



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

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REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, January 18, 2024

Public Notice: *The Guam Daily Post* on January 11, 2024 and January 16, 2024

PRESENT:

Commission Members

David B. Herrera, Acting Chairperson
Arlene P. Bordallo, Commissioner
Earl J. Garrido, Commissioner

Management and Staff

John T. Burch, Acting Administrative Director
Glenn Eay, Acting Land Agent Supervisor
Eileen Chargualaf, Land Agent II
Jhoana Casem, Land Agent II
Jessica Dayday, Land Agent I
Dexter Tan, PC I
Ms. Casem (CLTC) Casem, Land Agent II
Mr. Tan (CLTC) Tan, PCI

Guests

Carlos Camacho, GICC
Jerry Tang, GICC
Tricee Limtiaco, GPA
Jennifer Camacho, GRF
Jay Jones, GRF
Michael Limtiaco, GRF
Jeff Jones, GRF

Constituents and Public Comment(s)

Anita Cruz
Philbert Flores
Rosabel Flores
Bernice Tudela Nelson
Raymond Perez
Carmen T. Perez
Jose C. Quinata

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

Arlene P. Commissioner
Chairperson

David B. Herrera
Commissioner

Earl J. Garrido
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

John T. Burch
Acting Administrative Director

Rev. 04/04/2024

Call To Order

Acting Chairperson Herrera called to order the meeting of January 18, 2024, regular board meeting at approximately 1:02 p.m.

Acting Chairperson Herrera: It is our regular meeting for the CHamoru Land Trust Commission on Thursday, March 18, 2024. Public notices were published in the Guam Daily Post on January 11, 2024, and also on January 16, 2024. Notices were also posted online on the CHamoru Land Trust Commission Facebook Page and the Google info video at google.com. This meeting is being live streamed on the CHamoru Land Trust Commission Facebook page and on YouTube at GovGuam, live and audio recordings are made possible by our partners at KGTG.

Roll Call

Acting Chairperson Herrera: The first order of business is roll call. I would like to call on **Commissioner Bordallo**...

Commissioner Bordallo: Here.

Acting Chairperson Herrera: **Commissioner Garrido**...

Commissioner Garrido: Here.

Acting Chairperson Herrera: Our **Acting AD Burch** Mr. John Burch...

Acting AD Burch: Here.

Acting Chairperson Herrera: I know we are waiting for our attorney general Mr. Gary Gumataotao but he will be here momentarily.

Acting Chairperson Herrera: So, our first item on the agenda, if you all have your agenda, is to approve the minutes.

Approval of Minutes

Acting Chairperson Herrera: So, our first item on the agenda, if you all have your agenda, is to approve the minutes of last month but it's been still being worked on. So, when it's completed then we'll come back and review the minutes again.

Acting Chairperson Herrera: Item number four is the administrative director's report.

Director's Report

Acting AD Burch: Thank you, Mr. Chair. Okay, first off on the update loan guarantees. As of today, the CHamoru Land Trust Commission Loan Guarantee fund an un audited amount available of five million, six hundred and ninety-three thousand, forty-eight dollars to guarantee home loans. With this amount and based on the board's decision guarantee no more than twenty percent of the total aggregate amount. CLTC can guarantee up to twenty-eight million, four hundred sixty-two thousand and forty-two in loans. Today, CLTC has approved and guaranteed an aggregate amount of fourteen million, thirty-nine thousand, five hundred and forty-five dollars, which is approximately fifty-five percent of the twenty-eight million dollars. Furthermore,

since typhoon Mawar, CLTC received a total of thirty-two loan guarantee requests, which comprises of one Guam Housing loan, and thirty-one SBA loans. Out of the thirty-two, one request was withdrawn and to date, eighteen loan guarantee requests have been approved. In Additionally on January 10, 2024, I received a letter from the Guam Housing Corporation that Mr. Brian Ross Evangelista Mendiola who was awarded a loan guarantee on October 20, 2017 was in default. Also, as per the terms of the loan guarantee if Mr. Mendiola does not resolve the delinquency, within sixty days of notice that the guarantor, the CLTC, shall pay the delinquent amount plus interest. The final demand letter was issued to Mr. Mendiola on October 19, 2023 and as of January 10, 2024, the total pass due with late fees was four hundred ninety-four dollars. Mr. Mendiola has not resolved the delinquency. I would be writing to the speaker to request an appropriation to pay for the delinquent amount plus fees. The staff will be conducting a site inspection and prepare the necessary report in the event we apply what is required of us within the Act to cure the loan default.

Next, I received a formal request from the Police Department Chief of Police, Steve Ignacio on December 21, 2023, apparently this letter or formal request was sent also last year, sent to my predecessor. He's asking for the allocation of land for the public safety emergencies communication center. The request that GPD is at requesting for is that CLTC consider leasing or transferring Lot 15 Block F, Tract 9, in Barrigada Heights for the purpose of building a public safety emergency communication center. GPD Dispatch Center is currently located in the Guam Homeland Security Office of Civil Defense in Agana Heights, it has been relocated multiple times since the 1980's. It should be noted that the Guam Fire Department 911 Center is located at the DNA building in Hagatna under a lease contract. Due to the uncertainty of the 911 lease contract, the GPD seeks a more permanent location for the communications Hub of the Public Safety. The proposed land would be used to build a Government of Guam Public Safety Communications Operating Center which would house the 911 and GPD Dispatch Center as well as serve as a command post during emergencies and natural disasters. Funding, well and support...GEDA has agreed to assist in identifying a funding source for the construction of the facility. GPD has also approach the Guam Housing and Urban Renewal Authority to include the acquisition and construction of an Emergency Communication Center in their Community needs for the upcoming year. So, GPD wrote in their letter they appreciate the CLTC Board of Commissioners attention to their request and hopes for assistance in making Government of Guam Public Safety Communications Operation Center. In reality, I don't know if you received the letter but this was sent previously was your copy. I don't have one but it was sent to I guess my predecessor there they resubmitted their formal request.

Okay, then also from the Guam Community College president, informally we've met and she requested to lease property from the CHamoru Land Trust Commission for the establishment of a firing range the request is driven by the college commitment to ensuring the safety and security of their campus and the broader community. The current location of the gun range on campus poses an **[inaudible]** safety risk given the proximity to academic building and other campus facilities. By relocating the fire range away from the main campus GCC aims to enhance the safety of their students, faculty and staff while also securing a secure environment to use it to learning. The firing range play a vital role in training recruits for the Guam Police and other public safety agencies. It serves as a critical facility for honing essential skills and ensuring the readiness of our law enforcement personnel by providing educated and secure space for firearms training. GCC contributes to the professional development of aspiring public safety professionals ultimately benefiting the entire community in enhancing public safety measures and leasing property from the CLTC for this purpose aligns with the commission's mission of protecting administering trust properties for the benefit of eligible beneficiaries the collaboration between GCC and CLTC would not only support educational training needs of the college but also foster a stronger partnership between the educational and public sectors working together towards a safer and more prosperous Guam. So, your support of GCC's request will reflect the commitment to the welfare of our community and a shared goal of providing quality education and training opportunities for our future public safety.

Okay, that's my report, if you have any questions or concerns I'm ready to answer that there's also one more notice I, you notice that Kristen Finney is not here today she was transferred to the family division and so, all legal matters are now reported to the Deputy Attorney General Frank Gumataotao, Here he is. So, we didn't receive an official letter but I've been in contact with Attorney Gumataotao. Attorney Gumataotao, here is your chair. So, Mr. Gumataotao will be assisting us now with our legal issues, so...I'd like to introduce Deputy Attorney General Frank Gumataotao.

Deputy Attorney General Gumataotao: Morning.

Acting AD Burch: It's been a long day. Okay, so, yes now that concludes my report. Do you have any questions or concerns? Yes, commissioner?

Commissioner Garrido: Director Burch, you mentioned GPD...

Acting AD Burch: Yes

Commissioner Garrido: How big of a footprint are they looking at?

Acting AD Burch: They're looking at about three acres, I think. Glenn, if you...I don't know if Pierce can put it up on the screen if you can. Three acres on the top of Barrigada Heights, it's a basic lot. It's near the, I guess GWA water well in that area. I talked to Chief Ignacio and he's willing to exchange properties. I have to sit down and talk to him more about it, apparently, they have three acres up by close to the Gain area right next to the GPA property up in Yigo. It's about three acres, there are discussions with him, and he's willing to do a land exchange, acre for acre. That's about three acres, the one up on the hill at Barrigada Heights is three acres.

Commissioner Garrido: OK, and how about GCC?

Acting AD Burch: GCC, this was an informal request, apparently, she made this request in the past to my predecessor she brought it up to me. She's looking for anywhere that's safe where we don't have populations. I asked her if she would be interested in, I mean using one of the properties we have up close to the raceway track where those deep holes were dug, the coral pits and she said anything safe, that's a way you'll consider and this would be to train our public safety officials out there more especially police. They have the BALEA program, they have an associate's degree in criminal justice at GCC and of course, we have other agencies that use or need property for their training and their boot camps. There are also other things I expect they'll be coming up soon.

Commissioner Garrido: Is this for small arms or...

Acting AD Burch: It could be for small arms or large firearms that's my understanding. Right now, their firing range is on campus it's up by the new administration buildings that are built there so, we're concerned about the safety of people around, I mean although they should have targets. Mangilao, you know it's growing in population so it's become a safety issue now. So, I like to go ahead, to pursue both of these issues but they're willing to lease, purchase, or transfer but the G...the Guam Police, Chief Ignacio is willing to do an exchange. So, the footprints are about three acres. For the firing range, well if it's up there where the raceway track is, one of those deep holes that were dug up there about fifty feet deep to my understanding and they're large enough where you can use even high-powered rifles in there without worrying about endangering any people around.

Commissioner Garrido: Who's going to have oversight of that? Is it going to be GPD or GCC?

Acting AD Burch: The one that is asking would be GCC, but they have a training program where they train recruits for GPD and other law enforcement agencies.

Commissioner Garrido: I can see using the boulder pit for the small arms but not for the large firearm.

Acting AD Burch: Well, there probably might not be any other area on Guam for the large firearms but we'd have to go up there and actually do a site visit...

Commissioner Garrido: Yes.

Acting AD Burch: with Mary Okada, the president, and have her look at the area first, then we have other sites we could look at too but, something away from population, any dense population. We have the area of which one, the one...

Mr. Eay (CLTC): Barrigada Heights, this is two acres and this is the Regalo Foundation. We actually have a building there right now.

Acting AD Burch: There is a building right now, okay, so, this is for the Guam Police Department for yeah, for the site that they're looking at.

Commissioner Garrido: Where's St. Dominic's?

Mr. Eay (CLTC): St. Dominic's is on the other side of the entrance of Barrigada Heights. This is the second entrance...

Commissioner Garrido: So, this is the east, north eastern, I mean...north eastern side of...

Mr. Eay (CLTC): To the tire shop, there's a tire shop company, then you go up.

Commissioner Garrido: Commercial Tire?

Mr. Eay (CLTC): Commercial Tire. You go the right side.

Acting Chairperson Herrera: Anything Ms. Bordallo? That side is for the high-power rifle.

Acting AD Burch: Well, this one is GPD what we're showing up here. The other one is GCC, you were asking about both issues. GPD would like to establish a Public Safety Communication Operating Center.

Acting Chairperson Herrera: In that area?

Acting AD Burch: In that area. It would serve both them and the fire department the 911 center and their GPD dispatch.

Acting Chairperson Herrera: Must be done at Guam Water Works, water tanks.

Mr. Eay (CLTC): [inaudible]

Acting AD Burch: They're willing to do a land swap either that or lease.

Acting Chairperson Herrera: Okay, so, just set up [inaudible]

Acting AD Burch: Okay, I'll take care, then, and the one from the other one for the firing range that will be from the Guam Community College request.

Acting Chairperson Herrera: You can get the specs?

Acting AD Burch: Yes, I'll request that.

Acting Chairperson Herrera: For...for...

Acting AD Burch: That was an informal one but apparently, she made that request before and we met at a function and she brought it to my attention and asked me to bring it to the attention of the board.

Acting Chairperson Herrera: Okay, thank you.

Commissioner Garrido: Is it her desire to have everything centrally located for the firing range or can it be split?

Acting AD Burch: It could be split. She is asking us for a location for assistance so that they can continue with their training program.

Commissioner Garrido: The reason I ask is because I'm thinking the south is better situated for [inaudible]

Acting AD Burch: We'll look at the properties we have down there, an area that's not...because of the growth of population on the island and the way things are we've lost some people in the last ten years but I expect that with Camp Blaz opening up and others that population here will start declining or increasing again, so, we should look at areas where we don't have high density or where less people live.

Acting Chairperson Herrera: Okay, very good.

Acting AD Burch: Thank you.

Commissioner Bordallo: I have a question.

Acting AD Burch: Yes.

Commissioner Bordallo: The area there in Barrigada Heights, that's a residential area.

Acting AD Burch: Yeah, that will be for the communication center not for a fire range. GPD will be, want to be station at the top of the hill.

Commissioner Garrido: So, the existing antenna, the radio antenna is on the other side of the road of this...

Mr. Eay (CLTC): It's right across.

Commissioner Garrido: and St. Dominic's is next to it?

Mr. Eay (CLTC): That's in the other side of the street, yeah. Pierce can...

Acting AD Burch: Right there.

Commissioner Garrido: So, with this map, where, where is the firing range? Right there?

Acting AD Burch: The firing range you're talking about this one is for communication.

Commissioner Garrido: Yes, communications. It's right there at the bottom below the arrow or next to the arrow.

Mr. Eay (CLTC): There's no firing range there...

Commissioner Garrido: No, I am not talking about the firing range, the communication center...

Mr. Eay (CLTC): The communication center, right...the one right now the point right now that would that's the place that they're requesting. It's probably a two-acre lot. Adjacent to it, the one, in the green area actually, there is an actual building there where which is the Regalo Foundation, this is an old aerial that you're seeing right now.

Commissioner Garrido: What's the elevation there like?

Mr. Eay (CLTC): Right now, it's like flat, yes.

Commissioner Garrido: Really?

Mr. Eay (CLTC): Yes, in that area it's flat. Behind it, there's a slop. A gradual slop.

Acting Chairperson Herrera: Okay...okay?

Commissioner Garrido: Yes, thank you.

Acting AD Burch: So, will it be okay with the board to pursue that? I move forward with that and try to find out what and how GPD would want to move forward either with an exchange or lease.

Acting Chairperson Herrera: Yes.

Acting AD Burch: Okay.

Commissioner Bordallo: You said it was two acres?

Acting AD Burch: It's about two acres, a little bit more.

Mr. Eay (CLTC): Approximately like 2.4 or 2.5 acres with that kind of number there, yeah.

Acting AD Burch: If Chief Ignacio agrees to do a land swap with the property up north which is approximately the same size. It's sandwiched between two lots owned currently by CLTC.

Acting Chairperson Herrera: The GPD?

Acting AD Burch: Yeah. So, that's what we're looking at, but I'll get back to you with the...once you get through the details.

Acting Chairperson Herrera: Okay, moving right along to item five...old business, assignment as Acting Administrative Director, Mr. John T. Burch.

Acting AD Burch: Thank you, it's been a while I've been here already for over two months, since October and that's...

Acting Chairperson Herrera: Dual agencies.

Acting AD Burch: Yeah, I have collateral duties, I'm still the Executive Director of the Guam Ancestral Lands Commission and the Governor assigned me collateral duties here at the CHamoru Land Trust Commission as the Acting Director. So, I've served at the Guam Ancestral Lands Commission for about three years now as the director there and I've served as director for other agencies. In the 80's director of Youth Affairs and Deputy Director for Guam Energy and various GovGuam positions. So, this is nothing new to me.

Acting Chairperson Herrera: Very good. Any questions? Commissioners?

Commissioner Garrido: Nothing from me.

Acting AD Burch: Okay, thank you.

Acting Chairperson Herrera: All right, thank you, welcome aboard. Item [inaudible] will be updated on the loan guarantee request. I know we mentioned that...

Acting AD Burch: Yes, and Glenn will give you the specifics.

Acting Chairperson Herrera: We had thirty-two and eighteen are completed.

Mr. Eay (CLTC): Well for now the first applicant initially was twenty-six...

Acting Chairperson Herrera: Right.

Mr. Eay (CLTC): Then we focus on that and after that, there's an additional six more that we haven't yet discussed that are requesting for loan guarantee. So, we haven't set, you know, any budget for that particular six, and probably be more coming. For now, we have an additional six.

Acting Chairperson Herrera: You say additional budget?

Mr. Eay (CLTC): May or may not require additional. So, as the director mentioned, the total loan guarantee completed and signed already is fifteen of the twenty-six that's been completed, also we have two that are pending land registration. This is Billy Cruz and Philbert Flores, also four that are pending or no action. The four are Bernice Nelson, Anita Cruz [inaudible] Joaquin Manglona. Ms. Anita Cruz, I believe she'll be coming in today, she's here. She wants to come in as a public comment.

Acting Chairperson Herrera: That's on the spreadsheet?

Mr. Eay (CLTC): Yeah, this is on the spreadsheet.

Acting Chairperson Herrera: Number...

Mr. Eay (CLTC): Anita Cruz...

Acting Chairperson Herrera: Number eleven.

Mr. Eay (CLTC): Yeah. So, she's part of the SBA Loan, and also for Mr. Joaquin Manglona the issue that we are having is that he had a prior SBA loan in the past and where there was a charge off. What happened was SBA, when they charged it off, they sold the charge off to another company. That company, what they had done was they made a contract with Mr. Manglona and Mr. Manglona paid off the debt, right, so, so now that we have a letter from the company that consumed the loan that took over the loan and he has received a letter of satisfaction of pay off they was, paid off. What I am requesting from them is a letter from SBA transferring the debt to the other company have yet to receive that. Right now, they're saying, this company is saying they paid up the debt but I haven't seen, I need a letter from SBA relinquishing their interest to another bank institution. So, that's pending right now. I made contact with this loan institution and they said they will get to me. Another thing also that they had supported to me was not...the signature was like computer generated. What I was asking for was something like an ink writing, you know because anybody can put a signature computer generated so...that's another thing I am requesting.

Acting Chairperson Herrera: But he got approved for eighty-seven? From the SBA?

Mr. Eay (CLTC): For the SBA...

Acting Chairperson Herrera: Look at the sec...

Mr. Eay (CLTC): Eighty-seven thousand, three hundred.

Acting Chairperson Herrera: All right...so, then when we get the clearance from the first then, we can wrap...

Mr. Eay (CLTC): Yeah...I need SBA a letter stating that they transferred their...the loan to another bank.

Acting Chairperson Herrera: So, we cannot ratify this at the moment?

Mr. Eay (CLTC): If the board is satisfied with this letter...such letter that we have then it's up to you...but I'm having problems with that because SBA, when...when the initial loan number...example...zero, zero, one...and their loan to this other bank institution is...zero, zero, two. So, I need...you know...it has to be matching...you know to me, so, this...there's two supposed to mimic zero, zero, one... the way I look at it from SBA the original loan institution. So, I need more verification from SBA.

Acting Chairperson Herrera: You know the second SBA loan, right, is approved...

Mr. Eay (CLTC): Yes, we are waiting for a pending...

Acting Chairperson Herrera: For the loan? For the loan guarantee?

Mr. Eay (CLTC): Right...

Acting Chairperson Herrera: I'm pretty sure our director is pretty familiar with that, right...so, in order for this constituent to get the second SBA loan approved the SBA would have done the vetting, total vetting and if the first...if the first SBA loan got a balance...then they would know because it's their account...

Mr. Eay (CLTC): Correct that it's not approved, it's pending.

Acting Chairperson Herrera: Okay, got it...so...the first loan is SBA also that was paid off...

Mr. Eay (CLTC): Yes, right.

Acting Chairperson Herrera: And the second one is also...

Mr. Eay (CLTC): SBA

Acting Chairperson Herrera: SBA?

Mr. Eay (CLTC): Right...I was questioning that too why would SBA give them another loan if they're not satisfied with the first one, I still need acknowledgment from SBA. Satisfied...satisfaction of mortgage.

Acting Chairperson Herrera: So, that Cruz is ready for ratification?

Mr. Eay (CLTC): Anita Cruz?

Acting Chairperson Herrera: Yeah...number...

Mr. Eay (CLTC): Anita Cruz is...we have some issues and what it is...is...let's just try to make a long story short. The original applicant and lessee is Atanacio Cruz. Who had a lease...was a pre-occupier...had been farming the land, and two thousand two, Mr. Atanacio Cruz was issued a lease. Years of moving forward sometime like two thousand nineteen Atanacio Cruz transferred lease to sister Anita Cruz, which she is here.

Acting Chairperson Herrera: Okay.

Mr. Eay (CLTC): And...and...and everything was recorded...

Acting Chairperson Herrera: Names on the lease?

Mr. Eay (CLTC): Yes...yeah, the name is there. Like...six months later, after that there was an audit.

Acting Chairperson Herrera: There was what?

Mr. Eay (CLTC): An audit.

Acting Chairperson Herrera: Oh...

Mr. Eay (CLTC): Yeah...so, the audit in question was how did they, she acquired a two acres lease. That was questionable because, you know...

Acting Chairperson Herrera: Two acres?

Mr. Eay (CLTC): Two acres, yes.

Acting Chairperson Herrera: What was the original acre?

Mr. Eay (CLTC): It's two acre.

Acting Chairperson Herrera: The original?

Mr. Eay (CLTC): Original from Atanacio to Anita was two acres, they still remain. But...what happened was a public law that was enacted and passed back in nineteen ninety-seven, requires any lot that's over a half-acre is...is...is subject to commercial use.

Acting Chairperson Herrera: In ninety-eight?

Mr. Eay (CLTC): Back in ninety-eight.

Acting Chairperson Herrera: And she got the lease...

Mr. Eay (CLTC): The brother got the lease in two thousand two. So that was a big question that's why the audit came about. The audit was done randomly, we just picked up a file, the public auditor...

Acting Chairperson Herrera: So, it has to be commercial, not residential?

Mr. Eay (CLTC): Because of that, it has to be commercial, that's why we have Ms. Anita Cruz here that would like to...

Acting Chairperson Herrera: Understand.

Mr. Eay (CLTC): Express her, you know...

Acting Chairperson Herrera: But the loan is for the home, right? For two hundred and...or one hundred ninety-five?

Mr. Eay (CLTC): Yeah, the loan...the loan for Anita Cruz is one hundred ninety-five thousand that we are...as a loan guarantee but total approved for SBA is two hundred twelve thousand dollars.

Acting Chairperson Herrera: I understand, but the home is one ninety-five?

Mr. Eay (CLTC): Correct.

Acting Chairperson Herrera: Okay, so, that's in line for review for ratification from us.

Mr. Eay (CLTC): Yeah, we have to fix first, we have to address the audit first.

Acting Chairperson Herrera: For?

Mr. Eay (CLTC): Before we even move forward to the loan guarantee because the acreage may or may not be reduced depending on how we resolve this issue.

Acting Chairperson Herrera: But...but in an agriculture right, you're saying this is supposed to be an agriculture

Mr. Eay (CLTC): Yeah, this is an agriculture right but...

Acting Chairperson Herrera: You can build a home on agriculture.

Mr. Eay (CLTC): You can...you can build a single dwelling at...

Acting Chairperson Herrera: A single dwelling...

Mr. Eay (CLTC): Right providing that would be your main place of residence

Acting Chairperson Herrera: So, is this a main residence?

Mr. Eay (CLTC): As of...

Acting Chairperson Herrera: For Ms. Anita?

Mr. Eay (CLTC): Two thousand-two, if I'm not mistaken.

Acting Chairperson Herrera: Okay.

Mr. Eay (CLTC): The brother Atanacio Cruz was residing there already occupying the property.

Acting Chairperson Herrera: But this is Anita's loan?

Mr. Eay (CLTC): Now this is Anita's now because she took over the application and lease rights.

Acting Chairperson Herrera: So, SBA would have verified and validate that it's Anita's home.

Mr. Eay (CLTC): Yes, because she had to present her lease documents.

Acting Chairperson Herrera: Understand and it's one ninety-five to complete the home?

Mr. Eay (CLTC): Yes.

Acting Chairperson Herrera: Regardless if it's agriculture or residential?

Mr. Eay (CLTC): Regardless.

Acting Chairperson Herrera: Okay, so, do we have the paper? Or...to ratify it...or...

Mr. Eay (CLTC): No...this is something that we cannot just do today, right now, we have to discuss this and see what route...you know... she wants to, she has an option, Ms. Cruz has an option. It's a reduction of acreage from a two-acre to a half-acre lot, which is good for farming.

Acting Chairperson Herrera: But that has nothing to do with the SBA loan. Yeah, but we have to fix that before...Understand, so, yeah.

Commissioner Garrido: How much of the acreage is actually farmed?

Mr. Eay (CLTC): Right now... you know, I did an inspection about a month ago and she's...she's improved the two acres, you know from the actual inspection like pre-COVID that I went to and she expanded her farming and you know, she's doing, they're doing a very good job...long term and short-term corps. She also I believe she's a bonafide farmer as well she has a bonified license, so...if we could give her some time, who knows...in due time she can meet the requirements that's for farming.

Acting Chairperson Herrera: For commercial?

Mr. Eay (CLTC): For the two-thirds farming for the lease. We're not talking about commercial yet just for subsistence farming.

Acting Chairperson Herrera: Okay, so, Mendiola?

Mr. Eay (CLTC): So, Mendiola...

Acting Chairperson Herrera: Does Anita want to speak? I kind of understand already where you're at it's about the acres.

Mr. Eay (CLTC): [inaudible]

Anita Cruz: Hi good afternoon, yeah, Mr. Eay said originally that was...

Acting Chairperson Herrera: State your name.

Anita Cruz: Anita Cruz. Originally the lot was given or my brother... homeland so he was occupying the property since nineteen ninety around that time and everything was transferred to CHamoru Land Trust so the property had to go through CHamoru Land Trust and the lease was signed, and so forth. But he's been farming on that ever since the nineteen nineties. Now that he's transferred it over to me okay how...what happened because when they, we did the transfer everything was approved by the commission at the time. Nothing was mentioned about the acreage size, and so the only time that was mentioned was this year after Mawar happened and I had to come in and get a request for utility transfer. When it was the director Hattig, he wanted a survey done which I did but then Francisco Castro died and it was never completed. So, I had spent already sixteen hundred at the same token I paid and two thousand in back taxes, so I am up to date with real estate taxes on the property ten, eleven years on that also. Like I said I wasn't informed about the acreage until this year when I came in and first thing was said that I defaulted on the loan because I didn't plant any trees but there's been trees there planted since my brother, you know five...ten...twenty tree and so, I'm really, I put a lot of work into the property and to improve the property. Mr. Eay said we can do a tradeoff. How can you trade off when I paid for the two acres? The taxes, you know, how am I going to get compensated if you go and subdivide the property at this point. You know I've also put in fifteen hundred for another surveyor come and in complete the survey map on the two acres and so I put in a lot of money into this and trying to keep the property as much as I can instead of having to give back one acre. That's where I'm at right now.

Acting Chairperson Herrera: What was the tradeoff?

Anita Cruz: Pardon?

Acting Chairperson Herrera: What was he saying about the tradeoff?

Anita Cruz: What I paid already out for the property, the two acres, so, you know, you're going to compensate me for how much I put into the taxes, the surveyor.

Acting Chairperson Herrera: That one's yours? On the red?

Anita Cruz: Yes. So, I put a lot of work into there, heart, sweat, and tears and when he told me that he had to take they want to take back you guys want to take back one acre...that's...my heart broke, you know I mean...

Acting Chairperson Herrera: Do you want to share that? What's the tradeoff you were talking about?

Mr. Eay (CLTC): Well...I didn't...I didn't make any offer or promise in regards to tradeoff. What we focused or discussed in this case of the audit, like that there's issue and that there are two options that I proposed from the...I said that the one is that it had to be reduced to half acre. The second option is that the property, if you want to lease the whole two acres it has to be used for commercial. It would have to go up for a bid and what I mentioned that just because we put it up for bid, doesn't guarantee Ms. Cruz that she's going to win the bid for commercial use.

Acting Chairperson Herrera: Oh...you have to go through the procurement process?

Mr. Eay (CLTC): We have to go through that by getting an appraisal two appraisals to determine the fair market value for the property and...and...the law requires that the applicant whoever's asking for the lease for commercial lease is the one to get the appraisal of, so...

Acting Chairperson Herrera: So, that's twenty-three thirty-eight, six, two, five point four.

Mr. Eay (CLTC): I don't have on hand, I can...I can mention that to you later on.

Acting Chairperson Herrera: Okay. Any questions?

Commissioner Garrido: The dwelling? Is that a permanent or temporary

Anita Cruz: Well, semi concrete. For the roof is temporary. It was deemed unsafe.

Commissioner Garrido: If you get approved, are you going to demolish that and rebuild a new? From precedence.

Anita Cruz: Yes, concrete.

Acting Chairperson Herrera: That's the one hundred ninety-five thousand is for. Right? You have plans?

Mr. Eay (CLTC): There's no plans but what I just mentioned earlier you know that I had to disclose to Ms. Cruz the audit case prior to everything and from there we can only, then it can move forward with you farming the two acres.

Commissioner Bordallo: Are you farming the two acres?

Anita Cruz: Yes. He's already done the inspection and Department of Agriculture already came and did the assessment also. So, I've been working with Department of Agriculture regarding this prob...the issues as [inaudible].

Acting Chairperson Herrera: You're bonafide?

Anita Cruz: Yes, and utilizing the whole two acres.

Acting Chairperson Herrera: Understand.

Anita Cruz: [inaudible]

Acting Chairperson Herrera: Just include that in your notes for that...

Mr. Eay (CLTC): Yeah, we have to do that in the next meeting where we have to conclude these two acres. Two acres and how we can move forward with that and like Ms. Cruz mentioned to me and I'm not sure if she mentioned it, her wish is to continue to keep the two acres...

Anita Cruz: Yes, please.

Mr. Eay (CLTC): How can we mitigate that and I can report on my staff report I will show my findings and everything the public law that...how to move forward, how to fix this issue.

Acting Chairperson Herrera: The roof damage...the roof is damage?

Anita Cruz: Yes. The building...actually during the typhoon, is actually shaking, it was vibrating and so when we did the inspection, they said it was unsafe. So, I've been living with rats.

Acting Chairperson Herrera: Understand. So, she's part of the disaster...

Anita Cruz: Yes, the disaster loan.

Acting Chairperson Herrera: Understand. Attorney, do you have any say about that conversion?

Attorney Gumataotao: I need to look at it closer and see where the findings of facts are.

Acting Chairperson Herrera: From one-acre to two-acre lot and comment on...

Mr. Eay (CLTC): I will prepare a staff report for the next meeting.

Acting Chairperson Herrera: Okay, thank you.

Commissioner Garrido: Is this property the one that we have to reassign the boundary?

Mr. Eay (CLTC): That two-acre lot there, if we decide to parcel it out, we can parcel out three ways. Two half acre lots, no, no one half acre lot, if she decides to keep the one acre because what I wanted to mention too, I'm not...I have to look back to my file the original application for the brother is a residential lot and the law, if you revert it back from ag to residential, the max you can get for residential lease is one acre. So, that's one fix you know...I can propose and I can... we did a scheme. We can prepare the scheme, our planner Mr. Castro can prepare the scheme for that we can show the two, one acre lots and also prepare another scheme for three half acre lots. So, that we can have additional leases for the remainder of the property.

Acting Chairperson Herrera: The red boundary?

Mr. Eay (CLTC): The red boundary.

Acting Chairperson Herrera: The red boundary have been surveyed now. The Survey is completed?

Mr. Eay (CLTC): I believe Ms. Cruz was given a survey authorization in two thousand nineteen or eighteen?

Anita Cruz: [inaudible]

Mr. Eay (CLTC): Like she had mentioned the survey that... I was there when they were doing it, I saw the surveyor was putting the markers down but for the first initial survey but the problem like Ms. Cruz said it's been pending approval and what happened was it's been lengthy over two years ago, if I'm not mistaken, I believe it had to do a big part of the COVID because that was right when everything happened and then what happened the surveyor passed so, then Ms. Cruz hired another surveyor.

Acting Chairperson Herrera: This is where the red line is?

Mr. Eay (CLTC): Well, which is still the same, you know the meets and bounds. But happened was when you do another survey that you needed another survey authorization which was never issued.

Acting Chairperson Herrera: For the same lot?

