



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

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Herrera
Commissioner

Earl J. Commission E.
Garrido
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

John T. Burch
Acting Administrative Director

REGULAR MEETING

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, August 15, 2024

Public Notice: *The Guam Daily Post* on August 08, 2024 and August 13, 2024

PRESENT:

Commission Members

A. Bordallo, Chairperson
E. Garrido, Commissioner
D. Herrera, Commissioner
N. Miller, OAG

Management and Staff

Joseph Cruz, Acting Administrative Director
Attorney Norman Miller, OAG
Glenn Eay, Land Agent III
Jhoana Casem, Land Agent II
Jessica Dayday, Land Agent II
Dexter Tan, PC 1
Lydia Taleu
Eileen Chargualaf
Pierce Castro

Tata Communication

Attorney Jehan'ad Martinez
Attorney Isa Baza
Lang Benson

Sportsland Shooting Range

John Sablan
Taylor Sablan

Guam Motorsports Association

Hans Ada
Ryan Castro

Rev. 04/04/2024

Meeting Minutes Compiled by C. Mayo (CLTC)

Call to Order

Madam Chair A. Bordallo called to order the meeting of the August 15, 2024, Regular Board meeting at approximately 1:00 pm.

Madam Chair A. Bordallo: CHamoru Land Trust Conference Room is located at 590 S. Marine Corp Drive ITC Building, Suite 223, 2nd Floor Tamuning, Guam. Public comments may be made at cltc.admin@cltc.guam.gov. To view the meeting virtually, log on to GovGuam Live-You Tube or CLTC's Facebook page or Google Meet joining info Video call. Link <https://meet.google.com/dtb-pczj-nbk?hs=224>. This meeting is now called to order. Certification of a quorum present.

Madam Chair A. Bordallo: Public notice requirements from Guam Daily post was published on August 08, 2024 and August 13, 2024. Guam Public Notice Website notices.guam.gov CLTC Facebook page.

Roll Call

Madam Chair A. Bordallo: Mr. David Commission D. Herrera.

Commission D. Herrera: I'm here.

Madam Chair A. Bordallo: Commissioner Commission E. Garrido.

Commission E. Garrido: Here.

Madam Chair A. Bordallo: What is that noise?

CLTC Staff J. Casem: I'm sorry it's Pierce online.

Approval of Minutes

Madam Chair A. Bordallo: Approval of Minutes of February 15, 2024, that's a regular meeting and there was a resumption meeting on February 22, 2024. Are there any corrections to be made for these two meetings?

Commission E. Garrido: Yes.

Madam Chair A. Bordallo: Commissioner Commission E. Garrido you're recognized.

Commission E. Garrido: This is in regards to the February 8, 2024; it was our... it's a sixty-two (62) page report. So, starting on fifty-four (54), the speaker under "Public Comments" we need to correct from Carlos Madam Chair A. Bordallo to Carlos Camacho. All notation showing under Carlos Madam Chair A. Bordallo should be corrected and that's from page fifty-two (52) to sixty-one (61).

Madam Chair A. Bordallo: Any other corrections?

Commission E. Garrido: On the other report. The one I had just spoken about is the Resumption Meeting. On the Regular Meeting which was February 15, 2024, on page forty-nine (49) under my last second to the last comment there where it says ... "Bernice in your last appearance here with

the board back in January you mentioned your family had land in Anderson if you recall I asked you if you can produce a deed that validates that the work frame should be claimed.”

Commission D. Herrera: Page fifty (50)? Sixty-two (62)?

Commission E. Garrido: Forty-nine (49) on the Regular Meeting report.

Madam Chair A. Bordallo: I need a motion.

Commission E. Garrido: I think there’s one more.

Madam Chair A. Bordallo: One more?

Commission D. Herrera: That’s forty-nine (49) and fifty-six (56)?

Commission E. Garrido: The forty-nine (49) the word frame should be claimed. The other one on the Resumption Meeting it should be page fifty-two (52) to sixty-one (61). Carlos Madam Chair A. Bordallo should be Carlos Camacho. I guess that’s all I have for now Madam Chair. Oh wait, okay on page fifty (50) on my initial comment there in the middle of the page it says Madam Chair I feel it would be... it says here in the print pretty mature. That should be premature.

Commission D. Herrera: Page fifty (50)?

Commission E. Garrido: Yeah. middle sentence, middle of the page my comment. Madam Chair I feel we would be ... it says here “pretty mature”, it should be “premature”. That’s all I got for now Madam Chair. I move those corrections be made.

Commission D. Herrera: I second motion.

Madam Chair A. Bordallo: All in favor for the corrections.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Madam Chair A. Bordallo: So, we’re going to go right into on the agenda because our legal counsel is not present right now. On section six (6) of F, this has to do with Manuel Aguon.

AAD J Cruz: Madam Chair, if I may maybe can you consider tabling this item. The daughter of Mr. Aguon was not able to provide a power of attorney. Given that she will not be able to speak on Mr. Aguon’s behalf; Mr. Aguon is currently off island.

Madam Chair A. Bordallo: Okay so we’ll go back then to, since the presence of our lawyer is here, we continue with our regular agenda Administrative Director’s Report, Mr. Cruz.

Director’s Report:

PENDING APPLICATIONS:

AAD J Cruz: Good afternoon, Chairwoman Madam Chair A. Bordallo, Commissioner Commission D. Herrera and Commissioner Commission E. Garrido. The first item on our report is pending applications also known as moving the line. On January 18, 2024, the board had decided to remove four out of five applicants that we had initially informed to commence the lease award process and the removal was due to non-compliance of the ninety (90) days given to provide the information needed to facilitate the lease award. What we’ll be sending them another letter providing them the opportunity to appeal the board’s decision as authorized in the Act. The one

applicant that was not terminated we will be sending him another letter to provide the ... provide information because he's claiming that he has lease property already. Based on our records he doesn't have any leased property. We're going to be requesting for information will substantiate his claim that he is utilizing CLTC property; from there we'll determine what we're going to do if in the event that he's unable to provide information to substantiate his claim we'll be sending him a letter to provide the information needed to facilitate the lease award.

NUMBER SIX (6) APPLICANT:

AAD J Cruz: The next item still within the pending applications is the number six (6) applicant which a grandchild was named as the successor for the original applicant. Because now, because of the enactment of Public Law 37-74, we'll be, we'll be bringing that to the board next month for specific actions to take place. In addition to that the staff already had been doing like a precursory review of the next forty-eight (48) applicants so they've been with the assistance of our summer interns that we recently just had they were able to contact forty-eight (48), the next forty-eight (48) applicants and did inform them to ensure that their information, their contact information, telephone numbers, mailing address are up to date and the importance of that information to facilitate the lease award. We anticipate to send them the letters to initiate the lease award sometime within the next couple of weeks. So that would be the next forty-eight; so, the five (5) and forty-eight (48) is fifty-three (53).

LAND INVENTORY:

AAD J Cruz: The item on my report is the land inventory. The staff in this responsible for this project has completed their task for Tract 9210 and in addition to that in preparation for us to commence our lease award the staff had, had also identified six (6) tracts of property in the north, central and south for residential and agriculture. I'm not too sure if you were provided a copy of the maps.

Commission D. Herrera: Was that electronic?

Acting AD J Cruz: I think they just printed the copy. So, for residential they've identified Tract 113 Dededo Lot 190-1 Dededo, and Tract 10123 Yigo. Please keep in mind that Tract 10123 Yigo from the previous was identified for the use of affordable housing.

Commission E. Garrido: For what?

AAD J Cruz: Affordable housing. For agriculture the lots and tracks that were identified is Lot 10122 now known as Tract 10316 Dededo, Lot 8 Inalahan and Tract 15344 Block 1 and 2 Mangilao. So, as we go through the process of commencing the lease award, we would present the lessee or the applicants who are next in line to be awarded a lease and the specific areas that will be awarded to them will be presented to the board for their approval. Also, during the, during the review and determining what, what tracts of land and lots of land that were decided internally to be presented to the board we considered the distance and availability of power and water. So, for example like tract 10123, that lot is located in front of Paradise Meadows. Tract 10090-1 is the lot located right across Ironwood Estates in Dededo. So those are the things we considered in determining or choosing the lots to present to the board.

Commission D. Herrera: What was the lot number again?

AAD J Cruz: Lot 10090-1

Commission D. Herrera: 10090-1 that's next to Ironwood?

AAD J Cruz: Yes, correct.

Commission E. Garrido: Not dash 1 dash 1?

AAD J Cruz: Dash 1, dash 1 sorry.

Commission D. Herrera: Size, we have a size?

AAD J Cruz: It's in the packet in what was just given to you. I believe it's like 30 some acres, 30 plus acres.

Commission D. Herrera: 10123 size of property?

AAD J Cruz: I don't know, but I believe it could consist of one hundred –sixty-six (166) lots.

Commission E. Garrido: These are all residential lots, right?

AAD J Cruz: Residential and agriculture.

Commission E. Garrido: No, but this set.

AAD J Cruz: Yeah, yeah, it's labeled in the front for residential leasing so just

Commission D. Herrera: [Inaudible]..... I remember that this one started back in 2013 right, and then from 2013 up to 2018 correct, 2018 now we had request for proposal. I know we request for interest, yeah interest so, and I know the status of that one basically kind of with it all..... [inaudible], so any plan for us to start the RFP?

AAD J Cruz: We, we would bring that, that back to the table.

Commission D. Herrera: Correct. Okay.

Cross Talk+++++++

Commission E. Garrido: Does this have access [inaudible]

AAD J Cruz: Not, not specifically within the tract, or lot itself but it's within a reasonable distance. So, like for instance 10123 I just found the document I was looking for so TRI which is the developers of Paradise Meadows had made an agreement with the government for to provide some services but in exchange the government will provide an easement. So, the sewer line and the power and the runs right through that easement. So, tract 10123 is the right of that easement and to the left. So, it's within distance a reasonable distance.

Commission E. Garrido: So, these subdivisions are broken down into 1,000 square meters or 2,000 square meters?

AAD J Cruz: When tract 10123 was rezoned they had measured the lots I believe at 500 square meters which meets the minimum density requirement if there's sewer.

Commission E. Garrido: Yes.

AAD J Cruz: So, that's where we're at with that. The others only have schemes. Only 10123 went through the rezoning process.

Commission D. Herrera: Can we add in addition to 10123 the [inaudible] MOU?

AAD J Cruz: Yes, yes.

Commission D. Herrera: We have.....

AAD J Cruz: Yes, we'll, we'll get further into that. I have that in my report because we, I recently had discussions with GWA so, I'll, I'll touch, touch on that too.

Commission D. Herrera: And the property has not been surveyed or subdivided down to 500 square meters.

AAD J Cruz: Correct.

Commission D. Herrera: No, no survey yet?

AAD J Cruz: Correct.

Commission D. Herrera: Are we planning to survey that under our expense?

AAD J Cruz: No, we're, we're going to discuss with Attorney Miller the, the agreement that has been made TRI, the developers of Paradise Meadows because that's one of the conditions in the agreement to, to survey and also to maintain the part that will be shared with our constituents and Paradise Meadows. But we'll discuss that with Attorney Miller and how we approach that.

Commission D. Herrera: Today?

Commission E. Garrido: When you say maintain the parts, you mean the easement?

AAD J Cruz: There's an area that has been identified for a park.

Commission E. Garrido: Oh, I thought you said parts.

AAD J Cruz: No, the park.

Commission D. Herrera: Are we going to discuss that today with Attorney Miller?

AAD J Cruz: I'll, I'll discuss it with him and then we can bring it back to you so we have a plan of attack of how we'll going to approach this.

Commission D. Herrera: Okay. 10123?

AAD J Cruz: Yes, yes.

Commission D. Herrera: Okay.

AAD J Cruz: And for the agreement that was made between CLTC and TRI.

Commission D. Herrera: And then we have that copy also in the future.

AAD J Cruz: Yes.

Commission D. Herrera: So, just so that we understand. The first fifty-eight (58) would be blocked into this 166?

AAD J Cruz: No, no. It would be; so, what we're going to do for the initial phase of the lease issuance is we're putting together a checklist with the recent passage of I, I don't remember the public law, but if an applicant is not able to provide or to convince; provide information to CLTC to determine whether they'll comply with their lease terms were able now to move to the next

applicant. That's one. We're also rewriting the NOA document which is the notice of intent to award document. What we've been encountering is people who were awarded leases from 10 to 20 years ago are coming in today to decline their lease and want to relocate. So, to prevent all of that, the reason why we chose different municipalities and different areas is because an applicant is able to decline the first two but must choose the third. So, on that Noa we're going to list three (3) and they'll decline two (2) and choose one and that would resolve that wanting to relocate later; we just put it to rest. So, yeah, we've been having a lot of people coming in who were awarded leases ten (10), twenty (2) years ago who want to relocate somewhere else, and you know they, they haven't used their what is it, three choices.

Commission D. Herrera: and the property has been developed by them or just left open?

AAD J Cruz: It varied. They may have put some improvement into it some of them didn't do anything, some of them may have surveyed although even though they surveyed, they want to move.

Commission D. Herrera: So, we can have a listing of those also.

AAD J Cruz: Yes, yes.

Commission E. Garrido: Is that in our mandates that we allow them to three choices?

AAD J Cruz: They're allowed, they're allowed to deny the first two and then if they deny the third one then they get removed from the waiting list.

Commission E. Garrido: No, but there's no timeline for them to make that decision?

AAD J Cruz: It wasn't specific so

Commission E. Garrido: I mean you know like you're saying that 20 years later they're saying they're not satisfied with that property and they want to relocate.

AAD J Cruz: Correct. So, you know to address that loophole, I guess we're putting it on within our NOA and resolving that issue.

Commission D. Herrera: Okay.

COMPLIANCE:

AAD J Cruz: The next item on my report is compliance. The compliance team has finished their inspections of Tract 9210. I know that at the most recent public hearing, I mentioned in the legislature we're issuing twenty (2) to twenty-five (25) notice of least term violations. The exact number is forty-two (42) which would also be going out next week. So, there's forty-two (42) lessees within Tract 9210 that have a lease violation; could be multiple structures, the storage of junk cars, white goods, things of that nature. But, we're, we're hoping to get it out by next week. Those lessees in violation will be given just like every other lessee 60 days to resolve or address their violations. If in the event that they should not be able to fully resolve the issue but there is progress, we normally give them an additional thirty (3), sixty (60) days but.....

Commission D. Herrera: On the violation?

AAD J Cruz: Yes, correct.

Commission D. Herrera: In addition to the violation, the GRF tract lot 7161-R1, the violations that accumulated that ended up on the eviction some of the violations was the shortcut between 71 64 right 1-2-3-4-5. So that violation and that violation is the rights of way that went from the

neighboring company to 7161-R1. So, that violation is that part of our.... Because we were victimized by that action that the GRF know authorized the what's that you know the access from those two properties. That's number 1. Number 2 the clearing and grading authorization again that's another violation that they have not gone through the Guam Land Trust Commission, the Department of Parks and Recs, the Department of Environmental Protection Agency.

Commission E. Garrido: They didn't get the proper permits, that's what he's saying. I guess this would be more directed to Attorney Miller; what can we do to put that company on notice that cleared that access without the authorization from CHamoru Land Trust? They, they built an illegal road.

AAG Miller: Commissioner I guess the best answer I have for you at the moment is I don't know enough, I, I don't know your properties by lot number.

Commission E. Garrido: No this is the raceway. The private company in the back there.

AAG Miller: So, that's... I, I assume that's what we were talking about.

Commission D. Herrera: That's the one that we presented last [inaudible]

AAG Miller: I, without having all of the historical documents in front of me, I assume but don't know that your tenant had no legal authority to consent to anybody else using your property. Having said that, you've taken the property back and so the, it would be entirely within your rights to simply put up a fence and close that, that, close that access off and that should be the end of that discussion. I mean we don't have to... there's nobody to send a notice of violation to we don't have to wait for anybody to tell us how they plan on fixing the problem. It's at this point it's our problem because it's our land. We control it now. So, if, if a new fence needs to go up then you can simply direct staff to secure the property and do what needs to be done to accomplish that.

Commission D. Herrera: How about the violation that when it was expanded was like almost over 50 feet and the vegetation there were basically ifit trees then there was no, you know clearance from the Regulatory Agencies again. Same, same property that we're talking about the neighboring property. So, so that's a violation to, to the Land Trust property and because we're trustees. It's a damage to property so, although there was no lease between Guam Racing Federation and CHamoru Land Trust of that neighboring lot; the neighboring lot is under the jurisdiction of the CHamoru Land Trust Commission. So, again it's, it's a damage to the CHamoru Land Trust inventory.

AAG Miller: The problem the CHamoru Land Trust faces, I would anticipate in, in this circumstance is that our remedy would be to sue the tenant; sue the former tenant in this case for damages. My understanding is while the former tenant you know may have been a corporate entity of one kind or another if it had any money, it probably doesn't have any money today and so sure I mean we, we could go file a lawsuit, go win a lawsuit but it's not going to accomplish much because there's.... the, the purpose of a lawsuit is to get the resources necessary to fix the problem the other party created, and if the other party simply doesn't have any resources kind of what's the point of the lawsuit.

Commission D. Herrera: Yeah, I have a point. So, the same party is the same one that was coming in to continue the operation under the same non-profit organization, that's just one part. The second part is that there's a lot of illegal backfilling that we witness in area and they may claim that the material that they imported to backfield the area that they have over, they say that's it's over graded. We're saying technically it's over extracted based on the contract that we have; that just one the back filling and also the other issue that ever since I got on board in 22, is the nonpayment of entrance fee and all those other components. So, the same organization that's reapplying they're saying that they have removed or replaced the officers, but still under that you

know Federation. So, so of course our question is that when can we apply for the lawsuit for those violations that we were victimized on because the statute of limitation is going to run out if you don't make an application and start putting it in front of the courts.

AAG Miller: Well again, it sounds like the first thing that needs to be accomplished and can be accomplished without any lawyers or any legislation or anything like that, it's the simple way to secure the property is wherever, wherever people are illegally accessing the property is to fix the fence or build the fence.

Commission D. Herrera: Okay.

AAG Miller: Separate from that is the, by all means we can evaluate the let's... they call them opportunities, a lawsuit might create... again the you know the ... as, as a lawyer the best client you can ever have is the client who says I don't care what it costs, I don't care if I ever get make a dollar, dam it we're going to we're just going to sue for the sake of suing to make a point. Though you love those clients but generally speaking before we sue anybody, we want to, we want to make a thorough evaluation of if we sue; are we going to get anything at the end of the day because if we're not then again what was the point? But, that's not for me that's not a decision for me to make, that is a decision for you all to make, and, and so if you would like the Attorney General's office to evaluate the cost and benefits of, of a civil lawsuit on the commission's behalf if you'll send the Attorney General a letter to that point, we will begin the process of as I said of examining the costs and the benefits.

Commission D. Herrera: Yes, and we do have about 600 pages of a report from the beginning.

AAG Miller: Yes.

Commission D. Herrera: from the cradle to grave window from the beginning of the process when they activated the contract all the way to 2018 and was it about 600 pages? I mean really, it's paper stack of this high and that includes the regulatory requirement that was supposed to be monitored by the GEDA, the Guam Environmental Protection Agency to monitor the tax rebate of about seven (7), six (6) million rebate that was injected into that project. So, was the CHamoru Land Trust victimized by that? What we see is what we were experiencing; we've been on that last month with and you've noticed the amount what....

AAG Miller: Again, I, yes, I'm and I'm aware of the, of the reports and the evidence you have in the file. That, that's very useful in terms of evaluating if we were to sue, would we be successful? What I'm suggesting is that a second question we also need to address is what is success and if success means somebody's going to send you a check to fix the problems that, that the lawsuit identifies, is there anybody out there who can write that check?

Commission D. Herrera: Now, in addition to that question was CHamoru Land Trust a victim from this Federation, and the question here is that the same Federation is coming before the victim again to continue operation on the same property that were described?

AAG Miller: Well, you know that, that raises a sort of a completely different path. We can pursue it is whether the... whether you know, whether should we enter into a license or a lease or whatever a new contract with a new operator of the Raceway. You know we, we have the opportunity to write into that lease or license sort of whatever, whatever terms you all think necessary and appropriate, and so, even if you know the, the new tenant's perspective is I'm not responsible for what happened in the past. We could certainly say as a condition of granting the new lease well we won't know judgment on who is responsible, but as part of the new lease you have a new responsibility to fix some of these problems.

