



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

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Austin J. Duenas
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Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

Vacant
Commissioner

Angela Camacho
Acting Administrative Director

COMMISSION MEETING MINUTES

CLTC Conference Room and via Google Meet
Suite 223, ITC Building, Tamuning, Guam
590 S. Marine Corp Drive, Tamuning, Guam
Thursday, May 20, 2021, 1:07 p.m. – 5:53 p.m.

Public Notice: The *Guam Daily Post* on May 13, 2021 and May 18, 2021

Chairman John Reyes, Jr.: Commissioner Santos to please lead us in the Inefresi

Commissioner Angela Santos: Reciting the Inefresi. Biba Biba Biba Chamorro!

All: Biba!

Chairman J. Reyes, Jr.: Okay, the time is 1:07 p.m. and I call this meeting to order, regular meeting for the Chamorro Land Trust Commission. The public notice was published in the *Guam Daily Post* on May 13, 2021, and May 18, 2021. As well as on the Chamorro Land Trust Website, dlm.guam.gov on CLTC's Facebook Page and the AG's website oagguam.gov. We are also livestreaming on the Chamorro Land Trust Facebook page and our audio visual recording is provided by KGTF.

Roll Call

Chairman J. Reyes, Jr.: Alright, we will go into Roll Call. Commissioner Duenas. Commissioner Duenas is not present. Commissioner Bordallo?

Commissioner Arlene Bordallo: Here

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

Commissioner A. Santos Esta gui yu.

Chairman J. Reyes, Jr.: Thank you. Attorney Toft?

Legal Counsel Nicolas Toft: Present

Chairman J. Reyes, Jr.: Thank you, sir. And I will like to also introduce our Acting Administrative Director, Ms. Angela Camacho.

Commissioner A. Santos Hafa Adai.

Acting Administrative Director Angela Camacho: Hafa Adai.

Rev. 05/17/2021

Chairman J. Reyes, Jr.: Thank you, Ms. Camacho. Attorney Toft, can you confirm that we have quorum?

Legal Counsel N. Toft: Yes, we do.

Approval of Minutes

Chairman J. Reyes, Jr.: Thank you. And first item on our agenda is going to be the Approval of the Minutes, we have two before us; it's the March 18, 2021 and the April 15th 2021, resumption of the March 18, 2021 Commission Meeting. I'll give the Commissioners a few minutes.

Commissioner A. Bordallo: I would like to make a motion to approve the minutes of March 18, 2021.

Chairman J. Reyes, Jr.: Thank you. We have a motion to approve the March 18th 2021 minutes. May I get a second.

Commissioner A. Santos I'll second that.

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none. The motion passes, the approval of the March 18, 2021 meeting minutes. Thank you, Commissioners.

Commissioner A. Santos I make a motion to approve the minutes for April 15, 2021.

Chairman J. Reyes, Jr.: Thank you, motion to approve minutes April 15, 2021. 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.: Hearing none. Motion passes the approval of April 15, 2021 resumption of March 18, 2021 meeting minutes. Thank you, Commissioners. Okay, the next item on our agenda is the update; the standing item of the update for the Null & Voids leases. And Ms. Taleu?

Hi Ms. Taleu, can you hear us okay? Yes, we can hear you?

Land Agent I Lydia Taleu: Hello, can you hear me?

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

Land Agent I L. Taleu: Yeah, I can hear you.

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

Land Agent I L. Taleu: Okay, as opposed to the... regarding the Null & Void ; last number was a 104 cases that are on the list, of those 17 are now been adjudicated. Tricia Flores Templo in the last Board Meeting, her issue was resolved. *inaudible* of these 17 cases pending review and adjudication before the Board. In the application stage which is the applications we are reviewing... applications that has not been issued a lease since the last Board meeting, 12 cases have been reviewed of the 12 cases, 3 were found that Public Law 23-38, Section 5.8 was correctly applied; 6 of those cases were incorrectly applied and need to be reverted back to the original applicant and there's 3 remaining that will need Board approval as far as leases that may or may not have been issued to the successor and that will be *inaudible* through the Board. So a total so far overall of reviewed cases is *inaudible*

Chairman J. Reyes, Jr.: Thank you and that's just for the applications, correct?

Land Agent I L. Taleu: Yes

Chairman J. Reyes, Jr.: Okay, Ms. Taleu I have a couple of questions and I wanted to kick it off with just on your update; how many of the cases have been brought forth to the Commission in 2021 for these Null & Voids?

Land Agent I L. Taleu: In 2021, okay, in February I tried to bring three cases before the Board but then those ended up being tabled so the actual cases that have been reviewed in 2021 is actually 1 which is Ms. Templo last month.

Chairman J. Reyes, Jr.: Okay, and brought to the Board so a total of 4... I'm sorry, yeah, a total of 4 have been I guess put through for consideration, correct?

Land Agent I L. Taleu: Right.

Chairman J. Reyes, Jr.: And then we did...

Land Agent I L. Taleu: But of the 4 three were tabled so we actually only had one that actually has gone through the review process and some result came from that.

Chairman J. Reyes, Jr.: I have a couple more questions if Commissioners you're okay that. Okay, with the... as you're going through these cases, is there some documentation or

things such as the beginning of the SOP in how to handle these as we continue to proceed going through these cases or the applications?

Land Agent I L. Taleu: Joey Cruz, Eileen Chargualaf, Pierce Castro and I have met and we kind of come up with a plan on how we want to move forward on this but at this point what we're doing is *inaudible* reviewing cases and preparing staff reports for the ones that can resolved such as Ms. Templo's cases, those are the ones I'm bringing forth. The others depending on what the status is whether or not surveys were done, whether or not structures were built, whether or not loan *inaudible* we need to figure out a process on how we're going to resolve those issues. So, we're putting together a plan that we could present that Joey Cruz, the Program Coordinator will presenting at some point to the Commission and that will lay the blue print on how we're going to move forward with the remaining cases.

Chairman J. Reyes, Jr.: Okay, perfect, thank you. I think that'll be helpful and as you just shared some of the categorization as well how we can handle them at hand. Okay, so I think that's all the questions I had. I'm going to see if our Commissioners have any questions.

Commissioner A. Bordallo: I don't.

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

Commissioner A. Santos None for me, Mr. Chair.

Chairman J. Reyes, Jr.: Thank you, thank you Ms. Taleu. I appreciate your updates and I look forward to them in our meetings.

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

New Business; Proposed Modification to the CLTC Rules & Regulations

Chairman J. Reyes, Jr.: We'll move on to the next item on the agenda. It's on our New Business it's the Proposed Modification to the CLTC Rules & Regs. And Attorney Toft, can I pass it over to you.

Legal Counsel N. Toft: Sure. So, we have somewhat of a new case of the *inaudible* which will require the legislature and the Chamorro Land Trust to make modification to the laws and Rules & Regs that are involved kind of at the heart of the litigation. The legislation went through... last year, Senator Terlaje pushed this Bill 419-35 and *inaudible* designated to modify the Rules and Regs of the CLTC to also comply with that *inaudible* so what I did was I put together a proposed modification to the Rules and Regs to comply with that settlement agreement specifically the... they're mostly language issues as far as definitions all that needs to be changed from Chamorro Land Trust property things like that that were part of the settlement negotiations. So there's no substantial *inaudible* like I

would say, structural changes to the Rules and Regs. It's *inaudible* we could go through it section by section, I can explain it to everybody. Just as is overall, I mean the changes that were made *inaudible* native Chamorro *inaudible* eligible beneficiary, Chamorro homelands is changed to Chamorro Land Trust Property, that's *inaudible* additions to also I think, 1.3 just stating legislative authority we have to do modifications. Just note this I'm not sure which one *inaudible* the Rules and Regs were passed by the legislature instead of by the Board by through *inaudible* process. So what that means is that unless we get legislative authority to modify it, the rules, we can essentially create the rules and I'll get to that in a second because I did have an idea to move forward as far as some of the switch and transfer stuff that maybe can help us clean some of that up. But it's because we have a specific authorization through the settlement agreement through the legislation through Public Law 419-35 that we're able to create modifications through the Rules and Regs themselves. I was able to talk to the Compiler of Laws *inaudible* how we can codify this because currently right now, the rules that are governed are just kind of *inaudible* not really listed anywhere on the Compiler of Laws or anything like that. They're not getting like a legal number of designation I think we can try to solidify that in the future.

Chairman J. Reyes, Jr.: Okay, so I think that's kind of what I wanted to clarify was with this being presented to the Board; what's the process of....?

Legal Counsel N. Toft: It's the AAL process. So we would

Land Agent I T. Tainatongo: Attorney Toft?

Legal Counsel N. Toft: Yes

Land Agent I T. Tainatongo: I'm sorry, can you speak into mic?

Legal Counsel N. Toft: Yeah, a little louder?

Land Agent I T. Tainatongo: Yeah, and it sounds muffled out there.

Commissioner A. Santos I was going to ask the same thing Attorney, but I didn't want to interrupt you.

Legal Counsel N. Toft: No problem.

Commissioner A. Santos *inaudible* all over again.

Land Agent I T. Tainatongo: Better. Much better.

Legal Counsel N. Toft: Alright, so the idea behind it just to reiterate is that because we have legislative authorization to modify the Rules and Regs of the Chamorro Land Trust Commission and the settlement agreement has outlined which definitions need to be modified that these are basically finding replace terms that we went through in the CLTC

Rules and Regs. So, the process for doing so is under the AAL 5GCA Chapter 9 and basically step one is that the Board would vote on whether to *inaudible* rules and need this by resolution and I think *inaudible* on the public hearing first so what I think we would do is I would have the Board vote on whether to set this for a public hearing and then if we hold a public hearing and then after that it's sent over to the legislature for their approval and then it gets approved I think it's within 90 days, I'd have to check on that with the number of days and the it gets codified after that.

Chairman J. Reyes, Jr.: And then we would first have to accept these amendments, correct?

Legal Counsel N. Toft: Yes, I would ask the Board to vote on whether or not to accept these and there's like a procedural kind of like step by step thing. There's publication notice and then public hearing after that.

Chairman J. Reyes, Jr.: After that and then it's passed onto the legislature?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: Now, given that we're coming up to the year, are we okay from that timeline given the process that we have to go through in regards to the settlement?

Legal Counsel N. Toft: I mean we're pushing as fast as we can on it. If they want to slap our wrist on it then you know, that's their call but we're going to do what we can and that's within our ability to do.

Chairman J. Reyes, Jr.: Okay, and secondly is there any dialogue to like request for an extension to just give us the time to complete the process or....

Legal Counsel N. Toft: I know that the Attorney General's Office is contact with the U.S. Attorney's office on this and they're aware of the timelines.

Chairman J. Reyes, Jr.: That would take all of it until it gets officially *inaudible*

Legal Counsel N. Toft: Right. They're interest is that the ball gets rolling on this so....

Chairman J. Reyes, Jr.: Yes. Okay. I think those are all my *inaudible* questions. Commissioners, any of your.... but Attorney Toft, I think we're going to probably want to go through this in detail. I mean, I kind of read through but I want you to kind of guide us through that, if you don't mind.

Legal Counsel N. Toft: Sure.

Chairman J. Reyes, Jr.: But I'm just going.... If there's any other questions before we get through that. I'm sorry. Ms. Camacho, do you have any questions?

Acting Administrative Director A. Camacho: No questions.

Legal Counsel N. Toft: So, section by section. Section 1.1; merely identical the change being the administration of Chamorro homeland programs to the administration of beneficiary homeland programs. 1.2; same thing changing from Chamorro homeland programs to beneficiary homeland programs. 1.3; is an entirely new creation of like I said before that is just the statement of the authorization of the mandates to modify the Rules and Regs. that was given to us by the legislature. Section 2.1; again changing the terms over to beneficiaries otherwise the language holds the same and changing Chamorro homelands to Chamorro Land Trust Property at the end of 2.1. Definitions under Section 4, Section 4(b); Agricultural Tracts, the original definition was Chamorro Homeland with an area of not less than one (1) nor more than twenty (20) acres, that being changed to Chamorro Land Trust property with an area of not less than one and no more than twenty acres. Similarly for Agricultural Use under (c) changing Chamorro homelands to the Chamorro Land Trust Property. Under section (d) the entire definition, Chamorro homelands was changed to Chamorro Land Trust Property and we added in so all lands given the status of Chamorro Land Trust Property under the provisions of §75105 and §75A105 which was created by Public Law 419-35 so that both sections are covered. Section (h) Native Chamorro was changed to Eligible Beneficiary and the definition of that was taken from the settlement agreement and the Bill for 419-35. So that was modified through the settlement agreement. Subsection (i) Residential Tract, the Chamorro homelands was changed to Chamorro Land Trust property, all else remains the same. Section (j) Residential Use, use of Chamorro Land Trust Property instead of Chamorro homeland. Section 5; under Application for Leases, Section 5.2; changing the qualification for applicants under subsection 2 from Native Chamorro to Eligible Beneficiary in accordance with the settlement agreement. And subsection (b) from Native Chamorro to Eligible Beneficiary. Moving down to all the way down to Section 6; Leases to Eligible Beneficiaries instead of leases to Native Chamorro's. Section 6.4; The Awards to occupants of homelands, so this is for the homestead part of the CLTC Rules and Regs changing the requirement from having to reside and having to continuously reside on Chamorro Homelands to Chamorro Land Trust Property prior to July 12, 1995. 6.6; another language change from Chamorro Homelands to Chamorro Land Trust Property. Section 6.8; changing the wording from Native Chamorro to Eligible Beneficiary for how the Commission may cancel a lease. Under Section 7.2; Conditions in Leases, Industrial; again changing Chamorro Homeland leaseholds to Chamorro Land Trust Property leaseholds. Section 7.5; Transfer of Leases, this one right at the end of it, again, Chamorro Homelands being changed to Chamorro Land Trust Property. Section 9, 9.1; again change from Chamorro Homelands to Chamorro Land Trust Property. Because of the alterations to Chapter 75 by the passage of Bill 419-35, we added in for the designation of successors that instead of just the Act in the Rules being in the consideration of the designation of successors that also the revisions of Bill 419-35 also being put in *inaudible* because there are a lot of extra provisions added in there as to who could qualify as a successor and things like, Life Estates for certain qualified individuals that also came a part of the CLTC law *inaudible* and then 9.2; Reversion to the Commission, a change a language change from Chamorro Homelands and Native Chamorro

to Chamorro Land Trust Property and eligible beneficiary. So, out of those there were about three of those that had substantial changes and the rest were *inaudible* substitutions.

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

Commissioner A. Bordallo: Can I ask a question?

Legal Counsel N. Toft: Yes.

Commissioner A. Bordallo: When you're leases, agricultural leases the size of the property what's the limit as to how much they can apply for?

Legal Counsel N. Toft: They can apply for any amount but if they did over... if they're requesting over a half-acre, I believe it requires legislative authority to do so. They're not... that's the reason the law changed.

Commissioner A. Bordallo: Half-acre?

Legal Counsel N. Toft: Yeah.

Commissioner A. Bordallo: And that's residential too, right?

Legal Counsel N. Toft: Residential is also a half-acre *inaudible*

Commissioner A. Bordallo: So if agriculture leases were to be given to someone, we still have to go through the legislature?

Legal Counsel N. Toft: If it's larger than half-acre for the award, yes.

Commissioner A. Bordallo: And what if, let's say the lessor or the person leasing leases a large piece as in twenty acres and is not producing what he's supposed to use the land for, for agriculture and *inaudible* cancel their lease if they're not doing what they're required to do?

Legal Counsel N. Toft: So we do have a process in the rules as to what must be done if the lease conditions aren't being followed both for residential and for agricultural. It's a long process and we try to start it out informally and ask if they'd be willing to take a reduction in acreage if they're not using all of it, things like that. And quite often that does happen, we have had instances where people have agreed that they're not using all twenty acres, they'll probably reduce it down to five. So, some of the older agricultural leases happened before that law was introduced that capped the land amount and they were kind of grandfathered in. So, you have a lot of these existing larger agricultural leases and our agents are out there and making sure that they are being used and if they're not being

used, would they mind voluntarily reducing in acreage to free up land for other agricultural leases.

Commissioner A. Bordallo: Now, if the person leasing the land subleases to someone else, is that allowable?

Legal Counsel N. Toft: No. No.

Commissioner A. Bordallo: If that happens, we can break the lease?

Legal Counsel N. Toft: It could be. It can be grounds for cancellation of the lease, yes. And we do require if people do see that happening to notify the CLTC office. We do have agents that do go out there and inspect.

Commissioner A. Bordallo: Okay, that's it.

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

Commissioner A. Santos: Just a follow up to Commissioner Bordallo's question with do we go in there and what is our extent? What is the extent from our part within our capacity to able to get your... I believe it's Condition of Leases, right?

Legal Counsel N. Toft: Yes

Commissioner A. Santos: It's the Condition of Leases, if you're not maintaining those and what you're whether it's agricultural or residential like residential, you have to stay there and agricultural you have to farm but you have to be the one because it is your lease and that's what it's for it's for the people who had lost their property and kind of want to do something for their family, right? The whole program.

Legal Counsel N. Toft: Yes.

Commissioner A. Santos: How long have you been here with the Commission Attorney Toft?

Legal Counsel N. Toft: Since 2016 or 2017 roughly.

Commissioner A. Santos: Have you seen any of that happen within the past Commission?

Legal Counsel N. Toft: Very rarely and a lot of times it's been worked out between the agents and the person leasing the land. They either stop doing the activities that were *inaudible* whether it was subleasing or I think we have one instance back in 2018 I want to say where the person who had the residential lease is not the one residing on the land, they were notified that if they continue to do so, we were going to cancel the lease and so they agreed to move back in and evict the person who moved there. So, the situation

inaudible. And we have similar with a sublease on an agricultural lot, the same thing. They were notified that there was a violation and that if they continue to do so we would move to cancel the lease. And if they cancel the sublease *inaudible* back to farming the land. So, the instances that we have had are few and far between and have been resolved peacefully without us having to turn it over legal process and so far...

Commissioner A. Santos That's a part of the quality inspections or the inspections for the land agents.

Legal Counsel N. Toft: Yeah, and we do have the AAL process in case there are violations for us to be able to terminate leases. So it is an option out there *inaudible* mindful of it but you know we have a procedure and steps that we follow before *inaudible*

Commissioner A. Santos *inaudible* days whether they comply with it and certain amount of days if you don't comply with it. Of course, I'm sorry, you got evicted.... this is no...

Legal Counsel N. Toft: A lot of the times we bring up to the Board's attention and their request is to do a specific course of action and we follow that.

Commissioner A. Santos Okay, thank you so much.

Commissioner A. Bordallo: What is the AAL Chapter 9?

Legal Counsel N. Toft: That's the, I believe it's Title 5, Chapter 9, the Administrative Adjudication Law. And so that covers administrative hearings for things like, lease discrimination but that also covers the Promulgating Rules and Regulations.

Commissioner A. Santos Do we have a.... I'm not sure if it's for you because you're not a part of the daily workings or I guess maybe Joey or Teresa, do you guys know; do we have a set.... for every land agent that their assigned to with the constituent; are they liable or are they held to do those site inspections?

Legal Counsel N. Toft: I believe they do. They have a list of sites on a rotating basis that they do inspect so every property does get looked at over a period.

Chairman J. Reyes, Jr.: I'm sorry, I just wanted to ask, Joey or Ms. Eileen, do you want add additional comments there?

Land Agent II Eileen Chargualaf: Yes, sir. Whenever we get any complaints we automatically do a site inspection and then what we'll do we'll bring it to either the Director and find out if we can take it to the Board and then the Board can decide. And there is a procedure already in what we need to do.

Commissioner A. Santos Is there a set time every month that you do random checks?

Land Agent II E. Chargualaf: I'm sorry, what was that, a set time?

Commissioner A. Santos So every land agent and their constituent listing with leases already; do you have a set timeline or a monthly check or is it random, or do we wait for complaints? What prompts us to do that site inspections, right?

Land Agent II E. Chargualaf: Well normally we'll do a site inspection especially if we need to take it to the Board to make sure that they're in compliance for one and they are.... Meet all the requirements for them like to get it surveyed and stuff So the time frame really when we go out and do an inspection, it varies on the situation and what has to be accomplished with that applicant or to obtain a lease with Chamorro Land Trust.

Commissioner A. Santos What if they have a lease already? What if they're already on the *inaudible*

Land Agent II E. Chargualaf: If they have a lease already, normally we... well we have a program with Department of Ag and the University of Guam, we started up on the large farms, we go out and we try to do compliance but right now we're really short and really back logged with some of the Constituents that need to go to the Board so we're concentrating on that right now. And also what put us back also was with this pandemic that came up. So for right now if you're talking timeframe on compliance, it varies because yeah, either if we hear a compliant or if we're out there already like if I'm out there with the land agents, I would say, let's go over to Mr. Cruz's farm to just find out if he's in compliance and then do a follow up. If it's a compliance where there's just too much junk to be removed, I do informed the lessee that they need to show some kind of improvement and they need to show me receipts that they're actually taking it to the proper disposal area. Not just taking it from Land Trust property and then putting it in another Land Trust property at the same time.

Commissioner A. Santos Understood. So there's no set time timeline or schedule to do those compliance checks.

