Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

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Angela T. Santos
Commissioner

Vacant
Commissioner

Jack E. Hattig III
Administrative Director

COMMISSION MEETING MINUTES
Resumption of March 18, 2021, Board Meeting
CHamoru Land Trust Conference Room
Suite 223, 2nd Floor, ITC Building
590 S. Marine Corp Drive, Tamuning, Guam
Thursday, April 15, 2021; 1:15 p.m. – 6:46 p.m.

Public Notice: The *Pacific Daily News* on April 8, 2021 and April 13, 2021

Chairman John F. Reyes, Jr.: I'd like to begin with the Inefresi led by Commissioner Santos.
All along with Commissioner Angela Santos: Citing the Inefresi.
Chairman J. Reyes, Jr.: Si Yu'os Ma'åse' Commissioner Santos. Biba Guam! I would like to now call this meeting to order, the time is 1:15 p.m. and this meeting is a resumption of our March 18th 2021, meeting; the public notice was posted on the Pacific Daily News on April 8, 2021 and April 13, 2021. We've also posted on the Chamorro Land Trust website; dlm.guam.gov and the AG website at oag.guam.org and on the CLTC Facebook page. Our audio visual is also being captured by KGTF and we are also being livestreamed on the Chamorro Land Trust Facebook page. I'm going to begin with roll call.

Roll Call:
Chairman J. Reyes, Jr.: Commissioner Duenas? Commissioner Duenas is not here with us today. Commissioner Bordallo?
Commissioner Arlene Bordallo: I'm here.
Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Commissioner Santos?
Commissioner Angela Santos: Esta gue yu'.
Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. Director Hattig?
Administrative Director Jack Hattig, III: Esta gue yu'.
Chairman J. Reyes, Jr.: Alright. Attorney General Toft?
Legal Counsel Nicolas Toft: Present.
Chairman J. Reyes, Jr.: Thank you so much. Okay, Attorney Toft, can you confirm that we have a quorum.
Legal Counsel N. Toft: Yes, we do.
Chairman J. Reyes, Jr.: Thank you, Sir. Okay, the first item on our agenda this afternoon is going to be our Constituent Matters; we have four, one agricultural and one residential and I will be pushing this through, I'm sorry, three residential and I will be turning it over to Ms. Eileen to kick us off please.
Land Agent II E. Chargualaf: I'm sorry, Lydia will present Jamie Bass.

Jamie Bass

Land Agent I Lydia Taleu: Okay, in the case of Mr. Jamie Bass, I'm actually going to be doing two different reports simply because there were two different leases issued for Mr. Bass. So, the first one is for report number and one and it's a request for relocation from a portion of Lot 10120 in Dededo. We're also requesting to cover the cost for *inaudible* DLM, Department of Land Management to take care of the survey, a recorded survey map because it was a relocation from an area that was near the Okkodo High School. And then we're asking for a letter to be issued to Revenue and Taxation regarding reassessment on the correct lot size.

Chairman J. Reyes, Jr.: Thank you, Ms. Taleu and for the second one, please?

Land Agent I L. Taleu: Okay, so for the second one, we're requesting for the termination of the lot of the lease for lot 10125-11-4 in Dededo which contains an area size of 6,385 square meters; this is the one that he's being assessed taxes on and he is actually not occupying this lot and actually this lot is in the inventory of I believe, Guam GPA.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Taleu. Commissioners, any questions to begin with? Okay, Ms. Taleu, give us one moment; I may have a couple of questions, thank you.

Commissioner A. Santos: So, just to clarify, Mr. Chair, the one that was addressed in the March 18th meeting was for the lot 10125-11-4 as well as 10120?

Chairman J. Reyes, Jr.: So, what Ms. Taleu did was we asked her to kind of separate it out so we have two, yeah.

Commissioner A. Santos: Okay, my second question is, Ms. Taleu, which one are we addressing first?

Land Agent I L. Taleu: We'll be addressing report number one which is the lot 10120.

Commissioner A. Santos: Okay, thank you.

Chairman J. Reyes, Jr.: Ms. Taleu, can you confirm the size for the relocation to the new lot?

Land Agent I L. Taleu: He'll be going for the half-acre lot.

Chairman J. Reyes, Jr.: For the half-acre lot, okay and so, the half-acre lot is for a portion of Tract 1113, Block 16 in Dededo, correct?

Land Agent I L. Taleu: Correct.

Commissioner A. Santos: This is that difficult one, huh?

Chairman J. Reyes, Jr.: Yes. So, Ms. Taleu did a pretty good job in helping us kind of navigate through the two scenarios that we needed to address and I don't have any additional questions; thank you for assistance with this, Ms. Taleu. And then, just to clarify for the approval to cover the cost, the recorded survey map; that it'll be with our partnership with Department of Land Management, correct?

Land Agent I L. Taleu: Correct, sir.

Chairman J. Reyes, Jr.: Okay, awesome, I just wanted to confirm that. Okay, thanks Ms. Taleu. I don't have any further questions; Commissioner Bordallo or Commissioner Santos?

Commissioner A. Bordallo: Just a little bit *inaudible*

Land Agent I L. Taleu: Is there anything you need me to clarify?

Commissioner A. Bordallo: Yes, Ms. Taleu, can you?

Land Agent I L. Taleu: Okay, so originally the relocation, Mr. Bass was occupying a portion a half-acre lot near the Okkodo High School then when they were fixing the high school he was relocated and he was supposed to go to an area near Astumbo Middle School but for some reason the recorded survey map was never done. So therefore, instead of doing an addendum to correct to relocate him, what they did was they did an additional lease and then in when the masterplan was created, they didn't know because the survey map was never completed, they didn't know exactly where he was so what they do is like a jigsaw puzzle that they put together so they placed him in an area and then on the ArcMap the size went over 6,000 square meters and there are buildings on that site. So now, when Department of Revenue and Taxation goes in, they based their tax assessment to my understanding is on the Arc Map. So, they looked at the Arc Map and he's been getting assessed for property taxes for over 6,000 square meters with buildings which is why his tax bill is so high. He came in last year; they fixed the tax situation but they never fixed that underlying issue of terminating the lease for a lot that he's not occupying. Does that help you?

Commissioner A. Bordallo: Oh yes. So, the property that he's on right now is Lot 10120?

Land Agent I L. Taleu: Lot 10120 is the original lot that he was on. So, he was placed in a portion of Tract 1113, Block 16 in Dededo but they never schemed that area out.

Commissioner A. Santos: Ms. Taleu?

Land Agent I L. Taleu: Yes.

Commissioner A. Santos: Who was the one that placed him on to Lot 1113?

Land Agent I L. Taleu: Well, I believe at the time the then Director Joe Borja.

Commissioner A. Santos: But it was on us though? We are the ones that placed him on that lot?

Land Agent I L. Taleu: Yes.

Commissioner A. Santos: Alright.

Chairman J. Reyes, Jr.: Okay, thank you commissioners. Any additional questions?

Commissioner A. Bordallo: Okay, does, no go ahead Mr. Chairman.

Chairman J. Reyes, Jr.: No problem. Thank you, Commissioner Bordallo. Commissioner Santos, any other questions?

Commissioner A. Santos: No, sir.

Chairman J. Reyes, Jr.: Okay, thank you very much. Ms. Taleu, thank you so much. Alright, commissioners, the floor is yours if you want to make the motions to approve the considerations from Ms. Taleu in regards to Mr. Bass.

Commissioner A. Bordallo: Okay.

Chairman J. Reyes, Jr.: And Ms. Taleu we should do just to confirm, we would act on the report one first, correct? Which is the transfer, Ms. Taleu? Can't hear you, sorry.

Land Agent I L. Taleu: Yes.

Chairman J. Reyes, Jr.: Okay. Alright, thank you. Saina Bordallo, sorry, I didn't mean to cut you off, commissioner.

Commissioner A. Bordallo: Okay. I would like to make a motion to approve the transfer *inaudible* Tract 1113, Block 16 in Dededo for .50 acres effective November 30th 2007, to Jamie G. Santos Bass, or Jamie Isa Lyn Mendiola Bass.

Mr. Jamie Bass: That should just be Jamie D. for Delbert Bass.

Chairman J. Reyes, Jr.: Okay, thank you for clarifying Mr. Bass. Commissioner Bordallo, could you restart your motion again please? Because the lessee is going to be Mr. Bass; Jamie D. Bass.

Commissioner A. Bordallo: Okay, to Jamie D. Bass.

Chairman J. Reyes, Jr.: Okay, thank you Commissioner Bordallo. Attorney Toft, can we get a real quick clarification, do we need to address the approval to transfer first and then the approval to cover cost and then the approval for tax reassessment in three individual motions or can one motion cover these actions?

Legal Counsel N. Toft: You can do the one motion as long as you kind of break it down as to the three actions. If there is opposition to any of them then you can separate it into three separate ones and then deal with each one individually.

Chairman J. Reyes, Jr.: Okay, thank you for that. So, let's do this, commissioners. Thank you for the clarification Attorney Toft. So, let's take it one by one just so that we are clear on each one and just to make sure that it's, there's no confusion and there's any objections. Saina Bordallo, sorry, if you don't mind, can you go ahead and restate the full motion, please?

Commissioner A. Bordallo: Okay, just give me a few minutes please. I lost my...

Chairman J. Reyes, Jr.: The document?

Commissioner A. Bordallo: Yeah, because I'm using my tablet.

Chairman J. Reyes, Jr.: Okay, no worries Commissioner. Commissioner Santos, would you...

Commissioner A. Santos: I make a motion to have the approval to transfer a portion of Tract 1113, Block 16 in Dededo for .50 acres effective November 30th 2007 to Jamie D. Bass.

Commissioner A. Bordallo: I second that.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. May I get a second? Thank you, Commissioner Bordallo. Are there any objections?

Commissioner A. Bordallo: No objections.

Chairman J. Reyes, Jr.: No objections. Hearing none. Motion passes for the approval of a portion of Tract 1113, Block 16 in Dededo for half-acre, .50 acres effective November 30, 2007. Thank you, commissioners. Alright, for the second action, may I get a motion please?

Commissioner A. Santos: I make a motion to approve to cover the cost of a recorded survey map. Do I have to state the tract name? For a portion of Tract 1113, Block 16 in Dededo for .50 acres effective November 30th 2007 to Jamie Santos Bass.

Commissioner A. Bordallo: I second that.

Chairman J. Reyes, Jr.: Thank you Commissioner Bordallo for the second. Thank you, Commissioner Santos. Are there any objections?

Commissioner A. Bordallo: No.

Chairman J. Reyes, Jr.: Okay, hearing none, no objections. The motion passes to approve to cover the cost of the recorded survey map for a portion of Tract 1113, Block 16, in Dededo. Thank you, commissioners, and for the last action on this item.

Commissioner A. Santos: I do have a question Mr. Chair; for the cost, do we have a, we wouldn't have a like an estimate or an amount that it would be, do we?

Chairman J. Reyes, Jr.: Ms. Taleu, do you have an estimated cost? But we're using our partnership with Land Management the surveyors. So that we would be able to *inaudible* through their...

Land Agent I L. Taleu: No, I do not have the cost sir.

Chairman J. Reyes, Jr.: Okay, it's okay. I think...

Commissioner A. Santos: It's been clarified. I appreciate it.

Chairman J. Reyes, Jr.: Okay. Thank you, Commissioners. And the last action on our item here.

Commissioner A. Santos: Okay. I'd like to make a motion to approve for a tax reassessment for prior set lot for the correct lot size starting December 1st 2007, to the present.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. May I get a second?

Commissioner A. Bordallo: I second.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Are there any objections?

Commissioner A. Bordallo: No.

Chairman J. Reyes, Jr.: No objections, hearing none. The approval for tax reassessment for the correct lot size for the forementioned lot starting December 1st 2007, to present. Thank you, commissioners. Okay, Ms. Eileen moving on to the, I'm sorry, Ms. Taleu, we have our second one and the only action here is for...

Land Agent I L. Taleu: The termination of the lot.

Chairman J. Reyes, Jr.: Thank you, for the 10125-11-4 in Dededo, correct? Okay, alright, thank you so much, commissioners?

Commissioner A. Santos: No questions for me Mr. Chairman.

Chairman J. Reyes, Jr.: No questions for me as well Ms. Taleu. Commissioner Bordallo, any questions?

Commissioner A. Bordallo: No but I would like to ask Ms. Tina Tainatongo you know the meeting documents, the documents for this meeting; what date was that that you sent to Commissioner Santos?

Land Agent I Tina Tainatongo: One moment, let me check.

Chairman J. Reyes, Jr.: Did you need us to resend you a copy, Commissioner Bordallo?

Commissioner A. Bordallo: I don't have it in paper, it's all in my tablet.

Chairman J. Reyes, Jr.: Right. Okay, would you like us to just resend it so you can open the electronic copies?

Commissioner A. Bordallo: Yeah, that's what I'm trying to do but I need to know the date that she sent it to Commissioner Santos.

Land Agent I T. Tainatongo: I'll just resend it to her now.

Chairman J. Reyes, Jr.: Commissioner Bordallo, she's going to resend you the packet, so you'll have it on top of your email.

Commissioner A. Bordallo: Thank you.

Chairman J. Reyes, Jr.: Okay, we'll pause for a sec until you get the packet. In the meantime, Commissioner Bordallo did you have any questions on this particular action for termination of the lot, the lease, sorry?

Commissioner A. Bordallo: No, I have no questions.

Mr. J. Bass: I have a question.

Chairman J. Reyes, Jr.: Yes, is that Attorney Toft?

Administrative Director J. Hattig, III: No, it's Mr. Bass

Chairman J. Reyes, Jr.: Oh, Mr. Bass, sorry.
Mr. J. Bass: Yeah, so lot 1113, 16 is essentially the same lot as well I realize now that this lot description that I was given I guess is the phantom lot *inaudible* 10125-11-A8 that's the lot that I was shown and I was given a map to which I started to work on before I had issues like you said with stolen cars and burnt cars in the middle of the access road and illegal dumping and such so I was just curios am I going to be assessed taxes on *inaudible* and I'm still going to worry as far as what that is.
Chairman J. Reyes, Jr.: Okay, thank you.
Land Agent I L. Taleu: Mr. Bass the lot that you are to be relocated is actually the lot description has been changed, that is the one that we're requesting for you to be relocated to Tract 1113 which is where you were originally be where you were originally working in that area. Well, what had happened was because the survey map was never completed, they never actually got a lot number for you so what we're requesting for with our survey techs and Mr. Hattig has already approved it is a scheme so once the scheme is prepared, I would have you look at it and you will pick the area that you want to be in which is actually the original lot that you were supposed to go to.
Mr. J. Bass: Okay. Alright, thank you for your clarification.
Land Agent I L. Taleu: No problem.
Chairman J. Reyes, Jr.: Thank you, Ms. Taleu. Mr. Bass, any additional question there?
Mr. J. Bass: Yeah, I actually did have one. I also have documents from my original relocation for the cost be covered by Chamorro Land Trust for water and power to be, basically in essence I guess what it looks like was there were going to take my old meter and transfer it to the new lot; does that still stand after all these years? Is it something that the Board needs to approve or that's just something I need to go to CHamoru Land Trust and just say look we still have this document since the transfer has never been complete?
Chairman J. Reyes, Jr.: Thank you for that sir. Ms. Taleu, do we have or have you seen these documents and do we have a copy?
Land Agent I L. Taleu: Yeah, I've seen the documents sir but I haven't had a chance to ask Mr. Bass if it was actually relocated? Only because we're not exactly sure where his actual lot is because the map was never done. So, are there meters out there somewhere in that area?
Mr. J. Bass: I've never, we have never relocated. Like I said, since the beginning early on even before this, I guess what, let's back track a little bit to the history, I was basically *inaudible* basically because I was living on lot 10120 so at that point, I tried to get a mortgage but at that point is when I realized that 10125-11-4 it was not matching the lot description for the new lot that I was shown. Now, we're talking about three different lots now, 10125-11-8A the phantom one so nothing has ever transpired since then. I couldn't put in water; I couldn't put in power so I still have that document.
Land Agent I L. Taleu: So, I believe this would a question, I would think so, but I want to verify with Legal Counsel only because the Relocation Act, I believe we're supposed to cover the cost of everything that he had on the original lot and because he never did what we were supposed to do; I do know that we had said, we were but it was never done.
Mr. J. Bass: Yes, exactly it's never been transferred.