Commission D. Herrera: So, how does that resolve the victims when they were perpetrated the victim which is the Land Trust Commission I'm saying?

AAG Miller: Well, I, I guess you know the.....

Commission D. Herrera: Because that's not been resolved.

AAG Miller: What, what we would need to do is as part of that evaluation is really you know identify for you all exactly what claims exactly what bad Acts, we think we can go to court and prove and get recovery for and your input is essential in us putting down on paper all the bad Acts the government thinks has occurred.

Commission E. Garrido: Norman.

AAG Miller: Yes.

Commission E. Garrido: Before, before we go start talking about civil suits, is the Attorney General currently looking into that Raceway debacle of the.... [inaudible]

AAG Miller: what I know today is that

Commission E. Garrido: And if you did are you allowed to disclose it?

AAG Miller: Well, what, what I can disclose is the Office of Public accountability has provided a report on what they believe occurred at the Raceway property that OPA puts out is copied to the Attorney General's Office and there are other people in the Attorney General's Office not me, who look at every single one of those reports and evaluate whether there's something there that the, if the Attorney General should pursue.

Commission E. Garrido: Has that analysis been done or is it ongoing?

AAG Miller: That's not my... I don't work with those people.

Commission E. Garrido: Is there, is there possibility for you to like get some insight without violating your, your lines of ethics?

AAG Miller: Well as we're all aware you know there, there's over the past several months there's been a robust discussion over what various attorney at the Attorney General's office should know and who they should talk to and who they, what they should know and what they shouldn't talk about. I think and the folks who get those OPA report, reports and evaluate those OPA reports; I don't, I don't have anything to do with what those people do. If you would like to get the office to provide you with, with as much insight as possible again simple make that request to the Attorney General, and you know he can put together the right people who can share with you as much information as, as is possible. But, we, that's a different group of people and, and I'm supposed to not interact with those people.

Commission E. Garrido: If I'm not mistaken the previous attorney that was assigned to us was instructed to try and find out if there is a pending investigation on that matter and maybe you can check if that was ever filed or requested with the AG. Another thing that I want to get some insight from you the private company that was involved there what is their liability? Since you're talking about since we're having this discussion of.....

Commission D. Herrera: Is that Federation? That was there?

Commission E. Garrido: No. The private company.

AAG Miller: Well, there's from.... again I, I think that I think most productive way to for you all to get the information you'd like to know about what the other folks in the office may or may not be doing is, is to ask just send an email send a letter up to the office to the Attorney General. Tell him you'd like a briefing on you know as much information as the offices is prepared to provide and, and he can get the, the right investigators, the right attorneys in the room with you all. You can ask whatever questions you have. They'll answer it for the best of their ability, but you know everything I know and, and that's on purpose for me not to know hardly anything about what may be going on there. But, to move on to you second question, generally speaking and, and this is true; not just in, in this particular situation but in, in you know, we've been talking about all these other notices of violations that are going out. CHamoru Land Trust is not a regulator; it's a landlord and the trust's ability to write wrongs that have occurred on its property is largely limited to enforcing the terms of its lease; or telling people who don't have lease to get off your property and, and clean it up on their way out. Just to, to use the example you all were, were talking about earlier you know there, there are other agencies withing the government of Guam that, that issue permits for various kinds of activity. Guam EPA, DPW, Department of Land Management. The people who the agencies that issue permits are also the agencies that have the authority to enforce their rules against people who are doing things that require a permit but who didn't get a permit. So, I guess just to use the most obvious example if, if there were, if there were mining occurring without the appropriate mining permits then the agency that issues mining permits is the agency that would have the legal authority to go after them.

Commission D. Herrera: So, to add to that on the extraction and mining and clearing and grading, that was the loophole that was being used; it was a clearing and grading. But in addition to what I wanted to point out is that still the landlord was victimized

AAG Miller: Sure.

Commission D. Herrera: From that loophole, the clearing and grading versus cutting 50-60 foot. We, we stood in Route 15 and we looked in.

AAG Miller: Oh and, and there you know

Commission D. Herrera: And, we saw, and you're saying that's a cliff.

AAG Miller: There, there is you know a legal definition of cut and grade and there is a different legal definition of mining and it, it is there, there is a you know it's not a complicated issue to make to say well you may, you can call it anything you want to, but the law says cut and grade means you're only moving this much of the earth and as soon as you move more than this much, now that's mining and you have to have the appropriate mining permit.

Commission D. Herrera: So, who's the regulatory body that monitors that occurred in the last five (5) to ten (10) years? And, Land Trust was somehow blinded by that loophole.

AAG Miller: I don't know for sure; I'm going to and I would... it would be, I wouldn't want to guess.

Commission D. Herrera: Okay, so I want to parallel that to the findings that had from last month with the encroachment from the Med... Pharm met so we found out that Pharm Med encroached.

Madam Chair A. Bordallo: MedPharm.

Commission D. Herrera: MedPharm. So that violation because we're landlords, we have no authority to provide the Attorney General for compensation or resolution as being victims?

AAG Miller: No., I'm not

Commission D. Herrera: So, separating the landlord and the regulatory requirement and we're not a regulatory body right. That's what we were saying so.....

AAG Miller: But I think you MedPharm is a, is an interesting you know, sort of example of a you know a much better case scenario for the commission, first of all you have, you have the legal authority today, without any; you don't need a lawyer, you don't need a judge to secure your property. Put up a fence around the four (4) corners of your property and say with big "NO TRESPASSING" sign and you can get that, you can take control of the property by the time the sun goes down.

Commission D. Herrera: That's controlling it.

AAG Miller: Now, separate from that is where, where you have a party who, who has obviously trespassed on your land, who has obviously misused your land and has the resources to do something about it. That's a party where it's there's a fairly straight forward lawsuit.

Commission D. Herrera: Okay.

AAG Miller: That says not only you know, not only were you trespassing and you know you owe us something for trespassing, but you are also polluting our property and this is what you owe us to fix the, the environmental issues you created on our property. The, you know, there are probably several potential lawsuits out of the Raceway. The issue though is always if I, you know if I sue somebody, does somebody have a dollar to try and fix the problem?

Commission D. Herrera: Is the private individual in that Federation sheltered from personal liability?

AAG Miller: Perhaps.

Commission D. Herrera: Because when we visited the Raceway last month, we, we have placed a large chain and a large heavy-duty padlock and what was, what did you see when we came there on the front gate?

AAG Miller: No chain no padlock.

Commission D. Herrera: There, so that's, does warrant a trespassing violation? I mean, it's just an analogy or a but I'll just end my comment on that 7161 and we can entertain more but, there was no chain, no padlock. So, thank you thank you Attorney Miller.

Madam Chair A. Bordallo: I just have one question. The bill that 325-37, authorizing us to lease the property of Lot 7161-R1 in Yigo.

Commission D. Herrera: You're asking me or the attorney? 7161 is up for subdivision or lease or permit lease or

Madam Chair A. Bordallo: No, it's, it's particularly for drag race and we have to think on that's not yet settled.

Commission D. Herrera: You're right, yeah.

Madam Chair A. Bordallo: It can pass by the legislature law.

AAG Miller: What I understand about that particular piece of legislation is that it authorizes and directs the trust to enter into a five (5) year lease with this particular tent, Guam Motorsports Association and that's about all it does. There are

Commission D. Herrera: Authorized the commission.

AAG Miller: Yes, but there, there are if, if that bill were to pass and be signed in the form in which I last looked at it which admittedly was a couple of weeks ago. There are still many open questions about exactly what the terms of the lease would look like and we would, we would have to sit down with Guam Motor Sports Association and try and work through as many of those, excuse me, issues as we could but you know before we, before we did that we would visit with you all and get your direction as to what you know, what were the issues you wanted to see covered in that lease. The, the legislature has the authority to specify a few things but there, there are lots of pieces and parts to any commercial lease that we would have to work for.

Commission E. Garrido: Since we're on that subject matter, since we're on that subject matter I was not very comfortable with the part of that bill that says we will be given \$300,000.00 to get that property into shape for operation and as a taxpayer I'm totally against that and, as a board member if I was given that \$300,000.00, I would prefer to use that for infrastructures on our residential lease tenants. What can we do to try and have that amended before this bill goes any further?

AAG Miller: Well, I frankly that, that's a job for you all as, as the, as the commissioners who the, the political managers of the Trust is, is to communicate that perspective to the Guam Legislature and, and frankly on, on any of the terms of, of that bill what do you like, what do you dislike, what would you rather see that bill look like and you know but, whatever, whatever eight (8) senators want to at the end of the day whatever eight (8) senators want to write into that bill and the governor is okay with. That's what we're going to do, but again, one of the, one of the many open questions in that particular draft of the legislation is well what, what do you do with the \$300,000.00?

Commission E. Garrido: Well, the way it's written into the bill is, is to restore the property.

AAG Miller: What does that mean?

Commission E. Garrido: Make it, make it functional?

AAG Miller: For who?

Commission E. Garrido: People they're referring to that will take that will be a part.....

AAG Miller: Well, it what it, what it does is it, is it, but it's for that's for you all to resolve.

Commission E. Garrido: Does it give us the leverage to take all the good parts of that bill and open up an RFP for the lease of that property for those specific purposes of drag racing, drift racing, motorcross?

Commission D. Herrera: Attorney, I'd like to add in to what Earl was saying is that your question was to who, right? and to who here is company a, or so if we approve this then what the eight (8) senators are doing technically is that they're bypassing the sole source requirement. What I'm saying sole source requirement.

Commission E. Garrido: No, they're making it the sole source the way it's being presented.

Commission D. Herrera: That's what I'm saying right.

Cross Talk

Commission D. Herrera: So, there's a sole source requirement right, based on the procurement rules and regulations for the procurement law? This thing is doing like you're saying is that it circumvents the sole source requirements and then circumvents the RFP.

Commission E. Garrido: No, they're circumventing the [inaudible]

Madam Chair A. Bordallo: Right.

Commission D. Herrera: Okay, but....

AAG Miller: It's probably not very productive for me to speculated but, the bill says you give the CHamoru Land Trust \$300,000.00 for the purpose of cleaning and preparing the lot and this is the important phrase "for public use". That phrase can mean....

Commission D. Herrera: For sports.

AAG Miller: No, it says for public use.

Commission D. Herrera: For motorsport, public use.

AAG Miller: No. Says for public use.

Commission D. Herrera: So, I can put a firing range in there, then we can, we want it to. It's for the public firing range of I mean you know this is a [inaudible] specific right, because no it's open for anybody and anybody.....

AAG Miller: Again, I mean we're, we're, we're speculating here. We're guessing but, in, in large measure it would be up to you all what public use means, and whatever you all think it means is what you're entitled to spend your \$300,000.00 on.

Commission D. Herrera: Okay.

Commission E. Garrido: So, we have that leverage?

AAG Miller: The way the bill is currently drafted you, you decide how the public will best benefit from the spending of the \$300,000.00.

Commission E. Garrido: There's nothing specific in the wording on that bill that says the public use is equated to the raceway.

AAG Miller: Well, you, I would tell you, you; the way the bill is drafted you have to spend \$300,000.00 on the raceway on the land that is the raceway. But, that's a big piece of land and there is a lot of issues there and it's up to you all to determine among the, among the many priorities on that piece of property. What will, will benefit the public the most.

Commission D. Herrera: And, to add to that Commissioner Commission E. Garrido had a suggestion that we subdivide the property to make it usable for the drag strip and more cross group. That was the initial intent for one Public Law because technically the lot 7161-R1 is identified as say one (1) million square meter, one (1) million plus?

Commission E. Garrido: Square meter.

Commission D. Herrera: Yeah, right. Two hundred fifty-two (252) acres so, so the recommendation from Commissioner Commission E. Garrido at the time was to make it affordable for those and then we do an RFP or a concept of sponsorship concept where it's a win for the users, win for the Land Trust and win for the general public. But, apparently as the weeks, the days, the weeks, the months went by now; the group doesn't want subdivision. The group that's involved now wants the whole one (1) million square meter. Now where does that put us and they want to occupy the property? Zero rent or zero tax or so where does that put the.... a prior victim of CHamoru Land Trust Commission at that position is now, now we're in that eight (8) senators are to implement this Public Law or Bill 325-37. But then again, like you said, it authorizes us, right?

AAG Miller: Well, we all, we all are here to implement the laws that eight (8) senators and the governor ultimately agreed and.....

Commission D. Herrera: To change the law?

AAG Miller: And this bill you know.....

Commission E. Garrido: It's still a bill though.

AAG Miller: This, this bill is still a bill you know represents a set of ideas that the legislature thought worthy of discussion. There will be you know a debate and hearings and, and anybody and everybody including you all have the opportunity to comment and, and provide input. I have no doubt that you know the, the folks who are today advocating, their plan, their vision for that property are talking to you know, talking to the senators, talking to the governor and saying here..... we, we want to do this and, and here's why this is an excellent idea.

Commission D. Herrera: Can you put on screen 7161 (addressing CLTC staff)? It's okay, we don't want to [inaudible] it right? We already put one hour in this subject but you're right.

AAG Miller: But, you're right it, it, the at the same time the legislature should be hearing from as many voices as possible on what is the what is the most appropriate use for that land and what the future should hold for.

Commission D. Herrera: Okay.

Madam Chair A. Bordallo: [inaudible]

Commission D. Herrera: Okay, yeah, the chairwoman is saying that we're discussing it and we did a preliminary what that?

Madam Chair A. Bordallo: We have concerns.

Commission D. Herrera: Here's the map of the one million square meter, 250 acre and we had a preliminary projection that we could put about 400 half an acre lot here; 400 and we did, we discussed that when we were there last month that's half an acre with the sewer in it we can do 800 lots. Now we go down to [inaudible] at 500 squares from four (4) to eight (8) maybe twelve hundred (1200) lots. So, the mission for the CHamoru Land Trust is to provide residential leases and this beautiful size of property we wanted to accommodate the drift drag and motorcross but apparently now they want to control the whole so the.....

AAG Miller: I have no doubt that the legislature would like to hear from anybody and everybody as to what the most appropriate future is for that particular piece of property. But, for the folks who sit over here, our job is just to do whatever the legislature and the governor tells us to do.

Commission D. Herrera: Not the commission?

AAG Miller: We all, we all have to do whatever the governor tells. We don't over here we don't get to have opinions. You get to have opinions and the legislature gets to have opinions.

Commission D. Herrera: Okay, alright thank you sir.

Acting AD J Cruz: I think when we get to the that section or that item on the agenda I, I'll take note of everybody's recommendations and whether the board supports it or not or whether they would want amendments. I'll compile all of that; prepare a response and send it to the legislature.

Commission D. Herrera: Okay.

Commission E. Garrido: Because this particular bill we had no input.

Madam Chair A. Bordallo: That's right.

Commission E. Garrido: In the construction of this bill. This was all special interest inputs.

Acting AD J Cruz: I guess the benefit is at least they didn't hear it yet. There's no public hearing so we still have time to for me to gather you guy's comments or recommendations or amendments to the bill and we can prepare the, the board's testimony and provide.

Commission D. Herrera: Okay. Okay Director thank you. Next go ahead you're closing your remarks.

Acting AD J Cruz: So, still on the compliance section the compliance team is conducting compliance inspections in Piti. This task should be completed in the next two weeks.

CLTC INFRASTRUCTURE PROJECT:

Acting AD J Cruz: The next item on the report is CLTC's enhancement of its infrastructure. So, the funding for this project came from the Office of Insular Affairs Technical Assistance Program also known as TAP. CLTC received two hundred thirty-nine thousand, six hundred, ninety-three dollars (\$239,693.00) for this project. Currently we're waiting on the purchase order for the website development and the PO for the RFP publications. The publications is for CLTC's RFP that will go out for these scanning and digitizing of all of our documents and the creation and development of our web based data system software. So, the software will be not as sophisticated as DLM's land web system although when the, when, when a person applies, they'll be given a I guess a numeric number or identifier from anywhere for as long as they have internet access, they're able to log on through our website; able to punch in their username password and then they'll be able to see all the documents relevant to their lease or file in that sense. So, we're, that's what web base data system software is for. So, everything, that starts coming in, we'll be able to start scanning it and digitizing it and all that other great stuff so less time pulling out files and going through it. We'll all be able to see it online.

Commission D. Herrera: Okay.

Commission E. Garrido: Who would be the support for that?

Acting AD J Cruz: Currently the Project Manager's Otech. Anything related to computers, software, hardware would be Otech. We are requesting for the maintenance cost for the next five (5) years so we can budget for that.

Commission E. Garrido: I, I know our data is very sensitive and it's something that has to be continually archived. That's the part that I'm trying to inquire about right now its to be secured we need a data bank that will accommodate and have a backup maintenance plan in play for it and it

should be redundant. That way if something happens to one of the servers [inaudible] can pick up.

Acting AD J Cruz: All our specs for this project is routed through Otech and is approved by Otech.

Commission E. Garrido: But, what, what was the scope that Otech is approving? [inaudible]...mini main or PCs or what?

Acting AD J Cruz: We can provide a copy of the specs for review. But I do, what I do know that they'll be stored in a cloud server. That's as much as I know as to where it's going to be stored but we'll be more than happy to provide a copy of this.

Commission E. Garrido: The cloud's okay, but I think we need an alternate other than the cloud. We need something, so that if something if the cloud gets hacked, we have a secondary.

Acting AD J Cruz: I, I believe it's within this specs but we'll provide a copy.

Commission E. Garrido: Okay.

Acting AD J Cruz: Like I was mentioning, for the RFP we, we anticipate to publish the RFP availability in September and award the contract by October and the project should be completed within 6 to 8 months after the contract award. So, before the end of next fiscal year we should be up and running.

Commission D. Herrera: So, this would be expended under the fiscal year or be paid pre -paid?

Acting AD J Cruz: Portion.

Commission D. Herrera: Okay.

Acting AD J Cruz: It's, it's through the funding from the Office of Insular Affairs; it's a grand, grand money.

Commission D. Herrera: Okay.

BUDGET BILL:

Acting AD J Cruz: So, the next item is I recently received a copy of the Budget bill; the draft budget bill that's being discussed. We compared it to our initial submission; it's about seventy thousand dollars (\$70,000.00) less so I'm going to respond accordingly and try to argue to add the additional seventy thousand (\$70,000.00) but we'll go from there.

Commission D. Herrera: Was there a reason why they cut 70?

Acting AD J Cruz: Well, usually.

Commission E. Garrido: They never pass a budget that is presented [inaudible]

Acting AD J Cruz: And normally like for the case of CLTC many years ago we were financially independent. We relied on just our special fund but as the leases mature and expire our fixed revenue extreme decreases so currently I, I believe we're only projecting at collecting between \$650 to \$700,000.00 annually. Because we, our expenditures are far greater than that we need a supplemental from the General Fund. The only fund that CLTC has that allows for operational cost is the CLTC Operations Fund. Every other fund is restricted to certain types of expenditures.

Commission D. Herrera: Operation Fund is about 300k or?

Acting AD J Cruz: For the draft bill?

Commission D. Herrera: Yeah.

Acting AD J Cruz: It's about six hundred-sixty-six thousand (\$666,000.00).

Commission D. Herrera: Okay.

Acting AD J Cruz: And then we have a small portion from the Infrastructure Fund, but the Infrastructure Fund Expenditures are restricted to certain; I think it's land registration surveying, infrastructure, telecommunications. Although that, that appropriation amount is only twenty-one thousand dollars (\$21,000.00).

Commission D. Herrera: Twenty-one for survey?

Acting AD J Cruz: Just for that fund itself and then the difference is the General Fund which is about \$800 some thousand dollars. So, now we're heavily reliant on the General Fund for our operations.

Commission D. Herrera: And the 800k is coming the General Fund?

Acting AD J Cruz: General Fund.

Commission E. Garrido: Do we have.... I'm sorry go ahead and finish.

Commission D. Herrera: Go ahead.

Commission E. Garrido: Do we have a working relationship with Department of Land Management survey team?

Acting AD J Cruz: From what has happened in the past is we can send up requests but I believe even Land management itself has just so much employees themselves too with a lot of projects, but nonetheless we can request for some assistance in surveying.

Commission E. Garrido: I think, I think if we could have some sort of memorandum of understanding with them it would be a lot cheaper than outsourcing to private surveyors. Now how fast can do it that's a different story.

Acting AD J Cruz: Correct.

