



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

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Chairman

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

David B. Herrera
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, May 19, 2022, 1:00 PM
Public Notice: The *Guam Daily Post*, May 12, 2022, and May 17, 2022

Chairman John F. Reyes, Jr.: Alright, Commissioner Bordallo, we'll go ahead and begin, can you hear us okay?

Commissioner Arlene Bordallo: I'm here.

Chairman J. Reyes, Jr.: Okay, before we call the meeting to order, if we could please stand and *inaudible* the Inefresi and Commissioner Santos, if you don't mind.

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 1:06 and I call this meeting to order the regular meeting of the CHamoru Land Trust Commission. We'll begin with Roll Call.

ROLL CALL

Chairman J. Reyes, Jr.: Commissioner Bordallo

Commissioner A. Bordallo: Here

Chairman J. Reyes, Jr.: Commissioner Santos

Commissioner A. Santos: Este gue yu'

Chairman J. Reyes, Jr.: Commissioner Herrera

Commissioner D. Herrera: Est ague yu'

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

APPROVAL OF MINUTES

Chairman J. Reyes, Jr.: Thanks so much. Alright, next item on our agenda is the approval of the minutes for March 17, 2022, Regular Meeting. Give us a few minutes and we can ask questions or we can take action.

Commissioner A. Santos: I want to say a few things though I want to mention and note it that in March was our first meeting which we did have the new system which we acquired and I was here before and then the process of connecting it – staff did a very tremendous and great job working with OTECH to connect it set it up for us and the meeting minutes look amazing to me so great job to the staff.

Chairman J. Reyes, Jr.: Thank you everybody. Thanks for your diligence and working with OTECH to make this happen. Tina, I do have one question, did you have any further feedback as far as the clarity using the new system, everything seems pretty good on your side?

Land Agent I Tina Tainatongo: Everything seems pretty good however when you shuffle your papers because the mics are sensitive and they're right there on your table

Chairman J. Reyes, Jr.: It just caused *inaudible*

Land Agent I T. Tainatongo: Yes

Acting Administrative Director A. Camacho: So, Mr. Chairman if I may, will continue to work with OTECH to see if they can hang the speakers from above and maybe that will not pick up so much shuffling of paper.

Chairman J. Reyes, Jr.: But definitely it is big improvement from our little device to try and *inaudible* with *inaudible* that's been recorded so, I appreciate that. And then just to confirm some of these in audibles that are here right are either background noise etc.... you kind of gone back just make sure that you capture it all.

Land Agent I T. Tainatongo: Yes, and then I also had some of the staff listen also to see if they're able to make out what the inaudible is.

Chairman J. Reyes, Jr.: It's definitely a lot less these days.

Commissioner A. Santos: Mhm..Mhm yes

Chairman J. Reyes, Jr.: Any other – any questions?

Commissioner A. Santos: Para guahu taya

Chairman J Reyes, Jr.: Commissioner Bordallo, any questions on the minutes?

Commissioner A. Bordallo: No.

Chairman J. Reyes, Jr.: Commissioner Herrera?

Commissioner D. Herrera: Sina mamamaisen hit kuestion pot nu I istao i putmanente na pusion gue CHamoru Land Trust Commission? Or ti sina ta faisen?

Chairman J. Reyes, Jr.: In regards to the minutes?

Commissioner D. Herrera: The status for example the item for the permanent hire, can we get an update or strategic plan

Chairman J. Reyes, Jr.: Oh, yes, we'll have that on number 4 on the hires and the updates on that.

Commissioner D. Herrera: Esta – taya enao ha I dos na kilisyano eyi kaosan Celestial yan Lorette sina ta faisen hafa I istao?

Chairman J. Reyes, Jr.: Related to the current status?

Commissioner D. Herrera: Yeah

Chairman J. Reyes, Jr.: We can address those in Commissioners Comments – getting some updates or where we stand for those.

Commissioner D. Herrera: Esta. Si yu'us ma'ase

Chairman J. Reyes, Jr.: So, no questions regarding the meeting minutes?

Commissioner D. Herrera: Taya mas, taya

Chairman J. Reyes, Jr.: Okay, thank you, sir. So, Commissioners would you like to take action to approve the minutes?

Commissioner D. Herrera: Can I make a motion to approve the March 17, 2022, Regular Minutes

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

Commissioner A. Santos: I second that motion

Chairman J. Reyes, Jr.: Second by Commissioner Santos. Any objections?

Commissioner A. Santos: None

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes to approve the March 17, 2022, Regular Meeting Minutes.

CHAMORU LAND TRUST STRATEGIC PLAN

Chairman J. Reyes, Jr.: Okay, thank you, Commissioners. Next item on our agenda is our CHamoru Land Trust Strategic Plan, some of the progress that has been made or any updates that need to be made or kind of getting any delays that have – that may have occurred. So, I believe Joey will take us through that. Mr. Cruz, if you can join us in the room. And so, Commissioners, I wanted to spend some time on this, the officially approved it in our February meeting, right, we didn't have a meeting in January. It was presented in October and I think it's time for us right, we're *inaudible* in the fiscal year, right we kind of pushed through it and I want to make sure that we understand where exactly we are with some of the milestones or targets or goals that we put in place and not only for us from the commissioners' perspective but also the staff and some of the things that committed to help support, right, and further some of the movement or action that's needed. So, Mr. Cruz, please join us and walk us through the top 3 items in our strategic plan. And Mr. Cruz, again just for to make sure that we have it documented, please state your name.

Program Coordinator III Joey Cruz: Good afternoon, Chair – Mr. Chairman, Commissioners, Attorney Toft, acting Administrative Director Camacho. Today, we present to you the discussion on CLTC's Strategic Plan progress, just to give everybody a reminder, the strategic plan was approved I believe February or March of this year, so, the deadlines have been pushed back but we have not edited the actual strategic plan yet. CLTC's Strategic Plan is focused on 3 strategic goals. The first one would be Improving Our Way of Conducting Business, Improving Stewardship and Create, Clean, Safe, and Thriving Neighborhoods. Sorry, I printed my copy large because my eyesight is getting bad. For Strategic Goal 1, Improving Our Way of Conducting Business, we have a couple of strategic objectives to address achieving the goal of improving our way of conducting business. Strategic objective 1, reorganize processes; under that objective, we identified strategies such as identifying critical positions, update current processes, update current forms and standardize and digitize forms in regards to those strategies that I have just mentioned, we've completed identifying critical positions that we need, at the bare minimum based on the 1999 Management Audit. Those positions that we have identified are in the recruitment process, I believe all applications that have been submitted are under the evaluation period and then after that there's a 10-day appeal period and we hope that that process will be completed in the next month.

Chairman J. Reyes, Jr.: Can you remind us the total number of open positions that we put out?

Program Coordinator III J. Cruz: Departmental I believe, there was 6 or 7 and new positions there was a total of 6.

Chairman J. Reyes, Jr.: So, a total of 12?

Program Coordinator III J. Cruz: 12 to 13

Chairman J. Reyes, Jr.: Okay.

Program Coordinator III J. Cruz: But 6 or 7 is departmental so really, we're only adding 6 additional bodies.

Acting Administrative Director A. Camacho: And Joey, that can be found in our Financial is it FY2023

Program Coordinator III J. Cruz: Budget Request, yes. So, the next strategy; Updating Current Processes,

Chairman J. Reyes, Jr.: Sorry, Joey, before we move on so in regards to the process – the recruitment process they're – so we have not hired any or even with the departmental ones?

Program Coordinator III J. Cruz: Not yet.

Acting Administrative Director A. Camacho: We've commenced interviews for PC 1

Program Coordinator III J. Cruz: For PC 1, but I believe out of 8 or 9 names that we received thus far, 6 or 7 have declined the interview so we're still going through the interview process for the PC1 position. As far as all the other positions we haven't received a listing yet.

Chairman J. Reyes, Jr.: So, in the process right, you said we're in the recruitment and then there's the appeals that's all within DOA?

Program Coordinator III J. Cruz: Yes, yes.

Chairman J. Reyes, Jr.: So, there's no other steps in the process that could continue to hold this up per se?

Program Coordinator III J. Cruz: Just as long as – well what happens is after DOA has done everything, they're supposed to do we get a certification listing. If in the event that we do receive 5 and 1 declines or 2 we normally ask for a supplemental listing and we keep going until we reach the 5 actual interviews that we've conducted. In the event that any of those 5 are not selected, we have to provide justification in order to get any additional name or names.

Chairman J. Reyes, Jr.: Okay. And so, *inaudible* for submitted the new budget, right, and I'm sure we're submitting for these positions that we didn't hire yet and hoping that it'll continue to be approve, when we do hire though, prior fiscal year closing, we should be okay in that sense, yes?

Program Coordinator III J. Cruz: In terms of finances, yes. We'll be okay.

Chairman J. Reyes, Jr.: And then if again, the end of fiscal year, we will continue to recruit provided that these positions have still been included and funded?

Program Coordinator III J. Cruz: We anticipate that the recruitment will be completed in a couple of months from today. We don't foresee it going into FY2023.

Chairman J. Reyes, Jr.: *inaudible* think about it, that's three more months till the end of the fiscal year, right?

Program Coordinator III J. Cruz: Yes.

Chairman J. Reyes, Jr.: Okay, so, alright. Our goal right is *inaudible* get these positions going and if there are *inaudible*

Acting Administrative Director A. Camacho: May I add to the discussion Mr. Chairman?

Chairman J. Reyes, Jr.: Sure

Acting Administrative Director A. Camacho: So, in preparation for these positions, we have already purchased computers and desks so you will again see them in the offices so once we can get bodies on board, we'll get them going with

Chairman J. Reyes, Jr.: So, in essence, we're ready, we're ready to *inaudible* headcounts

Program Coordinator III J. Cruz: Yes, but there's just one thing that we're seeking assistance from OTECH and that's to add additional plugins for the computers. So, we've already developed a floor plan, a draft floor plan as to where what section is going where and things of that nature

Chairman J. Reyes, Jr.: And *inaudible* right those floor plans?

Program Coordinator III J. Cruz: The floor plan is just to identify where the plugins, where we're requesting to add for example the room behind us, we anticipate placing 4 employees there so we need additional 2 plugins. We're getting the assistance from OTECH

Chairman J. Reyes, Jr.: Okay, Commissioners any other questions? Sorry, I didn't mean to take up....

Commissioner D. Herrera: This position description is available at DOA

Program Coordinator III J. Cruz: We can provide the PDs the internal PDs. The position descriptions at DOA for the general Gov Guam although we have a position description specific for our department but they're not too far apart. For example, my position, a PC1 I mean PC3, here it will also entail conducting compliance inspections of our locally funded programs so but the general is for federal and local so... but we have specific position descriptions for the positions that we're recruiting for internally so... we can provide copies.

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

Commissioner A. Santos: No

Chairman J. Reyes, Jr.: Okay. Alright and thank you, Joey. Sorry about that I *inaudible*

Program Coordinator III J. Cruz: So, our second strategy under Strategic Objective 1.1 is update current processes; to date we are still working on updating the existing SOP and we ask that we be granted a month or two extension, the reason for the extension is with the changes of the law in terms of like the beneficiary – eligible beneficiary process, we should be forwarding to Attorney Toft a process that we developed already that will entail that the CLTC staff will be conducting all the research for our constituents. The only thing that we're going to need from them is to provide birth certificates or death certificates that would substantiate

the relationship to the individual they're claiming dependency of. And we're also – we're creating a process to address the reasonably ascertainable element within the law, we have amongst the staff we have discussed that the research of the district court John Bohn files the land web and the John Bohn judgement files with ancestral are the materials we have available to research to determine whether and individual had owned, occupied, farmed or lived and in the event that we are unable or the staff is unable to find any type of document to substantiate our applicant's claim also the affidavits that we will be presenting to the board for acceptance. So, that's one of the – not holdups but it's taking time and the SOP that – the existing SOP that we are updating will be very detailed and will consider the Chapter 75, the Chapter 75A, the 23-38, the 12-226 I believe
Unknown: Inaudible

Program Coordinator III J. Cruz: That one too, and then the GAR so there's like all these different authoritative documents that we have to consider when we're preparing the SOP or updating the SOP but we will get it done.

Chairman J. Reyes, Jr.: And then these SOPs are not necessarily just to handle the existing applications but everything else that may come through, right that is an *inaudible*

Program Coordinator III J. Cruz: It's from the acceptance from the application all the way until the compliance inspection and all the other great stuff. So, it's going to entail all the processes we have internally.

Chairman J. Reyes, Jr.: And so, you're thinking an additionally 30 to 60 days to accomplish this?

Program Coordinator III J. Cruz: Yes, yes... 60-days at the least I mean 30-days at the least 60-days at the most because we're working off the existing so we just have to go back and make sure that whatever is in the existing is allowable by law. I know that the existing SOP had mentioned something about issuing fines or something in relation to not complying with the lease terms unfortunately we're going to remove that because anytime you would apply a fine or something to a program, we have to go through the Triple A process. So, we don't have that authority to issue fines. So, that's something we'll be removing and when it's presented to the board after Attorney Toft's review and if the board has any concerns, you know, we'll go from there.

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

Commissioner A. Santos: None

Program Coordinator III J. Cruz: The next two strategies, update current forms and standardize and digitize current forms coincides with the SOP so we're also asking the month or two-month extension to complete that. What will happen is in the SOP when we refer to certain things like the intake of the application it would be the intake of form CLTC 001 so we're going to standardize the forms

Commissioner A. Santos: Great that's a great idea. That's a great...great...great... process.

Program Coordinator III J. Cruz: And as far as updating the current forms, even if I'm not mistaken, I believe they included requesting for email addresses but you know we're also going to present that to the Board as that was an administrative decision not a Board decision so, we're going to present all the forms that we update to the board for their approval.

Chairman J. Reyes, Jr.: Once again, good thank you.

Program Coordinator III J. Cruz: Then we move to Strategic Objective 1.2, which is Advanced Information Technology; under that objective we've identified 2 strategies the first one was to create CLTC website and to digitize all current and future records. Recently, with the assistance of BSP, CLTC has applied for the TAP grant which would fund the two strategies that we had just mentioned but I believe because of the funding availability we broke it up into 2 phases but nonetheless, we do have a funding source or we're waiting for approval but we have applied for a funding source to address these 2 strategies. We're recruiting a records management officer so that individual will start the process of digitizing the current documents we have until if we're successful in obtaining the federal grant.

Chairman J. Reyes, Jr.: So, including all these files all our case files will be digitized, archived indexed...?

Program Coordinator III J. Cruz: In the TAP grant also, we mentioned the creation and design of an application, not as sophisticated as a land web but something that would work for us internally. So, as we start to restructure our layout here at the office we will have some computers that will not be utilized so we have discussed creating some type of kiosk outside for less contact with the staff so a constituent would come in and if they want to fill out a form to change the number or whatever it may be it's going to be there in the computer they can go right in and start completing it, print it, sign it and we'll receive it and then also with the application we haven't ironed out the kinks yet or the actual specs but there are some specs but we may want to modify it later but our constituents will be given a number so they can go in and access the database and see everything that's related to their application. And as soon as everything is digitized, they'll only have access to their folder.

Chairman J. Reyes, Jr.: And that will create more space:

Program Coordinator III J. Cruz: And a lot of – reduce the time we spent trying to xerox, pull out the files... processing time should also be cut – reduced.

Chairman J. Reyes, Jr.: Reduced.

Program Coordinator III J. Cruz: Yeah

Chairman J. Reyes, Jr.: Okay. Commissioners, any questions thus far? We're good? Okay, okay, thank you.

Program Coordinator III J. Cruz: We move now to Strategic Goal 2, which is Improving Stewardship, under that goal we have 2 strategic objectives. The first objective is Improving the Integrity of the Program and under that objective we have 3 strategies that we have identified to complete or achieve or fulfill the objective. The first strategy is update standard operating procedures, the second one is and we just mentioned what we're doing with the

SOP. The second one is identifying all unlawful actions that have taken place. To date, what we have identified what actions we have identified contrary to law are as we all know are the Null and Voids which was identified by the Attorney General of Guam which is the switch of applications date and times amongst applicants and the transfer of application rights by a living applicant. Also, we've identified the change of application type, award of lease prior to date and time, award of leases contrary to Public Law 33-78 which is the anything over half an acre needs legislative approval. We've identified constituents who have 2 leases, we've identified that there has been some naming of beneficiaries that don't fall within the category within the act and then we've identified some actions that are contrary to the 180-days successorship for the successor to inform the commission that have been processed already. So, as of today, those are just the actions that were – that have been completed that are contrary to law but we're also seeking guidance from Attorney Toft in regards to certain situations that we – but we're also working with him as he identified the additional authority for the board so...

Chairman J. Reyes, Jr.: So, you listed 6 or 7 of this?

Program Coordinator III J. Cruz: 8

Chairman J. Reyes, Jr.: 8 and so, could we say that in general some of the issues that we continue to see or having to address things, etc.... kind of all fit in with those 8 categories of buckets....

Program Coordinator III J. Cruz: These are the common issues that and I don't know if I mentioned of the award of leases prior to the date and time. If I didn't then that's also and issue but the additional authority that has been presented and adopted by the Board from Attorney Toft may resolve some but – our last meeting with the Speaker, she wanted it to be a little bit more detailed I guess in terms of – instead of having the board having the absolute discretion we named categories so, we're working with Attorney Toft on that.