Legal Counsel N. Toft: So, as long as the Board approves it, yes.
Chairman J. Reyes, Jr.: Okay, thank you for that Attorney Toft but we don't have, Ms. Taleu, the Board doesn't have a copy of those documents at least from what I've seen in the packet. Do you have a copy and have you reviewed that thoroughly as well?
Land Agent I L. Taleu: I do have his file here and there are notes in here; I can walk it over to you guys and you can take a look at it. The only problem is, Commissioner Bordallo would be unable to see it because it is a hard copy.
Chairman J. Reyes, Jr.: Yeah, right.
Land Agent I L. Taleu: Ms. Eileen is *inaudible* the file and she is going to bring it over to you, sir.
Chairman J. Reyes, Jr.: Okay.
Mr. J. Bass: I do have my copies too, if that helps.
Chairman J. Reyes, Jr.: Okay, thank you for that. So, I think that there still needs to be a little bit of review for that for Ms. Taleu to include into her report as well; maybe an addendum to the report. Kind of going through this additional item that needs to be reviewed by the commissioners, by the Board in regards to the relocation. So, Ms. Taleu, how would you like to handle this? Would we you know, let's take some time to make sure that we have a thorough review and a write-up in regards to this additional request from Mr. Bass just so we have it so that the Commission can review.
Land Agent I L. Taleu: Well, what I would like us to do is actually approve what we have currently and then I can do an additional report for the next board meeting for the request to cover the cost of the power and water meters.
Chairman J. Reyes, Jr.: Okay.
Land Agent I L. Taleu: Only because this is the second year that Mr. Bass has had to come to us to correct his tax bill issue and one of the concerns that he has that he had addressed is he is concerned about his refund whether or not it would affect it on him receiving it because as far as revenue and taxation is concerned, he has a huge outstanding property bill.
Chairman J. Reyes, Jr.: Understood. Okay and then, go ahead Mr. Bass, I'm sorry.
Mr. J. Bass: I'm sorry to interrupt but yeah, that's no longer in the immediate concern; like I stated, in the beginning was that was my short-term concern was that I didn't want that to delay anything but as things go that's not the immediate concern right now at this point.
Chairman J. Reyes, Jr.: Okay, thank you, sir. I think again, I want to make sure that we cover all our bases here in regards to the land the parcel to the taxes and of course what was the commitment by the Land Trust to address any relocation. Okay, however, Ms. Taleu, may I ask pending the relocation items that we had just received; would there be anything that would affect the decisions of the Board today? Anything? Any other implications to these motions that we just passed and then the final motion of terminating the lease?
Land Agent I L. Taleu: No, I don't believe so. Because what it is, *inaudible* a report saying because of the relocation we're requesting that we cover the cost of the power and the water meter.
Chairman J. Reyes, Jr.: Okay. Alright, Commissioner Santos, any questions on that?
Commissioner A. Santos: None.

Chairman J. Reyes, Jr.: Okay, thank you. Attorney Toft, anything else that we should consider here aside from this final action that this Board would need to take?
Legal Counsel N. Toft: Nothing at the moment, no.
Chairman J. Reyes, Jr.: Okay, thank you. Commissioner Bordallo, were you able to receive the electronic copies again?
Commissioner A. Bordallo: Well, I got back to it.
Chairman J. Reyes, Jr.: Okay, so you have it, Saina?
Commissioner A. Bordallo: Yes.
Chairman J. Reyes, Jr.: Okay, I just want to make sure that you are able to view it if there's any additional proofs that you need to do with the documents.
Commissioner A. Bordallo: None.
Chairman J. Reyes, Jr.: Okay, so given that Mr. Bass, we'll take the information in regards to relocation and Ms. Taleu will do a little bit of more research if needed but we will table that topic and she'll bring it back to the Commission at our next meeting and what we'll do is take on this last action in regards to termination of the lease for 10125-11-4. Okay.
Mr. J. Bass: Thank you so much Ms. Taleu for your hard work and thank you so much commissioners for taking the time to review this and to rectify these issues.
Chairman J. Reyes, Jr.: And thank you so much Mr. Bass for your patience. Okay, commissioners, may I for the last action I turn it to you.
Commissioner A. Santos: Commissioner Bordallo, would you like to make that motion?
Commissioner A. Bordallo: pardon me?
Commissioner A. Santos: Would you like to make that motion?
Commissioner A. Bordallo: on the termination?
Commissioner A. Santos: Hunggan.
Commissioner A. Bordallo: I'm sorry.
Commissioner A. Santos: Would you like me to do it?
Commissioner A. Bordallo: Yeah, go ahead.
Commissioner A. Santos: I'd like to make a motion to approve the termination of lease for Lot 10125-11-4 in Dededo for Jamie D. Bass.
Commissioner A. Bordallo: I second that motion.
Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo but let me just take a step back just to be clear. I want to make sure that list the location and the size please. Commissioner Santos, can you restate your motion?
Commissioner A. Santos: I make a motion to terminate the lease for 101 the lease for Lot 10125-11-4 in Dededo for 6,385 square meters effective November 30th 2007.
Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. May I get a second?
Commissioner A. Bordallo: I second.
Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Any objections?
Commissioner A. Santos: None here.
Chairman J. Reyes, Jr.: Okay, no objections; hearing none, motion passes for the termination of the lease for Lot 10125-11-4 in Dededo for 6,385 square meters effective November 30, 2007. Thank you so much commissioners.
Commissioner A. Bordallo: You're welcome.
Chairman J. Reyes, Jr.: Okay, Ms. Eileen, I turn it over to you.

Teresita Therese Pablo Mallari & Rebecca Fernandez Aguero

Land Agent II E. Chargualaf: Okay. Mr. Glenn, Mallari or Pablo. Teresita Pablo.

Land Agent II Glenn Eay: Okay, this is a case of Teresita Mallari was issued a residential lease on Tract 9210, Lot 10, Block 2, Yigo January 23rd 1997. *inaudible* her lease was also issued or rather duplicated to Ms. Rebecca Aguero on December 12, 2007 this last Board meeting. As an update of course, Ms. Mallari *inaudible* I offered her alternate location where it's within the same tract but she chooses not to relocate and then she mentioned that relocating is not an option. She feels that she has waited over 25 years to finally get her lease and in good faith pay property taxes and invested time and invested on survey. So, that was the end of our discussion that she opts not to relocate and to resolve the issue as soon as possible so she can start building her dream home.

Chairman J. Reyes, Jr.: Okay, thank you, sir and then this ties into the second one with Ms. Aguero, correct?

Land Agent II G. Eay: Okay, in the case of Ms. Aguero, we had several conversations once by via telephone and the other by meeting in person and our last discussion I mentioned that she was willing to relocate we also had scheduled a lot showing yesterday which she did not appear and she was interested in seeing the other lot like that we offered her but as of to date I've been numerous calls to see if she's still willing to relocate but haven't gotten any contact since yesterday and this morning.

Chairman J. Reyes, Jr.: Thank you, Mr. Glenn. Could you also clarify or confirm for me that you're documenting your attempts to reach Ms. Aguero dates and times of either phone calls or set appointments and it wasn't completed for a site view.

Land Agent II G. Eay: I have the dates on file and also the days where we went to her place; I went to her place twice and the last time was a week and a half ago when we had this discussion.

Chairman J. Reyes, Jr.: Okay, thank you so much sir. I just want to make sure we have those documented as well. Okay, so it looks like we're still not yet firmed up in this regard for the same property for both Ms. Mallari and Ms. Aguero. And Ms. Mallari we understand that Mr. Glenn shared your sentiments on wanting to keep to that lot and despite the interest of Ms. Aguero we still have yet to confirm; and that's accurate, correct, Mr. Glenn?

Land Agent II G. Eay: I'm sorry, I couldn't hear you.

Chairman J. Reyes, Jr.: I just wanted to confirm that and Ms. Aguero had stated her interest in wanting to relocate but we have yet to confirm or document if either a property that her interest is willing to relocate, correct?

Land Agent II G. Eay: Yes, right.

Chairman J. Reyes, Jr.: Okay, thank you. I don't have any other questions there. Commissioners, any other questions or clarifications?

Commissioner A. Bordallo: Just on Mrs. Mallari's lot, what is the lot number?

Land Agent II G. Eay: The lot number that was issued to her Tract 9210, Lot 10, Block 2.

Commissioner A. Bordallo: Lot 10, Block 2, okay, I understand now. The one that you were supposed to show Mrs. Aguero is 9210, Block 8, Lot 14?

Land Agent II G. Eay: Correct.

Commissioner A. Bordallo: I guess we just have to wait for her.

Land Agent II G. Eay: Yes, like I've mentioned; we have met several times and made numerous calls but the attempt to meet for the lot showing was not made possible.

Commissioner A. Santos: But Mr. Eay, she was willing to, there was supposed to be a showing yesterday, right?

Land Agent II G. Eay: Yes, I have brought another land agent with me because every time we go out, we always go out in pairs and just to make sure that conversation that was said there is not misinterpreted in any ways and she did acknowledge and the first thing she said when I met with her is go ahead and relocate me and those were her exact words and do what you need to do and I says, okay, so when would you like to meet with us and explain to her the condition of the lot and it's also the same tract same location within the same pretty much not too far away within a quarter mile and she said she was interested to take a look at it but I guess she was unable to meet with us yesterday for some reason.

Commissioner A. Santos: I guess I just want to share my sentiments with this one is if Mrs. Mallari you know with the past and the mistakes that have been made, we don't want to encounter that so my suggestion is to wait for a certain like Mr. Eay said he took another land agent with him just to get the verification that he was taken that way right like she said, go ahead and just give me another lot I'm good. So, I would want just to keep the notice of okay, give her that consideration let's get that in writing Mr. Eay that is the best way I think we should move forward with this. Mrs. Mallari.

Mrs. Terry Pablo (Teresita Mallari): I'm sorry, I'm just kind of *inaudible* but this is Terry Mallari and are you able to repeat what you just said, it wasn't clear.

Chairman J. Reyes, Jr.: Yeah, for sure. Commissioner Santos, may I? Mrs. Mallari, thank you for that. So, what Commissioner Santos's is saying and I agree as well is that before we proceed or move forward what we would like for Mr. Eay to do is to make sure that we have the proper documentation from Ms. Aguero in regards to her interest in relocating the property, the said property that is under two people and then once we get that documentation and hopefully along with the lot number of where she's agreed then we will be able to move forward and action on this. But again, given the scenario and the guidance by the attorney, right, so it sounds like Ms. Aguero is open to it and is exploring the options with Mr. Eay we just haven't yet to been able to get that formalized and documented so that we can proceed. I know it's taking a little longer but I want to make sure that we do this correctly so that there won't be any issues going forward. So that's kind of where that's the path we want to take for today.

Ms. T. Pablo: So, I'm asking the Commission to help me understand because as far as I'm concerned, I signed a lease agreement with the Director, Joe Borja, Joseph Borja and concurred by the Governor Carl Gutierrez back in 1997. I was the original lease holder as far as I'm concerned, I still am. The lease does not expire until January 22, 2096, I believe at the last meeting, Glenn Eay did mention, that Rebecca Fernandez Aguero had *inaudible* already and I guess she was issued a property and then requested to relocate to my property, to the property that I was given. I was never informed, I was never asked and it just kind of like it bothers me that here's this individual the land agent is trying to communicate with her, there was a mistake with CHamoru Land Trust yet I still have to wait. I've been actively communicating since 2000 and since 1997 till today and yet I keep getting the run around. I have several questions that I'm hoping that you guys are able to answer for me is; how did CHamoru Land Trust provide this lease agreement to Rebecca

Fernandez Aguero with the property that was already was leased to me? When did she submit her application? Was it before me or after me when I submitted back in 1995? Is she related to Mr. Palomo since he said the property belongs to the son and for me to give back to CHamoru Land Trust back in 2008, because there was some mistake? Is she related or have a connection with any land agent, director, secretary or commissioner with CHamoru Land Trust back then and now? You know, it just seems like we're going in a circus all over again. I could never get a straight answer. I can name all the people I've seen and contacted and I have not heard from any one of them. I'm the one doing all the talking, I'm the one calling, I'm the one coming visiting and I just feel like I guess I'm not politically connected because I couldn't get a... I was never told this. I visited... I just want the truth and I want you guys to be able to make a decision because why does it matter what Rebecca says? I was never informed to file my lease agreement with Land Management. Why was Rebecca given that opportunity and I was never told, I was never called, I was never emailed, I was never sent a notice. If I knew that I would have done it a long time ago. I've been in contact with CHamoru Land Trust, in fact, I got this log; CHamoru Land Trust Commissioners... Commission status information sheet, I got this and the reason why I asked Mr. Quan, Alan Quan and Mr. what is it Mr. Gumataotao to Xerox this Status Information Sheet because I knew that they were just playing me around, they just kept giving me the run around and I asked I them to... this is about the *inaudible* whenever I communicate with them and I wanted this *inaudible* and I got this in 2008 when I felt that I was getting nowhere. I was young then because that was how many years ago, 20 years ago and I am now you know a lot older so I know better but I'm so glad that I kept this and I kept track of all the timelines. So, please I'm asking you; why do I have to wait for Ms. Aguero to agree when you guys didn't ask me if I agreed, you gave the property when it was already given to me. As far as I'm concerned, I am the original lessor, so why? I was... prove to me that you guys tried to contact me or send me the notice that I need to file. When did this happen? When did we need to file with Land Management because I was never aware of it?

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Mallari, yes and that's what I'm making sure to have Mr. Eay to continue to work through this with you and I do understand your concerns and frustrations. As far as the list of questions that you have, Mr. Eay, were you able to take some of those down to be able to be able to try and provide this timeline for Ms. Mallari on what has transpired over the years. And I know, Ms. Mallari that it's been a while and it's come now to us today and the past couple of meeting to help rectify this for you. So, I just wanted to acknowledge that and that we do understand your concerns and your frustrations so I appreciate that. As right now, I don't have the... I'm going to allow Mr. Eay to help try and get those points of information that you had asked and requested, if we can, right. And dig through the files a little bit deeper. So, I'll pass it over now to Commissioner Santos.