Commission D. Herrera: We're still hoping that we can come in and request. These funds are tentative right? On that bill that was passed?

Acting AD J Cruz: For the next fiscal year correct.

Commission D. Commission D. Herrera: So, so we can still come in and request additional 70 or....

Acting AD J Cruz: Yes. I'll, I'll be sending a response to Speaker Terlaje. She's, her office is who sent the draft budget bill.

Commission D. Herrera: So, for the appropriation we have to go through channel?

Acting AD J Cruz: She's our oversight chair, so.

Commission D. Herrera: Because of land.

Acting AD J Cruz: Yeah.

Commission D. Herrera: Okay.

Acting AD J Cruz: She'll be the one there batting for us.

Commission D. Herrera: I see. Okay.

Commission E. Garrido: No excuse me, Senator Duenas was batting for us. Just a few days ago he commented that he was willing to financially help CLTC in order to approve staffing and his financing. So maybe we should include him in that.

Acting AD J Cruz: Okay, noted.

Commission D. Herrera: Okay, so [inaudible] that we were mentioning that it was only appropriated twenty-one thousand (21,000.00)?

Acting AD J Cruz: Correct.

Commission D. Herrera: So, remember we had 223 lots that were on unsurvey properties or unregistered.

Acting AD J Cruz: So, what is our status of that? What's our process to register the 223 lots and all the other lots? Because remember we were discussing Lot 7161-R1 that it was unregistered based on the map, but then we found the certificate of title. So that lot is registered?

Acting AD J Cruz: Correct.

Commission D. Herrera: So, how so what's our status with the other 223 we request for the attorney.

Acting AD J Cruz: I believe lot 286 in Piti is still pending. I know that had started several years ago. We'll be sending Attorney Miller an email of the listing of all the unregistered Lots in the order of importance. The order is based on or the importance is determined on how many leases were awarded within that track.

Commission D. Herrera: Okay.

Acting AD J Cruz: There's if I'm not mistaken, there's I believe one track has about 50 some leases awarded. Others have 10, 20 and so forth, but you're correct; there's CLTC has issued 223 leases to applicants on unregistered property.

Commission D. Herrera: Okay. So, the process of that Attorney, is generally we get we take the 223 lots subcategorize it on cat one, two and three whatever lot and then next process is to file it in court?

AAG Miller: This is where we pick up the topic of our relationship with DLM. The, the biggest challenge in getting any land registered is getting a correct survey. The, we, we need an accurate survey before we can really initiate any of the subsequent processes. I have had a couple of quick conversations with the DLM Director who indicated that you know whenever we had a list of the tracks, we wanted to focus on we should get together and visit because he indicated you know they may have done some or all of the survey work already. They just haven't finalized it to the point

where it's stamped and signed and, and publicly filed but, so we, we need to get the list of the unregistered lots together and then the first thing to do will be go talk to DLM; see what paperwork they have in the file about those lots and then see what we need to do to add on to that paper so that we are in a position to be able to, to make those filings in court and get those registration complete.

Commission D. Herrera: Okay, so in addition to that 223 when we were processing the 30 plus or so Small Business Administration victims from Mawar, we found several that were on unregistered land. So, I guess that's another status where those victims are a high priority; the ones from Mawar that we were providing the loan guarantee. You may recall that we kind of had to hustle or fast track to get the collateral for the escrow to support the new SBA mortgages. So, and I don't see any of the status here for the SBA constituents, right? We still have them do we still have?

Acting AD J Cruz: There's I believe ten.

Commission D. Herrera: Ten more?

Acting AD J Cruz: I believe so.

Commission D. Herrera: Because I met one constituent out here that was waiting also so I'm not sure if they're on unregistered property or if it was just a loan guarantee and considering that they're victims of the typhoon, I guess we can say that they're a high priority also because they're living in substandard condition and the typhoon season is in again.

AAG Miller: Sure. I mean the you know the, again I, I assume but don't know that and this is what the, the registration process is all about when, when we have the surveys, when we make the filings in court and say that CHamoru Land Trust claims of these lands that nobody else is going to show up and say I claim it too.

Madam Chair A. Bordallo: That's right.

AAG Miller: If, if there if nobody else make a claim then the registration process moves along pretty efficiently once we have the, the surveys in place.

Commission D. Herrera: Okay, in addition to that I understand we have to go to the Attorney General to have a process can we add in addition to the budget right, to augment the budget to hire private attorneys to specifically focus on the unsurveyed properties, the 223 plus the 11,000 acres that we have. I know we have 11,000 acres and as you mentioned that to do a proper registration, we need a proper mapping and we need to have a proper mapping, we got to have a proper survey. Now, if you guys recall the issue with the Rabon case; simple, I think that's [inaudible] and the property was divided, subdivided in a quarter acre and it was supposed to be a half an acre because it was on top of the water land zone but the person was given a property that was surveyed; that was surveyed but it was surveyed on a quarter acre which violated safe water or the, what's that the [inaudible] requirement of having and half an acre. So, the point I'm trying to get is that the subdivision property that that particular group there was 123 lots and I did the research on that one; there's 23 lots in Adacao and all the 23 were issued a lease. All the 23 were not in compliance with the half an acre requirement. All the 23 most likely more or less occupied the property and have built. Now, considering that we cannot build on a quarter acre with a septic and leaching field without the sewer.... The families there now have this demand where the properties cannot be surveyed by a surveyor. Now Surveyor B, we can say surveyor A surveyed the property and surveyed it at a quarter acre which the requirement is what's the size?

Acting AD J Cruz: Half acre.

Madam Chair A. Bordallo: Half an acre.

Commission D. Herrera: So, surveyor A cut it in quarter acre. Surveyor B came in was hired by constituent and we instructed the constituent there's a list of surveyors here if you like to go to your property; you can choose from any of the surveyor B. Surveyor B came in used surveyor's A subdivision that was not, did, did not go to the Guam Land Use Commission to determine the size of property number one, and if there was any water, power, sewer in that property. So, surveyor B retraced the surveyor A's property. Constituent came in applied for the Guam Housing or VA veteran. Build was approved from the VA; build the home in 2012, paid the loan off in 2022. The constituent came because her husband died to succeed; she was denied because of the mis-surveyed property back in 98 of a subdivision that didn't go through the Guam Land Use Commission requirement for all the seven (7) agencies to determine if you're top a water lens or do you have a buffer zone and all the other requirements. So, now we're in that dilemma. How, how many of those properties that we have in the north? I requested last, last month, right? All the properties from Fadian to Anderson. How many properties do we have there from Fadian to Anderson? It's a couple of thousand acres. Then from Fadian down Route 1; we were just talking about lot 10123, and 10123 slated for subdivision and development and that's why we were trying to engage and merge with the USDA to have a subsidized income and debt ratio to apply to develop the 366 lots. Now, down from [inaudible] down from 10123 to Swamp Road, Chalan Lahe, Chalan Paluan, some of them, some of those properties have no sewer.

Acting AD J Cruz: Correct.

Commission D. Herrera: So, that's another priority that we, we wanted to address now is what is the status of those that are on unregistered property that are the victims of Mawar. That are on unregistered property were given a loan now that's just one that did not get a loan from the VA that completed a home, paid the home and on and their own top of [inaudible]. The survey map that they're on was not never registered or recorded as approved. So, right now we're in that dilemma; how many of those constituents are on those water lands? Maybe I can ask the Director here on Swamp Road those are half acre or quarter acre? Swamp Road, Chalan Lahe, Chalan Paluan?

Acting AD J Cruz: Half. Supposed to be half.

Commission D. Herrera: So.

Acting AD J Cruz: Some are bigger than half.

Commission D. Herrera: But I remember that that those properties were stated for land for the landless.

Acting AD J Cruz: That's Tract 10, 1022.

Commission D. Herrera: 1022 quarter acre?

Acting AD J Cruz: Less than quarter.

Commission D. Herrera: Less than quarter; no sewer. Now we have a dilemma; people have built homes 500 and square, 500?

Acting AD J Cruz: Less than 500.

Commission D. Herrera: Less than five (5). So, if you have the water, power, sewer, where good density is okay and we did that since back in 95, 2000 right? 95, 2005 now it's 2024. It's about twenty (20) years ago. So, now we're in that dilemma so that's the question I like to bring up is that

if we can request for additional funds to hire additional surveyors to fast track what we're trying to do. Because, if we go if we're going to proceed at this speed with the resources that we have I'm, I'm sure it's kind of difficult for you to do four (4). How many agencies you cover four (4)?

AAG Miller: Four.

Commission D. Herrera: Four agencies because 223 lots that are being occupied, we got 11,000 acres that we don't know if they're really if they're really registered, unregistered in land claimants. Have they been surveyed? Maybe yes, maybe no; but like you said we have to accurately bring the surveyors in; do the research on the documentation; is there any original landowner claiming set, set the marks do the registration process and then we're good to go. We're ready for another 10 to another 100 years; cause right now the properties that we have and I've been requesting this from the Director to kind of give us the general island wide. The island and I guess you gave it to me in red lines and white lines... no, so.

Madam Chair A. Bordallo: I want to ask a question. On those quarter acre lots you had mentioned before in our meeting about putting the two-quarter acre lots to half acre.

Acting AD J Cruz: Two (2) combining correct.

Madam Chair A. Bordallo: Yeah. What, what area is that?

Acting AD J Cruz: So, to speak to Commissioner Commission D. Herrera's question about the quarter acre lots and Ms. Rabon, so Attorney Miller and I had a meeting with the Speaker. So, the process before for CLTC was when maps were drawn, created and everything they none of the maps went through the map review process with DLM. That was back in the '90's when it started in '98 and stuff like that. Later on, the maps were being required to start going through the map review process and then they introduced a bill and enacted into law which is now known as 31, Public Law 31-17. This law grandfathers all the in-house maps that were done prior to the requirement of going through the map review process. Although the, the law did require or did approve or grandfather the maps that were prepared and signed by a professional land surveyor and approved by the CLTC Director. So, the, the map that or the area that Commissioner Commission D. Herrera is speaking about in Adacao, that map was only signed by the, the land surveyor and in our discussions with the Speaker, she's open to hearing our argument to extend the timeline for the, for the Administrative Director to, to approve that in-house map that didn't meet the requirements. So, what we're doing is compiling all the in-house maps that, that were signed by a professional land surveyor, but lacks the Administrative Director's approval and we're going to send it to her to review and hopefully she can provide some kind of amendment to this public law.

Commission D. Herrera: Okay, hold that thought. So, the 32 lots that we're talking about in Adacao?

Acting AD J Cruz: Correct.

Commission D. Commission D. Herrera: Right, did not go through the Guam Land Use Commission requirement and, and is that the discussion is to have the signatures from the Land Management Head and the head here to have them approve?

Acting AD J Cruz: No.

Commission D. Herrera: As is, as is? I'm just trying to clarify.

Acting AD J Cruz: It's the, the map was signed by and certified by the land surveyor so what it lacked was the Administrative Director from CLTC to sign and approve.

Commission D. Herrera: Okay.

Acting AD J Cruz: So, we're compiling all those maps and going to share it with the Speaker.

Commission D. Herrera: Okay.

Acting AD J Cruz: And hopefully she's amendable to amending the law.

Commission D. Herrera: Okay. So, keep that in thought right, so remember the case that we're talking about the successor; the successor used that same lot on the same map, but that same map did not go through the Guam Land Use Commission. The Guam Land Use Commission will go through the seven (7) AG... seven 97; Regulatory Agencies if we approve that as is now right, it's already violating the quarter acre requirement to be half an acre. So, we're not really fixing the, we're fixing the symptom no the cause, the cause is that we got to go back because right now that property right, is situated next to the main road and that 32 acres right, have a buffer zone. Buffer zone between the main road and the subdivision of 32. So, we, we understand the Guam Waterworks came in here, I think six (6) months ago to request for a right of way for one of their pumps, now they're installing a sewer water system there, but it's going to be in Carnation Road or what was the name of that main road?

Acting AD J Cruz: Both sides, it's going to be in both sides.

Commission D. Herrera: It's going to be in the [inaudible] area?

Acting AD J Cruz: Correct.

Commission D. Herrera: Verify because no the map that she gave us the McDonald that came here was only showing us the map on the main road, so.

Acting AD J Cruz: We just had and since you brought that up, we just met with GWA this week.

Commission D. Herrera: Okay.

Acting AD J Cruz: That [inaudible] project for the sewer upgrade and installation will turn dirt, will turn I believe October.

Commission D. Herrera: Okay.

Acting AD J Cruz: FY2025.

Commission D. Herrera: For the main road and the subdivision?

Acting AD J Cruz: Correct. She provided us some maps but we'll also provide you.

Commission D. Herrera: Please. So, so you see you know so we don't I mean it's like I'm going beyond and stepping on my tongue right. So, if that's applicable to that part then I again that would be one part.

Acting AD J Cruz: Yeah.

Commission D. Herrera: At the sewer water and the quarter acre requirement so, and then will that would resolve that 32 constituents that are on the property now. Now, and I think the property is also unregistered.

Acting AD J Cruz: I'm not sure.

Commission D. Herrera: Verify because I was searching for the title and I, and the map itself is unregistered. The original basic lot before the and cut off the subdivision for the 32 just, just to verify because that's what happened to us on, I think there was one here that we relocated right. The [inaudible] or something right, the person was on that lot then he decided to relocate to another property so.

Acting AD J Cruz: We, we'll get that information and share.

Commission D. Commission D. Herrera: Thank you, sir.

Acting AD J Cruz: Welcome. Also, in our since we disclosed that we've met with GWA just this week, I believe it was Tuesday, so GWA, several years ago we, we presented GWA the option of instead of monetary purchasing of the lots from like how it was in the past maybe we can work some kind of in-kind services in lieu of monetary payment. At that time that wasn't an option for them, but in this meeting that just occurred this week, GWA now is open to in-kind services, and we also did speak to the idea of the SUDA Program and that there could be a tri-party type of arrangement with GWA, CLTC and RCAC. RCAC is the non-profit organization that works heavily and a lot with USDA. They know the packaging; they understand all the requirements. We've done we had discussions and meetings with representative from RCAC and regarding SUDA. And so, so that was the conversation during that meeting. We're just waiting for GWA to come back to us and that they're acceptable to that process. Also, in and, in the past, what has been done was they would purchase the lots we transfer in fee simple.

Commission D. Herrera: GWA?

Acting AD J Cruz: To GWA. I did mention that now we will present to the board that instead of any conveyance of property we do a long-term lease now.

Commission D. Commission D. Herrera: Oh, for water, Guam Waterworks?

Acting AD J Cruz: For Guam Waterworks instead of decreasing our inventory by transferring lots and sending it to them and all that other great stuff. So, they're open to that too but they just need to get the approval of their General Manager and they'll get back to us.

Commission D. Herrera: GWA?

Acting AD J Cruz: Yes.

Commission D. Herrera: Now in addition GWA has a, I mean CHamoru Land Trust has properties next to the gold course and GHURA? Is that GHURA right after...

Acting AD J Cruz: Yeah 501.

Commission D. Herrera: 501 GHURA in between is about 10 lots of Land Trust?

Acting AD J Cruz: I believe so. [inaudible]...I think that's what it is yeah, yeah, I think so.

Commission D. Herrera: So, there's a sewer line that runs right underneath that subdivision. I have the map. You guys are aware of that?

Acting AD J Cruz: We understand that there's a sewer line withing the; but we don't have the map.

Commission D. Herrera: Okay. So, how do we do that? I mean, I mean you know you can verify that sewer line was there before the subdivision came and then the same surveyor came in and subdivided the property. This is in addition to the Adacao. Now this is the one down at Butulo.

Acting AD J Cruz: Correct.

Commission D. Herrera: So, the property was subdivided there was a sewer line that connects from GHURA 502?

Acting AD J Cruz: 501.

Commission D. Herrera: 501. Then from GHURA 501 like from the main road, GHURA 501 and then the or the, the sewer goes under five. I mean the CHamoru Land Trust; how many lots are there? I think about 10.

Acting AD J Cruz: Along the road?

Commission D. Herrera: Yeah, remember next to 501 there's about 20 lots.

CLTC Staff G. Eay: Adjacent to the same side, right?

Commission D. Herrera: Right, right.

CLTC Staff G. Eay: There's lots there.

Commission D. Herrera: So, in the middle of that subdivision right; a sewer line, here's the here's the road. Here's the subdivision; the sewer line runs parallel to the road, but it's about 100ft in underneath the subdivision and I, that was brought to my attention because they were going to. One lot owner was digging and they somehow, they noticed that there was a sewer line on the bottom. They didn't know it was a sewer line but when they double check with Guam Waterworks, they're saying your properties right on top of the main sewer line. So, see that's another request that if we can ask for additional more funds for surveyors to come in and like you said accurately survey the property in accordance to the Guam line. Because if that went to the Land Use Commission right, the subdivision in Butulu and if it went to the proper process that the Guam Land Use commission, the commission would have discovered that there's a sewer line under that subdivision, right? Because they will bring the Guam Water works, GPA, GTA or not GTA, Department of Act, right. And they have the committee and normally that's what they do, they have the committee meeting and they're saying we're going to subdivide this specific lot 100 acres or we'll use 10122, you know the.... we use the Raceway for an example. We want to put the 1200 subdivision on the Raceway, so they'll call all the agencies; Guam Waterworks and they, they'll brainstorm what's on that property if there's oil spill or, so what was the acre on the Raceway? 250? Yeah, 252, so we could put 1200 lots that are down to 500 square meters, no. So, all the agencies would be there from the Guam Land Use Commission, no. I don't think there's any sewer line going on the Guam Raceway. The former....

Acting AD J Cruz: Yeah. But, it's not far so....

Commission D. Herrera: So, just a sewer line?

Acting AD J Cruz: Yeah, if you use a shortcut like going to the back side of Perez Acres, there's a sewer line along that road.

Commission D. Herrera: Oh, on the other side of route, the west of route 15?

Acting AD J Cruz: The shortcut going to like the McDonald's.

Commission D. Herrera: Okay. So, that'll be easy for us to develop the 250 acres and tie into....

Acting AD J Cruz: It's, it's not two withing 200ft, but its, it's also not within.

Commission D. Herrera: Okay.

Acting AD J Cruz: It's not that far.

Commission D. Herrera: So, 200 is the magic number?

Acting AD J Cruz: The norm, right for the requirements to hook up.

Commission D. Herrera: Okay.

CLTC Staff G. Eay: But the easement that you're talking about, that was put in place for the Perez Acres subdivision.

Commission D. Herrera: Okay, the ...

CLTC Staff G. Eay: So, there's still some public requirements from...

Commission D. Herrera: Route one to fifteen?

CLTC Staff G. Eay: Right, [inaudible]

Commission D. Herrera: Attorney that's the, the road that we stood on and you know there was a lot of traffic on the other side home, so, but back to, to we need to check that because one that guy was going to put a he was digging I guess for septic tank or leeching field and he saw a pipe line. So, he was asking can he drill into the Guam Waterworks pipeline under his house. Here's the lawn, here's the sewer line, so he was digging for septic tank and leeching, and they found the sewer line. So, can he tap into it?

Acting AD J Cruz: I, I don't know. I don't think so.

CLTC Staff G. Eay: In a case like that, in the past in the early 50's and 60's there were when [inaudible]... put their lines, they, they have their own mapping but the problem is not all the agencies has that [inaudible]..... to see and, and because like you said, it didn't go through the CHamoru Land Trust Commission, it has to go first to the ARC; the Application Review Committee.

Commission D. Herrera: There, there.

CLTC Staff G. Eay: Consist of all line agencies [inaudible] Hey listen, we have, we have reports being there or a sewer line on that on that property. So, that would stop the development.

Commission D. Herrera: So, the ARC would discover that?

CLTC Staff G. Eay: Who would discover that.

Commission D. Herrera: So, he was, he was going to drill there and I said you know double check with Guam Waterworks because. So, anyway Guam Waterworks certified that it was a pressure sewer; what do you call that Glenn? When is the sewers pressurized, not, not, force [inaudible].

CLTC Staff G. Eay: Yeah.

Commission D. Herrera: So, if you drill that the sewer would have....

Acting AD J Cruz: Exploded or....

Commission D. Herrera: come up from the golf course, the GHURA.

CLTC Staff G. Eay: Yeah.

Commission D. Herrera: So, so please advise the Speaker that if we, we're going to shortcut and just sign the maps it's going to backfire on the, what do you call us landlords.