Chairman J. Reyes, Jr.: Yeah, with our SOPs right, given that those are the nine kinds of common issues so, given that we're tacking the SOPs then anything we handle going forward should not even have any of these issues right because we're addressing these things

Program Coordinator III J. Cruz: The SOP or the update we're doing now is based on current law if the

Chairman J. Reyes, Jr.: If somethings are changed right?

Program Coordinator III J. Cruz: Yeah, we will be able to amend it

Chairman J. Reyes, Jr.: Okay I just kind of wanted to walk through that and again to see that yes we understand and know what are our issues that come before us and that are common per se, right, and common not being on the positive side of things but as long as the process I guess with these to the point would help address everything that we deal with going forward with especially with us trying to really work on the 1995s right that's kind of one of the things that we have on our agenda as a constant. We want to get to the next list, right, get to the next hundred, get to the next 200. Okay, thank you, any questions, Commissioners? That was a lot there but thank you for that.

Program Coordinator III J. Cruz: So, we move on to Strategic Objective 2.2 which is Improving Accountability and Performance; under that objective we have identified strategies such as update employee performance evaluation criteria, conduct mid-year reviews, schedule training and development relevant to their job duties and responsibilities. So, we are also working on updating the employee performance evaluation criteria. One of the positions that we are recruiting is the land agent supervisor, so, we will prepare the draft until the supervisor has been recruited, he or she may have different expectations for the staff under him so we'll give him that courtesy to make any adjustments or amendments or changes to the performance evaluation criteria at least for the land agents. For the administrative staff, the Director will be reviewing the updated performance evaluation criteria but nonetheless, we will make sure that the PE criteria is in line with the PD for each position. Conducting midyear reviews is for those who may not be achieving satisfactory ratings as of midyear, the supervisor of the respective employees or the director may implement a workplan to address the shortcomings of the employee so that the employee may be able to achieve at least satisfactory at the end of their – when they're required their performance evaluation. As far as scheduling employee and development so far, I believe 90% of us have already completed the ethics training, also, the land agents have attended training with Dr. Barber from UOG. We are looking at other types of training or development that's related to our jobs internally. But nonetheless we will be scheduling training, there'll be constant training.

Chairman J. Reyes, Jr.: Will there be any types of trainings that they do land management, they attend that we could jump on?

Program Coordinator III J. Cruz: I just received an email about and ArcGIS training that's happening sometime I believe this month or June. We will see how much – how many employees we can send to that training and I believe it's with the BSP – Bureau Statistics and Plans

Side discussion

Program Coordinator III J. Cruz: I'm not too sure but we'll confirm everything and see if we are able to send any of our employees here to that training, it'll further advance their knowledge with the ArcGIS and stuff like that.

Commissioner A. Santos: What does GIS stand for?

Program Coordinator III J. Cruz: Geographical Information Systems, I think. I think that's what it stands for. I confirmed with Mr. Pierce, he said yeah.

Commissioner A. Santos: Geographical....?

Chairman J. Reyes, Jr.: Information Systems

Program Coordinator III J. Cruz: Yeah... that's the survey guru here, the man. We can move on? Okay, so the third and final strategic goal within our strategic plan is Create Clean, Safe and Thriving Neighborhoods, under that plan we've identified 3 strategic objectives to fulfill that. The first strategic objective is registering property, recently our staff, the CLTC staff had completed the process serving for Lot 286 I believe in Piti. Attorney Toft can touch on what happen at the court hearing, I believe it had taken place, already.

Attorney N. Toft: No, it's I believe in mid-July, there's an issue that the federal government pointed out that we had the initial land registration map and there's an easement with power line that runs through there so DLM surveyed the *inaudible* I guess they went out to account for that.

Program Coordinator III J. Cruz: I'm sorry, I think I got ahead of myself but the strategy is to achieve that objective, create a priority land registration listing which we have, we've also been in communication with Attorney Toft. What we may want to consider later recommended by Attorney Toft, maybe one of our staff can assist in the abstracting, identifying all the property owners within the 500 feet radius I believe that's what's used to get the process going, DLM also suffers from staff shortages themselves so...anything we can do to help should be considered so at least we get the process going and you know we're going to be the beneficiaries of that land registration so... we'll present it to the board at a later date if that's what's required.

Chairman J. Reyes, Jr.: And then in the event that when we do have *inaudible* within the department – our land agents' key way and administrative right I think it may serve us some benefits right to help with that... I think with those job descriptions right that...

Program Coordinator III J. Cruz: One position that we were also looking at is the supervisor, the land agent supervisor so that position requires a lot of knowledge of disposition acquisition and all that other great stuff so that also.... We were looking into that too but we won't be able to recommend anything yet until we fulfill that position and we understand their capabilities and all that other great stuff.

Commissioner D. Herrera: Is the interview process finished in that land agent supervisor?

Program Coordinator III J. Cruz: Not yet. We haven't received the certification listing yet. It's still in the evaluation process.

Commissioner D. Herrera: And there's a PD to cross-reference the interview?

Program Coordinator III J. Cruz: Yes. Yes. And then the next strategy is to collaborate with the Office of the Attorney General and Department of Land Management which we have been doing. The other strategy is to explore process serving options, we have done that also, we've reached out to private process servers, we have already received their requirements and their cost and all that other great stuff but because Lot 286 was rather small in terms of how many people to serve, our employees here were able to complete that in a timely manner. But nonetheless, it's still an option that we have and we've already received information so that's available to us. Okay, the next strategic objective 3.2, land surveying, just so you know; I think everybody knows here we've received many many clients coming to the office requesting for assistance whether it's for a survey or they paid a surveyor who hasn't done something but we've done our best to try to assist them. So, the strategies under the land surveying is conduct land inventory, as of today, I believe we've commenced the land inventory for Tract 9210 and 1021 I believe and it's been about – they're about 95% completed what's pending is the compilation of the data. So, what I mean by that is identifying how many leases, how many pre-occupiers, we're also going to identify how many leases that were awarded prior to their date and time it's a very detailed report that's going to be created so that should be

completed soon after that we'll move forward to getting information from Ms. Terese regarding the parcels that we have almost completely leased out so that's how we're attacking this based on the information from the database and if we can determine that it's 95% issued already we're going to complete that inventory then move on.

Chairman J. Reyes, Jr.: And you said, 9210 and 1021?

Program Coordinator III J. Cruz: I believe it's Tract 1021

Engineering Tech II Pierce Castro: It's Tract 10121

Program Coordinator III J. Cruz: Tract 10121

Commissioner A. Santos: 9310 – 9210?

Program Coordinator III J. Cruz: 9210 that's in Yigo and 10121 is in Dededo

Engineering Tech II P. Castro: In Yigo

Program Coordinator III J. Cruz: Or in Yigo also, sorry.

So, as soon as we've filled the vacancies that we're trying to recruit for that will relieve the land agents of some tasks and we can focus on specific projects instead of everybody focusing on 10 projects we can narrow it down to three because we have other divisions within the agency that can handle like the compliance and all that other great stuff. The next strategy is to identify and propose residential and agricultural parcels. Mr. Pierce Castro has already created schemes for Tract 10123 in Yigo Lot 10090-1-1, Lot 10090-1-R1 and what was the other one?

Engineering Tech II P. Castro: Tract 10316

Program Coordinator III J. Cruz: Tract 10316 and that's all for residential uses but we've also identified other parcels for agriculture uses which is Lot 422, that's in Talofofu?

Engineering Tech II P. Castro: Talofofu, yes.

Program Coordinator III J. Cruz: Lot 421 that's also in Talofofu, Tract 10140 and Tract 10148 that's for agriculture. But I believe 10148 and 10140 are unregistered, but we're also working with Attorney Toft in regards to our registration priority listing.

Chairman J. Reyes, Jr.: All the other ones in the residential, those are registered?

Program Coordinator III J. Cruz: Yes

Chairman J. Reyes, Jr.: Then even 422 and 421, correct?

Program Coordinator III J. Cruz: 422 and 421 is for our agriculture tracts.

Chairman J. Reyes, Jr.: And they're already registered, correct?

Program Coordinator III J. Cruz: Yes

Commissioner A. Santos: When you say tract, you mean this big parcel of property right which has to be surveyed down and create the...

Program Coordinator III J. Cruz: subdivided and stuff, yeah. And the next strategy is to collaborate with DLM with preliminary sketches and schemes which is Mr. Pierce Castro is our conduit to the survey division with DLM

Chairman J. Reyes, Jr.: One more question in regards to tracts, are there any leases on these?

Program Coordinator III J. Cruz: There may be some

Chairman J. Reyes, Jr.: maybe some

Program Coordinator III J. Cruz: Yes. One thing we have to – we should disclose is that anytime you survey 6 or more lots, your subdivision map is going to require the review of the Guam Land Use Commission. And what happens there is I guess they have an ARC meeting where all these different agencies put in their recommendations, it's presented to the GLUC they place requirements with in order to approve that subdivision like if it's for an agriculture subdivision if I'm not mistaken you need to bring water, power and gravel road to the lots. If it's for residential it's more restricted which is power, water, sewer, sidewalks, drains, and all that other great stuff. So, even if we wanted to go out and try to parcel out Tract 10316 it's going to go through the GLUC and when they place the requirements, they may place the deadline like one- or two-year deadline. So, if we don't have the money to install all those requirements, all that infrastructure requirements even though it's been surveyed per se, the actual legal description will not be recognized because we're unable to fulfill the requirements so it's expired so we're going to have to go back and try to reapply again.

Commissioner D. Herrera: That's with 6 lots or more?

Program Coordinator III J. Cruz: 6 lots or more but even if we try to circumvent the subdivision and we do 5, that initial approval the Planning Division of DLM may place a restriction that any further subdivision of this parcel would require GLUC review and so that's just what it is and that's just what the law is

Commissioner A. Santos: How many grants are looking forward total area are we looking forward to try to achieve and attain right to be able to assist us with this infrastructure or surveying

Program Coordinator III J. Cruz: Currently, we're working with USDA and RCAC for the RD Rural grant or loans but there's also a cap on them, it may require to be done in phases but nonetheless so far, it's just the USDA RD loans and grants that we're looking at. RCAC is a none-profit that's assisting us with our initial grant application and they've been very helpful thus far. I mean we have biweekly meetings with them, USDA, and RCAC regarding our progress. Since, we're on that topic, because the employee that registered for the DON's number and the entity and the SAMS did not leave the log-in information and we tried to go in and grant myself to be the administrator of the entity, we were denied so what we're going to

do after consulting with Ms. Stephanie Flores at the Guam State Clearing House, we're going to reregister the CHamoru Land Trust

Chairman J. Reyes, Jr.: DONs new

Program Coordinator III J. Cruz: New SAMs number and all that other great stuff. So, you know, just the new spelling of CHamoru it was rejected because what was registered in the SAMs was C-H-A-M-M-O-R-O or C-H-M-R-R-O and we're spelling it now capital CH-A-M-O-R-U so that was one of the reasons for the denial. And then, we're not able to go in and edit our physical address so, I believe they have the physical address of when CLTC was located at DPW and so that's another problem that we face, so, we thought it might be easier to go in and reregister and so hopefully that works out, we hope to complete that within the week, next week.

Commissioner A. Santos: Right on, thank you, Joey

Program Coordinator III J. Cruz: Ready? The next and last strategic objective is 3.3 Infrastructure, the strategy that was created under this objective was create a priority listing for the installation of infrastructure, collaborate with utility agencies, and explore funding options. So, for strategy number 1, what we've done was we tried to determine for the residential or identify parcels that are close to sewer, water and power so for example like Lot 10090-1-1 is located next to Iron Wood Estates so the connection to power, water, and sewer is not that far that's why we identified that tract as a priority in the installation of the infrastructure. Also, Tract 10316 that's located next to the golf course, right is that correct?

Engineering Tech II P. Castro: Yes

Program Coordinator III J. Cruz: The Guam International Country Club so there's sewer running along there and water and power so that's why we also identified that area as – on the priority listing on the installation of infrastructure but also the Lot 422 and 421 for agriculture its' not that far for power and water so that's why that was also identified for – as to scheme out and also on the priority listing for the installation of infrastructure. Tract 10123 has been identified for our affordable housing that has water, wastewater, power, telephone, all the utilities running on the easement going into Paradise Meadows so we hope to complete the RFP process for the affordable housing soon, we're working with Ms. Linda Ibanez at DPW, DPW will be the lead on that project.

Chairman J. Reyes, Jr.: Okay so, I was going to ask regarding the RFP so, so that's moving along now with DPW?

Program Coordinator III J. Cruz: My last conversation with Ms. Ibanez was she bumping into some hurdles regarding like the funding source and things of that nature so what we're going to do is we're going to put together a draft RFP that would have the overview and all that other great stuff and ask Attorney Toft to review it prior to sending it to DPW. According to Ms. Ibanez, their attorneys have been rejecting whatever draft she's been submitting.

Chairman J. Reyes, Jr.: That's the next step, the RFP?

Program Coordinator III J. Cruz: The RFP. So, that's everything regarding our strategic plan.

Commissioner A. Santos: I have one question, Joe, the last topic we were talking about, the RFP, how long do you think that will take? Just knowing the process, with your knowledge, right how long do you think that will take?

Program Coordinator III J. Cruz: It's creating it and getting it approved is the lengthy process, if I'm not mistaken, I believe the RFP, the requirement is only 15-days publication I believe – 15 or 30 one of those two, immediately after that, after the review committee has been formed, we can dig right into rating the RFPs. Our initial goal was to have it published ending of May and then getting it awarded end of June but unfortunately, we have a little delay but we'll do our best to address that and get it out right away.

Commissioner A. Santos: Okay, because that's one of the issues or the topics that the speaker had asked about right so that's good to be on top of that at least if she ever comes back and we had that at least that thought of

Acting Administrative Director A. Camacho: It's a priority for us as well. Being that a lot of our properties don't have access to power and water that's a challenge of a lot of our lessees so, why offer *inaudible* including the house that they can purchase, it really gets people in *inaudible* so, it is important to us.

Commissioner A. Santos: Yes, hunggan. Thank you, guys.

Program Coordinator III J. Cruz: But also, like we have identified the concern also from the speaker was how about those who can't afford a mortgage. So, we have identified those other properties in the event that constituents aren't able to afford a mortgage we may place them there. The utilities may not be within a 100ft. but it's surely not within a 1000ft. so we're trying to do our best to see and determine to work with GWA and GPA to see where their expansion plans are so we can try to plan also in line with that. We've met with GWA before and GPA but we will be requesting for another meeting to address like the – our USDA grant or loan, you know, if we are successful in obtaining a grant or loan to fund the installation of the water and wastewater into Tract 1022, one of the items, not concern but was brought up was the pay back and the borrower, who's going to be the borrower and who's going to pay back? I mean, when the system is built to the specs to GWA and it transfer – and that asset is transferred to them I mean they'll be collecting but we don't know if they're up to such a task but we will be meeting with them to discuss that.

Chairman J. Reyes, Jr.: Okay, thank you. So, that's the last from on the infrastructure side?

Serious background paper shuffling

Program Coordinator III J. Cruz: And exploring the funding options like we've mentioned we are not just settling for the USDA RD grant or loan; we're exploring other options if there is anything available, I mean you know we've expressed at our budget but we can talk about that when the budget comes up but you know we are doing everything we can to find and research what type financing options there is available out there.

Chairman J. Reyes, Jr.: Good, any questions? Thanks, Joey that kind of gives us where we're at and exactly path forward and we all know the strategic plan is to be fluid and this will act as a

baseline if we have to put out rearrange some of the dates then that's kind of where but at least we know we have a map or a guide in the next 3 or 5 years or 4 years
But I think it's definitely a lot of work to keep all these pieces together and keep on top of it so I'm hoping as we get our staff hired that they will be a part of this process too. There's certain areas here that aligns to their job and that will help us keep on tasks. Alright, so let us know if there's any *inaudible* delays and try to see what we accomplish

Program Coordinator III J. Cruz: We'll do our best to not encounter anymore delays

Chairman J. Reyes, Jr.: Hi Commissioner Bordallo, any question?

Commissioner A. Bordallo: I have a question for Mr. Cruz

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

Commissioner A. Bordallo: I would like to know on the masterplan, when was that made?

Program Coordinator III J. Cruz: Which masterplan?

Commissioner A. Bordallo: What year was that, the masterplan?

Program Coordinator III J. Cruz: The strategic plan?

Chairman J. Reyes, Jr.: Commissioner Bordallo, the CLTC Strategic plan or the CLTC Masterplan?

Commissioner A. Bordallo: The masterplan for CLTC

Program Coordinator III J. Cruz: When was that done?

Engineering Tech II P. Castro: When was it recorded?

Program Coordinator III J. Cruz: Yeah

Engineering Tech II P. Castro: 2017

Program Coordinator III J. Cruz: 2017

Chairman J. Reyes, Jr.: 201, Commissioner Bordallo

Commissioner A. Bordallo: Okay. Do you sometimes compare your masterplan with GWA as far as where they're going to be putting more infrastructure? And how it relates to our masterplan?

Program Coordinator III J. Cruz: At the time, according to Pierce, there was no discussion with GWA but what happen recently we were informed by GWA that the Adacao area they have a grant that will pay for the installation of water and wastewater throughout that tract on the side of Adacao Elementary and the opposite side also known as the Tent City before when we were *inaudible* so they're going to run water and wastewater throughout that tract or that

parcel of property but according to Pierce when the masterplan was created in 2017 there was no discussions with any utility agency.