Ms. Terry Pablo: Yeah, I just you know, like I said, I never *inaudible* some of the staff that I visited back then and they're still employed. I mean I spoke to the secretary Lorraine; I spoke... the last person I contacted was Eileen and Eileen when I visited CHamoru Land Trust I talked to the Director and it was the only Director that made time to see me that was Jesse Garcia who referred my name to complete again complete a utility application and went I met Eileen went into the computer she told me, I'm sorry, we're not able to get this approved but I'll get back to you. I'm not sure... this was in

2010. She never communicated with me that this was already given and that's why now I understand where I'm at today and why I got the run around because in 2007 and 8 till today, only until I started dealing with Jessica and Glenn Eay that I was informed that this property was given out to someone else but I'm pretty sure everyone in there knew about but no one was transparent with me. So, you know, again, I understand what you guys need to do but I still don't agree that Rebecca Aguero needs to consent or agree to this because I was never asked the same thing, I was never given that opportunity, I was never informed that it needed to be registered with Land Management. My contacts are still the same. My mailing address, my email address, my phone number, nothing has changed. I've been living in this island for 50 years so I hope you consider what *inaudible* to meet with you guys.

Commissioner A. Santos: I have a question... thank you, Mrs. Mallari. I have a question for Land Agent Eay, Mr. Eay, the report that we have in front of us; that's the chronological order for both Mrs. Mallari and Mrs. Aguero, correct? Or the information that is contained in this report?

Land Agent II G. Eay: Correct.

Commissioner A. Santos: It is stated the original applicant's date and time, application number, application type, priority, pre-occupier, Land Use Permit, Mayor's verification; we have that all on the report, correct?

Land Agent II G. Eay: Yes.

Commissioner A. Santos: Okay. And with the chronology that is all the information from both applicants, correct?

Land Agent II G. Eay: The chronology for Ms. Mallari is just for her, on her file alone and then and then for the other lessee has her own chronology as well.

Commissioner A. Santos: *inaudible*.

Land Agent II G. Eay: They're both listed in my staff report.

Commissioner A. Santos: Right. Okay, I'd just like to take that into consideration for my fellow commissioners too; we have it in front of us. Mrs. Mallari asked about dates.

Land Agent II G. Eay: Mrs. Mallari also emailed me a copy of her information status report that she obtained in 2010 which is pretty much what I have but there was more information added after that that I need to update on that if she wants to take a look at it.

Commissioner A. Santos: I guess maybe I could just ask you a question. Mr. Eay; how comfortable do you feel about us taking Mrs. Aguero's word with what you received so far, thus far and auctioning to already move on with this and allowing Mrs. Mallari the opportunity to proceed with what she needs.

Land Agent II G. Eay: I... well first of all, we have an SOP that we have to follow whereas we have to show our constituents the lot, do a lot showing and once they agree on the lot, the subject lot, they like it; they would actually sign off on that and they will acknowledge and that would be a form of acknowledgement where it guarantees that the lessee *inaudible* wants to relocate.

Commissioner A. Santos: So, what you're pretty much saying is we would want to wait for Mrs. Aguero to be able to accomplish that to proceed with Mrs. Mallari's request?

Land Agent II G. Eay: Correct. Yes, it's our Standard Operating Procedure that we must show Rebecca first a lot showing and she has to sign off on that *inaudible*.

Commissioner A. Santos: I understand Mr. Eay. I understand.

Land Agent II G. Eay: On normal circumstances but it is the procedure.
Commissioner A. Santos: Understood. Thank you so much for that clarification.
Ms. Terry Pablo: Mr. Glenn, can I ask you a question Mr. Eay? When did Rebecca file her lease with Land Management because I was told it was 2020 and in January and I've been following up? The last time I followed up was in 2017 and I already was kind of like told that it seemed like the reason why I'm getting the run around is because it was given to someone else. I've heard so many stories, I've heard the media but I never thought I would be a statistic. Why, because when I contacted Lorraine who was the Director's secretary back in 2008 letting her know of my concern about Mr. Alan Quan and Balbino Gumataotao that I was given the run around, told to hire a survey they even asked me for a lot of documents, my father had passed away they wanted me to provide a birth certificate a death certificate a mayor's verification, my birth certificate; I did all that and I still could not any word or a straight answer from them. I spoke to Lorraine and she said she was going to schedule an appointment. I never got on, followed up...followed up, nothing. So many excuses why the Director couldn't meet with me but she did promise me or she did tell me that as long as I have the lease agreement, I should not have any problems. I believe that, I trusted in her with what she had shared with me because she works with CHamoru Land Trust. But this property was given since 2007 and that's when I started... I was communicating with them but I guess, like you said, when I met with Mr. Alan Quan; he knew exactly who owned or who was living near that property because he was trying to encourage me to transfer to Dededo. There was a property right before Okkodo and right near there's a church there. He asked me to go and see the property because he was telling me; you know they want to be together... I don't know, the family wants to be together but I was like, but I wanted this; back in 2002 I met with Roque who was the land agent who showed me the property they gave me a map and I went out there looked at the property and he told me; it's ready you just need to apply for power and water. It was surveyed, showed me the markers. I patiently waited because I believed in the system and the system has failed. And again, I'm going to wait, I don't know when my day will come where I will expire on this earth but I've waited for 20 over 25 years. Come on guys! 25 years and I have to wait for Mrs. Aguero to agree, when did that procedure change? Was there a procedure to inform the lessors who actually signed these agreements back in 1997? Was anybody going to contact us to let us know that there were some changes that we need to register at Land Management? I mean, these are the things that I'm asking and I know that procedures can always be changed or an exception can be made. I've been actively communicating with CHamoru Land Trust; I've been paying the taxes the only thing I didn't do was register it with Land Management because I didn't know. When was that... that's my question, when did that change happen because I'm looking at my CHamoru Land Trust residential lease agreement and nothing in this how many pages, seventeen pages tells me that I need to register with Land Management to ensure that the land leased by me for twenty years? I paid my ninety-nine dollars, I paid fifty dollars to submit my application I paid my ninety-nine dollars and I'm paying my taxes. So, come on guys! Has Mrs. Aguero paid one year of taxes? And we still need to get her approval? I'm asking this body to consider; I've been waiting 25 years. Do another wait another ten years or do I have to wait until I die and I have to pass it on to my kids? I don't know. I don't have much time. I am sick, I've been sick since 2017 and

that's the reason why it fell through the crack again because I was trying to get my health in order. And I came back from my medical treatment in 2020 in February and I followed up. I followed up and only to find out that the reason why I could never get an approval *inaudible* is because it was given to someone already. This person always had a property but yet she was given an option to select another property that was already was leased out to someone else. Don't you guys have that listing? It doesn't take a rocket scientist, I'm sorry to know what was given and what wasn't, I'm sure you guys have a good listing out there but again I really feel bad because I'm not connected because I don't know anyone in CHamoru Land Trust personally or any of the Board or any of... I don't know, that's the only thing that comes to my mind is I have no affiliate connection. I went through the due process faithfully trusting our system and it failed. And this is why guys that the people of Guam cannot trust the system because again I have to wait. I have to wait until we... when are we going to reach Mrs. Aguero? Mr. Glenn went up there, went to her house visited her spoke to her she's been dodging him. You heard him. I heard him today so what is it going to take? Why didn't you guys didn't do that to me? I would have answered you guys the day I got the mail. But that did not happen, so why again, my question, I paid taxes... the only thing that I didn't do was I did not file with Land Management because I did not know.

Commissioner A. Santos: Mrs. Mallari, please believe that all of your concerns are being duly noted by Commission. You know, the past is the past, we're trying to make everything correct now. I think I speak for the rest of the Commissioners too on that concern. Mr. Eay has been doing his due diligence in trying to contact Mrs. Aguero, right, and it doesn't seem like we're waiting for her approval it's the fact that we're trying to get her to choose a property so she can move on away from the property you started to build on. So, that's the only thing from my concern I mean from my understanding is that's what we're waiting for it's not for her to approve anything it's just for her to choose a lot so she can proceed too, like what you want to do.

Ms. Terry Pablo: So, I guess... I understand then. But if she does not agree to transfer then what? Because we're waiting for her to select a lot but what if she chooses not too?

Chairman J. Reyes, Jr.: Yeah, and that is Mrs. Mallari that is a potential mishap that may occur. So, Attorney Toft, if you could assist us in is there anything else that we need to get additional information for where we're at today? I mean what I think would be our next course Mrs. Mallari, is to have Mr. Eay get that confirmation get that selection so that we can proceed and I'll go ahead and ask Attorney Toft if there is anything additional here that we need to make sure to consider and in what if we continue to not get a response from Ms. Aguero but what can we do today the situation given that there has been continuous action and continuous research to get us to where we're at today, right, Mrs. Mallari and the chronologies that Mr. Eay was able to also add into some of the reporting that has come out. So, why don't we get Mr. Toft's additional thoughts and weigh in on this as well.

Legal Counsel N. Toft: So, Guam is what's known as a Race Notice Jurisdiction which means that whoever records with the Department of Land Management first at any given property right gets priority regardless of the time of the original transfer so in situations where if I have somebody where I sell them a lot and then a year later I sell somebody else that same lot if that second person records with Land Management before the first person does; that second person has the rights to the lot, the first person has an action

against the seller for whatever cost they paid so ideally we get ahold of Ms. Aguero and get her to agree; if not, we would need to potentially refund any cost that Ms. Mallari has had but unfortunately, that's the way the law would treat that situation. So, I think it's incumbent upon us to redouble our efforts to get a hold of Ms. Aguero.

Chairman J. Reyes, Jr.: Yeah, I agree. Okay, thank you so much and Ms. Mallari, granted that is kind of the procedure of the law, we're going to need to follow. However, to Attorney Toft's point, we're going to make sure to really double our efforts here and I'm actually going to tap on to the Director to please ensure that before our next Board meeting that we have a path forward on this and to work closely with Mr. Eay and please get a hold of Ms. Aguero to address the situation.

Land Agent II G. Eay: Yeah, I still want to continue that dialogue with Ms. Aguero and to see if we can reschedule the lot showing and as soon as possible and I'll give you and update.

Administrative Director J. Hattig, III: Yes, Mr. Chairman I will work together; Mr. Eay has been briefing me but I will also personally seek a meeting with Ms. Aguero so that we can confirm all the things that we need to confirm for this action.

Chairman J. Reyes, Jr.: Okay, please continue to engage with Attorney Toft as well as we get closer and if we do not have a resolution in our next meeting then we need to reschedule and Ms. Mallari, again, I apologize that we're having to table this but I do appreciate and I acknowledge your concerns and to Commissioner Santos' point; you know, we will work hard to rectify this for you. I think there's been a lot of movement that we have now seen a little bit of a clearer picture of at least the dates and chronology that we have in front of us. We kind of know where every step of the way that has happened, now, if there's additional digging that we need to do, we'll make sure Mr. Eay does that as well. Mr. Eay, could you please also connect with Ms. Mallari she did have a few questions and Ms. Mallari could you get those questions to Mr. Eay so that we can make sure to address it as best as we can as well; because I know that there are... it would help to add some clarity at any point in time to where you have some questions so I will ask that the Director assist in those as well, as best as we can that we can give you some of those responses.

Ms. Terry Pablo: Okay, I appreciate taking the time and yes, you're absolutely right I do want to trust this body right the Commission; I'm giving you guys an opportunity to fix what was... to make it right... to make it right and so I appreciate Glenn Eay's hard work in researching, he's been communicating with me. He's never dodged my call, thank you, Glenn. I've called you and you've returned my call; I've never had a hard time so I appreciate that but okay but that's what we'll do, we'll wait again and see what transpires moving forward.

Chairman J. Reyes, Jr.: And thank you, Ms. Mallari for your patience and thank you for continuing to come and join us and so we can make sure we can address all your concerns. I appreciate it.

Ms. Terry Pablo: Thank you so much.

Chairman J. Reyes, Jr.: Alright, have a good rest of the day. Okay, Mr. Eay or Ms. Eileen do we have the next one on the agenda, please?

Fannie Marie McKee

Land Agent II G. Eay: The next item I have here is Ms. Fannie McKee this is the case where the lessee had purchased her private home and years later was issued a residential lease from CHamoru Land Trust. If the Trust... aware and made know of this purchase this would have placed Ms. McKee as priority two so moving forward Ms. McKee is now seeking to change her lease type from residential to agriculture because a residential lease is already been issued, we need Legal Counsel's opinion if they can change the lease type from residential to agriculture. I believe we are still waiting for the Attorney General's opinion if it is possible within the statute of the law and I'm not sure if Attorney Toft is able to answer this question if we could... if this is possible to change a lease type from residential to agriculture?

Chairman J. Reyes, Jr.: Before we get Attorney Toft to respond, Mr. Eay, I know in our meeting we did have this conversation with regards to the potential option of switching Ms. McKee from residential to agriculture. However, I want to make it very clear that when we decide or when we make these options for recommendations that we do not that we're not setting up our lessee for failure because if our lessee is not able to farm or to switch to an agricultural lease and having to fulfill those conditions and also the certified as a bona fide farmer then we're setting our lessee up for failure right so I want to make that point as well when we did have this discussion in our last meeting. So, I'll turn it over to Mr. Toft as well but I want to make that clear before we make some of these recommendations.

Land Agent II G. Eay: To answer your question Mr. Chairman we did have a lengthy discussion in regards to switching to agriculture lot that she had certain requirement that she had to meet as well as meeting the two-thirds farming and the also continue farming and maintaining the premises and also try to obtain like you mentioned a bona fide license to do a subsistence farming but actually, this is subsistence farming you don't really need bona fide license because it's half- acre lot.

Chairman J. Reyes, Jr.: Okay, understood but let's go ahead and ask Attorney Toft if he could weigh in on this?

Legal Counsel N. Toft: Yeah, the Board can vote to change the type of lease or application. I would be concerned as far as where is the lot located? Is it located in the middle of a bunch of residential lots where it's going to be kind of stick out a bit or is this in an area where it's all by itself or is in agricultural areas? Where is the lot?

Land Agent II G. Eay: The lot that she currently has right now is a residential and she wants to change her lease type to an agriculture so I don't have a definite location as to where the lot is but you know it's...she's seeking for agriculture but in some cases there are mixed use, some are agriculture abutting residential lots in some case but normally agriculture lot is for agriculture subdivision only should be for agriculture subdivision only sometimes the *inaudible* odd zone change into one or two lots for residential.

Chairman J. Reyes, Jr.: Okay, so Mr. Eay, we don't have a lot yet for Ms. McKee, is that what I'm understanding?

Land Agent II G. Eay: No, we don't have a lot at this time.

Chairman J. Reyes, Jr.: Okay. Commissioners, any questions?

Commissioner A. Bordallo: I have a question.

Chairman J. Reyes, Jr.: Yes, *inaudible* Saina Bordallo.

Commissioner A. Bordallo: Yeah, does she have a residential lot at this time?

