



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

Kumision Inangokkon Tano' Chamoru (Chamoru Land Trust Commission)

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ADMINISTRATIVE DIRECTOR'S REPORT OF CLTC REGULARLY SCHEDULED MEETING Thursday, October 17, 2019 at 1:00PM

I. APPROVAL OF MINUTES

- A. June 6, 2019 – TABLED
- B. July 18, 2019 – TABLED

II. OLD BUSINESS

A. Agricultural and Residential Leasing – Switched and Transferred Listing

1. *Robert N. Celestial and Yvonne Flores*
 - Motion to terminate the Lease for Robert Celestial on Tract 1021, Block 3, Lot 15-1 in Dededo. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
 - Motion to designate Robert Celestial as the Successor to Yvonne M.G. Blas' application number 139. This can be done through CLTC Rules and Regs, Section 5.1. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
 - Motion to provide an Agricultural Lease for Tract 1021, Block 3, Lot 15-1 in Dededo. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
2. *Natasha Nicole Duenas Cruz*
 - Motion to ratify the designation of beneficiary from Ted R. Cruz to Maria Elena Camacho for application number 1352. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
3. *Sandra Chargualaf Flores*
 - Motion to terminate lease for Tract 9210, Block 8, Lot 10 Yigo for Sandra Flores Chargualaf. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
 - Motion to designate Sandra Flores Chargualaf as the Benefactor to David Joseph Borja, application number 124. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
 - Motion to provide lease to Sandra Flores Chargualaf for Tract 9210, Block 8, Lot 10 Yigo for Residential. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**

CLTC ACTION ITEM: *CLTC staff to follow up with "A" regarding lease terms*
4. *Paul Mendiola Flores*
 - Motion to remove Paul Mendiola Flores from the Null and Void list. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**

- Motion to ratify the lease for Paul Mendiola Flores for Lot 421-2 Talafofo. Motioned by A. Duenas, Seconded by A. Bordallo. **APPROVED**

5. *Fred Quintanilla Aguon*

- Motion to remove Fred Quintanilla Aguon from the Null and Void list. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**

III. Commercial Leasing

A. Hal's Angels/Guam Rugby update on negotiations

- No rugby activity going on at this time; maintenance on-going
- Rugby given temporary access to do some clearing on the field from Lada
- Director trying to bring both parties together to work on a temporary access; at this time CLTC working on alternative access
- Next CLTC Meeting (November 21, 2019) in packet, both parties reaching an agreement

B. ReMax request for easement – Lot 472 Agat

- Current Lessee on Lot 472 Agat, Maria McDonald and husband appeared before the board
- CLTC Staff and Director visited the site
- Administrative Director suggested that any kind of construction could damage what the McDonald family has already invested into the property; family has done protection to the soil especially with the plantings of trees
- Offering what they have learned to share with other farmers in the south; Land Summit hosted by DLM and requesting for the McDonald's to share their knowledge with others

C. Kwikspace Guam request for Right of Entry – Lot 11-B-R5

- Kwikspace is indeed encroaching into CLTC property
- Survey Team went out to locate the encroachment and right of way Kwikspace is requesting
- The cleanest option is to do a land swap with GALC due to CLTC lessees occupying on some of GALC properties
- Requesting GALC to pay for the as-built because their lessee is encroaching on CLTC property – Directors working together to formulate a plan
- Director getting assessment where CLTC lessees are occupying on GALC properties
- Property (being occupied) is not usable and not leasable

IV. NEW BUSINESS

A. Agricultural and Residential Leasing

Chairwoman requesting for a proposal and from Director and the staff on how to qualify Agricultural applicants for the leases. **DIRECTORS**

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1. *Gil LG Mendiola*
 - Motion to issue lease for Gil LG Mendiola for Tract 18113, Block 7, Lot 6 for an Agricultural Lease. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
CLTC ACTION ITEM: *Issuance of Residential Lease*

2. *David Chaco Nauta*
 - Nauta advised that he paid for survey but surveyor has passed
CLTC ACTION ITEM: *Survey Team to follow thru with surveyor's map; look into government survey; pending applicant's receipt of survey payment*
 - Nauta occupying on the current property
 - Nauta was intentionally issued a 1-acre property, however, lease was never consummated
 - CLTC staff advised that adjacent lots surrounding Nauta has been issued out
CLTC ACTION ITEM: *Research adjacent land owners (lessees/applicants)*
 - Motion to change application type from Agriculture to Residential. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
 - Motion to provide a Residential Lease to David Chaco Nauta for Lot 480-10 Agat for 2026± square meters. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**
CLTC ACTION ITEM: *Pending Issuance of Residential Lease*