Chairman J. Reyes, Jr.: Okay. But in that Adacao area; is that CLTC property?

Program Coordinator III J. Cruz: Yes

Chairman J. Reyes, Jr.: So, we will

Commissioner A. Bordallo: Do you think that Joey if we need to update our masterplan?

Program Coordinator III J. Cruz: Definitely there – the masterplan is really not – it's a working tool, it's subject to change. So, it may be changed as we identify anomalies within the masterplan because there have been some anomalies that were identified such a constituent placed in a certain area but really wasn't occupying that area, they were like on the other side of the property, a constituent who was placed and only delineated a half-acre but really their lease was 3 acres so you know, there are – the masterplan is amendable or can be amended it's not something that's – it's really a tabletop drawing almost like a scheme. So, yeah, it could be amended and it will need to be amended as we go along and that could be superseded by actual maps from actual surveys that are done.

Chairman J. Reyes, Jr.: Any other questions, Commissioner Bordallo?

Commissioner A. Bordallo: No.

Chairman J. Reyes, Jr.: But something that is good point right if we can clear the way I know that we've seen *inaudible* where our properties are right and seeing if it aligns with our plan

Engineering Tech II P. Castro: GWA is now, they've been actually surveying all their pump stations and they got a grant deed you know claiming even if it's on CLTC land if they need 1000 square meters you know, by law we need to give it to them, you know, so, they've been surveying their properties at even the pump sites and future well sites.

Program Coordinator III J. Cruz: And Pierce and I just discussed that yesterday, so, we're going to reach out to GWA to determine whether like for their older pump stations if there's any expansions because we will reserve the lots around that just in the event that they need to build a new pump station we're also going to consider their 300 and 500 ft. radius that's needed for either the pump or the pump station or the water wells or whatever that is.

Engineering Tech II P. Castro: *inaudible* sizes for whether it's a pump or a well, they've done a lot of maps in the past where they've only parceled like 300 square meters now they're asking for 1000 you know realizing that they need more room for their vehicles and stuff like that so right now as far as I know that's the minimum that they're asking is 1000 square meters but you know depending on whether it's a pump or a well they may need more. But they normally discuss that with us first.

Chairman J. Reyes, Jr.: And of course, the area that they serve right if it's a little bigger they serve more

Program Coordinator III J. Cruz: So, we want to prevent from leasing out any properties in the immediate vicinity or that pump or well so you know we don't cause any delays to their expansion and any shortcomings for our constituents in that area.

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

Program Coordinator III J. Cruz: We have plenty planning.

Chairman J. Reyes, Jr.: Thank you, Joey. Thank you, Pierce. Commissioner Bordallo, any other – does the board have any other questions? You're good Commissioner Bordallo? Alright, next up on the agenda if there are no other questions then we move on to our financial reports. So, I wanted to kind of bring this up and it's part of the agenda as well to kind of review the task for once right Joey and getting some those reported and where are our shortcomings and where are we or how are we going to fill those gaps, right, or high pathetically from a revenue perspective and then with the budget request right and when is the budget due?

Program Coordinator III J. Cruz: We've submitted the budget already but our budget hearing is June 1st.

Chairman J. Reyes, Jr.: The budget's been submitted?

Program Coordinator III J. Cruz: And that will be one of our items for discussion

Chairman J. Reyes, Jr.: And June 1st is your hearing?

Program Coordinator III J. Cruz: Our hearing

All: Laughing

Chairman J. Reyes, Jr.: Thank you, thank you, for that.

Commissioner A. Santos: You're planning on being there right Mr. Chair?

Chairman J. Reyes, Jr.: Date and time. Alright, let's go with the revenue collections, we have the past few months here, we don't have April, yet, right?

Program Coordinator III J. Cruz: No, no, no. So, for February 2022, I'll just go over from what we collected and for March I'll give you the accumulative total.

Chairman J. Reyes, Jr.: Okay

Program Coordinator III J. Cruz: So, for February 2022, CLTC's Operations Fund collected thirty-two thousand two hundred seventy-seven dollars and fifty-eight cents (\$32,277.58) CLTC's Survey and Infrastructure Fund collected two hundred twenty-three dollars (\$223.00) CLTC's Loan Guaranty Fund collected fifty-seven thousand five hundred eighty-eight dollars and thirty-six cents (\$57,588.36) bring the total collection for all three funds to ninety thousand eighty-eight dollars and ninety-four cents (\$90,088.94) that's for February 2022. For March 2022, CLTC's Operations Fund collected eight thousand eight hundred fifty dollars and seventy-three cents (\$8,850.73) bringing the total cumulative collected for the fiscal year to

four hundred fifty-nine thousand four hundred thirty-two dollars and fifty-five cents (\$459,432.55). For CLTC's Survey and Infrastructure Fund, it collected ten thousand four hundred ninety-five dollars and thirty-three cents (\$10,495.33) bringing the total cumulative total for the fiscal year to date sixteen thousand three hundred ninety-six and sixty-six cents (\$16,396.66). CLTC's Loan Guaranty Fund collected thirteen thousand thirty-six dollars and fifty-five cents (\$13,036.55) bringing the cumulative total to one hundred twelve thousand seven hundred seventeen dollars and twenty-seven cents (\$112,717.27). So that's from – the cumulative total for the fiscal year is from October to March.

Chairman J. Reyes, Jr.: So, when we look at what we collected in total what is that compared to our projections on *inaudible*

Program Coordinator III J. Cruz: For the fiscal year?

Chairman J. Reyes, Jr.: Yeah, do we see where the projections were and where we're so we can know more *inaudible* like the budget hearings

Program Coordinator III J. Cruz: So, for the ending FY2021, September 30, 2021, if I'm not mistaken, we projected total collections for the Operations Fund at seven hundred ninety thousand or eight hundred twenty-four thousand one of that – don't hold me to the exact number, I don't have it on me. But if we are going to operate at a break-even then for FY2022, I believe we need to collect six hundred thousand more dollars which is in the next six months which is about hundred thousand dollars a month. We can tell you now, that our top two lessees or our highest paying lessees is GTA and GICC. GTA has paid already, GICC hasn't paid, we sent them the letter regarding the board's decision in the previous board meeting about not granting any rent reduction but extending the repayment one year so instead of two I think it's three or something or three or four something like that and supporting the rate increase. AS of today, we haven't received any feedback from them. I believe that they have obtained consultation services of Mr. Carlos Camacho so I think we will be meeting with Mr. Camacho soon to discuss any other proposals they may have that will address their arrears and stuff like that but I don't foresee us collecting anywhere close to a million for FY 2022, especially since we've order a cease and desist on the raceway's excavating activities – mineral extraction activities so we don't foresee us collecting a million dollars just for the operations fund but even at that we have been frugal in our expenditures so we are controlling between our wants and needs internally for the department so even though we were appropriated one million dollars we're not going to spend up to a million dollars as part of us being frugal in our expenditures so we're tracking that. We may operate at a deficit for FY2022 but it would be minimized because of our...

Chairman J. Reyes, Jr.: Okay, and so with that said, we do have the GICC since I know Commissioner Herrera – right I do want you to continue in wanting to go out and assess and

Program Coordinator III J. Cruz: We scheduled that already

Chairman J. Reyes Jr.: Okay, that's great. Again, we want to at least my intention is Commissioner Herrera focus on our commercial side I want to have Commissioner Santos focus on the 95 list for example and we'll get to that but you know for each of us to kind of have a not necessarily oversight but to work with the land agents or the team that is responsible right commercial side or the *inaudible* side how we can assist to moving things

forward and then report back to the commissioners on our regular meetings you know what was observed, what can be done what was does look – appropriate, etc....etc....right and that will be the intent and Commissioner Herrera has the *inaudible*so appreciate that sir.

Program Coordinator III J. Cruz: We have scheduled a site inspection for the Guam International Country Club and we're also going to circle back to the Guam Racing Federation and conduct some GPS points because we will be requesting some assistance from DLM to determine what was – what area or how much area was over excavated on their 4-acre approval from the previous board.

Acting Administrative Director A. Camacho: Joey, you want to mention – Friday last week we received the topo survey, correct?

Program Coordinator III J. Cruz: I think Friday or Thursday from the Guam Racing Federation it's been given to Pierce for his review. Our only concerns is as we mentioned from the – the topo was in relation to just the activities of Smith Bridge for Phase 5A zone 1 or whatever that area I don't remember exactly what it was designated as but Hawaiian Rock was also conducting activity at the north side of the racetrack where the drag strip which teared the wall that divided the private property and the CHamoru Land Trust property so that's another question we have is how are we going to ascertain what was taken out of the area that Hawaiian Rock was conducting mineral extraction activity. Another concern that we had was when the backfilling – one issue is that the permit doesn't allow for imported backfill so the gravel or the black tar from the road shouldn't be placed in there. Another issue we have is if there was no need to excavate a certain area because that's what they're backfilling now then why was it done, right? They removed good material, they replaced it with I guess satisfactory material I don't know.

Chairman J. Reyes, Jr.: And that's – continue to stay on top of that and of course we're not receiving any revenues in regards to that.

Program Coordinator III J. Cruz: We returned it. Based, on Attorney Toft's guidance, we returned all the mineral extraction revenue.

Chairman J. Reyes, Jr.: So, just as a reminder for whatever we received in the past, should be our starting point – a benchmark of what this area looked like before and after, right, that's my request right with Commissioner Herrera's involvement is all of our commercial stuff that we know are a small fire burning and we want to keep our pulse to that and if we need to have to bring in our lessees for that we bring them in right and we have those conversations.

Acting Administrative Director A. Camacho: Also, Mr. Chairman, I met with Henry Simpson last week as well and I mentioned to him that bringing in asphalt and other materials is not allowable it's on the permit and did ask him to please stop that activity and if there's an observation that's ongoing, we will issue a cease and desist so he's aware

Program Coordinator III J. Cruz: We're scheduled to go out next week Thursday in the morning so we'll

Chairman J. Reyes, Jr.: As long as we schedule it and give everybody heads-up that we will be there that's the respect that we also want to give visa-versa so I appreciate that but then again

when we take a look at our revenues right that's kind of where you know if that's stopped then we shouldn't be counting it towards the budget

Program Coordinator III J. Cruz: Yeah, we don't. What we've done was we've taken the projected revenue collection for example like 2023 and we've considered a receivables more so the receivables from Guam International Country Club since the board hasn't – did not decide on a rent reduction or did not approve on a rent reduction so that's actual revenue that's owed to us and you know because there is an actual timeline for repayment so we considered that too. So...

Commissioner A. Santos: You said there's actual no return – response from them?

Program Coordinator III J. Cruz: Nothing yet. Nothing that I can remember there may have been an email that Mr. Yojae had sent informing us that he received it and he'll be discussing it with the owners of the golf course, I believe that's about it.

Chairman J. Reyes, Jr.: Alright so again, some of the things that we want to keep on top of plus additional site visits for raceway as well as GICC and we look forwards to your updates next meeting. Again, all related to revenue or lack of...and our budget request, I wanted to just – so now that we've submitted it and we have our hearing on the 1st – is there anything – I wanted to ask the Commissioners, is there any questions in regards to the budget that we submitted? You can join us. Commissioner Bordallo, any questions on the budget or on the revenues?

Commissioner A. Bordallo: Yes, sir. I just wanted to know December of last year 2021 on the commercial lease we collected about three hundred thousand dollars; are we expecting more payment from commercial leases meaning are there anymore arrears?

Program Coordinator III J. Cruz: The three hundred thousand some dollar payment in December was from GTA, that's their annual payment. So, we won't collect that during this fiscal year but we will again in December. As far as payments reaching the total of hundred thousand, just on the top of my head, I don't think we're going to collect a hundred thousand each month for the next six months. Like I mentioned the two highest lessees or two lessees that pay the highest is GTA and GICC, GICC is not paying and the Board did approve a rent deferral until January 2023 so we won't expect that. We don't even know whether their – what the board had approved is acceptable for them in terms of their ability to pay. But in relation to what we do know as of today, we won't collect a hundred each month for the next six months.

Chairman J. Reyes, Jr.: Well and this is a huge turnaround with GICC, right?

Program Coordinator III J. Cruz: Yes

Chairman J. Reyes, Jr.: In the next *inaudible*

Program Coordinator III J. Cruz: We don't anticipate though, but we hope but....

Chairman J. Reyes, Jr.: You have anything else, Commissioner Bordallo?

Commissioner A. Bordallo: No, I'll let it go this time.

All: Laughing

Program Coordinator III J. Cruz: You sure?

Commissioner A. Bordallo: Yeah, how are we going to make \$2 million dollars?

Program Coordinator III J. Cruz: Well, what it is since we're discussing the budget; what we initially submitted was a budget request for two million twenty-four thousand seventy-six dollars (\$2,024,076.00) but that is broken into – from three different funding sources. So, for example for the General Fund, we're requesting eight hundred twenty-seven thousand three hundred fifty-four dollars (\$827,354.00) from the Operations Fund, we're requesting nine hundred fifty-nine thousand two hundred twenty-two dollars (\$959,222.00) and from the SID Fund, two hundred thirty-seven thousand five hundred dollars (\$237,500.00); so, that will equal the \$2 million dollars that we're requesting, although, what we will discuss later with the administrative director is that we will propose a technical adjustment to our budget submittal because we went back and reviewed the law for the Survey Infrastructure Fund so, in reality we don't need an appropriation to spend any money from that fund, the board just meets, create a resolution send it to legislature or to the speaker and we just report what we have expended from that fund. So, the technical adjustment we're going to request for is to reduce our Survey-Infrastructure Fund appropriation request amount from two hundred thirty-seven thousand five hundred (\$237,500.) to just fifty-nine thousand six o four (\$59,604.) that will keep us in line with the Executive Budget Request that was submitted. Anything over that, the board can spend just as long as we keep it to what it was restricted to and there's a resolution it's forwarded to the legislature and all that other great stuff. So, our budget request will decrease to one million eight hundred forty-six thousand one hundred eighty dollars (\$1,846,180.00) from our meeting with – our prebudget meeting with Office and Finance and Budget I am happy to inform you guys that we will be spending 9% less in FY2023 for personnel expenses so we reduced our personnel expenses that's based on the evaluation from OFB so we have a 9% compared to FY2022 there's just a 9% reduction in personnel cost.

Chairman J. Reyes, Jr.: So, *inaudible*

Program Coordinator III J. Cruz: No, we're not asking for it.

Chairman J. Reyes, Jr.: So, just to kind of tie-up this section, Joey; any other questions

Commissioner A. Santos: I do have one, Joe – that okay, I know I'm not to sure how many years back this was but was it the governor I don't know which one was took out money from the SID Fund, right?

Program Coordinator III J. Cruz: I believe it was in 2017, there was – how it works was that at that time the economy and the government's financial ability to repay any type of loan from a fund wasn't – they did not display their ability because for one that total was compounded over several years so and I think it was GASB34 I believe we had to apply the GASB34 so, we had to write it off; if we didn't write it off we won't receive a clean audit, we won't – we just won't because the presentation of the financial statements did not comply with GASB34 so it was a write-off on our books. But if the question is, have we received any money in relation to that? No, because if we did, we would have reversed it. And then record the transfer to us and

record it and realized it but we haven't received anything in relation to the six hundred some thousand.

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

Commissioner A. Santos: None for me thank you.

Chairman J. Reyes, Jr.: Okay, so alright just to kind of wrap up the revenue on the budget side right so, Joey, one thing I do want I know there's no updates on the '95 Application Status, right so it's kind of in line with this side of the financials. I'm sure there's a way that we can figure out how to fund the necessary steps to get us through the first 100 and the next 100, 100, 100, etc.... etc.... etc.... so, whatever types of notifications that's needed; can you guys work on that to kind of get us moving. I'm sure there's a way to help them on that I know one of the recommendations was we budgeted for two meetings granted that the size are a lot bigger these days but you know when you think of 12 months times 2, I'm sure that there's some wiggle room and let's determine what's that *inaudible* is it a publication in the newspaper, is it handing out flyers, is it an open house whatever it is right get them in and communicate and update and move through these numbers. The reason why I bring it up and it's not to belabor it and I know you guys *inaudible* is that we've been at this for the past 5-6 months I want to say since I've asked Ms. Eileen to kind of take us through this and yeah, you've done the outreach but there's still that large percentage that we can't get a hold off so, we've got to put a move on that. And then move to the next hundred and the next hundred and the next hundred we have to devise a plan otherwise we're going to continue to be a *inaudible*

Program Coordinator III J. Cruz: We'll figure that out financially what we'll forgo in terms of procuring in order to fund that type of activity but we'll also I believe if I'm not mistaken if we're unable to contact the constituent we can I think the end all be all is we send a certified mail and after 90-days they don't respond we can remove them from the waiting list. So, you know that's going to be the process for us to move forward right so that we don't bypass anybody but we apply

Chairman J. Reyes, Jr.: Correct. *inaudible* we document all this and make sure that you know and then if they do come back right, how do we handle that right so that would be a scenario that we have to...

Program Coordinator III J. Cruz: If they come back on the 91st day, they exceeded the ninety-days I mean we've been applying the 180-day rule to constituent and we've been terminating their application because the successor didn't notify us in writing in 180 days

Chairman J. Reyes, Jr.: Understood, understood and I'm kind of going off topic more so on the financial side if you can figure that out.

