okay, with that lease approval, the staff will prepare an addendum to your husband's lease to put your name on it and a utility authorization. That's also what your requesting, they'll be able to take care of that in house.

Ms. Martinez: Thank you.

Chairwoman P. Fejeran: Okay. Thank you, Ms. Martinez.

Ms. Martinez: Thank You.

Commissioner A. Santos: Thank you and enjoy your farming.

Ms. Martinez: Yes. So, I will give you guys avocados.

Chairwoman P. Fejeran: Thank you.

Ms. Martinez: Goodbye dear.

Chairwoman P. Fejeran: Okay, next for Public Comment is Julia Q. Tenorio. Hafa adai, please state your name for the record.

Ms. Tenorio: My name is Julia Tenorio.

Chairwoman P. Fejeran: Hi.

Ms. Tenorio: Hi. My daughter... ***inaudible***

Chairwoman P. Fejeran: Dispensa, hayi naan-mu?

Mr. Barcinas: ***Responds in CHamoru*** My name is Ramon Barcinas.

Chairwoman P. Fejeran: Ramon Barcinas.

Mr. Barcinas: ***Speaks in CHamoru*** Yes, Antonio Salas, Sanome's father. When Antonio passed away, he gave his daughter the land.

Ms. Tenorio: ***Speaks in Chamoru*** Do you want him to speak in English?

Commissioner A. Santos: ***Speaks in CHamoru*** No, CHamoru is fine, you can translate for us.

Chairwoman P. Fejeran: ***Responds in CHamoru*** Yes, please, some don't understand.

Mr. Barcinas: Okay, my auntie Sanome, gave me the land as well as the mother. To occupy the land, as they were in the mainland. **Responds in CHamoru**Wait, I'm speaking in CHamoru again. And so, what happened was she, her and the mother and the father were living, until all of a sudden, the dad died, and he was deceased. And what happened was, the Land Management had given them authorization to continue staying there for, yeah, and you know, until a storm came, the house was destroyed. So, what happened was after the house and land was destroyed, they ended up not allowing them to stay there anymore. With that also the sibling in the mainland tried to petition them out.

Commissioner A. Santos: Why?

Mr. Barcinas: That was not clear to me.

Chairwoman P. Fejeran: Sorry, just a question. So, this is your auntie Sanome S. Malia.

Mr. Barcinas: Yes.

Chairwoman P. Fejeran: Who was staying...

Ms. Tenorio: That's my daughter.

Chairwoman P. Fejeran: That's your daughter. Outside, what is your relation?

Ms. Tenorio: Este, he is my great nephew. I reared him, so.

Commissioner A. Santos: Interpreter.

Chairwoman P. Fejeran: Okay.

Ms. Tenorio: He speaks for me when I'm all stressed out, like right now. I'm very stressed out, it's just too long already, since nineteen ninety-five. Since nineteen ninety-nine we were given this CHamoru Land Trust Commission signed by Mr. Borja? Director? Former Director of CHamoru Land Trust that we were to continue to occupy 235 Meno Street, up in Nimitz Hill, however, my late husband passed away, Salas, I was a Salas before now I'm a Tenorio. He died in the year two thousand in November. So, in December first two thousand, we were given another paper saying that we can continue to live until, we were promised to be given, you know a lease.

Chairwoman P. Fejeran: Yeah.

Ms. Tenorio: We've been waiting and waiting and waiting. So, finally, when he passed away, we found out that he did do a beneficiary, and this is about the two thirty Meno Street okay. There was a beneficiary and it was to Sanone, that's the daughter, his biological daughter. Okay, so, what happened was...

Chairwoman P. Fejeran: I'm sorry, who was the one that had the designated, the beneficiary designation?

Ms. Tenorio: My late husband, Antonio Salas that was given authority to continue to live there with my daughter. Two thirty Meno Street.

Chairwoman P. Fejeran: Who was there before?

Ms. Tenorio: Before that it was my mother in law, she passed away, she is deceased. And the property was abandoned for years, so, we decided to go up there we, you know, cleaned it up, we built a house.

Chairwoman P. Fejeran: So, it was your mother in law, the pre-occupier?

Ms. Tenorio: Pre-occupier, but she, she passed away.

Chairwoman P. Fejeran: Yeah, yeah.

Ms. Tenorio: So, she died in the mainland, back in Texas. So, what happened was, when we tried to go back up there to, you know, we got our life straighten out and, you know, we wanted to rebuild. To live there again, my daughter, well not me, my daughter. CHamoru Land Trust, Ms. Jhoana told us, go ahead, told my daughter to go, you know to do a quick, what you call that? Switch of date and time, which she has here. Instructed to do that. So, she went ahead and did it, and then later on they told her she couldn't do it.

Chairwoman P. Fejeran: Yeah.

Ms. Tenorio: Because what they were using was my nineteen ninety-five application, that was, you know used to keep the property. Now that property was not registered. How can it not be registered, it's been surveyed?

Mr. Barcinas: ***speaks in CHamoru*** There is no way to survey the land if it is not registered.

Chairwoman P. Fejeran: My fluency is not as good...

Mr. Barcinas: ***speaks in CHamoru*** I am sorry, but when I first came in it said CHamoru Land Trust so, but we cannot speak in CHamoru. Because if I speak in English, sometimes I cannot speak.

Chairwoman P. Fejeran: I'm Sorry.

Mr. Barcinas: Yeah.

Chairwoman P. Fejeran: I tried to raise myself up, unfortunately, my father never...

Mr. Barcinas: My message might not necessarily get across because I might say something else, but I guess basically, can a land be properly surveyed without being registered?

Chairwoman P. Fejeran: No.

Mr. Barcinas: So, why is that's where I am at right now.

Chairwoman P. Fejeran: Well...

Ms. Tenorio: Approved by territorial whatever, director of Land Management.

Mr. Barcinas: ***speaks in CHamoru*** Give it to them so they can see.

Ms. Tenorio: Can she look at it?

Chairwoman P. Fejeran: Dispensa yu, Sinot Ramon, I'd really admire your...I wish I was as fluent as you, I. I assume your parents, your family taught you growing up.

Ms. Tenorio: I was a CHamoru teacher, nai.

Chairwoman P. Fejeran: You so suetti, so, I was not that lucky.

Mr. Barcinas: Well when it comes to the English then, sometimes the concepts that I'm issuing aren't coming clear.

Chairwoman P. Fejeran: I understand.

Mr. Barcinas: So, when it turns out, you know, it turns out wrong then, I end up losing my situation.

Chairwoman P. Fejeran: Well we'll try our best and if we're...

Mr. Barcinas: You guys can do it if...see, I can speak, I can speak my very best to articulate.

Chairwoman P. Fejeran: You said that two five three Meno Street?

Ms. Tenorio: I don't know about that.

Chairwoman P. Fejeran: Is the yellow where you were occupying?

Ms. Tenorio: The area was surveyed during the time of my father in law, but my mother in...

Chairwoman P. Fejeran: Okay, so, it might be that it is registered. So, as Margarita has expressed, we have to check...

Ms. Tenorio: So.

Chairwoman P. Fejeran: If it's registered or not.

Ms. Tenorio: I did turn this into CHamoru Land Trust.

Land Agent J. Bragg: So, I have been through this with Ms. Tenorio the past several years.

Ms. Tenorio: That's Sanonie.

Land Agent J. Bragg: I, I do recall, your, your situation, so, as I advised you guys before given the situation with your late husband, there, he was at one time given the occupancy to stay on the family property. But over time, there was a letter from siblings to relinquish it to one sibling.

Chairwoman P. Fejeran: Your late husband's siblings?

Ms. Tenorio: Yes, because there was problem with them.

Land Agent J. Bragg: They relinquished it to one sister, and the sister currently now has the lease for the said property that their claiming.

Chairwoman P. Fejeran: Oh, so, there's an existing lease... ***interrupted***

Mr. Barcinas: ***speaks in CHamoru*** Excuse me, but their sister is in America and no one on the place. How is that she was given a lease when she is not there? What is that?

Land Agent J. Bragg: For whatever reason though, we just need to do a staff report, go back...

Chairwoman P. Fejeran: So, thank you for coming, but this is a very complex case, that we won't be able to fully address today. So, we're going to have to the staff prepare a staff report, so it can be presented on our Agenda, and give you the right fair time. Have all the documents before us, so that we can address your issues and concerns.

Mr. Barcinas: ***speaks in CHamoru*** I have two more questions.

Ms. Tenorio: He has two more questions.

Mr. Barcinas: I'll try my best but like I said, if, because I have a problem with my concept comes out wrong, but I'll try. Really quickly, when it comes to, when it comes to her really, that's one thing, but is it lawful for my auntie here to receive her own property and Sanone is married, and she applied for her own property, she's been waiting since ninety-five.

Chairwoman P. Fejeran: Yeah. I think for your question, like I said I think we really need to revisit this as a whole, and we can have your file here, Ms. Tenorio, so, we can know what exactly what we're dealing with, and make the right determination. Kay...

Commissioner A. Santos: You're nineteen ninety-five

Chairwoman P. Fejeran: Unfortunately, it can't be today. Okay, let's go from there.

Mr. Barcinas: So, that's what the issues are so hard because my auntie sees... ***inaudible***

Ms. Tenorio: It's okay, they took my lease and covered what is going on.

Chairwoman P. Fejeran: What?

Ms. Tenorio: You took my nineteen ninety-five lease, and covered up with, you know, with us to say oh okay, I, I applied for Residential, and then when my daughter applied an agent told her to, I have it here, get Agriculture. That was fine, right. But at least it's a property for my daughter, I, really don't care about myself, but it came to the point where they said no, it's illegal, no we, but when you guys are done with my lease, using it to whatever do whatever, toy it around, it's just, you know, not ethical, it's not right.

Chairwoman P. Fejeran: I'm sorry, so your application.

Ms. Tenorio: My application, I mean, I'm so sorry. Nineteen ninety-five application was used. You know to just hold everything down where, to cover up whatever wrong was being done.

Land Agent J. Bragg: We can do a further breakdown.

Chairwoman P. Fejeran: Yeah, I guess...

Ms. Tenorio: Well, I don't mean to, you know, when you mentioned it, I think it's time I withheld it. What I heard Ms. Jhoana, you told my daughter, you will see what you can do...

Land Agent J. Bragg: At that time, ma'am, at that time though when we looked at your file, there were notes put in your file ma'am. That was before my time.

Chairwoman P. Fejeran: I understand your frustrated and I want to get to the bottom of this. Okay, so I am glad you came today. And we're going to have to put you on the Agenda for a future date so we have everything before us, we can make those determination. But you will be, you have the nineteen ninety-five application, your still there.

Ms. Tenorio: ****inaudible****

Chairwoman P. Fejeran: Yeah, and Jhoana informed your daughter, unfortunately, the switch that was allowed back then is null and void. Your back in line where you were.

Ms. Tenorio: For my daughter, not for me.

Chairwoman P. Fejeran: Right, the switch.

Ms. Tenorio: Yeah.

Chairwoman P. Fejeran: You still have your place in line, your nineteen ninety-five application. Is still valid, so, now we just, we'll have to schedule another time with you and hopefully you can rejoin us, then state your case so we can make some determination.

Mr. Barcinas: So, what they did is not affected. You still have a chance...****inaudible****

Chairwoman P. Fejeran: Yeah, you still have your application

Mr. Barcinas: Another question I had before you people, ****speaks in CHamoru****Why are there some given land that has no infrastructure? They paid for survey and was given a lease to build a house, but no infrastructure. That is Agriculture, she was given one acre, and when they went to Yigo, they told us that we are the ones. So, my question is Agriculture, they give land to farm but cannot nothing can be planted. needs edit. Why people with no land can get water from the Mayor. Another problem, when you give a land, at least assist with having water there. Because we are the ones who are paying, right? That is no problem, but for us to put it in there. Land Agent J. Bragg: What does that mean? I'm confused.

Commissioner A. Santos: Okay.

Mr. Barcinas: If you can answer the fact, that the Agricultural land supposed to be for farming. The land is nothing but rock and dirt. That would be remedy by planting fertilizer grass and all kinds of stuff, but no use if they're going to continue to dry up by sun, because that soil has no nutrients. So, the least we can do is, bring the water closer so all we have to pay for is our pipes. Basically, GWA wants us to do like their

job and try to pay for the infrastructure, infrastructure, yeah. See what happens when I speak English? You know what I mean, right.

Chairwoman P. Fejeran: Yes,

Mr. Barcinas: Do you see?

Chairwoman P. Fejeran: Yes, and you're one of many individuals have properties that are unusable, so. I have no answers for you today. I'm sorry, Mr. Barcinas.

Mr. Barcinas: **speaks in CHamoru**Okay, then, thank you. I feel good that my aunt is here and getting her land. But these kinds of questions, should wake the people up, because they are lucky. Please, turn it around and answer the questions that I am asking. Listen to CHamoru English style. You need to follow Angel Santos. CHamoru is an official language of Guam. Where I speak the language. The reason for that is because this is Guam, in Germany, people are speaking German, I can't turn around and say English please. Now I don't mind speaking it, I don't, not to offend people, the reason I say this is because we need to start perpetuate and we need to be heard with our language, si yu'os ma'ase (thank you).

Commissioner A. Santos: **responds in CHamoru**Your welcome.

All: Biba! Biba CHamoru!

Chairwoman P. Fejeran: That's another one for the next...okay, next on our Public Comment is a Julia Q. Tenorio.

Land Agent J. Bragg: She was just here.

Chairwoman P. Fejeran: Oh, we a multiple signed up? Okay.

Audience Member: Is there a Roland Tenorio?

Chairwoman P. Fejeran: Yes, and a Roland Tenorio. Did you want to provide public comment today?

Mr. Tenorio: This is concerning my home in Sagan Linahyan.

Chairwoman P. Fejeran: Okay.

Mr. Tenorio: I'm confused because when I go up to Revenue and Taxation to pay my property tax. The land that I'm assigned in is mine. But in the other side of the fence, the home that I'm residing I own too. Me and my ex-girlfriend, okay. That is the confusion I have.

Land Administrator M. Borja: That's Land for the Landless

Chairwoman P. Fejeran: Oh, this is Land for the Landless?

Land Administrator M. Borja: Yeah, it's not CHamoru Land Trust.

Mr. Tenorio: Yeah, it's over at Sagan Linahyan.

Commissioner A. Santos: Linahyan.

Mr. Tenorio: But it's called the Dollar housing.

Commissioner A. Santos: Dollar housing

Chairwoman P. Fejeran: Oh, so you don't have a Land Trust lease, do you?

Mr. Tenorio: No, I don't have a Land Trust. I used to have...

Chairwoman P. Fejeran: What issue is this? I'm sorry sir. I think this not a CHamoru Land Trust issue. This is a, because you...

Commissioner A. Santos: Dollar home.

Chairwoman P. Fejeran: For the Land for the Landless program, you actually own the home. Here at the Land Trust we only issue leases.

Mr. Tenorio: Oh

Chairwoman P. Fejeran: Yeah, so, who...

Mr. Tenorio: I have question, I used to own property up there near Agafa Gumas. It was under the Arendu. So, what happened was the at the time, Governor Ada said, that if you were allotted a home in Astumbo, you can go ahead and keep that property in an Agafa Gumas.

Land Administrator M. Borja: No, you either get Land for the Landless or Arendu.

Chairwoman P. Fejeran: Sir, I'm sorry this is outside of our jurisdiction. I'm sorry we can't help you not in our, not within our program.

Mr. Tenorio: Then can I apply for Agriculture?

Chairwoman P. Fejeran: Sir, we're accepting application

Mr. Tenorio: Even if I own a house in...

Chairwoman P. Fejeran: Yes, but you will be a two thousand nineteen applicant and we're still trying to get through the nineteen ninety-five applicants.

Mr. Tenorio: Nineteen ninety...yeah nineteen ninety-three okay.

Chairwoman P. Fejeran: Okay.

Mr. Tenorio: But if I do apply for Agriculture, can I apply for two acres?

Chairwoman P. Fejeran: No, I think we're only allowed to give half acre? Agriculture? We're only allowed to give no more than half acre lots.

Mr. Tenorio: Oh wow. I thought it was one acre?

Chairwoman P. Fejeran: I believe it's half acre.

Mr. Barcinas: I thought Residential is half acre?

Commissioner A. Santos: Agriculture, you can apply for one, provided you have a farm plan.

Legal Counsel Toft: I think it requires Legislative approval for anything over half acre.

Commissioner A. Santos: Half acre.

Chairwoman P. Fejeran: So, anything over an acre, Residential or Agricultural.

Commissioner A. Santos: Agriculture

Mr. Tenorio: So, right now you guys are just working on the nineties? Nobody yet can come in and apply?

Chairwoman P. Fejeran: No! You can apply, put your name on the list.

Mr. Tenorio:

Chairwoman P. Fejeran: Okay, thank you Mr. Tenorio. Four o'clock again? Okay. We need to have someone talk to PBS, figure out why are they cutting out early. The second meeting. No, no, we'll handle it. You're following orders, sir.

PBS: Yeah.

Commissioner A. Santos: Media?

Chairwoman P. Fejeran: No, PBS. It's a in kind service they are providing. Can I, sorry, can I get that added to our notes for the director, he needs to check on that.

Commissioner A. Santos: What's next on the Agenda?

Chairwoman P. Fejeran: Just a moment. Okay, next is Anjolisha Aguon. Hafa adai, welcome back.

Ms. Aguon: Hi. I wrote a letter for the commission.

Chairwoman P. Fejeran: Okay.

Ms. Aguon: And it's notarized.

Chairwoman P. Fejeran: Okay

Ms. Aguon: I want to withdraw my request to relocation.

Commissioner A. Santos: Relocation?

Ms. Aguon: Sorry, and...

Chairwoman P. Fejeran: That's okay.

Ms. Aguon: And it's for you. And if you can just make a copy for my father in law's file. The director told me to get it notarized.

Commissioner A. Santos: So, you're going to apply for...

Ms. Aguon: To withdraw my relocation.

Chairwoman P. Fejeran: So, just...

Ms. Aguon: To withdraw my request.

Chairwoman P. Fejeran: Okay.

Ms. Aguon: He was on the moratorium list too.

Commissioner A. Santos: So, you're still going to withdraw your father in law's...

Ms. Aguon: We're still working with DPW to open up that fifty-foot easement.

Chairwoman P. Fejeran: You did?

Ms. Aguon: Well he did, he's not bugging anymore.

Commissioner S. Techaira: I get worried when I thought he was...

Commissioner A. Santos: He was here for the meeting but he didn't come in.

Ms. Aguon: I didn't see him here.

Commissioner A. Santos: I saw him and I thought he got into the wrong place.

Ms. Aguon: Oh.

Chairwoman P. Fejeran: Okay, so, we have to look at this again with Ms. Aguon's case. Then Mr. Gregory's case, because we never made a determination.

Ms. Aguon: You didn't motion anything yet. It was just a request for me to...

Chairwoman P. Fejeran: You said, oh I will do it, okay that solves it.

Ms. Aguon: No, the road is still closed, we are still walking through jungle, still.

Commissioner S. Techaira: So, it's still not cleared up?

Ms. Aguon: Well the fifty-foot is still open. Fifty-foot goes like this, our road goes like this that means our road is still jungled out, where his piggery is at. The fifty-foot is open, but I don't know is he going to remove the fence that is blocking...

Chairwoman P. Fejeran: Oh, his fence is still there?

Ms. Aguon: They just removed what was blocking their fifty-foot, but ours, I wanted to find out what is, can we remove that fence ourselves?

Chairwoman P. Fejeran: The, you're talking about...

Ms. Aguon: Fifty-foot easement. Then our road goes in here. The front is here...

Chairwoman P. Fejeran: So, they have to follow the easement? Legal Counsel?

Ms. Aguon: That's what I'm trying to find out, but the fence is still there.

Chairwoman P. Fejeran: The road has to follow the fifty-foot easement, that's what an easement is, right? Right of way.

Ms. Aguon: Yes, that's the flag lot.

Land Agent J. Bragg: We went out to visit the area.

Chairwoman P. Fejeran: Okay.

Land Agent J. Bragg: Couple days ago.

Ms. Aguon: It was yesterday.

Land Agent J. Bragg: Possible yesterday, I, I saw her two days ago. So, we did GPS the area, we did GPS where the piggery is, so, we're working with DPW to remove the pan handle so that they, you know, have their access in. So, it doesn't have to bother, because right the piggery sits on this, this easement, so, we're trying to propose to possible move it a little bit and move the easement up. So, that, it's a concrete, concrete piggery area. Yeah, just a matter of survey just survey division just finalizing it or you know, we're still working with them to see what we can do.

Land Agent J. Gumataotao: Add another, the person that, the person that occupying this house, came in yesterday.

Ms. Aguon: Yes, to apply

Land Agent J. Gumataotao: To apply under the pre occupancy for LUP status. It's just going to be, I mean, this, if I'm not mistaken, I heard we, retracting her relocation request, means that she is going to retain staying there but Tomasa Aguon, whose claim, that the board approved.

Ms. Aguon: No, nothing was approved.

Land Agent J. Gumataotao: Did the board...

Ms. Aguon: Nothing was approved. Nothing was motioned. I even listened to the audio before I came in today to make sure I did not indefinite that relocation it just a request.

Chairwoman P. Fejeran: Okay, well we have to go to reopen this whole can of worms, dealing with Tomasa Aguon. We need to revisit it, we will check our minutes, see what we've decided, if anything. What we can do moving forward.

Ms. Aguon: Yeah, all I was told was get with the staff, so I did. We looked, we were shown several, maybe two, there were issues, you know, there was one that wasn't accessible to power and water. We would have to bring it ourselves. So, I was thinking why do we have to restart over, you know, when we have something there. We're already close to gaining the power access and you know, the lease. Why would we have to relocate for a small issue, I've been in out of this place for almost two years already. I mean I wasn't there since ninety-five, but I've been fighting for my father in law because he has been there since ninety-three. So, you know, when you stated that you can't displace him, because he has been there and she left. I figured, hey you know, why do we have to leave. We were already there at that point.

Chairwoman P. Fejeran: Okay.

Ms. Aguon: So, I didn't think it would be an issue, to withdraw my request.

Land Agent J. Gumataotao: I'm sorry, the woman that is living here, the lady,

Land Agent J. Bragg: Bernice Aguon.

Land Agent J. Gumataotao: Yeah, she had mentioned that her husband, or something was the one that given this place or built this house, something like that. I can't remember exactly.

Ms. Aguon: Husband or her father?

Land Agent J. Gumataotao: Her father.

Ms. Aguon: Her father is Gregory's father too, yes, he did build that house, but that house is going down. It's going down because along the boundary. It needs to be rebuilt in the middle. So, there's only supposed to be one structure, if I'm not mistaken. So, we are already in compliance.

Chairwoman P. Fejeran: Okay.

Ms. Aguon: So, that house is supposed to go down, actually. It's so old already, it's eaten by termites, it's not even livable anymore. Well I live in it with my kids.

Land Agent J. Gumataotao: But this is the house that's going to remain in...

Ms. Aguon: Okay, so, you see the house on the right is going to go down.

Land Agent J. Gumataotao: This one?

Ms. Aguon: Yes, so, we can build extension, just as long as they're connected right? So, that's what we're going to do, break it down and build by extension.

Land Agent J. Gumataotao: And build, you mean as an extension to this house?

Ms. Aguon: Yes! Or if, if you know have the funds, because my husband is just waiting like everyone is, waiting for their tax refund, if what, and if do get that money, then of course, we would build a semi to that house. Extension by extension, we can't afford to build a full-on concrete house.

Chairwoman P. Fejeran: Well like I said, we need to revisit this because your father in law doesn't even have a lease for this, so, we have to revisit this.

Ms. Aguon: He was a part of the red "x" lease.

Chairwoman P. Fejeran: Yes. Okay.

Ms. Aguon: On that list.

Chairwoman P. Fejeran: Okay, as, when we get this on the Agenda to revisit, we also need to look at Tomasa Aguon, and this new, maybe.

Land Agent J. Gumataotao: If you really think about it that's two parcels of land, but three people are taking claim to a LUP. Kind of like a...

Land Agent J. Bragg: Pre occupancy, they are claiming pre occupancy.

Ms. Aguon: She's able to get a Mayor's certification stating she is on that lot.
Separated

Chairwoman P. Fejeran: Okay. That's fine.

Ms. Aguon: So, what's wrong?

Chairwoman P. Fejeran: Let's focus on this one.

Ms. Aguon: You know, what's the issue though? What are you trying to...?

Chairwoman P. Fejeran: No, we just need to relook at the case, because last you wanted to look elsewhere. So now that you withdraw that request, then we have to relook at the whole case.

Ms. Aguon: And we will be on the next Agenda?

Chairwoman P. Fejeran: As soon as we can fit you on, you know...

Ms. Aguon: What happens after that?

Chairwoman P. Fejeran: We'll make that decision at that point.

Ms. Aguon: So, we can't say nothing right now?

Chairwoman P. Fejeran: You can't what?

Ms. Aguon: Say nothing for now, what...

Chairwoman P. Fejeran: Yeah, we can't make a determination at the point.

Ms. Aguon: So, next meeting I will be on the Agenda again?

Chairwoman P. Fejeran: Well, I mean we have to see what our Agenda looks like.

Ms. Aguon: Oh okay.

Chairwoman P. Fejeran: And we will get you on as soon as we can. But for now, stay where you are...

Ms. Aguon: So, we can break that house down and start fixing it?

Commissioner S. Techaira: I wouldn't do anything, until we verify because we cannot answer your questions right until we look back into it. We already planned for it, but now that you retracted it, they have to make sure they are not bypassing every, it's just about having checks and balances, and we're not doing everything backwards everything.

Ms. Aguon: Okay.

Commissioner S. Techaira: Yeah, I know it's an inconvenience;

Ms. Aguon: No, no it's not a problem. I don't mind waiting more, we were waiting for so long. So, you know, so...

Chairwoman P. Fejeran: Okay.

Ms. Aguon: So, we just wait until the next meeting and then hopefully something can move forward.

Chairwoman P. Fejeran: Yeah, we will get you on. We will get you on our Agenda so, we can finalize this because I know your father in law's lease was the one red marked.

Land Agent J. Gumatoatao: With regards to her demolishing and all that stuff...

Ms. Aguon: No, I'm not going to demolish it, the house is falling already. So, it's not safe for my kids. The house, if you guys really look at my garage if you went there to take pictures, you would see that it's not safe.

Land Agent J. Gumataotao: I understand...

Ms. Aguon: But...

Land Agent J. Gumataotao: I understand I was just answering the question...

Ms. Aguon: Oh okay.

Land Agent J. Gumataotao: Whether or not you can...

Ms. Aguon: Break it down?

Chairwoman P. Fejeran: I think the commission already answered her.

Land Agent J. Gumataotao: She needs an authorization.

Ms. Aguon: Yeah, she said I couldn't, so, yeah. It will just be left like that, if it falls, it falls, right. Hello, as long as I didn't demolish it, its own. Right?

Chairwoman P. Fejeran: Okay, we will put you on our Agenda.

Ms. Aguon: All right, thank you

Chairwoman P. Fejeran: At the same time, they are going to figure out about your access.

Ms. Aguon: Okay, DPW is going to open it or...

Chairwoman P. Fejeran: No, only...

Ms. Aguon: They are going to remove the fence.

Chairwoman P. Fejeran: Right. They wouldn't open because that's part of...

Ms. Aguon: We can do but the fence part. That's all I'm asking.

Land Agent J. Bragg: The fence, I mean, we went out there...

Chairwoman P. Fejeran: Who built the fence?

Ms. Aguon: Mr. Benavente. Mr. Benavente built the fence.

Land Agent J. Bragg: Yeah, we went out and DPW already flagged your pan-handle, so, part of the fence, on the pan handle is what we're questioning about. So, we did see that there's a path way going in, it's just a matter of that part of the fence that sits on your pan-handle, is whether or not DPW will possibly come into, you know, remove it. That, just a small portion of the fence.

Ms. Aguon: Just the, just actually the pipes only.

Chairwoman P. Fejeran: Are they allowed to remove it themselves because it's on that property?

Land Agent J. Bragg: I am not too sure, you...

Ms. Aguon: It's on the flag lot.

Land Agent J. Bragg: Without speaking with Mr. Benavente or not, I am not too sure with the correspondence out there. We would have to verify.

Ms. Aguon: But I am getting with Karen, Karen over at Highway, over at DPW and highways and something like that. I can't remember her name, but I know she's the one that will have the guys to go out there and do that.

Chairwoman P. Fejeran: I think the best, the best way forward is let's figure out, let's get a lease out, then there's no question as what you can do on the property, okay.

Ms. Aguon: Yeah, alright. Okay, so I will see you on June.

Chairwoman P. Fejeran: Hopefully.

Ms. Aguon: Thank you.

Chairwoman P. Fejeran: After that or before that.

Ms. Aguon: Oh, see I am hoping for that then.

Chairwoman P. Fejeran: Thank you.

Commissioner S. Techaira: The way I'm reading this, there's more than one person. Are they all living with each other?

Chairwoman P. Fejeran: I don't know. Next is a Ms. Anita Benavente. Oh, hafa adai, ma'am.

Ms. Benavente: Hafa adai.

Chairwoman P. Fejeran: Hi ma'am. So, it looks like the staff had something prepared. Can you state your name for the record?

Ms. Benavente: My name is Anita Mendiola Benavente.

Chairwoman P. Fejeran: Okay. Hi ma'am. Can we just take a look at this?

Ms. Benavente: Sure, sure.

Chairwoman P. Fejeran: We need to catch up a little bit. So, it looks like...okay, Ms. Benavente, looks like your husband has a lease.

Ms. Benavente: He passed away just this past December.

Chairwoman P. Fejeran: Sorry ma'am. Okay, so, this is another case, where the beneficiary, the successor to the lease was identified as your grandson, and he submitted a notarized letter relinquishing his rights to you.

Ms. Benavente: Correct.

Chairwoman P. Fejeran: Okay, who did we see that from...with Brett Duenas. We just heard from him; we approved that succession.

Land Agent J. Bragg: Just note, madam Chair, Mr. Benavente is under the 102...

Chairwoman P. Fejeran: Switch

Land Agent J. Bragg: Ms. Benavente was the original, so, in her, if you read through her case, she was the original applicant, but transferred to the husband due to a VA loan, and he's named a benefactor and Brett was his grandson but now giving it back to Ms. Benavente who is the original...

Chairwoman P. Fejeran: Applicant.

Land Agent J. Bragg: Who is the original applicant to this file.

Chairwoman P. Fejeran: Oh! So, do we need to go through this route because if the lease was null and void.

Legal Counsel Toft: I'd say just to clarify. Just do motion to approve application back to her.

Chairwoman P. Fejeran: Oh. Okay.

Legal Counsel Toft: Provided there is no question.

Chairwoman P. Fejeran: Okay. So, to remedy we made a motion to transfer.

Commissioner S. Techaira: Motion to approve transfer of T15213 B6 L5, Mangilao, back to Anita Mendiola Benavente. Based on Public Law 23-38, Section 7.5, as the original lessee.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: And second it. Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Okay, Aye's have it. Okay ma'am, the lease will now, addendum, you'll have an addendum to the lease to put it in your name. Thank you, ma'am, thank you for coming. Thank you staff for having these reports...

Land Agent J. Bragg: There were two sheets

Chairwoman P. Fejeran: That's okay. I have;

Land Agent J. Bragg: She actually wanted to sign up under Public Comment.

Chairwoman P. Fejeran: Sure. Can I have your name ma'am?

Ms. Muna: Therese Muna.

Chairwoman P. Fejeran: Therese?

Ms. Muna: Muna.

Chairwoman P. Fejeran: Muna, okay Ms. Muna, I'll call you up in a few minutes. Alan D. Jackson. Hafa adai Mr. Jackson, we're glad you're here. Brother of Aurthur?

Mr. Jackson: Yes, ma'am. We just got one thing to bring up.

Chairwoman P. Fejeran: Yes, sir.

Mr. Jackson: I have a sixty-day survey authorization. It was issued to me in two thousand eight, I was wondering if I can re update that.

Chairwoman P. Fejeran: Sure

Mr. Jackson: So, I can go forward surveying my, the area where I was awarded for lease.

Chairwoman P. Fejeran: Yes, I think that can happen, you just have to get with the staff.

Mr. Jackson: Oh, so, I just go straight to you guys later?

Chairwoman P. Fejeran: Yeah.

Mr. Jackson: That's as of today?

Chairwoman P. Fejeran: Yeah.

Mr. Jackson: Oh okay.

Chairwoman P. Fejeran: Right?

Land Agent J. Bragg: The director can approve it.

Chairwoman P. Fejeran: Yeah, so we, the director can make those approval.

Commissioner A. Santos: Sixty days

Mr. Jackson: Okay. I got one more question.

Chairwoman P. Fejeran: Okay.

Mr. Jackson: Earlier I heard something about a half-acre for Agriculture lot. I was awarded a lease for one acre. Yeah, I'm not...

Commissioner A. Santos: With a farm plan.

Mr. Jackson: Yeah, I'm, I'm an applicant of nineteen ninety-five, just, just.

Land Agent J. Bragg: Do you currently have a lease?

Legal Counsel Toft: Yeah, that's just the current state. If you were awarded a lease before, this law went into effect in **In audible**

Mr. Jackson: So, yeah, I just need to get an update survey so I can get it surveyed so I can have a lease.

Chairwoman P. Fejeran: So, you were never issued a lease?

Mr. Jackson: Not yet.

Chairwoman P. Fejeran: I see.

Mr. Jackson: I just have the authorization.

Chairwoman P. Fejeran: To...

Mr. Jackson: To also bring the power and water, but they said I can't do that without that and being surveyed, lease, yeah.

Chairwoman P. Fejeran: Okay.

Land Agent J. Bragg: Are you currently occupying sir?

Mr. Jackson: Say that again?

Land Agent J. Bragg: Are you currently occupying on the...?

Mr. Jackson: Yeah. I've been since nineteen ninety-four.

Chairwoman P. Fejeran: Okay.

Land Agent J. Bragg: Is this Mangilao?

Mr. Jackson: Yeah.

Commissioner A. Santos: Pre occupier.

Land Agent J. Bragg: Okay. But just issued a survey authorization no lease.

Chairwoman P. Fejeran: Two thousand eight.

Mr. Jackson: I was given everything, I, by the time I didn't have the money and then I did, then my common law, you know, she's a heart patient. So, yeah.

Commissioner A. Santos: Ai adai.

Mr. Jackson: But I mostly focus on her. So, now I...

Chairwoman P. Fejeran: Now you're ready.

Mr. Jackson: Move forward and get this on my where I'm at. My common law has issues with her heart.

Chairwoman P. Fejeran: So, since this issued with no lease for that one acre,

Mr. Jackson: Want to see the paper that was...

Legal Counsel Toft: Yeah, pre occupier stands.

Chairwoman P. Fejeran: That's okay, we can

Legal Counsel Toft: **in audible**

Chairwoman P. Fejeran: That's okay, work with the staff to get the survey authorization done, then we'll work towards getting the lease.

Mr. Jackson: Is there anyone in particular, because last year I saw Glenn I.

Chairwoman P. Fejeran: uhuh.

Land Agent J. Bragg: Eay.

Mr. Jackson: Oh Glenn Eay, yeah, as a matter of fact he visited me like two years ago. They even give me some certificate that they visited.

Chairwoman P. Fejeran: Okay, who does he? Yeah. Just come on in and they will direct you to the right staff.

Mr. Jackson: So, who do I see?

Land Administrator M. Borja: No, just come in and we'll, anyone who's available will assist you.

Mr. Jackson: Is there anyone today?

Chairwoman P. Fejeran: Tomorrow or the day after.

Mr. Jackson: Oh, tomorrow, okay.

Chairwoman P. Fejeran: Yeah. The office is closed

Mr. Jackson: Oh, they are, okay.

Chairwoman P. Fejeran: Yeah. Okay.

Mr. Jackson: So, we're good?

Chairwoman P. Fejeran: Yes. Thank you, Mr. Jackson.

Commissioner A. Santos: Where's this at?

Chairwoman P. Fejeran: Mangilao.

Commissioner A. Santos: Mangilao.

Chairwoman P. Fejeran: Okay, I have Ms. Therese Muna.

Ms. Muna: Do I have to say my name?

Chairwoman P. Fejeran: Yes.

Ms. Muna: My name is Therese Muna.

Chairwoman P. Fejeran: Hafa adai.

Ms. Muna: Hafa adai. So, I have a question only. I had a land surveyed by Ventura and, yeah and so, yeah, I think that gentleman in the yellow, he told me that my lease was marked "X". When I was looking at the original receipt that I got from Ventura, it says a different lot number, then the actually, I don't know if it's because TG changed it, but I'm not sure that's why I am here to find out. To clarify. I understand I'm on the waiting list, I am one thousand something, I was back in nineteen ninety-five. So, you know, I'm waiting patiently like everybody else. But I just want to clarify the lot that I was actually paid Ventura for the land. It was actually surveyed back in two thousand

five. Because TG kind of got involved and I don't know if they're numbered the lot, so, whatever, I just want to make sure that, what happens if it's a different lot than what I actually paid to have surveyed. I mean what happens? Is that the same lot?

Land Administrator M. Borja: The only thing that is going to change is the lot description. But not the...

Ms. Muna: The actual lot surveyed back in two thousand five?

Land Administrator M. Borja: Yeah, it should have been the lot you are occupying today, right?

Ms. Muna: No, I, I never got a lease yet, actually...

Land Administrator M. Borja: Are you occupying?

Ms. Muna: No, no, no, we just never got the lease. That's why I never occupied. I never occupied because I was waiting for the lease and actually, last year, it was after the Barrigada Heights thing, where I actually got the lease and notarized, I signed it, but I didn't get a copy of it. It was supposed to go to Calvo, Calvo didn't sign it.

Land Administrator M. Borja: It's a part of the Pre moratorium.

Ms. Muna: And that's why I'm so, just a little bit upset, because I haven't heard an update. So, I am a little bit concerned because I was looking at the numbers it's different. So, I was just a little bit concerned of how this all works.

Chairwoman P. Fejeran: Okay. What we'll do is we'll have to revisit your case...

Ms. Muna: Right, right.

Chairwoman P. Fejeran: And then, we'll have the staff prepare a staff report, it sounds like yours is one of the red marked, pre moratorium.

Ms. Muna: Yes, yes that's what I was told and their very helpful when they told me that. I didn't really understand it all, but my main concern is just the numbers and what was surveyed.

Chairwoman P. Fejeran: Do we have her file?

Land Administrator M. Borja: Yeah.

Land Agent J. Bragg: We already worked with TG, but your map is still pending the lot description.

Ms. Muna: Yeah because it was never, Ventura never turned in to you guys to get it approved.

Land Agent J. Bragg: The person that we've been, that comes in, you know, work with TG is just a matter of them finalizing it and submitting the final. And then from there it's just you getting issued the lease.

Land Administrator M. Borja: Should we just wait?

Chairwoman P. Fejeran: Why would we wait? We've issued other leases when there's no completed survey.

Land Administrator M. Borja: So...

Land Agent J. Bragg: It's another option, you can get a lease now, but you going to have to get another lease and then double...

Chairwoman P. Fejeran: Another lease? or an Addendum?

Land Agent J. Bragg: If she gets a lease now, it's gonna, not going to give the correct lot description. Versus when it's finished...

Ms. Muna: I haven't heard from TG or nothing, so, that's why I am a little bit...

Land Agent J. Bragg: We can follow up again with Elly.

Ms. Muna: Yeah, that was just my concern is, you know I paid for this surveying and I don't have a lease yet almost had a lease but, and so, my concern is will the lot change because I paid for it, I got receipts and everything.

Chairwoman P. Fejeran: It sounds like it's just the name changed but the property didn't.

Ms. Muna: Okay, that's...

Chairwoman P. Fejeran: So, Jhoana said she'll check with TG see what's the status with that. Then, we'll also be looking at your file and having a staff report so that a lease can be issued, because you're pre moratorium lease was "X'd" out it was already signed, so the commission can revisit. Revisit your lease and get you a new one.

Ms. Muna: Oh Okay. With whatever, you know, I paid for everything and I want to make sure. It was a long time ago, but I just want to make sure it's going to be honored. You know what I mean?

Chairwoman P. Fejeran: Yes.

Ms. Muna: That was my concerned. I just wanted to find out because they did come here and you guys did review it and what not and I will get more information from

Chairwoman P. Fejeran: Okay, so, we'll, Jhoana will check with TG on the status.

Land Agent J. Bragg: Yes.

Chairwoman P. Fejeran: Okay

Ms. Muna: Okay, thank you for your time.

Chairwoman P. Fejeran: Thank you.

Ms. Muna: Alright, you guys have a goodnight.

Chairwoman P. Fejeran: Is there anyone else for Public Comment today?

Land Agent J. Gumataotao: John Gumataotao.

Chairwoman P. Fejeran: Okay, well let's...

Commissioner S. Techaira: The only thing I have...

Chairwoman P. Fejeran: Commissioner comment?

Commissioner S. Techaira: Well it's just regarding what we've went over the last meeting, I want to get my thoughts on the lease, but these are not a lease. There's nothing wrong with them but it's not in a lease format.

Chairwoman P. Fejeran: No, I...

Legal Counsel Toft: Joey put something together so, I think he had a more formal

Commissioner S. Techaira: Okay, I was just like...

Legal Counsel Toft: Yeah this is just a...

Land Agent J. Gumataotao: Ma'dam Chair, before we stop the public comment section, I just kind of wanted to bring up something, regarding, not necessarily the staff of, maybe the direction in Trust wants to move forward on leases because recently stated that will lift the moratorium or self-moratorium of processing of leases. But as an employee, you know, it's kind of hard for us to put things in perspective, if we don't know what the mere commitment and direction of those questionable things the switching, right, because if this Land Trust remain in a voided state, right, there was no vote by the board to say they're actual voided, we have to go back and reverse whatever lease issued to a switch person or transferred person. Then, a lot of things will arise out of that, because if a person switched, let's say if I switched with my sister, and I got a lease, now it's considered a voided lease, right, does that mean that the Trust is going to reverse the transfer, and give my sister the lot that I got a lease for. So, those are the things that come up, because you cannot put people back into line, right, and start off with number one, two, three, four, five, six, seven. If you're not going to address that issue, so, you can't really move forward because number three, right, is, they didn't get a less, I mean, a lease. And they're going to continue to say that we're by passing them. So, that's what I kind of wanted, I mean I bring this up in our Monday staff meetings you know, but, so, kind of like hear us, I kind of like maybe I'll just take it to, you know.

Chairwoman P. Fejeran: I appreciate you bringing it up and it sounds like what you're asking for a resolution to the switches, null and voids.

Land Agent J. Gumataotao: Pretty much, only because we can't, I mean, we can't really, we are going to lift this moratorium when, here we can't go and process, start processing or people back into line to start processing these applications, there's still that issue of the leases that we did transfer, that are considered void, and the leases that are kind of like pending or, I mean I like to work but you know, trying to explain to our clients that yes, the moratorium is lifted but we still need to get a clear direction on how to approach this.

Chairwoman P. Fejeran: Yeah, okay. I want to get a resolution and figure out what to do with the, I don't know, two hundred people? Right? The switchers and...

Land Agent J. Gumataotao: Yeah and mostly that and even that we are creating a, I don't know what they call it but, you know when you do something, you have to do it for

everybody else on the same issue, right. And you know, we're coming across that now. This recent one with the Aguon's? You know it's, for me it's kind of like, it's crazy. The Trust is really seriously get existing leases and terminate. Perez for one, you know.

Chairwoman P. Fejeran: They're off island.

Land Agent J. Gumataotao: No, Perez, she has a lease, lives on Guam, but yet she's letting a family who probably won't qualify because of the nationality or what, there's no way they can claim native inhabitant, but they live there.

Commissioner S. Techaira: There's probably a lot of...

Land Agent J. Gumataotao: And you know there's a lot of people in Yigo, you know, if we are thinking about bringing infrastructure in there, we're going to see that it's going to be populated with people because most of the lots are issued. Majority of those people that got leases are not living on Guam. Or majority of those people that got leases own property. It's kind of, there's so many, I mean I'd rather not say that should we prioritize, re-prioritize the way we issue leases but we need to start somewhere. And it's either, you deal with the voided and all those questionable leases or you deal with the inventory and compliance part so that it can increase our inventory. So, we will be able to process leases quick.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: I'm just an Indian.

Chairwoman P. Fejeran: Yeah. You know what I've been thinking and I know that compliance enforcement is really, has to be addressed, because it's such a fine line of property we have. I mean, what I was kind of thinking was we can move both processes along at the same time. So, when we review, but right now the new leasing is only for the Land for the Landless properties, right. That is where the moratorium is lifted for at this point. But at some point, we are going to have to look at existing subdivisions where there are already lessees there, might be a few vacant lots. But going out and making decisions on the subdivision level, doing a compliance on it, taking a clear understanding of whose there, are they compliant, if not, terminate their lease, and once that's done, a leasing can happen to place people on those properties.

Land Agent J. Bragg: So, you're saying that we're able to lease on Land for Landless? Given by time and date, you know, with new applicants coming in we can say, okay, this is an available lot. Your number one, you know, if it like that?

Chairwoman P. Fejeran: No, what do you mean?

Land Agent J. Bragg: Because if we are just going Land for the Landless, its, we've talked about it across board where possibly, we're looking at Land for the Landless, but we also have another set of inventory, right, which is, you know, so, we have thought of like cleaning up the inventory, looking at what's available, to include also the Land for the Landless. Because if we are just going to say, only Land for Landless lots are what we're going to issue, what about the other lots that we have avail? So, that's and if we have some of these lessees that their time and date is up, but we want other Land for

Landless. Are we open to, you know, go that route? We want to be able to say well this what's out there and move forward.

Chairwoman P. Fejeran: So, I am hearing you want to inventory...

Land Agent J. Bragg: I mean it's better to assess all that available, and then distribute. It's then we will be like, okay, we can look back and say, okay let me check if this is available and verify, versus, we just clean out and put in a time slot.

Chairwoman P. Fejeran: I'm open to hearing how that can be done. You know, you, I am open to it. I still like the Land for the Landless to start getting new leases on because those are easy. Already identified properties and already have infrastructure. For the most part we don't have to do any compliance on it, right. I mean they're supposed to be vacant.

Commissioner A. Santos: There is in Inarajan.

Chairwoman P. Fejeran: I agree I think the inventory; we have to know what we have to give out.

Land Agent J. Bragg: It's just how we get clients coming in.

Land Agent J. Gumataotao: Maybe I can clarify, so, there's this customer that comes in and he's number twelve hundred, being that he's or, who's the one that was here, he was number two hundred and something, I think two ninety-two something like that. He asked what the status is, and I said okay, well you know, we can process your lease, as long as we get a clear direction that, number one to number two hundred and ninety-one, was already issued a lease, there's no problems with that. But what if they had a switch with somebody and let's say that numbers two hundred and ninety was a transfer switch, right? The board hasn't decided if it was a clear voided lease and whether or not to reverse part of the decision. Which means that number two ninety, would hold up everybody else after him because we now have to go back and make number two eighty-nine or two eighty-eight, two eighty-nine, have a lease, then we can issue two ninety. Then if you get to my client, whatever, two ninety-one, but it's hard to do, when, when this whole transfer thing just, I mean we can always bypass it, right? But it's not going to do any justice for the people that had a transfer and whether or not we are going to reverse that decision, do we issue a lease, are they going to retain that property, or the reverse person, it's...