Land Agent II E. Chargualaf: Yes. Also, when I was on the agriculture side, I would do a weekly inspection. So right now, I'm overseeing all the land agents.

Commissioner A. Santos Oh thank you, Ms. Eileen. Okay, that's exactly what I wanted to hear just that information with, while you're out there doing some other area or checking on whatever else then if you're in the area then you do do a site... you're able to.

Land Agent II E. Chargualaf: Yes, like Joey said, save money so when we're out there we save our gas by going ahead and including other site inspections that's not actually set as an appointment to go out and meet the lessees. Normally, on compliance we just go out there on a surprise visit so that we want to know if they are farming or not.

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

Land Agent II E. Chargualaf: You're welcome.

Chairman J. Reyes, Jr.: Thank you Ms. Eileen. So, Commissioner Santos to your point I just want to add that is one of the legs within the department in the agency that is lacking, right and it is something that should be very important for us and as we go further I think we should also put some recommendations from the Board from the Commission on how we can manage that and we can get some of that extra assistance if needed.

Okay, so let's get back to our task at hand here on the modification. So, Mr. Toft, again, understanding that most of it is *inaudible* replace for a lack of better words and the three *inaudible* changes in regards to referencing the Public Law 419-35, etc.... I would like to take a little bit more time in that sense just to kind of do my own side by side comparison and I also want to afford the opportunity for Ms. Camacho as well if she wanted to address this piece as well.

Acting Administrative Director A. Camacho: Yeah, we're just requesting for a little more time to review the proposed modifications and I already asked the team to help me look through this just so we can get *inaudible* as well.

Chairman J. Reyes, Jr.: Attorney Toft, I do have one question. I know maybe a month ago or so, there were some clarifications from the team that were sent over in regards to the eligibility right that kind of ties into this. Do you have a status on that because I know that's probably going to be one thing that I would like for Angie to *inaudible*

Legal Counsel N. Toft: Just the final approval from the AG on the response to that and then once I get that I can send that over to Ms. Camacho.

Chairman J. Reyes, Jr.: Okay, and then Joey, I have a quick question; were you able to compile any additional questions that you or the team had to provide to Attorney Toft?

Program Coordinator III J. Cruz: Yes, sir we should send him the listing by tomorrow.

Chairman J. Reyes, Jr.: So, Attorney Toft, there are still some questions after that session that the team has had.

Legal Counsel N. Toft: Okay

Chairman J. Reyes, Jr.: So, I think it will be good to if we can send that over and get either closer to a final or another draft to send out to Angie and the team and working through this document; that will kind of get us closer to some of the additional questions that the team may have and hopefully we can have everything that we need to be able to put through the resolution and then begin the process.

Legal Counsel N. Toft: This *inaudible* sort of interesting side point on that and that the AG's office can provide guidance on it, but the... what is *inaudible* sort of legal situation

where the legislature created the Rules and Regs, this doesn't happen with other agencies; this is specifically Chamorro Land Trust so we don't have the ability to modify unless it's a specific law *inaudible* but we can create within. So there's the possibility of a creation sort of a subset I guess would be the best way to describe it. It would be basically filling in the blanks of Rules and Regs. And this could be applied not just to the settlement situation but also to other situations like the switch and transfer issue that we're running into brick walls on and that we're not getting a lot of help from the legislature, where if we could create our own process, you know, you can submit it to the legislature for their approval so it does pass their review but you know creating proper procedure and authorization for switches and transfers and public hearing requirements also to... there's some other parts of the rules and regs where the passage of time that was not really conceived of it at the time the rules and regs were created has created these sort of structural problems with the agency and that we believe that we haven't been able to.... and *inaudible* we had all the employees of CLTC that we've had discussions over the last few years of creating additional things, additional tools I guess to fix the problems and I would request the Commissioners permission to compile some things and just maybe a draft doesn't have to be a full substantial.... *inaudible* but bring before the Board as far as a better way to get to resolution on a lot of these problem cases where we're running out of available solutions to deal with it and I think we can create a *inaudible* comprehensive solution long term not just for this problem but problems down the road.

Commissioner A. Santos I just want to add on to that is for everything that has been happening and I'm glad we're coming to a resolve right now with the discussion and that's what needs to happen. And whether its.... And this is the perfect time and place to bring it up so I can't wait to see what the staff has to put in for this because I think that's what we've talking about on how to go forward and adjudicate all of these, these null and void, the transfers and all of that so that's help big time.

Legal Counsel N. Toft: It's a little tricky because like I said, we're not allowed to modify anything that's existing it's kind of....

Commissioner A. Santos No, *inaudible* but where to get the structure and the guidelines going, right for *inaudible*

Legal Counsel N. Toft: And the staff has done a lot of brainstorming on it so they've been with the agency for much longer than I have and they know what the problems are and they know how to fix it *inaudible*

Commissioner A. Santos They're the body of the agency. Yes.

Chairman J. Reyes, Jr.: So, I'm definitely open to that. I'm definitely you know just to see what our options are. At the end of the day, it's for the benefit of our constituents right to move things along and the latest, the biggest volume that we have are still what's waiting you know in que. So, do we need an official motion on that?

Legal Counsel N. Toft: No, I'm just looking more for sort of a head nod as far as starting to put together for a presentation in the future.

Commissioner A. Santos And that's in the law too, *inaudible* but wouldn't that actually be the Administrative Director to come up with those because that's the everyday working right so if we come up with an addition right, guidelines, a guidebook, so while we're tightening the guafak.... We're knotting the scenes already and we're solidifying the program forward so nobody because we have different administrative directors, different administrations. It comes in but this should never be changed. This should be a set procedure, this program is not going to change. It's the *inaudible* the beneficiaries and to give out property, land is not easily attainable so why should it be easily givable. We can't, oh here go ahead, here.... there's guidelines and policies that need to be in place. So, I can wait to see it Attorney Toft.

Chairman J. Reyes, Jr.: Thank you. Thank you, Attorney Toft. Okay, so just to wrap this up we will table the Proposed Modification, Angie will work alongside you and Joey and Teresa and then hoping having it ready for the next meeting.

Legal Counsel N. Toft: And after that the next step will be publication of public hearings, creation of an economic impact statement which should be fairly doable since it's language statement. And then presentation to the legislature.

Chairman J. Reyes, Jr.: Okay, so I yield to Ms. Angie to keep us honest on those steps. Alright, thank you. Thank you, Attorney Toft.

Commissioner A. Bordallo: I just want to ask a question.

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

Commissioner A. Bordallo: On the spelling of Chamorro; which one are you using?

Commissioner A. Santos Mas empottante enao.

Legal Counsel N. Toft: You let me know which do you want to do because we can modify that.

Chairman J. Reyes, Jr.: So what would be the.... So right now, it's Chamorro – C-H-A-M-O-R-R-O versus how we've adopted the CHamoru which is CH-A-M-O-R-U

Commissioner A. Santos CH – a – mo- ru hunggan

Chairman J. Reyes, Jr.: So Commissioners

Commissioner A. Santos I think we should stick with our own alphabets. Ch-a-mo-ru – Chamoru

Chairman J. Reyes, Jr.: Hunggan, So, Attorney Toft, let's Chamoru

Commissioner A. Santos Capitol CH

Chairman J, Reyes, Jr.: Capital CH, yes. And then you would confirm if whether or not that's okay to change, right?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: He'll confirm that but that's our recommendation.

Commissioner A. Santos Yes, please thank you.

OLD BUSINESS; FY2020 Audit

Anthony Pangelinan Blas

Chairman J. Reyes, Jr.: Okay, sounds good thank you. Anything else? Okay, next up on the agenda is our Old Business and this is basically going to address our FY2020 Audits, Audit findings. And I will turn that over to Mr. Cruz.

Mr. Cruz, will you be joining us in the Conference Room?

Program Coordinator III J. Cruz: Yes.

Commissioner A. Santos Please Joey.

Chairman J. Reyes, Jr.: Okay, thank you sir. For everyone on the Google meet, we'll just wait for Mr. Cruz before we begin.

Program Coordinator III J. Cruz: The land agents will be presenting the individual cases.

Land Agent II E. Chargualaf: Glenn...

Chairman J. Reyes, Jr.: Who will be working through who we will be going with; is it you Mr. Cruz or is it Ms. Eileen.

Program Coordinator III J. Cruz: Eileen. I'll be here if you have any questions regarding what the auditor's concerns were.

Chairman J. Reyes, Jr.: okay.

Program Coordinator III J. Cruz: The land agents will be presenting their cases.

Chairman J. Reyes, Jr.: Okay, so Ms. Dayday, could you please acknowledge and state your name please so we have it for the record.

Land Agent I Jessica Dayday: Hafa Adai, I'm Jessica Dayday, Land Agent with the Chamorro Land Trust Commission.

Chairman J. Reyes, Jr.: Okay. The floor is yours ma'am.

Program Coordinator III J. Cruz: The first constituent we have is Anthony Blas Pangelinan. I think it will be presented by Mr. Glenn Eay.

Land Agent II Glenn Eay: Hafa Adai, I'm Glenn Eay my staff audit report I'm presenting today is *inaudible* Mr. Anthony Pangelinan Blas who has an agriculture lease dated December 9, 2003 and also desires to take over his late mother's ground lease rights of Evangeline P. Blas. Lot specifically that I'm talking about today on the lease that Mr. Anthony Pangelinan Blas has is a portion of Lot 7153, Yigo. Mr. Blas is a December 2nd, 1995, applicant and applicant number 586 and application type that he applied for was agriculture. On December 9, 2003, Mr. Blas was issued an agriculture lease, a portion of Lot 7153 which is an unregistered lot. Per discussion with Mr. Blas, he acknowledges that he can't have two agriculture lease so he's requesting to the Commission for consideration to terminate his agriculture ground lease of a portion of Lot 7153, Yigo and wants to take over his deceased mother's ground lease for a portion of Tract 1021, Block 2, Lot 1-4, Dededo. So this is my audit report for Mr. Anthony Pangelinan Blas that I present today. I also have Mr. Blas here with us today, he's online right now.

Chairman J. Reyes, Jr.: Okay, so let me do a quick point of clarification. So, and understand the format of how we're going to mandate these, Joey. We have the staff report but was this staff report created just for this instant or are we.... Or how are we going to address the audit finding. That's the kind of where there's a gap that I'm not understanding.

Program Coordinator III J. Cruz: The staff report was to address the audit finding. So Mr. Blas holds two leases, two of the same types of leases from Glenn's report; Mr. Blas would like one lease for a portion of Lot 7153 to be terminated and he'd continue with his mom's lease.

Chairman J. Reyes, Jr.: Okay and so I guess what I'm confused on is how did he get two agricultural leases?

Program Coordinator III J. Cruz: One was his primary application and the second one is he was the beneficiary to his mom.

Chairman J. Reyes, Jr.: Okay and from the audit finding; there were two agriculture leases for one person:

Program Coordinator III J. Cruz: Yes.

Chairman J. Reyes, Jr.: Okay. I just want to be clear so when we go through the next ones, team, *inaudible* I was confused in the beginning so let's state the issue so that we're kind of aware of what we're dealing with and then we can go through the staff report.

Commissioner A. Santos When you say issue, you mean the audit finding? The Audit concern?

Chairman J. Reyes, Jr.: Yeah. *inaudible* so just a quick question, with that said, we are to then make a decision today to correct these issues if it can be.

Commissioner A. Santos Yes, sir.

Chairman J. Reyes, Jr.: And we do have Mr. Blas on line, is that correct?

Land Agent II G. Eay: Yes, he's here.

Land Agent I T. Tainatongo: I apologize sir, they only told me that Mr. Duenas is going to be the only constituent to be present.

Land Agent I J. Dayday: He's online

Land Agent I T. Tainatongo: He's online?

Land Agent I J. Dayday: Inaudible

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

Commissioner A. Bordallo: Yeah, I have a question. *inaudible* for Tract 1021, Block 2, Lot 1-6 then Tract 1021, Block 1, Lot 1-4 is that a mistake?

Land Agent II G. Eay: Yeah, that's an error on the lot description. The lot description described on the lease of his late mother is Tract 1021, Block 2, Lot 1-4.

Commissioner A. Bordallo: What about the Lot 1-6?

Land Agent II G. Eay: Lot 6 is when they initially did a proposed subdivision of the property itself and which is subject to change which is the lot description right now is the actual lease that Ms. Pangelinan has on a ground lease. Everything was subject to change... it was subject to survey rather once they surveyed everything... the lot description changes.

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

Commissioner A. Santos Just to clarify, Joey or Mr. Eay; the first action we need to take or the overall action would be just to terminate his lease? And then if we decide to, if that's the case then award him the lease on his mom's tract?

Land Agent II G. Eay: Yeah. That's the intention because he would have to choose which agriculture lease he wants so chooses to terminate the lease that he has on Lot 7153 and also he desires to take over the mom's lease rights from Tract 1021. So, that would solve the issue for two agriculture leases, he would just have one.

Commissioner A. Santos On his mom's own, do we know the property looks like on this or his mother's property.... is there any farming going on?

Land Agent II G. Eay: Okay, there's.... we did a site inspection last week and the lot where the mom was initially occupying and has.... there's farming activity and there's several structures on the property so what I did is I went there and brought my GPS to truly check if that is the rightful location of the subject lot that was leased to the mom only to find out that the lot they were occupying was the adjacent lot was leased to somebody else so which is probably the relative same last name. I can't get ahold of them and truthfully the 1-4 is actually not being occupied, it's vacant, it hasn't been cleared or anything.

Commissioner A. Santos So is it safe to say that they were farming the wrong property or....?

Land Agent II G. Eay: Yes, initially the reason why it happened is because that one that particular tract was a huge acreage back then and it was subdivided into the siblings of the Blas family and the brothers that portion of the property and by doing that they had to do a survey because they didn't do a survey the lot description that was assigned to them wasn't correct because there was no actual survey.

Commissioner A. Santos I have just one more question. For Mr. Blas's does he have a lease a ground lease for his own lease has his portion, his property been surveyed and registered?

Land Agent II G. Eay: His own lease on Lot 7153 hasn't been surveyed nor is it a... it's an unregistered property actually he can't do anything to the property due to the fact it's an unregistered property.

Commissioner A. Santos And his mother's the other property the 1021, Block 2 L1-4 that's – it's registered?

Land Agent II G. Eay: Yes, it's a registered property.

Commissioner A. Santos Thank you, Mr. Eay

Chairman J. Reyes, Jr.: Thank you, Mr. Eay. I want to go back to the actual property that is being utilized versus the actual property that's listed here. And correct my understanding, the 1021 Block 2, L1-4 is vacant and the adjacent property is the one that is actually being utilized, is that my understanding?

Land Agent II G. Eay: Yeah, correct.

Chairman J. Reyes, Jr.: Okay, so how are we going to fix that? I mean because if we're going to take action on 1021 Block 2, L1-4; that's not the property that is being utilized or occupied so how are we going to fix that.

Land Agent II G. Eay: Well to fix it first of all, he has the property that was leased to his mother has to be surveyed, number one. And number two, if he wish to continue farming on the adjacent property that's a discussion that he and the other lessee and the other trust would have to discuss if they're willing to switch property and if they both agree then that's another way out. Other than that Mr. Blas is willing to just... there's no choice he desires to get a lease on 1-4 if that's the only decision but those structure on the adjacent side would have to be removed prior to getting the lease on 1-4.

Chairman J. Reyes, Jr.: Well this is information.... Unfortunate... so I'm going to go back on my question on how did we give Mr. Blas you know this is your section, your land yet it's not really the right lot; how did that happen? Do you know?

Land Agent II G. Eay: It was because when they issued the lease it was subject to survey and the mother was already occupying the lot when...

Back ground: Land Agent II E. Chargualaf: They were pre-occupier

Land Agent II G. Eay: They were pre-occupier rather

Back ground: Land Agent II E. Chargualaf: Arendo program

Land Agent II G. Eay: They were pre-occupier during the Arendo and they thought that that 1-4 was the actual lot description they were occupying. Because they did not survey their property this is why we're here today in this dilemma.

Chairman J. Reyes, Jr.: Understood. And again, we're just trying to make sure we understand our situation at hand and I don't want to put burden to Mr. Blas and family. I want to fix this right so what is the best way to achieve that? Joey, do you have any input or additional comments?

Commissioner A. Santos First can I just ad on to yours though Mr. Chair. Is there's still that property that the family is ranching on and you suggested that they talk amongst themselves about a switch? Mr. Eay, is that property that the family is already farming on, is that the tract that they thought was for his deceased mother?

Land Agent II G. Eay: Yes, that was the tract that they thought was assigned to the deceased mother. And the only... there's *inaudible* difference now in property size, the adjacent property's square meters is approximately 3 to 400 square meters bigger than the 1-4 so I'm not sure if the adjacent lessee rather is willing to do a switch because of the lot size it will be much less if they do a switch. We haven't gotten to that point yet of discussion.

Commissioner A. Santos So, like Mr. Chair said we don't want to put anymore burden on Mr. Blas but we still have that in our knowledge. We know that there are people farming on that property it's not the correct property that it's supposed to be so how do we mitigate this, right? How do we resolve this? And not just leave them there although we already know that they're not supposed to be on that property. It's not the correct one, right, how do we fix this?

Program Coordinator III J. Cruz: If I may?

Commissioner A. Santos Okay, go ahead Mr. Cruz.

Program Coordinator III J. Cruz: During the course of the audit it was discovered that Mr. Blas had two agriculture leases; each lease *inaudible* a portion of so for example a portion of Tract 1021, Block 2, Lot 1-4, it could be a piece of property that contains four acres so until somebody surveys then the property description will change but in the meantime, Mr. Blas was awarded a portion of that specific property not to exceed half-acre. So, nobody... I'm assuming that nobody in within the three acres had surveyed so all their leases will reach a portion of not to exceed a half an acre. So, until they all survey they'll get the property description; it'll be 1-4-1, 1-4-2, that's the only way to get the proper property description is when they survey. So, for example Mr. Blas it says once-acre so when there's three individuals with three different leases but it all reads a portion of not to exceed so until they survey then they'll have the proper property description.

Chairman J. Reyes, Jr.: Okay, and so Mr. Eay determined that he's not on the right one because is that you guessed that was able to *inaudible*

Program Coordinator III J. Cruz: I'm not too sure if the site inspection conducted by Mr. Eay but based on the question of how to resolve it is that if there's three individuals awarded a lease one acre each for that specific portion then until they all survey then they'll have a specific property description but the time being it only reads a portion of so for example in the three acres of Mr. Blas's ranching the north side that doesn't necessarily mean that he's in the wrong section because it's a portion of.

Chairman J. Reyes, Jr.: Got it. Okay. Thanks for clarifying that.

Commissioner A. Santos Are we able to get a map on that, Joey.

Program Coordinator III J. Cruz: We may have a subdivision masterplan map but even that map, the data is not reliable. There are some anomalies that are within the masterplan but we can provide a scheme.

Commissioner A. Santos Can we get at least a satellite view of just the property itself.

Program Coordinator III J. Cruz: Yes.

Engineering Technician II Pierce Castro: 7153 or the Tract 1021

Multiple conversations

Chairman J. Reyes, Jr.: So are we going to... Mr. Eay, in addition to this to try and fix this, clean this up, are we going to then require as a condition that Mr. Blas surveys the property.

Land Agent II G. Eay: Yes, he has to survey the property before moving forward with anything to make sure the property location and description is the place. I can't truly really rely on my GPS we need a survey done. We need an actual survey done.

Chairman J. Reyes, Jr.: Okay, understood. I know that the Commissioners and the staff has been speaking but Mr. Blas I know you're on the line with us; do you have anything to comment on sir?

Mr. Anthony P. Blas: If we need to go that route and do a survey first before we either stay on the existing lot where I'm at now or if I need to swap to the adjacent lot, and confirm with that person on that lot I'm with then we'll take it from there.

Chairman J. Reyes, Jr.: Okay. Sir, we're going to do our best to sort this before so that we don't add any burden on you as best as we can sir. So, thank you.

Back ground conversation

Chairman J. Reyes, Jr.: Okay, I think first.... Let me do this, one more thing; Attorney Toft, any insight, anything that we're missing here before we move further? I guess first things first, is we probably want to address the termination of the lease of 7153; is that correct Mr. Eay?

Land Agent II G. Eay: Yes.

Chairman J. Reyes, Jr.: And then we'll need to address.... Do we need to address the successor piece to this?

Land Agent II G. Eay: They....

Chairman J. Reyes, Jr.: Or has that already been complete?

Land Agent II G. Eay: We'll just have to address one first and then for the late mother's ground lease, we'll have to address the successor for the ground lease. That's the second audit that'll be presenting report.

Chairman J. Reyes, Jr.: Okay, so we'll take this one step at a time unless the Commissioners disagree to manage the termination of the 7153 lot, correct?

Land Agent II G. Eay: Yes.

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

Commissioner A. Bordallo: And then next is the *inaudible*

Chairman J. Reyes, Jr.: Yeah and next will be Mr. Blas's mother's property and sorting all of that to make sure we're.... it's clean.

Commissioner A. Bordallo: I thought they did *inaudible* the mother gave it to the brother and the brother gave it to him.

Chairman J. Reyes, Jr.: Yeah, but I also think there's a relinquishment of the other Mrs. Blas but we'll tackle that with Mr. Eay after we terminate this one lease, his own. Mr. Blas's own. Alright, Mr. *inaudible* any other questions before we take any action.

