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Governor

**Joshua F. Tenorio**  
Lieutenant Governor

**Commission Members**

**John F. Reyes, Jr.**  
Chairman

**Arlene P. Bordallo**  
Commissioner

**Angela T. Santos**  
Commissioner

**David B. Herrera**  
Commissioner

**(Vacant)**  
Commissioner

**Angela Camacho**  
Acting Administrative Director

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

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## **COMMISSION MEETING MINUTES**

CLTC Conference Room and via Zoom Meet  
Suite 223, ITC Building, Tamuning, Guam  
590 S. Marine Corp Drive, Tamuning, Guam  
Thursday, March 17, 2022, 1:00 PM – 5:58 PM

Public Notice: The *Pacific Daily News* on March 10, 2022, and March 15, 2022

**Chairman John F. Reyes, Jr.:** Okay, thank you guys for your patience. We are on a new recording system, hopefully, you can hear us a lot better. We are also working on the connectivity on the YouTube at GovGuam Live however, we are live on Facebook. So, we can go ahead and proceed with our meeting today. So, before we call the meeting to order; could everyone please rise to recite the Inefresi. And Commissioner Santos, would you kindly lead us?

**Commissioner Angela Santos:** Leading the Inefresi

**All:** Reciting the Inefresi

**Commissioner A. Santos:** Biba Chamoru!

**All:** Biba!

**Chairman J. Reyes, Jr.:** Okay, the time is 1:19 p.m. and I call this meeting to order. It's our regular meeting for the CHamoru Land Trust Commission, Thursday, March 17, 2022. Public notices for today's meeting were published on the Guam Daily Post on March 10 and March 15, 2022. Notices were also posted online and on the CHamoru Land Trust Website at [dlm.guam.gov](http://dlm.guam.gov), the CHamoru Land Trust Commission Facebook page and the Government of Guam Public Notice Portal at [notices.guam.gov](http://notices.guam.gov). This meeting is being live-streamed on the CHamoru Land Trust Facebook page and on YouTube Guam I'm sorry at YouTube at GovGuam live, video and audio recording are made possible by our partners at KGTF. Okay, first order of business, Roll Call.

### **ROLL CALL**

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

**Commissioner Arlene Bordallo:** Here

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

Rev. 2/14/2022

**Commissioner A. Santos:** Estague'

**Chairman J. Reyes, Jr.:** Commissioner Herrera

**Commissioner David Herrera:** Gaige ha yu

**Chairman J. Reyes, Jr.:** Welcome Commissioner Herrera to your first meeting. Glad to have.

**Commissioner D. Herrera:** Si yu'os ma'ase'

**Chairman J. Reyes, Jr.:** Acting Director Angela Camacho

**Acting Administrative Director Angela Camacho:** Here

**Chairman J. Reyes, Jr.:** And Attorney Toft

**Attorney Nicolas Toft:** Here

**Chairman J. Reyes, Jr.:** Thank you, sir. Okay our first item on the agenda, we'll have Ms. Lydia give us an update if any on the Null and Void Leases.

#### **NULL AND VOID LEASES UPDATES**

**Land Agent I Lydia Taleu:** Can you hear me?

**Chairman J. Reyes, Jr.:** Give us one second. Try again

Bad audio feedback and echo

PBS/KGTF Crew: working on audio and video sound

**Chairman J. Reyes, Jr.:** Try again. Okay, Lydia, try again

**Land Agent I L. Taleu:** Test test...Lydia Taleu

**Chairman J. Reyes, Jr.:** There we go. Thank you.

**Land Agent I L. Taleu:** Okay. So as of the...I'm reporting regarding the Null and Void cases and application review. As of March 17<sup>th</sup>, the null and voids remains the same as it did in the last board meeting because we brought no new cases so so far, we've adjudicated 25, we have 79 waiting to be adjudicated or processed, a total of 104 cases. Now at the cases regarding applications that were with no lease; 23 cases were reviewed in that time 10 cases were public law 23 section 5.8 was correctly applied

which was the transferring of application rights upon the death of a lessee to a named successor. 10 cases need to be reverted in the application rights were transferred while the original applicant is still alive. And then we had 3 cases where there was an actual lease and it was Public Law 23-38 Section 9.1 which is after the death of a lessee a lease can be transferred, 3 of them were correctly processed; giving a total of 23 applications that were reviewed, plus the 187 from prior a total of 210 cases have been reviewed. And that is the situation that we're at as of today.

**Chairman J. Reyes, Jr.:** Okay. Thank you, Ms. Taleu. And then any questions from the Commissioners on that update.

Unknown: No

**Chairman J. Reyes, Jr.:** No questions, thank you. And then I know Attorney Toft, we're still working on the SOP Adjudication, correct?

**Attorney N. Toft:** That's correct. Yeah, the Triple-A process for the proposed rules and regs, yeah.

**Chairman J. Reyes, Jr.:** Alright, thank you, sir. And Attorney Toft, just real quick just a point of clarification at least point of reference for me; there are three items that I wanted to address kind of a little bit out of order in our agenda; is that... remind me again, how do I ensure that we do that properly?

**Attorney N. Toft:** It's fine as long as you announce it, you can say it now ahead of time just to give kind of a notice to people listening on the broadcast but yeah, the order of business is your prerogative to determine.

**Chairman J. Reyes, Jr.:** Okay, Commissioners, since we've in our last meeting we had to table a few items. I did want to go through our Old Business, I think those are a few things we could address quickly and then we'll move into our New Business with Constituent Matters and for those listening it shouldn't take us to long I just wanted to make sure we can address these since we've tabled them a couple of times. So, Commissioners, any objections to that?

**Commissioners:** None

## **OLD BUSINESS**

### **1995 Applicants status update**

**Chairman J. Reyes, Jr.:** Okay, thank you. Alright, and Ms. Jhoana, so the first one in the Old Business I want to go through is our 1995 Applicants Status, those of December 2, 1995. As we shared previously, we had about 187 from that list that the team has been working on and we have some updates and we want to also decide what our next steps will be. So, Jhoana, could you guide us through that, please?

**Land Agent II Jhoana Casem:** Buenas Commissioners so out of the 187 lessees or applicants residential and agriculture we have come to 97 that have no response with this what we have done is we have sent out basically a post to the Mayors' Council of Guam back in February, last month. And also, this list, the original list of the 187 has been posted in our Facebook page since November of 2021. Out of the 187, we have had 1 constituent that has been adjudicated and that is the one that Ms. Jessica brought to the board, I believe a couple of months ago under Ms. Irene Mafnas. So, with that being said, all of the individuals that we have made the attempt to contact or have had a response back to our office, we had advised them in regards to our Chapter 75A, you know, Public Law 35-112 and also, we are doing our best in assisting those constituents by doing the research here through our Jon Bond files also having them put together a family tree and also, we have...using our DLM resources such as the LandWeb or working hand in hand with Ancestral lands. Also, with that you know, our constituents may have to go through genealogy request at MARC and you know we have to get additional documents at Vitals and Statistics in regards to obtaining their birth or death certificates to show their relation to the original owner or occupier.

**Chairman J. Reyes, Jr.:** Awesome. Thank you so much for that update. So, just to be clear, it's 187 is both agriculture and residential, correct?

**Land Agent II J. Casem:** Yes, sir.

**Chairman J. Reyes, Jr.:** And then with that, it's just 97 have no response?

**Land Agent II J. Casem:** Yes, sir, 97.

**Chairman J. Reyes, Jr.:** Okay. Just mute PBS again. Okay, thank you, Jessica, (correction on name should be Jhoana) we just needed to take care of that feedback. And then what would be our next steps for those no response?

**Land Agent II J. Casem:** Well, based on our public law we would have to put out the listing to possibly PDN or the Post and then do a mailout – certified mail to the 97 so it's a matter of putting a list together and then getting their last known addresses hopefully we'll do maybe one more round of seeing if there were any responses from our mayors' offices because the list was handed to the Mayors' Council in the attempt to issue to each of the mayors' office and we can go ahead and contact the mayors' offices to validate that they did receive the listing and if not then you know possibly we have to go to each mayor's office to give them the list ourselves if it \*inaudible\* from the Mayors' Council.

**Chairman J. Reyes, Jr.:** Okay, definitely some good efforts there. I'm just going to pass it to the Commissioners if they have any questions. And Commissioners this is our attempt to begin the process of our December 1995 applicants and we want to make sure that we started off with the first 100 and then we have to make sure that we

included for agriculture and residential and now the team is just making sure that they also do all those qualifications given the new law. So, any questions for the team on that?

**Commissioner A. Bordallo:** No

**Chairman J. Reyes, Jr.:** Alright, thank you very much. Okay, thank you, Jessica (should be Jhoana) we look forward to the next steps and kind of courting those efforts to ensure that if we need to ensure that if we need to get some budgeted items and \*inaudible\* dollars that'll be great. Okay, next up, Commissioners, I know that these are the two items that we did not necessarily line item them in our agenda to be published and so we wanted to make sure we bring it back to the table to have these officially approved, okay? So, the first one is our CLTC Strategic plan.

CLTC's Strategic Plan

**Chairman J. Reyes, Jr.:** That was the strategic plan that was worked on by the team that again gives us our way forward kind of a five-year plan that help guide both in resources internally with the office resources externally where we can get support from, etc... so, I know that everyone's had a copy and has had the time to review and we just wanted to make this official and officially approved by the commission. Any questions before we take action on this, commissioners?

**Commissioner A. Bordallo:** None for me.

**Chairman J. Reyes, Jr.:** Okay, awesome, great. So, if we could... if I could get a motion to...

**Commissioner A. Bordallo:** I make a motion to accept the CLTC's Strategic Plan

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

**Commissioner D. Herrera:** I second the motion.

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

**Commissioners:** None

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes for our CLTC's Strategic plan. Thank you very much.

Appointment of Angela Camacho as the CLTC Administrative Director

**Chairman J. Reyes, Jr.:** Okay, and next up on the agenda, we did also address the appointment of the Acting Director Angela Camacho as the CLTC Administrative

Director. However, things have actually taken a change and we will not be moving forward with the appointment or even... I'm sorry, the hiring by the Commission of Ms. Camacho. However, she will still be in an acting capacity and we are working to get a permanent hire for this role. So, I just wanted to touch base on that and so there'll be no further action taken by the board - by the commission. Okay, thank you very much Commissioners. I definitely wanted to address those and we'll go ahead now and move to the next item on the agenda which is the New Business header IV with our Constituent Matters and we will begin with Catherine Rita Borja and may the land agent take us through this thank you.

### **NEW BUSINESS**

Constituent Matters

#### **Catherine Rita Borja**

**Land Agent I L. Taleu:** Hafa adai Commissioners. So, Ms. Catherine came before the board in December where she was requesting to be reimbursed for her unused land lease fees and during the board meeting, she talked about reimbursement for survey cost but I said I couldn't move forward with her request until we got a copy of the contract from her surveyor...between her and her and the surveyor. She submitted that to us – to me and the contract amount for survey services was in the amount of seven hundred dollars (\$700.00) she is requesting for reimbursement for the survey cost.

**Chairman J. Reyes, Jr.:** And Ms. Taleu, I'm sorry, I don't mean to interrupt. I do see Ms. Borja on the line. Ms. Borja, I apologize

**Land Agent I L. Taleu:** She was here earlier and I think...

**Chairman J. Reyes, Jr.:** No..no... I do see her, yes, I do. I just wanted to acknowledge her Ms. Lydia.

**Land Agent I L. Taleu:** Oh, okay.

**Chairman J. Reyes, Jr.:** Thank you, Ms. Borja for joining us, just for the record could you please state your name?

**Catherine Borja:** Catherine Borja.

**Chairman J. Reyes, Jr.:** Thank you, so much. I apologize I didn't start off with that. Okay, Ms. Taleu, thank you, you can continue.

**Land Agent I L. Taleu:** Anyway so, she is requesting for reimbursement in the amount of seven hundred dollars (\$700.00) for a completed survey map for a now lease that has been terminated. While there's nothing in the public law that says, we have to no

does it say we don't have to. This is simply up to the board to decide whether or not they will... if they will approve her for reimbursement. So, that's... Ms. Borja if you would like to make any comment, that's all I can say. She is requesting for reimbursement.

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

**Land Agent I L. Taleu:** That's it. It's up to you all to say yea or nay.

**Chairman J. Reyes, Jr.:** Thank you, Ms. Lydia. Ms. Borja, any questions or concerns?

**Catherine Borja:** No, none at all. Lydia has answered all of them.

**Chairman J. Reyes, Jr.:** Okay, thank you so much. Alright, Commissioners, any questions?

**Commissioner A. Santos:** None for me.

**Chairman J. Reyes, Jr.:** Okay. Attorney Toft, given that Ms. Lydia has shared there's nothing that states whether we need to or not, it's just at the decision of the Board, is that correct?

**Attorney N. Toft:** Yes, that's correct.

**Chairman J. Reyes, Jr.:** Okay. Commissioners, so the action before us is...

**Commissioner A. Bordallo:** Has it been done before?

**Chairman J. Reyes, Jr.:** Is that the question to Attorney Toft?

**Commissioner A. Bordallo:** Yeah. Have we done a refund on survey?

**Attorney N. Toft:** I believe maybe once or twice in instances where someone had relied on something that CHamoru Land Trust had done or an approval for a lot that was then later either rescinded or transferred over to a different area so we call it in legal terms estoppel basically when someone relied on a promise that the board had made or the commission had made which is not present here but again it's up to the board.

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

**Land Agent I L. Taleu:** If I could just say one thing. When we talked about doing the standard operating procedures regarding the null and void cases, one of the things that were discussed is if there was a recorded survey map done on a leased lot that we are now terminating, we had put in a request that as long the lessee submitted a

contract or receipt for survey services that actually resulted in a recorded survey map that we were saying that we would approve the reimbursement of that... but those were based on the SOP's that's still pending for Null and Void cases, so....

**Chairman J. Reyes, Jr.:** Okay, understood. But that will be something that would also come through the board right for decisioning once they're ready.

Unknown: Yes.

**Chairman J. Reyes, Jr.:** Okay. That sounds like that's the road going and I'm not speaking for everybody but if that sounds like the road, we're going to then be brought forth to us. I mean I'd be open for discussion

**Commissioner A. Bordallo:** Can a map be used if our Chamoru Land Trust gives her the refund? Can Chamoru Land Trust use that map?

**Land Agent I L. Taleu:** So, say... somebody else comes in and they request to get a lease lot to be leased that lot what it is is when they do their recorded survey map, they can actually... it would be a retracement because there was already an existing map on there so a retracement will done. It might be at a lower cost to the applicant but then when the map goes in it would have their name on as the lessee instead of Ms. Borja.

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

**Land Agent I L. Taleu:** Okay, so that's how it is.

**Acting Administrative Director A. Camacho:** May I ask a question?

**Chairman J. Reyes, Jr.:** Sure

**Acting Administrative Director A. Camacho:** Lydia, this is Acting Director Camacho, can you hear me?

**Land Agent I L. Taleu:** Yeah.

**Acting Administrative Director A. Camacho:** Do you know why the lease was terminated? Sorry, to go back to it but...

**Commissioner A. Santos:** That was a question, right it's not on here

**Acting Administrative Director A. Camacho:** What...

**Land Agent I L. Taleu:** I wasn't really actively working on that case at the time. All I know that a request came in from Ms. Borja to terminate the lease and the board



approved it. So, for that question, you would have to ask... that would have to be directed to Ms. Borja because it was her request that she made to the board in a notarized statement.

**Commissioner A. Santos:** Ms. Borja would you oblige, would you mind obliging us please?

**Catherine Borja:** Yeah, this piece of land in Barrigada was assigned by my power of attorney at that time. I don't live on Guam anymore; I live in Colorado. And the lease of the land was apparently was not allowed somehow so I had to give it up because it was not supposed to be leased to me.

**Commissioner A. Santos:** Okay

**Acting Administrative Director A. Camacho:** So, then I think it seems as though this is not at the fault of the commission then.

**Commissioner A. Santos:** Mmm

**Acting Administrative Director A. Camacho:** I don't see where the Commission made an error or made a wrong decision in this case?

**Commissioner A. Santos:** Right.

**Land Agent I L. Taleu:** Well, based on what she just said, it wasn't her choice to give it up. An error was made by the agency so therefore she requested to be terminated based on an error that the agency made; is that correct Ms. Borja?

**Catherine Borja:** As far as I understand, that is correct.

**Acting Administrative Director A. Camacho:** Lydia, what is your understanding of the error of for the agency? Where did the agency make an error?

**Land Agent I L. Taleu:** I believe \*inaudible\* it didn't go before the board for approval that was one, number two, was her POA at the time was the also the director land- of Department of Land Administrative who was also the Administrative Director so he made the offer when he signed it as the director and then he also agreed too as the lessee he agreed to the terms of the lease

**Commissioner A. Santos:** Mhmm...mhmm...mhmm

**Land Agent I L. Taleu:** So, that was when it became... I believe... I could be incorrect but I believe that was the situation was because he was making an offer as the director and then as the lessee or acting on behalf of the lessee, he accepted without board approval.

**Chairman J. Reyes, Jr.:** Got it. Okay.

**Land Agent I L. Taleu:** So, that was the mistake that was made. It was nothing that Ms. Borja did unfortunately, that's what happened...it's my understanding, I could be incorrect on it but that's what I believe based on what was said in a board meeting which also led to numerous articles in both the Post and the PDN in regards to CLTC.

**Chairman J. Reyes, Jr.:** So, Lydia, let's do this and Ms. Borja I do apologize if we... I don't want to waste your time because we don't have all of the facts in front of us but I think what would behoove us is to just to get a little bit more details here Ms. Lydia. I don't know if this is necessarily a slam dunk and I don't also necessarily want to go far to back in history. I guess Ms. Camacho's concern is whether or not the chain of events that had happened to issue the lease to then now with Ms. Borja returning it or cancelling the lease and where we're at today. Maybe we should get a little bit more information from the file if there's any and we could address this in our next meeting and we could just table it so that we don't waste Ms. Borja's time.

**Land Agent I L. Taleu:** Well Sir, I reviewed the file and all it says in the file was, the board received a letter from her requesting to terminate her lease which the board accepted and approved the termination of her lease but the results that ended up that she had to go that the letter got issued because what she was told because her then POA was also the director. He offered a lease he offered a lease lot and he accepted it all without board approval

Side discussion

**Acting Administrative Director A. Camacho:** I would like to see the letter

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

**Commissioner A. Santos:** Ms. Lydia, if I'm correct was this at the December 2021 meeting?

**Land Agent I L. Taleu:** Yes.

**Commissioner A. Santos:** When they... when her and her POA had come before the board?

**Land Agent I L. Taleu:** She didn't come before the board but what was presented to the board was her request to terminate the lease

**Commissioner A. Santos:** Right. If I'm correct, that was in the December 2021 one meeting, correct?

**Land Agent I L. Taleu:** Let me just double check real quick because I don't want to say yea or nay if I'm incorrect.

**Commissioner A. Santos:** If I'm correct I mean if I remember correctly, it was both of them who appeared both on Zoom as well.

**Catherine Borja:** Yes, I believe that's true but that's a long time ago already. So, three months it probably was around that time.

**Commissioner A. Santos:** Right right just to point out that you guys were here and we did do the termination, right.

**Chairman J. Reyes, Jr.:** Right, we did the termination, yes...yes...

**Commissioner A. Santos:** Right.

**Acting Administrative Director A. Camacho:** And I guess my request Lydia is if we can take a look at the termination letter, I think that that may make a difference on the decision of the board.

**Land Agent I L. Taleu:** There's actually... okay, so here it is. Okay, so, here's the letter that's addressed to Ms. Pika. I wish to decline the property assigned to me and terminate the referred residential lease and the addendum instrument number 914688 for the surveyed property which I completed and submitted as instrument number 914600 upon the termination of the lease I further wish to exercise my action to replace this decline lot with another available lot at a future day. This request is effective immediately. Please acknowledge receipt of the request and the decline property leased to me and provide all the details of proceeding to select another suitable property.  
That is what's stated in her letter.

**Acting Administrative Director A. Camacho:** Thank you.

**Commissioner A. Santos:** You said that was addressed to then Commissioner Pika I mean Chairperson Pika, right?

**Land Agent I L. Taleu:** Yes, and so this actually...the decision to approve her decline was in the May 2018 Board Meeting. So that was like four years ago. Yeah, four years, let me do the math, yes.

**Chairman J. Reyes, Jr.:** Thank you Ms. Lydia. Commissioners, any other questions? I don't. Thank you for that Ms. Lydia. I don't think we need to necessarily table this I think the Commissioners may have enough to take action. Commissioners, are there any more questions?

Commissioner D. Herrera: No questions.

**Commissioner A. Bordallo:** No, just one question. It says here in December when we approved the reimbursement it was for ninety-eight dollars (\$98.00) only, how did that amount come to...

**Attorney N. Toft:** I believe that was... oh go ahead

**Catherine Borja:** That was the difference

**Land Agent I L. Taleu:** Yeah, she originally paid the full term which was ninety-nine dollars (\$99.00) we subtract the years which she held the lease which would leave the amount which is ninety-eight dollars (\$98.00) she held the lease for one year. It was requested to terminate it it was terminated therefore she had ninety-eight dollars that she is unused. Public law requires that she be reimbursed for unused land lease fees which is what the board approved in December of last year

**Chairman J. Reyes, Jr.:** Yes, thank you.

**Catherine Borja:** The amount for the request now the seven hundred is the survey they are two different things.

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

**Catherine Borja:** Ninety-eight for the lease fee \*inaudible\* survey fees.

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

**Commissioner A. Santos:** When was the request submitted to the land trust for the refund of her survey services?

**Land Agent I L. Taleu:** It was when we spoke over the phone or when we were interacting via email and so it was brought up. I can't remember if I brought it up or she brought it up and I said, I could make the request I just couldn't guarantee whether or not it could go through simply because like we said public law doesn't say we have to unlike the unused land lease fees.

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

**Commissioner A. Santos:** Correct. Thank you, Ms. Lyd.

**Chairman J. Reyes, Jr.:** Commissioners are you ready to take action on this one?

**Commissioner A. Bordallo:** Yes

**Commissioner A. Santos:** I think we can discuss it a little bit more just to bring it to perspective whatever the outcome of the decision we make you know what I'm saying?

**Chairman J. Reyes, Jr.:** Yes. So, you're saying...

**Commissioner A. Santos:** I would like to state my position if that's alright right.

**Commissioner A. Bordallo:** Yeah

**Chairman J. Reyes, Jr.:** Just to...

**Commissioner A. Santos:** I wouldn't... because the opportunity rose somebody took it and then it came about where that person was your point of contact Ms. Borja I do not see and because they were affiliated with the agency, I wouldn't be able to say yeah, go ahead and reimburse because it wouldn't... it is not legitimately our fault. The agency's fault, the commission so I wouldn't be able to say that with a clear mind or with a clear mind I wouldn't be able to give you back or say yes I agree let's go ahead and reimburse her for her survey cost because you came in here with an intent to go ahead and proceed with the property but then it is not our fault that it's like this please forgive me but I wouldn't be able to say yes I think we should reimburse you for survey cost. That's my decision.

**Chairman J. Reyes, Jr.:** Okay, thank you, Commissioner Santos. Any other comments from our commissioners? Okay, and Commissioners would you like to... we can take on the motion and then we can...

**Commissioner A. Bordallo:** Well just, for one thing, the map can be useful for Chamoru Land Trust. It can be used like what Lydia had mentioned, a retracement map can be made with a different name whoever is going to lease this lot. So, maybe this person who is going to get a retracement map can pay for the seven hundred dollars (\$700.00) that's all.

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

**Acting Administrative Director A. Camacho:** I have a question though. Can the Commission be request to be reimbursed from the person that receives the lease?