3. *William R. Taimanglo*
 - Motion to change application type from Residential to Agricultural. Motioned by A. Duenas, Seconded by A. Bordallo. **APPROVED**
 - Motion to issue Agricultural Lease to William R. Taimanglo for Tract 10121, Block 8, Lot 13 Yigo
CLTC ACTION ITEM: *Pending submission of farm plan*

4. *Linda Barbara Rodriguez – TABLED*

5. *Roland T. Sablan*
 - Motion to approve loan guaranty and building permit for Tract 9210, Block 13, Lot 13 Yigo. Motioned by A. Duenas, Seconded by A. Bordallo. **APPROVED**
DIRECTOR ACTION ITEM: *Work with GWA regarding water connection to his property; pending meeting with lessee regarding follow-thru meeting with GWA*

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6. *Rosita Mahony*
 - Motion to issue Agriculture Lease for Lot 5382N-10 Barrigada. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**

CLTC ACTION ITEM: *Pending issuance of Agricultural Lease*
7. *Bernie Antoinette Cruz Ranque*
 - Motion to issue building permit authorization for Tract 10316, Block 11, Lot 25 Dededo. Motioned by A. Duenas, Seconded by A. Santos. **APPROVED**

B. Commercial Leasing

1. DoAG and BSP Request for designation on conversation areas
 - DoAG to do more research regarding tracts of lands under CLTC that would fall within conservation areas
 - Most of the conservation areas are not areas that can be built on because of the topography
 - No motion made; no decision presented

C. Proposed Comprehensive Agency SOP

1. Director emailed to the Commission members the proposed simple format (65 slides); introduce for review to the Commission
2. SOP is only for Residential and Agricultural Leasing only
3. SOP was emailed to board members by Administrative Director

V. FINANCIAL REPORT

- A. Joey Cruz (PCIII) requesting the CLTC Board for a Resolution similar to Resolution 2018-03 regarding changes made to the signatories for the bank account.
 - Motion to change signatories from Pika Fejeran and former Commission Director Michael Borja to Chairwoman Pika Fejeran and Commissioner Elected Jack Hattig. Motion made by A. Duenas, Seconded by A. Bordallo. **APPROVED.**
 - **CLTC ACTION ITEM:** *Pending Resolution completion*
- B.5 classified inactive funds; recommendation regarding inactive funds is based on OPA issuance report titled 19-02 (performance audit)
 - Based on recommendation by OPA, inactive funds be consolidated
 - Currently only 14 employees and only 2 in Administrative division only
 - **CLTC ACTION ITEM:** *Per Joey Cruz, further research regarding funding sources to be presented to Chairwoman*

C. Consolidating inactive funds based on OPA's recommendation.

CLTC ACTION ITEM: *Further research on OPA's recommendation*

D. Request from CLTC to DOA

- As of August 8, 2019 - \$146,163.54 owed to the CLTC Loan Guaranty Fund; \$274,467.59 owed to the Survey and Infrastructure fund (*cumulative total from FY2018 and beginning of FY2019*)
- Formal letter from CLTC submitted to DOA Director August 9, 2019 requesting the remittance of the deposit of funds
- As of today, no funds have since been received by CLTC Office

E. CLTC Survey and Infrastructure Fund

- Funding sources come from commercial leases and licenses executing after October 2015, although at year end September 30, 2020, its funding source will end, and all the commercial leases and licenses executed after October 2015 will be deposited into the Chamorro Home Loan Fund thereafter. Other funding sources are the interests, the Agricultural and Residential lease payments, sale of government land proceeds; although this fund also has the same concern as the Loan Guaranty Fund that all the revenue earned has been in the receivable
- Sale of fractional lots that CLTC had from Legislation, all of that money was deposited into the Treasurer of Guam and it became part of the daily cash flow
- CLTC has no current control of the daily cash flow, however, if CLTC has control of the daily cash flow; Director asking Commission to support efforts in trying to obtain control of our accounts so we can move and progress with CLTC