Chairwoman P. Fejeran: So, I was talking, I mean we tried to resolve it here. I think one, one thing that some of those transfer and switches is when the beneficiary or original beneficiary relinquished it for somebody else. Those were looked into our switches and transfer hundred and two list. Those can be easily resolved. We easily resolved two of them. So, can you guys identify what leases those are, bring it before the board, and the board can act on it. Let's clear those out, those are no questions anymore. But for all the remaining, I mean, I think we tried to resolve it here, I've been talking with Therese Terlaje, who's the..., right? And she, I sent a request to the director and he sent me something back, he asked for, or I asked for a list of applicants after nineteen ninety-five, who received leases, that were not pre occupiers, or land use permit holders, but we ratified their lease anyway. So, Therese requested that, I

haven't gotten a cleaned-up version, I have questions for the director, you guys cc'd on that?

Land Administrator M. Borja: There were ninety-three, ninety-three of them that we identified and came back with a question, right.

Chairwoman P. Fejeran: Questions.

Land Administrator M. Borja: So...

Chairwoman P. Fejeran: Because I think that is our starting point. I am going to be talking with Therese about and Legal Counsel to see if that's an avenue, we ratified those, that are after nineteen ninety-five applicants.

Land Administrator M. Borja: I know when we filtered it, we issued a lease, they were nineteen ninety-six and after, we filtered whether or not on the original applicants were occupying, a lot of them were blank. So, we were saying, there got to be a reason why we issued them a lease, they have had to either changed their status of occupancy status, in, through paper works and they never updated the database to reflect that now they are saying they are occupying. Yes, yes, we need to go back to those ninety-three files to...

Chairwoman P. Fejeran: Just for the ones where it looks like they were pre occupiers. Because if they did switch with the pre occupier, then take them off the list. So, the list I want to see is...

Land Administrator M. Borja: The ones that were...

Chairwoman P. Fejeran: Not a pre occupier, whether they switched...

Land Administrator M. Borja: Not a ninety-five.

Chairwoman P. Fejeran: Not ninety-five.

Land Administrator M. Borja: Okay.

Chairwoman P. Fejeran: If I can get that list, that would be a good start to clean.

Land Administrator M. Borja: Okay.

Chairwoman P. Fejeran: For the future...

Land Administrator M. Borja: So, that means we got to go back into those ninety-three files and determine why we issued them. And I know guarantee, it's because they changed the status to no I am not occupying to yes, "I didn't understand the question".

Chairwoman P. Fejeran: It was, not all ninety-three that, it was ninety-three that...

Land Administrator M. Borja: We just filtered after ninety-six did not have a pre occupier status.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: I am not sure why they were on that list. Why they were on that list.

Chairwoman P. Fejeran: So, just check those two to determine if they are pre occupiers or they are, get them off my list. All I have are the lease holders not pre occupiers after ninety-five. Okay. Let's start this.

Land Administrator M. Borja: Just to let you know, in January nineteen ninety-six, the director back then, started issuing lease to people in that year, January nineteen ninety-six. You may see a bulk of it, that have an application date of January nineteen ninety-six. And that was because after they did that two thousand nine on PDN, they went into ninety-six.

Chairwoman P. Fejeran: I see.

Land Administrator M. Borja: So, yeah.

Chairwoman P. Fejeran: Okay.

Land Administrator M. Borja: So, if you see a bulk of ninety-six, it's because of that.

Chairwoman P. Fejeran: Okay, okay. I mean I'm just going to like speculate, Therese is thinking, hey you guys are ratified leases for people that have after ninety-five applications, and are not pre occupiers, then why can't you just issue leases for the people that switched who were ninety-five. Put them back in line, issue them a lease. I'm wondering, I don't know, and then that would be in our power, right.

Legal Counsel Toft: We can get it amended.

Chairwoman P. Fejeran: Yeah.

Legal Counsel Toft: We just...

Land Administrator M. Borja: Just with the rules today?

Chairwoman P. Fejeran: Yeah, just to get it because we ratified it.

Legal Counsel Toft: Right.

Chairwoman P. Fejeran: We would ratify it, but okay, so, it's a starting point. We ratified it.

Legal Counsel Toft: ***Inaudible***

Land Agent J. Gumataotao: The lady that yell at me at the last meeting, I just wanted to say, Senator Therese Terlaje yielded the last meeting. Since Senator Therese Terlaje is the committee chair, right, for lands, and before I noticed her staff members here, but they come to a time where it is really, no juice or fight on the issue that we're discussing today. And you know, for me, somebody that person, I would think, how hard is it for a bill to get introduced, to include in Public Law, the fact, you know this transfer, you know, it's all switched, it's okay to transfer, how hard is it, you know.

Chairwoman P. Fejeran: She, I asked her the same thing, you know, just resolve it, she is very wary of amending a law that is currently in with Department of Justice. She thinks it will look very bad if there is a lawsuit against us for this law and the Act, and then here we go amending it, changing things. That was her concern, so, that's why she is very wary to introduce a bill for that. Yeah.

Land Agent J. Gumataotao: I mean that's fine, people have different opinions on things especially since we're employees of this Trust and we kind of hope and understand the law and the law needs that all our positions need and want, and for us is like this lawsuit has really nothing to do with, with you know, transferring or switching or any of that. But anyway, that's what I wanted to say.

Chairwoman P. Fejeran: Okay.

Land Agent J. Gumataotao: Thank you.

Chairwoman P. Fejeran: Thank you, guys I know the director has been out, I'm sure your trying to work as best as you can, thank you for being here today.

Land Administrator M. Borja: When's the next meeting?

Chairwoman P. Fejeran: I don't know.

Land Administrator M. Borja: June ten?

Chairwoman P. Fejeran: June ten?

Land Administrator M. Borja: June, Jhoana?

Land Agent J. Bragg: Oh, June six.

Chairwoman P. Fejeran: Okay, I think he was here today, I saw him.

Land Administrator M. Borja: He kind of comes in and out, we're still scheduling appointments for him, daily.

Chairwoman P. Fejeran: Okay. Oh, so, I'm going to be off island June twentieth. Sorry guys.

Commissioner A. Santos: No more meeting.

Commissioner S. Techaira: I will be off island too.

Chairwoman P. Fejeran: Oh yeah, we won't have quorum. I know I said I'm going take the first Thursday off the list. What do you guys think about let's do the first Thursday, we'll skip third Thursday of next month, and then we'll do the third Thursday of July.

Land Administrator M. Borja: So, you're moving first Thursday to July?

Chairwoman P. Fejeran: Yes.

Land Administrator M. Borja: Okay.

Commissioner S. Techaira: So, no meeting in June?

Land Agent J. Bragg: June six, June six is the next meeting.

Land Administrator M. Borja: When does it land on?

Commissioner S. Techaira: When did I expire?

Commissioner A. Santos: Ninety days.

Chairwoman P. Fejeran: April.

Commissioner S. Techaira: In April?

Chairwoman P. Fejeran: Yeah, April.

Commissioner S. Techaira: April eight, I believe.

Chairwoman P. Fejeran: So, July eight?

Commissioner S. Techaira: Okay, so, I'm still good.

Chairwoman P. Fejeran: July eight? So, I mean gosh, we have a lot of, I really want to take care of these pre moratorium leases. Get it out of the way, and then we also have a bunch of cases that came up today that need looking at. I really would hate to ask our constituents to wait six weeks more. Two months before having their case heard. They were here today. So, what if we look at pre moratorium and we have to meet with Guam Raceway. Right? We, that deadline is June. Yeah and we haven't even issued a lease, yet, so...so, next meeting will be first Thursday of June, of June six. And then, we'll, on the Agenda will be Raceway, pre moratorium, there are of them that are still pending. Okay, and then...

Commissioner S. Techaira: All the public comments

Chairwoman P. Fejeran: Yeah. Public comments and other, like I said there were other cases that were taken off from previous meetings, that have not been brought forward. So, do we...

Land Agent J. Bragg: We already have some of those, that we actually put on the past Agenda but...

Chairwoman P. Fejeran: You have what?

Land Agent J. Bragg: We have some that were already done, for the, you know the one that you brought up, five and five. You recall at the last meeting. Okay, so, did you want all of the pre moratorium?

Land Administrator M. Borja: Are you able, we added on top of the thirty, identified twenty more that we found in files that were already, so, there's about fifty that are all the same, nineteen ninety-five applicants. And, how do you want a package, because instead of going line by line, to, I don't know if that's what you want to do it. But it all, if their original applicant, their qualified, their nineteen ninety-five...

Chairwoman P. Fejeran: Priority one.

Land Administrator M. Borja: Priority one. Can we get those ones to you? Because if when we went in and filtered it, Jhoana only found five that fell under the list that had a switch or transfer and that was how they got a lease, yeah.

Chairwoman P. Fejeran: Oh, okay. So, for the people that has no issues...

Land Administrator M. Borja: Bring those before this meeting? And then the other ones, we can, okay. Because, I think majority of them are original applicants, right.

Land Agent J. Bragg: Nineteen ninety-five, we have staff reports on the table but you will see how we present it to you before.

Chairwoman P. Fejeran: Yeah, what we'll, what was really hard in that meeting to go through, I know you guys have staff reports for each of them, but I think the commission has to have the staff review it prior to coming to the meeting, because then like, because then I'd be able...

Commissioner S. Techaira: I think we were just handed a stack that day, right.

Chairwoman P. Fejeran: Going through it, right. If we have the staff reports...

Commissioner S. Techaira: It was just a whole, because anyone that looks at documents wants the whole picture, right. That's when she asked for the file, it's time consuming to come and look at all of that. But when we do it on the fly or when we're here at the table, but it's nice to have it mapped out, and I can try and get it together. But the staff report only helps me when I'm really, we shouldn't, I have to have it as round table discussion or understand a little bit.

Chairwoman P. Fejeran: Well, if they get us the staff reports for the ones that are original applicants, their priority one, that kind of thing. It will also be helpful if you tell us in the staff report if it is red marked. Or if it's just sitting in their file. Something like that so, we'll know why this constituent pre moratorium, right. And the dates for when these leases were drafted, if we get the staff reports and we review it prior to the meeting, then we can identify cases that have questions and really just look at those easily, quickly, the files here.

Commissioner S. Techaira: You guys have a little, is it too in cumbersome or tedious. How do we make it more efficient? I could kind of said something, but you know.

Chairwoman P. Fejeran: Yeah, I think that they just want to make sure what they give us we can work with.

Commissioner S. Techaira: Got it.

Chairwoman P. Fejeran: For me, last time it was like I hadn't had a chance to really sit down and look at it and highlight the question I had. That was when we had a full house and it was like...

Commissioner S. Techaira: It look like it, I think it was interactive.

Chairwoman P. Fejeran: But you know what I liked about today, thank you guys for being on top of it. You guys got their files ready, so that by the time they were sitting you guys got it here for us, so I appreciate that. That works well because moving our public comment later helps us, helps you guys identify who's here.

Commissioner A. Santos: Get the bill.

Chairwoman P. Fejeran: So, I like that. I mean really the sooner you guys can send the staff report, even if you want to do, I know that Tina sends the packet, like the Monday before, but whenever it's early, send it to the commission, even if it's part of the packet. Whenever it's ready so the commission can review it and then we can ask

you our question before hand. Give it to us in the format it's going to be presented at the meeting, so, that if we need more info, or whatever, it can be ready.

Land Administrator M. Borja: So, attach it to the staff report, do you still, do you still want to see supporting documents? That if you do want to see supporting documents, what are they? The application to ensure that we are putting in the correct application date and time. What, I know you want the maps, you want to see maps, right.

Commissioner S. Techaira: Whatever has to deal with those things.

Land Administrator M. Borja: Yeah. Do you want to see a copy of the lease...?

Commissioner S. Techaira: It is not necessary, it really isn't. I mean, what's occurring now works for when we are at the table, but for me to kind of figure out without being around you guys, it's just kind of, like you said we have problems, so.

Land Agent J. Bragg: I think we can possibly send you, previous times we have sent you in that format right, if that format is something that you guys are able to understand, then we can work with that versus you guys looking at and saying I don't know what's going on. The format is...

Chairwoman P. Fejeran: Acceptable, then...

Land Agent J. Bragg: Acceptable where you guys can all, then we can move forward. We can send that by tomorrow because we have, we do have some that are, can be done.

Chairwoman P. Fejeran: I think it is important that we go line by line though. I don't feel comfortable just looking at a list, we have to look at it like, just to...

Commissioner S. Techaira: How it is already?

Chairwoman P. Fejeran: Lease or proposed lease. Proposed lease versus putting them all together and having us to approve a lease.

Land Administrator M. Borja: So, there will be a separate list.

Chairwoman P. Fejeran: Were they pre occupiers. Okay, so, June six is our next meeting. Guam Raceway, Pre-Moratorium, and then tabled issues and then the ones that came up during public comment. And the following meeting, July eighteenth, and that will be when we'll be looking at the SOP's, Land for Landless inventory, and I'm hoping that some resol...or at least a direction to move on the null and voids. The switches. For the null and void switches that were identify because beneficiary relinquished their rights to somebody else. Well can we visit those on June 6? Will you guys have enough time to identify those and bring it to the board?

Land Administrator M. Borja: I think we had the bulk of the 102's, was in that category, there was sixty-nine of them.

Chairwoman P. Fejeran: Where it was just relinquished?

Land Administrator M. Borja: Transfer of application rights, but we still need to go in and verify if it's because of beneficiary.

Chairwoman P. Fejeran: Well if, if it's, if we can handle it the way we did today, we designated a successor to the lease, then if you can identify those, the sooner the better. That way all we're left with is really ones that, at least for now we can't resolve them.

Land Administrator M. Borja: Okay.

Chairwoman P. Fejeran: Also, on July eighteenth, I'd like to also talk about setting the policies, right, for those very avenues, what's our policies on switching application from Residential to Agricultural. If we're gonna make a policy lets document it, that they have it and they know how to handle it. That kind of stuff. Any other commissioner comments?

Commissioner S. Techaira: No.

Chairwoman P. Fejeran: No.

Commissioner A. Santos: Did you check this yet? Because this lady was given the run around.

Chairwoman P. Fejeran: Oh, Teresita Castro Janz. I think she was one that we tabled and need to revisit.

Land Agent J. Dayday: We already...

Land Agent T. Jocson: We took care of her.

Land Agent J. Bragg: Yeah so, she...

Land Agent J. Dayday: She just needs to get a building permit.

Chairwoman P. Fejeran: No, I have that we tabled her.

Land Agent T. Jocson: She was listed but prior to us inputting her name during the meeting, you had already given the director...

Chairwoman P. Fejeran: Authority?

Land Agent T. Jocson: Yeah, authority.

Chairwoman P. Fejeran: Oh, for clearing and grading.

Land Agent T. Jocson: Yeah, for clearing and grading.

Land Administrator M. Borja: Clearing and UT.

Land Agent T. Jocson: Utilities authorizations.

Chairwoman P. Fejeran: Oh, okay.

Commissioner A. Santos: So, did the director sign?

Chairwoman P. Fejeran: So, the director's gonna be able to approve that.

Commissioner A. Santos: So, because she was telling me that...

Land Administrator M. Borja: Can you check?

Land Agent J. Dayday: Actually, it was done already.

Land Agent T. Jocson: And she picked it up already.

Land Agent J. Dayday: All she needs is the building permit.

Chairwoman P. Fejeran: Building plan?

Land Agent J. Dayday: She just needs to come back for a building permit authorization. And request for a building authorization.

Chairwoman P. Fejeran: Permit.

Land Agent J. Dayday: There's two others, the same day, same meeting.

Chairwoman P. Fejeran: Yeah

Commissioner A. Santos: Only the building plans she needs.

Land Agent J. Dayday: She needs to come back and request for an authorization.

Chairwoman P. Fejeran: Okay, oh I have another name, Donnie Tainatongo. He switched his application with his wife because he was residential, applied for residential, but then he owns property, so he's switched to his wife.

Land Agent J. Bragg: He's on the 102.

Chairwoman P. Fejeran: Oh, he's on the 102? Okay, okay. Okay, so, next meeting is June six, and the following will be July eighteenth. Thank you. Motion to adjourn?

Commissioner S. Techaira: Motion to adjourn.

Chairwoman P. Fejeran: We are adjourned.

OLD BUSINESS

- 1. COMMERCIAL LEASING**
 - a. GLOBAL RECYCLING**
 - b. UOG HATCHERY**
 - c. GUAM RUGBY CLUB**

GLOBAL RECYCLING

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report

Global Recycling Center, Inc.

1. FACTS:

- a. **Location:** Lot No. 10122-15, Municipality of Dededo
- b. **Lot Size / Lease Type:** 52,925+/- square meters / N/A
- c. **Lease Instrument Number:** N/A
- d. **Field Description:** Recycling Activity
- e. **Complaint/Issue:** *No Commercial Lease/License*

2. DETAILS:

- a. January 20, 2000, Benny Bello, President of HMS Recycling appeared before the board requesting to lease property in Dededo next to the Dededo Solid Waste Transfer Station.
- b. February 11, 2000, a letter from Acting Administrative Director Ronald E. Teehan, Jr. was sent to HMS Recycling, Guam issuing the company a temporary authorization to continue its metallic debris processing on a portion of Lot 10122-15, Dededo.
- c. March 30, 2000, CLTC staff Kimble Lujan presented the request from HMS Recycling Guam, Inc. Chairman Gumataotao requested that HMS Recycling obtain documentation from Guam EPA a clearance to operate their recycling business.
- d. On September 28, 2000 Benny Bello, President of HMS Recycling presented his proposal to board to clean up metallic debris located on Lot 10122-15 to prevent CLTC from being fined. In return for his efforts he would like a lease for an area located by Price Cosco in Barrigada. Motion to approve the proposal of HMS Recycling was made and approved.
- e. February 13, 2001, Deputy Administrative Director Jesse L.G. Perez issued an "Interim authorization to continue activities on a portion of Lot 10122-15, Dededo to Benny Bello, President of HMS Recycling, Guam dba Ko'Ko Recycling.
- f. June 28, 2001, Administrative Director Ronald E. Franquez Teehan issued a letter to Benny B. Bello, President of Ko'Ku Recycling, Guam regarding commission approval of a Commercial License to Ko'Ku Recycling, Guam, authorization to proceed with permitting, development and operations on Lot 5219-1, Barrigada, and authorization to continue operations on Lot 10122-15, Dededo.
- g. July 6, 2001, Administrative Director Ronald E. Franquez Teehan issued a letter to Benny B. Bello, President Ko'Ku Recycling, Guam amending the June 28, 2001 notice of approval to Ko'Ku Recycling, Guam, additionally authorizing the continuance of operations to receive and process recyclable material on Lot 10122-15, Dededo.
- h. June 25, 2003, Benny B. Bello, President of HMS Recycling issues a letter to Acting Director Joseph Borja regarding DbA name change.
- i. September 4, 2003 Acting, Administrative Director Joseph M. Borja and Benny B. Bello, President of Ko'Ku Recycling affixed their signatures on the License Agreement between the Chamorro Land Trust Commission and Ko'Ko Recycling for Lot 5219-1-1, Barrigada,

Guam. Commencement date of License is the completion of the cleanup of Lot 10122-3-R1, Dededo, Lot 10122-15, Dededo, and Lot 5219-1-1, Barrigada or 2 years from the date of execution of this license, whichever occurs sooner, shall hereinafter be referred to as the "Commencement Date", whichever occurs sooner.

- j. January 15, 2004, BKA Ko'Ku LLC enters into a Scrap Baling Agreement with Mr. ShangGuan Mai.
- k. August 31, 2004 BKA KOKU, LLC enters into a Scrap Baling Agreement with Global Recycling Center.
- l. February 8, 2006 Joe Morcilla who is a planning consultant represented Felix Quan part owner of Global Recycling Center and would like the Chamorro Land Trust Commission to approve the negotiation of a lease of the property Global is currently operating on.
- m. March 28, 2006, Administrative Director issues a letter to Benny B. Bello of Pacific Rim Resources Dba Ko'Ku Recycling informing Mr. Bello that the cleanup of Lot 10122-15 has been substantially cleared of metallic waste and requested for a closure plan, submit certified documents of metallic waster removed to GEPA, cease the acquiring new material onto property, and copies of financial statements, baling and or subcontracting arrangements/contract agreements. Also, mentioned CLTC is to receive forty (40%) percent of all income generated from the property. In addition Mr. Bello and his firm was advised that effective May 1, 2006, any and all revenues derived from any subleasing and/or subcontracting (baling and other related activities) shall be to the Chamorro Land Trust Commission.. A Scrap Baling Agreement between Mr. ShangGuan Mai and BKA Ko Ku' LLC was submitted. Further review is needed to determine if the balance of the credit issued from cleanup should be recalculated.
- n. April 17, 2006 Benny Bello, President of Ko'Ku Recycling responds to CLTC letter dated March 28, 2006. Mr. Bello concurs that Dededo site is adequately complete and if the Commission wants to take possession he is fully supportive. Furthermore, Mr. Bello requested for a little more time than the 30 days given. Mr. Bello also stated that they also were wanting to lease the property. A letter to Shang Guan Mai, was attached to Mr. Bello's letter to the Commission. Also, attached was a proposed amendment to Ko'Ku's Commercial License Agreement.
- o. May 2, 2006, Administrative Director Thomas A. Elliott issues a letter granting a 90 day extension with conditions.
- p. On June 19, 2006 an "Authorization to occupy and proceed with permitting, development, operation and maintenance of recycling facilities" memo was issued by Administrative Director Thomas A. Elliott. (Hua Mei Enterprises (Guam) Inc. A portion of Lot 10122-15 not to exceed three (3) acres subject to survey & Global Recycling Center, Inc. A portion of Lot 10122-15, not to exceed seven (7) acres subject to survey)
- q. May 6, 2008 Daniel Chu, General Manager of Global Recycling Center requesting for additional 3 acres.
- r. June 25, 2008 Administrative Director presented the request of Global Recycling Center Inc. for a Commercial License for Lot 10122-15-1, Dededo. Administrative Director mentions that Global Recycling was actually using a portion of the lot under DPW. Acting Commissioner Matanane made a motion to table the request by Global Recycling Inc. until the details are completed with the termination of the other company that is leasing that place. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.

- s. June 17, 2010 Administrative Director Jesse Garcia presents Global Recycling to the board. Note a moratorium was in place according to Administrative Director. No decision made; tabled till next meeting.
- t. July 11, 2011 a letter to Global Recycling Center Inc. from Administrative Director Monte Mafnas was received. Please note no date on letter. Mr. Mafnas stressed that Global was operating without a license or lease. Furthermore, Global was conducting business illegally on CLTC property for many years.
- u. August 12, 2001 a letter issued to Daniel Chu, Global Recycling Center Inc. from Administrative Director Monte Mafnas regarding delinquent monthly rental amount. Total amount due as stipulated on the letter was \$366,166.00 Please note letter date maybe in error I believe correct date should have read August 12, 2011.
- v. August 18, 2011 Administrative Director Monte Mafnas present Global Recycling Center Inc. to the board. Mr. Chu agreed if given three years to clean up he will move out. Mr. Chu mentioned that his company was not there to start a business but rather to clean the property. Mr. Chu guaranteed to move out within 3 years.
- w. September 6, 2011 an "Authorizing Global Recycling Center Incorporated, to continue using Lot No. 10122-15" extension granted for 3 years, memo was issued by Administrative Director Monte Mafnas.
- x. September 15, 2011 Administrative Director Monte Mafnas presents Global Recycling Center, Inc. to the board. Mr. Mafnas mentioned a signed lease agreement enabling a rent credit to a tune of approximately seven point five million dollars. No lease agreement found in file. Also, Mr. Mafnas had stated that Mr. Chu has agreed to terminate that lease agreement provided we give him an opportunity to stay of the next three years at the same site while he cleans it and we develop a plan for affordable homes and for a Government building. Mr. Chu had agreed to pay upfront hundred thousand dollars and offered thirty percent of the gross income from Government Purchase Orders (PO) once money is received. Mr. Chu agreed to relocate to Yigo solid waste station. Check No. 5360 from Global Recycling Center was found in file for One Hundred Thousand Eight dollars (\$100,008.00). Although, the check received and deposited with the Treasurer of Guam was Check No. 096657 in the amount of One Hundred Thousand dollars (\$100,000.00).
- y. May 30, 2012 CLTC and Global Recycling enter into a Memorandum of Understanding (MOU) establishing a cooperative working public/private relationship with regards to the utilization of a Caterpillar Tractor Full Tracked Dozer 1550 D4 owned by CLTC.
- z. April 17, 2014 Acting Director David Camacho presents Global Recycling to the board. Acting Director David Camacho mentioned "a March collection too on the back of \$36,259.18." FY2014 audit and AS400 reviewed there is no record of collection of \$36,259.18 from Global Recycling Center Inc.
- aa. September 18, 2014 Administrative Director Michael Borja presented Global Recycling Center's request for a Commercial License for Lot 10122-15, Dededo.
- bb. On January 6, 2015 an "Authorization to Occupy" memo was issued by Director Michael J.B. Borja.
- cc. June 26, 2017 Daniel Chu, GM of Global Recycling Center submits incident letter regarding Caterpillar D4.

- dd. August 16, 2019 Administrative Director presented Global Recycling Center to the board. Staff recommended a 60 to 90 day cease and desist order be issued. Motion made and passed to issue a 90-day cease and desist letter to GRC Inc. Motion made by A. Duenas and seconded by A. Santos. Approved.
- ee. August 19, 2019 Administrative Director held back the issuance of cease and desist letter until further review is conducted.
- ff. August 26, 2019 Melvin Javier, Techniancian II submitted a draft of 24 proposed residential lots.
- gg. August 27, 2019 Report forwarded to Attorney Toft for review.

3. Findings:

Ko'Ku Recycling is the only company who was awarded a Commercial License from the Chamorro Land Trust Commission. Although, the Commercial License Agreement with Ko'Ku Recycling was for Lot 5219-1-1, Barrigada the terms of the agreement included the cleanup of Lot 10122-3-R1, Dededo, Lot 10122-15, Dededo, and Lot 5219-1-1, Barrigada in exchange for rent credit applicable to Lot 5219-1-1. The Commercial License does not stipulate when Lot 10122-15 and Lot 10122-3-R1, Dededo will be return to CLTC. It is unclear whether the administrative decision of former Administrative Director Elliott to issue an Authorization to Hau Mei Enterprises (Guam) Inc. and Global Recycling was valid.

4. Recommendation:

- a. Issue a 60 or 90 day cease and desist letter to Global Recycling Center Inc.
- b. Declare and designate Lot 10122-15 for commercial leasing or licensing to the general public pursuant to §75105(d) of Chapter 75, Title 21 GCA.

The Acting Director suggested on the moratorium from January 20 thru February 2 and then decide from there whether to extend the moratorium.

4. From HMS Recycling, Guam

re: Proposal to lease Lot 10122-15, Dededo for staging and processing metallic waste and other recyclable products

The Acting Director informed the Commissioners that this company which is headed by Benny Benavente Bello is a waste metal collection and recycling business. They are requesting to lease property in Dededo next to the Dededo Solid Waste Transfer Station. The Acting Director commented that he is in favor of entering into some kind of licensing agreement with HMS. There are metal dumps throughout the island. This is a potential of helping the Commission get rid of the junk cars and other metals. This company would do good for both the island and the Commission. Presently, at the Solid Waste Transfer Station there are a lot of junk metals on the property and there is an order by GEPA to DPW to resolve the situation with the metallic waste. The Commission is the property owner and GEPA may turn around and cite the Commission.

The Acting Chairman commented on not addressing this request until all regulations with GEPA are complied with.

Commissioner San Nicolas inquired on the designation of the property.

The Acting Director stated that it is still at an agricultural zone.

The Acting Chairman commented that he is in favor of the request but the Commission needs to make sure that everything is in compliance with GEPA.

The Commission will protect itself should the request be approved, so that the Company does not get up and go leaving a metallic junk pile for the Commission to take care.

Attorney Arens commented that it would make the land more potential and it would benefit the island in the long run. Attorney Arens commented that the Commission shouldn't approve it at this point other than Mr. Teehan's continued negotiation and then he envisions that once a contract is presented then at that time it would be approved by a vote. The contract would answer any and all questions that the Board may have.

IV. DIRECTOR'S REPORT

The Acting Director informed the Commission that Senator Lamorena has introduced Bill 253 which allows the Commission to go through the general market to develop the Oka Point lot. It also provides that the Commission will be assisted

Chamorro Land Trust Commission

P.O. Box 2950 Hagåtña, Guam 96910

Joseph T. Gumataotao, Chairman
Rita C. Okada, Commissioner
John Q. Finona, Commissioner
Tomas T. Agnon, Commissioner
Lucy R. San Nicolas, Commissioner

Phone: 475-4251 Fax: 477-8082

Joseph M. Borja
Administrative Director

Ronald E. Teehan, Jr.
Dep. Administrative Director

February 11, 2000

Mr. Benny B. Bello
President
HMS Recycling, Guam
"Nihi Ta Na' Bunitu I Isla-ta"
538 Bello Road
Barrigada, Guam 96921

Re: Interim Authorization to Continue Activities on a Portion of Lot 10122-15, Dededo.

Dear Mr. Bello:

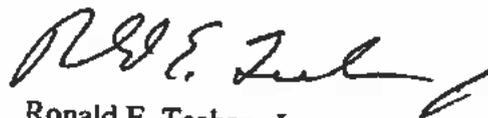
The Commission is reviewing your request for the issuance of a Commercial License for a thirteen (13) acre portion of Lot 10122-15, Dededo. Subject to the completion of management and staff review, it is anticipated that the Members of the Commission will be prepared to address your request within the next thirty (30) days.

In the interim period, HMS Recycling, Guam, is authorized to continue its metallic debris processing on a portion of Lot 10122-15, Dededo. All activities by HMS Recycling, Guam, shall be conducted in a manner fully compliant with all applicable laws, rules and regulations.

Please be advised that this authorization is temporary, subject to the approval or denial by the Commission of a more definitive arrangement regarding the use and occupancy of the property.

Should you have any questions, please do not hesitate to contact Mr. Kimbley Lujan, Commercial Division, at 475-4256.

Sincerely,



Ronald E. Teehan, Jr.
Administrative Director, Acting

cc: Director, DPW
Administrator, Guam EPA

Commissioner Finona and Commissioner Aguon approved recommendation for approval for license.

III. OLD BUSINESS

From HMS Recycling, Guam, Inc.

CLTC staff member Kimble Lujan presented the request from HMS Recycling, Guam, Inc.

Chairman Gumataotao inquired if any of the neighbors by the Dededo Transfer Station have any objections to HMS Recycling.

Mr. Lujan answered that the neighbors are actually pleased with the idea because the Transfer Station is such an eyesore. Acting Administrative Director added that the neighbors are actually looking forward to the cleanup and also that the Dededo Transfer station is technically CLTC property and CLTC is responsible for the cleanup. Acting Administrative Director continued stating that the proposal has been discussed with the Guam EPA and that island wide clean up projects have strong support from the Governor's office.

Chairman Gumataotao requested that HMS Recycling obtain documentation from Guam EPA a clearance to operate their recycling business.

Legal Counsel added to also get the opinion of the Attorney General on the matter. Acting Administrative Director clarified that the issue will be addressed to the Legal Counsel for Guam EPA.

IV. DIRECTOR'S REPORT

Acting Administrative Director commented on the need for more personnel. He further stated that the Commission is working on transferring the currently detailed employees from other departments along with the funds for those personnel to the Commission. Acting Administrative Director explained that the current workload for staff is over loaded and the shortage of manpower is hampering operations at this time. He added that although staff is tight, the Commission is still maintaining files, addressing special projects, processing cases and resolving disputes. Acting Administrative Director also indicated that major progress has begun with the residential lots in Tract 9210 (Phase - 1), Yigo, with utility poles and lines ready to be energized. He added that the other residential lots in Tract 319 - Unit 3, Agat will begin establishing all major access roads and the Commission has identified base course material for the project.

Chairman Gumataotao questioned where the money for the project is identified.

Acting Administrative Director commented that the money has been identified from a purchase order from last year's budget. He further stated that all projects had to be prioritized and could not entertain individual requests. He explained

Chamorro Land Trust Commission

P.O. Box 2950 Hagatña, Guam 96932

Phone: 475-4259 Fax: 477-8082

Joseph T. Gumataotao, Chairman
Tomas T. Aguon, Commissioner
John Q. Finona, Commissioner
Lucy B. San Nicolas, Commissioner

Ronald E. Franquez Teehan
Administrative Director
Eustaquio (Pak) Punzalan
Deputy Administrative Director

COMMISSION MEETING MINUTES 907 Central Avenue, Tiyan September 28, 2000; 10:00 a.m.

I CALL TO ORDER

Chairman Joseph Gumataotao called the meeting to order at 10:10 a.m. Present were Chairman Joseph Gumataotao, Commissioner Tomas Aguon, Commissioner John Finona, Attorney Richard Arens for Legal Counsel Randall Cunliffe and Administrative Director Ronald Teehan. Not present were Commissioner Lucy San Nicolas and Legal Counsel Randall Cunliffe.

II APPROVAL OF MINUTES (August 24, 2000)

Commissioner Aguon moved to approve the minutes of August 24, 2000 subject to corrections. Commissioner Finona seconded the motion. MOTION PASSED subject to corrections.

III OLD BUSINESS

1 HMS RECYCLING

Administrative Director states that Benny Bello from HMS Recycling is here to present his proposal to the Commission as per their request. Their request is to obtain a license in Barrigada Heights in exchange for removal of debris in the Dededo Site.

Benny Bello, President of HMS Recycling presents his proposal submitted to the Commission. The Dededo site contains 13 acres of twenty thousand tons of metallic debris that was collected by government officials. Department of Public Works would be assisting in clearing the site up. The property is under the jurisdiction of the Chamorro Land Trust Commission so the Commission is responsible for the clean-up and will be fined. Mr. Bello has met with Department of Public Works, Guam Environmental Protection Agency and the Port Authority and they all agreed in assisting with the clean-up. HMS has moved over fifty thousand tons of metallic waste in the past. The area that they are requesting to use is located by the old Price Cosco in Barrigada Heights. The area is actually a Coral Pit and was used for filling at one time. They would like a lease for this area for their efforts. For the PAKA project they did it cost \$17.50 per cubic yard,

just for the Dededo site it is 300-400 thousand cubic yards. This will eliminate the liability with GEPA, HMS would clear the site and make it a productive property that CLTC can lease out in the future. HMS is the only permitted company that handles tire and metal debris. Once the property on Route 16 is filled in they will turn it back to CLTC for use. Further adds that the reason why they are willing to do this is because it is the only solution for the community. They will have a system that will make sure that debris be taken off on a regular basis. He brought this proposal to the Beautification Task force and they unanimously support him.

Chairman Gumataotao questioned the Administrative Director if he had talked to the Guam Environmental Protection Agency. Administrative Director replied that he spoke with David Longa from GEPA and was told that CLTC is ultimately liable for the debris. Other proposals in the past has failed and this proposal by HMS is the most coordinated he has seen. They have the cooperation from other agencies. Further added that he is in favor and suggests that the Commission approve. Chairman Gumataotao questions the effect on the environment. Benny Bello states that there is a problem already on the environment the oil is leaking into the aquifer. He brought this issue to the board in January and February. HMS intentions are to clean up not to put a detriment on the environment. Administrative Director adds that with discussions with Jesus Salas and David Longa of GEPA they are all in agreement with the HMS proposal.

Commissioner Aguon states that if the Commission waits any longer CLTC will be fined and he supports the proposal. Commissioner Finona states that he wants to discuss it more. Benny Bello states that he has already scheduled ships to come in and has already lost money waiting for the Commission to come to a decision. Everything that the Commission has asked he has done, the ships agreed to take the debris and that they are running out of time. Further added that if the Commission does not make a decision he will pull the plug on this proposal. He came to this Commission meeting today for an answer.

Administrative Director states that Mr. Bello has followed the property permitting procedure. Commission Aguon makes a motion to approval the proposal of HMS Recycling. Chairman Gumataotao seconded the motion subject to HMS working with Legal Counsel. **MOTION APPROVED.**

Administrative Director states that the eviction on Fatima Street has been issued and the vendors are here to appeal. Suggests that the Commission hear them after new business because it will take some time. Commission Agrees.

for review and to bring it up in the next meeting. Administrative Director requests that a special meeting be schedule, the time is of the essence.

Benny Bello from HMS recycling company states that he has been working with the metallic waste program for the last 2 years. Presently worked with the removal of Typhoon PAKA metal debris plus the asbestos program in assisting of removing sixty thousand (60,000) tons of metal waste on the land. One issue that has been brought up to them was the Dededo site, for the last ten years the Commission has given permission to Department of Public Works (DPW) to stop metal waste, now there is about twenty thousand (20,000) tons of metal waste. They buried cars and other types of material that is contaminating the water well. The Commission has been threatened to be fined by the Federal Environmental Protection Agency and Guam Environmental Protection Agency has been working with HMS to try and find a solution. HMS has approached DPW about a shredder, which they have in their possession to allow them to use, which will reduce the cost. HMS would bring in another company to fix the shredder from DPW and assist in the clean up. HMS is approaching the Commission to grant them authorization to work with DPW to remove and process the metals. DPW would take care of the hazardous issues and the waste stream. It's a win, win situation for the island because of the water well. In the future it would be good for the Commission because its almost like a liability due to the fines being threatened and the Commission could lease to the golf course or some other entity. In exchange HMS would like to obtain a license on Route 16 to operate. The PAKA bid almost paid over \$10 per cubic yard for clean up, the Dededo site has over 2 million cubic yards of material that needs to be cleaned up. DPW is chipping in to remove the waste metal and GEPA is making sure that all the requirements are met. Administrative Director states Recovery Act even though CLTC did not put the hazardous material there CLTC is still liable because it owns the property. CLTC would be part of any federal actions if that area is not in compliance. This is a win, win proposal, CLTC must have that area cleaned up and efforts in the past have not accomplished this. This is one of the better proposals that he has seen come forward. Has been part of the inner agency task force examining this issue with DPW and GEPA. Port Authority and the Guam Fire Department who has been participating for a number of months now. They also identified another area in Agat that can be a joint project with CLTC, DPW and GEPA as a staging area for disaster debris, tires, washing machines etc.... CLTC has to be participates in this if the waste is not properly managed it ends up on CLTC property. There are literally thousands of tires on one site, there are Washing machine graveyards it's a severe problem. The main concern to him is the Dededo Solid Waste Transfer Station the property behind it. Seriously considering the liability, CLTC is fortunate that the USEPA is giving us some time but are still threatening to take action. CLTC still needs to take a proactive approach to resolve this situation. This is a Chamorro Company making this proposal, they have been a significant player in the past two years since Typhoon PAKA in cleaning up. This sets up the process, if CLTC gets rid of what they have now it would be a regular flow stream in the future. Administrative Director recommends that the Commission move forward on this proposal.

Commissioner Lucy San Nicolas requests for a copy of the proposal. Benny Bello adds that the company has done a lot of these efforts, the company has lost money that was invested into the islands continuous metal program. He knows that without this program metal will continue to stay, there are over thirty thousand abandoned vehicles and forty thousand appliances on CLTC property. This would solidify the foundation for ships to come in on a regular basis. Even if the company was to break even it would be okay. Commissioner San Nicolas clarifies Mr. Bello's request stating that Mr. Bello wants CLTC property to do their business on Route 16. Mr. Bello states that they need a fill area to work with, one of the things they do is take tires and other types of material and process them then fill the hole up and make it a productive area for the island. Their exchange is the use of the property. Commissioner San Nicolas questions if there is a time frame that they can give the Commission. Benny Bello's states that they can make a commitment for a 2-3 year period. Chairman Gumataotao instructs Administrative Director to put the package together for approval and the next working session. Benny Bello states that they have a temporary authorization from CLTC and an authorization from Public Works to process the material to help get it going. Commissioner San Nicolas states that before she approves the project she would like to review the proposal. Administrative Director states that this has been a joint project with the other departments. Legal Counsel states for the record that he received a call from Mr. Bello about a portion of what he is talking about today and he did not realize that the property in Dededo was CLTC property, the reason Mr. Bello called Legal Counsel was because Legal Counsel represents another company that Mr. Bello has an involvement with. Legal Counsel verifies that he does not have any conflicts with regard to this overall process and if he does then the other party could sign a waiver of any conflicts and allow him to proceed.

V DIRECTORS REPORT

Administrative Director states that everything has been discussed in Old Business.

Chairman Gumataotao questions the status of Ramon Torres. Administrative Director replies that Ramon Torres is still on the waiting list. When Mr. Torres' date and time comes up the Commission will entertain his application.

Commissioner Finona informs Administrative Director that he was approached by the Dededo Mayor and was told that the property where the Dededo Flea Market is on is now under the Dededo Municipal Council office. The Dededo Mayor also told him that a Bill was just passed. Administrative Director states that there was a Bill that was introduced but has not been passed. The Dededo Mayor tried to have the Legislature take the property away from CLTC, but the Bill has not been reported on the Committee.

Commissioner San Nicolas questions when Ramon Torres applied. Administrative Director states that sometime after the year 1995 and that he does not have a Land Use Permit for the area, also he is not pre-occupying. On Mr. Torres' application he stated

Commissioner Finona and Commissioner Aguon approved recommendation for approval for license.

III. OLD BUSINESS

From HMS Recycling, Guam, Inc.

CLTC staff member Kimble Lujan presented the request from HMS Recycling, Guam, Inc.

Chairman Gumataotao inquired if any of the neighbors by the Dededo Transfer Station have any objections to HMS Recycling.

Mr. Lujan answered that the neighbors are actually pleased with the idea because the Transfer Station is such an eyesore. Acting Administrative Director added that the neighbors are actually looking forward to the cleanup and also that the Dededo Transfer station is technically CLTC property and CLTC is responsible for the cleanup. Acting Administrative Director continued stating that the proposal has been discussed with the Guam EPA and that island wide clean up projects have strong support from the Governor's office.

Chairman Gumataotao requested that HMS Recycling obtain documentation from Guam EPA a clearance to operate their recycling business.

Legal Counsel added to also get the opinion of the Attorney General on the matter. Acting Administrative Director clarified that the issue will be addressed to the Legal Counsel for Guam EPA.

IV. DIRECTOR'S REPORT

Acting Administrative Director commented on the need for more personnel. He further stated that the Commission is working on transferring the currently detailed employees from other departments along with the funds for those personnel to the Commission. Acting Administrative Director explained that the current workload for staff is over loaded and the shortage of manpower is hampering operations at this time. He added that although staff is tight, the Commission is still maintaining files, addressing special projects, processing cases and resolving disputes. Acting Administrative Director also indicated that major progress has begun with the residential lots in Tract 9210 (Phase - 1), Yigo, with utility poles and lines ready to be energized. He added that the other residential lots in Tract 319 - Unit 3, Agat will begin establishing all major access roads and the Commission has identified base course material for the project.

Chairman Gumataotao questioned where the money for the project is identified.

Acting Administrative Director commented that the money has been identified from a purchase order from last year's budget. He further stated that all projects had to be prioritized and could not entertain individual requests. He explained

The Acting Director suggested on the moratorium from January 20 thru February 2 and then decide from there whether to extend the moratorium.

4. From HMS Recycling, Guam

re: Proposal to lease Lot 10122-15, Dededo for staging and processing metallic waste and other recyclable products

The Acting Director informed the Commissioners that this company which is headed by Benny Benavente Bello is a waste metal collection and recycling business. They are requesting to lease property in Dededo next to the Dededo Solid Waste Transfer Station. The Acting Director commented that he is in favor of entering into some kind of licensing agreement with HMS. There are metal dumps throughout the island. This is a potential of helping the Commission get rid of the junk cars and other metals. This company would do good for both the island and the Commission. Presently, at the Solid Waste Transfer Station there are a lot of junk metals on the property and there is an order by GEPA to DPW to resolve the situation with the metallic waste. The Commission is the property owner and GEPA may turn around and cite the Commission.

The Acting Chairman commented on not addressing this request until all regulations with GEPA are complied with.

Commissioner San Nicolas inquired on the designation of the property.

The Acting Director stated that it is still at an agricultural zone.

The Acting Chairman commented that he is in favor of the request but the Commission needs to make sure that everything is in compliance with GEPA.

The Commission will protect itself should the request be approved, so that the Company does not get up and go leaving a metallic junk pile for the Commission to take care.

Attorney Arens commented that it would make the land more potential and it would benefit the island in the long run. Attorney Arens commented that the Commission shouldn't approve it at this point other than Mr. Teehan's continued negotiation and then he envisions that once a contract is presented then at that time it would be approved by a vote. The contract would answer any and all questions that the Board may have.

IV. DIRECTOR'S REPORT

The Acting Director informed the Commission that Senator Lamorena has introduced Bill 253 which allows the Commission to go through the general market to develop the Oka Point lot. It also provides that the Commission will be assisted

Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 475-4251 Fax: 477-8082

Joseph T. Gumataotao, Commissioner
Tomas T. Aguon, Commissioner
John Q. Finona, Commissioner
Lucy B. San Nicolas, Commissioner

Ronald E. Franquez Teehan
Administrative Director
Jesse L.G. Perez
Deputy Administrative Director

February 13, 2001

TO: Benny Bello
President
HMS Recycling, Guam
dba: Ko'Ko Recycling

FR: Jesse L.G. Perez
Deputy Administrative Director

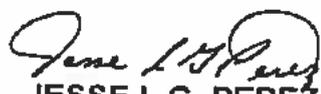
RE: *Interim authorization to continue activities on a portion of Lot 10122-15,
Dededo*

The Commission is reviewing your request for the issuance of a commercial license for a thirteen (13) acre portion of Lot 10122-15, Dededo.

In the interim period, HMS Recycling, Guam dba Ko'Ko Recycling, is authorized to continue its metallic debris processing on a portion of Lot 10122-15, Dededo. All activities by HMS Recycling, Guam dba Ko'Ko Recycling, shall be conducted in a manner fully compliant with all applicable laws, rules and regulations.

Please be advised that this authorization is temporary, subject to the approval or denial by the Commission of a more definitive arrangement regarding the use and occupancy of the property.

Should you have any questions, please do not hesitate to contact me at 475-4251.


