



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

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Chairman

Austin J. Duenas
Commissioner

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

Vacant
Commissioner

Vacant
Administrative Director

COMMISSION MEETING MINUTES

CHamoru Land Trust Conference Room
Suite 223, 2nd Floor, ITC Building
590 S. Marine Corp Drive, Tamuning, Guam
Thursday, April 29 2021; 1:07 p.m. – 4:24 p.m.

Public Notice: The *Guam Daily Post* on April 22, 2021 and April 27, 2021

Chairman John Reyes, Jr.: Okay, I'd like to call this meeting to order, the time is 1:07 p.m. Public Notice for this regular Chamorro Land Trust regular meeting was placed in the Pacific Daily News on April 22nd 2021 and April 27th 2021 as well as on the Chamorro Land Trust Commission website on dlm.guam.gov and the Attorney General's website oagguam.org and also on the Chamorro Land Trust Commission Facebook page, we're also being recorded via audio and visual with our partners with KGTF and we are also livestreamed on Facebook, Chamorro Land Trust Facebook page. I will do roll call now.

Roll Call

Chairman J. Reyes, Jr.: Commissioner Austin Duenas,

Commissioner Austin Duenas: Absent

Chairman J. Reyes, Jr.: Commissioner Duenas is not on island. Commissioner Bordallo – Arlene Bordallo

Commissioner Arlene Bordallo: I'm here

Chairman J. Reyes, Jr.: Si yu'us ma'ase'. Commissioner Angela Santos

Commissioner Angela Santos: Esta gui yu, ñora Saina-hu

Chairman J. Reyes, Jr.: Si yu'us ma'ase'. Director Hattig

Commissioner A. Bordallo: Hafa Adai

Administrative Director Jack E. Hattig: Absent

Chairman J. Reyes, Jr.: Director Hattig is not here with us today. Attorney Toft

Legal Counsel Nicolas Toft: I'm here

Chairman J. Reyes, Jr.: Thank you, Mr. Toft. Okay and Attorney Toft, can we confirm that we have a quorum.

Rev. 5/10/2021

Legal Counsel N. Toft: We do, yes.

Approval of Minutes

Chairman J. Reyes, Jr.: Okay, thank you so much sir. Okay, next item on our agenda the first item is the Approval of Minutes, the February 18th 2021, Commission Meeting.

Commissioner A. Santos: I have a few, if I can go ahead and just make amendments to those minutes on page 2, it says, inaudible when Commissioner Duenas was talking; I don't think it should be the inaudible with the asterisks, I think it should be inaudible quote end quote. Since he was talking about being inaudible in as in it's been happening until that meeting on February 18. So he was like, there's so many... it says, I don't have any changes but this in audible that keeps showing up; so he was talking specifically about inaudible it's not inaudible on what he said, we heard him.

Chairman J. Reyes, Jr.: I see. Tina, is that good?

Land Agent I Tina Tainatongo: Yes. I'll make the changes

Commissioner A. Santos: Now, on page 14,

Chairman J. Reyes, Jr.: And you're going for the *inaudible* on the bottom, right?

Commissioner A. Santos: Hunggan, yes, the pages are on the bottom. On page 14, it's Commissioner A. Bordallo, it should be Commissioner A. Santos.

Commissioner A. Bordallo: That's right, I was going to make that correction.

Commissioner A. Santos: Alright and that's the second and the third and last one that I have.

Commissioner A. Bordallo: There's a word that

Commissioner A. Santos: Oh, that's it, I'm sorry those were the only two pages, for me.

Chairman J. Reyes, Jr.: Commissioner Bordallo, did you have any....

Commissioner A. Bordallo: Yes, I the minutes there was a word that said; "instinct" it should be "extinct"

Chairman J. Reyes, Jr.: Do you know what page that is, Saina?

Commissioner A. Bordallo: Ah...

Land Agent I T. Tainatongo: I can search it and then make the correction.

Chairman J. Reyes, Jr.: But you have the word, the word that should be....

Land Agent I T. Tainatongo: It' should be extinct?

Chairman J. Reyes, Jr.: Extinct. I do have one as well on page 14, in the... I second the moods of Saina Arlene, it should be I second the motion, the last paragraph.

Commissioner A. Santos: It is right, I said, mood. We were talking about... just the way she felt about the situation.

Chairman J. Reyes, Jr.: My apologies.

Commissioner A. Santos: So that's... don't change that.

Chairman J. Reyes, Jr.: Okay, any other changes?

Commissioner A. Bordallo: You know, I'll get back to you on the page, okay?

Chairman J. Reyes, Jr.: No, it's okay. It's okay, Commissioner Bordallo. Ms. Tina will search it and replace that line... that word.

Commissioner A. Santos: Commissioner Bordallo, is that all from you?

Commissioner A. Bordallo: Yeah and the one that said, I said that it's you that said it, not me.

Commissioner A. Santos: Yeah, hunggan.

Chairman J. Reyes, Jr.: Okay, thank you.

Commissioner A. Santos: I make a motion to approve the meeting minutes for February 18, 2021.

Simultaneously:

Chairman J. Reyes, Jr.: Is that subject to....

Commissioner A. Bordallo: I second it

Commissioner A. Santos: Subject to corrections.

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

Commissioner A. Bordallo: I second it.

Chairman J. Reyes, Jr.: Any objections?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Hearing none. The motion passes with the minutes of February 18, 2021 subject to corrections. Thank you so much Commissioners. Okay, the next item on our list will be the Null and Voids.

Null and Voids

Chairman J. Reyes, Jr.: Updates, I will ask either Ms. Taleu or Ms. Eileen who will be updating us.

Land Agent I Lydia Taleu: I can do it, Ms. Ei.

Chairman J. Reyes, Jr.: Thank you, Ms. Taleu.

Land Agent I L. Taleu: Okay, so the numbers that we had; we originally started out at hundred and two (102). Of the hundred and two, we had adjudicated sixteen (16) cases, then we ended up adding in reviewing of files, we had added two more files so we have a total of I believe eighty-six (86) if I do my calculations correctly, let me just run the calculator real quick to make sure I am correct plus it's a yes. So, the total number of cases we have pending now for review is eighty-eight (88).

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I L. Taleu: Would you like to know about the applications that are just in the application stage but were switched and transferred and we're now reviewing them to see how many need to be reverted back to the original applicant?

Commissioner A. Santos: If we... yes, please.

Land Agent I L. Taleu: Okay. So, so far I have reviewed twenty-eight (28) files of that sixteen (16) cases, the Public Law 23- 38; Section 5.8 was correctly applied; the number of cases that we need to have reverted is eleven (11) and one of those cases it's actually a lease was issued and should have... and it needs to go for Public Law 28-38 Section 7.5 because it was a transfer of lease after seven years.

Chairman J. Reyes, Jr.: Okay, Ms. Taleu, can you run through that... so there are twenty files or applications thus far, correct?

Land Agent I L. Taleu: Yes, so far.

Chairman J. Reyes, Jr.: And then eleven, can you remind me what the breakdown is again? Eleven was...?

Land Agent I L. Taleu: Eleven (11) the Section 5.8 was incorrectly applied and therefore they need to revert back to the original applicant.

Chairman J. Reyes, Jr.: Okay, and then can you give the next set of numbers?

Land Agent I L. Taleu: That's it, the Null and Void cases and the application, that's what I've done so far.

Commissioner A. Santos: The application stage?

Land Agent I L. Taleu: Yes, the application that's the one that twenty-eight (28) files have been reviewed, sixteen (16) are good, eleven (11) need to be reverted and one (1) is actually a different section of the law; 7.5 which would need to be applied.

Chairman J. Reyes, Jr.: Got it, okay. So sixteen (16) is good. Thank you that was the number I was missing to make the twenty... okay, thank you so much, Ms. Taleu. Commissioners, any questions on this update that we have so far?

Commissioner A. Santos: Right, Ms. Taleu?

Land Agent I L. Taleu: Yes.

Commissioner A. Santos: Are you the one taking care of the Null and Void cases?

Land Agent I L. Taleu: I'm actually reviewing the cases, that's what I'm doing and then presenting them to the Board.

Commissioner A. Santos: Okay. And this is the process that we need to do in order for us to go along with or begin with next, in December we were presented with twenty residential and twenty agricultural lease or applicants, correct? So, is the process that needs to be done in order for us to then tackle this next forty?

Land Agent I L. Taleu: Oh as far as lease issuance? It's my understanding that I'm not too sure if they had a chance to review the file to see if they are good for to be issued a lease because there's a process that we need to make sure that they have followed not only as far as qualifications they need to... especially when it comes to residential they need to submit either a building plan... I mean... not a building plan but a qualification letter from Guam Housing saying that they're able to improve upon the property.... things like that. And then for the agriculture then need to submit a farm plan and all that including as well as a request because before Guam Housing will issue a loan the lot will need to be surveyed. So as land agents, what we do is we take it before the board after we qualify them for approval for a lease issuance pending the completion of a recorded survey map.

Commissioner A. Santos: Okay, thank you Ms. Taleu.

Chairman J. Reyes, Jr.: Ms. Taleu, I have a quick question; so in light of the 102 plus 2 that's the additional that you found, I know you may have addressed this figure down in line but in your review of these files, how quickly are you able to get through the remainder and maybe just kind of like a ball park timeline and what I'm leaning to is also understanding... these were tasks handed down to us to the Commission roughly two – three years ago and you're making some good headway. So just curious what kind of timeline are we looking at here?

Land Agent I L. Taleu: Well we had actually met, Joey Cruz, the Program Coordinator; Eileen Chargualaf the Lead Land Agent; Pierce Castro, our Engineering Surveying Technician and I had met and we're trying to formulate a plan but right now in moving forward, I'm just reviewing files preparing staff reports and seeing how far we need to move on these cases as far as like where improvements were made on the property because it's really what are we going to do with applicants who either have a loan or they've built on the property if they surveyed or if they did nothing. We need to figure out exactly where they've fallen and what we need to do; if they qualify, how would we process them or if they don't how will they get compensated or... we you know, we need to take care of these people who trusted us in the first place. So, we're trying to work on formulating plans in moving forward with the various cases that we're presented with.

Chairman J. Reyes, Jr.: Okay, understood. Thank you so much. And definitely as you comb through these and you *inaudible* additional support that is needed please *inaudible* to the commission so we can get those *inaudible*

Land Agent I L. Taleu: I'm so sorry, but you're kind of breaking up so I didn't really catch that.

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

Land Agent I L. Taleu: Yeah, but the sound is kind of muffled so can you repeat the question?

Chairman J. Reyes, Jr.: I was just saying, as you comb through these a little bit more and go through the files; if you need additional support or things that you need from the Commission, please continue to let us know, reach out to us.

Land Agent I. L. Taleu: Oh, yes I will, sir. Thank you.

Commissioner A. Santos: He's extended our services, Ms. Taleu.

Land Agent I L. Taleu: That's great. Nice to have the support.

Chairman J. Reyes, Jr.: Okay so I'm sure in our next meetings we'll continue to go through these and I do appreciate the effort and collaboration in everyone's *inaudible* so that we can move these forward and finally get through these so I appreciate your guys' efforts on this. Thank you. Okay, Commissioners, any additional questions on the update?

Commissioner A. Santos: No, sir.

Commissioner A. Bordallo: No.

Constituent Matters

Chairman J. Reyes, Jr.: Okay, let's proceed to the Constituent Matters before us we have a total of seven (7) four (4) agriculture and *inaudible* Ms. Eileen I'm going to pass... I'm sorry, four (4) agricultural three (3) residential. Ms. Eileen can you....

Cristobal Aguon

Land Agent II E. Chargualaf: Yes, Cristobal Aguon is next and Jhoana will be presenting that.

Chairman J. Reyes, Jr.: I'm sorry, Ms. Eileen what was that?

Land Agent II E. Chargualaf: Cristobal Masga Aguon is the first person and first constituent and Jhoana Casem will be presenting that.

Chairman J. Reyes, Jr.: Okay and do we have the Constituent present?

Land Agent II E. Chargualaf: I'm sorry sir I didn't hear you.

Chairman J. Reyes, Jr.: Do we have the constituent present? Yes?

Land Agent II E. Chargualaf: Yes, sir.

Chairman J. Reyes, Jr.: Okay, thank you. Ms. Tina, can you make sure the mic is on?

Land Agent I T. Tainatongo: Yes

Chairman J. Reyes, Jr.: Good afternoon and we do have our constituents present so if you could state your name please.

Ms. Marie Aguon: Marie Ann Duenas Aguon

Chairman J. Reyes, Jr.: And, Sir?

Mr. Victor Duenas: Victor Barcinas Duenas from Inarajan – Inalajan and she's my sister.

Chairman J. Reyes, Jr.: Si yu'us ma'ase' thank you. Okay, Ms. Jhoana.

Land Agent II Jhoana Casem: My apologies. Okay, we have here before you the wife of Mr. Cristobal Masga Aguon, Ms. Marie Ann Duenas. She is coming in to be the designated successor to her husband's lease based on our SOP No. 2020-01 under Section 4.2; number 3; the submission of a death certificate has surpassed a hundred and eighty (180) days. Ms. Aguon has submitted a notarized request to Chamorro Land Trust for the takeover of her husband, Mr. Aguon's lease as attached to the packet and to confirm also attached with that is the masterplan map where Mr. Aguon was designated as highlighted.

Chairman J. Reyes, Jr.: Can you say the lot number Ms. Jhoana?

Land Agent II J. Casem: It is Lot 8-6 in Ija Inarajan. This is approximately three acres about 12,141 square meters which is equivalent to approximately three acres.

Chairman J. Reyes, Jr.: Thank you. Alright, Commissioners, any questions?

Commissioner A. Bordallo: I have a question.

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

Commissioner A. Bordallo: Yes, are they farming on the land now?

Chairman J. Reyes, Jr.: Ms. Duenas. Saina, would mind speaking a little closer to the mic.

Ms. Marie Duenas: Yes.

Chairman J. Reyes, Jr.: That was Ms. Duenas Commissioner Bordallo. Jhoana, do you want to add anything to that?

Commissioner A. Bordallo: Yeah, Jhoana, you did the inspection?

Land Agent II J. Casem: Yes, Ma'am.

Commissioner A. Bordallo: You did the inspection on the property?

Land Agent II J. Casem: Yes.

Commissioner A. Bordallo: And it's being utilized as... for farming?