**Commissioner A. Santos:** Right

**Attorney N. Toft:** I don't know. I don't think that there's any mechanism in place for that.

**Acting Administrative Director A. Camacho:** So, basically, we would have just paid for a survey and then they just pay the taxes right away because it's a surveyed property, correct?

**Chairman J. Reyes, Jr.:** It's surveyed already, yeah.

**Commissioner A. Santos:** Right, we can benefit from it.

**Acting Administrative Director A. Camacho:** The only benefit I think is that we get taxes right away but to ask the next lessee to reimburse us for the survey, I don't know... I don't believe that we can do that.

**Commissioner D. Herrera:** Mr. Chairman?

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

**Commissioner D. Herrera:** May I bring up a subject also...this \*inaudible\* survey has been done and it has been recorded and in the beginning of the program since back in '70s right, it was anticipated that the Trust was to do the survey for each and every property not the applicant and for the last twenty years a lot of the applicants that are in that fast-track mode to get a property volunteered to pay for the survey. If it's a small lot maybe seven hundred, if it's a ten- or twenty-acre lot, it may be twenty thousand dollars but the object of the program back then since the legislature was for the Trust to do the survey

**Chairman J. Reyes, Jr.:** To do the survey, yeah.

**Commissioner D. Herrera:** And some of the funds to create to make the survey was to lease the property out for commercial operations, correct?

**Chairman J. Reyes, Jr.:** Right.

**Commissioner D. Herrera:** Just to be humble about this, the job has been done by a registered land surveyor. It has been recorded and approved and according to this number two item here it was to place this particular lot to be available for lease issuance.

**Chairman J. Reyes, Jr.:** Yeah, that would be our next step.

**Commissioner D. Herrera:** So, this property is ready to go for the next interested person.

**Chairman J. Reyes, Jr.:** Good point, thank you, Commissioner Herrera.

**Commissioner D. Herrera:** Mrs. Borja here is willing to get another property and if any other constituents would be interested in this lot, it's already recorded, surveyed and ready to go.

**Chairman J. Reyes, Jr.:** Yes, understood. Good point, thank you.

**Commissioner D. Herrera:** So, my point is to approve this reimbursement in my point. I respect Ms. Angela's point and I can see her point but the job has been done by a registered land surveyor and the property is ready. That saves the Commission another seven hundred and then again, if you remember back five – ten years ago, the Chamoru Land Trust Commission would give the applicant a list of three to five to seven surveyors, each of the seven surveyors have different costs and prices. This seven hundred maybe a cheaper price than a seventeen hundred that we don't know that was beyond our control that was the choice of Ms. Borja so again that was my point is that Trust must be the supplier of the surveyor not the individual of the applicant until they so they choose.

**Chairman J. Reyes, Jr.:** Good point, Commissioner Herrera. Thank you, so much for that. Let me just ask real quick Mr. Joey Cruz; again, whatever the board decides if they decide for reimbursement are we set up to do this from a budgetary standpoint? Meaning is there a place where we can pull these funds from?

**Commissioner A. Santos:** Ms. Angie, did you bring up the seven years where we were talking about the seven years.... Commissioner Herrera did you also \*inaudible\* I know you're aware of these seven years if we do the survey then they start paying taxes.

**Commissioner D. Herrera:** Oh, after the seven years survey...?

**Commissioner A. Santos:** No, so, if the Commission- if the Trust provides survey in the lot, then as soon as the lessee is awarded the lease then they automatically begin to start paying taxes on the property.

**Commissioner D. Herrera:** After the seven years?

**Commissioner A. Santos:** No

**Commissioner D. Herrera:** On day one? Hunggan.

**Commissioner A. Santos:** No and then if they do the survey themselves, they have the opportunity, they are awarded plus the seven years after the seven years of that then they start to pay the taxes that's the...

**Commissioner D. Herrera:** They're waived to pay the taxes, is that what you're saying?

**Commissioner A. Santos:** Yeah

Multiple conversation

**Commissioner D. Herrera:** Right okay. So, okay.

**Chairman J. Reyes, Jr.:** For this one if they were to issue the lease and it's already surveyed then they automatically \*inaudible\*

**Commissioner D. Herrera:** Okay...so...

**Chairman J. Reyes, Jr.:** It's a win-win

**Commissioner D. Herrera:** So, let's do the math on this one. On this parcel right, what's the annual tax for this parcel?

**Acting Administrative Director A. Camacho:** Yeah, that's a good question.

**Commissioner A. Santos:** Are we aware of that?

**Commissioner D. Herrera:** No. What's the size? It's less than 929, what's the size of the parcel?

Program Coordinator III Joey Cruz: Roughly. It's located in Barrigada Heights.

**Commissioner D. Herrera:** Oh, this is the Barrigada Height property....?

**Program Coordinator III J. Cruz:** Property that's being discussed

**Commissioner D. Herrera:** The ocean view....?

**Program Coordinator III J. Cruz:** I don't know if the view is ocean view but....

**Commissioner A. Bordallo:** It's nice up there

Commissioner A. Herrera: No...no...really this is....

**Land Agent I L. Taleu:** This is not an ocean view lot; I can tell you that right now.

**Commissioner D. Herrera:** Okay, so, this is the Barrigada Heights scandal that we're talking about?

**Program Coordinator III J. Cruz:** It was one of the cases in the Barrigada Heights concern.



**Commissioner D. Herrera:** Alright. So, not to argue the point; but what would be the annual land tax fee? Undeveloped, no road...?

**Program Coordinator III J. Cruz:** We can assume maybe two to three hundred maybe because of the location.

**Commissioner D. Herrera:** Okay, just support Ms. Angie's point – seven years

**Program Coordinator III J. Cruz:** We've seen a two-acre property I think in Chalan Emsley be assessed real property taxes annually at three hundred or four hundred dollars. So, Ms. Borja's land lease or her previous land lease was for a half-acre but because of the location it could weigh differently.

**Commissioner D. Herrera:** Okay, I understand.

**Chairman J. Reyes, Jr.:** So, Joey, given that if we do decide on this; there is a fund that this comes out of, correct?

**Program Coordinator III J. Cruz:** Yes, there is. We could conduct the reimbursement. Although in our Act, it does say that, if a constituent should want to terminate their lease, we do reimburse them for the lease fee like Lydia had mentioned and the cost of the house, that's all.

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

**Program Coordinator III J. Cruz:** It's not to say to do or not to do. But that's just what's in our Chapter 75, if a lessee should choose to terminate, the Commission is liable to reimburse any unused lease payments and if there's a house the cost of the house. Just so everybody's aware.

**Commissioner A. Santos:** Thank you, Joey for that information. And it's just good discussion to have too, right to help Ms. Borja try to understand or what but....

**Acting Administrative Director A. Camacho:** So, Joey, may I ask a question? Then this comes from the Survey and Infrastructure Fund? Is that where you're going to...

**Program Coordinator III J. Cruz:** Yes, only because that fund relates to surveying, that's where we'll reimburse it out of.

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

**Commissioner D. Herrera:** Okay

**Commissioner A. Santos:** Would you happen to know the amount at the top of your head?

**Program Coordinator III J. Cruz:** Of the reimbursement? Ms. Taleu had mentioned seven hundred, I think.

**Commissioner D. Herrera:** No, what's in the fund?

**Commissioner A. Santos:** I guess what we have in the fund.

**Program Coordinator III J. Cruz:** Oh, off the top of my head...

**Acting Administrative Director A. Camacho:** And then are there any... can we foresee any other situations like this? Are we setting up precedence that other lessees that terminated their lease, can come before the board and request for reimbursement for survey funds?

**Program Coordinator III J. Cruz:** There is a possibility. I mean we've had constituents come in here to request for the reimbursement of their real property taxes. For one reason or another, we just had a constituent request for a reimbursement of their lease payment because the board decided that their lease wasn't valid because of a missing signature. So, you know, there's a possibility that may occur, I don't know for sure if it will but there's a possibility.

**Land Agent I L. Taleu:** And to answer your question, I think it really also depends on the lessee because I have taken a case to the board where the lessee requested to terminate the lease. They paid their ninety-nine years, they paid for survey costs and all that but at the end after getting the lease they decided not to. When I brought up reimbursement of land lease fees before I read the law, they didn't care they just wanted to get rid of it, be done, they wanted it terminated, they wanted to sign the papers, they were leaving off-island and they didn't want anything left for them to worry about. So, they never made... when I offered, they never requested so I said at any time you wish to come back to us, we can take it before the board, the public law allows you to get reimbursed. They never requested for reimbursement on the survey so in that case they may come back but it'll be once again, whether or not. They voluntarily chose not to make a request. They just wanted to get rid of the property.

**Program Coordinator III J. Cruz:** But like Lydia said, they may come back later and request for it.

**Chairman J. Reyes, Jr.:** All the decisions we're making today, is always going to be referenced back and how things come through going forward and in similar or same scenarios right so...that's kind of you know, in previous cases they're other scenarios is what we're dealing with so you know...

**Commissioner A. Bordallo:** Let me ask you a question.

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

**Commissioner A. Bordallo:** Are there lands that were surveyed by the government that belongs to Chamoru Land Trust and when a constituent or a lessee wanted to get one of those properties, did they have to pay for survey?

**Program Coordinator III J. Cruz:** There were properties that were surveyed by the Chamoru Land Trust way back. At that time, they didn't pay for the survey and just recently there was a law passed that if the government surveys your property, you waive your seven-year exemption. Initially, all our lessees are...leases that were awarded back in '97 – '98 in those years prior to the law, there was a seven-year exemption whether the government surveyed it or not but like I mentioned a law was passed that if the government should survey then you waive your seven-year exemption so you get assessed real property taxes the following year. But no, to your questions; they didn't pay any cost for survey.

**Commissioner A. Bordallo:** Because actually like Mr...Commissioner Herrera mentioned that the intent of the law when it originated the leased lands for commercial use those monies were to help with the survey cost and for the infrastructure.

**Program Coordinator III J. Cruz:** Operations. For as far back as I could remember, I started working here in '98 and during that time Tract 9210 was surveyed by the government. When they awarded leases within that tract, the constituents were not required to pay so there was some progress in terms of the government surveying CLTC property but because now with our limited resources we just don't even have the funding source for things.

**Chairman J. Reyes, Jr.:** And it is right, Commissioners our intent to really strive for getting funding and resources be it local or federal to help us through with grants, etc... in getting those infrastructure not only infrastructure but surveys and things like that. So, again, my position here if at the end of the day we will be... or we would love to surveying properties and having it ready for our constituents to lease and that's kind of where I as I said you know it's something that we should take on...we could take on and then whoever does get this property they begin paying the taxes already on issuance. Now again, the law doesn't say either way however, we can decide on that but the decisions we make today is going to impact the decisions that we make going forward because we set the precedence. So, that's kind of where we can safely say, we make a decision either way; this is what we would want to follow going forward.

**Commissioner A. Bordallo:** And also, the fact that this land was surveyed, the next person that wants to take this property, they should be aware that the tax starts.

**Chairman J. Reyes, Jr.:** Yeah, for sure.

**Program Coordinator III J. Cruz:** What would happen is because we had discussions with Rev & Tax, so you know, there may be in the near future that we present some kind of amendment to the lease that we state that this lease shall be assessed property taxes immediately so they know that – or whether the government had surveyed the lot or it has been surveyed by CHamoru Land Trust or DLM that taxes would be assessed that subsequent year. So, you know, that’s just one thing so at least Rev & Tax is also aware that the seven-year is exempted.

**Commissioner D. Herrera:** Mr. Chairman, if I may bring up what Joey was saying about the... what was that tract in Yigo...21?

**Program Coordinator III J. Cruz:** 9210

**Commissioner D. Herrera:** 9210, so in addition to that 9210, right, the planning development that was being proposed for the Land for the Landless program have been surveyed, recorded and then in '98 what we did was that we had the Land for the Landless repealed and all those lots which was about ten thousand counting that was in Agat, Umtac, Malesso, Talofofu,

**Program Coordinator III J. Cruz:** Dededo and Yigo

**Commissioner D. Herrera:** Dededo... have been transferred from Land Management to Chamoru Land Trust, pre-surveyed, pre-recorded maps and all so...

**Program Coordinator III J. Cruz:** To Mr. Herrera’s comment, that’s why we’re facing an issue with Tract 1022 because it was surveyed for the Land for the Landless use which was surveyed at 464 square meters per lot now we’re facing... now because of new laws and the requirements for wastewater and stuff like that, they’re unusable so that is one of the reasons why that Tract 1022 is our priority tracts to try to obtain federal money to install water and wastewater so those tracts become usable. And like we mentioned in the past if we’re unable to complete the installation of wastewater then we’re going to have to relocate three hundred people out of the four hundred – four hundred six leases we used. Because one lessee would occupy four lots... so, we’re going to have to relocate three-fourths of the lessees that we awarded leases already. So, we’re addressing those issues about water wastewater, I don’t mean to go off track but we are working with RCAC, USDA, Bureau Statistics and Plans to try to obtain federal money to address any current issues related to wastewater or the installation of infrastructure so that’s where we’re at.

**Acting Administrative Director A. Camacho:** May I just ask one more question for Joey and maybe just to give us an idea on the financial stability of the agency, right. Commercial leases, how would you describe it today because I don’t think that we can count our eggs on prime properties that are currently not leased, let’s just talk about

what we have in our books so if you could just give the commissioners because that's where this funding is going to come from.

**Program Coordinator III J. Cruz:** In terms of the Survey and Infrastructure Fund that would pay for the reimbursement for Ms. Borja if decided today; the US Postal Services have not renewed their contract which ended on February 28. The only revenue-generating lease now is deposited into the SID Fund is the GTA submerged in Piti which I believe is fifty-five hundred a year if I'm not mistaken. So, that's where we're at. The newly signed GTA Submerged land lease, no payment goes into effect until the cable is operational. So that could take a year or two, so, although we do foresee revenue to increase although unfortunately, we cannot use it or recognize it or put a lien on it because it hasn't happened yet.

**Commissioner A. Bordallo:** Joey, the survey monies; we can't touch unless it has to with survey?

**Program Coordinator III J. Cruz:** The Survey and Infrastructure Fund is restricted to surveying, land registration, the installation of utilities so those are the only three that I can and I believe that's the only three expenditures that can be used towards that fund.

**Chairman J. Reyes, Jr.:** Which this would apply if the commissioners decide?

**Program Coordinator III J. Cruz:** Yeah, because it's a survey cost or survey reimbursement.

**Chairman J. Reyes, Jr.:** Okay. So, funding source has been identified. I just want to make sure it's clear for the commissioners. So, funding source has been identified or can be identified and for this particular one if the commissioners decide, there is funds in there to reimburse?

**Program Coordinator III J. Cruz:** Yes

**Chairman J. Reyes, Jr.:** That is obviously not budgeted but it's there.

**Program Coordinator III J. Cruz:** And just like every other reimbursement that happened in the past, we'll record it in the books as a reimbursement.

**Chairman J. Reyes, Jr.:** Okay. Commissioners, I think we kind of come to full circle and any other questions?

**Commissioner A. Bordallo:** Yeah, Mrs. Borja mentioned about coming back, if she does come back; her application is still available?

**Chairman J. Reyes, Jr.:** Ms. Lydia?

**Program Coordinator III J. Cruz:** I believe she's....

**Land Agent I L. Taleu:** Yes, her application still remains active. She just terminated her lease which means can get another lease provided she qualifies under the rules which we are currently working on so...

**Chairman J. Reyes, Jr.:** So, Ms. Lydia thanks and just to clarify sorry and she remains her place in line, correct?

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

**Chairman J. Reyes, Jr.:** So, everything stays as is. Okay, Commissioners, any other questions?

**Commissioner A. Bordallo:** I have a question

**Chairman J. Reyes, Jr.:** Yeah, for sure, yes.

**Commissioner A. Bordallo:** If the board does not reimburse her, she can have credit of seven hundred dollars?

**Commissioner A. Santos:** Very good question

**Program Coordinator III J. Cruz:** Credit to what, though?

**Commissioner A. Bordallo:** To the next property should she comes back

**Program Coordinator III J. Cruz:** We don't apply credit. But you know, in the past, and I'll give you an example like for Ko'Ko Recycling, the board in the past had requested for Ko'Ko Recycling to clean up all the junk material where the Dededo Transfer Station was and in return what the board did was give Ko'Ko Recycling a credit. I'm just not sure what kind of credit you're going to apply to Ms. Borja if she should get a lease later because the only thing, she's going to have to pay is ninety-nine dollars unless she pays for another survey.

**Chairman J. Reyes, Jr.:** If the property is not surveyed?

**Program Coordinator III J. Cruz:** Yes. So, I'm not too sure how that would work.

**Commissioner A. Santos:** Attorney Toft, is there anything under the rules and regs that forbid that or is that against any law?

**Attorney N. Toft:** No, there's nothing on there.

**Commissioner A. Santos:** And it's just how would we keep that track of the credit, right?

**Program Coordinator III J. Cruz:** We can monitor the credit but the life of Ms. Borja's lease of ninety-nine dollars (\$99.00) is still way less than the seven-hundred-dollar (\$700.00) credit you apply to her. So, either you give her a credit of ninety-nine or reimburse her of six hundred one dollars (\$601.00) or you know there's the amount she paid is far greater than the amount of the value of the lease is worth in terms of the dollar a year. Unless, the board decides that you know you decide that you want us to transfer the money from the survey fund and pay for her taxes, I don't know. But you know it's just... there's no way to apply her lease payment to her credit and she's still going to have a balance owed to her. It's cleaner if you guys decide to reimburse her and we just reimburse her and it's off the books.

**Commissioner D. Herrera:** and the land is ready to lease.

**Program Coordinator III J. Cruz:** Yes

**Commissioner D. Herrera:** Surveyed and recorded, right?

**Commissioner A. Bordallo:** Yeah

**Commissioner D. Herrera:** Done

**Commissioner A. Bordallo:** Yeah, mauleg

**Chairman J. Reyes, Jr.:** Okay. So, Commissioners let's go ahead and take action and move to our next agenda item if you are ready.

**Commissioner A. Santos:** Esta listo hao?

**Commissioner A. Bordallo:** I'm ready

**Commissioner A. Santos:** Malagu hao un cho'gue I motion?

**Commissioner A. Bordallo:** Hagu

**Commissioner D. Herrera:** I'd like to make a motion Mr. Chairman to approve the reimbursement to Mrs. Borja

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

**Commissioner A. Bordallo:** I second

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

**Commissioner A. Bordallo:** None

**Chairman J. Reyes, Jr.:** Hearing none, no objections. Motion passes for the reimbursement of seven hundred dollars (\$700.00) for Ms. Catherine Rita Borja. Okay. Thank you, Ms. Borja for your patience and kind of being with us. I know you're off island it's probably a little late there. Ms. Lydia, do we want to go ahead and move to the next item?

**Land Agent I L. Taleu:** Jhoana made a point that when we move to request to place Tract 9, Block D, Lot 3-4 in the Municipality of Barrigada to be available to constituents is for the next person on the waiting list not for relocation therefore we can move people along because if anybody is monitoring, we don't want somebody to say; oh, I have a lot and I want to relocate to that lot. We need to stick with somebody who is on the waiting list, a December 2<sup>nd</sup> 1995 list applicant who qualifies under the Act.

**Chairman J. Reyes, Jr.:** Okay, so just to clarify. The point here is issuance of lease who are – for an applicant on the waiting list?

**Land Agent I L. Taleu:** Yes, without a lease.

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

**Commissioner A. Santos:** So, will this be noted as the next person on the waiting list, they will be initially informed of this property available because it's already surveyed and is that our point to it, that it's already surveyed and it's registered?

**Land Agent I L. Taleu:** Yes, right.

**Commissioner A. Santos:** Right available to them \*inaudible\*

**Chairman J. Reyes, Jr.:** Yeah, and it'll be...

**Land Agent I L. Taleu:** They will most likely will have to do a retracement on there because they would have to know where their points are. So, when they go out they have to know where they are because they don't want to... if they build or they don't want to put a fence up and they put it on somebody's else's lot because then it's going to cost them money then to bring it down and move the fence.

**Chairman J. Reyes, Jr.:** Okay, thank you. Alright so Commissioners, let's take on this item of putting this back into inventory but the caveat that it is for those on the waiting list without a lease.

**Commissioner A. Santos:** Just a question, wouldn't it automatically just be put back into the inventory and available to the next in line who are...?



**Chairman J. Reyes, Jr.:** Maybe for specificity because of someone who may want to switch their property to something.

**Commissioner A. Santos:** Okay

**Chairman J. Reyes, Jr.:** But I'm taking Ms. Lydia's recommendation and just making that clear or do we...

**Commissioner A. Santos:** Making just what clear? That this is available to the person who does not have a lease, that's the only thing....?

**Land Agent I L. Taleu:** Correct

**Commissioner A. Santos:** Okay, thank you, Ms. Lyd.

**Land Agent I L. Taleu:** No problem

**Commissioner A. Santos:** Okay, I make a motion to place Tract 9, Block D, Lot 3-4 in the Municipality of Barrigada to be available for lease issuance to whoever does not have a lease with the Chamoru Land Trust yet available to them.

**Commissioner A. Bordallo:** The first on the list

**Commissioner A. Santos:** Does that really specifically have to be applied though, the first on the list?

**Commissioner A. Bordallo:** on the waiting list

**Commissioner A. Santos:** That's already known though, right? As on the waiting list who does not have a lease?

**Chairman J. Reyes, Jr.:** So, Commissioner Santos could please state your motion?

**Commissioner A. Santos:** Just as it is?

**Chairman J. Reyes, Jr.:** Just to be clear

**Commissioner A. Santos:** I make a motion to place Tract 9, Block D, Lot 3-4 in the Municipality of Barrigada to be placed back into the land Chamoru Land Trust inventory for lease issuance available to the next whoever is in line with no lease with the Land Trust.

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

**Commissioner D. Herrera:** And I second the motion

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

**Commissioners:** None

**Chairman J. Reyes, Jr.:** Okay, hearing none the motion passes to place Tract 9, Block D, Lot 3-4 in the Municipality of Barrigada available for lease issuance. Thank you.

*John David Camacho*

**Chairman J. Reyes, Jr.:** Okay next up on our agenda. Thank you, guys, for that fruitful conversation and dialogue. Let's move on the then next constituent, John David Camacho and we do have Mr. Camacho present let's bring him into the room. Hafa adai Mr. Camacho, thank you for joining us today and for the record sir, would you kindly state your name

**John David Camacho:** My name is John David Camacho

**Chairman J. Reyes, Jr.:** Thank you, sir. Alright, please have a seat. And our land agent today for this case?

**Land Agent II J. Casem:** Me.

**Chairman J. Reyes, Jr.:** Okay, thanks Jhoana

**Land Agent II J. Casem:** Okay. Buenas yan Hafa Adai Commissioners. Before you we have Mr. John David Camacho, he is a residential lessee. Our issue here is that Mr. Camacho has two active leases. Corrective measures to obtain a correct lease. Based on the findings Mr. Camacho actually was issued two leases. One being that his original lease was under the 9210 and that was signed in 2003 however he was relocated to a lot within the Sagan Linayan in Dededo and he then was issued a different date for that area. So, I'm requesting that with Mr. Camacho he was originally issued a lease for a portion of Tract 9210 Yigo and then later relocated to a portion of Tract 1113 in Dededo. The Chamoru Land Trust Commission office issued a new lease with a new lease date versus an Addendum Residential Lease reflecting his newly assigned lot and retaining the original lease signing date. With these findings it is the obligation of our office to ensure that the proper documentation is issued to our lessees and for the record keeping of our office as well. It is at the discretion of the CLTC Board to approve the request based on the findings attached to this report. I have attached the Exhibit A which is the first lease issuance under Mr. Camacho as well as the second lease in Exhibit B and as the current standing lease under Mr. Camacho's name. So, in the report our request is to terminate the Residential Lease under Instrument number 893226 under Mr. John David Camacho for Lot 2, Block 13, Tract 1113, Dededo as well as a request for a De-Officio lease recording from the

Department of Land Management for Mr. John David Camacho reflecting his assigned lot on Block 2, Block 13, Tract 1113, Dededo and reflecting his original signing date of July 15, 2003.