Commissioner A. Bordallo: No, go.

Chairman J. Reyes, Jr.: Alright, I yield to you.

Commissioner A. Santos Okay, I make a motion to terminate the lease for Anthony Pangelinan Blas for one acre on a portion of Lot 7153 in Yigo.

Chairman J. Reyes, Jr.: Okay, thank you Commissioner Santos. May I get a second.

Commissioner A. Bordallo: Second

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes. The termination of the lease for Mr. Anthony Pangelinan Blas a portion of Lot 7153 in Yigo at one acre. Thank you, Commissioners. Okay, let's tackle the next one. We kind of talked about it but there's a lot more details here that we need to review.

Commissioner A. Santos*Inaudible* into your comments on this please, Mr. Eay.

Land Agent II G. Eay: Okay, I'm sorry, I was speaking to one of the land agents. What was the question, I'm sorry.

Commissioner A. Santos What are the steps?

Chairman J. Reyes, Jr.: So, we're moving on to the next one.

Land Agent II G. Eay: Okay the next one. The next one is the original applicant who is deceased which Evangeline Pangelinan her application date is December 20, 1995, application number 2592, and was issued a lease on a portion of Tract 1021, Block 2, Lot 1-4 Dededo. And Francisco C. Blas is the surviving spouse who's named the beneficiary of Evangeline Pangelinan's lease and July 24 Mr. Francisco Blas relinquished his beneficiary ground lease rights to his son, Anthony P. Blas. Just for notation for the Commissions' notation, Francisco C. Blas who is now deceased which is Anthony's father who relinquished his beneficiary rights to him in 2014 and further one...

Commissioner A. Santos Mr. Eay?

Lang Agent II G. Eay: Mr. Eay, how come on your staff report it says, brother as one of the....

Land Agent II G. Eay: Yeah, that's another one. There's two relinquishment there's the brother but I chose not to mention that because the brother of Anthony didn't have to relinquish his rights because the father Francisco relinquished his beneficiary rights to his son Anthony. So, the brother that was mentioned there for some reason somebody told him he has to relinquish his rights was not necessary.

Commissioner A. Santos So Francisco Blas has a brother and a son name Anthony P. Blas?

Land Agent II G. Eay: Francisco C. Blas has a son, Francisco Jr. and a son also is Anthony as well which the dad had relinquished his ground lease... beneficiary rights to him rather.

Commissioner A. Santos Are we going to give it to the right, Anthony P. Blas?

Land Agent II G. Eay: Yes, we're speaking to him right now.

Commissioner A. Santos Okay, that's all I'm asking.

Chairman J. Reyes, Jr.: Okay, so thank you for that clarification because.... So Mr. Eay, there's a Francisco Blas and a Anthony Blas who are siblings, correct?

Land Agent II G. Eay: Francisco C. Blas and Anthony Blas... Anthony right now is the son of Francisco Blas.

Chairman J. Reyes, Jr.: Okay so there's a brother here mentioned here and for clarification since it's in the staff report, who's the brother in question? Is there a brother in question, no?

Land Agent II G. Eay: No. That's not in question. The brother.... Anthony has a brother also Francisco Blas Jr., he relinquished his right but it was not necessary *interruption* anything because his father Francisco C. Blas relinquished his beneficiary rights to his son Anthony. *inaudible* didn't have to get involved.

Chairman J. Reyes, Jr.: Got it. I just wanted to make sure because there's a reference to a brother and I just want to make sure that *inaudible*

Commissioner A. Santos let me scratch that out.

Chairman J. Reyes, Jr.: Yeah thank you sir. I apologize.

Land Agent II G. Eay: No problem. Moving forward, designating a successor is allowed under Public Law 23-38, 9.1; designating of successors; a) a lessee shall upon execution of the lease designate a person of whom the interest and the tract to vest upon death. Because Mr. Francisco relinquish the beneficiary rights to his son Anthony this means a form for approval so I submit to the Commission in consideration and favor to approve the relinquishment of Mr. Francisco Blas beneficiary rights to his son Anthony P. Blas and who also must qualify under Chapter 75A.

Chairman J. Reyes, Jr.: Okay, thank you Mr. Eay. Commissioners, any questions?

Commissioner A. Santos You just stated that he's got to meet qualifications under 75A but doesn't he have a lease already? Mr. Eay, wouldn't that already...

Land Agent II G. Eay: Well the mom has lease, she's deceased the beneficiary to the lease was the late husband Francisco C. Blas who had relinquished his beneficiary rights to the son, Anthony Blas prior to his death. Because the father Francisco C. Blas is relinquishing his beneficiary rights to his son, Anthony this needs a Board approval.

Commissioner A. Santos And it wasn't taken care of prior, correct? Is that what you're saying?

Land Agent II G. Eay: Yeah it wasn't addressed earlier.

Commissioner A. Bordallo: You know, you have your findings here where the signature was not notarized, the addendum was never recorded, so, where do we go from here? Attorney Toft?

Commissioner A. Santos Exactly.

Commissioner A. Bordallo: This is something!

Legal Counsel N. Toft: Yeah, I'm feeling like this is one of the questions they'd bring up with the subsequent follow-ups to the 75A questions that they had before. But I feel like we can just follow Mr. Eay's recommendation on this and push forward on the newly qualification.

Commissioner A. Bordallo: But on Lot 1-4, and *inaudible* and start him with a *inaudible* 1-6

Commissioner A. Santos Are you saying to look for another piece of property.

Commissioner A. Bordallo: Or else, do the survey first.

Chairman J. Reyes, Jr.: Yeah, definitely make that as a condition but I think... Mr. Eay, I have a couple of questions, as from I guess the transfer of the beneficiary, is that That lease has yet to be approved obviously by the Board that's why it's here before us. But are we approving the successor as Evangeline or are we approving the relinquishment of Mr. Francisco Blas as the original benefactor of this lease.

Land Agent II G. Eay: We're actually going to approve both, the successorship from Francisco C. Blas and is also relinquishing his beneficiary rights to his son, Anthony Blas so we need that both approved by the Board.

Commissioner A. Santos Attorney Toft, how do you feel within the law; if the documents are not notarized, it's stated so it wasn't solidified from his father to him.

Legal Counsel N. Toft: Right.

Commissioner A. Santos So, it's upon us now, correct, to....

Legal Counsel N. Toft: To make the decision.

Commissioner A. Santos To make... alright, that's clarified already. So one of the conditions, does he have to be eligible under 75A now?

Legal Counsel N. Toft: Because the way the AG's opinion that was discussed before came out and said the original designated successor qualifies under the old chapter 75, if there's any sort of change to that on application or a re-designation subsequent to *inaudible* then it goes under 75A.

Commissioner A. Santos After January 1st, 2021.

Chairman J. Reyes, Jr.: Because there was none designated?

Legal Counsel N. Toft: There was one designated who was the father but that's changed.

Chairman J. Reyes, Jr.: That's changed *inaudible*

Legal Counsel N. Toft: Right

Chairman J. Reyes, Jr.: And prior to all of this it was not ever addressed and now it's coming to us post 75A.

Commissioner A. Santos These ones are following the rules so I don't see why not or why we can't already.....

Chairman J. Reyes, Jr.: No I agree. I do have a question though Mr. Eay. Have you began the process with Mr. Blas with the eligibilities right so that we don't have any surprises however there's also you know we got to make sure we help Mr. Blas explore all the options to make sure we have these individual requirements in place for him rights. That's going to be an issue potentially. Mr. Cruz?

Program Coordinator III J. Cruz: Sir, with that said, Mr. Blas may want to consider terminating his initial lease, I mean that's his own. If he can't proof eligibility then he won't be able to get a lease through the mom. So, since Mr. Blas is online he can voice his opinion or his concern but we should also be considerate of his eligibility under 75A. Since you've already terminated a portion of 7153 *inaudible* can undo and then you go ahead and proceed with allowing him to be the successor and then come to find out that he can't proof his eligibility he walks away with nothing.

Chairman J. Reyes, Jr.: No agree. I agree and that's *inaudible* to try and piece this because in essence if again Mr. Blas... we're not saying that you're not but if in case he's not qualified we just terminated his lease and technically left with nothing and that's not what we want to do. That's not what we want to accomplish here.

Land Agent II G. Eay: Something that was discussed with Mr. Blas and he mentioned that there were several properties that was taking from if not his parents then his grandparents that he's aware so he mentioned that he does.... He can bring up the civil case and he can present it to us and show his qualifications under 75A. This is why he opt to terminate his lease at 7153 because he's aware of takings from his family property.

Chairman J. Reyes, Jr.: Okay. Alright, so this is kind of where..... let me just add something real quick I think some of those would be great right if we can kind of *inaudible* prior to bringing it to the Board. And this goes for all our land agents right is now we're faced not necessarily a bad thing but the 75A versus 75 and you know I don't want to put that extra burden on our constituents *inaudible* and explore all of that before it comes to the commission because at this point we may have to table this and then it's going to have Mr. Blas waiting again but... and again what we want to do is the right thing to ensure that we

rectify the situation right hence why we're here. So, Mr. Blas I just wanted to address you directly real quick here. So, we talked about a lot of things in regards to eligibility we just terminated your lease however we want to also make sure that.... Yes, there may be some of those documentation that you can provide in regards to eligibility but I just want to be sure that that's all kind of squared away before we take any further action and we may have to do one more real quick before we move on. But do you have any questions sir on that process that we were just discussing between Mr. Eay and the Commissioners?

Mr. Anthony P. Blas: I think we're okay, right. No questions sir.

Chairman J. Reyes, Jr.: Okay. Awesome. So here's what we're going to do. I feel that from Joey's perspective, let's do this. I know we just passed that motion to terminate the 7153. I think I would like to void that, table Mr. Blas's case. Mr. Eay, through this discussion I think you kind of have some of the guidance and what we should do and then we'll take this back to the Board hopefully we can do this next month.

Land Agent II G. Eay: Okay

Chairman J. Reyes, Jr.: So may I get a motion to void the prior motion that was passed in terminating Mr. Anthony Pangelinan Blas's lease for a portion of Lot 7153 in Yigo.

Commissioner A. Santos I would like to make a motion to void our last action motion which terminated Mr. Anthony Pangelinan Blas's lease for an acre for a portion of Lot 7153 in Yigo

Commissioner A. Bordallo: I'll second

Chairman J. Reyes, Jr.: Alright, thank you for that motion, Commissioner Santos. Thank you for that second Commissioner Bordallo. Any objections?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Hearing none. Motion passes to reverse the motion on the termination of Mr. Anthony P. Blas's lease for a portion of Lot 7153, Yigo. Ms. Tina were you able to get that?

Land Agent I T. Tainatongo: Yes. I got it.

Chairman J. Reyes, Jr.: Alright, thank you Mr. Eay, thank you, Commissioners, thank you, Mr. Blas for your presence and your patience today. Mr. Eay, please work with Mr. Blas to kind of get this some of the additional items and guidance from the Commissioners and we hope to see you next month.

Mr. Anthony P. Blas: Thank you.

Chairman J. Reyes, Jr.: Land agents, or team and Mr. Cruz, as we go through these items let's kind of make sure... again, either what we're doing today or the future ones to please ensure that we always factor in the eligibility and before it comes through and make sure we do our best to help our constituents and our beneficiaries with that piece. Okay, Mr. Cruz, next up on the agenda.

Land Agent I T. Tainatongo: We have Robert Celestial and Yvonne Flores

Chairman J. Reyes, Jr.: Sorry, that was Celestial and...?

Land Agent I T. Tainatongo: And Yvonne Flores.

Chairman J. Reyes, Jr.: Alright who's going to be....

Land Agent I Jessica Dayday: I'm Jessica Dayday Land Agent with the Chamorro Land Trust Commission. So I have Mr. Rober Celestial and Yvonne Flores and the complaint is acreage not approved by the legislature. The additional acreage. Do you want me to also mention the other complaint that was issued or just the one.

Chairman J. Reyes, Jr.: The audit. Let's focus on the issue with the audit. We'll take it one step at a time.

Land Agent I J. Dayday: Okay. So, Mr. Celestial's lease was approved by the Board on October 17, 2019. He was issued a agriculture lease for Tract 1021, Block 3, Lot 15-1, Dededo and it's for two acres, that's 8,414 square meters. Okay so that is what the audit is about was the acreage that the amount for the lease was two acres and that wasn't approved by the legislature so the Commission is authorized to issue half-acre. Right no more than one-acre? No more than half for agriculture. On October 17, 2019, the Commission awarded a lease for two acres to Mr. Celestial.

Chairman J. Reyes, Jr.: Okay so let's get a *inaudible* what was... okay so Mr. Celestial got this lease, how?

Land Agent I J. Dayday: So originally he was on the transfer switch list. His lease was null and void he was transferred switched with I believe cousin Ms..... Did you want me to go through the whole thing or...?

Chairman J. Reyes, Jr.: Yeah let's just go through it.

Land Agent I J. Dayday: So, originally he had a lease in January 26, 2009, and then in 2018 his lease was null and void.

Commissioner A. Santos I'm sorry Ms. Dayday, can I just interject? Mr. Chair, I do want to inform the Board, the Commission and the agency that I know Mr. Celestial personally and I've been to his place so I don't know how you want to have me act upon with his lease or...?

Commissioner A. Bordallo: You're not related to him?

Commissioner A. Santos No, I'm not related to him. I don't know anything, this is the first I'm hearing of is lease and what it contains and all that....

Legal Counsel N. Toft: Do you believe that you can act and vote fair and impartially on this matter?

Commissioner A. Santos I've seen his property and all the work that he put in to it. I'm not too sure if I can act impartial on that.

Legal Counsel N. Toft: Maybe it would be best then to table it until we have a third Commissioner to act on that because otherwise we wouldn't have quorum for a vote
inaudible

Chairman J. Reyes, Jr.: Yeah, I agree too. I appreciate your forth coming on that Commissioner Santos. And again with the recommendation with legal we will table this item on the agenda until *inaudible* thank you. Okay, next up Mr. Cruz.

Land Agent I T. Tainatongo: We have Ms. Donna Mae Cruz

Land Agent I J. Dayday: So we have Ms. Donna Mae Cruz she is an agriculture lessee and the issue is six acres, her six acre lease. The original applicant I mean the original lessee was deceased or is deceased, sorry... and in 2019 on June 6, 2019, Ms. Donna Mae Cruz was designated by the Board to be the successor to Teresita S. Cruz. Ms. Cruz – Ms. Teresita Cruz's lease was for six acres, we haven't done the addendum for the transfer of the lease for Ms. Donna Mae Cruz, if you remember, I did run this case last month so she does want to give back five and half-acres and relocation... and she also wants to change her application type she does not want to or at this time she's not able to farm.

Chairman J. Reyes, Jr.: Okay

Land Agent I J. Dayday: But the issue is just the acreage, the amount of acreage which is six acres.

Chairman J. Reyes, Jr.: Okay, that was the original?

Land Agent I J. Dayday: Yes, but the lease was for Teresita Cruz

Chairman J. Reyes, Jr.: Okay, Ms. Teresita Cruz who is deceased was issued a lease for six acres?

Land Agent I J. Dayday: Yes, correct. She was also under Department of Agriculture as well.

Chairman J. Reyes, Jr.: Okay. So now, our task at hand is to decrease the acreage, relocate and change the application type, correct?

Program Coordinator III J. Cruz: Sir, I think all of that has been addressed at the last meeting.

Land Agent I J. Dayday: Correct

Program Coordinator III J. Cruz: So, it's just for informational purposes that Ms. Donna Mae Cruz's concern has been resolved already.

Chairman J. Reyes, Jr.: Okay, so this has been resolved?

Land Agent I J. Dayday: Yes. Well there wasn't any motion

Land Agent I T. Tainatongo: It was tabled.

Land Agent I J. Dayday: It was tabled only because she wanted to add her spouse to the lease. She wanted to do a loan with Guam Housing, however, I did verify that her spouse does not have to be on the lease.

Chairman J. Reyes, Jr.: That's right so that was the Guam Housing one, right?

Land Agent I J. Dayday: Correct.

Chairman J. Reyes, Jr.: So this is not part of the...

Program Coordinator III J. Cruz: The acreage part is

Chairman J. Reyes, Jr.: Okay, I'm so sorry, remind me again what does the board need to take action on?

Land Agent I J. Dayday: Okay, so Ms. Cruz is requesting to change application type from agriculture to residential and she is not able to farm, relocation or I guess reduction of acreage and then relocation.

Chairman J. Reyes, Jr.: Okay. Commissioners, do you have any questions? I think I'm good.

Commissioner A. Santos So she is not able to farm and she has not received a lease yet?

Land Agent I J. Dayday: Yeah, we haven't done the addendum because she would need to survey the property however it is not registered at this time, the property that she currently holds a lease for it's not registered, it's unregistered.

Commissioner A. Santos So nothing has been done and that's been since....?

Land Agent I J. Dayday: Well she's actually... she's been farming we did a site inspection and she's in compliance however she's not able to continue according to her and she is online as well.

Commissioner A. Santos Okay, we can hear from her directly, I just want to ask a question. Ms. Donna Mae Cruz, can you hear me?

Ms. Donna Mae Cruz: Hi. Yes.

Commissioner A. Santos How long have you been on that parcel?

Ms. Donna Mae Cruz: Well my mom had the land since I think 2005 and we started making effort on clearing in 2018. Although, we were having problems to get through the land because they were like some illegal dumping that was blocking the road so we couldn't get to our land. So what we did was we made our own road, so we had to push the illegal dumping to the side and we had to make our own road to go into our land.

Commissioner A. Santos Attorney Toft, there's one.... I guess maybe you can say clause, I don't know whether what it was referring too I don't remember *inaudible* and I want to ask if you're acknowledgeable in it, there's a certain thing where it goes where you have to be on that property for seven years before you could think about looking for another lot... am I correct? Is that what it states?

Legal Counsel N. Toft: The seven years recognition is for people who have active leases to be able to transfer the lease to another live person. So it'll have to do with succession to leases or

Commissioner A. Santos Or Types?

Legal Counsel N. Toft: Or applications or types, yeah.

Commissioner A. Santos What is in the law about switching types?

Legal Counsel N. Toft: Nothing currently.

Commissioner A. Santos That's something we can address?

Legal Counsel N. Toft: Yeah.

Commissioner A. Santos Right on.

Legal Counsel N. Toft: That's something as far as....

Commissioner A. Santos Alright, because we see a lot of that coming up.

Legal Counsel N. Toft: We see a lot.

Commissioner A. Santos Okay.

Land Agent I J. Dayday: *inaudible* this property.... the property is not registered. She can't survey, she can't do anything on the property other than what it has now. She does have fruit trees, she has pigs or she has a pig but there's nothing really she can do. Like she mentioned people were dumping and if you go to that road right now it's still the same. There's a lot of junk cars, there's a lot of white goods, a lot of trash and she is not able to really utilize the property the way it should be used.

Chairman J. Reyes, Jr.: Is that Chamorro Land Trust property?

Land Agent I J. Dayday: yes.

Chairman J. Reyes, Jr.: Where all the dumping is?

Land Agent I J. Dayday: Yes.

Commissioner A. Santos Sorry, our video is frozen.

Chairman J. Reyes, Jr.: I thought you had two questions.

All: Laughing

Commissioner A. Santos First of all, is the part of the audit? Is this one of the...?

Program Coordinator III J. Cruz: The acreage. The acreage was a concern.

Commissioner A. Santos Okay, so the acreage is the concern from the audit, alright.

Chairman J. Reyes, Jr.: It's agriculture, it's six acres. If it's more than half-acre it's *inaudible*

Commissioner A. Santos Right... right... and not subsistence

Land Agent I J. Dayday: And it requires legislative approval. However, she did.... She was Ms. Teresita Cruz was given the lease prior to 2015.

Legal Counsel N. Toft: Yeah, she would be grandfathered in but if she's volunteering to decrease the acreage then....

Commissioner A. Santos Back down to .05?

Chairman J. Reyes, Jr.: Okay, I'm good with that. I don't have any more questions. Thank you, Ms. Dayday. Commissioners?

Commissioner A. Bordallo: Yeah, on Tract 10121, Block, 8, Block 1-7, what's the size of that lot? Since survey was done.

Land Agent I J. Dayday: There was no survey?

Chairman J. Reyes, Jr.: Okay but what's the size/

Land Agent I J. Dayday: Oh, six.... the current lot?

Chairman J. Reyes, Jr.: No, the new lot.

Land Agent I J. Dayday: Oh, the new lot, it's half-acre.

Commissioner A. Santos So we're bringing it down and making sure that it's within the law?

Land Agent I J. Dayday: No, the current lot... .yeah, she's going to give up that lot to be relocated to a half-acre lot. And it's just half-acre because the area that we have identified does not meet the *inaudible* or the sewer.

Chairman J. Reyes, Jr.: Is this new lot registered?

Land Agent I J. Dayday: Yes.

Commissioner A. Santos So, we really don't need to address the whole reduction of acres, correct? Or do we still need to do it even though we're going to transfer to residential already? You get what I'm saying?

Program Coordinator III J. Cruz: If the acreage is going to be reduced it will resolve the audit concern.