Land Agent II J. Casem: We went out there with Mr. Glenn and we did it last week just for an update. We did see that... it's being utilized however the area is very clayey... it's a very clay area so in terms of some of the plants and trees that are out there as we advised Mr. Duenas *inaudible* she's not farming the full three acres but he did advise, Mr. Duenas said that they are using it also for grazing with the carabaos upon our inspection there were no animals on the property.

Chairman J. Reyes, Jr.: Okay thank you and then Ms. Duenas or....

Mr. Victor Duenas: Could I answer that question?

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

Mr. Victor Duenas: The animal is in the bañaderu (waterhole for pigs or carabaos) that's why they don't see that there because it's in the afternoon when they came up there, so, you know how they are *inaudible* because it's too hot but yes there's a clan already there. My sister and my brother are maintaining the place so... it's using it and especially they put her name as the owner of the property *inaudible* I guarantee that we won't let the Chamorro Land Trust down because she's going to use every single land there. If it's approved under her name. Thank you.

Chairman J. Reyes, Jr.: Si yu'us ma'ase' sir. Thank you, Ms. Jhoana. Any other questions Commissioners?

Commissioner A. Bordallo: Yeah, do they have a farm plan?

Land Agent II J. Casem: Ms. Duenas actually submitted the farm plan today however it is still pending completion and based on our SOP it is indicated that the farm plan must be approved by either UOG or Department of Agriculture. So I did advise them that upon their completion to bring it over to the agency or to the University to get the farm plan approved.

Chairman J. Reyes, Jr.: Okay

Mr. Victor Duenas: That farm plan will be turned in tomorrow morning.

Chairman J. Reyes, Jr.: Thank you, sir. And Ms. Jhoana, does Ms. Duenas have the proper contacts on who to go to get the farm plan submitted and approved?

Land Agent II J. Casem: I did give her a copy of a copy of the... a sample of what the constituent would need to do in order to complete the farm plan. I know with Department of Ag. if there are any further questions from their end, they may ask Ms. Marie and also they will further assist her if needed to basically utilize the property to the fullest.

Chairman J. Reyes, Jr.: Awesome. Okay, good to know. Commissioner Bordallo, any other questions, saina?

Commissioner A. Bordallo: No. Mr. Duenas, is sure that he's going to plant. I have no further questions.

Chairman J. Reyes, Jr.: Si yu'us ma'ase'. Commissioner Santos?

Commissioner A. Santos: I have none.

Chairman J. Reyes, Jr.: Okay so Jhoana just to wrap this up; so, the action for the Board is to approve Ms. Marie Ann Duenas as the beneficiary for this property, correct?

Land Agent II J. Casem: Yes, sir.

Chairman J. Reyes, Jr.: Then also just to kind of add to that, to Commissioner Bordallo's point is there is a farm plan and it is still pending approval, we can make that a condition, correct, Ms. Jhoana?

Land Agent II J. Casem: Yes.

Chairman J. Reyes, Jr.: Okay. Attorney Toft, is there any additional feedback on this one that you can provide?

Legal Counsel N. Toft: No additional feedback at this time.

Chairman J. Reyes, Jr.: Thank you. Okay, Commissioners....

Land Agent II J. Casem: Sorry, Mr. Chair, I have one more thing.

Chairman J. Reyes, Jr.: Yes, Ms. Jhoana.

Land Agent II J. Casem: I'm sorry so for Ms. Marie's name it's actually Marie Ann Duenas Aguon.

Chairman J. Reyes, Jr.: Okay so can we also... yeah, I'll make that amendment here on my... Marie Ann Duenas Aguon.

Commissioner A. Santos: So we'll state it in the motion.

Chairman J. Reyes, Jr.: Yeah let's make it... *inaudible* Okay, so Commissioners any other additional questions?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay Si yu'us ma'ase'. And if we would like to proceed to make that motion.

Commissioner A. Santos: And that's with the... we're going to put that condition?

Chairman J. Reyes, Jr.: Yeah, yes.

Commissioner A. Santos: So I make a motion to change the beneficiary from Cristobal Masga Aguon who is deceased to his wife Marie Ann Duenas Aguon with the condition that the farm plan gets approved by whoever... whether it's one or the other the University of Guam or Department of Agriculture or both. Sorry. Whether it's one or the other or whether it's both of them that have to approve it; is it.... Jhoana, if you can....?

Land Agent II J. Casem: I'm sorry, could you repeat?

Commissioner A. Santos: Is it one or the other or is it both that need to approve the farm plan; UOG or Department of Agriculture?

Land Agent II J. Casem: It's one or the other.

Commissioner A. Santos: Okay with the approval of the Farm Plan by either the UOG or UOG or Department of Agriculture with that condition that it gets changed to your name.

Chairman J. Reyes, Jr.: Okay thank you. And may I get a second?

Commissioner A. Bordallo: I can second the motion.

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

Commissioner A. Santos: No

Commissioner A. Bordallo: No

Chairman J. Reyes, Jr.: No objections, hearing none. Motion passes to designate Ms. Marie Ann Duenas Aguon as the successor beneficiary for agricultural lease Lot 8-6 in Ija with the condition of the agriculture farm plan with the approval by either UOG or the Department of Agriculture. Thank you so much. Thank you so much for coming in with us today.

Mr. Victor Duenas: Thank very much for having us today and we really appreciate for this that it's happening to put her under her name and we really appreciate and si yu'us ma'ase', dankulu na si yu'us ma'ase' para I tiempom miyu.

Chairman J. Reyes, Jr.: Hunggan si yu'us ma'ase'

Mr. Victor Duenas: Dispensa sa malingo I yo'ku voice.

Ms. Marie Duenas: Thank you very much. I appreciate what you guys did.

Multiple response

Commissioner A. Santos: Happy Mothers' Day, I can't wait to see what's going to flourish on that property.

Mr. Victor Duenas: You go up there and we will show you. Man banidosu because you're....

Commissioner A. Santos: Eyugue'. Man banidosu Chamorro.

Chairman J. Reyes, Jr.: Si yu'us ma'ase para I tiempom miyu lakkue', adios. Okay, Ms. Eileen.

Land Agent II E. Chargualaf: Mr. Chair and Board members I just want to add on that if they are Already bona fide farmers they don't need to get their farm plan approved by University of Guam or Department of Agriculture.

Commissioner A. Santos: I think it's Department of Agriculture they're the ones that certify the bona fide farmers-farmers.

Land Agent II J. Casem: Inaudible

Chairman J. Reyes, Jr.: Okay, thank you Ms. Jhoana

Donna Mae Cruz

Land Agent II E. Chargualaf: Okay, the next person that's supposed to be going on is Judy Manibusan; she's not on live yet. Jhoana is waiting for her so we can go ahead and move on to Donna Mae Cruz with Jessica Dayday will be presenting.

Chairman J. Reyes, Jr.: Okay, thank you and do we have the constituent present?

Land Agent I Jessica Dayday: She's on the... I saw her logged in...

Chairman J. Reyes, Jr.: Okay so Ms. Donna Mae Cruz- Ms. Cruz, are you on Google meet?

Multiple Response: She was on

Chairman J. Reyes, Jr.: Okay. Maybe she just needs to unmute. Ms. Cruz- Donna Mae Cruz?

Ms. Donna Mae Cruz: Yes, sir I'm here.

Chairman J. Reyes, Jr.: Alright, thank you so much ma'am. Okay, I will have... I'll pass it over to Ms. Jessica.

Land Agent I J. Dayday: Hafa Adai Commissioners. So I have before you Donna Mae Cruz and today she would like to change application type from agriculture to residential and then acreage reduction from six acres to half-acre and then relocation.

Chairman J. Reyes, Jr.: Thank you. *inaudible* a few items here, can you run through that for us, Ms. Jessica?

Land Agent I J. Dayday: Okay, let me just catch my breath sorry. So, Ms. Cruz- the original applicant is Teresita F – C Cruz who is Ms. Donna Mae Cruz's mother. Her application date is February 26, 1996 and her application type is agriculture, priority should be not applicable she's not a pre-occupier, does not have land use permit, there was no notice of intention to award in file. Ms. Teresita Cruz was issued an agriculture lease on Tract 1021, Block 4, Lot 8-1 in Dededo for six acres. There was no survey authorization in file, there's no survey map, the property was not surveyed and at this time the property is not registered. On June 6, 2019, Ms. Donna Mae Cruz and her siblings came before the board on public comment and was designated successor to Teresita Cruz's application rights and lease rights. Everything was subject to survey. On January 15th 2020, Mr. Hattig- Administrator Director Jack Hattig approved the transfer of successor rights for Donna Mae Cruz. July 13th 2020, Ms. Cruz, requested relocation and change of application type. January 25th 2021, we should her Tract 10121, Block 8, Lot 1-7 in Yigo through the ArcGIS and then on March 31st 2021, we did a site inspection on the property she's at. So, the property that her mother has a lease on – on Tract 1021, Block 4, Lot8-1

is not registered. At that time, when we first did the site inspection it didn't look like she's in compliance. However, we found out where her exact location is at because that location it's like there's trash, there's vehicles, we can even enter. I know EPA was there, the mayor but we found... Ms. Cruz had shown us where her property is at, where the lease is at or the lease property. So, because this property is not registered and Ms. Cruz does not want to farm she is requesting to do application type to residential and she wants to give back five and half acres.

Chairman J. Reyes, Jr.: Okay. Thank you, Ms. Jessica. Commissioners, I yield to you for questions, you may begin.

Commissioner A. Santos: Could you just give us a moment please.

Chairman J. Reyes, Jr.: Commissioner Bordallo, any questions from you, Saina?

Commissioner A. Bordallo: I just wondered if this was any of the cases that... did Ms. Taleu reviewed? Is everything okay in other words.

Land Agent II G. Eay: Commissioner Bordallo, yes. She's not listed on the Null and Void or neither is she in the switch of application rights.

Commissioner A. Bordallo: Okay, very good. I have no questions then, just that.

Chairman J. Reyes, Jr.: Okay, thank you Ms. Eileen. Thank you, Commissioner Bordallo. Ms. Jessica?

Land Agent I J. Dayday: So the Board did designate Ms. Donna Mae Cruz as a successor, the original applicant or lessee did pass away.

Commissioner A. Santos: Teresita?

Land Agent I J. Dayday: Yes.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Jessica.

Land Agent I J. Dayday: Yes, and that was on the June 6th 2019, meeting.

Chairman J. Reyes, Jr.: Okay, thank you

Commissioner A. Bordallo: Thank you.

Commissioner A. Santos: Here's what gets me with that.

Commissioner A. Bordallo: So, if everything is good then I would like to make a motion to approve the application type from agriculture to residential which is...

Chairman J. Reyes, Jr.: Saina Bordallo – Commissioner Bordallo....

Commissioner A. Bordallo: Yes

Chairman J. Reyes, Jr.: Give us one second I think Commissioner Santos has a question.

Commissioner A. Bordallo: Okay.

Commissioner A. Santos: With just everything that was stated with a... there was no land use permit in the file just all of that to take into consideration, right? Survey authorization, none; survey map, none...

Chairman J. Reyes, Jr.: Just to add Commissioner Santos, the second page there are all those conditions for us to consider to make a (inaudible) we now make sure that the survey authorization is issued and there's also some stuff on taxes that's all we have. I just wanted to add that in here because that is... those are definitely some concerns and Ms. Jessica....

Commissioner A. Santos: *inaudible* recommendations.

Chairman J. Reyes, Jr.: I'm sorry, I want to make that...

Commissioner A. Santos: No...no... thank you.

Commissioner A. Bordallo: The Tract 1021 is a different tract from what we're give the residential lease to Ms. Cruz?

Land Agent I J. Dayday: Yes.

Commissioner A. Bordallo: It's 10121 now?

Chairman J. Reyes, Jr.: And it's just to confirm, it's moving from Dededo to...

Commissioner A. Bordallo: And that's a half-acre that particular lot, Block 8, Lot 101-7

Land Agent II E. Chargualaf: Did you change it again?

Chairman J. Reyes, Jr.: Ms. Eileen could you mute?

Land Agent I J. Dayday: Yes so it's Tract 10121, Block 8, Lot 1-7 in Yigo. It's pretty much just up the street.

Commissioner A. Santos: That's where we're looking to... that's where she's looking at for residential?

Land Agent I J. Dayday: Yes, originally she wanted another area however we did not have open. She also wanted an area that has infrastructure and it's also the village.... She wanted somewhere in Yigo and with infrastructure this is the area that...

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

Commissioner A. Bordallo: So basically the motion to approve the acreage reduction there's no need just approve the Tract 101 – that Block 8, Lot 1-7 Yigo. In other words, the lease Tract 1021 should just be voided.

Land Agent I J. Dayday: So, this is just going to be an addendum so all... because the original lease states six acres and it's just going to be an addendum, we wouldn't have to terminate the original lease or Eileen, would you like to...?

Commissioner A. Bordallo: So you're just going to change the lot number?

Land Agent I J. Dayday: We are going to approve... so she is requesting relocation....

Commissioner A. Bordallo: Attorney Toft...?

Chairman J. Reyes, Jr.: Yeah, Attorney Toft?

Legal Counsel N. Toft: I mean you can do it either way, one of them is just a little easier paperwork wise.

Chairman J. Reyes, Jr.: Let me just kind of ask a question to kind of wrap this up and for clarity sake. Ms. Jessica, so we're changing it, first we're changing it from Agriculture to Residential which means that we have to reduce the acreage to the half-acre, is that correct?

Land Agent I J. Dayday: According to the law.

Chairman J. Reyes, Jr.: Yeah, according to the law. And then lastly is to then relocate from Dededo to Yigo 1021 to 10121, correct?

Land Agent I J. Dayday: Correct.

Chairman J. Reyes, Jr.: Okay. And Attorney Toft, just for clarity, for Commissioner Bordallo as well as we have an option on how to approach this but if we take action on these considerations or recommendations; it'll just be an addendum versus a cancelling a lease and creation of a new *inaudible*, correct?

Legal Counsel N. Toft: That's correct, yes.

Chairman J. Reyes, Jr.: Okay, thank you. I just want to make sure it's clear for me as well. So any other questions.

Commissioner A. Bordallo: So you're going to change the name, you're going to change the agriculture to residential and you're going to change the block I mean the lot?