Land Agent II G. Eay: Yes, she has a lease at this time, yes.
Commissioner A. Bordallo: Where's that location?
Land Agent II G. Eay: This is in Yigo, it's a portion of Lot 7151-R11 because it's a portion of we don't have the precise location because it hasn't been surveyed.
Commissioner A. Bordallo: And are there other lease holders around that area or that lot?
Land Agent II G. Eay: Yes, there is lessees surrounding that area where she's actually has the lease but those are should be for residential use only. So, if *inaudible* if she has an ag... agriculture she has to be relocated.
Commissioner A. Bordallo: She has to be relocated. I'm just curios if the neighbors who is living around that area is doing any farming? Are you aware?
Land Agent II G. Eay: No, because at this time she's not occupying the property and we don't know the exact location of the property because I mentioned that she has not as of yet surveyed the subject property. So, we know that area but we don't know the exact location.
Commissioner A. Bordallo: Okay, thank you.
Land Agent II G. Eay: You're welcome.
Chairman J. Reyes, Jr.: Any additional questions Commissioner Santos?
Commissioner A. Bordallo: Yeah, I think we should proceed with giving her an agricultural lot.
Chairman J. Reyes, Jr.: Commissioner Bordallo, I think that there's other... thank you for that I think it may be a little premature to make that decision and this is kind of why I want to ask or address with Mr. Eay... Mr. Glenn. A couple of things Mr. Glenn is there are still the... because of her existing status as being a homeowner she is still she's moved down to priority two so we need to address that very carefully and just the fact to get move through from residential to agriculture classification we're going to have to do a relocation I mean there's a lot of things to put into the categorization of how we're going to action on this as a Board and I don't think again... I want to be very... just making a switch or a change in application from residential to agriculture... you know our lessees is going to be able to comply remember a compliance is also a big part of this and I don't want to set up our lessees for failure, we want to set them up for success. Secondly, in your report here that we have in front of us and correct me if I'm wrong is that Ms. McKee still needs more time to think about her options? Is that still the case or is it kind of what you shared to move from residential to agriculture or *inaudible* final decision or her path forward in trying to...
Land Agent II G. Eay: Yes, this is her final decision because we discussed options whereas possibly because she purchased a private home and one of the questions, I asked was is she able to sell the property or transfer it to somebody else and she's unable to do that at this time or that's not what she intends to do rather and so therefore she has no other options until you know it's an agriculture lease.
Administrative Director J. Hattig, III: Mr. Chairman, if I can, I have a few questions.
Chairman J. Reyes, Jr.: Sure.
Administrative Director J. Hattig, III: Yeah, I just want to find out, I read the report and I thank the land agent for all of his hard work but I'm wondering; my question is for the Legal Counsel though, do we have to change... I mean it seems that the lessee is not through her fault necessarily for anything that she did incorrectly but it seems like the

lease was issued already; is there any problem with affirming the lease or allowing her this... in this particular case?

Legal Counsel N. Toft: I think we have that option but I would want to look at why this went through; is it something that we just simply overlooked or was it something that was concealed for months at the time of the lease being executed?

Administrative Director J. Hattig, III: Okay, I think it's something that can be done from Mr. Eay's perspective, right.

Chairman J. Reyes, Jr.: Sans having those facts in front of us I still don't think we should move forward at this juncture and let's get all the information together for the Commissioners to review. So, if I may, if I can ask my commissioners if we could go ahead and tablet his again for Fannie Marie Cruz McKee and have Mr. Eay go back to reviewing what other documentation taking into account what Director Hattig has brought forth but I want to make sure that we... if her decision is to go to agricultural, what can we proceed with the existing lease and to Attorney Toft's point that we do a lot of digging to make sure that we have all the facts to support a decision of that sort so commissioners any... I want to be respectful I didn't get any objections to tabling this further until we get more information.

Commissioner A. Santos: I agree with tabling it.

Commissioner A. Bordallo: I agree.

Chairman J. Reyes, Jr.: Thank you so much Commissioners. Okay, thank you, Ms. Eileen thank you, Mr. Glenn. I believe that is the last one on Constituent Matters from our last meeting, correct?

Administrative Director J. Hattig, III: Yes, that's the last one.

<u>Guam Racing Federation</u>

Chairman J. Reyes, Jr.: Okay we're going to move on to our next agenda item. These are Old Business and we're going to begin with Guam Racing Federation and Director Hattig, I will pass this to you.

Land Agent I T. Tainatongo: Can I just allow Mr. Simpson to come in?

Chairman J. Reyes, Jr.: Oh, yes please, Ms. Tina, go ahead and please allow Mr. Simpson to come on in and Commissioner Santos is just going to step out for two minutes. We're not going to recess but we're getting set up with Mr. Simpson. Thank you again everybody for your patience we're just switching out to make sure again that proper social distancing and protocols that we get everything set up and Commissioner Santos just stepped out for two minutes. Alright, give us a couple more minutes everyone on the line; we're just about done getting resituated with our cameras and we're still waiting on Commissioner Santos as well. Sorry about that. Thank you for your patience. Okay, thank you very much we are ready to begin. Director Hattig, I will pass this over to you, please.

Administrative Director J. Hattig, III: Thank you, Mr. Chairman, so we wanted to address a singular matter with the Guam Racing Federation and that is the change in per cubic yard for the rate of the aggregate that is extracted from the area that was approved for the continuing of the development of the subject lot for the license that is now month to month for Guam Racing Federation. So, we provided the commissioners with a general chronology of the events starting with the inception of the license and then the expiration and then the subsequent attempts also to reissue at the request of Guam Raceway the license but sticking to the singular point, I did provide also the Commission with the

previous change in the mineral cost per cubic which was originally set forth in *inaudible* 1998 but then it was changed in 2011 according to the documents that the staff has provided. And then we have discovered that the rate again has changed so we requested for Mr. Simpson to come forward and present that to the Board because it wasn't presented in the manner that the previous change was made.

Chairman J. Reyes, Jr.: Are you done, Director?

Administrative Director J. Hattig, III: Yes, that's all I have for the singular issue.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Santos: Attorney Toft, if I can get a clarification, if we can get clarification from you, please?

Legal Counsel N. Toft: Sure.

Commissioner A. Santos: In the law, what does it state about making any changes and reporting to the Commissioner; what does it state in the law about that?

Legal Counsel N. Toft: I mean, it's more of a lease issue than a law issue. It'll be bound by the terms and conditions on the lease or the right of entry; whatever we have at this time.

Commissioner A. Santos: Okay, thank you.

Chairman J. Reyes, Jr.: Okay and Director Hattig, could you just maybe just kind of provide a little more of the chronology of when or what we know has changed over the years on the pricing just to be clear and again, went from X and now we're at Y.

Administrative Director J. Hattig, III: Okay, currently right now; it's not on the chronology that was provided but the initial rate that was assessed was a part of an original license. I don't have that with me right now, I don't have the original license in front of me but in 2011, Mr. Simpson was issued a letter from then Director Mafnas that pursuant to the Commissions' actions the cost per cubic yard increased to dollar fifty per cubic yard and that the cost share that will be provided to the CLTC would be seventy-five cents which is fifty percent of the original cost. So that's where we're at right now which was a dollar fifty and then we were informed that the rate actually went up so I'm hoping that Mr. Simpson can provide that information to us officially because we received it only through looking at the payments that were made for the aggregate.

Chairman J. Reyes, Jr.: Alright thank you. Mr. Simpson, could you provide some of that clarity for us as well?

Mr. Henry Simpson: Yes, let me give you a quick history if I can of how it started. As we started grading the race track we actually used the excessed graded material priced that Black Construction was using at the airport so at the airport they were expanding the runway and they had excessed materials they were selling it for forty five cents a cubic yard and you come and pick it up and we asked the Hawaiian Rock, Perez Bros. and Smithbridge what they will be willing to take our excess material for and they said because of where it is and the type of materials they'd be willing to pay fifty cents a yard for it and take it out of the ground for us and that was really good for us because we didn't have to pay to have it extracted, we didn't have to grade it ourselves, or bulldozer or blast it or anything and so that went a long for quite some time, my records show that we changed from fifty cents to a dollar a cubic yard in 2005 and it was I don't really know what the reason was except that I think that we saw that other people were paying more in other areas for that. We went back to Smithbridge and Perez Bros. and that the market is now at least a dollar a cubic yard for excess materials and so they agreed and we

moved it up and Mr. Mafnas in 2011 he also saw other market forces and thought that the material should be worth the dollar fifty and I've been working with the company since then but I went back to them I said you know the market is rising and the Land Trust thinks that it should be worth at least a dollar fifty and they agreed and so we raised it to a dollar fifty and then this was kind of a strange period of time because we weren't able to do anything from 2007 to 2015 because we were the recorded site of the firing range and under the record of decision they had kind of the control over that area. But we were able to because we had to keep paying the rent and we kept running events waiting for somebody to tell us where we're going to go or what was going to happen or how it was going to be handled; we continued to grade the property to what our future plan was and so 2015, the *inaudible* decision was changed to Northwest field and we were allowed again to apply for a grading permit. It took us from 2015 to 2019 to get a grading permit, once we got that grading permit I asked again, what is the market value of material in that range and Smithbridge was paying two dollars a cubic yard to a neighbor of ours right next to it, right next to the race track and Hawaiian Rock was paying a dollar fifty to another one just a little further down the road but I got them both to agree to two dollars a cubic yard and so that how that how that came about.

Administrative Director J. Hattig, III: When was this Mr. Simpson? Around what time period, what year?

Mr. H. Simpson: 2019.

Chairman J. Reyes, Jr.: It went from one fifty in 2011 to two dollars in 2019?

Mr. H. Simpson: Yeah, correct.

Chairman J. Reyes, Jr.: And Director Hattig, you can confirm that we a or the current rate is two dollars?

Administrative Director J. Hattig, III: That's my understanding, yes. That's as a result of the 2020 payments. I cannot confirm the 2019 at this time.

Mr. H. Simpson: It was at the end of the year so I *inaudible* 2020.

Administrative Director J. Hattig, III: We'll have to go back and assess those 2019 payments to make sure that the cubic yard was confirmed at which ever amount.

Chairman J. Reyes, Jr.: Attorney Toft real quick, so given where we're at today and that we're on a month to month and the motion to lift or the moratorium is lifted at the end of 2019 to continue the phase 5A so what are we needing to make sure that we have proper documentation or Board approval or commissioners approval to kind of clear this up, right because I know Mr. Simpson, you want to have the Commission review of another extraordinary term lease, right, for the raceway. So, I just want to make sure that even before we entertain that and I know that's something that you want to further explore but we got to make sure that we clear out some of our open items. So, Attorney Toft, could you help us with that please.

Legal Counsel N. Toft: I'm sorry, I'm having trouble hearing what the legal question is?

Chairman J. Reyes, Jr.: Okay, so the question is given where we're at month to month the moratorium was lifted and the change in price from 2011 to 2019 went from one fifty to two dollar; what do we need to do to make sure that we document this correctly from the Board or the Commissions' respective and whether or not we need to do yearly or quarterly; what do we need to do here? If you can provide some guidance on that?

Legal Counsel N. Toft: Well currently, he has funds so we can do an amendment to the right of entry that discusses the price.

Chairman J. Reyes, Jr.: Okay. Amendment to the Right of Entry that discusses the price, okay. Seems *inaudible* Commissioner Santos? Commissioner Bordallo, do you have any questions here?

Commissioner A. Bordallo: Maybe Mr. Joey Cruz can explain, what's the rates we are getting or our rates through the Guam Racing.

Administrative Director J. Hattig, III: I'm sorry Commissioner Bordallo, currently Joey is on leave right now for medical so we'll be able to take your questions and forward your questions and get them answered.

Chairman J. Reyes, Jr.: Okay, maybe I mean Director Hattig, you can answer the commissioners' questions?

Administrative Director J. Hattig, III: Sure, it's our understanding that we're getting fifty percent according to the previous license. We get fifty percent of whatever the agreed upon rate would be; so if it were two dollars per cubic yard the CHamoru Land Trust would be getting one dollar per cubic yard from that.

Commissioner A. Bordallo: How long is that? How many years, is that 20 years already finished?

Administrative Director J. Hattig, III: The additional license expired in 2018 but the change of the rate per cubic yard, the last known prior to this was 2011 and then 2019 was the most recent one.

Commissioner A. Bordallo: So, what is the current now?

Administrative Director J. Hattig, III: It would stand two dollars per cubic yard.

Commissioner A. Bordallo: Okay and in the license too for that long period of time, do we have to go through the legislature for that?

Administrative Director J. Hattig, III: Yes, ma'am. It's an exceptional terms proposal and it would need approval from the Legislature.

Commissioner A. Bordallo: Do you have a proposal?

Administrative Director J. Hattig, III: A proposal was submitted...

Commissioner A. Bordallo: I'm sorry, Mr. Simpson has a proposal?

Administrative Director J. Hattig, III: The last proposal that was submitted I believe was submitted in 2020 and that was a proposed license and legislative form and it was sent to the commissioners also.

Commissioner A. Bordallo: And we didn't have *inaudible* at that time, right?

Administrative Director J. Hattig, III: No, ma'am, we did not.

Commissioner A. Bordallo: Okay, that's all I want to ask questions on.

Commissioner A. Santos: But it does state here on the facts that 2020 and 2020 who was it the Commission, on the back page July 9 a motion was made to approve a resolution that included a study of CHamoru Land Trust mineral extraction prior to granting approval of mineral extractions made which was passed.

Administrative Director J. Hattig, III: Correct.

Commissioner A. Santos: Everything, that happened?

Administrative Director J. Hattig, III: That was a motion to approve a resolution one of the *inaudible* would be to have a study done for mineral extraction but I don't know whether that's clear as to any new mineral extraction or any current mineral extraction that we've already undertaken.

Commissioner A. Santos: The study of...?

Administrative Director J. Hattig, III: Right.

Commissioner A. Santos: And that's what you've been giving us the information about, right? You've said Smithbridge as well as Hawaiian Rock gave you those two prices?

Mr. H. Simpson: Yeah, we try not to call it mineral extraction and that its excess graded materials we have to remove these materials to build the plan that we have and so because there are other areas around there where the same companies are trying to extract the materials whether they're ending up having *inaudible* for extracting material and sometimes our project gets mixed up with that and it makes it look like that we're *inaudible* even if we're not when what we're actually trying to do is build the facility there and because there's a large hill right in the middle of it that's where a lot of our material is coming from and we're probably about 75 to 80% finished with the grading and probably only 20% to 25% more to go till where we could actually build this facility and so once that's done, once where down to the levels of where we want to get to there won't be any more excess graded materials coming out of there. I know sometimes it's confusing and people get them mixed up on what's going on and everybody wants to end up without any holes on the ground and or big... we all need rock material but you need to do it in such a way to have usable area afterwards and so it was just kind of a win-win situation for us. We needed flat ground for the race track and there's a big hill in the middle and then we're going to take it down and give us the excess graded material price for it so in a way it worked out very well.

Chairman J. Reyes, Jr.: Thank you for that Mr. Simpson. Can I get... Mr. Hattig, can I get a clarification on this; I'm reading up on this, letter E, on June 6, 2019, at the regular CLTC Board meeting in which was made to allow Guam Racing Federation to continue to allow occupancy based on previous lease terms and a month to month based for six months, *inaudible* and then the sixth month from June is December and can you walk us through that because it doesn't seem likes it's floating well here.

Administrative Director J. Hattig, III: So, as I understand it, in June, the Board had decided to make sure that they would continue to occupy because the lease had expired in May of 2018. So that was the reason to allow the initial six months as an opportunity to work towards the renewal or the granting of a new term so in November prior to the end of this six months that's when they were granted a right of entry. So, the right of entry is really more to do somethings with the property from what I understand rather than to just occupy it. So that right of entry was approved then in December the right of entry was amended so it was supposed to be June 30th but they began the start date to be December 19th to June 30th of the next year. So, in a sense it extended the month-to-month licensure if you will so that we could again try to work out the details of any proposed extension or renewal or a grant of a new term and then also in the same meeting they had approved the right of entry the lifting of the moratorium on the graded material extraction of that specific zone which is indicated in the facts and only that specific zone was approved.