Mr. Eay (CLTC): Yes, because the first one that was surveyed, you have ninety days to...to...to get a surveyor and hire a surveyor. They did but two, three years went by, nothing happened. So, if you want to request for another survey, you have request for an additional survey again.

Acting Chairperson Herrera: So, the first survey, was there any job done or...

Mr. Eay (CLTC): They did a survey work; I believe they provided Ms. Cruz a preliminary survey.

Acting Chairperson Herrera: So, that's...they did the field work?

Mr. Eay (CLTC): They did the field work, yes.

Anita Cruz: Yes.

Acting Chairperson Herrera: But not completed.

Mr. Eay (CLTC): It's not recorded.

Anita Cruz: It's not recorded because there was errors that needed to be corrected and Mr. Castro fell ill and nobody else could do the corrections.

Acting Chairperson Herrera: Is your map stamped already?

Anita Cruz: Stamp received?

Acting Chairperson Herrera: The surveyor stamp? No?

Anita Cruz: Yes, it is stamped but it was not approved.

Acting Chairperson Herrera: Understand.

Anita Cruz: The office does have a copy of it also.

Acting Chairperson Herrera: Remember you mentioned that some of the properties that go through upstairs...

Mr. Eay (CLTC): Well, this one here is because it's not an approved map and not recorded then they won't have it on record.

Acting Chairperson Herrera: So, it doesn't go to Santos?

Mr. Eay (CLTC): It has to be approved and recorded, check prints are not to be recorded, it's just a check that's what I'm saying so it doesn't work. A check print is only a check print, like Ms. Cruz said there were some errors found and they needed to be corrected.

Acting Chairperson Herrera: Who found the error?

Mr. Eay (CLTC): Survey.

Anita Cruz: No, the director of Land Management rejected it and sent it back. Because I inquired about it after Mr. Castro passed away if he had submitted any...

Acting Chairperson Herrera: The director of Land Management?

Anita Cruz: Yes.

Mr. Eay (CLTC): Normally it would be the surveyor Chief.

Anita Cruz: Or Chief Surveyor, one of the two. But Borja is the one I spoke to because I needed to find out nothing...

Acting Chairperson Herrera: So, it's still going through the chief, no?

Mr. Eay (CLTC): Yes, he's the one would have to...whenever there's an error it have to resubmitted back to them...

Acting Chairperson Herrera: Okay, very good, thank you.

Anita Cruz: So, I am requesting again another authorization so that Duenas and Associates can complete the map.

Acting Chairperson Herrera: Okay.

Anita Cruz: I haven't been able to get that nor have I been able to get a utility transfer since the lease was signed.

Acting Chairperson Herrera: So, she's requesting authorization to survey.

Mr. Eay (CLTC): Yes, she's requesting authorization to survey but we cannot do that because of the audit, we have to conclude the audit, it has to be done before we can survey.

Acting Chairperson Herrera: How soon to finish the audit?

Mr. Eay (CLTC): We can request to put it on our the next agenda and we can see how...like my recommendations, you know how we can move forward with it like I just mentioned the options, I mentioned if you want to take the whole thing it has to go commercial. Those are my recommendations.

Anita Cruz: So, I've already made fifteen hundred dollars down on the new surveyor but he's not able to do anything until he gets an authorization.

Acting Chairperson Herrera: That's the second surveyor, right?

Anita Cruz: Yes.

Acting Chairperson Herrera: Okay.

Anita Cruz: With Duenas and Associates. As far as the utility again, I came in because my brother was upset with me why hasn't the commission given me an authorization to transfer it under my name since the lease was there already.

Acting Chairperson Herrera: But you still have water and power?

Anita Cruz: Yes, I still have but it's under his name so whenever there is an issue with the utilities I have to go get an authorization, go down to him get an authorization from him to inquire with the utility agency.

Acting Chairperson Herrera: [inaudible]. Okay we'll set it up and then...

Anita Cruz: Thank you so much.

Acting Chairperson Herrera: Si yu'os ma'ase. (Thank you)

Anita Cruz: Thank you for your time.

Mr. Eay (CLTC): For the record, power and water authorization was issued to Ms. Cruz and signed received...

Acting Chairperson Herrera: She received it?

Mr. Eay (CLTC): Yes, was twenty twenty (2020).

Acting Chairperson Herrera: You can use that to transfer now?

Mr. Eay (CLTC): We have to make a new one a [inaudible]

Acting Chairperson Herrera: Okay, so, Mendiola is the next one.

Commissioner Bordallo: Can I ask? The original person the brother...

Mr. Eay (CLTC): Yes.

Commissioner Bordallo: When was his application.

Mr. Eay (CLTC): I believe that was the December nineteen ninety-five.

Commissioner Bordallo: And this thing about...

Mr. Eay (CLTC): December...

Acting Chairperson Herrera: Ninety-five, or...

Commissioner Bordallo: The resolution on 2018-08...

Mr. Eay (CLTC): December eleven, nineteen ninety-five, number...at one, seventeen p.m. and then...yeah.

Commissioner Bordallo: Okay, the fact is they had a resolution 2018-08, saying that we have to reduce the...

Commissioner Garrido: The acreage?

Commissioner Bordallo: The acreage?

Mr. Eay (CLTC): The public law that requires the...it didn't say to reduce the acreage the public law entails that the size of the lots to be issued like say example for subsistence farming for an ag is half acre or less for subsistence. Anything over a half-acre will be for commercial use.

Commissioner Bordallo: Isn't that what she's doing?

Mr. Eay (CLTC): But She's...she has two-acre lease and it's for subsistence. So, anything over half acre has to be evaluated back for commercial use not subsistence use. On the...I believe also in the lease that was signed back there, there's also a note on the page on item number four, rental fee shall be determined on a later date, so, you know that's...so, what it means is that when we go back that the fees in such time when we go back that the fees at a dollar a year will change and this is where we are today.

Acting Chairperson Herrera: That will be projected at how much from a dollar up?

Mr. Eay (CLTC): The price will be determined as fair market value of the property; I cannot say right now how much...

Acting Chairperson Herrera: And this is located at...here...Dedidu?

Mr. Eay (CLTC): It's in Yigu along...what street is that? This is an ag zone. This is before the last well on your left side before Andersen Air Force Base.

Acting Chairperson Herrera: Okay.

Mr. Eay (CLTC): It's to your right.

Acting Chairperson Herrera: So just include it on your report.

Mr. Eay (CLTC): Yes.

Acting Chairperson Herrera: Okay. You got anything else?

Commissioner Garrido: Mr. Chair I would like to make a motion in the case of Anita A. Cruz, I would like to table any decisions on this until further discoveries are made for us to make a good and just decision for this particular tenant.

Commissioner Bordallo: So, moved.

Acting Chairperson Herrera: Do I hear a second? Any opposed? Motion carries. Okay, number thirteen or fourteen? No Mendiola?

Commissioner Garrido: Manglona.

Mr. Eay (CLTC): Number...

Acting Chairperson Herrera: Manglona.

Mr. Eay (CLTC): I'm...okay...I'm sorry the one, the one that you see, the chart that you have, the spreadsheet the blue, those are already been concluded already, so, what we have we want to focus on the white, whereas, you know...

Acting Chairperson Herrera: twenty-three or uh...

Mr. Eay (CLTC): Item number six and, uh...ten, eleven which we already discussed and number twenty-three.

Commissioner Garrido: Well, let's go down the order on the list, let's address number six.

Acting Chairperson Herrera: Okay.

Mr. Eay (CLTC): Yes, okay. For Bernice Nelson, what happened that was tabled for the purpose of that was for further qualifications and what happened was our land agent that was the lead land agent was doing the research, couldn't find documentation that qualifies the applicant for the program. The applicant Bernice Nelson provided two documents, one where she stated that her dad was...her great-grandfather was born nineteen...eighteen ninety-five, I believe on Saipan, and her grandfather...

Unknown Speaker: Guam.

Mr. Eay (CLTC): Grandfather rather grandfather?

Unknown Speaker: Grandfather was born on Guam. Eighteen ninety-five.

Mr. Eay (CLTC): I'll have Ms. Jessica explain. Ms. Jessica is the case worker and she'll explain it more.

Ms. Dayday (CLTC): So, her grandfather stated on the death certificate says that he was born on Guam in eighteen ninety-five, but we do have the, this document which is the immigration when they came to Guam and it states that Joaquin Tudela and his next of kin Maria Tudela, wife arrived on Guam on April of nineteen fifty-one.

Acting Chairperson Herrera: Okay so this one fits the seventy-five A?

Ms. Dayday (CLTC): Well, we didn't do the seventy-five A, because she already had a lease so we go by seventy-five. So, the applicant, the applicant must be native CHamoru as defined by the Organic Act, which is persons and their children born after April eleven eighteen ninety-nine are declared to be citizens of the United States as of April, August first nineteen fifty. So, she would have been or grandfather would have been either born or living on Guam April, yeah, so to be defined as native CHamoru you would be...that become a US Citizen by virtue of the Organic Act on August first nineteen fifty.

Acting Chairperson Herrera: And that's in that paper?

Ms. Dayday (CLTC): So, Ms. Tudela, I mean Bernice Nelson submitted a document this was the first document she submitted but I did ask her to submit a certified copy and she did. It's from the Commonwealth of the Northern Marianas, it states that Mr. Joaquin Tudela was born on Guam but February nine, I'm sorry December sixteen eighteen ninety-five. So, that's before April eleven eighteen ninety-nine, as defined in the Organic Act of Guam.

Mr. Eay (CLTC): The question was more eighteen ninety-five that's prior to eighteen ninety-nine.

Ms. Dayday (CLTC): Then we have this document where this is the immigration of when he came to Guam, we couldn't find anything of when he left Guam along with his wife was April of nineteen fifty-one. This is the list of passengers that came on this ship.

Unknown Speaker: My grandfather came on nineteen sixty when we were staying in Chalan Pagu and stayed there.

Ms. Dayday (CLTC): Well, this one shows the passenger listing and this was April nineteen fifty-one, so him and his wife Maria together...

Unknown Speaker: My grandmother never came over here.

Ms. Dayday (CLTC): That's what it says on the passenger listing, is all I am saying. This is what we have record of the immigration. We couldn't find anything when he left Guam but only when he came back and that was my findings.

Acting Chairperson Herrera: So, the qualification criteria would be seventy-five?

Mr. Eay (CLTC): Now that we know that they didn't qualify under seventy-five we have to move forward now to see if they qualify under seventy-five A.

Acting Chairperson Herrera: Displaced?

Mr. Eay (CLTC): For new qualification for yeah, so the document that they were displaced from condemnation.

Acting Chairperson Herrera: Any document that they were displaced from condemnation?

Mr. Eay (CLTC): No because we haven't started that research for seventy-five a.

Unknown Speaker: What about my daughter? She's born here.

Ms. Dayday (CLTC): But the same thing, she would have to be a descendant of someone who was born on Guam prior to August first nineteen fifty or became a US citizen by virtue of the Organic Act based on seventy-five.

Unknown Speaker: What is seventy-five?

Ms. Dayday (CLTC): I'm sorry, title twenty-one, Guam Code Annotated Chapter seventy-five.

Unknown Speaker: So, I wouldn't qualify? Being born in sixty-seven?

Ms. Dayday (CLTC): That's after August first nineteen fifty-one.

Commissioner Garrido: She qualifies under the Organic Act so the Organic Act took effect nineteen fifty.

Ms. Dayday (CLTC): But she became a US citizen when she was born, but she would have to be a US by virtue of the Organic Act. I don't know how to explain it though but she was born after August first nineteen fifty.

Acting Chairperson Herrera: So, can we make chapter seventy-five A and provided to...you know the new...

Ms. Dayday (CLTC): Yes, I did explain that to Bernice Nelson the one where she would have to provide the family tree...and uh...uh...

Acting Chairperson Herrera: Yes, just for her to have a copy of the criteria.

Commissioner Garrido: Let's go back to the grandfather was born when?

Ms. Dayday (CLTC): It says that he was born in the year of eighteen ninety-five.

Commissioner Garrido: Okay the first statute that you were referring to was eighteen what?

Ms. Dayday (CLTC): It's April eleven eighteen ninety-nine on or before August first nineteen fifty. Born or living on Guam.

Commissioner Bordallo: When did your grandfather Guam?

Bernice Nelson: We were here in nineteen sixty.

Commissioner Garrido: No, when did he leave?

Commissioner Bordallo: To Saipan.

Bernice Nelson: But...to Saipan...I don't remember because I was still young but when we lived on Chalan Pagu, he came and stayed with us.

Commissioner Garrido: The first statute that you on or before...

Ms. Dayday (CLTC): On or after April eleven eighteen ninety-nine

Commissioner Garrido: So, if he was born prior to that, he doesn't qualify?

Ms. Dayday (CLTC): It says applicant must be native CHamoru as defined by the Organic Act of Guam.

Commissioner Garrido: That's for nineteen fifty?

Commissioner Bordallo: Right

Acting Chairperson Herrera: April eleven, is when the Naval Government took over.

Ms. Dayday (CLTC): Eighteen ninety-nine.

Acting Chairperson Herrera: Eighteen ninety-nine.

Mr. Eay (CLTC): So, from eighteen ninety-nine

Ms. Dayday (CLTC): August first nineteen fifty

Mr. Eay (CLTC): Nineteen fifty. If you were born between that...

Acting Chairperson Herrera: US...

Mr. Eay (CLTC): Yes, you are a US citizen

Commissioner Garrido: Gary, can we get a reading from you on that?

Attorney Attorney Gumataotao: The plain language is clear.

Commissioner Garrido: So, the grandfather will not qualify.

Attorney Attorney Gumataotao: If those facts are correct, the statute is clear.

Acting Chairperson Herrera: Okay so include that in your summary again. Or have you completed this already.

Mr. Eay (CLTC): We will conclude with a staff report and a recommendation to see if we can but again seventy-five A, we can try and do that but because of the non-qualification you as mentioned earlier...

Acting Chairperson Herrera: Any record of this one was displaced by condemnation?

Ms. Dayday (CLTC): I can verify, I can have her do...

Acting Chairperson Herrera: Okay, so, we can tie it in with Ancestral Lands database.

Ms. Dayday (CLTC): Also, Bernice Nelson's daughter would be able to if she wants to apply on her own under her name. We can do the qualifications as well but she would have to do a separate application.

Bernice Nelson: But she could stay on, do my land? I farm.

Ms. Dayday (CLTC): Well...

Acting Chairperson Herrera: Check seventy-five A and confirm there is displacement from the condemnation.

Mr. Eay (CLTC): Well, I don't want to get a head of your question but what we want to do is confirm everything first and see if she qualifies under the Act then we can answer the question. We don't want to answer prematurely.

Bernice Nelson: So, what I'm doing at the farm that's for people of the islands I do the Amot farm where a lot of people are going over get some medicine because they don't need so I'm going to lose that?

Mr. Eay (CLTC): We...that's yet to be determined and that's the board of commission to answer that.

Acting Chairperson Herrera: You guys need to verify on what you found? Or on seventy-five A, right?

Mr. Eay (CLTC): We have to go under seventy-five A now.

Commissioner Garrido: Bernice, is there any way that you can do research in Saipan as to when your father returned to Saipan? If he returned in nineteen hundred then you qualify under the first statute because that means he was here.

Bernice Nelson: If he's born in here and...

Commissioner Garrido: He was born before the statute

Bernice Nelson: He was nineteen years old to go to or twenty years old to go to Saipan.

Commissioner Garrido: We need something to substantiate.

Bernice Nelson: I went up there and they cannot find. They didn't tell me anything but I know he was here to the military or whoever send them to Saipan. People from here they send them to Saipan when they're of age. But I know my grandfather came to visit us...

Commissioner Garrido: Since he was not a second citizen there should be some record of him immigrating to Saipan.

Bernice Nelson: The only thing I could say is that when they gathered a lot of people from here and send them to Saipan. They send Rota or Saipan, they're all scattered around, that's the only...

Commissioner Garrido: Is that from the Saipan government?

Bernice Nelson: From here.

Commissioner Garrido: No, that's what I am saying check in Saipan with the Saipan authorities because there should be some sort of like immigration notice that they received when he moved to Saipan.

Bernice Nelson: I could do all that research...

Acting Chairperson Herrera: Can I see the manifest?

Bernice Nelson: I'm trying to get loan for my house.

Commissioner Garrido: I understand that but we're bound by certain laws also and unfortunately your grandfather was born before the implementation of the first statute and there's no record of him returning to Guam where it would be fallen between the first and the second statute.

Bernice Nelson: His parents still here they die here.

Commissioner Garrido: Theirs is he in the census in the nineteen, eighteen ninety-eight, ninety-nine.

Bernice Nelson: So, can my daughter...

Unknown Speaker: So, if I do I qualify to apply as a CHamoru born here in sixty-seven, do I qualify to apply.

Mr. Eay (CLTC): What we have to do is again we cannot determine qualification until all documents...

Unknown Speaker: No, do I qualify to apply, though?

Mr. Eay (CLTC): Anybody can apply.

Unknown Speaker: Anybody can apply? So, basically, I have to be a CHamoru born on Guam...

Mr. Eay (CLTC): At this time, we have a new law that supersedes chapter seventy-five, now it's chapter seventy-five A...

Unknown Speaker: Which states that...what was that, nineteen fifty, I would have had to have been born prior to nineteen fifty?

Mr. Eay (CLTC): Can you explain the seventy-five A?

Ms. Dayday (CLTC): The difference with you and your mother, your mother was awarded a lease so therefore she...anyone who was awarded or approved for a lease prior to January first, twenty, twenty-one falls under Chapter seventy-five of title 21 GCA, now you coming in being a new applicant, you would have to qualify as you're either a land owner or descendant of a land owner whose land was acquired by the United States government between eighteen ninety-eight and nineteen sixty-eight...

Unknown Speaker: Oh so, even if I'm born here as a CHamoru? I can, I don't qualify to apply to actually be afforded a lot on CHamoru Lands? Is that what you're saying because it sounds like I can't do a whole lot being a CHamoru that was born after this law, here on this island.

Mr. Eay (CLTC): The intent of the new was not just for CHamorus, it is for...to extend it to everybody CHamorus or Chinese. Ms. Jessica mentioned...

Unknown Speaker: It's CHamoru Land, I'm a CHamoru though. See I am not a Chinese trying to get a place. I grew, and was born here. I am a CHamoru.

Mr. Eay (CLTC): That was under the chapter seventy-five 21 GCA the new qualification has changed.

Commissioner Garrido: That was amended.

Mr. Eay (CLTC): That was amended.

Acting Chairperson Herrera: There's the...is that seventy-five?

Unknown Speaker: As a CHamoru though I would not be afforded even an opportunity to apply or maybe not get it because of this law that stops me as a CHamoru from trying to get CHamoru Land Trust? I mean I'm just trying to understand what the law does to people that are actually trying that are CHamoru to get CHamoru Land Trust the ramifications of that is affecting me. What it does to make other people not be able to qualify or approve is otherwise not my part of the problem because I am much more when I was born here so that's what I'm asking now. The other question would be my mom has been there at this property since seventy-four or seventy-five, I don't know whatever my mom runs a farm there she's put a lot of money in it she's only asking for this actual loan this is when all this came about is because she just wanted a safe place to live during a typhoon, she doesn't have a concrete home. I think there was reservations of her even putting something there so she has a ranch still home but she has trees she takes care of the property more than what it would do with some of the people I said I don't want implicate other people but I've seen a lot of other things go around that who qualified to stay there junk cars, nothing and my mom's putting something into this land that would otherwise sit there and be nothing so my question is and I know that if I don't qualify to apply for any land anywhere according to this law what is the point of even having CHamoru Land Trust for the CHamoru because there's a lot of us that weren't born in eighteen something and you can't be alive today. It's affecting the future generation more than it does anything. What about the people in the past I don't really care of what they did in other words what are you going to do for my generation or the people coming after my grandchildren who were born here by the way and are CHamoru. That's all I want to know if that doesn't even make sense that I can't at least apply or I have to fight so hard to even qualify I'm just saying we'll fix my mom's and then if I was to even apply this another fight, I didn't know I was going to have to try to work with.

Ms. Dayday (CLTC): This is a land restoration...this is a land restoration program for all those families whose land was taken, was taken and never given back they were never compensated so...that's why...if you want to try and qualify you can apply...

Unknown Speaker: It's a lease, you're not literally giving me the property to begin with...you can move me out anytime you want.

Acting Chairperson Herrera: You mentioned that you're not Chinese, correct?

Unknown Speaker: No, I just used that...

Acting Chairperson Herrera: No...no...no you're right because the Quan family are Chinese, the Choco family are Chinese and they've been here and when their lands were condemned by the federal government between eighteen ninety-eight and nineteen sixty-eight, they qualified and they are Chinese.

Unknown Speaker: I didn't mean to be this way, it's just the way I see it...

Acting Chairperson Herrera: It's the truth and this is why the federal government tried to shut down the CHamoru Land Trust because of the word "CHamoru". But when they brought it to court it's not about if you're CHamoru, Chinese, Japanese, or Korean, the fact is that if your property was unjustly condemned therefore, you qualify so that's why we're saying, does anybody in your line have a property that was condemned by the federal government very simple and even if you're Chinese the Quan and you're right, I'm a Filipino just to let you know...

Unknown Speaker: Well, I understand that...

Acting Chairperson Herrera: Ancestral Lands is here to testify on what I say, they're the masters of this one they have the chronology the condemnation documents from OICC, shall we say sir, OIC is the office that down at the Navy, so, when they started condemning the land the documents were there so they measured the whole island then they came in and condemned some of the strategic locations on the island and then they displace is the key word here a lot of people were displaced so those people that were displaced back between eighteen ninety-eight to sixty-eight some of them are here some are of them are not here but some the descendants are qualified so Ancestral Lands is where we check the background for if you have any property that was condemned by the US Naval government not government of...government of Guam, US government. So, you're right Chinese, Korean, Japanese...

Commissioner Garrido: No there were census.

Bernice Nelson: Can I say something? My grandfather as I know, Tony Sablan say that today land is up where Andersen used to be my grand used to own a land up at Andersen but because of my uncle he a senator sold it or returned it back to whoever it is so we have Tudela's land here on up Andersen Ratidian point.

Acting Chairperson Herrera: Pes esta gue...na fino' CHamoru yan un na claro. Taya ga?

Bernice Nelson: Okay.

Acting Chairperson Herrera: Pues na condemn anao na tano, yan guaha na documentu na condemn ginen I koti I sibit ni gobetnu sindalu...

Bernice Nelson: Yeah.

Acting Chairperson Herrera: Sempre anak, ya'gin anak, pues sina un ___ hit, no. Esta kabales? You got it, sister?

Unknown Speaker: Yeah, but how long is that going to take for that and what's involved...

Bernice Nelson: I don't have time for that because I have medicine, I have to plant and...

Acting Chairperson Herrera: Understand. So, Ancestral Lands database if the family's name is in that database, then that's where it starts.

Unknown Speaker: Okay.

Acting Chairperson Herrera: Okay, again it's not about you being a CHamoru...

Unknown Speaker: Well I am not really saying that, what I'm saying is I always thought at least I'm thinking that, that's what CHamoru Land Trust means it's land for the CHamoru people to preserve of course their culture here I mean I'm not saying no one else can obviously you can see people own land all over the island but there was supposed to I'm thinking there's a preservation maybe I'm uneducated on it for a certain, you know people that belong here I mean not belong here but actually this is their culture that's reserved for them because they don't pick it up and take it with them, it stays in for generations I mean my mom's leasing she's not owning it she'll never be able to benefit as far as selling or anything and I own real property here I have my house but I know with eminent domain they can come and take my property whether I own it or not so basically I just wanted my mom to continue what she's doing until such time that train finds something or someone better that would come and do more than she is and then you know so be it but my mom wants to continue staying there and doing what she does.

Commissioner Garrido: I think the quickest way to try and resolve this is that seventy-five the first one that eighteen I mean eighteen ninety-nine...

Mr. Eay (CLTC): Ninety-nine, yeah.

Commissioner Garrido: I am pretty sure during the transition period between the Spanish government and the US Naval government there was census conducted either in 1889 or 1900 or 1901 or 1902 at the way to 1905, I'm pretty sure there was a census somewhere out there that will indicate that your grandfather was residing here in the island and if you find that, that clears up a lot of problems for you because he meets the first intent.

Acting Chairperson Herrera: Here's the...

Mr. Eay (CLTC): I would also like to add on that the comment Bernice Nelson just earlier that she mentioned that a family property was to condemn the Tudela family and then was returned so, even if your property was condemned and returned back to the heirs of the estate, you still qualify because the law doesn't say it only says that property was condemned by the US government, doesn't say limited...doesn't say and return it's just condemned the key word so even though your property was condemned and would return back to the family they do qualify.

Acting Chairperson Herrera: She's got the family tree so...you guys want to make a...okay you got?

Unknown Speaker: Yes.

Bernice Nelson: I just want to know now do I have to leave? Quit the farming and move somewhere else or how long do I have?

Commissioner Garrido: Well, that will depend on the research...

Bernice Nelson: Yeah, but I don't have time to research

Unknown Speaker: you could just ask to research.

Bernice Nelson: I asked uncle Tony and he said yes Tudela's have land is where they're at now they turn it to Sablan.

Acting Chairperson Herrera: Pues check nai I document.

Bernice Nelson: Gi manu

Acting Chairperson Herrera: Enao na pa'ga.

Bernice Nelson: Okay

Acting Chairperson Herrera: Okay, this is not a race-based program. We got sued in 19, what is that, 2000 in the federal government and they clarified it that it's not race based

Unknown Speaker: Well, I wasn't trying to make it a race base I just trying to speak as CHamoru.

Acting Chairperson Herrera: I understand.

Unknown Speaker: This is I know as being CHamoru at least that part of the it.

Bernice Nelson: How long do I stay there?

Acting Chairperson Herrera: Based on the findings of...it's good to start...

Bernice Nelson: To look for and research...

Acting Chairperson Herrera: CHamoru spoken...I can't say because I am not the one doing, right director Burch?

Mr. Eay (CLTC): The research is depending on availability like you just mentioned earlier if we can get information for the family property that was taken and then we can move from there and do the connection to you as being the heirs then we can work on the 75A but without those documentation, we cannot move forward we need those documents to for you or your daughter to qualify.

Acting Chairperson Herrera: She's got the documents for the tree and we can start that as a start point

Mr. Eay (CLTC): Yeah.

Acting Chairperson Herrera: CHamoru Spoken: That document

Bernice Nelson: We have to do the research?

Unknown Speaker: They said they will do the research.

Mr. Eay (CLTC): We can do the research, the name of the grandparent...the name that was taken by the US government.

Bernice Nelson: I paid for the surveyor and I paid for the water I mean I paid for agriculture water \$4000.00 and that's not a laughing stuff for my you know I paid for everything that's required for agriculture to go in.

Unknown Speaker: What I'm seeing here is she's been there since 75 and only till today is become an issue I suggest though, sorry to say this but start auditing because don't let people sit there put their time and whatever into what supposed to do and come and pull the rug out from under them and say oh no now you're not really here you better prove some more that you should be after all this time what part did they start think about that that's all I have to say. I've been there since 98 when I moved here as a resident for fulltime and my mom's been there and now all of sudden all these things and it's because of an audit I mean when was the audit started, they've been there and occupying it since that long so I mean I just have to say I hope that this was...

Mr. Eay (CLTC): There was no audit it just this thing only came about when requested you requested for a loan guarantee so when requested for a loan guarantee we what we're doing right now we have to make sure

that the "T's" are crossed and the "I's" are dotted. While reviewing the file, that's where we found out that there was no proof that showed that she qualified.

Commissioner Garrido: For as long as this is pending and no final decision has been made, we're not going to evict you.

Bernice Nelson: But I want my house to...

Commissioner Garrido: What I am saying is you ask how long you have before you have to be evicted as long as this is still like in litigation then you will not be evicted from the premises because research is being done and it's being done on your behalf it's not being done on our behalf. I don't want to displace you but we have to work together all right.

Bernice Nelson: What I am trying to get at is my house...

Commissioner Garrido: I understand that but because what triggered this whole dilemma is the loan guarantee.

Bernice Nelson: I mean it's only \$80,000.00...

Unknown Speaker: The reason for the SBA loan by the way was because of the storm and...

Commissioner Garrido: I understand that...

Unknown Speaker: Something to live in...

Commissioner Garrido: I understand, but what I am saying though is we're trying to work through this okay, it's not our intent to kick you out

Bernice Nelson: I am still working on the farm since six in the morning until I'm ready to pick up the...

Acting Chairperson Herrera: CHamoru spoken...Just remember that money is from the federal to build...

Bernice Nelson: I don't have money from anybody only for my house.

Acting Chairperson Herrera: CHamoru spoken...no this loan, SBA belongs to the federal...

Bernice Nelson: That's only for my house.

Acting Chairperson Herrera: CHamoru spoken...yes, I know...

Bernice Nelson: Not for my farm

Acting Chairperson Herrera: CHamoru Spoken...your house is on the land, right? Okay, so, the quicker you submit that and we can start the...

Commissioner Garrido: Chairman, in regards to Mrs. Bernice Tudela Nelson because we need to do further investigations and research, I suggest we put this in the pending file for later discussion.

Acting Chairperson Herrera: CHamoru Spoken: Esta...second senora?

Commissioner Bordallo: ***Shakes her head yes***

Acting Chairperson Herrera: CHamoru Spoken: Yes, okay, thank you.

Bernice Nelson: CHamoru Spoken...thank you to you too.

Commissioner Garrido: You dropped something.

Acting Chairperson Herrera: Emeliana

Mr. Eay (CLTC): The next one, Emeliana Mariano, yes, I believe...Emeliana Mariano is here, she's here.

Emailina Mariano (video conferencing): I'm here.

[crosstalk]

Ms. Dayday (CLTC): What are they going to do with Bernice Nelson?

Acting Chairperson Herrera: The motion is to...

Commissioner Garrido: Table it.

Acting Chairperson Herrera: Table pending the completion of the research for the genealogy...

Mr. Eay (CLTC): Qualifications for 75A

Ms. Dayday (CLTC): You motioned?

Commissioner Garrido: Yes, that was a motion.

Mr. Eay (CLTC): Sorry, okay we have Emailina Mariano, she's on there.

Emailina Mariano: I am here with my son.

Mr. Eay (CLTC): Oh, there you go. Okay so her loan guarantee was tabled and the reason it was tabled was when we did a site visit on the lease premises there were...one of the things that we found that was there was a lot of trash and inactive farming. There was no farming at all under the two-acre lot and because that we also she was issued a lease, compliance issue back in 2011 and as of since then to now it hasn't been corrected so in order to move forward again the loan guarantee we wanted to discuss this issue we tried to the first time but she wasn't made available but she's here today.

Emailina Mariano: I was late, I didn't want to be disrespectful to just walk into a meeting so, I went home and I look to online and I didn't know how to do it where I could talk to you now but my son is helping me and where I am and the first question, I just wanted to ask was you said you took that picture?

Mr. Eay (CLTC): Yes, it was after the typhoon where like several months after the typhoon when we went there and took pictures.

Emailina Mariano: Yes, okay, the typhoon was in May and I...we have to get out because it got damaged and yes it's because we repaired the one room so that we can move back in and it yes it took us time and I move I believe we moved in right after my birthday beginning part of August, so, I'm sorry but it took time and to get over the destruction of our house and you know we didn't have a pick up and well it did take me a while to clear it but using our services for the typhoon where we put out our tracks in the road and then they pick it out we use that services. I have a video that I'm trying to make my show you the progress that we've done since then I do apologize it did take us a long time to get just standing in that land just that's what I can say.

Mr. Mariano: So, the debris has been cleared up.

Emailina Mariano: Not all, we still have a little bit. I do have a video to show I don't know if I can do it. I sent pictures to Jhoana.

Mr. Mariano: She has hired somebody in the past month who's been working every weekend over the past month clearing the land and preparing it for a farm plan that we created, you guys as well and in regards to 2011 non-compliance we don't have enough trees back then but since then in between then and over the years we have planted a bunch of trees and I just think because of the overgrowth you guys weren't able to count all of them we're not I don't think we're in total compliance right now but I think we're pretty close and we're looking to take it further with the farm plan that we turned into...