Chairman J. Reyes, Jr.: So Saina Bordallo, not the name because she's already been designated the successor so it'll just be the type and the relocation and of course the size.

Commissioner A. Bordallo: Okay. Go on. I'll make a motion.

Chairman J. Reyes, Jr.: Give me one second Saina. Commissioner Santos....

Commissioner A. Santos: No. But just with these conditions, though?

Chairman J. Reyes, Jr.: Correct. And Commissioner Bordallo so you know, note on the second page is the conditions that we would like to make sure that we consider in this...

Commissioner A. Santos: Prior to making the motion.

Chairman J. Reyes, Jr.: Yeah prior to making the motion. I think I have one quick question on that, Ms. Jessica. So could you talk a little bit the taxes and you're looking at seven – eight years of taxes, is that correct?

Land Agent I J. Dayday: Yeah so from the time of the lease signing they get the seven year so after the seven year so after the seventh year that's when they start assessing the taxes and that is actually *inaudible* when she requested to be the successor that should have been the process. All taxes... taxes should paid to date the lease fee payment paid. According to Ms. Cruz she said that she did submit her receipt for taxes.

Chairman J. Reyes, Jr.: And do we have a copy of those.

Land Agent I J. Dayday: I haven't received it but she did say that she did submit it so... I'm not sure. Ms. Cruz?

Ms. Donna Mae Cruz: Yes, I do have the receipt but I did submit it to... is it Jhoana? I emailed her the receipts.

Chairman J. Reyes, Jr.: Thank you.

Land Agent I J. Dayday: Okay, I'll verify with Jhoana.

Chairman J. Reyes, Jr.: Okay and then how about the lease fee?

Land Agent I J. Dayday: Yes, the lease fee must be paid in full prior to transfer.

Chairman J. Reyes, Jr.: So the initial lease fee was not paid?

Land Agent I J. Dayday: No.

Chairman J. Reyes, Jr.: And then just a little bit more on some of these Removal of white goods, trash, etc.... can we talk a little bit about that and is there anything existing? Is this for the Dededo property, that they're responsible for these?

Land Agent I J. Dayday: Correct. Well when we went there in March, those vehicles was not on her property so the removal of structures, white goods any trash or anything that doesn't belong to the land like she can leave the trees and what not but the property should be free and clear prior to us relocating.

Chairman J. Reyes, Jr.: Okay. And you'll be doing multiple inspections if need?

Land Agent I J. Dayday: Yes. The property must be cleared prior to us issuing the survey authorizations.

Commissioner A. Santos: And with a residential she does not have any other... she does not own any property, correct?

Land Agent I J. Dayday: No, I did check the tax roll and she has nothing under her name.

Chairman J. Reyes, Jr.: Ms. Cruz, I did just want to address with you make sure that Ms. Dayday went through these conditions with you and if you have any questions or any objections or concerns.

Ms. Donna Mae Cruz: Okay, what's with my taxes, sorry, I couldn't understand about when you were mentioning about taxes.

Chairman J. Reyes, Jr.: No, I was just confirming with Ms. Jessica that it's about eight years of taxes and so if you did submit she will validate those and if they are complete and accurate then that fulfills that condition, correct, Ms. Jessica?

Land Agent I J. Dayday: Correct.

Chairman J. Reyes, Jr.: Okay, but all the other conditions, Ms Cruz, do you have any questions on them and did Ms. Jessica explain through them and review them with you.

Ms. Donna Mae Cruz: Yes, and about clearing the land before I move on. Is that....

Chairman J. Reyes, Jr.: Okay. Yes Ma'am. Any... no objections or questions on that?

Ms. Donna Mae Cruz: No, not at this moment.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Cruz. I just want to make sure that Ms. Jessica went through that with you. Go ahead Ms. Jessica.

Land Agent I J. Dayday: I'm sorry, Ms. Cruz wanted me to also bring up something so she wants to get a loan with Guam Housing, however, she... it's going to go under her husband and she's asking to have her husband be put on the lease and because she had just mentioned to me last... yesterday, I'm just asking that I get enough time to do my research and verify with Guam Housing if we have to add her spouse to the lease. She did ask me to ask this question.

Chairman J. Reyes, Jr.: Okay, so you're going to do the research.

Land Agent I J. Dayday: Yes

Chairman J. Reyes, Jr.: Okay, so would you like the Commission to action on any of these items now to get it going or would you like us to table this so that you could do the additional research to answer Ms. Cruz's question so that we can have it all in one. And I think I would prefer that we have all the information, right, given that this had come up as well for Ms. Cruz. I want to make sure that we address all these questions.

Land Agent I J. Dayday: Right and so that's up to Ms. Cruz at time. Because I do need enough... I need time to do my research and verify with Guam Housing on their policy... their procedures. I did mention to her what needs to be done to get a loan guaranty and a building permit authorization but it's up to her if she wants to wait or what does she want to do.

Ms. Donna Mae Cruz: Well if you do need to do your research first and then we can go about this...

Chairman J. Reyes, Jr.: Okay, so Ms. Cruz you're okay for us to have Ms. Jessica go back do the additional research and bring all of this to us in our next Commission meeting? Are you okay with that?

Ms. Donna Mae Cruz: Yes.

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

Commissioner A. Santos: Commissioner Bordallo? I don't have any.

Commissioner A. Bordallo: I don't have any, we can table until the next meeting.

Chairman J. Reyes, Jr.: Thank you so much. Ms. Cruz thank you so much for your time today; we will table this for the next meeting. And Ms. Jessica, you have any... for this item.

Land Agent I J. Dayday: Yes, I know you table until the next meeting but I don't think I'll be prepared for the next meeting. Because her husband would also have to qualify for...

Commissioner A. Santos: Oh, okay.

Chairman J. Reyes, Jr.: Okay so let's... we'll table it until you're complete.

Land Agent I J. Dayday: Thank you.

Chairman J. Reyes, Jr.: Okay thank you Ms. Cruz for your time today.

Ms. Donna Mae Cruz: Okay, you're welcome.

Chairman J. Reyes, Jr.: Okay, Ms. Eileen next please.

Judy I. Manibusan

Land Agent II E. Chargualaf: Judy Manibusan is on now and that's Jhoana's case.

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

Multiple back ground conversations

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

Ms. Judy Manibusan: Yes, I can.

Chairman J. Reyes, Jr.: Okay thank you so much and Ms. Jhoana...

Land Agent II J. Casem: Okay, before you we have Ms. Judy I. Manibusan she is coming in for a request for a loan guaranty as well as an estoppel and a clearing and grading and building permit as well as a change of application type. Ms. Manibusan currently hold a lease within Lot 5-1, Block 6, Tract 10121, Yigo within a 2023 square meters which is a half-acre. Her property is surveyed and she is requesting that the Board approve her request so that she could move forward with her Guam Housing loan. I know that Ms. Judi did advise me that there is a time frame and so hopefully the Board

will take into consideration her request. Originally, Ms. Manibusan was an agricultural applicant. However, upon our inspection, I did advise her and her husband that it wouldn't meet the two-thirds of compliance if she were to retain an agricultural lease so you know it was a recommendation that she do a change of application type because she wouldn't be able to meet that compliance in the future. And also attached with the packet is Ms. Judy's Guam Housing plan or her contract building plans. So it's a great success story so hopefully the Commission can approve Ms. Judy's request to move forward to building her family home.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Jhoana. Commissioners any questions or would you *inaudible* to look over this?

Commissioner A. Santos: Yes, please.

Chairman J. Reyes, Jr.: Ms. Jhoana, one question; what's the lot size?

Land Agent II J. Casem: Her lot size is 2023 square meters.

Chairman J. Reyes, Jr.: That's equivalent to half-acre?

Land Agent II J. Casem: Half-acre. Yes, sir.

Chairman J. Reyes, Jr.: Any questions yet Commissioners?

Commissioner A. Santos: Jhoana, I have a question for you. You suggested to the lessee that it would be beneficial to her to change her application type?

Land Agent II J. Casem: Yes ma'am. Yes, because her lot her size is a half-acre and if she were to meet based on the compliance aspect of an agricultural lessee she would have to be farming two-thirds of the property and how her... with her building plans and then as well as all of the trees or whatever she may be planting on the property, it wouldn't meet the compliance I foresee in the future and I did discuss this with Ms. Manibusan with her agreement or if she does agree. However, I did tell her that you know she will be able to talk with the Board and if you have any questions with her, her questions or your questions should be answered. She did advise though before that she originally was on unregistered property which is within 7153 and that originated from her mother but because the property was unregistered based on my research; number one, it was unregistered and number two, it was indicated that the property that they once occupied was given to somebody else. Therefore, in the last years Land Management or Chamorro Land Trust actually assisted her in finding this property close to area however, all of what was invested on that unregistered property is with somebody else now.

Chairman J. Reyes, Jr.: So that's Ms. Jhoana... kind of walk into that where this existing property that you're working on is... there's some issues on this correct?

Land Agent II J. Casem: Oh, I'm sorry. Sir, you were muffled.

Chairman J. Reyes, Jr.: The current property where Ms. Manibusan is going to go; there's no issues with this current property, correct?

Land Agent II J. Casem: No sir, this property is registered, the unregistered lot are actually behind this area.

Chairman J. Reyes, Jr.: Okay. Alright, so as long as the one that we're going to take action on there's no issues.

Land Agent II J. Casem: Yes. Yeah, no issues, sir.

Commissioner A. Santos: Jhoana? Ms. Jhoana, what's an estoppel?

Land Agent II J. Casem: Yes, yes, ma'am.

Commissioner A. Santos: What's an estoppel?

Land Agent II J. Casem: I believe it's an additional certification needed for the closing of the loan.

Commissioner A. Santos: Okay, with Guam Housing?

Land Agent II J. Casem: Yes, ma'am.

Commissioner A. Santos: Jhoana, again, another question if you don't mind. What's the request for the loan guaranty I guess having to do with the Chamorro Land Trust?

Land Agent II J. Casem: With the loan guaranty because the property is under the Chamorro Land Trust if in the event the house is... basically, Ms. Judy is unable to pay for the property or the house itself then CLTC will have to come in and take over the loan. So with this loan guaranty it holds a binding contract with Ms. Judy between the Land Trust and herself. I'm sorry, it would be with Land Trust and Guam Housing so you know, just like a personal home loan if something happens then the bank can come in and foreclose it so in Land Trust case because we are working with Guam Housing, if she doesn't make payment or something or a discrepancy arises then Land Trust would have to work with Guam Housing and this is where the loan guaranty comes in.

Chairman J. Reyes, Jr.: Okay, any other questions? Okay, Commissioners. Thank you Jhoana, thank you, Ms. Manibusan, *inaudible* any additional questions?

Land Agent II J. Casem: I have a copy of the Guam Housing I believe the pre-approval documents if you would like a copy, it has the loan amount on it.

Chairman J. Reyes, Jr.: Okay, Commissioners, do you have any additional questions?

Commissioner A. Bordallo: Okay, can I ask a questions?

Chairman J. Reyes, Jr.: Go ahead Commissioner Bordallo.

Land Agent II J. Casem: Yes, ma'am.

Commissioner A. Bordallo: Since Chamorro Land Trust is guaranteeing the loan; if they fail to pay the loan, does Chamorro Land Trust would have to pay Guam Housing or else give the house to someone else to qualify?

Land Agent II J. Casem: If in the event Ms. Judy is unable to pay for the loan then the Land Trust would have to pay for the loan and we would be the owners of the house and then find another lessee who is eligible to take over the loan and also take over the lease.

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

Chairman J. Reyes, Jr.: Okay. Thank you Commissioner Bordallo. Anything else? Otherwise if we would like to *inaudible* Commission to take action.

Commissioner A. Santos: Thank you, Jhoana. I appreciate all your effort in this.

Back ground conversation

Commissioner A. Santos: Saina... Commissioner Bordallo, would you like to make the motion?

Commissioner A. Bordallo: Okay, I would like to make a motion to for Judy Manibusan to be awarded a loan guaranty certification, estoppel certification, building and clearing permit.

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

Commissioner A. Bordallo: Would that include her husband? Is the loan under her husband also?

Unidentified: Yes, it is.

Chairman J. Reyes, Jr.: Ms. Jhoana, can you...

Land Agent II J. Casem: Yes, sir.

Chairman J. Reyes, Jr.: Can you verify that for Commissioner....

Land Agent II J. Casem: Her husband, Mr. Anthony was is also a part of I believe the Guam Housing loan from my understanding though the husband does not need to be added on to the lease because Ms. Judy is the lessee. So as long as we have one lessee on the loan then Guam Housing would approve it so in this case, we have a Mr. Anthony J Manibusan and a Ms. Judy I Manibusan for the loan amount of \$187,000.00.

Chairman J. Reyes, Jr.: Okay, thank you. Okay so Commissioners, we have two actions here so...

Commissioner A. Bordallo: Understood... understood.

Chairman J. Reyes, Jr.: Okay, thank you Commissioner Bordallo. Sorry to interrupt but yes if you want to continue.

Commissioner A. Bordallo: No, I already I made a motion to recommend that Judy I. Manibusan be awarded a loan guaranty certification, an estoppel certification, building and clearing permit.

Land Agent II J. Casem: Commissioner, could you also include the amount of the loan for \$187,000.00 and also the other request is for the change of application type.

Simultaneously:

Chairman J. Reyes, Jr.: Yes, well take those into...

Commissioner A. Bordallo: Okay. That is a loan a mortgage loan with Guam Housing of \$180,000.00 and...

Land Agent II J. Casem: eighty-seven

Commissioner A. Bordallo: a hundred and eighty-seven thousand dollars and to make it did you say, residential lot?

Land Agent II J. Casem: Yes Ma'am.

Chairman J. Reyes, Jr.: Okay, let me clear this up. Saina Bordallo – Commissioner Bordallo, let's take this in two parts please.

Commissioner A. Bordallo: Oh, this is on lot number 5-1, Block 6, Tract 10121, Yigo.

Chairman J. Reyes, Jr.: Yes, mam, that's the current lot that we're... that's in reference to. Okay, so, Commissioner Bordallo, can we take the motion in two parts please and with the *inaudible* that *inaudible* needs to be cleared that the mortgage loan is for \$187, 000.00, correct.

Commissioner A. Bordallo: Yeah, I did mention that \$187,000.00 loan from Guam Housing.