JESSE L.G. PEREZ
Deputy Administrative Director

file copy

Chamorro Land Trust Commission

P.O. Box 2950 Hagåtña, Guam 96910

Phone: 475-4251 Fax: 477-8082

Joseph T. Gumataotao, Chairman
John Q. Finao, Commissioner
Thomas T. Aguon, Commissioner
Lucy B. San Nicolas, Commissioner

Ronald E. Franquez Teehan
Administrative Director
Jesse L.G. Perez
Deputy Administrative Director

June 28, 2001



Norman Valquez

Benny B. Bello
President
Ko'Ku Recycling, Guam
P.O. Box 25158
GMF, Guam 96921

- Re:
1. Commission approval of Commercial License to Ko'Ku Recycling, Guam;
 2. Authorization to proceed with permitting, development and operations on Lot 5219-1, Barrigada; &
 3. Authorization to continue operations on Lot 10122-15, Dededo.

Dear Mr. Bello:

On behalf of the Chamorro Land Trust Commission, I am pleased to inform you that the Ko'Ku Recycling, Guam, request for a CLTC Commercial License to develop and conduct an integrated recycling center operation was approved during a duly convened meeting of the Commission. The approved site for your commercial operation is described as:

A portion of basic Lot 5219-1, Barrigada, as specifically described in the Chamorro Land Trust Commission survey sketch as Lot 5219-1-1, Barrigada, containing an area of 22, 464 ± Sq. meters, a copy of which is attached hereto.

Pursuant to said approval, you are hereby authorized to immediately take possession of Lot 5219-1-1, Barrigada, and proceed with obtaining any requisite licenses, permits and/or approvals that may be applicable to your project, to include, the development and construction of structures necessary to conduct the following activities:

1. Recycling center specializing in, but not limited to, the recovery, reuse and disposal of metals, tires and batteries, etc.; &
2. Related activities.

This interim authorization shall be superseded by a Commercial License Agreement, pursuant to which specific terms and conditions will be delineated and mutually agreed upon.

RE-9

Further, said terms and conditions shall in part be contingent upon and incorporate the corresponding commitment by Ko'Ku Recycling, Guam, to continue its activities on Lot 10122-15, Dededo, i.e., the removal of metals, tires and batteries, etc., so as to facilitate the restoration and closure of Lot 10122-12 as a storage or transition site.

Ko'Ku Recycling, Guam, is hereby authorized to immediately take full possession of Lot 10122-15, Dededo, containing an area of 52,925 ± square meters, and proceed with obtaining any requisite licenses, permits and/or approvals that may be applicable, relative to the development of facilities necessary to conduct the following activities:

1. The removal of metals, tires and batteries, etc., from Lot 10122-15, Dededo.

The Commission issues this authorization with the acknowledgment that hazardous wastes and/or contaminated grounds, if any, upon Lot 10122-15, Dededo, are outside of and not subject to the scope of commitments made by Ko'Ku Recycling, Guam, pursuant to which a commercial license has been approved. All activities upon Lot 5219-1-1, Barrigada, and Lot 10122-15, Dededo, shall be conducted in a manner fully compliance with applicable law, rules and regulations.

Should you require any additional information or assistance, please do not hesitate to contact me at your convenience.

Sincerely,



Ronald E. Franquez Teehan
Administrative Director

Attachments

Cc: Guam Environmental Protection Agency
Department of Public Works

Chamorro Land Trust Commission

P.O. Box 2950 Hagåtña, Guam 96910

Phone: 475-4251 Fax: 477-8082

Joseph T. Gumatsotaa, Chairman
John Q. Finona, Commissioner
Tomas T. Aguan, Commissioner
Lucy B. San Nicolas, Commissioner

Ronald E. Franquez Teehan
Administrative Director
Jesse L.G. Perez
Deputy Administrative Director

July 06, 2001

Benny B. Bello
President
Ko'Ku Recycling, Guam
P.O. Box 25158
GMF, Guam 96921

Re: Amendment to June 28, 2001, notice of approval to Ko'Ku Recycling, Guam, additionally authorizing the continuance of operations to receive and process recyclable material on Lot 10122-15, Dededo.

Dear Mr. Bello:

The June 28, 2001, notice of approval of a commercial license agreement to Ko'Ku Recycling, Guam, provided an authorization to immediately take full possession of Lot 10122-15, Dededo, and proceed with obtaining any requisite licenses, permits and/or approvals that may be applicable, relative to the development of facilities necessary for the:

1. removal of metals, tires and batteries, etc., from Lot 10122-15, Dededo.

The provision of June 28, 2001 notice of approval relative to Lot 10122-15, Dededo, is hereby amended to include an authorization to:

2. continue receiving and processing recyclable materials concurrently with activities to remove metals, tires and batteries, etc., from Lot 10122-15, Dededo.

Should you require any additional information or assistance, please do not hesitate to contact me at your convenience.

Sincerely,



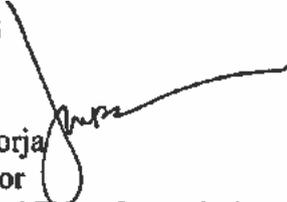
Ronald E. Franquez Teehan
Administrative Director

Cc: Guam Environmental Protection Agency
Department of Public Works

HMS Recycling

P.O.Box 2158 Barrigada, Guam 96921 Tel: 635-1120 Fax: 637-3850

June 25, 2003

Mr. Joseph Borja 
Acting Director
Chamorro Land Trust Commission
Anigua, Guam 96929

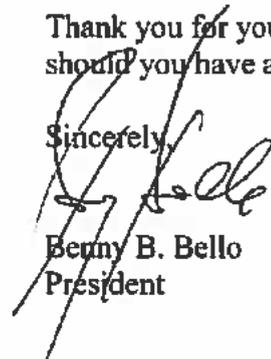
Re: Dba name change

Dear Joseph:

Please be advised that we have changed our trade name from HMS Recycling to Ko'Ku Recycling. We feel our new trade name better represents our vision and commitment to our local roots. Rest assured, that all commitments undertaken by HMS Recycling will be honored by us. Therefore, we request that all documentation relating to HMS Recycling and Benny B. Bello, be referred to in the future to Ko'Ku Recycling and Benny B. Bello.

Thank you for your kind attention to this matter. Please do not hesitate to contact us should you have any questions.

Sincerely,


Benny B. Bello
President

Chamorro Land Trust Commission License Agreement

THIS LICENSE AGREEMENT ("Agreement") is made effective as of July 1, 2001, by and between the Chamorro Land Trust Commission whose mailing address is Post Office Box 2950, Hagatna, Guam 96932 ("Licensor") and Ko'Ko Recycling, whose mailing address is Post Office Box 25158 GMF, Guam 96921 ("Licensee").

RECITALS

WHEREAS, Licensor has jurisdiction over Lot No. 5219-1-1, Barrigada, Guam, by virtue of the "Administrative Transfer of Jurisdiction of Certain Government of Guam Lands" dated January 19, 1994, recorded under Document No. 503740 at the Department of Land Management; and

WHEREAS, Licensee had demonstrated interest to the government of Guam in utilizing commercially Lot No. 5219-1-1, Guam, containing an area of 5.5 acres (22,104 ± sq. meters), more accurately described and delineated in Exhibit "A" of this Agreement, hereinafter referred to as the "PROPERTY" for the purpose of a locally owned and managed solid waste processing facility; and

WHEREAS, Licensee, realized a need to provide a solid waste processing facility; and

WHEREAS, on August 24, 2000 and on September 28, 2000, Licensor received testimony from Licensee, outlining its intentions, proposed activities and physical plant layout within the PROPERTY; and

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WHEREAS, Licensee, is particularly interested in the PROPERTY; and

WHEREAS, Licensor has determined that highest and best use of the PROPERTY is not realized in residential or agricultural activities; and

WHEREAS, the PROPERTY can be used most effectively by Licensee; and

WHEREAS, Licensor has the authority to grant a five (5) year license with options to renew for three (3) additional five (5) year periods to Licensee, for such purposes pursuant to §75107(c) of Title 21, Guam Code Annotated; and

WHEREAS, on September 28, 2000, Licensor voted to approve the grant to such license;

NOW THEREFORE, in consideration of terms contained in this Agreement, the parties agree as follows:

I

GRANT OF LICENSE; DESCRIPTION OF PROPERTY

Licensor hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this Agreement, the following described real PROPERTY:

Lot No. 5219-1-1, Barrigada, Guam, containing an area of 5.5 acres (22,104 ± sq. meters), as delineated in that certain sketch marked Exhibit "A" attached and made a part hereof.

In order to comply with federal law and regulations, and to protect public safety, Licensee may use any and all reasonably appropriate means of restricting public access to Licensee's solid waste storage facility; provided, however, the Licensor shall have the right to itself and to the agents and representatives of the government in which said licensed PROPERTY are situated, to enter and cross any portion of said licensed PROPERTY for the purpose of performing any public or official duties; provided, further, in the exercise of such rights, the Licensor shall not unreasonably interfere with the Licensee's use and enjoyment of the PROPERTY. Furthermore, Licensee shall have the right to hardfill said

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PROPERTY and shall be entitled to utilize all equipment, fixtures, and attachments on said PROPERTY for its solid waste management disposal, recycling, and processing facility to include storage of tires, batteries, ferrous and non-ferrous metals, paper, glass, and other recycleable materials. Licensee shall be further authorized to conduct any and all business related to its solid waste management, processing, recycling, disposal, and storage facility so long as all uses are legal and conforming.

II

TERM

Except as otherwise provided herein, the term of this Agreement shall be for a period of five (5) years (the "Initial Term"), commencing within two(2) years of the date of the execution of this contract or upon completion of clean up of Lot 10122-3-R1 Dededo, Lot 10122-15 Dededo, and Lot 5219-1-1 Barrigada, (the completion of the cleanup or 2 years from the date of execution of this license, whichever occurs sooner, shall hereinafter be referred to as the "Commencement Date"), which ever occurs sooner, and ending at midnight five years from the Commencement Date (the "Termination Date"). The commencement date shall represent the date when rental payments shall be due and payable. The effective date of this license shall be the date this document is executed, whereby Licensee shall be given the right to occupy Lot 5219-1-1, Barrigada and begin clean up of Lot 10122-15 Dededo and Lot 10122-3-R1 Dededo.

III

OPTION TO EXTEND

Licensee shall have the right to extend the term of this Agreement upon the same terms, covenants and conditions as herein contained except as otherwise provided herein, for three (3) successive additional terms of five (5) years each from and after the Termination Date hereof. In order for said option to extend; Licensee shall deliver to Licensor written notice of the intent to extend the term, no later than sixty (60) days before the end of the then-current term of the Agreement. In no event shall the term of this Agreement and any extensions thereof exceed twenty-one (21) years.

JMB *[Signature]*
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IV

LIMITATION TO DESCRIBED PURPOSE

The PROPERTY may be occupied and used by licensee solely for the activities proposed by Licensee and for incidental purposes related to solid waste processing from the Commencement Date, and continuing until this agreement is terminated as provided herein. In no event shall licensee begin any required licensed activity without obtaining all requisite authorization and permits from the appropriate Government of Guam or federal agency or authority.

V

COMPENSATION

Licensor and Licensee expressly acknowledge that compensation for this license shall be equal to one percent (1.0%) per month of the fair market value of the PROPERTY, and that the initial fair market rental value has been determined and mutually agreed upon to be Six Hundred Sixty Three Thousand One Hundred Twenty and and No/100 Dollars (\$663,120.00).

1. The initial monthly rental fee is Six Thousand Six Hundred Thirty One and 20/100 Dollars (\$6,631.20), based upon the fair market rental value of the licensed property. The monthly fee is payable monthly in the amount of \$6,631.20, due on the beginning term of the lease as stated in paragraph I and monthly thereafter.
2. If Licensee shall exercise its option to extend the term of the Agreement, the monthly fee during the extended term shall be equal to one percent (1%) per


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month of the fair market value of the licensed land, exclusive of the improvements on the PROPERTY. Determination of fair market value shall be based on the highest and best use of the land on the applicable rent adjustment date, taking the license into account. The determination shall take into account the parties agreement that the initial monthly fee is the above stated percentage applied to a fair market value of \$663,120.00 and shall also take into account any determination of market value made under this license for the purpose of adjustments for the period preceding the applicable rent adjustment date.

3. Notwithstanding Article IX of the Agreement, Licensee, may, at Licensee's discretion, and without Licensor's prior written consent, provide space and/or accommodations to others for additional solid waste activities upon and/or within its facility provided, further, Licensee shall:
- i. Provide written notification to Licensor.
 - ii. Pay to Licensor forty percent (40%) of any rental payments, fees or assessments of any sort received by Licensee for said space and/or accommodations.

CLTC hereby agrees that it shall provide credit in exchange for rental payments for all clean up work conducted by Licensee on said Lot No. 10122-15. The amount of the credit shall be based upon work performed at Lot 10122-15, which shall include but not be limited to removal of metallic waste, excavation work, separation of other non-metallic debris(e.g. tires, batteries, green waste, etc), development of cell sites for fire breaks, and other improvements to Lot 10122-15, Dededo. The amount of credit for removal of metallic waste shall be at a rate of \$20 per cubic yard. The Licensee shall provide evidence of metallic waste removal by submitting export receipts of metallic waste. As Licensee has been providing clean up services for the Lot 10122-15, Dededo, the CLTC shall accept as credit all metallic waste removed from Lot 10122-15, Dededo to date which has been determined and agreed to be in excess of 25,000 metric tons. In addition, any further and future clean up work on Lot 10122-15, Dededo, or CLTC properties shall be credited towards rental payments at the \$20 per cubic yard rate. It is further agreed that one metric ton shall be the equivalent of fifteen(15) cubic yards for the purposes of calculating cubic yards.

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VI

TERMINATION

This Agreement may be terminated by either party on one hundred eighty (180) days prior written notice to the other party for cause. For purposes of this Agreement, cause shall mean the non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, or any adjudicated regulations of the Licensor. Pursuant to 21 Guam Code Annotated Section 75107(c), the term of this Agreement shall be for a period not to exceed twenty-one (21) years. Upon termination by notice for cause for non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, any adjudicated regulations of the Licensor, or expiration of twenty-one (21) years, this Agreement shall become null and void, except that either party may enforce any and all obligations of Licensee arising out of acts or failure to act, occurring prior to such termination.

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VII
TAXES AND FEES

Any and all taxes, fees and assessment, to include, taxes on improvements to Chamorro Land Trust Lands and assessments of Payments in lieu of Real Property Taxes on Chamorro Land Trust Land, as provided pursuant to Section 9 of Public Law 24-168, levied upon the PROPERTY described herein shall be borne and paid for by the Licensee.

VIII
NO INTEREST IN REAL PROPERTY

Licensee expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the above described PROPERTY of Licensor, by virtue of the rights granted under this Agreement or its occupancy or use granted herein.

IX
ASSIGNMENT OF RIGHTS

No assignment or other transfer of the license granted under this Agreement, or any interest in such license, and no sublicense for any purpose shall be made or granted by Licensee without the prior written consent of Licensor.

X
INDEMNIFICATION OF LICENSOR

In consideration of the privilege granted by this Agreement, Licensee shall not claim any costs, claims or damages from Licensor in connection with or on account of any injuries or damages arising in or on the PROPERTY described above regardless of the fault or negligence of Licensor while being used by Licensee and Licensee's Officers, employees, members, guest(s) or invitees and Licensee shall indemnify Licensor from any and all costs, losses, claims or damages of any kind or nature arising in connection with

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JMB BBB

the use of the real property described above by Licensee and Licensee's officers, employees, members, guest(s) or invitees.

Licensor does not warrant or represent that the PROPERTY is suitable for the purposes for which it is permitted to be used, nor that the Licensee is specifically entitled to the issuance of any permits necessary to carry out any activity on said PROPERTY. Provided, however, that in the event that Licensee subsequently determines that the PROPERTY is not suitable for its intended purpose or Licensee is not able to obtain required permits, then Licensee may terminate this License by providing thirty (30) days notice to Licensor. In the event Licensee terminates this License pursuant to this Section XI, then, Licensee shall be required to restore the PROPERTY to its original condition as of the Commencement Date.

XII

FORCE MAJEURE

This Agreement is subject to force majeure, and it is contingent on war, insurrection, civil disturbance, riots, acts of God, acts of terrorism, or other such delays beyond the control of the parties.

XIII

ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

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XIV

MODIFICATION OF AGREEMENT

Any modification of this Agreement or additional obligation shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

XV

GOVERNING LAW

It is agreed that this Agreement shall be governed by constructed, and enforced in accordance with 21 GCA, Chapter 75, and the laws of Guam.

XVI

NO WAIVER

The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same continue and remain in full force and effect as if no such forbearance or waiver had occurred.

XVII

BINDING EFFECT

This Agreement shall bind and inure to the benefit of any respective successors of the parties.

XVIII

NOTICES

Any notice provided for or concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by certified or registered mail to the respective address of each party as set forth at the beginning of this Agreement.


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XIX

REMOVAL OF IMPROVEMENTS UPON TERMINATION

Upon termination, if Licensor so requests, Licensee, at Licensee's sole expense, shall remove all improvements constructed or erected on the real property described herein.

XX

INDEMNIFICATION OF CHAMORRO LAND TRUST COMMISSION

Notwithstanding anything to the contrary in this license and irrespective of any insurance carried by Licensee for the benefit of Chamorro Land Trust Commission, Licensee agrees to hold Chamorro Land Trust Commission harmless from any claim or demand by third persons for loss, damage, or injury including claims for property damage, personal injury or wrongful death occurring in, on, or about the PROPERTY, including sidewalks and parking areas adjacent thereto, or occasioned by any nuisance made or suffered on the PROPERTY, or by any fire, or cause by any failure on the part of the Licensee to maintain PROPERTY in a safe condition and will reimburse Chamorro Land Trust Commission for all costs and attorneys' fees in connection with the defense of any such claim.

XXI

PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE

Licensee will procure, at its own cost and expense and keep in force during said term for the mutual benefit of Chamorro Land Trust Commission and Licensee, a policy of comprehensive liability insurance in such form and with such insurance company as Chamorro Land Trust Commission shall approve, with minimum limits of not less than Three Hundred Thousand Dollars (\$300,000.00) for injury or death to one person and not less than One Hundred Thousand Dollars (\$100,000.00) for any one occurrence, and a policy in the sum of One Hundred Thousand Dollars (\$100,000.00) insuring against the claims of third persons for property damage. Said policy or policies or copies thereof must be deposited with the Chamorro Land Trust Commission and must cover the PROPERTY, including entrances to the PROPERTY and sidewalks and

JMB BBB

parking areas adjacent to the PROPERTY. Chamorro Land Trust Commission may review the foregoing limits of coverage and require increases therein but shall not require increases more frequently than annually. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change insurance coverage without first giving Chamorro Land Trust Commission and Licensee thirty (30) days prior written notice of such change or cancellation.

XXII

PRE-EXISTING CONDITIONS AND RELEASE OF LIABILITY

Parties recognize there may be known or unknown pre-existing conditions on subject PROPERTY, and agree to hold each other harmless from any liability arising out of such conditions.

XXIII

COSTS

Licensee agrees to bear all costs associated with this Agreement, including but not limited to appraisal(s) and legal cost.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed at Hagatna, Guam, on the due date and year first written above.

By: Joseph M. Boria
Joseph M. Boria
Administrative Director, Acting
Chamorro Land Trust Commission
Date:

By: Benny B. Bello
Benny B. Bello
President
Koku Recycling
Date:

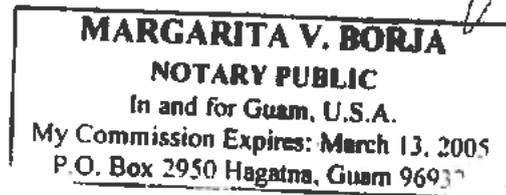
JMB BBB
JMB BBB

ACKNOWLEDGEMENT

On this 4th day of September, 2003, before me the undersigned notary personally appeared Joseph M. Borja, Administrative Director known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public Mary
My Commission Expires _____



ACKNOWLEDGEMENT

On this 4th day of September, 2003, before me the undersigned notary personally appeared Benny B. Bello, President known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public Margarita V. Borja
My Commission Expires _____

MARGARITA V. BORJA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 13, 2005
P.O. Box 2950 Hagatna, Guam 96932

Scrap Baling Agreement

THIS AGREEMENT is entered into this 31st day of August, 2004 between, GLOBAL RECYCLING CENTER ("Processor"), and BKA-KOKU, LLC ("Company")

SCOPE OF WORK

1.1. Company engages Processor, and Processor accepts such exclusive engagement, and Company agrees to provide Processor the following non-exclusive services during the term of this agreement:

1. A minimum of 500 metric tons and maximum of 1500 MT monthly of unprocessed metal scrap and a minimum of 6000 MT and maximum of 18000 metric tons for one year of unprocessed ferrous scrap metal to Processor at designated site, Dededo Site .
2. To provide staging and processing area at no cost to Processor for the purpose of its operation in the preparation of unprocessed scrap metals.
3. Proper permits and authorization from government agencies as needed.

1.2 .Company shall have the right to represent the Processor, transact business in Processor's name or on behalf of Processor, or make representations on behalf of Processor.

1.3 Company engages Processor, and Processor accepts such non -exclusive engagement and agrees to provide exclusive services for the Company as follows:

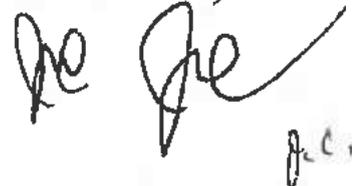
To sort and, separate metallic waste, and from such operation sell and remove a minimum of as mentioned under 1.1- 1, metric tons of scrap metal from Guam.

To process ferrous metal under the Company's specifications and hold the Company harmless from any liability between processor and buyer(s).

To provide its own manpower and equipment for the preparation services.

To provide equipment listed in Exhibit A. Scrap Metal Baler, forklift, Truck scales and other support equipment such and Excavator with grappler.

To provide at Processor's cost for the full use of Truck scales(Processor's Scales).

Handwritten signatures and initials in black ink, including a large signature on the left and initials 'J.C.' on the right.

To obtain and provide as necessary all permits and licenses that may be required both by local and federal governmental agencies.

II **DURATION**

The term of this Agreement shall begin on the date of the signing of this agreement, and shall continue for a period of 2 years, unless otherwise extended by both parties in writing.

III **COMPENSATION**

The total compensation to be paid to the Company by the processor for the under this Agreement shall be determined as follows:

3.1. Company shall receive Eighteen_ DOLLARS (\$_18.00) per ton for any and all processed scrap loaded and removed from Dededo site. (But no less than minimum of 500 metric tons per month). The processor will be billed monthly \$9000 as a minimum to the processor regardless of the material removed. The first installment to be due on the 15th day of November, 2004. All fees due no later than the 15th of the subsequent month.

3.2 Company shall keep all disposal fees from the receiving and collection of all metallic waste and ferrous or non-ferrous scrap material.

3.3 All other proceeds from the sale of the baled scrap shall be for the benefit of the Processor.

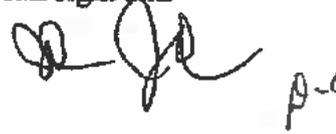
3.4 The Processor shall offer a minimum of 300 MT per month at a fixed rate of \$80 per metric ton.

IV **REPRESENTATIONS AND INDEMNITY OF PROCESSOR**

Processor shall complete the services required under this Agreement according to his own means and methods of work, which shall be in the exclusive charge and control of Processor, and which shall be subject to the control or supervision of Company. Processor shall be entirely and solely responsible for his acts and the acts of his agents, employees, and subcontractors while engaged in the performance of services under this Agreement.

V **NON - COMPETE**

Processor agrees it will not compete with the Company in the Guam metallic waste program. Any and all Marketing and Sales issues shall be the responsibility and full right and

Handwritten signature and initials in the bottom right corner of the page.

privilege of the Company alone for a period of 5 years. Any waiver of the Non-compete will be approved in writing by the Company. The Company has the right to unilateral termination of this agreement should this condition be violated..

VI
WAIVER

A waiver of any of the terms and conditions of this Agreement shall not be construed as a general waiver.

VII
ASSIGNABILITY

Processor hereby agrees that Company may assign this Agreement.

VIII
ENFORCEABILITY

Should any portion of this Agreement be held unenforceable or inoperative for any reason, the other provisions of this Agreement shall remain in full force and effect.

IX
GOVERNING LAW AND ATTORNEY FEES

9.1. This Agreement shall be governed by the laws of Guam U.S.A.

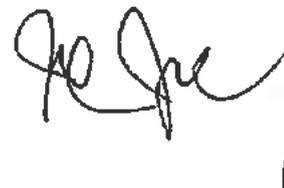
9.2. If either party institutes any legal action against another party hereto with respect to this Agreement, the prevailing party in such action shall be entitled to recover, in addition to Court fees and other costs of the suit, reasonable, actual attorney fees.

X
ENTIRE AGREEMENT AND MODIFICATIONS

This Agreement represents the entire agreement between the parties, and any modification of this Agreement shall be in writing.

XI
AUTHORIZATION

Both parties warrant that they are authorized to sign on behalf of their respective entities and that such signatures are binding.

A handwritten signature in black ink, appearing to be "R. J. ...", is located in the bottom right corner of the page.

XII
COUNTERPARTS

This Agreement may be executed and acknowledge in counterparts.

XIII
NOTICES

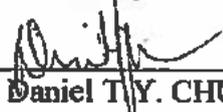
Any notice to be given under this Agreement shall be effective when given in writing and delivered personally, or three days after it is sent by registered or certified mail, postage prepaid, to the following addresses:

To Processor at P.O. BOX 11792, Tamuning, Guam 96931 (Processor)

To Company at 674 Harmon Lp. Rd., Ste. 312 Dededo, Guam 96929-6535 (Company)
BKA KoKu, LLC

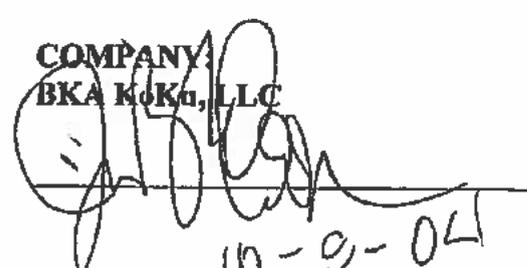
THE UNDERSIGNED hereby agree to the terms and conditions set forth above.

PROCESSOR:
Global Recycling Center


By: Daniel T. Y. CHU, President

10/8/04

COMPANY:
BKA KoKu, LLC


10-9-04


FILE

Scrap Baling Agreement

THIS AGREEMENT is entered into this 15th day of January, 2004 between Mr. ShangGuan Mai SS# 586-13-7301, Mailing Address, P.O. Box 22142 GMF, GU 96921 hereinafter "Processor", and BKA Ko Ku' LLC, hereinafter "Company"

SCOPE OF WORK

1.1. Company engages Processor, and Processor accepts such exclusive engagement, and Company agrees to provide Processor the following non-exclusive services during the term of this agreement:

1. A minimum of 500 metric tons with best effort of Processor and maximum of 1500 mt monthly of unprocessed white metal scrap (WHITE GOODS & Light Metal of less than 1/16 inch) and a minimum of 6000 mt and maximum of 18,000 metric tons for one year of unprocessed ferrous scrap metal to Processor at designated site or sites. The Processor will ship all metal in containers only, bulk shipments shall be available thru company thru first right of refusal option.
2. The Company will provide property/preparation/staging area at no cost to Processor for the purpose of its operation in the preparation of unprocessed scrap metals.
3. The Company will provide proper permits and authorization from government agencies.
4. The Company shall have first right of refusal for removal of any non-metallic debris and such non-ferrous scrap as tires, wood, paper, etc. sorted and separated by Processor.
5. The Company will provide office space at processing site, (half of container office).
6. The Company shall have first right of refusal to purchase processed baled material.

1.2. Company shall have the right to represent the Processor, transact business in Processor's name or on behalf of Processor, or make representations on behalf of Processor, only while performing services in accordance with this agreement.

1.3. Company engages Processor, and Processor accepts such non-exclusive engagement and agrees to provide exclusive services for the Company as follows:



The Processor will sort and, separate metallic waste, and from such operation sell and remove a minimum of WHITE GOODS and Light Metal of less than 1/16 inch as mentioned under 1.1- 1 metric tons of scrap metal from Guam.

The Processor will process ferrous metal under the buyer's specifications and holds Company harmless from any liability between processor and buyer(s).

The Processor will provide its own manpower and equipment for the preparation services.

The Processor will provide equipment listed in Exhibit A. Scrap Metal Baler, forklift and other support equipment such and Excavator with grappeler.

The Processor will obtain and provide as necessary all permits and licenses related to the processing operation that may be required both by local and federal governmental agencies and only begin processing after all permits and licenses have been obtained.

The Processor will offer the processed WHITE GOODS and Light Metal of less than 1/20 inch to the Company for first right of refusal at the prevailing market price ex yard.

The Processor will make full disclosure of the Business Plan specifying the name and background of the staff working inside the yard, the customers and the sales conditions, the specifications of equipments or any other information, which could be relevant for the Company, which remains responsible for activities in their yard and which is obliged to comply with all environmental requirements.

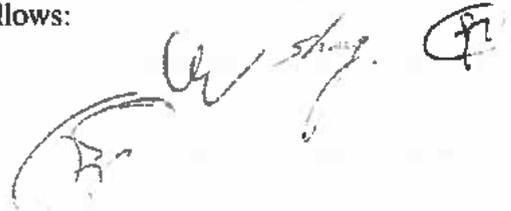
II **DURATION**

The term of this Agreement shall begin on the date of the signing of this agreement, and shall continue for a period of (3) years and can be renewed for further periods, if both parties wish so. Any extension has to be done in writing.

The Company is entitled to terminate the agreement, should there be any indication that the Processor is competing with the Company or delaying payments, which have become due.

III **COMPENSATION**

The total compensation to be paid to the Processor by Company for the performance of services under this Agreement shall be determined as follows:

Handwritten signatures and initials at the bottom right of the page, including a large signature that appears to be 'W. King' and other initials.

3.1. Processor shall pay Company EIGHTEEN DOLLARS (\$ 18.00) per ton no later than the 5th day of each month for any and all processed scrap loaded and removed from Guam but no less than minimum of 500 metric tons per month. This will be reviewed and negotiated annually.

3.2 Company shall keep all disposal fees from the receiving and collection of all metallic waste and ferrous scrap material.

3.3 Processor shall pay Company FIVE THOUSAND DOLLARS (\$5000.) monthly for the use of Excavator w/grappler attachment.(no operator).

3.4 All other proceeds from the sale of the bale scrap shall be for the benefit of Processor. Company shall not interfere with processor's marketing & sales efforts in selling processed materials

IV REPRESENTATIONS AND INDEMNITY OF COMPANY

Company shall complete the services required under this Agreement according to his own means and methods of work, which shall be in the exclusive charge and control of Company, and which shall not be subject to the control or supervision of Processor. Company shall be entirely and solely responsible for his acts and the acts of his agents, employees, and subcontractors while engaged in the performance of services under this Agreement.

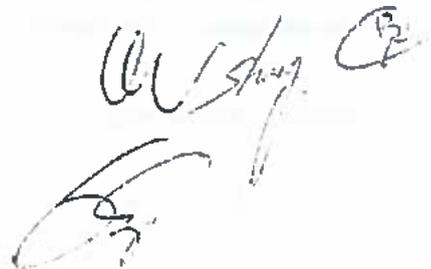
V NON - COMPETE

Processor agrees it will not compete with Company in the Guam metallic waste program during and within 5 years after the termination of this agreement. Any and all Marketing and Sales issues shall be the responsibility and full right and privilege of the Company alone for a period of 5 years. Processor will pay Company \$250,000 USD one week after having received notice from the Company in case of violation of this agreement during or within the 5 year's period.

VI WAIVER

A waiver of any of the terms and conditions of this Agreement shall not be construed as a general waiver.

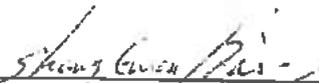
VII ASSIGNABILITY



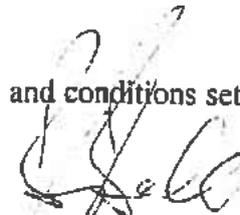
SHANGGUAN MAI (Processor)

674 Harmon Loop Road, Suite 312, Dededo, Guam 96929-6535 (Company)

THE UNDERSIGNED hereby agree to the terms and conditions set forth above.



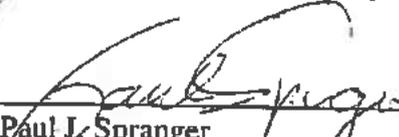
ShangGuan Mai (Processor)



Benny Bello
BKA Ko'Ku LLC (Company)

WITNESSES:


EYMOIRA OLAN
ALFREDO LANI



Paul J. Spranger
BKA Koku LLC (Company)



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

Felix P. Camacho
Governor of Guam

Kaleo S. Moylan
Lieutenant Governor of Guam

Thomas A. Elliott
Administrative Director

Commission Members

Delfin R. Damian, Jr.
Chairman

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

COMMISSION MEETING MINUTES Guam Ancestral Lands Commission Conference Room, Anigua February 8, 2006

I. CALL TO ORDER

Meeting was called to order at 4:17pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo, Legal Counsel Luis Littlepaige and Administrative Director Thomas Elliott.

II. APPROVAL OF MINUTES (January 4, 2006)

Commissioner Matanane moved to approve the minutes of January 4, 2006 subject to corrections. Commissioner Calvo seconded the motion. There were no objections, **MOTION PASSED.**

III. OLD BUSINESS

A. Draft RFP update – Ypao Point Development

The Administrative Director commented that he had made some recent amendments on the RFP and a preliminary timeline. As to the recent amendments it falls under Section III of the draft RFP under the Master Developer Responsibilities, paragraph 6 which reads "upon selection, as master developer by the CLTC, submit to CLTC a good faith deposit of \$100,000 or a performance bond in such an amount as to assure performance by developer and/or to insure the CLTC against anticipated or unanticipated delays, costs or liabilities arising through non-performance by master developer.

The Administrative Director inquired if Legal Counsel had any comments on the language.

Legal Counsel Littlepaige commented that the amount of the performance bond is low considering the amount of work that you would like done up there. The performance bond is not going to cost them that much and they would probably be willing to put up the \$100,000 and I think you should ask them for a higher performance bond.

The Administrative Director commented that it is a good faith deposit or a performance bond.

ironic because his son asked him why he never taught him Chamorro and he felt so bad because when he was growing up they were all speaking in Chamorro. English was taught in class and when they came home his parents would say okay come now and we'll speak Chamorro. He was really touched and very moved with this. He speaks for himself but like what the Chairman said that there are laws and when that law provides us to go through they can be assured that they have his support for this.

Commissioner Matanane commented that he is also in support of Ann Marie's request. As he looked at the issues here they also wanted either the land or a part of the Ypao Point development. Rest assured, I was in the taskforce and we demanded that there will be a cultural center incase there is a development. I am really with you and with the predicament that we have right now we cannot give you an answer on it but we are in support with what you are requesting.

Commissioner Perez commented that she is definitely in support of that because her job is a teacher aside from being a Commission member. I will be in support of that so that my students can have a place to see and live the Chamorro culture. When you speak and teach in class and you don't have anything to show then teaching does not really always go through because you don't have that constructive thing to show. That the child could see what the Chamorro culture is all about. I am in support but we need to know what the law stands for and if everything is in place I am more than a thousand support.

Ann Marie Arceo - One more final thought from me, I sit here before you honestly and humbly telling you that the reason why I started the Hurao Cultural Camp out of government, I resigned from government and I refuse to go back to government, is to continue with grass roots because this is where it will live. We will continue to change governors and there will be governors that will come and go that will support us and some that won't. We will always be for our children. So please keep in mind.

B. Global Recycling – Daniel Chu/Joe Morcilla

Joe Morcilla who is a planning consultant is here representing Felix Quan who is his client from Global Recycling Center. Felix is part owner of a company called Global Recycling Center that operates currently up at the property just north of the DPW transfer station which is owned by the Chamorro Land Trust. Global Recycling Center is a company that recycles primarily metal waste. If you're familiar with the site you can remember the cars that are stacked about 20 to 30 feet high. A lot of those vehicles has since been processed and taken off island and they were done by this company, Global Recycling Center. What the company is seeking, they don't have a lease with the Chamorro Land Trust right now. The way they have begun operation there was that they were affiliated with a company called BKA KoKu Recycling and they had a relationship with them to process metal waste on the property. The primary operator at the site is Global Recycling Center not BKA. If you look at the map that I presented to you, Global Recycling Center just operates on a portion of that lot right now, the north-east portion of the lot. They would like to lease the entire lot because their plan is to make it a receiving site for recycling island wide. They plan to improve the property by removing the existing material that is there. There are about 70% that is removed right now and there is still quite a number of metal waste up there. But there are also tires and heavy equipment that are up there that needs to be removed. They also plan to make it a real

recycling center by constructing concrete pads there and constructing also a storm drainage system to ensure that the aquifer is protected. They are also planning to put in perimeter fencing to ensure security and safety for the neighborhood. They plan on making it a top notch recycling center. They also are willing to offer the Chamorro Land Trust to assist them in removing metal wastes from other Chamorro Land Trust properties island wide. They can do that for some negotiated fee but they are willing to do a discounted rate so that they can make a win win situation for both the Chamorro Land Trust for cleaning up the site and for them by being able to sell the metal waste that they collect from those properties. In closing we know that the island is really focused on getting rid of these metal wastes, we see that on the news quite often. This company is one of the primary leaders on removing these metal wastes from the island. They want to continue to operate because they feel that there is a lucrative business for this type of operation on the island. They think the site is ideal for this kind of operation. By removing all this metal waste of course we are going to enhance the image of the island as being a tropical paradise. The company would like to continue this operation and are looking for the Chamorro Land Trust Commission to approve the negotiation of a lease of this property.

Legal Counsel inquired from Joe Morcilla if he is asking the Commission to not renew the lease with BKA and to give it entirely to his client.

Joe Morcilla commented that he thinks there is an issue here whether BKA actually owns a lease or not. That's why we are here. From our research there is no existing lease on the property right now. If there is no existing lease then we would like to initiate a lease with the Land Trust, to the primary lessor of the property.

Commissioner Calvo commented that if that is the case how did BKA acquire that?

Legal Counsel commented that the documents stated that BKA has a license agreement that includes a clause that allows them to the lot in Dededo. They may not have a lease for the Dededo site but it is something included in the Barrigada site.

Chairman Damian commented that we need to get final determination on what BKA has to do and if there is an actual severance between the two companies.

Chairman Damian inquired from the Director if there are any official documents.

The Administrative Director commented that he had not looked at the license agreement in reference to Lot 5219 in Barrigada which includes that clause however he is wondering if there is any expiration date on that clause. He did speak with Mr. Joe Secat earlier today in terms with what his intentions where with the site up at Dededo and he stated that he may continue using that site given that he is deeply involved in the abandoned vehicle program. He will get back to me in reference to his intent whether to continue using the site or to transfer his operation down to Piti.

Chairman Damian commented that the only thing that will hamper the Commission's decision right now is whether in fact the license is still in effect. The Commission needs to make sure that the lease is cleared before we can actually turn this lot over. For himself he doesn't have

a problem of having Global Recycling move into the project site, Lot 10122 particularly if we've met all of the GEPA requirements. Once we get a clearance on that the Commission is going to be ready to vote subsequent to any further negotiations.

The Administrative Director commented that the scrap baling agreement with BKA expires this year in August. If the Commission were to approve an area for you would there be a problem with you working in the same general area with BKA should BKA decide to also stay in the area?

Felix Quan commented no that won't be an issue we just want to know what space we are talking about.

Felix Quan informed the Commission that they had invested already over \$800,000 on the site.

Joe Morcilla commented that it is also important to know that BKA is not doing anything up there right now.

Commissioner Calvo inquired if BKA does the same operation as Global.

Felix Quan commented that they are into metal just like we are but we take just about anything. We do anything that has metal. BKA is sort of like a hit and run operation where they did heavy metals at one time when the metal prices are high then they stopped their operation and stayed dormant for a while. We don't do that, we do this everyday, anything that has to do with recycling we take it in.

Commissioner Calvo inquired if BKA is still in business at this point.

Felix Quan commented that he thinks they are. Global Recycling Center is trying to expand to the same thing as the northern hard fill which is a USEPA certified hard fill that belongs to their company which is an alternative to recycling. They would do construction debris other than household trash. They have that facility which is in existence in Yigo.

The Administrative Director inquired if this activity is for Global Recycling or is it for BKA.

Felix Quan commented that they have nothing to do with BKA.

The Administrative Director clarified that they are not doing anything more with BKA and their physical contract that part is still done but they still have an agreement that's still in place until August.

Felix Quan commented that is correct.

Legal Counsel inquired if BKA has the right to sublease.

The Administrative Director commented that this is not a sublease but a subcontract.

Felix Quan commented that they are actually doing BKA a favor by cleaning up what they are not capable to doing because they have the necessary machines.

Chairman Damian commented that the main thing is to make sure that there is a complete severance with BKA so that Global Recycling Center would be free to conduct their business at the project site in Dededo.

The Administrative Director commented that he will provide the license agreement for BKA for the Barrigada site to legal counsel for his review before the end of the week.

V. DIRECTOR'S REPORT

Due to time constraints only items 3 & 4 of the Director's report will be entertained.

3. Adacao School Site

The Administrative Director commented that the Adacao School site came up as an issue on the radio station and he had received a couple of phone calls from the public at large and from the Nasion Chamorro letting him know that if one person stands there refusing to be relocated from the Adacao School site that they will stand with that person and they will protest and demonstrate and do all to protect that one person's interest in that property. Their argument is that because there is a school site over at Marbo that could be used instead of Adacao that is one issue and there are federal lands that could be returned to GovGuam for the use of public schools. Nonetheless they do intend to picket and demonstrate. He had received a call this evening during the meeting from another Chamorro Nation member letting him know that they are gearing up for some activity in the next few days regarding this issue. All authorized occupants and lessees have been notified up at Adacao. CLTC has requested to meet with the one occupant (Mr. Crisostomo) who is resistant to relocate, to hear his concerns. The area south of Adacao has been identified for relocation and if necessary we have other areas as well that we can fall back on when the time comes.

Commissioner Calvo inquired if that was a law that was passed for the school site.

Chairman Damian commented that it was the Legislature and the Governor who made that determination.

Commissioner Perez inquired on what kind of housing structure do the occupants have in the area.

The Administrative Director commented that they are semi-concrete and wood and tin.

Commissioner Perez commented that when the families are relocated and they have to be placed on another area, who foots the bill to this transfer?

The Administrative Director commented that certainly the Government of Guam he would think would end up footing the bill and perhaps the Commission specifically.

Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

March 28, 2006

RECEIVED

Sent via Certified Mail

MAR 31 2006

Mr., Benny B. Bello
 Pacific Rim Resources
 Dba Ko' Ku Recycling
 P.O. Box 25158
 Guam Main Facility
 Barrigada, Guam 96921
 Tel. No. (671) 888-3779

Law Office of Mark Smith
 TIME: 3:50 INITIAL: JS

RE: Lot 10122-15 Municipality of Dededo, Guam

Dear Mr. Bello:

Based upon a recent inspection of Lot 10122-15 Dededo, better known as the Dededo Metallic Waste Station, it appears that the property has been substantially cleared of metallic waste.

Pursuant to our agreement, Ko'Ku Recycling is to remain on the property until completion of the removal of the metallic waste or two years from the initial start date. Both conditions have now been adequately met. Please be advised that the Chamorro Land Trust Commission (CLTC) intends to license the aforementioned property to interested parties.

In order to facilitate this process, we are hereby requesting the following:

1. Submit a closure plan within thirty (30) calendar days from the date of this letter at which time CLTC shall assume control of said property.
2. Submit Guam EPA certified copies of metallic waste removed from the said property.
3. Cease from acquiring new material onto said property.
4. Provide copies of financial statements with revenue details of any baling and/or copies of subcontracting arrangements/contract agreements

As you are aware, pursuant to our agreement, the Commission is to receive forty (40%) percent of all income generated from the property.

We would appreciate your prompt reply to the above matters. You and your firm are further advised that effective May 1st 2006, any and all revenues derived from any subleasing and/or subcontracting (baling and other related activities) shall be to the

benefit of the Chamorro Land Trust Commission. Lastly, the Commission will submit its request to Guam Environmental Protection Agency to cease any and all issuance of permits relative to the aforementioned CLTC Property. As with all interested parties, you are welcome to apply for a CLTC License for all or a portion of the site.

Thank you again for your attention to this matter, and we look forward to hearing from you shortly. In the interim, should you require any additional information or assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas A. Elliott', with a long horizontal line extending to the right.

Thomas A. Elliott
Administrative Director

Cc: Guam Environmental Protection Agency
Department of Public Works

Ko'Ku Recycling

**P.O. Box 25158
Barrigada, Gu 96921
671-898-4512**

April 17, 2006

Mr. Thomas A. Elliott
Chamorro Land Trust Commission
P.O. Box 2950
Hagatna, Gu 96932

Dear Mr. Elliot,

As you may be aware, I have tried to meet with you over the last few weeks since receiving your letter dated May 31, 2006. Hopefully we can meet in the next few days to discuss some of these issues face to face. I will concur with you that the project at the Dededo site is adequately complete and if the Commission wants to take possession I am fully supportive. However, there are a few things that need finalizing which will require a little more time than the 30 days you have given.

They include the following:

We, along with our baling subcontractors will require an additional time or at least access to the site remove our equipment and some material that has been prepared to bale and shipped. Therefore I am requesting an additional 90 days.

I would like to make sure all issues with regards to terminating our Guam EPA permit for the site are addressed and fully complied with. This is the most important factor and will assure both parties that nothing is left to haunt us in the future. This should also validate my request for the 90 days.

Yes, I would like to toss my hat regarding the Commission's interest in leasing the property. I would like to be notified of any discussions or negotiation offers the Commission can provide regarding the site.

Finalizing credit due to Ko'Ku Recycling and the application of the credit to our Barrigada property.

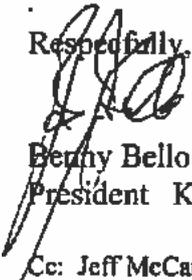
Finalizing and crediting CLTC for any amount due from our agreement.

Review of Closure Plan (Submittal of the plan will be within the next few days).

The removal of metallic waste at the site was a tremendous undertaking on the part of our company. We can document approximately 70 thousand tons of processed material was shipped off island from the site. It is quite clear of the value of the cleanup to the CLTC as you noted that there are interested parties including ourselves wanting to lease the property.

I am hopeful you can find the time to meet with me to address the outlined issues, as time is of the essence please call me at your earliest convenience. 898-4512

Respectfully,



Benny Bello
President Ko'Ku Recycling

Cc: Jeff McCarthy, BKA-KOKU LLC

Ko'Ku Recycling
P.O. Box 25158
Barrigada, Gu 96921

*need f/1/3/06
3:30pm*

April 7, 2006

VIA HAND DELIVERY

Shang Guam Mai
Tamuning, Guam

Dear Mr. Mai,

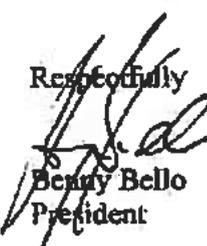
As per our meeting earlier this month I informed you of the letter Ko'Ku Recycling received from the Chamorro Land Trust Commission. CLTC would like to have us complete and finalize removal of all metallic debris at the Dededo site. I am preparing to submit a closure plan and would need your assistance in regards to your specific involvement in the said plan by the end of this month. In addition, please provide copies of your Bill of Lading documents for all metallic scrap that your company has baled from the site and has sent off island.