Mr. Eay (CLTC): Okay, you mentioned that you're trying to get into compliance with your farming activities within the two-acre lot and it is clearly my inspection and even my photo and clearly shows that you're not even ¼ compliant of your farming activity. There's nothing that proves that you're even close to it this is why you know we're bringing it up and the reason for that, that we bring it up also sir is that you have two acre lot that was issued to you and again this is another case that where a two acre lot was issued after December of 1998 which should have been probably issued a half-acre for subsistence farming and this is another case where we again that we have to move forward we have to decide if we can we have to do a reduction of acreage from two acre to...

Mr. Mariano: I believe this lease was signed in 2007.

Mr. Eay (CLTC): 2007, right. So, if you were...if the lease was signed prior to December 1998 then you could keep the two acre because it was 2007 you should have been issued a half-acre lease not a two acre lease. Then again in page number two it shows here says item number four rental fees to pay annually with \$1.00 receipt...also...

Emailina Mariano: If you only gave me a half an acre lot...

Mr. Mariano: Anything above half an acre is agriculture or commercial? Is that what you're saying?

Mr. Eay (CLTC): Anything after December 1998, any lot over half will be determined as a commercial use correct.

Mr. Mariano: Our lease, agricultural lease doesn't say anything about commercial on our lease.

Mr. Eay (CLTC): Right...this is why we have to fix this now because two acre lots is it's considered a subsistent farming it's...it's...it's identified as a commercial farming from, yeah.

Mr. Mariano: I am not sure if you did a count of the kind of trees and plants that we have throughout the land but my mom did do a count as we've been carrying the past month and I'm sorry I'm hearing that you say like we don't have any kind of farming going on but I have to disagree with you there also to think the last meeting I was listening and you said no intentional farming but there has been also intentional preservation of like the native and cultural significant trees that they have on the land and we did account those and you might change your perception what's been going on in the land, like we did do a lot of coconut tree planting from that 2011 that was our main source of plants but then the rhinoceros beetle really did a number on our plants and there is proof that you can tell the damage that they've done but since then there have been the...in 2002 with the big typhoon that took out a lot of our stuff and then because we had this that actually prior to 2007 to having this lease it was under my grandmother's agricultural land trust. She had eight hectares and then after the 2002 typhoon that totally demolished the house and then it took a while my mom working minimum wage jobs and having to rent a place and I'm having to gather up the funds to rebuild our house but before she could do that, land trust gave away most of the leased land that my grandmother had. My mom tried to contest that she brought the paperwork there and they said this is correct you do have a valid lease but I'm sorry people have already surveyed the land that we had abandoned and they gave us that two acres of land that we have now to farm and that's why we're here today trying to figure out what's it going to take for us to get in compliance and to get that loan guarantee because that's a big deal with...take away a lot of the focus finding a place to live so that we can get this farm plan started we have saved up money to complete the...to go to follow it through and we're excited to do it so if like you're worried that we're not going to come into compliance I can assure you and we have the funds now to start up and manage to save up money over the years and we're going to follow through with the plan.

Mr. Eay (CLTC): Just...we're reviewing your mom's application, mom's application date is 2001 and of February 15, 2001 the application. The application for CHamoru Land Trust.

Emailina Mariano: Yes, that's when I came back from the states, I did apply but that's the date I was living on my mom's house it was my mom her two sisters her father and grand my grandma we grew up pulling grass from that land.

Mr. Eay (CLTC): Your application page that you were living and occupying and farming on government land although when you applied February 15, 2001, because you applied at that date even if you were living there or occupying, lease issuance of date and time of application we have to go by date and time. We understand that mom was there as a pre-occupier and you continued to live there but your mayor's certification says you've been there since 1990 but moving forward that's still under the Arrendo and still, you're still there.

Acting Chairperson Herrera: Is it Arrendo at that time?

Ms. Dayday (CLTC): Department of Agriculture

Mr. Eay (CLTC): Department of Agriculture

Acting Chairperson Herrera: For eight acres?

Mr. Eay (CLTC): Four acres.

Acting Chairperson Herrera: Department of Ag lease? So, they're pre-occupying?

Mr. Eay (CLTC): Well Department of Ag the lease is determined on a year-to-year basis. So, what we have to do is research on that to see if they continue released on a year-to-year basis every year it expired you have to renew it so, there I would have to...

Ms. Dayday (CLTC): That one is still the Department of Ag.

Mr. Eay (CLTC): We have to work with the Department of Ag to see what their records.

Ms. Dayday (CLTC): Ask her what's her mom's name.

Mr. Eay (CLTC): May I ask what your mom's name is?

Emailina Mariano: Elanita. E L E N I T A A R C A. I believe she was one of when I guess when the first program first came in she's there with the Babauta, the Sablan, the Cruz, the Takai...the originals, may the first land...

Mr. Eay (CLTC): Okay, we'll take a look at that right now the issue at hand right now is the that you're occupying we encourage you to continue farming and everything but we have to resolve the two-acre lease.

Mr. Mariano: I'm sorry and does that mean you're not able to approve any loan guarantee right now?

Mr. Eay (CLTC): I'll let our board decide on that.

Acting Chairperson Herrera: Complete your research and then present it and then we...

Ms. Dayday (CLTC): We have to verify if it's a Department of Ag lease.

Mr. Eay (CLTC): We have to verify everything and like as you mentioned of if there's any existing Department of Ag, that keeps your mom there and for you guys to also remain there because you know you always live and occupied you never left the premises which allows you to continue to stay there that's the good thing

about it, you can continue to reside in there but the lease should have been awarded at the time of your date of your application.

Mr. Mariano: Okay, sorry but for the time being like right now we have this lease saying that we've been there since 2007 and is there any like is there any problem with that we signed in 2007 and my understanding is the only problem that there should be right now is just us coming into compliance with the amount of plants that were supposed to have been there.

Mr. Eay (CLTC): There's no question that you will remain on the property because you continue to occupy it, the question now at hand is to see if there is a need to reduce the acreage to half an acre lot.

Mr. Mariano: Okay, reason why you wouldn't you consider doing that is if we're not farming the required amount of acreage right now which is why we turn the farm plan in and why we came at you with the plan and then update you on what we've been doing on the land and what we will be doing in the future.

Mr. Eay (CLTC): Even if you were farming two-thirds of the property or even over two-thirds, we still have to address the two-acre lot and if there's a need of reduction of acreage. We have to an assessment of what type of plants that are being planted and everything that has been discuss its possibility if that it will be compensated to those for those...

Acting Chairperson Herrera: Just wrap the findings...

Mr. Eay (CLTC): We have to do our report...

Acting Chairperson Herrera: If we're going to approve the loan.

Mr. Mariano: I'm sorry like we came here to this meeting to get like a loan guarantee from you guys and to find out what we need to come into compliance and he told us that we needed a farm plan to adhere to having two acres and making sure that we're able to farm two acres and we came with plan and we a plan moving forward so we don't want any acreage reduction and we're hoping today that we can convince you that we will follow through on planning with the two acres what other research from us?

Acting Chairperson Herrera: Wrap up your findings.

Mr. Eay (CLTC): Thank you for your statement, we...we...we would just like to continue with our research and findings and we will get back to you, hopefully in the next meeting, next month.

Emailina Mariano: I have a question. So, you are saying that the two acres that they gave us and that we surveyed and that we had it recorded and I assume that it went to land trust, the surveyor and all that go through a chain of signatures and we...I believe we got a letter for two acres but you're saying that some should have been just half an acre and so all those signing and reviewing nobody noticed that it was wrong?

Mr. Eay (CLTC): Okay, I apologize for that, only time we discovered it is when you came in about to apply for a loan guarantee. That's when again we review your application and everything all to find out there was some issues. I can't answer for what happened in the past I'm sorry for that and just moving forward we just want to fix it.

Emailina Mariano: Let me ask you, is there a chance if we make all the corrections that will be given a chance to get that loan and have a more safer home and do whatever areas we're going to.

Acting Chairperson Herrera: Wrap it, yeah, wrap it up wrap your search and give it to use.

Mr. Eay (CLTC): We'll try our best ma'am.

Mr. Mariano: Thank you very much. We understand that we came here to seeking your guys' guidance and believe that you will follow with that and I appreciate all, thank you.

Emailina Mariano: CHamoru Spoken... (Thank you)

Mr. Eay (CLTC): Thank you.

Emailina Mariano: I will be calling you tomorrow, thank you, CHamoru Spoken... (thank you)

Mr. Eay (CLTC): Thank you. We have a Mr. Philbert Flores and he just arrived and he wants to oh he's been here, I'm sorry, he wants to make a statement this is one of the loan guarantee for the unregistered property...

Acting Chairperson Herrera: What number?

Mr. Eay (CLTC): That would be number five.

Unknown Speaker: Over in Yigu.

Mr. Eay (CLTC): So, we have Mr. Philbert Flores here today and the issue is that in regard to a lot a portion of lot 7153, Yigu containing an area of not more than two acres, subject to survey. This is another one again it's another two-acre lot but the main issue what we're having here to discuss is that the land the property that is actually occupying is an unregistered property and this on of those cases again where he was issued to and the property was unregistered.

Acting Chairperson Herrera: When did you find that it was unregistered.

Mr. Eay (CLTC): This was during again when he applied for a loan guarantee. We did our research and just like everybody else we wanted to find out there was a problem that have an issue in regards to the land registration and we don't want you to pay taxes these things we want to we our is to fix the problem. How we can move forward it's not your fault anybody...

Acting Chairperson Herrera: CHamoru Spoken...(July is when you submitted?) July is when they apply?

Mr. Eay (CLTC): When they applied...

Unknown Speaker: We submitted all the documents.

Unknown Speaker: But I got the property since 1991.

Unknown Speaker: Yeah...

Commissioner Garrido: Please state your name for the record.

Philbert Flores: Philbert J. Flores. Philbert John Flores

Rose Flores: Rose Flores

Acting Chairperson Herrera: CHamoru Spoken... (They are recording and if you want to sing, sing. You can understand our language, right?)

Philbert Flores: CHamoru Spoken... (Yes, yes.)

Acting Chairperson Herrera: CHamoru Spoken... (This is a big problem because there are a lot that hasn't been resolved)

Rose Flores: Yeah, yeah.

Philbert Flores: CHamoru Spoken... (There are a lot of rocks in the back of our house)

Acting Chairperson Herrera: CHamoru Spoken... (Okay, then let them find a way...

Philbert Flores: CHamoru Spoken... (This needs to be fixed)

Acting Chairperson Herrera: CHamoru Spoken... (The neighbors have built homes already, right)

Rose Flores: Yes.

Philbert Flores: CHamoru Spoken... (We already built a semi-concrete and...we had a cow too)

***** GLITCH *****

Philbert Flores: CHamoru Spoken... (Go in to Chalan Chigu'an. I have property near Q's Ranch)

Acting Chairperson Herrera: Right.

Philbert Flores: CHamoru Spoken... (I surveyed that place twice. I paid twice)

Acting Chairperson Herrera: CHamoru Spoken... (He is going to check how to resolve...)

Rose Flores: Something happened with Land Management, they took his license away, and he never recorded.

Acting Chairperson Herrera: CHamoru Spoken... (The land would go through the court)

Rose Flores: Oh, okay.

Acting Chairperson Herrera: CHamoru Spoken... (This money "SBA" is good because it's cheap)

Philbert Flores: Yes.

Rose Flores: Our surveyor, they took away his license, he never recorded our map.

Commissioner Garrido: Who was your surveyor?

Rose Flores: What was his name?

Philbert Flores: Castro. CHamoru Spoken... (He already died)

Rose Flores: They were aware of it, now we need to get another.

Commissioner Garrido: CHamoru Spoken... (Long time)

Acting Chairperson Herrera: CHamoru Spoken... (So, now when you survey the land...)

Philbert Flores: You have to record.

Acting Chairperson Herrera: CHamoru Spoken...

Rose Flores: While that's happening, we're given a deadline but with SBA...

Acting Chairperson Herrera: CHamoru Spoken... (Yes, but call SBA and ask if they can extend)

Philbert Flores: Yes.

Rose Flores: Okay.

Acting Chairperson Herrera: CHamoru Spoken... (We will keep...

Philbert Flores: CHamoru Spoken... (I want to clear the land and then build a new)

Acting Chairperson Herrera: CHamoru Spoken... (So, moving forward, to register the land it will go to the court)

Rose Flores: Okay.

Philbert Flores: CHamoru Spoken... (How many months do we have to wait?)

Acting Chairperson Herrera: Right. CHamoru Spoken... (There are plenty problems)

Rose Flores: Yeah so, we didn't know that we, I think we would have ever known this yeah if we didn't come in to request for because we figured once a lease is already given that's where and you know now, I paid for years.

Philbert Flores: CHamoru Spoken... (That's a good place to farm...)

Rose Flores: [****talking over Philbert Flores****] we want to pay for fifty years.

Acting Chairperson Herrera: CHamoru Spoken... (Yeah because you are already getting old and your kids will take over)

Philbert Flores: CHamoru Spoken... (I put all the coconut trees in there and the avocado trees too)

Acting Chairperson Herrera: CHamoru Spoken... (That's good)

Philbert Flores: CHamoru Spoken... (It's good...)

Acting Chairperson Herrera: CHamoru Spoken... (You're raising cow)

Philbert Flores: CHamoru Spoken... (I want to raise pigs too)

Rose Flores: So, we were told...

Acting Chairperson Herrera: Okay, we just we're going to have to fix the registration issue, the unregistered land.

Mr. Eay (CLTC): Yeah, we have to address the land that's being unregistered. Just for clarity the chapter 75A105, the commission shall not lease or license any available land until it is registered under the provision of chapter 20, 29 of this title. That being said just wanted to disclose that we cannot lease or license to anybody property that's unregistered. Although you're already there...

Acting Chairperson Herrera: When was the lease ratified?

Mr. Eay (CLTC): The lease was ratified, again, we know how that...

Acting Chairperson Herrera: When?

Ms. Casem (CLTC)2018

Mr. Eay (CLTC): 2018

Acting Chairperson Herrera: Alright so we understand the problem, so they understand, so wrap it up and move to the next one.

Rose Flores: The lease? Our lease was...

Mr. Eay (CLTC): The lease was in 2002 and you're an applicant of 1997.

Ms. Dayday (CLTC): But ratification was 2018

Mr. Eay (CLTC): 2018

Rose Flores: Although everybody signed from Monte, Phil, and all the notaries even though they signed this document on July 11, 2012, the ratification stands for 2018.

Ms. Dayday (CLTC): Well, your lease is from 2002, it just was done administratively, so now the board ratified those leases in 2018 but no your lease is from 2002.

Philbert Flores: CHamoru Spoken... (When the land trust was up there, Borja was the director at that time...)

Acting Chairperson Herrera: CHamoru Spoken... (So, that's why...)

Philbert Flores: CHamoru Spoken... (Yes...)

Acting Chairperson Herrera: CHamoru Spoken... (Gave you four? Or three?)

Philbert Flores: CHamoru Spoken... (Four)

Acting Chairperson Herrera: CHamoru Spoken... (I think he said...oh three, right?)

Rose Flores: There are three, Monte, Monte the director, Monte Mafnas, and then my husband, and two, two different notaries.

Acting Chairperson Herrera: CHamoru Spoken... (So, that's why they said when it's finished with the signatures, it goes to the Commission. That's when the Commission approves it later...)

Rose Flores: Oh okay.

Acting Chairperson Herrera: CHamoru Spoken... (It's far from when it was signed)

Philbert Flores: Yeah.

Acting Chairperson Herrera: CHamoru Spoken... (...)

Philbert Flores: CHamoru Spoken... (It was taken this far)

Acting Chairperson Herrera: CHamoru Spoken... (Monte passed away)

Rose Flores: So, can we get the current? That reads the...

Ms. Dayday (CLTC): No...no...your lease, your lease award date is 2002, it's not going to change.

Rose Flores: Okay, okay, I just want to make sure that we all have the same documents in front of us because we're talking about different dates and I was not aware that...

Acting Chairperson Herrera: CHamoru Spoken... (They are going to register now, we need to hurry because you at what you are going through now)

[crosstalk]

Mr. Eay (CLTC): Sorry I don't have a time as to when the property can, will be registered but we will work that.

Acting AD Burch: What's your plan? Are you planning to tear down the current?

Philbert Flores: Yes, we are...

Rose Flores: Wait a minute...

Philbert Flores: Rebuild a new one.

Rose Flores: So, I asked that question to SBA because it seems more to the contract it seems more feasible...

Acting AD Burch: Yes, it would be cheaper to do.

Rose Flores: It's easier for them rather than to try and determine.

Acting AD Burch: Other than the building that you have in your property.

Philbert Flores: That one's going to be demolished.

Acting AD Burch: Yeah, yeah but other than that you have invested in it, have you just trees and livestock?

Philbert Flores: Yeah, livestock,

Rose Flores: Yeah, it's basically...

Philbert Flores: I was raising cattle but then they died.

Rose Flores: We were planting.

Acting AD Burch: Right, it's just that the issue that we're going to have here and I'm going to be honest with you is land registration it's not registered. My recommendation would be for a relocation because if we're going to register the property just the work we're going to put into it at minimum earliest we can do I can guarantee be at a minimum a year most likely two years.

Philbert Flores: Wow...

Rose Flores: Oh, my goodness...

Acting AD Burch: You're not the only ones that has this issue and I'm working on it and I need to hire specifics so, if you're going to plan to rebuild a house rather than investing anymore into that on a registered piece of property. Perhaps the board would agree if you would agree for a relocation to another property that is registered.

Acting Chairperson Herrera: I think yeah...

Rose Flores: Okay, so...

Acting AD Burch: In the same area, we would have to look not somewhere close maybe but apparently what happens here there has been a mistake and I'm going to admit that you're not the only one who's had your lease ratified, we know that but based on the law, it's against the law to lease out unregistered property, so, technically your lease is not necessarily enforceable but because it was an error of CHamoru Land Trust

Commission in the past my recommendation if you're planning to put a concrete house you already have approval from the SBA right, so, would you be agreeable to think relocate to a property that is clear and clean.

Rose Flores: Okay, with that being said if we do agree...

Acting Chairperson Herrera: CHamoru Spoken... (Trade for that other place)

Rose Flores: ...would we have to be...be reliable to demolish and clean up as well?

Philbert Flores: CHamoru Spoken... (That area...)

Acting AD Burch: It's CLTC's fault that occurred so I don't believe that we should require that but we would be required to register quite a few properties and I see that you put a lot into it, but now you're going to go further. This is something that you've already gone all out on this thing.

Rose Flores: We have.

Acting AD Burch: So, the only way to right this is to give you property that is registered. I don't know if we can do that that'll be up to the board for approval for relocation.

Acting Chairperson Herrera: I think within the area...

Mr. Eay (CLTC): We can try and see if there's available property within the proximity that is registered land. But definitely not within that same lot 7153.

Philbert Flores: But, around that area?

Rose Flores: Something nearby?

Mr. Eay (CLTC): Something near 7153 all is unregistered so we have, say thirty lots let's say example I'm just throwing out the number that lot 7153 we have to find something close to your area.

Commissioner Garrido: CHamoru Spoken... (You go in from Y Sengsong...then Chalan Niyok...)

Rose Flores: Yes.

Commissioner Garrido: CHamoru Spoken... (Then out to Gain?)

Mrs. and Philbert Flores: Yes.

Commissioner Garrido: Okay. CHamoru Spoken... (You are the Flores there)

Rose Flores: Yes, the Flores on the left.

Commissioner Garrido: CHamoru Spoken... (...)

Rose Flores: Coming from Dededo.

Philbert Flores: CHamoru Spoken... (We are on the other side)

Commissioner Garrido: Yeah.

Philbert Flores: CHamoru Spoken... (...)

Rose Flores: So, if we do agree to that, because you're already saying the registration is may take longer than expected would that may hamper our approval with SBA or what that come from a letter from you guys explaining the situation.

Acting AD Burch: I don't know. I can't, I can't say that SBA will agree to hold off in your loan or that, I don't know what their rules are, I just know what our rules are here and that's why I'm saying is that if you're thinking that it will be done in a week or two weeks or two months or two, three months, it might take a year to two years is what I'm trying to say.

Philbert Flores: Yeah, but what I'm trying to say is if we do, how long will it take?

Acting AD Burch: Okay.

Mr. Eay (CLTC): It really depends of the availability of the lots and I have one on top of my head already but I have to confirm if it's very close to your proximity it's within the Mataguac area and which...half acre lots where there's water, power available already it's flat land and just needs to be cleared so, I have to do my research on that from two acres is going to be cut down to a half an acre.

Philbert Flores: So, you mean to tell me on that from two acres is going to be cut down to a half an acre?

Mr. Eay (CLTC): Yes, because, unless you want to...looking for a two acres commercial lease. The rate will be will change it will be no longer a dollar a year based on the fair market value but that's...

Commissioner Garrido: Wait..wait...wait please. It's quite evident that we need to do a lot of research not just for you but for a lot of these other loan guarantees because we're finding these catch twenty-two in everybody's specific issues. Just in our conversation here I like your approach that you're willing to swap land okay, but we do still need to do a lot of research to accommodate you and so many others that have these issues. With that being said we'll try our best to accommodate you to property that has clear title instead of unregistered property because like what was mentioned it may take up to two years maybe even more just depends on the availability of the professional to go out there and do surveys and stuff like that it needs to be recorded.

Philbert Flores: Yes. Since the time I had the land I'm surprised it wasn't but only around.

Commissioner Garrido: The thing is...

Philbert Flores: I don't understand.

Commissioner Garrido: It was not obvious until you came in asking for loan request and then research were done on the property but what I would like to suggest I would like to place a motion on the floor Mr. Chairman that we put all these issues on a moratorium until further research can be done so we can come up with something equitable that will benefit both the CLTC and our constituents.

Acting Chairperson Herrera: On the unregistered?

Commissioner Garrido: Everything! The two acres, the unregistered and all the other issues that we're encountering here in the last few loan application.

Acting Chairperson Herrera: And just to add to that...CHamoru Spoken... (Regarding cutting the two acres.) Explain to him, he's a farmer, a cattle farmer. What is the ratio between the cattle and acreage?

Mr. Eay (CLTC): Well, right now what's recommended...

Acting Chairperson Herrera: No, on the book.

Mr. Eay (CLTC): Well, it's one to one.

Acting Chairperson Herrera: On the book?

Mr. Eay (CLTC): On the book I don't see anything definite as for one, but it is recommended one, two, one for one cow.

Commissioner Garrido: Mr. Chair that's my motion that we suspend this we don't come to any formal judgement until we do further research into these cases because they're each different

Acting Chairperson Herrera: CHamoru Spoken... (We need to fix this but something has to...)

Commissioner Garrido: That is my motion.

Commissioner Bordallo: Second

Acting Chairperson Herrera: Questions?

Philbert Flores: She has a question.

Rose Flores: When we requested for our first surveyor to have the survey and that document was given to us shouldn't they have caught that?

Acting Chairperson Herrera: Yes.

Rose Flores: They should of caught that already because why are we going to survey a property that's not registered.

Commissioner Garrido: But the surveyor never followed through with recording the property.

Rose Flores: No but it's land trust that give us the authorization to begin with.

Commissioner Garrido: Yes, but what I'm saying is the surveyor didn't complete his job, if he had completed his job, we would of found out back then that it's unregistered and we could have moved forward.

Philbert Flores: I utility, power, everything there already.

[crosstalk]

Commissioner Garrido: We will try and find something similar to your circumstances and that's...

Philbert Flores: CHamoru Spoken... (Reconnect, because that's a lot of money man)

Rose Flores: Inaudible

Commissioner Garrido: CHamoru Spoken... (I understand what you're saying) but right now (Are you going to wait two or three years?)

Rose Flores: Meanwhile we will contact my...

Commissioner Garrido: CHamoru Spoken... (Your SBA...)

Acting Chairperson Herrera: CHamoru Spoken... Not clear

Commissioner Garrido: Did you hear that in my motion?

Acting Chairperson Herrera: I would like to hear a second?

Commissioner Bordallo: I second

Acting Chairperson Herrera: CHamoru Spoken... (Well, if there is nothing more then okay. When you come...)

Philbert Flores: CHamoru Spoken... (I am going to wait to hear...)

Rose Flores: You'll call us

Philbert Flores: CHamoru Spoken... (Someone will call us)

Commissioner Garrido: CHamoru Spoken... (Yes, the staff will contact you)

Mr. Eay (CLTC): We'll be in contacting you, Mr. Flores

Rose Flores: So, I'm going to tell SBA to just give us time.

Mr. Eay (CLTC): We will see if we can provide you a letter from us addressing it to you that it's going to take a little time and then you can submit that to SBA and normally in many cases like that, they're willing to extend it'll be clear to them that there's a little issue with that property so we're offering an exchange property that is corrected.

Philbert Flores: As long as we have some kind of document.

Mr. Eay (CLTC): Right

Philbert Flores: Thank you very much and we appreciate it.

Acting AD Burch: Okay, chairman, there are a couple of things before we move down, I was just informed that there was a motion on the table.

Commissioner Garrido: Yes.

Acting AD Burch: Did you vote?

Acting Chairperson Herrera: Oh me?

Commissioner Garrido: We second it.

Commissioner Bordallo: No, I...

Acting Chairperson Herrera: She second it

Acting AD Burch: Did you vote?

Acting Chairperson Herrera: I...

Attorney Gumataotao: You didn't vote.

Commissioner Garrido: I called a motion

Acting Chairperson Herrera: No, I cannot vote

Commissioner Garrido: You didn't call for the vote.

Attorney Gumataotao: You didn't call for a vote

Acting AD Burch: There was a motion

Acting Chairperson Herrera: So...

Attorney Gumataotao: The motion is second and to the chair, you have a discussion and then call for a vote.

Commissioner Garrido: All in favor...

Acting Chairperson Herrera: All in favor.

All: Aye!

Acting AD Burch: There's another motion that needs to be made I mean the governor did assign me here as the Acting Director. Are you going to accept that assignment or not? Should be a motion and vote it on otherwise I'll go back to the Ancestral Lands Commission.

Acting Chairperson Herrera: Okay

Commissioner Garrido: I have a motion right now.

Acting AD Burch: For me to remain as the Acting. The governor will send someone else.

Commissioner Garrido: No we'll do that after my motion sir. I move that we have a five-minute break.

Acting Chairperson Herrera: CHamoru Spoken... (Make it fast because there are a lot work to be done)

Commissioner Bordallo: Second

Acting Chairperson Herrera: CHamoru Spoken... (Okay)

Acting AD Burch: Five minutes

Commissioner Garrido: Ten

Commissioner Bordallo: All in favor.

Acting Chairperson Herrera: All in favor.

Commissioner Garrido: Aye!

Acting AD Burch: I guess we will be back by ten after three.

Acting Chairperson Herrera: So, we are going back to section 5A or C. The time now is 3:21PM.

Acting AD Burch: Chair I think there is an issue of accepting the governor's assignment here there should be a vote.

Acting Chairperson Herrera: So, we are back to 5A we would like to vote.

Commissioner Garrido: Mr. Chair, I move to confirm Mr. Burch's temporary assignment to CLTC and we give him full reign of leadership as the acting director.

Commissioner Bordallo: I second

Acting Chairperson Herrera: All in favor, say ai

All: Aye!

Acting AD Burch: Thank you, commissioners

[***APPLAUSE***]

Acting AD Burch: Good one, I thank you for that too.

Acting Chairperson Herrera: So, now we are going back to number five C. Lot 7161-R1, Yigo. Regarding the request for proposal RFP may we have an update?

Acting AD Burch: Okay, Mr. Joey Cruz will provide you an update on the RFP.

Mr. Cruz (CLTC): Good afternoon, Commissioners the final draft for the leasing of commercial lot 7161-R1, Yigo is complete. Our next step now is we will forward it to the attorney general for his review upon his review should he approve or make any necessary changes we will complete that with the commission's blessings. We'll proceed with the competitive bid process which is to announce the RFP for a certain period allow interested potential developers to pick up the packet submit the proposals after that we request the commission to form a committee for the review process and then we'll report back to you on our findings and in detail who was the selected responsible and responsive.

Unknown Speaker: Mr. Chairman, if we may speak in public comments regarding five C?

Acting Chairperson Herrera: Five C? I know this is an RFP at the moment, right?

Unknown Speaker: Correct, no it's the same.

Acting Chairperson Herrera: Legal, we are okay to discuss lot 7161 with the RFP or do we wait for public comments or...I am asking for...

Attorney Attorney Gumataotao: I mean I don't know the nature of the discussion is that she intends but it would be premature to talk about the RFP until it's processed. But again, I don't know the nature of the comment.

Unknown Speaker: I just would like to ask some questions about the process.

Acting AD Burch: Mr. Chair I think I understand what's going on is that the lot is related to the Raceway Park and I have a proposal for you because we go through the RFP process is going to take at least a month or so I've worked on that with the Guam Ancestral Lands Commissions, an RFP is not something that happens overnight for one it has to go to legal. Legal going over it and review it and then opens up for competitive bidding we do have some and we've read the paper read the PDN there's an issue there about the Raceway track and the upcoming Smoking Wheels event, I was looking into things an I talked with the deputy attorney general here and told him that and I spoke also with Joey Cruz about this and I don't see anything in our enabling act that says we can do this or but I also specifically don't see anything that says we can't and that is a proposal for sponsorships of all sports events now, my proposal here is for CLTC to sponsor all sport events on a raceway on the raceway property and you're aware that the property is prepped it's for off-roading, drag racing, and auto drifting competitions. It offers an exceptional venue for the adrenaline fuel entertainment we see people now doing that on our roadways. The accident rate and the sadly fatal accident rates have more than doubled or since this thing has happened since we've closed it down but rather than leasing the property out I propose that we seek a sponsorship arrangement to host these events while keeping the ownership and overall management within the CLTC the objective here the primary objective of the proposed sponsorship is to have an external entity run the auto sports events on CLTC Raceway property enhancing its appeal to patrons and generating revenue for the CLTC well without the need for us the CLTC to directly manage or organize the events under the key conditions and terms that I came up with of course we're going to I'm going

to recommend we send this to legal and have the Ag's office review this and see if this can be done, like event management I propose the sponsor be responsible for managing and organizing all aspects of the auto sports events including event planning promotion participation registration on-site coordination and then another one because I know that when other sports events are out there that we don't charge for the entrance policy this would be on that I recommend as a non-charging entrance policy this is to increase the appeal to patrons and encourage higher attendance all events hosted by the sponsor will have no entrance fees for spectators the sponsor recovers the cost associated with events through alternative revenue streams such as sponsorship deals, vendor fees, and concession then limited indemnification, I want to make sure that we're not, CLTC is not liable for any issues that may occur in the property that as the property owners. The CLTC will be require the sponsor, excuse me to obtain comprehensive insurance coverage that fully identifies the CLTC from any liabilities arising from the auto sports events. The sponsor will be responsible for ensuring that all participant staff and spectators are adequately covered by the insurance and then the property usage agreement. My proposal is a formal agreement that will be established between our organization or the CLTC and the sponsor to outline the terms and condition of the property usage including event schedules, maintenance responsibilities, safety protocols and any other provisions to protect our interest, our benefits of course be the revenue generation by entering into a sponsorship arrangement. The CLTC can generate revenue from its raceway property without the need, for direct involvement in event management allowing the CLTC to focus on its core operations like what we just did earlier with our constituents' increased patronage the elimination of the entrance fee will make the auto sports events more appealing to a wider audience leading to increased attendance and potential growth in the popularity of the raceway track and our risk mitigation, of course, is requiring the sponsor to obtain comprehensive insurance coverage which we feel I feel will protect the CLTC from potential liabilities associated with the events ensuring that the CLTC's assets and reputation are safeguarded. The next step of course is going to be...I propose that the board form a committee responsible for evaluating potential sponsors and negotiating the terms of the sponsorship agreement and this committee should consist of representatives on the board, legal counsel, and management. Once a suitable sponsor is identified the committee will finalize the agreement and oversee its implementation. I believe that this sponsorship arrangement presents a valuable opportunity for the CLTC to leverage the popularity of auto sports events while minimizing the operational burden and risk and I ask for your consideration and support for this proposal it's important to consult again with our legal counsel to ensure that all necessary legal and contractual considerations are addressed in the final agreement and comply with of course our local laws. So, my proposal is that we set up a sponsorship program and seek out sponsors to host these events for any period of time knowing that Smoking Wheels, I know it was the headlines that it was going to be cancelled for the first time in forty years if we move in this time is one way we can move quickly in that if we go the RFP route I guarantee that April will come and will still be out there waiting for proposals to be submitted to us. So, the call is yours I came up with something and I talked to legal and he says he asked me if this is allowed, I said I didn't find anything that says it's not allowed. Thinking outside the box and moving forward.