Chairman J. Reyes, Jr.: Okay, thank you. Any other questions, Commissioners? Commissioner Bordallo or Commissioner Santos?

Commissioner A. Bordallo: All I can say is that Mr. Simpson has been before us already twice and as far as... it needs legislative approval. I really don't know how to go about presenting this to the Legislature. Attorney Toft, can you guide us on this?

Legal Counsel N. Toft: Yeah, I mean this is what we've been through before is that the Legislature passed the first bill but it had a provision in it that forbid any sort of mineral

extraction. Mr. Simpson said that he cannot operate with that restriction on the lease so we punted it back to the Legislature we passed resolutions where the only thing that we can do as far as the long-term lease is wait for a legislative bill at this point and that they'll just add mineral extraction as one of the prohibit things.

Commissioner A. Bordallo: So the raceway cannot be completed then?

Legal Counsel N. Toft: I mean as it stands, we're doing this month-to-month thing that is not great for either party because...

Commissioner A. Bordallo: I know.

Commissioner A. Santos: Attorney Toft...

Commissioner A. Bordallo: How long is that, can I ask, on the legislature, how long is that... for the one to extract anything in government property?

Legal Counsel N. Toft: So, we cannot do a lease that authorizes mineral extraction without legislative approval.

Commissioner A. Bordallo: Oh, so they need, he needs to go and get the legislature to approve?

Legal Counsel N. Toft: Yeah.

Commissioner A. Bordallo: So, we can't do anything at this time? Am I correct?

Legal Counsel N. Toft: No, other than what we've been doing, yeah.

Commissioner A. Bordallo: So, I suggest maybe Mr. Simpson go to the Legislature and explain to them.

Administrative Director J. Hattig, III: Thank you, Mr. Chair and Commissioner Bordallo. If I could, Mr. Simpson did submit a proposed long-term lease and like I said, it was sent to the commissioners so that's something I think that Mr. Simpson wanted to do was come before the Commission and really work out the details of that before going to the Legislature but I can understand if Mr. Simpson, do you have any other information on *inaudible* a piece of legislation?

Mr. H. Simpson: No, it's the same one that we had done before but I think we worked out all the details with that one with Mr. Toft, and yourself and your staff and I think we worked out all of the details, I think it's just up to the Commission now to approve it and once the Commission approves it then it can go to the Legislature.

Chairman J. Reyes, Jr.: Okay. Understood. So, definitely that will be a part of the process, I wanted to you know the issue at hand, the one thing that we want to address here is the grading extraction and the cost that is one item. Again, just kind of viewing the documentation that we do have, it's changed twice now? 2011, 2019 is the most recent but we don't have any documentation for 2019, just what we have here....so, let's table the leasing part and focus on what do we need to do here to ensure that we have our documentation in place for this increased price, Mr. Simpson. Okay, so commissioners, any other questions here that we can ask either the Director or Mr. Simpson?

Administrative Director J. Hattig, III: Mr. Chairman?

Chairman J. Reyes, Jr.: Yes, Director.

Administrative Director J. Hattig, III: If I could also ask, can the Commission consider a motion to make the change now, or is that something that you would like to consider?

Chairman J. Reyes, Jr.: I'll leave it to our commissioners.

Commissioner A. Santos: Make the change for what?

Administrative Director J. Hattig, III: For the rate, per cubic yard that was discussed since we don't have any documentation, I know that Attorney Toft had suggested the right of

entry to include that; perhaps a motion can be made to do just that but to affirm what the rate will be and to also ensure that any rate increases must be approved by the Commission in the future and not as any part of escalation that's not in the previous license that is currently month to month. I just also want to state that in the 2005 *inaudible* at the dollar per cubic yard, I believe it was discussed at seventy-five cents of that dollar was to go to the CHamoru Land Trust and twenty-five cents was supposed to go to the racing federation as I understand it.

Commissioner A. Bordallo: Can Mr. Chairman Reyes...

Chairman J. Reyes, Jr.: Yes, ma'am.

Commissioner A. Bordallo: Can we... since we're having another meeting on April 22nd, am I correct?

Chairman J. Reyes, Jr.: Commissioner Bordallo, we would attempt to have a discussion with our Commissioners. It won't be on the 22nd, it'll be on the 29th. Just to make sure...

Commissioner A. Bordallo: May 9?

Chairman J. Reyes, Jr.: April 29th but on the agenda, yes, initially it was put on there for consideration but given that we did not from a timeline perspective to make sure that we get our ads published, our discussion or our recommendation would be to move it to the 29th instead of the 22nd.

Commissioner A. Bordallo: Okay, what I would suggest is can we review that proposal again and if Joey can give us what he had mentioned earlier that I questioned him; what has happened, when did the right of entry end? And everything like that, the facts before we make a decision.

Chairman J. Reyes, Jr.: Okay, so given that, if there's no objections then we will table this until our next meeting granted that we decided to push it to make it on to the 29th otherwise it'll be on our next scheduled meeting. Mr. Simpson, I don't think I have any other additional questions here as of right now. Attorney Toft, given that we probably will not be making a motion to document or capture the two-dollar rate today; do you see any issues with that or should we take the time to discuss that and make that a... and take action on that today?

Legal Counsel N. Toft: I'm sorry, what was that?

Chairman J. Reyes, Jr.: The question is, given that we want to table further discussion on this, on either the lease or additional information or details pertaining into the grading and extraction on that; is there anything that we should be putting forth as an action for the current two-dollar rate for the grading and extraction that is being conducted today?

Legal Counsel N. Toft: No, I don't think we can proceed today on that.

Chairman J. Reyes, Jr.: We don't need to? I can't hear you, sorry.

Legal Counsel N. Toft: Sorry, my connection is.... No, I don't think we... we should probably table it until Joey gets back and we get more information.

Chairman J. Reyes, Jr.: So, table it in its entirety as well even with the two-dollar current rate, correct?

Legal Counsel N. Toft: Yeah. Yeah.

Chairman J. Reyes, Jr.: Okay, I just want to be clear if there was anything that we needed to take action on the current rate from the change in 2019. Okay, with that said, thank you so much commissioners that was a good discussion and a walk through this. Mr. Simpson, as always, thank you so much for your time, taking time out to join us. To Commissioner Bordallo's point, we will take some of her inquiries, we documented that

and if there's any questions between now and then. The Director will reach out to you on when that will be and if there's any additional questions, he will also help steward that along with Mr. Cruz.

Commissioner A. Santos: Would you mind leaving a copy of what you're going to *inaudible*.

Mr. H. Simpson: Well, this is the lease that we've been working on and I really like to find out if that is ready to be approved by the Commission...and... it should be there, it should be in the same one.

Chairman J. Reyes, Jr.: Yeah, it's the same as what we have here.

Mr. H. Simpson: I'd like to ask when do you think that there would be a time that the Commission could vote on that lease.

Commissioner A. Santos: So... as Mr. Chairman stated earlier, we're going to discuss that and get with the inquiries that Commissioner Bordallo had stated, we're going to compile that and in our next meeting we'll address this. Thank you so much for your time.

Mr. H. Simpson: Thank you so much.

Chairman J. Reyes, Jr.: Thank you so much Mr. Simpson, appreciate your time.

Commissioner A. Bordallo: Mr. Chairman.

Chairman J. Reyes, Jr.: Yes.

Commissioner A. Bordallo: It's very static when you're talking and when... yeah, it's static. That's why I prefer we just wait until the next meeting.

Chairman J. Reyes, Jr.: Understood. Can you hear me now? Can you hear me better?

Commissioner A. Bordallo: Yes.

Chairman J. Reyes, Jr.: Yeah, Commissioner Bordallo, if it starts getting static again just, please stop us so we can try to work through those difficulties.

Commissioner A. Bordallo: I can hear Mr. Toft when he's talking very clear but from your side it's static and even when Mr. Simpson talked, it's very static. I don't know if the mics are interfering with each other.

Chairman J. Reyes, Jr.: How about now, is now okay?

Commissioner A. Bordallo: Yeah. I can hear.

Chairman J. Reyes, Jr.: Okay, thank you. Commissioner... my apologies. Attorney Toft, if there's any issues hearing us, please let us know.

Legal Counsel N. Toft: *inaudible*.

Chairman J. Reyes, Jr.: I'm sorry, Attorney Toft?

Legal Counsel N. Toft: Yes, I will.

Bill 36-36 (COR)

Chairman J. Reyes, Jr.: Okay, thank you. Okay, the next item on our agenda is just an update that I have or that we have for Bill No. 36-36. The last update that we know of is that it's still within the committee and that it should be heard soon. So that's the only update I have on that. If there's any additional...

Commissioner A. Santos: If I *inaudible* if you don't mind Mr. Chair, maybe I can proposal it's taking going back to the public hearing that they had and taking all the consideration into consideration, right, should we address this bill if it does intend to move forward. Speaking with the author of the bill and working because BSP, if I'm correct, BSP or was it... Director Hattig, do you remember who was in the public hearing? Was it BSP?

Administrative Director J. Hattig, III: To my knowledge, yes, Bureau Statistics and Plans.
Commissioner A. Santos: So, they suggested... or what is the one that deals with the land and the coastal area, is it coastal?
Administrative Director J. Hattig, III: It's BSP, coastal management is part of BSP.
Commissioner A. Santos: Okay, great. So, taking into their *inaudible* and them and their suggestions and if we do want to move forward there's also other things that I want to address too is the proposal for the amount *inaudible* getting those two quotes as it was stated in the law to... oh, I'm sorry, do you remember what they were talking about?
Administrative Director J. Hattig, III: Appraisals.
Commissioner A. Santos: Appraisals, right? Getting the two appraisals, it's just following the law, right and making sure that the Commissioner is *inaudible* will be getting the best out of this for our program. So that's what I just want the Commission to consider or to take into consideration.
Chairman J. Reyes, Jr.: Thank you so much Commissioner Santos. So what would you guys think we have if there's an opportunity to go back to the legislature we'll definitely get some updates on this. Thank you so much. Commissioner Bordallo, any questions on that?
Commissioner A. Bordallo: With the subject matter that you're discussing?
Chairman J. Reyes, Jr.: We're just giving an update on Bill 36-36 plus Commissioner Santos's additional comments on if we have an opportunity to go back to the Legislature...
Commissioner A. Bordallo: Oh, this is the submerge land?
Chairman J. Reyes, Jr.: Yes. Yes, ma'am and the update that I have is that it's still with the committee and it should get to the floor soon, I don't have any updates on...
Commissioner A. Bordallo: Well, that's up to the Legislature, right?
Chairman J. Reyes, Jr.: Yes, ma'am.
Commissioner A. Santos: Well not necessarily just the Legislature because we have an input too but there are amendments made by the Commission and proposed and submitted to the committee in which it was heard but within the public hearing there were other agencies put in their information in how to go about this where... but the Commission, we're speaking about ourselves right, we want to make sure that the program gets the best out of this proposal and we follow the law by doing it.
Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. Anything else or any other questions Commissioner Bordallo.
Commissioner A. Bordallo: I have no comments for now, I would like to read this thing carefully and see what the public has to say also.
Chairman J. Reyes, Jr.: Okay, thank you. Director Hattig?
Commissioner A. Bordallo: You wanted to get feedback so...
Chairman J. Reyes, Jr.: Yes. This one is similar to the bill Commissioner Bordallo, not our next step for our resolution. But yes, we're getting to that. Okay, thank you, anything else Saina?
Commissioner A. Bordallo: Not at this time for me.
Chairman J. Reyes, Jr.: Okay, thank you so much. Commissioner Santos?
Commissioner A. Santos: *inaudible*.
Chairman J. Reyes, Jr.: Okay, thank you so much. Okay, next up on the agenda, Mr. Hattig?

Oka Point Committee

Administrative Director J. Hattig, III: Thank you, Mr. Chairman so we have the presentation of Oka Point Committee report. As you recall, the Commission authorized that the Committee get together and review certain facts surrounding the lot that is known as Oka Point in Tamuning, the old Guam Memorial Hospital area and we submitted the report as part of the March 18th meeting and we also submitted attached documents to specifically maps and other *inaudible* documents that help to determine the chronology of that particular parcel and then also the committee which was made up of the CHamoru Land Trust, the Department of Land Management and the Guam Economic Development Authority also as well as the Legal Counsel that's developed its responses for specific items. First being the legal encumbrances if there are any prior to proceeding with any development on the property. Also, the *inaudible* to Public 25-179 which initially provided for that development and then the legal description right now and what is the process and the status of the legal description and then of course the cultural significance and the geographic location of the property. So, the committee has established a report subject to questions from the Commission and we also submitted a further amended document which is submitted by the previous land owner the representative of the previous land owner had submitted a claim of interest I should say and we do have him available for the Commission if any.

Chairman J. Reyes, Jr.: Director Hattig, I know with the authorization of the Board to put a committee together with GEDA as well, but could you give us as well for the sake of discussion; could you give us a summary of what was initiated in those discussion and where have you landed etc..... just so that along with Commissioner Bordallo, myself and Commissioner Santos.

Administrative Director J. Hattig, III: Okay. So, I'm basically going to take from their report. So, we had received some unsolicited proposals related to the commercial lease or license regarding this lot and so the Oka Point Committee was formed...

Chairman J. Reyes, Jr.: Sorry to interrupt, I just want to make sure that everyone on the google line can hear us? Commissioner Bordallo, can you hear us?

Commissioner A. Bordallo: I can hear but it's static with the Director Hattig.

Chairman J. Reyes, Jr.: Director can you, yeah.

Administrative Director J. Hattig, III: How about now, Commissioner? Is everything okay now?

Commissioner A. Bordallo: Yeah, I can hear you.

Administrative Director J. Hattig, III: Okay so the Oka Point Committee was focused on several points as I mentioned before; number one was coming up with a chronology of the property and also determining if there were any legal encumbrances prior to commercial development of the property and that it may be proposed. Currently, right now, with respect to the legal encumbrances there were two legal issues that arose during the examination of the title, the first is the claim of interest and the second was Public Law 21-179; the claim of interest was a document that was filed by representative of the former land owner who claimed that the sale of the lot was done with the understanding and the intent that it would be used as a hospital facility. This was filed along with an affidavit from former Governor Skinner who stated that there was an intention to pass along heavy equipment to the previous owner but those plans did not come to provision under the statute of prods all the encumbrances must be in writing,

the deed that transfers the subject lot to the Government of Guam as in attached Exhibit 5 recorded under document number 238817 has no mention of the requirement that can be used as a hospital facility or that there was any other consideration to be paid other than the cash amount that was given to the previous property owner and if legal action was to be taken to attempt to enforce the provisions it is unlikely that it would be... it would survive a summary motion at the onset of the proceedings. So, this comes from our legal counsel who provided the information based on the review of the documents for the legal encumbrances. The second was Public Law 21-179; was an authorization from the legislature to the CLTC to enter into long term commercial leases or the lots described at the Oka Point. Though it is still in effect and has no expiration; these lots as described no longer exist, the remaining portions of the law that could conceivable survive due to severability are no more restrictive than existing CLTC Rules and Regulations from commercial and those that would conflict the newer rules and regs would control Public Law 21-179 thus that's no effect on the CLTC ability to market and lease the subject lot. So, because things have changed since the inception of the enactment, we can still proceed if the Commission would like to proceed in that direction *inaudible* so that was the first report on the legal encumbrances. Would you like me to continue?