Commissioner A. Santos Oh, okay and it'll just carry over to the residential because that states that it's going to be point like half-acre in the residential type.

Program Coordinator III J. Cruz: In the lease if it hasn't been surveyed it would contain the property description on the masterplan not to exceed half-acre.

Commissioner A. Santos Thank you, Joey. Thank you.

Program Coordinator III J. Cruz: But still, you would need to address the change of application type and the relocation.

Commissioner A. Santos First reduction....oh go ahead sorry.

Acting Administrative Director A. Camacho: Are we able to take a look at the map she's requesting to relocate too?

Land Agent I J. Dayday: Mel, Tract 1021, Block 4, Lot 8-1

Acting Administrative Director A. Camacho: What is it lot 4 or block 4?

Land Agent I J. Dayday: That's the lot that we have identified a new one. You wanted to see the new one?

Chairman J. Reyes, Jr.: Yeah.

Land Agent I J. Dayday: Okay, so I'm sorry. Tract 10121, Block 8, Lot 1-7

Engineering Tech. II Pierce Castro: What block again?

Land Agent I J. Dayday: 8

Commissioner A. Santos What's the lot again, 7?

Land Agent I J. Dayday: Lot 1-7

Program Coordinator III J. Cruz: Show the basic.

Engineering Tech. II Melvin Javier: Tract 10121, Block 8, Lot 1-7, this is the basic lot of dash one, Lot 1-7 is cut out from this basic lot. It's not going to show here because our GIS is not updated.

Program Coordinator III J. Cruz: It was schemed. But once she gets it surveyed then it'll show...

Engineering Tech. II M. Javier: Yeah, because there was no survey done on it yet.

Commissioner A. Santos Can you zoom on it?

Acting Administrative Director A. Camacho: Is there physical access to the property and utilities?

Engineering Tech. II M. Javier: Yeah, this is the main road to this property right here.

Commissioner A. Santos That's up in Yigo?

Engineering Tech II P. Castro: Yes, that's Chalan Mataguac

Engineering Tech II M. Javier: Chalan Mataguac, yeah.

Commissioner A. Santos Okay. That's on the right side of Chalan Mataguac....going towards....?

Engineering Tech II M. Javier: Okay, this is the entrance of Mataguac so it's on the left side when you come in.

Land Agent I J. Dayday: And the lot that she's currently on is just up the street from there.

Chairman J. Reyes, Jr.: So it's an easy move.

Land Agent I J. Dayday: Yes.

Commissioner A. Santos *inaudible*

Land Agent I J. Dayday: Yes.

Chairman J. Reyes, Jr.: And Ms. Cruz, is in agreeance with this? She's picked it.

Land Agent I J. Dayday: Yes, she's agreed to the lot.

Chairman J. Reyes, Jr.: Okay, I don't have any more questions. Okay, Commissioners, if we're ready to take action, I don't have any other questions.

Commissioner A. Bordallo: I would like to make a motion to approve the acreage reduction from six acres to half an acre for Tract 1021, Block 4, Lot 1-7

Chairman J. Reyes, Jr.: Give me one second Commissioner Bordallo. I thought we didn't have to do the reduction, yes?

Commissioner A. Bordallo: Yes.

Land Agent I J. Dayday: Yes, because it's with *inaudible*

Commissioner A. Santos Yes, that's the main from the audit.

Chairman J. Reyes, Jr.: Okay, sorry. So Commissioner Bordallo's motion. May I get a second?

Commissioner A. Santos She has to clarify... she has to restate

Commissioner A. Bordallo: I have to clarify the facts and the recommendation is a different lot. So what is it? Lot 7 or Lot 8?

Commissioner A. Santos Lot 8-1

Land Agent I J. Dayday: For the....?

Commissioner A. Santos Reduction, 8-1

Commissioner A. Bordallo: 1-8 or 1-7 or 8-1?

Land Agent I J. Dayday: It's lot 8, sorry. 8-1

Chairman J. Reyes, Jr.: Ms. Dayday, can you state the whole from tract to tract?

Land Agent I J. Dayday: So it's Tract 10... Tract 1021, Block 4, Lot 8-1 Dededo. That's the original.

Chairman J. Reyes, Jr.: That's what we're reducing, correct?

Land Agent I J. Dayday: Correct

Commissioner A. Bordallo: I'll repeat. I would like to make a motion to approve acreage reduction from six acres to half an acre on Tract 1021, Block 4, Lot 8-1, Dededo.

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

Commissioner A. Santos I second that move.

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

Commissioners: None

Chairman J. Reyes, Jr.: Alright. Hearing none. Motion passes for the reduction of acreage from six to one. For Tract 1021, Block 4, Lot 8-1 for Ms. Donna Mae Cruz. Okay, thank you, Commissioners. Okay, next action.

Commissioner A. Bordallo: It's a motion to approve relocation to Tract 10121, Block 8, Lot 1-7, Municipality of Yigo with conditions, property taxes paid for Tract 1021, Block 8, Lot 8-1, Municipality of Dededo for tax year 2013 through 2021.

Land Agent I J. Dayday: I'm sorry Commissioner Bordallo but it's Block 4, my apologies.

Commissioner A. Bordallo: Oh, Block 4. This is for...

Chairman J. Reyes, Jr.: This is for the new property?

Land Agent I J. Dayday: No, the property taxes paid for Tract 1021, it should be Block 4.

Commissioner A. Bordallo: Block 4. Just typing error.

Chairman J. Reyes, Jr.: And it's still....

Multiple Response: Correct.

Commissioner A. Bordallo: Property tax paid for Tract 1021, Block 4, Lot 8-1, Municipality of Dededo, Tax Year 2013 to 2021.

Commissioner A. Santos Are we going to be combining everything, Mr. Chair.

Chairman J. Reyes, Jr.: Yeah, for all the conditions.

Commissioner A. Bordallo: Okay, the lease fee paid in full, the removal of structures, white goods, inoperable vehicles and trash on lease property completion of survey for Tract 10121, Block 8, Lot 1-7, Municipality of Yigo.

Chairman J. Reyes, Jr.: Ms. Tina are we good on that?

Land Agent I T. Tainatongo: Yes.

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

Commissioner A. Santos I'll second that.

Chairman J. Reyes, Jr.: alright, thank you. Any objections?

Commissioner A. Bordallo: None.

Chairman J. Reyes, Jr.: Okay, hearing none the motion passes for the relocation to Tract 10121, Block 8, Lot 1-7 in the Municipality of Yigo with conditions as stated. Thank you, Commissioners. Okay, the next one we have on the agenda.

Land Agent I T. Tainatongo: Mr. Victor Duenas and he's present.

Chairman J. Reyes, Jr.: Okay, Mr. Victor Barcinas Duenas. Good afternoon Mr. Duenas.

Mr. Victor Barcinas Duenas: Good afternoon everybody up there. Mr. Chairman, thank you for making your time to hear me because they just called me yesterday to be here but I want to hear what you guys want to say.

Chairman J. Reyes, Jr.: Thank you for your time. Si yu'us ma'ase' lokke'. Mr. Duenas, could you just state your name?

Mr. Victor Barcinas Duenas: My name is Victor Barcinas Duenas I'm from Ija Inalajan. '

Chairman J. Reyes, Jr.: Thank you, sir. Okay, Ms. Dayday.

Land Agent I J. Dayday: So we have Mr. Victor Duenas, he's an agriculture lessee and his issue is acreage not approved by the legislature. So, Mr. Duenas's application date and time is December 2nd '95 2:24p.m. he's number 417 his application type is agriculture, he's not a pre-occupier, there was no land use permit, the location that he's at is Lot 8-5, Inalajan, the lot size is 80,940 square meters which is twenty acres. His lease is Lot 8-5, Inalajan, dated December 7, 2000, approved Administrative Director Ronald Teehan. There's no survey authorization in file. The only survey map is the subdivision survey of Lot 8-R3, Inarajan. December 7, 2000, the Agriculture lease for a portion of Lot 8-R3, Inarajan containing area of 94, 374 square meters. April 12, 2005, a letter from Administrative Director Tom Elliot supporting Mr. Victor Duenas's request for additional acreage. April 20, 2005, an agriculture land lease evaluation was conducted by the NRCS which is the Natural Resources Conservation Service. Then April 27, 2005, a request for additional which was Board approve. June 12, 2020, a site inspection was conduction by Land Agent GE and EC. July 2nd 2020, an addendum to agriculture lease Document No. 948433 which was signed by Administrative Director Jack Hattig, III. May 6, 2021, a site inspection was conducted by myself and GE. My findings, a request for additional acreage was approved by the CLTC Board on April 27, 2005, for twenty acres. Currently, Mr. Duenas is utilizing the property for grazing. And he's also farming, he does have fruit trees, well he has like over 17 carabaos that he's using for grazing.

Chairman J. Reyes, Jr.: Okay, so *inaudible* that the acreage was not approved by the legislature?

Land Agent I J. Dayday: Correct. However, Mr. Duenas received the lease December 7, 2000.

Chairman J. Reyes, Jr.: Right, which is prior to the 2015....?

Land Agent I J. Dayday: Right, but also, Chapter 75, Subsection 107; he's using it for grazing so that doesn't require legislation or legislature approval. Those are my findings.

Commissioner A. Santos May I ask Mr. Cruz, what was the audit findings? Why was this flagged? What were the concerns?

Program Coordinator III J. Cruz: The concerns was the acreage approval. So if the board accepts the use through the grazing of his animals then it's okay. That's what I'll respond to *inaudible*

Chairman J. Reyes, Jr.: Okay

Commissioner A. Santos Who was the other land agent, Ms. Dayday that was with you?

Land Agent I J. Dayday: Glenn Eay.

Commissioner A. Santos Mr. Eay, can you verify that there were over seventeen carabaos?

Land Agent II G. Eay: Yes, I can verify that there is *inaudible* possibly more.

Mr. Victor Barcinas Duenas: But USDA the program told me to reduce *inaudible* grass on those field. That's why I came in on the Camacho administration for an additional extension and I was approved with that. So, I want to make it more because one of these days, you guys will be coming to me to find meat from me because you see what's happening right now of our problem that we're facing now. So instead of reducing those carabaos I want to produce it more. But the land is the problem is the problem right there because some land that you gave me, there's no grass on top of those mountains... but I need more than the twenty acres but I don't know who changed the law on that. But I was approved with the Camacho administration because I used to have *inaudible* tree. I gave up the tree because they told me from the Chamorro Land Trust that I could only have one lot. But, those extension that they approve me from the Board we could make it one lot and survey the whole property and begin one lot. Instead I'll be dividing it into two.

Commissioner A. Santos May I ask, Attorney Toft, in 75 it does state that if you're going to be using it grazing that's always been in the law that you can have up to twenty acres, correct?

Legal Counsel N. Toft: That's correct.

Chairman J. Reyes, Jr.: Yeah, I don't think we don't have a current issue with the sizing. Joey, just to confirm, again, that is what needs to be confirmed by the Commissioners?

Program Coordinator III J. Cruz: If the lease is accepted then I'll respond to the auditors that it was presented to the Board the Board had agreed with the use and is compliance with 75107 I think.

Chairman J. Reyes, Jr.: And does that require a motion Mr. Toft?

Legal Counsel N. Toft: I would ask Joey. Do the auditors require that to be...?

Program Coordinator III J. Cruz: No, I think just a discussion amongst the Commission would suffice.

Chairman J. Reyes, Jr.: And just that form of approval?

Program Coordinator III J. Cruz: Yes

Chairman J. Reyes, Jr.: So Commissioners, I don't have any questions I'm okay with this.

Commissioner A. Bordallo: So, just the twenty acres that he has too *inaudible*

Chairman J. Reyes, Jr.: Yes. Just are we... is the Commissioners okay with having twenty acres for the *inaudible*

Commissioner A. Bordallo: For the use of grazing

Commissioner A. Santos I see that he's been so he's got a lot more than *inaudible*

Chairman J. Reyes, Jr.: Okay, so Commissioners no objections in the current lease that Mr. Duenas has and utilization, correct?

Commissioner A. Bordallo: No objections

Commissioner A. Santos We're acknowledging.

Chairman J. Reyes, Jr.: We're acknowledging

Mr. Victor Barcinas Duenas: Thank you.

Chairman J. Reyes, Jr.: Si yu'us ma'ase' sir for coming down here.

Commissioner A. Santos Saina Ma'ase'

Mr. Victor Barcinas Duenas: Si yu'us ma'ase' nu I tempon miyu lokkue'

Commissioner A. Santos Hagu lokkue' saina ma'ase'

Mr. Victor Barcinas Duenas: Todu hamyu si yu'us un fan bendisi.

Chairman J. Reyes, Jr.: Hagu lokkue'. Si yu'us ma'ase' sir. Okay, next up.

Land Agent I T. Tainatongo: Thomas Anderson Guzman.

Chairman J. Reyes, Jr.: Next is Mr. Guzman. Mr. Eay, is that you?

Land Agent II G. Eay: Yes. Okay, my audit report is on Thomas Anderson Guzman which was assigned to me about a week and half ago. And I've been trying my best for the past week and a half to contact Mr. Guzman only to find out yesterday after using all our recourse to contact him we googled him and only to find out that he's deceased since 2018. All contacts are not working from his granddaughter and other relatives. So, of course I'll just go ahead if you want me to proceed with my report.

Chairman J. Reyes, Jr.: Do we need to take action on this Mr. Cruz?

Program Coordinator III J. Cruz: I think we should table it until they get some communication with their family.

Chairman J. Reyes, Jr.: Their family, yeah. Okay, Mr. Eay, we're going to go ahead and table this until you make some more contact on the relatives of Mr. Guzman. Thank you, sir. Next up?

Land Agent I T. Tainatongo: Juna Diaz Muna

Chairman J. Reyes, Jr.: Okay, who will be taking on Mr. Muna?

Land Agent I J. Dayday: That would be me. So I have Juan Diaz Muna. I did contact Mr. Muna however, because he won't be able to make it due to work. So, the issue would be the Board approved a take over from an unqualified applicant. The original applicant is Moses Diaz Muna, the original applicant's date and time is December 2nd, 1995 at 1:09 p.m. number 331. Original application type is agriculture. He's priority 1, he's a pre-occupier as per original application, what's stated on the application, a Land Use permit, Mr. Moses Muna has a Land Use Permit number 26 for Lot 470. There's no mayor's verification in the file. No notice of intent to award, a lease was not issued to Mr. Moses Muna. Original designated successor was Francisco D. Muna which is the son of Moses D. Muna. The takeover applicant is Juan Diaz Muna. The location is lot 480-71 in Agat, lot size 4047 square meters which one acre. The lease is lot 470-71, Agat, dated August 4th 2020, which was approved by the Board on July 18, 2019. A survey authorization, August 10, 2012, approved by Acting Administrative Director David Camacho. A survey map which 241FY2017 under DLM Document No. 908289. April 21st 1997, there was a agriculture interview report for Mr. Moses Muna and he did designate a successor. July 26, 2012, Moses Diaz Muna requested to transfer application rights to Juan Diaz Muna which is his son. There was a notarized letter of relinquishment. July 30, 2012, a request to transfer application rights which was approved by the Deputy Director David Camacho. June 12, 2013, an agriculture lease under Juan Diaz Muna approved by Deputy Director D. Camacho. October 1st, 2013, agriculture lease was recorded under DLM Instrument No. 856694. February 18, 2015, a site inspection was conducted and Mr. Juan Muna was to be relocated from Lot 480-4 to Lot 480-71. June 21st, 2017, an addendum for Lot 480-71 was approved by Administrative Director Michael Borja. June 21st, 2017, an addendum to agriculture lease was recorded under DLM Instrument No. 908746 on May 11, 2018 an Opinion Memorandum by the Attorney General, Agriculture Lease Instrument No. 908746 was Null and Void. July 18, 2019, the Board approved to remove from the Null & Void listing and designate Mr. Juan Muna as a successor to Moses Muna's application and approved for an agriculture lease. August 11, 2020, the termination of the lease was signed by Administrative Director Jack Hattig, III under DLM Instrument No. 949588. August 11, 2020, an agriculture lease was recorded under DLM Instrument No. 949587, and the agriculture lease is under Juan Diaz Muna. I'm sorry, I didn't state that in the chronology. On May 5th 2021, a site inspection was conducted to verify occupancy or *inaudible* to the property.

So, my findings are, the original applicant, Moses Diaz Muna was born in Saipan and arrived in Guam December 30, 1950. Then he was naturalized on April 26, 1956. So, based on the submitted documents and then Mr. Moses Diaz Muna is a pre-occupier which was stated on his Certificate of Immigration for Lot 3, Block 26 in Agat and he has a Land Use Permit for Lot 470 in Agat. A mayor's certification was not in the file but Mr. Moses Muna did state that on the application. So, Lot 480-R3 was assigned to Juan Diaz Muna on August 10, 2012. Juan Diaz Muna indicated that he was not living or farming on Government land on his application. So, Public Law 23-38, Section 5.2; Qualifications of Applicants. Mr. Moses Diaz Muna did not provide that when he applied. July 18, 2019, the Board of Commissioners Meeting, Public Law 23-38, Section 5.8; was used to determine the designation of successor to application rights. However, under Section 5.8 allows an unqualified spouse to name a successor. But the original applicant was the one who designated a successor. So on July 18, 2019, the Board, according to the minutes, they used- they designated the successor based on an unqualified spouse designating a qualified child. However, they- Mr. Moses Muna, the original applicant was not qualified.

Commissioner A. Santos What are the audit concerns for this, Joey?

Program Coordinator III J. Cruz: The audit concern was CLTC approved a certain lease application for Lot 480-71 in Agat for a takeover by the beneficiary from an unqualified applicant. So in the rules or the Act if an unqualified applicant, it doesn't state anything that an unqualified applicant can designate a qualified applicant nor can the Board designate a qualified applicant. It says that an unqualified spouse may name a qualified applicant so that was the issue.

Land Agent I J. Dayday: On the site inspection that me and Glenn conducted, there was no improvement to the property, there was no activity. However, it is surveyed but there's no improvements and I believe that it was Government survey.

Commissioner A. Santos In other words, nobody is there?

Land Agent I J. Dayday: No.

Commissioner A. Santos Oh, wow.

Land Agent I J. Dayday: There's no improvement to it. There's no activity and I did verify with Mr. Juan Diaz Muna if he was a pre-occupier. However, he stated, no. I did ask him... because he was using his father's Land Use Permit but he said that he was only there in 2012 and then Chamorro Land Trust was the one who moved them to the current property where he has a lease due to they put a road right through his property.

Commissioner A. Santos Here in this property that they did have initially?

Land Agent I J. Dayday: The one that the property that his father was occupying.

Commissioner A. Santos Which one is the initial?

Land Agent I J. Dayday: 480

Commissioner A. Santos Top right corner

Engineering Tech II P. Castro: The original lot actually was this lot here and this lot used to extend up and then it'll cross like this so when the issue of the road came about we was moved down here and DLM came in and surveyed this road, steaked out this road and that's how he gets his access down to here.

Engineering Tech II M. Javier: I'll show you the map that created that lot. This is the lot that created that road coming in. So he went from this lot now this lot. It shows the original boundary line for dash four went up this way, the dotted lines so this was an existing paved road that we tried to keep so that.... People were already using it. The survey was done by Land Management.

Land Agent I J. Dayday: Yes, the property is surveyed but it wasn't done by the lessee.

Commissioner A. Santos Because of that need for that road, that's why they were moved down to the bottom left corner?

Engineering Tech II P. Castro: Yes.

Engineering Tech II M. Javier: Yes, because everybody was using this road for the private land owners down here.

Commissioner A. Santos Yes.

Land Agent I J. Dayday: *inaudible* the private land owner also built a wall.

Chairman J. Reyes, Jr.: Okay. Well. So, I have one question; if the original lease holder was not qualified.

Land Agent I J. Dayday: He didn't have a lease. He wasn't awarded a lease.

Chairman J. Reyes, Jr.: The original applicant

Land Agent I J. Dayday: He was just an applicant, correct.

Chairman J. Reyes, Jr.: Okay. But then the designated successor.

Land Agent I J. Dayday: The original... or the one Mr. Moses Diaz Muna, yes he did designate a successor. The is documentation in the file that shows when Mr. Moses Diaz

Muna arrived on the island and when he became naturalized. He has a certificate in the file.

Commissioner A. Santos So his son is there... that one bottom left corner where there's no activity.

Land Agent I J. Dayday: His current property, yeah. There's no activity there, there's just trees.

Commissioner A. Santos So have we spoken to Juan Diaz Muna?

Land Agent I J. Dayday: I have spoken to him. I did ask him if he was a pre-occupier and if he can submit documentation, however, he mentioned he wasn't. He said that Chamorro Land Trust was the one that issued him that property in 2012. At that time, Mr. Moses Muna was still alive when he transferred the application.

Commissioner A. Santos That's why I'm asking, does he plan on utilizing that property or moving forward with it?

Land Agent I J. Dayday: I'm not sure on that one but this is like the third time we went out there to do a site inspection within what three years, four years I believe... 2018 and there's no improvement to the property. There's not even... they didn't even clear it and this is agriculture.

Commissioner A. Santos Right. Okay.

Land Agent I J. Dayday: But then it would only be Mr. Muna to answer that question. He was just kind of upset that we keep bringing this back.