Acting Chairperson Herrera: Which one is not allowed? The...

Acting AD Burch: Nothing says it's not allowed. We'll get legal to work on that now.

Acting Chairperson Herrera: I see.

Acting AD Burch: If you agree.

Acting Chairperson Herrera: Yeah, so this would be a permit...

Acting AD Burch: Sponsorship.

Acting Chairperson Herrera: Sponsorship? To maintain the track or operate the track...

Acting AD Burch: To have someone sponsor the operations maintenance of the track for specific periods of time and also locations so we own a track but we have somebody sponsor the events. The events are all sponsored. It could be specific, it could be long-term, it could be short-term that will come up later this is just to get us going at this point.

Commissioner Garrido: Can we do that on a case-by-case basis?

Acting AD Burch: Yes, we can.

Acting Chairperson Herrera: I know we did this Smoking Wheels last, last year.

Commissioner Garrido: No, that was an extension of the...

Acting Chairperson Herrera: Yeah...

Acting AD Burch: Of a lease! This would be similar to that except it won't be a lease or license and it allows us, I feel a way to move forward.

Acting Chairperson Herrera: Understand.

Acting AD Burch: It will solve the issues that board has had in the past with excavation and whatever else and we can work on that as the case comes about as it is as needed but then we can move further into it but if you agree I could write a formal letter to the AG's office and have the AG work on it through Attorney Gumataotao and hopefully we'll get it expedited back...

Attorney Gumataotao: Absolutely.

Acting AD Burch: Into our hands so we can move forward and meet the deadline.

Commissioner Garrido: Well, I would like to see what the AG will recommend. I also would like to see what is the financial benefit to CLTC in the event that we do authorize as sponsorship.

Acting AD Burch: Yes, I've looked into that I've always come up with terms and one the biggest ones here I guess what it's almost a page and a half, I won't go through all of that some of the example be the...we would outline any financial obligations of the sponsor such as paying a sponsorship fee for revenue sharing arrangements that means whatever they make we could get fifty percent, we get twenty percent, I don't think they'll give us one hundred percent, but we could try. Specify the sponsor who will cover the cost of the events including alternative revenue streams and address of sponsor responsibility for obtaining necessary permits, licenses, and insurance these are just ideas right now that I placed on paper, it's a way to get us started it'll fast track this whole thing and Attorney Gumataotao said he'll work with us to fast track necessary...

Acting Chairperson Herrera: When is the Smoking Wheel?

Unknown Speaker: Normally in April.

Unknown Speaker: The third weekend of April.

Acting AD Burch: So, we go the RFP route, we will go way past that...

Commissioner Bordallo: Well, I prefer that both the RFP and...

Acting AD Burch: We push that...

Commissioner Bordallo: Those two go to the AG.

Acting AD Burch: We'll work on...

Commissioner Bordallo: Yes...

Acting Chairperson Herrera: Because back in I believe...

Commissioner Garrido: The sponsorship

Acting Chairperson Herrera: September

Commissioner Garrido: The sponsorship is only a limited term.

Acting AD Burch: Yes, it could be...

Mr. Cruz (CLTC): It could even be for each event.

Commissioner Garrido: Per event...

Acting AD Burch: It could be for each event. It would be up to the board...

Commissioner Garrido: There's no reason why we can't push forward the RFP and the same time consider sponsorship.

Acting AD Burch: Yes, the sponsorship would be a lot quicker, RFP would take longer that's the bottom line. We can still forward for longer term plans.

Commissioner Garrido: Well, let's...our chairman keeps saying let's get the ball rolling and there and see what options are.

Acting AD Burch: Here's another one for you.

Acting Chairperson Herrera: There's no financial gain for land trust?

Acting AD Burch: Yes, there is, I just said we will share the proceeds whatever it's raised I feel and of course depending on what the AG's office says about the entrance policy I feel without that you'll get more people in attendance of course those who run the race track mostly charge entrance fees, I don't know what that's done to attendance but then of course you can make a lot of money off of the concessions and stuff when you have them at sports events and this would be just one of those.

Acting Chairperson Herrera: Remember the past history and Joey is here to attest the past twenty years we have that kind, understand what's really going on the outside in the inside maybe Joey can...

Commissioner Garrido: Would we be able to omit like a price control?

Mr. Cruz (CLTC): We can...

Commissioner Garrido: Like on the RFP, on the sponsorship.

Acting AD Burch: That will be on a contractual agreement that when we sit down and that's why I recommend that members of the board, legal, and management be involved in this.

Mr. Cruz (CLTC): We can place internal control mechanisms that will require them to provide whether it's a GRT they file at the end of the month we tally...

Commissioner Garrido: Complete documentation.

Mr. Cruz (CLTC): Nonetheless the board will review and approve the sponsorship at the end, but while we, while it's being drafted, we will provide our input in terms of internal controls for the financial aspect of that sponsorship. It's up to whoever would like to apply or request to avail that sponsorship for their event like the Smoking Wheels to comply with the terms and conditions of the sponsorship agreement. The sponsorship idea wasn't for a long-term purpose it was ideally just for specific events so for example the Guam Racing

Federation has the Smoking Wheels coming up, they can request to apply for the sponsorship program if one should be created and then they have other organizations like the...I don't know the names but the people who operate the drag racing events it's not for daily use nor a weekly or monthly it's just specifically for specific events and like said if it's for the off-roading or the motor cross that specific group can come in and request.

Commissioner Garrido: Well, I would be very, very interested to see what we come up with just as long as we have oversight and we have a say.

Mr. Cruz (CLTC): Just we also address the concerns of the extraction that had occurred there will be we'll also ensure that we put it in the sponsorship agreement that there will be no mineral extraction or any type of clearing

Commissioner Garrido: No clearing or grading whatsoever except for vegetation.

Acting AD Burch: Clearing and cutting grass yes and taking care of the track. Would you allow them to speak and see if they would...

Acting Chairperson Herrera: Yeah, okay if it's okay with our legal.

Attorney Gumataotao: She's not going to be talking about the RFP so that's fine.

Acting Chairperson Herrera: Okay Jenny

Jennifer Camacho, GRF: Okay, I'm Jennifer Camacho, GRF with the Guam Racing Federation Board and this is J. Jay Jones, GRF also with the new Guam Racing Federation Board. Hello everyone and Commissioners. One other thing I do want to add, Mr. Burch is absolutely right, if we do go the RFP route we're talking more months more overgrowth. If you go up and see the raceway now, it is going to take us over a month to clean and clear what has already been overgrown at the raceway. It's going to take us very long time and a lot of community effort to do a huge up, bush cutting and we're going to need heavy equipment to bring it back to the raceway that you know because it has been closed for quite some time, so you know I absolutely love the solutions and the brainstorming that's coming out that's exactly what we need and I do appreciate that your creative ideas on another note, one idea that the Guam Racing Federation also came up with the new racing federation came up with is something that could even almost simplify it even further for CLTC as we've already committed to more transparency and to working together with CLTC and you know what we submitted maybe two weeks ago was a draft two-year lease agreement or license agreement and in this two-year license agreement it specifically states there will be no grading extraction nothing of that it would simply be management of the raceway so that we can host events and Smoking Wheels is one giant event but what is what actually takes place at the raceway every week sometimes daily and you have every Friday night that's the drag racing that place every weekend Saturday and Sunday is the mountain biking training rounds you have every Saturday is autocross. The motocross racers in the evenings on the weekdays and then the races on the weekends. It would be extremely difficult under the sponsorship plan to have organizations come in it's just going to be a lot of tedious work on CLTC as well as other organizations to constantly come in, in order to use the raceway grounds for its intended purpose. We truly use it day in and day out sometimes twice a day where they're training and there's weekly events that take place especially the drag racing when they do their night events and with this two-year license agreement you will see that it's clearly laid out no grading, no extraction, transparency from our board and you have our commitment on that and what you also see is that it's laid out so that there simple terms as far as events such as Smoking Wheels, you will see here that you know the licensee will pay a thousand dollars flat for every, for each event or to get away from that percentage in the old lease agreement that we had which was really difficult to track and this is just a simpler version of it but all we're asking is two years, two years to get this right and two years to work with you because it just gives us time to work with you we know nothing takes...nothing is quick and we just believe two years we can show you that we can manage this raceway but we can also use that time to work with the AG's office to work with you to come up with a longer term lease, something similar to the Hal's Angels, the football field, the rugby field and all other sports stadiums that we have that have long-term arrangements that's really all we're asking for so you know in summary this two year license agreement it lays it out it makes it extremely clear it's got our name on the line and we would make sure that there's full transparency in this in managing the raceway. Our board is made up of members who know how to manage anything and everything and we can

commit that there would be you name it, you ask us for something and you would have it but we would commit to a monthly meeting with you give you updates we of course we'll have insurance but we would do everything we can to get this raceway open and running the way it was the way it has been for years and in so many different sports and you've seen the number of sports that take place up there if we even had this signed if you made a motion on this today and had it approved it would still take us one to two months to go out there and clear it once again and carve out the trails that were overgrown now and the courses that have overgrown but you know that's something we really hope you consider we really hope that today we can you know see a motion made on having giving us this opportunity to prove ourselves and to show you that we're committed to making this raceway work for the community because right now there's thousands of racers in all different sports who have lost this home for hopefully not hopefully we don't have to go on a year but this is just this is solution that we believe we know we can make this work.

Commissioner Garrido: I have a question for you.

Jennifer Camacho, GRF: Sure.

Commissioner Garrido: Would you be willing to consider downsizing right now the total footprint up there is what two hundred, two hundred and fifty acres.

Jennifer Camacho, GRF: I mean I know that's not something we wanted just for future growth of the...

Jay Jones, GRF: Future growth of the long-term plans includes developing the entire parcel.

Commissioner Garrido: What we are bring to the table now would you be willing to consider downsizing

Jay Jones, GRF: I think we would be willing to discuss anything that gets us a longer, a longer-term lease on the property or longer term use of the property and gets us open

Jennifer Camacho, GRF: Gets our racers out

Jay Jones, GRF: Gets our racers back out at the track. We are willing to discuss many different options and Director Burch's option is one of those as well but like Jenny said our number one goal is to get access to the track again for our racers, for our kids, and for our adults, and for the drag racers. The only, the only issue I see with the proposal is that if it's an event-based proposal, how do we handle all the practice and preparation that all the racers need leading up to the event because it takes weeks or month you know, to properly and safely prepare for competition and that's sticking in me a little bit, but like I just said we're willing to discuss any option that gets our members back out on the track.

Commissioner Garrido: Because I think as a whole, CLTC will stand to lose money but in parts and parcel we may be able to generate more money as you were here since the beginning of the meeting, you heard that GCC has an interest to put a shooting range on the property...

Jennifer Camacho, GRF: And there is space for it.

Commissioner Garrido: Then we have to look at the liability also you know live rounds being fired off in one part of the property and you guys in the other part maintaining or having some sort of function so we have to look at all these different scenarios before we can make any say...

Jay Jones, GRF: Beggars can't be choosers and we're here with our hand...

[**LAUGHING**]

Jay Jones, GRF: We're open, we're willing to discuss any options or opportunities.

Jennifer Camacho, GRF: We really are, I think the goal is to get it open again it's going to take a lot of community effort to clean it up, it's going to take us at least a month with everyone's help and that we're willing

to do that if we can see this open and get the grounds open so that if Smoking Wheels is an opportunity for us to do it we would love to do that so what we're really hoping for and its laid out here and we can commit to you everything that you need and want to work with us you have it

Commissioner Garrido: I know you guys some new faces.

Jennifer Camacho, GRF: Absolutely.

Commissioner Garrido: Okay.

Jay Jones, GRF: All of the...not to cut you off...

Jennifer Camacho, GRF: The entire board is new...

Jay Jones, GRF: But yeah, all of the leadership of the board is new and there's no previous leadership, previous administration to so to speak.

Commissioner Garrido: Because the biggest issue with the prior was no transparency and mismanagement...

Jay Jones, GRF: Well, we're committed to changing that completely that dynamic we understand has to go and we're committed to changing it one hundred percent. We have a new chairman, president, we have a new vice president, we have new officers

Commissioner Garrido: That's Jenny right, Jenny said let's brainstorm, we have three options now that we may consider. Yes, sir.

Mr. Cruz (CLTC): If I may, given what's written in the Act, the board doesn't have the authority to grant a commercial or license without going to the bid process and if we're going to focus on the public purpose, so called award, in the Act that reads nothing herein shall be construed to authorize the commercial lease or license of the CHamoru Land Trust Commission properties prior to the promotion of the rules and regulations pursuant to the Administrative Adjudication Act or adoption by the legislature which is the enactment of public law 33-95, codified into 75A122. So, if the board consider commercial lease or license for a two-year period, I'm just doing my duty as a person who oversees the commercial section informing the board that with what's written in the books already the board is not allowed to do something like that.

Acting Chairperson Herrera: Even a permit...

Jennifer Camacho, GRF: But again, this not a com...you know we are not looking into entering a commercial lease, we're looking into an agreement for public use facility which is exactly what this is

Mr. Cruz (CLTC): Also, to speak to the public purpose which I just read the board also is not allowed to do something like that and our attorney can speak to that. So, that's why we went back to brainstorm a lot of sponsorship but if the board decides.

Jay Jones, GRF: May we ask how other organizations like the rugby and football have managed that...

Mr. Cruz (CLTC): That was issued prior to the enactment creation of 33-95 which takes back into I think until 2014 or 12 could be wrong on that but it predates the commercial rules and regs, so that's how they were awarded the commercial.

Jay Jones, GRF: How about if we were to offer an unsolicited proposal for the facility?

Mr. Cruz (CLTC): We can't accept unsolicited proposals until the lease, until the property has been designated for commercial use, that's a whole process if you go through that process, it's clearly stated in our rules and regs that we're not allowed to set unsolicited proposal so the property hasn't been designated for commercial use.

Jay Jones, GRF: And this property has yet to be

Acting AD Burch: That's why I see is that you've already offered your terms and condition in this lease and if we go through the sponsorship that's all part of the negotiation when we come up with an agreement for a length of period of time event and or events that may need to be...

Jay Jones, GRF: It sounds very reasonable

Acting AD Burch: Yeah, so, these are the terms you're looking at and I was saying that we'd have to take care of our side by saying that issues like insurance, licenses, and permits that's probably covered in here. Those are things we'll be looking at so we can pretty much merge the two together somehow.

Commissioner Garrido: We can probably come up with some hybrid solution

Acting AD Burch: I'm looking at something because Smoking Wheels is a big deal for...

Jay Jones, GRF: Yeah, Smoking Wheels is like is the culmination of the year of the years' worth of practice and preparation by all of our racers and yeah

Acting AD Burch: So, that's why we came up with the idea of sponsorship and went through the details well we just now need to I guess turn this over to the AG and see how we can work this thing out. Come up with something and make sure that this is legal because these are rules in and just like you saw earlier the loan guarantees and how some people qualified under previous law 75 under title 21 and then they modified that years later 75a where they were qualified under one law when the legislature implemented a new law they were no longer qualified they just and when they come into us we find that out we say you used to be qualified, no longer are very...

Jay Jones, GRF: Difficult position

Acting AD Burch: Yes.

Jay Jones, GRF: We were able to witness.

Acting AD Burch: Yes, and we are going to go through that's a sad thing about it and in this case what Mr. Cruz is saying is that prior we used to do that we could do stuff like what you're asking but currently at least for CLTC that's the case I could say with the Ancestral Lands, its different the mandates and the rules are different they both are, that I oversee that does lease CLTC does almost exclusively commercial leases here we do exclusively almost small leases with residential tenants and agricultural leases.

Jennifer Camacho, GRF: So...

Acting AD Burch: There is a way to get it done we just marry these two things together and see what we come up with and come to the board meeting and see, we should have something like that, I hope.

Jennifer Camacho, GRF: So, if we can ask for today's purposes, what can we tell our community, our racing community, and how soon can we get those gates open so we can begin

Commissioner Garrido: A work in progress.

Jay Jones, GRF: I mean...

Commissioner Garrido: We are not turning you away but we're not accepting your terms and conditions yet, like I said we can come up with some hopefully we come up with some hybrid solution. If I used your words, I would have said a bastard but we got to do it that's going to protect us and also be feasible for everybody involved.

Jay Jones, GRF: We appreciate the thinking out of the box, even the options it's just something we weren't had never thought of or were aware of so we had questions.

Jennifer Camacho, GRF: But I think the difficult part that is it goes back to the daily use of the members and the racers to train and really to clean up which is all done on their own dime. It's really taken care of by out of love that entire property is just taken cared of out of love.

Acting AD Burch: That could be covered in the sponsorship.

Jay Jones, GRF: Okay, good.

Acting AD Burch: It can be, I mean it's we're simply going to negotiate that but that means again with the board. Should we send both of these to the AG's office?

Commissioner Garrido: Yes. I would, I would make that motion.

Acting AD Burch: I'll prepare a motion. Actually, we'll work on this one and that is okay I will get that going right away. I'll get that letter out...

Attorney Gumataotao: Get it right away

Commissioner Garrido: You got a commitment from our Deputy AG, that he will work on it right away.

Jennifer Camacho, GRF: I mean what's the CLTC is again the next board meeting for CLTC is in February, that means we wouldn't be able to clean up and clear out the track till possibly mid-March. We have to inform Japan, Korea especially the Japanese they ship their vehicles out in containers months in advance and that's the really difficult part, the logistics that are behind the scenes to get our racers here as well international racers.

Commissioner Garrido: We won't move unless we get the go ahead for our AG

Jay Jones, GRF: Thank you.

Acting AD Burch: By law, actually establish CHamoru Land Trust when we have our meetings, it's supposed to be the third Thursday of every month at one pm. That means that the next meeting would be February 15th, the day after Valentine's.

Acting Chairperson Herrera: Director, we can also just make a now special meeting

Acting AD Burch: Or you could on condition approval that we working out with the AG's office that can be done too. If time is of the essence but that means we're going to have to work hard on this project.

Acting Chairperson Herrera: I was thinking that last year we had the rights of entry? When we doing it in the past

Acting AD Burch: We can authorize right of entry now.

Acting Chairperson Herrera: And that's what I was saying so but please understand that our mission is residential and agriculture that is the mission and this mission is almost you know what I'm saying so and we had a plan for that doing all legal advice...

Acting AD Burch: Are allowed to do right of entry? Legal has advised to caution on the right of entry at this point that wit Ancestral I can have my board up there can do that but I'd have to research it for here

Acting Chairperson Herrera: We had a plan to cut the drag strip for the motocross. Which we estimated about 48 and start getting an upgrading since last year. We don't have the whole one million but then we changed our plan. We wanted to do something else, something very sacred in that area from one million square meters and have the overlook the Pacific Ocean. Estimated development that the firing range and the quarry we merge the three.

Acting AD Burch: We're going to enjoy them on our little...

Acting Chairperson Herrera: We're not going to adjourn today we are going to recess and maybe we can...What's today? Thursday?

Acting AD Burch: Do you have time to work on this if I give you this tomorrow? So, we are going to recess until when?

Acting Chairperson Herrera: Well, after we address the rest. Maybe, I'll ask...

Acting AD Burch: Yeah, after but so that means that we'll carry on so we don't have to call another meeting

Acting Chairperson Herrera: Right...

Acting AD Burch: It's still on the agenda. Okay, so, how long do you think we need to get it started?

Attorney Gumataotao: I can't guarantee you but I'll get it started.

Acting AD Burch: I'll work on the letter of transfer tonight; I'll get it up to you in the morning. The morning is Friday. Do you work on weekends? Should we have a meeting convene the you know before? Do you agree to convene the meeting until sometime next week.

Attorney Gumataotao: Sure...sure...

Acting AD Burch: We could get the board to vote on it by the end of next week. Would that be...

Attorney Gumataotao: I don't know if we could get out that fast, we'll see, the AG would want to look at it himself.

Acting AD Burch: Okay, then could we...is there a way we...to set up a tentative date to reconvene so that we don't close the meeting, so we don't have to set another?

Attorney Gumataotao: I would go ahead and set your next meeting date and then we'll try to work towards that.

Acting AD Burch: Okay, so, not recessing?

Attorney Gumataotao: Just set a recess it because your goal works so you don't have republish

Acting AD Burch: We don't have to republish; we just recess it? We'll set a date later, but like a week or a week and a half...

Attorney Gumataotao: Seven days is fine.

Acting AD Burch: Seven days...

Commissioner Garrido: Seven work days? Seven work days?

Acting AD Burch: Friday, Friday...

Attorney Gumataotao: It's up to you, you set the date.

Commissioner Garrido: You think that's sufficient time for you? Seven working days?

[crosstalk]

Acting AD Burch: Thirty for seven days. Seven work days. I have a board meeting on the thirtieth with Ancestral Lands, working on the Northern Market, that's another one of my...

Acting Chairperson Herrera: On Tuesday? Oh, you have a...

Acting AD Burch: I have a board meeting with the Guam Ancestral Lands Commission, a special meeting and that's going to be on the Northern Market issue that we've been trying to resolve. It can't be on January thirty; it could be on a Monday January twenty-nine or thirty-first.

Acting Chairperson Herrera: You just arrange it but you know within the week or...

Acting AD Burch: But we would, the board would have to recess until then. We have to set a date.

Acting Chairperson Herrera: I see...so...the twenty-nine of January.

Acting AD Burch: Monday, I'll work on it. Lately I'm getting back-to-back meetings. I just had one yesterday.

[crosstalk]

Acting AD Burch: I'll deal with it.

Acting Chairperson Herrera: Twenty-nine?

Acting AD Burch: Twenty-nine of January

Commissioner Garrido: January twenty-nine

Acting AD Burch: The thirty-first?

Commissioner Garrido: Because we need like one, I already have something...

Acting Chairperson Herrera: Thirty, thirty-first...

Acting AD Burch: January thirty-first, works for me too.

Acting Chairperson Herrera: I'm okay...

Acting AD Burch: You're good?

Acting Chairperson Herrera: You know because the timeline for the Smoking Wheels...

Acting AD Burch: Ms. **Commissioner Bordallo** on the thirty-first so that will be good for you too?

Commissioner Bordallo: Yes, that's good.

Acting AD Burch: Okay. I guess...

Mr. Cruz (CLTC): Just at the end they just recess.

Acting AD Burch: Then we'll make that we'll make that. So, we'll plan on the thirty-first at one or two?

Commissioner Garrido: One o'clock

Acting AD Burch: One o'clock?

Jennifer Camacho, GRF: We won't be here, but would we be able to chime in or Zoom in?

Acting AD Burch: I guess, we hope you know somebody be here in case...

Jay Jones, GRF: We'll have somebody here but we're actually all going to an even in the US. Several of us are going but there will be somebody here.

Acting AD Burch: Yes, we'll try to, try to...

Acting Chairperson Herrera: Okay, so...we'll put this on the front burner, you know, want to...

Acting AD Burch: Fast track it, okay.

Jay Jones, GRF: Thank you.

Jennifer Camacho, GRF: Thank you very much.

Acting AD Burch: You're welcome

Jennifer Camacho, GRF: CHamoru Spoken... (Thank you)

Acting Chairperson Herrera: CHamoru Spoken... (You're welcome). Next on the agenda. Letter "D" Delta.

Commissioner Garrido: Was a motion needed?

[crosstalk]

Commissioner Garrido: No, for us? For the AG?

Acting AD Burch: No, not necessarily, but...but we'll recess for that purpose for us to get this done

Acting Chairperson Herrera: After we address...

Acting AD Burch: Right, so at the end of the meeting when we're ready to recess.

Acting Chairperson Herrera: Okay. So, what item?

Ms. Dayday (CLTC): "D"

Acting Chairperson Herrera: "D", Global Recycling.

Mr. Cruz (CLTC): So, I guess this is just an update, the previous meeting we presented our findings and that the previous board who authorized the issuance of a five-year commercial lease or license had performed their action contrary to what was allowed by law. We also cited the civil case between Guam Rocks and CHamoru Land Trust which because the Guam Rocks lease wasn't executed prior to the enactment of 33-95, the court decided that it was still in the proposal stage and whatever discussions or agreements that were made or being arranged is voided on that issuance of a commercial lease because the 33-95 requires a competitive bid process. Today, Global recycling is still operating on a authorization to occupy that authorization requires no monetary fees for rental monthly nor does it state that there's an end, so, it's open ended. Free, until this board choose to decide what they want to do with the property.

Commissioner Garrido: Well before we go forward with anything on Global, I would like to see the contract that was given to KOKO because it's my understanding that KOKO is responsible for Global being in the property.

Mr. Cruz (CLTC): Global Recycling was brought into a bailing agreement when KOKO Recycling was conducting a cleanup of that lot and the adjacent lot which was the transfer station, I believe it was during the time or after typhoon Paka, I believe it was. So, what happened there was the CHamoru Land Trust Commission issued a commercial lease license to Global Recycling for the lot in Barrigada which is adjacent to Revenue and Tax but also within that lease one of the terms was that KOKO Recycling continue to clean the Dedidu location to include the Dedidu transfer station and then they came to an agreement that KOKO Recycling had cleaned metallic waste in the value of \$7.2 million so they issued them a credit and in lieu of paying the Barrigada lot, they would, it would decrease on monthly, whatever the value was of that less today the credit stands at I think 5.2 million but we are unable to substantiate anything to any bid of dating. We do have some but it doesn't equal to 7.2 million so that's where we're at today.

Acting Chairperson Herrera: What was the document that keeps them in the...

Mr. Cruz (CLTC): Oh, the authorization to occupy. I believe the previous or former director Mr. Mike Borja; I think that was the last administrative director that issued a non...I believe it was him if I remember correctly.

Acting Chairperson Herrera: Maybe Attorney Gumataotao can you help us understand the how to sever the authorization to occupy to get it back to a more I guess more fair and just kind of occupation, I mean, occupation on the property because I know that the property still "A" zone.

Mr. Cruz (CLTC): Yes.

Acting Chairperson Herrera: It's still under agriculture zone.

Acting AD Burch: Are thinking, Mr. Chair about obtaining a lease with Global Recycling or evicting.

Acting Chairperson Herrera: Well, I'm bated in that kind of approach where because they were here last couple of months and they were willing to rent the place but...

Mr. Cruz (CLTC): Again, we refer to the commercial rules and regs we can't sole source any commercial lease or license it has to go through a competitive bid unless otherwise it's granted or authorized through Public Law so for example like the GTA submerged cables here in Alupang we were able to execute that lease because it was authorized through law specifically for them and that operation...

Acting Chairperson Herrera: So, it's not a sole source operation?

Acting AD Burch: Yeah recycling is not a sole source operation with Ancestral Lands we have a trans field run by Mr. Pearson he does something similar but because he does not have a lease, he has with Ancestral Lands a license which is on a month to month basis for property but because he doesn't have a lease, he's unwilling to build a permanent building on it so he uses that as a staging point for removing the material not necessarily for Guam but throughout the Micronesia so he travels from Pompei, Palau all that where his jobs are located so there someone else out there that who could possibly complete with Global the answer is yes so therefore I would not say that would be safe to sole source although I've been told many times that they are doing public benefit for the island because they are the only ones well with Ancestral Lands we have a contract with one of those two same kind of work trans.

Commissioner Garrido: There are other contractors that can perform the same service. That's one of reasons why I want the original contract with KOKO to be researched because I see a lot of holes in that whole thing and going through the award of \$7 million and the placement of KOKO onto the property for as per their bailing agreement now that bailing agreement that was issued to Global through KOKO who's responsible now for the use of that property, if it's KOKO then we should recoup the back rent from KOKO by eliminating part of

that \$5 million that they say they are still owed. And if not then I don't know what is the statute for claiming on the back rent.

Acting AD Burch: Before we start planning on back rent, I would like to find out and do research from what we've found so far. Which I found I've been told is that there is no record except for a handshake from a previous director that agreed to them on I don't believe even the Attorney General who supposed to sign those kinds of agreements was involved and if that's the case I don't think we have any.

Commissioner Garrido: No but they've been physically occupying that property so we, if there is statute involved that we can, we can issue to them to pay for arrears, or back rent is the better word.

Mr. Cruz (CLTC): If I may, Global did pay during the ten year to the former director, Monte Mafnas for a hundred thousand dollars. He calculated there was a settlement and that's what was paid although to the issue of who brought Global, just so I could further explain was KOKO through a bailing agreement brought in Global to do whatever it is they're supposed to do at the completion of KOKO Recycling's responsibility the former director Mr. Tom Elliot had relieved Global or KOKO of any other duties or requirements that were needed...

Commissioner Garrido: Was he empowered to do that?

Mr. Cruz (CLTC): He did I'm not too sure if he did if he was but he did issue a letter that stating that KOKO Recycling had cleaned up the area to satisfactory and then former director had issued an authorization to occupy two companies Global and another recycling company in while they were, it was pending to be issued a license agreement but that never came to...so they've been operating just through an authorization to occupy with no strings attached to it in terms of no dollar value to pay for rent and no end date.

Attorney Gumataotao: To answer your legal question, it's four years the statute of limitation is four years from the day of the first breach on a written agreement, you can have an oral lease so an oral agreement is two years from the date of the first breach. So you could go back at least two years to sue them if you wanted to collect on the rent and you know the rent's not stated in writing and there's been no so far I haven't heard of any statement in that was oral in the amount. You go for the fair market value of it you know so they wouldn't necessarily get away with not paying anything up to the judge

Commissioner Garrido: Two or four years?

Attorney Gumataotao: So, it be four years or two years if there's a writing so even it just depends on what's going back and forth with them and as long as one's signed off that's all it takes doesn't take both of them to sign off mutually by obligation under Guam law so I've done a lot of collection like that and it just depends on the judge you know approach when they look at it. It's collectible.

Acting Chairperson Herrera: After four years. It's not...

Attorney Gumataotao: It's harder to get it after four years unless you can argue fraud so frauds are rolling statute limitations is three years from the date that you first discover enough to get you the fraud which could actually take it back longer a little harder to prove but you do have the possibility of collecting on this one depending upon whether or not they're they've got any assets you can get the judgment but collecting on the judgment is going to be difficult if they don't have any assets.

Commissioner Garrido: Especially if they file for bankruptcy.

Attorney Gumataotao: You can't bankrupt fraud but you can bankrupt anything else, just about.

Acting Chairperson Herrera: So, the authorization to occupy is a binding document that...

Attorney Gumataotao: Only the point that it allows them to have possession and they can't then will argue that it's adverse possession because they can't then will argue that it's adverse possession because they had

your, they had the right to stay there according to that the owner has the knowledge and there's proof of it that they are there so when you give somebody permission to be on your property they can't say later oh I'm taking the property because I've been sitting on and I own it by adverse possession it doesn't work so you're protected by that you are the owner of by that document but doesn't necessarily keep them from having back rent.

Acting Chairperson Herrera: So, we can do authorization to occupy and have them pay rent?

Attorney Gumataotao: That's right.

Acting Chairperson Herrera: Okay.

Attorney Gumataotao: I don't advise that, but it's possible

Commissioner Garrido: But then it's a commercial venture so...

Attorney Gumataotao: Be careful

Mr. Cruz (CLTC): You might have many more to request for something like that right.

Attorney Gumataotao: You're right, everything you're saying

Mr. Cruz (CLTC): So, that's our update on Global. We just need direction

Attorney Gumataotao: He's asking for documents

Mr. Cruz (CLTC): We will provide you

Commissioner Garrido: Also, the documents on the invoice that was presented to CLTC for the clean up

Mr. Cruz (CLTC): We don't have that

Commissioner Garrido: From KOKO.

Mr. Cruz (CLTC): We don't have that. I went through that file like ten times

Commissioner Garrido: And they qualified for \$7 million

Mr. Cruz (CLTC): It was agreed upon based on the negotiations during the execution of the commercial lease or license but we don't have much documents to ascertain that amount so we have some billing documents but not all and we can, to Director Burch request if they have any.

Acting Chairperson Herrera: So, for KOKO to claim the 5.8 million that we kind of anticipate that's balance from the seven million because they were cleaning it up about \$30 a cubic yard in the beginning and they were offsetting the rental at Barrigada so from 7 mil to down to 5.8 after four years passes that would be a statute on reverse.

Attorney Gumataotao: Exactly, exactly. Or two years if it can't be proven in writing.

Commissioner Garrido: Good for you, Mr. Chairman.