Acting AD J Cruz: Okay. We'll, we'll take into account that we'll go.

Commission D. Herrera: Yeah, Speaker wants

Madam Chair A. Bordallo: Time up, 5 minutes, 10 minutes recess. Yeah.

Commission D. Herrera: Okay.

Acting AD J Cruz: But you need to call the recess.

Commission E. Garrido: She did.

Madam Chair A. Bordallo: Ten minutes.

10 MINUTES BREAK @2:39pm

Meeting Resumed @ 2:49pm

BILL 334-37:

Acting AD Acting AD J Cruz: The next item is Bill 334-37 which was authored and introduced by Speaker Terlaje. We provided a copy to everyone. If you have any comments regarding the bill please forward it to me. I'll compile it and we can put it on the agenda for next month and we can have an open discussion and we'll gather whatever amendments or suggestions the board may have.

Commission D. Herrera: That's the bill from the Attorney General?

Acting AD J Cruz: Correct.

AAG Miller: The, the intent of that bill is to give the commission all the authority it needs to fix history.

Commission D. Herrera: The defects?

AAG Miller: All the defects. As we've talked about a number of times its generally speaking you know passing new bills only, only deals with the future. So, we, we need the legislature to give us special legal authority to try and remedy all these, these issues we are talking about in past and, and in the couple of informal conversations we've had, there's been some recent activity to that but there also been a direction that if we do this, we're only doing this once so you people better get it right.

Commission E. Garrido: So, there is a timeline for us to apply that?

AAG Miller: Well, I think you know, you all know better than me. That, that the legislature will be focused on the budget for the foreseeable future and then we have the election in November. So, again, you know better than me how, how likely they are to take up

Commission D. Herrera: You said there's an auction in November?

AAG Miller: Election.

Commission D. Herrera: Oh. Oh. What's that?

AAG Miller: But yes, the, the sooner we can because the, the challenge for us will be that to, to get enough legal authority so that whatever the problem is we can fix it.

Commission D. Herrera: A question; we're going to for example, minimum one acre and constituents have two acres, we, we're going to be delegating the authority to modify the statute to change from one acre to two? That bill would do that?

AAG Miller: That the way it's currently written.

Commission D. Herrera: Okay.

AAG Miller: The way it's currently written it would simply say one acre is good enough. Keep your one acre.

Commission D. Herrera: Okay, and give up the second or something like that?

Acting AD J Cruz: It will, it will allow the, the board to, to I guess ratify whatever was done. But, then if the const... if the lessee is not in compliance there's a certain period, they have to come to be compliant.

Commission D. Herrera: So, to ratify whatever was done so what was done was that the constituent was only allowed one acre, but the constituent was given two acres just as an analogy. So, the board can be given that delegation of authority to say your sins are forgiven?

AAG Miller: See what the legislature wants to do.

Acting AD J Cruz: In the current form that's the way it was.

Commission D. Herrera: So, we need to amend that particular language?

AAG Miller: Well, we need your input to, to make sure we've, we've covered you know, all the issues that need to be covered so that we don't have to go back to the legislature.

Commission D. Herrera: What's our timeline before the public hearing?

Acting AD J Cruz: We don't know yet. That's why we provided you guys; as soon as we got it. If, like I said, if you guys have any comments or recommendations, forward it to me, I'll compile it and if it's not heard soon at least the next board meeting can be discussed.

Commission D. Herrera: so maybe we'll have a working session aside from this and that....

AAG Miller: That would be great.

Commission D. Herrera: Right?

Acting AD J Cruz: That's possible.

Commission D. Herrera: Yeah, right?

Acting AD J Cruz: So, the next item, so the next item is the shrine map, the popular shrine map. I signed the shrine map. I signed the shrine map; initially it was drawn out at 14 acres, but the law only allows for five (5) acres. Attorney Miller can discuss or explain about...

Commission E. Garrido: You're talking about the cemetery map.

Acting AD J Cruz: The one at Oka Point yes.

AAG Miller: The legislature made it clear that 5 acres means 5 acres.

Commission E. Garrido: Oh, it said two to five acres, right.

AAG Miller: Two to five acres. So, the Department of Parks and Rec who's in charge of, of eventually building the shrine and the Department of Land Management are continuing to, to talk to see how that the, the last map that everybody got to see needs to be modified and they'll be coming forward soon with a new map that will not exceed 5 acres being reserved for the shrine.

Commission D. Herrera: So, it's going to be 5 acres on the block map?

AAG Miller: Two to five acres. A minimum of two, a maximum of five.

Commission D. Herrera: Okay, got it.

Madam Chair A. Bordallo: That's the law.

Acting AD J Cruz: That, that concludes my Director's Report.

Old Business:

PBS GUAM/KGTF-TV 12

Madam Chair A. Bordallo: Okay, as we go down old business if we have discussed it. Skip it.

Acting AD J Cruz: No, we can maintain it. It's not, it shouldn't take that long the items. So, the first item is PBS Guam/KGTF-TV 12. Currently they have a, a valid license agreement for Lot 10-R3-Block 10-Tract 9 in the municipality of Barrigada. Ms. Ina Carillo, the General Manager of PBS sent in a request to extend their deferment payment so what's happening now is in lieu of any monetary payments, PBS provides the services of recording our meetings. So, recording our meetings, Ms., and they have been; their rent payments have been deferred for the incline services.

Commission D. Herrera: At the Barrigada property.

Acting AD J Cruz: Yes. So, Ms. Carillo is requesting an extension for an additional 10 years, although their license is going to expire 12/31/2028. If the board should, is inclined to extend the incline services we would recommend only until the expiration of their lease which is in December 31st, 2028.

Commission D. Herrera: Four more years.

Acting AD J Cruz: Yeah. Yeah, cause the 10 years will exceed ...

Cross talk.

Commission D. Herrera: Four more years. Four more years. I've heard that before.

Acting AD J Cruz: Four and a half.

Madam Chair A. Bordallo: What was, what was the billing per month?

Acting AD J Cruz: \$850.00 a month.

Madam Chair A. Bordallo: No that's the least; what's their billing?

Acting AD J Cruz: In return they, they provide \$850.00 worth of service.

Commission E. Garrido: Do we utilize that to this full amount or.....

Acting AD J Cruz: So far so good. They've been here been doing our meetings twice a month. They're here, so.

Commission E. Garrido: No, But I mean we have not exceeded that amount in kind services?

Acting AD J Cruz: We haven't received an invoice so we're fine.

Commission E. Garrido: Okay.

Madam Chair A. Bordallo: We never received prior to this?

Acting AD J Cruz: We never received an invoice for their additional services of our twice a month meetings and stuff like.

Commission D. Herrera: And that's the, the contract the contract up to 2028?

Acting AD J Cruz: December 31st, 2028

Commission E. Garrido: What is your recommendation on this?

Acting AD J Cruz: To extend just until December 31st, 2028. The ten (10) years will surpass.

Commission D. Herrera: Okay.

Madam Chair A. Bordallo: Are you in agreement Commissioners?

Commission D. Herrera: Oh. I'd like to make a motion to approve the extension; right for PBS? Guam KGTF...

Acting AD J Cruz: For in-kind services.

Commission D. Herrera: For in-kind services until December 31, 2028 on Lot number 10-R3, Block D, Tract 9 Barrigada, consisting an area of 5,307 square meters.

Madam Chair A. Bordallo: Yeah. Let me see this agreement. They initial each page, but the last page where they notarized, we don't know who the signatories were. After 10.

Acting AD J Cruz: No, I think there's a missing page.

Madam Chair A. Bordallo: Yeah. Over here after this, there should be a signature. These two notaries signed their names but who are the parties that signed it.

Acting AD J Cruz: They're going to get the; I think a page missing.

Madam Chair A. Bordallo: Yeah, there is.

AAG Miller: Madam Chair if you'd like to, we can move on to item 5-B without voting on that motion.

Acting AD J Cruz: You can come back.

Madam Chair A. Bordallo: Okay by me.

Acting AD J Cruz: So, we're going to table and come Back?

Madam Chair A. Bordallo: Yeah, we'll just wait for them.

Acting AD J Cruz: Okay.

Madam Chair A. Bordallo: When they come back with.

GLOBAL RECYCLING:

Acting AD J Cruz: Okay. So, the next item 5-B Global Recycling is, is just an update for the commission. On Monday, June 24th, we conducted a site inspection; from during our inspection, we identified concerning activities that may have been a potential environmental concern. One of them was, there is a tanker truck labeled diesel only that had dripping fluids from the pump and then you can see other pictures here that's displayed on the TV here the storage of 55-gallon drums. What appears to be like oil on the ground things like that. Can you go up more? (display on tv). I don't know if that's like a manmade pond or.

CLTC Staff G. Eay: It's like a, a pond manmade pond where the lower end of the property receives the, the runoff and off course in every rain it overflows because the, that capacity after 3 days of no rain.

Commission D. Herrera: Did you ask them why that's like a berm? Is it, is it a berm?

CLTC Staff G. Eay: Ponding. This is a ponding manmade ponding basin that [inaudible] all the run from the higher end to the lower end.

Acting AD J Cruz: So, so this is what we were talking about.

Commission D. Herrera: The fuel?

Acting AD J Cruz: The fuel that's dripping

Commission D. Herrera: Okay.

Acting AD J Cruz: We, we did send a letter to EPA. We did not receive EPA's yet; official report, but we were informed that, that leaking is non-potable water. Although when we did a second site inspection with Attorney Miller present. Glenn had stuck his hand in that pump.

Commission D. Herrera: It's not water?

CLTC Staff G. Eay: And hand, the pump nuzzles and it was, it was a smell of diesel.

Commission D. Herrera: Maybe diesel and they were pumping; was it pumping?

Acting AD J Cruz: It was just leaking. It was hanging down. So, we, we will send another letter to EPA to conduct the second site inspection. At this time, we will be present.

Commission E. Garrido: Ask them for the analysis of the first inspection.

Acting AD J Cruz: We, we, we'll request for that report. Attorney Miller and I have been in small discussions about how to move forward. We're going to compile that information and we'll present it to the board at the next board meeting on assessing background and all that other great stuff and environmental studies and things like that.

Commission D. Herrera: And the lease, what's the status? Was there, they're occupying it based on a permit to enter?

Acting AD J Cruz: I believe authorization to occupy, there, there really is no commercial license or anything like that in place.

Commission D. Herrera: And did the attorney review that? Did you review just to see? I mean.

AAG Miller: Yeah. Again, you know this is, this is a perfect illustration of how you know, it's straight forward for the commission to address lease related issues. You know, how much space do you occupy and what do you owe us for occupying that space. You know the environmental issues; we've got largely rely on Guam EPA in order to address concerns.

Commission D. Herrera: So, what's our alternative because right now they've been there for almost 10 years? I remember they occupied the property based on a parallel movement in with Koko, and then remember Koko Recycling. We owe again a liability of about 7 mil. in the beginning and it's down now to about five, about 5 million, and I remember that back then they were going to, or I guess we were going to **[inaudible]** the, the lease and I guess Koko was going to come in and do a credit debit on their lease to occupy the 12 acres and so to I guess determine the price of the 12 acres. But first we have to go back and say what was owed from Global first.

Acting AD J Cruz: Yes. So, what, what we have in file or what they've submitted is two appraisal reports. I think from a couple of years ago if not more a little more. Like I mentioned earlier, we're going to go back and try to compute and find any reasonable amount that it's acceptable to them too and then moving forward discuss more with Attorney Miller on how to move forward and then we'll present all the, our suggestions and comments to the board and for you guys to decide.

Commission D. Herrera: So, roughly they, they've been there for 12 or do you know?

CLTC Staff G. Eay: Approximately 12.

Commission D. Herrera: And that's a 12- acre lot?

Acting AD J Cruz: Twelve to 15, something like that.

Commission D. Herrera: Okay, so let's say 12, right; and the neighbor golf course is 200 acres, and the 200 acres is, is paying about 25k.

Acting AD J Cruz: A month.

Commission D. Herrera: So, we divide the 25k maybe then you can get that on your 25. 200 acres divided by 25k, I mean you know it's, it's a neighboring; what's the number about for 12 acres? 200 acres divided by \$25,000.00 per month.

CLTC Staff G. Eay: Well, when you use, you use for [inaudible]

Commission D. Herrera: But, just, just, we're trying to kind of get it a nutshell.

CLTC Staff G. Eay: [inaudible]

Acting AD J Cruz: It's kind of low... \$25,000.00

Commission D. Herrera: I mean I know the golf course, it's a municipal so they're....

Acting AD J Cruz: About \$1,800.00.

Commission D. Herrera: A month or an acre?

Acting AD J Cruz: An acre.

Commission D. Herrera: Correct, times 10?

Acting AD J Cruz: \$1,875.00 for the 15 acres, we use 15.

Commission D. Herrera: Okay, and per month how much?

Acting AD J Cruz: Per month.

Commission D. Herrera: How much again?

Acting AD J Cruz: 1875.

Commission D. Herrera: 18,000.00?

Acting AD J Cruz: Eighteen Hundred.

Commission D. Herrera: Eighteen Hundred times 12 years so we can credit debit the Koko balance of 5 mil. Koko is not renting the Barrigada Heights no more, right?

Acting AD Cruz: Correct, I believe it's expired.

Commission D. Herrera: Yeah, so you see what I'm saying they're trying to merge and is going to take over.

Acting AD J Cruz: Correct

Commission D. Herrera: And continue the operation and start deducting the balance of 5.8. But, the occupancy from when Global came in to support Koko from that time on compute.

Acting AD J Cruz: Okay.

Commission D. Herrera: The clock starts there, because they were there for no at free rent, but they were there because of Koko, right?

Acting AD J Cruz: they came in through a [inaudible] agreement with Koko.

Commission D. Herrera: Right. Yeah, just in a nutshell and maybe Attorney can look at that. Okay, I don't know Madam Chair.

Acting AD J Cruz: We'll gather all the information; try to come up with the most.

Commission D. Herrera: Remember we discussed the statute of limitation for the 5.8 mil liability.

Acting AD J Cruz: During Attorney Gumataotao's time.

Commission D. Herrera: Correct. Yeah, and he kind of describe or explain the difference between a verbal and a written and I don't think we have any written with Koko on the.....

Acting AD J Cruz: Just authorization to occupy that's all.

Commission D. Herrera: And then that, that water goes down to the golf course Glenn?

Acting AD J Cruz: No that's more towards GPA site that's at the bottom.

Commission D. Herrera: Okay, so which one spills down into the golf course the, from the, where the containers remember they were the.

CLTC Staff G. Eay: [inaudible] is the old transport station.

Commission D. Herrera: Okay, oh the EPA, where EPA now occupies.

CLTC Staff G. Eay: Exactly.

Commission D. Herrera: So, it leaks into there?

CLTC Staff G. Eay: It, it stops there with the [inaudible] you know catches the, but in case of overflow it will traverse to the lot.

Commission D. Herrera: To the golf course.

CLTC Staff G. Eay: To the transport station.

Acting AD J Cruz: The old transport station building.

Commission D. Herrera: So, I recall that when we did the inspection with Commissioner Commission E. Garrido we drove in to the backside where they were cutting apart the Matson containers.

Acting AD J Cruz: So that wasn't there yet.

CLTC Staff G. Eay: We weren't able to see it because you go back.

Acting AD J Cruz: No, when we initially went to visit that [inaudible], was not there.

Commission D. Herrera: So, the neighbor golf course right, I think that's hole number 17 or 18. Anyway what's with the, the resolution already submitted?

Acting AD J Cruz: I believe so.

Commission D. Herrera: I'm just checking because.

Acting AD J Cruz: Senator San Agustin [inaudible]

Commission D. Herrera: And then next door is their maintenance building.

Acting AD J Cruz: Correct.

Commission D. Herrera: Right. The golf courses maintenance so that spills into that?

Acting AD J Cruz: No, no. This is on the side closer to the Dededo transport station. The new where the new EPA building is going to be built.

Commission D. Herrera: Okay. Got it; to route One.

Acting AD J Cruz: Correct.

Commission E. Garrido: Wasn't that initially part of their footprint? Koko, I mean Global?

Acting AD J Cruz: Which one?

Commission E. Garrido: Where the EPA.

Acting AD J Cruz: No, there was I think either a chain link fence or a, a fence built from tires that have been buried or compact.

Commission E. Garrido: No, but didn't, didn't Global at one point in time in the beginning occupy that entire thing all the way out to Route 1?

Acting AD J Cruz: I don't think so.

Cross Talk

Acting AD J Cruz: If anybody did, company did occupied part of the DPW transport station it was Koko because they came in, in the beginning to clean up all the waste and stuff like that.

Commission D. Herrera: Okay.

Acting AD J Cruz: So, so that's the update for Global; by next meeting we should have some numbers put together and line of attack.

Commission E. Garrido: Try and follow up though in the findings of the, of the site inspection from EPA.

Acting AD J Cruz: Okay.

CONTINUATION BACK TO ITEM 5 – PBS Guam/KGTF-TV:

Acting AD J Cruz: Okay, Madam Chair if you can consider going back to item 5-A, I believe they provided you with the last page of the license agreement.

Madam Chair A. Bordallo: Yes.

AAG Miller: So, we have, we have a motion we'll need a second and then we can vote.

Commission D. Herrera: I made a motion.

AAG Miller: You made the motion; we'll need a second to your motion.

Commission E. Garrido: Second motion.

Madam Chair A. Bordallo: All in favor say aye.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Acting AD J Cruz: Thank you.

Commission E. Garrido: That's right we went on break.

TATA COMMUNICATIONS:

Acting AD J Cruz: So, the next item, item C is Tata Communications. Initially, the initial submerge, present is Attorney Martinez and Mr. Benson from Tata Communications. The initial license that was approved by the board signed by the Legal Counsel of Tata Communications stateside was not approved by the Attorney General, so that's what forced us to have to go back and make edits and changes to the Submerged Lands License Agreement. So, before you is the Submerged Lands License Agreement that has been approved by our attorney, Attorney Miller; has been reviewed by Attorney Martinez and now we just need the board's approval.

Commission D. Herrera: For?

Acting AD J Cruz: Their commercial submerged lands license agreement for Hagat.

Commission E. Garrido: So, this is an open document right now.

Acting AD J Cruz: Still in [inaudible].

Commission E. Garrido: Changes can be made?

Acting AD J Cruz: Yes, but this document is in line with the, with Public Law 36-108.

Commission E. Garrido: Which is?

Acting AD J Cruz: The Guam Undersea Access for homes Act which is specifically for submerged cables, submerged lands.

Commission E. Garrido: I do have a question. On five of page 15.

Attorney Martinez: I don't have the agreement in front of me but I'm assuming the questions posed to your lawyer as posed to me.

AAG Miller: Okay, page five.

Commission E. Garrido: It says there under compensation landing fee of \$100,000.00 shall be paid within 30 days of approval. What is the definition of a landing fee or landing?

AAG Miller: Our definition is that you know the, the cable is physically present on the island.

Commission E. Garrido: Okay.

Attorney Martinez: Our definition is slightly different because the cables can be landed and not functioning at all and it takes about a year and a half for the cables to be tested across the world so our definition has been that's it's landed and active. So, we have two active landed cables at, at the Hagat facility and we've got two landed that are going through that year and half process of testing. So, the so the client the owner of the cables hasn't started paying anyone anything because it hasn't been vetted and approved yet, and if it doesn't work, they'll yank the cable and then we are where we are.

Commission E. Garrido: But, during that process do you have control over the property? Correct?

Attorney Martinez: So, I think the misconception here is how this works. Tata owns a landing facility that they built in 2001; it was process with the budget. That landing facility has certain raceways that people can land cables to these are by and large other people's cables. Those cables get landed and it takes about a year and a half to make sure that they work.

Commission E. Garrido: So, in other words the cable will come in and before you pay a dime it'll be a year and a half later.

Attorney Martinez: Before we get paid a dime it's a year and a half.

Commission E. Garrido: No, but before you get paid a dime but I'm talking about CLTC because that's CLTC property that you're the, the under [inaudible]

Attorney Martinez: So, this is I, I believe that, that it's understand.

Commission E. Garrido: It's like if I lease you my house and I have a missing door knob and it takes me a year and a half or takes me a year and a half you're not going to pay rent even though you're occupying the property.

Attorney Martinez: Well, slightly different than that but I understand exactly what you're saying sir. I understand. So, this is, this is just you know where we are. This is based on where ever the law is. I guess we have to have that conversation with the legislation.