**Chairman J. Reyes, Jr.:** Okay. Thank you very much Jhoana. Commissioners, you can take the lead for questions.

**Commissioner A. Bordallo:** Attorney Toft, the first lease for Lot 5 & 10, Block 28, Tract 9210 I guess you can't... you want that date to reflect on the second lease

**Chairman J. Reyes, Jr.:** Is that correct Jhoana?

**Land Agent II J. Casem:** Mr. Camacho currently has two leases active. So, what we want to do to correct the issue is the current lease that is under the Dededo lot, we want to terminate however with the original lease we are going to retain that and use it as an Exhibit towards an addendum but it will remain at his original lease date which was July 15, 2003. Because if you look at Exhibit B, the lease date was changed to May 6, 2016 so basically, it's a restart so what we want to do is go back to the original date but the only way we can fix this is to terminate the current one but it's just going to become an addendum. So, he will still have a lease in place. We just want to correct it because Mr. Camacho did come in and advising us that he's being taxed on two properties so if we don't fix this, he's going to continue receiving tax assessments on both lots versus just one lot.

**Chairman J. Reyes, Jr.:** And Jhoana just for one more clarification, the actual lot is the one in Lot 2, Block 13, Tract 1113, Dededo, correct?

**Land Agent II J. Casem:** Yes, sir. That is currently where Mr. Camacho is situated, he has a – in the process of continuing to build a residential home in this area but you know we didn't correct what happened with his 9210 lease. So, you know, in moving forward this is how we foresee this to be corrected so that he doesn't get assessed twice for different areas.

**Chairman J. Reyes, Jr.:** Okay. And then...good point. How are we going to manage those taxes for the other property?

**Land Agent II J. Casem:** What I- when we work with Rev & Tax what happens is they just need a corrected lease so at least with a corrected lease that Mr. Camacho will present to Rev & Tax it will reflect the lot that he's currently on as well as they will look at the date of signing so it may go back to what is this 2003 let me see...2010 is when he should have originally been assessed taxes given that he was the one who surveyed the property however as \*inaudible\* if the government surveyed the property for him the taxes should start on lease date which would be April 3.

**Chairman J. Reyes, Jr.:** Okay thank you for that clarification. Commissioners, any other questions?

**Commissioner A. Bordallo:** Yeah, just the fact that the first. lease was not recorded becomes an Exhibit A, Attorney Toft?

**Land Agent II J. Casem:** Yes, Ma'am. It would become an Exhibit A attached to the addendum when we record the addendum it would be an attachment to it reflecting the date of signing. So, technically Mr. Camacho you know he didn't want that lot so he denied that lot.

**Chairman J. Reyes, Jr.:** Okay, and so the key thing her Jhoana maybe to follow up with Commissioner Bordallo is the July 15, 2003 date, correct?

**Land Agent II J. Casem:** Yes, sir.

**Commissioner A. Bordallo:** And that would be an addendum?

**Chairman J. Reyes, Jr.:** Yes, that would be an addendum to the lease for the Lot 2, Block 13, Tract 1113

**Commissioner A. Bordallo:** Okay, understood.

**Chairman J. Reyes, Jr.:** Okay, any other questions? Mr. Camacho, do you have any questions or comments for us?

**John David Camacho:** Just that I was surprised that I was being taxed for both when we did the procedure, I had to give up that to get what I got now and then all of sudden I received both taxes which I got copies here which I paid for the present but the past up there at Revenue and Tax they said, no, you don't pay for that because this is what you got now. So, I'm like okay, where do I stand here then and this comes up and I got surprised past administration did not correct that problem because I had to give up that to get this but then now they're saying I got pay both taxes so if it means from the present to be taxed since I got that first lease I can understand that because I'm leased two different places but I don't even know if somebody's already occupied that property but I'm not going to pay for something that's already supposedly cleared in order for me to get where I'm at in the present. Here's my updated taxes so for the present lot.

**Chairman J. Reyes, Jr.:** Jhoana you have copies of that, right: We're good with that?

**Land Agent II J. Casem:** In terms of the tax payments? I'll get a copy from Mr. Camacho for record purposes.

**Chairman J. Reyes, Jr.:** Okay, awesome. Okay, Attorney Toft, anything here that stands out? Are we good to go?

**Attorney N. Toft:** We're good to go.

**Chairman J. Reyes, Jr.:** Alright Commissioners, would you like to take action?

**Commissioner A. Bordallo:** He doesn't have to pay for the 9210? He never paid?

**Chairman J. Reyes, Jr.:** Correct

**John David Camacho:** No, I never did ma'am because I was told I didn't have to by Rev & Tax themselves.

**Commissioner A. Bordallo:** Okay.

**Chairman J. Reyes, Jr.:** And now he's going to clear it so there's one that doesn't generate under Ms. Camacho

**John David Camacho:** Please

**Chairman J. Reyes, Jr.:** Yes. Okay, any other questions? If you want to take action?

**Commissioner A. Bordallo:** I would like to make a motion regarding John David Camacho a residential lessee to terminate his lease under Instrument Number 893226 under Mr. John David Camacho for Lot 2, Block 13, Tract 1113, Dededo.

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

**Commissioner D. Herrera:** I second the motion

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

**Commissioners:** None

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes to terminate the residential lease under Instrument Number 893226 under Mr. John David Camacho. Thank you, Commissioners. And then to wrap this up, we'll need to do the second item which will keep the original signing date of July 15, 2003, as an addendum so can I get that motion, please.

**Commissioner A. Santos:** I make a motion to keep under the lease recorded under the Department of Land Management for Mr. John David Camacho reflecting his assigned lot on Lot 2, Block 13, Tract 1113 Dededo and reflecting his original signing date as an addendum of July 15<sup>th</sup> 2003.

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

**Commissioner D. Herrera:** I second the motion

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

**Commissioners:** None

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes to request for the lease recording from the Department of Land Management for Mr. John David Camacho reflecting his assigned lot, Lot 2, Block 13, Tract 1112, Dededo and reflects the original signing date of July 15<sup>th</sup> 2003. Thank you, Commissioners. Thank you, Mr. Camacho for joining us today, I appreciate your time.

John David Camacho: I'm cleared?

**Chairman J. Reyes, Jr.:** Yes, sir. Hunggan. Jhoana will take you through the additional process. Si yu'us ma'ase'

John David Camacho: Si yu'us ma'ase.

Lorette Guerrero

**Chairman J. Reyes, Jr.:** Okay next up Mr. Glenn and Ms. Jessica and we have next on the agenda is Ms. Lorette Guerrero. Good afternoon Ms. Guerrero. Thank you for joining us today.

**Lorette Guerrero:** Hi, good afternoon.

**Chairman J. Reyes, Jr.:** And just for the record would you mind please stating your name.

**Lorette Guerrero:** Yeah, let me just shutoff my phone. Lorette Guerrero.

**Chairman J. Reyes, Jr.:** Thank you. And I'll pass it over to our land agents who is going to take us through.

**Land Agent II G. Eay:** That'll be me Commissioners. Good afternoon, commissioners, Chairman. My name is Glenn Eay Land Agent II with Chamoru Land Trust Commission. We have Ms. Lorette Guerrero who is present this afternoon and requesting a few minutes of your time regarding the authorization residential lease located at Block 19, Lot 19, Block 9, Tract 15213, Mangilao. And I humbly ask the Commission if you could allow Ms. Guerrero this opportunity to speak before you and address her concerns.

**Chairman J. Reyes, Jr.:** Alright, so, we'll turn it to you first Ms. Guerrero and we'll go through the packet we have here as well.

**Lorette Guerrero:** Okay. Buenas yan Hafa Adai Commissioners. Before I may respond to the order to cease and desist all activities in relation to Lot 19, Block 9, Tract 15213 in Mangilao dated March 14, 2022, I would like to take this time to respectfully explain how this came to be at this point, if that's okay with you? I hope you don't mind; I have prepared a script to read to ensure that I address the concerns that would hopefully provide a clear explanation and understanding of the issue as it stands today. So, for a year now I had been requesting to meet with you all to obtain the necessary approval to build a home. I have a residential lease issued on September 27, 2019, and in my lease, I am required to obtain board approval to build on the property. During this past year, unfortunately, I have had no success in meeting this requirement as the subsequent staff of the commission had not been able to accommodate my request since last March. The time of my initial attempt to meet with the board began last year on March 2<sup>nd</sup> to be exact. At the time, my initial request to the commission was to seek guidance on the process of building a home on the property as well as who I should consult with regarding a site infrastructure plan report. A few days later I also found out that there are other requirements needed such as a memorandum of lease and a loan guaranty. These documents according to Guam Housing Corporation are necessary to move forward with the Department of Veteran Affairs construction home loan application through the Native American Direct Loan Program. Following March 2<sup>nd</sup>, I was then notified by the former administrator Mr. Hattig, the land Eileen Chargualaf will review my request and provide assistance as needed. Later Ms. Chargualaf responded to my request advising that these matters required a meeting with the Board and that she will work on my request. She also mentioned that I would need to submit a loan pre-approval prior to meeting the board which was then emailed to her sometime late April. In May, I emailed a follow-up to Ms. Chargualaf regarding my request for a meeting about the loan guaranty. It was later when I was contacted by another land agent Ms. Jessica Dayday to submit a copy of my building plan as well. In addition to sending an electronic copy of my building plans, I requested to meet with the Board again although this time it was to include a consent for building and clearing permit. Unfortunately, Ms. Dayday's response to this request was that she is unable to schedule a meeting for both the month of June and July but we'll try for August. She also mentioned that it was not necessary to meet with the Board for a loan guaranty since my construction loan will be financed with the Department of Veteran Affairs. Furthermore, she advice that I should seek preapproval extension considering that my preapproval was only good for 120 days from the date of April 9, 2021. Fortunately, I was granted multiple extensions between August through December to allow more time to gather the necessary government and contractual requirements according to the terms on my loan application. On July 14<sup>th</sup> I sent another follow-up email to Ms. Dayday inquiring about the August meeting. I did not hear back from her until September 9 after I had personally delivered a hardcopy of my building plans and a copy of DPW Building Permit which I hand-delivered to Ms. Lorraine as Ms. Dayday was unavailable at the time. This was the last communication I had with the aforementioned CLTC staff last year. For the record, I have maintained all email correspondences between myself and the land agents of the Commission that

have assisted me this past year. Should I have reached out to a third or a fourth land agent in the hopes that my request would be followed through or prepare a written plea for support from an administrator or perhaps members of the board? In fact, this is exactly what happened. Subsequently, I was advised by Land Agent Jhoana Casem that she would work on my request for the utility authorization but several emails later Ms. Casem could not once again provide accommodation for last month's board meeting. Likewise, Acting Administrator Ms. Camacho responded that she had spoken to Ms. Dayday about my request yet assigned another Land Agent Glenn Eay to reach out to me. So, with that said, rather than trying to help me resolve and follow through with my request for a building – clearance permit after patiently waiting a whole year instead I received a letter ordering me to cease and desist all activities on the property due to a violation of my lease agreement hence today's meeting.

In terms of non-compliance of the lease agreement as beneficiaries of the Commission, we entrust the Commission including its staff to by all means to effectively assist us in matters that are beyond our control. The process as it stands for is for beneficiaries to first, address their concerns with a staff member or an administrator whether electronically or in person and secondly in return for that staff member and our administrator to act upon that concern within a sensible timeframe. Considering that I had only requested for a consent to build is waiting one year for a response reasonably fair? Moreover, a staff inspection of the property would have revealed that the property had not been cleared nor was any building construction performed on the property prior to this past February. I have taken picture on February 10, 2022, of what the property looked like prior to Commission Staff inspection and from these pictures with the exception of breaking ground that there was no other construction means existing on the property. However, since I had obtained my lease on September 2019 my father who lives adjacent to has also been cultivating the property in preparation of me building my home. During this past year I have submitted a copy of my pre-approval letter from Department of Veteran Affairs both electronic and hard copy and building plans and a copy of an approved building permit from the Department of Public Works inclusive of said building permit is an authorization from EPA and other government entities in accordance to the requirements of DPW's building permit application. According to Chapter 6 of the Senator Paul Bordallo Rules and Regulations for CHamoru Land Trust Commission, Section 6117. Leases to Eligible Beneficiaries, Award of Lease; Lessee's Performance part (b) In Determining whether an applicant is qualified to occupy, commence construction or use a residence, any of the following shall be sufficient proof for the commission to find compliance: approved loan or financing for the construction of residence or a conditional letter of intent or the equivalent or contract between the applicant and a construction or equivalent evidence of the applicant's intent and ability to construct a residential dwelling. In a timeframe of nine months, I have managed to secure a home construction loan with the Department of Veteran Affairs and it was only this past December that the VA granted a final approval for a construction home loan. Additionally, it was only this past February when the property was cleared and the first phase of construction began. I find it strange but not surprising that the commission would cite a violation of the condition of my lease per



section 7, 7.5 and I quote, “lessee shall submit to the commission all plans as to the design, materials, and probable value of the structure he or she intends to build on the premises. Lessee shall not begin construction of said structure, until he or she has received a written approval of the plan from the Commission” However, failed to address section 23 of the said lease agreement. And that says under the consent and approval and I quote “whenever lessors’ consent or approval is required under the terms of in condition with this lease, such consent or approval shall not be arbitrarily or unreasonably withheld” unquote. Does the law and the condition of the lease only apply in one direction whereas the lessees are expected to adhere to the lease, but the commission is not? Subsequently, I have watched several video clips of previous board meetings that occurred over several months last year like me, other constituents have made the same request and in no time were granted permission. In fact, there was a clip that took give or take twenty minutes for the board to review the documents and plans of a constituent’s request. I have done my research and made several inquiries and have learned that in just a matter from when a constituent made the same request that he or she was able to meet with the board not long after, even in the same month. Perhaps my request was dismissed, muted, or whichever or perhaps I was referred to the wrong land agent. I really don’t know or understand how and why it took for a violation to finally meet with the board today. I believe that I had my expectation for a meeting with the board been respected last year, the fact I am here to justify a violation of my lease would not have to happen.

In conclusion, I respectfully and humbly ask for your consideration to withdraw the order to cease and desist, but more importantly your consent of my request for a building a clearance permit, along with an authorization to apply for utilities, to avoid any further delays in building my home. Thank you for allowing this opportunity and for your time.

**Chairman J. Reyes, Jr.:** Thank you, Ms. Guerrero. I appreciate your time with us today. A couple of things I’m going to kind of take us to start with is I’ll pass it back on to the land agents to kind of walk the Commissioners through this understanding that if the request today is to address the cease and desist which was just issued on March 14<sup>th</sup> as well as the... and I want to be clear, is the Utility Authorization and the

**Lorette Guerrero:** Permit

**Chairman J. Reyes, Jr.:** Property and excavation permit

**Lorette Guerrero:** building permit

**Chairman J. Reyes, Jr.:** Okay Mr. Eay, did I summarize that, what the need is for today?

**Land Agent II G. Eay:** Yes, Mr. Chairman. Initially, like you just mentioned the request actually was for the request for a UT authorization for Ms. Lorette Guerrero and in proceeding to her request we had a land agent sent out the premises and to do a site – field rather inspection on the premises only to find out that there was an ongoing

construction activity within the premises and which involves building foundation structure \*inaudible\* a septic tank on the premises. And so, you can see that in the photo that I submitted there's a photo of the construction site that was constructed and looking back on the records I was looking to see of any of written authorization from the board was authorize rather to proceed with their building structure but I found... there was no authorization from the Commission to proceed with her construction. Because of that and other research I decided that we should cease and desist all activities within the premises and looking back also in our email correspondence with our land agents if I may make a mention of few you maybe five or six emails, I believe we just handed out a staff report about the chronology email review and a more updated one. And some of them was mistakenly omitted from original staff report but they're all found in the exhibit if you have any questions, they're all placed in the exhibit but all our email correspondence with our staff. Actually, so where I wanted to point out Ms. Guerrero says she started in March but moving forward to May 2021 according to and this was sent from Ms. Guerrero according to my contractor he advised CLTC provided approval application for building permit, letter from DPW and approval for application for clearing and grading permit letter to EPA. Another letter from in response from Jessica Dayday was dated May 25<sup>th</sup> 2021 she had mentioned she had mentioned those authorizations require board approval as well. I printed out the building plans that you sent out and is not eligible please provide our office a legible copy. And then another on May 26 to her own email to Ms. Dayday saying that she is in the process of obtaining her loan with Department of Veterans Affairs I have the preapproval as you can see in the letter is only good for 120 days from April 19, 2021 without the approval letters for DPW and EPA along with the loan guarantee I would not be able to move forward with the construction requirements. The delay will further hamper my ability to close my mortgage application on time. Same day Ms. Dayday emailed back to Ms. Guerrero, I understand your request is time-sensitive however you may request for an extension from the Guam Housing Corporation the agenda for June and July is full. On May 26 Ms. Lorette responded to Ms. Dayaday that her mortgage is with VA not Guam Housing, Guam Housing does not have the authority to grant extensions. So, what is this meaning right now is that there were many communications between the staff and Ms. Guerrero in regards to permits and what are the procedures and then it has to go through the board for approval and to later on in one of my findings only to find out that the building permit was already completed on August 27, 2021, and building inspection – permit inspection of applications was already dated on May 26, 2021. And this was at the time with the communications when Ms. Guerrero was requesting for authorizations for clearing and building permit and so what one of my questions that I have right now is you already have the building and grading permit what is it that you're requesting from them today you know because you already have them without any consent from the board and then because of there was no board approval a cease and desist was given to Ms. Guerrero.

**Chairman J. Reyes, Jr.:** Okay, alright. Let's take a quick pause there Mr. Eay that was a lot of information from both of you and Ms. Guerrero. Commissioners, if I may take

the lead on here. I had a couple of questions and again just to make sure that everyone is kind of understanding from the request right. So, let's take the Utility Authorization request. Mr. Eay, when was that initial request sent in from Ms. Guerrero? I just want to make sure that it's clear and we can walk through this. So, and was that first request and then the clearing was the second request or did that come in at the same time?

**Land Agent II G. Eay:** I believe Jessica can answer that, right Jess?

**Land Agent I Jessica Dayday:** So, the first request for the UT or for the to be seen by the board?

**Chairman J. Reyes, Jr.:** Well, let's start for the request for the UT, right? Because that's the request that will need to come to us anyway.

**Land Agent I J. Dayday:** Okay, so the UT was requested February 11, 2022. And that was to the CLTC admin email. And then Jhoana responded and then...

**Chairman J. Reyes, Jr.:** Okay, hang on. So, February of this year, that was the very first request for a Utility Authorization?

**Land Agent I J. Dayday:** Yes, that's the email for UT, yes.

**Lorette Guerrero:** For UT, yes.

**Chairman J. Reyes, Jr.:** Okay, how about then the other request or authorization that needs to come from the board is the clearing, correct?

**Land Agent I J. Dayday:** No, the building permit authorization. So, initially she asked for a loan guaranty at that time I thought it was Guam Housing but then she sent us a preapproval letter and most times we don't bring our lessees to the board based on the preapproval letter we wait til the final packaging and then we bring them to the board for loan guaranty. And so, I – she also put there that she how do you say that she was – her contractor advised her that CLTC does the approvals for building permit and I did inform her to submit her building plan and I did also inform her in the same email that it requires approval.

**Chairman J. Reyes, Jr.:** And Ms. Dayday, this was in 2021?

**Land Agent I J. Dayday:** Correct. The email – my email communication with Ms. Guerrero was May 21<sup>st</sup>.

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

**Land Agent I J. Dayday:** I did also on May 25<sup>th</sup> of 2021, she sent the proposal via email however it wasn't legible we did request for legible copy but then she submitted the hard copy on September 9 of 2021.

**Chairman J. Reyes, Jr.:** Okay, so that's the 2021 kind of chronology. Now, can I ask a question in regards to May 24<sup>th</sup>; was according to my contractor he advised that CLTC provided approval application for building permit letter to DPW and approval of application for clearing permit letter to EPA. Do we have a copy of those letters and who did that, who did come from and who signed off on it, and who approved?

**Land Agent I J. Dayday:** I'm not sure. We didn't give her a letter for approval. The clearing and grading, the Administrative Director can give you approval upon request however there was nothing in file, there was no request on file for the director. But when we did go out there prior to Ms. Guerrero requesting or submitting her loan guaranty or her preapproval letter the property was already cleared with the adjacent lots so that whole area was already cleared.

**Chairman J. Reyes, Jr.:** So, cleared meaning, it's just been cleared?

**Land Agent I J. Dayday:** Her lot and the lots around her.

**Lorette Guerrero:** My father has been cultivating the property.

**Chairman J. Reyes, Jr.:** Okay, thank you, Ms. Dayday. Ms. Guerrero, do you have a copy of those approval letters?

**Lorette Guerrero:** No, that's the reason why I had asked CHamoru Land Trust for those letters because I didn't know exactly what my contractor was talking about. But apparently, he was able to get the permits from DPW. I don't know how he did that, all I know is that it was done. And I have the...

**Chairman J. Reyes, Jr.:** So..I'm sorry I didn't mean to interrupt you, I'm sorry.

**Lorette Guerrero:** I have the permit application that was submitted by my contractor to DPW with all the signatures I suppose by the...

**Chairman J. Reyes, Jr.:** Right

**Lorette Guerrero:** So, my contractor is not familiar with CHamoru Land Trust, I don't want to assume but because of his unfamiliarity with CHamoru Land Trust he must have assumed that if the government entity approved then it's already been approved. But I can't really say.

**Chairman J. Reyes, Jr.:** I mean perfect segue was what I was looking at is that all of these signatures of approval, it's probably the same one we're looking at as early as

May of 2021 and everyone signed off on it. And Attorney Toft, maybe it's more now if all these agencies including Land Management who should know that even if there's a lease right, there should be accompanying approvals from the board in regards to these permits. And the fact that everybody signed off on it, it goes further back, further deeper where some of the concerns are for the Commission. And so we don't have a copy of those letters that was submitted by your contractor to your contractor for these approvals kind of leaves us in a spot where it didn't come from us and nor do we have any of that in file.

**Lorette Guerrero:** But this goes back to me requesting for that, back in May. And this is even before the first instant was signed on May 26 and I had requested from the Commission prior to that maybe roughly the 24<sup>th</sup> – 25<sup>th</sup> for a building permit. And I understand that I had to meet with the board at the time but it was my surprise as well that my contractor was able to get the permit application through DPW to fall through. So, I don't... I cannot speak for my contractor; I don't understand how he did that but he did it. I'm not sure if it's because government is government or his understanding of how CHamoru Land Trust runs. All I do know is that is that that was something that he brought up to me because I had asked him for those... I told him that we need board approval and this is his response to me, oh according, we already have that so I was like okay but I never asked but I'm going to ask now, right so... and this is why it goes back to last year when I put in the request to meet with the board so I can get your approval. Now, mind you, I didn't start construction or anything on the property until just past February, yeah, last month.

**Chairman J. Reyes, Jr.:** This February?

**Lorette Guerrero:** So, between May and up until February, I've just been waiting and the last correspondence I received from the Commission was in September after I dropped of my building plans. So, Ms. Dayday or I'm sorry, Ms. Chargualaf only mentioned the preapproval there was no talk about a final approval. Just the preapproval and the plans, rights. And according to the law that I cited here about the determining compliance that either an approved loan or financing or a conditional letter of intent. So, she had my preapproval, she had my building plans, why wasn't that brought forward to the board and why wasn't I schedule for a meeting with the board to obtain a permit. Because had that all happened last year and accordingly you know, then this business of me building already would not have prevented me. There would be no cease-and-desist kind of thing because I already got my ducks in a row, right? But that didn't happen. I never got to meet with you guys until today, and apparently it took for a violation for me to finally meet with you even though I had my paperwork in order, the preapproval that was sent in April, the request for the permit and clearance in May and then hardcopy or electronic copy in may again and then a hardcopy in September and that was the end of it. There're no follow ups, nothing from that matter. And that's my issue here, is I've waited this long and now we're here but we're not here for you to issue me a building permit, we're here because of the cease-and-desist order.