[crosstalk]

Attorney Gumataotao: But you're right

Mr. Cruz (CLTC): The lease just expired last year

Acting Chairperson Herrera: There's a couple of lawyers in the room so

Mr. Cruz (CLTC): The lease expired 2023

Attorney Gumataotao: So, the operative question for the lawyer is what's the date that was determined that they had a credit of 5 million and if they haven't tried to collect on it within a certain amount of time their claim is dead. There catching is going the other way right. He's correct.

Mr. Cruz (CLTC): We will provide your request

Acting Chairperson Herrera: Because KOKO really came in here and really wanted to take over the operation that were Global. But they were partners before but now...but okay...so, two years right...

Attorney Gumataotao: Two years on an oral and four years on a written agreement from the day of the first breach.

Acting Chairperson Herrera: Okay.

Attorney Gumataotao: They're going backwards from the date that you file it going backwards if they're not within that two- or four-year statute they said they'll probably get dismissed if they're trying to collect from us say that we owe the money.

Acting Chairperson Herrera: You know we paid ten thousand a month on this room right here.

Commissioner Garrido: Thank you Attorney Gumataotao for being here.

Acting Chairperson Herrera: Okay, so next item, any...anymore? Item C.

Acting AD Burch: Joey Cruz has to leave; he has a family emergency. I think Glenn Eay will be sitting in.

Acting Chairperson Herrera: Resumption of Agriculture and Commercial leases.

Mr. Eay (CLTC): Joey just stepped out. As we mentioned earlier in regards to agriculture leases where we found some of our lessee that were issued two-acre leases and how can we fix or move forward, getting them into compliance for those who issue least after December 1998. They move forward with a commercial lease or go back to a half-acre, for subsistence farming, so those are issues that we have to discuss and how we can move forward with this issues right here. On E, you know it pretty much has to do with the well 1995 update for application whereas what the first five applicant. The first five applicants based on those who were not issued the lease agreement had their name posted on the Guam Daily Post on September 30, 2022, a copy of the post can be provided for the commission to reference with their, there is the passing right now from the five individuals who were notified only one of three responses came back from the following five, one was issued a residential lease agreement while the other four have not met the ninety day notice therefore it is the discretion of the board to prove the cancellation of these each of their applications so I mentioned one of the five was responded and because the other four did not meet the ninety days, response and the certified mail we have to discuss on how we can move forward with the next time and date of application. Do we, but the law clearly said, states that once the notice has been given out to our applicants, they don't respond with the ninety days the commission shall or even void their application and they also have a right to appeal if they wish. Those are the laws that are set in place and as for one of them the five we did find out that he was an easy fix where he was a ninety-five applicant and he has resolved his lease issue so now the question that how do we go to applicant number six, how do we move forward? Do we terminate the first four that didn't respond and within the time frame the ninety days or given or we continue the next five or continue the next ten applicants. This is something that we have to decide.

Commissioner Garrido: Are the ones through five occupying the property?

Mr. Eay (CLTC): There are four that don't have a lease, they are not occupying.

Acting Chairperson Herrera: The first four?

Mr. Eay (CLTC): The four, we don't know where they are...they haven't responded to our...either publication and or even the last known telephone number that you know, under application and by law if anybody or any applicant before leaving the island or change of address they have to come forward and update their information so that we can contact them in this case for them we were unable to contact them. Maybe because they relocated or change of address or what have you.

Acting Chairperson Herrera: We are talking about the first five?

Mr. Eay (CLTC): The first five, yes.

Acting Chairperson Herrera: Then we are stuck at number six?

Mr. Eay (CLTC): We have to go now to number six...

Commissioner Garrido: Actually, we're stuck at number one.

Mr. Eay (CLTC): Like I mentioned one through five, four didn't respond we mailed out and they didn't respond so by law we can, their application could be terminated.

Acting Chairperson Herrera: This is the first five?

Mr. Eay (CLTC): The first five...

Acting Chairperson Herrera: This back in twenty-two? September 20, 2022...

Mr. Eay (CLTC): September...September 30, 2022, this was posted through the first five.

Acting Chairperson Herrera: It says here time received eight o seven?

Mr. Eay (CLTC): You will see that...

Commissioner Garrido: Look at the daily news date.

Acting Chairperson Herrera: I thought the first five was like...five pm? 8:07?

Mr. Eay (CLTC): They were given the ninety-day notice...

Commissioner Garrido: The notice was given prior to the public publicizing this first five?

Mr. Eay (CLTC): I believe that the notice will be of the day it was actually mailed out...

Commissioner Garrido: Do we have that date?

Mr. Eay (CLTC): The date?

Ms. Dayday (CLTC): The same day it was posted in the news.

Mr. Eay (CLTC): Okay, the same day it was posted in the news was the same day we had sent it out.

Commissioner Garrido: And the law requires us to give them ninety days to respond?

Mr. Eay (CLTC): Yeah, up to ninety days to respond.

Commissioner Garrido: And not one of them responded?

Mr. Eay (CLTC): Only one of five... I think only one of them responded?

Ms. Dayday (CLTC): Three.

Mr. Eay (CLTC): Three? Okay, let's go to the first one, Mr. Michael Steven Pangelinan, the lease that was not terminated, what they board has to do is ratify his lease, all you have to do is ratify.

Acting Chairperson Herrera: So, he is pre-occupying?

Mr. Eay (CLTC): I don't have that on the staff report that was issued to me, but I can check and see if he's occupying or not he does have a lease so it needs to be ratified but we have to keep in mind that when the lease was ratified back in the year 2018 or 19 something like that all leases were ratified. This was prior to the new public law 75 A so everything that has to be ratified had to be prior to that date not after January 1, 2021. That's we had one case back in November 2023 where one individual was ratified but the board the commission decided to ratify the lease so the question is do we move forward and keep that, with that ratification with the law, we have to get our legal opinion on that.

Acting Chairperson Herrera: So, this ninety-seven has been published, the ones that are listed here.

Mr. Eay (CLTC): Right now, all I can report that I'm focusing on only on the first five that they were certified mail that was sent.

Acting Chairperson Herrera: But this is a newspaper, right.

Mr. Eay (CLTC): Yeah, I haven't seen that one there I just received it now so...

Commissioner Garrido: But you said Quinata had, Quintanilla has a lease?

Mr. Eay (CLTC): Lease issued on January 23rd, 1997 for lot one, block three, track three one nine, Agat. What happened was this lease was double slotted and what happened was because it was double slotted, I believe was that the lot he was initial lessee, they took him out from there and relocated him somewhere and put a new lessee there. So, the question where is Mr. Quintanilla now? Where's his lease?

Commissioner Garrido: Was there a site inspection?

Mr. Eay (CLTC): He's not occupying I'm just reading that now. The lease was given to him, yet he's not occupying but it was issued to somebody else. How did that transpired, I don't know. It was during another management.

Acting Chairperson Herrera: Oh, it wasn't in ninety-five or...

Ms. Casem (CLTC): Ninety-seven.

Mr. Eay (CLTC): He was given in ninety-seven.

Commissioner Garrido: Ninety-seven? Oh, I thought ninety-nine. You said ninety-nine.

Mr. Eay (CLTC): Sorry ninety-seven. So, I believe we're going to have to find another location for Mr. Quintanilla and the question is it we do find another location and do an addendum to the lease, can we ratify that?

Commissioner Garrido: Has he made payment?

Mr. Eay (CLTC): Just confirmed, he hasn't made any payment

Commissioner Garrido: He's never made payment?

Mr. Eay (CLTC): Ninety-nine years and also taxes, I believe because like I said the property was awarded to him, he no longer has and it was given to another applicant.

Acting Chairperson Herrera: Okay, is this tied into "F"?

Mr. Eay (CLTC): Yes, this is number F, rather item F. This ties in with item E, also how can we move forward to fix these problems not only in agriculture also in commercial leases.

Acting Chairperson Herrera: So, we can move forward right from...

Mr. Eay (CLTC): Yes, this is number F, rather item F. This ties in with item E, also how can we move forward to fix these problems not only in agriculture also in commercial leases.

Acting Chairperson Herrera: So, we can move forward right from 6? Because we already have...

Commissioner Garrido: How about Leon Guerrero? Juanita Jesus?

Mr. Eay (CLTC): Okay, so Julita Leon Guerrero, responded within the 98 days, however, did not meet the Public Law 35-112 qualifications. So, she has to meet the new requirements and because they don't meet the new requirements, we're unable to issue a lease, even if you are the first five, they have to qualify under Chapter 75A.

Commissioner Garrido: How did they get a placement number if they did not qualify?

Mr. Eay (CLTC): What it is, is whenever, when the 1995...

Commissioner Garrido: Don't we screen the time and date?

Mr. Eay (CLTC): These are the first five

Commissioner Garrido: Yes, but I mean...

Mr. Eay (CLTC): These are the first five. They are from 8 o'clock AM to...

Commissioner Garrido: They're taking a place already on the series for becoming a lessee, and you're saying Julita did not meet the qualifications

[crosstalk]

Mr. Eay (CLTC): When we, whoever we contact

Commissioner Garrido: Don't we qualify them before we put them on the list

Mr. Eay (CLTC): What it is, is when they apply for the program, they have to provide documentation that they qualify under the act. The land agents did that and found out they don't qualify under 35-112.

Commissioner Garrido: When was this?

Mr. Eay (CLTC): This was, I don't have the time and date. I only have an update. I can look at the staff report that the land agents conducted and give you a better answer on that.

Commissioner Garrido: I just kinda like find it disturbing that should this person stood in the line and we're finding out that they didn't qualify, they shouldn't have been in the line

Mr. Eay (CLTC): If they were awarded, like say they were number 1 at 8 o'clock, they could've probably qualified under Chapter 75. But, because they haven't, they're still at the application stage, therefore, they have to qualify under the new rules and regulations.

Commissioner Garrido: So, right now, she does not qualify?

Mr. Eay (CLTC): Right, under the new rules and regulations.

Commissioner Garrido: So, why did she stand in line then?

Mr. Eay (CLTC): Well, this is why we're here. Should we move forward and terminate her application. Just put down, two years ago. This was done two years ago.

Commissioner Garrido: I'm just trying to get a full vision of...

Mr. Eay (CLTC): For a while, we haven't had, because of covid and everything, we haven't gotten any meetings and there was a change of Directors and stuff like that. Think of that, last year, or two years ago we had some meeting.

Commissioner Garrido: So, how about Palacios?

Mr. Eay (CLTC): So, Palacios, we sent a certified mail and it was returned and the applicant did not meet the 90-day response.

Commissioner Garrido: Palacios is the same as Pangelinan?

Mr. Eay (CLTC): Yeah. Same thing.

Commissioner Garrido: And, number...

Mr. Eay (CLTC): John Anderson Leon Guerrero, the applicant is deceased and of course, because he's deceased, he did not meet the 90-day response required by PL35-112.

[crosstalk]

Mr. Eay (CLTC): Right, he couldn't have responded. Unfortunately. So, because he's deceased

Acting Chairperson Herrera: Who's the successor for the deceased? You know this. I mean, does he have?

Mr. Eay (CLTC): I have to...

[crosstalk]

Commissioner Garrido: No, wait, wait, wait.

Acting Chairperson Herrera: Go ahead, go.

Commissioner Garrido: We have to make a decision on what we're going to do with these facts, don't we?

Mr. Eay (CLTC): Yeah, how we're going to move forward to the next line, to number 6, 7, 8

Acting Chairperson Herrera: Follow the law.

Mr. Eay (CLTC): Date and time, right?

Acting Chairperson Herrera: The mandate's saying 90-days and there's no response, it makes us [inaudible].

Mr. Eay (CLTC): So, we have to make a decision for those who hasn't responded within the 90-days. Are we going to terminate their application, then move forward?

Commissioner Garrido: But these people are not occupying any property on CLTC property?

Mr. Eay (CLTC): For now, none of them are occupying.

Commissioner Garrido: So, they should be considered void because they didn't meet the mandate.

Mr. Eay (CLTC): For one of them, there's probably an exception is the, Mr. Leon Guerrero who was double slotted

Ms. Dayday (CLTC): Quintanilla

Mr. Eay (CLTC): Oh, Quintanilla! Double slotted and relocated and without issuing another lease.

Acting Chairperson Herrera: Okay.

Commissioner Garrido: What is double slotted?

Mr. Eay (CLTC): Double slotted is what happens is like, I was issued a lease five (5) years ago and then somebody comes along...

[crosstalk]

Acting Chairperson Herrera: Here's another lease

Mr. Eay (CLTC): We tell them okay, here's your lease, but it's the same lot and tract, block, location, so, there's two leases that's issued within one lot. So, the questions now is, who has the right? Who comes in first? Who's the rightful lessee; the one that was issued like say, three (3) years ago, or the one that was issued yesterday? The answer that I know that I got...

Commissioner Garrido: Out of the five (5) you've given us, you told me only Quintanilla has a lease

Mr. Eay (CLTC): Yeah, but again, he has a lease but again, because it hasn't been terminated, he has a lease but it hasn't been ratified also as well. Yup!

Commissioner Garrido: So, he has a lease. It hasn't been ratified. Has he responded?

Ms. Casem (CLTC): Yes.

Commissioner Garrido: Or are these all 90-day, no response?

Ms. Casem (CLTC): He responded

[crosstalk]

Commissioner Garrido: I mean, he hasn't responded today?

Ms. Casem (CLTC): He responded knowing he has a lease.

Commissioner Garrido: Has he made payment?

Ms. Casem (CLTC): He hasn't made payment towards the lease; however, a lot of our constituents haven't made any payments either towards their leases either.

Mr. Eay (CLTC): Ms. Casem (CLTC) is our land agent working on that

Commissioner Garrido: What I'm trying to drive at is, I wanna move forward. You showed me already four (4) reasons why four (4) of these people should be voided and we resume counting down our counting up, right?

Acting Chairperson Herrera: I just want to go through six (6) right?

Mr. Eay (CLTC): But we also have to consider that double slotting him is not his fault. If we had not double slotted him, we wouldn't be sitting here discussing this.

Commissioner Garrido: You keep saying him, but it's Julita

[crosstalk]

Ms. Dayday (CLTC): No, it's Quintanilla. Julita doesn't have a lease.

Commissioner Garrido: Okay, Quintanilla. John J.

Mr. Eay (CLTC): John J. Quintanilla.

Commissioner Garrido: Okay, let's send him a notice and let's find out what's [inaudible]. The other four (4) should be voided because they haven't responded.

Mr. Eay (CLTC): So, the question I had, okay, he responds, he wants a lease, he wants to be relocated. Can we ratify that?

Commissioner Garrido: What are the conditions? I mean, he has a lease already, we're going to ratify it and he's Agriculture, Residential? Has he done anything on the property?

Mr. Eay (CLTC): We have to go back to the, I believe the 2,900 lessees that was awarded a lease, awarded administratively and what we had to do with the commissioners back then in order for that to be a good lease, because the lease, the law requires that the lease has to be approved by the board. Because it wasn't approved by the board, what the board did back then with those 2900 lessees, they ratified it, okay? And that was before the new public law kicked in, so now were under a new law that we have to apply and the question is can we ratify something that should've been ratified way back then? Can we move backwards?

Commissioner Garrido: I don't know but I think if he's been issued a lease, he's taken control of the property, it's a Residential lease, if he's built a structure...

Mr. Eay (CLTC): There's no structure and he hasn't occupied because he doesn't know where his lease is right now.

Commissioner Garrido: So, we gave him a lease without a lot number?

Mr. Eay (CLTC): We gave him a lease. His lease, was then double slotted, years later a different person was given a lease, same lot location

Acting Chairperson Herrera: There's two (2)?

Mr. Eay (CLTC): Two leases in one (1) lot.

Commissioner Garrido: So, is the property ours in fact?

Mr. Eay (CLTC): I have to check my land agent. Is the property being occupied?

Ms. Casem (CLTC): Not that we know about.

Commissioner Garrido: So, it's vacant land? [3:41:02]

[crosstalk]

Commissioner Garrido: Has the other person paid?

Ms. Casem (CLTC): The other individual knows that she has a lease to the same property.

Commissioner Garrido: Has she made payment?

Ms. Casem (CLTC): No. We haven't gone into her file yet.

Acting Chairperson Herrera: So, she knows that it's double?

Ms. Casem (CLTC): She doesn't know that yet.

Mr. Eay (CLTC): Under the terms and conditions of the lease, you know they have a time frame to start paying their lease fee and their taxes and they have also have to, if it's residential they have to start building withing a years' period, so, if they haven't met those conditions, it could be terminated.

Acting Chairperson Herrera: Okay, so finalize that summary for that constituent.

Mr. Eay (CLTC): Okay.

Acting Chairperson Herrera: Okay.

Commissioner Garrido: And process the other four (4) to be voided.

Acting Chairperson Herrera: Same, same; get a summary for the four (4) that did not, so we can...

[crosstalk]

Commissioner Garrido: They didn't reply through the certified mail.

Acting Chairperson Herrera: Just finish the summary and then...

Mr. Eay (CLTC): [inaudible] to determine if we terminate their application now and then move forward because before we move forward, we have to fix the four (4).

Commissioner Garrido: No. The reason why I say no is because why are we not going to address number 6? We'll just not use, the lots that are identified for these four (4) and continue down the line knocking off each of the applicants. Why...

[crosstalk]

Mr. Eay (CLTC): The law is very clear.

Commissioner Garrido: Let's be more practical, okay? If I take off the air cap form the car, doesn't mean the car isn't going to run anymore. We're crippling ourselves!

Mr. Eay (CLTC): Yeah, the law's very clear, sir, that when upon issuing a lease.

[crosstalk]

Commissioner Garrido: Yes, but what I'm saying is, the notice then they have 90-days to respond, they haven't responded. The one that did, that's different, okay, because I only have Mr. Quintanilla who's responded, right?

Mr. Eay (CLTC): Yes.

Commissioner Garrido: All the rest have not responded through attempts and public notifications and according to the law says they have 90-days and if they were really...who knows, they may not be really on this earth anymore because this has been since 95'. In all fairness, Glenn, we recertify mail the four (4), actually all five (5). We bring in Mr. Quintanilla and try and fix his problem and then the other four (4) don't respond within the 90-days, we terminate their place.

Acting Chairperson Herrera: [inaudible] Okay, you want to make a motion? Issue another publication?

Commissioner Garrido: I'm waiting to hear from you guys if you wanted to give a second notice or proceed with the way the law is written. These people are not in control of the property.

Commissioner Bordallo: Were the letters returned?

Mr. Eay (CLTC): There was a return letter with no response.

Ms. Casem (CLTC): I would motion to cancel the four (4) and then table Mr. Quintanilla so that we can get moving with the next, because with Mr. Quintanilla, it takes a little more research. So, at least you can cancel the four because it's been way over 90-days.

Commissioner Garrido: Yes. That's why I say we can do that or give them a second 90-days' notice but that's not my decision alone.

Mr. Eay (CLTC): The law doesn't, the act say that you have to give them another 90-days' notice, so, it's up to us now if we want to do a second notice. It's up to...

Commissioner Garrido: I want to get input from my other commissioners.

Commissioner Bordallo: I'd give them another 30-days, but not 90.

Commissioner Garrido: Okay, that's one option. Mr. Herrera?

Ms. Casem (CLTC): So, I just want to say something. It was published in 2022.

Acting Chairperson Herrera: Right, since last year.

Ms. Casem (CLTC): And it's been over a year.

Commissioner Garrido: That's why it was my first suggestion if we terminate it but I'm open to other suggestions, other ideas because it's not my decision alone.

Mr. Eay (CLTC): It's up to the board to terminate it because like I mentioned they have already been issued the 90-days' notice, but it could be terminated, decided by the board. And as for Mr. John Quintanilla, even though like I mentioned, he has a lease, the question, it hasn't been ratified. So, that's something that our legal has to **[inaudible]**.

Commissioner Garrido: Has he been following up or coming in or stuff?

Mr. Eay (CLTC): I haven't, I don't have the staff report on that. The land agent, Jhoana [inaudible].

Ms. Casem (CLTC): So, it's really on Land Trust to conclude the problem, but if you read the notice, it indicates here the law, right, so you know, I reiterate, it's been over 1 year plus that we already last put this out. But in terms of Mr. Quintanilla, we have to also work with the other individual who was also issued the lease.

Commissioner Garrido: Okay, so...

Acting Chairperson Herrera: Because they're hanging on to the lease, right? It's something [inaudible] for them.

Commissioner Garrido: They don't have a lease like Mr. Quintanilla.

Ms. Casem (CLTC): Only Mr. Quintanilla. He is very aware he has a lease so when he got a notice, he was shocked, we even sent him a notice.

Acting AD Burch: Commissioners, I recommend we move forward because right, this has been a year and to be honest with you, if you were 18 back in 1995 and today, you're pushing close to 50, and if you're a bit older than that, you're probably not on this earth anymore. So, if we wait another 2 years to process another 5 people, no one in 95' will be alive. So, I think it's time to move the line.

[crosstalk]

Commissioner Garrido: In the spirit of moving on.

Acting AD Burch: Yes!

Commissioner Garrido: I would like to make a, place a motion on the table Mr. Chair.

Acting Chairperson Herrera: Okay.

Commissioner Garrido: That we void the four (4) lessees and we do more work for Mr. Quintanilla.

Mr. Eay (CLTC): Can we name the four (4)?

Commissioner Garrido: We void Michael Steven Pangelinan's, what should I call it, application? Julita Jesus Leon Guerrero's application. Anthony SN's application and John Anderson Leon Guerrero's application and Mr. John J. Quintanilla we do further research and reach out and see if we can ratify his place for the lease. [sic]

[crosstalk]

Commissioner Bordallo: I second.

Acting Chairperson Herrera: Okay. All in favor, say aye!

All: Aye!

Acting Chairperson Herrera: Okay, motion carries.

Acting AD Burch: Commissioners, also, another recommendation I have. We have a long list of names here.

Acting Chairperson Herrera: Right.

Acting AD Burch: If we're gonna do five names every year...

Commissioner Garrido: No!

Acting AD Burch: I recommend, why can't we just publish the whole list?

Acting Chairperson Herrera: That's what I wanted to ask, can we have a full page and put at least, I think we can maybe fit a 1,000, maybe, or 800 on one PDN page?

Acting AD Burch: Yeah, just publish the list. And, otherwise...

Commissioner Garrido: Publish it, publish it!

Acting AD Burch: Yeah, because if you were 50 years old, you would be a 100 today. And you were 18 and younger than that, you know? So, if we're going to do it this slow, then...

Acting Chairperson Herrera: So, we're going to publish number 7 to...

Acting AD Burch: Six.

Acting Chairperson Herrera: No, because 6 has this grandchild, remember?

Mr. Eay (CLTC): 6, we just learned, although they haven't been mailed out, but because, we had found that the transfer of application, the successor was a grandchild and the public law doesn't allow that.

Acting Chairperson Herrera: I understand.

Commissioner Garrido: So, publish from 6?

Mr. Eay (CLTC): We'll have to start over from 6 moving forward and again even if all of them respond, 800, we're going to have lease based on date and time of application.

Acting Chairperson Herrera: Okay, you want to make a motion on that one? From number 6 to...

Commissioner Bordallo: 97?

[crosstalk]

Commissioner Garrido: Director Burch, is it prudent to list 20 applicants in one meeting?

Acting AD Burch: Yes. I mean, is it prudent? It's taken us this long. Is it prudent to wait till everybody on the list dies? That's what I'm looking at this long list.

Commissioner Garrido: We publish all ninety...

Acting AD Burch: What we do is, can we afford, how many people can we process at a time?

Mr. Eay (CLTC): We can come up with a number, like you said, the listing would have and send certified mail to all of them and provided they all respond.

Acting AD Burch: [inaudible]

Mr. Eay (CLTC): In a timely manner and then it runs again, if everybody responds, you know, all of them, just because you responded first, your number 89 or 90, you're not going to be awarded the lease. We have to first go to number 6, 7, 8, in moving forward.

Acting Chairperson Herrera: So, certified mail with full sheet of publication? Back-to-back?

Mr. Eay (CLTC): We can do that in publicizing that like at all of our village mayor's office and certified mail. The mayor's office we're going to put that there.

Acting Chairperson Herrera: There's no cost for that right?

Mr. Eay (CLTC): For mayor's, no cost but for certified mail there's a cost.

Acting Chairperson Herrera: Correct. And the publication with Post for example?

Mr. Eay (CLTC): [inaudible] You don't even have to put them, Post or PDN or something but as long as you send it. Either they receive it physically or certified mail and then also put it in the village mayor's office.

Commissioner Garrido: But for our best efforts, we should make sure we sent certified mail first.

Mr. Eay (CLTC): As certified mail, yes. And also announce it at all village mayor's offices.

Commissioner Garrido: Yes, yes. What I mean, to me, it's really important is we send certified mail in conjunction with the other means; Mayor's Office, Post Office necessary and publication.

Mr. Eay (CLTC): Yes.

Acting AD Burch: Yes.

Mr. Eay (CLTC): Because that way, we did our part, due diligence.

Commissioner Garrido: And then those that respond, you guys can start summarizing them.

Mr. Eay (CLTC): We can start doing the qualifications, yes. And then once we determine the qualification, then they will be given a notice of their lease, their date and time is up, then we can issue a lease.

Acting Chairperson Herrera: How many do we have on the listing on the applicants?

Mr. Eay (CLTC): Applicants on application stage, just a bulk part figure is 8,000.

Acting Chairperson Herrera: [inaudible]

Ms. Dayday (CLTC): Eleven.

Mr. Eay (CLTC): Eleven?

Acting Chairperson Herrera: Who's got the data? Who's got the data?

Mr. Eay (CLTC): I'm going to have to...

Acting Chairperson Herrera: Does Dexter have the data?

Mr. Eay (CLTC): No, we have to pull that out from the database and get an actual number of how any applicants are already....

Acting Chairperson Herrera: Print it out and give us an electronic copy.

Mr. Eay (CLTC): Okay.

Acting Chairperson Herrera: So, we can analyze the total.

Mr. Eay (CLTC): Okay, we'll do that. We'll provide you...

Commissioner Garrido: Just print out.

Mr. Eay (CLTC): Okay, okay.

Commissioner Garrido: Cuz, we don't need the whole profile of each.

Mr. Eay (CLTC): We'll just give you a number of the applicants.

Acting Chairperson Herrera: Okay.

Commissioner Garrido: So, did our motion or you're going to create the motion, right?

Ms. Casem (CLTC): So, you're going to make a motion to the next how many?

Commissioner Garrido: Yes.

Ms. Casem (CLTC): So, you can go over that thing we gave to you guys.

Commissioner Garrido: I would like to make a motion for the first full page. Mister Chair, I would like to place a motion on the table that we send out certified mail and public notices for applicants' number 6 through 48 and the notices will be certified mail, mayor's office and any publications. [sic]

Ms. Casem (CLTC): So, number 6 to number 48?

Commissioner Garrido: Yeah, that's for the first page. Is there a second, or no?

Commissioner Bordallo: I second.

Acting Chairperson Herrera: Okay, all in favor, say aye!

All: Aye!

Acting Chairperson Herrera: Okay, motion carries. Okay, we're good.

Acting AD Burch: Attorney Gumataotao has to leave. He has prior engagements he has to take care of.

Null and Voids

Mr. Eay (CLTC): Okay, for the Null and Void cases, as of January 8, 2023, total of cases that were null and void were 104 cases that was identified. And out of the 104, 25 was adjudicated and the remainder is 79 that's still waiting to be adjudicated. That's the update right now that we have.

Commissioner Garrido: Who did this adjudication?

Mr. Eay (CLTC): This was brought before the board whereas, how can we fix, like say, the first one, let's say, like an individual was voided because it was a switch and transfer of application type so to resolve that, what they did, they reverted back the switch and transfer to the original applicant. So, that's how it was adjudicated.

Commissioner Garrido: Chair, I'd like to place a motion on the table, please. Based on the Null and Void, I think it's important that we have our legal counsel here when we review this, because that is a matter of the law and we need to know what route we must take.

Acting Chairperson Herrera: This 104 was the listing that came out from the attorney general?

Mr. Eay (CLTC): Yes, that was the listing from the Null and Void. Yes.

Acting Chairperson Herrera: Okay.

Commissioner Garrido: So, we table it for now.

Acting AD Burch: Well, we can forward it to, when we reason it with the AG, okay, because it's getting close to five o'clock.

Acting Chairperson Herrera: Okay, got it.

Acting AD Burch: So, this will be taken up also on the 30th, right?

Commissioner Bordallo/Commissioner Garrido: Yes, 31st.

Raymond Perez: Am I able to say something regarding...

Mr. Eay (CLTC): They're part of the null and void, so...

Acting Chairperson Herrera: Part of the AG.

Raymond Perez: Part of the null and void lease.

Acting Chairperson Herrera: Okay.

: Would it be okay to speak?

Commissioner Garrido: Could it wait at public comment?

Raymond Perez: Because you're making a motion.

Commissioner Garrido: We're just tabling it. We're not making any action, so, it's just suspended for now.

Acting AD Burch: Yeah, it's got to be taken up after because of the timelines and issues will be taken up at the 31st of January, recess.

Acting Chairperson Herrera: Could you guys speak at public comment?

Raymond Perez: Yeah.

Acting Chairperson Herrera: Okay. Alright, your motion already.

Commissioner Garrido: Was it second?

Commissioner Bordallo: I'll second.

Commissioner Garrido: Okay.

Acting Chairperson Herrera: All in favor, say aye!

All: Aye!

Acting Chairperson Herrera: Okay, motion carries. Okay, number 6, New Business, revised organizational chart for recruitment of additional positions. It's on page...

Acting AD Burch: That's the colorful page, this one. Okay, since I've arrived, I was talking to Joey, he had to take off for other reasons and so, what I can say is that this is a draft organizational chart that entails several positions that we determined would be instrumental to help us step forward and bring the commission to the state that would operate efficiently and effectively. Those positions consist of Chief Operations Officer, Administrative Officer, Administrative Assistant, Land Agent III, Special Projects Coordinator, Planner IV, Land Agent I, Land Agent Supervisor, Records Management. The positions were, some of these positions were previously approved but for those positions, I'm merely redoing the approval. Currently, Joey's working on, Joey Cruz is working on the total cost of the recruitment and evaluating our funding availability, so, nonetheless, I ask that the board approve the recruitment. This actually prevents any delays with CLTC moving forward with recruitment. Once determined we have sufficient funds to pay for the improvement. Also, it would allow Joey Cruz to improve while we prepare our FY25 budget. We're going to have to turn in the budget [inaudible] coming out very soon. That's due in about a month or so. So, all of this recruitment will be pending the determination of available funds. Right now, we have land agents here, and you can see we're operating on skeleton crew when you walk in. The administrative support with your basically, Joey Cruz and Dexter. That's about it! The others are land agents. Even Glenn Eay, sitting here as a Land Agent Supervisor, he's doing that outside and beyond his job description. So, I really appreciate that. I will be appointing him as a supervisor. I do need a supervisor to coordinate the land agents. And of course, we keep talking about our leases. And so, we have a list here, one that I need to get going under legal, under that chart, Special Projects Coordinator. I wish we got to this before Attorney Gumataotao walked out but, I do know the answer. I just wanted him to confirm it for you. I would prefer to have an attorney on hand but the major issue is all of what happens in other government agencies is that if you want to get an attorney, whether it's a staff attorney or whatever, we should get clearance and we would be required to get clearance from the Attorney General. And chances are to be like the Guam Mass Transit. They hired and authorized by the AG to hire an attorney, of course, they hired the attorney, like Toff before with, we had him for Ancestral Lands, CHamoru Land Trust and Land Management. The agencies paid for that person but they were under the control of the AG's Office. So, not wanting to go through the process that would take a while for us to get through that signing and MOU's going through. I recommended that we, for example, hire a special projects coordinator, unclassified for 2-years, not keep that person on forever but go through the 2,900 plus leases we have and see what the issues are so we can ratify them and move forward and break through this problem of stuck at 8 o'clock was that 1995, you know 8 in the morning and we're still at the first day, first hours when people were lining up that day. So, this would take time, for this person to go through it, so, that's the way moving forward and working hand in hand. That person would work with the board and also with the AG's office so we can go through these documents. That person will be in there has to have skills and a legal field because if we could hire an attorney, I would prefer that but because it would be a bit difficult, there's not too many attorneys on the island, there's an actual shortage. Somebody with a skill set in that area.

So, what I'm predicting or I'm looking for is an Admin Assistant for that individual. So we're simply wanting to fill the other slots and reaffirm what has been approved in the past and if approved, we would implement this now, this fiscal year.

Commissioner Garrido: So, this is for FY24?