Commissioner A. Santos He's not even on that property? Nobody's there?

Land Agent I J. Dayday: He's not utilizing it for what it's....

Commissioner A. Santos It doesn't even look like there's anybody there that's doing anything... if there's a seat there... if there's a block there... right, you know what I'm saying?

Land Agent I J. Dayday: It's somebody else. It's another person so if you go to his property, You can see through the trees, there is someone ranching there but that's their own area that's not Mr. Muna's.

Chairman J. Reyes, Jr.: Okay. Well, Ms. Dayday, what is our options here for the Board to make a decision. Or Mr. Cruz, something....

Program Coordinator III J. Cruz: If I may, just to afford Mr. Muna the opportunity to state his concerns or his comments before a decision is made that you table it until such time Mr. Muna can be available to attend the meeting. It's just to provide him that opportunity to voice his concerns which is also in a sense that's required by our statute that you afford the constituents the opportunity to attest to whatever decisions you decide to make.

Chairman J. Reyes, Jr.: Okay. Understood. Commissioners, are you good with that?

Program Coordinator III J. Cruz: But none the less, the unqualified application should have been issued an unqualified letter and if Mr. Muna could provide or justify his pre-occupancy that's a route we can take.

Chairman J. Reyes, Jr.: Alright, I'm open to hear Mr. Muna's at his convenience hopefully at our next meeting hopefully it'll give him enough ample time to be present even if we have to move it later in the meeting.

Commissioner A. Bordallo: When was the last time you saw him?

Land Agent I J. Dayday: I spoke to Mr. Muna yesterday but prior to that it was May 5th that I spoke to him about the pre-occupier status and about his situation. He's just very upset about what's going on and why his lease keeps going back to the board.

Commissioner A. Bordallo: And why is it going back to the Board?

Program Coordinator III J. Cruz: The concern of the audit finding which is the unqualified take-over... a beneficiary of an unqualified applicant which shouldn't have taken place to begin with.

Commissioner A. Bordallo: Do you think he's satisfied with leaving it alone, *inaudible* withdrawing his application?

Program Coordinator III J. Cruz: Like I mentioned earlier, if Mr. Muna can prove his pre-occupancy then that's a route that he can consider. If he was a pre-occupier and can provide documents to substantiate that claim then he can apply as a pre-occupier instead of being the beneficiary of his unqualified father's application.

Commissioner A. Santos: Have you spoken to Mr. Juan Muna, Ms. Dayday?

Land Agent I J. Dayday: Yes, and like I mentioned he's just upset about the whole situation but I did mention that to him to submit that. If he has any documentation, mayor's verification or even the Land Use Permit that the father was using I mean because if they got that property because his dad was there right then he can show documentation and we can go that way but then he did mention that it was Chamorro Land Trust that issued the property to him.

Commissioner A. Santos Because of the relocation?

Land Agent I J. Dayday: No, that he was given that property by Chamorro Land Trust. I don't know what happen to his father's property but reviewing the file it shows that a road was put in the father's property. The road went through the father's property. *Inaudible* on the top part.

Commissioner A. Santos Yeah. Yeah.

Commissioner A. Bordallo: Did the neighbors... does he have neighbors in his area?

Land Agent I J. Dayday: Yes, there is.

Commissioner A. Bordallo: So the neighbors can justify that was where Moses was.

Land Agent I J. Dayday: I don't think the neighbors would be able to justify that.

Commissioner A. Santos Why do you say that?

Land Agent I J. Dayday: Because of the people that are there.

Commissioner A. Santos You're talking about across the street, the private owners?

Land Agent I J. Dayday: It's next too. So, Mr. Muna's area then you have people in the back side.

Commissioner A. Santos Is that where *inaudible* is at?

Commissioner A. Bordallo: Those three lots.

Land Agent I J. Dayday: There is... he does have neighbors there.

Commissioner A. Santos So, the applicant or the lessee does he have a lease already? Is there a lease in place already for Moses?

Land Agent I J. Dayay: No, he was never issued a lease. He did come in in 2012 for whatever reason it just states that he requested to transfer his application rights to Juan Muna.

Commissioner A. Santos Okay. Why don't we just be quite frank.... He probably heard that he wasn't qualified and then he said....

Chairman J. Reyes, Jr.: What is the relationship with Juan and Moses?

Program Coordinator III J. Cruz: Father and son.

Chairman J. Reyes, Jr.: And Francisco?

Land Agent I J. Dayday: That's Juan's brother.

Chairman J. Reyes, Jr.: Francisco is Juan's brother?

Land Agent I J. Dayday: Yes but he- according to Mr. Juan Muna, Francisco passed away and I'm not sure why at the time way before 2012 and I don't know why he wasn't designated the successor.

Chairman J. Reyes, Jr.: So Juan and Francisco are siblings and Moses is their dad?

Land Agent I J. Dayday: Correct.

Chairman J. Reyes, Jr.: Okay. I just want to make sure.

Commissioner A. Bordallo: There was a termination of the lease.

Land Agent I J. Dayday: Yes, because this was originally on the Null & Void transfer of application rights while the applicant was still alive so....

Commissioner A. Santos Got it.

Commissioner A. Bordallo: So, we'll give him time to check Mr. Muna and see what...

Chairman J. Reyes, Jr.: Yes, let's go ahead and do that and Ms. Dayday let's try and get the time for Mr. Muna to come in at the next meeting. Again, our meetings run pretty lengthy so we could always *inaudible* at the tail end. Okay thank you. Next up, okay, let's see it's 3:34 p.m. we're going to go ahead and take a quick break, a ten minute break 3:44 p.m. thank you.

Break: 3:34 p.m. to 3:44 p.m.

Chairman J. Reyes, Jr.: Ms. Tina, we good?

Land Agent I T. Tainatongo: Yes, we are.

Chairman J. Reyes, Jr.: Okay next up, Mr. Cruz.

Old Business B. Residential

Program Coordinator III J. Cruz: Joseph Bragg will be presented by Ms. Jessica.

Land Agent I J. Dayday: Okay, so I have Joseph Ray Bragg, Jr. and this is transfer of residential lease that did not meet the seven year transfer of requirement. So, the original – Mr. Bragg, his application date is December 5th, 1995, at 1:42 p.m. number 1270. Can I just explain that with the facts, those are from the original applicant.

Chairman J. Reyes, Jr.: And who's the original applicant?

Land Agent I J. Dayday: Rita Velasquez Aguon

Chairman J. Reyes, Jr.: Okay, so all those facts that you're going to present or read through is for Ms. Aguon – Rita Velasquez Agoun?

Land Agent I J. Dayday: Only the application date and time.

Chairman J. Reyes, Jr.: Okay, got it.

Land Agent I J. Dayday: Because this wasn't a transfer switch or...

Chairman J. Reyes, Jr.: Okay.

Land Agent I J. Dayday: So there's a lease addendum to residential lease under Mr. Joseph Ray Bragg DLM Instrument No. 893173 location is Lot 20, Block 5, Tract 10125 in Dededo 4048 square meters which is one acre. There's no survey authorization in file, there's a survey map; 065FY2013 under DLM document number 850545 so the chronology... I'm going to start with the original applicant who was Rita Velasquez Aguon her date and time was December 5th 1995 at 1:42 p.m. her number is 1270 her application type is a residential she's priority one she's indicated that she's a pre-occupier she has a Land Use Permit number 3411 for Swamp Road Dededo she was issued a lease August 1st 2002 for a portion of Lot 10120 Dededo for one acre. There was a survey authorization for her which was September 12, 2002, approved by Administrative Director R. Teehan. April 8, 2014, Ana Blas now I'm just going by the dates so if you get confused.... Ana Blas submitted a contract for survey services on May 9, 2014, a notarized letter was submitted to CLTC requesting to transfer the lease from Rita Aguon to Ms. Ana Blas.

Chairman J. Reyes, Jr.: Ms. Dayday, what's the relation... sorry I'm interrupting you again.

Land Agent I J. Dayday: Sisters.

Chairman J. Reyes, Jr.: Okay.

Land Agent I J. Dayday: On May 28, 2014, there was a request to transfer a lease which was approved by Deputy Director David Camacho February 3rd, 2015, application, qualifying documents and interview was submitted by Ana V. Blas.

Commissioner A. Santos I'm sorry, Ms. Dayday what day was that?

Land Agent I J. Dayday: February 3rd, 2015.

Commissioner A. Santos That was for what?

Land Agent I J. Dayday: The application, the qualifying documents and interview.

Commissioner A. Santos Okay, thank you.

Land Agent I J. Dayday: February 4th, 2015, application rights was transferred to Ana V. Blas, pending survey map and property tax receipts to transfer the lease to Ana Blas. March 23rd 2015, a site inspection was conducted by JC and JA who are land agents and they found unauthorized occupants on the property. May 2nd 2016, a residential lease was signed by Ana Blas approved by Administrative Director Michael Borja. June 2nd 2016, a residential lease was recorded under DLM Instrument Number 893173. April 18, 2018, request to transfer lease from Ana Blas to Joseph Ray Bragg, Jr. a notarized letter of relinquishment was dated November 27, 2017. On April 26, 2018, the transfer of the lease from Ana Blas to Joseph Bragg was approved by Deputy Director David Camacho.

Chairman J. Reyes, Jr.: Ms. Dayday, who is Joseph Bragg?

Land Agent I J. Dayday: He is the lessee the one the lease was transferred to the current lessee.

Chairman J. Reyes, Jr.: What is the relationship to Ms. Blas and Ms. Aguon?

Land Agent I J. Dayday: According to Mr. Bragg, Ana Blas is his auntie- his aunt.

Chairman J. Reyes, Jr.: His aunt is Ana Blas

Land Agent I J. Dayday: According to him, yes.

Chairman J. Reyes, Jr.: okay.

Land Agent I J. Dayday: Go ahead.

Chairman J. Reyes, Jr.: Yes, go ahead.

Land Agent I J. Dayday: So May 24, 2019, request to transfer a lease from Ana Blas to Joseph Blas was submitted

Commissioner A. Santos Joseph Blas?

Chairman J. Reyes, Jr.: Joseph Bragg

Land Agent I J. Dayday: Joseph Bragg, I'm sorry. So April 26, 2018, the request a notarized letter was submitted and it was approved by the Deputy Director at the time however nothing happened until May 24, 2019, Ms. Blas I guess followed up and requested to do the transfer of the lease. On June 14, 2019, an Addendum to the Residential Lease under Joseph Ray Bragg, Jr. was approved was approved by Administrative Director Jack Hattig, III and it was recorded under DLM Instrument No. 936416. May 16, 2019, consanguinity of relationship disclosure form was submitted.

Commissioner A. Santos Can I ask what the consanguinity form was submitted for and if it's a relation to anybody in the office?

Program Coordinator III J. Cruz: It's a relation to one of the employees.

Commissioner A. Santos Okay. Which Joe, what happens when that is disclosed?

Program Coordinator III J. Cruz: The disclosure is to ensure that the employee doesn't have any ties or doesn't work on the file so what would happen is that the Director should assign it to.... to ensure that he doesn't assign it to that employee he assigns to somebody else.

Commissioner A. Santos With your knowledge was that done?

Chairman J. Reyes, Jr.: Was that the case?

Program Coordinator III J. Cruz: I can't verify or deny that because I don't.... I was not a part of the land distribution it was just recently where we were taken and created a... it was just recently that review committee consist of myself and Ms. Topasna was recently formed so I don't know whether the file was worked on by the employee or not.

Commissioner A. Santos Okay.

Chairman J. Reyes, Jr.: Okay. Go ahead continue. Please thank you.

Land Agent I J. Dayday: On May 5th, 2021, I conducted a site inspection so the property is cleared and there's no improvement. There's no structure on the property at this time. I believe when Ana Blas had the lease she did have a structure there. So my findings were, Transfer of Residential lease from Rita Velasquez Aguon to Ana Velasquez Blas was in accordance to Public Law 23-38, Section 7.5. I just want to say that on B, I did.... There should be a word that I didn't add in there. So my findings for B is Transfer of Residential lease from Ana Velasquez Blas to Joseph Ray Bragg, Jr. was not in accordance to Public Law 23-38, Section 7.5.

Commissioner A. Santos That's transfer of leases, right?

Land Agent I J. Dayday: If they had held the lease for seven or more years, yes. So it wasn't in accordance to the law. I just wanted to go back to the main – the consanguinity, I just want to inform the Board that the employee did work on this file.

Commissioner A. Santos Okay, thank you.

Chairman J. Reyes, Jr.: And you have that... there's documentation of it there?

Land Agent I J. Dayday: Yes.

Program Coordinator III J. Cruz: We have a status information sheet. Each file has a status information sheet, on that status information sheet the employee will date, initial, write the actions... so for the next person who comes along and picks up where they left off.

Chairman J. Reyes, Jr.: Okay. So where did we leave of?

Land Agent I J. Dayday: So, B. Transfer or Residential Lease from Ana Velasquez Blas to Joseph Ray Bragg, Jr. was not in accordance to Public Law 23-38, Section 7.5 that's because Ana Blas signed the lease in 2016 and the addendum to Mr. Joseph Bragg was issued in 2019, June 14, 2019. Okay, so C. Public Law 23-38, Section 7.5 is a Transfer of Leases after seven years of occupancy. D. is Residential Lease is for one acre there's no improvements done on the property, property is vacant.

Chairman J. Reyes, Jr.: Okay, I have a question. Commissioners, may I?

Commissioner A. Santos Yes. Please.

Chairman J. Reyes, Jr.: The.... Sorry, I just lost my train of thought. Commissioners, I yield to you.

Commissioner A. Santos Joe, what was the audit concern for this one, that would help us out a little bit.

Program Coordinator III J. Cruz: The audit concern was the lease was transferred to the current listed lessee effective June 2019. However, the previous lessee held the lease for less than seven years as required by CLTC's Rules and Regulations. Furthermore, the lessee is affiliated with a current CLTC employee. A signed disclosure of affiliation by the employee did not evidence approval by the appropriate CLTC officer. This matter was discussed in our previous letter to management for Fiscal Year 2019.

Chairman J. Reyes, Jr.: So this is a reoccurring?

Program Coordinator III J. Cruz: It' a reoccurring.

Chairman J. Reyes, Jr.: And it has not been addressed?

Program Coordinator III J. Cruz: It has not been addressed.

Chairman J. Reyes, Jr.: When then this... that's what I was going to ask. When this transfer of lease from Ms. Blas to Mr. Bragg, that was not done by the Board or by the Commission.

Program Coordinator III J. Cruz: I believe, no.

Chairman J. Reyes, Jr.: No. So I'm just making sure that it was done by the – approved by the Deputy Director at that time.

Program Coordinator III J. Cruz: Yes, sir.

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

Land Agent I J. Dayday: The request to transfer was approved by the then Deputy Director in 2016 I'm sorry, 2018. However, 2019 it was approved by the Director Mr. Hattig.

Chairman J. Reyes, Jr.: But what was that approval? Why would that have to come through again?

Commissioner A. Santos What was the addendum?

Land Agent I J. Dayday: So the thing is when they requested, when they first requested on April 26, 2018, nothing happened. The lease wasn't transferred at that time so according to the Status Information Sheet I believe Ms. Ana Blas did come in and you know I guess follow up to transfer. And so on June 14, 2019, it was transferred.

Chairman J. Reyes, Jr.: And it was then done and approved by the previous Administrative Director, correct?

Land Agent I J. Dayday: correct

Chairman J. Reyes, Jr.: And is that the proper process?

Program Coordinator III J. Cruz: The lease I believe to Ms. Ana Blas was ratified so the Board had ratified the lease issuance then the request from Ms. Blas to transfer to Mr. Bragg was approved by the then Deputy Director David Camacho because nothing had transpired after the request....

Chairman J. Reyes, Jr.: So, there's no documentation to document that request, correct?

Program Coordinator III J. Cruz: There was no action taken.

Land Agent I J. Dayday: No action.

Program Coordinator III J. Cruz: So what had happened was that when she followed up there was action and an addendum was prepared to change the lessee's name so it went from Ana Blas to Mr. Joseph Bragg.

Commissioner A. Santos Doesn't that require the Commission's approval?

Program Coordinator III J. Cruz: Because the Board ratified the initial lease issuance to Ms. Blas, it was good. And then because they cited the section of the seven year requirement that gives the Director or they gave the Director the authority to transfer a lease based on that section of the law. But because they didn't meet it it was...

Chairman J. Reyes, Jr.: It wasn't seven years?

Program Coordinator III J. Cruz: It wasn't. The law says the lessee should hold the lease for seven years so when the transfer from Ms. Blas to Mr. Bragg I think I believe Ms. Blas only held the lease for two years.

Land Agent I J. Dayday: 2016 to 2019 is still...

Program Coordinator III J. Cruz: Or three years so it didn't meet the seven year requirement.

Chairman J. Reyes, Jr.: And when was the original lease executed for Ms. Aguon?

Land Agent I J. Dayday: August 1st, 2002.

Chairman J. Reyes, Jr.: But because it had transferred over to Ms. Blas that's when the timer starts again?

Program Coordinator III J. Cruz: Anytime a lease is awarded to a constituent, they must hold the lease for seven years or present an emergency case that can be approved by the Board but unfortunately this wasn't the case. It was awarded to Ms. Aguon, Ms. Aguon, met the seven years she transferred it to Ms. Blas. Ms. Blas three years later requested to transfer it to Mr. Bragg

Chairman J. Reyes, Jr.: Yeah, that's what meant. Okay, any other questions?

Commissioner A. Bordallo: If Ms. Rita Aguon had transferred it to Mr. Bragg....

Program Coordinator III J. Cruz: It would have been settled because it's direct and she met the seven years.

Chairman J. Reyes, Jr.: Okay and so right now the task at hand well at least one of them is to revert it his application back to Ms. Blas. And then reducing the acreage.

Program Coordinator III J. Cruz: Yes, that's based on the recommendation. That's based on the recommendation from the land agent.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: Reducing what?

Chairman J. Reyes, Jr.: Reducing the acreage from one to half, correct?

Land Agent I J. Dayday: Correct. Because there's no... there's nothing going on on the property, there's no occupancy, there's no structure and this is a residential.

Chairman J. Reyes, Jr.: So let me ask, it's just this property? This is the one in Dededo, correct?

Program Coordinator III J. Cruz: Yes, Swamp Road.

Land Agent I J. Dayday: Are you looking at Ms. Aguon having a lot 10120, is that what you're... it's the same thing, it's just it became a tract.

Program Coordinator III J. Cruz: In the masterplan

Land Agent I J. Dayday: It changed yeah.

Chairman J. Reyes, Jr.: And it's in Swamp Road, correct?

Land Agent I J. Dayday: Correct

Engineering Tech II M. Javier: 10120? 10125?

Land Agent I J. Dayday: It was Lot 10120 then it changed to Tract 10125

Chairman J. Reyes, Jr.: So it's a portion of Lot 10120?

Engineering Tech II M. Javier: No, no. Lot 10125 became a Tract 10125

Land Agent I J. Dayday: Well her lease is for 10120

Engineering Tech II M. Javier: Yeah, that's the other side of Swamp Road.

Engineering Tech II P. Castro: Stampa Swamp Road

Land Agent I J. Dayday: Okay. Do you want to pull up the....

Chairman J. Reyes, Jr.: Okay, do we want to clarify the...

Program Coordinator III J. Cruz: It's just the property description

Multiple conversation

Land Agent I J. Dayday: It's Tract 10125 or....

Commissioner A. Santos Ms. Dayday?

Land Agent I J. Dayday: Yes

Commissioner A. Santos While they're looking for the lot, so whose location I know in the beginning we had problems situating who's... where and what time did they apply? But whose location is Lot 20, Block 5, Tract 10125 in Dededo?

Land Agent I J. Dayday: That's the location

Commissioner A. Santos That's the lot in we're speaking about

Land Agent I J. Dayday: Swamp Road, yes.

Commissioner A. Santos So Lot 10120 changed to that tract?

Program Coordinator III J. Cruz: The masterplan changed the property description.

Commissioner A. Santos Alright. Thank you for that clarification.

Acting Administrative Director A. Camacho: Question. Ms. Dayday?

Land Agent I J. Dayday: Yes

Acting Administrative Director A. Camacho: Has anybody talked to Ms. Ana Velasquez Blas if she has any interest in the property because she wanted give it to Joseph Bragg so does she even have any interest in the property?

Land Agent I J. Dayday: I haven't spoken to her.

Chairman J. Reyes, Jr.: Okay but you have spoken to Mr. Bragg?

Land Agent I J. Dayday: Yes but because it was short notice the contact information that I have in file is not working or his numbers are not working I was able to email him but he... it's just short notice for him to come in.

Chairman J. Reyes, Jr.: Wait so you did get a hold of him, you did not get a hold of him?

Land Agent I J. Dayday: I got a hold of him yesterday but prior to that I wasn't able to get a hold of him and yeah... so the lease for Ms. Rita Aguon is for a portion of Lot 10120 and then Ms. Ana Blas surveyed the property or she took over her lease went to Tract 10125, Block 5, Lot 20.