**Chairman J. Reyes, Jr.:** I think we're...there's a lot to digest.

**Lorette Guerrero:** There's a number of reasons

**Chairman J. Reyes, Jr.:** There's a lot to kind of digest here and I'm not sure exactly the reasons of getting us to this point in sense of meeting with the commission. I'm just kind of going through all the stuff and even going back a little further, just making sure... what do we have, what don't we have. So let me... I'll take a pause to my side and I'll pass it to my commissioners for any additional questions as I kind of gather some additional ones. Do you have any other questions, Commissioners?

**Commissioner D. Herrera:** I only have a comment Mr. Chairman.

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

**Commissioner D. Herrera:** I see the chronology here. It started back in March 2<sup>nd</sup> 2021. And evidently here there's a communication between the constituent and Chamoru Land Trust. And then it goes... this was like March 2<sup>nd</sup> and now it's March..., this is twelve months and you know, to be user friendly this is my spirit here, to make the program user friendly to the public. A lot of our brothers and sisters out there are not able to navigate this complicated process that she has accomplished. I have to commend you for that.

**Lorette Guerrero:** Thank you.

**Commissioner D. Herrera:** So, even if we analyze the section 7 of Public Works, the comments by other agencies route as indicated. The first agency is Land Management, the zoning group and just looking through your chronology here last night and this morning; I'm asking myself, why is there no Chamoru Land Trust here next to Land Management so that you don't have to go through this... I mean you got 1-2-3-4 maybe 8 agencies minus Chamoru Land Trust Commission, Land Management is number one. So, point and matter, the point of my comment here is that we as the commission or the agency should have advised Mrs. Guerrero since March 2<sup>nd</sup> that don't forget we got to meet for the permit first. You got the land; you need the permit then you went through the whole nine yards to get the documentations for the contractor. This is not an easy task, I'll tell you. But my recommendation here is just to add in Chamoru Land Trust on the agency and have a standard operating procedure that whenever any of these constituents that are... we got fourteen thousand here and there's many more to come, got many more years to come that we should try to learn from this issue to make this more user friendly to the constituents. That's just my point.

**Chairman J. Reyes, Jr.:** Understood. Yeah

**Acting Administrative Director A. Camacho:** Commissioner Herrera, may I?

**Commissioner A. Santos:** You have a couple of hands so who do you want to address first?

**Chairman J. Reyes, Jr.:** Yeah, so let me, thank you Commissioner Herrera. So, Glenn, let me just turn it over to you. And just to kind of talk to that part question that Commissioner Herrera had...

**Land Agent II G. Eay:** Yes, like the Commissioner just mentioned earlier that the CLTC should come up with some sort of SOP \*inaudible\* procedures on getting construction permit or rather clearing and grading permit but it's already on the lease agreement it's stated there on section 7 and 7.5 as I read it to you, this is what it reads, lessee shall submit to the commission all plans to the design, materials and probable value of the structure he intends to build on the premises. Lessee shall not begin construction of such structure until we have received the written approval of the plans from the commission. That's what the lease agreement and also on section 13 use of premises on the lease agreement reads, lessee shall use premises as his personal residence which premises shall only have a single dwelling constructed upon it. Failure to obtain express written consent of lessor for the erection of any structures on the property shall be deemed a default of this lease. So that's on the lease. Going through section 17 Lessee's right to build and ownership of improvements and fixtures it reads; lessee shall obtain the express written consent of lessor before he erects, reconstructs, demolish, alters, alters or improves any building, necessary accessory building or other improvements on the property. So that's already on the lease agreement. I don't think we need to anymore talk. But it's already on the lease agreement, it says there and it's clear this is what Ms. Guerrero had signed when she signed the lease agreement. It was notarized and recorded. So, I'm assuming she understand what she signed in front of the notary.

**Lorette Guerrero:** Understood.

**Chairman J. Reyes, Jr.:** Thank you, Mr. Glenn.

**Lorette Guerrero:** And I made that request in May of last year. Understood.

**Chairman J. Reyes, Jr.:** Attorney Toft, anything here, again, I want to focus with what we have at hand and I want to make sure that there's no underlying issues or things that we need to address even outside of the clearing permit and utility authorization. So, let's just kind of start with that Attorney Toft with the things that Mr. Eay had listed for us right with those sections and where we're at today.

**Attorney N. Toft:** Right.

**Chairman J. Reyes, Jr.:** Any additional comments?

**Attorney N. Toft:** I mean I spoke to Mr. Eay last week regarding this and we were in agreement on what he just put forth. Regarding the process, it looks like it snuck through because Department of Land Management didn't actually do a check as to who the owner of the property was. Section 6 of the Building Inspection and application of permit it's completely blank as to the owner or lease or authorization so I'm going to talk to the Planning Division down at DLM regarding that and tell them that this is something that they cannot be skipping because there are instances not in just Chamoru Land Trust but other instances if somebody has a leasehold instead of an ownership there may be an issue as far as authorizations go. So that kind of left out to me as far as major concerns but I do believe that the Commission does have the power today to review building plans, submit them and approve it and just move forward here and use this as a learning opportunity as far as setting up an SOP in the future to make sure that this doesn't happen again.

**Chairman J. Reyes, Jr.:** Okay, we can take that as a consideration, thank you.

**Land Agent II G. Eay:** We already have an SOP. This is in the...what's mentioned on the lease agreement and procedures for obtaining a permit or even a building permit.

**Chairman J. Reyes, Jr.:** Thank you. Thank you, Attorney Toft. Commissioner Santos, you have a question?

**Commissioner A. Santos:** Not right now, sir.

**Chairman J. Reyes, Jr.:** Okay. So, I do have one... or Saina, you have a question?

**Commissioner A. Bordallo:** You know the application for building permit, Ownership under b, should have been public.

**Chairman J. Reyes, Jr.:** Right

**Commissioner A. Bordallo:** And not private.

**Commissioner A. Santos:** That's a good note

**Commissioner D. Herrera:** Right

**Commissioner A. Santos:** I guess I have a question for Ms. Guerrero, if I can. And in no where did you know that you had to attain – obtain any of those permits before proceeding from the – the approval from the Commission?

**Lorette Guerrero:** No, I did know that. I did know that and that's why I made my request in May. I submitted or an email requesting for a building permit and clearance in May. What I did not know, was that my contractor had already started the permit



process with DPW to obtain a building permit from them. But I did make a request through the Commission for a building and clearance permit in May. And I did not hear back after September and from May to September is was all, send me the building plans which I did and I even delivered a hard copy of it but that wasn't until September. After September my case just kind of went mute. I didn't hear back from CHamoru Land Trust, no one, none of the agents contacted me via email, phone, nothing, not to give me a follow up about oh, we can get you into the meeting or not. None of that. But in that waiting period, I was still going through the contractual according to my loan application with the VA. Finally, I got approved in December.

**Commissioner A. Santos:** Another question following up with that. You said, your contractor had already proceeded with getting all the permits? Started?

**Lorette Guerrero:** Started. Yeah, around the same time that I had put in my request to the Commission.

**Commissioner A. Santos:** You weren't aware of that?

**Lorette Guerrero:** I was not aware that he was not going... I was aware that he was going through the permit process but I didn't know which section he was at at that point. And then, honestly, I did not get a copy of this application until just recently because I wanted for myself; well how, did he do all of that, right?

**Chairman J. Reyes, Jr.:** And is this you that signed it on May 26 of 2021 on the very bottom?

**Lorette Guerrero:** Yes, I did. But this is for the application. This is before all the signatures came in. This is for my contractor to start the permit process. But this process with DPW is related to the loan application for the veterans. This is aside from the permit that I was requesting from the Commission.

**Chairman J. Reyes, Jr.:** Correct. No, understood. But our, the approved permit or the approved authorizations would kick off this process in essence.

**Lorette Guerrero:** It would have. It should have, yeah. But somehow my contractor manages to go about it even without that, so, you know...

**Chairman J. Reyes, Jr.:** One thing too that puzzles me, Ms. Guerrero is knowing where we're at today; the contractor continued to do work with the septic tank and you know...

**Lorette Guerrero:** No, there's no septic tank. There's a hole but that hole was there long before... because my dad lives adjacent to my property. And he put that hole there to I don't dump trash in it but there's no trash in it right now. And then after coming up with my building plans we had to make some adjustments because of the levelling of the property that we were forced to push my house further back which

made it closer to the hole. So, the contractor felt since there's a hole there already why not use for the septic tank and hence that's why it... but the hole had been there long before.

**Chairman J. Reyes, Jr.:** Right. Right, but it's proceeding. There's the foundation of the septic tank, there's concrete in your foundation.

**Lorette Guerrero:** Understood. That all just started in February like I said, I broke on February 10. And yes, I understand that I did violate right the lease. But as I mentioned on Section 23, rights, there's also the issue about consent and approval. Is it reasonable for me to have waited this long to see the board and ask permission? This...even... from May, I started my transition in March going to the Director or going to the Administrator then being passed on to agent after agent. I did what I'm supposed to do. I followed exactly what I was told to do. I followed the lease.

**Acting Administrative Director A. Camacho:** But you were also advised early on that you needed board approval so to say that you did what you were supposed to do, I think that there was a misstep.

**Lorette Guerrero:** I turned in my preapproval, I turned in my floor plans.

**Acting Administrative Director A. Camacho:** Understood. But did you get the approval?

**Lorette Guerrero:** No, but I did... how can I get approval when I couldn't even be seen by the board. That was my concern. I asked for a meeting with the board so I can get the approval. That didn't happen. That didn't happen from even up until today, that still didn't happen. Is it unreasonable for someone to have wait that long? I've watched videoclips of previous meetings, someone who requested on the same month managed to meet the board on the same month and get his approval. Some didn't even take weeks. We're talking about since May for me, had a gotten my approval last year, this wouldn't be an issue. Had the agents follow through, this wouldn't be an issue. I wouldn't have violated my lease; it wouldn't have come this far. And it took that violation to meet with you today. Does that make... I mean, is that fair to me? I did everything and all I was, give me a few minutes. I watched a script, I watched a video clip and took 20 minutes for someone to come in here for the board to review and then okay we're done, 20 minutes I couldn't even get that.

**Chairman J. Reyes, Jr.:** There are multiple scenarios. Some are a lot cleaner and organized than others, some are a lot cleaner as the word where everything is in order and we're ready to go package it and get it in front of the board. Again, there's multiple scenarios here right. And is it right that we waited this long? But I think my question with that is; is there any other issues aside from Ms. Guerrero's timespan that we're having to deal with here that prevented it from coming to the board? And come someone answer that for me? Did you guys hear my question? Is there any other

issues that is preventing us or that prevented from just to come to the board and given that the year has lapsed?

**Land Agent II G. Eay:** Okay, I can answer maybe on one of the question is that on the last email that Ms. Guerrero mentioned on May she submitted her preapproval letter and also submitted a copy of building plan but in response Ms. Dayday asked her to reissue...submit an illegible building plan without an illegible building plan can't present to the board...we have to have something illegible. The only time Ms. Guerrero submitted illegible building plan was September of 2021. So, there's a big gap right there between May and September waiting for that illegible building plan and as mentioned...Jessica had also mentioned to Ms. Guerrero that June and July was already full and we couldn't accommodate her and unfortunately after July Ms. Dayday had to leave off-island for a funeral so, there's events that happened that led to this day the delay that was very unfortunate but that doesn't give Ms. Guerrero the right to go ahead and proceed without a written consent from the Trust. She already knew it was wrong but she did it anyways.

Land Agent I Jessica Dayday: Mr. Chairman, if I may.

**Chairman J. Reyes, Jr.:** Yes, ma'am. I can hear you.

**Land Agent I J. Dayday:** Okay, in September 9 when she submitted the building permit, when I asked her who she submitted it too the thing is it showed that the owner you know... first of all she was given... she submitted to us a building permit. So that was one of the issues and then it showed that the owner is Lorette Guerrero. So, it required further research to be done and this- there was other things going through the file that there's quite a few discrepancies in the file so it required senior land agents to assist me with the further research. Yes, I apologize Ms. Guerrero for not contacting you and letting you know that we have to further research but I did mention in my previous emails in June about our case log or how we are backlogged. And those times we were only allowed to take two people at time to the board and I do have a backlog of cases and with my constituents too who are all beneficiaries of Chamoru Land Trust that includes you, you guys are all important to me. However, it all depends on what you're coming into and some of them there was emergencies that I had to deal with and I'm just letting you know that I apologize that maybe I should have told in September or last year, some other time last year. However, there is further research that needs to be done with your case, with this case, Mr. Chairman. We cannot just move forward unless we you know go through this whole process. You know, we have to make sure that everything is good to go. Because we don't want to just have Ms. Guerrero build her home and enjoy her home and then something happens. You know what I mean. I just don't want her to deal with that.

**Chairman J. Reyes, Jr.:** Understood.

**Land Agent I J. Dayday:** I want to make sure that we follow through we I mean...sorry... we research and we look at everything.

**Chairman J. Reyes, Jr.:** So, Ms. Dayday, you mentioned that there's other underlying issues and discrepancies for this particular case. What is it regards too? We may not have all the details now because it's hence why we're still here Ms. Guerrero. Do we know where some of these issues stem from?

**Land Agent I J. Dayday:** Yes, it's how she obtained the lease.

**Chairman J. Reyes, Jr.:** Okay, so you're saying it's going further back to the issuance of the lease?

**Land Agent I J. Dayday:** Correct. And it just requires further research you know but I do need the senior land agents to assist me in this process.

**Chairman J. Reyes, Jr.:** Okay, and was that communicated to Ms. Guerrero that; we're in review of this and the timeline that we're in that some of these discrepancies came up which is partially also why some of these haven't come to the board to issues these authorizations?

**Land Agent I J. Dayday:** Actually, this wasn't the reason that wasn't the reason why it didn't go to the board in June and July or up to September. The reason was because we were backlogged and we were only limited to certain cases but when she submitted the hardcopy of the plans and the building permit when I read the building permit, I asked questions and she did not have the authority or she was not authorize by the board to obtain this building permit so I questioned it and that's when it required further research.

**Chairman J. Reyes, Jr.:** Okay. So, is this the first you're hearing of this in regards to that this could potentially stem back to the issuance of the lease?

**Lorette Guerrero:** Yes. In fact, it was a courtesy when I submitted the permit from DPW, I just though okay, let me just throw it in with my paperwork, right, just out of courtesy but I didn't know. It went in and that was that but no, like I said, September 9, was the last time I heard from Ms. Dayday. And I mentioned to her... she asked me – she was not available at the time so she emailed me and asked me, who did I leave it off with? And I said, oh, she's short, she's wearing glasses and then I learned later it was Ms. Lorraine. So, I left the hardcopy of building plans with and the DPW permit with Ms. Lorraine to pass over to Ms. Dayday. And then that was that. That was the last time I heard from her.

**Chairman J. Reyes, Jr.:** Until recently?

**Lorette Guerrero:** Until recently.

**Acting Administrative Director A. Camacho:** And also, the last time we heard from you as well, in September.

**Lorette Guerrero:** Well would you have had me beg? Would have had me call every month?

**Acting Administrative Director A. Camacho:** No...no...just...just...

**Chairman J. Reyes, Jr.:** Ms. Guerrero

**Acting Administrative Director A. Camacho:** Communication goes both ways.

**Lorette Guerrero:** Yeah, but that's what I'm saying. I was waiting, I was waiting for the Commission to say, hey, Ms. Guerrero we finally got your board meeting, this is what your scheduled for... okay, good. Because I didn't get approved from the VA until December. So, between September and December, I mean it's not you know four months, that was that, right? And then I didn't start construction until February. So, between September and the month of February, there is that time for that communication. I have already made one too many requests beginning with the loan guaranty and then moving on to the building permit and all I was told, is we don't have room for you to meet with the board, we are in the process of working on your request. That was that until September 9<sup>th</sup> and then no more!

**Chairman J. Reyes, Jr.:** Ms. Jessica is there anything else... alright, so, Commissioners there's still some... apparently there's underlying issues here that can stem all the way from the issuance to lease, right.

**Lorette Guerrero:** No

**Chairman J. Reyes, Jr.:** No, just one second, please. Now, the problem for us today if we proceed with anything further, is that, if there's a problem with the lease, we're going to have a problem with you continuing because you're going to have walls up and it maybe not even be... the problems at be... and I don't even want to assume, right. Or \*inaudible\* what Ms. Jessica had presented today. So, just for the Commissioners, I want to make sure that we're clear because what we don't want to do is set you up for failure in that sense.

**Lorette Guerrero:** So, I'm kind of curious, what is wrong with the lease? Because I was issued the lease. I was one of the constituents that was... I was one of the Null and Void one's right. But that was adjudicated back in

Unknown: \*inaudible\*

**Lorette Guerrero:** Yeah, something like that. And the former Commission – Commissioner Ms. Pika Fejeran, we met with the board, we went through whole process, there are minutes in line with that meeting and then I was issued my lease. So there is no question about problems with the lease at the time and it was all addressed, right? So, I got my lease, we're fine and dandy. Now, you're telling me there's something wrong with my lease? What is it?

**Chairman J. Reyes, Jr.:** So, we're learning... we are all learning this

**Lorette Guerrero:** Yeah, but this you know...

**Chairman J. Reyes, Jr.:** Because they're going back to ensure, right? So, I'm sure that the files is intact with everything that needs to be there. And if there's... and again, the land agents wouldn't come to the Commission or even to bring us that information and it's probably too premature to even understand or know what's the problem. I think that's where we're at. It's a little too premature to discuss that today. However, if the land agents are saying that there could be or there is a discrepancy or could be a discrepancy, if we make any movement on this today, we're setting you up for failure in that sense. I'm just making sure that we're all in alignment here. Because again it's relating to... you had poured in concrete, it's not like it's something that we can move.

**Lorette Guerrero:** Understood. Understood.

**Chairman J. Reyes, Jr.:** And this new. This is information to us, and I don't think it's necessary of what's being withheld it's more of they're just going back right and going through their findings and making sure that everything is in order. And to your point, I'm sure that there's going to be a copy of the minutes, there's going to be a copy of if Mr. Attorney Toft had interjected or whatever.... whatever the case may be. I'm sure that that's what they're also reviewing and that's why too Commissioner Santos pointed our minutes are very important. So, I think with that said, I want to make sure that our commissioners we kind of take everything that we have in front of us and do what's going to help Ms. Guerrero and not further delay or hurt Ms. Guerrero given where we're at today. And lastly, and I'll pass it over to the Commissioners. So, Ms. Guerrero, the only thing that I think I just wanted to also addressed is to continue to proceed.

**Lorette Guerrero:** Understood. Now that we know... Now, that I am aware of my lease...

**Chairman J. Reyes, Jr.:** And that's why I trust that they've gone through their due diligence to send out the cease and desist. Not to say, just say stop for the sake of stopping.

**Lorette Guerrero:** But that was the whole point, there was no communication after September so, to give me this; it's like wait a minute, why? I thought I'm in accordance

with the law so, with the exceptions right, why? So, there's no... and I would have appreciated even up until February when I first spoke with Jhoana. There was no, oh, the reason why you haven't been brought to the board was because there's still concerns about your lease – none of that was communicated to me. And now, I'm hearing about it today. So, I'm curious, what is wrong with my lease? Because I want to just let you know, I went to through the loan process with the Department of Veteran Affairs. So, now, I am obligated to them because I already started, right? And even though I wasn't supposed to, it happened, right. So, where am I? What is going on with the lease because if there is a problem, I would like to know and if there's something I could do about, please let me know because I'm not the only one involved now.

**Chairman J. Reyes, Jr.:** Yes, understood. I think it's going to take a little bit more time and I know that's going... because if they can't present that to us today with our packet then that means they're not ready. And what I don't want is any premature information and then we're not.... we didn't do our due diligence.

**Lorette Guerrero:** Ah okay, am I going to have to wait another year?

**Chairman J. Reyes, Jr.:** No, ma'am.

**Lorette Guerrero:** I just want to make sure and make sure that's on the minutes too that you said, I won't have to wait another year.

**Chairman J. Reyes, Jr.:** We're going to go through the process and you know the Commissioners, when we say we're going to take it to the - a priority in a sense of let's get it every month if it has to be every month or can we solve it in our next meeting. That's going to be the objective right and that's the goal.

**Lorette Guerrero:** Because that's really all I wanted was to meet with you guys

**Chairman J. Reyes, Jr.:** And that's why we're here it's to ensure and we want to hand out the leases, we want to make sure that we get our people on the lands \*inaudible\*

**Lorette Guerrero:** That's the whole intent, isn't it?

**Chairman J. Reyes, Jr.:** Exactly. And so unfortunately, sometimes the Commission granted that it cycles out. Unfortunately, we deal with having to fix the issues and that's the only way for us to move forward but not forgetting that we can move forward in parallel with fixing some of the issues to ensure that we're making decisions that won't affect us going forward and it's consistent.

**Lorette Guerrero:** Yeah, I mean don't help me. I mean don't hurt me, help me. That's what I'm asking right.

**Chairman J. Reyes, Jr.:** And we're going to do our best to get there. So, just to wrap us up, Mr. Eay, I think what I would like us to do and Attorney Toft, please keep on \*inaudible\* is Ms.... We're going to honor the cease and desist, let's take a pause given everything that we know. Mr. Eay and Ms. Dayday, I ask you to please come to the next board meeting with all the information and all the different items that you're deeming that maybe an error or an issue and present it to the board and we could see what we have in front of us and help rectify this situation. So, we have in essence about a month to do that. Attorney Toft, anything?

**Attorney N. Toft:** No, nothing further.

**Chairman J. Reyes, Jr.:** You're okay with that?

**Attorney N. Toft:** Yup

**Chairman J. Reyes, Jr.:** Commissioners, are we okay with that?

**Lorette Guerrero:** I'm good. I'm good. As long as... I mean yeah. It would have helped, we could have avoided all of that, right?

**Chairman J. Reyes, Jr.:** Yes, understood. And I appreciate your patience your time here and to Commissioner Herrera's point, the diligence that you made, this is not an easy process. And so, we're going to work together. You have my commitment.

**Lorette Guerrero:** I'd appreciate it. Thank you so much for your time.

Land Agent I T. Tainatongo: Ms. Lorette, can I just get a copy of your letter addressed to the Commission.

Multiple **Commissioners:** Yeah, yeah, the one that you readout, please. let's have it on file.

**Lorette Guerrero:** Oh, I'm sorry. I'm a teacher and I kind of like... okay.

**Chairman J. Reyes, Jr.:** No, I appreciate that.

**Commissioner A. Bordallo:** I want a complete lease agreement.

**Chairman J. Reyes, Jr.:** Oh okay. Yeah, so Ms. Dayday and Mr. Eay, can you make sure we get the complete pack of the lease agreement for Ms. Guerrero.

**Land Agent II G. Eay:** Yeah, I'm pretty sure we can be prepared to present to you at the next board meeting.



**Chairman J. Reyes, Jr.:** Okay. And then in the meantime if you need to if there's any questions that you need to address with Ms. Guerrero, please do it timely so that we're prepared too. We'll do our best to figure this out by next meeting.

**Land Agent II G. Eay:** Yes, understood.

**Land Agent I J. Dayday:** Okay

**Lorette Guerrero:** Is there any like slight detail if you could just share a little bit just, I mean I just want to kind of know. I'm curious

**Chairman J. Reyes, Jr.:** How about you guys can connect with Jessica

**Lorette Guerrero:** Oh yeah, that'll work too.

**Chairman J. Reyes, Jr.:** Set up a quick meeting.

**Acting Administrative Director A. Camacho:** Actually Mr. Chair, Glenn will take the lead on this so please communicate with Glenn. Jessica will assist.