Chairman J. Reyes, Jr.: Okay, so on the motion from Commissioner Bordallo to award Ms. Judy Manibusan the loan guaranty certification, estoppel certification, building and clearing permit, and the mortgage loan of \$187,000.00.

Simultaneously: **Commissioner A. Bordallo:** So be it. **Commissioner A. Santos:** I second the motion

Chairman J. Reyes, Jr.: Okay, thank you. Any objections? Hearing none. Motion passes. Ms. Tina, is that good?

Land Agent I T. Tainatongo: Yeah.

Commissioner A. Bordallo: You know you're muffled.

Chairman J. Reyes, Jr.: Am I still muffled?

Commissioner A. Bordallo: I think there's a... the speakers probably...

Chairman J. Reyes, Jr.: May we ask all the land agents to please be on mute as well. Thank you.

Chairman J. Reyes, Jr.: And may I get the second action please.

Commissioner A. Santos: I make a motion to change the application type for Judy I. Manibusan from agricultural to residential.

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

Commissioner A. Bordallo: I second.

Chairman J. Reyes, Jr.: Thank you, Commissioners; any objections?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, none. Motion passes on the change of application type for Ms. Judy Manibusan from agricultural to residential. Thank you, Ms. Jhoana. Thank you so much Ms. Manibusan for your presence today, congratulations.

Ms. Judy I Manibusan: Thank you and thank you for putting me into your busy agenda.

Chairman J. Reyes, Jr.: You're welcome and good luck.

Commissioner A. Santos: Congratulations!

Ms. Judy I Manibusan: Thank you very much... waited eight years for this.

Chairman J. Reyes, Jr.: Okay, Ms. Eileen.

Sandra Chargualaf Flores

Land Agent II E. Chargualaf: Okay, coming up next is the POA for Sandra Chargualaf Flores and then Ms. Lydia will be presenting. Let me just have her come into the Board room.

Chairman J. Reyes, Jr.: Good afternoon Ms. Flores. I'm sorry, Ms. Flores – Sandra Chargualaf Flores?

POA for Sandra C. Flores: I'm her POA, I'm her daughter.

Chairman J. Reyes, Jr.: I'm sorry. Okay, sorry, for the record please state your name.

Rosemary Chargualaf: My name is Rosemary Chargualaf.

Land Agent I L. Taleu: Hafa Adai, Commissioners. Okay, we have before us the POA of Ms. Sandra Chargualaf Flores. Ms. Flores is actually one of the Null and Void cases that were adjudicated last year. So, coming before us they are requesting for an approval to apply for a building permit. Ms. Chargualaf is actually helping her mother and everything we've asked them to do that is required by the law they have followed through including the request for a building permit. So, Ms. Chargualaf is helping her mother she has hired an actual engineer to complete building plans for her mother; so, we're just asking for the Board to approve the building plans that were submitted with the staff report.

Chairman J. Reyes, Jr.: Thank you, Ms. Taleu give us one second. Ms. Taleu, have you taken a look at the plans?

Land Agent I L. Taleu: Yes, I have, sir.

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I L. Taleu: Yeah, we have it right here. Ms. Eileen is coming over with the actual physical building plans for you to review if you wish.

Commissioners: We have it. Thank you, Ms. Eileen.

Ms. Rosemary Chargualaf: Can I just give you the one that I have because there was an error on that one.

Chairman J. Reyes, Jr.: Sure can. You can open it there, we'll just come by.

Commissioners viewing Ms. Chargualaf's building plans.

Chairman J. Reyes, Jr.: Okay, thank you. Sorry, we just went to take a look at the map with Ms. Chargualaf. Okay, Commissioners, any questions? Saina Bordallo, do you have any questions?

Commissioner A. Bordallo: I have none.

Chairman J. Reyes, Jr.: Okay, so Commissioners, if you'd like to take action, you can proceed.

Commissioner A. Bordallo: Commissioner Santos, go ahead.

Commissioner A. Santos: Okay. I would like to make a motion to approve her request for authorization for a building permit. Oh, dispensa. For a building permit for Tract 9210, Block 08, Lot 10 in Yigo to Sandra Chargualaf Flores.

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.

Commissioner A. Bordallo: I second.

Chairman J. Reyes, Jr.: Si yu'us ma'ase' Commissioner Bordallo. Motion passes. I'm sorry, any objections?

Commissioner A. Santos: None.

Chairman J. Reyes, Jr.: Hearing none. Motion passes to approve the issue of authorization to apply for a building permit for Tract 9210, Block 8, Lot 10 in Yigo for Ms. Sandra Chargualaf Flores.

Commissioner A. Santos: Congratulations.

Chairman J. Reyes, Jr.: Congratulations. Thank you, Ms. Chargualaf for your time and your patience.

Ms. Rosemary Chargualaf: Thank you.

Chairman J. Reyes, Jr.: Okay, Ms. Eileen, next up please.

Francisco Blas Cruz

Chairman J. Reyes, Jr.: Good afternoon, Mr. Whitman. Mr. Whitman go ahead and state your name for the record.

Mr. Edwardo Whitman: Edwardo Whitman

Chairman J. Reyes, Jr.: And Ms. Jessica are you the *inaudible* in charge? Okay, alright give the hand sanitizer so he can make sure you can speak in the mic.

Land Agent I J. Dayday: Okay, so I have Francisco Blas Cruz's case and I'm bringing back to the Board. Mr. Cruz is deceased we have Mr. Whitman who the Board designated him as successor to the lease and the reason why I'm bringing this back to the Board is for determination of the lease rental fee. On the lease it does say, to be determined at a later date for twenty-acres.

Chairman J. Reyes, Jr.: Okay, so determine at a later date, is that with the transfer of the lease to Mr. Whitman or is it with the lease of Mr. Cruz?

Land Agent I J. Dayday: Mr. Cruz.

Chairman J. Reyes, Jr.: Okay.

Land Agent I J. Dayday: I only put what was pertaining to today's Board meeting. I'm sorry that I didn't put the, the whole history of the file but...

Chairman J. Reyes, Jr.: Understood. But was this not when we did the successor designation, we didn't have these items or discovered until recently or....? How did this come about?

Land Agent I J. Dayday: So some leases have it and some don't.

Chairman J. Reyes, Jr.: Okay.

Land Agent I J. Dayday: When I requested for the survey authorization, when we go through the lease, we have to go through everything; it was stated on the bottom of the lease, like the lease fee payments are to be determine at a later date. But Mr. Whitman did pay the \$99.00 prior to us bringing this to the Board in March.

Chairman J. Reyes, Jr.: Okay, and so what are the.... For a lease like this, we'd be determining the fee; what does the Commission need to know on how to determine that fee?

Commissioner A. Santos: I have a question though, there's no survey map and it says; just for a portion of Lot10120 containing an area of twenty-acres and if he's been already farming there; you're farming there already, sir? I'm sorry?

Mr. Edwardo Whitman: Yes.

Commissioner A. Santos: Yes. Alright. Why hasn't there been a survey done?

Mr. Edwardo Whitman: I put in a request to....

Chairman J. Reyes, Jr.: This was two meetings ago when we had designated Mr. Whitman as a successor and then for the survey authorization.

Land Agent I J. Dayday: Mr. Cruz is deceased and on the March 18th 2021, Board meeting, the Board designated Mr. Eduardo Whitman as a successor. So, part of the conditions prior to issuing the addendum survey... completion of survey. However, we can't move forward until the Commission can determine the fee for the lease.

Commissioner A. Santos: And it is in the law, that's what we have to think about.

Commissioner A. Bordallo: Well we cannot, we cannot determine the fee unless we know how much property is going to be given.

Chairman J. Reyes, Jr.: Right. So, wouldn't we need the survey completed prior to being able to determine what the lease should be and... what is the calculation or the guidance in regards to getting... determining this lease fee?

Land Agent I J. Dayday: Well when I did request for the survey authorization, admin did kick it back to me and we won't... we haven't even changed the file over to Mr. Whitman until that is determine. But if you, the Board makes that decision to issue the survey authorization prior.

Chairman J. Reyes, Jr.: Okay. Attorney Toft, could we get your guidance or some clarification on this please?

Legal Counsel N. Toft: Sure. I mean, does the original lease have an exact size on it or does it just say, portion of?

Land Agent I J. Dayday: Portion of

Legal Counsel N. Toft: Well then, I think we would need to do the survey first so that we have an idea.

Commissioner A. Santos: Right.

Chairman J. Reyes, Jr.: Yeah.

Commissioner A. Santos: And I want to ask, is this subsistence farming or twenty-acres, it's subsistence farming?

Land Agent I J. Dayday: He has cattle.

Chairman J. Reyes, Jr.: Mr. Cruz? Joey?

Program Coordinator III Joey Cruz: Yes, sir.

Chairman J. Reyes, Jr.: Do you have any additional input or insight to this so that we could determine whether or not we should do the survey first since it was flagged from given the admin side?

Program Coordinator III J. Cruz: I believe the lease reads not to exceed twenty and based on the Act anything that's over half an acre is not considered subsistence farming anymore. It's considered commercial activity. And I believe because of the acreage size of the or of the acreage size that's being awarded, I believe that's why that verbiage was placed in the rental rate, the annual rental rate; what would need to be done is two appraisals would need to be obtained, since we currently have a commercial agriculture lease with a constituent, we can use their rental rate in as far as percentage wise as a base line. But Mr. Cruz is not the only constituent with that type of verbiage in their agriculture lease. I want to say there's 10 maybe but all exceed an acre in size but yes, like Nick had mentioned, a survey would need to be conducted to determine the area size and the rate and the type of use.

Commissioner A. Bordallo: See what we're talking about is a portion of 80,800 square meters, that's a lot of land to farm.

Program Coordinator III J. Cruz: That's twenty acres.

Commissioner A. Bordallo: What is the norm for leasing farm land that Chamorro Land Trust gives?

Program Coordinator III J. Cruz: Based on the Act, subsistence farming is no greater than half an acre based on the Act, the Chapter 75. Anything over half an acre is considered commercial and with the Enactment of Public Law 33-78, that would require legislative approval.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: So we have to go back to surveying the property.

Chairman J. Reyes, Jr.: So, when was the original lease awarded or signed?

Land Agent I J. Dayday: April 20, 1998.

Commissioner A. Bordallo: You see... you know there was a survey authorization done in May 2019, it's now 2021, so what happen?

Land Agent I J. Dayday: Well Mr. Cruz is deceased as of December 2020 so I wouldn't be able to answer that.

Chairman J. Reyes, Jr.: So I think that the one question or the one outstanding item here is definitely the lot size right and what is classified as subsistence versus commercial. Attorney Toft, I have a question, does the... given that it's the designation of a successor of this original lease and the date it was executed; is there... how do we go forward and handle this if it's not going to be commercial with this lot size anything over half-acre? Ms. Eileen, your raising your hand?

Land Agent II E. Chargualaf: There was a compliance inspection that was done and I believe it was me and Mr. Cruz- Joey Cruz and at the time we went out there, there was a Chinese farmer. So we need to find out if there's a EIN number for that particular worker or is he an illegal alien, I'm not sure. We asked him that he visit our office and who gave him authorization to farm there and I believe that was after Mr. Cruz had passed. So, we need to bring this back to the table and find out what exactly because the Chinese guy never came out and Mr. Whitman has just been dealing with Ms. Dayday. So,

we actually need to bring this back to table and find out what exactly is taking place and if he hired that Chinese person, does he have an EIN number from the Department of Revenue and Taxation.

Chairman J. Reyes, Jr.: Okay, when did you pay a visit to this... when you went with Mr. Cruz?

Land Agent II E. Chargualaf: Joey, do you remember? I would probably say about three or four months ago.

Chairman J. Reyes, Jr.: Okay.

Land Agent I J. Dayday: So was that after I did the inspection, because there was no inspection report in the file, other than mine and Glenn's. Glenn's own was done in 2012, mines was... I did two inspections; one with Jhoana in January and then one I believe in February.

Chairman J. Reyes, Jr.: Of 2021?

Land Agent I J. Dayday: Of 2021, because Mr. Cruz had passed away December 2020. So, those are the two site inspection reports that I have in the file.

Land Agent II E. Chargualaf: Okay, I believe I have it. I'll check on it, if I did not put it in I still have it.

Commissioner A. Santos: Okay

Chairman J. Reyes, Jr.: Okay. Given that we have to do a little bit more research here; let's... I'm going to recommend that we table this Mr. Whitman and then we will have the land agents go back and do additional research.

Commissioner A. Santos: We'll be in contact, Mr. Whitman. Thank you so much.

Commissioner A. Bordallo: Mr. Chair?

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

Commissioner A. Bordallo: You know what, maybe you should give him another piece of property that is already has the 2,000 square meters.

Chairman J. Reyes, Jr.: Yeah, let's have Ms. Eileen...

Commissioner A. Bordallo: I'm just suggesting.

Chairman J. Reyes, Jr.: Yes, ma'am. We'll have Ms. Eileen and Ms. Jessica and Mr. Cruz get back to researching in the file and making sure that we square this away. Also, in addition to Ms. Eileen, can you hear me?

Land Agent II E. Chargualaf: Yes, sir.

Chairman J. Reyes, Jr.: So with the potential hired worker, shouldn't we also validate that and do another site inspection if needed if they have never come into the office? So I want to be able to quantify that.

Land Agent II E. Chargualaf: Okay, Mr. Cruz and I will do another site inspection.

Commissioner A. Santos: We want to figure out a few things right; whether it's being commercially farmed and not subsistent farming like with what it's stating and of course whether it's being subleased to somebody else; you know what mean? All of those variables within this application for a lessee.

Chairman J. Reyes, Jr.: And please ensure that all the documents are in the file and if the land agent that is assigned to this is Ms. Jessica then you guys work collaboratively to make sure that we have all the information. Thank you.

Chairman J. Reyes, Jr.: Okay, Ms. Eileen the next agenda item.

Tricia Flores Templo

Land Agent II E. Chargualaf: The next person would be Tricia Flores Templo and that would be Ms. Lydia to present.

Chairman J. Reyes, Jr.: Okay, give us one sec. Tricia Flores Templo, correct, Ms. Taleu?

Land Agent I L. Taleu: Ms. Templo is on her way in as you can see.

Commissioner A. Santos: Thank you, Ms. Taleu. Ms. Taleu, can you turn on your video, please?

Land Agent I L. Taleu: Oh, sure.

