Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

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Austin J. Duenas
Commissioner

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, June 17, 2021; 1:12 p.m. – 5:09 p.m.

Public Notice: The *Guam Daily Post* on June 10, 2021 and June 15, 2021

Chairman John F. Reyes, Jr.: Okay, everybody on the Google meet, I apologize for the delay; we had some internet connectivity issues here in the office that is now resolved and we are just making sure that our audio is working. So, we're going to begin but before we begin, I would like to ask Commissioner Santos if you can please lead us in the Inefresi?

Commissioner Angela Santos: Citing the Inefresi

Commissioner A. Santos: Biba CHamoru!

All: Biba!

Chairman J. Reyes, Jr.: Thank you, Si Yu'os Ma'ase' Commissioner Santos. Okay, the time is 1:12 p.m. and I call this meeting to order, regular meeting for the CHamoru Land Trust Commission. Alright, public notices went out for this meeting on the Guam Daily Post on June 10, 2021, and June 15, 2021, notifications was also on our CHamoru Land Trust website at dlm.guam.gov as well as the Government of Guam Public Notice Portal at notices.guam.gov as well as our Facebook page, CHamoru Land Trust Commission, we are also livestreaming on the CHamoru Land Trust Facebook page and audio and video is being recorded provided by KGTF PBS. Alright, we will begin call to order. I'm sorry, excuse me, roll call.

Roll Call

Chairman J. Reyes, Jr.: Commissioner Bordallo?

Commissioner Arlene Bordallo: I'm here

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

Commissioner A. Santos: Esta gui yu

Chairman J. Reyes, Jr.: Thank you. Commissioner Duenas?

Commissioner Austin Duenas: Absent

Chairman J. Reyes, Jr.: Commissioner Duenas is not present today. Attorney Toft?

Legal Counsel Nicolas Toft: Present

Chairman J. Reyes, Jr.: Thank you, sir. And Acting Administrative Director Angie Camacho- Angela Camacho?

Acting Director Angela Camacho: Here

Chairman J. Reyes, Jr.: Thank you very much. Attorney Toft, just to confirm we have a quorum?

Legal Counsel N. Toft: Yes, we do.

Chairman J. Reyes, Jr.: Thank you, sir. Okay, first item on our agenda is the approval of the minutes. Today's approval we have April 29, 2021, meeting as well as the May 20, 2021, meeting. And I'll give the Commissioners a few minutes for any questions or changes to identify.

Commissioner A. Santos: Mr. Chair, I would just like to address that the minutes look very good, they've improved from the past meetings. So, I want to commend Tina for that.

Chairman J. Reyes, Jr.: Yes, they do, thank you Tina.

Commissioner A. Bordallo: I would like to make a motion

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

Commissioner A. Bordallo: To accept the minutes of April 29, 2021, subject to corrections.

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

Commissioner A. Santos: I second the motion.

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

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Okay, no objections, motion passes to accept the April 29, 2021 meeting minutes subject to correction. Thank you, Commissioners.

Commissioner A. Santos: For the May 20, 2021 minutes; I just have a question for Tina; for the *inaudible* Legal Counsel N. Toft's name after the colon there is an "s" there; is that for a specific reason?

Land Agent I Tina Tainatongo: Can you tell me what page?

Commissioner A. Santos: I'm looking at it, so far it's every time Toft – Nic Toft spoke. So at his name it's Legal Counsel N. Toft semi-colon and then there's that little "s".

Land Agent I T. Tainatongo: Probably not, but I can make that correction.

Chairman J. Reyes, Jr.:*inaudible* that's across the entire document.

Land Agent I T. Tainatongo: Oh, I see, yes.

Commissioner A. Santos: Other than that I would like to make a motion to approve the May 20, 2021, meeting minutes.

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

Commissioner A. Bordallo: I second.

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: No objections. Motion passes for the approval of the May 20, 2021 meeting minutes subject to correction. Thank you.

Null and Void Update

Chairman J. Reyes, Jr.: Okay, next up on the agenda we have Ms. Lydia Taleu to give us an update on our Null and Voids. Ms. Taleu, make sure the mic is on.

Land Agent I Lydia Taleu: Test. Okay, so as of yesterday, June 16, the Null and Void case numbers have not changed because no new cases have been brought before. So we still remain at 17 adjudicated. 87 remaining to be adjudicated a total of 104 cases.

Chairman J. Reyes, Jr.: Thank you and can you read out the list that you have here?

Land Agent I L. Taleu: Okay, so remember we talked about application stages that we're reviewing those files so I have reviewed a total number of files that were reviewed that were found correctly were ten. Fourteen need to be reverted and the Public Law 23-038, Section 5.8 was incorrectly applied. Okay there are three cases that most possibly have to go before the Board for approval and then in reviewing those

cases, one of them is actually not under section 5.8 but there is a lease so it would be 9.1. One was correctly applied. One was incorrectly applied. Total number of reviewed cases is forty. Okay, *inaudible* application to files as of yesterday reviewed sixty-nine.

Chairman J. Reyes, Jr.: So the sixty-nine is an increase from the last meeting, right?

Land Agent I L. Taleu: Yes. Yes because at the last one I had reviewed forty so in between that time and as of yesterday twenty-nine were reviewed.

Chairman J. Reyes, Jr.: Okay. Thank you. Commissioners, any questions on this update?

Commissioner A. Bordallo: No

Commissioner A. Santos: Ms. Taleu, what's the 9.1 section stated?

Land Agent I L. Taleu: That is the transfer of lease upon the death of original lessee or applicant. Because 5.8 is when the applicant dies and you transfer just the application rights, there's no lease has been issued.

Commissioner A. Santos: Okay, thank you.

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

Commissioner A. Santos: No

Chairman J. Reyes, Jr.: Okay no questions, thank you, Ms. Taleu. I don't have any other questions.

Land Agent I L. Taleu: Okay, see you next meeting.

New Business

<u>Constituent Matters</u>

Chairman J. Reyes, Jr.: Okay, up next on the agenda we have the New Business, Constituent Matters. We have six today, we are going to go through as requested by the Land Agents to begin with.... Okay, first up in our Constituent Matters is a residential for Ms. Annie Cruz Siguenza. Ms. Eileen the first two, Ms. Eileen, can you hear me? Ms. Eileen?

Land Agent II Eileen Chargualaf: Oh, I'm sorry. The next person up is Annie Siguenza and Tina will be presenting that.

Chairman J. Reyes, Jr.: Yes. Yes, So Ms. Eileen, the first two will be just as requested by the land agents would be Ms. Siguenza and then Ms. Donna Kay Santos, okay?

Land Agent II E. Chargualaf: Yes, sir.

Annie Cruz Siguenza

Chairman J. Reyes, Jr.: Okay, thank you. Good Afternoon and welcome Ms. Siguenza. For the record could you just please speak into the mic and state your name.

Annie Siguenza: My name Annie C. Siguenza from 470 Chalinko Street in Chalan Pago. Thank you for having me here.

Chairman J. Reyes, Jr.: Thank you for your presence ma'am. Ms. Tina?

Land Agent I T. Tainatongo: Hafa Adai, Commissioners. I'm Tina Tainatongo Land Agent for the CHamoru Land Trust. And today, we have Ms. Annie Siguenza and I'm just going to go down from the facts all the way to the end of the staff report. Could you guys here me?

Chairman J. Reyes, Jr.: Just speak into the mic.

Commissioner A. Santos: A little bit louder Ti.

Land Agent I T. Tainatongo: So, I'm going to start off with the facts. Her application type is residential. The original lessee is Ms. Ana C. Siguenza which is Ms. Annie Siguenza's mother who is deceased. The name successor is Ms. Annie Siguenza who is here today. Priority one, location is Lot 3443, Chalan Pago. The lot size is one-half acre and it's for a residential lease. The lease date is dated on November 26, 2002. CLTC awarded a lease on private property that's the complaint and the issue. She is a pre-occupier under Land Use Permit No. 37 under Jose SA Siguenza and Ana C. Siguenza who are her deceased parents. So, down to the Chronological Facts; March 28, 1956 a Deed of Conveyance of real property between the Government of Guam and Guadalupe Rosario Blas, the property was intended to build a school.
On March 30, 1956, a Deed of Conveyance was done and prepared it was filed with DLM Under Document No. 30916. On September 9, 1960, Application to Acquire Interest in Land held by the Government approved and was assigned a Land Use Permit, LUP No. 37 under Jose S.A. Siguenza and Ana C. Siguenza for one-hector which is 2.471 acres and placed in Haligi, Municipality of Sinajana now known as Chalan Pago. September 29, 1960, a letter from Jose S.A. Siguenza requesting for permission to erect a building on the property. September 30, 1960, approval to construct a temporary building subject to the conditions stated in Mr. Siguenza's letter that the premises must at all times be in conformity with Health and Sanitization Laws and or set rules and regulations pertaining thereto.

November 19, 1964, Document No. 58229 A Warranty Deed from Guadalupe Rosario to Florenzo T. Ramirez for the subject lot. September 24, 2002, Chalan Pago Mayor's Verification in the file indicating both Annie C. Siguenza and Ana C. Siguenza residing on the property since January 1, 1961. September 25th 2002, CLTC Residential Interview Report indicates; A, Clients presently occupying and has been since January 1, 1961; B, Beneficiary Designation Jerry Siguenza which is the son and who is Ms. Siguenza here today her brother. November 18, 2002, CLTC conducted a site inspection, Inspection Report indicates under Land Use Observations; A, ranching; B, poultry activity; C, farming ornamental, citrus, mangoes and peppers, structure semi-concrete; E, with full utility services. November 26, 2002, CLTC Residential Lease issued to Ana C. Siguenza for a portion of Lot 3443 Chalan Pago containing an area of not more than one-half acre. June 26, 2003, request to add daughter Annie C. Siguenza as an additional beneficiary approved by Director Joseph M. Borja.
January 20, 2004, a letter from Jerry Siguenza the original designated beneficiary requesting to turn over beneficiary rights to his sister Annie C. Siguenza, daughter of Ana C. Siguenza. October 29, 2013, Letter from the Law Office of Rachel Taimanao-Ayuyu addressed to CLTC regarding the Beneficiary Assumption of Lease. April 29, 2014, response form DLM Deputy Director David Camacho to the Law Office of Rachel Taimanao-Ayuyu indicating the request to transfer the lease to Annie Siguenza as a designated beneficiary is pending a completed CLTC application and DLM found that the property that Annie Siguenza is currently occupying is on private property. DLM further discussed in a recent meeting sometime in 2014 and was agreed that DLM would be settling a claim to the property and preparing a land registration survey map of the property for further processing with the courts through the land registration process. May 2nd, 2014, complete CLTC application under Annie Siguenza submitted to CLTC. October 20, 2014, site inspection conducted, inspection report indicates on comments section 15% of the half-acre property is usable 85% is not to be developed due to the topography of the property. February 7, 2019, Ms. Annie Siguenza appeared before CLTC Board as a public commenter explained she has come into CLTC several times requesting assistance regarding her request to transferring the lease of her name so she can move forward with transferring utilities to her that are still under the name of her deceased parents. CLTC Chairwoman requested to be placed on the following meeting and for the staff to do more research. February 15, 2019, site inspection conducted, inspection report indicates concrete foundation, wood and tin everywhere else, the area is well maintained. April 18, 2019, Ms. Annie Siguenza appears before CLTC Board as requested, Legal Counsel and the Commission suggested she can do an Adverse Possession or remain on the property until the original private land owners give her a problem. CLTC Board advised CLTC to issue utility authorizations for Ms. Siguenza to get UT's transferred to her name. GWA continues to deny Ms. Siguenza the transfer of utilities to her name until CLTC can provide a lease under Ms. Siguenza's name. January 25, 2021, inspection on Lot 5402-R5NEW-14-3, Mangilao, potential lot for relocation includes accessibility for infrastructure. I just want to note that that is just a potential lot. March 25, 2021, lot showing with Annie C. Siguenza for Lot 5402-R5NEW-14-3, Mangilao, Guam and Ms. Siguenza was shown the lot but again, it's just a potential lot. April 2, 2021, site inspection conducted with

CLTC's Engineering Technicians Pierce Castro and Melvin Javier. May 12, 2021, CLTC's Engineering Technicians did GPS the plot a portion of L3443-R1 where Annie Siguenza is currently occupying and based on the plot shown on the map, Annie Siguenza is settling on private lands. May 12, 2021, further researched was done and discovered that A Grant Deed between Bank of Guam as the Grantor to Federal Home Loan Mortgage Corporation as the Grantee for Lot No. 3443-R1 was recorded with Department of Land Management Instrument No. 744261. My findings are based on Public Law 23-38, Section 6.4 (a) notwithstanding the provisions of Section 5, subsections 5.4 through 5.10, the Commission shall not serve eviction notices to individuals who presently reside and have continuously reside on CHamoru Homelands prior to July 12, 1995 and who qualify under the act, (b) persons presently holding land use permits and qualify under section 5.2 will hereby maintain their home or farms adhering to all other requirements of the act and these rules and regulations. 1. 21 GCA Real Property Chapter 17 Relocation Assistance Act; 2. Federal Relocation Act Guidelines; 3. Unable to survey due to unregistered private property.
My summary of this whole report is, in the 1950's the Government did a land exchange between the Government and private property owners known as the Blas family on Lot 3443, Chalan Pago. In 1960, the Siguenza family was placed on that property by the Government under the Aruendo Program, again, LUP No. 37. In 1964, the Blas family sold the property to the Ramirez family. To date, the Siguenza family is still occupying on the property. Ms. Siguenza has come into CLTC numerous times requesting assistance regarding her assuming her mother's lease as the named successor. She continues to ask for UT authorizations regularly for GWA who continues deny her due to CLTC not transferring the lease to her. My request here today from the Commission is for CLTC to relocate Annie Siguenza from Lot 3443-R1 Chalan Pago again just to the potential lot there is another lot that I am looking into, I just haven't shown it to Ms. Siguenza but this is the lot here that she has seen so that's what's in my report... to Lot 5402-R5NEW-14-3, Mangilao. CLTC to move forward with all necessary steps under 21GCA, Chapter 17, Relocation Assistance Act and the Federal Relocation Act Guidelines to include working with other agencies such as Department of Land Management, Department of Public Works, Guam Waterworks, Guam Power Authority, appraisal companies, survey companies, GHURA, various construction and moving companies. I understand today, that... I just want to note that... the Commission to note that our goal here today is to get this approved for the process. I don't expect it to be a slam dunk all within today's meeting and Ms. Siguenza is also aware that we will have to come back probably a few more times but the goal here is to at least get the process approved so we can move forward with relocating her to a different lot and out of the private property lot.

Chairman J. Reyes, Jr.: Alright Commissioners, I yield to you to begin your questions.

Commissioner A. Santos: That is definitely a lot to take in right but ultimately she was placed on private property by the Government. I had... on May 12, 2021, that's when we figured out or squared away all that information, Ti, was that the date that or are you just noting this that there's a Federal Home Loan Mortgage... what is that?

Land Agent I T. Tainatongo: It's a Grant Deed and I have it here and this Grant Deed was done on 27th of September 2006. But it is and it states right here that it's for Lot number 3443-R1 Ordot Chalan Pago formerly known Sinajana. I apologize, she has a very thick file.

Commissioner A. Santos: Well I guess what I wanted to know is there's a Grant Deed between a bank and the Loan Mortgage Corporation for this property?

Land Agent I T. Tainatongo: Yes.

Commissioner A. Santos: Under who, do you know?

Land Agent I T. Tainatongo: It doesn't specify who from my understanding and I did speak with Records what it could have been is that the original private owners or whoever was deeded to this property may have defaulted on their loan and so the foreclosure process from my understanding went to Federal Home – Loan Mortgage. Not necessarily Bank of Guam.

Commissioner A. Santos: Okay. This just means that it is not… it solidifies that it's not within our inventory pretty much?

Land Agent I T. Tainatongo: Correct.

Commissioner A. Santos: Thank you.

Chairman J. Reyes, Jr.: And then just a quick question, in addition our survey team went out and GPS plots identified that it is private property; I guess going all the way back; how did it originally get to the Siguenza family I guess is where… because at that point when they were given the property, settled and then coming to the process how was it identified that it would be for the Siguenza family in this through the whole process; was it back in the 60's?

Land Agent I T. Tainatongo: Correct. Back in the 60's. So, again, in 1956 the Government did a land exchange and in 1960 her family came in to apply for Government land right, the Aruendo program. And they… it's a huge area, it's a portion of again kind of like similar to all of our other cases, it's a huge portion and no survey was done but it's private land and so they placed her on that portion. And then while she's there, I guess not knowing the Blas family not knowing that Ms. Siguenza's there sold the property to the Ramirez family. You kind of understand?

Chairman J. Reyes, Jr.: Yeah. So who is it recorded under Land Management today?