Acting AD J Cruz: In the law it required that the \$100,000.00 be paid within 30 days of the approval of the Bureau of Statistics and Guam Coast, Guam Coastal Management Program when the construction installation or repair upgrade of the conduit infrastructure or cables is required. So, like for Tata Communication for example now if they had landed a cable and it required a bsp permit? Or approval then they would pay \$100,000.00 landing fee, but since they have existing also have existing cables, that fee doesn't apply to the existing. There's a \$100,000.00 annual fee for the existing. So, the existing doesn't require construction which is all which also covers landing.

Commission E. Garrido: I'm just, I'm just bringing attention to this because to me in my opinion it's slide and it's slide towards you guys. But, yet you're, you're in control of the property.

Attorney Martinez: We understand your concern sir. I, the legislature we, you know this process was vetted [inaudible] in the legislature and this all took the, the bill that was ultimately passed was different than what we all testified to but it is all that we have.

Acting AD J Cruz: So, I'm assuming once that cable runs through the conduit that's already it considered installation so that a fee will be accessed for that.

Attorney Martinez: I mean if we receive an invoice then we'll have a conversation if there's a, if there's a contest to the invoice and the timing of it, of course we haven't crossed that bridge yet, but so this is where the legislature sort was going in a direction but they didn't sort of tie it, tie up the loose end. We can have that conversation. Tata, that those lines are important to the, to the

military and to the island it brings man wood to the island. Nobody wants this to not work and so we're willing to have whatever conversation the law requires.

AAG Miller: I, I mean the, the dilemma here and, and the dilemma for both of us is frankly this lease is almost word for word cut and paste from the statute and so we, there, that we haven't had an opportunity on either side to try and change any of the words because we're all just taking the words that the legislature gave us and saying okay, we'll, we'll write, we will write the lease that, that the legislature directed us to write and now we'll start interpreting it.

Commission E. Garrido: So, what that's, what we're doing now, we're trying interpret it right?

AAG Miller: Yes.

Commission E. Garrido: But my position is still out there.

AAG Miller: Yeah. we, we as, as has been suggested.

Commission E. Garrido: That's what we're here for right? This just try and come into a mutual agreement, correct.

Attorney Martinez: Well, with all, so there's no confusion I have no authority to say to, to negotiate anything with the commission. I'm here to answer questions however, yeah, and so when we are issued when Tata has issued an invoice right, when that happens when this is approved presumably invoices will come for different purposes, then we have an internal conversation and that will go wherever it goes.

Commission E. Garrido: Isn't that sort of like putting the wagon in front of the donkey?

Attorney Martinez: Well, so this facility was built in 2001; I think the wagon is in front of the donkey.

Commission E. Garrido: Well, doesn't mean we have to maintain it then.

Cross talk

Commission E. Garrido: I, I know the importance of the communication cables coming, but also, I'm seeing a defect and the way this is stated it's, it's a little bit skewed towards your advantage.

Attorney Martinez: So, I, I personally don't believe that's true but we did track what the law says nearly verbatim. I mean we use exact words from the statute and so that interpretation either happens internally when the, when the time is right or happens in a court which we really hope will never happen. Regrettably well not regrettably; the system is set up so that the policy makers make the decision and they have. This is what we've got. Yes sir.

Commission E. Garrido: Do we have the cover from the legislature on this?

Acting AD Acting AD J Cruz: Which one?

Commission E. Garrido: Like the Bill?

Acting AD J Cruz: The law, we can provide a copy.

Attorney Martinez: Yes sir.

Commission D. Herrera: To me? Okay, good afternoon. So, the facility was built in 2001?

Attorney Martinez: It was built in 2001.

Commission D. Herrera: And then, the cable came in the in 2001 also?

Attorney Martinez: No.

Commission D. Herrera: 2020?

Attorney Martinez: The cable, the, the cable facilities were built in 2001.

Commission D. Herrera: Okay.

Attorney Martinez: But it was abandoned by the previous owner.

Commission D. Herrera: Did you stop that?

Attorney Martinez: No, the previous owner was Taiko

Commission D. Herrera: Okay

Attorney Martinez: Which was owned by Taicom Networks

Attorney Martinez: Okay.

Attorney Martinez: And in 2007, I believe it was; Taicom systems, the network which included Guam was acquired by VSNL America. VSNL America ultimately became Tata Communications and how we came to own the asset. When I say we, and it's not me and my law office obviously. I wish. It's Tata Communication.

Commission D. Herrera: So, your part of the

Attorney Martinez: No, I'm not. I'm a lawyer, I'm a, I'm a Lawyer; Blair Martinez.

Commission D. Herrera: Oh, okay. So, so can, can, what is the acronym for T?

Attorney Blas: Tata? It's a family name; it's an Indian company and it's actually the family name.

Commission D. Herrera: Okay, so that's the family name from India.

Attorney Blas: Yes.

Commission D. Herrera: Okay.

Attorney Martinez: So, it wasn't until 2007 that the acquiring Tata decided well, we have the facility; why aren't we landing? So, it was in 2007 and 2008; 2007-2008?

Attorney Blas: From VSNL to Tata?

Attorney Martinez: No, the, the two landing.

Attorney Blas: Oh yeah, 2007-2008.

Attorney Martinez: 2007-2008, that was all the permitting for the landing.

Commission D. Herrera: I see.

Attorney Martinez: So, there was a, a long duration of non-use and at that time the Attorney Generals and the Department of Land Management were amongst the various people that were involved in the conversation said you must go talk to CLTC. So, Tata entered into a 21-year license.

Commission D. Herrera: Okay.

Attorney Martinez: And they did it retroactively to the date the facility was built.

Commission D. Herrera: 2001.

Attorney Martinez: to 2001.

Commission D. Herrera: Who gives the permit? Army Corps?

Attorney Martinez: It's all; there are many, many permits involved so if I.

Commission D. Herrera: I mean you know to pass through the submerge land.

Attorney Martinez: Well, so I don't, we don't do the permitting for that. The owners of the cables actually hire a company and they do all the permitting with the GovGuam Agencies.

Commission D. Herrera: Okay.

Attorney Martinez: But, to build the system it was GEPA, Guam Coastal Management, U.S. Army Corps of Engineers, Guam Seashore Protection Commission. Well, there were **[inaudible]** and there were public hearings.

Commission D. Herrera: Alright, I was listening to the hearing when you guys, what I kind of understood about it is was the Army Corp that has the ultimate to provide the green light to pass through the submerged land.

Attorney Martinez: So, they're one of the big ones. They're not the only one but they're one of the big ones. Certainly, I would not discount the fact that GovGuam is involved every step of the way because they really are important to the process.

Commission D. Herrera: Alright, thank you. So, then.

Commission E. Garrido: No, but Army Corp supersedes GovGuam.

Attorney Martinez: But we do all right, so these licenses if you see the list of licenses that we have to go through and the public hearings are almost all GovGuam on public hearings.

Commission D. Herrera: Understand. So, there's one cable now that came to the **[inaudible]**

Attorney Martinez: There are two that are, that are operational and there are two that are not yet operational.

Commission D. Herrera: And each cable has how many sub cables inside?

Mr. Benson: Just one cable.

Commission D. Herrera: Just one cable, no other multiple cables?

Mr. Benson: It's not like terrestrial fibers; there's I think there's you know a number of fiber pairs, but undersea cables are different than terrestrial fiber optic.

Commission D. Herrera: So, it's not a terrestrial fiber optic?

Mr. Benson: No, it's...

Commission D. Herrera: It's not paired out?

Mr. Benson: Well, they are paired but it's usually typically much fewer pairs.

Commission D. Herrera: So, each pair is paid by, you guys are paying Land Trust for one pair or one cable?

Mr. Benson: Well, it's single cable which includes the multiple pairs.

Commission D. Herrera: And how many multiple pairs are in the cable?

Mr. Benson: I don't remember off hand; it varies per system.

Commission D. Herrera: Okay.

Mr. Benson: Some are like eight pairs; some are four pairs.

Commission D. Herrera: So, can Google piggyback on that cable and can the other companies from China piggyback on that cable or Department of Defense piggyback in that one cable?

Mr. Benson: They, they use the, the data capacity that the cable provides.

Commission D. Herrera: And, and when they use the data capacity do, they just pair, I mean do they pay for that data capacity or do they piggyback on that one cable?

Mr. Benson: It's all the one cable.

Attorney Martinez: Yeah, still one cable, so even if they're pairings there not going on one cable.

Commission D. Herrera: Understand.

Attorney Martinez: It's the whole system because the way it breaks up the data and moves it.

Commission D. Herrera: Yes, yes. So, there's more than one rider in that one cable? Could you say it's multiple pairs?

Mr. Benson: Yes.

Commission D. Herrera: So, each pair could be, again we say could be Google could be...

Mr. Benson: Well, that may may determine the owners but that wouldn't determine who what capacity is on.

Commission D. Herrera: So, last several months I saw the cable layer outside of the light. But, yeah so was that to lay a cable in or lay a cable out and interconnect it to Piti? Is that a new one?

Mr. Benson: That, yes, that's apricot.

Commission D. Herrera: Apricot.

Mr. Benson: Yeah.

Commission D. Herrera: So, when apricot came in and out of the submerged land that's apricot or the CHamoru Land Trust land fee for one hour in or are we being taken for another ride?

Attorney Martinez: Yeah, no, so when that becomes our position, this was this comes back to Commissioner Commission E. Garrido's point. Our position is that when so that's gets connected; is that one connected yet?

Mr. Benson: No.

Attorney Martinez: So that was not yet or tested.

Cross Talk

Commission D. Herrera: No, no data coming through.

Attorney Martinez: That's right, so it's not functioning yet. They just sort of laid the [inaudible]

Cross Talk

Mr. Benson: I'm not sure exactly. Yeah, we yeah, know it's amazing it really a huge capacity now.

Commission E. Garrido: What's the relationship the T1 and your cables?

Mr. Benson: Oh, it's, I couldn't even, it's like T1 is like an ancient history or something.

Commission E. Garrido: Yeah, but I mean the capacity of the T1 compared to the capacity of your new cables.

Mr. Benson: I, I can't do that math in my head, but I can answer that at a later time.

Commission E. Garrido: Fairly, fairly large correct.

Attorney Martinez: Yes, yeah and I think you're comparing sort of the freeway versus the fast car so there.....

Commission E. Garrido: I'm comparing a freeway with a super-duper freeway because cable technology has only gone this way since its inception. So, you know going to what he's say, he's trying to equate and redefine cable so if you, if you subdivide a portion of your main cable cause you say; they're, they come in pairs right, they're pairs?

Attorney Martinez: Yeah, so I think there's, I think I see where the conversation is going. When the cable comes it's bound; it's already bound. It, they lay; that owner owns that whoever he sells capacity to is whoever he sells capacity to. But that label is it's not like another one gets snuck in there. Landing is whatever land there.

Commission E. Garrido: I'm just saying, what are the total number of pairs for per what per assembly?

Attorney Martinez: Yeah, so as Mr. Benson has that, that varies depending on the cable. But the law doesn't care about that, it says "a landing" and, and so it's not like a new cable is being added

into the existing cable so they're tricking the system. There's a landing that ship isn't coming back to add an extra cable. There's one cable coming through with however many pairs that there are.

Commission D. Herrera: So, that ship that was there last couple of months you said it was laying in or laying out?

Mr. Benson: It was land, well basically what it is, is it, it landed on Guam. Guam was the original landing point and then it's, it's laying the cable to the Philippines. That's the first segment and then it goes later it'll connect into Asia.

Commission D. Herrera: So, that cable didn't go into the Piti station?

Mr. Benson: No, there's just a single landing for the system.

Commission D. Herrera: So, when it landed in the [inaudible], so that cable goes underground through the rights of way over to Cour or to the Exchange?

Cross Talk

Attorney Martinez: It's that infrastructure.

Commission D. Herrera: Yeah, over to the rights of way into the you know what the public.

Attorney Martinez: Public easement.

Commission D. Herrera: Right, right all the way and it ends off in the that Exchange.

Mr. Benson: The Tata facility cable landing station.

Commission D. Herrera: Next to the power plant that's.

Mr. Benson: Yeah, it's in the Goro area.

Commission D. Herrera: Yeah, that's why we needed the map in that area. So, what's the power bill in that facility.

Mr. Benson: I'm glad I don't have to pay it, but it's a it's a good thing.

Commission D. Herrera: Good yeah, because we know that it's a, it's a highly consumable in power to run the terabytes, right. So, yeah.

Mr. Benson: Well, it's very surprising; the technology has changed so much so dramatically.

Commission D. Herrera: Okay. Yeah, alright. Okay attorney.

AAG Miller: Again, Madam Chairman, members this lease is a cut and paste from the statute. You know what, how we view when the landing fee is due you know how Tata views when the landing is due, the, the what staff is looking for, what Tata is looking for is for the commission to decide that these words on paper are the words on paper that you all will agree to if, if we have a positive vote today. Tata will go about the business of collecting the appropriate signatures from their side on the lease and then we'll bring it back here for signatures on our side of the table and in the meantime, we'll see how quickly they can make their table hot and maybe we won't have to have any conversations about dates for when landing fees are due.

Commission E. Garrido: I'm just also questioning on 4 of 15 item G. I'm still kind of like stuck into why does CLTC have to wait your cable is fully functional before we get any payment.

AAG Miller: Because these are the words of the legislature told us to use.

Commission E. Garrido: Well, we cannot, we cannot question it? Because we're supposed to approve it before this goes any further, right. So, this is our, this is our time to be heard.

Attorney Martinez: Just as a, a taxpayer, a person who lives here; the legislature the laws sort of trump everything that we do, so the license cannot violate what the law....

Commission E. Garrido: Is, is this already a law?

Attorney Martinez: The law already exists.

Commission E. Garrido: So, this is already a law.

Attorney Martinez: The agreement mirrors the law.

Acting AD J Cruz: The authority that gave CLTC that was given to [inaudible]. Dexter provided you with a copy.

Commission E. Garrido: So, if this is already a law...

Attorney Martinez: No, no. No, this is a license.

Commission D. Herrera: Yeah.

Attorney Martinez: It cannot violate the law. It can't, you can't be more or less than the, it's got to be the, unfortunate, I understand the predicament because you're having to follow the legislature's rules instead of creating them yourself, but that's what the policy makers did and what the governor approved; and sort of the paradigm that we're working with them.

Commission D. Herrera: Okay, it's license and Attorney Miller I think they were explaining to us if there was any violation or non-compliance with the license. Have you reviewed that?

AAG Miller: Yes, I mean we would write them a letter and tell them we think they're in non-compliance and they would have us. They would write us back and tell us whether they agree or disagree and what we're going to do about it.

Commission D. Herrera: And in the meantime, the terabytes are going in flowing in.

AAG Miller: Absolutely, yup.

Commission D. Herrera: I hope it's not another Raceway. No, no seriously because you know I'm learning about all these multiple approaches and multiple integrated kind of configuration that sometimes were stuck in the law while in the meantime we're losing cash flow and the commercial is moving forward like example which mention one company that's been there for a decade and it was zero rent because of some legal jargon on the language.

Attorney Martinez: So, well if I can, if I can answer to that, we, CLTC was getting paid a license fee until the license expired in 2022, and this becomes effective October 2022, so we'll get an invoice for the period of time that we haven't been able to pay because the license wasn't executed; wasn't approved by the Attorney General's Office. Now, we'll get an invoice and you all will get that money. It's, it's not in the wind, so we'll get an invoice for the, the active certainly you'll get, you're

going to get a, a payment and that's \$100,000.00 a year for [inaudible] We, we have two active cables.

Commission D. Herrera: I'm still trying to redefine the sub [inaudible] We will discuss that.

Attorney Martinez: Okay.

Commission E. Garrido: When cable is decommissioned, when you guys decommission a cable does that mean that you're going to remove the cable also or you just going to abandon the cable?

Mr. Benson: So, yeah, we haven't had any and I believe the law is written such that if the removing the cable causes more disturbance than leaving it in place that it's okay. There's I think it was optional in the law. It's about, it's like a garden hose.

Commission E. Garrido: But, still if it's the commission that [inaudible], is not in use anymore because it's defective.

Mr. Benson: No, typically it's very rare that a cable system is decommissioned. Typically, what happens is the technology is advanced so much that it's just not really commercially viable.

Commission E. Garrido: You, you using that, using that logic, since it's already an antiquated because newer systems come up and when you guys replace it with a new one....

Attorney Martinez: You get a new landing fee, license fee and then you get the new annual fees. So, that's the law content.

Commission E. Garrido: And, and if you close shop who's going to be responsible for removing the....

Commission D. Herrera: No, it's only like a garden hose, right. I mean.

Mr. Benson: Yeah. It's, it's the same is what's in the law; the Guahan law. It, it stipulates my recollection is that if it causes more disturbance to remove it, it's optional to enforce us to remove it or not.

Commission D. Herrera: Under the water?

Mr. Benson: Yes, yeah. I don't foresee that happening for a very long time.

AAG Miller: And there are, there's Federal Regulation, federal law that covers this whole topic as well.

Madam Chair A. Bordallo: Well, well I have to say I own property right next to [inaudible]

Commission D. Herrera: Oh, yeah. Right where the Spanish Bridge is.

Cross talk

Madam Chair A. Bordallo: So, when you guys land or whoever landed the cables it disturbed the area when, when the waves come in it goes a different direction and it comes to my land and it takes land out.

Mr. Benson: Oh no, oh no. We'll never getting a lease now.

Commission D. Herrera: So, you guys are attorneys?

Attorney Martinez: Sorry, Mr. Benson works for Tata.

Mr. Benson: I'm the local manager for Tata. I'm a Tata employee.

Commission D. Herrera: I see, yeah. The reason why we're talking about that cable or was that the water...

Madam Chair A. Bordallo: He's from Hagat.

Commission D. Herrera: [inaudible]

Commission D. Herrera: But, anyway on the environmental to, with the hoses right because way back when we were working with Asbestos, soling, lead paint, the government was saying it's okay, it's safe.

Mr. Benson: No, I understand your concerns.

Commission D. Herrera: The water holes that you're talking about there may be swallowed by some of the fish that we catch. So, I mean you know, I don't know.

Mr. Benson: No, it's not, it doesn't dissolve its very robust. It's designed to you know the, the systems are warranted by the supplier for 25 years. They guarantee that it'll maintain the system performance for 25 years.

Commission D. Herrera: And, and then you know the current that goes there you know the electric currents you know that bounces to do the fiber optic reaction.

Mr. Benson: Well, that's, that's mostly optical, but there is electrical current to feed the undersea amplifiers.

Commission D. Herrera: So, the electromagnetic in that cable as it runs and then our fish goes through it.

Mr. Benson: Yeah.

Commission D. Herrera: The seaweed that we eat and you know what I mean, then.

Mr. Benson: Well, I, yes, it's, it's shielded. It has shield. This is a fairly old technology by now so they have a lot of knowledge of the environmental impact and it's really minimal.

Commission D. Herrera: That's what they told us when they ran the pipeline from the port up to Anderson. It was safe and then it was leaking on the ground. I mean, this is true.

Mr. Benson: I understand your concern, I do.

Commission E. Garrido: Also, one of my concerns on page 8 of 15; the first paragraph, it says that you can consent to lease transfer and stuff like that without our approval. The very top. It says licensee may without licensers consent lease or transfer and a lot of good stuff like that.

Attorney Martinez: We take the words the, the conduit and the duct space to third parties.

AAG Miller: We take the words the legislature [inaudible]

Attorney Martinez: Yeah, and that's, that raceway that comes in, we don't, we don't have conversations with getting permission for the, for the attachment of the new cable. That's specifically the transfer of conduit and duct space. So, when Google says we need to find a landing facility and they talk to us and GTA and other people you're not involved in those conversations. They find a place that they are comfortable; they, they land it and then that process in without the CLTC approval. That's, this is this comes from the [inaudible]. That's not to say that's not saying that the license itself is assignable. That's saying that the conduit that, that pull in these lines are not part of the conversation.

Commission E. Garrido: Okay. How many landing pipes are in use right now?

Attorney Martinez: Two are landed and functioning; two are landed one is not connected one is being tested.

Commission E. Garrido: Repeat that please.

Attorney Martinez: Two, two are landed in functions; they work the data is coming through going to the Army. Two of them, one is landed and being tested; it's in that testing process.