Chairman J. Reyes, Jr.: Well first, I would like to acknowledge the presence of Mr. Perez. Mr. Perez, thank you so much for joining us today. So right now, Mr. Hattig is just giving us Commission a briefing of the committee's reports and findings and then we can give you an opportunity to address the Commission as well, Sir. Si Yu'os Ma'åse for your patience. Okay, so Director Hattig, just to be clear, this same property is where the proposed national shrine... Naftan?

Administrative Director J. Hattig, III: Yes, it is adjacent and there was a public law as stated in the report that actually used a portion of the property for the shrine itself so to be carved out.

Chairman J. Reyes, Jr.: So, within the same and also is where currently is the Chamorro Cultural Center?

Administrative Director J. Hattig, III: Correct and that's on a separate lot but it is adjacent on a larger lot.

Chairman J. Reyes, Jr.: The larger lot within the same cliff?

Administrative Director J. Hattig, III: Yes.

Chairman J. Reyes, Jr.: Did you have any questions? Please continue, sorry.

Commissioner A. Santos: Melvin are you trying to pull up the map? If you don't mind, can you pull it up please so everyone can have a look at it? So, we'll know what to reference it too. Thank you.

Administrative Director J. Hattig, III: And to the Chairman's point on the legal description since we brought that up. So, there's two parcels, right, that are *inaudible* around the area, there's a larger portion and a smaller portion and they were indicated as described as Lot 5173-1-R2NEW-3 and that was attached, Exhibit 6 a resub-division survey map that was recorded and Lot 5173-1-R2NEW-R7 which was also provided in Exhibit 4 on a consolidation and a re-parceling map that was unrecorded. So, the Department of Land Management is working on the legal technical description for the property, the survey of up to five acres granted for the CHamoru National Shrine has not been completed as of yet. The initial and I'll refer also to the survey team, Mr. Castro and Mr. Javier but from

what I understand there was an initial survey that was done for the shrine; is that correct?

Engineering Technician II Pierce Castro: Yes, that was correct but like you said, the law granted up to five acres and then the contracted architect gave us this plan right here.

Engineering Technician II Melvin Javier: Okay, on this plan, this was the initial 2.5 acres and then the new five-acre plan that is going through that new public law is this blue line. That's the five acres.

Administrative Director J. Hattig, III: Currently right now it's still in progress.

Engineering Technician II M. Javier: And this is the proposed shrine building that they came up with of a drawing.

Administrative Director J. Hattig, III: So currently right now that is the status update on the parcel itself and the changes it may go through in terms of acreage given in the public law that was passed for the shrine. DLM also recommended a consolidation of some additional lots; Lots 10172 which was in Exhibit 7 and Lot 10175 which was also included in Exhibit 8 as well as another smaller lot called the devils punch bowl or Lot 5174-REM-2-R2 again submitted in Exhibit 9 and they suggest that if we consolidate all of these lots it would probably give... add a commercial value to any proposal the Commission might consider for this area but they do point out that the correction of lot or what was supposed to be Lot 10172 in the original legislation recognized it as such so it used to be called Lot 1072 by mistake but it is Lot 10172 and then there may be a *inaudible* led by DLM to perhaps declare certain area a cultural zone due to location on a fault line and possible unusable portions for any kind of development so the Director of Land Management wanted to make sure that we were advised of such that perhaps could be sought as a cultural zone, portions of it because its geographic nature on the fault line and then finally to cap it off is the cultural significance obviously of the site as you mentioned Mr. Chairman a portion was set aside for the Naftan Mañaina-ta, the CHamoru National Shrine and also Public Law 33-204 sets parcels aside for a CHamoru Cultural Center that is currently located adjacent to the area as well. So, there's much cultural significance to this area in Oka Point and then finally it lies on a natural volcanic fault line and that may have an effect on any activities that might be done to develop the property and it was postulated that the large rock on which the site was currently situated is a natural topographic mirror of the site at Two Lovers Point so it encompasses the Tumon Bay in a crescent shape, a crescent moon shape outline. So that's basically the report in a nutshell the chronology is there as to the questions of the deed of the property the sale of the property and then its acquisition. I think that's all that we have at this point.

Chairman J. Reyes, Jr.: I did have one more question in regards to this current lease. This is still in GEDA's inventory, correct? In managing or for the CHamoru Land Trust?

Administrative Director J. Hattig, III: Yes, that is correct.

Chairman J. Reyes, Jr.: Commissioners, Commissioner Bordallo or Commissioner Santos, any questions?

Commissioner A. Bordallo: I have a question on the chronology on October 1951 the sale of parcel hundred and seventy-three thousand forty-nine-point ninety-eight square meters of lot 5173 to the Government of Guam with hand written notes from Mr. F Perez for sixty-one pieces equipment promised by the government. Was that the only thing that... there was no cash exchange?

Administrative Director J. Hattig, III: There was a sell from what I understand right at the beginning it sale of parcel so there was a sell from what I understand.
Legal Counsel N. Toft: Yes, it was just over fifty thousand dollars.
Commissioner A. Bordallo: Oh, fifty thousand, okay. Just wanted to find out on that. That's my question. Mr. Toft, has the Perez family seen this report that the committee had done?
Legal Counsel N. Toft: I do not know whether the Perez family has seen the report or not.
Administrative Director J. Hattig, III: Commissioner Bordallo, no and the report has not been shared with the Perez family yet. It's been presented to the Commission.
Commissioner A. Bordallo: So, what is it that we or you want us.... is this just for informational?
Administrative Director J. Hattig, III: Yes, ma'am. So, the intent was just to make sure that we make clear with the chronology and any legal encumbrances before we undertake any kind of activity on the property as it is mentioned by the Chairman it is in GEDA's inventory for commercial lease or license.
Commissioner A. Bordallo: But none of the Perez family has come before CHamoru Land Trust?
Chairman J. Reyes, Jr.: So, Commissioner Bordallo yes, we do I have I believe Mr. Greg Perez, yes Mr. Greg Perez today, he did join us, he is here in person and I think this is where I would want to interject to give Mr. Perez an opportunity to address the Commission. Is that okay with you?
Commissioner A. Bordallo: It's okay with me but you know this report, I think it would be appropriate if he reads this and as an understanding and if Attorney Toft agrees to giving this information to him so he can see where CHamoru Land Trust is coming from.
Chairman J. Reyes, Jr.: Yes, understood and definitely the initial dissemination of this report was disbursed to the Commission and the intent is to give Mr. Perez a copy of it granted there's no objections from Attorney Toft to your point but I don't believe so. Attorney Toft, could you confirm?
Legal Counsel N. Toft: Yeah, that'll be fine. It's not confidential information. It's all publicly available.
Chairman J. Reyes, Jr.: Okay and we organized it and put it in chronology form, okay, thank you so much. Commissioner Bordallo, you can still hear us, correct? I'm going to turn it over to Mr. Perez. Mr. Perez, thank you so much for joining us today and thank you for your time. Could we make sure the mic is on.
Mr. Greg Perez: First of all, thank you Mr. Chairman and members of the Commission, Ms. Bordallo. I've come before you and try to *inaudible* resolve the claim of interest in a beneficial way and so we would like to take a look at the findings and some of the reports that you've received and perhaps have an opportunity to meet again in the future after you've had the chance to review and then again look for options.
Chairman J. Reyes, Jr.: Okay, thank you so much sir. So yes, Director Hattig will forward you a copy of the report and then he will give you the opportunity to take a look at with your family and then please connect with Director Hattig on when you're ready to come before us again to discuss. And any additional questions sir?
Mr. G. Perez: No, I just want to say thank you again. We want to be able to work with the Commission and everybody that's involved and we look forward to a solution.

Chairman J. Reyes, Jr.: Okay, thank you so much again. Commissioner Bordallo or Commissioner Santos, any other questions?
Commissioner A. Santos: Thank you, Mr. Perez.
Chairman J. Reyes, Jr.: Okay cool. Thank you again si Yu'os Ma'åse Mr. Perez. So, Director Hattig will be in contact with you.
Mr. G. Perez: Thank you.
All: Thank you, sir.
Chairman J. Reyes, Jr.: Alright, next item on the agenda. I would like to pass it over to Director Hattig.

Proposed Resolution on Submerged Lands
Administrative Director J. Hattig, III: Thank you Mr. Chairman so I just have the initial testimony from the two public hearings on the Resolution to declare submerged lands to be for agricultural, aquacultural or commercial use has been submitted to the Commission so it was taken to consideration all of the testimonies as Commissioner Santos had stated. We did have testimony from BSP and we also had testimony, written testimony was submitted by Department of Agriculture so officially we submitted all the testimony for consideration and whenever the Commission would like to bring it to the agenda again, we would ready for any kind of action at the time. That's all that I have regarding the submerged land.
Chairman J. Reyes, Jr.: Okay thank you so much. I would like, I think, if I may I go first just to address this. I think that we should have the opportunity to review first before we make any further action, secondly, I think that was my first public hearing in regards to getting a motion through with the Commission in regards to furthering our potential that is or amendments to the submerged lands leasing for the Commission and I think that we have some areas of opportunity and how we could have better present it or addressed it and understanding that it was a format that we were going with at that time but just to add to the Commissioners we have the opportunity to give review and review the testimonies but also may be take another stand and *inaudible* public hearing maybe in addition to more information as well and for the public. I'll pass it over now to Commissioner Santos, I just wanted to add that.
Commissioner A. Santos: Director, do we have copies of any of the testimonies?
Administrative Director J. Hattig, III: It was sent to you as part of the packet. The original meeting that was for March I believe.
Land Agent I T. Tainatongo: *inaudible*.
Administrative Director J. Hattig, III: No. No, I'm talking about the testimony that was sent in the electronic packet because it's so lengthy we don't have it printed currently but I believe that was to be included in the commissioners' packets and if it wasn't then I apologize and it would be included in the... it was the intent for us to submit that during the March meeting but if it wasn't then I'll make sure that it gets done.
Chairman J. Reyes, Jr.: It's fine. I have copy but we'll make sure that Commissioner Santos gets a copy and we'll confirm if Saina Bordallo has a copy and if not then we'll get that over to them. So, at this time, if there's no objections from our commissioners, we would table this until either next month or the following meeting so we have time to review and then also what I would ask our commissioners to think about is given that was our first

public hearing in regards to submerged lands and we would... something to consider, what would our next steps be? Okay? Commissioner Bordallo, any questions on this one?
Commissioner A. Bordallo: Is this on the submerged lands?
Chairman J. Reyes, Jr.: Yes, it was for our public hearings so my recommendations are to table it for us to be able to review and make sure that you guys have a copy but I also ask that you guys, if our commissioners can consider what would our next steps be given that it was our first public hearing in relation to and the submerge lands process.
Commissioner A. Bordallo: I always wondered about the submerged lands; is that under the jurisdiction of the federal?
Chairman J. Reyes, Jr.: Right, so the submerged lands that are under Government of Guam is now in the CLTC inventory and there's documentation as well for that that we can provide to you. So, I'll have the Director connect with you, Saina and give you of course the testimonies plus any other documentation that you would like to see.
Commissioner A. Bordallo: Okay.
Chairman J. Reyes, Jr.: Anything else.
Commissioner A. Bordallo: That's fine. No.
Chairman J. Reyes, Jr.: Okay, alright, thank you, Commissioner Bordallo. All good, Commissioner Santos?
Commissioner A. Santos: Yes.
Chairman J. Reyes, Jr.: Si Yu'os Ma'åse'. Okay. Before we go into our next item, the time is 3:47 p.m. if we could take a quick ten-minute break and then we'll reconvene. Alright, the time is 3:47 p.m. let's take ten minutes 3:57 p.m. we'll reconvene, thank you.

Break 3:47p.m. – 3:57p.m.

Chairman J. Reyes, Jr.: Commissioner Bordallo could you test your audio.
Commissioner A. Bordallo: I'm here.
Chairman J. Reyes, Jr.: Okay, thank you so much. Attorney Toft, can you hear us, okay?
Legal Counsel N. Toft: I can hear you, yes.
Chairman J. Reyes, Jr.: Okay thanks so much and everyone is here. Alright so we'll go ahead and resume the time is 3:59p.m. Okay, Mr. Hattig, I'll pass this on to you.

Tata Communications
Administrative Director J. Hattig, III: Thank you, Mr. Chairman. So, the next item on the agenda is the request for Tata Communications to officially renew its commercial license with the Trust so Joey Cruz has provided a report for this particular agenda item and on it are the facts and chronology with regards to the previous license which is expected to expire in September, September 30th to be exact so we're *inaudible* at Tata's request and we provided the findings that in the event that a designated available land as an existing commercial activity by virtue of a previous authorization this *inaudible* should not be interpreted to invalidate existing commercial leases or licenses where the lessee or licensee has not defaulted at the expiration of the lease or license and all options to renew on that lease or license the CLTC shall reconsider its designation as available and comply with all other provisions with the act so that is the 75 – 122 that was provided and then the recommendation is given 75 22 under term of Tata Communications Commercial License states in no event shall the term of this agreement and any other and any thereof

exceed twenty-one years Tata Communications Commercial License was for a term of twenty-one years and considering the commercial license details and commercial license shall not expire shall not exceed, excuse me, twenty-one year recommendation will be to grant a one year extension requested by Tata Communications through letter dated January 21st of this year and that it was forwarded to Attorney Toft and he responded that it is good and that is our recommendation and we have representatives of Tata Communications on the google meet call and we also provided or Mr. Cruz did a statement, the financial statement of the transactions from 2014 until the present with regards to the amounts and then also the two letters that were dated, January 21st and January 24th. Well January 24th of 2020 and then January 21st of 2021 with regards to requesting for the extension or renewal.

Chairman J. Reyes, Jr.: Okay, thank you so much Director Hattig. I'll turn it over to the Commissioners. Any questions to begin with?

Commissioner A. Bordallo: Well, what is the recommendation of Mr. Toft, the attorney? Can we give the one-year extension?

Legal Counsel N. Toft: Yes, but the Board just has to vote on it, yes.

Commissioner A. Bordallo: Okay. I have no problems; we can extend the lease for one year.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Commissioner Santos?

Commissioner A. Santos: Is this part of the submerged lands?

Administrative Director J. Hattig, III: It is, in terms of the undersea cabling that Tata does have. So yes, it is related.

Commissioner A. Santos: Attorney Toft, if you don't mind clarifying just for my knowledge and maybe also the Commissioners as well. Is there... what is the law with the rate that they're being charged and considering that GTA is asking for pretty much the same; what would be the best way to go about this to consider that and make sure that the program, the Land Trust program benefits at its greatest.

Legal Counsel N. Toft: So, what we're looking at is that Tata would like to seek a longer-term lease similar to what GTA is doing. Currently the law would require us to go through a competitive bidding process but we're in talks with the legislature to kind of advice the law to allow a little better flexibility so that the Trust can kind of enter into these contracts without some of the... it's kind of using the wrong type of instrument as far as the commercial laws are concerned and we've had issues with the ability to get any sort of appraisals on submerged lands and these concerns are in front of the Legislature currently on that GTA Bill in 36-36 so what this does, this extension would basically buy us a little time to either work on the amendment to the law or if need be to work on a RFP or IFP on the submerge lands that the cable currently sits on and work towards a longer term lease.