Acting AD Burch: Yes! We'd like to do this now but we like to carry it over to FY25 and this is looking forward. I mean you walk into the office and see how many people we have here. The amount of work we have to go through and that documentation and all they request from us. So, it's really an understaffed agency. So, we do need someone to supervise the land agents, so it'll be an open promotional slot when we get that. Anybody can apply for that. So, I really appreciate that Mr. Glenn Eay is able to sit in for now. And go through the documentation. You see what they go through is extremely detailed. Yeah, that's why we're asking to pull in more land agents but we want to do this with you and also a, you've seen us go through, you've been here since Attorney, you're a new board for a while, a year or two years. And how many directors have you gone through?

[crosstalk]

Commissioner Garrido: Three.

Acting AD Burch: Right, since you've been here. A year or so, right?

Acting Chairperson Herrera: Change three (3) times.

Acting AD Burch: Exactly! And I'm in acting capacity. I'm still the director of Ancestral Lands but to prevent that, to have somebody in second command, I would like to have a Chief of Operations so that will be a classified position that won't change. So, you'll always have somebody that is aware of what goes on in this agency. So, this is looking forward to the future, not just while I'm here but to take care of the agency for years to come because we don't have a deputy here and if we did, the deputy would be unclassified and will be changed whenever the administration changes, but even with this administration in the past year since you've been here, I've been the third acting director, I don't know. Did we ever have a director or acting?

Commissioner Garrido: Yes.

Acting AD Burch: Alice. Okay, yeah, Alice went through the process but even at that, you know, so I'm just saying for the sake of the agency, I'm requesting that you approve this organizational chart. We will stay within our means; we won't overspend. We won't hire anybody, you know, if, unless we can confirm or assure you that we have funds available.

Acting Chairperson Herrera: Is there a; I don't see an accounting or accounts receivables or for those that can handle.

Acting AD Burch: That's for...

Acting Chairperson Herrera: Like the payments or other receivables for, you know the leases for...

[crosstalk]

Acting AD Burch: You know, again, I know at a larger agency like the autonomous agency, who'd have a whole division.

Acting Chairperson Herrera: Instance for one [inaudible].

Acting AD Burch: I've been director of an agency that of over 120 people, and so, I'm aware of, they could be but we don't have the money, that's the problem. And we might run into issues with the legislature by overextending. So, this is the conservative chart.

Acting Chairperson Herrera: Maybe an administrative officer?

Acting AD Burch: We are requesting for an administrative officer and administrative assistance and a record managements officer.

Acting Chairperson Herrera: Can they [inaudible] responsibility with receivables because you know, we have almost 3000 customers that already have leases, right? And what I'm hearing is that some of them paid, some have not paid, some paid a portion.

Acting AD Burch: Well, when we bring in extra admin staff and we can see, you're looking at the chart to the far left.

Acting Chairperson Herrera: [inaudible]

Acting AD Burch: Right, it's under administration. Then we'll have compliance which is a Program Coordinator IV, Land Agent III, Program Coordinator II and I. We don't have these positions. We do have Joey Cruz and a one (1), I believe which is Dexter, right? But we would like to bring in a couple of others.

Commissioner Garrido: Who handles the money? You know, the budgeting?

Acting AD Burch: The budgeting? That would be Joey Cruz right now.

Acting Chairperson Herrera: Joey would be, more or less, a...

Acting AD Burch: He and I are both certifying officers, so, he and I certify funds available. I'm the approving authority for those funds available.

Acting Chairperson Herrera: So, maybe like a comptroller or something.

Acting AD Burch: Oh, we cannot handle that right now.

Acting Chairperson Herrera: Okay, okay.

Commissioner Garrido: I don't see a problem with your request for personnel. I wholeheartedly agree with you. CLTC is way understaffed. I would like to see more better into this but for now we don't really know what our budget is yet.

Acting AD Burch: Right, we know where it is for FY2024 but for 25', we will build this into it and this is...

Commissioner Garrido: I want to see a bigger projection for 25'.

Acting AD Burch: Okay, we'll work on that. Because the budget call is going to come out. It usually comes out about this month when we get notice that we have to start preparing the budget and organizational charts and a projection for FY25'.

Commissioner Garrido: Are we authorized to accept payments from our commercial customers or do they have to send the payments to Treasurer of Guam?

Acting AD Burch: I'd have to check that for how it works here with CLTC. I think it goes through another channel but with Ancestral Lands, Ancestral Lands receives the funds directly.

Commissioner Garrido: [inaudible]

Acting AD Burch: Again, Ancestral Lands does not deposit their money into DOA. They deposit their monies into three (3) financial institutions. They're with James, BGIS, that's an investment service and Coast 360 and one more, Bank of Hawaii. No funds from Ancestral is deposited ever into DOA but here they are, there's a difference and I can work on that. And that's why I submitted, I brought down an investment policy statement that I developed for Ancestral Lands and Joey's looking at it here to see how we can adapt that for CHamoru Land Trust Commission and that will help grow the money we have in the bank.

Commissioner Garrido: Not only that, it would keep the politician's hands off our funds.

Acting AD Burch: Exactly! And that was my intent for Ancestral Lands and the same thing here. It took a year to develop that and because I have a template now that is available, I think Joey will look over it and we'll go over it and we can adapt it here. Because right now the funds that are placed, I don't know if maybe DOA or Bank of Guam are probably earning less than 1% interest and if we have the 5.6 million, whatever we have in loan guarantee, they can grow that and what I'm getting with the investments I have with Raymond James and BG Investment Services is about 5, sometimes 8% interest income.

Acting Chairperson Herrera: So, the list is...

Acting AD Burch: So, it's something to think about. It's here, I hope that we'll be able to present that to you soon. Once we, because I have to look at the way the funding is handled here in this agency, it's not necessarily the same as any other agencies.

Commissioner Garrido: I'd like to make a motion.

Acting Chairperson Herrera: Okay.

Commissioner Garrido: My motion is to include the CHamoru Land Trust organizational chart as proposed and then we go ahead and start processing as the funds become available for these positions or identified, yeah, for these positions. [sic]

Commissioner Bordallo: I second.

Acting Chairperson Herrera: All in favor, say aye!

All: Aye!

Acting Chairperson Herrera: Okay, motion carries.

Acting AD Burch: Thank you, Commissioners!

VI. New Business

B. Guam Power Authority Request

Acting Chairperson Herrera: Okay, we go to number 6, B, GPA, Guam Power Authority. Okay.

Acting AD Burch: I know GPA is here and I know they're going to want to speak. I didn't attend the meeting because having two (2) agencies, I'm split into two or three activities. I send others; GPA's basically proposing a license agreement but because it's government to government I recommend doing an MOU, a Memorandum of Understanding between GPA and CLTC to allow GPA temporary occupation and use of Lot 7054-R9 in Yigo for a 3-year term in exchange for either in-kind services which could be putting up power poles or infrastructure for the various properties we have with our lessees or monetary compensation. The purposes of this temporary use are for storing possibly on-site repair approximately 39 each self-contained generators beginning as early as January or February of this year. Each generator is approximately the size of a 20-foot container. CLTC Land Agent and Planner prepared, I guess, 5 proposed sites, site location for utility installation for the commission's review. I'll turn it over to Glenn and there's GPA.

Acting Chairperson Herrera: This is about 1-acre?

Mr. Eay (CLTC): Okay, this is the request from our last meeting with GPA with Joey where we met, we had discussed several properties that they were interested for at least a 3-year term in exchange for in-kind services or monetary as mentioned by the director. Again, this was something for a storage or site for repair for their equipments and they're in need right now to with this property, yesterday, more or less because they're expecting their equipments to, I believe this month or something.

Tricee Limtiaco, GPA: No, not yet.

Mr. Eay (CLTC): No, not yet, well they need this lot to be for their, like is said, for their intent and purposes for storage and what have you. But I have GPA here to explain better, you know, more detail.

Tricee Limtiaco, GPA: Hafa Adai Commissioners! My name is Tricee Limitaco and I'm the Assistant General Manager of Administration of the Guam Power Authority. And, so, we have delivered a letter from General Manager, John Benavente to the Commission addressed to Chairman Herrera and Glenn is correct. GPA is proposing that it enter into a license agreement and an MOU with the Commission. I won't go into a full statement of me. I'll go straight to what Glenn had said in the interest of time. The bottom line is that, GPA is going to be engaging in temporary power services and that, those generators, those small generators will go up to its existing Yigo powerplant compound. And that compound has combustion to our mind and then

existing, about forty plus containerize megawatt units. We assessed all the other areas that we can put this temporary power and really this Yigo lot is the best one because of permitting issues. So, it's going to be temporary and our first option to move, and if you didn't see the map here, it's the first attachment following the letter and it looks like this. I do have a large map if you do want to see the larger map. You can see it, okay? So, these container units are in lot 7054-12 and if you look at the photos, it looks exactly like containers at the back of the lot and these containers need to be moved out in order to accommodate the new machines that will be coming in probably in about 60 days after approval; 60-90 days after approval.

GPA's initial plan was to move this down to properties that GPA already owns, like in the Cabras area for instance however, in the interest of time, we did, we did approach the CLTC staff when we found out that Lot 7054-R9 was owned by commission. And so, in our planning discussions we asked the staff if the commission and the executive director would entertain GPA's request for a short-term license so we can move these units. Temporary power units that we're bringing in this is exactly that, it's temporary and so, they will be removed on or about early 2026 when the new Okkodo plant comes online. So, when we're looking at this, we could spend all of that money and bring it down to Cabras for about the same amount of money, we could ask CLTC for a license. So, in our discussion with the staff, we tried to identify with the fair market value and of course, if our rental value of the slot would be and we were unable to find an assessment however, we did find an assessment for the adjacent lot, which is Lot 7054-4 owned by the Department of Public Works. And so, in the letter, we did explain on page 2 of the letter, the value, the total assessed value which includes, I believe, not only the raw land of Lot 7054-4 but also whatever approvals are on there. And so, it comes down to essentially \$31.00 a square meter. We took that and we applied it to the CLTC lot -R9 and we applied, instead of the 6% annual interest, we looked, we applied 8% interest and we came up with a monthly rent of approximately \$3,256.65 per month. If we had our proposed terms that we will give the commission, the total rent income that we would like to start negotiations at is \$117,239.52 for the 3-year term.

In discussing with Dexter and Glenn, and of course Joey, who by the way was very helpful, we did ask, what would the commission or the executive director entertain? Would it be compensation or in-kind services? And so, we wanted to give the commission an idea of what in-kind services, the value of the in-kind services and what it would bring. And so, the staff identified 5 sites, which is also indicated in the letter ranging from two in Dededo, two in Mangilao and one in Yigo. What GPA did is we looked up like the program's current infrastructures and what we call, line extensions so we can deliver power to their doorstep, basically. And what that would cost and so we would put the estimated total cost here so that the commission could again have discussions with staff and GPA about what in-kind services look like. Okay, so, we bring that up and if we were to look at in-kind services, we could start with approximately, like Site 4 for instance where we would install 20 spans of the line extension and the approximate, it would cost about \$160,000.00.

So, you know, we would offer this to you for your consideration. As far as the timing, Glenn is right. Wednesday, we needed it yesterday, but we certainly would like it soon. As far as the temporary power approvals are concerned, we are, will have this;

Commissioner Garrido: How much is the value for in-kind?

Tricee Limtiaco, GPA: For in-kind? It varies commissioner. It could vary from anything as low as Sixty-Four Thousand (\$64,000.00), based on the funds, right, that the staff secures;

Commissioner Garrido: But how much are you willing to throw into the bucket for the in-kind?

Tricee Limtiaco, GPA: I'll certainly tell you, Mr. Garrido, that it's not going to be Five Hundred (500) [inaudible] on site but we could certainly talk about anything in the starting range of a One Hundred Seventeen Thousand (\$117,000.00) probably go a little higher. We wouldn't be able to go beyond approximately One Hundred Ninety Thousand (\$190,000.00) which would be the value of [inaudible]

Commissioner Garrido: But you're willing to go up to One Hundred Ninety Thousand (\$190,000.00)?

Tricee Limtiaco, GPA: Yes sir!

Commissioner Garrido: This Lot 7054-4, where is that located?

Tricee Limtiaco, GPA: It is located behind the Yigo gym.

Commissioner Garrido: So, there's no route frontage?

Tricee Limtiaco, GPA: Can I show you? So, this is the Yigo Mayor's Office and this is the DPW site we used for the cons. This is the subject lot.

Commissioner Garrido: [inaudible] Dash four (-4).

Tricee Limtiaco, GPA: So, for -4 we used as a comp; to establish evaluation, because...

Commissioner Garrido: Where is the comp located?

Tricee Limtiaco, GPA: The comp is located behind the Yigo gym and adjacent to the subject lot that CLTC owns.

Commissioner Garrido: So, it doesn't have route frontage?

Tricee Limtiaco, GPA: It does not. It does not.

Commissioner Garrido: You know there's a difference in pricing?

Tricee Limtiaco, GPA: Yes. Yes, there is.

Commissioner Garrido: So, I like your 190-200,000.

Tricee Limtiaco, GPA: Sorry sir, I didn't say 200,000 but it certainly a negotiation that we can enter in to.

Commissioner Garrido: Who performed the appraisal?

Tricee Limtiaco, GPA: Antonio Gumataotao, who was in here with me, engineering and GIS division. He's our right of way and GIS Supervisor. He needed to go back to the office to secure his spot. So, he does this for GPA on a regular basis and so he was the one doing the research and stuff.

Commissioner Garrido: So, it's not Tony Palomo?

Tricee Limtiaco, GPA: Tony Palomo does work for Mr. Gumataotao, yeah.

Commissioner Garrido: He works for?

Tricee Limtiaco, GPA: He works for JR.

Commissioner Garrido: J.R. Gumataotao?

Tricee Limtiaco, GPA: Yes. Antonio Gumataotao Jr. is our Right of Way/GIS Supervisor and Tony Palomo works under him as the agent.

Commissioner Garrido: Is Tony back to work?

Tricee Limtiaco, GPA: Yes. He's doing well.

Tricee Limtiaco, GPA: So, GPA is not asking the commission for a decision now, we understand you want to review this. But what we hope is that you will allow GPA to negotiate with the executive director, the staff, and attorney and bring anything before you for approval.

Commissioner Garrido: Well, that's the way it should go. You go to our director and he will concur with the attorney and then when they come to a recommendation, they'll bring it to us.

Acting AD Burch: Okay, so I guess if you make a motion so we could proceed with this. That way at least GPA knows that we're working on it and we'll get back hopefully by the next meeting. I don't know if we can do it by the recess time or we reconvened.

Commissioner Garrido: Man, we're extending that recess longer again?

Acting AD Burch: Well, I got a little knocked down before the 31st. **[inaudible]** back-to-back meetings.

[crosstalk]

Commissioner Garrido: Mr. Chair, is, I have a motion to place before the board. I would like we authorize our Acting Director along with his staff and the AG to go to negotiations with GPA and see if we can come to an equitable settlement for CLTC. That's my motion. **[sic]**

Acting Chairperson Herrera: All in favor?

Commissioner Bordallo: Is it MOU?

Acting AD Burch: It's easier to do MOUs between government agencies and it's easy to extend it and unlike licenses and leases, it's faster, it's quicker and a lot more flexible.

Commissioner Garrido: **[inaudible]**

Tricee Limtiaco, GPA: I do know that this is not an extraordinary lease, so it's a maximum of three (3) years. So, it's **[inaudible]**

Acting AD Burch: And...

Commissioner Garrido: So, it's 190 per year?

Acting AD Burch: He started negotiations. Mr. Garrido is ready!

Commissioner Garrido: That's my motion, Mister Chair!

Commissioner Bordallo: Can you put the amount?

Commissioner Garrido: The amount of Two Hundred Thousand (\$200,000.00)?

Tricee Limtiaco, GPA: No, sir, I'm not authorized. So, you know, maximum of One Hundred Ninety Thousand (\$190,000.00).

Commissioner Garrido: Keep it up a little bit more. 200, it's only 10 grand. **[inaudible]** gets you more than that.

Acting AD Burch: This is for in-kind right but not for monetary right?

Commissioner Garrido: In-kind, not an emotional **[inaudible]**.

Acting AD Burch: Because we could probably pay GPA if we get money, we're gonna come out and do the same thing.

Mr. Eay (CLTC): The property identified is Item No. 4, is what you're saying.

Tricee Limtiaco, GPA: I'm sorry, which one?

Mr. Eay (CLTC): Number 4, you're mentioning for a particular area that you chose already that would best fit 190 budget?

Tricee Limtiaco, GPA: Well, we priced off 5 sites, so, it would really be up to CLTC.

Acting AD Burch: Yeah, we can combine one site with another.

Commissioner Garrido: Best way you sit down and negotiate with our Director **[inaudible]**

Acting AD Burch: We do MOUs with Ancestral so if I negotiate. I negotiated a lot with planning companies then we have MOUs with Guam EPA and Public Health.

Acting Chairperson Herrera: I see.

Acting AD Burch: The rest are all private commercial leases from Smith Bridge, **[inaudible]**, and stuff, so you know that MOUs are a lot easier. We can also do licenses because with government to government, there's none of this RFPs. We just go straight into it.

Commissioner Garrido: Will my nomination stand or do I have to...

Acting AD Burch: He's waiting for a second, right?

Acting Chairperson Herrera: Yeah, go ahead.

Ms. Casem (CLTC): Your motion is; you have to make it like...

Acting Chairperson Herrera: You have to identify the...

Commissioner Garrido: Let me amend it to be clear. Request for Memorandum of Understanding and/or license for Lot 7054-R9 Yigo.

Commissioner Bordallo: I second.

Acting Chairperson Herrera: All in favor?

All: Aye!

Acting Chairperson Herrera: Okay, motion carries.

Acting AD Burch: We gotta get a move on it.

Tricee Limtiaco, GPA: Yes! Thank you, Commissioners, thank you.

[crosstalk]

VI. New Business

Bill 179-37, GICC Lease/Board Resolution

Acting Chairperson Herrera: Okay, so we're headed to Number 6, delta. 6D, Bill 212-37.

Acting AD Burch: Is it bill or 179-37.

Acting Chairperson Herrera: Oh, I'm sorry. Charlie. 6C, Bill 179-37 Guam International Country Club Lease/Board Resolution.

Acting AD Burch: Okay. I asked Dexter to get documents right now for the resolution. The draft resolution. Okay.

Acting Chairperson Herrera: This is the solar, solar panel?

Acting AD Burch: Yes, this is the solar panel, the Guam International Country Club and the proposal for a solar project up there. And, basically, I've summarized, the, what is it, 179-37. That will probably still be coming up at the legislature for public hearings. We've already had public hearings on the two previous bills, 177, 178, -37, both of them and this is the third bill. Although, we disagreed with the first one, was of course, the endowment issue and of course, I think Mr. Carlos Camacho is here and they agreed not to include that.

Acting Chairperson Herrera: The endowment?

Acting AD Burch: Yeah, well, they said they can go without that. They were looking to do us a favor but what I like to say is that with accelerated payments, basically what we're receiving, you know, should they get a contract with GPA for the solar project, accelerated payments would be monies that we would carry over a 30-year period. We get it all today to spend at today's prices rather than to wait for inflation. You either wait [inaudible] over a 30-year period. So, we could add in more infrastructure like what we just talked about with GPA. But basically, in summary, Bill 179-37 as it sits. The lease will amend to include the generation storage and transmission of renewable solar power as permitted use of the property, which is where the country club is at now. It will be an extension, the lease term, may be extended through January 31, 2055. It will be a recommended rate, an escalation rate if the property is used for generation storage and transmission of renewable power. The rental escalation will increase from 10% every 5 years or 4% every five years for the purpose of determining their net present value of future rent. The accelerated rent payment, this is if the property is used for renewable solar power, the lessee will pay all rents due under the lease in advance at its net present value, to be determined by a certified real estate appraiser. The payment will be made utilizing a market-based discount rate and it will be between Seven Million Dollars (\$7,000,000.00) and Nine Million Dollars (\$9,000,000.00). The lessee will pay 10% within 30 days of entering into a power purchase agreement with the Guam Power Authority and remaining 90% within 30 days of the date the solar power is transmitted to the golf course operation. If the property is used for renewable solar power, the lessee will not be required to operate a golf course on the property. Monthly rent until the net present value of the accelerated rent is paid in full. The lessee will continue to pay monthly rent as per the original lease agreement. And then the lease will require execution by the Governor, Chairman of the CHamoru Land Trust Commission, test by the Lieutenant Governor and so on. Basically, in a nutshell, that's what the bill of 179-37 is in a summary. What we have done with my discussions with the Chairman is a resolution and you see before you and this is the finished result, I guess, but in short, I'll breakdown, rather going through each one, the resolution purpose the CLTC was, well, basically CLTC are, our agency was established to protect and administer trust property of the eligible beneficiaries. It requires funding for various initiatives such as property surveying trust property tracts, registration development and providing home loans. And receiving future income in accelerated payments will help us do that rather than wait 30 years. 30 years from now, I don't know if any of those on the board and myself will still be alive. So we'll be able to move forward if we do accelerated payments, so that's a plus. The CLTC will also recognizes the needs to explore additional funding mechanisms to support its operations and initiatives. The lease agreement that's for Lot 1022-12 in Dededo is subject to commercial lease agreement between CLTC and the Guam International Country Club. And that was dated April 2014. Accelerated payment; the CLTC has the authority to include accelerated payments as a term and condition in commercial leases implementing accelerated rate payments providing immediate funding to the CLTC. Our proposed amendments now after speaking with the Chairman, this went through, the GICC has expressed willingness in our last accelerate rent payments increase the escalation rate. Extend the lease term and utilize the property for renewable solar power generation storage and transmission. The settlement of arrears was brought up too at the last meeting where the GICC has agreed to settle arrears payment within 30 calendar days upon the passage of Bill 179-37. And then if you approve the resolution, the CLTC would intends to request the 37th Guam Legislature to approve the proposals by GICC, subject to that inclusion of specific items outlined in Section 2 of the resolution. The amendments to the lease that CLTC request for approval of these

amendments to the lease agreement. One will be designating approximately five (5) hectares of Lot 1022-12 for exclusive use of CLTC together with the Guam Ancestral Lands Commission and the Department of Land Management to reduce rental cost. I talked to Director Borja who's with the Department of Land Management and he says if we were to get this moving, he would be more than happy to join us. And of course, from Ancestral Lands, I'm the director there, so, we would have no problem joining the CLTC together. Being under to be reconfiguring the GICC Clubhouse accommodate office space for all three (3) agencies. C, requiring that GICC to provide a surety bond to ensure compliance with the lease agreement will absolve our components. The CLTC assuming responsibility for overhead and maintenance cost of the designated area and under E, we would oppose the creation of a CLTC endowment fund and any mandates including the transfer of accelerated rent. And F, of course would nullify those provisions if the property is not used for a renewable solar power, and G, it would require the GICC to settle arrears payment within 30-days upon the passage of 179-37. I believe arrears right now are about Six Hundred Thousand Dollars (\$600,000.00). So, these are the key points in the resolution. And, that's what in a nutshell what this document is now. This is, we prepared in writing comments that our chairman provided me and it's up to now the board to look at this, this document. Of course, I do have my resonations and after looking at this and although I did write it, under instructions, I feel that the designations of approximately five (5) hectares is quite much. The property is for exclusive use of the CLTC in the lease agreement amendment with the Guam International Country Club might have a negative impact on business model of the solar project. The reduction of available space will limit the capacity of the solar farm project to operate at its full potential. This reduction may hinder the project's ability to generate sufficient revenue and could impeded its overall operation posing a significant challenge to the viability and success of the solar farm project. As a result, I feel the company may need to revisit and reassess the plans that's why Mr. Camacho is here, potentially requiring adjustments to reduce space and mitigate the negative impact on the business model. And that's speaking from a private business stance. I understand what were here and that's why I explain why this is written this way but I also want you to understand that taking out five (5) hectares is a significant piece of the 250-acres; up there about 250, right? While it can be workable, I expect Mr. Camacho hear what we're planning now. He has not seen this document but he's here now.

Commissioner Bordallo: What is five (5) hectares translated to?

[crosstalk]

Commissioner Garrido: I believe that's fifty thousand square meters (50,000).

Acting AD Burch: Roughly, right?

Commissioner Garrido: Fifty thousand (50,000) square meters.

Acting AD Burch: Yeah, so pretty close to twelve (12) acres.

Carlos Camacho, GICC: And if you guys don't forget the GWA water wells equates to about 15 acres in asset that GWA still has to maintain, so we had to remove the GWA water wells on our master plan, just for disclosure. There's water wells up there by going [inaudible].

[crosstalk]

Commissioner Garrido: Copy of this?

Acting AD Burch: They haven't had a copy? Oh, you don't have a copy of this one?

Carlos Camacho, GICC: [inaudible]

Acting AD Burch: Well, at least know what we're talking about.

Carlos Camacho, GICC: No problem.

Acting AD Burch: I understand your position.

Carlos Camacho, GICC: I heard all the items and first of all, just to let you know and we, I talked to our investors and they agreed on one of the, since you said from the last meeting that one of the concerns is the arrears.

Acting AD Burch: Yes.

Carlos Camacho, GICC: And first of all. I wanted to find out, last I checked, they said we only paid up to September. For the record we paid everything up to December. We're in compliance all the way up to December, so we're good other than January, but I know we paid up to December. So, we're good in compliance on that matter. But one of the conditions; you did ask many times in previous meetings is how we do cover the arrears once we get this into law? And yes, we will concur with your resolution that that will be one of the conditions once it's passed, that we will pay that off in 30-days, Six Hundred Thousand (\$600,000.00) right? The other condition that you brought up was the endowment, like at the last meeting. We agree and the only reason why we brought up the endowment, we want to protect the funds, again, we're not blaming any administration or senators but you saw when they took 800,000 from you guys, not during your term, because there was cash availability. Policy makers grabbed it but never returned it; they never returned that funds. So, we were thinking of an endowment, but what I had heard earlier today is if you reinvested that money into Raymond James and all the different vehicle, through this lending policy investment portfolio, that protects that money. As long as there's a protection mechanism, that was the intent of the endowment. So, we agree that we'll give you that flexibility and we will support that part of the resolution not to put the endowment. As long as our thought is to make sure, no policy maker; I'm not bringing up anybody but history show how the money was taken and never returned, right? Right now, we're all cash cow and great, federal funds. One day, stream line cash flow and see 9,000,000 in the account, you never know what's going to happen. But, Mr. Burch's idea in investment policy and take it out of the arm reach and you guys will use that return, and from the first presentation when Mr. Burch came, we're using a 4% return right. His investment arm is ranging from 4 to 8, which that will up to you guys to figure out how you want to invest if you chose the accelerated rent approach or you chose as you guys spoke in the past, lets stick to the status quo; status rental quo. It's just availability, but what I wanted to show is, if I can pass this down, please. This shows our master, proposed master plan on the property. Sorry. Give one to Glenn too. The reason why this is important.

Mr. Eay (CLTC): Is this the same as the one we have here, Mr. Camacho?

Carlos Camacho, GICC: Oh yeah, you got that already? How did you get that? We didn't xerox it yet?

Acting AD Burch: [inaudible]

[crosstalk]

Mr. Eay (CLTC): Well, this is the larger version. [inaudible]

Carlos Camacho, GICC: Oh, oh, I was wondering how you got that. No problem. But at the end of the day, we designed a 65-megawatt scenario. So, if we did the 5-hectare scenario, it will take some of the cash flow model away. Now, very important if you look at this model here so the clubhouse is not shaded brown with a solar panel. One of the things that was brought up, is can a clubhouse be used as a headquarters? DLM, ALC, and all that; the clubhouse has three stories and the clubhouse was originally supposed to be used for our data center for the solar data center. So, what we're trying to configure, we don't mind you putting that statement in your resolution but not to make it as a condition, but to say, can we negotiate in the event there's room in your clubhouse to accommodate either CHamoru Land Trust, Ancestral Lands or three. We don't know, because we don't know what your square footage needs are, but we know what the square footage is here and we're assessing the ground floor, which is, we can enclose and have a separate entrance for our daily center so we don't co-mingle over the two floors in the top. We're looking at that angle. Now, this grey area, brown area shows the whole property being used out as a 65-megawatt scenario and if we decide, and again that will be a call with our investors, just give us the flexibility to negotiate, if we decide to provide some of the clubhouse for Ancestral Lands, I mean CHamoru Land Trust office, we are also preserving the parking

lot because you guys need parking area. Not just the building. That's where that's that area for us to open. If you go further down, at the bottom, why it's not brown that's close to GPA, that's going to be the area where all these panels have the electrical lines going to be connected to the substation of GPA. So, we're going to have, the way bottom right, that's going to be the electrical distribution center that connects to the substation. And I know in the last month and half, many of you took a tour there to at least see truly if GPA was really parallel to the property and see the topography. So, we've done, this is our analysis and again we appreciate you guys asking those extra needs or wants and we would like to help, but we want to make sure it doesn't impact our cash flow model like what the director said so this just shows what is potentially available on the property from the clubhouse to the GPA site. But I know the GPA site at the bottom, we need that for the electrical distribution when we connect all the solar panel lines to the substation. Above the clubhouse, you see the yellowish color, if you guys went to Marbo Cave, you see those battery boxes? that's the box, that for the battery station that's outside like what you see at Marbo Cave. So, we support most, 95% of your resolution, like the payment that's due, the endowment flexibility so you guys can make the call for your use of the funds and like the director said, you guys will hire your own 3rd party appraiser to confirm the net present value. We've done that already just to let you guys know. We've done that already because in case the senators ask us, why 7 to 9.

Commissioner Garrido: Who's your appraiser?

Carlos Camacho, GICC: There's only 3 MIA appraisers on Guam. One is Siska of Cornerstone, and I forget the other 2? Micronesian and the other one is...

Commissioner Garrido: I think Chief Appraiser?

Carlos Camacho, GICC: No, no, they're not an MIA. Who's the other one again?

Jerry Tang, GICC: I think the third one might be called MILO.

Carlos Camacho, GICC: MILO! There's three. So, what we did, for the record. We engaged Siska, she's well rounded on the island. Based on the cash flow model, what would the range be for the net present value. We got that so we can understand it. The law says, you have to hire you own independent appraiser to get it, right? And I got that if you want to see it, but it's ranging anywhere from exactly seven to almost eight million dollars. Now, the law says 7 to 9 and we cash flow our model from our development up to 9 million, above Siska's appraisal. But that doesn't meet you're going to take the net present value. You guys can say, we want to take the regular schedule as the director said, the 12%, up to year 2055 but then inflation even through your cash flow there. But the difference from that, as I said in the past is the cash flow model. Because yes, you're right, historically, originally from the original GICC to these guys, you guys seen historical up and down on their cash flow. Sometimes they don't pay, sometimes they pay because the market, economy may be back, covid may be here, whatever historical reason, but at least my client did everything they can to always catch up to their liability, which is, in good faith, but it was at one board meeting when Mr. Earl Garrido asked, you know, we're going to give you a shot to catch up in your arrears but can you look what you wanna use the property for and diversify its economic use.

I didn't know we were going to go solar until we did the analysis and then we were on probation to make sure we made the payment. And when we're trying to take away the golf industry, municipal golf, which was very fluent and had it's up and downs, right, and you see the history of that. We get a stable payment or do we get or do they come in knock on doors, oh we're behind six months, can we ask for a payment plan and because, the reason we were behind was the market was bad, because we're depending on the cash flow. They have a fixed payment based on customers coming, but if they're not coming, there's no cash flow. The difference of the GPA model and that's why we're going under this is because GPA has 5 phases under the renewable energy campaign. They're in their 3rd phase right now which is what we're going after, which is the 318-megawatt proposal and that's what their inviting to submit their proposal. That doesn't mean we're going to win and if we don't win then we're back to our normal schedule. But we think based on their previous Dan Dan and Marbo, where their offset instructor cost them 18 to 20 million, ours is right next to it, so we think our price model will be competitive. Especially, as I disclosed in the last board meeting of the inflation reduction act by the administration to provide other tax incentive. Not against Government of Guam tax revenue, this is tax

credit to promote renewable energy. We think we're going to be competitive. And we compare it to the others, we don't have all those other expenses that they do.

Acting Chairperson Herrera: Same thing we saw this in the beginning, you know, because we computed 5-hectare or fifty thousand (50,000) square meters.

Carlos Camacho, GICC: I heard earlier director confirm with Mr. Eay, maybe this is what we thought [inaudible] and now five (5) hectares. You guys were assuming those 250 acres.