Commission E. Garrido: So, you, you have three?

Attorney Martinez: Yes. Two got active and one landed not active and a fourth one that's landed not connected to us yet. That's going to be connected and then it'll go through.

Commission E. Garrido: The four others?

Attorney Martinez: That's right.

Commission E. Garrido: Commissioner Commission D. Herrera do you have anything to say?

Commission D. Herrera: No, this is a legislative language; it's

Madam Chair A. Bordallo: What can we do.

Commission D. Herrera: Delete or and I guess the approval here is just for us to provide an approval for the license, not lease. It's a license.

Attorney Martinez: It's a licensing.

Commission D. Herrera: Sir, right. It's a license.

Madam Chair A. Bordallo: GTA has the same thing, right?

Acting AD J Cruz: Yeah, but any, any submerged license since the [inaudible] of Guam will be the same, this will be the template. Just know that when, if you guys do decide to approve this in its form and all the signatures are done and we get back a signed copy, definitely I'm going to send two invoices for the landed cables that had to be installed into the conduit and the two invoices for the existing cable so that's \$400,000.00.

Mr. Benson: Retroactive also.

Acting AD J Cruz: Or, or more because two years.

Commission E. Garrido: They won't pay, they won't pay until the other cables are operation able.

Acting AD J Cruz: That's an operational fee. That's a different \$100,000.00. So, the landing fee is \$100,000.00; through my understanding and Attorney Miller will have to discuss that with Attorney Martinez is that when it says here "when the construction installation or repair upgrade of the conduit infrastructure or cables is required". So, since they had to put the cable through the conduit.

Commission E. Garrido: They don't, they won't start paying into its operational.

Acting AD J Cruz: That's a different thing.

Attorney Martinez: Commissioner if I, if I can, so, I'm not the guy who writes the checks; I'm just the lawyer. I may they may tell me that I'm fired after this conversation. As soon as we get the invoice, that will be sent to Tata in Virginia and they'll deal the payment, and so if we get a push back then the conversation will be had through the CLTC's Director and, and Mr. Miller. These are people who do business in every jurisdiction across Asia and...

Mr. Benson: But, this pretty straight forward.

Commission E. Garrido: Can I talk to the lawyer for a minute?

Attorney Martinez: You can talk to the lawyer sir.

Commission E. Garrido: You have two cables already that are operational and two that are not operational, they bill you for the 4 cables, okay.

Attorney Martinez: Can, can you bill me for the 4 cables? I, I honestly that's not part of my job so I couldn't tell you the answer.

Commission E. Garrido: Bill, bill the under the cable company for the for....

Attorney Martinez: So, but you're asking me can you do that; I mean I'm assuming we're going to get the invoices that and by we, that's not me that's Tata Communications

Commission E. Garrido: and that's why I said can you, that's why I was referring to I'm not saying that you are Tata, I'm just saying that I'm, I'm trying to get a perspective from your side.

Attorney Martinez: I honestly don't know internally how they deal with the payment of anything.

Commission E. Garrido: Let me finish; I sign this, everybody here signs it alright, we send you the first billing and you, you deny half of it because the two are not operational. What recourse would we have at that point? Like I said, I want to talk to the lawyer.

Attorney Martinez: The law, the law actually provides for that, the law provides for, for the remedies what when there's non-payment what happens when there's, well no so, well that could be it, but the law provides for it and it's built into this as well. So, if there's a, a defect of any kind whether it's a covenant that's been breached or money hasn't been paid then there's a process of notice and then dealing with cure and, and then we'll go through that, but it's, it's, we this a slight variation over what you previously approved to tweak very specific language. But, it tracks the law as, as the 2022 one did; this it just does it in a slightly different way, but it's exactly. I mean it's verbatim if you went through the law and you took this section it would be exactly the same word in the law. And, it does create because you're the landlord in this case it's or you're the, the licensor so it does create a remedy for you if you know the, the licensee doesn't do anything it's supposed to do.

Commission E. Garrido: I don't, I don't know just at this point in time I don't feel signing off on this. I think I need to more time to think about it, digest it because we just got this now.

Attorney Martinez: Yeah, I'm just here to pitch it so whatever internally you all feel comfortable with.

Commission E. Garrido: I'm just speaking for myself but I can't speak for the other two. Commission Mr. Commission D. Herrera?

Commission D. Herrera: I'm not a lawyer so but you know just listening to the public hearing about the players that were there and then Mr. Cruz here kind of went through. He just did preliminary research on some of the cables that were there. I think you found another stan hole, manhole or ...

Acting AD J Cruz: That's in Piti.

Commission D. Herrera: In Piti, but that's not involving Tata?

Acting AD J Cruz: We haven't finalized our data yet.

Commission D. Herrera: Honestly, I want to read through this but no, is time factor here? We don't.....

Mr. Benson: Well to sign it to get the money.

Attorney Martinez: Your folks internally can't invoice us for money until we have the license so that's really, there's otherwise it's not there; no time issue it's just that we don't have a license. We're, we're essentially on a holdover agreement that was provided to Tata in 2022.

Commission D. Herrera: License for the, for that's already operating.

Attorney Martinez: This is for the facility, this is for the facility so, 4 or 6 or 2 or whatever the number is, it's for the facility in, I'm sorry in Hagat.

Commission D. Herrera: I'd like to refer to our attorney.

AAG Miller: Again, the words of this lease are the, are in the license are the, are the words of the statute but nonetheless it, it you know, it is the commission's responsibility to approve all the agreements that, that get entered into it. Today, you can move to approve, you can move to table for further consideration the next meeting. Entirely up to you all.

Commission D. Herrera: And it's according to the statute as written here by and these are the 6 legislates that, that introduced the bill and then I guess **[inaudible]**

Acting AD J Cruz: It's in accordance to Law 36-108.

AAG Miller: I mean if the Commissioner Commission E. Garrido wants to move to table for till the next meeting.

Madam Chair A. Bordallo: Then we don't have all **[inaudible]**

AAG Miller: So, you, you can study the statutes further.

Commission D. Herrera: Yeah, well looking at the you know the authors of the bill do I have confidence their caliber in in assessing or analyzing of the requirements. The ones I see here, I

kind of you know there's 15 of them so the authors I kind of have some confidence in their reliability and trustworthy. Now, with, with the technical expertise maybe none of them are technicians or like that but I will move to make a motion to approve the license but that's just me; it's only one and one that's not in approval, so, I make a motion to approve the license based on the language that's coming from the legislature, and the, because of the authors that I've seen here. So, that's my motion one to approve the license.

AAG Miller: Madam chair we need a second, if we don't have a second perhaps there'll be a substitute motion to the table.

Madam Chair A. Bordallo: There's no second?

Commission E. Garrido: No second.

Commission D. Herrera: She can vote?

AAG Miller: If she wants to second.

Madam Chair A. Bordallo: We'll table it to the next week.

AAG Miller: Then we, we'll need a motion to table.

Commission E. Garrido: I move that we, we table this license until our next board meeting so that we can have more time to, to look at it and try and adjust it more. This is not a yes or no, I just want to scan through it more carefully and next time I can have better questions for you.

Attorney Martinez: I'll try to have better answers.

Commission E. Garrido: So, right now personally I do not feel comfortable signing off on this even though the legislature already approved it. The legislature has been known to have defective bills at times and defects in the laws so.

AAG Miller: Madam chair we'll need a vote on a motion to table.

Madam Chair A. Bordallo: Motion to table. We need to put it....

Commission E. Garrido: I motioned to table.

AAG Miller: So, we need a vote.

Commission E. Garrido: Did you second the motion?

Commission D. Herrera: No, no. That's one vote. I, I mean you know it's, it's a license. I mean it's not a contract; I mean it's, a, it's a license. If you violate the license then we get the license back tomorrow.

Commission E. Garrido: It's not that easy.

Commission D. Herrera: I mean I understand.

Attorney Martinez: But the law provides a, a little bit of buffer in there but yes.

Cross talk

Mr. Benson: The funds you'll be receiving are substantial and they will continue.

Commission D. Herrera: What was that, what was that?

Mr. Benson: The funds you'll be receiving will be substantial.

Commission D. Herrera: What is the fund? How much?

Attorney Martinez: It's a, each land is \$100,000.00 each.

Commission D. Herrera: How much funds do Tata generate?

Attorney Martinez: That's not what the law asks for.

Commission D. Herrera: Understand, yeah, so, so giving me the \$100,000.00 and you know what I mean; it's a....

Mr. Benson: It's our, it's our customer owns it.

Commission D. Herrera: Understand.

AAG Miller: Madam chair we can vote on that motion to table.

Madam Chair A. Bordallo: I second.

Commission D. Herrera: Okay, so that, that approves that so, we'll see you guys' next month.

Madam Chair A. Bordallo: make a vote.

Commission D. Herrera: I'm still voting no.

AAG Miller: Motion to table approved two to one.

Commission D. Herrera: Yeah, two to one so that means its.....

Cross talk

Madam Chair A. Bordallo: This is the first time we're not

AAG Miller: No, I, they said till next meeting.

Madam Chair A. Bordallo: Yeah, next meeting but just for clarity.

Commission D. Herrera: Okay.

Madam Chair A. Bordallo: Yeah.

Acting AD J Cruz: But she didn't do like a roll call.

AAG Miller: That's okay.

Acting AD J Cruz: Okay.

Commission E. Garrido: Well, basically it was a tie because I made the motion, he didn't, she seconded it, so she's breaking it.

Acting AD J Cruz: Okay. So, we'll reach out to you.

Attorney Martinez: Thank you.

Cross talk

Commission E. Garrido: This is, this is big. I, I don't want to....

Attorney Martinez: Yes sir, we understand.

Commission E. Garrido: I, I don't want to feel like I'm betraying my island by selling out too cheap or you know' I'm not saying that your price is cheap, it's a good price. I just, I just want to make sure we do have flexibility in case something goes astray.

Attorney Martinez: Yes, I understand.

Madam Chair A. Bordallo: The cables are there already so soon.

Commission E. Garrido: That's why they're not to go away.

Attorney Martinez: Thank you.

Acting AD J Cruz: I'm going to hit enter and all the invoices are going to come out.

AAG Miller: We're on to new business now.

New Business:

DESIGNATION OF MR. JOSEPH B. CRUZ AS ACTING ADMINISTRATIVE DIRECTOR.

Commission E. Garrido: Joseph B. Cruz, who is that?

Madam Chair A. Bordallo: Who is Joseph B. Cruz? Designation of Mr. Joseph B. Cruz as Acting Administrative Director. Mr. Cruz do you have something to say?

Acting AD J Cruz: My acting is just in the absence of Acting director John Burch.

Commission D. Herrera: That's on the back page the one dated April 4th?

Acting AD J Cruz: May 13th. Because there was ... we provided in the packet; Miss Luces just prepared it the salary of the last director that was board approved and then the last director that was actually paid from CLTC. Because I've been holding this position for over 30 days, I'm entitled to detail pay. There's a the Competitive Wage Act of 2024, the executive pay plan. It's provided to you and it was prepared by Ms Luces. But in order to process any type of GG1 and to make sure that it's legal we need the board to decide what would the salary be. So, Miss Luces provided you with the executive pay plan like I mentioned and the information from the last salary annual salary that was approved by the board and the last annual salary of the last Administrative Director. Sounds weird but...

Madam Chair A. Bordallo: Which step are you in right now?

Acting AD J Cruz: Currently I'm a classified employee, I'm a O7 I think. My step is O7, my annual salary is a little over \$76,000.00.

Commission D. Herrera: Is there a physician description on this one just to add it?

Acting AD J Cruz: to the...

Commission D. Herrera: I mean you know but for both... for the executive.

Acting AD J Cruz: No, we don't have one in file

Commission D. Herrera: And the I guess the other question is that... there was a question about the board having a delegation of authority right over activities that you know are operating in the trust and I guess I, I send you that [inaudible]... I'm just trying to see the description what because I understand the board... [inaudible]

Commission E. Garrido: Mr. Cruz based on the.... this breakdown you gave us, you said your currently making more than 76?

Acting AD J Cruz: A little over 76, but that's through the general pay plan scale, the executive pay plan scale is different from the general.

Commission E. Garrido: Yeah, because you're classified this is not.

Acting AD J Cruz: Correct.

Commission D. Herrera: So even we made a decision here right even as a classified, that still applies that's....

Acting AD J Cruz: I've been detailed to the

Commission D. Herrera: After 90 days, right?

Acting AD J Cruz: 30

Commission D. Herrera: After 30 days. So, my question here I was asking the attorney right the ... the difference between governing and policy just so cause I'm going to make a motion for this one. But if our attorney can explain the difference between a policy board a policy commission and a governing board.

Madam Chair A. Bordallo: We're the policy makers.

AAG Miller: I guess the I guess the best example I; I could give you to illustrate what a policymaking board is and because we've all spent... we, I spent a good chunk of last week talking about what the Guam Board of Education was doing and what they weren't doing and what they were supposed to do and when they were supposed to do it. The Guam Board of education is a policymaking board. They have no legal authority to do anything other than hire a Superintendent and direct that Superintendent to implement the, the policies that they choose to make they can't, they can't hire a teacher, they can't hire a janitor; they can't decide what the, what the, when the school day starts or when the, the school day ends. That, they can make policies but the people who actually make those policies to go work for the Superintendent and if the Board of Education doesn't like how any particular school is being run or how a particular subject is being taught; all they can do is tell the Superintendent to, to fix it. They can't tell the teacher what to do, they can't, they can't decide that history is being taught the right way or the wrong way. You all are in, you all are in a very different position as an example of, of the last agenda item. You know, you, you run a business, you're a landlord, you, you have business transactions that you do all the time. Some of those transactions the Executive Director is authorized by the commission to make decisions on and, and move transactions forward other transactions. We have to bring to you all, but, that lease for example you we can tell you this is exactly what the, the words on that paper are exactly what the legislature says the lease is supposed to be, but that doesn't mean that you know that Mr. Cruz can sign it and that doesn't mean that Tata is going to get a lease without your consent. So that, what that's, what makes you a governing Board.

Commission D. Herrera: Governing Board. Okay, understand now. Okay so, can I make a motion now?

AAG Miller: You can always make a motion.

Commission D. Herrera: Alright so, I make a motion the executive pay for the Acting Director or Acting Administrator.

Acting AD J Cruz: Sir, if you don't mind, sorry for interrupting, we just received a letter the Acting Administrative Director Mr. Burch. If we can just hand it out.

Commission D. Herrera: Want to read it out? Go ahead read it out. Just now? You want to read it now? Can somebody read it out.

Acting AD J Cruz: Okay, I read it. Yeah, it's a memorandum addressed to Chairperson Bordallo, Commissioner Herrera, Commissioner Garrido from the Acting Administrative Director Mr. John Burch. "Hafa Adai Commissioners, I hope this message finds you well. I'm writing to formerly request the Board's approval for compensating Mr. Joseph Cruz for the additional responsibilities he has undertaken during my extended period as the Acting Administrative Director. It has been over three months since I have on sick leave and during this time, Mr. Cruz has diligently and effectively managed the responsibilities of my role. His dedication and commitment to ensuring the smooth operation of the CLTC has been exemplary. Given the significant efforts Mr. Cruz has put forth, which have extended beyond his classified duties, I believe it is only fair and just to compensate him for the extra workload shouldered during this period, in accordance with the provisions of the law. I kindly ask the Board to consider and approve this request for Mr. Cruz's compensation, acknowledging his exceptional contribution to maintaining the continuity of our operations in my absence. Thank you for your attention to this matter. Si Yu'os Ma'ase John T. Burch."

Commission D. Herrera: Okay, question, so when we make a motion here right, for this compensation when you return back in your normal duties, does the compensation follow you or does it

Commission E. Garrido: It reverts back.

Acting AD J Cruz: I'll return back to my original classified salary.

Commission D. Herrera: Okay, so, so again I make a motion Madam chair for the fair compensation for Mr. Cruz reference to Executive Pay Plan step 22.

Commission E. Garrido: I second.

Madam Chair A. Bordallo: Any discussion?

Acting AD J Cruz: I only need a note take.

Commission D. Herrera: The discussion is that we're a governing board so we're intertwined with the Executive Administrative Director so

Commission E. Garrido: You've done an outstanding job so far and Mr. Herrera has been very generous and I'll side with him there, so I did say, I did second.

Cross Talk

Acting AD J Cruz: Thank you. I just to make it know that my achievements here are, is team effort, so I can't take credit for everything. We have a staff who works hard too and they contribute just as much as I contribute. It's my job to put everything together and make sense and to make

things flow properly. One thing I can say for sure today is that our FY2022 audit will be completed or published today. So, I'm proud to say that CLTC has received I believe 11 consecutive years of clean audit reports. So, but, but thank you and you know credit is also due to the employee.

Madam Chair A. Bordallo: All in favour say aye.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Cross Talk

GUAM MOTORSPORTS ASSOCIATION:

Acting AD J Cruz: The next item 6-B Guam Motorsports Association.

AAG Miller: Is there more to talk about on this?

Commission D. Herrera: No, we have two views that are on the floor have [inaudible]

Acting AD J Cruz: Madam chair we're going to proceed to the next item. So today representing the Guam Motorsports Association is Mr. Ada, he was just here.

Unknown Representative: He stepped out.

Acting AD J Cruz: You want to move on to the next item, and we can circle back?

Commission E. Garrido: Can we move on to Manuel Aguon.

Acting AD J Cruz: Again, there's nobody representing Mr. Aguon. His daughter; Mr. Kai was supposed to provide is a POA and but because she's not here I, I believe we, we haven't received the POA from Mr. Kai to speak on behalf of Mr. Aguon.

Acting AD J Cruz: Mr. Ada is here.

Commission E. Garrido: Letter C.

Acting AD J Cruz: Letter C, the OPA Request for Compliance Audit; because of the author or the, the creation of Bill 334-37, we're going to ask that we cancel that item on the agenda. 334-37 we'll provide the board hopefully with all the authority and to resolve our current issues that are delaying our process.

Madam Chair A. Bordallo: So next up?

Acting AD J Cruz: D. So, in your packet you have a copy of Bill 325-37; it's a, it's the bill you guys briefly spoke about earlier. There has not been any public hearing on this bill; this bill reads Bill 325-37 an act to authorize The CHamoru Land Trust Commission to lease all or a portion of Lot number 7161-R1 in Yigo, Guam to the Guam Motorsports Association for the purpose of providing families with a safe and regulated space for drag racing and other on and off-road motor racing, motor biking and car shows and activities and to further appropriate \$300,000.00 from the General Fund to the CHamoru Land Trust Commission for the purpose of cleaning and preparing Lot 7161-R1 Yigo, for public use.

AAG Miller: So, Madam chair, members this item is on the agenda so that if, if collectively you want to express perspectives that you want staff to write down and send to the legislature as being representative of the commission as a whole we can have that conversation now and you can direct; we'll, we'll have to have a vote on, on what the, what the commission's official position is if, if you want to take a collective position in the alternative if each of you simply want to express your own point of view to the legislature in your own way then we won't have a, an official commission

perspective on the bill. Completely at your discretion whether you want to try and speak collectively or you wish to speak just each individual.

Commission E. Garrido: I think it suits us to do a collective positioning to this bill. Discussion?

AAG Miller: Again, how whatever you want that collective position to be, we note.

Madam Chair A. Bordallo: [inaudible]. Mr. Commissioner Garrido said earlier.

Acting AD J Cruz: And really, raised the concern about the \$300,000.00; I guess for clarity on what the \$300,000.00 will be used for [inaudible] clarify for public use so that's whatever the board does chooses to spend it on I guess that long as it's within that lot should be okay.

AAG Miller: I mean in, you know in all these things there's a, a reasonableness standard if we, if we took all \$300,000.00 and you know, spent it to construct you know Guam's most luxurious snack bar that might cause some concern. But the way the bill is currently drafted it is at your discretion what the public use is and so long as we're reasonable in, in how we articulate the public use then you're the last word on how the money get spent.

Acting AD J Cruz: I guess to start the discussion if, if I may; this bill is intended to sole source the issuance of a lease to the Guam Motorsports Association or its successor entity for a period of 5 years or until a new, new lease agreement for lot 7161-R1 is approved by, by the government specifically for the operation of a raceway related support facilities and various out, outdoor events. It, it goes on to, to further state that the proceeds from the lease shall be deposited into the Infrastructure Fund and then again like it was discussed earlier that the \$300,000.00 will be appropriated from the FY2024 General Fund revenues collected in excess of the adopted levels; and then it also waves the requirements of the two appraisals.