It is prudent therefore that no additional material be received at the site until we have completed the said closure. Note that I will be requesting to lease the site from CLTC or at least a portion of the property. It will definitely be helpful if this transition went well and this project can be one we can all be satisfied with.

As time is of the essence, I will be following up with you in the next few days to check on the status of my request.

Please allow me to thank you for your cooperation and effort in this matter.

Respectfully


Benny Bello
President

Cc: Jeff McCarthy
BKA-KOKU LLC

11/4/11

File copy

**Law Offices Of
Horecky & Associates**
643 Chalan San Antonio, Suite 102B
Tamuning, Guam 96913

FREDERICK J. HORECKY

Telephone: (671) 646-8274/5

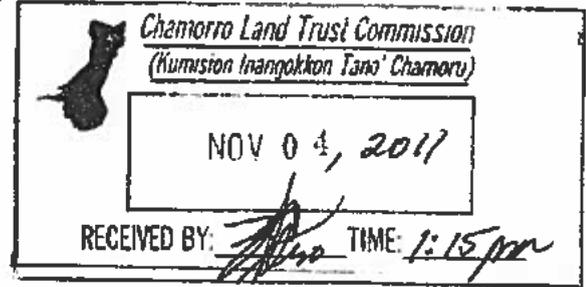
Facsimile: (671) 646-8403

E-mail: horeckylaw@telepnum.net

November 3, 2011

VIA: HAND DELIVERY

Monte Mafnas
Administrative Director
Chamorro Land Trust Commission
590 S. Marine Corps Drive
3rd Floor, ITC Building
Tamuning, Guam 96913



Re: License Agreement between the Chamorro Land Trust Commission and Ko'ku Recycling

Dear Director Mafnas:

On behalf of my client Ko'ku Recycling, we wish to thank you and Chairman Calvo very much for meeting with us to discuss the License and a "path forward" for getting this project back on track.

Our conversation was constructive, and I believe the project can now move forward. I am enclosing a proposed "First Amendment to Chamorro Land Trust Commission License Agreement." This includes items which we discussed, and a provision suggested by the Chairman providing for a plan and reporting requirements by Ko'ku to the CLTC.

Mr. Bello has already made arrangements to clean, clear, and secure the property; this work will commence next week. Mr. Bello has recently had discussions with Ms. Conchita Taitano of the Environmental Protection Agency to secure a hard fill permit. He is also discussing further plans with Koku's Consultant, Mr. Tom Polovich of APEC, regarding the environmental cleanup plan. Mr. Bello should return from off island around the 14th of November.

Please review the proposed First Amendment and let us know if you would like to discuss any matter pertaining thereto. We look forward to a review and approval of the Amendment by the Board. Once again, we appreciate the consideration that you and Chairman Calvo have shown to Ko'ku Recycling in helping this project to move ahead.

Sincerely,

Frederick J. Horecky
Frederick J. Horecky
Attorney for Ko'ku Recycling

Cc: Ko 'ku Recycling

**FIRST AMENDMENT TO CHAMORRO LAND TRUST
COMMISSION LICENSE AGREEMENT**

THIS FIRST AMENDMENT is entered into on this ____ day of November 2011, by and between the Chamorro Land Trust Commission, whose mailing address is Post Office Box 2950, Hagatna, Guam 96932 ("Licensor") and Ko'Ku Recycling, whose mailing address is Post Office Box 25158 GMF, Guam 96921 ("Licensee").

RECITALS

WHEREAS, Licensor and Licensee previously entered into a License Agreement regarding Lot No. 5219-1-1, Barrigada, Guam, a true and correct copy of which is attached hereto as Exhibit "1"; and

WHEREAS, in accordance with said license agreement, Licensee is authorized to conduct business related to solid waste management, processing, recycling, disposal and a storage facility, so long as all uses are legal and conforming; and

WHEREAS, parties wish to clarify certain matters set forth in the License Agreement.

NOW, THEREFORE, in consideration of the mutual and dependent promises set forth herein, the parties hereto agree as follows:

1. Except as expressly agreed to in writing in this First Amendment, all provisions in the License Agreement between the parties, attached hereto as Exhibit "1", will remain fully binding and in full force and effect.

2. Pursuant to Section II, TERM, of the License Agreement, the parties agree that the "initial term" of the License Agreement shall be deemed to have commenced on September

4, 2005.

3. In Section V of the License Agreement, COMPENSATION, the parties agreed that Licensee would receive certain credit in exchange for rental payments for all cleanup work conducted by Licensee on Lot No. 10122-15, and that the amount of the credit would be based upon work performed on Lot No. 10122-15, including but not limited to the removal of metallic waste and other items. Licensor has already agreed that Licensee is entitled to credit for the removal of at least 25,000 metric tons from Lot No. 10122-15. In accordance with the formula set forth in Section V, Licensor and Licensee hereby agree that the total amount of credit currently due Licensee for work completed pursuant to Section V is \$7,500,000. This credit shall be an offset in favor of Licensee against any rental payments that would otherwise be due to Licensor under the License Agreement. The agreed upon calculation of the credit due Licensee is set forth in the document attached hereto is Exhibit "2".

4. Licensee shall be authorized to conduct the following business activities on the real property: solid waste processing facility, solid waste management disposal and recycling, hard fill, storage and warehousing, operation of construction office and storage and sales of construction and building materials and equipment, and lay down yard.

5. Licensee will immediately continue with its efforts to clean and remediate the property. Within sixty (60) days from approval of this Amendment, Licensee will provide a detailed plan to the CLTC indicating how the property will be cleaned and remediated. Licensee will submit periodic reports to the CLTC, no less than quarterly, indicating its progress in fulfilling its obligations under the license agreement.

6. All provisions in the License Agreement, except as expressly modified herein, shall remain in full force and effect.

IN WITNESS WHEREOF, each party to this **FIRST AMENDMENT TO THE LICENSE AGREEMENT** has caused it to be executed at Tamuning, Guam, on the date and year first written above.

Monte Mafnas
Administrative Director
Chamorro Land Trust Commission

Benny B. Bello
President
Koku Recycling

ACKNOWLEDGEMENT

On this _____ day of November, 2011, before me the undersigned notary personally appeared Monte Mafnas, Acting Administrative Director, on behalf of the Chamorro Land Trust Commission, known to me to be the person whose name is subscribed to the within instrument and for its stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public _____
My Commission Expires _____

ACKNOWLEDGEMENT

On this _____ day of November, 2011, before me the undersigned notary personally appeared Benny B. Bello, President, on behalf of Koku Recycling Inc., known to me to be the person whose name is subscribed to the within instrument and for its stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public _____
My Commission Expires _____

25,000 Metric tons x 15 (one metric ton = 15 cubic yds)
= 375,000 cubic yards

375,000 x \$20 (\$20 per cubic yard)
= \$7,500,000

EXHIBIT "2"



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

May 2, 2006

Mr. Benny Bello
President
KoKu Recycling
P.O. Box 25158
Barrigada, GU 96921

Hafa Adai Mr. Bello:

We are in receipt of your letter dated April 17, 2006 wherein you requested an extension of 90 days to close the metallic waste disposal site in Dededo.

Your request is approved under the following conditions:

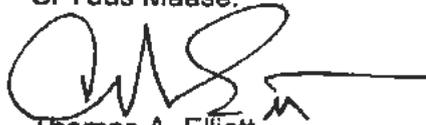
1. KoKu Recycling must not deny access to other contractors who have been given authorization by CLTC and/or DPW to work in the area.
2. KoKu Recycling must provide a closure plan for its section within the next 30 days.
3. KoKu Recycling must provide copies of all subcontracts entered into while utilizing the area, including contract termination letters, if any.

CLTC will continue to work with you as you complete and close the site. CLTC will review all documents to assess the commission's potential liability with respect to both financial and environmental aspects.

Other contractors working in the area are expected to possess all necessary permits to continue baling, staging, transporting or otherwise processing metallic waste.

If you have any questions or concerns, please do not hesitate to call me at 475-4251.

Si Yuus Maase.


Thomas A. Elliott
Administrative Director

 May 2, 2006

Felix P. Camacho
Governor of Guam

Kaleo S. Moylan
Lieutenant Governor of Guam

Thomas A. Elliott
Administrative Director

Commission Members

Delfin R. Dandan, Jr.
Chairman

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

Ko'Ku Recycling
P.O. Box 25158
Barrigada, Gu 96921
671-898-4512

April 17, 2006

Mr. Thomas A. Elliott
Chamorro Land Trust Commission
P.O. Box 2950
Hagatna, Gu 96932

Dear Mr. Elliot,

As you may be aware, I have tried to meet with you over the last few weeks since receiving your letter dated May 31, 2006. Hopefully we can meet in the next few days to discuss some of these issues face to face. I will concur with you that the project at the Dededo site is adequately complete and if the Commission wants to take possession I am fully supportive. However, there are a few things that need finalizing which will require a little more time than the 30 days you have given.

They include the following:

We, along with our baling subcontractors will require an additional time or at least access to the site remove our equipment and some material that has been prepared to bale and shipped. Therefore I am requesting an additional 90 days.

I would like to make sure all issues with regards to terminating our Guam EPA permit for the site are addressed and fully complied with. This is the most important factor and will assure both parties that nothing is left to haunt us in the future. This should also validate my request for the 90 days.

Yes, I would like to toss my hat regarding the Commission's interest in leasing the property. I would like to be notified of any discussions or negotiation offers the Commission can provide regarding the site.

Finalizing credit due to Ko'Ku Recycling and the application of the credit to our Barrigada property.

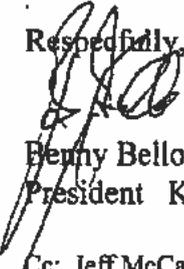
Finalizing and crediting CLTC for any amount due from our agreement.

Review of Closure Plan (Submittal of the plan will be within the next few days).

The removal of metallic waste at the site was a tremendous undertaking on the part of our company. We can document approximately 70 thousand tons of processed material was shipped off island from the site. It is quite clear of the value of the cleanup to the CLTC as you noted that there are interested parties including ourselves wanting to lease the property.

I am hopeful you can find the time to meet with me to address the outlined issues, as time is of the essence please call me at your earliest convenience. 898-4512

Respectfully,



Benny Bello
President Ko'Ku Recycling

Cc: Jeff McCarthy, BKA-KOKU LLC



Chamorro Land Trust Commission

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

June 19, 2006

Mr. Shang Guan Mai
General Manager
Hua Mei Enterprises (Guam) Inc.
P.O. Box 22142
GMF, Guam 96921

Mr. Daniel Chu
General Manager
Global Recycling Center, Inc.
P.O. Box 11792
Tamuning, Guam 96931

Felix P. Camacho
Governor of Guam

Kaleo S. Maylan
Lieutenant Governor of Guam

Thomas A. Elliot
Administrative Director

Commission Members

Delfin R. Damian, Jr.
Chairman

Doreen F. Pangellnan
Vice Chairperson

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

RE: Authorization to occupy and proceed with permitting, development, operation and maintenance of Recycling Facilities by your respective firms on Portions of Lot 10122-15 Municipality of Dededo, Guam.

Dear Sirs:

The Authority to dispose of Government of Guam lands, excluding lands otherwise reserved for other purposes pursuant to law, lies solely within the administrative purview of the Chamorro Land Trust Commission (see 21 Guam Code Annotated, Chapter 75 & Public Law 22-18). This authorization is based on your firms' submittals respectively for a CLTC commercial license for locally owned and operated integrated recycling facilities.

The sites for your commercial operation are described as follows:

1. **Hua Mei Enterprises (Guam) Inc.**
A portion of Lot 10122-15, not to exceed three (3) acres subject to survey (and herein referred to as exhibit A);
2. **Global Recycling Center, Inc.**
A portion of Lot 10122-15, not to exceed seven (7) acres subject to survey (and herein referred to as exhibit A);

Your respective firms are hereby responsible for all costs associated with the utilization of this property and shall indemnify and hold harmless the Chamorro Land Trust Commission of all liabilities. Therefore, you may proceed with obtaining any requisite licenses, permits and/or approvals with the Guam Environmental Protection Agency and the Department of Public Works that may be applicable or relative to the prescribed activities, to include, the development and construction of structures necessary to conduct the aforementioned commercial/industrial activities.

This authorization shall be deemed temporary and will be superseded by a commercial license agreement upon completion of the conditions stipulated in the following paragraph. This License (attached as exhibit B and herein provided in draft form) shall provide specific terms and conditions that will be delineated and mutually agreed upon.

Lastly, it is a requirement for all Commercial License applicants to contract the services of a locally licensed appraisal firm for purposes of determining the fair market value of the property. Additionally, the applicant is also responsible for contracting the services of a locally licensed Surveyor to determine the metes and bounds of the property. Hence, all costs associated in conducting the real property appraisal and survey services shall be the responsibility of both of your companies, inclusive of perimeter fencing for security and safety features to the general public. However, copies of the survey maps and the appraisal report must be provided to the Commission for review.

The Commission issues this authorization with the acknowledgment that all activities upon the above subject real property shall be conducted in a manner fully in compliance with the Uniform Building Code and all applicable laws, rules and regulations. Your firm shall hold harmless, and indemnify the Chamorro Land Trust Commission of all potential liabilities during construction, operation and maintenance of all related activities on the property as of the date of this authorization.

Should you require any additional information or assistance, please do not hesitate to contact Mr. Kimbley Lujan of CLTC's Commercial Division at (671) 475-4281.

Sincerely

A handwritten signature in black ink, appearing to read 'T. Elliott', with a long horizontal line extending to the right.

Thomas A. Elliott
Administrative Director

Attachments:
Exhibit A
Exhibit B

cc: Guam Environmental Protection Agency
Department of Public Works

May 6, 2008

Joseph Borja
Executive Director
Chamorro Land Trust Commission
Corn Building
Anigua, Guam 96910

**Subject: Global Recycling Center Inc. – Lot No. 10122-15-1 Dededo Transfer Station
Lease Request**

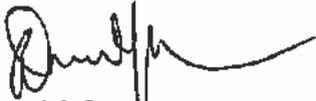
Hafa Adai Mr. Borja,

Global Recycling Center Inc. (GRCI) currently operates recycling activities on approximately 10 acres of Chamorro Land Trust land described as Lot No. 10122-15-R1 Dededo. This recycling operation is located at the rear of what is known as the Dededo Transfer Station site.

At this time, GRCI is interested in leasing additional space at the Dededo location. The area of interest is specifically Lot No. 10122-15-1, which comprises a total of approximately 3 acres situated south of the present GRCI location (see attached map). We look forward to meeting with you regarding our interest in this additional space so that we may address our future operational needs.

If there are any questions, please call me at 482-6088. Thank you for your time and patience in this matter.

Sincerely,



Daniel Chu
General Manager
Global Recycling Center Inc.



survey. I don't get that. I hope the Commission here doesn't approve anything that will prolong and then we're going to have to eat it on this one. I am kind of leery about this because what was the intention of that previous Commission approving such items that would cost this?

The Administrative Director commented I think for several reasons, one was that Mr. Torres has been coming to the Commission very frequently and at one time what was happening was that there was a commitment made for Mr. Torres for 20 acres but he decided to hold off on accepting that until the other family members name came up. The previous Director Mr. Elliott ordered the staff not to issue anymore leases in that area until Mr. Torres's situation was clarified. Somehow or another staff went ahead and issued leases in the area. The previous Commission felt that because the Commission went out and started issuing leases that as to make things good with Mr. Torres I guess that the Commission would take over the expense of surveying that area for Mr. Torres. I would like to put this one in writing. I do recommend that the amount be approved but I can understand and would appreciate it better really as Mr. Matanane said if you Commissioners would look at the issue more in detail before voting for it. To be honest with you as Director it is a little different being a Director of an agency that is run by a Commission than for example Land Management. At Land Management the Director can basically do everything provided the Governor receives approval. Me as the Director of the Land Trust I really can't do anything until you guys approve which is protection for me. I would prefer if the Commission learn more details on it. If I leave here I don't want anybody coming in and saying well how come you paid that for Mr. Torres and you guys say oh, because Mr. Borja said so. I would like that it be on your own accord whether you approve it or disprove it.

Acting Commissioner Matanane commented with that being said I move that we table this particular item.

Administrative Director commented that he will put it on the agenda for the next meeting and will provide a written history of the case basically to answer your question as to why I think the previous Commission approved the payment of Mr. Torres's survey.

Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.

12. Global Recycling Center, Inc. – Commercial license request on Lot 10122-15-1, Dededo

The Administrative Director commented they are requesting for a commercial license to process metallic waste up in the Dededo Solid Waste transfer station area. This area has been under a lot of consideration and review because previously the Commission had authorized a license in this area without any money involved. The tradeoff on that license was that the previous company was supposed to have a license on this lot and in return for that they were supposed to clean up a lot up in Barrigada Heights. If you are looking at Revenue & Taxation from Route 16 immediately to your right that property belongs to the Land Trust. It was previously a quarry but instead of that licensee cleaning up the property he actually made it a lot more dirty by bringing in tires. Several years ago there was a tire fire in the area which was on that lot. The agreement at that time was this company, I believe it was called KoKo Recycling, was supposed to use the Dededo lot. There was a metal shredder there and they were supposed to use that lot to process metallic waste and

Acting Commissioner Matanane commented so your recommendation is to table it.

Administrative Director commented just because of the fact that we don't want to get into the same situation like what happened to Hawaiian Rock where we gave a license to the same piece of property that already had someone on it. I'll work with legal counsel to review the original license and then probably they might recommend that we terminate that one before we actually do this one which is what their recommendation is. Like International Shooting Center that before we lease it out to anybody even though they haven't paid or had any contact is go to the termination due process and then hopefully lease it out cleanly.

Acting Chairman Pro-Tem Calvo commented lets just go until the process is all done and what legal counsel's findings are.

Legal Counsel Santo Tomas commented that they will work with the Director since he is going to work on the history of the matter.

Acting Commissioner Matanane made a motion to table the request by Global Recycling Inc. until the details are completed with the termination of the other company that is leasing that place. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.

13. GEDCA – Grant of easement, Lot 114-B-R3, Piti – GEDCA/KwikSpace

The Administrative Director informed the Commission that the request is from GEDCA on behalf of their client KwikSpace for a grant of easement on a particular piece in Piti that belongs to the Land Trust. Under the terms of a program initiated by Ancestral Land's Commission they leased a piece of property to KwikSpace with hopefully the anticipation of getting a favorable decision from Guam Public School System to have another access through Guam Public School System property. Guam Public School System so far has been hesitant to grant them that easement and they have some other issues I guess to handle rather than this. So the Land Trust has property next to it and basically they are asking to purchase a piece of the property or at least license it for access to their project. On this particular one they are not asking really for a commercial license but rather a grant of easement. On this particular case it is a little strange because most of the time when people request for a grant of easement most of the time they don't really offer to pay for it but in this particular case and in other recommendations they are actually offering to pay for the easement on the property. That would be something maybe legal counsel can do it. I reviewed it as a matter of fact I was the one who recommended certain style of easements. There were 3 options when I first met with GEDCA on this. I presented 3 options to them on providing access to the property. One was using GPSS land, one was using CLTC property and another was using a combination of both. They did try to go through GPSS but were not successful so now they are before the Commission. On this particular request I have no problem on favorably recommending this particular piece of property pursuant to their request. On this particular case I recommend approval on this particular piece of property and allow the Director to negotiate because what they are asking here is for a 50 year lease on the property. Again maybe it's just a matter of the legal wording but what they are asking for is an easement to the property rather than leasing the piece of land to use for commercial purposes. Really what they are asking for is access.

then if they make changes and the Governor looks at it and says you know what I don't like this, I don't like this you know and he decides to veto it goes back but the beauty about it is when you veto and it goes back to them it doesn't have to go back to the legislature because once they override that veto it becomes a public law too automatically. It doesn't have to go back to the Governor and say okay we vetoed it and you have to you know so but when that you know I don't want to dispute anything...(interrupted).

Cita Tomada - We have a timetable that you are looking?

Acting Chairman Calvo - Well I don't know. Napu when do you think we're going to have that public hearing by any chance?

Napu Castro - It's not scheduled on our agenda yet. We will be letting the Commission know as soon as we find out when our public hearing date is when we're going to have the rules and regs but we do have it in our system.

Acting Chairman Calvo - Okay see they got it already so.

Cita Tomada - Thank you so much and I appreciate your time.

4. Global Recycling Center

Administrative Director Garcia - Global Recycling Center this is one of the issues coming up with EPA. We were issued a notice of violation for...(interrupted).

Acting Chairman Calvo - That's the one up in Dededo.

Administrative Director Garcia - Up in Dededo by the solid waste transfer station, the DPW solid waste transfer station. This is one of the issues of notice of violations that we were issued by EPA. So Global has an authorization from Tom Elliott to utilize the property, there was no payment or anything stated in that authorization same thing as Hua Mei. Balli Steel is also up there they went through KoKo Recycling, they changed the name to Balli Steel. But all of those three companies do not have an actual license at least with the Chamorro Land Trust. Daniel Chu is the only one up there that is trying to come into compliance with the EPA requirements right now.

Acting Chairman Calvo - Jess because we went out there remember, okay now that whole compound I remember because it used to be a transfer station that used to be just a lot of junks and so forth and we did go out there and they made a lot of clearance in there I guess through EPA. Now are you saying there are three companies within that one compound?

Administrative Director Garcia - Yeah that one lot that one big lot.

Acting Chairman Calvo - So who really is the...(interrupted).

Administrative Director Garcia - There's no lease or license for any of them there's an authorization for two of them that I saw.

Vice-Chairman Matanane - No lease?

Administrative Director Garcia - No lease.

Vice-Chairman Matanane - So we're not getting any money from them?

Administrative Director Garcia - No. So the thing here is the media interviewed me the other day and I basically told them there's no lease or license but if Daniel Chu was to pull out from that thing we're telling him you cannot use the property you got to pull out. What's going to happen with the materials that are there, the metallic waste, the white goods the junk that's there?

Legal Counsel Lujan - Is that what they brought to the property?

Administrative Director Garcia - That we don't know. The fact is if we were to tell them to stop operation and pull out they pull out and say okay I don't want to do this business anymore the trash is going to stay there. Who will be responsible to pull it out? The Chamorro Land Trust will be the one to pay for the removal?

Vice-Chairman Matanane- We can put a suit against them.

Administrative Director Garcia - Yeah but what if they file bankruptcy? How can you sue somebody if they go to Chapter 19? So the thing here is they're trying to do good. Oscar and myself went up there and we saw the site.

Vice-Chairman Matanane - Can we look into the record and see who authorized them to go ahead and occupy the property?

Administrative Director Garcia - The previous director Tom Elliott, we looked into it with Oscar. You know once the new rules and regulations comes in then Daniel Chu, Global Recycling is willing to comply but right now with the moratorium we can't issue him anything anyway. So you know but he's been operating there now and that's the thing the reason why he came to the office regarding these issues is because they need a permit from EPA and EPA will not issue him the permit to, I don't know what license he needs but there's like three different types of licenses. Under the three I think there's one that is expiring and EPA will not issue him a renewal on that license unless he has authorization from the Chamorro Land Trust. But we're stuck with the rules and regulations for commercial.

Vice-Chairman Matanane - He's willing to comply but he has nothing to comply with because we didn't give him the proper documentation that they should occupy that piece of property and we can't go and enforce something that we didn't you know. Just that they went in there and squat and doing business as happy as they go. There is no authorization.

Administrative Director Garcia - That's why I said we'll bring it up to the Board.

Acting Chairman Calvo - If we shut them down today for that matter then it becomes chaos out there again with all that. I experienced that to my village and I'll tell you what from Santa Rita from the entrance up towards Cross Island Road at one time I even measured all the trash. Four hundred feet of materials anything from beds and whatnot and that's only one portion. Going into the village was the same thing and this was under dispute and fight among the EPA you know. Right now I see even now up in Yona. So who do we, where do

we, if we shut down today, who's going to pick up the trash? So I'm saying do we just give them a time frame? Because like you said Dave we can't shut them down for that matter. If we do if we close the door tomorrow we're left with all the metallic stuff up there. We're going to be responsible, we're going to have to clean up that which we don't have the money to do that.

Vice-Chairman Matanane - I was reading the letter that Senator Pangelinan has giving the Commission he's asking if we had referred it to the attorney, I just handed her the letter.

Administrative Director Garcia - We have been working with EPA, we had some meetings and stuff so.

Acting Chairman Calvo - So what's their position on that?

Administrative Director Garcia - We're supposed to meet tomorrow again with them regarding the(interrupted).

Acting Chairman Calvo - So why don't we just table that out until we get the final issues with the EPA and whatnot.

Vice-Chairman Matanane - And probably we can get a recommendation from our legal counsel as to what's the next appropriate way to dealing with these particular problems.

Legal Counsel Lujan - What the options are.

Vice-Chairman Matanane - Yes.

Legal Counsel Lujan - Okay.

Acting Chairman Calvo - Delia can you make that a pretty much of a priority because now that I think I heard now that I think they're going to be starting the program again, kicking off the program in the villages and I know for a fact like because even in the Santa Rita area there's still plenty of junk. And through the help also that Public Works came in and helped us out and I was driving up at Windward Hills right along Baza Garden it's becoming another trash-a-ton area and I can imagine all the other villages going to happen. So this company was the only one that was willing to pick up white goods and so forth. So I think we got to get some sort of feedback on that and maybe through the Board in the next I don't know if you want to table this out to the next meeting.

Administrative Director Garcia - Table it to the next meeting.

Acting Chairman Calvo - Next meeting okay.

Vice-Chairman Matanane - And also I would like to ask the Director please to address the Senator Pangelinan's June 7, 2010 letter concerning Fegurgur please take..(interrupted).

Administrative Director Garcia - Oh yes it's being worked on already.

Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 642-4251 Fax: 642-8082

Daniel Ty Chu
P. O. BOX 7148
Tamuning, Guam 96931

RE: GLOBAL RECYCLING CENTER, INC.

Dear Mr. Chu:

For the past four months, I have met and reviewed your file; and we both agree that Global Recycling Center Inc., is operating without a license or lease. In view of this, it is my responsibility to inform you that Global Recycling Center, Inc. has been conducting business illegally, on Chamorro Land Trust property for many years.

Mr. Chu, you have agreed to provide my office two (2) appraisals; to establish fair market land value and fair market rental value on CLTC property. You have stated that you have secured an appraisal from Victor De la Pena, but I have not received a copy of such appraisal to date. Mr. Chu, you also acknowledged, in front of Mr. Mateo and Mr. Santos, that you and/or your company, has never paid rent to CLTC.

Since you have been in contact with me, you have not presented an appraisal as promised. It is my opinion that you have not been sincere, and purposely evading our request. It is imperative that you acquire both appraisals at the earliest date possible, so that we can ascertain a fair rental value for CLTC and GRCI.

Clearly, I have demonstrated patience and afforded you consideration up to this point in time. I have been very fair to you; therefore, I demand that you deliver the two (2) appraisals to my office no later than July 19th, 2011 (seven days). In the event you do not deliver said appraisals, I would be forced to prevent you from continuing your business operation. You leave me no choice but to lock you out until you comply with our request.

Additionally, be advised that I will not hesitate to invoke my "brokers price opinion" (BPO) to establish fair market rental value, as authorized by the Chamorro Land Trust Board.

Very truly yours,


MONTE MAFNAS
Administrative Director
Chamorro Land Trust Commission

Rev. 01/04/2011

P.S. Mr. Chu did present me (1) appraisal from De la Pena. - Received [Signature] 7/11/11



Chainorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 642-4251 Fax: 642-8082

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor of Guam

Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Michael J. B. Borja
Commissioner

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

August 12, 2001

FILE COPY

Daniel Chu
Global Recycling Center Inc.
P.O. Box 11792
Tamuning, Guam 96931

RE: Delinquent Monthly Rental Amount

Dear Mr. Chu,

Here is my final demand of past delinquent monthly rental amount.

@FMV = \$2,975,500 - @8% = \$238,000 P/A - \$19,833 P/M x 26 months =
\$515,658 x .70 (seven acres) = \$360,960

REAL PROPERTY TAXES = \$2,975,500 X .90(%) = \$2,677,950 ASSESSED
VALUATION X 0.972222 = \$2,603 P/A X two years (2) = \$5,206

TOTAL Amount Due is Three Hundred Sixty Six Thousand One Hundred
Sixty-Six (\$366,166) Dollars

You are formally requested to present your case in behalf of Global Recycling
Center, Inc. at the next CLTC Board meeting scheduled for August 18, 2011
at 1:00pm, Department of Land Management conference room.

Very truly yours,

Monte Mafnas
MONTE MAFNAS
Administrative Director

Received

Daniel Chu

DANIEL CHU

8/12/11

numerous times and I have seen it's been really cleared out and it's you know in fact I asked Mr. Mateo one day because they are building there and I'm thinking why? I say you guys bulldozed the other side I freaked out because I thought are they going to go build already? They already have ground breaking? But yes I just wanted to give you that credit but go ahead and put the ball figure in and then get with Mr. Monte..(interrupted).

Vice-Chairman David Matanane - Put it in writing the proposal what you're planning on doing.

Ben Santos - The concept of Yigo could I get maybe just a few minutes of where that's going, how that's going about and how we can participate in continuing the solid waste disposal business of Mr. Mateo?

Vice-Chairman David Matanane - I believe you can talk to Mr. Mafnas on that.

Acting Chairman Oscar Calvo - On a later yeah.

Ben Santos - Very well I thank you very much.

Vice-Chairman David Matanane - So we'll see on the next meeting right?

Ben Santos - Yes.

Administrative Director Monte Mafnas - September 15.

Acting Chairman Oscar Calvo - But you know the check can come earlier than the next meeting.

5. Global Recycling Center, Inc. - demand letter

Administrative Director Monte Mafnas - I gave Mr. Chu a demand letter in the amount of three hundred sixty six thousand one hundred sixty six dollars for using the property for the past twenty six months to include the delinquent real estate taxes. I've been meeting with Mr. Chu and requested appraisals from him and he's delivered it and we've been going back and forth. Mr. Chu has a very unique situation simply because he's been the guy that's been trying company wise to trying to get a lease for the past ten years. And I've visited the site, I've quantified his equipment and his activity and he's a beneficiary of a subcontract bind between himself as processor and Mr. Benny Bello dba Koko Recycling, Koko whatever, Koko this, Koko everything and he's the guy that actually did all the work. A lease was granted to KoKo on the subject lot and Danny is the guy that did all the work.

Acting Chairman Oscar Calvo - Yeah I know I've seen that place you guys you cleared that out that's the old..(interrupted).

Administrative Director Monte Mafnas - And twenty six months ago former Director Elliott did give him an authorization to occupy and do the business so he's here to present his case. Now on the license agreement or lease agreement as signed by the former Director

it obligated CLTC for considerable amount of rent for crediting for removing all the solid waste materials and unfortunately we never got a copy of that but Mr. Chu did present me and that's how I got to the figures. But Mr. Chu is willing to work out a new deal, fair, amicable to both sides and again physically he's been given authorization since twenty six months ago. So I just whipped up the numbers, fair market value and the formula for real estate taxes and I submitted in the amount of three hundred sixty six thousand one hundred sixty six dollars.

Daniel Chu - Since we keep asking for the lease agreement and Chamorro Land Trust say they are not allowed to sign the commercial lease with any commercial division. The reason why I occupy that place the main purpose is helping the Government of Guam, helping Chamorro Land Trust to clean all the mess. We didn't really apply to working there from the beginning. We are just asked for helping for cleaning Chamorro Land Trust land. Maybe we are the one of the only ones walking in to help. It's not coming to looking for benefit and starting our business. So in that year 2006 the former Director Tom Elliott they check our place they say you guys still need to clean in here we still need to clean but the thing is without those authorizations we cannot apply the permit from EPA then they're going to shut us down. So they give us the authorization till we clean out the land. Even the last Director Jesse Garcia he still come to our yard to check, he said you still doing good so he said we keep this authorization we are not allowed to signed the agreement, we want you to stay in here because most of the sites recycling we really need some company like this to stay in there.

Administrative Director Monte Mafnas - Mr. Chairman I just wanted to qualify that statement that Mr. Chu is in good standings with EPA in terms of the permitting process.

Daniel Chu - So we trying to we're really trying to run a good recycling company in Guam. Even though for the past eight years, nine years maybe we never had any disaster but once every time we have a disaster..(interrupted).

Acting Chairman Oscar Calvo - Don't talk disaster, I don't like that word.

Daniel Chu - The name is disaster sometimes benefits some people. I personally think if there's something happen we don't need the federal the company here doing the landfill, looks like we have nobody can do anything here. We have to ask federal call to send someone from States to do something here so I said I want to run a really recycling center, can meet standard, take out most things recycle as small as I can not only metal. Something I don't make money. I still doing it because like the byproduct those plastic I can bring it to the landfill then what stay there another two thousand years maybe never melt. But that one I even lose my money to ship it out because the recycling profit very low but the thing is its better than buried there. So that's what I believe if I can run the company really good it not only benefiting me and it's going to benefit my son and benefit you and your son and your grand. I think we really need that. The only thing is for our kind business without our Government's help we really can't do anything. You know for private everybody only looking for profit. The same land there's five or six companies occupied there doing the same work nobody wants to invest they just want to take a little bit money then run, take a little bit then run. They have no belief, they don't think the business can be forever and people need you here you make money. Yes if we make

money even you don't make money Government will help you. So we can stay there longer always keep in function anything happen I think that the island needs us.

Acting Chairman Oscar Calvo - You know getting back to what Mr. Monte you know I've gone up there even from the previous Director from Elliott and then also through Mr. Garcia and even to this day, yes you did a good job there that I can attest to what he has done up there to build up his and I know that area was really bad at one time or another. For whatever reason in the past why you haven't gotten that but still what Mr. Monte has alluded is there is a price tag to this thing now that we have to really and it's a good thing that you are trying to help Guam here to keep Guam clean basically is what it is. So you know Monte what was the one this dollar figure you were saying like three hundred some thousand?

Administrative Director Monte Mafnas - Right this is a figure based on the appraisal as submitted by Mr. Chu. Mr. Chu, how long would it take you to remove all the debris existing on site?

Daniel Chu - Now I need to move I think maybe two years. If you really don't I know maybe Government has a new project in here if I hear any project that's really good for everybody else I'm more than happy to move out of there even though if I move out of that place it cost maybe. I already lost three hundred thousand to half a million dollars because all the infrastructure I put it in there year by year everything I cannot move it out.

Administrative Director Monte Mafnas - Okay Mr. Chu you said two years you'll clean it up if we gave you another year, three years to move out would you guarantee you would be moving out?

Daniel Chu - Yes.

Administrative Director Monte Mafnas - Okay the reason why I asked this question is that property Mr. Chairman and Commissioners involve thirteen to fifteen acres of property and I think we should really seriously look at possibly building a Government building because it has water, power infrastructure on site readily and it's fronting Marine Corps Drive and Battulo Road next to the golf course.

Acting Chairman Oscar Calvo - And you got the golf course behind.

Administrative Director Monte Mafnas - Yes it's a beautiful amenity.

Daniel Chu - Yeah but the shape block it we cannot see it.

Acting Chairman Oscar Calvo - If you build a Government building there it's just that the Government is going to be golfing.

Administrative Director Monte Mafnas - So it'll be a centralized building minimum of a hundred thousand square feet and that will give us ample time to design and clean and get all of the biological environmental soil studies and do a performa, do a rendering and eventually want to occupy the property to build a Government building that is really

needed at this point in time. So if three years is all that you need then three years it is. We can put that in writing but also be mindful that that three years is not for free. That three years will mean you will pay and that will be as agreed by the Board and you okay. And I mentioned a property in Yigo to Mr. Chu and Mr. Mateo to relocate them as they expressed that they are going to be relocated and I'm just going through the exercise to see the viable place. Whereas it will also accept EPA's concern of the possible disaster and when Layon landfill opens up in the end of August they will not be accepting green waste or solid waste material. And when Layon opens up the Andersen Air Force Base and Naval Station landfill will close pursuant to the consent decree of the Judge as so ordered. So we really need to identify a site for solid waste materials. So I was thinking trying to consolidate the services and call it a solid waste station. We don't have any other property of that size to accommodate them down south.

Commissioner Michael Borja - On that property that you're looking at for these two they have to be approved by EPA right?

Administrative Director Monte Mafnas - Correct and I did that exercise already and EPA said yes that's a good site.

Commissioner Michael Borja - Which one, the Yigo?

Administrative Director Monte Mafnas - The Yigo right. I know it's over the northern aquifer but they said that's a good site because obviously they did some boring test and testing of the soil to determine that it will be safe in consideration of the leachate spill and the percolation rate so that is what I was told by Administrator Quinata and Cruz the assistant. So I just want to go on record that we will relocate this gentleman, both of them, one way or another. The only thing we have to establish is a site that can work both ways because I think it is time the highest and best use of that Battulo lot is for a Government lot not for a solid waste transfer.

Acting Chairman Oscar Calvo - Actually Monte and I discussed that too and what I really want to focus too is basically put all the sites of all the junk materials in one location than staging it out from Dededo, Agana for that matter. It's just that it's up north I mean but at least that's where it'll be, everybody will be up there. One place that they will be disposing because we're trying to get out like in the case of Mr. Mateo up in Barrigada Heights that's a location for building houses and so forth. So you got to build this and then you got this high rise building then you got a junk yard behind your house you know. But Monte and I we talked about that Monte and that was one of my biggest, I want to get that thing permanently put it you know as a landfill, I wouldn't call it a landfill but you know because it's basically different a solid waste staging area. And you will only be accepting cars, broken down whatever products you take, washing machines, dryers I don't know whatever, things of that nature.

Daniel Chu - Recently the biggest business we have is the people bringing in their scrap to sell it to us. The reason why we can buy it because the market value now stay profitable. So if it's three years ago you can see all, that's why we need island beautification we need to clean island, we need to do this, we need that and now it looks like nothing because the price is high we buy high, people working for themselves.

Northern side even inside the bush you hardly see the light metal any more. People bring it in we have to keep buying from them. Ever since the end of last year the island wide cleaning starting up I believe for the three village island cleaning Government spend half a million dollars and all the metallic waste coming to my yard. The same time I said lets clean it so I started buying metal at extra, local, everybody helping to moving those things because if we any Government or any private sector you want to clean those metal it's not going to work you cannot make any money you're going to lose out.

Administrative Director Monte Mafnas - Mr. Chu, are you a party or did you receive any of that nameplates that was illegally removed from Asan Park?

Daniel Chu - No I don't.

Administrative Director Monte Mafnas - I want to go on record Mr. Chu that if you do receive those plates you will be an accessory to the crime so don't entertain that okay.

Daniel Chu - Okay.

Acting Chairman Oscar Calvo - In other words if you get a roll of cable from GPA for that matter then you know somebody, Mr. Simpson can attest to that.

Administrative Director Monte Mafnas - We will support the Guam Police in conviction. I just wanted to put it on record that you have been warned okay. Thank you very much.

Daniel Chu - Yes. Even metal we buy still something happen. People bring the car to us but these things we always keep all the records. We have video camera, we write it down, the license plate, we copy their driver's license so there's a five or six times they call police we're receiving stolen goods we say we are not we just doing the scrap everything coming here scrap. So we show them the record the police go directly to the people who bring it in. But the thing is I really can't because for me its scrap maybe for him it's gold I really don't know you know those scraping car. So every since last year we started to receiving those metal.

Vice-Chairman David Matanane - Have you read the August 12, 2011 from Mr. Mafnas?

Daniel Chu - Yes.

Vice-Chairman David Matanane - Are you amicable to the figures there Mr. Chu?

Daniel Chu - Excuse me?

Administrative Director Monte Mafnas - Do you agree with the three hundred sixty six thousand one hundred sixty six dollars? But if you want to pay more we'd be glad.

Daniel Chu - I try to pay more if I can make that much but the thing is even I don't agree because I don't have that much profit. For me it's hard I already say without Government we cannot do anything and I wish you can helping me continue my business continue to

helping the people of Guam. Of course helping myself too. I have twenty five to thirty local employees if I close it's going to hurt. It's not going to help any.

Administrative Director Monte Mafnas - I do want to apologize to the Board because I had prepared a synopsis in chronological order and I failed to include it and that's my fault it's not our Board Secretary, establishing all the transition of documentations that transpired on that site. What we can do is suggest, ask him a number and let's see what if it's acceptable to us.

Commissioner Michael Borja - Have they previously paid in the past?

Administrative Director Monte Mafnas - No. No payments.

Daniel Chu - We never paid anything in the past and we have never received anything from the Government in the past.

Administrative Director Monte Mafnas - This is the first time a bill has come his way.

Vice-Chairman David Matanane - But you feel that you still owe Chamorro Land Trust?

Daniel Chu - I don't think so because before when the metal price very low I've been suffering seven years already my investment not coming back fifty percent yet.

Vice-Chairman David Matanane - No agreement on the use of the land?

Daniel Chu - Because the time we have agreement to use the land is not using the land it's cleaning the land. It's to do Chamorro Land Trust helping Chamorro Land Trust move out all the metallic waste. We are not going in there to using the land to make profit like all the private sector to making money purpose.

Vice-Chairman David Matanane - No compensation for Chamorro Land Trust.

Daniel Chu - No compensation that's why Chamorro Land Trust gave us authorization to use it they say we need you to clean for us. Actually they have before I'm a subcontractor the prime contractor has a lease agreement from Chamorro Land Trust they're waiting to pay seven point five million dollars worth of moving out those materials.

Administrative Director Monte Mafnas - That is correct. Mr. Chu did provide that and it was executed by KoKo Recycling and the former Director.

Vice-Chairman David Matanane - I would like to see that document.

Administrative Director Monte Mafnas - Sure.

Daniel Chu - You have it in the copy, I already showed them.

Vice-Chairman David Matanane - So in essence the Government is paying you to use and get rid of the metal.

Daniel Chu - No they said I think Government never like to pay I believe it's just a number you can deduct it from here from there.

Administrative Director Monte Mafnas - But we cannot pay you never give us bill.

Daniel Chu - No we don't give they say we only deduct from the rent. They say approximately twenty five thousand tons equals around seven point five million dollars then we deduct from the rental. It's not really cash involving.

Acting Chairman Oscar Calvo - So Mr. Chu what is comfortable for you in paying?

Daniel Chu - I think for the back rent I don't I think I beg you guys give me a break don't charge me because for..(interrupted).

Acting Chairman Oscar Calvo - How can I not you have already seven years of a break and you're asking me to give you another seven years?

Daniel Chu - Because the reason why I came in there..(interrupted).

Acting Chairman Oscar Calvo - I understand that yeah okay that's fine and you did a good job I'll attest to that because I've seen it and I've gone up there. So you're saying you will continue to run business every day except you just told the Board that now you're buying stuffs from people bringing in junk cars or whatever okay. So there is money rolling in right now to your company. So you are making money off the Chamorro Land Trust okay. Now the Chamorro Land Trust gave you an opportunity too for a staging area for all these years okay and that's through the previous administration what had to be done so I think you know it's already had been paid for. So I think now there's a return value back for the Chamorro Land Trust. I think it's only fair too.

Daniel Chu - Yes that's what I'm thinking I said for the..(interrupted).

Acting Chairman Oscar Calvo - Then think that way that you..(interrupted).

Daniel Chu - Yes I think because from last year the end of last year we started back before that I tell you the market died 2008 we killed until 2009 the end of 2009 it coming back.

Acting Chairman Oscar Calvo - Well you know it's the same thing the economy goes up and down the tourist goes up and down. One week you're going to see about a thousand Japanese the next week you only see one walking down there.

Daniel Chu - But I'm cleaning your back yard.

Acting Chairman Oscar Calvo - You are cleaning back but at this point in time now you're making money.

Daniel Chu - Yes I have to make money because my investment there almost two million dollars I cannot ever make it back.

Acting Chairman Oscar Calvo - So it's like just giving you that piece of property for free.

Daniel Chu - No I said I would like to pay but not the back rent.

Administrative Director Monte Mafnas - Mr. Chairman as he provided the lease because we didn't have that copy it obligates us a considerable amount of rent credit. But Mr. Chu is willing to start anew and from square one..(interrupted).

Acting Chairman Oscar Calvo - And that's what basically what I wanted.

Administrative Director Monte Mafnas - That's exactly what he's asking so we'll put this aside because we could go to court, we could win or we could lose we don't know. But this is in writing and it's signed by the Director then but he's willing to forego this and enter into a new arraignment for a period not to exceed three years.

Daniel Chu - Yes especially only three years you know in this kind business it's just a long term life if we die in three years you know it's not going to helping anybody and I believe I'm the only one company recycling company doing everything from beginning to end.

Acting Chairman Oscar Calvo - Okay this is what we'll do you meet up with Mr. Monte with that as of maybe tomorrow or make an appointment right away and then you two work out the ball figure.

Administrative Director Monte Mafnas - And after we come to an understanding then we'll present it to the Board for approval.

Acting Chairman Oscar Calvo - By next month okay.

Administrative Director Monte Mafnas - It necessitates Board approval.

Daniel Chu - Yes.

Acting Chairman Oscar Calvo - Okay, alright. But you do agree to make payment.

Daniel Chu - Oh yes because now we have profit we have to make payment before it's really hard.

6. Guam Racing Federation - increase per cubic yard up to \$1.50

Administrative Director Monte Mafnas - Do you live on Guam Mr. Simpson?

Henry Simpson (General Manager of the Guam Racing Federation) - Yes sir. I wanted to introduce also Cory Paulino who is with our group in the off road portion. I'd like to read you my letter, it'll be fairly brief. I received your letter and agree basically to all the terms in there but I'd like to read you this letter for your consideration. Dear Mr. Chairman and Committee members, the Guam Racing Federation and its members Drag Racing



Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 642-4251 Fax: 642-8082

6 September 2011

Eddie Baza Calvo
Governor of Guam

TO: Mr. Daniel Chu, General Manager
GLOBAL RECYCLING CENTER INC.,
P. O. Box 11792 Tamuning, Guam 96913

Ray Tenorio
Lieutenant Governor of Guam

FROM: Mr. Monte Mafnas, Administrative Director
CHAMORRO LAND TRUST COMMISSION,
P. O. Box 2950 Hagatna, Guam 96910

Commission Members

Oscar A. Calvo
Acting Chairman

REF: Chamorro Land Trust Commission authorizing Global Recycling Center Incorporated, to continue using Lot No. 10122-15, located in the Municipality of Dededo, for solid waste "Recycling Center," fronting Batulo Street.