Acting Chairperson Herrera: Right.

Carlos Camacho, GICC: Our lease is only 205 acres.

Acting Chairperson Herrera: We forgot the pump house. I didn't think of the pumphouse.

Carlos Camacho, GICC: 205 includes the warehouse, so we have to remove the water wells. So, 250 that you guys have in your books, there's 45 acres somewhere out there, that maybe that's the property you guys can get, if it is 250, but we confirmed on our lease it's 205. Eight hundred some thousand square meters divided by 4000, we came up with 205. So, Mr. Eay, I'm not sure if it's 250 or 205.

Mr. Eay (CLTC): Right, we'll go back on the...

Carlos Camacho, GICC: Because our two hundred five (205), sometimes, I thought maybe it's a typo or reversed. You guys said two hundred fifty (250), ours is two hundred five (205). All the three digits are the same but in different places. So, if it is 250 and ours is 205, there's a 45-acre yield somewhere that we're not asking for. All we're asking for is 205 in our lease.

Acting Chairperson Herrera: Okay, now, the yellow is the clubhouse.

Carlos Camacho, GICC: The yellow above the clubhouse is where our battery station is going to be. Now the clubhouse;

Acting Chairperson Herrera: We can still fit the;

Carlos Camacho, GICC: The clubhouse and the area for the parking lot is what we're trying to figure out how I can accommodate a win for you guys.

Acting Chairperson Herrera: [inaudible]

Carlos Camacho, GICC: Well, if there's only two (2) floors available and I don't know what tri-agency square footage are. I don't know what CHamoru Land Trust, ALC and DLM; I don't know if you add it all together, if they're fifty thousand (50,000) square feet, that I don't know, but I know what we can get on the two (2) floors, which at the end, whatever we can accommodate is.

Commissioner Garrido: How many square feet per level?

Carlos Camacho, GICC: That's what we're going to confirm.

Acting Chairperson Herrera: Because the basement is basically a parking area.

Carlos Camacho, GICC: Yeah! But what were, what I'm letting the data center guy say is that if we enclose that, we have a separate entrance, we're not going to co-mingle the top two floors. Well, that's the strategic idea. I'm trying to come through a win-win because;

Acting Chairperson Herrera: Can we get the roof?

Carlos Camacho, GICC: Huh?

Acting Chairperson Herrera: Can we occupy the roof?

Carlos Camacho, GICC: The roof? Are you talking about two floors?

Acting Chairperson Herrera: The third and the roof.

Carlos Camacho, GICC: I think it's a picture val;

Acting Chairperson Herrera: It's flat. I droned it already so...

Carlos Camacho, GICC: Oh, you droned it?

Acting Chairperson Herrera: Yah.

Carlos Camacho, GICC: Oh! So, I mean if you guys going to build something above it, I'm assuming...

Acting Chairperson Herrera: It's a communication station for that area. **[inaudible]**

Carlos Camacho, GICC: But at the end of the day, let me see what we can do. As long as we don't impact our cash flow model, we're willing to at least instead of asking, condition. Just say, we can open the negotiation opportunity for CHamoru Land Trust to have an office space there.

Mr. Eay (CLTC): Quick question, does the third floor accommodate even with an elevator use?

Carlos Camacho, GICC: There is an elevator there.

Mr. Eay (CLTC): **[inaudible]**

Carlos Camacho, GICC: There is an elevator there, yes.

Commissioner Garrido: But is it going to be accessible if you use the; you keep the first floor is the elevator accessible for us?

Carlos Camacho, GICC: Elevator is in the second floor also and...

Commissioner Garrido: What I'm saying, is there access to the elevator?

Carlos Camacho, GICC: No, it's right there. It's available right at our lobby.

Commissioner Garrido: Yeah, but if you guys keep the entire first floor, will we have access to the elevator?

Carlos Camacho, GICC: Yes, because the elevator opens on the 2nd floor.

Jerry Tang, GICC: I think that after hearing the, I took a quick look at the resolution and hearing the goals and aspirations for the three (3) agencies. For us, at least for Carlos and I, what's that, we want to be able to accommodate the agencies as much as possible. This is really a issue of, a technical issue, but in terms of the, I know a little bit about the layout of the building. There's a current basement, that where they're parking the golf carts. And then there's the first floor where it has the lobby and cafeteria and then there's the 2nd floor. So, there's actually two floors that's improved. I think what's Carlos is trying to say is, in order to not comingle the different uses, we're going to approach our technicians and see if we can for the solar operations, that we occupy in the basement so that way CHamoru Land Trust, Ancestral Lands, depending you know...

[crosstalk]

Commissioner Garrido: So, you're saying you're going to consider giving us the main floor and then the next level up.

Jerry Tang, GICC: We want to.

Carlos Camacho, GICC: Yeah. It's a different proposal.

Jerry Tang, GICC: Well, it's a technical...

Commissioner Garrido: So, the next level up is technically your third floor?

Jerry Tang, GICC: Yes, actually the 2nd floor is actually the 3rd floor. Right.

Acting AD Burch: Because they count the basement first. I see it in the hotels and still don't understand why they don't have the 13th floor.

[crosstalk]

Acting Chairperson Herrera: Basement is the bottom floor? Okay, got it.

Carlos Camacho, GICC: This concept is if we enclose it, they have their separate entrance. We're not going to co-mingle 2nd and 3rd.

Acting AD Burch: So, you don't have a problem with joint usage of the clubhouse?

Carlos Camacho, GICC: This five (5) hectares is a huge impact and accommodation for housing. We too wanna support some type of win for you guys, you know what I mean?

Mr. Eay (CLTC): Mister, can you please state your name for the record.

Jerry Tang, GICC: Jerry Tang. Also, I'm a corporate secretary for GICC.

Mr. Eay (CLTC): Okay, thank you.

Carlos Camacho, GICC: Sorry about that.

Acting Chairperson Herrera: So, you see the five (5) hectares, right? That's about fifty thousand (50,000) square meters. So, when we do a subdivision for example, we can go down to 500 square with sewer. So, at 50,000 square we can do about maybe 50 homes.

Carlos Camacho, GICC: Well, I wanna...

Acting Chairperson Herrera: Sorry, 100.

Carlos Camacho, GICC: I wanna to, first of all I want to make sure there's the water wells from GWA that has to be removed.

Acting Chairperson Herrera: Yeah, I didn't compute that.

Carlos Camacho, GICC: That's about 15-20 acres. Because you have the utility easement and they drive in and all that stuff.

Acting Chairperson Herrera: Yeah, the road. Remember the water pump?

Carlos Camacho, GICC: That's the government and we have to sustain that.

Acting Chairperson Herrera: Okay, I understand.

Carlos Camacho, GICC: But at the end of the day, we don't want to hurt the cash flow model because if whatever route you chose, the net present value accelerated and use some of Mr. Burch's investment vehicle, then, you saw in the presentation, I didn't even; I did all that based on 4, 5, 6, 7% and saw that the rental cash flow, if they invested all of the Nine Million (9,000,000), use more than 24,000 that we're paying, you know, GICC is paying. But that's up to the board to; and that's why, before Mr. Burch came in, look at your neighboring case study. The success story and I'm glad that he's, I didn't know he was going to be the director here now, to reaffirm that.

Acting Chairperson Herrera: He made case for Ancestral Lands; I mean you know...

Carlos Camacho, GICC: Well, there's a proven track record there, so you know. You guys can review that and wow, **Raymond Perez** James, these other banks are paying this much. And that's how you protect the money from being raided because it's outside the investment market.

Commissioner Garrido: What do you foresee would be the terms for us to use the main floor and the 2nd and 3rd, I guess.

Carlos Camacho, GICC: Well, if the investors agree that they're going to put the data center at the bottom, right, then you guys and they say okay we're going to release the two top and the parking lot will be big enough accommodating, but I don't think that'll be big enough to accommodate all tri-agency, you know what I mean?

Acting Chairperson Herrera: Yup. We'll get that computation.

Carlos Camacho, GICC: But at least at the end of the day if this was to accommodate you guys, I'm not sure how much you guys are paying rent, now you have a double edge whammy.

Acting Chairperson Herrera: Point seven mill for rent.

Carlos Camacho, GICC: No, no, just you guys.

Acting Chairperson Herrera: Oh, oh, about ten (10).

Carlos Camacho, GICC: Ten Thousand (\$10,000.00) a month?

Acting Chairperson Herrera: Yeah.

Carlos Camacho, GICC: So, if we accommodated it, we just potentially yielded the credit and debit. Now you have that extra increase in your cash flow.

Acting Chairperson Herrera: That's the target. We want to reduce...

Carlos Camacho, GICC: And I don't know how much square footage you guys require on CHamoru Land Trust. I'm assuming it's just these two, this and that one right here.

Acting Chairperson Herrera: Our director just gave us an organizational chart.

Acting AD Burch: Plan to grow it but...

Acting Chairperson Herrera: But anyway, it's...

Commissioner Garrido: Who would be in charge of maintenance of the building?

Carlos Camacho, GICC: Well, we'll give you guys, I mean like, it will be like, because we don't own it, if we allow it, you guys have to take care of your own power and water, but I'll let Jerry talk.

Jerry Tang, GICC: I think we have to speak to, look at it on a technical side because what I'm thinking right now is, you know, logistically, it would be if there's extra space, how would we implement that, would be, you know? Lease it back to CHamoru Land Trust for you know, One Dollar (\$1.00) for example, right? But what we have to take a look at is, in terms of how is the power being metered? I mean, is there a separate meter? Is it possible to separate the water meters? And then, we have to find a way to figure that out. I think technically, it should be free, right? Electricity is right there.

[crosstalk]

Commissioner Garrido: We don't need a long extension cord.

Mr. Eay (CLTC): Are you going to provide an as-built drawing of the location of the wells so you can determine the [inaudible].

Jerry Tang, GICC: Yes, we have to. We have to because the location. We had to leave an access road for sometimes the repair the head of equipment.

Acting Chairperson Herrera: And it's got a generator house in the front, right? It's a regular 86KW.

Carlos Camacho, GICC: Well, that was for the clubhouse

Acting Chairperson Herrera: Right!

Carlos Camacho, GICC: But that can be shared as a common generator in case there's no power. We can work on those details but the first step is how can we accommodate you.

Acting Chairperson Herrera: Okay.

Carlos Camacho, GICC: It's just that we want to make sure it's not a condition, but an asked negotiation. That's all! We want to the flexibility so we can present; oh, by the way we can't do five (5) hectares but we can give you this part, you know what I mean? [5:06:29]

Acting Chairperson Herrera: Okay.

Commissioner Garrido: Do we have to make a motion?

Carlos Camacho, GICC: But if you can amend that part of your resolution.

Acting Chairperson Herrera: Right, right.

Carlos Camacho, GICC: Yeah.

Acting Chairperson Herrera: We have an expert here.

Acting AD Burch: Just tell me what you want me to put it and I'll write it.

Acting Chairperson Herrera: Professor Burch. We asked for 20 acres of [inaudible]

[crosstalk]

Commissioner Garrido: So, you want us to omit the 5 hectares.

Carlos Camacho, GICC: We want the opportunity to negotiate a flexibility. We don't want; right now, your resolution is to commit 5 hectares in this. We want the flexibility, say okay, it doesn't impact our solar model, here's what we're proposing.

Acting AD Burch: But, there's no question about the offer and the clubhouse?

Carlos Camacho, GICC: That's what we're negotiating to make sure the data center is enough in the bottom.

Acting AD Burch: Yeah, yeah.

Commissioner Garrido: In other words, you're saying if your developer wants to use the basement or the main floor, so we're only allotted the 3rd floor.

Carlos Camacho, GICC: We need to reassess because this is an ask.

Commissioner Garrido: I understand that.

[crosstalk]

Commissioner Garrido: Or maybe the main floor would be shared with you don't need the entire floor. I'm not talking about the basement; I'm talking about the main floor. So, it's something that we can...

Carlos Camacho, GICC: And I'll get the square footage of what's in the second and third because at the end of the day, if you look at CHamoru Land Trust because you're using 8,000 square feet for example, and we have 12,000 and 12,000. That's a lot of square footage. Who do you want to share it with, ALC or CLTC?

Commissioner Garrido: Well, I think my first priority would be CLTC followed by Ancestral. If I have to throw Land Management under the bus, well...

Acting AD Burch: Land Management has 7th floor and part of the 3rd floor here in this building.

Commissioner Garrido: They have a big layout; it's huge.

Carlos Camacho, GICC: Historically, there's a plan, if you guys don't know, next to Julale Shopping Center, it's supposed to be a tri-agency building. Designed, ready to go, but there's no money for it. It was a 14-million-dollar building. It's called a land building for CHamoru Land Trust, Ancestral Lands, and Land Management.

Acting AD Burch: We almost got it but the price tag went up a little bit because Ancestral Lands was into it for about 15 for investment.

Carlos Camacho, GICC: Right, the price went up.

Acting AD Burch: GHURA was supplementing the rest, but Ray died, the director, so that, GHURA changed their priorities when they got a new director.

Carlos Camacho, GICC: Right! So, if we're able to accommodate, at least your home. At least we have a win of 10,000. Positive! I can't commit to the other agencies, until I get the size.

Acting AD Burch: But, at least CLTC. So, I don't know, it's up to the commission what would you instruct me to write.

Acting Chairperson Herrera: The [inaudible].

Carlos Camacho, GICC: At least give us a flexibility to come back.

Acting AD Burch: Flexibility?

Acting Chairperson Herrera: Well, yeah, if you recall, I think we were using the language of negotiable or remember you saying, it's kind of too, well we'll talk about.

Acting AD Burch: Well, it looks like we're in agreement that we're going to support the bill with some contingencies or some...

Acting Chairperson Herrera: Yeah, anyway the Legislature is going to look at this, right? When the resolution comes out.

Acting AD Burch: Well...

Carlos Camacho, GICC: We just want the flexibility of those two items. Not a condition, but a flexibility so we can negotiate some type of way.

Acting AD Burch: So, flexibility on...

Carlos Camacho, GICC: The clubhouse?

Acting AD Burch: Yeah, the clubhouse and the five (5) hectares.

Carlos Camacho, GICC: Five (5) hectares.

Commissioner Garrido: Would you be awarding also as a part of this flexibility the parking lot on the left side of the clubhouse?

Carlos Camacho, GICC: Not that, the clubhouse has to have parking lot because, you know, if you got people come in...

[crosstalk]

Commissioner Garrido: I'm talking about that little skinny portion on the **[inaudible]**.

Carlos Camacho, GICC: No, no the parking lot, yes.

Commissioner Garrido: Talking about on the left side.

Carlos Camacho, GICC: Yeah, about 100 slot parking lot next to the...

Jerry Tang, GICC: Oh, that side.

Commissioner Garrido: Yeah.

Jerry Tang, GICC: That could fit, I would say not that many cars, maybe 15 cars. Are you talking about right next to the building on the left side?

Commissioner Garrido: Next to the driving range?

Jerry Tang, GICC: Yes, the driving range.

Acting AD Burch: No more driving range. That was solar panels.

Jerry Tang, GICC: That would be solar panels.

Carlos Camacho, GICC: But the building has to have a parking ratio. Whatever we carve out of the property, that big open space, there should be a parking ratio to the building.

Acting Chairperson Herrera: Including the handicap.

Carlos Camacho, GICC: Yeah.

[crosstalk]

Acting Chairperson Herrera: Okay.

Carlos Camacho, GICC: I do thank you for the resolution. I look forward to the minor modification. But we do support all the other conditions you brought in.

Acting AD Burch: Just the clubhouse and the 5 hectares?

Carlos Camacho, GICC: Yeah!

Acting Chairperson Herrera: Okay.

Acting AD Burch: Okay Commissioners.

Acting Chairperson Herrera: Is it a butler building?

Acting AD Burch: I don't know where the bottom building is.

Acting Chairperson Herrera: I mean, is it a butler building right, where it says access road? It's right next to...

Carlos Camacho, GICC: Is it where the yellow shading is at?

Acting Chairperson Herrera: Batullo. Then you have AC entrance. Isn't that part of the golf course?

Carlos Camacho, GICC: I'm not sure yet, is it colored in brown or yellow?

Acting Chairperson Herrera: Brown.

Carlos Camacho, GICC: Oh, that means, we're using it for solar area.

Acting Chairperson Herrera: Right here.

Carlos Camacho, GICC: Sorry, my eyes.

Acting Chairperson Herrera: Okay, it's okay. But I know, okay, it's been a long day so...

Commissioner Garrido: It's a maintenance building you have here?

Carlos Camacho, GICC: Yeah. Is it colored in brown?

Commissioner Garrido: No, it's white. It's connected to the brown.

Carlos Camacho, GICC: Oh, it's white, to the right of it?

Acting Chairperson Herrera: Yeah, it said access road.

Carlos Camacho, GICC: Oh, that's a good question.

Acting AD Burch: Where the GPS access road is.

Carlos Camacho, GICC: Right there.

[crosstalk]

Carlos Camacho, GICC: I see it, I see it.

Acting Chairperson Herrera: You know that butler building...

Mr. Eay (CLTC): Yeah, I wasn't sure whose equipments are in there. If it's your equipment or somebody else? I wasn't sure if it was your part of your leased area.

Jerry Tang, GICC: Right. I'm not sure. I'm not sure.

Carlos Camacho, GICC: We didn't line it like the rest. You know the black one, we didn't line it so; I'll verify it.

Mr. Eay (CLTC): There's something to look at.

Commissioner Garrido: Well, this is just a perspective.

Carlos Camacho, GICC: Yeah, perspective.

Jerry Tang, GICC: There is a separate building, but I'm not sure if that's the one. It's a separate building where there used to be a like a repair shop area and also a where they do some gardening.

Commissioner Garrido: I thought that was this.

Jerry Tang, GICC: I'm not sure that's the; but there is one more building other than the clubhouse.

Mr. Eay (CLTC): Right.

Commissioner Garrido: You got one building to the right of the main entrance, a small building

Jerry Tang, GICC: Oh, I see.

Commissioner Garrido: And this is the bigger building that you were referring to.

Mr. Eay (CLTC): Yeah, that big, white building.

Carlos Camacho, GICC: Well, the engineer didn't design that so we're; and they didn't color it so let me find the why. Maybe it wasn't in their survey footprint?

Acting Chairperson Herrera: We'll take it if you guys are not going to use it.

Mr. Eay (CLTC): Another office space?

Acting Chairperson Herrera: You see, something that's broke.

Carlos Camacho, GICC: Okay, I see.

Commissioner Garrido: We can convert that to VIP.

Carlos Camacho, GICC: So, other than that, like is said we do have, we're going to share with the senators because they're going to ask the question, what do you think it's worth right? So, we did hire a third party. I

can release that third party data to you guys but, I don't wanna put it on your mind because you have to hire your own appraiser.

Mr. Eay (CLTC): There's only three MIA.

Carlos Camacho, GICC: So I don't want to; but this is going to be available at the public hearing because they're going to ask what do you think it's worth? How did you come up with seven to nine, you know what I mean?

Commissioner Garrido: Was your appraisal based on your line area?

Carlos Camacho, GICC: No, no, the appraisal was based on cash flow on the rent model. You know the rent model.

Jerry Tang, GICC: How they determine the discount rate to apply was she looked at about nine (9) transactions that took place that were lease hold properties that had lease cash flow that ended up being sold. So, in comparing some parts versus what the lease would generate over the life of the lease. That's how she came up with the market study of what the discount rate was.

Mr. Eay (CLTC): This is within the perimeter of that area right, closes to...

Jerry Tang, GICC: There's a bunch of ranges that depending on commercial property, residential property. And then she took, she also gave a range of.

Mr. Eay (CLTC): Yeah, you can't determine from Yigo and take one from Tamuning; you gotta go the closes range.

Carlos Camacho, GICC: Oh, if you don't mind, can I make one more recommendation that I didn't hear, is to comply with any building code permit or EPA regulation. The only reason I wanted that in your resolution so the senators know, there won't be another fiasco like the Marbo Cave because somebody forgot the...

Acting Chairperson Herrera: Soil erosion.

Carlos Camacho, GICC: They forgot to put the zip line fence. So, what you guys are going to do is, say; to meet Guam building code, EPA regulation, whatever you guys, you guys want to make that statement of regulating all regulations, we're willing to comply with that.

Mr. Eay (CLTC): Permitting agencies;

Carlos Camacho, GICC: As long as it's there so at least they know that you guys are also watching out. So, no other agency would close their eyes. Oh, we forgot to do that check.

Acting AD Burch: Oh, already the Speaker asked us about the ground, what we're going to do with the ground. You're going to fill in those little lakes up there?

Carlos Camacho, GICC: Oh, those are manmade lakes, yeah.

Acting AD Burch: Yeah, I know. And are you going to kill all the grass and stuff? You know about the percolation of water to soil.

Commissioner Garrido: [inaudible] over the lake or drain the lakes?

Carlos Camacho, GICC: The master plan looks like we're covering the lakes. Those are man-made lakes.

Acting AD Burch: Looks like you're filling it in.

Carlos Camacho, GICC: So, just cover it and...

Acting AD Burch: Probably take out the liners, right?

Commissioner Garrido: [inaudible] or remove the liner?

Jerry Tang, GICC: I think it's a hazard. Honestly, they've had several drownings over there.

Mr. Eay (CLTC): Water and power don't mix.

Carlos Camacho, GICC: That's true too.

Acting AD Burch: Good those questions came up, right?

Commissioner Garrido: [inaudible] outside the construction phase, you will remove the liners?

Jerry Tang, GICC: Well, yes, I believe so.

Carlos Camacho, GICC: Well, I know one of the senators asked because it's an environmental issue. So, we did mention on the status quo, the golf course, there's pesticides and [inaudible] and 1.2 million gallons of water they use a year to water that grass. Now, if that's removed, we don't use pesticides in the aquifer and all that. So, one of the senators asked me today, Senator Sabina Perez, who is a renewable energy lady; Carlos, what was that Jerry, what was that word?

Jerry Tang, GICC: Whether there's PAS.

Carlos Camacho, GICC: PAS, I forgot the....

Acting AD Burch: Oh, I forgot the; it's a forever chemical, right?

Carlos Camacho, GICC: Yeah. So, we're getting our findings just to let you guys know. We're hearing this from our big solar developer. US EPA don't allow PF ORS, or whatever, solar panels to come to the United States or the territory, so were supposed to be P4s free. If we could get that, she's satisfied. So, because that's the chemical that will go into the northern aquifer, right, and all that?

Acting AD Burch: It's probably already there. In fact, EPA, waterworks is dealing with that right now.

Carlos Camacho, GICC: So, we're trying to get that clarified with US EPA and Guam EPA so we can get that statement in writing, not verbal, everybody talking verbal, so get it in writing. And the other thing the Senator asked. What happens after 30 years, you can't throw those panels to the dump, right? Because there's no way that Land Trust will take all those panels after 30-years. I said, well, the model that Dan Dan and Marbo is doing, is called recycle because it's glass. And then when the solar panels degrade every five percent, instead of throwing it away, they go recycle the panels. Rebuild the panel at a lower cost and then at that time, after 30 years, you guys can renegotiate with the solar developer. Okay, lets continue the solar program.

Commissioner Garrido: Refurbish it.

Carlos Camacho, GICC: Yeah, refurbish it.

Acting Chairperson Herrera: There's a clause here also. I think it's a security clause that John put in just in case it needs to be...

Acting AD Burch: Bonds. It's just a financial guarantee, that's all. I mean, when you do construction, you're using performance bonds. You understand what that is. We just want to make sure that CLTC, even Ancestral Lands, you've heard some of our meetings, has problems with prior tenants that have left us with a bunch of junk that we're holding, I guess you can say, whatever it is, our responsibility is to clean it. Right now, with

Ancestral Lands, I'm looking at one that would cost about a Million Dollars (\$1,000,000.00) to clean up and yes, that's a reality thing. We're looking at that right now. I got Smith Bridge working on that one right now.

Carlos Camacho, GICC: So, again, I know you guys are here, sorry to take so long. Thank you. So, we look forward to the building code amendment. EPA amendment and modifying your potential opportunity for the building and any additional land. You know what I mean?

Commissioner Garrido: Do we need a motion to amend the resolution or you just do it?

Acting AD Burch: I could amend it based on what you tell me to do and when we recess, we come back on the 31st and then you can vote on it. I guess, you might have to return on the 31st of January so we're not going to end the meeting today, we're going on to recess to reconvene. That will be easier, just takes me a few strokes to write it once I get your instructions.

Acting Chairperson Herrera: Thank you, sir.

Carlos Camacho, GICC: Thank you, Commissioners.

Acting Chairperson Herrera: Item C.

[crosstalk]

Commissioner Garrido: We may be your tenant.

Carlos Camacho, GICC: That's for a dollar (\$1.00) a year?

[crosstalk]

Mr. Eay (CLTC): Well, that'll be based on the fair market value.

Carlos Camacho, GICC: I'm very careful to make that statement. Only reason I'm trying to be careful to make that statement, I'm not trying to take tenants away from you. Because that family that owns this is very powerful family, IPE and ITE. They can lobby to the legislature and kill this bill. They're going to lose Seven Hundred Thousand Dollars (\$700,000) a year.

Acting AD Burch: Well, Land Management is looking for a good place. CLTC...

Carlos Camacho, GICC: That's why I don't want to make that kind of statement.

Commissioner Bordallo: It's on record.

Acting AD Burch: It's recorded.

Carlos Camacho, GICC: It's okay, it's okay. It's an ask right, it's an ask. By the way, we cannot accommodate everybody, on the record.

Acting Chairperson Herrera: This is for the constituents, the grassroots.

Acting AD Burch: Yeah, but as far as ITC is concerned, the AG's Office made it public they're moving out. Land Management's made it public they're looking for a new place. Before I arrived, CLTC is looking for a new place. Ancestral Lands where I'm at we're just happy. But if the land agencies move, I will, Ancestral Lands will follow.

Carlos Camacho, GICC: Mr. **Acting AD Burch** and everybody, commissioners, thank you very much.

Acting AD Burch: Thank you, sir.

Acting Chairperson Herrera: Have a good day. Number 6.

Acting AD Burch: Our last item.

Acting Chairperson Herrera: Constituent matters, no?

Acting AD Burch: No, Bill 212-37; we did a presentation on that to the legislature.

Acting Chairperson Herrera: Is this the public hearing where you and Glenn explained about that little...

Acting AD Burch: Little slot that technically that 707 square meters was under GDOE, but for some reason was, some error occurred where it was transferred to CLTC.

Acting Chairperson Herrera: So, that's a generator or a transformer, no?

Acting AD Burch: No, it's a vacant lot. Well, there's a building on it. And the building half of it is controlled by the municipality...

Commissioner Garrido: Vegetable stand.

Mr. Eay (CLTC): Yes!

Acting AD Burch: There's not enough space. You could put maybe a food truck on it because the setbacks and building there. But the last two resolutions passed by the CLTC mentioned the error that occurred because the law was passed to transfer but apparently, they forgot when they did, when they transferred other lot to the municipality of Tamuning. They forgot the 707 square meters lot to included it but to adjoin in with the other lots. And that's in my testimony. I believe I sent this to you via email but now Senator Telo Taitague would like you to reaffirm your support, I don't know why. The CLTC in the past 2017 and 2018 came up with resolutions supporting the transfer admitting that it was an error placed under CLTC. originally should be GDOE and another bill authorized it to transfer for sports activities to the municipality of Tamuning. And they agreed to do that too, but then even though the resolution passed, when the bill passed became law, somebody forgot to write it in.

Acting Chairperson Herrera: So, it was an error from the Land Trust side?

Acting AD Burch: Well, no, from the legislature. They should've written it in to the law.

Acting Chairperson Herrera: I see.

Acting AD Burch: And so, error upon error. Two or three errors that occurred and it continued to remain under the CHamoru Land Trust Commission and so basically the testimony I gave pretty much wanted to fix the problem; fix the problem that occurred over the years.

Acting Chairperson Herrera: That was 212.

Acting AD Burch: That's Bill 212-37 LS, so, but what Senator Taitague wanted was for the CLTC commission, the board to reaffirm their support by me writing another resolution, but that won't come up because it's not on the agenda until the next meeting. If you want me to write a resolution, all I'm going to say is confirming the resolution of 2018 which says it all, or I can reprint the whole thing and just have you agree to it but there's no need for that I think, but to satisfy the senators, I don't think any other senator felt that way but she did for some reason.

Acting Chairperson Herrera: She's in the committee on land, also?

Acting AD Burch: She does sit in there sometimes, being the chair of course is the Speaker.

Commissioner Garrido: But she's usually always in these hearings?

Acting AD Burch: Yes, she usually is. I didn't check to see if she's a member of that. But she's trying to cover all basis. I understand that. I didn't see the need for it but if you want, I can write a resolution for the next meeting in February. I guess, it be February 15th. That's the third Thursday of the month, so, if you want, I could do that to reaffirm it.

Acting Chairperson Herrera: If you feel it's okay to do it.

Acting AD Burch: It doesn't hurt. It doesn't hurt. They want that, we could do that. I could do a reaffirming or just do a duplicate 2018 resolution.

Acting Chairperson Herrera: And then we sign off?

Acting AD Burch: And then just sign off for that. I could do one or the other, I'll leave it up to you which one, just to reaffirm it or to just reproduce the document.

Commissioner Garrido: Reaffirm it.

Acting AD Burch: Reaffirm it because we have two of them. 2017. 2018. And now we have 2024. So, I don't know how many times we have to say it.

Acting Chairperson Herrera: But for different lots, or...

Acting AD Burch: It's all the same. That 707 square meters is right in between the two schools. Behind it is the baseball field, basketball court and tennis court and the access through it is through that lot but there's a small building there. It used to be like a fish store or something.

Commissioner Garrido: It was a vegetable stand.

Acting AD Burch: Vegetable stand.

Mr. Eay (CLTC): One time it was a fish store, restaurant.

Acting AD Burch: It straddles the boundary line.

[crosstalk]

Mr. Eay (CLTC): Right, it's the one that the Japanese, further, so...

Acting AD Burch: Technically the building, the front half is currently CLTC and the back half is the municipality of Tamuning.

Mr. Eay (CLTC): Also, Senator Telo wants to also as far as the condition that we also mention, because it mentions that it wasn't used for the intended purposes. That we also include that it could be used for a food truck.

Acting AD Burch: I think a food truck, I disagree with that because that's a reversionary clause. It's in there that they don't use it for that purpose. The current bill that the law that transferred that property to the municipality of Tamuning, where the baseball field and everything, has that exact same clause in it. That if they don't use it for that purpose then it comes back to CLTC. So, I'm just saying, leave it.

Mr. Eay (CLTC): Okay.

Acting AD Burch: You know, that means that they must use it for that purpose. She can't go there and build a, I don't know, whatever, for office or what it should be used for the sports community.

Commissioner Garrido: She can't put a slingshot on it.

Acting AD Burch: She cannot do that. It's for the community and nothing else, for sports. And that was the intent and that's why it was transferred to them. They missed out on a small little piece of property will give them clear access. One access is through GDOE, it's government property but still under GDOE and the other one is GTA. The middle is government which is CLTC.

Acting Chairperson Herrera: GTA is a school.

Mr. Eay (CLTC): GTA, they have their own telephone like a 40 x 40 building, concrete where they have their equipments in there. And it's an F stop and exchange.

Acting AD Burch: So, they go through, either those two points but given this role, actually make sure that it's for municipality, it's not land locked and bigger access to it. So, yeah, I don't see any other use for that property except to be used for the community of Tamuning. And when I go there, I've been there, basketball and baseball.

Acting Chairperson Herrera: A lot of mixed community?

Acting AD Burch: Yeah, it's in active use right now.

Acting Chairperson Herrera: That's good.

Acting AD Burch: I mean you drive by, there might be people there this evening or this weekend.

Acting Chairperson Herrera: Very nice.

Acting AD Burch: So, yeah, it works out. So, that was the testimony I gave. So, again, I'll write up the resolution. Just reaffirming the last one. I don't have to rewrite the whole thing. It just saves paper, saves the trees, you know.

Commissioner Bordallo: And attach...

Acting AD Burch: Attach the other one, yeah. I'll attached the 2018 on to it. Okay, so I guess.

Acting Chairperson Herrera: We're going to move on to one more and then...

Acting AD Burch: Yes, we have to. We have a constituent, a brief on them.

Acting Chairperson Herrera: Number 7, Constituent Matters.

Acting AD Burch: The letter. I'm looking at what I wrote. Okay, let me get my thing here together. We've had so many discussions here today.