Commission E. Garrido: Attorney Miller, does this qualify as a sole source?

AAG Miller: Okay, the lawyer answer is no simply because Guam law, Guam Procurement law has a section that defines a, a sole source that, that is part of the procurement process this, when the legislature chooses to give you direction as to how to run the commission that isn't a procurement that's a law, and so technically it's, it's, it's not a, it's not a sole source if in the sense that while procurement law define sole source.

Commission D. Herrera: Define sole source.

AAG Miller: One you, you're, you're doing business with one entity and you make no effort whatsoever to see if there's any other entity that you want to do business with.

Commission D. Herrera: So, I want to buy a car; just buy from one source?

AAG Miller: Well, you can't; sole sourcing is, is a unique concept to the, to the government because the government law, Guam government law and the law of practically every government says that generally speaking when you're spending the taxpayers' money you're going to go talk to three, five, you're going to get as many bids to spend the money as, as might come in and there's a whole process by which you will evaluate.

Commission D. Herrera: Buy the car.

AAG Miller: To buy a car for example; here we are being directed to, to do a five- year lease with one particular entity. So, that and that the purpose of that lease will be to engage in Motorsports on some or all of that particular tract of land.

Commission D. Herrera: Can other now with the sole source for a car for example we can buy one or three or four cars from four different suppliers?

AAG Miller: That's how you're supposed to do it; that's how you generally do it.

Commission D. Herrera: But, let's say I want to buy a specific aircraft rescue fire fighting unit specified for aircraft rescue fire, fire fighting know criteria on Federal Aviation Administration requirement and there's only one supplier that can provide that and I buy from that supplier would that qualify as a sole source?

AAG Miller: The, the law that and if that were the only vendor who, who could deliver that fire truck on Guam then yes that, that is the, that is the statutory definition of an authorized permitted sole source purchase.

Commission D. Herrera: So, is there any other human body out there that can operate a raceway?

AAG Miller: I don't know.

Commission D. Herrera: so, do we go with request for proposal to make it clear for everybody under the sun?

AAG Miller: That, that, that is the if, if you all wanted to do that today you could. The, the, the bill that's in front of you and the, the discussion we're having is whether you all support, don't support or have no opinion on, on negotiating with one particular vendor about operating Motorsports on your land.

Commission D. Herrera: I understand. So, day one of the eviction we decided to do a either RFP or what do you call that sponsorship. Remember that was we discussed that back then; what happened to that? I mean you know we were supposed to activate that the legislature was asking how many months can you guys start doing this process. I think we mentioned three to six months and that would be fair for the open public; either that or sponsorship.

AAG Miller: The today, I, today there are many options available to the, to the commission. The bill though which is the topic of this discussion says negotiate with one party for the purpose of one activity Motorsports on one, one; and the, the agenda item is to ask the commissioners do you have a collective opinion on the piece of the legislation.

Madam Chair A. Bordallo: Well

Commission E. Garrido: Who is the Guam Motorsports Association versus the Guam Raceway?

Acting AD J Cruz: I believe the Guam Motorsport, sports is chaired and represented by Mr. Ada. The Guam Racing Federation was chaired by Mr. Simpson or after that I think Mr. Crisostomo if I'm not mistaken.

Commission D. Herrera: And have you met with any of these two or any other possible vendors in the past?

Acting AD J Cruz: In the past we in the past we've, we've had some people who have interest in leasing commercially leasing 7161-R1.

Commission D. Herrera: Okay.

Commission E. Garrido: Why is it we never got a letter of intent or, or an inquiry from Guam Motorsports Association in writing?

Acting AD J Cruz: For the?

Commission E. Garrido: Interest.

Acting AD J Cruz: They're part of the agenda though.

Commission E. Garrido: But why have we never got anything in writing from them for to solicit for an interest?

Acting AD J Cruz: I believe Miss Camacho had when they were here with Mr. Limtiaco.

Commission E. Garrido: But that was for the raceway.

Acting AD J Cruz: And also Mr. Has, I guess came in and publicly made comments. Mr. Ada wanted a working session to present whatever information they had available to the board, although instead of the working session Mr. Ada is here today to share with you whatever information he has to share with guys.

Commission D. Herrera: Okay, so relative again to this bill.....

Commission E. Garrido: Because we know nothing about the Motorsport Association.

Madam Chair A. Bordallo: I have, I asked Mr. Ada who are his officers and people in their, you know club or group. I never got an answer.

Acting AD J Cruz: Mr. Ada is here today and when we do call him up can ...

AAG Miller: Madam chair, members if, if we want to hold the discussion on the legislation while you hear testimony and ask questions to whoever you'd like to we can take things in that sequence. We can come back to the, to the commission's collective perspective on the bill after you hear from and after you ask questions to whoever you'd like to ask questions.

Commission D. Herrera: I recommend we table this until we discuss that until next month because you know the issues that we just mentioned right, we got the Mawar victims and then we got the unsurveyed lands. These are all residential and people that are in need. This is a Raceway; I mean you catch what I'm saying right. The priority here that we're weighing but if we want to discuss this in its sense, it's a sole source in my definition number one, number two \$300,000.00 is you know very fractional to what needs to be done. Remember we made; we had a visit up there last month so.

AAG Miller: Madam chair, members that's you know, it's your prerogative how you want to address these agenda items just understand that if we lay this agenda, if we lay over the agenda item of the commission taking a, a joint perspective on the legislation; if the legislation, if the legislation chooses to have hearings or, or move forward bill without us having a meeting, taking a vote then Mr. Cruz will have no alternative but to report to the legislature that the commission as a group has no opinion.

Madam Chair A. Bordallo: Right.

Commission D. Herrera: Right and even if we do have an opinion, you already have eight that has an opinion over our opinion. Understanding the balance of the combination. Am I not, right? There's eight over there already that would say this is what they want.

Acting AD J Cruz: I think there's 10 on the bill.

Commission E. Garrido: This is, this is a bill, this is not law.

Acting AD J Cruz: Right.

Commission D. Herrera: Yeah, so this bill has 10. So, its already veto, but if the governor accepts it or not, I mean ...

AAG Miller: Madam chairman and Commissioner, I mean I've worked with legislators for 25 years and I can, there are a whole lot of bills that got no votes from people who signed on in the beginning to sponsor them after, after the, you had a more robust and complete discussion. People who thought it was a good idea at the beginning, didn't think it was a good idea at the end.

Commission D. Herrera: So, there's 10.

Commission E. Garrido: Well, I think ...

Commission D. Herrera: We table.

Commission E. Garrido: I think it's only fair that since the Motorsports Association is here that we invite them to have a discussion. That's my view that's my thought, before we make a motion to table it.

Commission D. Herrera: Okay.

Acting AD J Cruz: So, we'll table it and come back to it.

Commission D. Herrera: No, I agree bring them they're here; we already know what we want to hear so we're going to hear the same.

Commission E. Garrido: That way we can ask them directly. I've been asking you questions that I can ask directly from them and they should be able to provide information.

AAG Miller: Yeah, I guess you know Madam chair feel you know free to call up who, whoever you'd like to call up.

Madam Chair A. Bordallo: First of all, did we complete your ... the agenda?

SPORTSLAND SHOOTING RANGE:

Acting AD J Cruz: Okay, so we'll move to item E. Item E is Sportsland Shooting Range. We received a letter from Mr. John J. Sablan whose president; he's the president and CEO of Sportsland Outdoor Shooting Range which is currently operating in Dededo. Mr. Sablan is requesting to lease from CLTC a minimum of 15 acres of property for the purpose of relocating the Sportsland Outdoor Shooting Range currently in Dededo.

Mr. Sablan: Good afternoon.

Chair members: Buenas

Mr. Sablan: John J. Sablan representing Sportsland of Interface Inc., dba Sportsland Shooting Range.

Taylor Sablan: My name is Taylor Sablan, I'm also representative of Sportsland.

Commission E. Garrido: Is there a relationship between the two of you?

Mr. Sablan: Yes.

Taylor Sablan: My dad.

Mr. Sablan: It is a family business.

Commission E. Garrido: Reading your submittal letter sir, there's a part here that I kind of like don't agree with.

Mr. Sablan: Okay.

Commission E. Garrido: And I would like you to amend it.

Mr. Sablan: Okay. I, I don't, I'm sorry I don't have a copy of that actually.

Commission E. Garrido: Well, it deals with biological, agricultural clearances.

Mr. Sablan: I remember now.

Acting AD J Cruz: There's a copy for you.

Commission D. Herrera: Is there a picture of the facility is, or is see the shooting range or

Mr. Sablan: Our current facility?

Commission D. Herrera: Yeah.

Mr. Sablan: So, our current facility is on Lot Number 10095-8 in off of NCS in Dededo where the, it used to be called the Munoz, yes, the Munoz Shooting Range. So that's our current location.

Commission D. Herrera: And you put about 1.5 million towards?

Mr. Sablan: Yes.

Commission D. Herrera: So, it's better [inaudible] more facility like that?

Mr. Sablan: So, we, this, this particular our current location was approved by the CLTC back then TLUC back in 1982-83 for use of shooting range; for shooting range and it' private property; it's owned by the Santos family, Teresita Santos I believe.

Commission E. Garrido: Oh, so you're leasing.

Mr. Sablan: We are leasing and it's, it's 7 acres of property and, so there is a situation currently that I don't know you guys want me to take the time to explain to your history.

Commission D. Herrera: I thought that they...did you guys take pictures of

Acting AD J Cruz: No, that's his; what's listed in the letters is private property where they're operating.

Commission D. Herrera: Alright, so it's an open range.

Mr. Sablan: Yes, it's a 7, it's an outdoor shooting range.

Commission D. Herrera: Okay.

Mr. Sablan: And my request is for 15 acres and I, the reason why I put that you know the biological; because we're, we're, we are for the government is hoping for us to relocate from our current position or our current location, and I was asked to submit a, a letter to the CLTC requesting for property. And, because it's not 100% my idea to move although I'm, I'm, that's a good idea right, that I'd like to explore a little bit more. My, you know we, we put in a about 1.5 million in developing our current location and to move to another location and start redeveloping again, it's another undertaking and we're are a for-profit business and the idea came about that the Guam Motorsports or the racetrack area is being, might be subdivided and we're looking for possibly to locate more than you know the nuisance sports such as firing range and you know racing into one location. A little parcel of land was identified that has basically already been cleared; so, I don't want being a piece of property by the Government of Guam and only to find out that there's a snail or there's a fadan tree that I cannot bulldoze and it' middle of my shooting range. It's not going to work.

Commission D. Herrera: So, they showed you a property already?

Mr. Sablan: It, it was, it was just an idea but nothing said so...

Commission D. Herrera: So, where is the property?

Mr. Sablan: It's I believe it's in the within the racetrack property towards the north, the north.

Commission D. Herrera: Did you guys show him?

Acting AD J Cruz: No, not us.

Commission D. Herrera: Who?

Acting AD J Cruz: I believe it's the

Mr. Sablan: The Guam Motorsports.

Commission D. Herrera: The racetrack area or they showed you the property?

Mr. Sablan: Well, they showed me a property map.

Commission D. Herrera: You went into the property?

Mr. Sablan: No, I haven't been into the property. It's just the map

Commission D. Herrera: Oh, okay.

Mr. Sablan: The, I was talking with Hans Ada.

Commission D. Herrera: Hans?

Mr. Sablan: Yeah.

Commission D. Herrera: Okay. So, he showed you the, is that the hole Hans? The hole that was the hole....

Hans Ada: No, not the hole.

Commission D. Herrera: the Crater side?

Hans Ada: No, so basically; so, Senator Quinata was suggesting that since you know the, the Raceway and the fire range were both temporarily you know trying to find a home right now. He was suggesting that why not move it over to 7161-R1 if we could figure this out so, that, that's where the idea came from and then I was speaking with Mr. Sablan and suggesting certain areas where it'll be safe you know and it'll be you know ideal for to have firing range.

Commission D. Herrera: Have you ever been to the crater, the crater in the north?

Hans Ada: No.

Commission D. Herrera: Okay.

Mr. Sablan: Talking about within the race track property?

Commission D. Herrera: Correct, yeah that was excavated also.

Mr. Sablan: Is that along the ...?

Commission D. Herrera: On the cliff line side.

Mr. Sablan: Oh, okay.

Madam Chair A. Bordallo: May I ask why the government wants you to move?

Mr. Sablan: So, there's, okay this is the story part. So, forgive me if I go on and interrupt anytime you want. We took over the lease for that property and reopened the shooting range back in 2018 and from day one we were, we were hit with complaints noise complaints from one of the neighbors you know surrounding the property. And that complaint went on for the next 5 years or six years; and when it finally got to the Attorney General's office he made, he was the first one to make the comment that he would like to have a long-term solution to our problem with the neighbors and he thought it was a safety issue and he wants us to relocate and they were looking for property and he had Joe Borja at our round table meeting in August of 2023, and they mentioned about relocating a shooting range. So, that's how we got here.

Commission D. Herrera: Did Joe show you a possible site? Joe Borja?

Mr. Sablan: No, no they, they never mentioned the property number or, or you know lot numbers.

Acting AD J Cruz: So, if I may, we have been through the during the term of former Senator Tony Ada if I remember correctly; I believe Ms. Camacho the Acting Administrator Director; so, through his inquiry we have been, we, I guess going through our inventory and identifying possible sites that may be accommodable to a shooting range. That listing is not completed yet, but we also had inquiry from Senator Lujan, Jesse Lujan. Then we had other groups come in to inquire; I think it's the Guam Shooting Club if I'm not mistaken; there was a couple. So, just to let the board know what we have done internally already, although again the board's going to have to decide whether to move forward and to find a place, but although even before a commercial lease is even considered we still have to go through the competitive bid process. So, it doesn't necessarily mean that Mr. Sablan or his company; if the board does decide to designate an area for shooting range that it would be awarded to him to the competitive bid process.

Commission D. Herrera: You, you understand that competitive to bid?

Mr. Sablan: Yeah, I, I do understand that.

Commission D. Herrera: You understand that if you do piggy back with the, this group on this bill that you don't have to go to the bidding.

Mr. Sablan: I don't understand that bidding process in that sense as far as joining, joining forces that's what you mean.

Commission D. Herrera: We have 10 Senators to say go shoot over there.

Mr. Sablan: So, our, our situation is a little unique because the other people that are putting in requests those are I believe those are non-profit organizations and I'm a for-profit business.

Commission D. Herrera: Yeah.

Mr. Sablan: We both.

Commission D. Herrera: Profit and non-profit.

Commission E. Garrido: The area up in Yigo that you made reference to; since you're saying biological, that's a limestone forest area.

Mr. Sablan: Right.

Commission E. Garrido: And part of that limestone is just starting or should be recuperating from something the previous tenant destroyed it.

Mr. Sablan: I heard, yes.

Commission E. Garrido: So, it wouldn't be for you because then

Mr. Sablan: Well, what I, what I meant was with biological and if you need me to reword that, rephrase it then I would but, I didn't want because so, when I started my shooting range and it had to be cleared by agriculture, they wanted to make sure that there's no endangered trees or endangered species and that's pretty much what I meant.

Commission E. Garrido: Yeah, there's a lot of Fadan up there also.

Mr. Sablan: In the quarry pit area? The one that's already clear around the

Commission E. Garrido: The quarry pit is too small.

Mr. Sablan: I, I wouldn't know, I don't know the size of that lot, but yeah that's what I'm

Commission E. Garrido: Are you looking for 7 acres? Quarry pit is too small.

Commission D. Herrera: Which Coral pit?

Commission E. Garrido: The quarry pit.

Commission D. Herrera: At 7161?

Commission E. Garrido: Yes.

Commission D. Herrera: He's only operating a range right, not a long rifle range? Foot range?

Mr. Sablan: Yes, it is a long rifle.

Commission D. Herrera: What you do you want?

Mr. Sablan: Small arms range.

Commission E. Garrido: He's both, his current setup is both.

Cross Talk

Mr. Sablan: We're not going to be limited or our limits are going to be up to 50 Caliber.

Commission D. Herrera: Yeah, Piti shoots 50 Caliber.

Mr. Sablan: Right, but our property right now our current property is way bigger than Piti.

Commission D. Herrera: Oh, and open, but you have homes around.

Mr. Sablan: Correct.

Commission D. Herrera: Yeah, okay. So, you're willing to pay a commercial price?

Mr. Sablan: Well, you know

Commission D. Herrera: You're right now you're paying commercial on that.

Mr. Sablan: Correct.

Commission D. Herrera: 7 acres right.

Mr. Sablan: Correct and if we go by your calculations from the previous tenant, we're up by the golf course in [inaudible] and my, my lease payment is about, it's about on it's amount the same right now per acre; it's about \$125.00 per acre. So, I don't have problem.

Commission D. Herrera: That about \$1,800 a month.

Mr. Sablan: All, right now in our sit.... in our current location its about \$2,000.00.

Commission D. Herrera: So, basically commercial values about 10% of the value right, not less than 10. Something like that but we work that out. Okay, so.

Acting AD J Cruz: If the Board, not to action his request but to direct us to continue and present the board with various properties that potentially can be used for shooting range. The board just needs to let us know and there's a whole process to it; just so if I may disclose it, if we're heading in the competitive bid direction, we're going to have to present the list of properties to the board, they're going to have to declare it for designated for commercial use. We're going to have to hold a public hearing; after that public hearing we presented to the board, after that is done and they want to designate it for commercial use or declare it through resolution. We send it to the legislature; the legislature has 60 days. If they don't act withing the 60 days, on the 61st day it's automatically declared and designated for commercial use. And then we just go to the RFP process which is announcing the newspaper and all that other great stuff and the board will assemble commit, go through it, we, it based on your proposal and based on what's required in the RFP. That's how your proposal be rated, but again that doesn't necessarily mean that you will be the successful bidder.

Mr. Sablan: Right.

Acting AD J Cruz: Just so that we have an understanding.

Mr. Sablan: Oh yeah.

Acting AD J Cruz: We have about 6 months.

Commission E. Garrido: You're, you're not limiting yourself to the north, are you?

Mr. Sablan: I kind, I kind of want to stay up the north. Stay up in the north.

Commission E. Garrido: Well, the reason why I'm asking I'm, I'm like stress, stressing that is I believe we have a lot more open property like southern area, and down in the southern area you're way far away from the waterlands.

Mr. Sablan: Well, I'd like to then you know if you have a list and I'll look at it for sure. I mean still small; I mean I'd like to be as close as

Commission E. Garrido: I'm not going to say yes or no but it this will go for more research.

Mr. Sablan: Right. It's only one of the criteria that I put out because I was asked you know, and, and really you know I, I was told by elected officials that they do not want to see my shooting range reopen in its current location. So, it's kind of you know, it's not I, I mean I could still shoot on that property. I could just disregard everything and, and just shoot on my property as a private property owner, but we're trying, trying to do the right thing and I think the government's position is, is you know I, I would welcome it but, you know I would request the consideration of our current situation when, when these, when this you know process is through and other people I know other people are looking at it. I think we're the only for-profit business, but again you know we didn't ask for this and we feel that we were you know, the process was how do you say, we were short changed in the process along the way.

Commission D. Herrera: The other range in Chalan Pago you understand.....

Mr. Sablan: One is a private property range also.

Commission D. Herrera: Short range I mean you know just

Mr. Sablan: Yes, pistol range.

Commission D. Herrera: So, it's less than 7 acres where [inaudible] but if you're shooting 50 Caliber right, so even 5 acres would do if the backdrop is just like Piti. It is less than 5.

Mr. Sablan: Right, but for the volume that we were doing in our current position, I'm also, I, I requested in the letter for 15 acres to include buffer zones.

Commission D. Herrera: I understand. So, the closes structure that's around your property is about 1500 ft?

Mr. Sablan: No, it's 50 yards away from our, from the shooting, well actually no it's, the property line is, is somebody else's backyard.

Commission D. Herrera: Oh, so that close so, legally it's to discharge the firearm still within that range?

Mr. Sablan: Well, as a private property you have to be 50 yards away from the nearest occupied being, but if you're registered shooting range ride up to the property.

Commission D. Herrera: Okay, if the neighbors are and yeah, but yours is an open range, right? If you do an enclosed range would that help?

Mr. Sablan: Yes, but the you know the purpose of our business is outdoor shooting range. That's what we you know it's more expensive to do an indoor shooting range.