**Chairman J. Reyes, Jr.:** Okay so Glenn will take lead Jessica assist.

**Commissioner A. Santos:** So, Glenn as what her email because it's in here her email to you she handed it over to land agent II Glenn Eay. So, that would be your point of contact.

**Lorette Guerrero:** Yes, thank you. Because having to dealing with multiple it's kind of like why? Why?

**Chairman J. Reyes, Jr.:** Understood. And I sincerely appreciate your patience and your diligence and we'll get through this and thank you for making the time to come to us.

**Lorette Guerrero:** No, thank you for your time and you know I just would have appreciated a more promising result than what I'm finding out today.

**Commissioners:** Thank you so much.

**Lorette Guerrero:** Have a good day.

**Commissioners:** You too. Stay safe.

**Chairman J. Reyes, Jr.:** Okay, Commissioners, let's take on the next item on the agenda and with our Residential and we'll take a quick break if that's okay with you? Commissioners, are we okay with that?

## **Multiple sideline conversations**

Aisha Diaz

**Land Agent I J. Dayday:** So, he'll be after Aisha

**Chairman J. Reyes, Jr.:** Yes, we're going to go to the next item Aisha Diaz and then we will take a quick break and then we'll go to Agriculture

**Land Agent I J. Dayday:** I just didn't want him to wait long because he's by himself out there.

**Chairman J. Reyes, Jr.:** Okay, so who's going to take on Ms. Diaz:

**Land Agent I J. Dayday:** That's me.

**Chairman J. Reyes, Jr.:** Okay and then Mr. Glenn or Jhoana just touch base with Mr. Celestial that if he's on – present we will see his case this afternoon.

**Land Agent I J. Dayday:** Can you just give him water:

**Chairman J. Reyes, Jr.:** Yes, I'll push that to Mr. Eay to take of him, don't worry.

**Land Agent I J. Dayday:** Thank you

**Chairman J. Reyes, Jr.:** Okay Jess. Thank you, guys.

**Land Agent I J. Dayday:** Okay, so the case. I'm bringing this case back for clarification because after speaking to the POA of Aisha Diaz they do not want to pay the taxes if they're going to keep the other lease and she also mentioned that her sister never or the originally lessee never agreed to the lease therefor she didn't sign it so therefor they shouldn't be held to that lease.

**Chairman J. Reyes, Jr.:** Okay. And Ms. Dayday, real quick? Do we have either the POA or Ms. Diaz present with us today:

**Land Agent I J. Dayday:** She does not want to come. She just told me to handle it and I believe the email is kind of like stuffed in you guys' packet. I'm sorry, that went into the wrong case but Ms. Frances Diaz the POA she does not want to... she just already frustrated. So, excuse me one minute, I need to drink water.

**Chairman J. Reyes, Jr.:** No problem take your time.

**Land Agent I J. Dayday:** Okay, so in this case Aisha Diaz was the successor to Irene Mafnas. And this already approved by the board. You had approved her for a survey authorization and a lease issuance. However, because the new law took effect the Public Law 35-112, the Board had approved the lease after so therefore she would have to qualify under the new law. But last meeting, Attorney Toft said that she qualifies under the old law. I wanted more clarification as the family or the POA does not want to pay the property taxes for the old lease. Or the lease that was not signed by the original applicant.

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

**Land Agent I J. Dayday:** They would like her name removed from the property taxes.

**Chairman J. Reyes, Jr.:** Okay, I guess we can give Attorney Toft a few seconds to help us out here.

**Attorney N. Toft:** So, didn't former Director Hattig already send a letter to DRT requesting that Irene Mafnas be removed from the tax roll?

**Land Agent I J. Dayday:** Yes, he did. However, it wasn't approved by the board to have her removed from the list. According to DRT it has to be from the Board. I don't know that... they just keep on putting her name on the delinquent list. They have not removed her up to this date.

**Attorney N. Toft:** And that's Irene not Aisha, correct?

**Land Agent I J. Dayday:** Irene, correct.

**Attorney N. Toft:** So, regarding the Aisha qualification the reason that I stated that she does not need to qualify under 75A is because she was named as a successor to an existing lease prior to the passage of the 75A law. So, I had sent an informational to the staff that if people are named successors to existing leases prior to I think it was January 1<sup>st</sup> 2021, that did not need to additionally qualify under 75A and so for this instance she was designated back in 1997 and it was a valid lease. Regarding the signature of Irene Mafnas, it's not a void lease just because she didn't sign it. It's legally known as voidable and I can send you legal analysis on that. I've done it for a few other cases where you have the same issue pop up. As far as the property tax assessment issue; was Irene Mafnas living on the property at the time or is it undeveloped?

**Land Agent I J. Dayday:** It's actually was leased to somebody else.

**Attorney N. Toft:** Okay.

**Chairman J. Reyes, Jr.:** Sorry, Ms. Dayday, the lease with someone else is prior to Ms. Mafnas?

**Land Agent I J. Dayday:** I believe it was after Ms. Mafnas but that could also be a reason why she didn't sign it or...

**Attorney N. Toft:** Yeah, I remember this case kind of from before. There was confusion, there were two lessees assigned to the same plot of land and that was the reason for the request

**Land Agent I J. Dayday:** Not signing it.

**Attorney N. Toft:** Not signing it and also for Aisha Diaz to move to a different lot also down in Inarajan. So based on that, yeah, I would recommend that the Board approve the authorization of the letter to Rev. and Tax removing her from the tax roll on that.

**Chairman J. Reyes, Jr.:** The taxes, okay. And then Attorney Toft, just to kind of come full circle on that regarding qualifying as the beneficiary and that given the fact even if Ms. Mafnas did not sign the lease, it's voidable and not voided?

**Attorney N. Toft:** Correct, yeah.

**Chairman J. Reyes, Jr.:** And is there anything for us to have to take

**Attorney N. Toft:** Additional action on?

**Chairman J. Reyes, Jr.:** Additional Action on?

**Attorney N. Toft:** No

**Chairman J. Reyes, Jr.:** Okay and then we don't even need to qualify Ms. Diaz?

**Attorney N. Toft:** No, because she was already a designated successor

**Chairman J. Reyes, Jr.:** Since 90...

**Attorney N. Toft:** '97

**Chairman J. Reyes, Jr.:** '97. Okay, Ms. Dayday is there any questions there? I was just trying to make sure I understood everything so \*inaudible\* if you have questions.

**Land Agent I J. Dayday:** Attorney Toft, how do we move forward with the lease that wasn't signed because not all the signatures are there. She didn't accept the award so how do we move forward with that? We can't do an addendum because if she goes

and records the addendum, DLM won't record it because the signature is missing, right?

**Commissioner A. Santos:** Whose signature is missing?

**Chairman J. Reyes, Jr.:** Ms. Mafnas

**Attorney N. Toft:** Irene Mafnas who has passed away, right?

**Chairman J. Reyes, Jr.:** She's deceased already.

**Land Agent I J. Dayday:** She's deceased. So, how do we move forward with the lease that the applicant did not accept the award? She didn't sign it so how do we move forward with this? I'm still kind of confused on this issue because if I put this through for review and process it's going to get kicked back to me because the lease was not signed or accepted, right. So, I just want to know how do we move forward on this.

**Attorney N. Toft:** Well, isn't there the new lease for Aisha Diaz down in Inarajan?

**Land Agent I J. Dayday:** No, no. So, we haven't moved forward with the survey. I requested for a survey authorization however, through the review process it was kicked back to me because she didn't qualify – she had to qualify under the new law, right because the Board approved her after January 1<sup>st</sup> of 2021 for a lease. So, with this other lease with the original applicant, she didn't sign it so she didn't accept award. So, how do I move forward with Aisha obtaining the survey authorization or moving forward?

**Attorney N. Toft:** Why don't you do this, and email me that same question on the issue and use the opinion that I give you and attached to the submission.

**Land Agent I J. Dayday:** Okay

**Chairman J. Reyes, Jr.:** Yeah, let's take that route. I mean, unless, Commissioners, any objections there, right?

**Commissioner A. Bordallo:** Yeah

**Chairman J. Reyes, Jr.:** And then we'll see. And again, Jessica, if it gets kicked back, let's make sure also work through that one last time.

**Land Agent I J. Dayday:** Okay

**Chairman J. Reyes, Jr.:** Okay, thank you. So, the only action the board needs to take here is going to be the... I'm sorry, I lost my...

**Attorney N. Toft:** The approval to remove Irene Mafnas from the tax... sending a letter to DRT requesting to remove Irene Mafnas from the tax roll.

**Chairman J. Reyes, Jr.:** Okay, thank you, Mr. Toft, I mean Attorney Toft for that. Commissioners, any questions? Do we want to take action on that?

**Commissioner A. Santos:** Yes

**Commissioner A. Bordallo:** Yeah

**Chairman J. Reyes, Jr.:** You can proceed.

**Commissioner A. Santos:** Commissioner Herrera, would you like to...?

**Commissioner D. Herrera:** To make a motion?

**Commissioner A. Santos:** Yeah

**Commissioner D. Herrera:** Mr. Chairman, I'd like to make a motion to remove Irene Mafnas from the property tax assessment, is that....?

**Chairman J. Reyes, Jr.:** Yes, that's the motion, yes.

**Commissioner D. Herrera:** Yes, okay so that would be my motion.

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

**Commissioner A. Bordallo:** I second

**Chairman J. Reyes, Jr.:** Any objections?

Commissioners: None

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes to remove Ms. Irene Mafnas on the property tax assessments.

**Land Agent I J. Dayday:** I'm sorry, but on the motion can you include the property description that she's been assessed taxes for.

**Chairman J. Reyes, Jr.:** Okay. So, let's go ahead and redo that motion. Restate your motion.

**Commissioner D. Herrera:** Okay, I make a motion to remove Irene I Mafnas from the property tax assessments listed for Lot 10, Block 6, Tract

**Commissioner A. Santos:** Block what?

**Commissioner D. Herrera:** Oh, Block 16, Tract 9210 (Phase-1) Municipality of Yigo

**Commissioner A. Bordallo:** I second

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

Commissioners: None

**Chairman J. Reyes, Jr.:** Okay, motion passes to remove Ms. Irene Mafnas from the property tax assessment listing for Lot 10, Block 16, Tract 9210 (Phase-1) in the Municipality of Yigo. Okay, thank you, Commissioners. Okay, the time is 3:49 p.m. Let's take a quick ten-minute break and we will proceed.

10 Minute Break

**Chairman J. Reyes, Jr.:** Hi good afternoon, everybody. Thank you for your patience, we are just getting back from a quick break. Commissioners, ready? We good? Okay, thank you. Next up on our agenda we'll go into Agricultural Lease with Constituent Matters. First up, will be for Mr. Robert Celestial. And I believe Mr. Celestial is here with us today and we'll get him set up.

Robert N. Celestial

**Chairman J. Reyes, Jr.:** Okay, Mr. Celestial, thank you so much for joining us today. And just for the record sir, if you could please just state your name?

**Robert Celestial:** My name is Robert Namauleg Celestial.

**Chairman J. Reyes, Jr.:** Thank you, sir. And Ms. Dayday, you're leading?

**Land Agent I J. Dayday:** Okay, so, we have here before you Robert Namauleg Celestial and Yvonne Borja Flores. Today, the issue is acreage size not approved by the legislature. Applicant's date and time is December 2<sup>nd</sup> 1995 at 10:15 a.m., application number 139, application type – agriculture, lease is an agriculture lease dated November 19, 2019, signed by Administrative Director Jack Hattig, III. Instrument number – recorded instrument number 942625. The location is Lot 15-1, Block 3, Tract 1021 in Dededo. The lot size is 8,414+/- square meters or two acres. Survey map 243FY2013 under map document number 866558.

**Chairman J. Reyes, Jr.:** Okay, so just the main issue is acreage?

**Land Agent I J. Dayday:** Yes, this is from one of our audits

**Chairman J. Reyes, Jr.:** So, this came back from the audit?

**Land Agent I J. Dayday:** Yes

**Chairman J. Reyes, Jr.:** Okay, so are you going to begin with the findings or are you going to walk us through quickly on some of the how we got to this?

**Land Agent I J. Dayday:** Yes, just be aware that Yvonne Borja Flores, there's two Yvonnas okay. One is Yvonne Borja Flores and Yvonne MG Blas. Yvonne MG Blas, did you want me to....?

**Chairman J. Reyes, Jr.:** Just kind of give us the summary of the chronology.

**Land Agent I J. Dayday:** Okay, so Yvonne MG Blas was the original applicant. And the Board had designated Mr. Celestial successor to Ms. Yvonne Blas's application at the November I'm sorry – October 2019 Board Meeting.

**Chairman J. Reyes, Jr.:** Okay, go ahead.

**Land Agent I J. Dayday:** Did you want me to just do the chronology and then lead up to the...

**Chairman J. Reyes, Jr.:** Get the highlights kind of... the key pieces that brought us to where we're at today.

**Land Agent I J. Dayday:** Okay, so because he was issued a lease on November – because his lease date was November 19, 2019, and was given two acres and that wasn't approved by the legislature. And that is based on Public Law 24-318. And I did put it as an Exhibit A, if you would like to go to Exhibit A where it says; the Commission is authorized to lease to Native Chamorros the right to the use and occupancy of a Tract or Tracts of Chamorro Homelands within the following acreage limits per each lessee; 1. Not less than one-quarter acre no more than one-half acre for subsistence agricultural farming, not less than one-half acre no more than twenty acres for commercial agricultural use, not less than one acre no more than twenty acres for grazing use and not more than one acre for any class of land to be used as residential lot. And he was approved for lease issuance in November 19, 2019, two acres and that wasn't approved by the legislature. It was just commission approved. And also based on Public Law 23-38, qualifications of an applicant is in addition to qualifications required in subsection A, a person applying for an agriculture lease maybe required to comply with Section 6.7 before a lease award can be made and that is livestock and crops, and that's on the findings sorry.

**Chairman J. Reyes, Jr.:** You're good... you're good, I'm following.



**Land Agent I J. Dayday:** So, lessees may raise animals intended for consumption on their agriculture leasehold to supply immediate family needs. Lessee may raise animals in a commercial basis under agriculture leasehold only after the following conditions are made. Submission of a plan for commercial production of animals which shall include but not limited to projections for productions, method of production, sanitation control measures and proximity to surrounding residences. And then approval from the Commission. So that's livestock and crops. Oh, I'm sorry, October 17, 2019, was when he was approved for this lease with the two acres. So, just to let you know that Mr. Celestial was a part of the Null and Void. His lease was Null and Void and he terminated his lease prior to getting this lease.

**Chairman J. Reyes, Jr.:** So, there was an existing lease?

**Land Agent I J. Dayday:** Correct. And that was November 23<sup>rd</sup>, 2011. Agriculture lease for a portion of Lot 15-1, Block 3, Tract 1021 in Dededo containing an area of not more than one acre subject to survey and that was signed by Administrative Director Monte Mafnas.

**Chairman J. Reyes, Jr.:** It didn't go to the board?

**Land Agent I J. Dayday:** No.

**Chairman J. Reyes, Jr.:** It didn't need to go through the Board during this time?

**Land Agent I J. Dayday:** No

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

**Land Agent I J. Dayday:** Prior to that... I mean after that... after he was issued that lease the conditional lease January 11, 2012, Mr. Celestial submitted a receipt for survey services for two one-acre parcels within Lot 15, Block 3, Tract 1021 in Dededo. However, the authorization to initiate survey was only for not more than one-acre. I'm not sure how it went from one-acre and then he surveyed two lots that had one-acre.

**Robert Celestial:** May I?

**Chairman J. Reyes, Jr.:** Yes, let's take a... We'll move over to Mr. Celestial on that.

**Robert Celestial:** The way that it was done is because they had an addendum. I had one acre first and then Monte approved the other acre in the back so I had to survey the whole two acres through the addendum that's what gave me two acres.

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

**Land Agent I J. Dayday:** So, the request for Mr. Celestial and Ms. Flores, there was a request for additional property to Administrative Director Monte Mafnas. However, the approval didn't come from Monte Mafnas it came from the Acting Administrative Director David Camacho on July 10, 2013. And then on July 17, 2015, is when the addendum was done. So, from the time he was issued the agriculture lease on November 23<sup>rd</sup> 2011 to July 17, 2015, there was no authorization to survey two-acres and there's nothing in file.

**Chairman J. Reyes, Jr.:** Regards to the increasing of the acreage so it went from one initially to two.

**Land Agent I J. Dayday:** Right

**Chairman J. Reyes, Jr.:** Did it increase more after that?

**Land Agent I J. Dayday:** No, no.

**Chairman J. Reyes, Jr.:** No?

**Land Agent I J. Dayday:** He surveyed the property for the two lots that was one acre. However, it wasn't approved for additional acreage until July 17, 2015, by the Acting Director David Camacho at the time.

**Chairman J. Reyes, Jr.:** And signed by AD Michael Borja?

**Land Agent I J. Dayday:** That's the addendum

**Chairman J. Reyes, Jr.:** That's the addendum, okay.

**Land Agent I J. Dayday:** Correct

**Chairman J. Reyes, Jr.:** Okay so with the addendum why was the addendum... took two years?

**Robert Celestial:** Mr. Mafnas died.

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

**Land Agent I J. Dayday:** Okay, so when you survey the property and it all depends on when you submit the map. So, if he had submitted the map in 2014 and then or in July 17, 2015, that's when the addendum was given to reflect the survey map.

**Chairman J. Reyes, Jr.:** Okay. Anything else Jess?

**Land Agent I J. Dayday:** Okay, well the Board of Commissioners designated Mr. Celestial to Yvonne M.G. Blas's agriculture application and approved him for an

agriculture lease the same day, right, October 17, 2019. The board minutes were put in Exhibit B. That's where the agriculture lease was approved for that amount of acreage.

**Acting Administrative Director A. Camacho:** Jessica, I'm sorry. I have a question. This is Yvonne

**Robert Celestial:** B. Flores

**Acting Administrative Director A. Camacho:** M.G. Blas was

**Robert Celestial:** That's my cousin

**Acting Administrative Director A. Camacho:** She was the original

**Land Agent I J. Dayday:** Applicant

**Acting Administrative Director A. Camacho:** applicant?

**Robert Celestial:** Yes

**Acting Administrative Director A. Camacho:** And then it transferred over to Mr. Celestial because he is the successor?

**Robert Celestial:** No, in the beginning Mr. Borja asked me if I could find a relative that signed in 1995 so I went and got a notarized letter from my cousin by Yvonne Blas that was also signed by Mr. Joe Borja who was the director at that time so they approved and that's how it got approved is that we just switched the date 2001 to '95 and so I got the 1995 year at that time nobody knew that was illegal.

**Acting Administrative Director A. Camacho:** That's why it went to the Null and Void, right?

**Robert Celestial:** Right

**Acting Administrative Director A. Camacho:** So, let's go back again if you don't mind. When you say Yvonne MG Blas is your cousin, how are you related?

**Robert Celestial:** Through the Namauleg

**Acting Administrative Director A. Camacho:** But is she your mother's

**Robert Celestial:** She's my cousin

**Acting Administrative Director A. Camacho:** How? How?

**Robert Celestial:** She's through my... her grandmother and my grandfather are first – second cousins something like that

**Acting Administrative Director A. Camacho:** her mother and your grandfather...?

**Robert Celestial:** Yeah, to my understanding and yeah, my grandfather, the Namauleg because she's a Guzman, right.

**Land Agent I J. Dayday:** So, in my findings he is not within the third degree of consanguinity or the line of succession to Yvonne Blas. And she did designate so when they reverted the application back to Ms. Blas, we did not afford her successors, her children or her next of kin the opportunity to take over this application. I'm not sure what had happened during that time but there was no communication between CHamoru Land Trust and the next of kin. But it's up to the agency to go out and look for the successor if it's a lease. However, in the application stage the successor to come to us or the family to come to us within the 180-days.

**Acting Administrative Director A. Camacho:** So, are we at the application stage or are we at the lease stage? Did Yvonne have a lease?

**Land Agent I J. Dayday:** No, it's in application stage.

**Acting Administrative Director A. Camacho:** And is there the 180-day rule as well?

**Land Agent I J. Dayday:** Yes, because she, they didn't notify us. However, I'm not sure how we're able to fault the next of kin if they were already aware that the application was transferred to Mr. Celestial or that the Board designated him successor.

**Robert Celestial:** May I?

**Chairman J. Reyes, Jr.:** Yes, yes, sorry sir.

**Robert Celestial:** On the approval of the application for the lease today, on the Board meeting you'd probably have to check the minutes but to my understanding I was told that the beneficiary for Yvonne Blas was her grandson. And that that's not approved by... it has to be siblings or cousins but not grandson and that was the stipulation that they said it was not legal to transfer to the grandson, that was the beneficiary. And so they found a way that if there's no beneficiary then the Board have the authority to designate their beneficiary which became me. According to what was explained to me, is that since the grandson was not authorize then it was voided something like that and then that's how since there was no beneficiary then the Board had the authority to appoint me and so that's how the lease was given to my understanding.

**Acting Administrative Director A. Camacho:** Does he have to meet the third degree of consanguinity?

**Attorney N. Toft:** We thought that he did because he said they were cousins so, at the time in the October 2019 meeting we just took that and ran with it. And so that under 5.8 he could be designated as successor.

**Chairman J. Reyes, Jr.:** So, sorry, we didn't ask; to what degree? I wasn't present so...

**Acting Administrative Director A. Camacho:** If you just said cousin then it's, okay?

**Attorney N. Toft:** Well, a direct first cousin would be within the third degree but I think...

**Robert Celestial:** What was explained to me in the Board is that since the beneficiary was already appointed as the grandson and it wasn't approved, I mean you can't use

**Chairman J. Reyes, Jr.:** Not eligible

**Robert Celestial:** So, they went a head and said that since there's no beneficiary approved and they waited the 180 days that they went ahead and the board was authorized to assign me and so that's what happened.

**Land Agent I J. Dayday:** Well, if you read the file

**Chairman J. Reyes, Jr.:** And the actual Board minutes

**Land Agent I J. Dayday:** I'm not sure about this minutes but then the file does have in Ms. Yvonne's file – on Ms. Blas's file, she designated her kids. However, when she put it down, she put her son's name and then her grandchildren then she put her daughter's name and her grandchildren. But her kids do qualify as beneficiaries and we did not give – we did not afford her family or her next of kin that opportunity. And Mr. Celestial is correct with 180-days however, if Mr. Celestial wanted to take over the application, he had 180 days to put it in writing to the Commission and inform us that she passed away. But till this day, our agency is not aware that Ms. Blas or officially aware that she is deceased because there's nothing in her file.

**Acting Administrative Director A. Camacho:** No death certificate?

**Land Agent I J. Dayday:** There's no death certificate, there's nothing in writing from the... there's nothing. I only found out by my research on obituary but officially there's nothing saying that she's deceased.

**Attorney N. Toft:** Part of the trouble that we had was because it was part of the Null and Voids at the time everything was happening. The original lease was in Robert Celestial's name so it wasn't until it was deemed as a void transfer of application rights in 2016 or '17 that everything got kind of rolled back and at that point Ms. Flores was

the original applicant so he had made the application to succeed her rights. The minutes of the board meeting in 2019 do say, that we did attempt to contact the people listed as the beneficiaries on the application but we were unsuccessful in getting a hold of anybody. So, he was the only one that came forward at the time. And again, that kind of also goes to the acreage issue too. He was originally the lessor he had permission from the Administrative Directors at the time to do the additional acre. So, that when this did come back in 2019 given that he already put in the work on getting the surveys done for both acres and establishing the farm for both acres the board wasn't going to take it back from him at the time. It was basically just trying to rectify a null and void situation as cleanly as possible.