David J. Matananc
Vice-Chairman

TO WHOM IT MAY CONCERN:

Michael J.B. Borja
Commissioner

Please be advised that Global Recycling Center Incorporated, has been operating with a written authorization granted from the previous Administrative Director of Chamorro Land Trust Commission, circa 2006. Global Recycling Center Inc. has a valid permit that was approved and overseen by GEPA; to conduct recycling business of solid waste materials situated on Lot No. 10122-15, located in the Municipality of Dededo, fronting Batulo Street.

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

Pursuant to the newly appointed Chamorro Land Trust Commission board; they have agreed to extend a written authorization for GRCI, for an additional three (3) years effective immediately. CLTC is currently awaiting legal counsel to prepare a final documentation of a license or a lease that will be sanctioned into policy and executed once and for all by the Chairman of the CLTC Board and by the Administrative Director.

If you should have any further questions, please call me at (671)-642-4251 or email me at monte.mafnas@cltc.guam.gov I remain,

Very truly yours,


Monte Mafnas
Administrative Director



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 642-4251 Fax: 642-8082

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Oscar A. Calvo
Commissioner

David J. Matanane
Commissioner

Michael J. B. Borja
Commissioner

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, September 15, 2011; 1:20pm - 3:31pm

I. CALL TO ORDER

Meeting was called to order at 1:20pm by Acting Chairman Oscar Calvo.

II. ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Michael Borja, Commissioner Amanda Santos and Administrative Director Monte Mafnas.

III. APPROVAL OF MINUTES (August 18, 2011)

Commissioner Michael Borja moved to approve the minutes of August 18, 2011 subject to corrections. Vice-Chairman David Matanane seconded the motion. There were no objections, **MOTION PASSED.**

IV. PUBLIC COMMENTS

None.

V. OLD BUSINESS

1. Guam Housing Corporation

Administrative Director Monte Mafnas - Guam Housing Corporation has submitted a tentative drawing of their need and as-built and we'll be further negotiating the terms of the lease. They just wanted to present the conceptual site for our perusal and they'll be working hand in hand with us.

2. Younex International Inc.

Administrative Director Monte Mafnas - Younex International represented by Attorney Cynthia Ecube had requested to be withdrawn from this agenda until such time we have hired a legal counsel so we have no problem with that.

Vice-Chairman David Matanane - There is a problem. Is she trying to state that it's between the two attorneys that will take care of this matter?

Administrative Director Monte Mafnas - That's what she's saying.

Vice-Chairman David Matanane - But yeah according to her letter but it's subject to our approval so I don't know where the attorney is coming from.

Rev. 06/13/2011

COMMISSION MEETING MINUTES
September 15, 2011

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Acting Chairman Oscar Calvo - Everything and whatever liability so before we actually agree to that work with him the details and everything and maybe by the next Board meeting then we can settle this, Mike?

Commissioner Michael Borja - Yes.

JR Mateo - And when will that be?

Acting Chairman Oscar Calvo - Next month on our next Board meeting.

JR Mateo - Okay thank you sir.

Acting Chairman Oscar Calvo - But in the meantime Mr. Monte will address the issue to you and then work out whatever needs to be done and if the Board I guess Monte present it on the next Board meeting and then whatever we then we finalize it there. Is that good enough?

Administrative Director Monte Mafnas - Don't come to my office on Saturday because I'm not in. Thank you very much Mr. Mateo.

4. Global Recycling Center, Inc.

Administrative Director Monte Mafnas - As you can recall Mr. Chu was here at the last Board meeting and he had provided us a signed lease agreement enabling a rent credit to a tune of approximately seven point five million dollars. Now Mr. Chu has agreed to terminate that lease agreement provided we give him an opportunity to stay for the next three years at the same site while he cleans it and we develop a plan for affordable homes and for a Government building simply because it's fronting Route 1, fronting Battulo Street and it's leveled and all infrastructures are on site. He's agreed to relocate to Yigo at our addressed solid waste station. He came back with a proposal that we made an understanding that he will pay upfront a hundred thousand dollars today and give CLTC thirty percent of the profit in terms of solid waste at that site. Is that correct Mr. Chu?

Daniel Chu - Yes because I do a lot of contract with the Government so because of the land I can make that money so I offer the gross income from the Government PO, thirty percent once we receive money thirty percent going to the landlord which is you.

Administrative Director Monte Mafnas - I apologize he gave me the letter and I have it upstairs but I can make a copy and give everybody later on. Mr. Chu are you able and ready to give us the hundred thousand today?

Daniel Chu - Yes. (cashiers check provided)

Administrative Director Monte Mafnas - Mr. Chu thank you so much.

Acting Chairman Oscar Calvo - Monte that's a cashiers check right?

Administrative Director Monte Mafnas - Yes in the amount of one hundred thousand from ANZ from Global Recycling.

Vice-Chairman David Matanane - So move that we have the Administrative Director work out the details concerning the Global Recycling to work out the details in writing.

Commissioner Michael Borja - I second the motion.

There were no objections.

Acting Chairman Oscar Calvo - And also here we did mention on this at the last Board meeting giving the amplitude time of three years and once we identify where the property is going to be is we can work this in a laterally way where I guess we can once we identify where it is and he decides to move out not necessarily within a three years but we're giving you a three year period of time but if you decide to move in a year or two years time. That way it gives you amplitude time to get things what has to be done. But the three years is what we initially limited okay.

Daniel Chu - Thank you very much.

Administrative Director Monte Mafnas - Thank you Mr. Chu we want more tenants like you.

5. Smithbridge

Administrative Director Monte Mafnas - I just want to inform the Board that I did review this with Senator Pangelinan that Smithbridge had also contacted other Senators to present their offer in writing that they want to purchase from Chamorro Land Trust thirty to forty five acres, correct?

Jacob Leon Guerrero (Smithbridge) - Yes that is correct.

Administrative Director Monte Mafnas - I did inform them that I have to research if the property is registered and low and behold I did find that there's a decree establishing title so that Lot 7163 contains four hundred acres and we can parcel out forty five acres. I would like to suggest to the Board that the parceling be accomplished by Department of Land Management based on what they feel is the cost necessary to build for this exercise just to make sure we have control of the mapping and the balance of the property. Mr. Leon Guerrero is there a problem with that?

Jacob Leon Guerrero - No we have no problem we're actually very keen on moving forward with this project.

Administrative Director Monte Mafnas - We should be able to give you the quote for parceling on or before the end of the month. Now can you please just state to the Board that you went through the exercise of meeting the Senators?

Jacob Leon Guerrero - Starting a few months ago we tried to set up appointments with all the Senators just to get feedback and at that point in time when we were doing this the Commission wasn't fully empanelled at the time. So that's why we decided to go to the Senators in the mean time because we were hearing that there might be a need of public

GLOBAL RECYCLING CENTER
P.O. BOX 11752 PH 871-777-7738
TAMUNING, GUAM 96921

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OF

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09/15/2011 5360 \$100,008.00
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Run Date . . : 8/22/19
Run Time . . : 13:45:01

PAYMENT RECORD

Page . . : 1
Program: PRTPYAL

Receipt number : 2011918550
Transaction date : 9/15/2011
Location code : 01 TREASURER OF GUAM
Terminal Id. : A1
Cashier Id : TOGCALVK
Batch code : 1
Pay sequence : 1
Tax/fee type : CLC362454201 COMMERCIAL LEASES/LICENSES
Account/reference no . . : GLOBAL RECYCLING
Account Name :
Tax period : Tax sequence :
Escape assessment year :
Installment :
Document Number :
Mail in date : 9/15/2011
Total paid : 100000.00

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|------------------------|------------|-----|--------------------|-----|
| Amount 01. | 100,000.00 | FEE | Amount 06. | .00 |
| Amount 02. | .00 | | Amount 07. | .00 |
| Amount 03. | .00 | | Amount 08. | .00 |
| Amount 04. | .00 | | Amount 09. | .00 |
| Amount 05. | .00 | | Amount 10. | .00 |
| Total amount | .00 | | | |

G/L acct number :
Receivable file name . . :
Remarks : CK096657 ANZ

Payment method : 1
Check number : Checking account # . . . :
Bank ACH number : CASH Credit card exp date . . :
Credit card type/number:
Credit card name :
Authorization code . . . :

| | <u>Credit</u> | <u>Check</u> | <u>C/B</u> | <u>Debit</u> | <u>Merchant Dsc</u> |
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Swipe fee :
Assessed utility fee . . :
Return code :
Deposit code : ALC CASH IN BANK
Rev & Tax interface? . . :
BACIS interface? : Y
Reject? :
Posted to subsidiary? . . :
PRCNCTH added record . . :
Tax type corrected . . . :
GRT? :
W-1 deposit? :
RPT? :
Tipping fee? :
DOA Misc A/R? :
Posted to GRT taxprd? . . :
DOA Misc A/R created? . . :
Rev & Tax pay? :
BACIS interface date : 9/15/2011
JV number : JD01091511
Subsidiary post date :
User added tran? . . . :
Account file? : Y
Income tax? :
Customs & Quarantine?:
GPA FTP? :
GTA FTP? :
GWA FTP? :
DOA FTP? :
Child support? :

Date added/time : 9/15/2011 16:30:59
Date updated/user :

MEMORANDUM OF AGREEMENT
FOR
HEAVY EQUIPMENT USAGE AND MAINTENANCE
BETWEEN
DEPARTMENT OF LAND MANAGEMENT & CHAMORRO LAND TRUST COMMISSION
AND
GLOBAL RECYCLING CENTER INC

ARTICLE 1

Preamble

Section 1: This memorandum of agreement (MOA) is made between the Department of Land Management/Chamorro Land Trust Commission, Government of Guam, represented by the Director, hereinafter referred to as DLM/CLTC and the Global Recycling Center Inc., private company, represented by the owner Danny Chu, hereinafter referred to as (GRCI).

Section 2: The purpose of this Memorandum of Agreement (MOA) is to establish a cooperative working public/private relationship between the DLM/CLTC and the GRCI with regards to the GRCI utilization of Caterpillar Tractor Full Tracked Dozer 155D D4 referred to as heavy equipment to assist DLM/CLTC with the clearing of public access and utility easements on Chamorro Land Trust property.

ARTICLE 2

Responsibilities

Section 1: In order that the parties may cooperate and utilize equipment to optimum mutual benefit, the following commitment and responsibilities are agreed upon:

A. Responsibilities of DLM/CLTC

1. DLM/CLTC will obtain and maintain ownership of heavy equipment.

B. Responsibilities of GRCI

1. Provide transport when heavy equipment is obtained from pick up point to storage point.
2. Expenses and liabilities for the operation, maintenance, transportation and storage of heavy equipment.
3. Transport heavy equipment to and from DLM/CLTC clearing projects.
4. GRCI shall not loan, provide or let any other person, company, department or agency use heavy equipment.

ARTICLE 3

General

This MOA will be effective for a period of two years. It can be extended further if so desired by mutual agreement.

In all aspects where the above articles of agreement are silent, or for special cases of deviation from these articles, the decision mutually agreed by the two parties will be final. In the event of termination, GRCI will be responsibility to return and deliver heavy equipment to a facility designated by DLM/CLTC.

ARTICLE 4

Effective Date of the MOA

This MOA shall be effective from the date it is executed by or on behalf of the parties.

IN WITNESS THEREOF, the parties hereto have executed this MOA on the day and the year herein under indicated.

**FOR DEPARTMENT OF LAND MANAGEMENT /
CHAMORRO LAND TRUST COMMISSION**



MONTE MAFNAS

Director

Date: 5-30-12

FOR GLOBAL RECYCLING CENTER INC.



DANNY CHU

Owner

Date: 5/30/12

Acting Chairman David Camacho – No they're going to fix it. According to Waterworks they're going to improve it but they're going to remove the antenna within the Waterworks to the side of the area.

Acting Chairman Michael Borja – So are they still looking for land to do a tower?

Acting Director David Camacho – Yes.

Acting Chairman Michael Borja – Because one of the things I told them they needed to do is make sure they had FAA clearance too.

Acting Director David Camacho – And that's the reason why we addressed it real fast because of the requirement from the as you said the airspace and what not and all those things. They only need about a 100x100 for the tower. So we're working on that.

Acting Chairman Michael Borja – What company was this? This was Docomo?

Acting Director David Camacho – No not Docomo.

Acting Chairman Michael Borja – No, no, no but I mean it was Docomo antennas.

Margarita Borja (DLM) – They were contracted I think by Docomo to do their sites.

c. Global Recycling

Acting Director David Camacho – There's another company that we're addressing now, Global. Global is utilizing Government land for their recycling and as of now we still don't have any paperwork on that.

Acting Chairman Michael Borja – Well what's the status on the findings by that Receiver on the property in Dededo?

Acting Director David Camacho – We're still waiting for EPA an investigation on that. We provided documentation as to the trend of the paperwork on the (interrupted).

Acting Chairman Michael Borja – Who occupied the land over time.

Acting Director David Camacho – Yes, they're looking at it. EPA actually is on top of that. Global is next door, is adjacent to that. But Margaret will be calling in Global so we could at least have some black and white or have them in here for the Board, they're operating without any license.

Acting Chairman Michael Borja – On our property?

Margarita Borja (DLM) – Yeah.

Acting Chairman Michael Borja – Global? Why are they doing that?

Margarita Borja (DLM) – That's what we need to find out.

Acting Chairman Michael Borja – Well then let's put them on our agenda next month.

Margarita Borja (DLM) – I know there's some correspondence when Monte was here he asked them to come up with appraisals. So I just need to look into it.

Acting Chairman Michael Borja – So they're not paying anything. We need to seal that one up.

Vice-Chairman David Matanane – Just a reminder Dave, can you check with GEDA on those things and make sure that a guaranteed deposit before we authorize them to (inaudible). I wonder who is the most preferential (interrupted).

Acting Director David Camacho – I forgot to mention there's a March collection too on the back of \$36,259.18.

4. Memo from Senator Pangelinan

Acting Chairman Michael Borja – I guess I got this letter here from Senator Pangelinan on two different issues. One of them is a second request of appointment of individuals to the Chamorro Land Trust Commission. I've been appointed to be the Chairman for the Chamorro Land Trust Commission and supposedly in the next couple of weeks I should probably have a hearing. Yesterday I did speak with the Chief of Staff and reiterated the need to name two more individuals so that we don't run into an issue of not being able to hold a meeting because one of us is not being able to make it and that's how critical it is right now. The second thing is this follow up letter that you provided on the status of the MOU between CLTC and GEDA and they wanted to know what services have been conducted and what the fee arrangements are so have you guys been able to answer those, answer that at all to them?

Margarita Borja (DLM) – Well I kind of just questioned Mr. Camacho because the fact that the letter was sent to you we weren't quite sure whether or not you were going to be the one to answer.

Acting Director David Camacho – We're ready to respond to it and we'll respond to it, we'll provide the information and everything. On both sides I believe and I mentioned this to I think the representative of Senator Pangelinan, I think Karen, we did mention to Karen about our request for the two that I sent prior.

Acting Chairman Michael Borja – I know you have requested and in fact your request went before he sent his request. But you know it's really kind of an important thing and we all see it so it's just a matter of (interrupted).

Acting Director David Camacho – But we'll respond to this.

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 651 Fax: 649-5383

COMMISSION MEETING MINUTES

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

Thursday, September 18, 2014; 1pm – 3:15pm

I. CALL TO ORDER

Meeting was called to order at 1pm by Chairman David Matanane.

II. ROLL CALL

Present were Chairman David Matanane, Commissioner Amanda Santos, Commissioner Pascual Sablan, Commissioner Joseph Cruz, Legal Counsel Kristan Finney and Director Michael Borja.

III. APPROVAL OF MINUTES (August 21, 2014)

Commissioner Joseph Cruz moved to approve the minutes of August 21, 2014. Commissioner Amanda Santos seconded the motion. There were no objections, **MOTION PASSED.**

IV. PUBLIC COMMENTS – None.

V. OLD BUSINESS

1. Global Recycling Center – Commercial license request for Lot 10122-15, Dededo

Director Michael Borja – On the subject of Global Recycling Center they were on the agenda last month and I spoke with Mr. Daniel Chu and his son Alan Chu from Global Recycling yesterday. He was not here last month and they both were not here because he had been medivac out to Taiwan for a heart attack. He had just returned back I think on Monday. In fact I went to go see them on Monday at their business to remind them to please come to a meeting with me yesterday. So in our discussion yesterday you know Global Recycling over in Dededo is kind of a creature of a disaster. In so as such that the whole facility there is not something that we can just immediately lift and remove. They have been permitted. They have the proper EPA clearances to do what they're doing. What had been done in the past is that they have had I think a working agreement to pay an amount for use of the property and they are current on that. It was good for three years back in 2011 so we're up to 2014 and in our discussion yesterday they want to continue moving forward with this because it's really a business that serves the community very, very well. They have been a good partner in what we've asked them to do as far as other issues that Chamorro Land Trust has had when there were some property problems that they have been able to help us out with. I spoke with them with the intention of trying to get a full regular lease, a license for them. We're going to try and proceed in that regard and it will require a formal approval here. The whole process of getting that I'll talk

Edie Banao Calvo
Executive Director

Roy Pennington
Executive Director of OCS/DOH

Commission Members

David J. Matanane
Chairman

(Vacant)
Vice-Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

Joseph I. Cruz
Commissioner

Michael J.B. Borja
Director

Rev. 09/24/2014

about it a little bit later on but there is the rules and regs though I think we're pretty close to; that thing has finally left Adelup and now we're ready to begin the review on that with the Attorney General and the Legislature.

Chairman David Matanane – What I understand Mr. Director is which one is he going to lease? The one that he's occupying right now?

Director Michael Borja – The one that he's occupying. It's all surveyed out right Margarita? Yeah. There was another part that was in there that makes up the full square that was really somebody else's but the part that's all squared off has already been surveyed so we're just going to get the appraised value of the property to determine what a true proper lease amount should be.

Commissioner Joseph Cruz – Is that the seven acres?

Margarita Borja (DLM) – Thirteen.

Director Michael Borja – Thirteen.

Commissioner Joseph Cruz – In addition to what's authorized is seven?

Margarita Borja (DLM) – What's authorized because it was a -1 and R1 before and then he came in to request for additional acreage which he's already occupying. So now instead of it being a -1 and R1 remember that sketch that I was talking about the last recorded map is still at 15. It's still -15 which is (interrupted).

Chairman David Matanane – Is that within the same basic lot?

Margarita Borja (DLM) – Yeah basic Lot 10122-15.

Chairman David Matanane – Not -1.

Margarita Borja (DLM) – Not -1.

Chairman David Matanane – Because I'm looking at it and it says three years more particularly described as Lot 10122-15-1. The request was granted and that's the three acres that wasn't approved?

Margarita Borja (DLM) – They're coming in for the whole thing now. Originally they were approved for the portion of.

Chairman David Matanane – You know Mr. Director I'd like to ask during the negotiation back then when the late Monte Mafnas was here had he made the payment at \$100,000?

Director Michael Borja – Yeah he has.

Chairman David Matanane – But not the amount that he concurred with that hundred sixty six, one sixty six something like that it's in here some place. You know the agreement that he even agreed that he should be paying more than that but we would like to see the amount that he agreed on. That's a receivable to us already since he's been playing around with us for the longest time.

Director Michael Borja – I don't think that they're trying to play around with us it's just that the whole property is kind of in a strange situation it's not the standard type of thing that we've done for anything else.

Chairman David Matanane – I understand you know if this thing has happened I don't know if the other Commissioners remember the typhoon the big typhoon that was back then I think it was Pamela or Karen or something like that.

Director Michael Borja – Paka.

Chairman David Matanane – You know they're clearing all the debris but even at that he was claiming that we need him and he's helping Guam and I don't think he's helping at all not Chamorro Land Trust as far as we're concerned.

Director Michael Borja – Yeah but to some extent I guess you'd want to look at it you know because in our discussion yesterday he's talking about the amount of waste that people are bringing in, metal waste and we're not seeing a lot of that kind of metal waste. They're accepting broken cars so we're not seeing as much broken cars. I go out there and I think it's one of the things that I'd like to present to the Commissioners at some point in time but it has to do with how can we keep our property the Trust properties clean. I'm kind of appalled by what I see when I go out to some of these sites and it's just terrible. In some cases the residents are the contributors to it people who actually have leases. There's one place I saw in Dededo just the other day I mean it was quite interesting because they were very, very neat and orderly in their trash. It was well sorted out. There was a group of televisions and monitors in one section and other household appliances in another section. So I don't know what their expectation is if that they think someone else is going to clear it out for them but I don't know how they could accumulate fifteen to twenty televisions from a couple of households.

Chairman David Matanane – You're talking about up there in Yigo the recycling area?

Director Michael Borja – No I'm talking about Chamorro Land Trust properties that are out there and then there are properties that we are not using and then little roads pass through and they become dump sites too. So it's really pretty bad. I'm working with Mr. Chu, we'll present everything for the Commissioners to review when we get it done. But we agreed that we're going to get an appraised value and go from there like all other licenses do. We'll make it look and smell like a license and hopefully get it as we get this thing ready to be approved it will be when I think I may have the rules and regs approved as well so that it's all done properly.

Chairman David Matanane – Yeah that's all we wanted is to get it as soon as possible because really we have (inaudible).

Director Michael Borja – And that's my point but we needed to make sure this is all (interrupted).

Chairman David Matanane – Get it done by next meeting or how ever we can do it.

Director Michael Borja – I don't know if we're going to get it done by the next meeting.

Chairman David Matanane – But notify them that you still owe us that amount that he (inaudible) promised to pay us. We're good to go you know we'll approve that I believe if the Commissioners wishes to approve that but on my part I would you know even by tomorrow if he has it all done in writing and all that we would like to get the conditions and lease agreement together. So you know other than that I'm sorry to hear that he has a problem I hope that he turns out okay.

Commissioner Joseph Cruz – So the summary that we're expecting from this case is the computation of what was due? In line with what acreage are we computing that amount either a seven or thirteen because I'm reading here authorize seven with a total of thirteen acres of the total lot.

Chairman David Matanane – My understanding was three then it went up to seven.

Director Michael Borja – Well let me get a presentation for you okay.

Commissioner Joseph Cruz – We need to need to know what acreage are we dealing with.

Director Michael Borja – Yes I'll have that all specifically because in many cases what we end up having to do here is what they're already occupying is probably what we need to make sure that they're paying for because it's a pretty well organized business they've got up there. It's not a half ass operation of what it looked like to me. I mean they're weighing people coming in, they're sorting, they're packing things (interrupted).

Chairman David Matanane – And he's making money there.

Director Michael Borja – And he's making money right.

Chairman David Matanane – Okay that's fine I mean you know as long as we got a true blue down on paper.

Director Michael Borja – Some of the issues that I've been encountering is there have been some handshake agreements that may have been done that are not really well documented and I can't work with that because all of this is going to continue well past our

time and I need to picture it's well documented. I mean tomorrow I may not be here or any of us but it has to still move on.

Chairman David Matanane – Good thing we've been recording it.

Commissioner Joseph Cruz – Maybe in line with the amount due and he's satisfied with the arrangement let's start all over and say hey from now on this is the new assessment this is the new deal forget what was said back then because it was maybe four administrations ago.

Director Michael Borja – They seem to be very happy to be able to get something done because they want something that's a little bit longer term than this three years. They cannot do really good planning in that short period of time because you know it just doesn't work for anybody that does business.

Commissioner Joseph Cruz – But in line of that maybe we should address EPA how long can that activity (interrupted).

Director Michael Borja – They have the full realm of all these EPA permits and that would be a stipulation as well due to the fact that the nature of the business that they have to be very, very strict. Now there was an issue that was brought up in the media that the solid waste management receiver had mentioned that there was some chemicals there and EPA did check them. The source didn't come from these guys, the source came from whoever previously used the properties and most of that stuff that they were looking for were things that came from transmission equipment and those kinds of things were probably GPA. So they're extremely careful as well on the kinds of things that are coming in like batteries and stuff like that. In fact when we drove by there it's well sorted. I saw the stacks and pallets of batteries kept separate too so they're very cognizant of what they have to do because you know their business can be shut down in a heartbeat by EPA. If they have violations and end of having repeat violations they're going to be out of business and they know that very well okay so they're pretty good about it.

Chairman David Matanane – Mr. Borja we're looking forward for maybe something by the next meeting.

Director Michael Borja – Yes.

Commissioner Pascual Sablan – On the same subject Mr. Borja can you invite us to come along with you?

Director Michael Borja – Oh yeah if you guys want to go out there to take a look give me a call and we'll go.

Commissioner Pascual Sablan – No you can give us a call.

Director Michael Borja – Well no, you tell me when you want to go. I didn't take a walking tour or anything I just drove in there and from what I can see you can see everything from the inside very, very clearly of what they're doing. But yeah I'm sure they'll be happy but if you want to I'll make an arrangement if you guys want we'll set up a time and we'll go on out there. Meet over here and we can go out in one vehicle so you're not trudging through there and then maybe perhaps I can drive you through some of the places I think I have some concerns about. You know just what's going on out there in some of the back roads that we do have problems and some of the places where we're trying to resolve some of these problems. I try to go out every other week on a field trip and I pick a few sites I want to see and take a look I mean there are some places down in Inarajan that are gorgeous that you don't even think you're on Guam.

Commissioner Pascual Sablan – Sometimes I wonder how do you find time with all these things.

Director Michael Borja – Oh no I have to make like this morning I was up in Nimitz Hill because as you saw in the news that landslide and there was a whole group of us up there to take a look to see what it's all about and what we could do. Land Management's part of that is to determine just truly where is the easement and it's kind of tough when you got a 30 foot drop over here and 12 feet over here you have a cliff going up you know where's the easement. It's supposed to be 40 feet but it's actually only 20 feet wide so we were taking a look at that. But I enjoyed getting the opportunity to look out there but when people bring issues up then we go out and take a look real quick and I'll talk about one of those fieldtrips I had later on in my Director's Report because we have an issue that did come up just recently.

VI. NEW BUSINESS

1. Camelot Corporation – Request for property to install solar panels for GPA

Director Michael Borja – Camelot Corporation is a company that is looking to install solar panels for GPA. GPA had put out a request for proposal that is asking for people to install solar farms around the island for one of their projects. Camelot Corporation is one of three different companies that have approached us asking for use of whatever properties that are under the control of the Chamorro Land Trust and Ancestral Lands.

Michael Lee – My name is Michael Lee of Camelot Corporation. We are participating for (inaudible) and energy for solar panel for GPA. We need at least 120 to 150 acres.

Director Michael Borja – 120 to 150 acres?

Michael Lee – Yes. We need in a time period at least in a 20 to 30 years at least.

Director Michael Borja – Now you have already come before us and had some piece of properties that you are interested in right?

Michael Lee – Yes.



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 649-5263 ext. 651 Fax: 649-5383

January 6, 2015

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor of Guam

Commission Members

David J. Matanane
Chairman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

Mr. Daniel Chu, General Manager
Global Recycling Center, Inc.
PO Box 11792
Tamuning, GU 96931

Subject: Authorization to Occupy

Dear Mr. Chu,

Buenas yan Hafa Adai! This is to authorize the continued use to occupy and proceed with the operation and maintenance of the recycling facility located on Lot No. 10122-15, Municipality of Dededo.

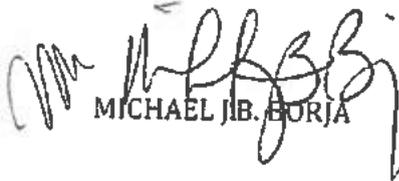
Please be advised that your company is hereby responsible for all costs associated with the utilization of this property and shall indemnify and hold harmless the Chamorro Land Trust Commission of all potential liabilities during your daily operation and maintenance of all related activities on the property as of the date of this authorization.

This authorization shall be deemed temporary and will be superseded by a commercial lease agreement upon completion of the Commercial Lease/License Rules and Regulations.

The Commission issues this authorization with the acknowledgement that all activities upon the above subject real property shall be conducted in a manner fully in compliance with any and all applicable laws, rules and regulations.

If you have any questions, please contact me at 649-5263 Ext 650.

Senseramente,


MICHAEL J.B. BORJA

Francine Fegurgur
Fegurgur
1/8/15

GLOBAL RECYCLING CENTER

169 BATTULO ST. DEDEDO, GUAM

MAILING: P.O. BOX 11792

TAMUNING, GUAM 96931

Phone (671) 632-0789

Fax (671) 632-0788

grcguam@gmail.com

June 26, 2017

RE: Incident Report for Caterpillar D4

To Whomever It May Concern:

The Caterpillar D4 which was the property of the CLTC that was stored on the Global Recycling Center premises was damaged during a fire that occurred on September 17, 2012. It was determined by our staff that the equipment was damaged beyond repair. Due to its state, the decision was made to sell the material as scrap metal at \$50 per ton. The D4 is estimated to be roughly five to six tons.

If you have any additional questions or concerns, please feel free to contact our office via phone or email.

Best Regards,



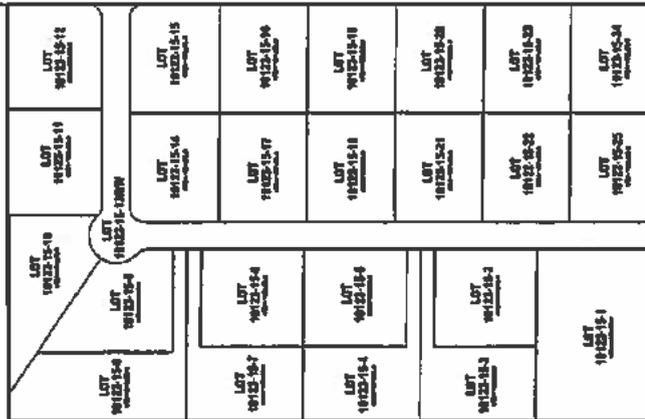
Daniel Chu

GM

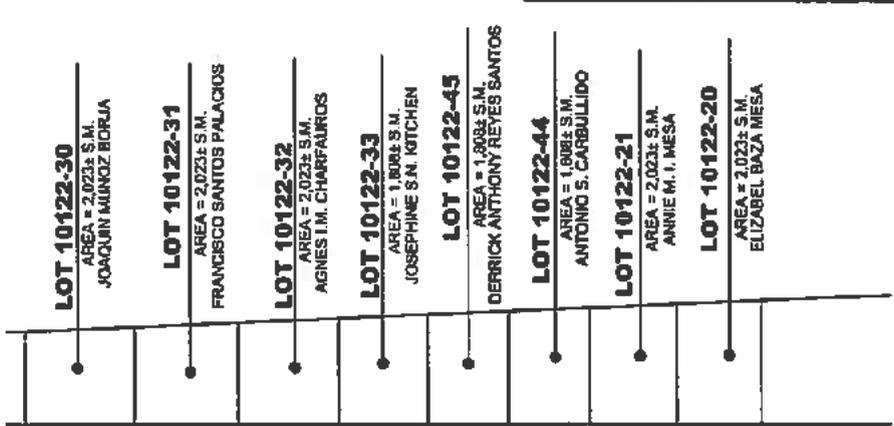
SPECIAL NOTES:

1. THESE LOT NUMBERS ARE FOR INFORMATION ONLY. APPROVALS FOR THESE LOT NUMBERS WILL BE ASSIGNED AS THE LAND SURVEY AND MAPS FOR THESE LOTS ARE REVIEWED AND APPROVED BY THE DEPARTMENT OF LAND MANAGEMENT THROUGH THE APPROVAL AND RECORDING PROCESS IN G.S.M.
2. THE LOT LAYOUT AND LOT NUMBERS SHOWN HEREON ARE BASED ON THE AERIAL PHOTO, REVISIONS AND MAPS PROVIDED BY THE DEPARTMENT OF LAND MANAGEMENT.

LOT 10122-12-R9
A-810.597.25M
GUAM MUNICIPAL
GOLF COURSE



LOT 10122-11G 50FT PUBLIC ACCESS AND UTILITY EASEMENT



LOT 10122-30
AREA = 2,023± S.M.
JOAQUIN MUNOZ BORJA

LOT 10122-31
AREA = 2,023± S.M.
FRANCISCO SANTOS PALACIOS

LOT 10122-32
AREA = 2,023± S.M.
AGNES I.M. CHARPAUROS

LOT 10122-33
AREA = 1,808± S.M.
JOSEPHINE S.M. KITCHEN

LOT 10122-45
AREA = 1,808± S.M.
DERRICK ANTHONY REYES SANTOS

LOT 10122-44
AREA = 1,808± S.M.
ANTONIO S. CARBULLIDO

LOT 10122-21
AREA = 2,023± S.M.
ANNIE M.I. MESA

LOT 10122-20
AREA = 2,023± S.M.
ELIZABEL BAZA MESA

I CERTIFY THAT THE LOTS SHOWN ON THIS PLAN HAVE BEEN REVIEWED AND ARE AVAILABLE FOR SALE.

LAND SURVEYOR, D.L.C.

DATE

SCHEME NO. 10122-0003

SATISFACTORY TO AND APPROVED BY:

DATE

DATE

DATE

PROPOSED LOT SCHEME OF

LOT 10122-15

MANCUALITY OF NORDEN

SECTION 28.1

GOVERNMENT OF GUAM
CLERK OF THE SUPREMACY
DEPARTMENT OF LAND MANAGEMENT
COMPTROLLER GENERAL
LAND SURVEY SYSTEM
SECTION 28.1



UOG HATCHERY

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 76-35 (COR)

**As amended by the Committee on Health,
Tourism, Historic Preservation, Land and
Justice**

Introduced by:

Joe S. San Agustin

**AN ACT TO CORRECT THE PROPERTY BOUNDARY OF
UNIVERSITY OF GUAM LOT NO. 2517-17 TO ENSURE
THAT ALL UNIVERSITY OWNED STRUCTURES ARE
LOCATED WITHIN THE BOUNDARIES OF UNIVERSITY
OF GUAM LOT NO. 2517-17**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that in 1985, Lot No. 2517-17 in the Municipality of Barrigada, was granted to the government of Guam and was subsequently used to create the Guam Aquaculture Development and Training Center (“GADTC”) for the purpose of developing an aquaculture industry on Guam.

I Liheslaturan Guåhan further finds that the GADTC built various structures including larvae room, a spawning quonset, a fish tank and a fresh water cistern – all of which are either full or partial concrete structures. These were built on government of Guam property.

In 2002, with Public Law 26-36, *I Liheslaturan Guåhan* transferred this property and the administrative and operational control from the Guam Department of Commerce to the University of Guam (“UOG”). The effect of this transfer caused

1 the boundary lines to indicate some of the structures to now be located on Chamorro
2 Land Trust Lands.

3 The University of Guam has since been attempting to correct the
4 jurisdictional land issue since the property boundary for the University of Guam
5 (~~UOG~~) Lot No. 2517-17 does not include critical structures to the operation of the
6 UOG Fish Hatchery.

7 Whereas, Chamorro Land Trust (“CLTC”) has agreed, pursuant to CLTC
8 Resolution No. 2019-06 to transfer a portion of Lot No. 5412-R11 to UOG, subject
9 to conditions.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to make whole, the
11 parcel to which these critical UOG Fish Hatchery structures stand, and that the
12 easternmost lot boundary be extended to include all UOG physical structures as
13 identified in Exhibit A, attached.

14 **Section 2. ~~Lot Correction~~ Survey and Mapping.** Notwithstanding any
15 law, CLTC is authorized to transfer a portion not to exceed 1.5 acres, of Lot No.
16 5412-R11 to the University of Guam. CLTC may impose conditions on the transfer,
17 including execution of an MOA with UOG, monetary or in-kind compensation.
18 Upon transfer, the Department of Land Management (“DLM”) shall consolidate Lot
19 2517-17 and the portion of Lot 5412-R11, not to exceed 1.5 acres. The University
20 of Guam shall be responsible for the surveying and mapping to include a
21 consolidation survey. Both lots are located in the Municipality of Mangilao. The
22 Department of Land Management shall issue a certificate of title for the new
23 consolidated Lot No. 2517-17 upon transfer from CLTC and approval of
24 consolidation survey. ~~The easternmost boundary of UOG Lot No. 2517-17 is~~
25 ~~extended from coordinates 193,728.991 meters North, 107,760.297 meters East, and~~
26 ~~193,624.277 meters North, 107,741.770 meters East, to coordinates 193,727.892~~

1 meters North, ~~107,826.293~~ meters East, and ~~193,622.200~~ meters North.
2 ~~107,844.993~~ meters East.

3 **Section 3. Issuance of Certificate of Title.** ~~The Department of Land~~
4 ~~Management shall issue a certificate of title for the new Lot No. 2517-17 within 90~~
5 ~~days of this Act.~~

GUAM RUGBY

CHAMORU LAND TRUST COMMISSION
Board of Commissioners Meeting
September 5, 2019
Staff Report

GUAM RUGBY CLUB INC.

Issue: Continued use of a Deleted Access through Lot 10057 NEW-7;

CHRONOLOGICAL FACTS:

On July 16, 2016 CHamoru Land Trust Commission board meeting, the commission voted to delete the easement through Lot 10057 NEW-7 with the concurrence from the Department of Public Works.

On April 10, 2017 a map was recorded under DLM Document No. 905571 L.M. Check No. 132FY2016, depicting the deletion of the right of way through Lot 10057 NEW-7 concurred by the Department of Public Works. As per the motion made on the July 16, 2016 CLTC Board Meeting. We also obtained concurrence from Guam Water Works Authority, and the Guam Power Authority on the above recorded map.

On March 15, 2018 CHamoru Land Trust Commission Board Meeting the Administrative Director Michael Borja stated that Mr. Sharoma agreed for the continued use of the deleted easement till the end of the calendar year 2018. On this same meeting the administrative director also stated that he informed the Guam Rugby Club and that they had understood, and they just needed to coordinate when the transition time was going to be.

On April 30, 2019 a letter dated April 22, 2019 addressed to Peter Walls President, Guam Rugby Club Inc. informing them that they have to access their leased property through Lada Avenue. This letter was sent to the last known address of the Guam Rugby Club Inc. and was returned to CLTC as "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD.

On June 18, 2019 a letter dated June 12, 2019 addressed to Pete Walls President, Guam Rugby Club Inc. was received by Mr. Walls. Informing him to cease and desist any and all access through the Hal's Angels Field (Lot 10057-NEW-7) off of Santa Monica Avenue, and remove and relocate any utility connections that encroaches, or traverses the property leased by the Guam Hal's Angels (Lot 10057 NEW-7).

attachments:

July 16, 2016 CLTC Board Minutes
Recorded Map Doc. No. 905571
March 15, 2018 CLTC Board Minutes
April 22, 2019 letter to Guam Rugby Club Inc.
June 12, 2019 letter to Guam Rugby Club Inc. (Cease and Desist)

Administrative Director Michael Borja – Well I would like in fact there's a 4 o'clock public hearing at EPA hearing this afternoon to talk about wells. My hope was to try and attend it if time permitting otherwise submit written testimony to express the concern that we have that it would then negate our ability to use our surrounding properties if we don't have any kind of sewer infrastructure. And that we should have a position in that case where I have not you know I don't know if we really want to proceed in permitting this unless they put in the infrastructure first so that it doesn't stop us from using the rest of our lands and that's the issue there. I don't want to be just prioritized and that's what this public hearing today with EPA was to establish priorities for wastewater infrastructure. That's what I was going to talk about is that you can't you know the fact is many of the water wells exist on or very near Chamorro Land Trust properties and so they're going to be negating our ability to use our properties if we lack the wastewater infrastructure on the properties. So I just don't want to be just prioritized they need to install it if they want to use the wells.

Commissioner Pika Fejeran – Okay. The last time we didn't approve the well we just gave them rights of entry to go look at it?

Administrative Director Michael Borja – We haven't even given them rights of entry.

Commissioner Pika Fejeran – Oh we haven't okay. So it's just an informational.

Administrative Director Michael Borja – It was a discussion to talk about the ability to use the property.

Commissioner Pika Fejeran – Okay. I think that's also very important if you go to the 4 o'clock.

Administrative Director Michael Borja – Well I'll try and provide written testimony as well.

VI. NEW BUSINESS

1. Guam Hals Angels Football Association – Request for relocation of easement

Margarita Borja (DLM) – Guam Hals Angels Football Association is here today to request the CLTC Board to expunge actually or delete and relocate the proposed the 60 foot wide easement and joint parking area for use by the Guam Hals Angels and the Guam Rugby Club which was approved by motion by the Board on a December 2010 meeting. I know I provided you with the packet but I'm going to go ahead and take from when the Board had approved it just so that you (inaudible). Maybe Ivan can probably give you a little brief history after I'm done with the staff report. So what it is Hals Angels was issued a 21 year commercial license on August 1, 2002 for basic lot 10057NEW containing an area of 51 acres which was inclusive at the time with the Wettengel School for the purpose of needed sporting facilities to include but not limited to a football field, a practice field and related and/or other sporting associated facilities and was further amended due to the commercial license issued to Guam Rugby Club containing an area of 12 acres and the severance of the Wettengel School encompassing an area of 15 acres which resulted in a decrease to the Guam Hals Angels leased premises. In addition to the above a December 2010 CLTC

regular meeting the Board approved to delineate a 60 foot wide road in between the Hals Angels and the Guam Rugby Club to be used as an easement and joint parking use by both Hals Angels and Guam Rugby Club. Also to maintain the 40 foot wide easement existing power and water lines. Once again decreases the leased premises of the Hals Angels Football Association. That is why Mr. Shiroma is here today to request the Board to expunge the motion made by the Board in the December 2010 meeting to delineate the 60 foot road that was to be used as an easement and joint public parking between the Hals Angels and the Guam Rugby Club. This request would not hamper the access for the Guam Rugby Club which they have clear access along Lada Avenue and a portion of the Hals Angels leased premises would also be given up for a joint public parking as shown on the map. There is a map that we have that was created. With the approval of the Hals Angels request it would clearly allow for the full utilization of a lot that they can finally call the Hals Angels Field. I don't know if Ivan you want to include anything?

Ivan Shiroma – I just know that at that same meeting I went in to protest the renewal of license for Guam Rugby because of what Mr. Borja the previous Administrator had given me. He gave me all the property there for our Association because Rugby didn't meet their contractual obligations as per contract. I was up against Mr. Arthur Clark he's a full fledge lawyer and I'm just a regular person and it ended up after the meeting they were talking about the parking lot. I was there to protest the renewal and I didn't know that they approved this. I never agreed to it. I was there but I didn't agree to them using part of our inventory for a parking lot. Now it's already been approved and I don't know how that happened.

Chairman Pascual Sablan – I'd like to ask this question Mr. Shiroma are you here to request to transfer the existing access to the most southwest of the property? Or are you here to support I mean to request that the, are you here to support the transfer or you're here to request to transfer? Because you know whoever prepared this document if it's you Margaret you did a very good job and I went through it and I found on this document that there was a document signed that that access has been transferred based on a document they signed but I didn't see any Commission's approval. So really my question is are you here to request to transfer or are you here to support the transfer? There's a document that came from Rugby and it was signed by God bless his soul Mr. Monte Mafnas of the transfer of the access. I'll go on record I never come across a document that there's a lot of documents missing, it's a messy document really. I'm sorry I'm just quoting from what I read you know it looks like the previous maybe Commissioners and management dropped the ball on this one. I'm very disappointed. So what is your primary, according to the agenda it says here request for relocation of easement. Are you supporting this or you're requesting to relocate?

Ivan Shiroma – Yes I'm supporting to relocate that easement to the backside the southwest side that way they don't have to come into my property and we're sharing the access to the area where there's a lot of trash being dumped in my area also. There's a lot of copper theft going on. Right now I have all these about 2,500 blocks sitting there and most of that is being taken slowly but surely because we share access. I'm not blaming them but if I have full control then I can just blame myself for not protecting all my assets a

lot better. But right now anybody can go in there and there are some people that stay there late at night which I have no control over but they're in the backside of my property. I'd like to point fingers but I cannot because there's so many people that has access to that area right now. If we just leave it up to me then I can just blame myself. I'll put more fence up or gate. But right now I went out of my way to reach out to the Rugby Club and gave them a spare key so we can share access but I cannot control who comes there at night. There's people that goes there at night, they leave the gate open so everything is missing from my place.

Chairman Pascual Sablan – I believe on March 30, 2012 there was a letter from the Guam Rugby Club Incorporated requesting you know that the access be transferred and so as the parking and all those things so that's what's making me ask this question are you here to support the transfer of the access or are you here to request transfer of access? Because a document has been signed by Mr. Monte Mafnas in reference to all those access.

Ivan Shiroma – I need to be shown on the map Mr. Chairman because I'm kind of confused, support and transfer?

Administrative Director Michael Borja – Margarita can you come and talk about the map.

Margarita Borja (DLM) – What Mr. Sablan is talking about was the amendment to the license agreement. What it is is Rugby is just quoting what had transpired in the December 2010 meeting that they would have access to this 60 foot that they had approved for parking and all this. If you look at the map that I just provided you there's a dotted line easement on the bottom where it's dotted that is what was approved. That's the 60 and the 40 that was approved in the December 2010 meeting. What he's requesting is (interrupted).

Chairman Pascual Sablan – Can you be more specific December 2010 what?

Margarita Borja (DLM) – 2010 meeting by the Commission it was approved. What it is is Mr. Shiroma, Hals Angels, had a lease for the entire portion so in that meeting the Board said they will take away that 60 foot and return it back to the Trust so that they can make it a 60 foot for joint use for public parking and easement for both clubs. Remember this is a part of the Hals Angels lease. So what he's coming in now is he wants for you to either expunge it to remove that motion and delete it because there was a motion made right to create that easement and take it out of this and put it back so that he can have the whole area for his use.

Administrative Director Michael Borja – What you have is you have two separate entities, two separate defined lots, one rugby and one football. In this amendment in 2010 what you have is it's signed by Monte and Peter Walls from Rugby who is taking away he's not even the signator of the football side of the lease but he's agreeing that they're going to take away part of the land from the football lease. There should be a signator where the football people should have said that they release that but there's none. There isn't that. The agreement was with the Rugby to do it. So the issue here is the lot which is NEW-R6

which belongs to the football people, NEW-5 belongs to Rugby, that they get their 60 foot easement back under their control for their full use. The argument at the time was that the rugby people had built some concrete section that's right down here on this easement and then they would have easy access to it. But they also always claimed that their access to this should be through this Santa Monica Boulevard through some access cutting, dissecting the football lease property to get to it when they already have Lada Avenue as a fully developed road on the their side of the field. That should have always been their access from the very start without any question but they wanted it to be from Santa Monica Boulevard.

Vice-Chairman Joseph Cruz – Is there a master plan for this particular facility or conceptual plan that you're planning to improve the remaining parcel that you have?

Ivan Shiroma – No there's no master plan we threw that out the window a long time ago.

Vice-Chairman Joseph Cruz – So your intent is to delete the 40 foot that runs right in the middle of that parcel.

Ivan Shiroma – Yes.

Vice-Chairman Joseph Cruz – And I'm seeing this map and what about the 40 foot on the west part?

Margarita Borja (DLM) – All the dotted lines there is to be deleted.

Vice-Chairman Joseph Cruz – Are we going to recognize the agreement between Rugby and Chamorro Land Trust when they created the access to license property that says pending completion from the new access road on exhibit C?