Commissioner A. Santos: Appreciate it.

Chairman J. Reyes, Jr.: Good afternoon Ms. Templo. Thank you for joining us. Ms. Tina, can you make sure the mic is on? And can you state your name for the record.

Ms. Tricia Flores Templo: Tricia Flores Templo.

Chairman J. Reyes, Jr.: Thank you. Okay, Ms. Taleu.

Land Agent I L. Taleu: Hello. Okay, Ms. Templo is actually one of the Null and Void cases. Ms. Templo is actually... the application rights were transferred over to her from the original applicant Mr. William Michael Flores. This case actually should have been... really shouldn't have been put on the Null and Void because the application of Public Law 23-38; Section 5.8 was correctly applied in her case. Mr. Flores, when he was alive had designated his mother as his successor which is not allowed under the law. After, his death, his mother came in and requested that the successor rights be transferred to her granddaughter Ms. Tricia Flores now known as Mrs. Templo. Ms. Templo's mother is the sister of the original applicant, Mr. Flores – Mr. William Michael Flores so we are requesting that she be approved as the successor of his application rights and approval of the lease that was issued back in 2017.

Chairman J. Reyes, Jr.: Okay, thank you Ms. Taleu.

Land Agent I L. Taleu: You're welcome.

Chairman J. Reyes, Jr.: I'm sorry, I have one question; are there any outstanding documents or documentation or payments or anything of that nature.

Land Agent I L. Taleu: Ms. Templo has done everything correctly upon her request for lease issuance she got the lot recorded. She got a recorded survey map, I'm not too sure if she paid her land lease fees but everything else she has done and every time there's been an issue between her or her neighbors, she has complied with our requests. So overall she's actually been a very good tenant.

Chairman J. Reyes, Jr.: Thank you. Okay, I don't have any more questions. Commissioner Bordallo?

Commissioner A. Bordallo: I have none.

Chairman J. Reyes, Jr.: Okay, Commissioner Santos.

Commissioner A. Santos: No

Chairman J. Reyes, Jr.: Okay, Commissioners, if you would like to take action.

Commissioner A. Santos: Saina Arlene, would you like to do it? Would you like to make the motion.

Commissioner A. Bordallo: Go ahead and do it. They can't see me anyway so just go ahead and do it.

Commissioner A. Santos: Okay. I'd like to make the motion to transfer the lease, I'm sorry; to name the successor of William M. Flores's December 2nd 1995, residential application rights to his niece Tricia Flores Templo for lot – Tract 10316, Block 15, Lot 23 in Dededo.

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

Commissioner A. Bordallo: I second that motion.

Chairman J. Reyes, Jr.: Thank you. Any objections?

Commissioner A. Santos: None

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Hearing none, motion passes to name Ms. Tricia Flores Templo the successor of William M. Flores in December 2, 1995, Residential application rights. Okay, thank you Commissioners. Next one?

Land Agent I L. Taleu: Just real quick, as well as the approval of lease issuance, correct?

Chairman J. Reyes, Jr.: We're going two parts, Ms. Lydia.

Land Agent I L. Taleu: Oh, my apologies.

Chairman J. Reyes, Jr.: No worries.

Commissioner A. Santos: No worries. Thank you. I'd like to make a motion to approve the residential lease issuance for Tract 10316, Block 15, Lot 23 in Dededo containing an area of *inaudible* square meters to Ms. Tricia Flores Templo dated May 2nd 2017.

Commissioner A. Bordallo: I second.

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

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Hearing none, motion passes to approve the residential lease issuance for Tract 10316, Block 15, Lot 23 in Dededo dated May 2, 2017, to Ms. Tricia Flores Templo.

Commissioner A. Santos: Congratulations.

Chairman J. Reyes, Jr.: Congratulations.

Ms. Tricia Flores Templo: Thank you

Commissioner A. Santos: Thank you for your work Ms. Taleu.

Chairman J. Reyes, Jr.: And thank you for your patience as well Mrs. Templo. Thanks, Ms. Lydia.

Commissioner A. Santos: Biba.

Chairman J. Reyes, Jr.: Okay have a good day, Mrs. Templo. Ms. Eileen, next up please.

Bernadette Mendiola

Land Agent II E. Chargualaf: Next consitutent is Bernadette Mendiola and the presenter is Jessica Dayday.

Chairman J. Reyes, Jr.: Okay. Hafa Adai, welcome. Thank you so much for joining us if you can just speak into the mic just to state your name please.

Bernadette M. Mendiola: Bernadette M. Mendiola

Mr. Joseph Mendiola: Joseph *inaudible*(verified last name with Land Agent J. Dayday)

Chairman J. Reyes, Jr.: Okay. Ms. Jessica.

Land Agent I J. Dayday: Are you able to hear me or no?

Chairman J. Reyes, Jr.: It's better to speak into the mic so they can hear you better online.

Land Agent I J. Dayday: I have before you Bernadette Mendiola and her husband. And the request today is to relocate from... relocate to a registered property which is Tract 10316, Block 11, Lot 23 in Dededo. Mrs. Mendiola is a December 4th 1995, applicant. Her application type is residential, she's priority one and she is a pre-occupier in Stampa Road. She has a Land Use Permit, number 175; there is

no notice of intent to award in file. She does have a lease, however, it's unrecorded and her property that she currently resides on is a portion of Lot 10140 in Dededo for a half-acre, there's no survey authorization in file or map. July 30, 2002 an inspection report was conducted by Land Agent Roque. July 31st 2002, a Residential Lease was signed by Administrative Director Teehan. August 1st 2014, an inspection was conducted by Land Agent J. Casem and J. Aguon. July 30, 2018, property tax receipts submitted for the year 2011 and 2013. A residential interview report was done the same day. August 16, 2018, successor designation approved by the CLTC Board. May 16, 2019, Ms. Mendiola and her husband appeared before the board requesting to relocate to registered property. March 8, 2021, a follow up on request to relocate and identify a property. March 11, 2021, a site inspection was conducted for Tract 10316, Block 11, Lot 23 in Dededo. And my findings were; the lease lot of Mrs. Mendiola for a portion of 10140 is unregistered. They did appear before the Board requesting to relocate. Follow up action from May 16, 2019, Board Meeting Motion and Summary verify property tax payments and lot issuance on registered property and then there was a pending lot showing from land agent J.G and J.C.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Jessica. Is survey going to need to be completed for the new property that they'll be relocating to?

Land Agent I J. Dayday: This property was surveyed and there is a map there and they might have to do a retracement if the points are not there.

Chairman J. Reyes, Jr.: Okay, got it. Just making sure. Commissioners, any questions? I yield to you.

Commissioner A. Santos: The lot that they're asking for or that has been shown, that's already registered property?

Land Agent I J. Dayday: Correct.

Commissioner A. Santos: And do you guys like the lot that you were shown?

Mrs. Bernadette Mendiola: Yes, we do.

Chairman J. Reyes, Jr.: Is there anything that can be... is there anything on the property that is being transferred out of?

Mr. Joseph Mendiola: We do have a structure on there.

Commissioner A. Santos: On the one that you guys are on right now?

Mr. Joseph Mendiola: Yes, sir.

Commissioner A. Santos: And you guys built that?

Mr. Joseph Mendiola: Yes, Sir.

Commissioner A. Bordallo: That's on what lot?

Commissioner A. Santos: Jessica

Land Agent I J. Dayday: 10140 in Dededo, that's Stampa Road.

Chairman J. Reyes, Jr.: So, I'm just curious, what will we do with the structure?

Mr. Joseph Mendiola: Well... we were given a *inaudible* a couple of years ago and my mother in law is also in that area. So what have done, is we had... because the map or the lot was not equally divided we had given up our area just so that my mother in law can stay in hers. The reason being is because number one, it wasn't registered and we would like to get on registered land.

Land Agent I J. Dayday: I think so what he's talking about is when they cut up the property for their family, Mrs. Mendiola's mom was only given a quarter acre which she should be given half acre in that area like everyone else. So, with the structure that is on there, I just have to go out to her property to see if it's on her mother's lot.

Chairman J. Reyes, Jr.: Okay

Commissioner A. Santos: Your mother also has a...

Mrs. Bernadette Mendiola: She's right in front of the lot that we are in

Commissioner A. Santos: She's also under Land Trust?

Mrs. Bernadette Mendiola: This is what was given to us; if you'd like to look at it.

Land Agent I J. Dayday: And also Mrs. Mendiola's siblings.

Mrs. Bernadette Mendiola: Yes.

Commissioner A. Santos: So a site visit was conducted on March 11... Jess, what did you see? Is JD you?
That's you?

Land Agent I J. Dayday: It was done to verify Lot 103.... I mean Tract 10316

Commissioner A. Santos: The one that's being proposed?

Land Agent I J. Dayday: Yes. And they just want me to mention to you that it was Land Trust, our agency who didn't warn them that one of them had leave. So, I'm not really sure about that but that's what Mrs. Mendiola was told that one of them had to leave; either her or her mother.

Mr. Joseph Mendiola: If I may. I was part of the last Commission I guess with Ms. Pika Fejeran. And you know, this has been going on for about fifteen years already where we were misguided by... I mean, first of; I know it's a thankless job. Thank you very much. But we've been misled and misguided by some staff member that I guess employed with Chamorro Land Trust. So with that being said, all we were trying to do is just mom. Okay, as far as getting everything registered, find out what is the truth; if we are able to build or even have the land registered. So, we were informed but I guess it was miscommunicated and like I said, it's a thankless job; everyone was pressured, everyone needs your undivided attention but like I say to comply with what was directed us. I would like to re-thank Ms.

Dayday and Ms. Nededog for showing us these properties. Only reason we decided on a property that we're discussing now is because it's closer to my mother in law where she's at and she's 75 years old. Previous properties that was shown to us or recommended really was a waste of time, only because either there was no follow ups or any... I'm not saying that they weren't doing their jobs but I believe they could have *inaudible* a lot better. Because like I said, with the misinformation, if you notice on that map there that I presented where my wife's lot is and her mother in law and we were informed that that lot there, the two lots were to be divided in four ways.

Mrs. Bernadette Mendiola: Josefina Sanchez is my mother so she's on the front side and I'm right behind her. So she's got a quarter when she should have a half so that's the other reason that we prefer that she gets that area than ourselves.

Mr. Joseph Mendiola: And then of course if you notice in the map my brother in laws they have their own and you see we weren't informed about that. We were just informed about the lot that my wife was on and her mother. So of course, it was misinformation again. There are some sites that we did see and then come to find out later on that it was ancestral, you see, so it's just a waste of our time, really.

Commissioner A. Santos: The one that you're on now, that's ancestral land?

Mrs. Bernadette Mendiola: No.

Mr. Joseph Mendiola: No. There was a land that we were looking at because we were informed that this was *inaudible* because we really want to try to stay as close as possible to her mother.

Commissioner A. Santos: What is that unrecorded residential lease mean, Ms. Dayday:

Land Agent I J. Dayday: The lease is not recorded with Land Management.

Commissioner A. Santos: Okay.

Commissioner A. Bordallo: I have no questions Mr. Chair.

Chairman J. Reyes, Jr.: Attorney Toft?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: Just a quick and maybe some clarification. So, moving Mrs. Mendiola to registered piece of property, we will still have... will likely have to deal with unregistered property as well for her mother; is there any issues with us moving the Mendiola's to the registered property without dealing with kind of the situation at hand with the front and the back property both being unregistered even for her mother?

Legal Counsel N. Toft: I'm sorry could you clarify that question?

Chairman J. Reyes, Jr.: So, I just want to make sure that if we move the Mendiola's to the registered property and how do we do with... it's probably separate but would there be any issues in moving them from this existing unregistered piece of property to registered property and structure being in place and her mother's being on not on the right size per say of the land; is ther...

Legal Counsel N. Toft: Well there's a couple of different solutions. One would be to try to prioritize that property to be registered fairly soon so that clears up that issue. We have a list of about five or six big lots that we're trying to get registered this year but anything that we can get through, if we have the personnel to do it, we're trying to push forward with it. If not, it'll just be a request to the Board for another relocation and just including all the relevant information.

Chairman J. Reyes, Jr.: Okay, I just want to make sure there won't be any issues for the Mendiola's when we... if the Board decides to take action. Okay, thank you, sir. Any additional questions? Commissioners, I yield to you if you would like to take action.

Commissioner A. Santos: You said that our staff had informed you of just some information right about lot sizes and what have you *inaudible* because they'd have to really what is it survey per say the land to make it the half-acre, right?

Mr. Joseph Mendiola: Well because yes, yes, because like I said the map that you have in front of you you'll see that my mother in law's I guess lot was incorrectly measured.

Commissioner A. Santos: Yours was like a bigger parcel, want to swap with her?

Mr. & Mrs. Mendiola: Laughing. Sure.

Mr. Joseph Mendiola: She can live in the structure that we have.

Mrs. Bernadette Mendiola: Yeah, that was actually the idea to have... once we can get relocated on the other land we would like to have our mother, my mother reside in the structure that we currently have there for now.

Commissioner A. Santos: What does she live in?

Mrs. Bernadette Mendiola: I'm sorry.

Commissioner A. Santos: What does she live in? Does she have a structure?

Mrs. Bernadette Mendiola: There's a structure there also but because it is pretty old, it started as Arruendo with my grandfather so that house has been there for a while already so we would prefer that she lives in the current structure that we're in now.

Chairman J. Reyes, Jr.: Okay, I have no further questions.

Commissioner A. Santos: Are we... what's... anybody can chime in if you guys have information, are we working on this right now to help them situate themselves? Securely? Like register the property, are we in any action of that currently?

Land Agent I J. Dayday: We are currently doing land registration.

Commissioner A. Santos: Okay. I have no other questions.

Chairman J. Reyes, Jr.: Thank you, Commissioners. We can move to take action if you guys are ready please thank you.

Commissioner A. Santos: I'd like to make a motion to approve the relocation of Bernadette M. Mendiola to Tract 10316, Block 11, Lot 23 in the Municipality of Dededo with the conditions that the lease is paid in full and the property taxes are paid for a portion of Lot 10140 in Dededo for the tax years, 2014 to 2021.

Mr. Joseph Mendiola: That would be the new lot

Commissioner A. Bordallo: I second.

Commissioner A. Santos: That would be the new...

Mrs. Bernadette Mendiola: No, no, that's the old lot.