Program Coordinator III J. Cruz: We'll do that financially, we'll forego some things, we'll figure out what we could forego and we can use that funding to address the whether is through certified mail, through publication or anything like that but we'll do it in line with the law so at least in the event that there should any appeals or anything for that matter we follow the law to the T.

Commissioner A. Santos: What helped I want to add what helped was last month's newspaper article about updating the list – the '95 list and I've had a bunch come and say; how do I go... I think my number might be changed so how do I go about that and it's just that information sharing right

Multiple conversations

Commissioner A. Santos: So, that's why I informed them; okay, good you're aware of that okay good go inside the office and change it.

Program Coordinator III J. Cruz: That's one of the struggles, or not one but that's the struggles that we're

Commissioner A. Santos: How do we get it into the newspaper without having to pay for it?

Chairman J. Reyes, Jr.: No, we want to do our due diligence and pay for it.

Program Coordinator III J. Cruz: If it's free, we welcome that.

AGENCY REPORT

Chairman J. Reyes, Jr.: Moving forward to the next agenda item, our Agency Report. Angie, can you walk through that for us, please?

Acting Administrative Director A. Camacho: For today's meeting, there were just two items that Joey touched on one of them is the update on USDA RCAC, so, tomorrow, Joey and I – Pauline Takimoto from RCAC is on the island, and Joey and I will meet with her tomorrow. We'll do a site inspection with her and she wants *inaudible* so, we still have our bi-weekly meetings with them and with USDA and so that's where we're at with that project that we have going.

Commissioner A. Santos: Ms. Angie, what is RCAC?

Acting Administrative Director A. Camacho: They're a nonprofit group that's assisting us with this infrastructure grant through USDA.

Commissioner A. Santos: Oh, okay, okay. But what's the name of it? What does RCAC mean?

Acting Administrative Director A. Camacho: I'm not sure, but she comes from – she's out of Hawaii

Commissioner A. Santos: Okay, okay, okay.

Acting Administrative Director A. Camacho: Actually, she comes with a team of experts with her, so, people in finance, people in engineering and all kinds of different disciplines so we're very fortunate to have them helping us.

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

Acting Administrative Director A. Camacho: And then the only other item that I wanted to report was our meeting in Hawaii last week was very successful. Guam EPA – together with Guam EPA we met with CNMI's EPA as well as American Samoa so it was really great that they finally brought the islands together to talk about the successes and the challenges so that we can learn from each other so this is regarding FUDS which is the explosive ordinance possibly on some of our properties and possibly our neighboring properties so Army Core of Engineers wants to do studies priority is in Yigo right outside of Andersen Air Force Base and that is the focus now so, they – Army Core of Engineers still has a little bit of more work to do on their side, they reduced the area which they want to study which still affects us because we own a large tract and they actually want to start with us because we're probably the easiest for them as opposed to approaching every owner individual owner in the surrounding areas to get permission. So, at the time when they're ready to proceed we will approach the board and invite them to speak with you about what the processes they'll be doing, my understanding is everything is not invasive this is just a study at this point to see if there's anything there in the ground and I just think from meeting with them, this is important because it's better to know what's under the ground before there's problems you know when you start scratching the surface and all of that and discover any kinds of ordinance it's so it's better to do it this way. And they're also working with us so that we can give them our priority list for example, we mentioned our affordable housing projects so if they can put that into their plans to do that before we start ground-breaking that will be ideal so it was a very successful meeting, thank you for allowing me to attend.

Commissioner A. Santos: Right on thank you for attending on behalf, yeah. So, that's a great study that we'll give them that tract to start their study on.

Acting Administrative Director A. Camacho: Yeah, definitely we have to touch that.

Land Agent I T. Tainatongo: Commissioner Santos, RCAC stands for Rural Communities Assistance Program.

Commissioner A. Santos: Rural Communities – communities – Communities Assistance Program – thank you.

Chairman J. Reyes, Jr.: Okay, anything else, Angie?

Acting Administrative Director A. Camacho: That's all for today.

Chairman J. Reyes, Jr.: Okay, Commissioners, any questions on some of the agency updates?

Commissioner A. Santos: None sir thanks you.

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

Commissioner A. Bordallo: No

GUEST AGENCY PRESENTATION

Guam Housing Corporation

Chairman J. Reyes, Jr.: Okay, alright, thank you. Okay next up on our agenda we actually have a couple of agencies that wanted to address the board first up we do have the Guam Housing Corporation so, you guys can join us at the table and for record purposes please state your name.

GHC President Edith Pangelinan: Hi, good afternoon, Mr. Chairman, Board of Directors, we're here from Guam Housing. My name is Edith Pangelinan, President of Guam Housing and I have Mary Guerrero here as the Loan Administrator. Okay, so, we're actually here as you may know there was an MOU that was prepared, I think you were in one of meeting with the Chairman and I have to apologize that the resolution was signed since a few months ago. Unfortunately, there was some oversight on our part but nonetheless we were able to submit the MOU and I will defer to the board if there's any question that if you have an opportunity to read it but if not then we're here to answer any questions pertaining to the MOU.

Acting Administrative Director A. Camacho: May I, don't worry, we just received the MOU I believe on Friday and I just felt that it was very unfair to present it and expect our board to act on it today. So, I just ask Ms. Edith and Ms. Mary if they can come down – just make it known that there is a proposed MOU for our consideration and I mentioned to them that today, I will send the draft MOU and I believe it's still a draft, I believe it's still subject to – I sent it to Attorney Toft for his review, we're giving him the time to review it. This is supposed to reflect our VA MOU, correct?

GHC Loan Administrator Mary Guerrero: It's supposed to mirror the memorandum, the agreement with what Chamoru Land Trust had signed with Guam Housing as well as the Veterans Administration related to providing financial assistance to veterans under the Veteran Loan Program particularly under the Native American because there's special funding for it. So, they've been really pushing us to assist and providing loans for the veterans. Of course, that cannot commence until the applicant or the veteran has in fact an executed lease agreement with Chamoru Land Trust. But that being said, and addressing how these loans would be serviced absent of a loan guaranty, GHC was included so that we could assist Chamoru Land Trust and Veterans' Administration how best we could service the loans to prevent a default or work with them so that the loan can remain performing, and we're still doing that. So, in relation to the MOU that the agreement that we had forwarded to Ms. Angie, this was really address to try to provide a response to individuals that were supposedly given a Chamoru Land Trust lease. However, I think it was determined that they are not first-time homeowners. Right now, Guam Housing in its mandate cannot provide loans as well to non-first-time homeowners that's specific in our mandate but to address this I believe that they propose a change that in order to help any lease any lessee that would get the Chamoru Land Trust then we'd be allowed since we are one of two financial institutions that would be able to provide financial assistance to Chamoru Land Trust recipients. So, that is being worked on, I know that there was a proposed bill on GHC's part so that we can allow non-first-time homeowners to apply. Specifically, those that may be recipients of a Chamoru Land Trust because they really don't have, they only have one other financial institution and if they're not a veteran they won't be able to get that financial assistance. So, this MOU with a resolution that was passed by our Board was to try to resolve that in the event that a lease was intact, executed by Chamoru Land Trust and they've met all the requirements then if they're not first-time homeowners and I don't know if they no longer meet the definition of a first-time homeowner after they have applied with Chamoru Land Trust but we are going to defer of

course to CHamoru Land Trust to make that decision of that lease that was executed is still valid. If it was determined that it is
We've also been advised that because they're of a different priority and they're non-first-time homeowner a loan guaranty may not be issued. That being said and because GHC would be limited in exercising any type of foreclosure action but we have faith that we can help the individual either help CHamoru Land Trust find another eligible lessee and let them take over the loan, this is absent of a loan guaranty but we do know that you have a long list that we shouldn't have a problem finding someone else to assume that loan but the way it was presented was in the event that there's no loan guaranty would CHamoru Land Trust still go into this MOA but we need to both exercise due diligence to make each loan a performing loan. And that's basically what it is, we're not asking for any exceptions of the rule, if they're not eligible then they're not pursuant to the law we would definitely defer to CLTC to determine that but what we were told is that they were given already a lease but do they do declare that they're not first-time homeowners. Right now, we cannot entertain them either because we cannot give loans to non-first-time homeowners but I guess trying to look forward how best we can address that issue. That's basically what it is.

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

Commissioner A. Santos: It's just like proposition at this moment?

GHC Loan Administrator M. Guerrero: Yes.

Chairman J. Reyes, Jr.: I don't have any questions, so, Angie will be sending that over to us and then we could address that in the next board meeting? Yes? Okay. Commissioner Bordallo, since you're on the zoom, any questions on this?

Commissioner A. Bordallo: I defer to our lawyer.

Chairman J. Reyes, Jr.: Okay, thank you. And then I'm sure Attorney Toft will have some guidance.

GHC President E. Pangelinan: Yes

Chairman J. Reyes, Jr.: Thank you very much for your time and bringing that to our attention and we will address it if we're ready by next meeting.

CHG President E. Pangelinan: Thank you

GHC Loan Administrator M. Guerrero: Thank you

Department of Land Management

Chairman J. Reyes, Jr.: Okay, next up on our agenda is the Department of Land Management but I do not see them here yet. So, what we can do is we'll go ahead and move and put them towards the end. I'll just go ahead and move that around. We talk a little bit about the '95 Application Status Update.

1995 APPLICATION STATUS UPDATE

Chairman J. Reyes, Jr.: Commissioner Santos, I think just to round that off, if I could ask you to kind of help kind of be the Commission Board representative to kind of help steward that along with Ms. Eileen and Jhoana. And just kind of reporting back to the Commission

Commissioner A. Santos: Understood. What you said earlier?

Chairman J. Reyes, Jr.: Yeah, okay. Thank you, so let's go ahead and move up to the Constituent Matters

CONSTITUENT MATTERS

Chairman J. Reyes, Jr.: I know one we will table that's for Angela N.C. Santos, not to be mistaken for Commissioner Angela LG. Santos

Commissioner A. Santos: Not Commissioner Santos

Francisco G. Rios

Chairman J. Reyes, Jr.: And so, we have first up is Francisco G. Rios

Land Agent I T. Tainatongo: Yes, and Mrs. Rios is here but before we forget do you want to go over the announcement.

Chairman J. Reyes, Jr.: Oh yes, so, I began the meeting and I forgot to kind of for the record on our publication so for the record, the public notices for today's meeting were published in the Guam Daily Post on May 12, 2022, and May 17th 2022, notices were also posted online on CHamoru Land Trust website at dlm.guam.gov, the CHamoru Land Trust Commission Facebook page and the Government of Guam Public Notice portal at notices.guam.gov. This meeting is being livestreamed on the CHamoru Land Trust Commission's Facebook page and as well as YouTube channel at GovGuamLive, video and audio recording is made possible in addition to by our partners at KGTF. Okay, thank you. I apologize for missing that.

Land Agent I T. Tainatongo: Thank you. Good afternoon, commissioners, Attorney Toft, Mr. Chairman, today, I present to you Francisco Guerrero Rios who is deceased. I do have his wife here with us, Mrs. Rios, GloAnn Rios and the matter for today is minor child named as beneficiary. I'm just going to read everything down the line. The Facts, application type is residential, application date and time is December 7, 1995, 4:50 PM, the numerical designation number 0001646, the priority status is 1, lot surveyed – yes and it's surveyed by Ray Cruz and the FY number is 228FY2015, lease issued and ratified – yes, pre-occupier-no LUP- not applicable. On December 7, 1995, Francisco Rios submitted a residential application for CHamoru Land Trust. On January 2, 1996, \$50.00 was made and received from CLTC for their processing fee. December 17, 2012, the residential interview signed and named Christian Nicolas Rios as his beneficiary. I just want the Commission to know that Christian is also here with us today. October 7, 2015, agriculture subdivision survey map recorded under instrument number 884204 for Tract 11405, Block 13, Lot 11 in Dededo. November 17, 2015, a residential lease issued for Lot 11, Block 13, Tract 11405, Dededo containing an area of 2,023 +/- square meters as shown on Subdivision Masterplan number 2015 M015-16 recorded DLM Map document number 880839. February 18, 2016, a residential recorded under instrument number 888955. On May 24, 2019, GloAnn Rios, wife informed CLTC that Francisco Guerrero

Rios, her husband had passed away, she provided CLTC with a copy of their marriage certificate and Mr. Rios's death certificate. The date of death indicated on the certificate is May 7, 2019. Ms. Rios inquired how their son; Christian Nicolas Rios could assume her deceased husband's lease rights. On April 28, 2022, CLTC received the following documents filed in the Superior Court of Guam for Mrs. Rios as the legal guardian of her son Christian Nicolas Rios. The following documents are Order Appointing Guardian of the Person, Oath of Guardian, Letters of Guardianship of the person. On May 3rd, 2022, CLTC received an affidavit from GloAnn Rios acknowledging she will act on behalf of her son who is a minor relative to his rights as a beneficiary of his father's CLTC lease until such time he reaches the age of 18. Findings are CLTC Resolution Number 2019-02; Resolution to Grant the authority to the Administrative Director relative to approving beneficiary designations for leaseholders refers to Public Law 23-38 Section 9.1 A B which reads; Designation of Successors A, a lessee upon execution of a lease designate the person in which whom lessee directs the interest in the tracts to vest upon death such person must be qualified to succeed to CHamoru Homelands as provided by the Act and these rules. A lessee may elect to provide for the surrender of the lot upon death and may select a recipient for the proceeds from the surrender. A lessee's designation under this section may be changed at any time by the lessee. B, such designation shall be made as specified in the Act with the right in the lessee to change the beneficiary at any time, if filed with and approved by the commission. The reason why I put that is because the director has the authority but it's upon lease issuance and in this case, there was already a lease issued. 21GCA Chapter 75 Section 75109 C, reads should any successor or successors to a tract be a minor or minors the commission may appoint a guardian therefore subject to the approval of the Superior Court, such guardian shall authorize to represent the successor or successors in all matters pertaining to the leasehold provided that said guardian shall in no such – in so representing such successor or successors comply with the provisions of this Chapter and the stipulations and provisions contained in the lease except that said guardian need not be a native CHamoru as defined in 75101 of this Chapter. To no fault of Mr. Francisco Guerrero Rios, and like most who applied for the CHamoru Land Trust program, a lease was issued before his time and date. Before his passing he was able to have the leased property surveyed, unfortunately, he has passed and was not able to gain the full benefits of this program. Mrs. GloAnn Rios, the surviving spouse of Mr. Francisco Rios would like to assist her son who was named the beneficiary to obtain the lease and all rights as the designated beneficiary under the CLTC program. All the necessary documents have been provided to support her with this process. My recommendation is for the CHamoru Land Trust Commission Board of Commissioners to consider Mrs. GloAnn Rios the mother and the guardian appointed by the Superior Court of Guam to Christian Nicolas Rios to assume his father's residential lease as the named successor.

Chairman J, Reyes, Jr.: Thank you, Ms. Tina. And then Ms. Rios just for the record, could you state your name?

GloAnn Rios: GloAnn – GloAnn Rios.

Chairman J. Reyes, Jr.: Okay, thank you so much. Okay, so I'll start with the Commissioners, anybody has any questions to start?

Commissioner A. Santos: And everything is in place, all the documents that's needed and right...? They are in her file?

Land Agent I T. Tainatongo: Yes, yes and I have them here, I didn't do them as an attachment but – or an exhibit but it's all received and she provided me with originals, filed in the Superior Court on April 28. And again, the reason why we did it this way I guess as it states on Chapter 75, normally they would come in when a beneficiary that is named is a minor would come in the commission has the authority to make the decision provided that they are the guardian from Superior Court but in this case, it was reversed, she went ahead and did the steps and now we're coming to you.

Chairman J. Reyes, Jr.: *inaudible*

Land Agent I T. Tainatongo: Yes

GloAnn Rios: Christian

Land Agent I T. Tainatongo: I'm sorry, and Christian's here.

Acting Administrative Director A. Camacho: How old is he now?

GloAnn Rios: 14

Chairman J. Reyes, Jr.: Any questions Commissioners? Commissioner Bordallo do you have any questions?

Commissioner A. Bordallo: I have no questions

Chairman J. Reyes, Jr.: Okay, just to reiterate, the task for us is for the Commission to approve Ms. GloAnn is the mother and the guardian *inaudible* for Christian Nicolas Rios and upon him being of age will take over his father's lease.

Land Agent I T. Tainatongo: And so, should it be approved, the file would change and it'll read Christian's name - I'm sorry, Ms. GloAnn's name trustee for Christian.

Chairman J. Reyes, Jr.: And the and just to again to make sure itemized here that in December of 2012 that Christian was named the beneficiary?

Land Agent I T. Tainatongo: Yes

Chairman J. Reyes, Jr.: And we have that document?

Land Agent I T. Tainatongo: Yes

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

Commissioner D. Herrera: Mr. Chairman, I'd like to make a motion to consider Ms. GloAnn Rios the mother and the guardian appointed by the Superior Court of Guam to Christian Nicolas Rios to assume his father's residential lease as the named successor.

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

Commissioner A. Santos: I second that motion

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

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Okay, hearing none the motion passes for Ms. GloAnn Rios the mother and the guardian appointed by the Superior Court of Guam to Christian Nicolas Rios to assume his father's residential lease as the named successor.

Land Agent I T. Tainatongo: Thank you, and we'll be in touch. Thank you.