**Land Agent I J. Dayday:** But in the first place

**Chairman J. Reyes, Jr.:** Hang on Ms. Jessica one second.

**Robert Celestial:** I don't know if this helps. But I've been there 11 years, my wife and I. You need to come out and see our place. Forgive me I'm getting emotional because we put a lot of work into our property. We really appreciate what you've given us and we've taken it far and beyond what anybody has done in that area. And to really appreciate what we've done I believe you need to see it. It's taken us 11 years, I built my own house, self-construction with my godbrother, it took us all those years. We followed all the law; we followed every step that was... from getting every stamp from every agency. We followed every inspection, everything that was told for us to do. I have ducks, chickens and goats. I planted more than enough trees. I have avocado trees, lemon trees, Iba trees, every tree, sineguelas, it's a beautiful place and you need to see it to appreciate what we've done over the 11 years. And I don't understand all of this, I really don't. I have decent knowledge, but what I'm trying to say is that no fault of our own, my wife and I, that from the beginning when Mr. Borja gave us permission to switch properties. He was the director; he should have known what was right or wrong. You know, I'm not blaming him but to come again, then we had the Null and Void, the stress and the heartaches that my wife and I had went through. All those years, and then they approved it and then to go through this again. This is hard. Just asking you now, you know, what are you going do? Believe it or not, we spent half a million dollars on improvement on that land and my labor and the kids, my grandkids is priceless. And that's why I say, you need to come out and see it. So, I just hope you could... it seems like instead of trying to get to the point where you approve it, everything here to me, is knit-picking at certain issues to deny my what we've done. And maybe I'm wrong but when the Board said at that time you know Ms. Jessica mentioned that they had different beneficiaries but at that time, they said, that only the grandchild was there and they passed the 180-days and that they're going to approve the lease. So, we were elated, we were fantastically happy. And then later on we find out it's... I get this report from Deloitte, this one here, the audit and it says that there's four of us. It says here that the lease agreement for the following properties who lot size exceed the CLTC Board commission approved were not approved... there's four of us and so that's what I was told in the beginning that that was the only issue, that

it wasn't approved by the legislature and then today, I find out that there's another issue to the report that now, we're not in consanguinity meaning where not related closely to Yvonne Blas which I thought that issue was already moved because of the decision that the other Board made. So, that's why I'm what you call it, emotional is because we've done a lot and I don't know what to do anymore. I mean we've spent our life savings just to...where we're at to be comfortable with our grandkids and my wife. My wife retired Navy, I'm retired Army, we're senior citizens, we have almost... the property next to us is abandon, the other property is abandoned you know and I was offered by all my friends for a couple of cows; I told them wait, I have goats but there giving me cows. I said, I can't because right now they told me don't bring the cow in because they don't know what they're going to do with the lease. And we just want to do what's right. I mean, you gave us a lease you, we honored it, we did everything possible in the lease. And I just hope and pray that you could fix this.

**Chairman J. Reyes, Jr.:** Yeah, and that's the reason why unfortunately it surfaced again and as you have the audit report. So, I'm going to kind of swivel here to Attorney Toft since he was...

**Robert Celestial:** And I apologize for getting emotional.

**Chairman J. Reyes, Jr.:** No, no, Sir, we completely understand. Especially with the hard work right. So, Attorney Toft, let's deal with the consanguinity in that case right because the acreage we can handle that but you know, here we again and kind of going through this. So, if Jessica or if it's been deemed as an audit finding on top of the acreage size, right? What are our next... what's our recourse here more so on the beneficiary side?

**Attorney N. Toft:** On the beneficiary side, I would advise just to pass over that. We went over that in 2019, you can read the minutes, there's a giant discussion on the interpretation of 5.8 (a) and at the time, I asked the Commission or the Board whether or not they wanted to go with a because it could be read kind of two different ways. I said, there's a strict application or looser application of how 5.8 is to be read because the language on it is a little flakey, I guess would be the best word for it, not entirely clear. At the time they said, we would like to go with the looser interpretation of it and approve him as a qualified applicant. So, I think that issue is put to bed. As far as the acreage issue it was more of an equity issue. Kind of how we talked about earlier with the first case that we heard today when people kind of relied on the board and then in that instance it was for a survey authorization or something like that. And this one, Mr. Celestial, at the time when he had the lease initially, was going off the advice from Chamorro Land Trust Commission. He relied on former Director Borja, former Acting Director Camacho and the procedure on how to proceed and what to do, and followed all that to the letter to his credit and then when the Null and Void issue came down and he was on the wrong side of it. The board under director Fejeran tried to just make him whole again and basically not punish him for the actions of the CLTC in the past and just basically try to replace him where he was. So, in that instance, if we take

no action on it, yeah, we'll probably get another ding on the audit but at the same time I think we would be doing justice to the case given that Mr. Celestial has relied on. Not this Board but this office for the last two decades or so in what he's been doing.

**Chairman J. Reyes, Jr.:** So, my only concern, again, like we've stated before is that these decisions that we either oblige with or we decide to go against or for, we need to make sure we are consistent going forward for every similar case that is going to come up. And I don't know if we're going to be able to get away with that in that sense from the legal side of it, right, because if we – but if we decide you know, if we decide as a commission, leave everything as is, right and it'll go through and if it gets audited again and if any other cases of similar in nature, it may not be you where we apply this and we agree to this and we're going to make it whole because of how the issues of the past and we got to stick to it. And again, if we decide that we're good with that, I just want to make sure that we're all in agreement. And of course, Mr. Celestial, we're not discounting the hard work put into it, right. It is as you can see with the troubles of the Commission, with the Trust as a whole over the years. We're trying to make sure that we can address the issues. We want to issue more leases; you know what I mean? In order for us to issue more leases, we got to make sure that it's consistent across the board. So, just wanted to make sure that our commissioners and our team knows that this what we're striving to do what's right and it's just sometimes it's hard if the law doesn't fit but it's happened; how do we address it because of the other issues going forward.

**Robert Celestial:** Just a suggestion, since I have two acres and I do have animals and a lot of fruit trees; would it benefit everyone to make mine a grazing or commercial and that would make it legal instead of subsistence because that's the issue here, the subsistence?

**Chairman J. Reyes, Jr.:** I mean I'll turn it over to our experts I mean I think that's one thing, a question that we can probably get addressed.

**Acting Administrative Director A. Camacho:** So that's two, there are two processes right in order for us to do that. One, is an RFP

**Robert Celestial:** Which?

**Acting Administrative Director A. Camacho:** May not go your way, unfortunately. And the other is through legislature.

**Chairman J. Reyes, Jr.:** Okay. I'm sorry Jessica you were...

**Land Agent I J. Dayday:** Yeah.

**Chairman J. Reyes, Jr.:** That's where you were going to go?



**Land Agent I J. Dayday:** Right. But I have a question, how is it that the Board was able to designate him successor when weren't even officially, we don't have anything saying that Ms. Blas is deceased. How was the Board able to do that without a death certificate? Or anything showing that she passed away, and her next of kin was not even notified other than Mr. Celestial, right? So, how did the board designate a successor based on that without a death certificate or anything, you know?

**Chairman J. Reyes, Jr.:** And we've looked in both files? I'm sure you scraped through it, both files, correct?

**Land Agent I J. Dayday:** The other file the board had reverted the application back and I'm just going to let you know we're using Mr. Celestial's file which it shouldn't have all these things here should go to Ms. Blas's file. And then Mr. Celestial will still keep his residential application. He does have his own application. So, everything was put into this file which should be in Ms. Yvonne Blas's file. But I just wanted to find out how were we able to designate him successor when we don't even know that she is deceased officially? Just wanted to throw that there. But I have visited Mr. Celestial's farm and you know it really is nice but my job is to assist our beneficiaries in accordance to the law. I don't want him to continue on and then later on the board changes another you know the new administration and then oh, okay we're really going to look at this. I don't want that to happen to any of our beneficiaries. And like Mr. Celestial said, it was approved. That's our job, that's my job as a land agent is to assist the beneficiaries in accordance to the law and just reading some of this it's just... I just don't feel right moving forward and he shouldn't you know we really shouldn't do that to Mr. Celestial as well. But that's the one thing, we're not basing – he didn't get the lease based on his application. He got the lease based on Ms. Blas's application who we were not officially informed that she's deceased.

**Attorney N. Toft:** So, just looking at the minutes from 2019, it was the land agent at the time that told us that Ms. Blas had passed away so we didn't have the file in front of the board members at the time. We don't... and I honestly haven't, can't say I've seen a death certificate come through with the packets at all in any case. We just assumed that the land agents know what they're talking about. So, we just took that at face value.

**Land Agent I J. Dayday:** So the land agent..

**Acting Administrative Director A. Camacho:** So, may I ask a quick question though, Jessica?

**Land Agent I J. Dayday:** Mhm

**Acting Administrative Director A. Camacho:** You mentioned that Mr. Celestial has an application?

**Land Agent I J. Dayday:** He has his own application, correct.

**Acting Administrative Director A. Camacho:** Okay. What is his date and time?

**Robert Celestial:** 2001 and we switched it to '95

**Acting Administrative Director A. Camacho:** No, I want to stick with the 2001 application. I'm trying to figure out to make it right by following the law and our processes.

**Land Agent I J. Dayday:** If we use his application, we wouldn't be able to use the lease right? We just have to give him a right of entry or what not but we're still going to have to decrease the acreage. But you know, it's his opinion is different. I'm just asking, how do we... he got this lease based on Ms. Blas's application, this is her application, December 2<sup>nd</sup> 1995. And she is on the listing, she's ready for lease issuance, right, but how do we move forward or anything if she's deceased?

**Commissioner A. Santos:** What do you have? Were you going to pass that out Jess?

**Land Agent I J. Dayday:** Yes, I was.

**Commissioner D. Herrera:** Jess, the original application is for agriculture or residential?

**Land Agent I J. Dayday:** Ms. Blas is agriculture

**Commissioner D. Herrera:** No, for Mr. Celestial

**Land Agent I J. Dayday:** Residential

**Commissioner D. Herrera:** And the maximum for residential is...?

**Land Agent I J. Dayday:** Half-acre

**Attorney N. Toft:** Well, it says, in 2008 he did a request to change application type to agriculture and that was approved

**Commissioner D. Herrera:** And agriculture, maximum in agriculture is...?

**Commissioner A. Santos:** Up to twenty if it's grazing

**Commissioner D. Herrera:** So, if he voids the first application and applies for grazing because I think residential you have about fourteen thousand according to this data you know what I'm saying. Currently he's raising I think ducks, chickens, you get what I'm saying

**Land Agent I J. Dayday:** That's not really considered grazing.

**Commissioner D. Herrera:** You inspected the area? Is there really animals there?

**Land Agent I J. Dayday:** He has ducks and goats, yes, he does.

**Commissioner D. Herrera:** And what is the ratio for goat, ducks and chicken for...

**Land Agent I J. Dayday:** You can have upto one-acre

**Commissioner D. Herrera:** For goats?

**Land Agent I J. Dayday:** For goats, pigs... because they're contained.

Commissioner D. Herrero: And cows?

**Land Agent I J. Dayday:** Cows is one

Commissioner D. Herrero: One?

**Land Agent I J. Dayday:** One acre per cow

Commissioner D. Herrero: Per cow?

**Chairman J. Reyes, Jr.:** Per animal, yeah?

**Land Agent I J. Dayday:** Or cattle, dear...

**Acting Administrative Director A. Camacho:** Can we change application type from residential to agriculture?

**Attorney N. Toft:** We've put that in the proposed rules and regulations as far as an official designation on it

**Acting Administrative Director A. Camacho:** But we're waiting for the legislature

**Attorney N. Toft:** It's one of those issues where we've been doing it for God knows how long but it wasn't... there was no procedure listed in the rules and regs as to how it was done so we're trying to clean that up.

**Acting Administrative Director A. Camacho:** And this is something that we're asking the legislature to allow to the board to approve, correct?

**Attorney N. Toft:** Yes

**Acting Administrative Director A. Camacho:** But we're not there yet?

**Chairman J. Reyes, Jr.:** We're not there yet

**Attorney N. Toft:** We're not there yet

**Acting Administrative Director A. Camacho:** Let's not even go there

**Chairman J. Reyes, Jr.:** Okay so

**Commissioner D. Herrera:** Question, so you said, if it's contained it's one cow per acre?

**Land Agent I J. Dayday:** No, not the cow. Like, pigs, goats, chickens, ducks...

**Commissioner D. Herrera:** And where can I find that reference?

**Land Agent I J. Dayday:** It's I believe

**Commissioner D. Herrera:** Section \*inaudible\*

**Land Agent I J. Dayday:** I didn't put it in the packet

**Chairman J. Reyes, Jr.:** No...no...it's not in the packet. It's not in the packet  
Commissioner Herrera

**Commissioner D. Herrera:** Section 2,

**Chairman J. Reyes, Jr.:** No...no...it's not in the packet

**Commissioner D. Herrera:** Is on Section 2 of

**Land Agent I J. Dayday:** 75 – 60 I'm sorry, 75, yeah. Section 75107

**Commissioner A. Santos:** 107?

**Commissioner D. Herrera:** Agricultural tracts – Section 3 subsistence – commercial agriculture- Section 4

**Land Agent I J. Dayday:** Sorry, I only put the one

**Commissioner D. Herrera:** Chapter 75?

**Land Agent I J. Dayday:** Yeah – yes. I only gave you this copy just to show the acreage because this originally was just the audit.

**Commissioner D. Herrera:** I'm just trying to make it clear so for the record

**Land Agent I J. Dayday:** Oh no, I'm just letting you know that I didn't give you the rest of it, I'm sorry, yeah.

**Commissioner D. Herrera:** So, I'm reading here Section 2 Section 75107 Alpha – of Chapter 75

**Commissioner D. Herrera:** Or Chapter 75

**Commissioner D. Herrera:** Chapter 75 Division 2 of Title 21 of the Guam Code Annotated.

**Commissioner A. Santos:** 75A if I'm correct 75A supersedes I mean it's what we have not 75 because 75A had amended 75

**Acting Administrative Director A. Camacho:** I think they're looking at it because of the time, right?

**Commissioner A. Santos:** Mmm okay...okay...

**Commissioner D. Herrera:** Because what I understand in the beginning of back in '98 it's a two for one or one for two. What I'm saying for two for one and one for two is that you get two-acre per head for cattle or one acre for two heads of goat because cattle and goat are two different, one is a grazer and the other one is a what they call a chipper just for your information and we had this researched back with Department of Agriculture. Again, to help those that want to go into subsistence. So, I just want to make that clear before we come to the conclusion that your limitation is only going to be one-acre for...

**Land Agent I J. Dayday:** For the piggery and the chickens and stuff like that?

**Commissioner D. Herrera:** Right just to make it clear because this gentleman here has spent over a half a million dollars, he's a senior citizen and it's almost like the last case we had but anyway back to this case just to make it clear. If he converts or remakes his first lease on his original lease and applies for what he's doing now with his animal that he has if you already checked his place; does he really have the animals there?

**Land Agent I J. Dayday:** He does. He has ducks and he does have goats.

**Commissioner D. Herrera:** Okay, so if that's confirmed so then the next step is that because we're trying to find a resolution here right because we can't go back and say okay you cannot take Mrs. Yvonne's you can based on what the prior Commission gave him instructions, he followed all the recommendations from the Commission and the Trust and here we are again today.

**Land Agent I J. Dayday:** Okay, but in Public Law 23-38 Section 6.7 Livestock and Crops; It tells you what when you do the submission of a plan for commercial production of animals, right

**Commissioner D. Herrera:** Commercial production of animals

**Land Agent I J. Dayday:** But that is also for consumption of his immediate family, right? If he's going to use his animals in that way, he has to show a submission of a plan of projection of production, method of production and sanitization controls measurement

**Commissioner D. Herrera:** For commercial

**Land Agent I J. Dayday:** But even as subsistence he would still need to get the proper clearances and submit it to us right

**Commissioner D. Herrera:** According to that the one your reading?

**Land Agent I J. Dayday:** Yeah but

**Commissioner D. Herrera:** I'm just trying to clarify this

**Land Agent I J. Dayday:** So where does he put the waste and what not? That's what I'm trying to... because it's

**Commissioner D. Herrera:** The waste?

**Land Agent I J. Dayday:** Yeah, his sanitization control measures and things like that right?

**Commissioner D. Herrera:** Let's say I raise 20 heads of cow, what do I do with the waste?

**Land Agent I J. Dayday:** Because you're grazing so okay so...

**Commissioner D. Herrera:** This is where we're at, right, this is what we're discussing.

**Land Agent I J. Dayday:** I'm not talking... because he doesn't have no cattle

**Commissioner D. Herrera:** He has goats I mean according to you so...

**Land Agent I J. Dayday:** Yeah, he does have goats but I didn't see that on the rules all I saw was cattle so I apologize on that part I will further research what is considered grazing however also to consider grazing he would need to submit that he purchased the animals and that is not in his file

**Commissioner D. Herrera:** So, do you get the cow first or the land first?

**Land Agent I J. Dayday:** He got the land first and then he got the animals right

**Commissioner D. Herrera:** Seriously if he wants to come and say I want to raise twenty heads of cattle, right, does he have to show the cattle first or do we have to get the land first? I'm asking a practical question

**Land Agent I J. Dayday:** Yeah, he got the land first

**Commissioner D. Herrera:** The land first?

**Land Agent I J. Dayday:** And now he has to show us how he got the animals, right.

**Commissioner D. Herrera:** For the record we get the land first

**Land Agent I J. Dayday:** Mhmm

**Commissioner D. Herrera:** Okay. Alright, so you got it right?

**Land Agent I J. Dayday:** I do

**Commissioner D. Herrera:** Yeah, I'm just trying to be user friendly here because you know this is the second constituent that is here that went emotional and I'm seeing her the footprint that is the constituent that's having an issue here or is the standard operating procedure that we have. That's all I'm saying.

**Acting Administrative Director A. Camacho:** Unfortunately, though, there are decisions that had been made that does not – was not – did not follow the law

**Commissioner D. Herrera:** Right. Yes, I agree. I agree

**Acting Administrative Director A. Camacho:** So, this came to us today because of an audit so how do... I think we need to focus on are we going to ignore this finding? Or do we want to find the best solution?

**Commissioner D. Herrera:** Correct, the best solution.

**Acting Administrative Director A. Camacho:** So that the Commission too doesn't continue to break the law to go against audit findings and things like that.

**Land Agent I J. Dayday:** And that's what I mentioned earlier, my job as a land agent is to assist our beneficiaries in accordance to the law and I have been in contact with Mr. Celestial. I've gone to see his farm and I do feel – knows my feelings towards it. But

this is my job, I have to make sure that we you know that he's in accordance to the law.

**Commissioner D. Herrera:** And you're doing a great job

**Acting Administrative Director A. Camacho:** Do you mind...

**Chairman J. Reyes, Jr.:** Hold on, let me just acknowledge Mr. Celestial.

**Robert Celestial:** Oh, she could go first.

**Acting Administrative Director A. Camacho:** Because it's an audit issue, can we call Joey into this meeting so he can address the finding and perhaps even give us a solution.

**Robert Celestial:** Thank you for asking that question. The only thing in the audit was it didn't follow - not approved by the Guam Legislature that was the only thing in the audit.

**Chairman J. Reyes, Jr.:** Yes, correct. That's the main thing.

**Robert Celestial:** The other issue...

**Chairman J. Reyes, Jr.:** The other issue is continuing to surface unfortunately as well.

**Robert Celestial:** According to \*inaudible\* the lawyer according to him and his interpretation that it was already put to bed but I don't know it's up to you.

**Chairman J. Reyes, Jr.:** No, understand and that's kind of why now we're trying to come back full circle and what are we going to address today or what should we address today? Are we going to not be able to address it and we table or we come back and Jessica and the team will come back with a solution on how to address this where there would not be any major repercussions with what you already done with the property? Again, I'll say this again, that's the intent and the goal of the Commission of the Trust give it to our people to utilize to help themselves or be able to help others in regards to like commercial type farm. But we'll just bring Joey in who leads all our audits and kind of get some additional insight and if we don't have a path forward today what do we need to do to ensure that we are working towards a path forward, right Mr. Celestial. Mr. Cruz

**Program Coordinator III J. Cruz:** Just so you know, we've met with Mr. Celestial in the past and we did inform him that our objective is not to take anything away but to make sure it's processed in a manner within the parameters of the law. So, Mr. Celestial's audit and like he mentioned was pulled for an audit to review the way just the way things were processed. Unfortunately, Mr. Celestial's lease was awarded after



Public Law 33-78 which requires anything over half-acre to get legislative approval. And after further review and Jessica had mentioned so I also oversee the QC process even after the board had approved certain actions. So, we called in to question the relationship of Mr. Celestial and the beneficiary because there's no documentation to ascertain that they are blood-related. And then we focused on – because of that then we moved on to the Board's action which was to designate Mr. Celestial as the successor so everybody is referencing the 5.8 or whatever the case may be, through the QC we reference the enabling act or the CLTC Act which is the Chapter 75 or 75A. And then we question whether the Board has the authority to designate a beneficiary outside the group named which is spouse, children, brothers and sisters of the widow or widowers or the nieces or nephews; because, we weren't able to ascertain Mr. Celestial's relationship to Ms. Flores

**Land Agent I J. Dayday:** Blas

**Program Coordinator III J. Cruz:** Or Ms. Blas, we kicked it back. So, that's the whole story from how it evolved from just the audit finding to now the qualification. Mr. Toft had mentioned that you can bypass it, yes, it will continue to be a rollover comment in the management letter. What would happen after three times, I can't tell you that. I don't know. But we did do our due diligence to find a viable solution, unfortunately, we have not been able to come up with one, so that's what it is.

**Acting Administrative Director A. Camacho:** Joey, because he has an application, because he has an application would it be appropriate to give a right of entry until his time and date?

**Program Coordinator III J. Cruz:** You know, from just my personal belief right and we're dealing with the Null and Voids and Mr. Toft – Attorney Toft had presented some cases. I don't think Mr. Celestial had occupied before July 12, 1995, so that was a solution that was off the table because one of the additional authority was to grant the board authorization to award pre-occupiers. Based on his date and time of his application and the Board's position that we're going now based on date and time he doesn't fit that criteria either. If the board chooses to give him a right of entry that would be up to the Board, you know it doesn't say you can or you can't. But that was one of the proposed solutions that we did present to the Board because Mr. Celestial falls under that category. But then comes the question now, is the two-acreage award which is contrary to law. So, another option if the Board was to adopt a right of entry maybe you minimize it to a half-acre. But just know that anything he does after that and like Jessica said, the next Board comes we're going to be liable to Mr. Celestial. So, we have and we continue to try to find a viable solution to Mr. Celestial's case. Unfortunately, we haven't found one yet.

**Chairman J. Reyes, Jr.:** Based on the audit findings and not necessarily taking what was done by the previous commission?

**Program Coordinator III J. Cruz:** Nonetheless it still needed Board approval because of the lease date. That's what the auditors are saying is that because the law was passed 33-78 prior to the award of Mr. Celestial's lease the law should have been considered when the award was done which would require for us to go through the legislature to get approval.

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

**Acting Administrative Director A. Camacho:** I think Mr. Celestial do you have a preference based on the law? Do you have a preference?

**Robert Celestial:** On what year are they? Are they using the 2019 law? I mean

**Program Coordinator III J. Cruz:** The 33-78

**Robert Celestial:** No, the lease?

**Program Coordinator III J. Cruz:** The lease was signed in 2019

**Robert Celestial:** Right

**Program Coordinator III J. Cruz:** Which was subsequent after the enactment of the law

**Robert Celestial:** Right. The original lease was 2011. Even though it was Null and Void it was still a lease issued and it was good at the time and even though it was null and void my original lease was 2011.