Land Agent I T. Tainatongo: Do we know who it's recorded to?

Chairman J. Reyes, Jr.: Do we know that?

Land Agent I T. Tainatongo: It's definitely not recorded under CHamoru Land Trust that's for sure.

Chairman J. Reyes, Jr.: We don't have anyone who…

Land Agent I T. Tainatongo: It's actually… and I have other maps here that were… it indicates that 3443 has been portioned out to different individuals, different private land owners.

Chairman J. Reyes, Jr.: But this particular one that we just 3443-R1, we don't know necessarily who?

Land Agent I T. Tainatongo: It's showing under the Ramirez

Chairman J. Reyes, Jr.: Just under the Ramirez, okay so it's still under the Ramirez this whole time since 19…

Engineering Technician II Melvin Javier: I think the basic there still belongs to the Ramirez, but portions of it has been cut up and given out to or sold to other people already but the remainder still belongs to the Ramirez.

Chairman J. Reyes, Jr.: The Ramirez. Alright.

Engineering Tech. II M. Javier: I have a drawing if you guys want to see the drawing.

Chairman J. Reyes, Jr.: Sure.

Engineering Tech. II M. Javier: Okay, this is the CLTC lot I guess that was supposed to be where she's supposed placed on but for some reason she was placed on this lot 3443-R1, the private lot and when we went out and did her as-built and everything using the GPS this is her area, these are the concrete power poles and everything. Let me bring out the bigger image.

Commissioner A. Santos: So she supposed to had been on that bottom.

Engineering Tech. II M. Javier: Yes.

Land Agent I T. Tainatongo: 3478

Engineering Tech. II M. Javier: But I think what happened was coming in from that… this road coming in there's a drop on both sides of the road so it's only enough for one car to pass through so I guess she stopped or they stopped and told her to build there because that was the only level spot.

Land Agent I T. Tainatongo: It drops on both sides. There's a... it's on a cliff so it's like going up a cliff and then behind her is a deeper cliff.

Chairman J. Reyes, Jr.: So where the property is today, you're right on the hill.

Land Agent I T. Tainatongo: Correct.

Chairman J. Reyes, Jr.:I guess my next question Ms. Tina is or maybe Ms. Siguenza right so you *inaudible* Mangilao property that Ms. Tina has indicated here; have you seen that? You went out to see that?

Ms. Annie Siguenza: Yes, we did. We met out there.

Chairman J. Reyes, Jr.: Okay and is that something again going through the process it may not be the actual lot but is that something you're agreeable too?

Ms. Annie Siguenza: Well...

Chairman J. Reyes, Jr.:I mean, given at the end of the day you may not want to leave where you're at today.

Ms. Annie Siguenza: Exactly

Chairman J. Reyes, Jr.: But given the circumstances that it's actually owned by private lands right so we'll do our best to try to accommodate that. But visiting the property, is that something you would be open to?

Ms. Annie Siguenza: Thinking about it's just because the distance is too far from where I'm originally from and you know with my age already and my sickness and everything it's kind of like too far out for me to drive. I just want something closer if it's possible if not I want to see the other one that she was talking about.

Chairman J. Reyes, Jr.: Okay, so there maybe another option for Ms. Siguenza?

Land Agent I T. Tainatongo: Yes, there is. There may be another option, it is... although I know she wants to go somewhere near; but, it's down in Talofofo, it's actually one of our LFL properties and the reason why I suggested Talofofo is because she has a daughter who lives in the area in Talofofo so should something... god forbid something happens to her there's a close family member with her or you know within the same village. And in regards to LFL, it's infrastructure ready because that would be a big deal if there's no infrastructure.

Chairman J. Reyes, Jr.: Right, and with Mangilao its infrastructure ready too?

Land Agent I T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Okay, both locations are…?

Land Agent I T. Tainatongo: Yes, both areas.

Commissioner A. Santos: What is LFL?

Land Agent I T. Tainatongo: Land for the Landless

Commissioner A. Santos: Land for the Landless, that was the inventory that we acquired from the Land for the Landless, right?

Land Agent I T. Tainatongo: Right, correct.

Chairman J. Reyes, Jr.: Attorney Toft, so this is pretty intense; anything… I know that this would be a process within itself but given what Ms. Tina has put forward; anything that stands out that we could not do?

Legal Counsel N. Toft: I don't think we could do anything with the existing lot, the private lot. So I think we just work with Ms. Siguenza to find *inaudible* lot.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: I have a question.

Chairman J. Reyes, Jr.: Yes

Commissioner A. Bordallo: The M17 Lot 3470, is that CHamoru Land Trust?

Land Agent I T. Tainatongo: Which one?

Chairman J. Reyes, Jr.: The M17 L3470?

Commissioner A. Bordallo: Yeah

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

Land Agent I T. Tainatongo: Oh, yes, I'm sorry. That's the area that she's supposed to be at… where she's really supposed to be placed, her family supposed to … under the LUP program, the Aruendo program.

Commissioner A. Santos: But that is…

Land Agent I T. Tainatongo: But they placed her on 3443 instead.

Commissioner A. Santos: I was going to say, so is it part of our inventory is what she asked?

Land Agent I T. Tainatongo: Is that under....?

Engineering Technician II Pierce Castro: Yes.

Commissioner A. Bordallo: Are there any lots available now on this lot?

Engineering Tech. II P. Castro: On that lot there, no, it's pretty... there's nothing, we haven't had anything planned or anything like that so...

Engineering Tech. II M. Javier: I think the problem with Lot 3470 there's no easement to the property so if we were to move her there; I really don't how they're going to have a road.

Engineering Tech. II P. Castro: And we think that maybe the problem back in the day when her father was told to go to 3470 but there's really no access out to it. I mean that road that leads to her house is kind of the only... it's the closest road you could take to get to it so.... That's what I assumed happened. It's very rugged, there's a lot of valleys and...

Chairman J. Reyes, Jr.: The terrain is not necessarily as conducive to even consider 3470 given where this private property is *inaudible*.

Engineering Tech. II P. Castro: Right, that's correct.

Engineering Tech. II M. Javier: Yes, sir.

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

Commissioner A. Santos: That's the area that's a little bit after or when you come up to go to Leo Palaces' turn on the right side of the bus stop?

Engineering Tech. II P. Castro: You know when you're coming to Leo Palace, right and then you take the first big dip where the... right when you enter it or coming from Ordot, where you come in down by the Lonfit River right down is to the left of that so it's very rugged.

Engineering Tech. II P. Castro: When you get to the first bridge on the bottom, everything there is 3470 going up the hill.

Chairman J. Reyes, Jr.: And there's nothing there?

Engineering Tech. II P. Castro: Yeah, there's nothing.

Chairman J. Reyes, Jr.: Makes sense. Okay, so Ms. Tina what would be the first thing that we need to get done to bring in this process? Now, actually let me just real quick to Ms. Siguenza. So given that we may have two option and of course at the end of the day and you probably don't want but we want to kind of correct this especially because it is private property; you know, Ms. Tina would work very closely with you and make sure that it is something that you would work with but ultimately I want to make sure that you will be okay as we go through this process. You may have to come in a couple of times and obviously we've seen your history unfortunately and having to deal with this. And our goal is to get this rectified as soon as we can but making sure we cross our T's and dot our I's. So I just want to make sure that you're comfortable with that and it may be a little longer but we'll do our best to work with you alongside with Ms. Tina.

Ms. Annie Siguenza: Well you know, honestly, I've been coming into the Land Trust and there's actually no help at all until she came along and this is when things are processed or processing so I'm really thankful for what she's doing.

Chairman J. Reyes, Jr.: Definitely. We'll do our best to get this through for you.
So, Ms. Tina, I'll turn it to you and then we'll have the Commissioners... do you have any questions for us, Ms. Siguenza?
Land Agent I T. Tainatongo: She... for the record, she was just asking me if she should bring up about her taxes. I told her to have me see it because we did check the tax roll, the previous Supervisor Matt Leon Guerrero and I. And her name is not listed neither is her father or her mother. However, she does have an agriculture lease and again with that agriculture lease she's placed on the Chalan Pago baseball field.

Chairman J. Reyes, Jr.: Where it exist today?

Land Agent I T. Tainatongo: Yes. And so that... I asked her to see it because that may be the property that she's being taxed for and not this property.

Chairman J. Reyes, Jr.:*inaudible* under your name, right?

Ms. Annie Siguenza: It is.

Chairman J. Reyes, Jr.: It is but it's not.

Ms. Annie Siguenza: It is. According to my brother he saw my name when he went to pay his land tax, he saw my name and I said; for what, I don't even have a land and I'm going to pay a tax.

Chairman J. Reyes, Jr.: So Ms. Tina will you do some research?

Land Agent I T. Tainatongo: Yes, I'll assist her with that. So she has two CHamoru... well one residential – hasn't been transferred to her name as the successor but she has an agriculture lease and that agriculture lease also in Chalan Pago, she was placed on the baseball field so both ways she's not placed on the right...we have to relocate her. But I did explained to her; I said, the priority is your residential because that's where you're living at and then we'll work on her agriculture after we get over this.

Ms. Annie Siguenza: I have one more...

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

Ms. Annie Siguenza: Well because you know with Waterworks there's always sometimes a problem and I would always ask questions and they would not entertain me because the bill is not under my dad's name I mean it's not under my name and I said but I came in here a couple of times already and I got a letter from the Land Trust that I can transfer my name to the water well it's not what we wanted because you don't have a lease, I go well what do you want me to do? I mean, if you can dig the grave and ask my dad you know and I tried to solve some problems with Waterworks but they still would not let me... they will not entertain me because of that matter. So I have question that I have to ask but I can't because....

Land Agent I T. Tainatongo: And that's part of this.

Chairman J. Reyes, Jr.: Right it's *inaudible* in here.

Commissioner A. Bordallo: I think Legal Counsel you should since the name of the parents was the original *inaudible* and she's *inaudible* has taken over, CHamoru Land Trust should make a statement saying that she is now the one that has succeed in according to the application and *inaudible*

Land Agent I T. Tainatongo: I'm sorry. If I may, we've issued several authorizations indicating that Ms. Annie Siguenza is the one however because the lease is not under her name GWA continues to reject her request.

Commissioner A. Bordallo: And see this is where the two agencies have to work together and have an understanding.

Ms. Annie Siguenza: Yeah because I don't understand and that's what I was telling the lady that was helping me. I said, I don't understand why I can't transfer my name GPA did it with a letter that they gave me and it's the same letter that I showed them she goes well we're different from GPA. I said, oh my goodness, I don't know what else to do.

Commissioner A. Bordallo: Next time take it up with the general manager.

Chairman J. Reyes, Jr.: So Ms. Tina let's see how we can bridge that a little bit more. I take this as an action item with Ms. Angie and we'll see what we can do. So what is going to be our first task here Ms. Tina?

Land Agent I T. Tainatongo: Our first task would definitely work with Department of Land Management and DPW. I'm sorry, let me just move back a little bit. Our first step would be to find her a location between the two that I... the one that she was already shown and then the other one that I have in mind. And then let her go from there, if she agrees have her acknowledge that she does agree to move to that property and then move forward with... it's be with Department of Land Management and then DPW and then Waterworks and then.... It's kind of like in the order that it's on. Because we would also have to work with appraisal companies. I did and it is in the file, I did request for schedule fees from different appraisal companies. We haven't done the appraisal yet but I just wanted to get an idea of what the appraisal fees would look like and then also with construction companies because we're going to have to assist in facilitating the move from Chalan Pago to wherever the location is that she agrees to move to. It would be a lengthy process.

Chairman J. Reyes, Jr.: So what do we need to do as a Commission?

Land Agent I T. Tainatongo: I would like for the Commission to approve the process at least approve the process to begin and again as I mentioned, I will be bringing it back and forth as we get further into it to give an update and cost also we're going to have to know about the cost because it is going to be CHamoru Land Trust to pay for these.

Commissioner A. Santos: Foot the billing.

Land Agent I T. Tainatongo: Yes.

Commissioner A. Santos: Seriously? I do have a question so would this initially have to be the lease the name of the lease would it already have to be changed to Annie Siguenza- Ms. Siguenza?

Land Agent I T. Tainatongo: I wouldn't transfer it just yet because we don't know what property we're going to transfer her too and we would do an addendum to the existing.

Chairman J. Reyes, Jr.: To the existing.

Commissioner A. Santos: Okay. Understood.

Chairman J. Reyes, Jr.: Attorney Toft, from a motion standpoint or action for the Commission is it as simple as approving this process to move forward with Ms. Siguenza?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: Alright. Commissioners, any questions? I know that this is... when I first was reviewing our packet I just want to thank you very much for making it very easy for us to understand the chain of events and everything that has happened and what Ms. Siguenza has had to go through. So, Ms. Siguenza, we'll do our best along with Ms. Tina to work through this with you. If you don't have to come in and Ms. Tina would just need to report to us... she'll make those accommodations right.

Ms. Annie Siguenza: Yes, thank you. I appreciate it.

Chairman J. Reyes, Jr.: Yeah and then only the times that we need you to be present of course at any point you are welcomed to be present but Ms. Tina would be able to help steward your process through the Commission. Okay, Commissioners any other question?

Commissioner A. Santos: None for me.

Chairman J. Reyes, Jr.: Okay, thank you. Good Afternoon and welcome Ms. Siguenza. For the record could you just please speak into the mic and state your name.

Ms. Annie Siguenza: Before we end here, I would just like to say, thank you all for taking care of this.

Commissioner A. Santos: Sorry you're going through this, Saina-hu. That is unfortunate very very very unfortunate.

Ms. Annie Siguenza: It just brought back memories from my mom.

Commissioner A. Santos: We're going to help you through this.

Ms. Annie Siguenza: Thank you.

Chairman J. Reyes, Jr.: Okay so let's just take action. Again, Attorney Toft, we just need to make a motion to approve to begin this process and then Tina can *inaudible*

Commissioner A. Santos: I make a motion to approve the process of do we have to state...

Legal Counsel N. Toft: Just to move forward with the relocation process.

Commissioner A. Santos: Okay. I would like to make a motion to move forward with a relocation process for Annie Cruz Siguenza.

Commissioner A. Bordallo: I second it.

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay no objections. The motion passes the approve to begin the process of Ms. Annie Cruz Siguenza's relocation.

Land Agent I T. Tainatongo: Thank you.

Commissioner A. Santos: Thank you too Ti for your work.

Chairman J. Reyes, Jr.: Thank you so much.

Ms. Annie Siguenza: Have a good day everybody.

Commissioner A. Santos: Hagu lokke'

Donna Kay Santos

Chairman J. Reyes, Jr.: Okay. Ms. Eileen next up we have I believe Donna Kay Santos.

Chairman J. Reyes, Jr.: Good afternoon Ms. Jhoana, good afternoon Ms. Santos. Ms. Santos for the record could you just speak into the mic and state your name.

Ms. Donna Kay Santos: Santos, Donna Kay.

Chairman J. Reyes, Jr.: Thank you. And thank you for your patience ma'am.

Land Agent II Jhoana Casem: Buena and Hafa Adai Commissioners. Before you we have Ms. Donna Kay Santos. We would like to request for a relocation as well as a survey authorization on Tract 15344, Block 7, Lot 1. Mangilao. Ms. Santos is a December 2nd 1995 applicant she is a residential applicant she currently does have a lease; however, due to the area in Yigo which is Lot 7160 she is requesting for a relocation. So I'm going to go ahead and go over the chronological facts. On February 16, 2004, a residential lease was issued for a portion of Lot 7160 for a half-acre. August 13, 2018, Ms. Santos came into CHamoru Land Trust doing a follow up regarding her lot issue within Lot 7160 Yigo. September 24, 2018, Land Administrator Margarita Borja indicated on Status Information Sheet that Ms. Santos wanted to relocate to a different area because of the survey issues that she is having with the surveyor that she hired. June 18, 2019, a lot showing was conducted by Land Agent Lorraine Nededog on Tract 15344, Block 7, Lot 1, Mangilao. Ms. Santos did approve the area and would like to process the request for relocation. December 6, 2019, Land Agent Lorraine Nededog advised Ms. Santos that her lot that was shown to her is being used

by the adjacent lessees as they access the road. July 1, 2020, requested for a Survey Authorization for Tract 15344, Block 7, Lot 1, Mangilao; however, this would be pending the Board's approval for the relocation. October 22, 2020, Ms. Santos followed up with the status of the Survey Authorization, Land Agent Ms. Lydia Taleu advised Ms. Santos that she would need to appear before the CHamoru Land Trust Board regarding her relocation request. Based on our land agent findings, Ms. Santos has been coming into CHamoru Land Trust regarding her survey issues between the years 2014 to 2018. The surveyor she hired did not fulfill his obligations. CLTC has assisted Ms. Santos in finding a different parcel within Tract 15344, Block 7, Lot 1, Mangilao. The lot that is being awarded to Ms. Santos is currently being used as a bull cart trail by the adjacent lessees. Over the years, these lessees have been advised that the current easement is not open and that the trail they're using is a CHamoru Land Trust lot. However, due to financial restriction, the Trust does not have the funds for the clearing of the easements. Ms. Santos did advise the office that she is willing to assist in opening the easement for the adjacent lessee so that she could enjoy the lot that CHamoru Land Trust has awarded her. So we will... we're pending the approval from the Board and also approval for the survey for this Mangilao property.