Legal Counsel N. Toft: If I could just chime in here. It's *inaudible* so I think the two *inaudible* without any of the identification of the land parcels issues in there is that the transfer would be void unless there is a finding by the Board that there was an emergency that existed so I think we should try and get a hold of Mr. Bragg to have him come in and see if there is something that the Board could approve transfer of. If not, the transfer will be void it will go back to Ms. Blas automatically and that lease would be back to 2016 so year 2023 she could transfer it again without any sort of Board approval at all. I don't believe that we could do a involuntarily reduction in acreage because this was a pre-occupier lot (inaudible - back ground conversation over powering Legal Counsel Toft)

Chairman J. Reyes, Jr.: Okay

Legal Counsel N. Toft: So my thoughts on this are try to get a hold of Mr. Bragg see if there was an emergency that existed to justify transfer if not, then she revert the lease back to Ms. Blas and wait to see what happens when 2023 rolls around and see if the lot is still in compliance in the meantime.

Chairman J. Reyes, Jr.: Okay, *inaudible* that is one issue that we could handle with this case?

Legal Counsel N. Toft: Yeah. I would say, just *inaudible* now until we get a hold of Mr. Bragg.

Chairman J. Reyes, Jr.: Alright, Commissioners, can we table that?

Commissioner A. Santos Well I do want to...

Chairman J. Reyes, Jr.: Well I was going to say we will table the matter because there's two parts here that the Commission needs to address.

Commissioner A. Santos Okay

Chairman J. Reyes, Jr.: But I'll yield to you.

Commissioner A. Santos Yeah, I'm sorry Mr. Toft- Attorney Toft, would you mind repeating what's your suggestion, what you're considering?

Legal Counsel N. Toft: Yeah. So my suggestion would be to table it until we could get a hold of Mr. Bragg to see if there was an emergency that justified the transfer of the lease

because the Board does have the power to do – to approve lease transfers for periods less than seven years of being held if they're in the...

Commissioner A. Santos In case of an emergency

Legal Counsel N. Toft: Yeah transfer *inaudible*

Commissioner A. Santos Right.

Legal Counsel N. Toft: Yeah, if that exists everything is fine it could go to Mr. Bragg. If that doesn't exist that lease would revert back to Ms. Blas effective still back in 2016 as far as the effective date of the lease and I don't believe that we have the authority to reduce the size of the lot because it was a pre-occupier with a land use permit on there. So we don't have the- we're not allowed to... what section is it...? Yeah, 6.4 to *inaudible* from that..

Commissioner A. Santos I do want to take into consideration what was his... everybody has an application, what was his application number?

Land Agent I J. Dayday: So when you transfer a... if you're going to transfer the person that's going to be the one that you're transferring the lease to they fill out an application but we don't... they continue on with the original application date and time.

Commissioner A. Santos Okay

Chairman J. Reyes, Jr.: They absorb that.

Land Agent I J. Dayday: I do have a letter of relinquishment in here from Ms. Blas and it doesn't state any emergency it just says that she would like to relinquish and transfer her residential application and lease right of Chamorro Land Trust to Joseph Ray Bragg, Jr.

Chairman J. Reyes, Jr.: What year was that?

Land Agent I J. Dayday: 2017

Chairman J. Reyes, Jr.: Okay. Notarized, signed notarized and all that good stuff?

Land Agent I J. Dayday: Yes.

Legal Counsel N. Toft: I would suggest contacting Ms. Blas and Mr. Bragg to see if an emergency existed if it doesn't and they agree with that just tell them that the Board will revert it to Ms. Blas and that it'll be up for transferring in 2023.

Commissioner A. Santos Mr. Cruz, do you have anything you care to share?

Program Coordinator III J. Cruz: If there is an emergency a claim of an emergency we request that it be presented to the Board.

Chairman J. Reyes, Jr.: Yeah

Program Coordinator III J. Cruz: Just so we have the documentation

Legal Counsel N. Toft: Yes, it would have to be.

Chairman J. Reyes, Jr.: *inaudible* in person

Commissioner A. Santos *inaudible* addressing the audit concerns, right? Thank you, Mr. Cruz.

Chairman J. Reyes, Jr.: Okay and the second part that I do want to address here but I will pass it over to Angie to kind of do a little bit more research is on the consanguinity and whatever documentation you have there I want information that that is cleared if there's anything not necessary accurate or misrepresented or whatever the case maybe right but I'm going ask – I ask the Commissioners if we can allow Angie to do that research?

Commissioner A. Santos Please

Chairman J. Reyes, Jr.: Please. Alright thank you. Okay, next on the agenda?

Land Agent I T. Tainatongo: Anita Cruz

Chairman J. Reyes, Jr.: This is our last...?

Land Agent I T. Tainatongo: Residential

Chairman J. Reyes, Jr.: Last residential. Okay, but I do have Thomas Anderson Guzman*inaudible* on the last page is that...

Land Agent I. T. Tainatongo: Already, but he's together- Mr. Guzman has a residential and an agriculture and residential so he is the constituent that Glenn had mention is deceased and wanted to *inaudible*

Chairman J. Reyes, Jr.: Yes. I'm sorry. Yes... yes.. yes.. my bad, my fault. Okay, Joey?

Program Coordinator III J. Cruz: Ms. Cruz will be presented by Mr. Glenn Eay.

Land Agent II G. Eay: Good afternoon. This is a case where Anita Acfalle Cruz who took over two acre ground lease of her brother Atanacio Acfalle Cruz. Atanacio Acfalle Cruz who is the original applicant the time and date was December 2nd 1995, at 1:17 p.m. on the 17th 2002 a ground lease was issued to Atanacio Cruz a portion of lot 7066-4 on the report it

says, 14 there's an error there it should have been R4 instead of R14 and this was lot subject to survey. On January 21st 2020, a letter or relinquishment of all his of Mr. Atanacio's lease rights was relinquished to his sister Anita Acfalle Cruz. January 22nd 2020, memo to file addendum to ground lease under Atanacio Acfalle Cruz for Anita Cruz for a portion of Lot 76-R4 and also on February 16, 2021 addendum to agriculture lease between Chamorro Land Trust Commission the lessor and Anita Acfalle Cruz who's the lessee was initiated a Lot 766-R4 area of 8,950 square meters. So here's a case where a agriculture lease was for two acres was not – was issued without the approval of the legislature. This is case in question right now and I'd like to take in considerations with two public laws here that I'm going to mention; one, is Public Law 33-78, Subsection 60112 whereas legislative approve and required which does not apply to residential leases, subsistence agriculture leases and subsistence aquaculture leases *inaudible* Chamorro Land Trust Commission pursuant to the Rules and Regulation another one Public Law 24-318, this legislature provides three types of agriculture lots with Chamorro Land Trust; one, lots ranging from size quarter-acre to half-acre suitable for subsistence farming for home use number two, lots ranging from half-acre lot to twenty acres suitable for commercial farming, lots ranging size one acre to twenty acres suitable for grazing for animals in which this case this two acre agriculture lease falls on item number two whereas it reads from lots ranging size from half-acre to twenty acres suitable for commercial farming. So once again, this is a case where a agriculture lease was issued without legislative approval and because the subject lot is two acres I recommend the Commission to review this matter and determine the rental fees either for subsistence farming or commercial farming. That's my report.
(Note: Land Agent mentioned Acfalle – s/b Afilleje)

Chairman J. Reyes, Jr.: And so just *inaudible* it just said the acreage was not approved by the legislature?

Program Coordinator III J. Cruz: That was the concern in the audit.

Chairman J. Reyes, Jr.: Okay.

Land Agent II G. Eay: Yeah acreage of two acres was issued to Ms. Cruz is suitable for commercial use not for subsistence farming according to the law.

Chairman J. Reyes, Jr.: And that was the initial acreage lease? It started out at two acres or was there an increase at that?

Land Agent II G. Eay: Yeah, the issue is not approved by legislature that's the two acres

Chairman J. Reyes, Jr.: Buy was that the original acreage disbursed?

Land Agent II G. Eay: The original acreage that was issued to Atanacio Afilleje Cruz the brother of Anita Afilleje Cruz was two acres. And after seventeen years he relinquish his lease ground lease to his sister Anita so it went to the 7.5 it was in accordance of the law but the issue at hand is the acreage.

Program Coordinator III J. Cruz: Glenn what was the rate per year of the lease was it a dollar or rate to be determined at a later date?

Land Agent III G. Eay: Yeah, the dollar per year is based on like a subsistence farming where it's like half-acre lots for anything over one acre and above you would have to consider taking two appraisals to determine the rate for a lease the lease fee rather.

Chairman J. Reyes, Jr.: Okay thank you Mr. Glenn. And so have you visited the property.

Land Agent II G. Eay: Yes I had the opportunity to visit it twice. One like a year ago and one this year for a site inspection.

Chairman J. Reyes, Jr.: Is there farm activity happening?

Land Agent II G. Eay: One acre of the property the two acre property is actual farming a lot of *inaudible* but mostly ornament trees but the long term trees is compliance with the half-acre that they're actually occupying and *inaudible* the remainder one acre is not occupied.

Chairman J. Reyes, Jr.: Mr. Eay, in the findings on August 18, 2016, there was motion not made to subdivide the two acre lot into two one acre lots; when did that come into play I guess?

Land Agent II G. Eay: Initially Mr. Atanacio Cruz wanted to subdivide his two acre lot into one acre lot one each for himself and his sister. And what had happened was is the Chairwoman at the time said it sounds like a motion and then they went ahead and approved it but there was no actual motion on record stating motion to subdivide the property into two one acre lots there was no motion made on that matter.

Chairman J. Reyes, Jr.: Okay, thank you. And Mr. Eay, when was the last time you spoke to Ms. Anita Cruz, yeah Anita Cruz when was the last time you spoke to her?

Land Agent II G. Eay: I spoke to her day before yesterday invited her to join us and she sounded really upset saying we just got through this lease I've done all the things that was required she spoke with real property tax division and a lot of people and why are you guys doing this to me and that's why.... She's upset and didn't sound like she wanted to join us today.

Chairman J. Reyes, Jr.: Understood. Mr. Eay just remind me or go over this again. In February 16 of 2021 the Addendum to Agriculture Lease between Chamorro Land Trust Commission and Anita Afjelle Cruz; what was that addendum?

Land Agent II G. Eay: What's that again, sir?

Chairman J. Reyes, Jr.: On 2.16.2021, that was just in February.. yeah February, that addendum; what was that addendum for?

Land Agent II G. Eay: This addendum to agriculture lease between Chamorro Land Trust was made for Ms. Anita Cruz giving her an agriculture lease so she is now the lessee of that subject lot.

Chairman J. Reyes, Jr.: Okay that was just done in February, correct?

Land Agent II G. Eay: Right, this year.

Chairman J. Reyes, Jr.: Did that come through the Commission- the Commissioners?

Land Agent II G. Eay: I was just reading through my report. I didn't see that through the minutes I didn't look through that sir. I just based on what my findings are on the actual folder.

Commissioner A. Santos Maybe we can inquire with Tina?

Land Agent I T. Tainatongo: I'm checking

Land Agent II G. Eay: I just found it from the recorded lease this is what I based it from

Land Agent I J. Dayday: Sir, I think the addendum was done in 2020 February of 2020

Land Agent II G. Eay: Oh yes, correction *inaudible* February 2020. January 28, 2020 when it was recorded. My apologies.

Chairman J. Reyes, Jr.: No worries. Repeat that again Glenn the addendum was dated when?

Land Agent II G. Eay: I'm sorry what was that again?

Chairman J. Reyes, Jr.: The date was... the addendum was recorded on January 28, 2020.

Commissioner A. Santos So U would be changed from 2.16.2021 to January 28, 2020? Item U? Under chronology?

Land Agent II G. Eay: The date of the addendum is dated January 28, 2020 and record the same day.

Chairman J. Reyes, Jr.: Okay, perfect. Thank you Mr. Eay just wanted to confirm on those timeline. Commissioners, any other questions?

Commissioner A. Bordallo: So this is two acres, does it have to go through the legislature?

Chairman J. Reyes, Jr.: Mr. Cruz, help us out here. Given the situation at hand, there is activity on the property granted it may be half of it and if we keep it at an agricultural- no I'm sorry, is it a residential lease?

Program Coordinator III J. Cruz: No, it's *inaudible* agriculture

Commissioner A. Bordallo: She applied as *inaudible*

Chairman J. Reyes, Jr.: As an agriculture, right? Okay again I'm just going through.

Commissioner A. Santos I was going to ask that same thing because on the application type it says, Residential under Anatacio Cruz.

Land Agent II G. Eay: Anita Cruz has two application one for residential and one for agriculture. So when they approved the ground lease of Atanacio and did the addendum the addendum was changed to agriculture lease.

Chairman J. Reyes, Jr.: So... the Commission is either going to decrease the acreage or make it into commercial- agriculture lease.

Legal Counsel N. Toft: You can also just leave it as is *inaudible* a transfer of a pre-occupier lot that was two acres but the transfer doesn't *inaudible* a need to pass it through the legislature. It was an existing lease that's been transferred. It's not a new issuance of a lease and since there was no split officially the lot is still the same lot from 2000 on *inaudible*

Chairman J. Reyes, Jr.: So in essence we could just not do anything and document that the Commission, the Board has no concerns.

Legal Counsel N. Toft: Right.

Chairman J. Reyes, Jr.: Okay, so Joey? I'm going to go back to Mr. Cruz here.

Program Coordinator III J. Cruz: The audit concern was the non-compliance of Public Law 33-78 although, Attorney Toft and Glenn had mentioned that the lease was prior to the enactment of 33-78. The enactment date was 9.15.2015 although the other concern that arose was the compliance of 75107 so for subsistence farming it's anywhere between a quarter and a half-acre, for commercial it's anywhere between one acre to twenty acres so since Ms. Cruz's brother was awarded two acres; does that award still be considered subsistence and stay at a dollar a year or because it's two acres and it's being held in the 75 that anything between *inaudible* is considered commercial, do you shift it to commercial rates? That's the concern.

Chairman J. Reyes, Jr.: Between 750...?

Program Coordinator III J. Cruz: 75107

Chairman J. Reyes, Jr.: 107

Legal Counsel N. Toft: So in that section is *inaudible* subsequent to the original lease. That one was enacted December 30, 2004, the original lease was back in 2002.

Program Coordinator III J. Cruz: So if the Board decides and acknowledges that the lease award is in compliance then that's all we need just so that we can respond.

Legal Counsel N. Toft: *inaudible* the Board

Chairman J. Reyes, Jr.: So Attorney Toft could you let's kind of *inaudible* one more time.

Legal Counsel N. Toft: Comprehensively.

Chairman J. Reyes, Jr.: Yeah sure.

Legal Counsel N. Toft: The original lease was based on preoccupation for two acres back in the year 2002. In 2004, 75107 was an Act *inaudible* was an Act that says, subsistence farming is quarter acre to half-acre and commercial is half-acre to twenty so this predated back and then it also predated the 2015 law that caps the amounts to be awarded for agricultural leases. So since this was a transfer of an original lease there is no issuance by CLTC that would kind of trigger either of this laws or provisions.

Chairman J. Reyes, Jr.: Okay, That makes sense to me. I think what we need to make sure we do Mr. Cruz is document all of that just so that when we go back through the... we'll have all of that ready for...

Program Coordinator III J. Cruz: So what will happen is our audit for this year that happens next year we'll provide the responses.

Commissioner A. Bordallo: Isn't the minutes enough?

Legal Counsel N. Toft: Just the Board agreement *inaudible*

Program Coordinator III J. Cruz: We'll attach it to the response.

Chairman J. Reyes, Jr.: So alright Commissioners that kind of solves for that. I give it to you for any additional questions.

Commissioner A. Bordallo: Just state in the agreement that we agree.

All: Laughing

Commissioner A. Bordallo: So it's in the books.

Chairman J. Reyes, Jr.: So in regards to the case with Anita Afleje Cruz; there's no further action by the Board and the lease remains intact. Any objections from the Commissioners?

Commissioner A. Bordallo: None

Commissioner A. Santos I just wanted to restate with Joey whether who did the site visit?

Chairman J. Reyes, Jr.: Mr. Eay

Commissioner A. Santos Oh yeah, Mr. Eay. And they're using all the two acres.

Land Agent II G. Eay: Right now it appears like they're only using one acre. But that one acre is actually used to the fullest right now.

Commissioner A. Santos What is the other acre and are you sure that's the part of her lot?

Land Agent II G. Eay: Yes

Commissioner A. Santos The one that's not being used

Land Agent II G. Eay: Right.

Commissioner A. Santos Is it over grown what is the land scalping?

Land Agent II G. Eay: It's overgrown vegetation

Commissioner A. Bordallo: Do you need a bulldozer to clear it?

Chairman J. Reyes, Jr.: I think *inaudible* where it's at and we make sure that Mr. Eay communicates to Ms. Cruz that the expectation is the use of the

Commissioner A. Santos Both acres

Chairman J. Reyes, Jr.: Yup and then we can always revisit it and then we can do a shorter term *inaudible*

Commissioner A. Santos That sounds good to me. I just don't want to leave it because there are people still in line over 8,000 people and they don't have anything. We haven't even gotten to them yet, that's my concern.

Chairman J. Reyes, Jr.: So you want to go ahead and....

Commissioner A. Santos But Mr. Eay, like what the Chairman said as you restated if you don't mind Mr. Chairman and Mr. Eay we feel it's a suitable thing to do is to just let her know that she does have to farm on both acres and she has to use bot acres in order for her to keep both and for us to acknowledge that we saw her lease all the information but this is our like condition, right?

Land Agent II G. Eay: She has to farm at least two-thirds of the property.

Commissioner A. Santos Right and stay within the law, the matters of the law it does state that, right?

Land Agent II G. Eay: Yes

Chairman J. Reyes, Jr.: We'll revisit this Mr. Eay, keep this on your radar. She's already utilizing half so two-thirds is not too far away and we can revisit after you have the conversation and to reassure Ms. Cruz that nothing has been effected however this is the conversation we had in regards to the use the full use of the property as prescribed *inaudible* Alright. Thank you Mr. Eay.

Commissioner A. Santos Thank you Mr. Eay.

Chairman J. Reyes, Jr.: We now move to the second part of the audit finding for commercial. Mr. Cruz?

Old Business

C. Commercial Licenses

Program Coordinator III J. Cruz: Mr. Chair, would it be okay that we group; like for example, Docomo has two properties; can we just group them together?

Chairman J. Reyes, Jr.: Sure.

Program Coordinator III J. Cruz: So the first, I believe there's some representatives from Docomo.

Land Agent I T. Tainatongo: Mr. Boss was online, I don't see him now. I don't know if he has representative.

Chairman J. Reyes, Jr.: Okay. Is there anybody on the Google meet representing Docomo?

Mr. James Hoffman Yes, we have a couple of different people here. I'm James Hoffman, Chief Legal Officer. Diane Guzman is also on the call as is Rebecca Sablan.

Chairman J. Reyes, Jr.: Okay. Thank you, for joining us Docomo Team. Mr. Cruz?

Program Coordinator III J. Cruz: So, Docomo has two commercial licenses that have expired. The first one is Lot 17-1-1, Block F, Tract 9 in Barrigada. The second one is Lot 354-7 & Lot 354-R6-RW. The commercial license for the Barrigada property has expired on September 30, 2019, so after the expiration the holdover tenancy, they're considered month to month. They've been utilizing *inaudible* payment. Even in the license it states that the license should be for no more than twenty-one years so even we grant the one-year extension to meet the twenty-one years it will still be in September 30, 2020, so it's already passed that. They do have an accounts receivable balance that's \$2,008.00, an account statement was emailed to Docomo Accounts Payable Section on April 30, 2021. So with that said and there's no way around the 33-95 because the one year extension had passed already. We recommend to designate to continue the use of Lot 17-1-1, Block F, Tract 9 in Barrigada and in accordance or in compliance with Chapter Subsection 75122 Chapter 75, Title 21 GCA and Public Law 33-95 also known as the Chamorro Land Trust Commissions Commercial Rules and Regulations. The second lot is the commercial license for the property in Inarajan which is Lot 354-7 and Lot 354-R6-RW expired on August 10, 2019, and even if they exercise the one year to ensure that the twenty-one years were met as stated in the lease agreement or the license agreement it would have passed already. For this property, they also have a accounts receivable balance of \$1280.00, again the account statement was emailed to the Docomo Accounts Payable Section on April 30, 2021. Also, we recommend to designate and continue the commercial use of Lot 354-7 Inarajan containing an area of 791± square meters and Lot 354-R6-RW Inarajan containing an area of 200± square meters in compliance with Public Law 33-95 in the Chapter Subsection 75122 *inaudible* The Docomo representatives were invited to this meeting in case they wanted to express any concerns or...

Chairman J. Reyes, Jr.: Thank you, Mr. Cruz. Docomo Team, any questions?

Mr. James Hoffman Thank you for the Commissions' time today. I couldn't quite catch the gentleman speaking before me making reference to a recommendation under a subsection of the law. Could you just kindly repeat that? I wasn't able to catch it.

Program Coordinator III J. Cruz: The subsection I was referring to is Subsection 75122, Chapter 75, Title 21.

Mr. James Hoffman Okay

Program Coordinator III J. Cruz: You can also find it on Public Law 33-95.

Mr. James Hoffman Thank you.

Program Coordinator III J. Cruz: Attached to my report is a picture of the stations or the property, they're both currently being used.