Commission D. Herrera: Yeah, the other one that's operating down in the south, they I think you know you familiar with that range?

Mr. Sablan: I believe you're talking about the one in Talofofa.

Commission D. Herrera: Yeah, open range, right?

Mr. Sablan: It's open yes.

Commission D. Herrera: Yeah.

Commission E. Garrido: Didn't that close down?

Mr. Sablan: I believe they're closed right now.

Commission D. Herrera: Okay, so

AAG Miller: Madam chair, members what we're looking for now is a direction from the commission the staff to better understand their requirements and for them to talk about finding some options.

Commission E. Garrido: Joey, can you meet with Mr. Sablan and lay out like a chart out course, course of action and we can do the research and see what properties would be made available for his consideration?

Acting AD J Cruz: Okay.

Commission D. Herrera: Just a point of information, there's 600 acres next to [inaudible]. The 600 acre was designated for the speedway. The 600 acre is situated where [inaudible]. If you're familiar with that area.

Mr. Sablan: Yes.

Commission D. Herrera: So, in that area there's 600 acres, we did the plan and the configuration of those property are healing terrain. Real good for motorcross but still good for backdrop for your kind of operation. Neighbors to the Santos or the shooting range where you a 50 cal. So, so that's

600 acres; the reason why I'm putting that out because it's still designated under the Parks and Recreations. So, that, that there's no problem if you were too parallel and tie in with them, understanding the law, right with the cause that, that was designated back I guess in 95 when it was Public Law 22-18, that lifestyle is 600 acres. 600 is more than enough, but the configuration of the property. If you, if you've been to the Santos or the Piti range is similar, so that the Piti range is on top of the rich; the 600 acres are rich and value. So, that's one and because it's under Parks and Recs., we've been recommending that spot for the motorcross spot, and it's under Parks and Recreation, there's no transfer as of this time. You under there, Joey knows the area.

Mr. Sablan: Well, you know the, the current or the former Raceway Park in Yigo right now, I that's pretty much it's developed, it's ready you know they can continue Motorsports and there's a spot there right next to them that is safe to shoot any Caliber because they going, it's going out towards the cliff line and that those areas are not occupied by any residences and I don't think they're; you know it's going down.

Commission D. Herrera: They're developing 1,200 of homes there so that's the plan.

Mr. Sablan: Gotcha.

Commission D. Herrera: So, that's our primary mission is to issue a residential land.

Mr. Sablan: Not subsidize 7161?

Commission D. Herrera: All of them, the entire population. That's, that's by law so you.

Acting AD J Cruz: We'll continue and compile and then we'll present it to the board, but we also reach out to you.

Mr. Sablan: Okay thank you.

GUAM MOTORSPORTS ASSOCIATION:

Acting AD J Cruz: Okay, then Madam chair, so, we're circling back to item 6-B which is the Guam Motor Sports Association represented by Mr. Ada; there anyone else with you?

Mr. Ada: Ryan.

AAG Miller: Madam chair just so you know I, I have to leave at 5:15.

Commission D. Herrera: What time is it now?

AAG Miller: Five minutes to 5.

Commission D. Herrera: Oh, 5:15.

AAG Miller: 4:55.

Commission D. Herrera: Oh, no but you have to leave at 5:15?

AAG Miller: Yes.

Mr. Ada: I sent some, some of these documents to the CLTC. Here you go. Can you pull those up? I sent some documents to the, to the Admin. email and then if you could display it on the monitor, please. Here you go. I'll just go ahead and get started when we go on that, so we could save some time. I'm Hanz Ada, this is Ryan Castro; we're the Guam Motorsports Association. So, Guam Motorsports Association – GMA is a new certified non-profit organized and established to respectfully open and responsibly operate 7161-R1 while inclusively representing all Guam Raceway Park communities and activities, all the motorsports. So, I, I thank you for calling. Chair Bordallo, I, you were asking about if we were a motorcross association? I, I'm sorry I thought I;

made it clear that we are, we represent all sports so we are a new non-profit wanting to operate the race representing all.

Madam Chair A. Bordallo: All people that have come to the legislature and given their, their testimony it may not just involve certain groups but as a whole there were other people of

Mr. Ada: Okay, I, I was just referring to when we were speaking on the phone I, I wanted to sorry if I didn't make that, that clear. But I've been here multiple times just, just trying to have you know like we were going to have like a working session or anything so I'd love to answer any questions that you have or, or work with you just, just let me know. Call me at any time and I'll leave my contact info.

Commission E. Garrido: When were you established? When did you say you got your

Mr. Ada: Officially we were certified, I picked up my certification like a month ago as a non-profit.

Commission E. Garrido: do you have, can we see your financial, your, your financial

Mr. Ada: well, we're, we're in the process right now of opening up a bank account. So, we've just formed our, our organization.

Commission E. Garrido: No, I'm trying to think for the word is

Commission D. Herrera: Your tax report for the last 5 years.

Commission E. Garrido: they don't have, they just

Mr. Ada: Articles, Articles of Corporation?

Commission E. Garrido: What are your financial resources? Who are your financial backers?

Mr. Ada: So, we so this, this question was brought up at the hearing. Our worth is that we are a community; you know it's, it's a large community and they're, we're a motorsports group of all sorts of people. Some people even motorsports. But very resourceful and we've all come together volunteering so, I mean we're worth a lot and we demonstrated that because we've been able to, to make this happen and operate this facility. Now as far as dollar amount goes that's, that's where you know we, we, we don't have a history of the tax statements or anything since we're just new.

Commission E. Garrido: You're going, you're going into an operation that would require financial statements so, what is your financial backing?

Mr. Castro: Our, our investment sir is, we're investing into the people and the community.

Commission E. Garrido: There's money that has to pass hands.

Mr. Castro: Even from previous the previous organization I, I wasn't involved with none of that, but I am an [inaudible] racer too. So, what I understand and what I've seen before and what I volunteered before is some of it, a lot of volunteer work was done up there as well. The money I paid prior to the race and use that park and, and enjoy the park as it was given to the previous federation and that's how they operate with, with how they had the events to, to do that. I, I think there's no difference in what we're trying to do here today as a non-profit. I understand your question; like we said we're new, we do not have any financial statement yet in hopes of opening, reopening the raceway park we are looking for some sponsorship, we are looking at trying to get volunteers up there to get it operational and hopefully then we can have a good financial statement with what's there. That's what we've been doing already way up to this day even with our non-profit we, we are just asking volunteers to come out. We're looking for sponsorship so directly to your

question as of today, we're just investing into the people and who's interested in trying to make this happen or support it including you guys and we appreciate that.

Mr. Ada: Yeah, we're, we're a new group so we're not affiliated in any way with GRF, but we all have a lot of experience; I raced professionally in the states, so we all have a lot of experience in racing and how to operate a raceway and also just, just business in general and also the economics and motor sports.

Commission E. Garrido: Well, since you mentioned economics, economics has a big part of what you're trying to, to do. If you were to come to me right now and say I want to lease the raceway or if you were to go to some sort of institution, you have to provide like feasibility studies, your financial statements and a plan; some sort of master plan.

Mr. Ada: Correct, so whenever you look at a commercial property since Bill 287 was designating the raceway as a commercial property you have to look at what is on that piece of property and, and then do a feasibility study; what you know what is feasible to ask CLTC to ask in regards to rental rates. Now you, this organization may not have five years of history of tax statements, but the facility has 20, over 20 years of history and basically what we would do is we would just plug and play; it's going to be different operators and we are, that's the history is that we're going to operate almost immediately as soon as if we were able to come to an agreement. And that's really is what the history is, is the revenue streams from how it's been previously operated since 1998.

Commission D. Herrera: Revenue stream.

Mr. Ada: Yes, so you have smoking wheels, you had EIF, you have the motorcross section, you have Baja Bash the drag strip lay over to the next map. Start, start with the map that Mr. Herrera proposed at the, the hearing.

Commission D. Herrera: Have you been meeting with our staff here?

Mr. Ada: I've met with Joey and Dexter. Well, I stopped by here I, I think, I think Joey's really busy. There, there was some hearings he had to go to, but I was, I was popping in for a couple weeks and I kept missing him; I came about five times.

Commission D. Herrera: You'll be providing the

Mr. Ada: I just made these yesterday.

Acting AD J Cruz: That was just sent to us 30 minutes ago.

Mr. Ada: Yeah, I just made this like last night. So, this, this is the map; yes, this is the map that was proposed, that you proposed Mr. Herrera at the, the hearing on June 20th. So some of the questions that we had was is, is this the proposed subdivision how you would want to subdivide it or is this just an identification of the different areas and, and the activities that take place on those different parcels. Is, is that is that what that is? Is it more of identification or how would you want to subdivide it is my question. That's the question. Mr. Herrera is that how you want to subdivide it?

Commission D. Herrera: Not me, that was proposed by our group.

Mr. Ada: Okay or CLTC is that....

Commission D. Herrera: That was to accommodate for you guys to function in a, in an interim position. So, you can drag drift and do you motor cross.

Mr. Ada: Okay.

Commission D. Herrera: But apparently the group changed their perception. Now the whole 250 acres, correct?

Mr. Ada: No, so that will be in the next [inaudible].

Commission D. Herrera: No, no but correct, you guys don't the ... we're trying to accommodate the need of the community. You catch what I'm saying right, if you're a [inaudible] you can use the drag strip; you're a drifter you can use the drift.

Mr. Ada: Yes.

Commission D. Herrera: You want a motorcross you can use the motocross, and we wanted to accommodate you guys to do your support. But, apparently there's a change in tune now you guys want whoever now; they want the whole 1 million square meter. Am I correct?

Mr. Castro: That, that new bill it says the whole or portion.

Commission D. Herrera: Yeah, yeah before the bill before the bill right.

Mr. Castro: Yes, we, we asked for, for to reopen as a new organization and yes that, the question the answer is yes, we did ask for the whole property.

Commission D. Herrera: Right, so we want to accommodate right.

Mr. Castro: So, apparently what I'm hearing is that no we don't want be to ...

Mr. Ada: Here's this one that's one that answers your question.

AAG Miller: Madam Chair, commissioners if I can follow up on Commissioner Garrido's line of questioning I, I think what he's concerned about is whatever deal we might strike with you, among other things there's an expectation that you will be writing us a check every month. We don't care how you, legally earn the revenue to do that, but we need to know that every month the rent check is going to come in. The activity you're engaging in here is from the land owner's point of view; it's risky. So, we're going to expect that you're going to have an insurance policy in place. The insurance company's going to want to get paid every single month. Because of the activity you're engaging in here is risky, we're going to expect that no matter what the activity is, that there are you know there is professional emergency medical providers and, and ambulances and that the Guam Police is participating and, and managing crowd control, and they're going to expect to get paid. So, for us to get comfortable with, with the project yeah you know by the third or fourth of that there'll be new money in the bank. But, where's the, where is the money going to come from that's going to pay the bills associated for those first couple of events until you know you've had an opportunity to, to build up a bank account because the insurance company gets paid month one, we get paid month one. The, the ambulance operator paid as soon as you ask for an ambulance to be on site, so how do we how do we know you can pay those bills for the first event on the first day.

Mr. Ada: Well, part of that was issuing the \$300,000.00 with Bill 325, so that was for preparation and opening lot the lot for the raceway purpose activities that was what part of that was for was what part of that was for was

AAG Miller: That's an interesting interpretation.

Mr. Ada: But that

Commission D. Herrera: Wait, wait, you're saying that the \$300,000.00 was to go to pay for your insurance and

Mr. Ada: No, no not that, but that what we can also do is we can have an x amount secured for like a year if that something that'll make you guys comfortable so it'll be a year's worth of agreed upon rent.

Commission D. Herrera: Way back or where you were racing before you

Mr. Ada: I raced professionally.

Commission D. Herrera: No, but have you managed a race track.

Mr. Ada: I have not managed a race track professionally but

Commission D. Herrera: Yeah, yeah. I'm just trying to align because you're going, you want to manage this race track and you don't have any management background. I'm just.

Mr. Ada: Management background, I develop drivers professionally so then I'll also work...

Cross Talk

Mr. Ada: I didn't have a raceway under my name that I managed to answer your question.

Commission D. Herrera: But you know where we're getting at right, I mean we're landlords and, and Joey if you can share for the last five to ten years that the Guam Racing Federation has operated, what's the profit margin for land trust or the cash flow per month? Considering the rental and the sharing of the no, operation?

Acting AD J Cruz: I believe the rental fee was 4,000.00 a month which is 48,000.00 a year. As far as the, the 10% for the admission fee, it was really 10% of the sub leasing fee. I think the only actual 10% that did come from the emission fee was the smoking wheel. Although as far as the minimal extraction it was just based on what we were providing. So, those that the rate fluctuated unfortunately it fluctuated without commission approval some companies 50 cents, some 75, some

Commission D. Herrera: So, just, just removing the extraction part and just the operation, that's the cash flow that we've experienced of what you know what occurred there and remember the, the group that ran that you know operate a car dealership. These are not, no you know they; they operate businesses so if the profit margin or the Land Trust or the cash flow and again, in the beginning we wanted to kind of work with you guys or whoever wants to work with us and when Mr. Miller and Attorney Miller and Joey were recommending a or they were drafting a sponsorship or a lease or license; that was the approach we wanted to, to accommodate the request from the community.

Commission E. Garrido: Who are your officers?

Mr. Ada: So, I'm President, John Burch Jr is Vice President, Mike Limtiaco is Treasurer, Christina Conquer is Secretary. Additional members at large Joey Crisostomo, Jen Camacho, Jeff Rios, Timothy Wendon, Ryan M Castro, Jeffrey Jones, Jay Jones. So, one of the questions I, I had a series of questions pertaining the rental rate so we could have something agreed upon or, or an idea so we could get a feel.

Commission E. Garrido: You never submitted anything.

Mr. Ada: So that's what, what we could do is we could submit a proforma and ...

Commission E. Garrido: Well.

Mr. Ada: But, but in order to do that in order to have a, an agreement we have some questions that I'd like to ask and that, that will give us a better idea so that we can formulate a port proforma

Commission E. Garrido: Before we give you permission you have to prove to us that you're capable.

Mr. Ada: Correct.

Commission E. Garrido: That you have the financial backing. Because like the attorney said if, if we lease you the property, we have an expectation of getting paid every month. Alright otherwise you're out the door.

Mr. Ada: Well, the previous operator is retired, he stepped down. He officially stepped down. Now, there's a number of people.

Commission E. Garrido: The previous president stepped down?

Mr. Ada: Yes, correct.

Commission E. Garrido: But the raceway does have an association still in, in existence.

Mr. Ada: But when you're asking in regards to the background; some of those operators they have the history of actually of, of the, the financial knowing of, of the raceway so

Commission E. Garrido: I'm asking who your backers are and you, you were evading the question.

Mr. Ada: No, there in regardless to financial backers we don't

Commission E. Garrido: Didn't you just name Joey, the two Jones boys.

Mr. Castro: They're, they're part of the association that we have. I cannot speak on their behalf that they're going to sponsor or we, financial backer. I know we all understand a non-profit.

Commission E. Garrido: So, what guaranties can you give me that you can pay the monthly rent?

Mr. Castro: I'm going, like I said I'm speaking on my behalf of being a racer and paying the previous Federation. I'm sure that the events they had up there generated enough money to pay if it was 4,000.00 a month. I mean they lasted there how long for, for x amount of years.

Commission D. Herrera: You were paying the Federation.

Mr. Castro: Well, I paid a, I paid a race right I paid a enter and I paid a race in events. They had and that's who I was, I, I was asked to volunteer; to be a part of this, and I'm just trying to answer the questions that we had.

Commission D. Herrera: Okay, right.

Mr. Castro: So, if we open this raceway, I'm not sure how they opened it 2018, 20 years ago, I, I'm ...

AAG Miller: Madam chair, members I have to slip out, but let me just leave you with one final thought for today. We've talked about sponsorships, we've talked about licenses, we, we've talked about leases; from the lawyer's point of view what those really come down to is time, and perhaps the, the way to get this relationship started is with sponsorship which essentially means we'll rent you, we'll for a reasonable amount of money we'll let you use some portion of this property for a week. Just make, make up an example for and because you're only going to owe us a week's worth of rent and you're only going to have a buy an insurance policy that's good for a week; we can get a lot more comfortable than you can handle a week and then if that works then you know, you have your event, you get cash in the door and then you come back to us and say okay. Now

we've got the next two events in the queue and, I mean taking on responsibility for that entire property on day one is a mighty big money.

Commission D. Herrera: But you catch that right, right we accommodate the what the attorney right because right now right, you guys are saying you know there's no place to you know to do a 4.0 seconds down in a quarter.

Mr. Castro: Yes.

Commission D. Herrera: Right, is that a jet, yes?

Mr. Castro: Yes, that's fine. You can use that as an example.

Commission D. Herrera: But the point is that you have a place to get your, your adrenaline injected into your bloodstream, right?

Cross Talk

Commission D. Herrera: Looks like you want the whole place right, no and how much are you willing to pay for the 1 million square meter?

Mr. Ada: No, no not the whole 1 million; so, the map that I just gave you, so the last one it's roughly around 100 acres.

Commission D. Herrera: So, you want 100 acres at how much?

Mr. Ada: That is the bare minimum of size.

Commission D. Herrera: How much, how much?

Mr. Ada: And that was the next question.

Commission D. Herrera: Are you willing to pay.

Mr. Ada: So, so we got to back up because these questions, I have to, I have to have a few questions.

Commission D. Herrera: Okay, so because the attorney is going to wrap, we going to have to table this because we don't want to say anything until he's around.

Mr. Ada: Okay.

AAG Miller: I mean, we're, you know if you want to call Joey and make an appointment and we can just chat in the office and

Mr. Ada: Yeah, that will be great that I just, there's concerns that I have because like I was saying when I race professional and other racing facilities, they have full time staff, they have faculty, they have ambulances their full time ready to go. This raceway is very different; it's unique. The raceway was charging \$20 for a drifter to race for the whole weekend whereas it was.... \$20.00

Commission D. Herrera: How much do you guys pay before?

Mr. Ada: So, one racing

Mr. Castro: So, to pay to get enter \$10.00 to \$20.00 at-least for the drag racing.

Commission D. Herrera: For that night?

Mr. Castro: Yes, for that night.

Mr. Ada: But just for example's sake like drifting it would be \$20.00 to enter and that would include the whole weekend, for the track for the whole weekend to compete.

Commission D. Herrera: Whole weekend or that night?

Mr. Ada: For the whole weekend; so, the whole event, the whole drifting event. So, if I'm a racer and I do that on some of the states that I've competed on, in some of my formula series that I've race in, it's almost \$1,500.00 for the weekend.

Commission D. Herrera: Good for you.

Mr. Ada: No, but what I'm saying, but what I'm saying is that, track has a history...

Cross Talk

Mr. Ada: But, that's, but it gives you an idea that, that's what a track charges that does have faculty and staff there all full time and the raceway had one employee there and they, he was getting paid \$1,000.00 ...

Commission D. Herrera: Gave you a chance right, so we're going to continue because we have to work under the, the attorney.

Mr. Ada: I understand. Thank you for calling us. If you guys have any questions, we'll put together; we'll submit anything that you have questions about

Commission D. Herrera: What do you drive Ryan?

Mr. Castro: Me, I drive a Toyota truck; that's CHamoru culture; it's going to stay, it's going to stay in CHamoru culture for my kids.

Commission D. Herrera: Turbo?

Mr. Castro: Turbo yes.

Acting AD J Cruz: Madam chair you going to table the res of the discussion and adjourn?

Madam Chair A. Bordallo: We're going to adjourn.

Commission E. Garrido: I move we table

Cross Talk

Acting AD J Cruz: So, there's a motion to table the discussion on the Guam Motorsports.

Cross Talk

Commission D. Herrera: Table.

Madam Chair A. Bordallo: All in favour

All: Aye

Adjournment:

Madam Chair A. Bordallo: Now, we need to adjourn.

Commission D. Herrera: I motion to adjourn.

Commission E. Garrido: Second it.

(*MEETING ENDED - NOTHING FOLLOWS ***)**

The meeting adjourned at approximately 5:21 PM.

Chairperson Arlene P. Bordallo: *Arlene Bordallo* Date: *Dec. 10, 2024*

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Concurred by: *JB* Date: *12/11/2024*
Acting Administrative Director
Joseph B. Cruz