Pedro Pangelinan

Chairman J. Reyes, Jr.: Okay, So, Eileen did notify me that DLM so Ms. Rios you can stay or you can go, okay, thank you so much. Alright, so they did inform me that DLM is here but let's go ahead and get through the other item on the agenda for Mr. Pedro Pangelinan and Jessica because you're the agent, right? Do we have Mr. Pangelinan present?

Land Agent I Jessica Dayday: He's deceased

Chairman J. Reyes, Jr.: Oh, sorry, so any of his...

Land Agent I J. Dayday: The successor's deceased as well. So, hafa adai, I'm Jessica Dayday I'm a Land Agent with CHamoru Land Trust Commission. So, this case I brought during the February Board of Commissioners meeting and it was tabled pending Mr. Toft's opinion on the matter.

Attorney N. Toft: You want me to take over from here – my opinion on it.

Land Agent I J. Dayday: Sure

Attorney N. Toft: So, the situation was the original applicant passed in 2014, is it, I'm sorry.

Land Agent I J. Dayday: 2007

Attorney N. Toft: 2007, he did name a successor to his application who then passed away in 2011. That successor *inaudible* did not commit a name an additional successor so starting 2011 that – under section 5.8 that clock that 180 day starts then and I don't think we received any application from any of the relatives within that 180 day of the...

Land Agent I J. Dayday: No

Attorney N. Toft: So, the issue and this is kind of an unusual situation where we have the successor also passed away within the time before we get a hold of them and get them signed in and get their successor in there. So, the issue is the timeliness thing, the children of the applicant did not come in until 2020 so, under that section 5.8 because that 180-day period passed the application should be cancelled and the applicant's name removed the wait list.

Chairman J. Reyes, Jr.: Okay. Commissioners, any question that that's where we're at?

Commissioner D. Herrera: Are the children present?

Land Agent I J. Dayday: No.

Commissioner D. Herrera: None of them, they're not on Guam?

Land Agent I J. Dayday: Actually, there's one who passed away and then that same property because Mr. Pangelinan was a pre-occupier, he had a Land Use Permit so, upon his death his other child occupied the property and then later on CLTC issued a lease to her. So, then she passed away and then it went to her successor.

Commissioner A. Santos: on another property?

Land Agent I J. Dayday: The same property

Commissioner D. Herrera: And the successor is still alive?

Land Agent I J. Dayday: The – yeah – CLTC – CLTC I mean the board designated her successor to her aunt's lease.

Chairman J. Reyes, Jr.: And she's no longer around as well?

Land Agent I J. Dayday: No, she's there but she has a lease already with CLTC.

Chairman J. Reyes, Jr.: She has her own lease?

Land Agent I J. Dayday: She has her own.

Chairman J. Reyes, Jr.: Okay, so just to clarify the issue at hand is just to cancel the agriculture application and removed Mr. Pedro Pangelinan from the wait list?

Land Agent I J. Dayday: Correct

Chairman J. Reyes, Jr.: That's the only action from the board?

Land Agent I J. Dayday: Correct

Chairman J. Reyes, Jr.: And it's the agriculture application

Land Agent I J. Dayday: Yes

Chairman J. Reyes, Jr.: Okay. Any other questions, Commissioner Herrera – Commissioner Santos:

Commissioner D. Herrera: Yeah, on number 5 summary here right; I'm reading here, that the children's' request to be designated successors have passed the 180 days. So, the children are here?

Land Agent I J. Dayday: No

Commissioner D. Herrera: No? So, who's requesting?

Land Agent I J. Dayday: So, when they came in – yeah one of the – one of Mr. Pangelinan's daughter came in and she was requesting to take over this application.

Commissioner D. Herrera: So, the daughter was here?

Land Agent I J. Dayday: Yes, but she also has an application of her own

Commissioner D. Herrera: Oh, okay.

Land Agent I J. Dayday: Yeah, she has a CLTC application and agriculture and then the other child, Mr. Pangelinan's son has a lease with CLTC.

Commissioner D. Herrera: So, they're all

Land Agent I J. Dayday: They're all – yes

Commissioner D. Herrera: Okay, got it.

Chairman J. Reyes, Jr.: They have an existing lease plus and existing application

Commissioner D. Herrera: They won't be landless or homeless

Land Agent I J. Dayday: No

Chairman J. Reyes, Jr.: So, it's a matter of the deceased Mr. Pangelinan – Pedro Pangelinan

Land Agent I J. Dayday: So, the daughter that came in, Ms. Castro she does have an application with CLTC it's just her date and time that we're waiting on for her to move forward

Commissioner D. Herrera: And she's occupying?

Land Agent I J. Dayday: No

Commissioner D. Herrera: No

Land Agent I J. Dayday: The land that Mr. Pangelinan was occupying it went to his other daughter who is now deceased but then that lease went her niece her brother's daughter.

Chairman J. Reyes, Jr.: So, no one's being displaced or anything like that it's just a matter of existing application that we have and all the other successors or beneficiary are accounted for in the sense of they have a lease or an application, correct?

Land Agent I J. Dayday: Correct

Commissioner A. Santos: *inaudible* removing his name from the list?

Land Agent I J. Dayday: Yes

Chairman J. Reyes, Jr.: Any other questions, Commissioner Herrera?

Commissioner D. Herrera: I'm good

Chairman J. Reyes, Jr.: Okay. Commissioner Bordallo, any questions?

Commissioner A. Bordallo: No

Chairman J. Reyes, Jr.: Okay, thank you. Alright, so, Commissioners, I turn to you for any further action to continue the process.

Commissioner D. Herrera: Okay, I'll go ahead Mr. Chairman I'll make a motion.

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

Commissioner D. Herrera: For Pedro Cruz Pangelinan who passed away

Land Agent I J. Dayday: 2007

Commissioner D. Herrera: Oh, let me see for the children's no for Mr. Pangelinan – Pedro Cruz Pangelinan to be removed from the listing the waiting list

Chairman J. Reyes, Jr.: For agriculture the agriculture application

Commissioner D. Herrera: For agriculture application

Chairman J. Reyes, Jr.: So, Commissioner Herrera just one more time if you can restate it?

Commissioner D. Herrera: I make a motion for the deceased Mr. Pedro Pangelinan – Pedro Cruz Pangelinan to be removed from the agricultural listing.

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

Commissioner A. Santos: I second that motion

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

Commissioners: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes to remove Mr. Pedro Cruz Pangelinan from the waiting list from the agriculture application.

Land Agent I J. Dayday: Thank you

Department of Land Management

Chairman J. Reyes, Jr.: Okay, so next up we do have Department of Land Management, if you could please join us at the table.

DLM Director Joseph Borja: I could sit there, I do see Guam Housing, I think they were ahead of us?

GHC: We're done

DLM Director J. Borja: Oh, they just want to come and watch and *inaudible*

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

DLM Director J. Borja: Thank you very much. I just want to introduce some of the backup that I brought here. We have Margarita Borja no relation she's from the – she's the Land Management Administrator at the Department of Land Management and then Matt Leon Guerrero here he's a Land Agent Supervisor and we also have Stephanie Duenas who's a Land Agent with the Department of Land Management. All three of them comprise the Land Administration Division at Land Management and they provide most of the information that I'm going to present today, having said that, I'm here today to discuss a letter that I sent to the Chairperson I think about a couple of weeks ago, Mr. Chairman and in it it had actually three on the agenda request to be put on the agenda rather. And that's Public Law 22-18, and then some land registration information and seeking guidance and three is the Cultural Center and one is an administrative matter that we'll take at the end of the meeting. First off, for Public Law 22-18, Margarita if you could pass out that package we were going to do this visually and try and save a tree but we had a little problem with the technical thing and what Public Law 22-18 does, is it reserves government land for the use of the various departments. You might say, well, what's that got to do with the Land Trust? Well, because if it is a hundred-acre lot and the Legislature Public Law 22-18 reserves 50 acres for a school, then the remaining acres probably should go the CHamoru Land Trust and that'll increase your inventory of course of available lands that you have. Some of the lands are not registered, some are registered but for the most part the lands that are in Public Law 22-18, and we have a list here that we have given you of about 20 lots, you have joint tenants in other words Public Law 22-18 like I said, reserved a portion of a certain lot it put down the acres reserved and for what purpose and you'll see that in some of them the acreage there's some left over; so, where's that going to go? We believe that it should go to the Land Trust. And we actually just went down the line and I'm very glad Commissioner Herrera to my left here because the first lots are actually in Agat and we just looked through it through the Public Law 22-18 by alphabetical order. And you notice, Dave we spelled Hagat with an A there so it'll be first. If we put it on H it might be down the line. The first lot that is owned by – you know that Land Trust has a lease on and it's reserved actually for the VFW Memorials in Agat Lot 266-1-1. I think that's over by Time Familian Time up that road T-I-M-E on that road. The second that we have is a satellite office in Agat for Lot 251-2 and in that particular one, that lot is 15 acres and what was reserved is only 1 acre for satellite office for Public Health so, you know, what's happening with the 14 acres there and that's something that you guys have to... the third lot is a bigger lot, Lot 480 in Agat, the lot is 202 acres and 35 acres was reserved for an elementary school, 2 acres reserved for DPW bus satellite station, 30 acres for 20 acres rather for a cultural center, you know the island only has actually 2 cultural centers, one down in Tumon in Ypao Point which is your property and then the other one is down in Inalahan but that one has problems with the

ownership because the government never condemned those properties so that Gef Pago area is still private property and there was actually a public law that allowed or prescribed for the land exchange for those properties down there but most of those lots are 90 square meters, 110 square meters and you don't really want to do a land exchange for another 90 square meters you want maybe something that's... so, for that particular one like in Gef Pago we may come back to the legislature and the commission to see what we can do about getting that Gef Pago as a formal cultural center you know belonging to the government or to the Land Trust for that matter but to maintain it as a cultural center. But in Agat, in Lot 480 there's 20 acres reserved for a cultural center and as you can tell in the agenda when I get down further in the agenda there's also a discussion about the Dededo Cultural Center which is a different animal, they're called Cultural Centers but they're really different – different animal – different cultural centers on that. And then also in Agat, Lot 480 Agat, reserved by Public Law 21-108 is post office in that lot, and Commissioner Herrera probably knows the topography of that property, it may not be suitable for a post office and in any event the post office came several years ago and I took them down to see that lot and I took them up to NCS and I took them to another lot that belonged to the Land Trust but is reserved for a post office and that's in the sports complex area and I believe it's Tract 100 – 100C and then also, in that same lot, Lot 480 Agat – Hagat is plans for a lower court subserving court to the downtown court, something similar to the Northern court facility if you remember I think it was the Ancestral Lands that gave up some property for a Northern court facility which is built and operating now. So, there were plans to do a lower court down in Agat also. And that lot, Lot 480 is 202 acres and not all of it has been observed. So, what I'd like for you to do is take a look and I don't want to go through all of the lots because there is as you can see quite a lot and I can come back or I can do it you know I got a couple of hours so we can get out of here before 8 to do that. But let me just go with that one up there that is actually, I'll take the top the other next to 431-R1 Agat and that one is kind of important because that is also the site of the proposed incinerator. So, you have to kind of take a look at that, and it says PUAG here but PUAG had the reservoir when GWA was PUAG prior to that and then there's also reservoir in Asan at Lot 469-1 which is a very productive spring down there in Agat. But here's Agat, you got one there? Everybody's got one? Now, the shaded area is just a conceptual thing; does it mean that that's where the elementary school is going to be? No. We put that in there to see if the acreage reserve is equal to the lot, did we over-promise things in that area. And also, as you can see the easements are straight you know the shortest distance between two points straight line. Sometimes roads don't always turn out like that, sometimes there's a rock in the middle or a creek or something in the middle that might not return but inside these 202 acres the Land Trust has already issued approximately 70 leases – seven zero and those are all those yellow squares on the top. So, we're kind of like here today before you to make sure that at least we talk about maybe your next leases that you don't put your next one-acre lease in the middle of a 20-acre parcel and therefore we can't build a school in there. But more importantly, Guam Law requires the Department of Land Management to conduct an inventory of government lands and we tried to do that in May of the first year of 2019 and we had some responses on that, and that's basically to find out what the needs are of some of the other agencies in term of land and we had some good biters to the hook, we had Guam EPA who needed a headquarters and we found land over there in Dededo kind of next to your property, Global Recycling in the corner of Batulo and Route 1. They've already gotten title to the property and Federal EPA is going to build the facility for them free of charge and they're also going to clean up the area because it's contaminated. GRTA, I think we found them a lot for their park and ride facility up there in Dededo. So, there are other agencies and we also have a and if you can see on the map, there's a cultural center reserved for this lot. We already have a cultural

agency asking, where is that 20-acres because they want to do something and this might interest Commissioner Herrera, they're looking at maybe making it a...you know how the different villages have Citrus Festival, Donne Festival.... Agat has the Mango Festival but Agat also has a lot of famous singers so they were thinking of making it a song festival you know rather than a food thing because... I mean look who you have; Charfarous Brothers, Sablan Girls, Sunset Girls, Jesse Bias... you know so there's a lot of singers so that was the concept and that's what I mean and as you get to the part of the agenda for the other cultural center, I'll show you that it's a different concept here and the one that they're looking at. Also, in that map you have 35 acres for GDOE elementary school, recently DOE has looked at their population spread and they don't think that they'll be needing an elementary school down there in Hagat, but again, that's something that we have to get officially from DOE, you know, we can't just say, oh yeah, they told me. And what happens if that property is not needed for GDOE elementary school then, I don't know maybe legal counsel can give an opinion, where's those 25 acres going to go then? You know, if it's not going to go to DOE, and then as you can see again you have the US Postal Service there and we put that in there again just for area purposes to show that if we are going to go through with Public Law 22-18, then yeah, it all fits but that straight road that you see there, it might not be straight it might be a zigzag to go down through and if it is going down zigzagging it's probably going to have to cut into your 41.21 acres, it's probably going... but it also provides access to you and your clients there. An interesting story here, that West Santa Ana Road for those of you that don't know this; over at Santa Ana Chapple you come in there and that road is actually a paved loop but for so many years power came in on one side, power came in on the other side but they never connected the loop you know for that property and there was a lady there living in the middle her name is Josephina Gumataotao and she's a diabetic client and she was running a generator for her insulin so the legislature appropriated \$30,000. And it connected that electrical loop and provided property for her and at that time there was only one house in that area, if you go up there today, I think there's like 20 houses because infrastructure came in. I say that because as you go into this property and you provide infrastructure, you're going to get people that are interested in going in there even though if you look at the property you know some people might call it badlands, wetlands, wastelands rather not wetlands but this is an example of one of the properties that the Land Trust has that has joint tenants at least at this point in time until we go in and we see the property to see if it's really feasible for a school, post office, a bus satellite station in there you know, until we go in there and see it for ourself, we have aerial photographs and things like that but there's nothing like going there. So, we are going to open a road in there and by opening a road I don't think we're going in there and be bulldozing not at least at this point, it's going to be a hand clearing, you know, bush cutter and like that to see what the topography is. Sometimes, when you look at topography, you'll see a big bush of grass or something and say, hey, that looks level over there and you go down there and that thing is about 10 feet deep to the thing like that.

Chairman J. Reyes, Jr.: So, Director Borja, just real quick to that point right, I guess my was do we know what the topography is *inaudible* these types of plans right but *inaudible* and Land Trust properties is dead center of what's the proposed elementary school, the proposed...

DLM Director J. Borja: Well, it's not dead center I mean if we can exchange it with the elementary school what I'm saying is that there's enough acreage for in there; does it have to be there? No. Is the land trust property in an area where it's fairly level and easy to develop? Probably not, just because I've been out to the property and like that. But how much of it is

developable? How much of it is usable? How much of it is best left to a conservation area? You know, you don't always develop all your properties, you should leave some green space and like that and this is a good ideal area. I just want you to know that around the CHamoru Land Trust property up there in the Northern part where it says, DPW Satellite Station, below that towards the bus satellite station is an arrow to that box below is actually private property, I believe it belongs to Numura Guam Enterprises and I think the plans is for a hotel, I would think so. And then below that is private property, it's Sablan property that was exchanged for property down at the court house and then below that is a Torres property coming in from the radio station. And I say that because if you look at the map in the bottom, you see that cleared area here, that's the southern sports complex that is being built by the Guam Football Association with FEFA money. So, the sports complex that you see up there in Dededo which was CHamoru Land Trust property at one time this is going to be a Southern Sports Complex, Guam Football Association under Tino San Gill got a I believe a large amount of money from FEFA the International Federation of Football and they were given that money to build... you know, they told the government, if the government can provide the land, we'll build another sports complex like we did up there in Dededo. So, that's what that thing is and in another area there that you have is the Hagat Transfer Station, this belongs to Guam Solid Waste Transfer Authority but I believe I don't have anything official is that at least some of the solid waste transfer station might be being phased out I don't believe that this is one of them the same way that the Dededo Solid Waste Transfer Station was phased out or relocated to Harmon but this is quite a substantial facility on there. And then in the area there where it says, PNDG – PNDG that white circle there, that's a half a million-dollar gallon water tank so you know you might have some water available in there, in that area. So, this area is kind of like developing and you know there are other landowners in the area, private landowners, CHamoru Land Trust lessees, cultural center so it's time that we look back at Public Law 22-18 and say, hey, do you guys still need this? Now, Public Law 22-18 has been touched, there was a time when Public Health needed land for a lab up in Dededo and Public Health had some land in Chalan Pago but it wasn't a... you know, it was a hilly land I like that they weren't able to develop that, legislature exchange that land, gave that land in Chalan Pago, Santa Cruz Drive to the land trust and Public Health received the land up in Dededo for the mosquito lab that they're going to have here. So, we have this issue with that in terms of opening up a road, this is not the only one, we also have a road issue an easement issue in Ija, I don't think you have this one, so go ahead and tear one of Dave and pass it around. This is in Inalahan up in the hills and basically what you're looking at is a Land for the Landless Subdivision and then several years into the Land for the Landless Subdivision they discovered that certain Land for the Landless lots were undevelopable, so, Land Management at that time and Land Trust made a deal; we'll survey 88 lots, we'll actually do a map and create 88 agricultural lots I believe, yeah, agricultural lots and Land Trust will get 44 lots and Ija I mean the Land for the Landless program will get 44 to replace that. Now, the Mayor is working on a project to open the road up, if you look at the thing here, and my apologies Commissioner Bordallo, when we get a closer look here we see at the end here actually these are Land Trust lessees so the Mayor has worked a situation out with the National Guard where the National Guard will conduct a two-week training session down in Ija. What is the training session? To open that road up. Their engineering to open that road therefore letting your people in and Land Management will be staking out the center line of the road so that we can get an estimate as to how much linear feet of water to get in there or pipe to get in there so that these people can have you know in here. Now, this is the subdivision that 88 I think that was created half of it is Land Trust half of it is Land for the Landless but when the pipe comes in, it services everybody. When the road comes in it services everybody not just Land Trust and not just Land for the Landless in that.