Chairman Pascual Sablan – But that's the Director you know just mentioned when you have a contract it's between two or more people. What happened is the CLTC Mr. Mafnas signed document between him and Rugby and totally left out (interrupted).

Vice-Chairman Joseph Cruz – I understand your comments but what I'm getting at is that based on this map and based on this lease there is a legal 40 foot easement that runs through that parcel.

Margarita Borja (DLM) – It's not legal it was proposed by the Board.

Vice-Chairman Joseph Cruz – No based on this drawing number that you provided me under 403FY01, Document number, you have this 40 foot dotted easement that runs through so that means this is a legal alignment within that lot being encumbered, the approval of this map.

Margarita Borja (DLM) – Where the utilities is?

Vice-Chairman Joseph Cruz – Yes so that's a 40 foot. It says rights of way it says public access and utility easement.

Margarita Borja (DLM) – But it was never severed out.

Vice-Chairman Joseph Cruz – No it doesn't have to be it's a dotted easement it's an encumbered alignment.

Margarita Borja (DLM) – Okay.

Vice-Chairman Joseph Cruz – Until it's severed out then you determine the acreage of that 40 foot but right now it's an alignment that was created under this FY403, 01.

Margarita Borja (DLM) – So what are you saying that we can't delete?

Vice-Chairman Joseph Cruz – We cannot acknowledge the deletion if it's already an approved map is in place. What they need to do is get a surveyor present this to Land Use Commission for deletion.

Chairman Pascual Sablan – But we have to make a decision for them to move (interrupted).

Vice-Chairman Joseph Cruz – No I'm recognizing the approved map everything else is a sketch even this one that we got provided where you have R6 being divided into four lots or three lots, -8,-9 and R9. That's just a sketch. Until such time that this map is addressed deleting that 40 then we can entertain the Football Association saying you have been granted deletion by the Land Use Commission it is now our turn to say a resolution to delete this easement.

Margarita Borja (DLM) – How about the 60 foot that was approved by the, the dotted lines?

Vice-Chairman Joseph Cruz – Well if it's shown, it's not shown on this FY so that 60 foot is a future.

Margarita Borja (DLM) – It was something that was proposed by the Board and was (interrupted).

Vice-Chairman Joseph Cruz – I'm only relating to what was approved in this 403FY01.

Margarita Borja (DLM) – So Mr. Shiroma is here regarding the 60 foot.

Commissioner Pika Fejeran – Where is that 60 foot?

Margarita Borja (DLM) - This one all of this is what was approved by the Board in 2010.

Commissioner Pika Fejeran – That the Rugby Club signed for and it wasn't their property.

Margarita Borja (DLM) – Yes. So he's asking for them to delete that or go back I don't know how you would delete it if it was made a motion. I don't know if you have to you know to (interrupted).

Vice-Chairman Joseph Cruz – But the motion was done by the previous Board.

Margarita Borja (DLM) – Yes.

Administrative Director Michael Borja – Margarita you want to explain what this is showing us?.

Margarita Borja (DLM) – I just want to explain what Rugby Club has today. Rugby right now in a lease has all of this, everything here to include this, this and this, I mean Hals Angels I'm sorry. Hals Angels has this, this and this in a lease today. This is the rugby field in a 2010 meeting the Board approved this 60 foot and the 40 to be used as a joint parking and an access for both clubs. So they took this away and they also took this away.

Administrative Director Michael Borja – Well that was already there.

Margarita Borja (DLM) – According to him it wasn't right.

Administrative Director Michael Borja – Well according to the map we're looking at it's there.

Margarita Borja (DLM) – When the Rugby came in they're the ones that created this. Am I correct?

Ivan Shiroma – Yeah they ran their water line.

Margarita Borja (DLM) – So everything was being catered to the Rugby at the time. So now today he's here to request that this easement that was approved by the Board to be removed and give the easement for Rugby on Lada and the joint parking he's willing again to give this up out of his leased land for joint parking with an easement coming down this way and then also this because there's squatters. He's willing to give this, this, this up if you delete this and he'll settle for all of this down here.

Vice-Chairman Joseph Cruz – You know what I don't understand that 2010 meeting when they created the 40 foot on the right side I mean on the left and the 60 foot for parking. How is the parking (interrupted).

Margarita Borja (DLM) – What it was, it was designed to be I believe an access in the middle and then parking and parking on the outskirts of it.

Vice-Chairman Joseph Cruz – Within who's lot?

Margarita Borja (DLM) – Hals Angels. Everything was in Hals Angels so all he's asking is I don't know expunge I don't know if that's the right word what was done in 2010 meeting by the Board and give the access to the Rugby on Lada and he'll give up for public parking and he'll also give this back to the Trust and then an easement coming in for public parking for both clubs.

Vice-Chairman Joseph Cruz – Where is the parking for the football, the proposed site? Is it going to be within that rectangle or (interrupted).

Administrative Director Michael Borja – NEW9 is the joint parking.

Vice-Chairman Joseph Cruz – Yeah but the access is in Lada.

Margarita Borja (DLM) - This is not existing today the parking right now.

Vice-Chairman Joseph Cruz – No, no, no if we were to concur with that setting you have a full blown rectangle lot for the football that's why I asked if there is any master plan or conceptual setting so that we can predict the development of that.

Ivan Shiroma – We're trying to make a practice on that rectangular portion down there but the parking is minimal. You put that 60 foot easement or whatever and that 40 foot you're squeezing me in again you're limiting my (interrupted).

Vice-Chairman Joseph Cruz – I understand your concern but what I'm asking is if there's a game where would be the parking?

Ivan Shiroma – Everyone parks along the road along Santa Monica or along Lada.

Vice-Chairman Joseph Cruz – That's not a, to give a site for that type of activity and for them to go on an off-street parking? That's why I'm asking if portion of that western lot area can be designated as parking then it's within the site.

Margarita Borja (DLM) – This one, this?

Vice-Chairman Joseph Cruz – No, no, no right there where that 40 foot the deletion of that 40 foot there.

Margarita Borja (DLM) – That's in his lease.

Vice-Chairman Joseph Cruz – I understand that but like I said if we see the masterplan that they have I can okay let's move it back but right now we're just shooting that a practice field, a football field, a game happens, where are we going to park?

Administrative Director Michael Borja – Well he's been given this is his entire (interrupted).

Vice-Chairman Joseph Cruz – I understand, I understand all that.

Administrative Director Michael Borja – So he's designating his part to be parking right there.

Vice-Chairman Joseph Cruz – But look at we're going to go through Lada to park on that parking lot because he's going to delete the 40 foot on the alignment. It doesn't make sense to have an alignment of that 9 in Lada Avenue when your game is in front of Wettengel.

Margarita Borja (DLM) – But it's supposed to serve both Rugby and (interrupted).

Vice-Chairman Joseph Cruz – I understand that but what I'm asking is where would the parking for the football because the football has a lot of clientele it's not as the rugby does.

Administrative Director Michael Borja – Rugby gets crazy too.

Vice-Chairman Joseph Cruz – Well they're both crazy but like I said where are we going to put the parking is what I'm asking?

Ivan Shiroma – Nobody from day 1 planned for parking whether it's Rugby or us. We didn't plan any of that we just planned to build our field. Rugby has that big piece which was originally ours but somehow we were bypassed and this is why I'm so frustrated. They got that big piece compared to what we have right now you see the difference. Nobody planned for the parking to answer your question. So everybody parks along the road and it just happens to work.

Vice-Chairman Joseph Cruz – Okay like I said if we see your outline of what your facilities is going to look like after development we can turn around and recommend Rugby to take half of his lot to create their own parking because the whole lot is not used as rugby okay. And then at the same time the concept that you have is your practice going to be same elevation as your football field?

Ivan Shiroma – No because that football is almost 100 feet high so we're trying to level the bottom there.

Vice-Chairman Joseph Cruz – Exactly and where is the water draining from the field? Do we contain our runoff within the field or I mean that's another issue but what I'm saying is that parking is where my concern is because we can give you the whole lot which is (interrupted).

Legal Counsel Kristan Finney – I'm sorry what I'm understanding you know you're talking about giving him the whole lot or, the lot is already leased to them. And so what their issue is is that a piece of the property that was already leased to them has been essentially taken away and made this access road and this parking without their involvement. So he's coming to the Commission and say how do we fix this and it sounds like his proposal to you

know he says if there is an issue with this then he is willing to give up a piece of the property to address those issues but he's asking to be involved since he actually has the lease of that property. The Commission wouldn't have the ability to lease property to this organization after it's already leased to then unilaterally change what the property that is assigned to him (interrupted).

Vice-Chairman Joseph Cruz – I understand but (interrupted).

Legal Counsel Kristan Finney – So all of that is regardless of how he plans to lay out his fields or to lay out his parking and all that. The property is already leased to him.

Vice-Chairman Joseph Cruz – Okay.

Chairman Pascual Sablan – Can I say something now? I stand to be corrected I understand that Hals Angels was given all this land okay then I don't know from nowhere Rugby comes in to the picture am I correct so far?

Ivan Shiroma – Yes.

Chairman Pascual Sablan – Without your knowledge.

Ivan Shiroma – We were bypassed.

Chairman Pascual Sablan – Okay then now we're talking semantic and technical technicality I believe that Hals Angels should still have all well they were pushed and all these lines were drawn. This belongs to Hals Angels this one too and so as this but Hals Angels is still what do you call that willing to compromise that for the Rugby come through Lada Avenue and they can come in here and use this as a parking space for them. And so for them now if they were to put fence here you know to protect whatever investment they have in here or if there's a game for example for them they can always open this so they can go this way but not for Rugby just to use this over because the minute you remove for example open the gate the accessibility for people coming in is there and vandalism and of course the copper wire is the most attractive. So am I right so far? Okay so as the legal counsel said of course I recognize you Joe and I see your point that I guess we need to make a motion to have this thing resurveyed and remove this because it's already an approved map. And also gentlemen this is where maybe the power, water line of course it's all underground passing through right that may be servicing also this.

Ivan Shiroma – Yes.

Chairman Pascual Sablan – I don't know if we have to get clearance from Public Works, GPA, etc. to remove this access and just leave or I don't know maybe we can say utilities easement but we still can bury it in we still can play football above this. But it's still we have to resurvey and remove this and you know give the football their property and let them also have an access and control here. So as Rugby they can have an access through here but now through here because they have to you know secure their area. Now I came across

document that says there is a small I think concrete house or small hut that was built for like their contribution through the village whatever you call that improvement or contribution to the village. They didn't build it because they're going to use it for dug out or what. They built it way before you know for the contribution to the village. My only question is where is the boundary of the Wettengel because I don't want any encroachment too of the Wettengel School you know. Are we using Wettengel boundary?

Margarita Borja (DLM) – No. It's already severed out.

Chairman Pascual Sablan – Oh okay that answers. Really I read this over and over the rugby and the football and I'll tell you it's the most messed document I ever came across. Somebody dropped the ball here and it looks like you know now, I am not citing anybody but it looks like somebody just robbed them this property and the new tenant is the one calling all the shots. That's why I'm kind of hesitant because I've seen, I came across document that the previous Administrative Director signed document without the consent of the Football Association you know and I believe that they should. So I think the Chair is ready to hear two motions. One is to come up with maybe another map to remove this access here because it's already an approved this one is an approved map and give it back to the football and the other motion is the access for the Rugby go through the Lada Avenue and so as the football also they can go through the Lada Avenue. There are houses here but we still can have this access here.

Ivan Shiroma – I don't mind giving that up Mr. Chairman because there's a lot of Chamorros that are squatting there. I don't know if they have Land Trust lease or what but I have no problem and I will not chase them out.

Chairman Pascual Sablan – Let us kick them out if we have to kick them out.

Ivan Shiroma – I'm willing to give it up just so we can have some kind of compromise without them going through our property because that's the problem that we're having.

Chairman Pascual Sablan – Okay, Mr. Cruz?

Vice-Chairman Joseph Cruz – Okay are you ready for a motion?

Chairman Pascual Sablan – Yes. Oh wait, wait Mr. Cruz. Mrs. Santos you have any further comments or anything? Pika?

Commissioner Pika Fejeran – I think what we do today we have to make sure that we engage with Guam Rugby so they know that we're taking away the parking which shouldn't have happened anyway but we need to engage with them so that they know that's the new parking, this is your new access.

Chairman Pascual Sablan – It would be nice to go through that route but the document that I came across was signed by Monte. There's no such thing, there's no communication

between the rugby and the football. I'm not citing, it's just that I think the decision has to be made by this body.

Commissioner Pika Fejeran – Yes I agree. I just want to make sure that we engage with Rugby so they know what you're doing for them and why we're doing this.

Chairman Pascual Sablan – And for the record we're all new here that in the past there were some decisions made but we overrule that you know. Because I'm really surprised that (interrupted).

Vice-Chairman Joseph Cruz – So Mr. Chairman can we terminate the Rugby's license?

Chairman Pascual Sablan – I wouldn't (interrupted).

Vice-Chairman Joseph Cruz – No, no I mean I'm only asking because we have a license here and if we're not addressing what's in this license that was signed by Mr. Monte then hey. I'm only asking how much leverage do we have on this license.

Administrative Director Michael Borja – No that was just an amendment.

Chairman Pascual Sablan – Nothing on the license the original on that (interrupted).

Vice-Chairman Joseph Cruz – No, no I understand but as the Commission since you're not recognizing this document can we terminate it?

Chairman Pascual Sablan – I would not go to that extend but there's nothing in those documents (interrupted).

Administrative Director Michael Borja – The amendment?

Vice-Chairman Joseph Cruz – I mean no the one that Monte and Mr. (interrupted).

Administrative Director Michael Borja – That's the amendment.

Commissioner Pika Fejeran – That's an amendment to Hals Angels lease.

Chairman Pascual Sablan – There's nothing on the document about this one I checked this to make sure.

Vice-Chairman Joseph Cruz – What document?

Chairman Pascual Sablan – Well of all the document that they signed, the original and the (interrupted).

Vice-Chairman Joseph Cruz – So is it safe to say that the request for this deletion or this removal of alignment is the 40 foot on the left side not the one on the middle? Margaret is that the 40 foot that we're identifying on this request is the one parallel with the gas line?

Margarita Borja (DLM) – Yes.

Vice-Chairman Joseph Cruz – And the 60 foot that goes between the two fields?

Margarita Borja (DLM) – Uhhh and then I guess at a later date if we could they'll go before the Guam Land Use to try and remove that because I think in the end that's what you also want to remove that.

Ivan Shiroma – The center one.

Administrative Director Michael Borja – And that one has to be done through a survey and once that surveyor realizes what's there he'll probably give you advice because if there are utilities in there already getting them moved is going to be more expensive.

Ivan Shiroma – I can tell you what's exactly there and even the Morrison brothers will admit there's a service line (interrupted).

Administrative Director Michael Borja – Water and power.

Ivan Shiroma – Just water and no power line they're using generator. But their service line not the main Waterworks main distribution line because that distribution is parallel with West Santa Monica because our meters share the same location along West Santa Monica. So the only thing going through that road right now is their service line.

Administrative Director Michael Borja – That restroom facility over on the Rugby side is it on a septic tank and leaching field?

Ivan Shiroma – I have no idea on that.

Chairman Pascual Sablan – So this one there's nothing power here other than (interrupted).

Ivan Shiroma – There's no power line.

Chairman Pascual Sablan – Just water line.

Ivan Shiroma – There's none from us and I don't believe there's any from theirs like I said they use generator. This is where both our meters are our water meters are right along the edge here in the sidewalk. So their service line goes like this and straight into their area. Water only water service line not the distribution.

Vice-Chairman Joseph Cruz – The meter is there right?

Ivan Shiroma - Yeah the meters are right here.

Vice-Chairman Joseph Cruz – Is it a three quarter or two inch or one inch?

Ivan Shiroma – I think it's a two inch water line.

Vice-Chairman Joseph Cruz – Two inch water meter.

Ivan Shiroma – Yeah. So both our meters are here like I said. If it's like GPA your service wire cannot encroach over somebody's property to get to your house. That's like an aerial easement infraction so basically he just has his service line running in here.

Chairman Pascual Sablan – So if we were to have this thing resurveyed so we can eliminate this I'm pretty sure Guam Waterworks is going to question (interrupted).

Administrative Director Michael Borja – Well who does that water serve?

Ivan Shiroma – Rugby.

Administrative Director Michael Borja – Just Rugby.

Ivan Shiroma – Yes.

Administrative Director Michael Borja – So they should have been bringing in their water in from their access side which is Lada Avenue.

Ivan Shiroma – But even if you guys were to go ahead and give us back this piece I will not ask Rugby to get your water line out because I know it's going to be expensive. It doesn't bother us, it's underground but it's in our inventory or in my property if it was given back.

Chairman Pascual Sablan – I also came across document that Rugby promised to do a lot of things on his side and your side. Have they fulfilled that?

Ivan Shiroma – We'll be here another hour if I explain what the agreement was.

Chairman Pascual Sablan – No you don't have to I read already but did they fulfill all these promises?

Ivan Shiroma – This is our original practice just a real quick history. This is our original practice field that my dad cleared a long time ago in the 80s. In order for Rugby to come here and take this we had an agreement a town hall meeting with Senator Baza Calvo, Marcel, go ahead we'll give Rugby this just this piece. I don't know how they got this. Take this just build us a practice field over here again or somewhere. Build us a practice field you guys keep this. Next thing I knew they got both this recorded officially under their name before we got our license and we were here almost 20 years before these guys. Now we have no practice field. I'm trying to build one here. When I saw this proposal I'm like wait a

minute now I can't even put bleachers or a press box because now you're squeezing me so I only have this to deal with and this one again.

Chairman Pascual Sablan – If you have this for example access wouldn't that make it substandard (interrupted).

Ivan Shiroma – You can't have an official field if you take that 60 feet here and keep this. Look at the difference we're the original people that had activity here look at how much these guys have now as opposed to us and we're there 20 years before them coaching kids. We've been doing community service before we even committed a crime. Yes I'm willing to give this all of this up. Nobody questioned Rugby where do they park? Now they're going to be parking on our side?

Chairman Pascual Sablan – Mr. Shiroma you close this side for example when it's not in use what's your plan are you going to put fence and everything?

Ivan Shiroma – Yes I'm trying to control the location so nobody comes in and steal my copper again.

Chairman Pascual Sablan – Oh they steal copper?

Ivan Shiroma – Three times.

Administrative Director Michael Borja – That size is 49,000 square meters the Rugby side.

Margarita Borja (DLM) – Ivan I just have one question about that I know there's a gate, there's an entrance to the school is that something that can be closed off if anything? Because I think do they use that as an access to go in the school.

Ivan Shiroma – Yes I don't believe you should be parking in there where the kids are playing because if everybody parks in there, I don't make our Football Association park in there. We practice there but we got permission from the principal. But when Rugby has a game they go park inside there and who knows if there's (interrupted).

Administrative Director Michael Borja – Is that gate back there that 60 foot easement leads up too? Is that gate there for fire and safety purposes do you know?

Ivan Shiroma – I have no idea. I think all I see is the guys that do maintenance on the grass.

Vice-Chairman Joseph Cruz – No because the terrain, the terrain is bad on the back. I don't think a firetruck will enter (inaudible).

Ivan Shiroma – They have access from the school (inaudible) also.

Legal Counsel Kristan Finney – I'm sorry you're trying to find out if the school needs to access that?

Administrative Director Michael Borja – It's the gate, it might be just you know for their own exit.

Chairman Pascual Sablan – Okay thank you Mr. Shiroma. The Chair is ready to hear a motion and I think Mr. Cruz is (didn't finish).

Vice-Chairman Joseph Cruz – I move that the request for the deletion of the 60 and the 40 be granted and the 40 foot on the center must be deleted as per Public Works concurrence being that it's a utility, it's a private line if Public Works does not need it for an access then subject to that.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Any discussions?

Vice-Chairman Joseph Cruz – On the -9 on the creation of this if we're considering parking for the Rugby and they got majority of the acreage why cut it up why not just leave it to the remainder of the Football's lease?

Administrative Director Michael Borja – Why do they not have their own area for their own parking?

Vice-Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – Good question.

Vice-Chairman Joseph Cruz – I mean the 40 some thousand square meters that Rugby has they're not utilizing the whole lot so we'll deal with them when the time comes for parking. But right now I don't agree having a pan or an access and wasting this acreage in there for another lot not unless they have another intent of leasing it, a different activity.

Administrative Director Michael Borja – Then would you suggest that you keep that 40 foot access on the west side so they can enter from Santa Monica?

Vice-Chairman Joseph Cruz – No because if it's together with the R9 it's one consistent lot. You don't need an access for that because it's part of the basic lot.

Administrative Director Michael Borja – Oh so you just keep it called R9 not a NEW-9.

Vice-Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – So you keep it one lot so he can enter and exit any way he wants.

Vice-Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – Got you. You understand that what he said?

Ivan Shiroma – Yes.

Administrative Director Michael Borja – Don't see a reason why you have to have this easement just so that everyone can park but if this is just one lot then you can have your access in there any way you want.

Vice-Chairman Joseph Cruz – You can use it for your maintenance warehouse or whatever. And then delete that 7R/W and just take that 1,400 square meters and bring it in instead of 116 for that 8 maybe just one hectare which is 10,000 square meters.

Commissioner Pika Fejeran – So then Rugby would access the parking through their own.

Vice-Chairman Joseph Cruz – There's no parking for Rugby we're not considering the parking for Rugby.

Administrative Director Michael Borja – They have to consider their own parking.

Commissioner Pika Fejeran – I see.

Legal Counsel Kristan Finney – Before you vote to remove that access if the Commission has an agreement with the Rugby group to provide that access even if there was an issue with that as you had brought up before don't you think that you would need to bring in the Rugby group and involve them in this? Because I mean what's going to happen if they find out that if they had an agreement and without consulting them and just changed the agreement that's the same thing that happened with these guys. You're going to create a new problem (interrupted).

Administrative Director Michael Borja – Well my question then would be while the Commission in 2010 had apparently moved and passed a motion to take out a section of the Football's land to dedicate it for the benefit of the Rugby and by virtue of doing the amendment and the Rugby people signed it isn't that kind of like an invalid amendment? Could it be found to be invalid or not really binding?

Legal Counsel Kristan Finney – I would think so but where I'm saying is that whether that agreement should have been made or not the Commission and I have to just you know because I haven't reviewed all of the details of the agreement either with the Football or with the Rugby. I'm just saying if there is an agreement with the Rugby people then you're going to need to involve them before you just change your agreement even if the agreement shouldn't have been made to begin with.

Chairman Pascual Sablan – I guess as a legal counsel I agree with you with that but if you look at really the history of Rugby and the Football Association it looks like there's always a unilateral without the consent of the other party.

Legal Counsel Kristan Finney – Well it's just that I mean you know if you're making an agreement with the Rugby Association to change the agreement you have with the Football that's not right but it's also not right to make an agreement or you know to pass something based on what these guys are saying to change your agreement with the Rugby people. That wouldn't be right either.

Vice-Chairman Joseph Cruz – Okay the way I see the deletion it's an encumbered alignment within the basic lot of the Football. We are not reducing the acreage of the Rugby. Everything is on the Football alignment and it's only an encumbered.

Legal Counsel Kristan Finney – True but there seems to be some agreement between the Commission and the Rugby Association. It sounds like you might be trying to change that agreement without involving them. So I just want to caution you to make sure that that's not what you're doing here.

Chairman Pascual Sablan – Nothing yes thank you but you know what I was looking at the latest agreement that was signed between Rugby and the late Mafnas there is nothing that it says that that especially the (inaudible) alignment the 40 foot is part of the agreement that CLTC has and the Rugby. I cannot find any.

Administrative Director Michael Borja – In fact in this addendum to the Football's, Hals Angels Association we more precisely now defined what the Football people have based on the same survey map that the Rugby people used and nowhere on this map is this 60 foot alignment. So when this document this addendum with the Rugby people had taken away the 60 foot easement out of the Football it didn't depict any map change which it would have to have. It would have to have a survey map that would show it was approved. So you know it doesn't even have that kind of delineatey where there's nothing there nor is it a recorded addendum, amendment to the agreement. And then it's involving another person's land without their signature on the amendment or their concurrence to the amendment and they in turn in fact in that lease they used the same survey map 403FY01 to make their point with a sketch, a drawing of an exhibit showing where they wanted this easement but that's (interrupted).

Legal Counsel Kristan Finney – Was the Rugby Club invited to be (interrupted).

Administrative Director Michael Borja – In this meeting? I don't believe so. But your point is you know well taken they're a party that's involved in this but you know we're all talking about the same map. Each one of us are all talking about the exact same map in which that 60 foot easement is not showing at all. So no one has gone forth to create one that has a 60 foot easement. All they had was a, it doesn't even look like well it's some kind of sketch.

Legal Counsel Kristan Finney – All I'm trying to say is if there is an agreement between the Commission and the Rugby people I would not recommend that that agreement be changed or that you attempt to change it without involving the Rugby Club.

Chairman Pascual Sablan – They mention here the access this was I think 2011, access to licensed property pending completion of new access road depicting on Exhibit C, licensee it's agents...and then mention the 40 foot okay pending because they want to go through this process. This is only for me it was signed by Mr. Mafnas and signed by that. Why weren't the Hals Angels consulted if there is an agreement? I appreciate and I understand as counsel that we should but it looks like as I said one way street here whoever comes here and all those things. And believe me there's a lot of documents missing here and no action by the Commission. I feel like throwing up after I read all these things. How it happened I don't know.

Ivan Shiroma – Ms. Finney excuse me so if we do have another meeting Rugby is going to come in here and say look I don't agree with what you guys just did today. They're going to ask can we restore the 40 foot utility easement and the 60 feet. You guys are going to ask me, and I say no I don't want to restore it. So we're back to square one right?

Legal Counsel Kristan Finney – All I'm (interrupted).

Ivan Shiroma – Because there's no agreement, there's no agreement here made from the last meeting. They never contacted me. They tried to shove that right through like they did that they're getting their license from day one. I was never called or my dad was never called about them getting their license their original license. That's what really upset us because they only wanted half of that piece of property that they had up there but now they double the size without us being called in.

Blu Shiroma – Can they do that? Is that legal if we have the lease can they (interrupted).

Ivan Shiroma – We didn't have the lease.

Blu Shiroma – Huh?

Ivan Shiroma – We didn't have the lease back then. Land Trust wasn't even created before that when we were having activity there.

Administrative Director Michael Borja – No, no but in this whole chronological order it looks like Hals Angels had the lease prior to Rugby for the piece of land.

Ivan Shiroma – No. I have my license here, 2008 from Mr. Borja it's the only time I got it.

Administrative Director Michael Borja – Right, right that's what I'm talking about in 2008, they're in 2010 or the changes were made in 2010.

Ivan Shiroma – Yes but they got theirs in 1993 or 1998 one of the two if you check the record. They had it before us they had that piece surveyed and recorded before we even got our license. That's why I complained to Mr. Borja, Joe Borja I said how did these guys get their license done without consulting my family?

Administrative Director Michael Borja – Okay theirs is 2002.

Ivan Shiroma – I just want to stop deleting that's it.

Chairman Pascual Sablan – Do you have the insurance, liability insurance?

Ivan Shiroma – No sir.

Chairman Pascual Sablan – No?

Ivan Shiroma – I'm not sure where my boundary was until just recently because I just don't know.

Chairman Pascual Sablan – That's another thing that on the contract it says that they have to have a liability insurance and what I would like to see is that the CLTC and whoever purchasing that insurance will be the two party on that insurance. Because they always say we'll buy the insurance and of course they bought the insurance but later on a month later they terminate. **Anyway a motion has been made, second, discussion is over. Those in favor say aye.**

Vice-Chairman Joseph Cruz - Aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Aye, unanimously have the ayes.

Commissioner Pika Fejeran – I would like to make a motion to call Rugby in so that they're aware of our decision and (inaudible).

Ivan Shiroma – Thank you, thank you very much for considering us.

Chairman Pascual Sablan - Okay thank you too for coming. And be more aggressive and be more (inaudible).

Vice-Chairman Joseph Cruz – You don't want them to be aggressive.

Chairman Pascual Sablan – What I meant to say is we publish out the agenda if you see anything or come to us.

Ivan Shiroma – Another thing I have nothing personal against Rugby they're doing good just like we're doing good with the youth kids for football. We're doing the same thing as Rugby but the one thing I have over all of them is I am a Chamorro born and raised here.

Commissioner Amanda Santos - Thank you.

Ivan Shiroma – Thank you.

(Break 2:50pm – 2:59pm)

2. Guam Raceway coral extraction and other payments

Administrative Director Michael Borja – What we have is Guam Raceway, it was authorized by both Public Law 24-141 and one of the sections in the statute for their lease. They have approximately 252 acres or over a million square meters of land. The license agreement was effective in 1998 for a period of 20 years. CLTC according to this is supposed to be indemnified and there's supposed to be a \$300,000/\$1,000,000 insurance and the use of the property the licensor shall receive 50% of the value of extracted minerals and materials removed from the property. According to the Public Auditor findings in 2012, 2013, 2014 and 2015 in each one of those annual audits they had a finding that noted the exact same thing that the coral extraction royalties revenues were not evidenced by an underlying agreement or documentation of royalty rates and the revenues were not evidenced by verification of actual coral minerals extracted. The recommended course of action for this was to establish policy and procedures for documentation and monitoring of coral extraction and that was from the Public Auditor. Other findings include Public Law 30-204 established an event admissions assessment requiring an admissions assessment of 10% of the admission price to be paid to the Government of Guam with quarterly reporting to the CLTC and the Guam Legislature. And also we do not possess any verification of insurance coverages specified in the license agreement. The recommendation that we have is that there be a moratorium on all coral extractions until documentation and monitoring procedures of coral extractions is established. The Guam Racing Federation provide a validated and certified method of determining topographical terrain variances on a monthly basis so we can verify the extraction of minerals. Guam Racing Federation provide a validated and certified method of determining admissions assessment and pay the last five years of admissions and commence quarterly reporting. Guam Racing Federation provide insurance certification within 10 days. And provide notice of findings and recommendation to the Guam Racing Federation via a resolution. Attached to this document is the license agreement that was generated as well as the public law that created the Guam Racing Federation and then lastly you have copies of each of the annual findings from the most recent to the oldest in which this was a continued finding from the Public Auditor. We had worked in the past to try and come up with a determination of the coral extraction through some audited reports from Hawaiian Rock however that wasn't sufficient in the case of what the Public Auditor had required. They wanted to see for the total not just for one specific company unless they were the only company doing it. I know I had some discussions at one point with Hawaiian Rock where I pointed out the fact that they were able to do some volume reporting on their side of the house with the use of a drone unit that can verify volume differences through topographical surveys. Regardless on how we're (inaudible) either new technology or surveying I mean the fact is that the Office

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Chamorro Land Trust Commission Meeting
September 19, 2019

Guam Rugby Club.
Loss of "Public Access Way/Utility Right of Way."
Wettengal Rugby Field. Santa Monica Ave. Dededo.

- 1997-1999: The Guam Rugby Club Wettengal Rugby Field was constructed by the Guam Rugby Club volunteers and business sponsors, under the "ADOPT A PARK" Government of Guam, Dept. of Parks & Rec. scheme, to encourage private sponsors and corporate organizations to contribute to Guam's community sports and recreational parks .
- 1999: SPG Games Rugby is hosted at the Guam Rugby Club Wettengal Rugby Field.
- 2000-2002: The Government of Guam (Parks & Rec) land which was allocated for the "Adopt a Park" Guam Rugby Club field is transferred to the Chamorro Land Trust.
- 2002: CLTC granted the Guam Rugby Club a license for a 20-year term with 5-year reviews.
- All access to the CLTC/Guam Rugby Club field is from Santa Monica Ave via a documented "public access way/utility right of way". (See Attached LM Maps.)
- 2004-2006: Youth rugby is introduced by the Guam Rugby Club to the Guam Middle and High Schools sport programs for boys and girls, serves as home field for Simon Sanchez Highschool
- The Guam Rugby Club Wettengal rugby field is used by a large number of Guam's community to play the sport of rugby. There have been "tens of thousands of players" both youth and adult that have utilized the field since its initial construction in 1997.
- 2010: The Guam Rugby Club, as approved by the CLTC through resolution, agreed to a license amendment with the CLTC with respect to a public access way off of Santa Monica Ave. The amendment simply amended the license and was incorporated as part of the original license. (See Attached License Amendment.)
- The Guam Rugby Club has maintained and has continued to develop the Wettengal Rugby sports fields and facilities for the Guam community.

The value of the Guam Rugby Club facility with improvements as provided, 2 x Rugby sports fields, Field lighting, toilets/showers /future social clubroom foundation, BBQ

shelter, bleachers exceeds \$ 750,000.00.

- The Guam Rugby Club has maintained and used the “public access way/utility right of way” and joint parking area off Santa Monica Ave to the Wettengal Rugby Field for the last 22 years.
- The public access way off Santa Monica has being used to access both rugby and football fields, provided joint parking areas for all fields, and enabled installation of a 2-inch Utility water line, to service the irrigation for fields and toilet and shower facilities, for players and community.
- June 2019: The Guam Rugby Club was first provided notice that the Santa Monica Ave “public access way/utility right of way” is to be eliminated.
- The Guam Rugby Club has had no opportunity to provide input or to state their position about the Santa Monica public accessway elimination and the CLTC decision, which appears to have been in process since 2016/17. (See Attached LM Map.)

The loss of the public access way affects the community’s ability to access and park at one of Guam’s main sport field facilities, which serve the entire community of Guam.

- The loss of the public access way impedes emergency services and affects their ability to respond to medical emergencies that may occur during games played at the Wettengal Rugby Field.
- The loss of the public access way eliminates the ability of Guam’s emergency responders to access Wettengal Elementary School if an alternate emergency access is required.
- The loss of the public access way prevents the community from using the Guam Rugby Club, bathroom and public toilet facilities during sporting events due to lack of water supply as the utility water line is to be removed from the “public access way/utility right of way” off Santa Monica.
- The loss of the public access way prevents any further utilization by the Guam community, and prevents future development of the existing bathroom, shower/toilet building and the current development a planned Guam Rugby Club social club room.
- The loss of the public access way prevents the Guam community from using the Wettengal Rugby field for Middle school and High school rugby matches. (See Attached Schedules.)
- The loss of the public access way prevents the Guam adult community from using the Rugby Field for social men’s and women’s touch rugby and tackle rugby, which occurs regularly throughout the calendar year. (See Attached Schedules.)
- The Guam Rugby Club does not have the funds or the financial ability to install an alternate access way, alternate parking areas, or alternate water supply lines.
- Any alternate site development would contradict the Guam Rugby Club/ CLTC master site plan which was submitted and is on CLTC FILE for YEAR 2002.
- The Guam Rugby Club on behalf of the Guam sports community requests that the CLTC, review the decision to eliminate the “public accessway/Utility right of way” off Santa Monica avenue providing public access, vehicle parking, and water supply line to the Wettengal Rugby Field.

CHAMORRO LAND TRUST COMMISSION

License Agreement

THIS LICENSE AGREEMENT is made effective as of June 11, 2002, by and between the CHAMORRO LAND TRUST COMMISSION, whose mailing address is Post Office Box 2950, Hagåtña, Guam, 96932 (hereinafter referred to as "Licensor") and GUAM RUGBY CLUB INC., whose mailing address is PMB 515, 1270 North Marine Drive, Suite 104, Tamuning, Guam, 96913-4313 (hereinafter referred to as "Licensee")

RECITALS

WHEREAS, Licensor has jurisdiction over Lot No. 10057-NEW-5, Dededo, Guam, by virtue of the "Administrative Transfer of Jurisdiction of Certain Government of Guam Lands" dated January 19, 1994, recorded with the Department of Land Management, Government of Guam, under Document No. 503740 and by virtue of Chapter 75, Title 21 Guam Code Annotated; AND

WHEREAS, Licensee, a not for profit association, has demonstrated an interest to Licensor in obtaining a license for Lot No. 10057-NEW-5, Dededo, Guam, containing an aggregate area of 12.09 acres (48,951+ square meters), [hereinafter referred to as the "Property"], for the purpose of developing needed sporting facilities, to include Rugby fields, clubrooms, bleachers and associated facilities; AND

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WHEREAS, on March 26, 2002, Licensor received a request from Licensee outlining their intentions, proposed activities, and preliminary layout of the Property; AND,

WHEREAS, Licensee is particularly interested in the real property described as follows:

Lot No. 10057-NEW-5, Dededo, Guam, containing an aggregate area of 12.09 acres (48,951± square meters).

WHEREAS, the portion of the Property requested by Licensee is currently being used as a sports facility and Licensee desires to continue such use; AND,

WHEREAS, Licensee has demonstrated public support for their project; AND,

WHEREAS, said lot can be used for a sports facility by Licensee; AND,

WHEREAS, Licensor has the authority to grant a five (5) year license to Licensee with options to renew for three (3) additional five (5) year periods for such purpose pursuant to 21 Guam Code Annotated §75107(c); AND,

WHEREAS, on March 26, 2002, Licensor voted to approve the grant to such license;

NOW THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties agree as follows:

(1) **GRANT OF LICENSE, DESCRIPTION OF PREMISES** Licensor hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this Agreement, the following described real property:

Lot No. 10057-NEW-5, Dededo, Guam, containing an aggregate area of 12.09 acres (48,951± square meters), as delineated in that certain sketch marked Exhibit "A", attached hereto and made a part hereof.

Licensors shall have the right to itself and to the agents and representatives of the Government in which said licensed Property is situated, to enter and cross any portion of said licensed property for the purpose of performing any public or official duties; provided, further in the exercise of such rights, Licensor shall not reasonably interfere with Licensee's use and enjoyment of the Property.

(2) **LIMITATION TO DESCRIBED PURPOSE**. The Property herein may be occupied and used by Licensee solely for the activities associated with a sports facility and for incidental purposes related to a sports facility from the Commencement Date, and continuing until this agreement is terminated as provided herein. In no event shall Licensee begin any required licensed activity without obtaining all requisite authorizations and permits from the appropriate Government of Guam Agency or Authority.

(3) **TERM**. Except as otherwise provided herein, the term of this Agreement shall be for a period not to exceed five (5) years, commencing June 1, 2002, (the "Commencement Date") and ending at midnight on May 31, 2007 (the "Termination Date").

(4) **OPTION TO EXTEND**. Licensee shall have the right to extend the term of this Agreement upon the same terms, covenants and conditions as herein contained, except as otherwise provided herein, for three (3) successive additional periods of five (5) years each from and after the Termination Date hereof. In order to exercise said option to extend, Licensee shall deliver to Licensor written notice of intent to extend the term, no later than sixty (60) days before the end of the then-current term of the Agreement. In no event shall the term of this Agreement and any extensions thereof exceed twenty one (21) years.

(5) COMPENSATION.

Licensor and Licensee expressly acknowledge that compensation for this license shall be waived in the interest of providing public services and enhancing the quality of life of Guam residents on all activities relating to sports. Should Licensee obtain compensation for activities on the property which are derived from activities other than sports, then Licensee shall pay to Licensor forty percent (40%) of the net revenues received by Licensee.

(6) TERMINATION. This Agreement may be terminated by either party on one hundred eighty (180) days prior written notice to the other party without cause, or on ninety (90) days written notice for cause. For purposes of this Agreement, cause shall mean the non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act or any adjudicated regulations of Licensor, pursuant to 21 GCA §75107(c), the term of this Agreement shall be for a period not to exceed twenty one (21) years. Upon termination by notice for cause of non-compliance of any provisions of this Agreement, the Chamorro Land Trust Act, any adjudicated regulations of the Licensor, or expiration of twenty-one (21) years, this Agreement shall become null and void, except that either party may enforce any and all obligations of Licensee arising out of acts or failure to act, occurring prior to such termination. Licensor agrees that it shall not terminate this Agreement without cause in order to permit others to have access to the Property for a sports facility.

(7) TAXES AND FEES. Any and all taxes, fees and assessments levied upon the real property and any improvements thereon described herein shall be borne and paid for by Licensee.

1057
105

(8) **MAINTENANCE OF PROPERTY AND FACILITIES.** Licensee shall, at Licensee's own expense, and at all times during the term of this Agreement, substantially repair, maintain and keep all improvements constructed under this License, including without limitation to any further improvements constructed on the Premises by Licensee, in good condition and repair at all times during the term of this License.

(9) **NO INTEREST IN REAL PROPERTY** Licensee expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the above-described real property of Licensor, by virtue of the rights granted under this Agreement or its occupancy or use granted herein.

(10) **ASSIGNMENT OF RIGHTS** The rights of Licensee under this Agreement are personal to Licensee and may not be transferred or assigned to any other person, firm, corporation or other entity.

(11) **INDEMNIFICATION OF LICENSOR** In consideration of the privilege granted by this Agreement, Licensee shall not claim any costs, claims or damages from Licensor in connection with or on account of any injuries or damages arising in or on the real property described above regardless of the fault or negligence of Licensor while being used by Licensee and Licensee's officers, employees, members, guests or invitees and Licensee shall indemnify and hold harmless Licensor from any and all costs, losses, claims or damages of any kind or nature arising in connection with the use of the real property described above by Licensee and Licensee's officers, employees, members, guests or invitees or trespassers.

REB

(12) INDEMNIFICATION OF CHAMORRO LAND TRUST COMMISSION

Notwithstanding anything to the contrary in this License Agreement and irrespective of any insurance carried by Licensee for the benefit of Licensor, Licensee agrees to hold Licensor from any and all claims or demands made by third persons for loss, damage, or injury including claims for property damage, personal injury or wrongful death occurring in, on, or about the Property, including sidewalks and parking areas adjacent thereto, or occasioned by any nuisance made or suffered on the Property, or by any fire thereon, or growing out of, or cause by any failure on the part of Licensee to maintain the Property in a safe condition and will reimburse Licensor for all costs and attorney's fees in connection with the defense of any such claim.

(13) PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE Licensee will procure, at its own cost and expense and keep in force during said term for the mutual benefit of Licensor and Licensee, a policy of comprehensive liability insurance in such form and with such insurance company as Licensor shall approve, with minimum limits of not less than \$300,000.00 for injury or death to one person and not less than \$1,000,000.00 for any one occurrence, and a policy in the sum of \$1,000,000.00 insuring against claims of third persons for property damage. Said policy or policies or copies thereof must be deposited with Licensor and must cover the Property, including entrances to the Property and sidewalks and parking areas adjacent to the Property. Licensor may review the foregoing limits of coverage and require increases therein but shall not require increases more frequently than annually. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change the insurance coverage without first giving Licensor thirty (30) days prior written notice of such change or cancellation.

MSI
AEB

(a) Casualty Insurance. Licensee, at its sole cost, shall maintain on Licensee's personal property and leasehold improvements, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements, to the extent of at least ninety percent (90%) of full replacement value. Such insurance shall be issued in the name of Licensee and shall provide that all proceeds shall be made payable to Licensee.

(b) Policy Form. Policies shall be for the mutual and joint benefit and protection of Licensor, Licensee and Licensor's mortgagee, if any, and executed copies of such policies of insurance or certificates thereof shall be delivered to Licensor within ten (10) days after delivery of possession of the Premises to Licensee and thereafter within thirty (30) days prior to the expiration of the term of each such policy. All public liability and property damage policies shall name Licensor as an additional insured or loss payee, and shall contain a provision that Licensor, although named as an additional insured or loss payee shall nevertheless be entitled to recover under said policies for any loss occasioned to it, its servants, agents and employees by reason of the acts, omissions and/or negligence of Licensee. As often as any such policy shall expire or terminate, renewal or additional policies shall be procured and maintained by Licensee in like manner and to like extent. All policies of insurance delivered to Licensor must contain a provision that the company issuing said policy will give to Licensor thirty (30) days notice in writing in advance of any cancellation or lapse of insurance or the effective date of any reduction in the amounts of insurance. All public liability, property damage or other casualty policies shall be written as primary policies, not contributing with and not in excess of coverage which Licensor may carry.

RF
AG

(14) REMOVAL OF IMPROVEMENTS UPON TERMINATION Upon termination, if Licensor so requests, Licensee, at Licensee's sole expense, shall remove all improvements constructed or erected on the real property described herein.

(15) PRE-EXISTING CONDITIONS AND RELEASE OF LIABILITY The parties recognize there may be known or unknown pre-existing conditions on the subject Property, and agree to hold each other harmless from any liability arising out of such conditions.

(16) NO WARRANTY Licensor does not warrant or represent that the real property described above is suitable for the purposes for which it is permitted to be used, nor that Licensee is specifically entitled to the issuance of any permits necessary to carry out any activity on said real property.

(17) ENTIRE AGREEMENT This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

(18) MODIFICATION OF AGREEMENT Any modification of this Agreement or additional obligation shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

(19) GOVERNING LAW It is agreed that this Agreement shall be governed by, constructed and enforced in accordance with 21 GCA, Chapter 75, and the laws of Guam.

(20) **NO WAIVER**. The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same continue and remain in full force and effect as if no such forbearance or waiver had occurred.

(21) **BINDING EFFECT**. This Agreement shall bind and inure to the benefit of the successors of Licensor, but is personal to Licensee and cannot be transferred or insure to the benefit of any successors.

(22) **NOTICES**. Any notice provided for or concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by certified or registered mail to the respective address of each party as set forth at the beginning of this Agreement.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed at Hagåtña, Guam, on the date and year first above written.

LICENSOR:

LICENSEE:

CHAMORRO LAND TRUST COMMISSION

GUAM RUGBY CLUB INC.

By 
RONALD E. TEEHAN, JR.
Administrative Director

By 
ANDY BOYD
Its President



Department of Revenue and Taxation
Government of Guam
P.O. Box 2788
Agaña, Guam 96910



Certification of Tax Exemption

This is to certify that

CUAM RUGBY FOOTBALL CLUB

a Civic and Community Benefit Having fully complied with the necessary requirements set forth under sections 1852 of the Business Taxpayer's Tax Act of Guam, is hereby declared tax exempt which exemption will continue indefinitely unless revoked on the basis of further information obtained by audits or otherwise.

11/24/95

DATE

4849

J.T.D.
JOSEPH T. ODENAS

COMMISSIONER OF REVENUE AND TAXATION

LETTER OF TRANSMITTAL

TO: Ross Morrison
GUAM RUGBY CLUB BOARD

FROM: Janalynn Cruz Damian

DATE: December 20, 2011

RE: GUAM RUGBY CLUB INC.

VIA: Pick up

THE FOLLOWING:

DESCRIPTION:

1. (Original) Amendment to License Agreement.

ARE TRANSMITTED HEREWITH:

- | | | |
|---|---|--|
| <input type="checkbox"/> For your information | <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For payment |
| <input type="checkbox"/> For your files | <input type="checkbox"/> For review & comment | <input type="checkbox"/> For correction |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> For necessary action | <input type="checkbox"/> For signature & forwarding as noted below |
| <input type="checkbox"/> For your approval | <input type="checkbox"/> For filing in court | |
| <input type="checkbox"/> Return executed copy to our office | <input type="checkbox"/> For signature & return | |
| | <input checked="" type="checkbox"/> See remarks below | |

REMARKS

Mr. Morrison,

Attached is the original Amendment to License Agreement executed by Monte Matnas, Guam Chamorro Land Trust Commission. Thank you.