Commissioner A. Santos: How big of a company... do you know how big of a company Tata Communications is compared to GTA?

Legal Counsel N. Toft: Tata is a fairly large company it's not well known stateside because it's more of a South Asian Corporation but it's a sizeable company as well in the communications field.

Commissioner A. Santos: I guess what I'm pretty much asking is to be fair across the board, right, GTA is coming to us with a proposal for another parcel and here we have a similar company who's already got a lease with us. If Commissioner Bordallo has

something.... I'm thinking about my next question. If Commissioner Bordallo would like to ask anything.

Commissioner A. Bordallo: What is the question?

Commissioner A. Santos: Ahe', kao guaha question-mu?

Commissioner A. Bordallo: Taya. You know they put that cable line down on the sea and it's right there in Talifac so one year like Attorney Toft says it takes a while to prepare another lease and with this Bill the 36-36 it hasn't yet been... it's just on the beginning stage.

Chairman J. Reyes, Jr.: Okay, thank you Commissioner Bordallo. Commissioner Santos, anything else? I don't have any questions in regards to us taking it into consideration an extension of one year for us to be able to work through negotiations of another lease and to Attorney Toft's point on what needs to be done and how to manage this. So, I think this meeting just for clarification is that is the existing square meters for Tata Communications is the 6 x 320 which is 178 square meters and there's no... anything to consider for the next term, any larger piece or shrinking the current square meters and I pose that to the Tata Representatives.

Mr. Lang Benson: There's no change it's just renewing the existing lease and there would be no change in footprint.

Chairman J. Reyes, Jr.: I'm sorry, Director Hattig?

Administrative Director J. Hattig, III: I'm sorry, Mr. Benson could you just identify yourself and your... for the record.

Mr. L. Benson: I'm sorry, I'm not too good at these things. I'm Lang Benson I'm the Local Manager for Tata Communications.

Chairman J. Reyes, Jr.: Cool, thank you Mr. Benson.

Mr. L. Benson: You're welcome.

Chairman J. Reyes, Jr.: Commissioner Santos?

Commissioner A. Santos: I guess this could be for Mr. Benson. You just recently stated that there's no expansion or there's no... it's just a renewal of the lease that you're looking forward to?

Mr. L. Benson: Yes.

Commissioner A. Santos: Mr. Chairman and Commissioner Bordallo, I would like to table this item.

Commissioner A. Bordallo: I want to ask a question to the manager.

Chairman J. Reyes, Jr.: Yes, Commissioner Bordallo.

Commissioner A. Bordallo: There is no dredging now, right?

Mr. L. Benson: The only dredging Commissioner Bordallo was done when it was initially constructed in about 2000 – 2001 and at that time, it's a dead reef, the submerged land there is a dead reef I think it's because it's so close to the river but it was excavated and the piping was installed and then the excavation was filled back in. It's buried steeled pipes that go through the reef and then they reach concrete bulkhead where the undersea cables enter but there's no change to the configuration and all of the related construction was completed about 20 years ago. So, it's a little different than the GTA. I believe, GTA it also involves new construction but this is just renewal of an existing lease it's already developed as far as that would be concerned.

Commissioner A. Bordallo: Okay, thank you.

Mr. L. Benson: You're welcome.

Chairman J. Reyes, Jr.: Mr. Benson, I just want to make *inaudible* of documentation. So, we're exiting a twenty-year lease and wanting to renew but what's the life span on the current or existing *inaudible* and infrastructure for that cable being under...

Mr. L. Benson: I'm not sure, honestly, I could find out and get some comment on that. The undersea systems themselves are typically warranted and advertised for twenty-five-year service life but that's a little bit, that's the systems that are using this piping to make the transition from the ocean to the land. It's just buried cast iron pipe; I can give you more details of the construction if you like but I can't see how it would really degrade. It's like I said, it's all buried.

Chairman J. Reyes, Jr.: Understood. Thank you. I was just curious on that on the....

Commissioner A. Santos: Mr. Attorney Toft?

Legal Counsel N. Toft: Yes.

Commissioner A. Santos: I guess my follow up or my next question would be are we getting or are we benefitting or is the Land Trust program benefitting at its best interest with this lease as it stands right now?

Legal Counsel N. Toft: Yes. I mean there's also an addition to the cash that the Land Trust is receiving there's also the benefit of the cable itself really. Not... well the more cables that Guam has the more attractive it is as a business location, the more stable our internet connection is to the rest of the world. You saw what happened with Saipan, I don't know if it was two or three years ago when they got their one cable clipped and they were basically out of internet for a couple of weeks maybe a month something like that. So yeah, it's something that not only benefits the Trust but really the whole island.

Commissioner A. Santos: I understand that but I guess with the lease agreement and their annual rent... I mean let's specify, with their annual rent are we receiving the best to the program of the benefits. *inaudible* but after you please, Attorney Toft.

Legal Counsel N. Toft: I'm sorry, what was the question on that again, I only caught part of that.

Commissioner A. Santos: The rental rate that we are *inaudible* Tata Communications; is it to the best for the Trust?

Legal Counsel N. Toft: This is a rate that was negotiated again in 2000 at the original time, the extension would continue that for one year and what that does it gives us time to decide our next move, whether we want to open it to bidding, whether we want to take it to the legislature and work on long term lease. It basically gives us a little bit of a cushion to work with to make our next move to a long-term solution.

Commissioner A. Santos: When does their lease expire right now?

Legal Counsel N. Toft: I believe September of this year I want to say.

Mr. L. Benson: Yes, that's correct.

Legal Counsel N. Toft: And then the option on it is for a one-year extension and then after that point they would need a new lease or we can open it up to a competitive bid again we have many options available to us.

Commissioner A. Santos: Right. Right. So, we don't need to... we do not need to act upon this today?

Legal Counsel N. Toft: Not today but if at some point they need to make a long-term plan as well whether or not they're going to do any sort of bidding or whether they need to look at potentially other cable locations so it's a...

Mr. L. Benson: This is Lang Benson; may I speak again? We have some potential upcoming projects that would we're planning to land there and it would greatly expand the resilience of the communications systems here as someone mentioned earlier and most of these systems have huge budgets as you can imagine and so it's important that they know they have some knowledge of the viability of this site. So, we also have systems currently landing there that feed Micronesia. One of them provides the Marshall Islands and the other one provides FSM with communications.

Commissioner A. Santos: That's great to know. Thank you, Mr. Benson. So, you said there are no future expansions but there are going to be upgrades to this area soon? Is that what you just finish saying?

Mr. L. Benson: It would be another cable landing but the existing... it's an existing conduit system. It's a marine war, it's an existing piping so they would... the pipes are capped, the unused ones are capped so all that would happen is the cable would be laid undersea on the seafloor and then it would enter through the existing war pipe and then make the transition through terrestrial cable.

Commissioner A. Santos: Thank you. So, Attorney Toft taking all of that into consideration can I guess ask another question. Is it feasible to raise their annual rent?

Legal Counsel N. Toft: Currently, no because the way the lease is written is that we would have the option for the one-year extension at the current rate. We do not have the ability to modify that... yeah, it's not negotiating a new lease it's just that it would be a one-year extension on the existing lease.

Chairman J. Reyes, Jr.: Okay, yes thank you for that information Attorney Toft. It's just a.... I just want to also clarify a point that Commissioner Santos asking or making just to make sure that we're applying here is that an extension would not raise or decrease the rental fee however you would have the opportunity and correct me if I'm wrong Commissioner Santos is that in negotiating the lease, the long term lease a second lease you would then have that ability to reassess that, is that correct? Attorney Toft?

Legal Counsel N. Toft: Yes, that's correct. That's one of the options.

Chairman J. Reyes, Jr.: Amongst others. Okay thank you sir. Commissioner Santos?

Commissioner A. Santos: I guess what I'm asking is, if long-term is what the company is seeking the cables, I'm sorry what did you say, the piping? The piping is already there so this is something to consider, if it's available, Attorney Toft? Is waiting... look at all the other options, if they're requesting for an extension why don't we just reevaluate the lease at this point, how possible is that within the accordance of the law to do that and then come up with because GTA is coming forward to us, right, with the same proposal for the same service undersea cables. We have to get two appraisals for that, considering Tata Communications already has a lease with us, they're seeking a long-term lease, how feasible is it or is it possible to reevaluate the lease, appraise on the land so we can with the intention of providing that long term lease from this point on instead of waiting for it... given a year extension and then granting that at that time. Why don't we just address it right now, amend their lease, I guess that's what I'm proposing right now to the Commission and Attorney Toft, is that okay in accordance to the law?

Legal Counsel N. Toft: So, there is an option potentially to maybe go to the legislature and try to staple this into the existing GTA Bill and get basically a two for one if the Commission is so inclined. The issue we have is that this lease terminates at the end of the twenty-one-year period. So, we can't just kind of take the lease and then staple

another twenty-one years on to it. We would have to take it either a competitive bid under the Commercial Rules and Regs which would be kind of unwieldly or go to the legislature one of the two. So, the idea of giving a one-year extension was to give us more time to work with but again we could do both of giving them an extension and going to the Legislature at the same time.

Chairman J. Reyes, Jr.: Yeah, I understand the points... my thoughts are it's going to take a number of times for us to draft maybe a lease granted that the lease does end in September of this year. So, if the.... Go ahead Commissioner Bordallo.

Commissioner A. Bordallo: If you read the Tata Communications' facts the facts that Joey Cruz prepared, he has... the fact A and the facts G, if you look at that, Tata has been paying an annual rent of five thousand dollars which is two hundred and eight percent greater than the recommended rate from the Captain, Hutapea & Associates that prepared in 2008 and this is for a six foot by 320 foot which is 178± square meters.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Commissioner Santos, any additional questions?

Commissioner A. Santos: I guess where I'm trying to go is.... We want to get the best where the Trust's program, we want to get the best interest out of this and to my understanding Eileen was supposed to do a presentation on this one. Can we go ahead and get her to do that?

Chairman J. Reyes, Jr.: Ms. Eileen, can you hear us?

Commissioner A. Santos: Can I ask what is the rate that GTA is paying and how big is the submerged land are they going to pay?

Chairman J. Reyes, Jr.: I don't have that readily available in front of me, Director Hattig, do you?

Administrative Director J. Hattig, III: I'm sorry, no, I don't have that in front of me as well. We can get that information to you Commissioner Bordallo.

Chairman J. Reyes, Jr.: Ms. Eileen can you hear us?

Land Agent II E. Chargualaf: Yes, Sir I'm right here. Okay, this report was presented by I mean prepared by Joey Cruz and here are the facts. On February 25, 2009, the CHamoru Land Trust Commission and Tata Communications' Guam, LLC. Entered into a twenty-year commercial license agreement for a 6ft. by 320ft or 120 square meters plus or minus section of the Talifac Reef Flat adjacent to and abutting Lots 301-A-1 and 301-A-2 Agat, Guam. The license was retro actively effective as of October 1st 2001, on the terms on number two rates in no events shall the term of this agreement and any thereof exceed twenty-one years provided however that licensee shall if permitted by law have the right to seek a new license agreement upon the expiration on the term on this agreement as it may extended. On September 10, 2008, Captain Hutapea and Associates (CHA) prepared and submitted a consulting letter regarding the Marine Cable Raceway Landing Site Agat, Island of Guam recommending a rental rate of two thousand four ($2,400.00) hundred dollars per year. Annual rental payments, five thousand dollars ($5,000.00), rent rate is two hundred- and eight-point thirty three percent (208.33%) greater than the recommended rate of CHA. Item number four, termination reads, upon termination of this agreement and or expiration of twenty-one years unless the length of the permitted term is extended by law. This agreement shall become null and void except that licensor may enforce any and all obligations of licensee arising out of acts or omissions occurring prior to such termination or expiration. At midnight on September 30th, I believe this is

supposed to be 2021, Tata Communications Guam, LLC. Commercial license will expire. On January 24, 2020, the Law office of Blair, Sterling, Johnson and Martinez, P.C. submitted a letter regarding renewal of Tata Communications Guam, LLC Commercial License. On January 21, 2021, the Law Office of Blair, Sterling, Johnson and Martinez P.C. submitted a letter regarding a one-year extension Tata Communications Guam LLC, Commercial License has no accounts receivable balance. Findings: Subsection (c)(2), Chapter 75, Title 21, Guam Code Annotated reads in the event that a designated available land has an existing commercial activity by virtue of a previous authorization, this Act shall not be interpreted to invalidate existing commercial leases or licenses where the lessee or licensee has not defaulted the entire term of the lease or license, and lessee or licensee has complied within the laws of Guam and the expiration of the lease or license and all options to renew that lease or license the CLTC shall consider its designation as available land and comply with all other provisions of this Act. Recommendations: Subsection 75122, Chapter 75, Title 21, Guam Code Annotated does not authorize an expired commercial lease or license to renew unless the options are detailed in the lease or license and such options are exercised. Under number two, term of Tata Communications Commercial License it states; in no event shall the term of this agreement and any thereof exceed twenty-one years, Tata Communication Commercial License was for a term of twenty-years and considering that the commercial license details that the commercial license shall not exceed twenty-one years. The recommendation will be to grant the one-year extension requested by Tata Communications to the letter dated January 21, 2021, if Attorney Toft agrees that the interpretation and application of all facts and findings have been applied legally. Forward to Attorney Toft for review on March 8, 2021. Attorney Toft responded on March 8, 2021 that staff report is good. Attached are statements of accounts receivable and they have a zero balance and there's also an attachment of the Law Office of Blair, Sterling, Johnson & Martinez dated January 21, 2021, and also another letter that's attached which was dated January 24, 2020.

Commissioner A. Santos: Thank you, Ms. Eileen.

Land Agent II E. Chargualaf: That's all I have to report.

Chairman J. Reyes, Jr.: Thank you, Ms. Eileen. Commissioner Santos? Any questions on that? Okay, so given where we're at right now, thank you Commissioners for your time and questions, I would like to take your.... how would you like to proceed?

Commissioner A. Santos: Commissioner Bordallo?

Commissioner A. Bordallo: Our next meeting is when?

Chairman J. Reyes, Jr.: So, we will discuss when our next meeting will be recommendation or for consideration is April 29.

Commissioner A. Bordallo: If Commissioner Santos wants to postpone until the next meeting, that's fine with me.

Commissioner A. Santos: Joey is the one that wrote this report?

Administrative Director J. Hattig, III: Yes.

Commissioner A. Santos: I retract my suggestion to save it until the next meeting. Unless you have some concerns Commissioner Bordallo.

Commissioner A. Bordallo: I have no questions.

Chairman J. Reyes, Jr.: So how would we like to proceed? I think what's before us, is for the Commission to decide on whether or not we would make a motion or action a one-

year extension from the expiration from September 30, 2021, which would then according to what Mr. Toft has shared allow us to figure out some of the options that we have in regards to the next twenty-one-year lease. So that's kind of I think right now our option whether or not we take action on that or we decide to table it, we could do a little more research to move to the next meet. I'll put it to our Commissioners to on whether or not we motion on it. Commissioners no pressure, just want to make sure that Commissioner Bordallo, Commissioner Santos, if there's anything else.