And as you can see, from this there's still a lot of vacant lots in there you know that we're looking at. So, I believe Matt, when was that last trip... I saw the Mayor I think yesterday and I went down with the Survey Supervisor and now they're just trying to get the timing right to open that road up. It's a beautiful area, if you guys have an opportunity to go down there, maybe while they're doing the road good thing to take a trip down because it also has the potential of opening up other residential subdivisions, you know, that's I believe 400 lots in that one Matt?

DLM Land Agent Supervisor Matt Leon Guerrero: 305 maybe.

DLM Director J. Borja: 305 lots so what you're looking at is 305, can you imagine if you put another 305 lots in that area working with Pierce and all that. For those of you up north, this is a better vicinity map of where Ija in relationship to the village of Inarajan and the bay. You got that one so you can see... I promise, I'll get us out before 8. Okay, some agencies are requesting properties for their various programs, some are reviewing their needs like DOE in specific areas and some are saying that what they got under Public Law 22-18 is inadequate topography is not good for whatever reason that they're looking at. Also, in Public Law 22-18, I think the very first lot is Lot 10122-R18 and I believe it reserves 25 or 35 acres for the Astumbo Elementary School, got a problem with that; number one, that area is not Astumbo Elementary School it's when you go to Batulo Road by the golf course you head straight into it if you don't turn and you go right into the woods, the jungle that's that lot and that lot was reserved for a Astumbo Elementary School which has already been built in Astumbo in the right place so DOE doesn't need that anymore and I believe Land Trust may have some lessees in there already as well as maybe Department of Agriculture those original agricultural leases in that area but that's something that the Land Trust should take out of Public Law 22-18 and put it exactly in the inventory legitimize the paperwork and you know lease it for those people out there that are there now. And then yeah so, it's time under 22-18 that was basically a reservation for a 10-year plan and they were required to come back two years I believe with a conceptual plan and then 3-years later to come back with the financing plan for those different projects that are in there. And you've got things to be built in there like satellite bus station, highway maintenance, fire station, police station, library, tano man'amko, Inarajan village bypass, library you've got all sorts of things that the government agencies back in 1993 reserved as their 10-year plan that they are going to do this. Now, some of them did go through for example, Lot 5412, GPA to consolidate operations, 15 acres out of a 98-acre lot, that's where they are at now in Fadian, that Gloria B. Nelson Building there, that's built on that property based on this plan so there are some success stories. But for the most part, no. And a lot of it has to do with; where the actual lot was. When Land Management gave these properties to the Land Trust, really Land Trust was in no condition at that time to say, oh, okay, this is good level... it's good you know and like that, and even a speedway park reserved down in Santa Rita, Lot 289 its 620-acre parcel and 50 acres was reserved for a speedway park for Parks and Recreation. I know you guys are discussing things like that you know. So, that's Public Law 22-18 and these are your joint tenants, right Margarita? These 20 lots here are lots that are in Public Law 22-18 but the CHamoru Land Trust has an interest to it, and to the Commission's credit if you look at the very far right, you guys have developed masterplans for these lots already, but we need to make sure that you're not putting a one-acre lease in the middle of a 20-acre portion reserved for you know a school and like that. So, that's the Public Law 22-18 and we're actively working with your staff especially with Pierce to clarify this out but some point in time there probably has to be legislation to absolutely get the details down of each of these particular lots. We are looking like I said at first Lot 480 in Hagat and we are looking also

at the Ija and those are relative to opening up access roads to the area so that we can see actually what we have and you guys already have leases on there but of course, you put them in the convenient areas I mean that's logical right where they're accessible at least immediately.

Chairman J. Reyes, Jr.: I know those are from the Land for the Landless inventory

DLM Director J. Borja: Yeah

Commissioner D. Herrera: And the insinuator is going to be here?

DLM Director J. Borja: No, not in that lot. I just mentioned the insinuator lot, the insinuator lot and I even hesitate to call it the insinuator lot but the area that they're looking at is over which is the original area that they were looking at which is above the old GORICO Lot 49-R1 and I just mentioned it because it was the next lot on the thing like that. But I should have stopped right at Hagat.

Chairman J. Reyes, Jr.: The was the original proposed?

DLM Director J. Borja: Yeah, that was the original proposed now, I don't know... I don't know if there're new proposal that they took to the Mayors I don't know I would assume that it would be at the same location but I don't know the details on that. The next one I'm going to talk about is land registration which I saw that on your agenda you have some land registration issues. Basically, what this is, is a status report on unregistered lands that are within Government of Guam or the Land Trust.

DLM Land Administrator Margarita Borja: CLTC

DLM Director J. Borja: CLTC, so these lots that you have here, every one of these lots is unregistered and you have about 3275.94 acres that are unregistered. So, when it's unregistered, you got a specific sentence in your legislation that says that the Commission shall lease any unregistered lands I think or something and we have been working with Nic actually on this your legal counsel on this since a couple of years ago. We got interrupted by a virus but we had already started a plan to do land registration and the strategy from your legal counsel that he proposed was that we land register a lot of these large parcels for a couple of reasons; number one, they're relatively easy to land register because it's possible that other lots around it have been land registered and secondly it'll have an effect on your commercial leases, you're limited to a certain percent of acreage leasing for commercial based on what you have in there and this would just increase your available lands inventory you know if we do land registration. Now, having said that, the paperwork and the hearing and the documents preparation is the same for a small lot as a big lot, Nic would probably agree with me that if you're doing a land registration for a one-acre lot versus a 100-acre lot, probably is the same amount paper and like that, what is may be going to be different is the process serving which you guys do, we don't do it at Land Management, what we do at Land Management is we research the owners of the surrounding properties and we're looking anxiously to transfer that responsibility to you guys but still give you access at the records divisions of course. And then also, Pierce has been detailed basically over to the Land Trust on the surveying part so, we don't have a problem really initiating that land registration cases. And in most of these cases it'll probably go to the Land Trust. There are other unregistered lands that are claimed by the

government that are not in CHamoru Land Trust inventories, so, we at Land Management would like to kind of like concentrate on this one. We just arranged this alphabetically but the last time I believe this was reviewed years ago, it was something like 70 lots and I think at that time when we counted the acreage it was like 2000 acres, but, now with much more detailed research from the Land Admin people we have identified lots that have maps for them. So, if they have a land registration map, that's a big jump because we don't have to do the map because it's already there. If we have to do the map, it'll probably take us a year maybe per lot to do so we might want to take a look at the strategy and take a look at the lots but I fully understand the concern of land registering the largest lots. There are some lots also that have not been registered and I couldn't understand why; there are four lots or one two three four five six lots right across the Talofof Fire Station, they're all residential lots, people were on those properties under a Land Use Permit and then subsequently on the Land Trust lease but these are unregistered lots, these are the small lots that's why I kind of mentioned you know that *inaudible* also, I think the one that we're right in the middle of is Lot 286 Piti and Nic's working with that, our Survey Division is working with the Navy, the Navy had some concerns on it. There is also some issue with Department of Agriculture, they're running that Masso Reservoir which is a nice little pond in the back there, it's got a dock you can go fishing in there when you're allowed too. And then it's right next door to the Veterans Cemetery but that's the one that we'll look up but more importantly though in Lot 286, Piti, you have CHamoru Land Trust lessees or CHamoru Land Trust applicants that are on the verge of applying and getting VA I believe and SBA loans but because the property is unregistered, it's holding it back you know their loans on it. I believe they may have been approved other than for the land issue so that's why too it is especially important other than it being a big lot also. And then you have the 6 lots in Talofof, 472 in Agat, 10148 in Dededo, 523 Malesso, 7099, 10162 Dededo, I'll just read out those numbers but those are large lots. And we would like to register also – prioritize some of the lots that are also being occupied by other agencies, for example, in Yona, the DPW Satellite Bus Station that's on an unregistered lot that is also in the CHamoru Land Trust inventory. We'd like to land register that lot and cut out the piece for the bus station and Gov Guam retain the other portion. We also have 70 acres in Dededo that was reserved for Land Management to conduct land exchanges, however, within that property I believe we have maybe about 15 to 20 CHamoru Land Trust applicants, you know, we certainly don't want to kick them out but we want to legitimize their stay in there but we also would like some replacement land to do land exchanges because that's the only lot that was set by public law for land exchanges and that was very very easy because it was already surveyed you know, you know time to time Government of Guam needs land to conduct land exchanges, maybe the government took portions of private property for a road for a school for something like that. And the people buying large are willing to do land exchanges but a lot of times they want it in the same area and right now, Dededo is it, for that. So, we'd like to look around the area and see what government lands may be able – unregistered lands that may be available for the government to conduct land exchanges, when possible, you know.

Chairman J. Reyes, Jr.: And Director Borja, you said that's 70 acres?

DLM Director J. Borja: Which one?

Chairman J. Reyes, Jr.: The land exchanges

DLM Director J. Borja: I believe it's 70, right Margarita? What's the tract number on that, do you know? It's the one right around the Coral Pit. 70 acres was reserved for land exchange, it's

in the same tract where Familia Store is. Family Store was a product of a land exchange, the family that owned that I believe not own that but the family that owned the pool- the water pool, the natural saltwater pools down in Inalajan when it was taken by Parks and Rec for the pool as a public park, they were given a land exchange but they didn't want you know the family was from Inalahan they didn't want land up in Dededo you know especially in that area so, what they did it was the only land available so they went ahead and accepted the land exchange and probably sold made sure that there was nothing in law that precluded them from selling the property, they turned right around and sold the property to the owner now of Familia Market, they took that money and they bought land down in Malesso, where they wanted to be. So, we have that problem when we're doing land exchanged you know people... we have land needs in Santa Rita, in Yona and especially down south because down south the lands for the roads were not condemn from Route 17 that intersection there all the way down to Inalahan, Malojloj and up to Hagat, that southern loop there it was never really condemned on that. So these are properties that are in the land trust, they're unregistered, some of them have maps already, some of them no maps, just remember that if you select a lot for registration and there's no map on it you're looking at a year before any action is taken on it maybe more because Land Management's Survey crew we only have you know 1 survey crew and we have other projects for the administration for Adelup and the Governor's Office so we have our own list also projects that... unless you do contract it out unless you outsource it out which has been done, yeah, which has been done.

Chairman J. Reyes, Jr.: So, I know that between Joey and Attorney Toft, there has been some prioritization for some of the lands to be registered right so at least now have I figured there was a master list of sorts so at least we have it now to ensure we can tick off right what our priorities are. But just kind of circling back to these 70 acres for land exchange, we do have some CHamoru Land Trust lessees there?

DLM Director J. Borja: Yup! And they came in as a pre-occupier from the Land Use Permit program the Arruendo Program, they were there they passed the law for that area – 70 acres Land Management Surveyed it out and oops you know there's a land use permit they weren't placed in there in spite of the law but they were there when the subdivision was cut out when the 70 acres was cut out according to Public Law 22-18. Just a situation we have to you know, and again, we're not looking at evicting anybody but we're looking at working out and getting at least recovering the acreage that was lost in there from that program to be able to complete our program you know the land exchange.

Chairman J. Reyes, Jr.: Pierce, do we know how many off the bat?

Engineering Tech II P. Castro: I don't know off the bat but I can find out.

Chairman J. Reyes, Jr.: Okay, and then you have one more, correct?

DLM Director J. Borja: I have one more which is the Dededo Cultural Center, this one is a little bit more problematic and Dededo Cultural Center was really created by Public 25-47, and what that really did was when the federal lands the condemn lands in the Harmon Cliff line were being returned to the original land owners through Gov Guam, there were some nonprofit organizations that were out there, I believe the VFW was there and there was some Palau Abai was out there and I believe other nonprofit organization including several cultural clubs on there that you know but there was a cultural club that they had out there in the Harmon cliff

line, so, the legislature passed a law, Public Law 25-47 creating a cultural center and what you see in the color is the actual cultural center, this what, 20 acres, I believe. It's a 20-acre cultural center and we divided it up into I believe into these half-acre lots something like that. But in any event, you see that one big lot right there in the middle that's kind of like the area the common area, stage maybe or put all the restrooms there or something like that. As you can see on the bottom here, the surrounding areas in the colored areas here of the subdivision there's already some structures on it. The bottom left hand corner there is a two white buildings that's the Palau Abai that they have in there and they got that through you know... there are other groups that are doing in there, the Korean group, the Kosraean group, and Chuukese group and then you also have the Filipino groups, however, if you look up there in that area the red area there you'll see those structure one, two, three, four and Mindoro, Bicol, Aklan and the United Filipino Family Association, those are Land Trust lessees, Land Trust occupants, we think they are I don't know if they're applicants on them and as you can see the structures are substantial. You know, they're not *inaudible* these are you know houses and like that and we believe that these are Land Trust either lessees or occupants or qualified for the Land Trust on there.

DLM Land Agent Supervisor M. Leon Guerrero: Mr. B, *inaudible* one is actually a CHamoru Land Trust lessee and one is an applicant, we were able to verify those two individuals of the three, so, two one is I think he's holding a lease, a CLTC lease and the other person is just a he's an applicant.

DLM Director J. Borja: In any event, Land Trust clients and so, we are looking at that one and I don't really know how we'll solve that situation and you know, they're going to be middle in the middle of a cultural center not like the other cultural centers that you know I was talking about earlier, this is a different concept of a cultural center. We at Land Management, we certainly don't want to relocate them there's substantial you might want to have your land agents go out there and do the usual report, power, water, you know what do they got in there but we'd like to work it out with the Land Trust as to how we can

Chairman J. Reyes, Jr.: Well I think the first thing is, how did they get there...this property...etc....etc.... etc.... right so, I mean just ask Ms. Eileen if you can hear me to work with either Director Borja or the team to figure you know who what when where why it may take a little longer then next month's meeting but I'm pretty sure we can start getting that together

DLM Director J. Borja: Oh I think these guys can make *inaudible*

Chairman J. Reyes, Jr.: You know just from the potential issues, what is designated for and why you know how did it get there...etc....etc....so Ms. Eileen can you just acknowledge if you can hear me can you help take that on to begin the research

DLM Director J. Borja: And then the last issue Mr. Chairman if you... and I'll circle back to see if there are any other questions that popped up after this but the last issue, I want to bring up is Mrs. Marcia Quichocho Aguon who is now deceased has been a lessee from the CHamoru Land Trust Commission since June 2002 within a portion of Tract 104 Umatac. Now, Tract 104 Umatac is a Land for Landless lot under the Department of Land Management, she is a December 2nd 1995 applicant so she applied the very first day and stated on that application that she was a pre-occupier on this Umatac property. Ms. Aguon along with her husband at that time, daughter and son in law are the named borrowers on the current SBA loan which was

approved by the CLTC on April 30, 2003 to the home situated on the property. So, the Land Trust gave a lease, approved an SBA loan on the Land for the Landless lot. The family of Ms. Aguon have come in and are requesting to take over her lease, Ms. Aguon again, Marcia Quichocho Aguon is deceased and upon further research and inspection CLTC has validated that MS. Aguon and family are still occupying the property however they cannot do an addendum reflecting the successors' name until such time that the property is transferred into the Land Trust inventory until you guys own it. And in a request from a meeting that we had with Director Angela Camacho, Land Trust is requesting that Lot 4, Block 2, Tract 104 be transferred to the Land Trust and based on the Affidavit of the Administrative Transfer, the property is still under the Land for the Landless inventory however, in the interest of solving this issue, I will go ahead and transfer the property to the Land Trust so that they can legitimize their lease on it and keeping in mind the good faith that we also have problems with our inventory not just Land Trust so we're looking to kind of like solve these things.

Chairman J. Reyes, Jr.: Just to be clear, if what I heard is that this current property is part of the Land for the Landless

DLM Director J. Borja: Inventory, that's correct.

Chairman J. Reyes, Jr.: Inventory but has not been transferred over to CLTC but the lessees or the family has a lease?