Chairman J. Reyes, Jr.: Mr. Cruz, I just have one question, when you say designate and continue; what do you mean by that? What would be the...because it's already expired.

Program Coordinator III J. Cruz: Well the process now is because it's expired 33-95 or Subsection 75122 lays out the Commercial License Lease process. So, first the Board needs to designate the property, if the Board does designate the property we hold a public hearing. After the public hearing we present it to the Board at that next Board meeting. If the Board still chooses to continue we declare it and then after that we prepare a resolution and we send it to the legislature. The legislature has sixty days to act on it. They can choose to hold another public hearing, create a bill or *inaudible* if the sixty days has lapsed then the Board can automatically go into the RFP process. From there, we announce it on the newspaper, we give a timeline usually thirty days, there's a Q and A section, we present to the Board a committee. I believe the committee though, each person in the committee would at least need to satisfy Procurement 1 of the law, the Procurement Module One in order to be part of the review committee. After that the committee will do what they do based on a check list present it to the Board, the Board would either approve or deny or have concerns and then we just go into the negotiation phase create the license and send it to the legislature for approval.

Commissioner A. Santos I just want to give a little bit more of information on this designation of available land for commercial use; is what you're saying?

Program Coordinator III J. Cruz: Yes

Commissioner A. Santos Designate a specific land strictly for commercial use.

Program Coordinator III J. Cruz: One thing that we may want to consider is that we did do some research and we haven't received feedback yet but we were researching whether there was real property taxes pending or owed. What I've seen in the file is that a license is not exclusive and Nic, you can correct me if and wrong. So for instance, if 17-1 was one acre; you may license one section to Docomo you may license another section to IT&E and another section to whomever. Unfortunately because the rules, that specific section is not surveyed, it's not captured to be access real property taxes so we may want to consider if Lot 17-1-1 is greater than whatever square meters was put into their lease we may want to commercial lease everything but it's up to the Board.

Chairman J. Reyes, Jr.: Attorney Toft, obviously the size and the infrastructure there the antennas etc... and *inaudible* expired so this process is itself could take *inaudible* six months and I guess to me that's the approach we're going to have to take and then given that there are... and how many of this Mr. Cruz that we have in play today?

Program Coordinator III J. Cruz: To date there's four leases commercial licenses that have expired and there's one that's coming up.

Chairman J. Reyes, Jr.: With this specific....

Program Coordinator III J. Cruz: Company?

Chairman J. Reyes, Jr.: No infrastructure of the antennas?

Program Coordinator III J. Cruz: Five

Chairman J. Reyes, Jr.: Five

Commissioner A. Bordallo: Are they asking for another twenty years?

Program Coordinator III J. Cruz: They did inquire about extensions and what the status of their commercial licenses but unfortunately because of the 33-95 we don't have the authority to grant any new or additional without going through the competitive bid process.

Legal Counsel N. Toft: They also have the option of seeking legislation, *inaudible* the same thing with the underwater cable stuff. I would think we could try and do both at the same time and just see which one works out better... start the process for us because it's a very long process. And at the same time they can seek their channels if they want a quicker route to it and it's...

Chairman J. Reyes, Jr.: I agree.

Legal Counsel N. Toft: Ultimately, we do need solid leases for CLTC instead of a month to month kind of stuff just to protect our own interest.

Chairman J. Reyes, Jr.: And Mr. Cruz, given that these have been expired in 2019 and we're just addressing it now, out of curiosity is this another rollover audit finding?

Program Coordinator III J. Cruz: Yes. But what was happening in 2019 I believe there was many proposed amendments to the 33-95 that were presented. It's no excuse but we were hoping that those amendments would have occurred so it would be an easier process and would be more attractive to potential lessees or current lessees or licensees but unfortunately that didn't occur so we're here today.

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

Commissioner A. Bordallo: Then we'll take that route.

Multiple conversation

Chairman J. Reyes, Jr.: I think we should start our process in designating these properties. And we'll start with Docomo and whoever is up next.

Commissioner A. Bordallo: We'll throw it all in.

Chairman J. Reyes, Jr.: Yeah

Commissioner A. Santos I agree

Chairman J. Reyes, Jr.: So *inaudible* throw it all in. Let's move to the next one

Commissioner A. Bordallo: I mean the decision to...

Legal Counsel N. Toft: Yeah, I think you can make one grand motion for the public hearings the only thing we need to do separately are the resolutions when it comes time after the public hearings they need each what needs to be done sent separately to the legislature.

Chairman J. Reyes, Jr.: But one motion can be made...?

Legal Counsel N. Toft: As far as getting the public hearings going, yes. *inaudible*

Chairman J. Reyes, Jr.: Alright, any other questions Commissioners? Docomo Team, any questions for Commissioners?

Mr. James Hoffman Thank you for your time. I'm trying to sort of understand the process going forward of what the likely avenues are for how this plays out. I did speak with Counsel for IT&E and I know that they're scheduled to speak as well. I don't want to put words in their mouth but I do think that we will jointly try to seek a legislative avenue for this but in terms of the month to month status, I do understand from the comments earlier that there was an invoice submitted obviously we will get that processed and come up to speed on anything outstanding. You know, it is a long term key strategic site I think not only for us but other telecoms. that are there I don't know about GTA but I know IT&E is co-located or has their own tower on one of those parcels. And so this is a spot that we have chosen and it would be really expensive to relocated it and we're interested in exploring on how we can maintain some continuity here. So we will continue to look into that I guess.

Chairman J. Reyes, Jr.: Okay thank you sir and we'll also do our part in....

Mr. James Hoffman Thank you.

Chairman J. Reyes, Jr.: Okay. So Commissioners, let's address the Docomo properties first. And then we'll move on to the next one. So just to be clear, the Commission's action is just to designate these properties for commercial lease.

Program Coordinator III J. Cruz: And to authorize the commencement of the public hearing.

Chairman J. Reyes, Jr.: Okay. Commissioners, any other questions before we take action? Alright, I yield to you.

Commissioner A. Bordallo: You Angela.

Commissioner A. Santos Joe, do we address their concern about their outstanding not outstanding but what did you... what is it?

Program Coordinator III J. Cruz: Receivables?

Commissioner A. Santos Right

Program Coordinator III J. Cruz: We sent them *inaudible* and their attorney mentioned that they're going to get that processed.

Commissioner A. Santos Okay. Cool. That was my only question.

Commissioner A. Bordallo: So do we...

Chairman J. Reyes, Jr.: Yeah we need a motion. The motion would be to if we agree per say the motion is to designate the parcels for commercial use as well as to begin the process of the public hearings.

Mr. James Hoffman Can I just interject? Sorry, this is James again for Docomo. Is it possible to caucus with because I think the interest although they are sort of different, different companies, different towers but I believe the interest of Docomo and IT&E maybe others are aligned here is it possible to sort of have a caucus with IT&E, us and the Commission before any of this is put to a vote. Sorry, I'm not super familiar with the procedures of the Commission but you know like I said I did have a conversation offline with Counsel for IT&E and I think, if possible, we'd like to sort of talk through to potential avenues of resolution for this before the Commission votes. Is that something that you guys would consider?

Commissioner A. Santos I guess I just want to go back and reiterate what Joey Cruz mentioned, what the properties and the antennas are already there, right Joe? Considering where your lease is at right now.

Program Coordinator III J. Cruz: There's no harm in Attorney James's request.

Commissioner A. Bordallo: Yeah, let's talk.

Program Coordinator III J. Cruz: But although, no matter what's discussed or what's decided the only way to go is through a 33-95

Chairman J. Reyes, Jr.: Understood

Legal Counsel N. Toft: Or legislation

Program Coordinator III J. Cruz: Or legislation. That would make our job easier.

Legal Counsel N. Toft: That would make the job easy.

All: Laughing

Chairman J. Reyes, Jr.: Mr. Hoffman, so to that point, our process is the Commissioners we want to get our part started in designating these lands for commercial use and begin that process now. The alternative route is for legislative basically putting things into law so I'm not opposed to have IT&E come through and have a discussion but our perspective I mean our route is to just begin the process however, you can join or proceed into the other avenue as you like too. So Yeah, we're not opposed to but you know that's going to be our process and having the first step is to designate.

Mr. James Hoffman Alright understood.

Chairman J. Reyes, Jr.: So would you still like for us to invite IT&E in?

Mr. James Hoffman Oh yeah. No objection like I said, I think in the main the sort of the issues off the table here for both companies are I think largely the same I'm not exactly sure when their leases were up but anyway yes that's fine.

Program Coordinator III J. Cruz: They're next. IT&E is next.

Chairman J. Reyes, Jr.: And are they present or on the line?

Land Agent I T. Tainatongo: They're present.

Program Coordinator III J. Cruz: So when you vote, are you going to vote on one general vote on everything?

Legal Counsel N. Toft: Well let's hear from IT&E and then...

Chairman J. Reyes, Jr.: Yeah, we'll go through IT&E's *inaudible* and then we can decide.
Inaudible Good afternoon, sir.

Mr. Steve Carrara Good afternoon. Fine, thank you, I'm Steve Carrara from IT&E.

Chairman J. Reyes, Jr.: Thank you, Mr. Carrara. On the line, we're on the line with Docomo Guam and we've just finished going through their items on the agenda and now it's with IT&E and they've asked if... we weren't opposed for you joining us to kind of go through your items on the agenda if you're not opposed for them to be present on that.

Mr. Steve Carrara No objections.

Chairman J. Reyes, Jr.: Alright. Mr. Cruz.

Program Coordinator III J. Cruz: So the next item on the agenda is IT&E, they also have two expired commercial licenses. The first license is for Lot 7117-4-1 Yigo. This license expired on January 4, 2020, even if we applied the twenty-one year authorized by the license it would already passed January 4, 2021. Also, IT&E has an account balance for this commercial license of \$350.00 that account statement was emailed to IT&E on 4.30.2021, since the expiration they've been on a holdover tenancy and been on a month to month basis. The recommendation also would be designate and continue the commercial use of Lot 7117-4-1, Yigo containing an area of 1,323± square meters in compliance with subsection 75112 Chapter 75, Title 21, GCA and Public Law 33-95 also known as the Chamorro Land Trust Commercial Rules & Regulations. The second commercial license that's expired also awarded to IT&E is Lot 10125-R12-1, Dededo. This license expired on January 4, 2020, also and applying the one year extension the license will still be expired already. The accounts receivable balance for this property is \$69.68. The account statement was emailed to IT&E 4.30.2021, for this license they were also considered on a month to month basis and again we recommend that the Board designate and continue the commercial use of this Lot, Lot 10125-R12-1 in my recommendation, the lot number is incorrect.

Commissioner A. Santos What's the correct lot number, Joe?

Program Coordinator III J. Cruz: 10125-R12-1, Dededo containing an area of 232± square meters.

Commissioner A. Santos 232?

Program Coordinator III J. Cruz: Yes.

Commissioner A. Santos And I also Joey if you meant to say, subsection 75122 with the account you said, 75112?

Program Coordinator III J. Cruz: Correction is 75122.

Commissioner A. Santos Okay thank you.

Program Coordinator III J. Cruz: Thank you. So, proposed companies we recommend the designation of continue use for the properties for commercial use.

Chairman J. Reyes, Jr.: Thank you, sir. Mr. Carrara, again, thank you for joining us. Do you have any questions?

Mr. Steve Carrara Yeah, I guess I wasn't quite aware that it was such a detailed process here. We've always worked well with the Land Trust and if there's any deficiency obviously we would take care of it. Didn't know about the \$1600.00 but we usually pay everything on

time but this has been a bit of a difficult situation for all of us. These properties aren't very big properties, they're just small and as you can see on the pictures you see what they have on them and we think... we're on the same *inaudible* the Land Trust has issues as a result of the new law and just can't go an renew the lease but there's really no other use for these properties except for their use and we would like the opportunity to work with the Commission and perhaps jointly approach the administration on the legislature to resolve this situation. Broadband, communications, is vital to our community here and as Counsel Hoffman pointed out, moving it would be expensive and to no other purpose move it two feet the other direction so we can maintain another period of performance. This is the best use for the facility, not likely that anybody else but one of us is going to use it. The one in Dededo on the side of the road and is basically near the easement so we would like to sit down with the Chamorro Land Trust and really go through this and try and see what the legislative resolution is on this. And maybe the answer is lots under a certain size don't fall in that law but there's got to be some flexibility on it because it may basically make no one really invest in public land because you'd just go to a private land so you don't have to deal with this. So we appreciate the Board's consideration of extending it on a month to month basis until re resolve this or a least have the opportunity to approach the administration at the legislature.

Chairman J. Reyes, Jr.: Okay, thank you, sir. So what we're going to do right as we were discussing is we're going to take our first step in designating and of course for the commercial use and there's two parts two it. We're going to have to hold our own public hearings too and it's a long process however, we're going to take our first step and the telecoms can also take the other avenues also.

Mr. Steve Carrara Would it matter if there's already comparable facilities on this? I mean GTA *inaudible* extended and pricing for that I mean does that influence the decision?

Legal Counsel N. Toft: That would go more towards the evaluation of the land more than anything else. I mean I can kind of see two different avenues here that are possible. One, would be that we just go through commercial designation and then it goes out to bid and then whatever the bid is that's what it is. The other avenue is kind of packaging everything together, going to the legislature and trying to hammer out a bill for each individual lease with appraisals and those appraisals would likely take in account similar areas like the GTA leases and things like that and even the pricing. So *inaudible*

Commissioner A. Santos Thank you, Attorney Toft.

Mr. Steve Carrara Do you have any questions for me?

Chairman J. Reyes, Jr.: No no

Mr. Steve Carrara I appreciate the process with what's going on I wish you know we have a little bit more input upfront on it. It just kind of made us both a little flat footed on this because of the timelines but...

Legal Counsel N. Toft: I was going say, the Chairman had proposed to do them both basically move forward on both at the same time so that would begin our process because our process is very lengthy timewise and then also I the Commission said that they were open to looking at legislative solution as well. So if you wanted to meet and...

Mr. Steve Carrara Okay. The one caveat I have is that sometimes when the Government goes down a path it's hard to stop it and we would like *inaudible* consideration of a moratorium until we approach the legislature to see what that avenue is before we declare it's something that's going to put out even though notwithstanding the process is long just because like I said sometimes things take on the life of their own.

Commissioner A. Bordallo: You know, we welcome the communication companies to get together and with us and discuss what their concerns are too. And I think that was Docomo.

Chairman J. Reyes, Jr.: Yeah, that's Docomo who is present with us too.

Commissioner A. Bordallo: *inaudible* would like something like that.

Commissioner A. Santos And your name again, I'm sorry.

Mr. Steve Carrara Steve Carrara

Commissioner A. Santos Mr. Carrara, I don't know if you heard, when we were speaking to the representative from Docomo though is so our process is right, then we heard what the situation is right now with both Docomo as well as IT&E, similar and what are process is I don't know if anybody else stated or if you heard it but we have to... we've decided that an avenue to take to designate those lands already in your favor what is it a broadband right in telecommunications already designated for that commercial use and so

Mr. Steve Carrara Okay

Commissioner A. Santos And so that's an avenue that we have to take to follow the procedures within the agency and the program and then the attorney did state that there's another avenue that both your companies can take which is to go straight directly to the legislature and ask for or lobby for a Bill to be put out.

Mr. Steve Carrara Well we would have to do that with conjunction with you guys because you control it so we would hope you can join in on that.

Chairman J. Reyes, Jr.: Yeah, we would definitely be the ones to *inaudible* create the leases. Any other questions Commissioners? I think it'll behoove us to get this process started from our respective and as things progress we could go from there. Alright, any other questions from the Docomo Team or Mr. Carrara?

Mr. Steve Carrara None thank you.

Chairman J. Reyes, Jr.: Alright, thank you so much for your presence with us today. Mr. Cruz

Mr. James Hoffman Thank you.

Chairman J. Reyes, Jr.: Mr. Cruz, we'll take these two or these four right a total of four?

Program Coordinator III J. Cruz: We have one more.

Commissioner A. Bordallo: KM

Chairman J. Reyes, Jr.: Oh, sorry. KM Broadcasting.

Commissioner A. Bordallo: Who's that?

Chairman J. Reyes, Jr.: Ask Mr. Cruz

Program Coordinator III J. Cruz: KM Broadcasting I believe KM Broadcasting is 102 FM I think their site is also in Barrigada. The next item on the agenda is KM Broadcasting, their commercial license on Lot 10-4, Block D, Tract 9, Barrigada has expired on August 31st 2020 although in the lease there is a section that states, in no event shall the term of this agreement and any extensions thereof exceed twenty-one years so their existing license only amounted to twenty years and on May 12 Mr... May 12, 2021, Mr. Rolando sent an email requesting for an extension of the commercial license for their property on Barrigada Heights. Our recommendation is to authorize the one year extension to satisfy the twenty-one year term authorized on *inaudible* options to extend the license if the extension is granted the license would expire on August 31st 2021. In addition to that because August is just around the corner we would also like the Board to consider designating and continuing the commercial use of Lot 10-4, Block D, Tract 9, Barrigada containing an area of 2060± square meters at the end of the twenty-one year license with KM.

Chairman J. Reyes, Jr.: Okay. I think that makes more sense since August is just around the corner. Okay. Is there anybody here from KM?

Program Coordinator III J. Cruz: No.

Chairman J. Reyes, Jr.: Okay, Commissioners, anything else on this?

Commissioner A. Santos Do they have any outstanding....?

Program Coordinator III J. Cruz: They do have an accounts receivable balance of \$1,348.68 although, I did confirm that that payment was just received.

Chairman J. Reyes, Jr.: Okay

Program Coordinator III J. Cruz: But again the account statement was emailed to KM on April 30th 2021.

Chairman J. Reyes, Jr.: Alright. Attorney Toft, could we tackle this in the designation of one motion to list all the... or should we do individually for all five?

Legal Counsel N. Toft: I think KM would probably be separate because if you were inclined to give them an extension technically they would not be up for the designation until their lease expires in August. But for the other four I think you could just do one motion to begin the process of commercial designations.

Chairman J. Reyes, Jr. Alright, I think that sounds like a good idea but I will yield to my Commissioners on how do we approach.

Commissioner A. Bordallo: Let's start with the lease extension.

Chairman J. Reyes, Jr.: We'll start with that, okay. Who would like to proceed to make the motion?

Program Coordinator III J. Cruz: Sir the extension would be from September 1st 2020, up until August 31st 2021. If the Board grants the extension.

Commissioner A. Santos September 1st.

Chairman J. Reyes, Jr.: Of 2020.

Commissioner A. Bordallo: So, it expired August 31st?

Program Coordinator III J. Cruz: 2020

Commissioner A. Bordallo: Okay. I move to authorize a one-year extension to satisfy the twenty-one year term authorized under Term III, Option to Extend license term would expire on August 31st 2021 and this is for KM Broadcasting of Guam LLC on Lot 10-4, Block D, Tract 9, Barrigada.

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

Commissioner A. Santos I second that.

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

Commissioner A. Santos I just want to clarify, Joey, do we need to state the date of *inaudible* September 1st 2020, did we need to state that in the motion?

Program Coordinator III J. Cruz: It would help, just for clarification just so there's no misunderstanding.

Commissioner A. Bordallo: The term starts September 30th 2020, to August 31st, 2021.

Chairman J. Reyes, Jr.: Okay so any objections.

Commissioner A. Santos I second

Chairman J. Reyes, Jr.: Hearing none. The Motion passes for the one-year extension – twenty-one year term under Term III, Option to Extend License or KM Broadcasting of Guam beginning 9.1.2020 through 8.31.2020. Ms. Tina is that good? Okay. Thank you. Secondly, we have the designation and the continuation of the commercial use of the lots for both IT&E and Docomo and as well as to commence public hearings. Any questions before we take action Commissioners.

Commissioner A. Santos What would be the motion?

Program Coordinator III J. Cruz: I guess you can state all the lots and designate them for commercial use and authorize the commencement for the public hearing.

Commissioner A. Santos For those said lots?

Program Coordinator III J. Cruz: Yes.

Commissioner A. Santos So we're bulking it?

Chairman J. Reyes, Jr.: Yeah Attorney Toft we can *inaudible*

Commissioner A. Santos Okay, Joe, one more time what would be the suggested motion?

Program Coordinator III J. Cruz: That you list the lots and that you authorized you designate these lots for commercial use and you authorize the commencement of the public hearing.

Commissioner A. Santos Do we have to state the company name too for the said lot?

Program Coordinator III J. Cruz: Because it's just lot

Legal Counsel N. Toft: It's about the lot itself not the company.

Commissioner A. Santos I make a motion to designate Lots 17-1-1 Block F, Tract 9 in Barrigada and Lot 354-7 and Lot 354-R6-RW in Inarajan; and last but no least Lot 7117-4-1 in Yigo oh I'm sorry there's one more and Lot 10125-R12-1 in Dededo to be commercially

designated for designated for commercial use as well as to commence public hearing on the designation of the lots for commercial use.

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

Land Agent I T. Tainatongo: Joey, can you just confirm the Lot for 10125-R1 is it R12-1 or R1....?

Program Coordinator III J. Cruz: It's dash R12, dash R12-1

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

Commissioner A. Bordallo: I'll second

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

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Okay hearing none motion passes to designate the aforementioned lots as commercial use and to commence public hearing. Thank you, Commissioners.