By: 
Jamie C. Peighial for Janalynn Cruz Damian

*Delivered
Calvo Clark
MARCH 23
4:00 PM
ROSS*

387185

AMENDMENT TO LICENSE AGREEMENT

This Amendment to License Agreement is made by and between the Chamorro Land Trust Commission ("Licensor") and Guam Rugby Club Inc. ("Licensee").

This Amendment is based on the following facts, which are made a part of this Amendment.

A. On June 1, 2002, Licensor and Licensee entered into a License Agreement whereby Licensee obtained a license for the use of Lot 10057-NEW-5, Dededo, Guam for the purpose of developing sporting facilities (the "Agreement"); and

B. The initial term of the Agreement was extended in 2007 and the Agreement remains in full force and effect; and

C. On December 16, 2010, by duly passed resolution, Licensor approved an amendment of the Agreement to provide for utility access and parking for Licensee's licensed property.

NOW THEREFORE, for the good and valuable consideration of the recitals, terms and conditions herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

1. A new section 8A is added to the Agreement to read as follows:

(8A) **UTILITY ACCESS.** During the duration of this Agreement only and only for purposes of enabling the licensed activity described in Section (2), Licensee shall have access to and use of all utilities, utility easements or lines on Lot No. 10057-NEW-R6, as shown on Exhibit "B," attached hereto and incorporated herein by reference. In the event that repairs are required to the water and/or power line(s) of Licensee that cause damage to adjacent property (including property subject to a license held by Hal's Angels Football Association), Licensee shall restore such property to its previously existing condition."

2. A new section 8B is added to the Agreement to read as follows:

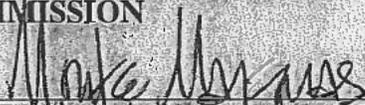
“(8B) **PARKING.** Licensee shall have use for parking of parking areas depicted in Exhibit “C,” attached hereto and incorporated herein by reference, which shall be located entirely on Lot No. 10057-NEW-R6. Such parking areas shall be shared with other licensees of Licensor, at Licensor’s sole discretion, including Hal’s Angels Football Association. Licensee shall, at Licensee’s own expense, repair, maintain, and keep such parking areas in good condition and repair at all times during the term of this Agreement.”

3. A new section 1A is added to the Agreement to read as follows:

ACCESS TO LICENSED PROPERTY. Pending completion of the new access road depicted on Exhibit “C,” Licensee its agents, representatives, employees, licensees, or invitees, shall have access to the licensed property via the existing 40’ Wide Public Access & Utilities Rights of Way depicted on Exhibit B (the “old access road”). Upon completion of the new access road, the old access road shall only be used as a utility easement. The new access road shall be shared with other licensees of Licensor, at Licensor’s sole discretion, including Hal’s Angels Football Association.

4. This Amendment shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Except as added or amended herein, the provisions, terms, and conditions of the Agreement shall remain in full force and effect and all terms used herein shall have the same meanings as set forth in the Agreement.

IN WITNESS WHEREOF the parties have entered into this Amendment as of the day of December, 2011.

| | |
|--|--|
| LICENSOR: CHAMORRO LAND TRUST COMMISSION By:  Name: <u>MONTIE MATINAS</u> Title: <u>ADMINISTRATIVE</u> <u>DIRECTOR</u> | LICENSEE: GUAM RUGBY CLUB INC. By:  Name: <u>Peter Williams</u> Title: <u>Resident</u> |
|--|--|

LETTER OF TRANSMITTAL

TO: Ross Morrison
GUAM RUGBY CLUB BOARD

FROM: Janalynn Cruz Damian

DATE: March 23, 2012

RE: GUAM RUGBY CLUB INC.

VIA: Pick up

THE FOLLOWING:

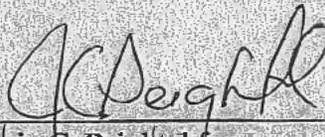
DESCRIPTION:

- 1. Exhibits B and C to the Amendment to License Agreement.

ARE TRANSMITTED HEREWITH:

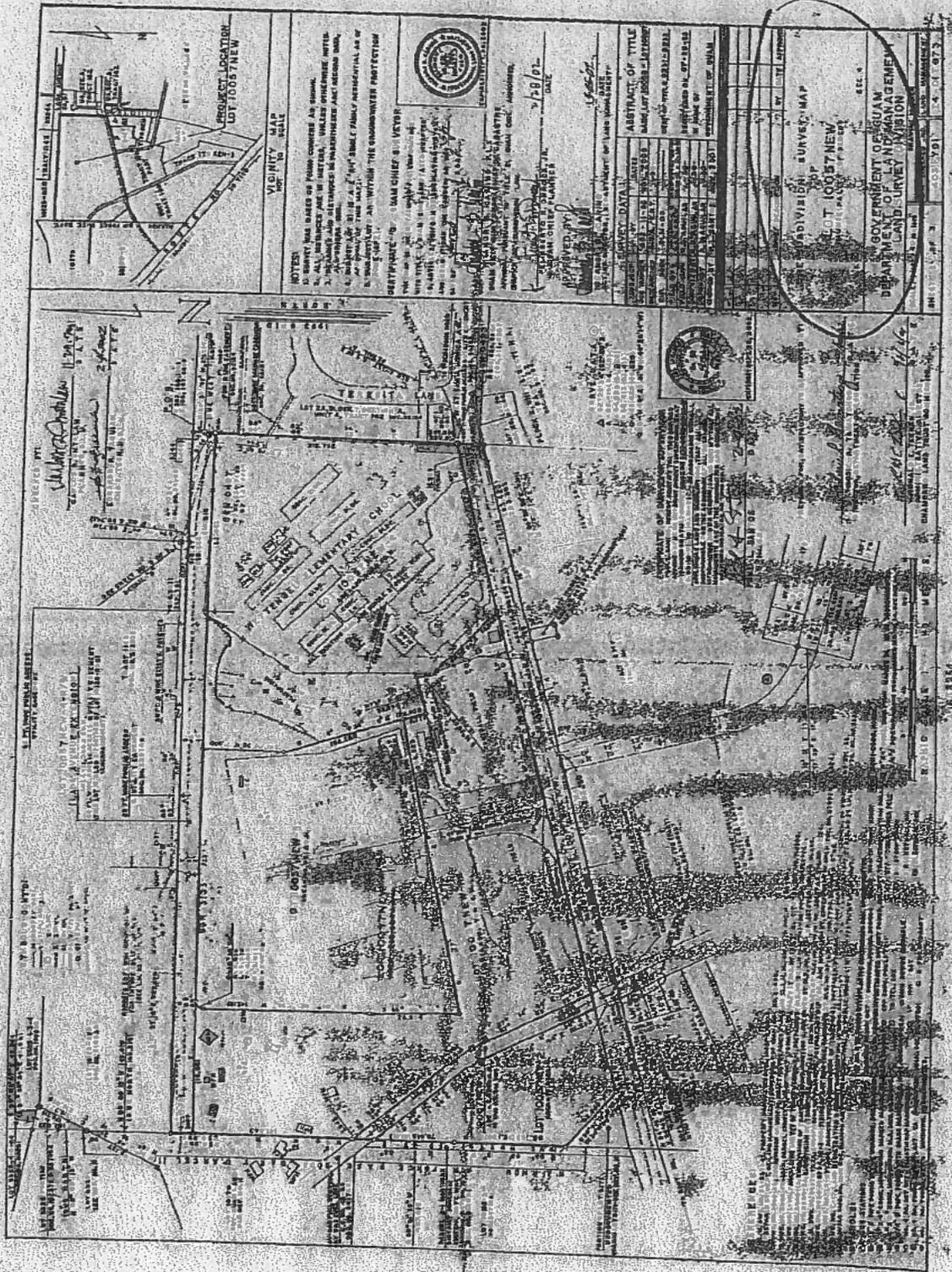
- | | | |
|--|---|---|
| <input type="checkbox"/> For your information | <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For payment |
| <input type="checkbox"/> For your files | <input type="checkbox"/> For review & comment | <input type="checkbox"/> For correction |
| <input checked="" type="checkbox"/> Per your request | <input type="checkbox"/> For necessary action | <input type="checkbox"/> For signature & forwarding as noted below |
| <input type="checkbox"/> For your approval | <input type="checkbox"/> For filing in court | |
| <input type="checkbox"/> Return executed copy to our office | <input type="checkbox"/> For signature & return | |
| | <input checked="" type="checkbox"/> See remarks below | |

REMARKS

By: 
Jamie C. Peightal for Janalynn Cruz Damian

*collected
march 23*

Exhibit 'B'



RECORDS

1-673-2/3
RECORDS DIVISION

1-673-2/3
RECORDS DIVISION

RECORDS

PROPOSED LOCATION
LOT 10057 NEW

VICINITY MAP
NOT TO SCALE

NOTES

1. SURVEY HAS BEEN MADE FROM CORNERS AS SHOWN.
2. ALL DISTANCES ARE IN FEET, UNLESS OTHERWISE NOTED.
3. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ACT OF MARCH 3, 1878, AS AMENDED, AND THE ACT OF MARCH 3, 1879, AS AMENDED, AND THE ACT OF MARCH 3, 1879, AS AMENDED, AND THE ACT OF MARCH 3, 1879, AS AMENDED.
4. THE DISTRICT ENGINEER HAS REVIEWED THIS SURVEY AND HAS APPROVED IT AS ACCURATE AND COMPLETE.
5. THE DISTRICT ENGINEER HAS REVIEWED THIS SURVEY AND HAS APPROVED IT AS ACCURATE AND COMPLETE.

APPROVED BY: [Signature]

SECRETARY OF DISTRICT OF COLUMBIA

DATE: 1/28/01

RECEIVED BY: [Signature]

DATE: 1/28/01

ABSTRACT OF TITLE

FILE NO. 10057 NEW

DATE OF SURVEY: 1/28/01

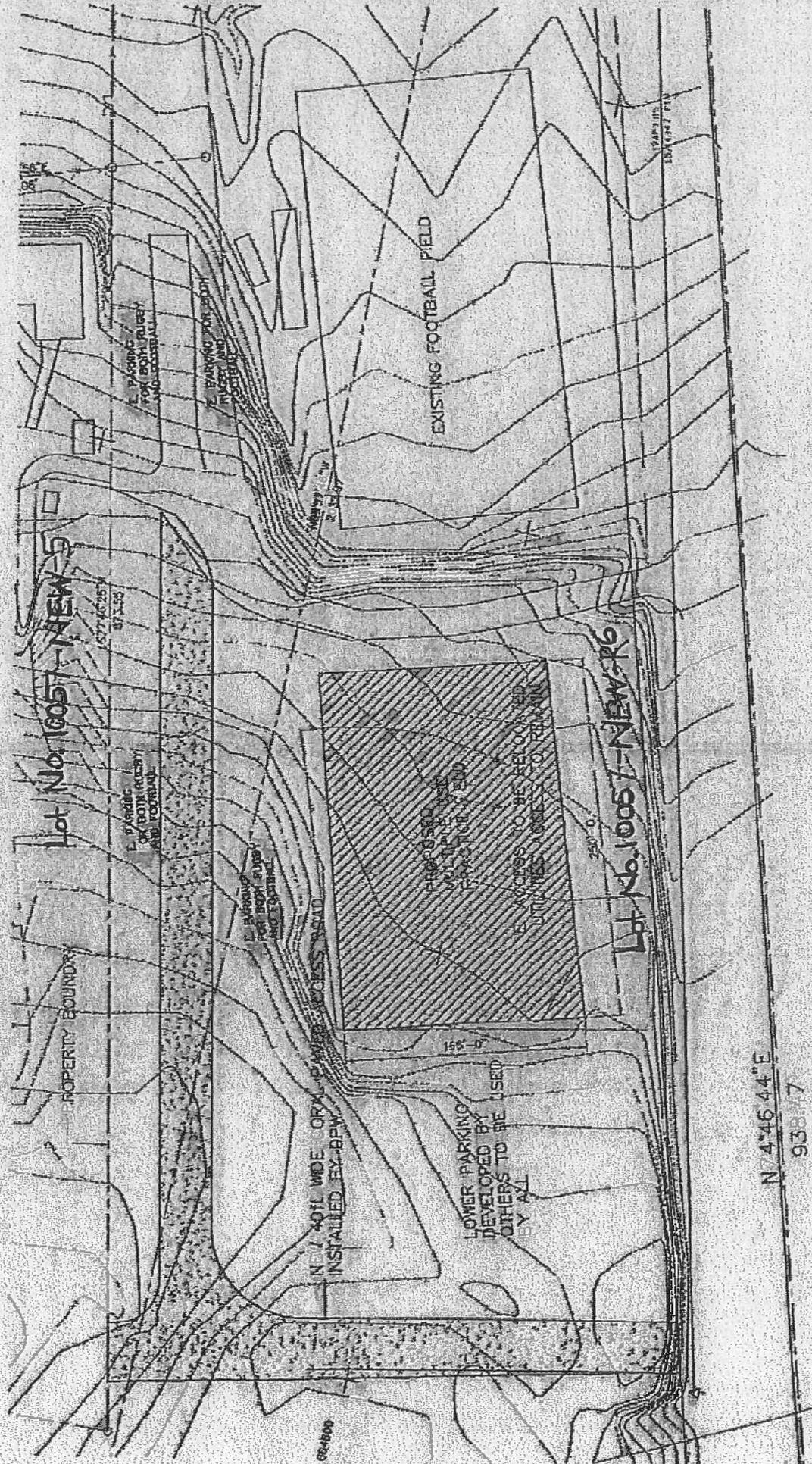
BY: [Signature]

FOR: [Signature]

PROPOSED LOCATION
LOT 10057 NEW

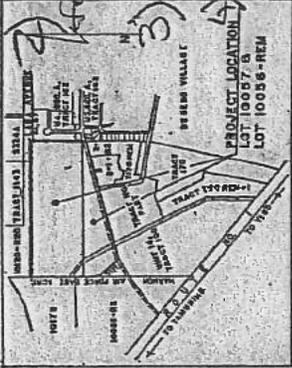
DISTRICT OF COLUMBIA
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

Exhibit "C"



N 74° 46' 44" E
938.77

1) Cost App
 2) For after 2
 3) Car who to

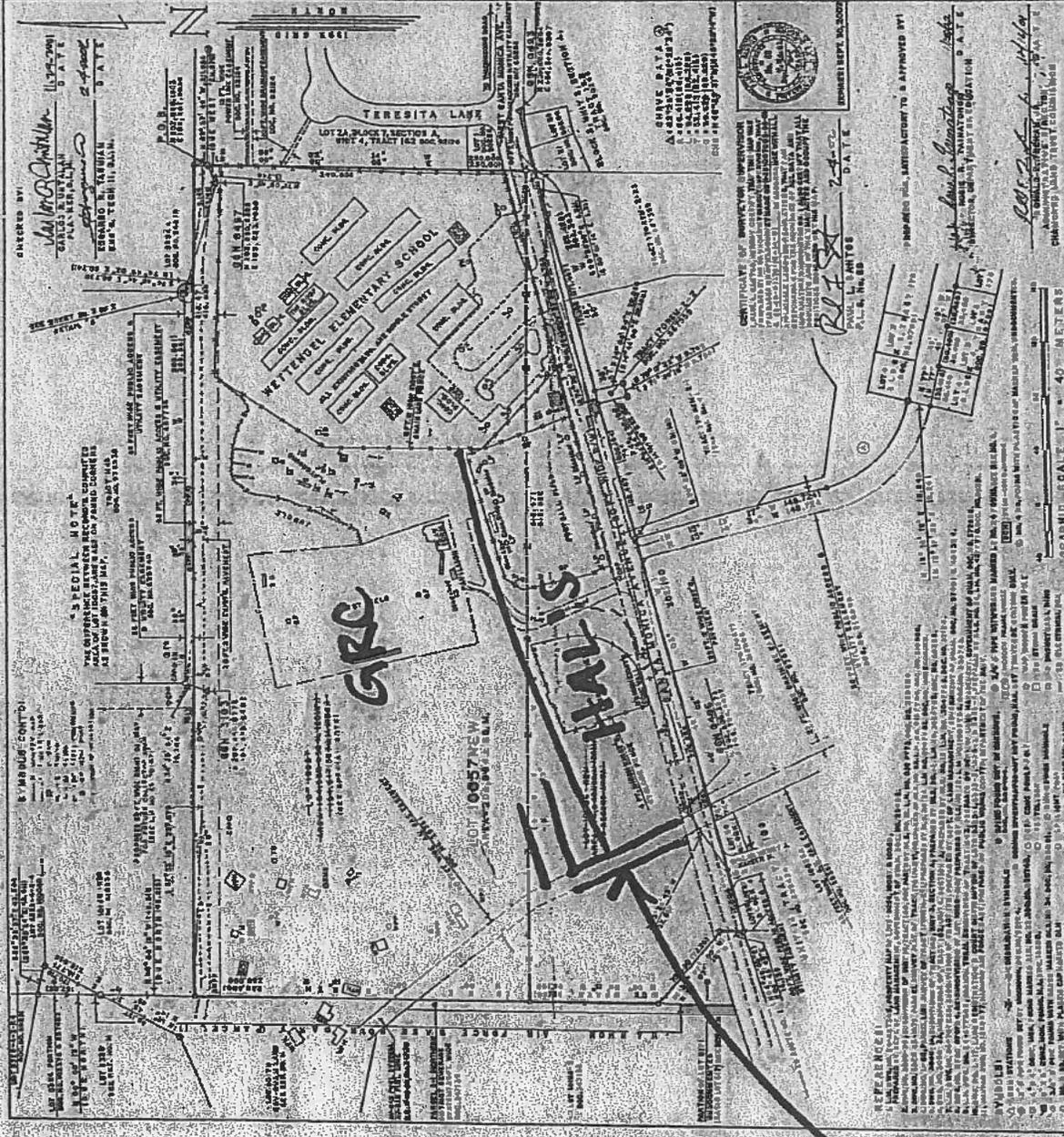


NOTES:
 1. SURVEY WAS BASED ON POINTS COMMON TO SHOWN.
 2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED.
 3. BEARING AND DISTANCES IN PARENTHESIS ARE SECONDARY DATA.
 4. ALL OTHERS ARE PRIMARY DATA.
 5. BEARING OF THIS MAP IS 100° 00' 00" N.
 6. ADJACENT LOTS ARE WITHIN THE SPOONWATER PROTECTION ZONE (SPZ).

CERTIFICATE OF GUAM CHIEF SURVEYOR
 THIS MAP HAS BEEN EXAMINED AND I HEREBY CERTIFY THAT THE TITLE IS IN ACCORDANCE WITH THE SURVEYING ACT AND REGULATIONS THEREUNDER AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT AND REGULATIONS THEREUNDER.
 I, Blaise Torres, Chief Surveyor, do hereby certify that the above described land is situated in the Municipality of San Antonio, Guam.
 DATED: 12/25/12
 BY: Blaise Torres

ABSTRACT OF TITLE
 NAME: LOT 10057-NEM
 DATE: 12/25/12
 FIELD BOOK: 518-00
 CHECKED BY: Blaise Torres
 CHECKED BY: Blaise Torres

| | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| NO. 1 | NO. 2 | NO. 3 | NO. 4 | NO. 5 | NO. 6 | NO. 7 | NO. 8 | NO. 9 | NO. 10 |
| | | | | | | | | | |



NOTES:
 1. SPECIAL NOTE: THE DIFFERENCE BETWEEN RECORDS SUBMITTED BY THE APPLICANT AND THE RECORDS ON FILE WITH THE CHIEF SURVEYOR IS AS FOLLOWS:
 - DISTANCE: 1.00 METER
 - BEARING: 100° 00' 00" N
 - AREA: 1.00 SQ. METER

CERTIFICATE OF SUPERVISOR
 I, Blaise Torres, Supervisor, do hereby certify that the above described land is situated in the Municipality of San Antonio, Guam.
 DATED: 12/25/12
 BY: Blaise Torres

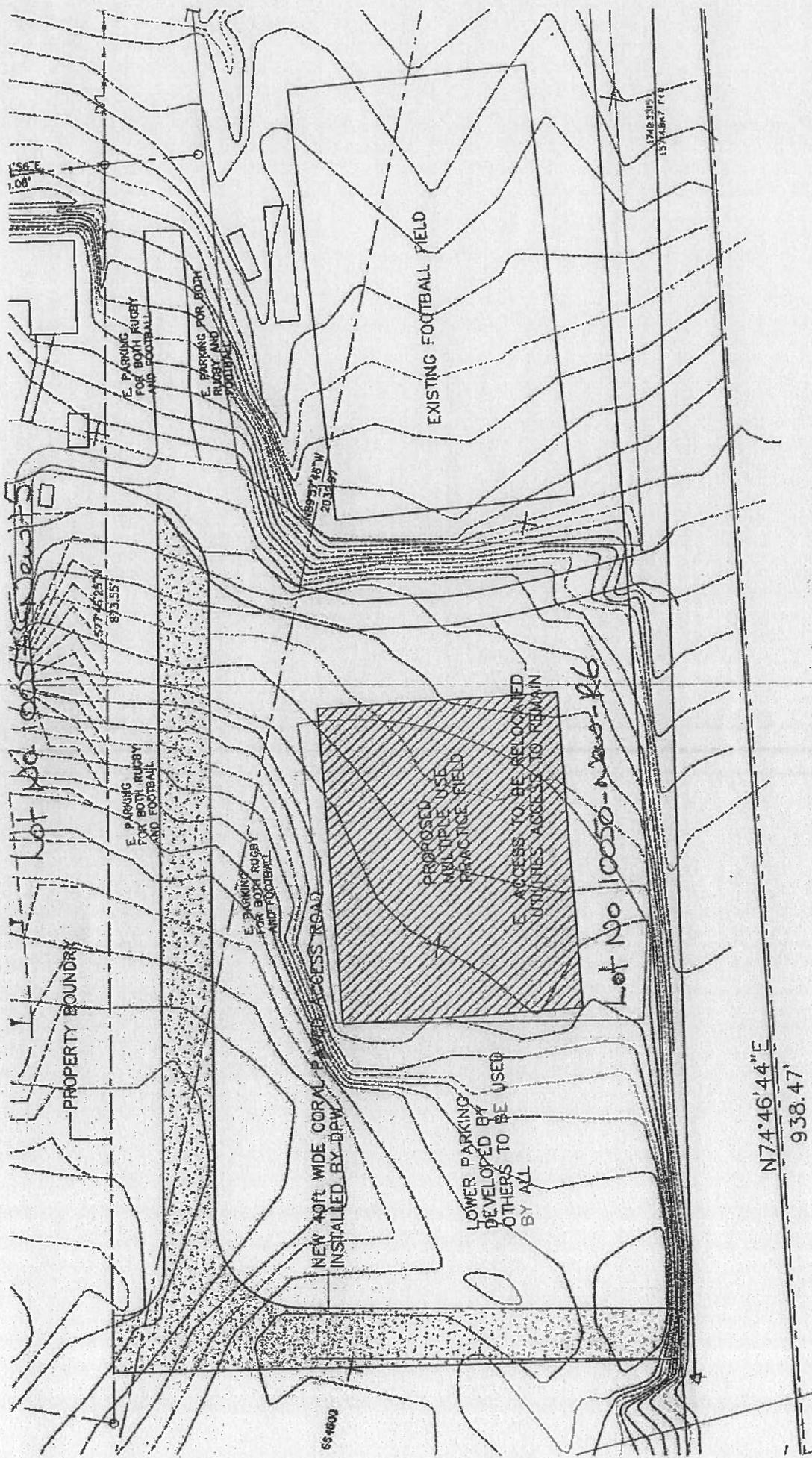
ABSTRACT OF TITLE
 NAME: LOT 10057-NEM
 DATE: 12/25/12
 FIELD BOOK: 518-00
 CHECKED BY: Blaise Torres
 CHECKED BY: Blaise Torres

| | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| NO. 1 | NO. 2 | NO. 3 | NO. 4 | NO. 5 | NO. 6 | NO. 7 | NO. 8 | NO. 9 | NO. 10 |
| | | | | | | | | | |

CONOLIDATION SURVEY MAP
 LOT 10057-NEM
 LOT 10056-NEM
 MUNICIPALITY OF SAN ANTONIO
 GOVERNMENT OF GUAM
 DEPARTMENT OF LAND MANAGEMENT
 LAND SURVEY DIVISION
 SHEET 1 OF 3
 403 FVOI
 14-0173

notes: incorrect access on pipeline? check this.
 move access here

Exhibit A 10/21/2010



N74°46'44" E
938.47'

66 4600

2019 / 2020 Wellenga Rugby Field
Scheduled Use

| | | | | |
|------------|------------------|-------------|------------------------|-------------|
| 9/1/2019 | Working Bee | Touch Rugby | | Touch Rugby |
| 9/8/2019 | | Touch Rugby | | Touch Rugby |
| 9/15/2019 | | Touch Rugby | | Touch Rugby |
| 9/22/2019 | | Touch Rugby | | Touch Rugby |
| 9/29/2019 | | Touch Rugby | | Touch Rugby |
| 10/6/2019 | Working Bee | Touch Rugby | Middle School Practice | Touch Rugby |
| 10/13/2019 | Working Bee | Touch Rugby | Middle School Practice | Touch Rugby |
| 10/20/2019 | Touch Tournament | Touch Rugby | Middle School Practice | Touch Rugby |
| 10/27/2019 | Working Bee | Touch Rugby | Middle School Practice | Touch Rugby |
| 11/3/2019 | | Touch Rugby | Middle School Practice | Touch Rugby |
| 11/10/2019 | | Touch Rugby | Middle School Practice | Touch Rugby |
| 11/17/2019 | | Touch Rugby | Middle School Practice | Touch Rugby |
| 11/24/2019 | Working Bee | Touch Rugby | Middle School Practice | Touch Rugby |
| 12/1/2019 | | Touch Rugby | Middle School Practice | Touch Rugby |
| 12/8/2019 | | Touch Rugby | | Touch Rugby |
| 12/15/2019 | | Touch Rugby | | Touch Rugby |
| 12/22/2019 | Working Bee | Touch Rugby | | Touch Rugby |
| 12/29/2019 | | Touch Rugby | High School Practice | Touch Rugby |
| 1/5/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 1/12/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 1/19/2020 | Working Bee | Touch Rugby | High School Practice | Touch Rugby |
| 1/26/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 2/2/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 2/9/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 2/16/2020 | Working Bee | Touch Rugby | High School Practice | Touch Rugby |
| 2/23/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 3/1/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 3/8/2020 | | Touch Rugby | High School Practice | Touch Rugby |
| 3/15/2020 | Working Bee | Touch Rugby | High School Practice | Touch Rugby |
| 3/22/2020 | | Touch Rugby | GRC Practice | Touch Rugby |
| 3/29/2020 | Working Bee | Touch Rugby | GRC Practice | Touch Rugby |
| 4/5/2020 | Working Bee | Touch Rugby | GRC Practice | Touch Rugby |
| 4/12/2020 | TRUE GRIT | Touch Rugby | | Touch Rugby |
| 4/19/2020 | | Touch Rugby | | Touch Rugby |
| 4/26/2020 | | Touch Rugby | | Touch Rugby |

Continued
 Field Use
 a-Utilization
 2019
 2020

Wettenral Rugby Field Priced Calendar

| Week Starting | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Week Ending |
|---------------|-------------|-------------|------------------------|-------------|------------------------|-------------|---------------------|-------------|
| 11/11/2018 | Working Bee | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Rugby | 11/17/2018 |
| 11/18/2018 | | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Rugby | 11/24/2018 |
| 11/25/2018 | | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Rugby | 12/1/2018 |
| 12/2/2018 | | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Rugby | 12/8/2018 |
| 12/9/2018 | Working Bee | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Practice | Touch Rugby | Middle School Rugby | 12/15/2018 |
| 12/16/2018 | | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 12/22/2018 |
| 12/23/2018 | | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 12/29/2018 |
| 12/30/2018 | | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 1/5/2019 |
| 1/6/2019 | Working Bee | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 1/12/2019 |
| 1/13/2019 | | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 1/19/2019 |
| 1/20/2019 | | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 1/26/2019 |
| 1/27/2019 | | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 2/2/2019 |
| 2/3/2019 | Working Bee | Touch Rugby | High School Practice | Touch Rugby | High School Practice | Touch Rugby | | 2/9/2019 |
| 2/10/2019 | | Touch Rugby | Under 14's National | Touch Rugby | Under 14's National | Touch Rugby | | 2/16/2019 |
| 2/17/2019 | | Touch Rugby | Under 14's National | Touch Rugby | Under 14's National | Touch Rugby | | 2/23/2019 |
| 2/24/2019 | | Touch Rugby | Under 14's National | Touch Rugby | Under 14's National | Touch Rugby | | 3/2/2019 |
| 3/3/2019 | | Touch Rugby | Under 14's National | Touch Rugby | Under 14's National | Touch Rugby | | 3/9/2019 |
| 3/10/2019 | Working Bee | Touch Rugby | Under 14's National | Touch Rugby | Under 14's National | Touch Rugby | | 3/16/2019 |
| 3/17/2019 | Working Bee | Touch Rugby | Under 14's National | Touch Rugby | Under 14's National | Touch Rugby | | 3/23/2019 |
| 3/24/2019 | TRUE GRIT | Touch Rugby | | Touch Rugby | Under 14's National | Touch Rugby | TRUE GRIT | 3/30/2019 |
| 3/31/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 4/6/2019 |
| 4/7/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 4/13/2019 |
| 4/14/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 4/20/2019 |
| 4/21/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 4/27/2019 |
| 4/28/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 5/4/2019 |
| 5/5/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 5/11/2019 |
| 5/12/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 5/18/2019 |
| 5/19/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 5/25/2019 |
| 5/26/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 6/1/2019 |
| 6/2/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 6/8/2019 |
| 6/9/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 6/15/2019 |
| 6/16/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 6/22/2019 |
| 6/23/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 6/29/2019 |
| 6/30/2019 | Working Bee | Touch Rugby | Alumni Practice | Touch Rugby | Alumni Practice | Touch Rugby | Alumni 15's | 7/6/2019 |
| 7/7/2019 | | Touch Rugby | Alumni Practice | Touch Rugby | Alumni Practice | Touch Rugby | Alumni 15's | 7/13/2019 |
| 7/14/2019 | Working Bee | Touch Rugby | Alumni Practice | Touch Rugby | Alumni Practice | Touch Rugby | Alumni 15's | 7/20/2019 |
| 7/21/2019 | | Touch Rugby | Alumni Practice | Touch Rugby | Alumni Practice | Touch Rugby | Alumni 15's | 7/27/2019 |
| 7/28/2019 | | Touch Rugby | Alumni Practice | Touch Rugby | Alumni Practice | Touch Rugby | Alumni 15's | 8/3/2019 |
| 8/4/2019 | Working Bee | Touch Rugby | | Touch Rugby | | Touch Rugby | | 8/10/2019 |
| 8/11/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 8/17/2019 |
| 8/18/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 8/24/2019 |
| 8/25/2019 | | Touch Rugby | | Touch Rugby | | Touch Rugby | | 8/31/2019 |



INDEPENDENT INTERSCHOLASTIC ATHLETIC
ASSOCIATION OF GUAM

P.O. BOX 23581
BARRIGADA, GU 96921

August 30, 2019

Ms. G. Pika Fejara
Chairwoman, Board of Directors
CHAMORRO LAND TRUST COMMISSION
590 S. Marine Corps Drive, ITC Building Suite 733
Tamuning, GU 96913

REF: GUAM RUGBY CLUB FIELD

Greetings Ms. Fejara;

The IIAAG has recently learned that the only vehicle access to the Guam Rugby Club field in Dededo has been closed whereby making the field inaccessible to the Island's rugby players, coaches, patrons and most importantly, Emergency Vehicles

For over 20 years, the Guam Rugby Club field has helped thousands of Guam's youth develop their skills and demonstrate their talent in friendly organized rugby competition. For the IIAAG, this field has been *home to our Interscholastic Middle School Rugby League* and has also *been the site of Interscholastic High School Rugby Championships*. Needless to say, the field has directly influenced the development of Rugby on Guam to an extent that numerous Guamanians are now playing at the highest Professional, International and Collegiate levels.

Sadly, this situation will also force the Simon Sanchez High School Rugby team, who use the Guam Rugby Club field as their "Home" site, to use one of their opponent's fields for the upcoming season.

While there is a suggestion that the field could be accessed around the back of the Lada neighborhood. I am concerned that the sudden and substantial increase in traffic through that small residential community would be potentially hazardous to the many children playing in that neighborhood. Furthermore, any ambulance response would be prolonged and jeopardize first aid attention. In short, the Lada access option is a safety and welfare liability to both the surrounding residents and emergency services.

We are hoping that the members of the Chamorro Land Trust Commission will **consider our request to restore unobstructed access to this important Guam Rugby landmark**. We would like the commission members to consider the direct ramifications of the recent actions and impact it will have with literally thousands of Guam's youth, adults and international guests who use our island's only official Rugby field. Thank you for taking the time to consider this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry Debold", is written over a light blue horizontal line.

Terry Debold
President
Independent Interscholastic Athletic Association of Guam

cc: Jon Fernandez, GDOE Superintendent
Dr. Kelly Sukola, GDOE Deputy Superintendent

September 16, 2019

To Whom it may concern,

I am Mara Tamayo, an 18 year old who just graduated from Okkodo High School. I am also a member of GRC and a proud player of Mount Saint Mary's University here in Emmitsburg, Maryland. I've been playing rugby since I was in middle school at Santa Barbara, going into high school at Okkodo, and now playing D1 rugby here at the Mount. Through the years my passion for rugby grew stronger and stronger and only made me strive to get myself to where I am today. Wettengel Rugby Field was where it all started for me. From my very first middle school practice, middle school games, to high school practice and games, and countless tournaments and memories held on that field grew me to the player and person I am today.

When I was a junior in high school, I got offered to help coach my middle school rugby team which I was more than happy to do so. We had practices held at Wettengale where all the kids pushed their blood, sweat, and tears every practice. Reminded me of the time I was in middle school doing the exact same thing. I would coach my kids and later on towards the end of practice, GRC members would come and we would all scrimmage and play friendly matches. This gave not only the kids an opportunity to grow and learn from older and more experienced players, but also myself. We ended up taking home the ships that year.

Growing up, times were tough. Especially towards the end of my highschool life, my mom got diagnosed with cancer; my dad had to take care of my mom, and they moved to Hawaii for her treatment. I ended up having to rely on myself from there. I would use going to rugby practice as a sense of everything being okay, going into a state of mind of doing something I love to do to distract me from all the struggles I was going through. I would go there to practice for school, and at the end alumni and GRC members would come and play games of touch till the sun goes down. Even for other people, no matter how old you were... coming from work, school, or even difficult situations at home. They used rugby as a sense of relaxation to distract them from what is really happening and surrounding themselves with the positive energy this sport gives us. We weren't only a group of people who play the sport, we were a group of people who made a new family with one another. In a sense, I found my second Ohana. And this all happened on the Wettengel Rugby Field. Now, I am a freshman in college doing something I love to do the most, playing rugby at a collegiate level on a Rugby scholarship. I wouldn't of got here if I didn't have the support I had with the friendships, relationships, and family bond that I grew on the Wettengel Field through the love of rugby.

With the rugby field closing down, how will we have the future generations follow in the footsteps us older kids paved for them? People like me and Jalana Garcia, Lavona Aromin, and Hana Rojas who play here at the Mount, Aly Ada and Matias Calvo who play for Dartmouth, and many more outstanding Guam rugby athletes who have made it this far. We all started from Wettengel, one way or another. And I believe that there are more and upcoming rugby athletes striving to get to where we are today who always use that field. We only have one real rugby field on the island. The other fields are football fields. Closing it down will only block the

opportunity for future generations to train and gain the rugby family they need to push them to succeed.

kindest Regards,

Mara Tamayo

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke extending to the right.

LEONARD P. CALVO

138 Martyr Street • Hagatna, Guam 96910-5105
Telephone: (671) 472-6852 • Fax: (671) 472-6853

September 17, 2019

Mrs. Pika Fejeran
Chamorro Land Trust Chairwoman
P.O. Box 2950
Hagatna,
Guam 96932

Håfa Adai Madam Chairwoman,

I am writing this letter to appeal to the Chamorro Land Trust Board of Directors to reconsider its proposed relocation of the Guam Rugby Club field's access and utility easement.

As a Para Todu Rugby Club member, a former Guam National team player and a high school rugby coach, I have seen many benefits to Guam's sporting community in the more than 20 years since this field had been created.

This field was created and maintained by the blood, sweat and tears of the members of the Guam Rugby Club. A membership which is a representative of Guam's diverse population.

The removal and proposed relocation of the Guam Rugby Club's field access and utility easement will put a big financial burden on the Guam Rugby Club which is a non-profit organization. It will deprive the rugby community of Guam a safe place to play and watch rugby. This field is a place that Guam's Rugby Community has called home for over 20 years.

Mrs. Pika Fejeran
September 17, 2019
Page Two

As the epicenter and home of Guam Rugby, the field has hosted many events such as the 1999 South Pacific Games and Guam's first international test Rugby match versus India in 2005. It has also hosted other international test matches over the years. It has played a big part in Guam Visitors Bureau Sports Tourism campaign hosting teams from Japan, Hong Kong and New Zealand in the annual True Grit Tournament. But most importantly, it has been the place where Guam's youth started and played the game of rugby. Rugby is Guam's schools number 1 sport, played in both public and private, middle and high schools by both boys and girls.

By removing the access to the field, we are taking away the youth's access to a great game. A game that teaches them about team work, camaraderie and sportsmanship.

We are also taking away the dreams of our youth who hope to on the Guam National Rugby teams. The Guam national teams both men and women, adult and youth, have defeated the national teams from larger nations such as China, India, Indonesia and Pakistan.

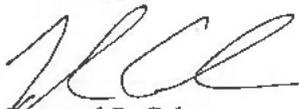
We are taking away their access to play college rugby and athletic scholarship opportunities. Just in the last several years, Guam Rugby players are on the rosters of prominent universities such as Saint Mary's College, Mount Saint Mary's University, Regis University, Fordham University, University of Arizona and Dartmouth College. We are taking away Guam's players access to play and coach at the highest level.

Mrs. Pika Fejeran
September 17, 2019
Page Three

Guam's Zach Pangilinan has played for the U.S. National team and is currently a professional Rugby player in Houston Texas. Peter Baggetta, also from Guam has coached the U.S. National team and has won multiple national championships as a head coach at Gonzaga Prep in the D.C. area.

With all these accomplishments achieved by our people in rugby and the opportunities available to them, I hope you can reconsider the removal of the Guam Rugby Club's field access.

Sincerely,



Leonard P. Calvo

Glen L. Davies
111D Biradan Singko,
Dededo, Guam 96913

September 16, 2019

Chamorro Land Trust Commission Board

590 S. Marine Corps Drive Suite 733 ITC Bldg. Tamuning, GU 96913

Re: Denial of Access to Wetingale Rugby Field

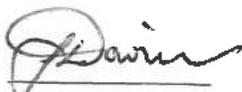
CLTC Board,

I played youth Rugby for seven years for Otahuhu Rugby Club and played at school, on moving to Hong Kong to work I played for both Valley and Kowloon Rugby Clubs. I was first introduced to Rugby on Guam at the Wetingale Rugby field for the South Pacific Games as a spectator and got to know the Club members of the Guam Rugby Club (GRC) which developed the Wetingale Rugby field. My young son and I played touch Rugby most Wednesday nights and we played in a few touch and Rugby tournaments. I was asked to be the Treasurer of the Guam Rugby Club early 2000's and I have been ever since.

As a GRC Board member I was involved in the development of the changing rooms, toilets, generator shed, the field lighting and the second field. Most of the work done at Wetingale was volunteer work from the members with help from sponsors mostly for in kind materials. Every year the Club arranged an International Tournament at Wetingale Rugby field where we would ask teams from Asia / Pacific to come to Guam and play our local teams. These teams came from Japan, Korea, Hong Kong, Australia, New Zealand, Saipan and Marshalls and provided better competition for our local players. In 2003 GRC funded a Development Officer from Australia to come to Guam to promote the game. In 2005 Rugby was introduced to the High Schools and Middle Schools in Guam. Many of the GRC players help with coaching of these school teams and many teams train at Wetingale field. The field also hosts IIAAG School games, National teams (Mens and Womens) trainings and has hosted Test matches against India, The Philippines and Brunei. During the weekdays and weekends the field is used by 100's of youth playing touch, practicing and playing Rugby games.

The Chamorro Land Trust Commission Board has decided without meeting the Board and members of the GRC to close entry to the Wetingale Rugby field and asked for the immediate moving of the only waterline into the field that provides water for bathrooms and fields. This decision will effectivity close the field as there is no access from the back of the property or for car parking and we can not play games without water to the toilets and showers. The redevelopment effort to provide a new entry, parking and a new waterline will cost in excess of \$100,000, GRC does not have these funds. The GRC members want to coexist with the Football players and many of our members play both sports. There is enough room at the front of the property to build another Football field and keep the existing joint entry for parking for Rugby and Football. Why is the CLTC denying Hundreds of Rugby youth access to the only Rugby field on Guam? We ask that this joint access with the existing waterline remain in place.

Yours sincerely,



Glen L. Davies
Treasurer of GRC

Letter of Support

September 18, 2019

To whom it may concern,

I, Lavona Aromin, a local Chamorro athlete am writing this letter in hopes of gathering an immense amount of support to stop the process of closing off Wettengel Rugby Field to the citizens of Guam, most especially its athletes. I am nineteen years old, born and raised on Guam and come from a significant background of athleticism. Having tested the waters of a variety of sports at a young age, rugby was the one I fell in love with. I joined during the seventh grade and continued through highschool. It was then that I knew this particular sport would change my life, not only as an athlete but as a person. I am now attending Mount St. Mary's University in Emmitsburg, Maryland where I compete as a Division 1 Collegiate Athlete in the sport of Rugby.

Wettengel Rugby Field was where I played my first middle school rugby game as well as many others after that. I have played against numerous teams with talented players who have the potential of becoming collegiate athletes. There were countless memories made on that field. From cuts and bruises, smiles and tears, from being strangers to creating new friendships, this field was more than just a patch of land, it was a home for all who loved the sport of rugby and it still is. Joy was brought from the sidelines as the fans cheered for their sons and daughters. It was both an honor and a privilege to play on that field and I can speak for those who feel the same way.

With the rugby field closed we will no longer have the opportunity to showcase how far rugby has progressed on Guam. Rugby went from a developing sport on the island to a sport that many young athletes choose to play at an elite level on the mainland. Local athletes; Alejandra Ada, Jake Benito, Matias Calvo, Kristian Cruz, Jalana Garcia, Josh Lujan, Hanna Rojas, Mara Tamayo, myself and many more I have not mentioned, have left the island to play MORE rugby. This shows how much of a positive impact the rugby community on Guam has had on its citizens. Players choose to represent their island with pride, knowing that they have about 168,000 people supporting them from a distance.

There will be limited access in preparing young athletes for off island competition. The Department of Parks and Recreation as well as The Department of Public Works can acquire a federal grant to maintain Wettengel Rugby Field. If the federal government can provide the funds to revamp Tiyan Softball Field, Hagatna Pool and Dededo Sports Complex, it should not take a leg nor arm to keep Wettengel. Other organizations that use the field for recreational purposes, such as the union and members of the FSM community will have to search for a new space which will take a decent amount of time and money. GRC will need to install new

everything in order to create a new access point at the rear side of LADA ave which will cost more than the current access point which costs upwards to the tens of thousands of dollars. In keeping Wettengel, the rugby community will continue to push for a better future for young athletes in hopes that they will grasp their opportunity to play collegiate rugby without hesitation. It will be a safe place for all players where they can soak in the joy that rugby brings.

Godspeed,

Lavona Aromin

Letter of Support

17 September 2019

To whom it may concern,

Hafa Adai! My name is Jacob Flores. I am 29 years old. I was born on Guam and raised in the village of Yigo. I am a retired US Army Veteran, having served my active duty term in Germany. In 2014, I was discharged from military service and returned home to our beautiful island. In 2018, I relocated to live in Seattle, Washington. I am now currently employed as an aircraft inspector in the aerospace industry and spend half the year playing rugby for the Seattle Saracens Rugby Team.

Wettengal Rugby Field has played an important part in my life. As a teenager, I had made some poor life decisions in my early years of high school. I joined a gang my freshman year, skipped school 70+ times in one school year, and had an early influence with drugs from friends and certain members of my family. Ultimately, I turned to rugby as an outlet. This is where I found most of my guidance. I decided to make grades in school, which allowed me to participate and play rugby with my friends that I made in the community. When I was getting caught in the mix of a bad crowd, I could always make my way to the field for relief. Because of the great friendships I've built and the skills I've grown, all taking place at this field, I am now a leader on and off the pitch. I have coached rugby to over 100 kids in our community, from summer camps, St John's middle school boys/girls, and St John's high school boys. I proudly say that I have represented my island numerous times against international competition and continue to do so as I play Premiership level rugby here in Washington. I play alongside and compete against renown Major League Rugby players and members of the US National Rugby Team.

Wettengal Rugby Field is the only rugby field on Guam and serves as the main location for the island community to gather and play this beautiful sport. Without it, I fear that students, whom like me at the time, won't have a place to help turn their lives around. This field is the start of many friendships. It's the beginning of many people's journey to healthier lives. It is the starting point and progressing point for many talented individuals on our island. Please consider that Wettengal Rugby Field actually saves lives in our community.

Respectfully,

Jacob Flores
Guam National Rugby Team Member

September 19, 2019

To the Chamorro Land Trust Commission:

Yesterday, I was made aware of a recent decision by the CLTC which prohibits the Guam Rugby Club's accessibility to the Wettengal Rugby Field along Santa Monica Avenue in Dededo.

As a community member, as a parent of rugby enthusiasts, and because of my involvement and capacity as stakeholder in juvenile justice, I ask that the Commission reconsider this decision as it negatively impacts positive youth development opportunities for the numerous Guam community members who have utilized the field for decades since the sport emerged on island.

The discipline, the concept of 'teamwork,' and fair play any sport fosters, as well as a lifestyle of fitness and health cannot be lost on anyone. Prosocial opportunities provide options for all youth, particularly at-risk youth to engage in outlets that expend energy in socially acceptable ways that build character, resilience and engagement with their communities and peers.

I stand alongside and in full support of the Guam Rugby Club's request for accessibility to Wettengal Rugby Field and hope that you can provide for this much needed community cause. Please contact me at 486-9455 should you require additional information.



Melanie Brennan

September 19, 2017

Mrs. Pika Fejeran
Chamorro Land Trust Chairwoman

Hafa Adai Madam Chairwoman,

My name is Joshua Sablan, and I am a senior at Simon Sanchez High School. I am writing this letter to kindly request that the Chamorro Land Trust Board of Directors reconsider their proposed relocation of the Guam Rugby Clubs public accessway.