Commissioner A. Santos: The conditons.

Mrs. Bernadette Mendiola: Oh okay... oh, up to date on the currently lot that we have and that's the other concern I gave to her *inaudible* we had said, we are on unregistered land and I have been paying property taxes, so, you know and this is going on I guess the lease that I currently have but mine is unregistered but I'm still paying taxes on it.

Commissioner A. Santos: Thank you.

Chairman J. Reyes, Jr.: Let me just pause here for a second. Let's asks these questions; Ms. Jessica, given that there is a condition here, could you clarify or verify that the taxes that are paid today?

Land Agent I J. Dayday: Yes, they are. It was just given to me later on via email.

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I J. Dayday: I apologize but that was because the staff report was submitted since last month.

Chairman J. Reyes, Jr.: Okay. And secondly, how about the lease; so that I want to make sure that when we make the motion that if there's no conditions needed that we move into the motion right so... is the lease paid in full?

Land Agent I J. Dayday: No. But I guess that would be up to the Board or if they don't have to pay that because that's a part of the SOP and that was why I put it there so that would be the Board to make that decision.

Commissioner A. Santos: No, no, that's good to know. Right. So the lease is not paid in full?

Land Agent I J. Dayday: No.

Chairman J. Reyes, Jr.: What has been paid?

Land Agent I J. Dayday: Her property taxes have been paid.

Chairman J. Reyes, Jr.: Okay, so there's just no lease payment at all; not half, not a quarter, not...

Land Agent I J. Dayday: Yes, there is some payments have been made but I just put that down because that's our process.

Chairman J. Reyes, Jr.: Understood. And we would make sure the lease is also paid, correct?

Land Agent I J. Dayday: Correct.

Chairman J. Reyes, Jr.: But do you know how much has been paid, Mrs. Mendiola? What's the balance?

Land Agent I J. Dayday: I would have to verify that one.

Chairman J. Reyes, Jr.: Okay, so let's make that a condition, make sure the lease is paid in full. And since, Ms. Jessica can validate that the taxes have been paid in full then we're okay with that, we don't need to make that as a condition. We just need to make sure that the lease is paid in full, is that okay?

Mr. and Mrs. Mendiola: Yes.

Chairman J. Reyes, Jr.: And then we'll make sure that she provides that. We'll just state it as a condition when we approve this... *inaudible*

Commissioner A. Santos: Your taxes are up to date?

Mr. Joseph Mendiola: Yes.

Commissioner A. Santos: And we have all of the records, right, Jess?

Land Agent I J. Dayday: Yes. I have it right here.

Commissioner A. Santos: For their taxes?

Land Agent I J. Dayday: Correct

Commissioner A. Santos: Okay so that one we can scratch out.

Chairman J. Reyes, Jr. and Land Agent I J. Dayday: Yes

Land Agent I J. Dayday: Can I just... I know you're going for a motion right now and I apologize, can we also include clearing and grading authorization and then the building permit authorization will come later but just so they can begin the clearing and if we can add that into the motion? Or request, clearing and grading authorization?

Chairman J. Reyes, Jr.: Okay.

Land Agent I J. Dayday: Thank you.

Chairman J. Reyes, Jr.: So, relocation, clearing and grading and with the condition that the lease is paid in full. Is that your final answer Ms. Dayday?

Land Agent I J. Dayday: Oh yes. I'm sorry. Yes, correct.

Commissioner A. Santos: Just clearing and grading

Land Agent I J. Dayday: They do plan on building however they're still deciding on their building plans but they are ready it's just at a later time and they plan on doing Guam Housing.

Chairman J. Reyes, Jr.: I don't have any additional questions.

Commissioner A. Santos: Ms. Eileen?

Chairman J. Reyes, Jr.: Ms. Eileen?

Land Agent II E. Chargualaf: I do. Yes, shouldn't we add on this relocation also; are there any structures... I have a question, are there any structures on current property that they're going to be... that they're on now? So, we should conduct their inspection prior to their relocation?

Chairman J. Reyes, Jr.: Yes, Ms. Eileen, we discussed that.

Land Agent II E. Chargualaf: Oh, I'm sorry. I didn't hear it then.

Commissioner A. Santos: No, thank you.

Chairman J. Reyes, Jr.: No but yes, ma'am we did discuss that.

Land Agent II E. Chargualaf: Just clarifying, thank you.

Chairman J. Reyes, Jr.: Oh, yes, for sure Ms. Eileen. Thank you.

Commissioner A. Santos: Make sure we do this right!

All: Laughing.

Chairman J. Reyes, Jr.: Commissioners, any additional question or Ms. Eileen, anything else?

Commissioner A. Bordallo: None.

Chairman J. Reyes, Jr.: Thank you Commissioner Bordallo. So let's go ahead and *inaudible* and kind of redo our motion please.

Commissioner A. Santos: Relocation and clearing and grading permit authorization. Alright. So, I'd like to make a motion to approve the relocation of Bernadette M. Mendiola to Tract... do I have to state the prior or... from a portion of Lot 10140 in Dededo, Stampa Road, Dededo to Tract 10316, Block 11, Lot 23 in the Municipality of Dededo with the conditions that the lease is paid in full and I guess we'll make the motion for... with the condition that the lease is paid in full.

Chairman J. Reyes, Jr.: Okay, 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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Hearing none. The motion passes to relocate Mrs. Bernadette Mendiola from a portion of Lot 10140 in Dededo to Tract 10316, Block 11, Lot 23 in Dededo with the condition that the lease is paid in full. Okay thank you.

Mr. and Mrs. Mendiola: Thank you.

Chairman J. Reyes, Jr.: And then we have one more.

Commissioner A. Santos: I'd like to make a motion to approve the issuance of clearing and grading authorization... to allow authorize to clear and grade the property to Ms. Bernadette Mendiola for Tract 10316, Block 11, Lot 23 in Dededo.

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. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none. The motion passes to give authorization to Ms. Bernadette Mendiola for clearing and grading for Tract 10316, Block 11, Lot 23. Thank you, Mr. and Mrs. Mendiola for your patience and understanding and congratulations.

Mrs. Bernadette Mendiola: Thank you

Chairman J. Reyes, Jr.: Thank you for your time. Si yu'us ma'ase'. Okay Ms. Eileen next on please.

Land Agent II E. Chargualaf: Sir, that's all in the constituent matters. We can move forward now on item number...

Chairman J. Reyes, Jr.: Thank you land agents for your continued support and hard work. Okay. Next up on our agenda, we're going into our Fiscal Year 2025 but with that said, let's take a quick ten minute break, the time is 3:10 and we will return in ten minutes at 3:20 p.m. thank you.

Break: 3:10 p.m. – 3:25 p.m.

Chairman J. Reyes, Jr.: Good afternoon everybody, we're about ready to begin. Saina Bordallo – Commissioner Bordallo, could you hear us? Attorney Toft, could you hear us?

Legal Counsel N. Toft: I could hear you, yeah.

Chairman J. Reyes, Jr.: Commissioner Bordallo, I still see you're on mute; can you hear us? Okay, we'll give Commissioner Bordallo a couple more minutes. Commissioner is *inaudible*

Commissioner A. Bordallo: I'm in.

FY2020 Audit

Chairman J. Reyes, Jr.: Thank you so much Commissioner Bordallo. Okay, the time is 3:25 p.m. and we will resume our meeting and pass it over to Mr. Joey Cruz to go through our 2020 Audit.

Program Coordinator III Joey Cruz: Good afternoon Mr. Chair and Commission Members. My name is Joey Cruz, I'm the Program Coordinator for the Commission. As you know, our FY2020 Independent Financial Audit is completed and the Commission has received an unqualified opinion which is good. Our financial statements were prepared and presented fairly and within the general acceptance and accounting principles and *inaudible* related to the financial reporting.

Chairman J. Reyes, Jr.: Can we maybe up the volume for Joey's mic.

Program Coordinator III J. Cruz: Test... test...

Chairman J. Reyes, Jr.: That's better.

Program Coordinator III J. Cruz: Just to give you an inside of what our audit entails or what it covers is the Chamorro Land Trust Commission has three active funds that undergo an Independent Financial Audit annually which is required by law. Please note that the financial statements reported in the audit is reported as a whole; in other words, the respective *inaudible* statements, revenues, expenditures and changes in fund balances are combined when presented and report. The three funds are the Chamorro Land Trust Operations Fund; that fund from resources from the application fees, commercial leases-licenses executed prior October 2015 and any interest earned from our bank accounts. The allowable expenses are operational expenses. As you can see in the report I provided you, there's a five year projection that shows a downward trend of revenue collection. The second fund is the Chamorro Loan Guaranty Fund, the funding source for that fund is the payment of real property taxes also known as the pilot and interest earned from the respective bank related to that fund. The allowable expenses are the loan guarantees issued. So in other words if a loan guaranty should default then that fund would be the fund to pay for the loan balance or to bring the loan current prior to the Commission *inaudible* that fund also at year end 2017 had a *inaudible* transferred amount of three hundred twenty thousand one hundred five dollars and thirty-six cents. (\$320,105.36) to the General Fund. The third fund is the Chamorro Land Trust Survey & Infrastructure Fund, the funding source for this fund is the Commercial leases and licenses executed after October 2015; agriculture and residential lease payments, any sell of Government land and interest earned from respective bank accounts. The allowable expenses from the fund is the subdivision surveying, mapping and registration of tracts for residential and agriculture property, construction of infrastructure to include access roads, water and power, utility to service CLTC residential and agriculture tracts of land. This fund also at year end 2017 reported a permanent transfer out amount of three hundred twenty-one thousand two hundred sixty-two dollars and sixty-eight cents

(\$321,262.68) to the General Fund. Also, in your report is a projection, a five year projection that shows a downward projection but *inaudible* from 2023 to 2025.

Chairman J. Reyes, Jr.: Joey, could you pause there. Before you go over to the cons. So we did find out in the two funds where it totals over *inaudible* forty thousand right that's been transferred out in 2017. What is the... I know when I first joined the Commission you had shared that there has been numerous attempts where *inaudible* that were sent over to see if that's recoverable. When was the last time that we've reached out in light of that, and what are our other options to continue to request for these monies to come back to the vendors.

Program Coordinator III J. Cruz: The action taken is what it is it's already a permanent transfer out but we did send Director Bern, the DOA Director a letter requesting for the amount to be returned. Unfortunately there has been no action for the amounts that were transferred out in 2017. And then for FY2020, we did record some receivables from the General Fund and just yesterday we had delivered a letter to Director Bern about the immediate reimbursement and the deposits of that money to the respective accounts. Since we're on that topic, the letter will also entail that we request that the *inaudible* under the custody of DOA that the account names be changed, two account names be changed and they add the Chamorro Land Trust name in the other account.

Chairman J. Reyes, Jr.: That was from the audit, right?

Program Coordinator III J. Cruz: Yes, yes, from our 2020 audit.

Chairman J. Reyes, Jr.: Okay so that request for the receivable, do you know what that amount is for Fiscal Year 2021?

Program Coordinator III J. Cruz: For the Chamorro Loan Guaranty Fund, the received amount from the General Fund is one hundred fifty thousand five hundred seventy-seven (\$150,577.00). For the Chamorro Land Trust Survey & Infrastructure Fund, the receivable amount from the General Fund is two hundred seventy-eight thousand eight hundred eighty-nine (\$278,889.00).

Chairman J. Reyes, Jr.: Thank you. And I'm sorry, just to clarify these would be transferred back to Chamorro Land Trust?

Program Coordinator III J. Cruz: We requested for the reimbursement and *inaudible* to the respective banking.

Chairman J. Reyes, Jr.: And so maybe educate the Commissioners a little more as well on why we would have to request for that to be reimbursed or...

Program Coordinator III J. Cruz: What happens is that is when these revenues are collected, it's received into the Government of Guam *inaudible* General Fund daily collections, at the end of every month we monitor whether there was any deposits made or any transfer of those revenues. Unfortunately, since 2018 there has been no remittance or deposits of any revenues earned from 2018 to again FY2020. The only deposits that are affected in our financial system because we *inaudible* although, they're in the custody of DOA *inaudible* so if you see the revenue report that I provided in other *inaudible* it's detailed as to the amount of interest that each *inaudible* which is roughly a little over three dollars (\$3.00) for one account and few cents for the other account so that's

how the... and because the money is not remitted or deposited to there's *inaudible* bank accounts it's reported as a receivable from the General Fund.

Chairman J. Reyes, Jr.: Now, the two deposits that you stated for the Loan Guaranty Fund and the Survey Infrastructure Fund; is that just for Fiscal Year 2020 or is it accumulative from 2018 to 20?

Program Coordinator III J. Cruz: It's accumulative from 2018 to *inaudible*

Chairman J. Reyes, Jr.: Because we are 2019, right? Okay, alright I just wanted to clarify that. Commissioners, I just wanted to pause there just to get some clarity. Any questions?

Commissioner A. Bordallo: Yeah, when are we going to get the money?

Chairman J. Reyes, Jr.: Yes, I was just about to ask Mr. Cruz. So, Mr. Cruz, when did you send Mr. Bern that letter?

Program Coordinator III J. Cruz: The letter was dropped the DOA Director's Office yesterday, April 28, 2021.

Chairman J. Reyes, Jr.: Okay. Thank you.

Program Coordinator III J. Cruz: Aside from the audit report regarding our finances; a management letter also accompanies the audit report. In that audit report or in that management letter; *inaudible* there's a section there that's related to control deficiencies for FY2020 in numerous, restated and new comments regarding some of the processes regarding lease issuances.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: Number one, under leases; Commercial, this is related to Kwikspace. Kwikspace doesn't have any current or active commercial license or lease with the Commission; although, on May 14, 2008, GEDA submitted a letter to CLTC requesting for approval from CLTC by a way of a Grant Easement. Number two, *inaudible* Guam Ancestral Lands Commission, the easement will be for a 60 foot wide by 165 feet long at a rate of twenty cents per square meter which *inaudible* hundred eighty-three dollars and ninety-four cents (\$183.94) monthly or two thousand two hundred seven dollars and twenty-eight cents (\$2,270.28) annually which is the amount that they have been paying. On June 25th the Board approved the Grant of Right of Way Easement request presented by GEDA. A Grant of Right of Way Easement was prepared but was not finalizes. Aside from the Grant of Right of Way Easement, our Administrative Director had rose the idea or submit a land swap with former GALC Executive Director Mr. Angoco for ancestral property that is currently being occupied by CLTC lessees. So currently, CLTC has some lessees who have leases on ancestral properties. Although, as of today there's been no action.