Commissioner A. Bordallo: I understand the concerns of Commissioner Santos giving an extension and all. I understand where she's coming from. This is just for one year so they can prepare if there is going to be another twenty-one years like Attorney Toft has said, they would have to go through an RFP first and that would be open to everyone and it would be competitive bidding so that's how I see things.

Commissioner A. Santos: Within the last, has it been already, this is the twentieth year into the lease, correct, Mr. Benson?

Mr. L. Benson: Yes, yes. Part of the lease was retroactive but yes.

Commissioner A. Santos: Okay.

Mr. L. Benson: But we paid our rent on time.

Commissioner A. Santos: I see. I see, I took that into consideration. I see it, with that, I have no further any questions. Commissioner Bordallo, if you would like to make the motion *inaudible*.

Commissioner A. Bordallo: Okay, I would like to make a motion to give a one-year extension to Tata's Communication that would be 'til September 30th 2021. Am I correct?

Commissioner A. Santos: 2022.

Commissioner A. Bordallo: Oh, 2022, sorry, to September 30th 2022, Tata Communications Guam, LLC.

Commissioner A. Santos: And I just want to make it clear that throughout this time *inaudible*.

Commissioner A. Bordallo: Yeah, that's on the cable under submerge land in Talifac Agat where the Spanish Bridge.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. I just to be clear and maybe Commissioner Bordallo you would restate your motion. Just to be clear, the motion is that the one-year lease begins after the expiration, correct, which is going to be September 30, 2021 so 10. 1.2021, October 1st 2021 through September 30, 2022, is that correct? Attorney Toft, just for clarification.

Legal Counsel N. Toft: Yes, that's correct.

Chairman J. Reyes, Jr.: So, Saina Bordallo, I just want to be clear that the one-year extension begins after the contract expires on September 30, 2021, which is October 1st, 2021 through September 30, 2022, so I just want to add that clarity and if you could restate your motion.

Commissioner A. Bordallo: Okay, I would like to make a motion to extend the lease of Tata Communications Guam, LLC, it's a one-year license agreement in connection with the Agat Fiber Optic Undersea Cable Landing effective September 30, 2020. Am I correct?

Chairman J. Reyes, Jr.: 21 Saina.

Commissioner A. Bordallo: Oh, September 30th 2021 to October 1st 2022.

Chairman J. Reyes, Jr.: It's the opposite Commissioner Bordallo. No worries. So, the...

Commissioner A. Bordallo: It's too late here.

Chairman J. Reyes, Jr.: I know. The beginning it will begin on October 1st 2021 and then through September 30th 2022 for the year.
Commissioner A. Bordallo: Okay, the lease starts effective October 1st 2021 to September 30th 2022, is that correct?
Chairman J. Reyes, Jr.: Si Yu'os Ma'åse'. Tina is that good?
Land Agent I T. Tainatongo: Yes, got it.
Chairman J. Reyes, Jr.: May I get a second, please?
Commissioner A. Santos: I second that.
Chairman J. Reyes, Jr.: Thank you. Any objections?
Commissioner A. Bordallo: No.
Chairman J. Reyes, Jr.: Okay, no objections, hearing none. The motion passes for a one-year contract extension for Tata Communications beginning October 1st 2021 through September 30, 2022. Thank you so much Commissioners, thank you so much representatives of Tata Communications and we'll be in contact.
Mr. L. Benson: Thank you too. We appreciate your support.
Commissioner A. Bordallo: You're welcome.

Financial Report
Chairman J. Reyes, Jr.: Okay, moving on to the next agenda item we don't have Mr. Cruz here but I'm going to turn it to the Director for our financial report and if you could go ahead and flow into the Director's Report Mr. Hattig.
Administrative Director J. Hattig, III: Yes, Mr. Chairman. So, just what Joey wanted to make sure you guys had is the Monthly Revenue Collection Report as we report every meeting; so, this one will be for January of 2021 it's submitted and then I don't have anything. I submitted the Director's Report already as I stated subject to your questions and I don't have anything specifically to report.
Chairman J. Reyes, Jr.: Okay, thank you. Commissioner let's take a look at our financials and then we'll open for any questions or if we have to...
Commissioner A. Bordallo: You know, because we are talking about our financials when I received the report from the OPA I don't have a complete financial report it was just the letter from the auditor but as far as the figures on the financial statements did not show.
Chairman J. Reyes, Jr.: Okay Saina Bordallo, we can ask Ms. Tina to provide it for you the full packet. Okay, but let's take a few minutes of our current financials that was provided in February 26, 2021. And if you have any questions, we can table it for either if Director Hattig can address or we can table it for Mr. Cruz but we'll give it just a couple of minutes and then we can proceed.
Commissioner A. Bordallo: Is that on your collections and revenue? Chairman?
Chairman J. Reyes, Jr.: Yes, ma'am. It's dated February 26, 2020.
Commissioner A. Bordallo: Okay, thank you.
Chairman J. Reyes, Jr.: You're welcome. Okay, I'm sorry, I don't have any questions right now. I know that we will be getting an updated report through March again granted we decide that we will meet sooner than our next scheduled meeting, no questions for me but I'll leave it to our commissioners.
Commissioner A. Bordallo: None from me.
Commissioner A. Santos: None from me too, Mr. Chair.

Director's Report

Chairman J. Reyes, Jr.: Alright thank you and then moving on just to make sure we cover the agenda item for the Director's Report. The Director has submitted his report the one dated March 18 it just kind of gives a full run down with some of the items that have been worked on. I don't specifically have any questions on that but I'll give our commissioners a moment if they have any questions to address. Okay just wanted to let you guys know that we're still here and wanted to give our commissioners some time, thank you.

Commissioner A. Santos: Can I ask the Director a question?

Chairman J. Reyes, Jr.: Yes, please.

Commissioner A. Santos: Director, if you don't mind, you do have a bit of information in here, right now, I want to ask about the switch and transfer lease list; what is the number right now that we are looking at for that list?

Administrative Director J. Hattig, III: Currently right now, the report of the staff is approximately twelve that have been adjudicated from what I understand with additional eighty or so to be adjudicated still to be adjudicated.

Commissioner A. Santos: What's the total number of that listing, do you have that number?

Administrative Director J. Hattig, III: It was supposed to be one hundred and two (102) but in going over some of the other case files it's been determined that maybe that number is more than the initial.

Commissioner A. Santos: Okay, what's the process in going over the case files?

Administrative Director J. Hattig, III: As indicated there, Ms. Lydia Taleu has been assigned to review cases and provide staff reports and it will be reviewed and brought before the Commission case by case basis.

Commissioner A. Santos: Case by case... what do you mean by case-by-case basis?

Administrative Director J. Hattig, III: As the staff report becomes available it will be brought to the Commission.

Commissioner A. Santos: So, it's definitely greater than 102?

Administrative Director J. Hattig, III: It's possible. It's entirely possible. We haven't been updated I've asked for a possible update on that number.

Commissioner A. Santos: What was the response for that request?

Administrative Director J. Hattig, III: Right now, we're still processing we're trying to figure out that one.

Commissioner A. Santos: Okay and you already decided to stop all of the questions whether they or the applicants who want to transfer, we're understood that that's not a possibility that's not happening and will not happen?

Administrative Director J. Hattig, III: Right.

Commissioner A. Santos: So, what do we have to do with the people who are line, we just have to switch them back, right? That's what we're going to be presented with, with the switch and transfer leases?

Administrative Director J. Hattig, III: That's my understanding is the staff reports will be developed and the recommendations will be based on the staff report.

Commissioner A. Santos: Okay.

Chairman J. Reyes, Jr.: Alright so I have one question and it *inaudible* Commissioner Santos on the number; is there... what is the difference on leases versus applications? Is there a difference on that from a switch and transfer perspective?

Administrative Director J. Hattig, III: Well we have to ascertain the Attorney General's report only identified 102 leases so that's what we're focusing on. However, we had discovered there are other transfers that occurred in the application stage also and those were not included in the additional *inaudible* so that's my understanding is we're going through those right now to determine exactly how many and which ones and what would be the recommendations and how to handle that to bring it before the Commission.

Chairman J. Reyes, Jr.: And then... the leases per say are the ones that came back to us from the Attorney General's Office.

Administrative Director J. Hattig, III: Correct. That's my understanding is that the one hundred and two (102) were specifically identified as void, null and void they were several others that were considered voidable but they were approved and ratified by the Commission at that time.

Chairman J. Reyes, Jr.: Okay and then there's these lease applications that needed *inaudible* Ms. Eileen do you have a question?

Land Agent II E. Chargualaf: Yes, Ms. Lydia can give you a number on the null and void but as for the application stage, we don't have a solid number on it yet. Also, the null and void there are additional that was not added to the 102.

Chairman J. Reyes, Jr.: Okay so if Ms. Taleu are you ready to provide those numbers to us or is this something that you need some additional time and we can get those numbers from you?

Land Agent I L. Taleu: I can give you a "guesstimation" of the null and voids because just this morning I was kind of going through it because Joey had requested that I put together the numbers for him.

Chairman J. Reyes, Jr.: Okay, Ms. Taleu maybe if you can speak more into your mic, you're very low here on our side.

Land Agent I L. Taleu: I'm sorry. Can you hear me now? Is it better?

Chairman J. Reyes, Jr.: A little bit better but could you try again?

Land Agent I L. Taleu: Okay, so what it is Joey had requested I give him an updated report because he's kind of created a committee for us to review these and find out solutions for it. So, I started working on the report. I can give you a "guesstimation" on the number of cases that we've done which so far, I've discovered it is at hundred and six (106) that's the number that we originally started at and like Mr. Hattig said, I believe about twelve of has gone through the process and we found resolutions for them. But as we're reviewing files, I'm finding additional ones like just this week alone, I found five additional cases that can be added to the null and void list.

Chairman J. Reyes, Jr.: Okay thank you that's good news for us to continue to work on the switch and transfer and null and voids so thank you for that. So, Ms. Taleu, could we ask you to do a continuous update for the Commission on those numbers as well as...

Land Agent I L. Taleu: Yeah, that's not a problem so after we meet next week, we should have an idea at least a plan on moving forward on how we plan to process these cases.

Chairman J. Reyes, Jr.: Okay and then Ms. Taleu if you could also again on the other side with the applications if you can maybe have a starting number that you know or comfortable to share with the Commission and then we can also address those but again let's put the focus on the 106 plus five is now I guess the new number and that's also to let's not forget about the applications that will need to be addressed as well. So, I appreciate the diligence in tracking this please.

Land Agent I L. Taleu: No problem.
Chairman J. Reyes, Jr.: Commissioner Bordallo, Commissioner Santos any additional questions for the Director.
Commissioner A. Santos: None right now.
Commissioner A. Bordallo: None from me.
Chairman J. Reyes, Jr.: Okay. Alright, thank you, thank you so much. We are now at the item number eight of our agenda and that is at the request of Commissioner Santos to move into executive session pursuant to 5GCA Section 8111 (a) and prior to us moving into that I just want to make sure clarify and getting the guidance with our Legal Counsel in the discussions that we will have in this specific executive session so Legal Counsel could you weigh in here?
Legal Counsel N. Toft: Yes. So, just to be clear that this is a resumption of the previous executive session discussion personnel matters only.
Chairman J. Reyes, Jr.: Okay. Commissioner Santos?
Commissioner A. Santos: Correct.
Chairman J. Reyes, Jr.: Okay, thank you and then prior to proceeding Commissioner Toft just to confirm also we just need to make sure we make a motion, correct?
Legal Counsel N. Toft: That's correct.
Chairman J. Reyes, Jr.: Alright, Commissioner Santos and Commissioner Bordallo given that if the motion passes to move into executive session, we would have to ask everyone to clear the room and then we will be going into executive session. So, I will pass it on to our commissioners.
Commissioner A. Bordallo: You want me to make a motion?
Commissioner A. Santos: Yanggen siña hao.
Commissioner A. Bordallo: to go...
Commissioner A. Santos: If you would like, I could do it, Commissioner Bordallo?
Commissioner A. Bordallo: Go ahead.
Commissioner A. Santos: I would like to make a motion to go into executive session pursuant to 5GCA Section 8111 (a).
Commissioner A. Bordallo: So, moved. I mean I second.
Chairman J. Reyes, Jr.: Thank you Commissioner Bordallo any objections?
Commissioner A. Bordallo: No.
Chairman J. Reyes, Jr.: No objections, the motion passes and we will move in now to executive session. Thank you so much. One second, Ms. Tina... The time is 4:59p.m.

CLTC Commission in Executive Session

Chairman J. Reyes, Jr.: Alright thank you so much for everyone's patience the time is 6:42p.m. and we are back in regular session of the CHamoru Land Trust Commission Meeting and now we move to the next item on the agenda. Can everyone still here me? Commissioner Bordallo?
Commissioner A. Bordallo: I'm here.
Chairman J. Reyes, Jr.: Alright, we'll go to the last item on the agenda is our Commissioners' Comments. Commissioners?
Commissioner A. Santos: Hi, thank you all for your patience thank you for all your hard work. The Commission does want to state that we do appreciate everything you guys do

well have done and continue to do to uphold the integrity of this Trust. I do have a question for the Director. Is... On June 6th 2019, or in June 2019 did you receive a priorities list for 2019 for the Commission from then Chairwoman Pika Fejeran.

Administrative Director J. Hattig, III: Yes.

Commissioner A. Santos: And with that, Sir, how many on this list have you accomplished or been able to accomplish?

Administrative Director J. Hattig, III: I'm sorry, I don't have the priorities list in front of me right now but I know that it was a very difficult process at the very beginning to try to ascertain that but I can certainly get that information to you on how much we were able to get done in 2019.

Commissioner A. Santos: And when will you be able to get that information.

Administrative Director J. Hattig, III: As soon as possible. As soon as I can get back to my computer, I can send that to you.

Commissioner A. Santos: Okay, sir. Okay, Mr. Chair, that's all.

Chairman J. Reyes, Jr.: Commissioner Bordallo, we're on Commissioners' Comments, any additional comments or questions?

Commissioner A. Bordallo: Let's just go ahead.

Chairman J. Reyes, Jr.: Okay, thank you so much. So, again, thank you for your guys' patience everyone's patience as we met as a Commission on executive session at the request of Commissioner Santos. So, with our Legal Counsel's support and going through the discussions in relation to again with the February 18, 2021, Commissioners meeting at this time the commissioners has determined and we feel that Director Hattig is not suited as the Administrative Director for the CHamoru Land Trust and therefore as a Commission we are going to request a meeting with the Governor. In the meantime, I ask for everyone's cooperation and that the Director will serve in his capacity as Administrative Director and we ask for the Commission the agency the CHamoru Land Trust Commission agency to continue to support in the current in your current capacity and the Commission as a whole. Okay? Alright, with that said, Commissioner Bordallo, Commissioner Santos any other questions? No? Okay. The time is 6:46 p.m. if there's no other questions, may I get a motion to adjourn?

Commissioner A. Santos: I make a motion to adjourn this meeting, the regular meeting of the CHamoru Land Trust Commission.

Chairman J. Reyes, Jr.: May I get a second?

Commissioner A. Bordallo: I second.

Chairman J. Reyes, Jr.: Thank you Commissioner Bordallo. Any objections? Hearing no objections this meeting is adjourned at 6:46 p.m. thank you.

Adjournment: 6:46 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: May 20, 2021

Chairman John F. Reyes, Jr. _____ Date: 5/25/21