Commissioner A. Santos: Are you okay?

Ms. Donna Kay Santos: Yeah, finally just get to come in and say my peace and everything.

Chairman J. Reyes, Jr.: Actually, Ms. Santos, you can begin and then the Commissioners for questions.

Ms. Donnay Kay Santos: I appreciate you guys... so many things... this run around and everything. And I don't know where else to go and finally someone told me that I have to see you guys and *inaudible* telling me that just go ahead and clear but I told him, I go, I rather wait until I have it black and white because I don't have no problems or anything. I just want to put down my boots because I'm not getting older and I'm really sick and I want to leave something behind for my kids and my grandkids *inaudible*

Chairman J. Reyes, Jr.: Thank you. Ms. Jhoana, so just a question; in July when we request for survey authorization for the Mangilao lot and *inaudible* for reservation was that just a gap that we didn't have a commission meeting until December?

Land Agent II J. Casem: I believe so, yes.

Chairman J. Reyes, Jr.: You believe so, okay.

Land Agent II J. Casem: So she was just pending for the Board to see her and are able to slot her in for this Board meeting.

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

Commissioner A. Bordallo: She already looked at the property?

Land Agent II J. Casem: Yes, she was shown the property by Ms. Lorraine but we did advise her that the adjacent lessees who have been there for many years have actually been using that lot as their trail or their access to the lots behind. So Ms. Santos did advise Ms. Lorraine that she is willing to assist in opening up the easement that is allocated for this area. And of course with that we still have to work with Land Management I believe and DPW so that at least you know the easement itself the centerline would properly open. So here we would have to work more so with the Mangilao Mayor's Office, possibly don't know if they have the resources but if they don't then that's something that we need to see but not sure what resources Ms. Santos may have advised Ms. Lorrain in the opening of the easement so that we can further discuss it with her.

Chairman J. Reyes, Jr.: Okay. I just wanted to ask our Survey Team; how many in this lot in Mangilao, how many do you think we put in that area; do we know?

Engineering Tech. II P. Castro: What was the Tract no. again, I'm sorry.

Engineering Tech. II M. Javier: This is the lot that was given to her. This is trail that they're using going right down into the middle of her lot, because this road I believe is not open back here. And these are the people that are staying all back there that are using the train in-between her lot.

Chairman J. Reyes, Jr.: So the lot that we identified to relocate Ms. Santos straight down the middle where they're using access to get to these other residents?

Engineering Tech. II M. Javier: Yes.

Land Agent II J. Casem: It's been used for many years. But given that this lot is within our inventory it is something that we can offer the constituents so that was the proposed remedy that Ms. Santos did offer that she would assist in the opening of the easement.

Chairman J. Reyes, Jr.: Which is further up?

Land Agent II J. Casem: Yes.

Engineering Tech. II M. Javier: Yes.

Commissioner A. Bordallo: How is the neighbor getting power into their place? Where do they....

Land Agent II J. Casem: So right out front we actually have I believe that's a GWA station, that small little square there.

Engineering Tech. II M. Javier: Pump station

Land Agent II J. Casem: Yeah, pump station so we don't actually have the layers that will show where the power lines are or if there is actually services there from waterworks but we can allocated that… I'm not sure if Mr. Mel has the Mayor's map but…

Engineering Tech. II M. Javier: I believe they're running their power lines through this trail because that is the only easement to those people back there.

Commissioner A. Bordallo: Where? It goes through her lot?

Multiple conversation

Engineering Tech. II M. Javier: Yeah right here. Right here, you see the trail, it's open goes all the way.

Chairman J. Reyes, Jr.: So there's a *inaudible* pole- a brown pole

Engineering Tech. II M. Javier: Yeah

Commissioner A. Bordallo: See that's where the agency shouldn't have done that.

Engineering Tech. II M. Javier: Yeah. I think this was probably open during politics time.

Commissioner A. Bordallo: Well politics time stops here.

Land Agent II J. Casem: It's something we more so have to work with the agencies. If they are illegal. Maybe not… because the utility lines are actually supposed to be on the government easements. So, this may be one of those examples where there is a temporary pole or more so and there is a waterline there but that's something that even with GWA and GPA we have to update and so we work together to get their layers and see from there.

Chairman J. Reyes, Jr.: So, Ms. Santos, you said, you've seen it and there's *inaudible* power pole.

Ms. Donna Kay Santos: Yes, I've seen it and their pole is right smacked in the middle and their waterline is smacked *inaudible*

Commissioner A. Bordallo: *inaudible* that should change.

Chairman J. Reyes, Jr.: Ms. Jhoana, we're going to have to address that right even prior to any of this relocation.

Commissioner A. Santos: I'm sorry, Mr. Chair. Your house is in that.... *inaudible* house to that road that is coming through that property? Did you build already there/

Ms. Donna Kay Santos: No, no... I don't want to touch it at all until I get it on black and white. I want it legalized.

Commissioner A. Santos: Of course. So you have not started anything, that's a good thing, right?

Ms. Donna Kay Santos: No, my boys are just waiting for me to show him where the easement is at and *inaudible* open a temporary road but see I'm just waiting. I have all these people that's going to help me clear it and I'm willing to open up that easement but not as the way they wanted.

Chairman J. Reyes, Jr.: Yeah, and I think the biggest problem here right now is to just get an understanding... right the power pole and it being it on that property and even if we relocate you there... got to move it to the right spot. Again, not knowing what we don't know we'll have to address that. So I'm going to look to Ms. Angie to help steward that as well from a GPA's perspective and... okay. So, Ms. Jhoana, what would-so obviously we need to approve first the relocation.

Land Agent II J. Casem: Yes, sir and then also if the Commission would like us to do another GPS to allocate where the lines meeting we can go ahead and do so on that because the layers that we do have it may not be up to date in regard to GPA and GWA.

Chairman J. Reyes, Jr.: Right and this is the same layers that we're talking about in putting it over our property, right?

Engineering Tech. II M. Javier: Yes.

Chairman J. Reyes, Jr.: Okay, so should we take this action now or should we table this until we square all of this away from a GPA – GWA's perspective but already knowing that this the lot that we'll be relocating Ms. Santos too, correct?

Land Agent II J. Casem: yes.
Chairman J. Reyes, Jr.: Okay, so let's do that. Ms. Santos, what we're going to do; let's give Ms. Jhoana and Ms. Santos some time to square all of the details in regards to what's the infrastructure that's there whether or not it's in the right spot. And then once they figure all of that out then we will progress in your relocation.

Ms. Donna Kay Santos: As for my lease out there do I get from you guys that it's just showing me... or just wait until figure out all the issues?

Commissioner A. Bordallo: I have a question, it's an unrecorded lease from the Lot 7160, Yigo, so...

Land Agent II J. Casem: In this case because Ms. Santos's lease, she does have a lease in file. It is unrecorded so when we move forward to the given lot it will be an addendum and more so this will be utilized as an exhibit attached to the addendum.

Commissioner A. Bordallo: So first thing is get it recorded?

Land Agent II J. Casem: Well if she is going to relocate, right, we will just do the addendum and then with that addendum attached with the lease that is in the file it would be recorded.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: Does that satisfy...

Legal Counsel N. Toft: Satisfy, yes.

Land Agent II J. Casem: Her lease is still valid.

Chairman J. Reyes, Jr.: Yes, I was about to go there. Ms. Santos your lease is still valid, just give us some time to square away these utilities and making sure that the lot be ready or whatever we can do to make it be ready. We need to figure out also the easement and so there's a lot of moving parts in that. And what we'll do is have Ms. Angie help steward that process, right, our Acting Director with Ms. Jhoana. And then we'll try as best as we can to see if we can get some status updates in the next meeting and Jhoana will be the one to communicate with you and letting you know the process, okay? So the Commission won't take any action today, the key things is to square away the utilities what's there and the easement. Any questions?

Ms. Donna Kay Santos: So *inaudible* not being rude by next year, I'll be waiting long for a little while longer?

Land Agent II J. Casem: We can go out there next week just to GPS or to see if there's existing there and then if there isn't any then we can move forward and bring it back to the Board next meeting so that we can conclude it and approve so that we can move forward for Ms. Santos to survey the property and then give her the addendum.

Chairman J. Reyes, Jr.: So I can't give you a timeline right now but let's have Ms. Jhoana do her visit and then square away some of that and keep you posted of what the next steps will be. Is that satisfactory to you, Ma'am?

Ms. Donna Kay Santos: The only thing is the surveyor that I had I want *inaudible* I already put a deposit down with him; do I still have to pay the thousand again? What happens to that? And he passed he's deceased already and you know…

Chairman J. Reyes, Jr.:I wouldn't…. I will defer that to Ms. Jhoana to help you through that process.

Land Agent II J. Casem: I'll go back to Mr. Cruz and validate that. We have… there is a receipt in file not too sure who your survey…

Ms. Donna Kay Santos: I gave it to… *inaudible* and he misplaced it.

Land Agent II J. Casem: So you just need if there is no receipt as proof then it's kind of like we don't have something too….

Chairman J. Reyes, Jr.: Back to square one?

Land Agent II J. Casem: Yeah. So it'll be something that she may have to take in again hopefully if this lot has… if there is an existing map to this area then it would be something where the surveyor can do a retracement and just use an existing map. But if there is no map for this area then there would be a survey from the start.

Chairman J. Reyes, Jr.: Okay. So if you could help Ms. Santos.

Land Agent II J. Casem: Yes

Chairman J. Reyes, Jr.: Okay, so Ms. Santos, Jhoana will help you through that process and then she will also keep you updated on the status of her visit by next week. Ms. Jhoana, yes, is that okay?

Land Agent II J. Casem: Yes.

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

Commissioner A. Bordallo: Yeah, I would like to know is there a list of the surveyors that CHamoru Land Trust trust?

Land Agent II J. Casem: Yes, ma'am. There is a survey authorization issued out, there's a listing attached to it. However, we have been getting some constituents advising us *inaudible* busy. The schedules of the surveyors have been busy. So, we just advise the constituent that as long as they get in touch with a surveyor the surveyor can at least say; okay, I'm going to do yours at the end of the year or something like that but it gives them advisement that this is when they can do it. It's really out of hands, because it's something that they would have to go through with the private surveyor.

So we don't control how long it's going to take or when they would do it. It's at the surveyors discretion, their schedule.

Commissioner A. Bordallo: But there is a list.

Chairman J. Reyes, Jr.: So we provide it to our... ?

Land Agent II J. Casem: Yes.

Chairman J. Reyes, Jr.: Okay. Thank you. Ms. Santos, any other questions for us?

Ms. Donna Kay Santos: No sir.

Chairman J. Reyes, Jr.: Okay thank you so much for your presence. Thank you for your patience as well, Ms. Jhoana will be in touch with you next week and keep you abreast along the process.

Ms. Donna Kay Santos: Please do.

Chairman J. Reyes, Jr.: Yes. Thank you so much. Okay, Ms. Eileen?

Alfed Lizama Gogue Ceraos

Land Agent II E. Chargualaf: The next case is Alfred Ceraos and Jhoana will be presenting that case.

Land Agent II J. Casem: So I will present to you Mr. Alfred Lizama Gogue Ceraos. This request is for a relocation and a survey authorization. However, based on the new findings guidelines per Mr. Cruz; I would like to request to table this until we get the concrete guidelines in terms of the change of application type. Mr. Ceraos was approved by the Board last month for a change in application from agriculture to residential. But because Mr. Cruz did advise us of guidelines, I'd like to go ahead and just wait until everything is concrete.

Chairman J. Reyes, Jr.: Okay. So, the Board did take action in the March 18th meeting, right?

Land Agent II J. Casem: Yes, so that request was for a relocation from an ag... I'm sorry a change of application type from a agriculture to a residential due to the fact that his area was unregistered and his lot was being used as a bull cart trail to other individuals around him.

Chairman J. Reyes, Jr.: Okay and did you inform Mr. Ceraos of this... that we won't be addressing this today?

Land Agent II J. Casem: Yes. Well I'm going to go ahead and contact him. He is aware that we are bringing the case to the Board, however, we were just advised today from the findings of Mr. Cruz so I will let Mr. Alfred know before end of day that we will go ahead and table this until such time we get…

Chairman J. Reyes, Jr.: No problem. We'll go ahead and table Mr. Alfred Ceraos from today's meeting. Thank you, Ms. Jhoana.

Land Agent II J. Casem: Thank you.

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

Aisha Diaz

Land Agent II E. Chargualaf: Jessica's supposed to be presenting, I don't know if she's having problems. I'm trying to message her if she's having problems getting on…

Land Agent I Jessica Dayday: I'm here.

Land Agent II E. Chargualaf: Oh okay. *inaudible* Aisha Diaz. Okay, Jess, you can go ahead and present.

Land Agent I Jessica Dayday: Hafa Adai Commissioners, I'm Jessica Dayday, Land Agent with CHamoru Land Trust Commission and the case I have before you is Aisha Francine Mafnas Diaz, present today is her POA.

Chairman J. Reyes, Jr.: Okay and thank you ma'am for joining us. Could you please state your name for the record?

Ms. Frances Diaz: I'm Frances Diaz and it's A-I-SHA Diaz

Chairman J. Reyes, Jr.:A-I-SHA Diaz and you're Frances?

Ms. Frances Diaz: Yes, I'm her mother.

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

Land Agent I J. Dayday:: So today, we're requesting for survey authorization and residential lease. Applicant's date and time is December 2nd 1995 at 9:09 a.m. Application number 85, Application type residential, priority one, she's not a pre-occupier, no land use permit, no mayor's verification, notice of intent to award, there's none in file. There is a residential lease that was dated January 23rd 1997, which was signed by Administrative Director Ronald Teehan. The location is Tract 9210, Block 16, Lot 10, Phase I Yigo for a quarter-acre. There's no survey authorization in file however there is a survey map, 126FY93, the chronology is January 23rd 1997, there was a lotter

for Lot 10, Block 16, Tract 9210, Phase I in Yigo for the original applicant Ms. Irene Mafnas. The residential lease was signed by AD Ronald Teehan but was not signed by the original applicant. January 27, 1997, a residential interview to successors designated… two successors were designated, Aisha Diaz and Jolene Mafnas. On July 23rd, 2018, a letter from Jolene Mafnas was received requesting to transfer her successor rights to Aisha Francine Mafnas Diaz. On August 8, 2018, a recorded POA was submitted, DLM Instrument No. 925364. On March 11, 2019, Memo to File requesting successor claim to Irene Mafnas's application lease rights which was approved by Administrative Director Jack Hattig, III, the supporting documents that was submitted was the death certificate of Irene Mafnas, a notarized relinquishment letter from Jolene Mafnas and all qualifying documents for Aisha Diaz which is grandparent's birth certificate, mother's certificate and Aisha's birth certificate. February 5th 2020, a letter to Department of Revenue and taxation requesting to remove Irene Mafnas from the Tax Roll which was signed by Administrative Director Jack Hattig III. April 29, 2021, a lot was… I apologize, I see there's a gap and there's going to be confusion so because the lease was not signed by the original applicant but was signed by the Director and the Governor, I believe that lease is considered not valid. However, Ms. Irene Mafnas, the original applicant was still placed on the tax roll for the Lot 9210 – Tract 9210. Okay, I apologize, but that is the reason why we are here today is to try and validate the lease that the original applicant was issued. So on April 29, 2021, Ms. Frances Diaz came into the office and we did identify a lot for issuance which is Tract 3734, Block 19, Lot 7 in Inalahan. On May 5th 2021, a site inspection was conducted to verify if there's occupancy for that Tract – 3734, Block 19, Lot 17 in Inalahan just to show just to verify if there was any squatters. May 14, 2021, there was a Decline of Municipality of Award for Tract 9210, Block 16, Lot 10, Phase I in Yigo and that was signed by Ms. Frances Diaz the Attorney in Fact. So my findings were a residential lease was signed by the director but was not signed by the applicant. And the original applicant was assessed property tax for Tract 9210, Block 16, Lot 10 Yigo. However, we did find that there was another person that was issued a lease for that property so therefore that could be the reason why that lease was not signed. And my recommendation, because the original applicant is a December 2nd 1995, and there was an intent to issue a lease on January 23, 1997, I would – my recommendation is to approve a survey authorization for the new identified lot Tract 3734, Block 19, Lot 17, Inalahan and also to issue a residential lease for Ms. Aisha Francine Mafnas Diaz.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Dayday. I'm sure there's going to be a lot of questions here. So give us a minute.