Program Coordinator III J. Cruz: Sir, just one question. For the public hearings, would the Board like to have it in the specific village or do we host it like how we did for the submerged, virtual? Given that the number of people in *inaudible* increased to 100, did you want have it as a... like how we're having it now or virtual like how we had it with the submerged?

Commissioner A. Santos: I think we should go into the village. That's what I think, what about you, Saina, what are your thoughts?

Chairman J. Reyes, Jr.: Yes, I'm open to *inaudible* so in person we can do it in person as to?

Program Coordinator III J. Cruz: In the village

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

Mr. Steve Carrara: May I be excused? Don't want to be rude.

Chairman J. Reyes, Jr.: Thank you for time. Thank you, Docomo team for your presences.

Mr. James Hoffman: Thank you very much.

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

Program Coordinator III J. Cruz: We have one more for commercial. This is for Lot 11-B-R3, Piti. Kwikspace has a representative Mr. Kyle Borja.

Chairman J. Reyes, Jr.: Okay, Mr. Borja and for the record can you just please state your name.

Mr. Kyle Borja: Hafa Adai, Commissioners. My name is Kyle Borja, representative for Kwikspace.

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

Program Coordinator III J. Cruz: This specific property was another comment in the management letter of our FY2020 Audit. Again, this has been brought up before to the previous Board members. Kwikspace... let me just go down the facts.

Chairman J. Reyes, Jr.: Sure.

Program Coordinator III J. Cruz: On May 14, 2008, Department of Economic Development and Commerce Authority submitted a letter to CLTC requesting approval from CLTC by way of a Grant of Easement in perpetuity of Guam Ancestral Lands Commission. The easement would be for a 60 foot-wide by 165 foot-long property at a rate of \$0.20 per square meter which equates to \$183.94 monthly or \$2,207.28 annually. On June 25th 2008, the Board approved the Grant of Right of Way Easement request presented by GEDA or GEDCA at the time. A Grant of Right of Way Easement was prepared but was not finalized. Kwikspace has been paying annually just I think yesterday or the day before we received the annual payment of \$2207.28 unfortunately because there was no valid or in forceful commercial lease or license agreement it was mentioned in the management letter *inaudible* comment of concern of control efficiency. So, our recommendation is to designate Lot 114-B-R3 containing an area of 15,038± square meters for commercial use in compliance with 75122, Chapter 75, Title 21, GCA and Public Law 33-95. The representative from Kwikspace was invited so they can also....

Mr. Kyle Borja: We'd like to figure out where this will go because as Mr. Cruz had just mentioned, the approval for this is granted by previous commission way back in 2008, correct? And since then, the execution of the Grant of Easement has never materialized so I don't know Attorney Toft if you shall shed some light on that.

Legal Counsel N. Toft: This is the corner of that lot of *inaudible* with Ancestral is that correct, remind me.

Mr. Kyle Borja: Yes. I believe Kwikspace is currently sitting on Ancestral lot. What the objective of Kwikspace was to do with this Grant of Easement is sort of have back access off I believe Assumption Drive. This is that back road that's near Jose Rios and it'll take you all the way out over by the Circle K, Circle K – 76.

Chairman J. Reyes, Jr.: By the church?

Mr. Kyle Borja: Yes. Yes. You'll pass the church.

Legal Counsel N. Toft: So some of the discussions that went on a few years ago where the possible landing streams with Ancestral Lands the Chamorro Land Trust have some people that have had some pre-existing dwellings on Ancestral Lands and Ancestral Lands has this issue that they're trying to deal with with Kwikspace who is... Kwikspace is primarily located on Ancestral lands there's only this kind of weird sliver that they require that Chamorro Land Trust has control on it and it's a very odd shape lot something that you should probably bring up and it'll detail *inaudible* part of the map and being able to eyeball this. But the idea was to get together with Ancestral Lands and work out an exchange such that Kwikspace only have to deal with one agency one lease and be done with it and hopefully benefit both agencies as well and that we would have no control over areas where we have potential lessees already dwelling there that we could get officially on instead of sitting on Ancestral Lands so those were discussed back in 2017-2018 but there were transitions in leadership and it *inaudible* fell through but I would suggest in bringing that back up again and I think a swap would not be difficult to do administratively as long as the *inaudible* the size and value of the exchange and Ancestral Lands has broaden up as recently as yesterday. So they're well versed in this issue as well. *inaudible* I mean between the two agencies.

Chairman J. Reyes, Jr.: Okay. Joey, I have one clarification here. So in the recommendations, 15,038 ± square meters

Program Coordinator III J. Cruz: That's the entire area

Chairman J. Reyes, Jr.: The entire area

Mr. Kyle Borja: If I can make a quick note of that, this property has a unique shape because it's part of the Masso River system so I think the Masso River basically runs through the middle portion of the property and Kwikspace is on one side of that Masso River.

Chairman J. Reyes, Jr.: I've been there.

Legal Counsel N. Toft: Most of it unusable land as far as the lot itself.

Chairman J. Reyes, Jr.: So Joey, the intent here or at least just going through the recommendations to the entire area for commercial however Kwikspace is only on

Program Coordinator III J. Cruz: A certain portion

Chairman J. Reyes, Jr.: 919.7 square meters.

Program Coordinator III J. Cruz: Which is *inaudible* 60 wide and 165 long?

Legal Counsel N. Toft: Yeah, it's just an entrance

Unidentified: A little less than a quarter acre.

Commissioner A. Bordallo: I just have a question, when you talk about Guam Ancestral Lands those aren't they privately owned?

Legal Counsel N. Toft: It's a public-private hybrid it's still a Government agency it's still technically Government lands that are held in trust for a certain class of beneficiaries.

Commissioner A. Bordallo: Because some of those lands returned to the original owners and my question is what if that land is taken given back to the original owner?

Legal Counsel N. Toft: If the lot that we're discussing now?

Commissioner A. Bordallo: *inaudible* is Chamorro Land Trust?

Legal Counsel N. Toft: It's Chamorro Land Trust ... well that'll be for Ancestral Lands to look at to see if there's an historical claim on that area.

Chairman J. Reyes, Jr.: It's the bulk of it is Ancestral

Commissioner A. Bordallo: So I think you guys should get together.

All: Laughing

Chairman J. Reyes, Jr.: He represents both.

Legal Counsel N. Toft: I was going to say, I can get together with myself on that but I think it's for the... we might need to invite the Chairman and the Directors of both to get together and work out the frame work that would be acceptable for both sides.

Chairman J. Reyes, Jr.: And pick it back up where it left off?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: So let's do this Commissioners, I think it'll do us some good to have those conversations than to make any designation but Mr. Cruz.

Program Coordinator III J. Cruz: If that's the direction can we just authorize a Right of Entry for Kwikspace? It's just to ensure that they're covered too.

Commissioner A. Bordallo: Sure

Chairman J. Reyes, Jr.: Yeah, I think that's prudent so...

Commissioner A. Bordallo: Yeah, they have to continue their business.

All: Laughing

Chairman J. Reyes, Jr.: Okay so just for *inaudible* let's not act on what's being recommended here. Let's have those conversations with the other agency but then however, Mr. Cruz's point let's just allow a Right of Entry so that it's documented. Alright, just want to make sure that we are all on the same page.

Commissioner A. Santos I would like to make a motion to allow Kwikspace be given the Right of Entry authority to be designate a lot 114-B-R3 containing an area of 15,038 square meters

Chairman J. Reyes, Jr.: No

Commissioner A. Santos Or just the right of... I don't need to state the....

Program Coordinator III J. Cruz: Just correct it to 919.7

Commissioner A. Bordallo: Yeah

Commissioner A. Santos Oh, Okay, I get it. Correcting the size to 919.7 square meters for \$0.20 per square meter which equates to \$183.94 monthly or \$2,207.28 annually.

Commissioner A. Bordallo: I second it.

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes to allow the Right of Entry for Kwikspace Lot 114-B-R3 in the Municipality of Piti. Thank you.

Commissioner A. Bordallo: By the way, would you need Land Management to get together.

Legal Counsel N. Toft: Yeah, they would be involve at some point of the process.

Commissioner A. Santos Would you...?

Legal Counsel N. Toft: Yeah, I know they're attorney so...

Program Coordinator III J. Cruz: Can you have them sign all of it.

Chairman J. Reyes, Jr.: Okay, alright. Good stuff. Thank you, Commissioners. Thank you, thank you sir for your presence today.

Mr. Kyle Borja: Thank you, Chairman Reyes and Commissioners.

Commissioner A. Bordallo: You're welcome.

Chairman J. Reyes, Jr.: Okay, Mr. Cruz, any other audit findings to be discussed today?

Program Coordinator III J. Cruz: The remaining two will be presented at the next Board meeting. For the Guam Raceway, we were waiting for certain files, we received those files but the boys from Survey need some time to plot and all that great stuff. The other one, Johnny Cool, the update of Johnny Cool, I just received their two appraisals I think last week, *inaudible* we are preparing proposed terms which would be runned by Attorney Toft and we can meet with Mr. Johnny Cool to settle it and square it away and present it to the Board for their approval.

Chairman J. Reyes, Jr.: Will that be done for next month?

Program Coordinator III J. Cruz: Yes...yes.

Chairman J. Reyes, Jr.: Thank you, sir. Okay, so we do have some open items but some that we have tabled. If we could get that as priority for the next board meeting, all audit findings I want to be able to close it out by next month. Thank you. And we'll keep at you, Sir for the Manager Report.

Program Coordinator III J. Cruz: In the packet you received the Revenue Collection Report as of April 2021 and for the CLTC Operations Fund, as of April 2021, we collected \$655,741.58, that's the accumulative total from October *inaudible* for the Survey & Infrastructure Fund, we collected \$8,737.45. For the Loan Guaranty Fund, we collected \$114,859.00 which gives a grand total of \$779,338.03 for all three funds. And speaking of our Financial Matters, there's a couple of request we would like to make. The first request would be for the Board to consider and to designate two signatories for the Bank of Guam Accounts that we have custody of. Those accounts are account number 0101295976, I believe that is our Checking Account. The next account is 0401437964, that's our Time Deposit Account. And the last account is 2501002274 which is our Savings Account.

Chairman J. Reyes, Jr.: So the current signatory is the previous administrator and myself, correct?

Program Coordinator III J. Cruz: Yes, sir.

Chairman J. Reyes, Jr.: And is it advisable to have two Commissioners or is it advisable to have one Commissioner one *inaudible*

Program Coordinator III J. Cruz: That would be up to the Board.

Chairman J. Reyes, Jr.: Up to the Board.

Program Coordinator III J. Cruz: For as long as we have two signatories.

Chairman J. Reyes, Jr.: Yeah, we should. We need to definitely get that done. So Commissioner Santos, would you like to be one of our signatories?

Commissioner A. Santos No, I nominate Commissioner Bordallo to be....

All: Laughing

Commissioner A. Bordallo: No way, I'm going.

Commissioner A. Santos Oh never mind then I'll do it. I'll be the next designated... I don't want to be involve.

Commissioner A. Bordallo: I have enough checks to sign.

Commissioner A. Santos I will thank you.

Chairman J. Reyes, Jr.: Okay, so we need a motion Commissioners.

Commissioner A. Bordallo: I make a motion that the second signatory is Commissioner Angela Santos.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Pardon me, let me take a pause here real quick. Attorney Toft, since it's designating Commissioner Santos and Commissioner Bordallo makes the motion; I... how would...

Legal Counsel N. Toft: Either one of you can... second it.

Chairman J. Reyes, Jr.: Okay. Just want make sure we cover our bases and we're not making any mistakes.

Commissioner A. Santos You can do it.

Chairman J. Reyes, Jr.: Alright, thank you Commissioner Santos. May I get a second. I second the motion to designate Commissioner Angela Therese Santos as the second signatory on the accounts mentioned ending 2274, 5976 and 7964. Any objections?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Hearing none. Motion passes.

Program Coordinator III J. Cruz: We'll get the resolution prepared so you both can sign in. Our next request is...

Chairman J. Reyes, Jr.: Oh, another request?

All: Laughing

Program Coordinator III J. Cruz: Our next request is to withdraw \$5.00 from Bank of Guam Account Number ending in 5976 and deposit it into Bank of Guam Account Number ending in 2274. Currently, because no activity each account is considered inactive in dormant in order to bring it back into active status there needs to be a withdrawal and deposit.

Chairman J. Reyes, Jr.: Transaction

Program Coordinator III J. Cruz: Aside from that, maybe the Board can consider that these actions happen at the end of every month because it's important because when we go through the audit it's going to need the bank statements. If they're inactive they don't generate bank statements so you know that's just what it's for and each account is related to the Loan Guaranty Fund so there's no comingling of funds between funds there's no comingling of money between funds. So it's not like we're taking it from the operations and putting it into the Loan Guaranty it's between the Loan Guaranty Fund.

Chairman J. Reyes, Jr.: And every month you'll take it from one or the other and then reverse it?

Program Coordinator III J. Cruz: Reverse

Chairman J. Reyes, Jr.: Okay just so that there's activity to keep it active, correct?

Program Coordinator III J. Cruz: Yes and generate the statements that we need.

Chairman J. Reyes, Jr.: Okay, there are no objections from me. Commissioners?

Commissioner A. Santos No objections

Chairman J. Reyes, Jr.: Okay, Commissioners may we get a motion to allow on a monthly basis beginning June that a withdrawal and deposit be conducted on the two accounts related the Loan Guaranty. And for clarity Mr. Cruz, do we put what account numbers ending in that?

Program Coordinator III J. Cruz: First one is 5976 and 2274

Chairman J. Reyes, Jr.: So between those two okay.

Commissioner A. Santos So it'll be like a withdrawal and deposit?

Commissioner A. Bordallo: I second the motion.

Commissioner A. Santos I make a motion to on a monthly basis starting June 2021 is there an end date or have it continual?

Program Coordinator III J. Cruz: Just continual

Commissioner A. Santos As a continual transaction regarding the Loan Guaranty, do I have to state that?

Program Coordinator III J. Cruz: You can just mention the account numbers.

Commissioner A. Santos Okay from the withdrawal for \$5.00 from the account ending the account at Bank of Guam ending 5976 and deposit into the account at Bank of Guam ending in 2274.

Commissioner A. Bordallo: So moved. *inaudible*

Chairman J. Reyes, Jr.: Thank you thank you for the motion Commissioner Santos.

Program Coordinator III J. Cruz: You mentioned monthly right.

Commissioner A. Santos *inaudible* did I mention monthly?

Land Agent I T. Tainatongo: Yes you did.

Commissioner A. Santos Okay great.

Chairman J. Reyes, Jr.: Thank you Commissioner Bordallo. Any objections? Okay hearing none, motion passes on the transactions to be conducted on two accounts related to the Loan Guaranty. And then on...

Program Coordinator III J. Cruz: One more right?

Chairman J. Reyes, Jr.: On the Revenue Collections

Program Coordinator III J. Cruz: No. I guess on the Land Registration. We're done with the financial.

Chairman J. Reyes, Jr.: Okay, are we moving down to the next item on the Agency Reports/ updates?

Program Coordinator III J. Cruz: Yes. So for the Land Registration, I'm not too sure if I said, Lot 10140 last meeting if I did I stand corrected it's Lot 10148 Dededo we were given a listing by Department of Land Management that there's a total of 127 people to be served as of May 20, 2021, CLTC's Process Servers have served 66 people which is 52% but what we're doing now is that because the other the remainder we have been unsuccessful by leaving; You Were Visited By or contact information to contact the office we have not had any success in that we have been unsuccessful in trying to obtain peoples contact information so now we're going the route of sending certified mail. So in the upcoming week or two we'll be sending out the remainder which is 61 letters – certified letters... certified mail and so far there has been out of 66.... 61 affidavits have been recorded with the Superior Court and *inaudible* with the court.

Chairman J. Reyes, Jr.: What's the total size or that we're getting in these land registrations in *inaudible* now? Do we know that?

Legal Counsel N. Toft: For that specific lot?

Chairman J. Reyes, Jr.: Yeah

Program Coordinator III J. Cruz: I'm not too sure the exact area but it's a pretty big chunk of land.

Legal Counsel N. Toft: *Inaudible* yeah.

Chairman J. Reyes, Jr.: Okay and how much more do we have in the

Legal Counsel N. Toft: Potential inventory?

Chairman J. Reyes, Jr.: Yeah.

Legal Counsel N. Toft: There are 45 on the lots identified that we hoped to be pushing forward on this year. We're trying too.. the goal is *inaudible* to combine maximizing area and also spots that are right for residential development as *inaudible* targets and the reason for those obvious for residential for obvious reason the area is such that because the Commercial Rules cap are to lease out at 9% of total inventory that if you increase the total registered *inaudible* that increases the amount able to be commercially leased out without having to sacrifice residential area.

Chairman J. Reyes, Jr.: Got it. That's good to know. So what I would like to ask though for all of the ones that are in que what is the total size right knowing that it's residential and then again just for inventory purposes.

Legal Counsel N. Toft: I can send an email to the Commission

Chairman J. Reyes, Jr.: and then for inventory purposes in addition to what's already coming up; what are the other tracts right can we do another ten at least identify with the survey team. We may not act on it right because of the commercial implications but I do want to set some priority as far as; here's what's in que, here's what's almost done at least so we can understand what is the total that we're looking at for a residential perspective.

Program Coordinator III J. Cruz: In our audit I believe that we have a total of 3300 square meters oh... I think it's 3300 acres of unregistered property. That's an estimate but it's in our audit report.

Chairman J. Reyes, Jr.: And that's another thing right, the unregistered. And then that may be certain pieces but in totality what is the total around that those surrounding areas. But yeah if we can do that and then Joey if we can talk a little further on how we can categorize these things just so that we're prepared in having a full list of with *inaudible* survey guys on inventory or for registering.

Legal Counsel N. Toft: And just so you know the technicality behind the scenes stuff... so the high residential area ones are going to be the ones where you're going to have to serve hundreds of people. The rural high area ones may only have to serve less than a dozen of people at a time so we're trying to balance out CLTC's resources on the...

Chairman J. Reyes, Jr.: I think too Joey one thing that kind of just peeked my interest is yes we have limited resource but I'm open and we'll talk with our Commissioners is that if there's an opportunity to outsource and if there's someone that does this and that's all they do and if there's a cost benefit to that we can be open to that. So if you could explore that as well.

Program Coordinator III J. Cruz: We already initiated that so.. hopefully we get a response and we're able to present our findings related to them

Chairman J. Reyes, Jr.: Okay, perfect thank you because that's going to be pretty important.

Any questions on that, Commissioners? Anything else under Agency's Report?

Program Coordinator III J. Cruz: That's all.

Chairman J. Reyes, Jr.: That's all. Ms. Camacho – Ms. Angie do you have anything to update the Commissioners or I'm sorry the Agency's Report?

Acting Administrative Director A. Camacho: No, I think we've covered everything.

Chairman J. Reyes, Jr.: Okay, moving on to the Commissioners Comments and then we'll adjourn. I do have a couple of items that I would like to discuss with our Commissioners. So, I think we've already addressed the land registration and those tracts I want to kind of keep that moving so that we have that inventory and what's going to be *inaudible*

Secondly, as you know, we have Ms. Camacho – Angie here with us as a detail *inaudible* Acting Administrator what I like to do and just kind of talking with the Commissioners if you guys would be open to recommending to the Governor that we have that they could move Joey into an acting capacity for a period of time just to help to continue for continuity and help bridging some of these gaps and the momentum that we've got going on in the agency today despite some of the disruptions that we had so I just kind of bridge that with you if you had any objections to that I could proceed and send our recommendation to the Governor to take this but in a short term and allow us to also find a good candidate to sit in as a permanent director but again not that we don't want Angie here but we want to... you know, she's also an interim with collateral duties as detail. So if you guys are okay.

Commissioner A. Bordallo: I'm okay with that. *Inaudible* there's a limit as to being an acting.

Chairman J. Reyes, Jr.: So we'll maximize what that term is I believe we could go up to six months I believe but I'll confirm that. So if there's no objections, I could bridge that with the *inaudible*

Commissioner A. Santos No objections.

Chairman J. Reyes, Jr.: Okay. Alright I just wanted to have that discussion and that's all I have.

Commissioner A. Santos Joey is the perfect person so...

Chairman J. Reyes, Jr.: But in the meantime until that all gets squared away we have...

Commissioner A. Santos Angie. Not to disregard Ms. Camacho

Chairman J. Reyes, Jr.: We appreciate you.

Commissioner A. Santos And thank you for your address earlier.

Chairman J. Reyes, Jr.: Alright with that said, may I get a motion to adjourn.

Commissioner A. Bordallo: So moved

Chairman J. Reyes, Jr.: Okay a second.

Commissioner A. Santos I second that motion.

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

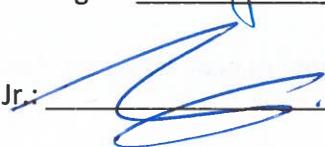
Commissioner A. Bordallo: Kiora?

Chairman J. Reyes, Jr.: It's 5:53 p.m. okay, meeting adjourned. Thank you, Attorney Toft, thank you Commissioners thank you everybody, staff and Ms. Camacho.

Adjourned: 5:53 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: 6/22/21