DLM Director J. Borja: A CLTC lease on it, already...years ago not recently.

Chairman J. Reyes, Jr.: Correct, I mean, this stems back to 2003

DLM Director J. Borja: Lease then, yeah, when they got a SBA loan for the property.

Chairman J. Reyes, Jr.: Okay, so, I guess we'll do this in parts right, it's getting the land into our inventory and then following the process with the land agent to make sure that

DLM Director J. Borja: This is the document that will allow the administrative transfer to you guys and then I would assume that it would remain with Ms. Aguon that you aren't going to

Chairman J. Reyes, Jr.: Well, I'm you know *inaudible* we want to make sure that everything has been handled and administered properly.

DLM Director J. Borja: Because we could probably do it one of two ways, we could probably give her the lot under the Land for the Landless program where she would probably have to pay \$2,500 plus interest or she can continue the 99-year Land Trust lease at a dollar a year.

Chairman J. Reyes, Jr.: Okay, so, we'll get an update from Angie, Angie can you take this one on and we'll get an update at the next meeting on the whole steps and how we're going to cross this. And again, not that I'm you know we're not looking to displace anybody but again understand who what when where why how does have a lease under this and that's not a part of the inventory right just a matter of transferring it to the inventory then that's fine but what else is around her, are there other Land for the Landless

DLM Director J. Borja: Yes, it's a tract, there are other lots in there. This is a tract right if you're going from Umatac to up the hill and you're at the bridge and the bay is on your right, the minute you pass the bridge there's a left-hand turn all of those lots in there that's Tract 104.

Chairman J. Reyes, Jr.: Okay, so, we'll leave that with *inaudible*

DLM Director J. Borja: So, thank you, Mr. Chairman. I just want to recap you know the meeting I hardly come down and visit you guys, we're in the same building but take a look as a commission the Public Law 22-18 lots in there and also note that we will begin to open up the road in Lot 480 and in the Ija subdivision. Land registration, you guys look it over and decide what the priority. I would like to request for those that have maps already and those that may not be too complicated in terms of how many people are around them you know in one of these lots there may be 5 lot owners around them which should be easy service, in some of these lots you may have 40 or 50 and you guys are the ones doing the service so, if you guys up for that big lot with the big number of land owners then it's on you that's a big job but there are some really easy ones and there are some that have pending issues like pending SBA loans, pending VA loans, pending land registration, I suggest that you concentrate on that. And thirdly, Land Management, we do need some property for land exchanges and you guys have some clients on our property so to speak you know that we all belong as joint tenants but we want to legitimize your occupancy as well as ours. And I think that's it. Cultural center, you guys know everything about cultural center and Dave's here from Agat and

Chairman J. Reyes, Jr.: So, just first of thank you for helping us through this. Angie *inaudible* Commissioners, any questions for Mr. Borja? Commissioner Bordallo? Okay well Mr. Borja if there are any questions from Commissioner Bordallo, we'll send it

DLM Director J. Borja: Oh sure, please forward it and you know I'd be more than happy to respond to it and let me know if you need me to come back for another meeting to more questions or clarify some issues. Thank you again Commissioners thank you very much.

Chairman J. Reyes, Jr.: Okay, Commissioners, we are towards the end of our meeting but there is one item on the agenda that wasn't here *inaudible* Commissioners' Comments and *inaudible* and I want to make sure that we have the opportunity for Public Comments so I believe we may have Ms. Guerrero here.

PUBLIC COMMENTS

Lorette Guerrero: Good afternoon, Commissioners.

Chairman J. Reyes, Jr.: Ms. Guerrero for the record please state your name.

Lorette Guerrero: Yes, my name is Lorette Guerrero, good afternoon. Thank you for allowing me to speak under Public Comments today. Primarily I was hoping that some resolution to my case would have been presented to the board at this meeting considering the amount of reasonable time this Commission has had these past 60 days. Unfortunately, this is not the case since I was informed just last week that my case will not be heard as a result of the Commission waiting for a legal response on how to proceed regarding my lease. Although we did try to schedule a meeting this week unfortunately neither of us was able to meet, after all, however, I did previously follow up almost a month ago to meet with Land Agent Glenn sooner nonetheless here I am today to inquire to what exactly you all wanted to discuss with me but

before you answer that I do have more concerns that I wanted to share with you today. I wanted to share with you that I have already expended about thirty thousand dollars of my VA loan thus far and without any type of resolution, it will continue to accrue interest because I was issued a cease-and-desist letter to stop the construction of my single-family dwelling on the lot leased to me by the CHamoru Land Trust 3 years ago. Please also note that regardless of the legal response you are waiting for and or today's board decision I have signed a promissory note with the VA entailing that my VA entitlement will be charged for nonperformance of construction. So, with that said I am out thirty thousand dollars and may no longer have available VA Home loan entitlement as a result therefore the longer you continue to stall the sooner my one-year timeline contract I have with the VA will expire. Furthermore since my last meeting with the land agents handling my lease and the director early last month their statements of having not continuously occupied or continuously resided on the property in reference to the preoccupier clause notated in Public Law 23-38 that I was awarded a lease for their accusations are subsequently incorrect among other things hence the reason why this Commission is yet to make a decision and find it necessary instead to seek a legal response from the Attorney General's Office on how they should proceed. And I tried explaining to them I have also previously mentioned many times over and over again through testimony made to both the previous board and the legislature that my great grandfather Tun Kiko Feja had been residing, occupying and farming on Arrendo property, Lot 5402, Pagat Mangilao since the 1950s. Prior to 1995, his children, grandchildren and now great grandchildren more particularly since 1989, my family to include myself, my father who's the oldest grandson, my mother and siblings along with numerous relatives have resided, occupied and farmed on the same Arrendo property to this day. Of course, not the entire lot, but portions of Lot 5402, it was not until we were issued authorizations to survey these portions of Lot 5402 that it then single, and smaller lots. By the way, the particular lot in question that was awarded to me was only just authorized and surveyed in 2017. It's been a never-ending chronicle for myself and my family to reside and occupy, farm and cultivate the properties on portions of Lot 5402. Although, I may have not bona fide residence in Mangilao prior to 1995, and for the particular lot I have a lease for that does not mean I had never resided occupied farmed and cultivated that very same lot before 1995 and nor have I ever abandoned and neglected it to this day. Now, to question or investigate where I've been occupying or residing after 1995 is beside the point. Furthermore, according to the Compiler of Guam Laws, I could not find such law nor requirement for individuals to register with the Mayors' Office that my family and I were residing, occupying and farming on my great grandfather's Arrendo property and there is still no such law that says, individuals can't reside or occupy two places of residence. Of course, logically only one can be recognized but that's a time for another discussion. Please allow me to remind you of Public Law 23-38 Section I have here 6118 but I think you might have it as 6.4, I think so where it says, notwithstanding the provision of 6108 to 6114 the Commission shall not serve eviction notices to individuals who presently reside and have continuously resided on CHamoru Land Trust property prior to July 12, 1995, and who qualify under the act. Having said that, was I presently residing on CHamoru Land Trust property on September 14, 1995, and have I continuously resided in CHamoru Land Trust property prior to July 12, 1995, in response, yes and yes. If in case you're wondering, September 14, 1995 is the date in which Public Law 23-38 known as the Paul Bordallo Rules and Regulations was enacted into law. So, if you think about it for a minute, when the lawmakers were drafting the rules and regs for this Commission those rules and regs were written at that very moment and during that particular time. With respect to your father Commissioner Bordallo, would that be an accurate statement?

Land Agent I T. Tainatongo: It's on mute

Lorette Guerrero: It's okay. Additionally, my Mayor's Verification only says, Lot 5402 Tun Kiko Feja because once again it wasn't until 2017 when the property was surveyed and given a new name as Lot 19, Block 9, Tract 15213, and yes, it is dated and was issued in 2009 and there was no mention of my Mangilao residency prior to July 12, 1995, however, and again, there's no Guam law that says we have to register with a mayor's office and that we can't reside or occupy two residences 365-days in a year. Recently, I emailed a copy of an affidavit signed and notarized by my parents regarding preoccupation of my lease property prior to July 12, 1995, is their affidavit unsatisfactory for this Commission to approve my preoccupancy yet, in recent news, there was a statement made by Land Trust staff regarding proof of eligibility that an affidavit may be acceptable although I understand that you are still working on the details however the fact that it may be a viable option is interesting. So, is this Commission implying that my parent's affidavit is not a viable option to prove preoccupancy but may possibly be viable enough to prove eligibility? Is it true that individuals can have a leased agriculture property and a residence elsewhere? Even so, that these same individuals can also claim pre-occupier status on any or both of their properties. Because they can, the law says this Commission shall not evict them so long as they were residing on CHamoru Land Trust properties prior to July 12, 1995. For individuals such as myself, claiming pre-occupier on a residential lot, the law does not infer that we have to declare a bona fide residency on the property but only that we had to have resided or occupied, hence, the term pre-occupier on the property prior to July 12, 1995, and having done so, the law says this Commission shall not evict them. Also, the Land Trust allows individuals to build a home on agricultural lot even though they already have another on their private land. So, for those with agriculture lots, of which property should they be recognized as a bona fide residence? The law says they can build a home, but which property exactly should they recognize as their permanent or bona fide residence? From 1989 and even today, 2002, I still don't have the Commission's approval to build or make improvements to my lease property. Therefore, all I could do since 1989, is occupy the property through farming, cultivation, and animal grazing. We, and I mean my family did at one time live in a temporary house, semi-concrete, wood, and tin, on that exact lot I was awarded, at least until Typhoon Omar in 1992 tore it down. After that, we built another temporary house of the same material, but this time on the lot that my father currently leases. There's a bus on the property that I have been using as storage because I move so much and then we also used to park trucks and cars along the easement to keep squatters from coming in and making it their own. Nowadays, you can see a lot of that happening while they wait for this Commission to award them a property. So now I have to ask if the previous board found my pre-occupier status acceptable and with substantive supporting documents including public testimonies that were presented to them justifiably, why then is this Commission's land agents, Glenn Eay and Jessica Dayday persistent in recommending to this board to evict me from a CHamoru Land Trust property that I have resided, occupied and farmed on, prior to July 12, 1995. Although they have not blatantly said it out loud, the amount of effort they have invested in these past 90 days in their investigation of my lease, says otherwise. The term pre-occupier as used by this Commission for 27 years now used in reference to Public Law 23-38 refers to a place of occupancy prior to July 12, 1995. For the staff and Acting Administrator that I do not qualify as a pre-occupier because I have not continuously resided on a property after or since 1995 and for Attorney Toft to declare that because my mayor's verification does not specify a date of 1995, that I do not qualify as a pre-occupier are incorrect and invalid allegations. So, let us not circumvent around the definition of continuous occupation because the law as it is written does not include the

words after or since nor does it mention that a mayor's certification is required to prove pre-occupancy. Perhaps, it is written elsewhere but certainly not written in the law whereas in some of the rules notated in Public Law 23-38 it is clearly written such as rules for proving eligibility and lessor's performance and condition of leases for example, a birth certificate to prove eligibility or a pre-approval letter from a financial institution. Finally, after reviewing and listening to many board meeting minutes and audio recordings of board meetings I decided to research other source documents and realized that the Commission's financial audits are definitely a great resource. For Fiscal Year 2019, your financial audit reported more specifically the Management Letter section I - Control Deficiencies under residential reads, a certain lease was transferred to a current listed lessee effective June 14, 2019, however, we noted that the previous lessee held the lease for less than 7 years as required by Commission Rules. Furthermore, we noted that the lessee is affiliated with a current Commission employee. Then again, in the Management Letter for the Commission Audits Fiscal Year 2020 and 2021, the same Control Deficiencies is repeated whereas this issue has not yet been resolved as of the end of Fiscal Year 2021. So, here this Commission is now telling me that my lease is flawed but cannot correct the deficiencies of leases issued to constituents who are affiliated with employees. Isn't this a double standard that management and this board should address? Yet, it seems like the importance of correcting deficiencies from within this Commission is far less than trying to correct the lease awarded to me by the previous board. And this goes without saying that in the Commission's response to my FOIA request regarding copies of applications and active leases of employees and commissioners, past and present to include their parents and children, I found leases to employees for property other than what is stated in their land use permits, yet, claiming to be pre-occupier of those properties. With your permission and for the record, I would like to ask at this time Mr. or Commissioner Herrera for a response, you don't have to if you don't want to but I'd like to ask you a question. Commissioner Herrera, do you currently own private land and do currently have an active lease for agricultural property of 2 or 15 acres in Agat? And did you claim yourself as a pre-occupier to that property?

Commissioner D. Herrera: I have a private land. I don't have a lease.

Lorette Guerrero: Okay, I just wanted to ask because

Commissioner D. Herrera: Did you understand what I *inaudible*

Lorette Guerrero: Yes, I understood. Yeah, I apologize

Commissioner D. Herrera: Could you repeat it?

Lorette Guerrero: Yeah, the question was do you currently own private land and do you currently have an active lease for agriculture property?

Commissioner D. Herrera: And what was the answer?

Lorette Guerrero: And you said, you have private but you don't have a lease.

Commissioner D. Herrera: Correct.

Lorette Guerrero: I just wanted, I'm only asking because in my response to my FOIA request, it wasn't clear so

Commissioner D. Herrera: You can see my file.

Lorette Guerrero: I just wanted to ask you I'm not instigating anything I'm just.

Commissioner D. Herrera: Okay and they must have given you information that I do have a lease?

Lorette Guerrero: No, no, no, I just saw your application but I couldn't find your lease so I wasn't sure if what was going on. No, I just wanted to ask because I didn't understand the FOIA so, I wanted to make sure I understood it and that's why I asked you.

Commissioner D. Herrera: Any other question?

Lorette Guerrero: No. In keeping with the Commission's response to my FOIA request and in response to terminated leases since 1995, not including the Land Use Permits, I counted 33 leases were voluntarily terminated or relinquished. 20 of them however were reissued including myself. And again, this is terminated leases since 1995. A few of those constituents were familiar to me considering that we were affected by the Transfer and Switch which was deemed Null and Void by the previous AG. But I did find interesting however is that an employee's child had applied as recent as 2016 and was issued a lease as a result of a transfer and switch except the lease had not yet been terminated or at least the name does not appear in the list of terminated leases. Perhaps, the details are still being worked out. And a question to Attorney Toft, in 2019, during the meeting when my request for a residential lease and pre-occupier status was approved by the board, you then advised in reference to my 2017 lease which was null and voided for the board to then create a new lease for my current lease dated 2019. Are you now admitting that you are wrong in advising the board to create a new lease and it was a mistake for the board to have approved my lease?

Attorney N. Toft: Is that something you want to discuss at this hearing? Because here's the problem, we have a government claim that you filed on us, we construction started without legal permission from the board, we have a falsification from Department of Public Works that you are an owner of land under application when in fact you are just the lessee. The question on your pre-occupier status was something that kind of slipped passed us the first time. You had a verification from the mayor that you occupied in 2006 but that wasn't presented to us at the hearing. We were just told that there was a mayor's verification, in the past that referred to someone who had been occupying since 1995, in this case you said, there was a bus there for storage since Omar, to me that's not residing on the land since 1995.

Lorette Guerrero: That's not what I said.

Chairman J. Reyes, Jr.: So, let me just ask, let me just interrupt for a minute. I know Ms. Lorette or Ms. Guerrero, sorry, that this was a lot clarification right, hence why we haven't – we don't have a resolution. They can't bring anything to the board if there's nothing for us to decide at this point. The questions that Attorney Toft has brought up are what was to be discussed with you and worked through with you in the appointment or in the meeting that they wanted to set up with you. So, again, I appreciate your time and I appreciate your diligence in everything that you have from your letters and again, a lot of this too for us, we don't have all that to review as the Commissioners in front us but that's what our land agents

are there... to help steward the process for our constituents along with our attorney and with the Director, alright. But again, I want to be clear that these are some of the things that we wanted – they, our team wanted to discuss with you that was in addition to and I know it's been 60 days, right, we're on the May meeting and I believe we met you in our February – March meeting, right. So, of course the lag between – whatever the case may have been and getting you to meet with us in March it's still – I'm not trying to say that it's such a short period of time but it seems...it seems that it's a little more complex than submitting another lease that's maybe similar or not but I want to be respectful and respectfully ask for you is, this is why we wanted this meeting, right, for you guys – for our attorney for you to go through and be able to answer you know, some of the questions that you asked I say those are great questions, right, but I wouldn't be able to answer that. We need to have a session to be able to do that.

Lorette Guerrero: Right, I understand but Mr. Toft mentioned somethings, like my original application was in 2006 and at the time I indicated that I wasn't occupying and then I updated, I submitted a status change report in 2010 and before that I had a mayor's verification in 2009, saying that I was occupying property. Now,

Chairman J. Reyes, Jr.: I'm sorry, not to cut you off but get to that chronology and you know, mapping it out, I think it's going to be helpful then to... we don't have a whiteboard and again not to be corny but we don't have a whiteboard to mark all these down to kind of make sure that it jibes with the files.

Lorette Guerrero: Right, but you have the files, everything you need to know is in my files.

Chairman J. Reyes, Jr.: But you have questions

Lorette Guerrero: Well, my question to Mr. Toft is you know, the board knew that I had a mayor's verification in 2009, that was presented to them. It was also presented to them a status update change report in 2010 saying that I've changed my application from no to yes that I'm living or farming on government land.