Commissioner A. Bordallo: Attorney Toft, can you help figure this out?

Legal Counsel N. Toft: I mean, I do agree with her just given the information on the… approving the survey authorization on a new piece of land. Obviously, we- there's a mistake where two people were assigned the same piece of land. There was a lease issuance although not signed by the applicant. *inaudible* resolve all those loose ends with *inaudible* transfer over to Inalahan.

Commissioner A. Bordallo: So, her application is still valid?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: But not the lease, correct? Or is the lease still valid given that it's not signed by Director Hattig *inaudible* at the time?

Legal Counsel N. Toft: Right. I mean the validity of the lease when not all signatures are there is kind of a grey area depends a lot on some of the other what we call *inaudible* stuff outside what's written on the paper, basically, was there an agreement between the parties, was there an oral contract here so in this instance; I think that whether or not there was *inaudible* valid original lease that that question can be resolved either way by a transfer.

Chairman J. Reyes, Jr.: Okay. Thank you, anymore questions? I had a question, Ms. Frances, what is the relationship of Aisha to Ms. Irene Mafnas, the deceased.

Ms. Frances Diaz: She's her niece, I'm Irene's sister and Aisha is my daughter.

Chairman J. Reyes, Jr.: So it's the aunt of Aisha?

Ms. Frances Diaz: Yes

Chairman J. Reyes, Jr.: Okay, got it. Just making sure that that also gets clarified. Okay, so Ms. Dayday, I have a question, any issues of taxes on this one?

Land Agent I J. Dayday: So... in 2019 Ms....or 2018... no it was 2019 Ms. Diaz – Frances Diaz found her sister's name on the delinquent listing as well as they were receiving letters I believe. We did issue a letter for Rev & Tax however, they still placed her – her name is still placed on the listing. They haven't removed it.

Chairman J. Reyes, Jr.: Okay. Anybody have any other questions?

Commissioner A. Bordallo: Have they *inaudible*

Chairman J. Reyes, Jr.: So I believe the follow up question to that is has any property taxes been paid on this one, given that the original applicant is deceased and another applicant was issued a lease for the same property? So the question is, who's paying the taxes?

Land Agent I J. Dayday: There was no taxes on the... well I advised Ms. Diaz to hold on not to pay the taxes until we get guidance or bring this issue to the Board. When I did contact Rev & Tax there is no name... I mean, no one was paying taxes for that property and they did advise that the lessee come in and make the payment or have

them contact Rev & Tax. But with Ms. Frances Diaz, I did advise her not to do anything yet, until we figure out what... until we get guidance on this.

Chairman J. Reyes, Jr.: But ultimately, because if there's two people technically on one property, who is responsible for the taxes? Do we know?

Legal Counsel N. Toft: *inaudible* the first person living there.

Land Agent I J. Dayday:: Well I do... I'm really not sure on that, I would assume the one who signed the lease right in the beginning in the earliest date or the first one to sign the lease. However, the original applicant did not sign the lease and that would probably be the reason why the other person was given that lease.

Chairman J. Reyes, Jr.: Now, have you visited Tract 9210, Block 16, Lot 10 in Yigo? Is there anybody on that property?

Land Agent I J. Dayday:: I didn't go out there to verify the occupancy on it. When I did ask about the signing, the lease, the Director signed it but the lessee didn't or the applicant didn't sign it they just told me that it wasn't valid and the lease wouldn't belong to that person, wouldn't belong to Ms. Irene Mafnas because it wasn't... it's not valid lease. So that property... the guidance that I recently got was to just have them decline the property that description, the property description.

Chairman J. Reyes, Jr.: The Yigo one?

Land Agent I J. Dayday:: Yes. It wasn't really clear on how leases were awarded in 1997. I was asking questions because on the form it does say that it was like a lottery. They pulled that number or they pulled that property and I wasn't quite... I didn't really get clear answers on that on how leases were awarded for those subdivisions.

Commissioner A. Bordallo: Was the Lot 10, Block 16, Tract 9210 was it documented with Land Management?

Land Agent I J. Dayday:: I didn't really hear

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

Commissioner A. Bordallo: Was it recorded?

Land Agent I J. Dayday: Not Ms. Irene Mafnas's lease, no, it's not recorded.

Chairman J. Reyes, Jr.: But was this tract... to follow up to Commissioner Bordallo, Lot 10, Block 16, Tract 9210 in Yigo; is that registered property?

Land Agent I J. Dayday:: That's the subdivision 9210; when I did look up... when I did the research on the property, it is recorded.

Chairman J. Reyes, Jr.: Okay, I don't think I have any other questions. Commissioner Santos or Bordallo?

Commissioner A. Bordallo: *inaudible* May 14, 2021, why is there a decline on Ms. Diaz?

Chairman J. Reyes, Jr.: Did you hear that, Ms. Dayday?

Land Agent I J. Dayday:: I did not, I cannot hear her, I'm sorry.

Commissioner A. Bordallo: On your Chronology, May 14, 2021; A Decline of Municipality of Award signed by Frances M. Diaz Attorney in Fact.

Land Agent I J. Dayday:: Yes.

Commissioner A. Bordallo: What's the meaning of that?

Land Agent I J. Dayday:: Because the lot, that lot was offered to her, offered to the original applicant so in order to move forward she had to decline that.

Commissioner A. Bordallo: This is on lot I mean Tract 9210?

Land Agent I J. Dayday:: Correct

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

Commissioner A. Bordallo: I think we can *inaudible*

Chairman J. Reyes, Jr.: Yeah. Commissioner Santos?

Commissioner A. Santos: No questions.

Chairman J. Reyes, Jr.: Alright. So, Ms. Dayday, to confirm an action or the task at hand for the Board – the Commissioners is to approve a survey authorization as well as to approve a residential lease for Ms. Aisha Francine Mafnas Diaz; is that correct?

Land Agent I J. Dayday:: Correct.

Chairman J. Reyes, Jr.: Okay, thank you. And then just to be clear, there's no conditions in regards to the property taxes or should we add that as a condition to help get that squared away?

Land Agent I J. Dayday:: I believe a letter… we did issue a letter already but we can just do one I guess coming from the Board.

Chairman J. Reyes, Jr.: Okay

Land Agent I J. Dayday:: Approving to have her removed from that tax roll.

Chairman J. Reyes, Jr.: Well there's an existing one that you're just being sure that it gets removed so I would say, just follow up on that one because that was dated 2020, right?

Land Agent I J. Dayday:: Correct

Chairman J. Reyes, Jr.: I just want to make sure again, that there's no surprises for Ms. Diaz on who's going to pay these taxes right so if we're going to remove it completely then let's continue to follow up with that and make sure that that happens. Again, we don't want to have any surprises midway.

Land Agent I J. Dayday:: Yes.

Chairman J. Reyes, Jr.: Okay, alright.

Land Agent I J. Dayday:: I'll follow up on that.

Chairman J. Reyes, Jr.: Okay. Alright, Commissioners if there's no other questions; we have two tasks to take action on.

Commissioner A. Santos: None. Move forward. I make a motion to approve a survey authorization for Tract 3734, Block 19, Lot 17 in Inalahan for Ms. Aisha Francine Mafnas Diaz.

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

Commissioner A. Bordallo: I second.

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

Commissioners: None

Chairman J. Reyes, Jr.: No objections, motion passes for the survey authorization for Tract 3734, Block 19, Lot 17 in Inalahan for Ms. Aisha Francine Mafnas Diaz, thank you. Next.

Commissioner A. Santos: I'd like to make a motion to approve a residential lease for Aisha Francine Mafnas Diaz for Tract 3734, Block 19, Lot 17 in Inalahan.

Commissioner A. Bordallo: I second it.

Chairman J. Reyes, Jr.: Thank you, Commissioners. Any objection?

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Okay, no objections; the motion passes for a residential lease for Ms. Aisha Francine Mafnas Diaz for Tract 3734, Block 19, Lot 17 in Inalahan. Okay, thank you so much Commissioners. Thank you, Ms. Diaz for your presence today, any questions?

Ms. Frances Diaz: No questions, thank you, for taking action on this.

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

Land Agent I J. Dayday:: Thank you, Commissioners.

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

<u>Jose Taitingfong Sayama</u>

Land Agent II E. Chargualaf: Next person is Jose Taitingfong Sayama and Glenn is going to present that regarding the taxes.

Chairman J. Reyes, Jr.: Okay, thank you. Do we have the Sayama's present today?

Land Agent II Glenn Eay: Good afternoon, Commissioners. My name is Glenn Eay, Land Agent II, CHamoru Land Trust. This is a case of Mr. Jose Taitingfong Sayama for reimbursement and I'd like to request to amend the amount of $539.23 to $570.99 due to additional property tax payment of $32.76 that was given to me after the Board meeting from March 2021, so this is additional payment that I received for tax payment of the year 2020 that was not included as part of the reimbursement.

Chairman J. Reyes, Jr.: Okay, I remember this one, Mr. Eay. So just to amend the amount of reimbursement for Mr. Sayama, correct?

Land Agent II G. Eay: Correct, yes. He was approved for $539.23 with the new receipt that I received for payment property tax payment the year of 2020 was a total amount now comes out to $570.99.

Chairman J. Reyes, Jr.: Okay, thank you, sir. And what's the second item here, Mr. Eay?

Land Agent II G. Eay: This is the only one actually I wanted to point out for now.

Chairman J. Reyes, Jr.: Okay, thank you. Alright, Commissioners, any questions there?

Commissioner A. Bordallo: Yeah, why was... why are you asking for a termination of lease?

Land Agent II G. Eay: I'm sorry, can you repeat that?

Commissioner A. Bordallo: Why are you asking a termination of lease? I'm just curious if *inaudible* did Mr. Sayama every stayed in Tract 9210, Block 8, Lot 14

Land Agent II G. Eay: I wanted to bring that up. Initially what was discussed during the Board Meeting was that was actually approved was the termination of lease for Mr. Sayama and that was an error on our part because Mr. Sayama didn't have a clear lease. It was because he didn't sign the actual lease because he didn't sign the actual lease the lease was not a good lease. So, instead terminating the lease we should have as he has requested to me was to terminate his application but instead of doing that we terminated his lease where *inaudible* mistakenly approved that. But the reason why I didn't bring that up today because I have a request... I'm requesting a letter written letter from him formalizing the request to delete or to remove him from the application stage which he no longer wants. Though we had conversations I want it in a written statement.

Commissioner A. Bordallo: So the lot was never occupied?

Land Agent II G. Eay: The lot right now, there was never a lease to begin with because there was an offer signed by the Administrative Director but rather there was an offer but there was no acceptance rather so because there was no acceptance there's no lease.

Chairman J. Reyes, Jr.: Okay

Commissioner A. Bordallo: But you want a termination.

Chairman J. Reyes, Jr.: So let's...I'm sorry Commissioner Bordallo, let me just kind walk through this with Mr. Eay. So, Mr. Eay, back in March when the Sayama's were here present; we had moved to terminate their lease; however, they was no lease accepted which means instead of terminating the lease; we should have terminated the application, correct?

Land Agent II G. Eay: Correct

Chairman J. Reyes, Jr.: So in order for us to... what you're saying is we won't take action on that today until you get a something in writing from the Sayama's- Mr. Sayama in regards to terminating the application since we...

Land Agent II G. Eay: Yes, I need a letter from Sayama stating he wants... he wishes to... his desire is to terminate his application although we mentioned which is just only verbal I want it in a written statement.

Chairman J. Reyes, Jr.: Mr. Eay, how did we... out of curiosity, how did we miss that process or the steps in understanding whether or not we were to take action on the lease, the termination of lease. I mean obviously we took action to reimburse for the taxes but the termination, terminating the lease versus terminating application; where did we miss there? Again, more for us to as a documented learning item that we could make sure that we apply the same to any other issues.

Land Agent II G. Eay: Yeah, it's just although it states we miss sometimes in our findings where we find later on because we found it that there was an error this why we're trying to, we have to correct it.

Commissioner A. Bordallo: But why, you have an attached receipt; under whose name is it?

Land Agent II G. Eay: The tax receipt was paid by the Sayama's, his name.
Commissioner A. Bordallo: So why did *inaudible* you pay taxes and there was no lease?

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

Commissioner A. Bordallo: Why would you if Mr. Sayama paid taxes?

Land Agent II G. Eay: He was paying taxes because he was under the impression that he had a good lease but what had happened when he came in here this year to discuss his lease in regards to property taxes only then he found out that the lease that he has rather he thought he had was not a valid lease because he didn't sign the lease so that's why he was paying... even though he was advised not to pay for the lease- the property tax, he went and did it anyways because he didn't want to show that he owed any property tax and he didn't want it made out in public that he owed property tax in real property. He went an paid it immediately.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: There has to be a paper trail, why would Revenue and Tax produce a tax receipt when there's no document. I'm sorry but I'm just curious.

Chairman J. Reyes, Jr.: So Mr. Eay, just to follow through to Commissioner Bordallo; again, not to *inaudible* the point but in this instance, if Mr. Sayama didn't have a lease; how did it get to be recorded under his name to be then taxed? Do we know what that process is?

Land Agent II G. Eay: In this case, it was never recorded, it was just lease that was prepared and then there was an offer signed by the Administrative Director but as lessee, the applicant rather he never signed the lease and which he thought that was a good lease.

Chairman J. Reyes, Jr.: Understood, but how did it get to that it's under his name at Revenue and Tax to pay the property tax?

Land Agent II G. Eay: Okay, Eileen will explain that.

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

Land Agent II E. Chargualaf: I'm sorry I was on mute. Anyways, at one time they wanted find out how much inventory we had and they were going to use that land valuation to get a bond and what had happened was when they were giving Rev & Tax on who had leases whether it was recorded or not some of the documents were over looked and what had happened was if they saw a lease in file they didn't go and go through the lease thoroughly to find out if both applicant and the director signed the documents. They were using that information based on whatever Land Trust gave Rev and Tax that like for example, Mr. Sayama, when the individual looked at his file what he did was okay there's a lease in here okay that's fine because it was a lengthy process to go through every file and of course we're shot on staff and I guess some of them overlooked it they saw a lease and that's it put his name in but they did not go through thoroughly to see if both... if the lease was consummated with both signatures for the director and the applicant or lessee was signed, that's what happened there. So those names that were given to Rev and Tax were automatically sent out with a bill to pay taxes and like it's not just Mr. Sayama you're going to have a couple more people or several maybe even hundreds will come in and say, well why am I being assessed in tax and I don't recall signing a lease and so that's when we come in and try to fix the problem.

Chairman J. Reyes, Jr.: Okay, thank you, Ms. Eileen. An questions?

Land Agent II G. Eay: Also, if I may add since I've been in here when I first started five years ago. I questioned that you know where as the director signed a lease and a applicant didn't sign the lease and their answer to the past administrator and administration was that it's a good lease it didn't matter it was signed by the Administrative Director it's a good lease but I always questioned that because I always say, there's five steps to consummate a lease and there was an offer but there was no acceptance and because there was no acceptance it wasn't signed by the applicant to me I always said that wasn't a good lease but my past supervisor and administrator said it was a good lease.

Commissioner A. Bordallo: Mr. Eay, Mr. Sayama never occupied the property?

Land Agent II G. Eay: No, never occupied the property.

Commissioner A. Bordallo: *inaudible*

Land Agent II G. Eay: Go ahead Lydia.

Land Agent I L. Taleu: Okay, this is Land Agent Lydia Taleu I was one of the land agents that was speaking with the Sayama's regarding this case. The reason why the Sayamas paid the property taxes was when they were under the impression that it was good lease they wanted to transfer the lease and because it had been more than seven years; 7.5 will allow the lease to be transferred. However, before it can be transferred land lease fees need to be cleared as well as property taxes which is why they began the process of transferring the lease which is they pay their property taxes and the land the lease fees. That is why they are paying property taxes on a lease that wasn't good simply because that's what they were instructed by a land agent from this agency. It took Land Agent Jessica Dayday to go through the file and discover that it was not a good lease. Therefore, that's what got the ball rolling as far as getting everything settled for the Sayamas.

Chairman J. Reyes, Jr.: Understood. Thank you guys for clearing that up. I know we went through this obviously we made the decision back in March but now that we're having to talk about the tax again I think it just clears everything up and it helps to also provide us the guidance going forward, right Ms. Eileen and team? You know this is how you can manage these processes. Now, my suggestion is to just kind of talk through this a little more with the Commissioners is I would say we table this until Mr. Eay is able to get a signed document regarding that the *inaudible* back ground conversation with Eileen Chargualaf and Glenn Eay

Chairman J. Reyes, Jr.: You know cancel his application and then action the remaining balance of the taxes.