F. Chamorro Land Trust Operations Fund

- Funds daily operations of the agency
- Funding sources are the application fees, interests, commercial leases and licenses executed prior to October 2015
- Concerns regarding the stability of this account; reflects that by if we maintain the current course by 2026, the fund will have no more money
- CLTC has been conservative as far as the expenditures with only 2% increase per fiscal year, the revenue that we will be generating between 2020 to 2026 is not sufficient and we've been operating on a deficit for the last three (3) years; spending more than earning yearly and difference has been beating away money in the bank; by 2026 we will not have any money (be in a negative)
- To address the concern is, 1) Amend Section 4 of PL 33-102 to redeposit funds into the Chamorro Land Trust Operations funds; initially it reads that any residential and

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agricultural lease payments will be deposited in this fund instead of the Survey and Infrastructure funds. Originally the intake of residential and agricultural lease payments was in the CLTC Operations funds until the Survey and Infrastructure funds was created; 2) Remove Section (a)2, proceeds of Commercial Leases or Licenses executed after October 2015 of Subsection 75124 of Chapter 75 of Title 21 of the GCA created by PL33-90, Section 3. This action will redirect all commercial leases and licenses paid into the CLTC Operations funds. The projections were made based on GEDA projected revenues – very conservative; 3) lots that GEDA will be issuing an RFP to the public

G. Commercial Leases to expire

- A lot of the commercial leases were issued prior to 2015
- These leases go directly into the Operations funds; we need to be concerned; role of leases to continue operation
- Maintain current value, we need what we are recommending to project forward
- If leases decrease in value, we need to control the funding
- If new leases are to be issued to the expiring commercial leases, then it would be subject to PL33-95; example Hals Angels and Guam Rugby (no paying for anything towards their leasing)

LEGAL COUNCIL ACTION: *LC to review and advise on any changes regarding any changes made to the law*

VI. PUBLIC COMMENT

A. Priscilla and Joey Indalecio

- Motion to provide building permit authorization to Priscilla Indalecio for Lot 5-13, Block 2, Tract 10121 Dededo. Motioned by A. Duenas, seconded by A. Santos. **APPROVED.**
- Motion to provide an addendum for Priscilla Indalecio to add Joey Indalecio to the lease. Motioned by A. Duenas, seconded by A. Santos. **APPROVED.** (SBA requesting for spouse to be added because loan is under both names)
- Issues with utilities – putting in power lines
- Issue with road access; spoke with Mayor's Office however they never did any assessment and has been going on four months but no response from the office
- Neighbors at the entrance of the road way - individuals living on this property (not the lessees of the property) are becoming a nuisance; causing trouble to adjacent neighbors; safety concerns; throwing trash and other debris to their area **CLTC ACTION ITEM:** Compliance to go out and verify occupants

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B. Peter Alexis Ada

- Issued a proposed property in Barrigada Heights
- 60 days for the property to be surveyed however listed surveyors are not active on surveying on CLTC property
CLTC ACTION ITEM: *Survey Team to follow through with listed surveyors regarding survey on CLTC properties*
DIRECTOR ACTION ITEM: *Follow thru regarding surveyors for CLTC properties*

C. Eugene Acfalle c/o Javier Acfalle

- Will come in and see CLTC Office

D. Luis Cruz

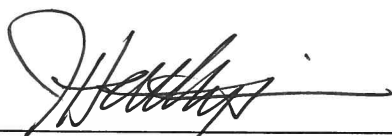
- NOIA was issued to Luis Cruz in 2009 but nothing has transpired since; preoccupier on property
- Unable to farm due to his health conditions and would like to divide his property with his sons and transfer to Residential applicant
- Property needs to be schemed out; four (4), ½ acre lots for 3 sons and original applicant.
CLTC ACTION ITEM: *Survey Team to follow thru with scheme after CLTC Staff submit GPS; request to be placed on the agenda for issuance of a lease for the four (4) individuals*
- Motion to change the application for Luis Cruz from Agricultural to Residential. Motioned by A. Duenas, seconded by A. Santos. **APPROVED.**

E. Cerilo and Adelina Reyes

- Request for additional property adjacent to their current Agricultural lot. **CLTC ACTION ITEM:** *Agricultural Team to research adjacent lots verifying occupancy/leasing; contact Mr. Reyes with findings of research*

VII. COMMISSIONERS' COMMENTS

- **Director's Report – Tabled; further review by commissioners**
- Informational Briefing at Guam Legislature on October 18, 2019 –requesting from Senator Terlaje; Litigation updated to be presented
- Next CLTC Meeting – November 21, 2019
- Motion to adjourn by A. Duenas, seconded by A. Bordallo at 5:24PM. **APPROVED.**



APPROVED BY: JACK E. HATTIG, III
ADMINISTRATIVE DIRECTOR

8 NOV 2019

DATE

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