**Program Coordinator III J. Cruz:** Understood. But your original lease was deemed null and void by the Attorney General.

**Robert Celestial:** Right, I understand that.

**Program Coordinator III J. Cruz:** So, that was terminated.

**Robert Celestial:** Yeah, but it was still a lease

**Program Coordinator III J. Cruz:** It was terminated based on law because we weren't authorize to allow switch and transfer of date and time.

**Robert Celestial:** That was the original date and time is 2011 that's my understanding. The original lease was 2011 and even though it was null and void and reissued in 2019 because of the Attorney General to me being a lament I would think if you talk about an original contract the original contract was signed in 2011, the date, that's my understanding. Now, if you want to use 2019 then that's the date that disqualifies me from the two acres.

**Program Coordinator III J. Cruz:** \*inaudible\*

**Robert Celestial:** Exactly and so I just want to issue that out that my original lease was 2011 not 2019.

**Program Coordinator III J. Cruz:** But just so we bring it back, the switch of transfer of application date and time is well fell under the Null and Void lease listing in actuality that lease was voided due to the action that wasn't allowed by law.

**Chairman J. Reyes, Jr.:** Okay, so I think we've definitely spent some good time and dialogue on this, right, and I'm still not sure or figure we have a path forward as far as whether or not we are going to address this or if we are going to keep things intact as is as approved prior. The hard part for that is that it's not within the confines of the law and we're still stuck with the two-acreage issue that needs to get approved in one way shape or form. So, I'm going to look to our commissioners or even Attorney Toft; I don't want to necessarily say that we're going to... we know what we're going to move forward to but I don't also necessarily want to say that we keep things as is with not giving Mr. Celestial the comfort, at this point is the comfort, we're doing – we're looking outside more of what can be done in that sense.

**Robert Celestial:** I appreciate that

**Chairman J. Reyes, Jr.:** And now, I'm going to kind of turn it to you guys and see do we table this and do we take where we work with Attorney Toft a little bit more and if we're solid that we're going to stick to what was approved in the past then, Commissioners, we need to stick to that as well and apply it to everything that we come across.

**Commissioner A. Bordallo:** Mistakes.... Mistakes...mistakes...

**Chairman J. Reyes, Jr.:** Is everything that we've been dealing with, Saina, yes.

**Commissioner A. Bordallo:** You know, if you give him a right of entry and then you take his case to the legislature and have them pass that lease for him 8000 square meters. That's my suggestion that I think would work.

**Chairman J. Reyes, Jr.:** Go ahead, Commissioner Herrera.

**Commissioner D. Herrera:** Mr. Chairman but that still doesn't resolve the issue between Yvonne LG Blas

**Chairman J. Reyes, Jr.:** Correct

**Commissioner D. Herrera:** That's the origin of the problem

**Chairman J. Reyes, Jr.:** Yeah, that's still a lingering problem as well.

**Commissioner D. Herrera:** Yes, like the Attorney and Director Camacho mentioned right it's going to come in front of another board after we all expired again. So, I want to revert back to what Joey was saying that we have to go to the legislature to get the two-acres approved, is that what we're saying?

**Chairman J. Reyes, Jr.:** addressed

**Program Coordinator III J. Cruz:** Based on 33-78, yes.

**Commissioner D. Herrera:** Based on 33 – because he was applying for agriculture

**Program Coordinator III J. Cruz:** Initially he had a residential then it switched back to the residential application

**Commissioner D. Herrera:** From the original right not when it was transferred to Yvonne

**Program Coordinator III J. Cruz:** Yes, but see now that he switched application type we are pending the additional guidance or authority presented by Attorney Toft. In the event that it's not granted, we may run the risk of having to revert everything back. So, that's another issue because he was a residential applicant, he switched to agriculture there's another problem

**Commissioner D. Herrera:** And agriculture is two?

**Program Coordinator III J. Cruz:** Just the switch of application type is another issue

**Commissioner D. Herrera:** Yes, okay, alright so that's another one aside from Yvonne's switch?

**Program Coordinator III J. Cruz:** Yes

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

**Commissioner D. Herrera:** So, what if he goes back to his original application from the 21<sup>st</sup> or 2021?

Multiple response: 2001

**Land Agent I J. Dayday:** His date and time is not up

**Program Coordinator III J. Cruz:** He currently has... he still has his current application but because the Board took the position of, we're going by date and time. There's no way for us to....

**Commissioner D. Herrera:** I understand. Date and time for agricultural and residential, we got one more option which is number 3 of section 2 section 75107; not less than one acre not more than 20 for grazing; that would resolve the two acres you know what I'm saying because

**Program Coordinator III J. Cruz:** It won't because in the law the 33-78 only exempts subsistence farming and residential.

**Commissioner D. Herrera:** exempts subsistence...?

**Program Coordinator III J. Cruz:** Farming and residential so in our Act the subsistence farming is considered half-acre or less

**Commissioner D. Herrera:** Subsistence?

**Program Coordinator III J. Cruz:** Yeah

**Commissioner D. Herrera:** And where does grazing fall under?

**Program Coordinator III J. Cruz:** Grazing has its own line item

**Commissioner D. Herrera:** Yeah, so that's what I'm saying so he applies for grazing

**Program Coordinator III J. Cruz:** But nonetheless it is an acreage over what's allowable by law we have to get legislative approval.

**Commissioner D. Herrera:** If he applies for grazing

**Program Coordinator III J. Cruz:** He can apply for an agriculture lease or he can state that he's going to be having grazing activity but nonetheless it's going to be over half-acre because just the discussion I heard earlier one acre per head of cow it's still going to need to be approved by the legislature.

**Commissioner D. Herrera:** Understand. We approach that legislature with that angle right then we don't have to address the Yvonne Flores and the Yvonne Leon Guerrero Blas issue?

**Program Coordinator III J. Cruz:** We still have to because the premise of awarding the lease was based on Ms. Yvonne's application

**Commissioner D. Herrera:** Yeah, that's what I'm saying we void everything from the Blas

**Program Coordinator III J. Cruz:** But he's going to switch application type which he already did there's going to be another issue because we're trying... we just met with the Speaker last week so we had informed her that we will be sending the additional authority request. Now, if that specific additional authority is not approved then like I said, the liability is we may have to go back and revert everything. So aside from Mr. Celestial's case we have many that have switched application types. Some have even loan guaranties, some had surveyed, some have constructed their own house with their resources. So, if that's not approved our liability is going to skyrocket.

**Commissioner D. Herrera:** On the switching?

**Program Coordinator III J. Cruz:** Yes

**Chairman J. Reyes, Jr.:** Yeah, so, there's other impacts that could happen

**Commissioner D. Herrera:** So, I'm hearing that the switching is limited to \*inaudible\*

**Program Coordinator III J. Cruz:** Not limited but initially it was allowed but unfortunately, we applied the concept of the null and void which is the law doesn't say you can or can't switch application type

**Commissioner D. Herrera:** Oh, okay that would be one issue

**Program Coordinator III J. Cruz:** So, that's why there's a moratorium, we placed a moratorium on that to allow for Attorney Toft additional authority to go through the process so if it's approved it's going to be an easy way for us to fix nonetheless, we have to terminate but then we can allow and reissue because I don't think if it's approved you can retroactively apply that, right?

**Attorney N. Toft:** Well, it depends how we word it

**Program Coordinator III J. Cruz:** How it's written

**Commissioner D. Herrera:** There that's where I'm getting.

**Attorney N. Toft:** I think we should because that's the \*inaudible\* purpose of trying to resolve some of the Null and Voids as well.

**Commissioner D. Herrera:** So, there's still room

**Program Coordinator III J. Cruz:** There's room to allow. There's still hope to allow for the switch of application type at this point.

**Acting Administrative Director A. Camacho:** If the legislature passes

**Program Coordinator III J. Cruz:** Passes it

**Robert Celestial:** So, it's in the Speakers...

**Program Coordinator III J. Cruz:** Not yet. We just had a discussion and we're going to be forwarding it to her.

**Attorney N. Toft:** And maybe that's the solution to this is to try and fix it through that rule of passage and use the combination of the examination of the null and voids and also the application type switching.

**Chairman J. Reyes, Jr.:** So, Joey, we're up for another audit, right?

**Program Coordinator III J. Cruz:** Our audit will conclude within I want to say two weeks maybe less but nonetheless Mr. Celestial's case because it hasn't been adjudicated yet it will be a roll over.

**Acting Administrative Director A. Camacho:** And this is the second...this will be the second ding for us?

**Program Coordinator III J. Cruz:** I think second or third. I'm not too sure.

**Robert Celestial:** What was that, second what?

#### **Multiple responses**

**Chairman J. Reyes, Jr.:** Okay, so Commissioners I think let's table this, let's work with... we'll do our best to see what – if we're going to take the angle that needs to go through legislation right, that will cover this.

**Program Coordinator III J. Cruz:** We hope so.

**Chairman J. Reyes, Jr.:** That may cover this, right. I know that we need to make sure that we parcel those authorities to in strictly will cover X and etc..... right. So, let's table this Mr. Celestial, I think we're going to need a little more time here before we make any other decisions. However, we'll make sure that Jessica continues to keep in contact with you just to at least say, sir, we have not heard anything. Because not hearing from us may also maybe cause a little bit more distress. So, we'll take that approach Commissioners if you don't disagree. And we'll do our best to see a path forward.

**Robert Celestial:** Well, thank you for understanding. I really do. I mean there's...

**Chairman J. Reyes, Jr.:** I'm sure you understand. There's all the implications, here. And all the others that are still waiting as well. And we can address that going forward within the confines within the parameters of the law. So, did you...

**Land Agent I J. Dayday:** Yeah, Mr. Celestial came in requesting utility authorization for his agriculture so he can be paying agriculture rates.

**Robert Celestial:** Again, I'm glad you brought that up.

**Chairman J. Reyes, Jr.:** Yeah, but that's not in our agenda \*inaudible\*

**Land Agent I J. Dayday:** Yeah, so, I just want...he's going to bring that up to you because it's not going to... we're not pushing it forward

**Program Coordinator III J. Cruz:** We're not preventing it because of humanitarian reasons. Mr. Celestial has water. What our concern is that if we cannot resolve it, any additional funds that he should invest into whatever he's doing is going to create more liability on us. So, if the board decides not to adjudicate or rectify, or resolve his issue today, we are hesitant of awarding utility for agriculture water rates because he may have to trench pipe put in a meter or do whatever it is....

**Commissioner D. Herrera:** What is his water rate now?

**Multiple responses:** Residential – residence

**Multiple conversations**

**Robert Celestial:** What I did was I went to agriculture 'cause I'm a bonafide farmer and I got the certified certificate renewed and just this month. And when I went to GWA they said I needed another letter from CHamoru Land Trust to authorize the agriculture water. I was authorized agricultural water before but when I went and got a plumber, he says it's going to cost me eight thousand dollars (\$8,000.00) because of the distance. So, I didn't have eight thousand dollars (\$8,000.00) at that time. Now, I have a better plumber that's less than eight thousand and I really need it because my monthly water bill is three hundred dollars (\$300.00) a month, and I could show you my water bill if you like. And what that would do is cut it in half. Because I had agriculture water first because I didn't have a house and then went, I had a house I didn't want to break the law so I had to switch it from agricultural to residential because I didn't have the eight thousand dollars (\$8,000.00) and so now that I have an opportunity to get agricultural water the only delay is a letter from CHamoru Land Trust with the Bonafide Farmers Certificate for GWA to allow me to put... the meter is 350ft. in front of the main road so I wanted to bring both meters to the front which they approved but I'll have to go across the road cut the road attached – connect to a 6in. waterpipe bring it in 100ft. with 2in. pipe and run 1in. pipe all the way up to where my property is and then they'll put the two meters in front. And so, if the board



decides by the grace of God, you can save me three hundred dollars (\$300.00) a month.

**Chairman J. Reyes, Jr.:** So, Mr. Celestial, you do realize that everything that you shared with us, that's cost, right?

**Robert Celestial:** Yes

**Chairman J. Reyes, Jr.:** Now, you invest that today, and I'm not saying that things will \*inaudible\* but if the unfortunate circumstance does arise, you're sunk that cost?

**Robert Celestial:** Yeah.

**Chairman J. Reyes, Jr.:** At this juncture, right?

**Robert Celestial:** Yeah, I understand it. I mean even when I moved in, they gave us a five-year tax exemption for me to put in my own water and that cost thousands of dollars just to put my water in. It's not easy...

**Chairman J. Reyes, Jr.:** Understand and again

**Robert Celestial:** I'll take the cost but I hope and pray that that's not the issue that we're looking towards diminishing my property or the property that was given to me that I'm sure you're going to look at every aspect to try and like you said, go to the legislature make the language correct – correct for both issues and they approve it then we're fine.

**Chairman J. Reyes, Jr.:** And that's going to take time and especially if it's having to go through the legislature.

**Robert Celestial:** I'm just asking now since I have that plumber because you know I don't know when I'm going to get another plumber like that.

**Chairman J. Reyes, Jr.:** Yeah, I agree. I just don't...for me, personally I don't find that a good way to move forward to invest all that money. Again, if incase what if it doesn't pass through the legislature.

**Robert Celestial:** Well at least I don't have a three hundred (\$300.00) bill.

**Acting Administrative Director A. Camacho:** At the same time, I think we create a liability to the Trust.

**Chairman J. Reyes, Jr.:** Yeah, we create a liability for the Trust. Joey...Commissioners?

**Commissioner D. Herrera:** Liability for the trust in being liable for him hooking to a 6in. line?

**Acting Administrative Director A. Camacho:** The cost

Multiple responses

**Commissioner D. Herrera:** Let's say he spends six grand or eight grand so we're saying the liability for the Trust is to pay the eight grand?

**Program Coordinator III J. Cruz:** In addition to...

**Commissioner D. Herrera:** And if he declares today that he would foot the bill and not...

**Robert Celestial:** In addition to the five hundred thousand (\$500,000)

**Commissioner D. Herrera:** And not request...

**Program Coordinator III J. Cruz:** It'll be five hundred six thousand dollars (\$506,000.00) instead of five hundred thousand (\$500,000.) so if in the event that his case should not be resolved in his favor and we have to pay back Mr. Celestial so it's six thousand more or whatever the cost is going to be more to what he spent already.

Unknown: For the water?

**Program Coordinator III J. Cruz:** Whatever he can substantiate through receipts or through an appraisal.

**Commissioner D. Herrera:** But then you got the 6in hook up into that lateral

**Program Coordinator III J. Cruz:** Whatever spent for... so he just mentioned he has to cross the easement so there needs to be an encroachment permit and all that great stuff.

**Commissioner D. Herrera:** Yes, right.

**Program Coordinator III J. Cruz:** So, it may be more than six thousand just the permitting alone I don't know but...

**Commissioner D. Herrera:** But then the plus side on that is once you cross the road from the 6in and if anything should go that would benefit the other that lateral block.

**Program Coordinator III J. Cruz:** It should.

**Commissioner D. Herrera:** Right?

**Program Coordinator III J. Cruz:** It should, yeah.

**Commissioner D. Herrera:** Right because we're...where are talking about here?

**Program Coordinator III J. Cruz:** Chalan Kodda

**Commissioner D. Herrera:** Okay. Chalan Kodda, where?

**Commissioner A. Santos:** Machanaonao

**Commissioner D. Herrera:** Machanaonao so if here's the main road and here's the lateral

#### **Multiple background conversations**

**Robert Celestial:** No, it's not Machanaonao

**Commissioner D. Herrera:** Machanaonao?

**Robert Celestial:** No

**Commissioner D. Herrera:** Chalan Kodda

**Robert Celestial:** Chalan Kodda, yes.

**Program Coordinator III J. Cruz:** Where C&H Farm...

**Commissioner D. Herrera:** Okay so alright. The water is on the C&H side?

**Robert Celestial:** Yes

**Commissioner D. Herrera:** Yes, and C&H is here you cross with the 6in right

**Robert Celestial:** No, you cross with the 2in from the 6in

**Commissioner D. Herrera:** 6 inch to 2 inch then your lateral between you is how many more lots in that would benefit from that cross over that's my point here

#### **Multiple responses**

**Commissioner D. Herrera:** The long term it would feed more customers in that area.

**Program Coordinator III J. Cruz:** There's a long-term benefit in terms of connectivity

**Commissioner D. Herrera:** And the more customers you have the more Chamoru Land Trust can gain, the more Tax and Revenue can gain from that initial scene. We look at the eight thousand and say, oh, it's a big big big right

**Chairman J. Reyes, Jr.:** Yeah, yeah but...

**Commissioner D. Herrera:** Go ahead I'm sorry, I'm done. I'm finished.

**Chairman J. Reyes, Jr.:** No, I completely... like the other case. Mr. Herrera, I completely see the benefit one hundred percent. And then, however, if that's... in this case it might be a lot more that we would absorbing from that liability. It's a little bigger in that sense. However, again, I really... we appreciate that perspective because we may not have thought of that. But in that sense though I think again if we could... Mr. Celestial just give us some time and if by the next meeting we get to some sort path forward and then again let's then address and I'm going to task it to Joey and Jessica to figure out the agriculture.

**Program Coordinator III J. Cruz:** If I may, Mr. Celestial had mentioned that and he's willing to spend that money, is that correct?

**Robert Celestial:** Of course, that's why I'm asking.

**Program Coordinator III J. Cruz:** So, maybe you should reconsider it and sign some kind of release of liability on us so at least he pays a hundred some dollar water bill instead of three hundred, that could be...if it's possible and just allow him to connect the water, that's a solution, if Attorney Toft agrees it's viable.

**Attorney N. Toft:** Yeah, I think if we do a motion contingent on agreeing to waive liability in the case of alteration of the lease status.

**Program Coordinator III J. Cruz:** I mean, that would resolve his three-hundred-dollar water bill and allow him to apply for agriculture water rates and there won't be any liability on us in the future.

**Commissioner D. Herrera:** And then to add to that clause that when other customers or Chamoru Land Trust recipients started hooking up in that same lateral then now that cost can be spread and prorate to help the initial...

**Program Coordinator III J. Cruz:** I think there's also like a buyback program

**Acting Administrative Director A. Camacho:** I think it goes to Mr. Celestial

**Commissioner D. Herrera:** That's a basic development process right get the infrastructure in

**Robert Celestial:** GWA told me that that will home

**Program Coordinator III J. Cruz:** A credit back or something

**Robert Celestial:** If I do run the line and they put two residents in there that they could hook up

**Commissioner D. Herrera:** \*inaudible\*

**Acting Administrative Director A. Camacho:** Within five years I believe

**Commissioner D. Herrera:** Oh, it could be shorter

**Robert Celestial:** They could hook up onto the line but they would have to give me the difference or a percentage of how much I \*interrupted\*

**Multiple responses**

**Commissioner D. Herrera:** So, if we stopped it today then this guy is going to hanging on the limb again

**Program Coordinator III J. Cruz:** That could be a resolution to Mr. Celestial's case if like Attorney Toft had mentioned. If the Board passes makes a motion and passes it with releasing the liability on the Trust for any further investment in terms of water or whatever and he agrees then it resolves it and we can issue him the utility authorization to get agricultural water.

**Commissioner D. Herrera:** Good move

**Robert Celestial:** Just for the agricultural because I already paid like five thousand for the ....

**Chairman J. Reyes, Jr.:** For the new line you're

**Robert Celestial:** Yeah, for the new line only

**Chairman J. Reyes, Jr.:** So, Mr. Celestial do you agree with that proposed

**Robert Celestial:** I'll take the liability if this thing doesn't go through

**Chairman J. Reyes, Jr.:** The proposed...

**Robert Celestial:** Just for the agriculture water

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

**Robert Celestial:** Sure, I mean as long as because we don't know how long this is going take.

**Chairman J. Reyes, Jr.:** Correct

**Robert Celestial:** And I could save me hundred fifty dollars (\$150.00) every month. Sure.

**Program Coordinator III J. Cruz:** If I may, for any improvements done from this day forward because he's already aware now that there's some issues if Mr. Celestial decides that he wants to put up something else I mean you know you're already aware that there's some issues that need to be resolved

**Robert Celestial:** There's no more improvements just the water. If you come out to my place you can see that I have a house already on the property. I have God so many fruit trees and everything and you've seen the place and yeah, I don't think I'm going to make any more improvements and we fenced the whole two acres because we have pigs and they'll come in and tear up the property so I had to fence the whole two acres which cost me a lot of money.

**Commissioner D. Herrera:** Did you take photographs Ms. Day when you did the field audit?

**Land Agent I J. Dayday:** I did the GPS but there is photos that's in the file and still the same.

**Commissioner D. Herrera:** Okay, so that we can see what he's saying.

**Chairman J. Reyes, Jr.:** Okay so the proposed motion or the proposal at hand is to for the Board to allow for Mr. Celestial to run the agricultural waterline up to or closer to your residence and with that investment or improvement and that cost that you will be you kind of relinquished that liability from the agency.

**Robert Celestial:** I'll incur it, yes.

**Chairman J. Reyes, Jr.:** Yeah, and then the liability doesn't fall on to the...

**Robert Celestial:** No no but everything else would. I mean you know...

**Chairman J. Reyes, Jr.:** Right.

**Program Coordinator III J. Cruz:** The half a million

**Chairman J. Reyes, Jr.:** So, Commissioners how do we feel about that? And would we like to take action?

**Commissioner D. Herrera:** It sounds like a resolution than tabling it

**Chairman J. Reyes, Jr.:** At least to assist in this juncture right

**Commissioner D. Herrera:** Yes

**Chairman J. Reyes, Jr.:** Okay. Alright. If you would like to move on that I would... who would like to make the motion?

**Commissioner D. Herrera:** I'd like to but the language was so long so... I'd like to make a motion to approve the utility permit for agriculture for Mr. Robert Celestial on the specific lot number

**Robert Celestial:** 15-1, Block 3

**Commissioner D. Herrera:** 15-1

**Robert Celestial:** Block 3

**Commissioner D. Herrera:** Block 3

**Commissioner A. Bordallo:** Tract 10

**Commissioner D. Herrera:** in the Municipality of Dededo

**Chairman J. Reyes, Jr.:** With the condition

**Acting Administrative Director A. Camacho:** With the condition

**Commissioner D. Herrera:** With the condition that all cost would be incurred by Mr. Celestial

**Acting Administrative Director A. Camacho:** And he'll sign a waiver

**Commissioner D. Herrera:** And he'll sign a waiver

**Acting Administrative Director A. Camacho:** To release

**Program Coordinator III J. Cruz:** A release of liability on CLTC

**Commissioner D. Herrera:** With the CHamoru Land Trust Commission

**Robert Celestial:** In the case that the issue is not resolved meaning that if the two acres is not approved

**Chairman J. Reyes, Jr.:** Correct

**Robert Celestial:** Yeah

**Chairman J. Reyes, Jr.:** Yeah. Tina?

Land Agent I T. Tainatongo: Got it. But can you repeat it thou Mr... I mean Commissioner Herrera

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

**Acting Administrative Director A. Camacho:** Tina's asking to repeat it

**Chairman J. Reyes, Jr.:** Oh, repeat it?

Land Agent I T. Tainatongo: Yeah, after you get your second \*inaudible\*

**Chairman J. Reyes, Jr.:** Yeah. Okay, motion by Commissioner Herrera, may I get a second?

**Commissioner A. Bordallo:** I second it

**Chairman J. Reyes, Jr.:** Okay second by Commissioner Bordallo. Any objections?

**Commissioner A. Santos:** None

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes to allow Mr. Herrera – I'm sorry, Mr. Celestial to proceed with agricultural rates and bringing in the pipes on his current property with the

**Robert Celestial:** Stipulation

**Chairman J. Reyes, Jr.:** With the stipulation and the condition that he release the Commission with the liability with the investment that he's made.

**Robert Celestial:** Right

**Chairman J. Reyes, Jr.:** Attorney Toft, did I? Okay, thank you, Mr. Celestial. We'll keep you... thank you so much for your time today I appreciate you joining us and Jessica or Joey will continue \*inaudible\* with you.