Land Agent II G. Eay: Okay.

Chairman J. Reyes, Jr.: So Mr. Eay, any questions on that?

Land Agent II G. Eay: No questions.

Chairman J. Reyes, Jr.: Okay, alright, thank you. Ms. Eileen?

Land Agent II E. Chargualaf: That was the last of the presentation, sir – Mr. Chair.

Chairman J. Reyes, Jr.: Thank you so much. Okay, Commissioners we are at 2:56 p.m. let's go ahead and take a quick ten minute break and then we'll come into our New Business of the Commercial Determination of Need. Okay, 2:56 p.m. or 2:57 p.m. let's be back at 3:07 p.m. thank you.

Break: 2:57 p.m. – 3:07 p.m.

Commercial, Determination of Need

Chairman J. Reyes, Jr.: Hello everybody, we are back the time is 3:12 p.m. Next up on our agenda is the Commercial Determination of Need, I believe Mr. Cruz, Joey; will be leading us in that.

Land Agent I T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Okay sir. You're up.

Program Coordinator III Joey Cruz: Good afternoon.

Chairman J. Reyes, Jr.: Joey, give me one second, Ms. Eileen, can you hear me? We just wanted to clarify Ms. Eileen that in our packet we had a constituent staff report for Jake Tudela, is that part of the list for today or will we be tabling that? I just wanted to clarify since it was in the packet.

Land Agent II E. Chargualaf: I'm sorry, Mr. Chair can you state that again?

Chairman J. Reyes, Jr.: Yes, Ma'am. So in our packet we have constituent staff report for Jake Tudela, is that on the list for today or is that to be tabled?

Land Agent II E. Chargualaf: No, I'm sorry, I forgot to inform you all that's not going to be presented today.

Chairman J. Reyes, Jr.: Okay so we'll go ahead and table that. Thank you, Ms. Eileen. Thank you, Commissioner Santos. Okay, Mr. Cruz.

Program Coordinator III Joey Cruz: Good afternoon, my name is Joey Cruz, Program Coordinator III with the Commission. *inaudible* Determination of Needs for Exceptional Term Contracts that's presented to the Board today it's to comply with the conditions set forth on Public Law 32-40 and later amended by Public Law 34-99. The public laws that were mentioned places a five year cap on commercial leases. On May 2021, the Board designated four properties for commercial use. It is our intention to offer an initial lease term of fifty years with an option to renew – to extend for an additional forty-nine years. In order to do so, we ask that the Board approve all *inaudible* Determination of Need for Exceptional Term Contracts. The Determination of Need has been reviewed by our Legal Counsel.

Chairman J. Reyes, Jr.: Okay, thank you, sir. For this termination of need, it's for the properties that we're having public hearings on, correct? And then this will all be part of the packet that we send over, post all of our activities here at the Commission?

Program Coordinator III J. Cruz: It will be packaged each lot that is designated will have their individual packet and it will all incorporate everything that we're doing from the Board approval all the way up until the Board declares through resolution and then forward it to the legislature for their sixty day review.

Chairman J. Reyes, Jr.: Alright, thank you. And just one more clarification, it's the for the term of fifty years with one of more options to extend the term to additional forty-nine years?

Program Coordinator III J. Cruz: *inaudible* to extend for forty-nine years.

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

Commissioner A. Bordallo: Just let us know when the hearings are?

Program Coordinator III J. Cruz: Yes, we have one this Saturday in Yigo and every other Saturday until July 3rd but we'll send you guys the update.

Chairman J. Reyes, Jr.: So Joey, just to confirm the action from the Commission today is to make a motion to approve these Determination of Need?

Program Coordinator III J. Cruz: Yes, sir so we can proceed with the publication.

Chairman J. Reyes, Jr.: Okay and then, sorry, last one sir. Could we and *inaudible* to Attorney Toft too, is it one... can we do one motion for all four or *inaudible* individuals?

Legal Counsel N. Toft: Yeah, we can do one motion. As long as the Commissioners don't have individual objections to any of the individual parcels that *inaudible*

Chairman J. Reyes, Jr.: And I'll just kind of ask the *inaudible*

Legal Counsel N. Toft: Right.

Chairman J. Reyes, Jr.: Alright thank you. Commissioners, if there's no questions on these four *inaudible* action then do so please.

Commissioner A. Bordallo: I would like to make a motion to proceed with public hearings to Determine of Need for Commercial Leases long term leases on Lot 10125-R12-1, Municipality of Dededo; Lot 7117-4-1, Municipality of Yigo; Lot 17-1-1, Block F, Tract 9, Municipality of Barrigada; Lot 354-7 and Lot 354-R6-R/W right of way Municipality of Inarajan.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Joey, did you have a....

Program Coordinator III J. Cruz: Sir, maybe if possible the motion could be amended to approve the Determination of Needs for the lots stated by Commissioner Bordallo? Because the initial motion was to I forgot what she had mentioned but just so that there's clarity.

Chairman J. Reyes, Jr.: Okay. So just to amend the motions for the Commercial Determination of Need.

Program Coordinator III J. Cruz: To approve the...

Chairman J. Reyes, Jr.: To approve the...

Commissioner A. Bordallo: Okay. I make a motion to approve the Commercial Determination of Need for the Exceptional Contracts on Lot 10125-R12-1, Municipality of Dededo; Lot 7117-4-1, Municipality of Yigo; Lot 17-1-1, Block F, Tract 9, Municipality of Barrigada, Lot 354-7 and Lot 354-R6-R/W, Municipality of Inarajan.

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

Commissioner A. Santos: I second the motion.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. Any objections? I'm going to run down each lot number. Any objection on the Determination of Need for Lot 10125-R12-1, Municipality of Dededo?

Commissioners: None

Chairman J. Reyes, Jr.: To objections, motion passes. Any objection on Determination of Need for Lot 7117-4-1, Municipality of Yigo?

Commissioners: None

Chairman J. Reyes, Jr.: Okay, no objections, motion passes. Any objections for Determination of Need for Lot 17-1-1, Block F, Tract 9, Municipality of Barrigada?

Commissioners: None

Chairman J. Reyes, Jr.: Okay, no objections, motion passes. And the last one, Determination of Need for Lot 354-7 and Lot 354-R6-R/W, Municipality of Inarajan?

Commissioners: None.

Chairman J. Reyes, Jr.: Thank you, motion passes. Thank you, Mr. Cruz.

Inadahen I Lina'la Kotturan CHamoru, Inc. Request for CLTC to be Co-Applicant; DOI Energy Grant Application.

Chairman J. Reyes, Jr.: Okay, up next, is the Inadahen I Lina'la I Kotturan CHamoru, Inc. request for CHamoru Land Trust to be a co-applicant for the Department of Interior Energy Grant Application and I believe we have some representatives of Inadahen. Okay, thank you very much. We have the presence of Ms. Monica Guzman and Mr. Rafael Unpingco. For the record could you please just state your name in the microphone.

Monica Guzman: Hafa Adai, I'm Monica Guzman, I'm the Board Member of Inadahen I Lina'la I Kotturan CHamoru.

Raphael Unpingco: Hafa Adai, I'm Rafael Unpingco, President of Inadahen I Lina'la Kotturan CHamoru.

Chairman J. Reyes: Thank you very much for your presence today, and I will give you guys the opportunity to discuss the grant application and see what we can *inaudible*

Monica Guzman: Thank you, Mr. Chairman. Hafa Adai members of the Commission, Acting Director Ms. Camacho and Attorney Toft. Thank you for the opportunity for us to be here today. As you know Inadahen I Lina'la Kotturan has been at the property and at Sagan Kotturan CHamoru and at the beginning of the of when we first got up to the property, there was no utilities, no power that was there was no power up there and our group had done their due diligence to try and see if we could get GPA to hookup power. It was actually... it would have cost way too much for us to even attempt to try to hook on to the grid so what we found in the last few months is an opportunity to apply for a Department of Interior Energy Grant where we can install through this grant, solar power. In researching the grant, we found out that one of the things that Department of Interior will look at is the ownership of the site which we at this point have only have a right to enter. So the way to... being creative we thought that if the CHamoru Land Trust was a co-applicant with Inadahen I Lina'la I Kottura in applying for this Energy Grant then we may be able to secure funding to install solar system up the site. This will provide opportunities for our organization to grow, it will provide opportunities for us to conduct business after the sun goes down and it will be a win win opportunity for Inadahen I Lina'la Kottura and the CHamoru Land Trust Commission because we will be partners in this effort. It will also serve as a pilot case study as the Government moves forward in trying to in installing the Enaftan Memorial which is right next door to where Sagan Kotturan CHamoru is. The grant is due on June 30th, we are in a process, we've collected most of the information that's required and one of the things that we know would make our application even stronger is the support of the CHamoru Land Trust Commission as a Co-applicant. Do you want to add something, Raf?

Raphael Unpingco: Yes, we've been in operation in *inaudible* we've had a right of entry since we had a license in '06 and since then we've been putting a lot of effort into the center, we've evolved to the point where we're an umbrella organization we work *inaudible* local non-profit organizations such as *inaudible* house foundation, Guahan Sustainable Culture and up and coming *Inaudible* Mariana's Sling Organization. In fact, we've been planning an event on the 21st of July and why *inaudible* come on up it's going to be Gopte I Erensiata which means celebrating our heritage. I understand that there's not going to be a parade that day so we kind of want to *inaudible* I know according to the current guidelines with the CDC and everything we're following all of that but we're making our mark in the community and everybody is paying a lot more attention to us.

Monica Guzman: If I may add to that also the programming that has been occurring under Inadahen Lina'la Kottura has really increased and there's more interest in organizations to come and utilize the space and like Raf said earlier we do ensure that we meet all the Public Health guidelines especially that's instituted by the Governor, you know social distancing and the number of people gathering and stuff like that. But what we want to do is perhaps in a partnership with the CHamoru Land Trust submit this grant application. The goal what we've been doing is collecting the numbers right now on what it would cost to install a solar energy system and it's right in line with the Governments Strategic Energy Plan which was developed in 2013 and so we know that we have a good chance of being able to meet the deadline and we have a good chance with being successful. We won't know until we try, we have done... since coming on board to Inadahen, we've made applications – grant applications and we've been successful in couple of those grant applications and we're just you know looking at other opportunities that are out there so that we can become a stronger organization and provide to the people of Guam a venue where they can come and experience our culture, provide a venue so that other cultural practitioners and artists can gather up at Sagan Kotturan CHamoru because we really feel that the last year during the pandemic it really showed and demonstrated to us that our culture the people of Guam are really hungry for CHamoru culture and that's something that we are able to offer at Sagan Kotturan CHamoru. Raf said that we have a group of young slingers and they're so excited to learn that ancient art of slinging and if you have time, Wednesday afternoons there's a group of really young kids that just really are up there and they want to learn and it's done in a very safe environment and on the weekends we have Tony Mantanona and he's up there baking goods in the Hotnu and there's plans to even do some cooking in the Cha'han and so those kinds of activities we know that our people are really hungry for. Applying for this grant, the title of the project is Powered Up, Energizing our Cultural Center what we also wanted to include in that application is to provide individual water meters for all the individual units up there because we're finding that Guahan Sustainable Culture and other groups they really want to do community gardening so that we can teach our people how to be self-sustaining and how to plant their old vegetables and to do the farm to table kind I mean not to steal from another organization but that whole concept. And we're very excited and we

hope that the Commission would at least help up in trying to make ourselves a little bit better. Do you have any questions?

Chairman J. Reyes, Jr.: I yield to the Commissioners first.

Raphael Unpingco: I'd like to add that one of our other Board members is online as well, Amber Benavente. She's also our Intern-Director.

Chairman J. Reyes, Jr.: I see on our Google meet. Thank you.

Commissioner A. Santos: Does she want to add anything.

Chairman J. Reyes, Jr.: Ms. Amber Benavente, would you like to add a few word?

Amber Benevente: Hi Hafa Adai, I'm Amber Benavente Intern Director and one of the Board of Directors. I just want to add a few things Raf and Monica did mention all the activities that are going on up at the center. Our schedule is filling up and like they said with regards to our new organization that join the center Atsa Marianas; they're up there around 5PM and it kind conjoins in with the youth group that we have up there for the summer camp. But with that said, those activities are somewhat limited because Atsa Marianas we have to pull out a generator or use our car batteries to run lighting. So it's we kind of have to cut all our activities short in a ways because of the lack of power so this grant would help you know further the activities into the night and we can extend our hours. So I think that's all I want to say about this grant. I hope the Commission considers it. Si yu'os Ma'ase'

Chairman J. Reyes, Jr.: Thank you, Ms. Benavente. Commissioners?

Commissioner A. Bordallo: I have a question, this is going to be solar power? Are you putting it on top of the building or on the land?

Raphael Unpingco: On top of the buildings.

Monica Guzman: So our plan is to make it independent. So each unit will have its own system and then we also have plans to do pathway lighting because it does get dark up there so on the roadway going in we're going to install some solar powered streetlights.

Chairman J. Reyes, Jr.: Commissioner Santos?

Commissioner A. Santos: Right now, what are you using to power up besides I mean with no power capabilities to have up there?

Raphael Unpingco: Well we get creative. Our buildings are generator ready *inaudible* so that if any of the organizations have their own generator they come up

plug and then they *inaudible* it's pretty much just for lights and also they bring their own *inaudible* lights but besides that we only have some minor solar panel spots lights attached to the building recently obtained by a grant.

Commissioner A. Santos: How long have you guys up at the property?

Raphael Unpingco: Since 2006

Commissioner A. Santos: And what were you faced when you got on to the property?

Raphael Unpingco: What we were faced with was a lot of jungle and a lot of sweat equity that we put into it all the way up until we had a soft opening in 2014 but the time between then it really was a lot of work put into it that the place was *inaudible* abandon cars you could be standing three feet in front of the building and not see it because there's so much cadena and sword grass is 18ft. tall. It was extreme up there, we manage to condition the property down into a beautiful park. We have six – seven different types of plumerias up there all donated by the community. It's so beautiful up there it's nice little hidden treasure up the hill.

Commissioner A. Santos: Thank you for *inaudible* I guess why I'm asking that is because I want it on the record to state that since you the organization has been on the property who has been the one to fork out like you said, sweat equity; has it been just you guys? Have you guys been obtaining any grants to improve the property?

Raphael Unpingco: We've tried. We've worked with some local business in fact our latte stone entrance was a product of our partnership with GTA. One of buildings is renovated by Chugach and Home Depot so over the years we've worked with a lot of local business and communities especially the general members of the community. And especially the artist, we try to reach out to the local artist and become a resource for them.

Monica Guzman: If I may add to the site was actually the venue for the traditional art story Festpac and there was hundreds of people that came up to Sagan Kottura during FestPac and they would have stayed late into the night and if we had power there but a lot of visitors especially the delegates from the other countries they were just amazed on how beautiful the spot was and how our cultural practitioners were up there were so eager to share our culture with their culture and it was just such a beautiful gathering of all of the cultures of the Pacific during FestPac and I was part of the planning for FestPac on Guam and it was just one of the most beautiful sites to see when you see 27 Island Countries sharing their culture with our own people. I would also like to add the questions about if we had other partnerships, having been in the cultural community for many many years on Guam, business they want to help and they want to assist and they want to partner with us but our culture is a hard.... It's not a money making venture, it's not like sports where you could sell sponsorship of athletes and gains and all of that stuff, this is the heart of our people it's the heart of

our island and we're very fortunate that we did have those companies to come up and support us and we continue to look for those companies to support us and what we're doing as an organization is we're looking for those grants and a little bit of thinking and conceptualizing and figuring out how it is if we can use these grants to further our mission and further our purpose. And being creative with this energy grant and this is funded by the Department of Interior, we know that if we made an application then one of the first things they're going to look at which is what we've experience in previous grants applications is what is your authority to be on the property. And so this was a creative way to say, why can't we partner with the Commission, you guys are the land owners and we are the tenants and let's partner and it'll be win win for both of us. And so what we want to do, it's an energy grant and it's focused on the reduction of the use of fossil fuels and that's why we went with the whole solar power. There may be an opportunity down the line to do wind turbines because that area up there I mean there's always a breeze but for the moment just to fulfill our needs today we thought that going with solar would be the easiest.

Chairman J. Reyes, Jr.: So I'm going to... any questions, Commissioners?

Commissioner A. Bordallo: Yeah, I just have one. You know once you get your power on are you folks covered under general liability? Are you covered by insurance?

Raphael Unpingco: Yes, we do have insurance for the grounds.

Commissioner A. Bordallo: In case someone gets hurt.

Monica Guzman and **Raphael Unpingco:** Oh, yes. Yes.