Chairman J. Reyes, Jr.: So, Ms. Guerrero, again, we don't have that in front of us, we're not going to be able to make any of those decisions. We need to have that meeting with the Director, the land agents and Attorney Toft to map all this out and make sure that when it comes to the board that it's going to be – and if at the end of the day and if you think it was a waste of time but we decided and that everything stands and that's the case but with things that come up that are questioned that don't appear to be right, the responsibility to your point when you say, the integrity of the Trust, it's our responsibility to question these things and not to belabor it, but if at any point in time it's in question that we need to bring up and decide or disclosure right that it wasn't all disclosed – I mean, you agree that we should address these.

Lorette Guerrero: Right, but that's the...

Chairman J. Reyes, Jr.: One second

Acting Administrative Director A. Camacho: Mr. Chairman, may I?

Chairman J. Reyes, Jr.: Yes.

Acting Administrative Director A. Camacho: So, since our meeting in May I mean I'm sorry, in March, March 2022, I would like to let the board know that there was also a Government Claim made as well as six FOIA request, I believe two of which were amended so, maybe a total of four responses that we've been addressing.

Chairman J. Reyes, Jr.: In a timely manner, I want to make sure that's clear, was it in a timely manner?

Acting Administrative Director A. Camacho: Was it in a timely manner?

Lorette Guerrero: Yes, it was fine. It was, well the first one required an extent – an extension was requested but they were able to meet the...

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

Acting Administrative Director A. Camacho: Nonetheless, I would like to request that we just proceed with caution because of the claim as well. So...

Commissioner A. Santos: I was about to ask you; you did mention you went to the AG and where does that stand right now?

Chairman J. Reyes, Jr.: We don't know

Lorette Guerrero: Yeah, the Government claim is

Chairman J. Reyes, Jr.: However, again, I ask that unfortunately, we can't resolve anything and I appreciate again the time and effort that you put in all of this and not – it's not discounted, right. There's a lot of things that, the question that you ask, it's going to help figure this out help us figure this out but I just want to be respectful to you that unfortunately, we can't make that decision or we can't make the decision today and the reason for that meeting was to help through the situation to address the concern, address the questions with Attorney Toft. Attorney Toft was there, we weren't and so again the questions that came up that may negate this whole thing I mean that's why some of these that's why it was there we want to make sure that time and time again we have to come back as well back to the drawing board and we can never and it continues to drag and what we are trying to do is clean it up and if this is part of cleaning it up, I ask you afford us that time because it does seem pretty complex and if time is not of the essence because of the time that's ticking for the VA right then you need to have that meeting to further decide on what's the next steps and if that's not...if we can make a date or time now, and let's hold to it, understandably and we're going to err to that caution of the claim that's been made but if... we'll try to make sure that it doesn't continue to belabor the issue and we want to come to resolution. Ms. Guerrero, we are not dragging our feet to not come to resolution, I hope you understand that. We are not involved in the process, we you know leave it to the land agent, our attorney, the director we've got others involved because I want to map this out. I want to help you as much as you have done the diligence in laying some of these out. So, let me just pass it to Commissioner Herrera.

Commissioner D. Herrera: Mr. Chairman, may I ask Mr. Attorney Toft about the application?

The Public Works application when you mentioned that Mss. Lorette here identified that the property was her private property.

Chairman J. Reyes, Jr.: So

Commissioner D. Herrera: Just to be clear.

Chairman J. Reyes, Jr.: Yeah, to be clear I mean it was a

Commissioner D. Herrera: Because there's only 2 boxes there, right?

Chairman J. Reyes, Jr.: Right, Land Management

Commissioner D. Herrera: Government or private

Chairman J. Reyes, Jr.: Yes so, I think that's whatever was on the application that we

Commissioner D. Herrera: Yes, just to be clear and then there's 7-line agencies? It starts with DPW I mean Land Management, and it *inaudible* right.

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

Commissioner D. Herrera: So, when I heard your case because probably you say, I'm part of this group but I went to DPW, I got a copy of the permitting process, I took that permitting process, right and I went to the agency that prints out the process and I ask the agency there's a problem with one of the clients and there's two boxes here I needed to put a third box just so that it's a fail-safe system that when the clients being asked, is this property yours, private, public or land trust? So, I have the printing agency put Land Trust there, that's number one. Number two, since it went to Land Management, right, it was for zoning but the first line agency that you should get cleared from is CHamoru Land Trust. So, I told the printing agency, put CHamoru Land Trust that's the draft. I took it back to DPW right and I said, okay, here's a draft that I think is a fail-safe system for any applicant so when you come in and you have your contractor went through the process if the contractor was taking that documentation right, they would go first to CHamoru Land Trust. So, then I was advised that we're not a compliance agency, that I understand. But my point is that when I first heard your case, I don't know you. I've never seen or met you, I said, you may be one of the fourteen thousand that have the same problem so that document I put seventy-five bucks to have it printed. And they told me that you have to go through the Triple-A process to do it but that was to help you and fourteen thousand people. Now, you ask me if I have a lease on private land. I was thinking that you may be thinking I'm part of the

Lorette Guerrero: No...no...no...no...no...no... no...No.

Multiple speakers.

Chairman J. Reyes, Jr.: I appreciate for your proactiveness I think that's another thing we'll address.

Multiple speakers

Commissioner D. Herrera: The process is boiling my blood. This process can be developed where it's fail-safe for clients like you.

Chairman J. Reyes, Jr.: And I think to your point it brought up a very big gap in the process but nonetheless Ms. Guerrero we're not trying to

Lorette Guerrero: Well, you know, like I mentioned during our last meeting in March, my contractor walked it through. Now, I did tell my contractor that it is CHamoru Land Trust property and I can't speak for him. I can't answer why did you put private when it's supposed to be public. I did sign it so that he can walk the process through. In fact, as my contractor he paid for that permit so now I owe him or it's a part of our – my construction contract. So, he did all of that legwork. So, it was no fault on my end that I was the one who ticked it or that I walked it through. It was a misunderstanding by my contractor in terms of identifying whether the land was private or public but it was very clear to him, in fact, even before we did all of that we went through the VA process and a part of that process was identifying CHamoru Land Trust as the owner of the property and it was a lease that I was going to build my house on. So, I mentioned that in our last meeting.

Chairman J. Reyes, Jr.: So again, not to cut you off, if you can get that meeting on the books and the goal is going to resolve that but I'm going to leave it up to Attorney Toft and the director, right, for that meeting so we can go through obviously with some err to caution but we'll do our best to address it. And again, we appreciate you coming and as things opened up we'll continue to make sure that we have piece but yeah, again, face value, it sounds complex but it's the sense of if there is something that is questionable, we have to ask it, we have to analyze it, we have to go through it we have to make sure we go backwards, forward, up and down because at the end of the day the decision we make today is going to be *inaudible* similar situations, we have to have that same decision

Lorette Guerrero: What I don't understand, and I'm sorry, Mr. Chairman

Chairman J. Reyes, Jr.: One sec, and as it comes, continues to come forward unfortunately, that's *inaudible* Commissioner Santos, we continue to see these things, what we want to do is issue the new leases get more of those out but not to kick anybody out or prevent them from building their home because it was always the intent. I ask you, if we can take a pause here, and continue meeting with our attorney and Director Camacho and it's up to you if you want the land agents in there or not you can just meet with them and they're going to have the file and they're going to lay it all out and really come to a conclusion at this point *inaudible* you have the VA loan that's ticking and how many months left? Let me just Yes, Commissioner Bordallo, we can hear you now.

Commissioner A. Bordallo: Yeah, I'm sorry to interrupt but the reasons why we have these published meetings and then the agenda we have to stick to it and I don't know if she's on the agenda today.

Chairman J. Reyes, Jr.: Yeah, understood but Commissioner we did, there was a piece missing on Public Comments because now we're open and want to be respectful to that and Ms. Guerrero's here but there's no decisions being made and I'm asking again if we can pause so she can meet with Attorney Toft and the Director. You know, Monday, if you're available and

again, we want to make sure that we work with your schedule and vice versa. Commissioner Bordallo, anything else?

Commissioner A. Bordallo: You're talking to me?

Chairman J. Reyes, Jr.: Yes, anything else?

Commissioner A. Bordallo: No, just you know that's the rule

Chairman J. Reyes, Jr.: Yes, and again, no decisions are being made. I invited you here because we didn't have that piece on our agenda but I ask if we can pause here. You know, after the meeting when we adjourn, we can address with setting up a good time with our attorney and Director Camacho and of course making sure that because I believe that you're a teacher right, yeah, so, I want to be respectful for that too and to spend the time and we'll try our best to get it resolved for our next meeting and we're done.

Commissioner A. Bordallo: Are you going on recess?

Chairman J. Reyes, Jr.: I'm sorry, Commissioner Bordallo

Commissioner A. Bordallo: Are you going on recess?

Chairman J. Reyes, Jr.: No, we're at the last piece of our meeting. So, I was just trying to make sure that Ms. Lorette was in agreeance.

Commissioner A. Bordallo: You want an inside meeting *inaudible*

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

Commissioner A. Bordallo: Okay, understood.

Chairman J. Reyes, Jr.: Could you, could we... we're just going to proceed with the final piece of the meeting, adjourn and then make the appointment with our attorney and Ms. Camacho and the goal is to again, in our June meeting we can hopefully get this done.

Lorette Guerrero: What I don't and I just want to make it very clear to the board is what I don't understand is everything that was mentioned during the board meeting in that year was not made up, right and based on the investigations of the agents and Mr. Toft's interpretation, the pre-occupier law which what was presented to me as the issue of how I got, how my lease was awarded because they're saying I don't qualify because my mayor's verification doesn't indicate a date of 1995 and then you know the land agents claiming or asserting that I haven't continuously resided on the property. And I just want to point out the law is where I – it refers to where I was before 1995, anything after that is irrelevant and that's why it's called the pre-occupier clause, because it refers to where we were at before 1995. So, when you – when the board heard public testimonies from my family, they saw what was in my file, the 2009 mayor's verification, the status update change report, the interview report provided by the land agent, everything was there. So, when they made their decision to approve me as a pre-occupier and then reissue my new lease on advice from the attorney, and that's why I asked him you know, if there was an issue then, why wasn't it brought up then. Because that would have saved me the amount of time and stress that I'm going through. And another issue I

have, is that, the Commission knew about this since last year, but nobody told me. Whatever issue that came up, it was discovered in September of last year, right? I put in my building permit request since May and they knew about this issue since September. The director knew about my request in August and September 9 was the last communications I had with the land agent and then during our March meeting just this last, Ms. Dayday mentioned and Mr. Eay mentioned that it was because of an issue that came up regarding how my lease was awarded. And you had asked them – you asked me, did I know about it? And I said, no, that was the very first time I heard about the issue of my lease. And I mentioned to the Commission and to this board, I didn't get my loan approved by the VA until December of last year. I had I known about this issue that they were having with my lease based on whatever they found, that would of have stopped me, that would have put a halt on me finalizing my VA loan. In fact, if my lease was at risk, I would have never would have pursued my VA loan because my VA loan is dependent on the existence of my lease. And so, when they did that to me, that's what makes me mad. They did this to me and then they turn around and put it on me, that oh you weren't supposed to build anyways. Oh, but I did what I was supposed to do, I made my request, I waited for your response but I went ahead and proceeded, yes, I did that, yes, I did that. But you're going to punish me for doing that but they failed. They failed me, they failed in telling me. You know, again, that's what upsets me because you had all this information, you have the board meeting minutes from that year, you have the laws. I didn't know anything about the laws up until till 60 days ago. And I did all my FOIA request because I wanted to make sure that I understand, I understand what's going on with the Commission, understand how did we get to this point? Why am I now a subject of criticism with my lease when it was approved 3 years ago?

Chairman J. Reyes, Jr.: So, Ms. Guerrero, I completely understand and you know, when we hear these cases, that's generally the first time we get. When we get our packets and we review and you know and so like I said, if you could afford us after our meeting after we adjourn, can make the appointment and the goal is right to get it resolved and to your point, go through the chronology, go through the timeline, not to have to revisit and go through that process but I think that's the only way for us to get through this. So, if you could afford us that time, make the appointment after the meeting and at least it's on the books and everyone is in agreeance and you're available and the team is available and the goal is to put this at a resolution if we can and I'm going to leave that up to the attorney.

Lorette Guerrero: Yeah, I do want to say, I won't be here for the summer. I'm leaving. I'm so stressed out, you guys just completely frustrate me, you know, everything from the actions of the land agents and up until now. I'm literally running out of patience. I mean, my lease was approved 3 years ago. You knew about this issue since 8 months ago, you had 60 days from our last meeting to do whatever it is you needed to do. I used that time too to research.

Chairman J. Reyes, Jr.: And then there are things that

Lorette Guerrero: I understand. I do. I do but you know nonetheless it's

Chairman J. Reyes, Jr.: May I again? Not to interrupt may we meet?

Lorette Guerrero: Yes, yes we can meet but like I said, I won't be here next for the next

Chairman J. Reyes, Jr.: Okay but if we can meet prior to you leaving for the summer and you know technology allows Zoom

Lorette Guerrero: Yes, yes, I would definitely

Chairman J. Reyes, Jr.: And if we get to the point where and you're off-island we'll make sure that you're informed

Lorette Guerrero: Yeah, that's fine yeah but I just remind this Board that I have a one year contract with the VA and while we're sitting here trying to figure a decision or trying to find a resolution, the interest is already adding up.

Chairman J. Reyes, Jr.: I understand. That's one of the things that I made very clear with Ms. Camacho is that we do have this as well, time's ticking and we got to have it resolved. So if you could let us move to our final piece of the agenda you can have a seat we'll adjourn. We'll step out and you guys can make the appointment that's going to be good for you and for our attorney and Ms. Camacho.

Lorette Guerrero: That's fine

Chairman J. Reyes, Jr.: you've done a lot of work and the questions that you pose we can help address that and answer that that's why we're here but also just as a reminder that when questions do come up it's our responsibility to make sure we address it and if at the end of the day there's a resolution, we will by all means try our best to come to a resolution because that's not the intent to chase anybody out.

Lorette Guerrero: Well, I mean I'm not looking at that point but I'm worried. I'm worried about my loan. If I lose my loan I won't be entitled to anymore VA.

Chairman J. Reyes, Jr.: I understand. And that's why again, I know that that's top of the list and that's why we should continue resolve this. Okay, so we're just going to move to our last piece of the agenda

Lorette Guerrero: Yes, thank you.

Chairman J. Reyes, Jr.: Alright, last item on the agenda before we adjourn, Commissioners, any comments or items that we need to address for our next meeting?

Commissioner A. Santos: Just to recap that I'm going to with the 1995 work with Eileen and Jhoana.

Chairman J. Reyes, Jr.: Yes, please work with Eileen and Jhoana. Commissioner Herrera, if you could help steward our commercial lease process with Joey for the site visits that's needed and then you report back to us with the team. I appreciate your diligence on that.

Acting Administrative Director A. Camacho: And Mr. Chairman, also I'm hoping by the next meeting we can bring back the December meeting minutes, I believe that was tabled a while ago and we spoke yesterday and I'm pretty sure that we could come with a resolution to present the minutes.

Chairman J. Reyes, Jr.: Oh, for approval, yeah.

Commissioner A. Santos: The last I said was I was going to finish off the rest of it because I didn't finish with the lookover

Chairman J. Reyes, Jr.: So, that's the only one that's left to be approved?

Acting Administrative Director A. Camacho: Correct.

Commissioner A. Santos: But then but then but then I did say off that from this point on if you could Tina to the Administrative Director and then on to the agenda

Acting Administrative Director A. Camacho: We spoke yester I believe that was and I'll continue to work it out with Commissioner Santos

Commissioner A. Santos: No but in the meeting in the meeting before that right I did say that from that point on so

Acting Administrative Director A. Camacho: Understood

Commissioner A. Santos: In this case too

Acting Administrative Director A. Camacho: So, we will present it to the board

Chairman J. Reyes, Jr.: Is that our only outstanding

Land Agent I T. Tainatongo: That has been completed and then was tabled

Chairman J. Reyes, Jr.: Right, but is that the only outstanding one to be approved?

Land Agent I T. Tainatongo: Yes, so April and now May

Chairman J. Reyes, Jr.: Okay, yeah. Okay, anything else? Commissioner Herrera, Commissioner Bordallo, thank you so much I know it's getting late out there but I appreciate you being here with us. Any questions, comments or concerns?

Commissioner A. Bordallo: Was I interrupting because sometimes I'm on mute?

Chairman J. Reyes, Jr.: Yeah, no no we're good, no interruptions.

Commissioner A. Bordallo: I wanted to thank Mr. Borja for presenting all that information. And get all the information so that the staff can work on it.

Chairman J. Reyes, Jr.: Yup, we'll get you a copy of that as well.

Commissioner A. Bordallo: Thank you.

Chairman J. Reyes, Jr.: Okay, thank you. Any other questions? Okay, the time is 4:38 and may I get a motion to adjourn.

Commissioner D. Herrera: I'd like to make a motion Mr. Chairman to adjourn.

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

Commissioner A. Santos: I'll second that motion.

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

Commissioner A. Santos: No

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none, the time is 4:38 meeting adjourned thank you.

Adjournment: 4:38 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: November 22, 2022

Chairman John F. Reyes, Jr.:  _____ **Date:** 11/23/22