Chairman J. Reyes, Jr.: And all of this had transpired since 2008?

Program Coordinator III J. Cruz: The Administrative Director request transpired I think last year or the year before. 2019, I believe.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: Although, to correct the comments in the management letter; we will be preparing the property information to present to the Board for commercial use.

Commissioner A. Bordallo: Can I interrupt you for a minute?

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

Commissioner A. Bordallo: On the Deloitte Audit Report, there was a letter written to our Director Mr. Hattig; and in that letter there are lease agreements that properties have expired that's on Appendix D. And the question is, because this Management letter was given, this was brought to the attention in 2019 for the same property... we haven't had an answer to.

Program Coordinator III J. Cruz: Yes, ma'am. The Item A and Item B, all relate to commercial leases or licenses and what we're doing now is packaging all the expired leases or licenses and to include the property mentioned on Item A to present to the Board for consideration for commercial use. So, we are going to request through the Administrative Director that this item be placed on the next board meeting for consideration. And then we can start the process of the 33-95.

Commissioner A. Bordallo: And even there's lease agreements that were not given to the Guam Legislature for approval that's agricultural, section c.

Program Coordinator III J. Cruz: Yes Commissioner Bordallo. We have prepared a report to address all of the items that were mentioned in the management letter.

Commissioner A. Bordallo: I just have a question. How much land is there as far as assets is concerned that Chamorro Land Trust owns because it's not in our financial as far as land inventory and how are we to know when land is being sold. We don't even know these lands.

Program Coordinator III J. Cruz: The Audit Report on page 5, number 4; challenges and accomplishments it details how much land the Commission currently has in its own inventory. As of September 30, 2020, CLTC's land inventory total 11,666.88 acres.

Commissioner A. Santos: 666.88?

Commissioner A. Bordallo: Acres?

Commissioner A. Santos: 11,668.38?

Program Coordinator III J. Cruz: 11,666.88 acres?

Commissioner A. Santos: 66 or 68, Joe?

Commissioner A. Bordallo: So what page is that again, Joey?

Program Coordinator III J. Cruz: Page 5 of the audit report.

Commissioner A. Santos: it says, 11,668.38

Multiple conversations

Commissioner A. Bordallo: But it doesn't give a value, right?

Commissioner A. Santos: Oh... I'm sorry my bad.

Program Coordinator III J. Cruz: Excuse me?

Commissioner A. Bordallo: It doesn't give a value?

Program Coordinator III J. Cruz: No, as far as our land valuation there's *inaudible* GASB 52 so if we don't receive any commercial gain from the property we don't include it as part of our land valuation. So, for instance, if a tract of land has five hundred lots but only four are leased, in our total land valuation only the four lots are included.

Commissioner A. Bordallo: It shows in the financial.

Program Coordinator III J. Cruz: Yes, ma'am correct.

Chairman J. Reyes, Jr.: Okay, thank you, Joey. Commissioner Bordallo, do you have any other questions there?

Commissioner A. Bordallo: No. Just continue. Because he brought up leases, I had a question on that.

Chairman J. Reyes, Jr.: There's a few more that he'll be getting into.

Program Coordinator III J. Cruz: For Item B, under Leases Commercial, again we will prepare a package of all Commercial Leases that have expired leases or licenses or no lease or license in place but we are collecting revenue to present to the Board for consideration for commercial use.

Chairman J. Reyes, Jr.: Joey do you....

Commissioner A. Bordallo: Are those business still exists, Joey?

Program Coordinator III J. Cruz: Yes, ma'am.

Commissioner A. Bordallo: Joey, they still exist?

Program Coordinator III J. Cruz: Yes, majority of the business related to the property listed in item B are mainly telecommunication companies.

Commissioner A. Bordallo: Okay, you can continue.

Program Coordinator III J. Cruz: Mr. Chair, do you have any questions?

Chairman J. Reyes, Jr.: No, please proceed. Oh, I'm sorry, if you're going to wrap up on the Commercial leases, you'll be able to provide the Commission in next month's regular meeting a plan on how to address these?

Program Coordinator III J. Cruz: Yes, we'll prepare I guess you can call it a license end report to give you a history of the licensee and whether they have a balance on their account or not but also we will in our report we will recommend, we'll provide our recommendation for the use of the property whether it's to continue for commercial use or not.

Chairman J. Reyes, Jr.: And you will work closely with Attorney Toft?

Program Coordinator III J. Cruz: Yes. Yes.

Chairman J. Reyes, Jr.: Okay. You can proceed please thank you.

Program Coordinator III J. Cruz: Now, also in the management letter there's comments regarding agriculture and residential leases. All of the concerns listed in the Management Letter have corrective actions that could take place to ensure compliance of existence statutes. What we will begin to do is review all the constituent files prepare a staff report that would entail the questionable action and the recommended action to take to correct the personnel actions. Again, we will request this through the Administrative Director to be placed in the May, 20, 2021 agenda.

Chairman J. Reyes, Jr.: Okay. Joey, real quick on the leases; for agricultural and residential, I was trying to find it but how many do we have in question here?

Program Coordinator III J. Cruz: Eight.

Chairman J. Reyes, Jr.: Eight total?

Program Coordinator III J. Cruz: Yes.

Chairman J. Reyes, Jr.: Okay. Now, with that eight knowing that it's been identified by the auditors; is there a plan to maybe or can there be a plan to review the files that they have; a, to make sure that we can either categorize any other issues or... I'm hoping that there's no issues in those files.

Program Coordinator III J. Cruz: Yes, sir. Currently what had happen or what occurred last week was that the Management Team and the Review Section had met, because of all the comments in the Management Letter *inaudible* to try to devise a plan on how we're going and what we can do to correct all the questionable actions. In review of all the files maybe *inaudible* but we are still researching to what extent or what type of actions are needed. But we will prepare a preliminary report and it will entail the types of actions or questionable actions that we encountering and the corrective action; because for example, the switch and transfer list is made up of constituents who switched date and times and constituents who transferred their application rights to another individual but the applicant is still living; so the only corrective action to address that type unlawful action is to revert although, like Lydia had mentioned earlier is that there are some constituents who had built houses already on the property. And those constituents either may build the houses with their own financial resources or they got loan guarantees from the Commission. And then there's other constituents who had surveyed the property already. And there's just the remaining balance of the remaining constituents *inaudible* so we will put together a report that would entail the unlawful action and the recommended solutions. If there's more than one solution that's allowable by law, we'll put it and present it to the Board for it's *inaudible*

Chairman J. Reyes, Jr.: Okay, and then in regards to just the ones that were brought up by the audit; how far back do those ones stem?

Program Coordinator III J. Cruz: The Null and Void?

Chairman J. Reyes, Jr.: No, just the ones that came up in the audit.

Program Coordinator III J. Cruz: The questionable one?

Chairman J. Reyes, Jr.: Do you know what years?

Program Coordinator III J. Cruz: Everything from the audit was a restatement from 2019 which the action that is questionable occurred in 2019 or in 2020. But there may be a couple that for example under agricultural, item b, the takeover by a beneficiary from an unqualified applicant that occurred years ago, several years ago; I can't give you an exact

Chairman J. Reyes, Jr.: Understood. Okay, I look forward to the additional research that's going to be done for these and categorize them to make sure that... and if there are any other ones that could be related or similar circumstances; to be *inaudible* those files. And I know that there may have been a review of files a few years ago or however long back, if it warrant another round, I leave it up to you guys to let us know that it warrants another round. Because then it's also going to drain our resources and managing our current constituent matters so definitely collaboratively work with the team so that we have a plan or a path forward and if we have to put a pause on things to focus on the cleanup then we could definitely consider that.

Commissioner A. Santos: Right. Right please.

Chairman J. Reyes, Jr.: But that's kind of do some analysis to give us what we are looking at here.

Program Coordinator III J. Cruz: We definitely will. Our main objective is to ensure that any plan that we come up with doesn't impact our day to day operations, because there's constituents who come in here *inaudible* for water or power because of humanitarian reasons or things of that nature so it's going to be a plan that considers the needs of our constituents. The last thing we want to do is put a hold to our day to day as much as we'd like to to get things *inaudible* but we still have to be able to respond to the needs of our constituents.

Chairman J. Reyes, Jr.: We're still going to have to go out to the field and do inspections *inaudible*

Commissioner A. Santos: I think what I asked, Joey, the Null and Void list; can you refresh my memory on how we came up with the Null and Void list... so I was thinking right, categories – subcategories, did we give them leases already and they have transferred or they're applicants... did we- what did we scrub how did we find those numbers, right?

Program Coordinator III J. Cruz: Initially the files were reviewed by the Attorney General of Guam in relation to the Barrigada Heights issue. After they reviewed the *inaudible* the Attorney General issued an opinion and because the Act or the Rules and Regulations allow for a constituents or constituents to switch application date and time and a living applicant to transfer their application, those leases that were issued were deemed Null and Void. So the Null and Void listing we have today are all people who were awarded leases and who switched date and time and transferred application.

Commissioner A. Santos: So, who already have leases?

Program Coordinator III J. Cruz: Yes, yes.

Commissioner A. Santos: Okay. Do we know if there are any applicants who are still at the applications stage who have switched.

Program Coordinator III J. Cruz: Yes, there is. Unfortunately, we won't be able to provide you with a definite number but we can say there are applications or applicants still without leases that have switched date and time or have transferred their application to an individual while they're still alive.

Chairman J. Reyes, Jr.: So, remember, Ms. Lydia talked about the twenty-eight; that was the initial list and so *inaudible* that there may be more.

Program Coordinator III J. Cruz: The probability is high. There is more.

Commissioner A. Santos: Right right. I just wanted something to clear that. But that will be addressed too with whatever you're going to be analyzing you know right with the operations of the office, right, Joe?

Program Coordinator III J. Cruz: Yes, and just to inform you; aside from the Null and Void listing, we have other projects. Attorney Toft had mentioned the Land Registration, the constituent prior to me is located on Lot 10140, just to let you know the process serving for Land Registration for Lot 10140 has commenced already. We'll provide you guys of an update of how far we got already at the next board meeting. But although it is kind of difficult to locate private land owners that's the difficulty we're facing, is locating private land owners. Although we are researching to like Guam Election Commission, Revenue and Tax, the Postal Service to try to get addresses or contact numbers or things of that nature. We've also posted a listing on our Facebook page, so we're utilizing every resource we have to try to get a hold of *inaudible* to speed up the land registration, the process serving for the land registration of Lot 10140. Aside from the Land Registration, we also have the Land Inventory which is another critical part of our day to day operations. Unfortunately, we have some lessees or we have properties that have been awarded the whole triple quadruple times to different individuals. So understanding what land we have available would allow us to transfer people who was the second awardee to a specific lot, third awardee, fourth awardee; so that's something that we're currently working on also. So we have a lot of projects so in our plan projects will be considered. And just for the sake of disclosure, to include the Administrative Director, we're a staff of twelve so we have a lot on our plate. But we will get it done.

Commissioner A. Santos: Thank you, Joey.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: Item number 2, The Special Funds, this has been addressed already by us sending a letter to Director Berns's office yesterday. It's regarding the receivable for the General Fund.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: And then, item number 3; The Lease Receivables, what happens is that when we close our books on September 30, 2020, the Commission prepares its financial statements and records its revenues and expenses based on availability and *inaudible* so any payments made from October to December 2020 three months after the Fiscal Year ends that relates to any invoices for the prior Fiscal Year which is 2020; we report that as revenue. So, because the amount of revenue that was recorded during that time, we didn't report any allowance for *inaudible* because we were anticipating that some payments will be made in January through March which is during the time of the audit *inaudible* so that's what item 3 receivables is related to is the recognition of *inaudible* rental payments. Although, we did do an audit adjustment to report the allowance from our program but we are also tracking it ensuring that the lessee is aware that this is their arrears *inaudible*. So, on the first week of May letters will be sent to our Commercial lessees or licensees regarding their account balances and an account statement will be provided to them so they can cross check with their payment schedule also. So that will be addressed.

Number 4; Bank Accounts, like a mentioned earlier, a letter was delivered to Director Berns' Office yesterday regarding bank accounts.

Section 2, Other Matters; The Lease Revenues, this is related to the revenue collection from the Guam Racing Federation. Public Law Number 34-142 authorized CLTC to lease Lot 7161-R1 in Yigo for a period of up to fifty years and allowing a Right of First Refusal to the Guam Racing Federation. If GRF exercises the Right of First Refusal CLTC shall within 180 days from GRF exercise to submit to the legislature for approval a negotiated lease. Furthermore the proceeds from the leasing lot 7167-R1 shall be divided into a Chamorro Land Trust Survey & Infrastructure fund during the term of the lease. Unfortunately CLTC was not able to negotiate lease terms and conditions in compliance with 21GCA 75122 nor will since we weren't able to negotiate a lease weren't able to submit a negotiated lease to the legislature for approval. As a result, CLTC is not in compliance with Public Law 34-142 although, on June 6, 2019, at the regular CLTC Board Meeting a motion was made to allow Guam Racing Federation to continue occupancy based on previous lease terms of *inaudible* on a month to month bases for six months, that motioned was second and passed. Because of this action, the lease revenues from GRF continue to be deposited into CLTC Operations Fund. The month to month basis for Right of Entry continue to June 2020. Because of that action and no lease was executed as per 34-142, we maintain the revenue collection and deposit that money into the Chamorro Land Trust Operations Fund. Now, if the lease was executed under the authority of 34-142 we would have deposited any revenue generated from that lease into the Survey and Infrastructure Fund. On a side note, because the Right of Entry was *inaudible* 2020 an extension needs to be addressed. In addition to that also, the increase in *inaudible* of the mineral extraction also needs to be addressed.

Chairman J. Reyes, Jr.: Yeah, so in our last meeting that did come up. So remind me it's up to \$2.00?

Program Coordinator III J. Cruz: Currently, they're paying \$2.00.

Chairman J. Reyes, Jr.: Joey, let's talk a little bit about the Right of Entry. I guess it expired in June of 2020?

Program Coordinator III J. Cruz: Yes

Chairman J. Reyes, Jr.: And we need to rectify that obviously. Granted 2020 was a little bit of a interesting year, and there was no Commission meetings until December, I believe.