Commissioner A. Bordallo: We want to be protected too.

Monica Guzman: No we do and that's one of your requirements is to have a general liability insurance and we do have that and I think it was renewed I think in March.

Commissioner A. Bordallo: That's my concern.

Monica Guzman: And that's critical, thank you for asking that.

Chairman J. Reyes, Jr.: Actually, I have a slew of questions, I think my first question is going to be for Attorney Toft on can the Commission even engage and partner with Inadahen I Kotturan on this venture??

Legal Counsel N. Toft: Yes, we can.

Chairman J. Reyes, Jr.: Can okay. Now, that we got the yes from our attorney, I have a list of questions just regarding the grant in addition to Saina Bordallo's question on insurance, since, we're a co-applicant; where does the line get drawn on things like,

who's responsible for maintenance? Who is going to be responsible for additional improvements that are needed for the solar system? Since we're going to have *inaudible* system with the battery backups that's going to require maintenance so where will those monies come from for those maintenance again; since we're part of the grant if it gets approved? Other questions, is the other different provisions of the grant if it is held to the Trust and isn't this all shared because it's a co-applicant? So things like that, do we have those specifics considered today?

Monica Guzman: Thank you for asking that because we did include and Raf and I were just talking about it before we walked in this morning and we did include funding for maintenance because in the initial conversations we had with various solar energy provides they did inform us that there may need to be some maintenance on the grounds just to ensure that the access to the sun is there and so we included maintenance for that we also included because it's a very costly piece of equipment, we also included solar security cameras as part of the grant application because we wanted to make sure that we can keep an eye on it.

Chairman J. Reyes, Jr.: Okay and with the grant, you will purchase the entire system versus how traditionally someone would if they're connected to the grid they will sell back into all those programs but this one will be self-sustaining.

Monica Guzman: It'll be self-sustaining we're not connecting to the grid.

Chairman J. Reyes, Jr.: Self-sustaining, purchased etc.... right? Since we're completely off the grid and the battery system I think that's the biggest thing we make sure we account for that maintenance, depending on which version or which technology we use today, it's sometimes those batteries are only going to last five years and it has to be switched out or some of those cells, I'm not too familiar with that but I know it won't last forever in that sense, right.

Monica Guzman: Well Mr. Chairman, we're hoping that whatever the length the life span of the panels will be by that time Inadahen will have grown and we'll be able to support ourselves and by that time we should have been able to apply for bigger and better grants and it's just all part of our growth process.

Chairman J. Reyes, Jr.: And we're on Guam so there's going to be some storms and typhoon; what would be the insurance that we will have to get for them; is that already part of the funding?

Monica Guzman: In the discussions that we had we want to make sure that whatever is being installed up there will be able to withstand typhoon great winds and because we're so close to the ocean, the whole salt kind of thing is also a consideration.

Commissioner A. Santos: I just wanted to ask to them, the structures; are they up to power with the capability of holding those, right, holding the solar panels?

Raphael Unpingco: That's also in consideration with maintenance.

Monica Guzman: Part of the grant also is we allocated some funding in the grant so that we can get a structural engineer and an electrical engineer to come in and actually do a study to ensure that when we do put anything on the roof that it'll be able to handle it. But so far, we've been told that it's fine but we just want to make sure.

Chairman J. Reyes, Jr.: Yeah, because the last thing we want is to start installing it and the concrete comes *inaudible* for example.

Monica Guzman: Yes, we realize that they are very old buildings but that's part of the grant.

Chairman J. Reyes, Jr.: So the last question I had from a risk perspective and responsibility is to work... I mean the Commission is putting their name on this as well and where does those responsibilities begin and I guess from that perspective...

Monica Guzman: Well Inadahen will be the main applicant so if we're successful with this gran then the funding will come through Inadahen and then you as the co-applicant and the owner of the property will be stated in the grant as the co-owner of the property of the owner of the property.

Chairman J. Reyes, Jr.: I think that's all the questions I had. Attorney Toft, do you have any...

Legal Counsel N. Toft: No, I have none.

Chairman J. Reyes, Jr.: Commissioner?

Commissioner A. Santos: How do you see this, Attorney Toft?

Legal Counsel N. Toft: I mean you've seen it in... there's other agencies that have similar issues where they asked be basically cosigners on a grant because of ownership issues especially dealing with the federal agencies, so this is not an unusual request.

Chairman J. Reyes, Jr.: No, I think it's a huge opportunity for Inadahen Kottura especially for Sagan Kottura, to expand for folks to be able to enjoy *inaudible*
So thinking outside the box like this is exactly the things that we need to be doing. Again, thank you for taking the opportunity to do that and as a Commission it's great to see that we're expanding some of our resources and capitalizing some of the grants where *inaudible*. Commissioners, that's all the questions I had sorry I don't mean to side track.

Commissioner A. Bordallo: This is not related to what you're asking right now, but are you folks thinking of doing Micronesia cultural center?

Raphael Unpingco: Thank you for asking that question, we get asked that periodically. Micronesia Cultural Center is very important, we are focused in dividing that which is CHamoru. Until we can get everybody on the same sheet of music I think that will be more beneficial instead of getting lost in the sea of cultures which is important that we promote everybody's culture but we need to understand who we are too. That's been the longest statement – decades now that I've seen from many many CHamoru's or heard from CHamoru's from here and abroad. And they just need to know who they are and having a cultural center on Guam just like if not more than what they've got in the states because they have one in California and I can't wait to visit myself but we need to have one here to help define ourselves. Micronesia Cultural Center would be a great idea.... a great idea and we would totally support that as CHamoru Cultural Center.

Chairman J. Reyes, Jr.: Alright Commissioners no additional questions?

Commissioner A. Bordallo: No, I'm in favor of helping them

Chairman J. Reyes, Jr.: So I would ask you to take action

Commissioner A. Santos: I just want state that it's not... it is being leased but we will still have that availability of those solar power energy on the property, right? So that's beneficial for us more than anything else?

Raphael Unpingco: Yeah

Commission A. Santos: I'm in favor of that. So, what motion do we need to make?

Chairman J. Reyes, Jr.: So we just need the motion to be the approval of the CHamoru Land Trust Commission to be the co-applicants for the DOI Energy Grant Application.

Commissioner A. Santos: I'd like to make a motion to make the CHamoru Land Trust Commission or approve the CHamoru Land Trust Commission to be co-applicants with Inadahen I Lina'la I Kotturan CHamoru, Inc. for the DOI Energy Grant Application.

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

Commissioner A. Bordallo: I second

Chairman J. Reyes, Jr.: Any objections? Okay, no objections, the motion passes for the CHamoru Land Trust Commission to be a co-applicant for the Department of Interiors Energy Grant Application with Inadahen I Lina'la I Kottoran CHamoru, Inc.

Raphael Unpingco: Si yu'os ma'ase'

Monica Guzman: So Mr. Chairman, I guess a letter saying that the Board has approved to be a co-applicant, I think we're going to require some kind of documentation whether it's in a form of a letter or resolution to attach to our application.

Chairman J. Reyes, Jr.: Yes, and you can definitely work with Angie on that and Ms. Tina.

Monica Guzman: On behalf of all of the families and cultural practitioners and artist and all of our young slingers that use the property every Wednesday, we want to thank you and the CHamoru Land Trust Commission for partnering with us with this application and si yu'os ma'ase'.

Chairman J. Reyes, Jr.: Hagu mas and good luck we hope we can be *inaudible* thank you.

Monica Guzman: If I may also Mr. Chairman and members we would still like to pursue the other issue we have before us and what we have done is we have the services of an attorney so at some point we'd like to talk about how we can move forward in securing a permanent arrangement with Inadahen and the CHamoru Land Trust.

Chairman J. Reyes, Jr.: Yes and definitely connect with Joey, Teresa or Ms. Angie and we can begin that process.

Amber Benevente: Also, can I say something?

Chairman J. Reyes, Jr.: Yes

Amber Benevente: A couple weeks back we submitted a letter via email and it was received by your admin; requesting the renewal for a right of entry because right now we have only received a letter during Hattig's administration there in support of one of our other grants and our last right of entry expired in 2019. So we're just kind of ridding on a letter right now and we would like to request to renew our right of entry so that we are secure in the space up there.

Chairman J. Reyes, Jr.: Attorney Toft?

Legal Counsel N. Toft: Yeah, we can do that by motion today and then just have the director *inaudible* sign.

Amber Benevente: Okay, thank you.

Chairman J. Reyes, Jr.: And so I don't have all the information, Ms. Benavente you said it expired in 2019?

Amber Benevente: Yes, it expired January 2019, we submitted a letter requesting Director Hattig from him to renew the right of entry at that point you guys did not have a Board in place so he went ahead and gave us a letter because we were also submitting for smaller grants so I think we still just have that letter in place and we don't really have an official right of entry.

Chairman J. Reyes, Jr.: Okay, so let's do this; let me have Angie to kind of take the lead on that to find all the missing pieces and then once we get all that together we can take action on that in our July meeting.

Monica Guzman: Thank you

Chairman J. Reyes, Jr.: Just so that I don't want to miss a step on that.

Amber Benevente: Thank you.

Chairman J. Reyes, Jr.: Thank you.

Monica Guzman: Thank you so much.

Chairman J. Reyes, Jr.: Okay, we have a few more items. But we do have Commissioner Bordallo that needs to leave by 4pm or a little after, okay? So I think I definitely want to address the Joint Region Marianas, Attorney Toft, we need to address that and then the next item, Commissioner Bordallo is the approval of the Modifications of the CLTC Rules & Regulations. So if you can give us another twenty minutes we can get through those and then everything else I believe we could either table or it's just going to be a discussion. And Attorney Toft, we can just have discussion, right if Commissioner has to leave?

Legal Counsel N. Toft: Yes.

Commissioner A. Bordallo: You don't want to do a continuation?

Chairman J. Reyes, Jr.: But it won't....

Legal Counsel N. Toft: For the Rules & Regs., we should definitely push forward today just because we are on a tight timeline with the Settlement Agreement with the Department of Justice.

Chairman J. Reyes, Jr.: So we can do those two items, Commissioner and then you can be excused. Okay, Attorney Toft, are you going to lead our discussion on that...

Joint Region Marianas; MOA between JRM and CLTC of Lot 11-1, Block D, Tract 9

Legal Counsel N. Toft: Sure, I can do that for the.. are we going to start with the modification for Rules & Regs., or with JRM

Chairman J. Reyes, Jr.: Let's start with JRM

Legal Counsel N. Toft: Okay, so the JRM agreement is just a memorandum of agreement between basically the Gov. Guam and the Feds and it went *inaudible* it went directly to the Governor's staff but it's basically an agreement for usage of antenna sites. So, it's a cooperative agreement between the Local Government and the Federal Government to allow uses of each other's antenna sites where you can share antennas and have a transmitters on one or the other to increase coverage for both areas. So this was submitted and sent over to the Governor's Office and went straight to the Attorney General. It kind of bypassed us despite that having some sites on our land, I did discuss that with the Governor's Counsel but apparently this also happened with other agencies as well that the time – the short amount of time that was kind of given to get this through. I believe the Government of Guam… the site that was ours was ours was I believe the Barrigada site. I don't know the exact lot number here but….

Chairman J. Reyes, Jr.: Yeah. I was looking for either lot numbers right, I was guessing that it would be the Barrigada one.

Legal Counsel N. Toft: But so again, it's not a lease or a license or just *inaudible* not really something that's subject to CLTC's laws and Rules and Regs. And the Governor does have the authority to do that so…

Chairman J. Reyes, Jr.: And these all in existence, correct?

Legal Counsel N. Toft: Yeah and these have been… basically a continuation of a policy that's existed from the *inaudible*

Chairman J. Reyes, Jr.: Okay, so this is a new MOA or is this a… why did this come about and then got brought into *inaudible*

Legal Counsel N. Toft: It came about because the old one is expired. It's more of a notice to our agency than anything else. It's nothing for us to vote on or take action on. Just a notice that's occurring.

Commissioner A. Santos: Fyi

Legal Counsel N. Toft: Yeah.

Chairman J. Reyes, Jr.: And one of it is our property, that's why.

Commissioner A. Bordallo: What's that?

Commissioner A. Santos: FYI – CLTC Fyi

Legal Counsel N. Toft: But we already did the *inaudible*

Chairman J. Reyes, Jr.: And is there anything that we need to sign?

Legal Counsel N. Toft: No it was just a... Governor signed it and the AG signed it and then the Navy signed it.

Commissioner A. Santos: The Barrigada site, is that the one in Radio Barrgada?

Legal Counsel N. Toft: You know I have...

Commissioner A. Bordallo: Maybe it's near Barrigada Heights

Legal Counsel N. Toft: I think it's Barrigada Heights.

Commissioner A. Santos: Inarajan, Malojloj, Barrigada, Orote Point, Malesso and Pigua

Chairman J. Reyes, Jr.: Yeah, it wasn't very descriptive.

Legal Counsel N. Toft: Let me do this, let me track down *inaudible* sites right now so that we have records of what sites that they're using.

Chairman J. Reyes, Jr.: Okay and then we'll just... sorry, this is more for Joey. Will we just be filling this for our records?

Program Coordinator III J. Cruz: For the Barrigada site, I was in communication with Mr. Johnathan from TG Engineers, that's how we found out the lot number which is Lot 11-1, Block D, Tract 9

Chairman J. Reyes, Jr.: Lot 11-1, Block B?

Program Coordinator III J. Cruz: D

Chairman J. Reyes, Jr.: D as in DOG?

Program Coordinator III J. Cruz: Yes. Tract 9

Chairman J. Reyes, Jr.: Tract 9. Okay thank you. Alright, thank you Mr. Toft and Mr. Cruz, anything else on this? Any questions, Commissioners?

Okay, next up on the agenda, Joey, we're going to move things around because Commissioner Bordallo needs to leave so let's move to the Proposed Modification to the CLTC Rules & Regulations.

Old Business
Proposed Modifications to the CLTC Rules & Regulations

Legal Counsel N. Toft: So what I sent out was basically a slightly modified version that included the request for to the spelling issues on CHamoru so these are all the... what I presented last meeting all still stands as far as the alterations that were made just with the included... there are some spelling grammar corrections that I made but also the important thing is changing in the spelling on CHamoru to the capital CH. *inaudible* Other than that they are the same changes that were presented at last month's Board meeting it's there for a review and whether or not to push forward with a public hearing and to *inaudible* those are the next steps on this process.

Chairman J. Reyes, Jr.: I believe Director Camacho has some either questions or changes and then...

Acting Administrative Director Angela Camacho: So, may I show you what our latest version is and then I'll pass out the latest version to our Commissioners?

Legal Counsel N. Toft: Okay. So once again, the changes that were made were based on the settlement with the Federal Government and in accordance with the Legislature Bill 419-35; so all of these were taken directly from that as far as the proposed modifications and that have been sanctioned by the legislature.

Acting Administrative Director Angela Camacho: I'm going to request for the Commission to accept the proposed changes subject typos and minor changes to the document.

Chairman J. Reyes, Jr.: Do we need to do that here?

Legal Counsel N. Toft: We don't need to do that here, that'll be just like the minutes.

Acting Administrative Director Angela Camacho: Or Attorney Toft on the corrections *inaudible*

Legal Counsel N. Toft: And what I can do also is work with the.... I've been trying to get a hold of the Compiler of Laws to see if potentially if there's.... because the old rules the 23-38 never were codified under the Guam Law so there's questioning on as to how the numbering should be done in that so that maybe something also subject to change in numbering also.

Chairman J. Reyes, Jr.: Alright and so the action for the Commissioners today is to accept these amendments to the Rules and Regs. And then to proceed to the next step which is public hearing on these amendments?

Legal Counsel N. Toft: Yes

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

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: I think it's definitely in order for us to move forward again this would be *inaudible* to the settlement agreement and you know we just have to continue to progress to ensure that the DOJ sees that we're close to wrapping this up and more progress is being made. And Attorney Toft, to confirm, this is the last piece to be completed?

Legal Counsel N. Toft: Yes.

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: So you want to go

Commissioner A. Santos: *inaudible*

Commissioner A. Bordallo: Take care of this.

Chairman J. Reyes, Jr.: Alright so two pieces here is to the accept the amendments to the Rules and Regs. and then second one would be to proceed with the Public Hearing.

Commissioner A. Santos: I'd like to make a motion to accept the amendments to the Rules and Regulations for the CHamoru Land Trust Commission is it upon or subject to typos and grammatical corrections?

Legal Counsel N. Toft: Yes.

Commissioner A. Santos: Okay. Subject to grammatical corrections.

Commissioner A. Bordallo: So moved. I second.

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

Commissioners: None

Chairman J. Reyes, Jr.: Okay, motion passes to accept the amendments to the Rules and Regs. Commercial Rules and Regs., correct?