**Robert Celestial:** Thank you so much. Board members, I really appreciate it. I'll go back and tell my wife and maybe I'll cook her some steak or something.

**Chairman J. Reyes, Jr.:** Okay, Commissioners we have one more agriculture and that will complete our constituents and then we move into Commercial and I know Commissioner Santos has to leave us but we still have quorum. So, I just need to confirm that Commissioner Herrera and Commissioner Bordallo we can at least get through Commercial A – 3A and then the rest I can table. Thank you, Commissioner Santos. May I ask on our land agents who will be... for Mr. Pangelinan, okay.

*Pedro Cruz Pangelinan*

**Land Agent I J. Dayday:** Okay, so the case before you is Pedro Cruz Pangelinan. Applicant's date and time is April 3<sup>rd</sup> 1998 at 11:11 a.m. application number 4568, application type agriculture, priority is not applicable, preoccupier he states that he is a preoccupier on the application for Lot 5402 Pagat Mangilao. There is a Mayor's Verification signed by the Mangilao Mayor, Nonito C. Blas. Land Use Permit Number 444 and the issue today is the request to takeover application rights surpassed the 180 days and then to cancel the application and remove the applicant's name from the waiting list.

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

**Land Agent I J. Dayday:** The Chronology would be on April 3<sup>rd</sup> 1998 agriculture interview report he stated that he has a Land Use Permit No. 444, Pagat Mangilao. He did designate a successor, January 27, 2003, Mangilao Mayor's Verification was submitted on the same day a letter for Typhoon Pongsana assistance signed by Acting Administrative Director Jesse LG Perez. January 28, 2003 an inspection report compiled Roque – 80% use of the area with a 40x50 wooden tin structure. On June 30, 2003, an unrecorded special power of attorney for the applicant was submitted. And then on January 16, 2020, Geraldine Castro the daughter of applicant requested to be the designated successor.

**Chairman J. Reyes, Jr.:** So, with that said, is Ms.... are you going to move now to the findings?

**Land Agent I J. Dayday:** So, Ms. Geraldine Castro was not the designated successor it was actually Mr. Pangelinan's wife however she passed away.

**Chairman J. Reyes, Jr.:** As well: So, both are deceased?

**Land Agent I J. Dayday:** Both are deceased

**Acting Administrative Director A. Camacho:** Do you know the dates when they passed?

**Attorney N. Toft:** Yeah, down on the Summary, Mr. Pangelinan passed away in November of 2007 and the wife on 2011

**Acting Administrative Director A. Camacho:** Thank you.

**Land Agent I J. Dayday:** However, the children came in on December 22<sup>nd</sup> 2014 to notify us of his passing.

**Chairman J. Reyes, Jr.:** And we have all the proper documentation?

**Land Agent I J. Dayday:** Yes

**Chairman J. Reyes, Jr.:** But it surpasses the 180 days?

**Land Agent I J. Dayday:** Correct. Because he passed away 2007 and then they came in 2014

**Chairman J. Reyes, Jr.:** Okay, and our task for the Commission is to cancel the application and remove Mr. Pangelinan from the waiting list?

**Land Agent I J. Dayday:** Well, I just wanted to get clarification from Legal Counsel on the 180 days if there was a designated successor, does the 180 days apply to the application to an application or it does not? Because in this case there was a beneficiary designated however, she passed away but the 180 days still apply according to 5.8?

**Acting Administrative Director A. Camacho:** She never requested to transfer the lease to her name.

**Land Agent I J. Dayday:** There's no lease

**Acting Administrative Director A. Camacho:** I mean sorry, the application.

**Attorney N. Toft:** No, it looks like there was no, she didn't submit any documentation after his passing.

**Chairman J. Reyes, Jr.:** After his passing and then she passed and then nothing had also transpired

**Land Agent I J. Dayday:** Right.

**Attorney N. Toft:** Yeah, she would have been the successor to the application but she passed away and presumably didn't designate anyone because she didn't file anything with us

**Land Agent I J. Dayday:** Right

**Attorney N. Toft:** That maybe an issue that I need to look at a little further. I don't think it's something I can answer – kind of snap off at the top of my head at the moment. I don't think I've seen this issue before as far as...

**Chairman J. Reyes, Jr.:** Because neither...neither...

**Attorney N. Toft:** Right, well because usually it's if one person passes and nobody comes forward it's because they didn't actually put a beneficiary in and somebody comes in. But we haven't had an issue where they've had a beneficiary and then that person also passes away and then at the time...

**Chairman J. Reyes, Jr.:** Alright, so, let's go ahead and table this so that you can work through it with Jess and we can hopefully address it in our next meeting Jessica.

**Land Agent I J. Dayday:** Okay

*Guam International Country Club*

**Chairman J. Reyes, Jr.:** Alright, Joey, Commissioners, we'll go through the next agenda item which is the one that was also tabled the last time, I want to make sure that we try to get through it, so it's the Guam International Country Club and I believe Joey is our designee for this. Joey, do we have anyone from GICC today?

**Program Coordinator III J. Cruz:** No but they weren't able to attend and that's due to last minute that we informed them. But they did send an email requesting that their request be discussed, if it's acceptable or not by the Board. So, today, we're presenting to you the Guam International Country Club which they operate a golf course on Lot 10122-12 Municipality of Dededo. Their leased acreage size or the size of their lease the property size is 829124 +/- square meters less 28328 because it's being used by GPA and GWA. Our issue with GICC is the none payment of monthly lease fee. The amount due as of March 1<sup>st</sup> 2022 is six hundred eleven thousand one hundred forty-six dollars and eight cents (\$611,146.08). We had communicated with GICC through email on numerous occasions for example on August 5<sup>th</sup>, we sent them an account statement which reflect the amount due of one hundred fifty-four thousand two hundred eight dollars and fifty-six cents (\$154,208.56) and October 1<sup>st</sup> 2020, we sent them a statement again reflecting their arrears and so forth and so on and we keep sending them. On October 13, 2021 we received via email a letter dated October 13, 2021 from GICC acknowledging CLTC's willingness to work on a payment plans with GICC. And then they requested to be on the Board meeting but because of scheduling issues they weren't able to attend so we rescheduled and all that other great stuff. Although in their letter, GICC stated as a gesture of good faith beginning this November, we will resume paying fifty percent (50%) of the rent due. As of today, we

haven't received any payment from GICC. So, we haven't received any payment any good faith payment as they stated in their letter in October 13. We did... Acting Director Camacho and I, we did meet with GICC representatives and their attorney. We had mentioned some kind of deferment plan.

**Acting Administrative Director A. Camacho:** Their request was an abatement

**Program Coordinator III J. Cruz:** An abatement. Now, their request is rent reduction of fifty percent (50%) so part of your packet you'll see GICC's letter dated February 28, 2022. And after the letter there's a breakdown of how they will make payment but they won't commence payment until after January 2023. And they should complete all arrears or they should pay in full their arrears by October 2025 with a rent reduction of fifty percent (50%) from March 2020 to December 2022. So, they're requesting a fifty percent (50%) reduction for their old rent from March 20 to December 2022, so instead of paying the full they're going to pay half and begin paying the normal rent rate in January 2023 in addition to half of what was old.

**Chairman J. Reyes, Jr.:** How much longer is the lease?

**Attorney N. Toft:** Until 2039, I think.

**Chairman J. Reyes, Jr.:** 39 so it's \*inaudible\*

**Program Coordinator III J. Cruz:** yes

**Acting Administrative Director A. Camacho:** And there's an escalation coming up...?

**Program Coordinator III J. Cruz:** In 2024. Our suggestion or our options we would like to present to the Board for consideration to address GICC's nonpayment of monthly lease payments is, option a) grant GICC a rent deferment until December 31<sup>st</sup>, 2022 as they requested in their packet without a rent reduction and instead of allowing them up to October 2025, we'll grant them an additional year so it'll be up to October 2026. Option B) is because of nonpayment we terminate the commercial lease and go through the process set forth in CLTC's Rules and Regulations to commercially lease property, we find another tenant. Option C) and I know that it's kind of extreme my options that I'm presenting is Option C) we terminate the commercial lease and designate the property to be developed for a residential subdivision. Because all infrastructures are within the area. So, that's what we have to present today.

**Chairman J. Reyes, Jr.:** Run through the options again. What was the first one?

**Program Coordinator III J. Cruz:** Option A) is to grant GICC a rent deferment to December 31<sup>st</sup>, 2022 without the rent reduction with payments commencing on January 1<sup>st</sup>, 2023, payments will include the normal monthly lease payments plus the additional payment that would apply to the arrears which should be paid in full by October 2026.

**Chairman J. Reyes, Jr.:** So, normal plus arrears, regular rent plus...

**Program Coordinator III J. Cruz:** We just have to sit down and figure out what it would be from 2023 to 2026

**Chairman J. Reyes, Jr.:** Right okay, so that's option 1

**Program Coordinator III J. Cruz:** Option B) is to terminate the commercial lease and go through the process set forth within CLTC's Commercial Rules and Regulations which is to go through the competitive bid and find another tenant.

Option C) is to terminate the commercial lease and designate the property to be developed for a residential subdivision.

**Chairman J. Reyes, Jr.:** So, Commissioners, I think... Joey, thank you for those options you're always very fruitful for us to consider.

**Program Coordinator III J. Cruz:** Heavy, it broke the table.

**Chairman J. Reyes, Jr.:** But I also think from the Commissioners perspective right, in just kind of seeing the interactions we've had maybe not as frequent whereas you know the interest is still there to operate. And maybe we'll respond to their request let's say one of the options let's say let's not take it to the extreme yet we go with Option A and see what other discussions and negotiations can happen from there. I feel that hopefully we're almost done with Q1 and things should start looking up for our island, give them that opportunity to defer, however, here's the plan from 1.1.2023 to 2026 whatever that... and if it has to be extended a little bit we can be amendable to that. But I think let's come up with that dialogue and start there or without anything as extreme.

**Program Coordinator III J. Cruz:** Sir, just also for option one we may if you guys would consider not assessing any late fees or penalties, we understand that their lack of nonpayment was probably due to the COVID-19 so that's a breaker to also in addition extending the payment plan instead of the two years that they mentioned we give them three years without any penalties or interest or...

**Commissioner A. Bordallo:** I have a question; do they have any assistance from the Federal Government?

**Program Coordinator III J. Cruz:** According to them they we're able to obtain

**Acting Administrative Director A. Camacho:** They don't qualify.

**Chairman J. Reyes, Jr.:** And the monies that they did get were for employees based on their letter in February.

**Program Coordinator III J. Cruz:** I think only locally they got from GEDA, I think if I'm not mistaken. But no federal assistance.

**Commissioner D. Herrera:** I have a question Mr. Chairman. The customer base is basically tourist or local or combination?

**Program Coordinator III J. Cruz:** A combination

**Chairman J. Reyes, Jr.:** Combination, I believe Commissioner Herrera, I read one of the letters about sixty percent (60%) is tourist.

**Commissioner D. Herrera:** Okay, so...

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

**Commissioner D. Herrera:** We're projecting between April, May, June... we're going to start having an increase...

**Chairman J. Reyes, Jr.:** Roughly, yeah. Hopefully, right?

**Commissioner D. Herrera:** Yeah, I work for the one up the hill in the air so that was the projected is by April – March, April, May, June should be having an increase from some customer base from South East.

**Chairman J. Reyes, Jr.:** Yeah, so, we give them time to catch up in that sense

**Commissioner D. Herrera:** Yeah, if the customer base is sixty percent (60%) then Mr. Joey here...

**Chairman J. Reyes, Jr.:** Because it's going to be a gradual return. We won't see the numbers that we're accustomed to... so if we give them that time to get their revenues in and say, up to the end of this year but then beginning of next year, it's your current rent plus the arrears

**Commissioner D. Herrera:** okay

**Chairman J. Reyes, Jr.:** Is kind of what Joey's \*inaudible\* with no penalty.

**Program Coordinator III J. Cruz:** We just need to figure out what the additional would be given that we're giving a three-year amortization payment for them.

**Chairman J. Reyes, Jr.:** So, to your point nai we are expecting and then we just let it... the numbers would gradually increase overtime right through the end of the year and then some extra normalcy.

**Commissioner D. Herrera:** And hopefully they go to GICC

**Chairman J. Reyes, Jr.:** That's the other one right because of all the other golf courses we have.

**Program Coordinator III J. Cruz:** One thing also mentioned by GICC representatives the rate for the locals doesn't match up or even come close the rates in the United States. The rates are determined by the CCU so some kind of support from the Board to not drastically increase the rates but to have some kind of increase would be supportive to them.

**Commissioner D. Herrera:** And CCU is the...

**Program Coordinator III J. Cruz:** Commission...

**Commissioner D. Herrera:** on...?

**Attorney N. Toft:** Consolidate Commission on Utilities.

**Commissioner D. Herrera:** Oh, okay, got it.

Program Coordinator III J. Cruz: So, they determine their local rates. So, if you know, if the Board can provide some kind of support to at least increase it like I said, not drastically but a dollar or two might go a long way.

**Chairman J. Reyes, Jr.:** Okay. Commissioners, are we open to taking the first step or giving Joey the authorization to take the first step to have those dialogues with his proposal let's say with option 1? Attorney Toft, we don't need to put a motion on that do we? Just giving Joey the authorization to move having those discussions with GICC?

**Attorney N. Toft:** I mean, yeah, you can just tell him to begin those discussions as far as an actual decision on the final...

**Chairman J. Reyes, Jr.:** Yeah, until they come to a final...yeah and then we'd have to approve that.

**Commissioner A. Bordallo:** That's fine with me

**Chairman J. Reyes, Jr.:** Commissioner Herrera, okay for you?

**Commissioner D. Herrera:** Yes, that's fine

**Chairman J. Reyes, Jr.:** Yeah, okay so we're not going to do a motion but we're just going to give Joey the go ahead to have those discussions and then until they come to a final conclusion then they can come back to the table.

**Commissioner D. Herrera:** For option one?

**Commissioner A. Bordallo:** Yes

**Chairman J. Reyes, Jr.:** For option one, yes.

**Program Coordinator III J. Cruz:** Could I also convey that the Board would support would provide some kind of letter of support to address to the CCU for some kind of rate adjustment. I mean that may be something they ask again, and it may sit well with them. If the rates are going to increase it may be feasible for them to pay or who knows but that's all.

**Chairman J. Reyes, Jr.:** Okay. Attorney Toft, any...

**Attorney N. Toft:** That one you might need a motion for.

**Chairman J. Reyes, Jr.:** Okay, so Joey just to make sure I'm clear, we're going to offer or a letter in support of GICC's request to CCU for increase of local rates

**Program Coordinator III J. Cruz:** An adjustment

**Chairman J. Reyes, Jr.:** An adjustment to the local rates. Now, that impact though, they go with that into the CCU can impact every other business or every other golf course?

**Program Coordinator III J. Cruz:** I don't think so because GICC is the only golf course I think that has

**Attorney N. Toft:** It's considered a public utility because of the fact that it is a lease through the Government of Guam.

**Program Coordinator III J. Cruz:** Through the Municipal Golf something...

**Chairman J. Reyes, Jr.:** Got it so it's like a municipal golf?

**Program Coordinator III J. Cruz:** Yes

**Chairman J. Reyes, Jr.:** Okay, okay, that makes sense. I think that'll be a good step forward that we would support that but then again that's the request from GICC for us

**Program Coordinator III J. Cruz:** They mentioned it, indirectly they're asking for support.

**Chairman J. Reyes, Jr.:** Commissioners, any questions or objections here?



Commissioners: No

**Chairman J. Reyes, Jr.:** So, let's get for formality and get a motion

**Commissioner A. Bordallo:** Just make sure that we know what they have first before

**Chairman J. Reyes, Jr.:** Yeah, and so we would...let's get the Commissioners to approve that motion and then Joey you can draft the letter and then I can sign.

**Program Coordinator III J. Cruz:** We don't necessarily have to draft it now but we can at least inform then that the board does support for any reconsideration for rate adjustments. We don't need to put a dollar figure to what they're \*inaudible\*

**Chairman J. Reyes, Jr.:** Yeah, for sure and then you come up with the letter and we'll present it okay. Commissioners, let's get a quick motion on that if you would like to take action in support of supporting the request for GICC to increase their rate.

**Program Coordinator III J. Cruz:** Or for rate adjustment from the CCU

**Chairman J. Reyes, Jr.:** Rate adjustment with GICC with CCU

**Program Coordinator III J. Cruz:** Yeah, because CCU determines their rate.

**Chairman J. Reyes, Jr.:** Yeah, we can throw in our support in that and then it's up to them on how they would go through. Commissioners, you would like to?

**Commissioner D. Herrera:** Okay, Mr. Chairman, I would like to make a motion for CHamoru Land Trust Commission to inform the Guam International Country Club that we are in the open process to negotiate and support any transaction that may...

**Commissioner A. Bordallo:** Rate adjustment

**Program Coordinator III J. Cruz:** Rate adjustment

**Commissioner D. Herrera:** Rate adjustment for the future with CCU

**Chairman J. Reyes, Jr.:** Tina, are we good with that?

Land Agent I Tainatongo: \*inaudible\*

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

**Commissioner A. Bordallo:** I second

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

**Commissioner A. Bordallo:** No

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes the Board will support the request that GICC will have with CCU in regards to rate adjustment. Thank you very much. Okay, we will table the Unpaid Application Listing. Joey, do we need to approve the Budget Request?

*Budget Request*

**Program Coordinator III J. Cruz:** No, but we can give you a little insight of what's going on. So, we recently got a letter from the Office of Finance and Budget which is overseen by Senator Joe San Agustin. Our budget is due I believe April 18 or April 19 but we are going to request at least at the minimum one week at the most two-week extension. What's happening now is we are going through the recruitment process. So, we would like to complete that process prior to submitting our FY2023 Budget so that there's actual numbers instead of estimates to what the possibility might be due to the recruitment. So, I'll give you an example, for example any interdepartmental recruitment we're doing, we're taking what we would assume be the lowest position that may qualify for that position and taking the difference and just including it into our budget request. Also, for like the recruitments that are announced open, we're slotting them at step one although we know that like for instance the recruitment of a program coordinator II may not be slotted – come in as step one but as a step three four or five because we would assume that a PC, I would apply for II and they maybe at step 4 and two steps up and it brings it back to step 3 under a PC II so we just want to provide the definite numbers due to the recruitment. I don't think they would have an issue with a one-week or two-week request for an extension.

**Chairman J. Reyes, Jr.:** Sounds good. So, once you're ready then...take it upon...to

**Program Coordinator III J. Cruz:** Yes, and then if the Board meeting is prior to we can present it to you guys at the next board meeting of what we requested.

**Chairman J. Reyes, Jr.:** Okay. Thank you. Okay, a couple of items on the agenda of the Financial Reports; do we need to go through.... Is there anything glaring out there that we need to discuss?

*Financial Report*

**Program Coordinator III J. Cruz:** No, but we can jump right in at least – I can be really quick on December and January

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

**Program Coordinator III J. Cruz:** So, for December 2021 the CLTC Operations Fund collected three hundred ninety thousand two hundred ninety-four and eighteen cents (\$390,294.18.). The payment from GTA is why it's so high, they are a good paying customer of ours. CLTC's Survey and Infrastructure Fund generated eight hundred thirty-four dollars and thirty-three cents (\$834.33). CLTC's Loan Guaranty Fund generated twenty-two thousand six hundred forty-nine dollars and twenty-four cents (\$22,649.24) totaling – a total collection for all three funds four hundred thirteen thousand seven hundred seventy-seven dollars and seventy-five cents (\$413,777.75). We are unable to report on our non-appropriated funds due to no bank statements but we're working on that.

For January 2022, CLTC's Operations Fund collected five thousand eighty dollars and five cents (\$5080.05). CLTC's Survey and Infrastructure Fund collected one thousand five hundred seventy-seven dollars and ninety-nine cents (\$1577.99). CLTC's Loan Guaranty Fund collected fourteen thousand five hundred thirty-three dollars and thirty cents – thirty-eight cents (\$14,533.38) bringing the total collection for January twenty-one thousand one hundred ninety-one dollars and forty-two cents (\$21,191.42) so there's a drastic drop, GTA's leases are due in December that's the difference. And again, as of report time the bank statements weren't ready.

**Chairman J. Reyes, Jr.:** Okay, thank you so much. I'm sorry, just for the record, I want to go back to 3B for Commercial. We are tabling the RFPs for the Declared Commercial Leased lots, so just for the record. And then lastly, we have our Agency's Report. Angie, anything you want to highlight.

#### Agency's Report

**Acting Administrative Director A. Camacho:** So really quick, Joey has been working really hard meeting with Bureau Statistics and Plans and a non-profit RCAC, Rural Community Assistance Corporation to get technical assistance and assistance for infrastructure. So hopefully we have an application going in possibly tomorrow and that's for the TAP Grant.

**Program Coordinator III J. Cruz:** We are – we've encountered some issues regarding our account with grants.gov but what happened was we deleted it and it's a 24-hour waiting period for us to recreate one. We've received source codes but when we entered it it worked once and then after that it locked us out because try to reenter and it just locked the account. So, we requested to delete it and then we'll reestablish first thing in the morning tomorrow hopefully that's the 24-hour reset period.

**Acting Administrative Director A. Camacho:** Nonetheless the deadline is April 1<sup>st</sup> so we still have time. And then in regards to our affordable housing subdivision the RFI was published – we received three submittals, Joey and I will be meeting we requested a meeting with DPW so we're just waiting on them hopefully we can create an RFP soon.

**Chairman J. Reyes, Jr.:** Sounds good. That's great, so, just for Commissioner Herrera that's our affordable housing that we're looking up at Yigo the one across GAIN so that will yield us of going through this remind me the number

**Acting Administrative Director A. Camacho:** For one hundred sixty-six houses.

**Commissioner D. Herrera:** Okay. One hundred sixty-six.

**Chairman J. Reyes, Jr.:** So that's very exciting it's taken through the process and is going through that development effort. Anything else Angie?

**Acting Administrative Director A. Camacho:** And then like Joey mentioned, we are in the process of recruitment and we're just pending some office furniture and additional equipment.

**Chairman J. Reyes, Jr.:** We'll be ready. Thank you, Angie. And lastly our Commissioners' Comments

Commissioners' Comments

**Chairman J. Reyes, Jr.:** I think I want to start off again with welcoming Commissioner Herrera. It's good to have you on the Board it's good to have – getting our commissioners full so that we can go through the hard work of making sure we clean up some of the unfortunate issues that we have but also really looking forward to issuing new leases. We should be almost there. And like, Jhoana shared with the December 1995, they're working diligently on 187 and we hope to start issuing from that group. Anything you would like to comment on?

**Commissioner D. Herrera:** No, I just like to thank the staff and management for their hard work and to continue their due diligence in their progress. They're doing an outstanding job as far as I see from last time that we started the Commission about thirty years ago but it's really automated and when we started back with Joey it was just a typewriter but now it's interface so keep up the good work.

**Chairman J. Reyes, Jr.:** Yes, thank you, everybody. Commissioner Bordallo?

**Commissioner A. Bordallo:** No comment

**Chairman J. Reyes, Jr.:** Okay, thank you so much. The time is 5:58 p.m. may I get a motion to adjourn?

**Commissioner D. Herrera:** I'd like to make the motion to adjourn.

**Commissioner A. Bordallo:** I second it.

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


**Commissioners:** No

**Chairman J. Reyes, Jr.:** Okay, hearing none, meeting adjourned 5:58 p.m.

Adjourned: 5:58 p.m.

**Transcribed by:** Tina Rose Tainatongo, Land Agent I

**Approved by motion in meeting of:** May 20<sup>th</sup> 19, 2022

**Chairman John F. Reyes, Jr.:**  Date: 5/21/2022