Rugby and the culture that comes with it has brought me a sense of pride in my heritage and community. On that field, I, along with many of my peers, have obtained the capability and capacity for self-discipline and good work ethics. The Wettengal Rugby Field has become a sacred place, another home, if you will. This sport has taken me to represent our island in one of the best ways I can imagine. I most definitely would not have been given the privilege to represent us and our people if not for the skills that I learned and practiced at the field, with the Guam Rugby Club.

To take away such a powerful pillar and motivator from the lives of the people in our community would not only be detrimental, but emotionless and insensitive towards the youth who might have another choice than to stay on the streets where they might indulge in crime. If only for the intellectual decision to keep the field and its gateway open for the public so that they can be a part of something great, they may have no other motivators.

I firmly believe in the restoration of the use of the driveway and parking space not solely for the simple act of playing on the field, but for the positive growth of the people of Guam.

Sincerely,

Joshua Sablan

September 18, 2017

Mrs. Pika Fejeran
Chamorro Land Trust Chairwoman

Dear Madam Chairwoman,

I am writing as an educator, community organizer, rugby player, and coach in hopes to persuade you and the Chamorro Land Trust Board of Directors to reconsider the current proposal to redirect our field's access and utility easement.

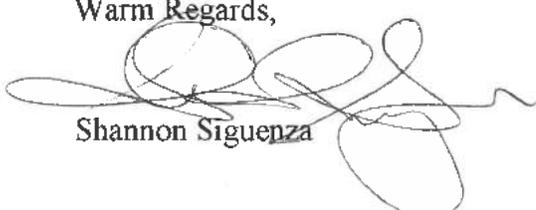
As a member of the Guam Rugby Club, I have found positive life change, health, and wellness through the community stewardship that is the rugby club's culture. Nurtured, encourage, and supported, my entire life changed in the family that I made at Wettengal; I went from being entirely inactive with low self-esteem to becoming a fully empowered rugby coach whose entire life's mission is to bring that same empowerment to our community. After graduating from the University of Guam, I changed my original plan of becoming a licensed therapist, to becoming a teacher in our school systems to live closer to the kids in preventative efforts and for positive community growth. A coach, a teacher, and a community servant gained by our island, because of the tireless efforts of the Guam Rugby Club and their sports program at Wettengal Rugby Field.

I've seen lives transformed on this field. Kids from all walks of life come to play, but rugby is especially attractive to kids who come from low income households. The membership fees are for sustainability-- not profit-- \$5 for students, \$40 for adults, and \$60 for families (with no gap or limit to number, or definition of relationships). Our social touch that happens three times a week has no age guidelines, and can be played with or without membership, without need for additional safety gear or equipment. Kids can show up in basketball shorts, a t-shirt, and no shoes—and they do—they'll be given a pair of cleats by a veteran, or play barefoot if they wish, and find a family here needing nothing but heart, and presence.

The current proposal put forth by Chamorro Land Trust Commission puts Guam Rugby Club at a devastating disadvantage not only to our club operations, but it puts a strain on the club financially as well. The redirection of a new access way and easement will come at who's cost? It is not only unfair, considering the lack of stakeholder input in the current issue, it is entirely unjust when you consider who is hurt most by this current process.

Please consider an open conversation with all stakeholders, a fair process for changes with licensing for both entities, and decisions made with the community in mind. Your time and consideration in this matter are greatly appreciated.

Warm Regards,


Shannon Siguenza



September 19, 2019

Chamorro Land Trust Commission
ITC Building
Tamuning, Guam

For Commission members

Guam Rugby Club Lease – revocation of Santa Monica access to leased property

This letter is in support of Guam Rugby Club's request to review the decision to eliminate "public accessway/utility right of way" to the Guam Rugby Club leased property off Santa Monica Avenue known as "Wettengal Rugby Field"

The land was made available to the club in the late 1990's under the Government's Adopt A Park program to encourage private development of sports facilities. On its transfer to the Chamorro Land Trust, the land was leased to GRC and the club, its members and sponsors have diligently been developing the field and the surrounding area including significant irrigation and landscaping, buildings and bleachers. A 2" water line was laid under the accessway from Santa Monica Ave to the field to allow a sprinkler system to be installed and used for the field. A second field is also under construction.

Wettengal Rugby Field has hosted International rugby starting with the South Pacific Games rugby tournament in 1999 and subsequent full international men's matches against India, Philippines and Brunei. It is used regularly by the Guam Rugby Union for local competitions and hosts IIAAG and GDOE interscholastic high school and middle school rugby competitions as well as GRC tournaments and activities. It also provides a field for regular use by the local FSM running community.

The accessway provides access to a large shared parking area between the football field and the rugby field that has been expanded by the club to meet the demands of both fields. It also provides the necessary access for emergency responders who attend matches on a regular basis. This alone will be problematic for IIAAG and GDOE sports activities if they do not have ready access to the field. The water line provides service to the bathroom facilities at the field and, if removed, would make those facilities unusable.

The decision to eliminate the accessway runs contrary to a Master Plan that was filed with CLTC in 2002 that envisaged such a shared parking and accessway.



Member since 1998



Member since 1996

The GRC, and for that matter the Guam Rugby Football Union, do not have access to the significant resources available to Guam Football Association and is just not in a financial position to "move access to the back side of the field". This would require a huge investment in infrastructure for the water pipeline and parking, and this level of funding is not available to this not for profit organization and its members.

I implore the Commission to consider the effect the elimination of the accessway would have on this very popular facility, on the people of Guam, particularly the young athletes, that use it regularly.

The club and the rugby community would appreciate the opportunity to discuss this decision which appears to have been under consideration for some time and to contribute to a full discussion on the development of the Wettengal Field sports facility as a shared venture with the CLTC.

Kind regards



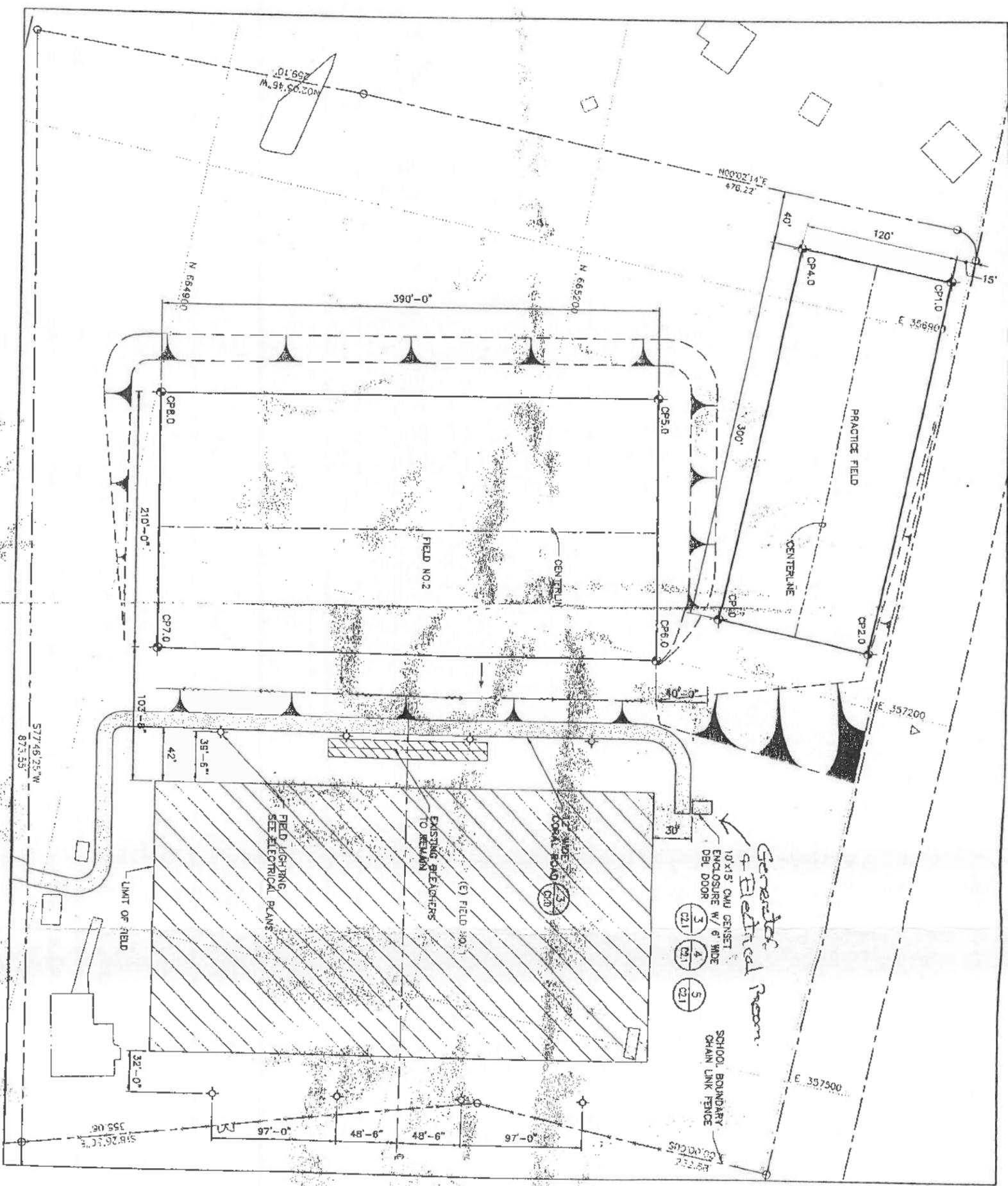
*Stephen Grantham
President*



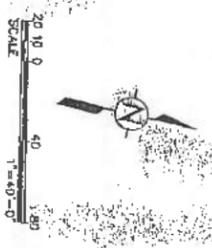
Member since 1998



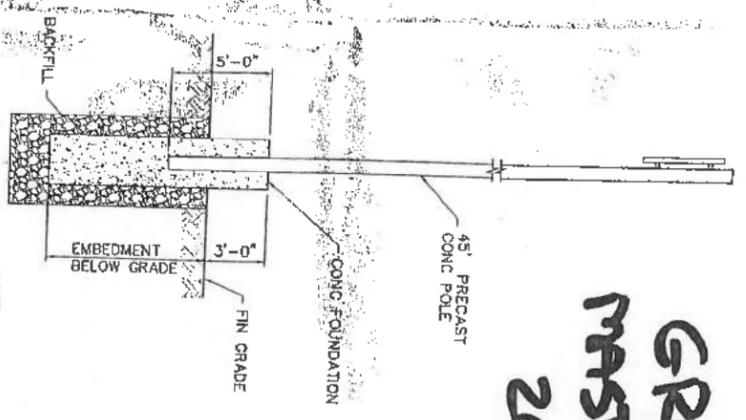
Member since 1996



1 GEOMETRY PLAN
SCALE: 1"=40'-0"

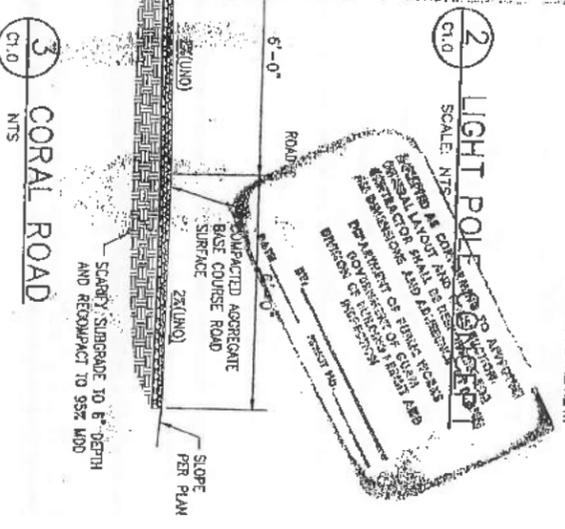


| CONTROL POINT DATA | | | |
|--------------------|-----------|-----------|--|
| MARK | NORTHING | EASTING | |
| CP1.0 | 665487.94 | 356859.68 | |
| CP2.0 | 665487.75 | 357158.68 | |
| CP3.0 | 665367.75 | 357159.60 | |
| CP4.0 | 665367.94 | 356859.60 | |
| CP5.0 | 665284.24 | 356996.70 | |
| CP6.0 | 665328.17 | 357202.06 | |
| CP7.0 | 664948.92 | 357283.81 | |
| CP8.0 | 664902.99 | 357078.25 | |



NOTE:
POLE MANUFACTURER TO PROVIDE CALC. AND DETAILS FOR ENGINEER'S REVIEW.

GRC
MASTERPLAN
2002



2 LIGHT POLE AT CURB
SCALE: NTS

3 CORAL ROAD
SCALE: 1"=40'-0"

TG ENGINEERS, PC
Civil Engineering, Planning & Surveying
125 Tamuning, Suite 400
Tamuning, Guam 96913-2251
Tel: (671) 347-0228
Fax: (671) 347-0228
Cell: (671) 368-0888

PROJECT TITLE:
GUAM RUGBY CLUB RUGBY FIELD
DEDEDO, GUAM

SHEET TITLE:
GEOMETRY PLAN

| | | |
|----------|------|------------|
| DATE | BY | REVISION |
| 12/19/02 | TG | PERMIT SET |
| 12/19/02 | R/VJ | |
| | TG | |
| | TG | |

Drawing Number
C 110

NEW BUSINESS

- 1. CONSTITUENT MATTERS**
- 2. COMMERCIAL LEASING**
 - a. GEDA - DETERMINATION OF NEED**
 - b. REMAX REQUEST FOR EASEMENT**
 - c. KWIKSPACE GUAM**
- 3. FINANCIAL REPORT - REPORT ON CURRENT COMMERCIAL LEASING**

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

JOILEEN R.S. BENAVENTE

1. FACTS

- a. Location: N/A
- b. Lot Size/Lease Type: N/A
- c. Lease Instrument Number and Signing Date: N/A
- d. Surveyed: N/A
- e. Complaint/Issue: CLTC Application Submission

2. CHRONOLOGICAL FACTS

- a. Pre-occupier: N/A
- b. LUP: N/A
- c. Priority: 1
- d. Original Applicant: Joileen R.S.Benavente
- e. Original Applicant's Date and Time: to be determined by board's decision

3. FINDINGS

- December 5, 1995 - Ms. Benavente presented a payment towards her CLTC Application
- November 4, 1997 – A complaint from Janice Benavente regarding her daughter's application; Based on CLTC Staff's research, there is no application in the CLTC Database and in file regarding a submission of Ms. Benavente's CLTC Application
- February 5, 2013 – CLTC Staff Lorraine Nededog and Deputy Director David Camacho did the intake of Ms. Benavente's application and indicated the following –
 - Application No. 007708
 - December 29, 1995
 - Time: 11:50AM
- With the intake of Ms. Benavente's application, it has shuffled the places of applicants within the CLTC Applicants as she was placed within other CLTC Applicants

4. FOLLOW-ON ACTION

- Pending CLTC Board Action

CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

GABRIEL SANTOS GUERRERO

1. FACTS

- a. Location: TRACT 15213 BLOCK 9 LOT 5-R2, M07 MANGILAO
- b. Lot Size/Lease Type: 1,838.00+-SQ. MTRS. / NONE
- c. Lease Instrument Number and Signing Date: N/A
- d. Surveyed: PROPOSED LOT SCHEME NO: M07-S017 DATED September 1, 2017
- e. Complaint/Issue: Request for Lease Issuance as preoccupier

2. CHRONOLOGICAL FACTS

- a. Pre-occupier: YES (AS PER APPLICATION AND MAYOR VERIFICAITON)
- b. LUP: *Original permittee is Great Grandparent - Feja
- c. Priority: 1
- d. Original Applicant's Date and Time: August 23, 2017 at 9:44AM
- e. Application Number: 008231
- f. Application Type: Agriculture

3. FINDINGS

Applicant indicated on his application dated August 21, 2017 that he was living on Government land, more specifically Pagat, Tract 15213 Block 3 Lot 5, Mangilao.

*POR: Recent board actions to approve issuance of leases within the surrounding area were made to children and grandchildren of the original land use permittee.

A site inspection conducted on or about March 28, 2019 establishing GPS coordinates for the adjoining lot 5-2. Said site inspection was made for August Guerrero. There are two (2) detached residential structures located on Lot 5-R2. A singled story wood and galvanized aluminum metal frame occupied by the son of August Guerrero and an elevated (steel beamed) composite metal structure.

Applicant requests the board to approve and process CLTC application number 008231 dated August 21, 2017. Applicant further requests the board to approve and issue an agricultre lease, subject to survey of Tract 15213 Block 9 Lot 5-R2, containing an area of 1,838.00± square meters, Mangilao.

4. FOLLOW-ON ACTION

For review and disposition by CLTC Board.

Attachments



CHamoru Land Trust Commission
Board of Commissioners Meeting
Staff Report

GENEVIEVE ERICSSON MANGLONA

1. FACTS

- a. Location: Lot 10122-64 Dededo
- b. Lot Size/Lease Type: 2,926± square meters
- c. Lease Instrument Number and Signing Date: N/A
- d. Surveyed: N/A
- e. Complaint/Issue: Request for Lease Issuance

2. CHRONOLOGICAL FACTS

- a. Pre-occupier: Yes, 386 Batulo St. Dededo
- b. LUP: N/A
- c. Priority: 1
- d. Original Applicant: Genevieve Ericsson Manglona
- e. Original Applicant's Date and Time: February 1, 2005

3. FINDINGS

- August 7, 2018 – Submitted Mayor's Verification indicating occupancy on subject lot since 1995
- 1997 – Utilities were installed on subject lot
- Supporting Documents
 - Power Bill under Fred and Genevieve Manglona received by CLTC Office on August 29, 2019

4. FOLLOW-ON ACTION

- Pending CLTC Board Action

**CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
Staff Report**

CHRISTIANNA JEAN SARMIENTO NEDEDOG

1. PURPOSE:

- a. **Request for Issuance of a Residential Lease as a Pre-Occupier**

2. CHRONOLOGICAL FACTS:

- a. **Original Applicant: Christianna Jean Sarmiento Nededog**
- b. **Application Date and Time: October 10, 2005, at 11:55am**
- c. **Application Number: 006350**
- d. **Application Type: Residential**
- e. **Priority: 1**

3. STAFF ANALYSIS:

Mrs. Nededog is a pre-occupier of Government land more particularly described as Lot 14, Block 8, Tract 178, Machananao since her birth in 1979. Her grandparents namely, Richard P. and Veronica C. Ramez, were awarded this lot in 1975 under a Land Use Permit Agreement No. 112, with Department of Land Management. She provided a Mayors Certification which indicated that she was a caretaker for her grandparents until their death.

On March 8, 2019, a site inspection of the property was conducted and onsite was a dilapidated mobile home that was purchased by her grandparents in 1977, as evidenced in the Sales Contract recorded under Instrument No. 285056.

Paid Property Taxes for the building were also provided for tax years beginning in 1997, 1999, 2000, 2005, 2006 and 2007.

Past billings for power were provided, which has been disconnected since June 2017.

4. RECOMENDATIONS:

Motion to approve the issuance of a Residential Lease as a pre-occupier to Lot 14, Block 8, Tract 178, Machananao.

GEDA: DETERMINATION OF NEED

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT
Tract 111, Lot 12, Municipality of Tamuning, Guam

1.0 OVERVIEW

This Determination of Need for Exceptional Term Contract is issued pursuant to Public Law 32-40 as amended by Public Law 34-99 wherein the Chamorro Land Trust Commission hereby makes this “written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guahan*.”

CLTC Resolution No. 2017-05 which designated this property for commercial lease was adopted on March 20, 2017 and transmitted to the Legislature as required by Public Law 33-95 on March 21, 2017 (Legislative Doc. No. 34GL-17-0313).

The Chamorro Land Trust Commission (hereinafter referred to as “CLTC”) via its property manager, the Guam Economic Development Authority (hereinafter referred to as “GEDA”), intends to issue a Request for Proposals (“RFP”) for the lease availability of Tract 111, Lot 12, Municipality of Tamuning, consisting of approximately 2,564 square meters, as shown on survey map L.M. No. 332FY95, Instrument No. 530747, currently Resort-Hotel Zone (The Property). The Property is located off Route 14, along San Vitores Road across from the Ypao Beach Park and the Proa Restaurant. The CLTC intends to negotiate a lease agreement for the Property that allows a prospective developer to implement its proposed and approved development plans. The Property has potential for commercial use as it is located within Guam’s tourist district. CLTC intends to negotiate a lease agreement for the Property that allows a prospective lessee to utilize the Property for land uses consistent with the Resort-Hotel Zone (H) designation. If required, the offeror will be allowed to pledge the leasehold interest in the property to secure development financing. The property is located in Census Tract 66010951902 which is a Qualified Opportunity Zone (QOZ) pursuant to Section 13823 of U. S. Public Law 115-97 which provides tax incentives for investments in QOZs.

To allow prospective developers to invest in the Property and recover investments, CLTC proposes to allow a lessee to lease the property for a term of up to fifty (50) years with one or more options to extend the term for an additional Forty-Nine (49) years. Such term will be subject to negotiations based primarily upon the amount of time required by the lessee to recover its investment, satisfy financing requirements and profit from investments.

Smaller scale developments (in the tens to hundreds of thousands of dollars), have traditionally been pursued by smaller organizations and are met with a distinctly unique set of challenges. Smaller local corporations, partnerships and sole proprietorships that are common on Guam are very much dependent on local financing institutions to engage in almost any form of commerce. A commercial loan is dependent on various terms such as, the principle loan amount, interest, and primarily, the borrower’s ability to repay. While there may be some organizations or businesses that might be able to afford a loan from hundreds of thousands to the millions of dollars, and still able to repay it back in less than five years, there are also a large number of small local

businesses that are unable to do so. For example, even a \$250K business loan at only 4% interest over a mere 5 year term would require monthly payments of almost \$5K a month for the loan itself, not to mention other standard overhead, operational, or costs of goods sold. Limiting a lease term to 5 years would only add an additional hardship, or even exclusion, for most small local businesses to participate, employ local workers, or have a hope at success.

Even if a business were to be successful at negotiating a real property lease, a basic guideline for any local lending institutions is that a commercial loan would generally not be granted to any organization with only a leasehold interest that would be shorter than the life of the loan itself. Thus, in order to provide a fair commercial lease opportunity to a wider range of the small local business community and still provide a decent chance at success, it is concluded that an Exceptional Term Lease for longer than 5 years be allowed.

The tax assessed value is \$336 per square meter. Fair market rental value will be based upon two recent property appraisals as required for CLTC properties by Public Law 31-44. A description of the property and the potential major components of a Request for Proposals follows, to provide preliminary but more detailed information on this development opportunity.

1.1 LAND USE CONSIDERATIONS

1.1.1 Property Location. The Property is located off Route 14, along San Vitores Road across from the Ypao Beach Park and the Proa Restaurant in Tumon, Guam (See attached Map).

1.1.2 Previous Land Use. The Property was formerly utilized by GVB as a park.

1.1.3 Current Zoning. The property is zoned Resort Hotel (H). If a change to this zoning designation is needed to implement the developer's plans, an explanation of the need for change must be included in the proposal submitted in response to an RFP.

1.1.4 Mining of Property. Should aggregate mining be intended by the prospective developer as part of its development plan, CLTC requires that proposal in response to an RFP discuss how the property will become usable after the developer ceases to use the property for this purpose and discuss royalties that will be paid from the use of the property for this purpose.

1.2 CLTC COMMITMENTS

- To support designation of the appropriate zone for the property to accommodate the development plan, to the extent allowable by law.
- To support the developer in satisfying all regulatory, land use, environmental, business, building and other local and federal permitting requirements, to the extent allowable by law.
- To support the developer in presenting and securing approval of the lease agreement to the extent allowable by law.

1.3 OFFER RESPONSIBILITIES

A lease agreement(s) will be prepared once negotiations with the successful offeror(s) have concluded. Since the lease will require offeror(s) to carry out various responsibilities, including, but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

1.3.1 Conceptual Plan. Prepare a conceptual plan for the proposed development, commit to a specific development schedule and secure all necessary development permits. In submitting a proposal in response to an RFP, offerors are required to submit this conceptual plan for the development of the property or portion(s) thereof which shall identify the type of use, the market demand for the goods and/or services to be offered, a rough order of magnitude cost for developing the site and the offeror's ability to finance development and operations including evidence of such financial ability.

1.3.2. Business Plan. Create for itself and for CLTC, a Business Plan that contains a project pro forma consistent with the conceptual plan covering the period of time required by the offeror(s) for project development and operation.

1.3.3 Infrastructure. Plan, implement and fund all infrastructure improvements needed for development plans.

1.3.4. Management. Accept management and maintenance responsibility for the Property that preserves the value and revenue generating capacity of the Property.

1.3.5. Environmental Remediation (If Needed). Accept responsibility for performance and costs of any environmental remediation required to develop the Property as proposed. Prospective lessees shall prepare a Phase I Environmental Site Assessment before the issuance of a lease agreement and shall provide a performance bond to ensure that the property is returned in an acceptable end-state.

1.3.6. Insurance. Obtain all required property, liability and workmen's compensation insurance, and indemnify CLTC from any liability arising from the development and use of the Property.

1.3.7 Survey/Retracement. Prepare a property boundary survey map of the Property and obtain all required approvals. Survey monuments must be maintained and visible at all times for inspection by CLTC.

1.3.8. Fees. Pay all fees associated with the recording the Lease at the Department of Land Management.

1.4 OFFEROR REQUIREMENTS

A primary consideration of the CLTC and the Government of Guam is the benefits to be derived through the lease and development of this valuable asset. Traditional methods of generating revenue are addressed in subsections 1.4.1 and 1.4.2 below. However, CLTC, GEDA and the

Government of Guam recognize that significant public benefits can also be derived through public/private partnerships and other mechanisms that, considered as a whole, exceed the benefits derived from a traditional real estate lease transaction. Should other non-traditional methods be proposed by the offeror, these methods will be given serious consideration but offerors must still identify the benefits that would have been derived from a strict real estate lease transaction for comparative purposes. Offerors are required to review the CLTC Rules and Regulations codified at 21 GCA Section 75122 (attached) and to address the following requirements in their proposals:

1.4.1. Rent. Rent shall be no less than ten percent (10%) of the appraised fair market value. Per Public Law 31-44, two appraisals must be prepared at the expense of the prospective developer with CLTC selection of one appraiser. Prospective developers are required to identify the amount of ground rent to be paid annually/monthly over the term of the lease, taking into account CLTC's objective of generating the highest amount of revenue. Rent shall escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value but in no event shall rent be lower than the rent charged during the previous five (5) year period.

1.4.2. Participation Rent. Participation rent, which is a mutually agreed upon percentage of the revenues generated from the use of the property above a mutually agreed upon revenue threshold shall be paid by the lessee to the landlord beginning on the fifth (5th) anniversary of the lease and shall be paid in four (4) equal quarterly installments. To arrive at this threshold, prospective offerors must submit a pro-forma financial statement and propose a reasonable threshold in their proposals to meet this requirement.

1.4.3. Alternative Payment Mechanisms. Alternatives to property rent, subtenant and other rents may be proposed by offerors in their proposals, however, any proposal suggesting such alternatives must demonstrate how CLTC's objective of generating the highest amount of revenue is achieved by comparing the suggested alternative to the property rent, subtenant and other payments described above. Alternative payment schedules including rent deferrals may also be proposed but in no event will the total amount of rent be reduced. Interest may also be charged on any deferred rents.

1.4.4. Security Deposit. The proposal shall indicate that the developer(s) agrees to pay a non-refundable security deposit upon execution of a lease and the amount of such security deposit.

1.4.5. Sub-lessee Use of Property. Offerors must specify in their proposals whether or not subletting (or any form of third party use) is intended for any or all portions of the property being leased. Should subletting be intended, offerors shall identify the proportion of sub-lessee rents paid to the lessee to be paid to CLTC, if any. In addition, participation rent as described above may be required to be paid by sub-lessees.

1.4.6. Other Requirements. To ensure acceptability of the intended lease agreement by the public and the government of Guam, compliance with 21 GCA Section 75122 is required however, additional requirements may be imposed and/or negotiated that are not specifically identified in this RFP, at the discretion of the Government of Guam. In addition, Public Law 32-40 requires Legislative approval of all leases whose term exceeds five (5) years. Additional

requirement(s) may be imposed by the Guam Legislature. By submitting a proposal in response to this RFP, prospective offerors understand and agree that additional requirements may be negotiated by the Executive and/or Legislative Branches of the Government of Guam.

DRAFT

ATTACHMENT A: MAP

See CLTC submission for aerial and survey maps.

ATTACHMENT B: CLTC Rules and Regulations

Consider attaching rules/regs or indicate where they can be viewed.

DRAFT

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT
Lot 5075-REM-A NEW-RI, Tamuning, Guam

1.0 OVERVIEW

This Determination of Need for Exceptional Term Contract is issued pursuant to Public Law 32-40 as amended by Public Law 34-99 wherein the Chamorro Land Trust Commission hereby makes this “written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guahan*.”

CLTC Resolution No. 2016-10 which designated this property for commercial lease was adopted on June 16, 2016 and transmitted to the Legislature as required by Public Law 33-95 on June 24, 2016 (Legislative Doc. No. 33GL-16-1728).

The Chamorro Land Trust Commission (hereinafter referred to as “CLTC”) via its property manager, the Guam Economic Development Authority (hereinafter referred to as “GEDA”), intends to issue a Request for Proposals (“RFP”) for the lease availability of Lot 5075-REM-A NEW-RI, Tamuning, containing 1.9 acres and zoned Multi-Family-R2 (the Property). The Property is located off Route 1, behind East West Rental in Upper Tumon. The CLTC intends to negotiate a lease agreement for the Property that allows a prospective developer to implement its proposed and approved development plans. The Property has potential for commercial use. CLTC intends to negotiate a lease agreement for the Property that allows a prospective lessee to utilize the Property for land uses consistent with the R2 zoning designation. If required, the offeror will be allowed to pledge the leasehold interest in the property to secure development financing. The property is located in Census Tract 66010951901 which is a Qualified Opportunity Zone (QOZ) pursuant to Section 13823 of U. S. Public Law 115-97 which provides tax incentives for investments in QOZs.

To allow prospective developers to invest in the Property and recover investments, CLTC proposes to allow a lessee to lease the property for a term of up to fifty (50) years with one or more options to extend the term for an additional Forty-Nine (49) years. Such term will be subject to negotiations based primarily upon the amount of time required by the lessee to recover its investment, satisfy financing requirements and profit from investments.

Smaller scale developments (in the tens to hundreds of thousands of dollars), have traditionally been pursued by smaller organizations and are met with a distinctly unique set of challenges. Smaller local corporations, partnerships and sole proprietorships that are common on Guam are very much dependent on local financing institutions to engage in almost any form of commerce. A commercial loan is dependent on various terms such as, the principle loan amount, interest, and primarily, the borrower’s ability to repay. While there may be some organizations or businesses that might be able to afford a loan from hundreds of thousands to the millions of dollars, and still able to repay it back in less than five years, there are also a large number of small local businesses that are unable to do so. For example, even a \$250K business loan at only 4% interest over a mere 5 year term would require monthly payments of almost \$5K a month for the loan itself,

not to mention other standard overhead, operational, or costs of goods sold. Limiting a lease term to 5 years would only add an additional hardship, or even exclusion, for most small local businesses to participate, employ local workers, or have a hope at success.

Even if a business were to be successful at negotiating a real property lease, a basic guideline for any local lending institutions is that a commercial loan would generally not be granted to any organization with only a leasehold interest that would be shorter than the life of the loan itself. Thus, in order to provide a fair commercial lease opportunity to a wider range of the small local business community and still provide a decent chance at success, it is concluded that an Exceptional Term Lease for longer than 5 years be allowed.

The tax assessed value is over \$61 per square meter. Fair market rental value will be based upon two recent property appraisals as required for CLTC properties by Public Law 31-44. A description of the property and the potential major components of a Request for Proposals follows, to provide preliminary but more detailed information on this development opportunity.

1.1 LAND USE CONSIDERATIONS

1.1.1 Property Location. The Property is located off Route 1, behind East West Rental in Upper Tumon, Guam (See attached Map).

1.1.2 Previous Land Use. The Property was not previously used by the government of Guam.

1.1.3 Current Zoning. The property is zoned R2. If a change to this zoning designation is needed to implement the developer's plans, an explanation of the need for change must be included in the proposal submitted in response to an RFP.

1.1.4 Mining of Property. Should aggregate mining be intended by the prospective developer as part of its development plan, CLTC requires that proposal in response to an RFP discuss how the property will become usable after the developer ceases to use the property for this purpose and discuss royalties that will be paid from the use of the property for this purpose.

1.2 CLTC COMMITMENTS

- To support designation of the appropriate zone for the property to accommodate the development plan, to the extent allowable by law.
- To support the developer in satisfying all regulatory, land use, environmental, business, building and other local and federal permitting requirements, to the extent allowable by law.
- To support the developer in presenting and securing approval of the lease agreement to the extent allowable by law.

1.3 OFFER RESPONSIBILITIES

A lease agreement(s) will be prepared once negotiations with the successful offeror(s) have concluded. Since the lease will require offeror(s) to carry out various responsibilities, including, but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

1.3.1 Conceptual Plan. Prepare a conceptual plan for the proposed development, commit to a specific development schedule and secure all necessary development permits. In submitting a proposal in response to an RFP, offerors are required to submit this conceptual plan for the development of the property or portion(s) thereof which shall identify the type of use, the market demand for the goods and/or services to be offered, a rough order of magnitude cost for developing the site and the offeror's ability to finance development and operations including evidence of such financial ability.

1.3.2. Business Plan. Create for itself and for CLTC, a Business Plan that contains a project pro forma consistent with the conceptual plan covering the period of time required by the offeror(s) for project development and operation.

1.3.3 Infrastructure. Plan, implement and fund all infrastructure improvements needed for development plans.

1.3.4. Management. Accept management and maintenance responsibility for the Property that preserves the value and revenue generating capacity of the Property.

1.3.5. Environmental Remediation (If Needed). Accept responsibility for performance and costs of any environmental remediation required to develop the Property as proposed. Prospective lessees shall prepare a Phase I Environmental Site Assessment before the issuance of a lease agreement and shall provide a performance bond to ensure that the property is returned in an acceptable end-state.

1.3.6. Insurance. Obtain all required property, liability and workmen's compensation insurance, and indemnify CLTC from any liability arising from the development and use of the Property.

1.3.7 Survey/Retracement. Prepare a property boundary survey map of the Property and obtain all required approvals. Survey monuments must be maintained and visible at all times for inspection by CLTC.

1.3.8. Fees. Pay all fees associated with the recording the Lease at the Department of Land Management.

1.4 OFFEROR REQUIREMENTS

A primary consideration of the CLTC and the Government of Guam is the benefits to be derived through the lease and development of this valuable asset. Traditional methods of generating revenue are addressed in subsections 1.4.1 and 1.4.2 below. However, CLTC, GEDA and the

Government of Guam recognize that significant public benefits can also be derived through public/private partnerships and other mechanisms that, considered as a whole, exceed the benefits derived from a traditional real estate lease transaction. Should other non-traditional methods be proposed by the offeror, these methods will be given serious consideration but offerors must still identify the benefits that would have been derived from a strict real estate lease transaction for comparative purposes. Offerors are required to review the CLTC Rules and Regulations codified at 21 GCA Section 75122 (attached) and to address the following requirements in their proposals:

1.4.1. Rent. Rent shall be no less than ten percent (10%) of the appraised fair market value. Per Public Law 31-44, two appraisals must be prepared at the expense of the prospective developer with CLTC selection of one appraiser. Prospective developers are required to identify the amount of ground rent to be paid annually/monthly over the term of the lease, taking into account CLTC's objective of generating the highest amount of revenue. Rent shall escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value but in no event shall rent be lower than the rent charged during the previous five (5) year period.

1.4.2. Participation Rent. Participation rent, which is a mutually agreed upon percentage of the revenues generated from the use of the property above a mutually agreed upon revenue threshold shall be paid by the lessee to the landlord beginning on the fifth (5th) anniversary of the lease and shall be paid in four (4) equal quarterly installments. To arrive at this threshold, prospective offerors must submit a pro-forma financial statement and propose a reasonable threshold in their proposals to meet this requirement.

1.4.3. Alternative Payment Mechanisms. Alternatives to property rent, subtenant and other rents may be proposed by offerors in their proposals, however, any proposal suggesting such alternatives must demonstrate how CLTC's objective of generating the highest amount of revenue is achieved by comparing the suggested alternative to the property rent, subtenant and other payments described above. Alternative payment schedules including rent deferrals may also be proposed but in no event will the total amount of rent be reduced. Interest may also be charged on any deferred rents.

1.4.4. Security Deposit. The proposal shall indicate that the developer(s) agrees to pay a non-refundable security deposit upon execution of a lease and the amount of such security deposit.

1.4.5. Sub-lessee Use of Property. Offerors must specify in their proposals whether or not subletting (or any form of third party use) is intended for any or all portions of the property being leased. Should subletting be intended, offerors shall identify the proportion of sub-lessee rents paid to the lessee to be paid to CLTC, if any. In addition, participation rent as described above may be required to be paid by sub-lessees.

1.4.6. Other Requirements. To ensure acceptability of the intended lease agreement by the public and the government of Guam, compliance with 21 GCA Section 75122 is required however, additional requirements may be imposed and/or negotiated that are not specifically identified in this RFP, at the discretion of the Government of Guam. In addition, Public Law 32-40 requires Legislative approval of all leases whose term exceeds five (5) years. Additional

requirement(s) may be imposed by the Guam Legislature. By submitting a proposal in response to this RFP, prospective offerors understand and agree that additional requirements may be negotiated by the Executive and/or Legislative Branches of the Government of Guam.

DRAFT

ATTACHMENT A: MAP

See CLTC submission for aerial and survey maps.

ATTACHMENT B: CLTC Rules and Regulations

Consider attaching rules/regs or indicate where they can be viewed.

DRAFT

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT
Lot 7054-R5, Yigo, Guam

1.0 OVERVIEW

This Determination of Need for Exceptional Term Contract is issued pursuant to Public Law 32-40 as amended by Public Law 34-99 wherein the Chamorro Land Trust Commission hereby makes this “written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guahan*.”

CLTC Resolution No. 2016-11 which designated this property for commercial lease was adopted on June 16, 2016 and transmitted to the Legislature as required by Public Law 33-95 on June 24, 2016 (Legislative Doc. No. 33GL-16-1728).

The Chamorro Land Trust Commission (hereinafter referred to as “CLTC”) via its property manager, the Guam Economic Development Authority (hereinafter referred to as “GEDA”), intends to issue a Request for Proposals (“RFP”) for the lease availability of Lot 7054-R5, Yigo, containing 12 acres and zoned Agriculture (The Property). The Property is located off Route 1, behind the Yigo Gym. The CLTC intends to negotiate a lease agreement for the Property that allows a prospective developer to implement its proposed and approved development plans. The Property has potential for commercial use as it is located within Guam’s tourist district. CLTC intends to negotiate a lease agreement for the Property that allows a prospective lessee to utilize the Property for land uses consistent with the Resort-Hotel Zone (H) designation. If required, the offeror will be allowed to pledge the leasehold interest in the property to secure development financing.

To allow prospective developers to invest in the Property and recover investments, CLTC proposes to allow a lessee to lease the property for a term of up to fifty (50) years with one or more options to extend the term for an additional Forty-Nine (49) years. Such term will be subject to negotiations based primarily upon the amount of time required by the lessee to recover its investment, satisfy financing requirements and profit from investments.

Smaller scale developments (in the tens to hundreds of thousands of dollars), have traditionally been pursued by smaller organizations and are met with a distinctly unique set of challenges. Smaller local corporations, partnerships and sole proprietorships that are common on Guam are very much dependent on local financing institutions to engage in almost any form of commerce. A commercial loan is dependent on various terms such as, the principle loan amount, interest, and primarily, the borrower’s ability to repay. While there may be some organizations or businesses that might be able to afford a loan from hundreds of thousands to the millions of dollars, and still able to repay it back in less than five years, there are also a large number of small local businesses that are unable to do so. For example, even a \$250K business loan at only 4% interest over a mere 5 year term would require monthly payments of almost \$5K a month for the loan itself, not to mention other standard overhead, operational, or costs of goods sold. Limiting a lease term

to 5 years would only add an additional hardship, or even exclusion, for most small local businesses to participate, employ local workers, or have a hope at success.

Even if a business were to be successful at negotiating a real property lease, a basic guideline for any local lending institutions is that a commercial loan would generally not be granted to any organization with only a leasehold interest that would be shorter than the life of the loan itself. Thus, in order to provide a fair commercial lease opportunity to a wider range of the small local business community and still provide a decent chance at success, it is concluded that an Exceptional Term Lease for longer than 5 years be allowed.

Fair market rental value will be based upon two recent property appraisals as required for CLTC properties by Public Law 31-44. A description of the property and the potential major components of a Request for Proposals follows, to provide preliminary but more detailed information on this development opportunity.

1.1 LAND USE CONSIDERATIONS

1.1.1 Property Location. The Property is located off Route 1, behind the Yigo Gymnasium, Guam (See attached Map).

1.1.2 Previous Land Use. The Property was not previously used by the government of Guam.

1.1.3 Current Zoning. The property is zoned Agriculture (A). If a change to this zoning designation is needed to implement the developer's plans, an explanation of the need for change must be included in the proposal submitted in response to an RFP.

1.1.4 Mining of Property. Should aggregate mining be intended by the prospective developer as part of its development plan, CLTC requires that proposal in response to an RFP discuss how the property will become usable after the developer ceases to use the property for this purpose and discuss royalties that will be paid from the use of the property for this purpose.

1.2 CLTC COMMITMENTS

- To support designation of the appropriate zone for the property to accommodate the development plan, to the extent allowable by law.
- To support the developer in satisfying all regulatory, land use, environmental, business, building and other local and federal permitting requirements, to the extent allowable by law.
- To support the developer in presenting and securing approval of the lease agreement to the extent allowable by law.

1.3 OFFER RESPONSIBILITIES

A lease agreement(s) will be prepared once negotiations with the successful offeror(s) have concluded. Since the lease will require offeror(s) to carry out various responsibilities, including,

but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

1.3.1 Conceptual Plan. Prepare a conceptual plan for the proposed development, commit to a specific development schedule and secure all necessary development permits. In submitting a proposal in response to an RFP, offerors are required to submit this conceptual plan for the development of the property or portion(s) thereof which shall identify the type of use, the market demand for the goods and/or services to be offered, a rough order of magnitude cost for developing the site and the offeror's ability to finance development and operations including evidence of such financial ability.

1.3.2. Business Plan. Create for itself and for CLTC, a Business Plan that contains a project pro forma consistent with the conceptual plan covering the period of time required by the offeror(s) for project development and operation.

1.3.3 Infrastructure. Plan, implement and fund all infrastructure improvements needed for development plans.

1.3.4. Management. Accept management and maintenance responsibility for the Property that preserves the value and revenue generating capacity of the Property.

1.3.5. Environmental Remediation (If Needed). Accept responsibility for performance and costs of any environmental remediation required to develop the Property as proposed. Prospective lessees shall prepare a Phase I Environmental Site Assessment before the issuance of a lease agreement and shall provide a performance bond to ensure that the property is returned in an acceptable end-state.

1.3.6. Insurance. Obtain all required property, liability and workmen's compensation insurance, and indemnify CLTC from any liability arising from the development and use of the Property.

1.3.7 Survey/Retracement. Prepare a property boundary survey map of the Property and obtain all required approvals. Survey monuments must be maintained and visible at all times for inspection by CLTC.

1.3.8. Fees. Pay all fees associated with the recording the Lease at the Department of Land Management.

1.4 OFFEROR REQUIREMENTS

A primary consideration of the CLTC and the Government of Guam is the benefits to be derived through the lease and development of this valuable asset. Traditional methods of generating revenue are addressed in subsections 1.4.1 and 1.4.2 below. However, CLTC, GEDA and the Government of Guam recognize that significant public benefits can also be derived through public/private partnerships and other mechanisms that, considered as a whole, exceed the benefits

derived from a traditional real estate lease transaction. Should other non-traditional methods be proposed by the offeror, these methods will be given serious consideration but offerors must still identify the benefits that would have been derived from a strict real estate lease transaction for comparative purposes. Offerors are required to review the CLTC Rules and Regulations codified at 21 GCA Section 75122 (attached) and to address the following requirements in their proposals:

1.4.1. Rent. Rent shall be no less than ten percent (10%) of the appraised fair market value. Per Public Law 31-44, two appraisals must be prepared at the expense of the prospective developer with CLTC selection of one appraiser. Prospective developers are required to identify the amount of ground rent to be paid annually/monthly over the term of the lease, taking into account CLTC's objective of generating the highest amount of revenue. Rent shall escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value but in no event shall rent be lower than the rent charged during the previous five (5) year period.

1.4.2. Participation Rent. Participation rent, which is a mutually agreed upon percentage of the revenues generated from the use of the property above a mutually agreed upon revenue threshold shall be paid by the lessee to the landlord beginning on the fifth (5th) anniversary of the lease and shall be paid in four (4) equal quarterly installments. To arrive at this threshold, prospective offerors must submit a pro-forma financial statement and propose a reasonable threshold in their proposals to meet this requirement.

1.4.3. Alternative Payment Mechanisms. Alternatives to property rent, subtenant and other rents may be proposed by offerors in their proposals, however, any proposal suggesting such alternatives must demonstrate how CLTC's objective of generating the highest amount of revenue is achieved by comparing the suggested alternative to the property rent, subtenant and other payments described above. Alternative payment schedules including rent deferrals may also be proposed but in no event will the total amount of rent be reduced. Interest may also be charged on any deferred rents.

1.4.4. Security Deposit. The proposal shall indicate that the developer(s) agrees to pay a non-refundable security deposit upon execution of a lease and the amount of such security deposit.

1.4.5. Sub-lessee Use of Property. Offerors must specify in their proposals whether or not subletting (or any form of third party use) is intended for any or all portions of the property being leased. Should subletting be intended, offerors shall identify the proportion of sub-lessee rents paid to the lessee to be paid to CLTC, if any. In addition, participation rent as described above may be required to be paid by sub-lessees.

1.4.6. Other Requirements. To ensure acceptability of the intended lease agreement by the public and the government of Guam, compliance with 21 GCA Section 75122 is required however, additional requirements may be imposed and/or negotiated that are not specifically identified in this RFP, at the discretion of the Government of Guam. In addition, Public Law 32-40 requires Legislative approval of all leases whose term exceeds five (5) years. Additional requirement(s) may be imposed by the Guam Legislature. By submitting a proposal in response

to this RFP, prospective offerors understand and agree that additional requirements may be negotiated by the Executive and/or Legislative Branches of the Government of Guam.

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ATTACHMENT A: MAP

See CLTC submission for aerial and survey maps.

ATTACHMENT B: CLTC Rules and Regulations

Consider attaching rules/regs or indicate where they can be viewed.

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