Legal Counsel N. Toft: No just the Rules and Regs.

Chairman J. Reyes, Jr.: Just the Rules and Regs of the CHamoru Land Trust Commission subject to any corrections – grammatical correction.
Ms. Tina, does that *inaudible*

Land Agent I T. Tainatongo: Yes.

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

Commissioner A. Santos: And I'd like to make a motion to proceed with the public hearings for the amendments of the Rules and Regs. of the Land Trust Commission.

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

Commissioner A. Bordallo: Second

Chairman J. Reyes, Jr.: Alright, thank you Commissioner Bordallo. Motion passes to begin the process or proceed with the public hearings regarding the amendments to the Rules and Regs. of the CHamoru Land Trust Commission. Thank you, Commissioners. Alright, let me just look to Mr. Cruz. We have a few more items on our agenda but Commissioner Bordallo needs to leave so I'm going to *inaudible* that we table the Affordable Housing line item here. We can address that in our next meeting and then the updates I believe these updates with Commercial Licenses and then… could you get Mr. Cruz and see if he can join us please.

Land Agent I T. Tainatongo: Yes, he's coming now.

Commissioner A. Bordallo: We don't have any documents on the *inaudible*

Chairman J. Reyes, Jr.: No, no, it wasn't included in the packet, I think it was more of an update for us. We can table that.

Commissioner A. Bordallo: Is Johnny Cool and Guam Racing here?

Chairman J. Reyes, Jr.: Yeah, they're not here but I believe those are just updates as well. I just need to clarify one more thing with Mr. Cruz. Mr. Cruz, any actions on the FY2020 that we need to do before Commissioner Bordallo needs to leave?

Program Coordinator III J. Cruz: Yes, sir.

Chairman J. Reyes, Jr.: Or can we table it?

Program Coordinator III J. Cruz: If we can just address the Johnny Cool? Guam Racing is just an update.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: So for Johnny Cool we received his appraisal reports but unfortunately both appraisal reports have different area sizes so we went back to the transfer document that also has a different area size and then we went through the reference map, that also has a different area size so we're requesting that the Board approve a Survey Authorizations for Mr. Johnny Cool just so that we can know the actual area size that's going to be utilized and can be referenced in the lease.

Chairman J. Reyes, Jr.: Okay and this will be on Mr. Torres's- he'll be paying for it?

Program Coordinator III J. Cruz: Yes, sir.

Chairman J. Reyes, Jr.: And has he... have you had the conversation with *inaudible*

Program Coordinator III J. Cruz: Yes, sir. Yes, sir. He was informed already.

Commissioner A. Santos: Do we have a specific lot or....?

Program Coordinator III J. Cruz: It's the lot in the Harmon behind the laundry area in Harmon where the McDonalds' is. He currently or he had a lease, a commercial license, that license had expired, the Board had already approved for the extension for the same term now we're just doing data gathering so we can determine what his annual rate is going to be and present it to the Board but because we...all the different documents that we referred to all have a different area size, we are requesting that a survey authorization be granted so that we know the actual area that he's going to utilize. This will prevent us from under charging or over charging Mr. Johnny Cool.

Chairman J. Reyes, Jr.: And the fact that Mr. Torres will pay for it then we'll be able to...

Program Coordinator III J. Cruz: That's the subject area.

Commissioner A. Santos: The one that's lined down – outlined?

Program Coordinator III J. Cruz: Yes.

Chairman J. Reyes, Jr.: And then just for the motion granted we do move on it. What is the lot, do we have at least a lot number just to clarify?

Commissioner A. Santos: That's what I was asking... do you have lot number?

Program Coordinator III J. Cruz: Lot 5149-6

Engineering Tech II M. Javier: dash six

Program Coordinator III J. Cruz: dash six

Commissioner A. Bordallo: What village? Dededo?

Program Coordinator III J. Cruz: Harmon

Commissioner A. Santos: 5149-6

Engineering Tech II M. Javier: That's Dededo. 905 Dededo

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay. So if we want to act on that it's to get the survey completed or it's a survey authorization?

Commissioner A. Santos: *inaudible* the motion to author or to grant Mr. Johnny Cool a survey authorization for Lot 5149-6 in the Municipality of Dededo

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

Commissioner A. Bordallo: That's for Johnny Torres of Johnny Cool, I second.

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

Commissioners: None

Chairman J. Reyes, Jr.: Okay, motion passes for a Survey Authorization for Lot No 5149-6 in the Municipality of Dededo for Mr. John Torres. Thank you.
So let's... before Commissioner Bordallo needs to leave, do we need anything else?

Program Coordinator III J. Cruz: No, that's it.

Chairman J. Reyes, Jr.: We can deal with everything else in that piece but I do want to get through the Agency Report and the Commissioner Comments. Okay, so let's take a quick ten minute break so Saina Bordallo can leave and then we'll be back.

Break

Chairman J. Reyes, Jr.: Thank you everybody for your patience, we're back 4:24 p.m. and Mr. Cruz you could begin on the next item that we're going to discuss was the Guam Racing as an update.

Guam Racing Federation

Program Coordinator III J. Cruz: The Guam Racing Federation submitted some documents that we had requested, we just sent an email yesterday because we are lacking the initial topographic survey that's needed to ascertain the amount of material that has been taken out versus the amount of money that was paid to us. Mr. Pierce from our Survey Division is here to comment on that.

Engineering Tech II P. Castro: So we've been asking Mr. Simpson and the gentlemen from Smith Bridge, he sent us a bunch of files and to be honest with you we weren't able to open any of those files. We were able to get one map – one topple map that was *inaudible* July of 2020 and I know that was from last year. We spoke to I forgot his name but
Program Coordinator III J. Cruz: I think Ross.

Engineering Tech II P. Castro: Yeah, I believe his name is Ross, yeah, he said, that they're trying to procure a final survey topple map and I would assume that would bring us up to date as to how far down or how much more material has been removed. I went through some of their files and trying to get the topple the map before they started the tracking but we we're able to find one so that's when Joey had to request from Mr. Simpson if they in fact had one.

Chairman J. Reyes, Jr.: And this is just to confirm just to ensure that the area that has been identified for those clearing and grading is still within the codifying space.

Program Coordinator III J. Cruz: In addition to ascertaining the amount of material *inaudible* what was paid.

Chairman J. Reyes, Jr.: Okay, thanks for the update, Joey. Let's please just keep with close contact with Mr. Simpson just you know follow up and if he's not being responsive so that we can continue to move forward. There's other open items but let's square some of these away.
Alright, thank you for that update and we'll move on now to the next item on the agenda is the Financial Report which I believe we don't have an update, correct?

Program Coordinator III J. Cruz: Correct, sir.

Chairman J. Reyes, Jr.: Okay. Alright, so we'll go ahead move to the next item in the Agency Report. And I'll turn that over to you Ms. Camacho.

Agency Report

Program Coordinator III J. Cruz: One of the items that were mentions that the Board wanted to discuss was the 2019 Priorities. We have a Director's Report dated April 29, 2021; and we also have the minutes from the CLTC Special Meeting dated January 29, 2019, which was where the priorities for 2019 were mentioned by then Chairwoman Fejeran. So, number one on the priorities is to reestablish the CHamoru Land Trust Commission as a separate agency from the Department of Land Management. The second priority is to improve the transparency of the Trust. The third priority is register and survey all lands for the CHamoru Land Trust inventory and determine best use. Number four, work with the legislature to come up with a Bill to ratify the 102 Null and Void Leases and to amend Public Law 23-38 and the CHamoru Land Trust Act, once those amendments are made, we'll need you to map, document and train CLTC Staff and our beneficiaries on the processes, requirements and policies for agricultural and residential leasing. Number five, re-establish the integrity of the residential and agricultural waiting list and the sixth and final priority was prepare for future lease to include a preparation of a baseline report with the property inventory which would be the CLTC supply versus the CLTC lessee and applicant demand to determine the long term value needs, future leasing would require that CLTC *inaudible*
Based on the Director's Report dated April 29, 2021; number one priority regarding the Executive Order, Mr. Hattig had deemed that accomplished.

Chairman J. Reyes, Jr.: And so I'm sorry just for again this is more for discussion so that we can itemize these. So the then Director Hattig deemed this as complete so I mean in essence, it's complete, right?

Program Coordinator III J. Cruz: yes.

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: Number two, improve the transparency of the Trust, he also deemed that accomplished. The registering and surveying all lands for CHamoru Land Trust inventory and determine best use, ongoing. Number four, work with the legislature to come up with a Bill to ratify the 102 Null and Void Leases and to amend Public Law 23-38, ongoing. Reestablish the integrity of the Residential and Agriculture waiting list, completed. And number six, prepare for future leasing to include a preparation of baseline report for the property inventory it's still ongoing.

Chairman J. Reyes, Jr. Okay, and then Joey, there are other items here meaning were they part of the priority list that generate revenue *inaudible* currents revenue stream.

Program Coordinator III J. Cruz: I apologize that's number seven

Chairman J. Reyes, Jr.: And then number eight, reorganize the CLTC staff and the efforts to achieve the priorities mentioned above.

Program Coordinator III J. Cruz: Yes.

Chairman J. Reyes, Jr.: Okay, so those are actually included in that?

Program Coordinator III J. Cruz: Yes. Number seven, is ongoing related to generate revenue. And number eight, reorganizing CLTC staff, completed.

Chairman J. Reyes, Jr.: Alright, I think there's still a number. Commissioner Santos, if you don't mind, I can begin.

Commissioner A. Santos: Alright.

Chairman J. Reyes, Jr.:I think that there's still a few things. I mean the ones that are marked *inaudible* I mean the separation of the agency per say, that's already separated. I think there's still improvement of the transparency of the Trust. We can't necessarily dwell on the past but we can definitely ensure from our Commissions standpoint moving forward that we continue to work on that transparency. I think the registration of land, I think that's a huge opportunity for us to continue to identify tracts, parcels where it can support large residential either affordable housing... options out there so that we can get more residential leases for our Constituents or beneficiaries. So just looking at this in totality I think a lot of the things are still a part of our, this Commissions priority. But what I would like to do is reprioritize from a 1 – 2 – 3 – 4 stand point and Commissioner Bordallo is gone but I think this is fluid. I think this something that we will continue to reassess and revisit as we feel that we started accomplishing things. I think the one thing that seems to be a little bit slower is the cleanup, right? And that's some of the things that I know that I've been wanting to make sure that we focus on these cleanups because these cleanups will only help us to ensure that any of these other issues that come up that's probably going to be the same. We have a path forward, we have a standard to work through and we don't have to guess on, oh this is new, this is different, have we handled this before and that's why documentation is key. And those are some of the things that I think are still very relevant and that's why I wanted to bring this up into discussion, right. Let's just kind of start these discussions off and making sure that, yes, the prior Director may have had his... he may have deemed it complete or deemed it ongoing but I think there's still a lots of opportunity for us to determine whether it's still relevant and then also reprioritize; what's one, what's two, what's three, what's four.... So, just as a starting point I think getting our inventory what's available to be able to register and survey, is going to be important and I think that's one of the most important and also there's still a lot of moving parts to that and understanding exactly identifying what those parcels are. And then layering, the other thing that's going to be important is layering on top. What is the infrastructure that's available there today or lack thereof.

Program Coordinator III J. Cruz: Just to provide you with some information. We sent a letter to GWA and GPA requesting a copy of their shape files related to CHamoru Land

Trust properties, that will allow our survey guys to determine how far the water, the wastewater or power and it'll also provide us the opportunity to have and to determine what will the cost be to actually install *inaudible* install at least the main waterline or the power pole and things of that nature.

Chairman J. Reyes, Jr.: That's going to be very important so do we know what our tract is if we identify it; laying the infrastructure on top of that would even be more beneficial in us identifying these large tracts that could be used for residential leases.

Program Coordinator III J. Cruz: Sir, in addition to...because you mentioned about processes and things of that nature to refer to or for corrective actions for things that were done; I guess, contrary to law; the committee in consultation with Attorney Toft have formulated four different options to address the Null & Voids. To understand the Null & Voids; the Null & Voids derived from the switch and transfer of application date and time which resulted in a lease issuance to the constituent who was the person who was in the latter part of the line who switched with an earlier person. And also the Null & Void also includes the transfer of application rights by a living applicant. So, the committee we went back and we reviewed some of the actions taken and we considered that in when we were developing a corrective action to propose. So if I may, I could read out what we proposed and it was reviewed by Attorney Toft and he had gave his approval.

Chairman J. Reyes, Jr.: Okay

Program Coordinator III J. Cruz: The first proposed action is to grant the Board additional authority to allow for such action meaning there will not be an amendment but in addition to the existing rules to allow the Board to grant a switch and transfer of application date and time or to authorize a transfer of application rights by the new applicant to someone else. The second proposed action is to terminate leases, revert back date and time, grant a right of entry for everyone until their date and time is ready for processing; just last month or the month before the Board had granted a right of entry to a constituent who was on the Null & Void list. The third option is to terminate leases, revert back application date and time, CLTC will reimburse constituents who has paid for a survey, grant a right of entry to those who have a loan guaranty or constructed a single family dwelling to ensure financial obligations are paid. And the fourth option is to terminate leases, revert back date and time, application date and time, process application when date and time is reached, CLTC reimburse constituent who paid for a survey, CLTC to execute a payment arrangement with constituents with loan guarantees and allow constituents to continue in their residence. So those are the four options that we had come up with so far and it has been reviewed by Attorney Toft and it will address the Null & Voids.

Chairman J. Reyes, Jr.: And so that would be what Ms. Lydia or you would use to every single one that you reviewed right. These are the options that we can either correct or revert?

Program Coordinator III J. Cruz: We prefer that the Board decides on one corrective action because we presented four so at least you have option to decide which may be more favorable for the constituent and also to be equitable to everybody on the Null & Void listing, that's why we went back and reviewed what were the decisions made in the past and it's incorporated may be not all but in one specific.

Chairman J. Reyes, Jr.: Okay. We obviously can't vote on that today but I think it would be good to send out your draft to the Commissioners just so that they can read it in-depth and then we can take action on that in the next meeting. I think that'll be good and then we would have discussion and I'm sure there's pros and cons for each one and we just need to find the best path forward to deal with these Null & Voids. So, I appreciate that. Anything else?

Program Coordinator III J. Cruz: As far as the land registration, we ceased all processing. Unfortunately, our land agent had processed had recorded with the court the Declaration of Services, unfortunately, that was rejected so we had ceased all process serving related to the registration of Lot 10148 until...

Legal Counsel N. Toft: Yeah, it deals with a timing thing. We haven't filed a case yet and I tried to file the service of process with the court and got sent back.

Chairman J. Reyes, Jr.: Okay.

Legal Counsel N. Toft: That should be deemed filed within the next few weeks.

Chairman J. Reyes, Jr.: Okay. Now, is that the only one that's in flight today for registration- land registration?

Legal Counsel N. Toft: We have one, a small one that's coming up in a couple of weeks and then we have three that should be filed within the next two weeks of a larger lots included two that should be suitable for *inaudible* residential.

Chairman J. Reyes, Jr.: Could you just try to itemize those and what *inaudible* potential and I guess square meters and then I'll have the survey guys kind of put those tracts up and see what we can plot and see what the amount of residents that we could put there.

Legal Counsel N. Toft: Okay.

Chairman J. Reyes, Jr.: Alright, so just to back track a little bit on our priorities; I think one of the things that will be important is to create a strategic plan in how we address land registration, not only the land registration but also the surveying and what that would all entail. I think another thing that may need to *inaudible* I think some of these – all of these priorities are still very relevant for us today. But I think to expand

upon the registering and survey is we need a strategic plan and what that strategic plan should entail is again, identification of these parcels or these tracts, layering on top, like I said earlier; what infrastructure is there or not or lack thereof. And then at least we could have these lists… is it five – ten or whatever would be the best so that we know exactly

Commissioner A. Santos: Guidelines

Chairman J. Reyes, Jr.: Yeah. Where to pull when it comes to progressing and then lastly and I know *inaudible* add to this, is the back log, the thousands that we still have that we need to address. And I know, prior Director had started to formulate some things but I think that is going to need to be bubbled up to the top so that we can begin addressing that. And then again, what is our plan? I know in the December – January meeting we had agreed on move ten is it ten or twenty

Multiple response: twenty

Chairman J. Reyes, Jr.: Twenty agriculture

Commissioner A. Santos: It was December, we approved the first list in December.

Chairman J. Reyes, Jr.: December okay so it all kind of ties in together on where I'm going with this. So is it ten agriculture and ten residential?

Multiple response: twenty

Chairman J. Reyes, Jr.: Okay twenty, where are we at with that? Do we have an update?

Program Coordinator III J. Cruz: No update as of this time. Our focus has been on trying to correct all the actions that have been taken and trying to find resolution to it to present to the Board.