Land Agent I T. Tainatongo: There was one in May, July and December.

Chairman J. Reyes, Jr.: Yeah, so in July it may have not been addressed and then in December it wasn't addressed either. That's when we had just got on. Okay, I just want to make sure I understand that timeline. I guess if you could... for our next Commission meeting to kind of put a plan together on how to address these items but also we need to actually really sit down and talk about the raceway and *inaudible* as far putting forth a lease and I know one of the options or one of the recommendations is to go the legislature but we do have a copy of their proposed terms.

Program Coordinator III J. Cruz: The Commission is only allowed to *inaudible* commercial leases for up to twenty-five years. Any exceptional term needs legislative approval. Also, when we present the Commercial

Commissioner A. Bordallo: Can I ask a question?

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

Commissioner A. Bordallo: On that lease, if you're going to forward the proposal for the Guam Racing

Chairman J. Reyes, Jr.: The Guam Racing Federation

Commissioner A. Bordallo: If you forward that to the legislature so that they can review the lease on a not a month to month but on annual for so many years, why did we just not act on it?

Program Coordinator III J. Cruz: Commissioner Bordallo, we did have discussions with the management of the Guam Racing Federation, unfortunately, we couldn't come to an agreement regarding the terms and conditions and the hundred and eighty days has lapsed so there was no way of submitted that.

Commissioner A. Bordallo: So Joey, can you just sort of like give us the information as far what they wanted and what we wanted that we couldn't come to an agreement. I'm not asking right now but on the next meeting.

Program Coordinator III J. Cruz: Yes, Ma'am. We have a draft of a commercial lease that we were able to agree upon, myself and Attorney Toft and *inaudible* and we also had discussions of the Guam Racing Federation.

Chairman J. Reyes, Jr.: Joey, *inaudible* for Commissioner Bordallo and Commissioner Santos as well; what was the main point of intention in regards to that; do you recall?

Program Coordinator III J. Cruz: To which

Chairman J. Reyes, Jr.: What was the main item that was not agreed upon?

Program Coordinator III J. Cruz: I want to say the mineral extraction activity.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: If I remember correctly, 34-142 clearly states that mineral extraction is not allowed and Attorney Toft can assist me in that. I don't remember but I think it's there.

Commissioner A. Bordallo: No, that's right.

Legal Counsel N. Toft: Yeah, that's correct. It prohibited mineral extraction and that was basically a no go for the raceway as far as proceeding beyond that and they asked us if we could over rule the law and we said; no, we cannot.

Commissioner A. Bordallo: So you know, that goes for a lot of like Hawaiian Rock asking for I mean you know proposing.... About...

Chairman J. Reyes, Jr.: Right and we made it very clear right with the mineral extraction and what the law allows for. So, Joey, we'll look forward for your additional analysis and what we can do to rectify some of these findings and also Commissioner Bordallo, to your point I'm sorry Joey to Commissioner Bordallo's point to lay out some of those points of intention in regards to that the *inaudible* and let's try and push this through.

Program Coordinator III J. Cruz: And just so you know, the survey guys, myself and a land agent will also be conducting site inspection of all commercial leases that have expired so that we can provide you with an updated activity that's occurring on the property and we will also be conducting a site inspection on the Guam Racing Federation.

Chairman J. Reyes, Jr.: And this include Global?

Program Coordinator III J. Cruz: Global does not have a commercial lease or license with the Commission. Global just has a use agreement.

Chairman J. Reyes, Jr.: But that's still also an outstanding item, right for the Commercial perspective?

Program Coordinator III J. Cruz: Yes, Global is still pending. As of today, Global might have competed the first appraisal report but they were informed that the second appraisal is necessary to determined what a potential rate may be. Since, we're on the Global, we'll just extend also to Johnny Cool, we're just waiting from *inaudible* to obtain the second appraisal and then we'll present that also because that's also a lease that has expired but he's continuing to make payments.

Chairman J. Reyes, Jr.: And also, I want to make sure that we address Global particularly because *inaudible* not an existing lessee, correct?

Program Coordinator III J. Cruz: Correct

Commissioner A. Bordallo: I have one question for Attorney Toft as far as extraction; is that only for Government lands, the law?

Legal Counsel N. Toft: No, as far as the ones that apply to us; it's any mineral extraction whatsoever has to be approved by the legislature through a lease, so even if we do a commercial lease for a different property that lease would need to be approved by the legislature.

Commissioner A. Bordallo: Yeah, but for a private citizen owning land and wanting to extract, is that against the law?

Legal Counsel N. Toft: It depends on the zoning of the particular lot.

Commissioner A. Bordallo: Oh. Well anyway, if we can approach the legislature, that's not bad it's not like saying they can't approve anything, you know. So, we should take it to the legislature. You have fifteen people to vote on it instead of three. Okay, thank you.

Chairman J. Reyes, Jr.: Yes, Ma'am. Thank you, Commissioner Bordallo. Joey?

Program Coordinator III J. Cruz: One other thing is to inform the Board is that the Commission has submitted its final FY2022 Budget Request and our Budget Request is one million one hundred twenty thousand five hundred seventy-three dollars (\$1,120,573.00). One million twenty-seven thousand seven hundred forty-nine dollars (\$1,027,749.00) will come from the Operations Fund and ninety-two thousand eight hundred twenty-four (\$92,824.00) will come from the Survey & Infrastructure Development Fund. We'll provide you with a copy of the budget in our next meeting.

Chairman J. Reyes, Jr.: Okay, thank you, Joey. Do you have any additional aside from the Budget, Financial Report? Because I know the one that's included here in our packet only determine January.

Program Coordinator III J. Cruz: We just submitted February and March yesterday and we'll also provide a copy of that too. In addition to the reports that will be provided in May's Board Meeting, we'll also provide you with a projection analysis *inaudible* of our budget so that you'll understand how much we spent to date or as of that date. And if we have any lapses or shortfalls.

Chairman J. Reyes, Jr.: Okay, thank you.

Commissioner A. Bordallo: I have one question.

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

Commissioner A. Bordallo: The financial part of the audit report that Deloitte & Touche did, I believe our Speaker, Terese Terlalle, our Oversight Chair was asking about that or is it the Office of Public Accountabilities? Which one was she asking the report.

Chairman J. Reyes, Jr.: I think it was the audit, it was the audit report.

Commissioner A. Bordallo: The private audit, the Independent Audit Report, not from the Government Auditor?

Program Coordinator III J. Cruz: We can provide... - interrupted

Commissioner A. Bordallo: So did we forward that to her? Or you're not aware?

Chairman J. Reyes, Jr.: Say that one more time Commissioner. Did we forward the audit report to the Speaker?

Commissioner A. Bordallo: Yeah, because she asked for it on her letter.

Chairman J. Reyes, Jr.: It was addressing what is our plan to address the audit findings and this is what Joey was going through, setting up the plan.

Commissioner A. Bordallo: Yeah.

Chairman J. Reyes, Jr.: Setting up the plan, that is what she was requesting.

Commissioner A. Bordallo: After that then on the next meeting, I guess you would turn it over to her.

Chairman J. Reyes, Jr.: Correct. So Joey's addressing all the findings and then once he puts the plan together we want to make sure that we went through it, addressed each one, and then *inaudible* come back with a plan and then we will be able to report that to her.

Program Coordinator III J. Cruz: In the next Board meeting in May we would ensure that staff reports are prepared and recommendations are ready to be presented.

Chairman J. Reyes, Jr.: Yes, amongst all other not just the financial, right? Thank you, Joey.

Commissioner A. Santos: Thanks, Joey.

Chairman J. Reyes, Jr.: Anything else Commissioner Bordallo?

Commissioner A. Bordallo: Thanks Joey.

Program Coordinator III J. Cruz: You're welcome.

Chairman J. Reyes, Jr.: Okay, thank you so much Joey. Moving onto the Director's report, we have a copy; is there any questions. Unfortunately, we don't have the Director here but anything that we need to discuss?

Commissioner A. Bordallo: I think we'll take it up on the next meeting because Joey will also be reporting on some of those.

Chairman J. Reyes, Jr.: Yeah and we have it to review so if there is any additional questions, we can ask that in our next meeting.

Commissioner A. Bordallo: In our next meeting, yeah.

Chairman J. Reyes, Jr.: Okay, thank you. And then lastly; our Commissioners Comments. I will yield the time for you guys to... if you have any additional comments before we adjourn.

Commissioner A. Bordallo: Commissioner Santos, you have anything to say?

Commissioner A. Santos: Welcome Home.

Chairman J. Reyes, Jr.: Yes, Commissioner, welcome home. You're on the same time zone as us now, we're not keeping you until... burning the candle.

Commissioner A. Santos: Hagu fine' nena Saina-hu

Chairman J. Reyes, Jr.: Commissioner Bordallo, are you still here?

Commissioner A. Bordallo: Yeah, I'm still here. Pardon me, I don't understand what Commissioner Santos said.

Commissioner A. Santos: Oh, I'm sorry. I said, hagu fine' nena, kao malago' hao?

Commissioner A. Bordallo: Ti komprende hafa ilek-mu

Commissioner A. Santos: Would you like to go first?

Commissioner A. Bordallo: Oh. Well I'm glad to be back that's all I can say. Thank god.

Commissioner A. Santos: Yes Ma'am.

Chairman J. Reyes, Jr.: Yes, definitely glad to have you back home and doing well, Commissioner Bordallo. Commissioner Santos?

Commissioner A. Bordallo: Our Commission is very out there as far as public.

Commissioner A. Santos: Very much so. I just want to address today's meeting. A lot was discussed, there were different issues that we dealt with and everybody saw the working and the togetherness of the Land Agents with the constituents with the Commission and I think that's... this is the first meeting that I've attended and this is the way that I want to see it go. You know, transparency... everything out on the table, what we can do, what we cannot do. It's very very important to know their path until being able to getting a building and grading permit to start their home or agricultural farming, bona-fide certification to start agriculture farming on their land but this was by far the most heartwarming for me meeting that I've been on. So I want to tell everybody thank you again for your diligence and hard work. You are very appreciated.

Commissioner A. Bordallo: I agree with you Commissioner Santos. I just want to say, it's like you said; it was a good meeting and I would like to see that the properties that Chamorro Land Trust has large tracts, if we can survey them and do a subdivision, because a lot of our people can't even afford to pay for surveying of property. That's why I think it's taking so long for Chamorro Land Trust to get things going because the land has to be divided and there are a lot of people that need it. That's all I can say.

Chairman J. Reyes, Jr.: Yes, definitely understood and I echo Commissioner Santos's sentiments as well. Today's a very good meeting and to your point Commissioner Bordallo, we just need to take the time to identify that pot of land to then work for infrastructure, work for surveying, etc..... it's definitely on the list of our actions to make that happen. So, with that said, anything else...

Commissioner A. Santos: I just wanted add because we discussed within our meetings is there a possibility of getting together like a working group consisting of staff and the commission members or one or the other since we can't go on a dual *inaudible* together.

Chairman J. Reyes, Jr.: Yeah, maybe we'll bridge with Attorney Toft on how we can address that. Maybe it's delegating some of the time with our Administrative Team to then work through with our Survey Team and then bring it to the Commission so that we can have that discussion in our meeting and they have their one good approach. So, yeah, Attorney Toft, any ideas on how to have that kind of like a planning session to address Commissioner Bordallo's process on obtaining large tracts of lands for residential?

Legal Counsel N. Toft: Yeah, I mean we've been working on that for a bit as far as identifying the big pieces that we can get moving on as far as big residential tracts. So those are on the list to be registered this year.

Chairman J. Reyes, Jr.: Okay, awesome. Yeah, because that's the key thing too, is that we have to make sure that it's registered.

Commissioner A. Santos: Just working group as in any discussions we can have together on how to move the program forward and set those guidelines and then follow through and really tighten our guafak.

Chairman J. Reyes, Jr.: Yeah understood. Okay, anything else?

Commissioner A. Bordallo: Yeah, since we can't meet together only on Board meetings but I would suggest some time you can have a meeting by yourself with the staff on what's coming up on a one to one basis, for board member and to know what's coming up in the meetings that are in our board meetings just to know a head of time so we're not surprised by it at least we know what we can decide on or suggest.

Chairman J. Reyes, Jr.: Yes, ma'am. And that's why we need to make sure that we get all the packets out ahead of time.

Commissioner A. Santos: And the Chairman also offered his services earlier so we're here.

Chairman J. Reyes, Jr.: Yes, we're there ma'am. Go ahead Commissioner Bordallo.

Commissioner A. Bordallo: That's it. Thank you.

Chairman J. Reyes, Jr.: Alright, thank you so much. So, I'll wrap up and try to address the elephant in the room, right. So, yes, the Commission is in receipt of the Director's resignation. His last day, official last day will be on May 7, I have had the discussion as well just to share with the Commissioners that I'll be working directly with the Director on anything that needs to be closed out transitioned and he'll be operating within his capacity as well. I've also had conversations with our Administrative Team, which is Ms. Therese Topasna and Mr. Joey Cruz to be the point of contact for anything administrative within the agency and of course anything with regards to some of the land agents they know to funnel that through Ms. Eileen and Ms. Eileen will funnel it up to Mr. Cruz and Ms. Topansa. So I just want to share that with the Commissioners as well as the staff. Thank you guys so much for your continued support and dedication as we get through this and today's meeting was a huge sentiment of the collaboration that you guys continue to have and I sincerely appreciate that. The work doesn't stop and you guys have proven that so thank you.

Commissioner A. Bordallo: You're welcome.

Chairman J. Reyes, Jr.: Any additional questions?

Commissioner A. Santos: No, sir.

Commissioner A. Bordallo: You want end - adjourn?

Chairman J. Reyes, Jr.: Yes, ma'am. So the time is 4:24 p.m. may I get a motion to adjourn.

Commissioner A. Bordallo: I move.

Chairman J. Reyes, Jr.: Okay, may I get a second.

Commissioner A. Santos: I second that motion.

Chairman J. Reyes, Jr.: Any objections?

Commissioner A. Santos: None

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Alright, hearing none, the time is 4:24 p.m. this regular meeting of Chamorro Land Trust is adjourned. Thank you so much Commissioners. Thank you so much staff.

Adjourned: 4:24 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: June 17, 2021

Chairman John F. Reyes, Jr.:  Date: 6/23/21