Chairman J. Reyes, Jr.: Okay but we have… we definitely have identified that it has to go through sequential?

Program Coordinator III J. Cruz: *inaudible*

Chairman J. Reyes, Jr.: Okay, is that something that can be done in *inaudible* ? Is that something that can be done in tandem with everything else we've got going on. And who would manage this twain?

Program Coordinator III J. Cruz: Yes, it could be.

Chairman J. Reyes, Jr.: It could be, okay. That's all I had. Commissioner Santos, on the priorities?

Commissioner A. Santos: Okay, just to add on to what you were talking about with the strategic plan and I did want to ask; what is the agency's not necessarily in bulk with but are we dealing with people on a day to day basis where they come in and they're declaring that it's an emergency that you help me right now, I need this service? So, is that what's presented to Board? You know what I mean, is that how we're putting items on the agenda is on a day to day, people still come in; what is the process, right?

Program Coordinator III J. Cruz: From what I know is that everything being presented to Board is a back log. Even when we do get walk-in constituents who request for utility authorization or anything of that nature; we address it right away. If I'm not mistaken, the Administrative Director was given the authority to approve utility authorizations for leases that were awarded. But there is also I believe, 22-157- Public Law 22-157 that authorizes the director go grant utility authorizations for humanitarian reasons, so we also do that. They also address the concerns of relocation, beneficiary designations, just about any request that comes in the staff addresses it on a first come first serve basis. But everything being presented to the Board currently is our back log.

Commissioner A. Santos: I think I did have a question but I want to get Saina Bordallo up to speed with where we're at though. We're talking about the 2019 priorities that were asked of the then Director Jack Hattig, so Joey's giving us an update. What I've been thinking about too is since we're having this discussion about the process and guidelines coming up to how we do proceed with the Null & Void list and everybody, the agency along with Attorney Toft are working together to come up with those guidelines and you know it's a case by case, right; every case is different but with standard operating procedures and with how we lease out or award leases the procedure is the same. And then when we get into the process of starting the application with the survey papers or whatever else documents you need; I was wondering if we can have a guideline set and made law for the agency and the program if we can have those discussions amongst the agency's workers as well as Mr. Toft- Attorney Toft and then brought up to the Board and the discussed more but that's something to think about so going forward; there are different directors that come in with different administrations but the process should never change, right. So, if we can set that forward so that we don't have anybody else from the Commission or the next commission saying; oh, you're 7589 okay why don't you just go sit on that property and we'll get… you'll get your turn so when it comes time for that number we're like; oh…whoa…whoa… she should have been… you built structure already, you planted 1200 hundred mango trees… we can't kick you out now, right so it's just the process that should never change. So if we can set that forward then that will be *inaudible* for the program as well as for our people. So we don't have to go back and be like oh, they didn't give you chance because your number wasn't called yet… even right, make it even.

Program Coordinator III J. Cruz: If I may, we have an SOP that has already been approved by the Board. We're going to go back and review that SOP because of the changes in the law and also it is our intension that when a corrective action that addresses any of our lessees that were either awarded a lease improperly, it is our intension to take that corrective action and develop an SOP because it would be too time consuming for us to go back and review all the other thousand files; by doing so or by creating an SOP, when we start the process of moving forward; if one of those cases should arise, we already have something to refer too to correct that action. And if we go through and audit or a review by the Feds or anything of that nature we have something to refer too that's set in stone already that's been approved by the Board that we can go back on. It's just for what we're doing now, I understand that it's taking sometime but aside from developing corrective action and SOPS, we have many other request that come in from our constituents or whether from another agency. We're doing our best to address all but in due time, we will present that it's not on the back burner but it's something that we do not daily but within the week.

Chairman J. Reyes, Jr.: Nice. That's great and I appreciate because some of it should be very cut dry and standard but also there's the ones that we have to think outside the box. So if we could use the 80/20 rule; 80% of it gets handled by the standard and then 20% gets moved through and goes to Mr. Toft's desk.

Program Coordinator III J. Cruz: We lean on Mr. Toft a lot. And just so you know also in regards to the staff reports that are being presented to the Board, we had a discussion or an email was sent to the staff that now when staff reports are created you have the facts, which is also like an abstract of the history of what has transpired related to that application or lessee. You have the findings which would be the statute that support the lessee's request and also support the recommendation of the staff, that would create the review process which is done internally and decisions made by the Board will be more efficient and effective and it'll also mitigate any type of actions that should be done contrary to law so we're not back stepping our process.

Chairman J. Reyes, Jr.:I think this is my eight month... the staff reports have definitely evolved and been very concise and I think overtime it's going to get everyone to get used to everyone's style on how they want to review these documents. So I just wanted to thank the team to continue to collaborate to make this more efficient *inaudible* and again, this only going to benefit our constituents at the end. So, the more the Board has the details - the Commission has the details and the facts in front of them, we'll formulate other questions but it's just if it's all there it's easy to point exactly without any ambiguities. That's the worst thing is that we get in-depth and then there's such critical information that's missing and then we're going to have to table it. So again, I commend the staff for continuing to improve the process which makes things more efficient and the benefit again is always going to be our constituent in getting through some of these things.

Program Coordinator III J. Cruz: Our approach to the staff report is, if you can reference within the law then it's *inaudible* how a recommendation should be made.

Chairman J. Reyes, Jr.: Got it.

Program Coordinator III J. Cruz: It's clear and it's clean.

Chairman J. Reyes, Jr.: Okay, appreciate that, thank you so much. Saina Bordallo, thanks for joining us again, we just went through the priorities, all seem pretty relevant, there's some strategic plans that need to be developed especially when it comes to land registration and surveys and still the things that we deal with on a monthly basis... just helping our team to be a little more focused. Again, I appreciate your guys' hard work. Joey, anything else on the Agency Report?

Program Coordinator III J. Cruz: I think just one item left is the submerge, the Designation of Submerge Properties for Commercial Use. We reviewed everything that has transpired already, although, the information gathering from the public hearings and all that stuff hasn't been presented to the Board yet. We will package everything together and we'll try to get it out in July and we will still continue to move forward in that process. But aside from that also, we need to prepare a Determination of Need, again but we will do it broad just like how the public hearing was conducted it wasn't restricted to a specific area on Alupang Cove or anything like that but submerge property in general in order for us to commercial lease or to execute a commercial lease over five years. So the process we're taking now for the four properties that has been designated for commercial use, we'll pick up where we left of for submerge and carry forward in the same process.

Chairman J. Reyes, Jr.: So, that'll be brought up in our next commission meeting?

Program Coordinator III J. Cruz: Yes, sir.

Chairman J. Reyes, Jr.: If you need more time, please let us know. I think it's time that we can pick up where we left of, let's do it.

Program Coordinator III J. Cruz: Okay.

Chairman J. Reyes, Jr.: The last thing that I wanted to ask our Commissioners, actually, sorry, anything else on the agency side, Ms. Camacho?

Program Coordinator III J. Cruz: At this time, nothing.

<u>Commissioners Comments</u>

Chairman J. Reyes, Jr.: Alright, so we'll go ahead and wrap up with the Commissioners Comments unless there's anything else that you guys want to....?

Commissioner A. Bordallo: Sometimes, when we have our regular meetings, it's good to give us an update on what transpired with people coming in and state what they want to know or even like leases.

Program Coordinator III J. Cruz: Duly noted.

Commissioner A. Bordallo: For example, the Submerged Land in Talaifac, what's the update on that person's license renewal?

Chairman J. Reyes, Jr.: Is this the Tata one?

Program Coordinator III J. Cruz: The Tata License Extension has been already approved by the Board, it's been signed by Chairman and the representative from Tata so that has been forwarded to Tata. We forwarded to Tata and we also have the original. Since you mentioned that, the other update is KM Broadcasting which is approved by the Board also, we prepared the license extension it was reviewed by Attorney Toft and approved, we forward that already *inaudible* from KM Broadcasting so he can sign and get it notarized and when we receive the original we'll contact the Chairman to have him also sign an notarize the document.

Commissioner A. Bordallo: And what about Guam Racing Federation?

Program Coordinator III J. Cruz: As we mentioned earlier, Guam Racing has submitted some documents, unfortunately, we need the initial topographic survey map to ascertain the amount of material that was taken out versus the amount of money that we received.

Commissioner A. Bordallo: And who's doing that?

Program Coordinator III J. Cruz: Which one, the survey?

Commissioner A. Bordallo: The topographic

Program Coordinator III J. Cruz: There was supposed to be one that has been done already, that was the agreement prior to the authorization to commence the extracting activities. Unfortunately, as I said, the survey guys or myself have *inaudible* of the initial topographic survey but we did request a copy from Mr. Simpson. Until such time that we receive that, we won't – the guys won't be able to start to calculate, plot and do all that great stuff that they do.

Commissioner A. Bordallo: So you don't have the one from Mr. Simpson?

Program Coordinator III J. Cruz: The initial, we don't have but we requested a copy.

Commissioner A. Bordallo: But wouldn't Land Management have that?

Program Coordinator III J. Cruz: No ma'am. That's the responsibility of Mr. Simpson to conduct the proposed topographic survey, that was one of the conditions that he complete one prior to and at the ending of mineral extraction activity.

Commissioner A. Bordallo: So this is brought up under Old Business, so we can't really do much for him unless he comes up…

Chairman J. Reyes, Jr.: Exactly. There's a lot of other items but these are just some of the things that I – WE would like to ensure that we have those audits and cross referencing.

Program Coordinator III J. Cruz: And that's one reason too why we haven't presented a full report yet on Mr. Simpson. We want to be able to provide one complete report that would entail the increase of the mineral extraction per cubic yard rate, whether he is within phase 5A and all that other stuff that's still pending. One thing that I did forget to mention is that we will be sending Mr. Simpson a letter regarding the admission fees, from our understanding just through the internet, googling it through the internet, there have been some activities whether it's drag racing or drifting or things of that nature and the Commission is by statute in law is supposed to receive 10% of the admission fees. So that's another thing that we're going after. I don't mean to breakaway from Guam Racing but we're also going to send AT&T a letter. AT&T does have cable lines running out of Guam an AT&T has lease with the Guam Ancestral Lands Commission; so, we'll be sending them a letter concerning the rental fee or the rental rates for the use of submerge lands.

Chairman J. Reyes, Jr.: That's why it's important for us to continue the process of our submerge lands, the deeming of those lands for commercial use.

Program Coordinator III J. Cruz: I apologize, one more thing is we are also going to conduct a site inspection on the MedFarm in Dededo; from an Aerial perspective MedFarm is encroaching into CHamoru Land Trust property. And if that's the case then we need to address that right away also. It's one of top priorities is to increase the revenue generating for the Commission.

Commissioner A. Santos: MedFarm?

Program Coordinator III J. Cruz: MedFarm I believe where the old Bank of Hawaii building.

Commissioner A. Santos: Next to American Bakery

Program Coordinator III J. Cruz: Yeah I believe it's next to

Engineering Tech II M. Javier: It's right here, here it is.

Program Coordinator III J. Cruz: So, aside from all that we do for our residential and agriculture constituents we are also addressing the possibility of commercial activity on our property without proper authorization and things of that nature.

Chairman J. Reyes, Jr.: And that's great. And that's kind of where Joey it all ties too, is where we stand; how do we get to stand up in compliance side, that includes part of survey, part of a land agents half half their roles or however you guys deem that. But that's why it's important to have that and I know again, the struggles we have today but I think it's something to think about in the forefront when we start thinking of some of the movement or wherever you put the compliance efforts into.

Program Coordinator III J. Cruz: Just to touch in the compliance section, we do have a compliance team that is made up of myself, the lead land agent and Mr. Pierce from survey. So, we've already formed a compliance team, unfortunately, our compliance time is reactive in the residential and agriculture because of the amount of leases we but we are proactive in the commercial leasing. And it's just we do as much as we can given the time we have and all the other task that we have to complete but we are on top of compliance also.

Chairman J. Reyes, Jr.: Okay, great. Any other questions or comments from our Commissioners?

Commissioner A. Bordallo: I think Joey has a lot to do.

Chairman J. Reyes, Jr.: Yeah, I know and I think everyone is doing a great job I think we've definitely seen a lot of progress and I know Mr. Toft come across your table so I appreciate your support for the staff as well. So the final piece I wanted to ask the Commissioners is that in July there's five Thursdays so if our Commissioners are open to have two meetings, I think one of them we can focus on *inaudible* residential, things that we want to discuss or take action on which would allow our land agents to maybe accelerate some of the residential stuff and have it at the end of the month and then in July 15th which is the 3rd Thursday, we can focus on some of the open items and again the meeting don't have to be long but if we need to action some things we can have two meetings. But I just wanted to put it out there and we can always decide whether or not we will have that based on time. Joey?

Program Coordinator III J. Cruz: If possible, if you're planning any additional meetings or anything that requires a Board meeting, if we can project only because we're also in the process of conducting our projections dealing with our finances because we've already sent out or we already have purchased orders because we were under the assumption that there would just be 12 meetings in the year and you know we've

budget for all those things; so, if there's any increase in Board meetings or just Board meetings in itself, there's going to be, it will be required to *inaudible* allotment modifications to move money around.

Chairman J. Reyes, Jr.: Okay, understood.

Commissioner A. Bordallo: We only get paid once a month, we can have two meetings.

Program Coordinator III J. Cruz: That's fine, we just need to know so we can plan properly and we can ensure that there's sufficient funding in that object class to ensure that you get paid and our vendors will be...

Chairman J. Reyes, Jr.: Understood and we'll recess versus having two separate ones *inaudible* just to again that we make sure...

Program Coordinator III J. Cruz: Even if you recess we will pay for the second meeting.

Chairman J. Reyes, Jr.: Really?

Land Agent I T. Tainatongo: And then don't forget now with the new law we have to add the agenda to the announcement.

Program Coordinator III J. Cruz: And also the newly enacted law, I forget the number but now we're required to place the agenda on the add so that's going to be another increase

Chairman J. Reyes, Jr.: Because the size

Program Coordinator III J. Cruz: Increase in size and increase in cost.

Chairman J. Reyes, Jr.: Duly noted, so in July we'll have one meeting.

Legal Counsel N. Toft: I will be off island after the 21st.

Chairman J. Reyes, Jr.: Alright, we'll stick to the one meeting and then we'll go from there. Alright, any other questions?

Land Agent I T. Tainatongo: Joey needs an assistant, I'm just putting it out there.

Chairman J. Reyes, Jr.: Our team here sir, I think we're – I believe we're 11 strong, we do everything we can within the timeframe that we have from 8-5 Monday through Friday. I can tell you that we are all overwhelmed but who isn't right but we will get the work done may not be in a timely fashion that the Board may like, it may be a week or two later but eventually we will get the work done. And this is a team effort

and we all do what we're supposed to do, we fill the voids... not I but WE, we try our best to help each other out, like any work place there's differences but at the end we will produce.

Chairman J. Reyes, Jr.: Understood and it's greatly appreciate and again, there's *inaudible* and synergy we can move mountains here so I appreciate that. Alright, without any other questions, the time is 5:07 p.m. may I get a motion to adjourn?

Commissioner A. Santos: I'd just like to make a little comment about the public hearing Saturday, you know how we had that discussion about whether we were go if nobody showed and we were going to cut it after an hour and so whatever we published and any other meeting they always go through the time and if it's regarding somebody coming in from the public to give their opinion about what we're trying to do and it's very important because it's land and it's designated to commercial but it could be beneficial to us because then if we're going to state that alright it's going to move forward as commercial here are all the testimonies in support of that that's beneficial to us in a decision and also on paper so I just want to stick with what I mentioned on Saturday about going two hours 1-3 just keeping it regardless if there was nobody that came in. We still stuck to what we put out and what we advertise I just wanted to state that but it was a good job that was a good turn out that lady came in that was great and that was supporting and other than that you all are doing an amazing job I've seen a lot of... like I mentioned earlier with the minutes, Tina is doing great work with it and it's gotten better so with all of the inaudibles and everything like that. But I want to commend the staff that they're doing an awesome job, keep up the great work guys.

Chairman J. Reyes, Jr.: Thank you everybody. Thank you so much Commissioner Santos. Aright, any other questions – comments?

Commissioner A. Bordallo: No, nothing. Just pray.

Chairman J. Reyes, Jr.: Yes, thank you so much. Alright, may I get a motion to adjourn?

Commissioner A. Bordallo: I make a motion to adjourn

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

Commissioner A. Santos: Make a motion to adjourn at 5:09. I second that motion.

Chairman J. Reyes, Jr.: Okay, alright, any objections?

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Alright, motion passes. 5:09 p.m. meeting adjourned. Thank you so much everybody.

Adjourned: 5:09PM

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: August 19, 2021

Chairman John F. Reyes, Jr.: _____ Date: 8/23/21