Acting Chairperson Herrera: Good job!

Acting AD Burch: Mr. Pedro Benito, that's the one?

Mr. Tan (CLTC): Yes sir.

Acting AD Burch: Is Mr. Benito here?

Mr. Tan (CLTC): No sir. This was just a written letter sent.

Mr. Eay (CLTC): He wanted us; he couldn't make it here.

Acting AD Burch: I'll summarize again like I do the letter, broke it down into its parts. Mr. Benito and his wife contacted CHamor Land Trust Commission on January 10. The letter is dated January 18th that they sent in to inquire and submit their required documents for CLTC board approval to proceed with obtaining a building permit for a permanent structure on property, the lot 538012. In summary, Mr. Benito's letter expresses frustration and disappointment regarding the revelation that their lease was not registered with the Department of Land Management, despite their efforts and investment. They request a speedy resolution and emphasize the importance of fairness, equality and preservation of land for future generations. The CLT staff informed them that the lease issued to them in August 2011 had not been registered with the Department of Land Management and further informed them that the registration process would take years preventing them from moving forward for their plans to build a house. They also discovered in what they said in the letter that the whole portion of Lot 5380 had not been registered although five (5) other families have been allowed to build their home. This is right near Billy Cruz?

Mr. Eay (CLTC): This, the property set right now is two lots adjacent to Billy Cruz.

[crosstalk]

Commissioner Garrido: Same family?

Mr. Eay (CLTC): The same, the same, within the proximity and the only thing that was severed out for was recorded for Guam Waterworks, that portion there for the well. So, Mr. Benito is part of those properties that were unregistered along with Billy Cruz, just two (2) properties away.

Acting Chairperson Herrera: And he's built?

Mr. Eay (CLTC): He plans to build.

Acting Chairperson Herrera: Oh, okay.

Mr. Eay (CLTC): He plans to build but what's restricting him is that the property is unregistered. He's asking us if he can move forward.

Commissioner Garrido: Does this fall under the SBA Loan Guarantee?

Mr. Eay (CLTC): This is not in line with the SBA. He just wants to build. He hasn't turned in any documents regarding SBA Loan Guarantee.

Acting AD Burch: But it's still unregistered.

Mr. Eay (CLTC): Still unregistered property.

Acting Chairperson Herrera: Remember, with Eric yesterday, right? Yesterday or Wednesday.

Acting AD Burch: Earlier, I was speaking with Attorney Gumataotao and he said for us to get our list of all the unregistered properties and turn it over to the AG's office and he'll expedite it. That means the AG is willing to pick it up from us. But we have to get that list, okay, so I can send that up to him and he'll work on it. Because there are too many people sitting on that and he could take care of Billy Cruz, he could take care of Mr. Benito and so when I told him about the problem, he listened earlier when we went through that with those folks that came in without registered land and he told me he'll take care of it personally. We just have to get him the list and documents necessary for this. So, hopefully we can fix this. I understand the previous boards, previous directors, administrations but we're here now. We'll do our best to fix it and I'm glad Mr. Gumataotao came in and promised that he'll devote his time getting this thing done because he felt really bad with these folks.

Acting Chairperson Herrera: He's a very good man. That's a blessing that he's around.

Acting AD Burch: Yeah, it's very different from previous, you know.

Acting Chairperson Herrera: Good. Okay, thank you so much. So, moving along to number...

Commissioner Garrido: We're moving on, or do we need a...

Acting Chairperson Herrera: This the public comment.

Mr. Eay (CLTC): That was a public comment in writing that he submitted **[inaudible]**.

Commissioner Garrido: Okay.

Acting Chairperson Herrera: Okay, moving on to number 7. Oh sorry, number 8, public comments.

VIII. Public Comment(s)

Raymond Perez and Carmen T. Perez T. Perez

Commissioner Garrido: Are you Mr. Perez?

Raymond Perez: Yes, sir.

Carmen T. Perez: Good afternoon, commissioners. Good afternoon, Mr. Burch. Actually, good evening.

Acting AD Burch: It's a long, long day.

Carmen T. Perez: I'm **Carmen T. Perez** Torres; say Perez now. Okay, long story short.

Acting Chairperson Herrera: Null and Voids, right?

Carmen T. Perez: Sorry?

Acting Chairperson Herrera: Null and Void.

Carmen T. Perez: Yes, this is under the Null and Void, yes.

Ms. Casem (CLTC): Can you also state your name.

Raymond Perez: Good afternoon, Director Burch, Commissioners, my name is Raymond Perez. We've been part of the null and void list. We've been at this for over seven years going to be a problem. We both have leases and they were transferred at the application stage. We did not know that it was illegal to do that, that's the term that we use, not allowed, but we did everything that the Commission told us to do. Survey the property, recorded it, paid; I'm paying property tax now for mine. I've been paying property tax for the past three years, 2-3 years. Both properties have been recorded and there has been money paid for both leases. I think it's 40 some we paid. We paid you; we're one of the few that paid but are not utilizing the property yet. We come today because where we stay right now, as we all know we all got his with Mawar and the property we stay in, we were approved for SBA, so we had to fix the property on our own expense. So, we're trying, what we're trying to do, her property ratified as well as mine. I'm not really concerned with mine at this time because where my property sits, there's not going to be infrastructure there for another, who knows, 5-10 years. I'm in the jungle. So, I'm fine. I've been using it as a ranch. It's just a container house there. The property is surveyed, so there's nowhere but with my wife's property we were given a half-acre property in Machanao where there's water and power accessible. Not knowing that the land is null and void, we went

ahead and went through the proper channels of going to a engineer to provide us a blueprint to build a house, which cost \$2000, \$3000 some. We got that. When we went to DPW to get the permits to self-construct, is when we were told we had to come here to CLTC to get, I guess, it's the request.

Acting Chairperson Herrera: Permit to build.

Raymond Perez: Permit to build request but we can't build because of the attorney general at that time, Elizabeth Barrett Anderson saying that the leases are considered null and void. I don't see how properties that were mentioned earlier are not even registered are ratified and ours that are registered and paid, that we have legal document, a lease signed by the governor at that time and the director which was Michael Borja, we're having issues where we can't get this ratified. We're hoping this year, it gets resolved, build a home the proper way, not like other people where they just build without getting you guys' approval to build on the property.

Acting Chairperson Herrera: Okay. Carmen, right?

Carmen T. Perez: Yes.

Acting Chairperson Herrera: You got your lease from your sister?

Carmen T. Perez: No, it was transferred from her to me. She never had one, never given one.

Acting Chairperson Herrera: Only the application was transferred?

Carmen T. Perez: Yes. I even have a letter of a relinquishment from her.

Acting Chairperson Herrera: Yes, yes. Then after that, you got your lease?

Carmen T. Perez: And, I got my lease. I paid 45 years, still waiting. We're ready to build.

Acting Chairperson Herrera: They identified the property?

Carmen T. Perez: Yes.

Acting Chairperson Herrera: It was null and void because of the transfer?

Carmen T. Perez: Transfer of application. Yes.

Acting Chairperson Herrera: What was that, 23-38 right, Glenn?

Mr. Eay (CLTC): The only, the law doesn't mention transfer of application rights.

Acting Chairperson Herrera: Until death only.

Mr. Eay (CLTC): Only upon death. Right and so because what happened, the sister transferred her application rights, to Miss Torres, it was deemed null and void. So, we're at the stage were trying to fix this by;

Acting AD Burch: Is this the part of the; is this the bill that we were talking about?

Mr. Eay (CLTC): Provided by a transfer application right.

Acting AD Burch: Yeah, speaker doesn't have a bill it is just at Bill, but when the bill comes out, we're preparing a testimony to include that so that these heirs created asked to be ratified.

Carmen T. Perez: That that's what I heard.

Acting AD Burch: But this has to be done legislatively because the law hasn't, doesn't allow it at this time but if the Speaker does decide to put that bill for public hearing, we're going to go testify that you're not the only one that has this issue, there's others that are like that and hopefully it will take care of most of the null and voids.

Acting Chairperson Herrera: You see Carmen, is we have the, there was some number six, talking about the beneficiary did not include a grandchild remember so the speaker already has a bill for, to include a grandchild which is part of the resolution we just submitted. Your case is part of that also so. That's a positive sign for us to see the chain.

[crosstalk]

Acting AD Burch: What I recommend is when you hear, I mean, check the legislative site online to see what bills they're discussing, when they're going to come up. **[inaudible]**

Acting Chairperson Herrera: Oh, on the grandchild?

Acting AD Burch: Yeah, because we're trying to testify **[inaudible]** when you come in and testify through the hardships that you're going through because this was an error. And that you did receive a lease, because for whatever reason. I don't understand why. They did read the law when they processed these. But people, because of CLTC's error and allowing this to go forward, people have invested quite a bit so we're trying to fix these things that the speaker is working with us to do. I forget the bill number.

Acting Chairperson Herrera: On the grandchild?

Acting AD Burch: Yes.

Acting Chairperson Herrera: Or the resolution?

Acting AD Burch: That bill.

Acting Chairperson Herrera: I think it's already the 300 series.

Acting AD Burch: It's somewhere there. Someone's already working on it.

Acting Chairperson Herrera: But we'll keep you posted on that so that's on your case right and you don't have an engineering plan yet? Oh no because you don't have a permit to build.

Raymond Perez: We have the blueprint, but we were not allowed to move forward.

Acting Chairperson Herrera: Oh, you have the blueprint?

Carmen T. Perez: Yes, I do!

Acting Chairperson Herrera: **[inaudible]** to build from here. Ok, got it.

Raymond Perez: Those are our plans.

Acting Chairperson Herrera: OK

Commissioner Garrido: You haven't started the permit process?

Carmen T. Perez: No. Not yet because of the null and void being.

Raymond Perez: We need this. DPW basically said we need a letter from CHamoru Land Trust saying request to build.

Acting Chairperson Herrera: Understandable. Yes.

Acting AD Burch: Because some are null and void, we won't. Hopefully the speaker works on this. We'll get her to include that so we gotta wait for the public hearing.

Acting Chairperson Herrera: And it's been very positive because we've been meeting. I think we had a field inspection last Wednesday.

Acting AD Burch: Which was, yesterday.

Acting Chairperson Herrera: Oh yeah!

[crosstalk]

Acting Chairperson Herrera: And you know what she gave us her time yesterday to go to all these areas which is very positive.

Carmen T. Perez: Crossing my fingers. I don't know if I can go another seven (7) years.

Acting AD Burch: She's trying to resolve a lot of these issues and these are issues we talked to her about.

Carmen T. Perez: Yes, yes.

Acting AD Burch: Hopefully, but it's not in the bill as written, so, we're going to testify to amend the bill to include this, which is [inaudible].

Acting Chairperson Herrera: She is separating the bills in different; you know.

Acting AD Burch: Yes.

Acting Chairperson Herrera: Because even with the grandchild, we had to include Brother, Son, Siblings, grandparents too.

[crosstalk]

Acting Chairperson Herrera: So, you know, right?

Acting AD Burch: Going in reverse?

Acting Chairperson Herrera: Your case Raymond, right, you got it from mom?

Raymond Perez: From Grandma.

Acting Chairperson Herrera: Your grandma? Cuz, I remember when they came here last year.

Raymond Perez: Exactly! Last year September. We also attended a meeting at the legislature, that's with Tony, Tom Ada.

Acting AD Burch: For grandchildren, because it came from your grandmother, that would be included, that's already in the bill. And he has our support.

Acting Chairperson Herrera: Oh, that would solve, you're a grandchild, right?

Acting AD Burch: There's another issue, they're married. Because they have two leases

Mr. Eay (CLTC): That's what I was gonna point out, now that you're married you know, you have to either terminate one, give up your lease in and maintain one and let me look into the law first to see if you, you can transfer after seven years to someone that qualifies. I'm going to confirm that, okay?

Acting Chairperson Herrera: Do you have a copy of that part?

[crosstalk]

Commissioner Garrido: What if, they got the lease before they got married?

Mr. Eay (CLTC): In their case, they got a lease before they got married in their case. But you see, in the public law it even mentions that, even if you get married and you get a lease prior to, you still have to. Now that you're married, you have to terminate or...

Carmen T. Perez: One is good. I'm not greedy.

[crosstalk]

Commissioner Garrido: Hopefully he's able to transfer to his son or his grandson [inaudible].

Mr. Eay (CLTC): I'm hoping. I'll confirm.

[crosstalk]

Carmen T. Perez: Or we can use it as an agriculture.

Raymond Perez: I even brought it up to, if her property gets ratified, I'm willing to revert my loan back to my grandmother because she's [inaudible]

Mr. Eay (CLTC): Is your application the same?

Raymond Perez: Same.

Mr. Eay (CLTC): Are you both agriculture or residential?

Raymond Perez: Both residential.

Mr. Eay (CLTC): And Grandma's application original is, residential?

Raymond Perez: Agriculture.

Mr. Eay (CLTC): Ag?

Raymond Perez: But because...

Mr. Eay (CLTC): So, that's something that can be resolved. But we revert the original application back to agriculture.

Acting Chairperson Herrera: That would resolve.

Mr. Eay (CLTC): And in that way, you can both ag and residential. But, let me do more research.

Raymond Perez: Because initially the property we were, it's kind of weird. At that time, it was, if I'm not mistaken Jeff San Nicolas? Or Jeffry's last name. He was a land agent before.

Acting Chairperson Herrera: Jeff Aguon!

Raymond Perez: Jeff Aguon and Sean Aldan. So, a lot of the lessees in that area were farming because they assumed it was agriculture, right, because that's what they applied for. Coming to find out when we surveyed the whole property, we paid Eight Hundred Dollars (\$800), we were told it was residential.

Mr. Eay (CLTC): Yeah, because a lot of our properties, there's mix use. I could be residential and you're next to me as agriculture, mix use. I don't know how and why but when I came in here, I questioned that. Just like in one tract, example there's 10 residential and 15 ag in a tract. I mean how did that happen? Either that tract be residential alone or agriculture. You know, it has to be one or the other for mix use. So, yeah, I find it kind of strange too.

Raymond Perez: Where my property sits, it's right next to the old director of DOC, Jose San Agustin. **[inaudible]** that's where, in his cow farm.

Mr. Eay (CLTC): Right, the 20 hectare or something.

Raymond Perez: Yeah! So, we assumed we got it because it's agriculture because of the cattle farm.

Acting Chairperson Herrera: Right next to Ray Aguon? Next to Aguon?

Raymond Perez: Yeah, that cattle farm.

Acting Chairperson Herrera: Okay. So, you see when we went behind Okkodu or, did you guys follow us into a Lada?

Mr. Eay (CLTC): I'm familiarized with his place because his is right behind La Familia Market. You can go in there.

Acting Chairperson Herrera: Just to brief the Director, so when you go; you see the brand-new Lada, so he's behind that one. So anyway, Raymond you see that, once that thing is passed, that will solve because you're a grandchild.

Raymond Perez: So, then all this is determining whether we keep both but because on the application status, right, agriculture, residential, because you're saying we're married now, we lose one?

Mr. Eay (CLTC): Can't keep the same;

Raymond Perez: Like I said, I know when Director Hattig was at that time, we had a meeting with him, he mentioned that we can revert my own back to grandma and you guys can keep this **[inaudible]**.

Acting Chairperson Herrera: Oh, your issue will be solved quickly so you can switch. You know;

Commissioner Garrido: Yeah, but there's no infrastructure in his property.

[crosstalk]

Acting Chairperson Herrera: So, give up your lease, give it to him and you give it to her, until your house **[inaudible]**.

Commissioner Garrido: You have kids?

Raymond Perez: Yes, we have three.

[crosstalk]

Acting Chairperson Herrera: Read it line by line, page by page so you can understand all the intricate. Okay, so, that's good news right there, the grandchild.

Carmen T. Perez: For him but for me, I'm still waiting for good news.

Raymond Perez: We tried avenues, right? We were already going to see; okay, let's not worry about this. Let it solve itself and do different avenues and **[inaudible]**, right, but when you stay at a relative's house, try it out there and **[inaudible]** you know you only get approved for so much because of how much we make and then when you go and look at the housing market, you're no longer qualified, you're Four Hundred Thousand (\$400,000) even for a basic house, so it's kind of hard, right? Recently, I think it was last year, I availed to apply for USDA, right, but that's another year or two waiting period because they're still working on applications from 2021 and I'm only a 2023 applicant.

Commissioner Garrido: Have you tried Guam Housing?

Raymond Perez: Yes, I've tried Guam Housing in the past but the approval amount was way less. They told me, get the money, buy a property and then **[inaudible]** and the house loan.

Acting Chairperson Herrera: So, you tried USDA, right?

Raymond Perez: Yes.

Acting Chairperson Herrera: Upstairs at Guam Housing under the MOU?

Raymond Perez: No, USDA in Tiyan.

Acting Chairperson Herrera: Okay.

Raymond Perez: Under the Rural Development and Housing.

Acting Chairperson Herrera: Okay, so, at least you have life in that bill that you have in front of you.

Raymond Perez: Yes.

Acting Chairperson Herrera: And then we'll continue to work with;

Acting AD Burch: So, just keep an eye on that and I advise you to go down and testify.

Mr. Eay (CLTC): Be there to testify.

Acting AD Burch: It's just us going down there and you know, it's different when they see the people who are actually affected.

Raymond Perez: You know, it's funny you mentioned that because I've been, I have multiple, like over 20 calls. I'm pretty sure they know my name at Senator Terese Terlaje's Office, they know me by name already.

Acting AD Burch: Okay.

Raymond Perez: You know, I tried reaching out, emails as well and even on Facebook, Facebook page.

[crosstalk]

Acting AD Burch: She has a bill now.

Acting Chairperson Herrera: Raymond, thank you for that.

Raymond Perez: Yes, yes.

Acting Chairperson Herrera: That's a plus. We have 14 more votes too; it will be 8 right to pass?

Acting AD Burch: We need 8.

Acting Chairperson Herrera: Yeah, because sometimes they're not all in one bucket.

Acting AD Burch: [inaudible]

Commissioner Garrido: Just remember, we...never mind, I won't say it.

[crosstalk]

Raymond Perez: I know what you're saying. I know what you're saying.

Commissioner Garrido: Remember, he said you only need 8.

Raymond Perez: Yeah, I remember.

Commissioner Garrido: So, that means there's others there that didn't support your motion.

Acting Chairperson Herrera: Okay, so, thanks for coming.

Raymond Perez: Yeah. Thank you, guys! Hopefully, we look forward to that.

Acting AD Burch: At least you have light at the tunnel there because you know that we're pushing that, you're probably get going to get through. It's not going to receive any opposition from us. In fact, we want to add more to it.

Carmen T. Perez: Really?

Raymond Perez: I mean, at the end of the day, I mean, how are we going to get reimbursed for what we've spent already?

Acting AD Burch: And this way, we'll take care of a lot of people out there that need help. You're not the only one in that mess.

Raymond Perez: Okay, thank you for you guys' time.

Acting AD Burch: Thank you for being patient. I didn't realize the time.

[crosstalk]

Jose Chargualaf Quinata

Acting Chairperson Herrera: Number 7. Public comment.

Jose C. Quinata: Man, can you turn on the TV?

Commissioner Garrido: It has to be a cordless [inaudible].

Acting AD Burch: [inaudible] all in the government, sorry. Everything we say has to be recorded.

Acting Chairperson Herrera: Number 9.

Jose C. Quinata: Hi! I know you guys know me very well. I'll be very calm. I know I really admire you guys for helping the people of Guam. I, for one would like to make it my last day here in CHamoru Land Trust.

Ms. Dayday (CLTC): Can you just state your name for the record, it's recorded, sorry.

Jose C. Quinata: Jose Chargualaf Quinata.

Ms. Dayday (CLTC): Thank you.

Jose C. Quinata: I have a blueprint here. I was told by the staff of the CLTC, and now I'm asking if you guys can help me out to approve this blueprint. I gave Joey a copy, Jessica and this is my first time going through this.

Acting Chairperson Herrera: That's for Swamp Road?

Jose C. Quinata: [inaudible] And Mr. David.

[crosstalk]

Ms. Dayday (CLTC): You saw it?

[crosstalk]

Acting Chairperson Herrera: So, how come the others have a name, what's that, the lessee but then some of them because I've been going around and meeting people and seeing their plans. So, I'm not sure if its different because they all have a bill with the SBA. So, some of them are private name but then some of them have CHamoru Land Trust as the owner, so, I'm trying to find what public law, right?

Acting AD Burch: What does that say?

Mr. Eay (CLTC): This is CHamoru Land Trust property.

Acting Chairperson Herrera: So, I've seen already four maps and all of them have private. You know, which public that's why I'm asking. What public law requires that it would be like that. Or is this an in-house law that's made by in-house or is that a public law that's in 23-38. That's 12-226 or 35-112 or is it Chapter 75, Chapter 75A, which is it?

Mr. Eay (CLTC): What it is, is;

Acting Chairperson Herrera: By law. Because of the law.

Jose C. Quinata: Okay, when I first brought in the blue print, Joey reviewed it and he said everything's good. Jessica told me this and to bring in a small copy and reduce the copy and that's why I have to pay almost Two Thousand Dollars (\$2,000) to reprint this again. First, I paid the first blue print I paid was Thirty-Five Hundred Dollars (\$3,500). I went back to the engineer and paid Twenty-Four Hundred Dollars (\$2400) just to change this because when Joey review it, he said everything is good, so he took this copy and xeroxed it. When my son brought a copy, Jessica told my son, I have to change my name to CHamoru Land Trust.

Ms. Dayday (CLTC): That wasn't me, that was Jhoana.

Jose C. Quinata: Well, she had a [inaudible] here.

Ms. Dayday (CLTC): Yeah, but I'm just saying.

Jose C. Quinata: Now, the thing about is, I'm spending money here, you know? Everybody, I mean, I'm going through all this and you guys don't know **[inaudible]** and then you guys **[inaudible]**. I'm going through one step here. And I'm spending; I'm spending thousands of dollars just to get this thing blueprinted. So, when Joey, as a acting at one time director for CLTC, he reviewed it and said it was good. And my son who came over here, to reduce copy said I have to change it. The reason why my name's there is because I'm the applicant with the SBA Loan, I'm the one paying under my name. although, I am under the CLTC, CHamoru Land Trust. Everybody can make their rules here.

[crosstalk]

Acting AD Burch: This is under an SBA? What did SBA tell you had to be on the blueprints for them to approve it?

Jose C. Quinata: Get the CHamoru Land Trust approval, then I can start with all the process.

Acting AD Burch: So, you're saying you came in last time with your name on the blueprint and then you went back to;

[crosstalk]

Acting AD Burch: Is there a rule or some law that requires this?

Mr. Eay (CLTC): Well...

Acting Chairperson Herrera: 4 maps. I went around and there were 4 maps that have been built and all of them had their private name. I'm just trying to check with DPW, because we had a problem before with the permitting process. Remember, Lorette? But anyway.

Mr. Eay (CLTC): In Lorette's case, when they put down ownership, property ownership they put down their name. But the property is not owned by CHamoru Land Trust so that's where they had to change **[inaudible]**.

Acting Chairperson Herrera: No, the question is that is it private or public? So, you know, Land Trust is public, remember? I'm going to put CHamoru Land Trust in the middle of the permitting process to make use of it. But anyway, we just want to clarify this because we have 8 more SBA loan. People that were, people that will be coming in for ratification.

[crosstalk]

Mr. Eay (CLTC): This one here and any drawing and any **[inaudible]** construction plan that when you, are right here. The owner of the property is actually named on here, so the property owner is CHamoru Land Trust, that's why it was **[inaudible]**.

Acting Chairperson Herrera: Who owns the law?

Mr. Eay (CLTC): The question to add is the ownership of the property.

Acting Chairperson Herrera: It's okay, no problem. Just get those verification right because that may be my opinion, it may be their opinion but we gotta get the; you know, make it straight because we're happy for other that may be coming.

Commissioner Garrido: What does the law dictate? Because frankly looking at it from his side of the story, technically, he is the land owner until his lease expires.

Mr. Eay (CLTC): He's a lessee, not a land owner.

Commissioner Garrido: A lease, lessee is in control of the property.

Acting Chairperson Herrera: Right.

Commissioner Garrido: Until the lease expires. CLTC owns the fee simple, okay. But he is the lease holder and to me, this is just to me, my own observation, this is just a minor technicality. Whether it says CLTC or my builder's name supported because he's got a 99-year lease on the property.

Acting Chairperson Herrera: This is how they process this. I'm homeless right now, just to let you know, I'm not lying. I am not lying. You tell them.

Jose C. Quinata: Yeah.

Acting Chairperson Herrera: Where do I stay?

Jose C. Quinata: In the jungle.

Acting Chairperson Herrera: Yeah. And the reason why I'm saying that is because I applied for SBA and SBA is asking for, is this your house? I said no, it's not mine, I live under land use permit. The house is not mine but I got the water, power and I pay the tax under my name. And they said no, it's not mine so I went to Micronesian Legal Service on the 9th floor. You know who they are? They take care of the legal services for people that cannot afford an attorney. But during the process of the FEMA, I mean Mawar, anybody who has a problem like that, you go to the attorney with the Micronesian Legal Services. There's about 6 of them. So, they're, language if you own that house, but I said the land is not mine, but for the SBA and Farmers Home, I mean FEMA, you live in there that's your primary, this is considered by language, your home. So, that's; just trying to clarify this because if we have a double standard I mean, the next person that comes in here, and then who checks the prints who will find out who really owns the home. It would be the primary mortgager, the principal mortgager. That's what I'm saying but my question is, why is it that other 4 prints have a blueprint name, you know the private owner's name? I'm not challenging, I'm just saying we need to clarify. And if it's a mandate or, we need to change the next applicants that come in. We have to let them before they can print, make sure the name's CHamoru Land Trust. You follow me?

Mr. Eay (CLTC): Yes, sir.

Acting Chairperson Herrera: That's all.

Mr. Eay (CLTC): Understood. So that in the future we can make sure is everything is sequent. You know, make sure everybody is on one page.

Acting Chairperson Herrera: Remember, we were establishing the standard operating procedure, remember with Reyes?

Acting AD Burch: There's also one other issue that you were telling me that the motion from the last meeting with the loan guarantee was given; was there a motion. Did the motion include the permission to start building?

Mr. Eay (CLTC): So, if I'm not mistaken when the motion was only to approve the loan guarantee and then if he didn't improve a permit to build also.

Acting Chairperson Herrera: Make a motion [inaudible].

Mr. Eay (CLTC): We cannot do that now because it's at public comment.

Acting Chairperson Herrera: I understand and that's what I'm trying to share with Joe, you know. Number one did we make a mistake in telling him to change the map?

Mr. Eay (CLTC): I cannot answer that, sir.

Commissioner Bordallo: Well, when you take your map to public works, building permit, will they tell you; did you have to turn in your lease agreement showing that CHamoru Land Trust owns it?

Mr. Eay (CLTC): We had a meeting with their supervisor there because of the many issues like this and what happened because; they know now, it's a red flag, if it's CHamoru Land Trust, they have to bring a copy of the lease and the letter of authorization to build. That's what they're asking him now.

Jose C. Quinata: Excuse me. In the first place when I came here you guys asked me to bring a blue print. You never stipulate, make sure its not in your name or anybody's name but put it under CHamoru Land Trust. All you guys asked me to do is bring a blue print, so when I brought the blue print, now you're telling me a different story now?

Acting Chairperson Herrera: And this is what we're trying to establish, a standard operating procedure, you know from...

Jose C. Quinata: A blue print is a blue print. You never tell me, Mr. Quinata, on the blue print, make sure you put CHamoru Land Trust even with SBA under my name, I'm paying SBA to build a home under CHamoru Land Trust.

Commissioner Garrido: Is this a stipulation for CLTC or will public works accept whatever blue print, whether it's his name or CLTC, supported by his 99-year lease? If it's just our in-house, I think we can correct that really quick.

Jose C. Quinata: Cuz if you told me nai Glenn, if you tell me nai, put it under CHamoru Land Trust, I would've done that but when you just mentioned, you guys mentioned, bring me a blue print, a floor plan, blue print, house plan, I brought it over. When Joey review it, he say everything's okay. He xeroxed it. He has the copy of the engineering because that's what you specified, make sure it's stamped by a engineer certified, certified engineer. You guys even said, oh make sure it's not Jose Quinata or anybody's name. When I turn it in, you guys want me to change it to CHamoru Land Trust, so I did change it CHamoru Land Trust. So, I'm paying; I paid Two Thousand (\$2,000), you know how much I spend, umbi? Five Thousand Five Hundred (\$5,500). Get your act together! When people walk into here, tell them, step one, step two, step three, follow, every time they come here. This is my 10th time here.

Mr. Eay (CLTC): I'm sorry, sir. I never spoke to you about that issue.

Jose C. Quinata: No! You were here when you said bring a blue print. You never say, make sure on the second box, it's not Jose Quinata. You just said bring a blue print; make sure you bring a floor plan. I brought you guys the floor plan or you guys don't want it? When I brought this large sheet, oh, Jessica told me, they don't allow this, then what do you allow then? We need a smaller sheet. I said, my God, c'mon, I'm going back and forth. So, everybody got different rules here.

Mr. Eay (CLTC): We don't got different rules here.

Jose C. Quinata: You rather make me go through all of this and you witness a lot people there living, building without permit, you let them go.

Acting AD Burch: Mr. Quinata, keep your voice down please.

Jose C. Quinata: And me, I'm going through this sh*t here, man. If I was your brother, you'll let me go. We're family. You went to my place; you saw my place.

Ms. Dayday (CLTC): You know but...

[crosstalk]

Jose C. Quinata: You saw my place. You said you feel sorry for me. I think you're just lying!

Acting AD Burch: What is it?

Ms. Chargualaf (CLTC): What he needs to do to come to the commission **[inaudible]**

Ms. Dayday (CLTC): You weren't here, you **[inaudible]**

Mr. Eay (CLTC): I know, I never talked to him.

Ms. Dayday (CLTC): I talked to him on the phone and I explained, I even told you to email me if you couldn't make the copy.

Jose C. Quinata: Because you said to bring the blue print in here!

Ms. Dayday (CLTC): You're the one that doesn't listen! It doesn't matter. I think we'll never **[inaudible]**

[crosstalk]

Jose C. Quinata: I've been living here for 12 years **[inaudible]**.

Ms. Dayday (CLTC): **[inaudible]** Oh my gosh! I think we just need cameras in this agency.

Jose C. Quinata: Bring camera over here!

Ms. Dayday (CLTC): What we go through on a daily like things like this.

Jose C. Quinata: Because you guys are not making it straight to the lessee.

Ms. Dayday (CLTC): No, it's good. **[inaudible]** What you're doing is already harassment!

Jose C. Quinata: What you mean harassment?

Ms. Dayday (CLTC): That's harassment!

Jose C. Quinata: I'm not harassing you guys! You guys are not direct **[inaudible]**.

Acting AD Burch: Keep it down. Mr. Quinata, keep your voice down. We're not going to get anything done if we keep yelling at everybody. **[inaudible]**

Jose C. Quinata: Harassment? **[inaudible]** maybe your family is kuxika like this.

Commissioner Bordallo: Mr. Quinata! Did you ever take that to public works?

Jose C. Quinata: I have to get the approval from you guys first, the board.

Acting AD Burch: I remember, I had a house built recently. The property is under my wife's name; it had to be under her name. The loan is under my name. The blue print is under my wife's name because it was her property. I just built that house seven, eight years ago. But that was required by the bank.

Acting Chairperson Herrera: So, I know that, and maybe you...

Jose C. Quinata: All public works is just approval from you guys.

Ms. Dayday (CLTC): **[inaudible]** everything.

Jose C. Quinata: [inaudible] coming over here.

Acting Chairperson Herrera: Time out!

Acting AD Burch: Just; this is what it says in the law but the thing is, is the building permit is the thing. With the financial institution that grants that because I remember, I just built a house not too long, six or seven years ago and well, that was the requirement back then. I used to joke about it and you know, she owns the house, not me.

Acting Chairperson Herrera: Now, here's a question, right...you said you never talked to Joe.

Mr. Eay (CLTC): No, I never spoke to;

Acting Chairperson Herrera: Understand that. Did you instruct the agents to change the name?

Mr. Eay (CLTC): It wasn't me; it wasn't me to instruct or change anything; it wasn't me. Mr. Quinata, you just mentioned the person.

Acting Chairperson Herrera: But somebody told the constituent to change the name.

Ms. Dayday (CLTC): It was not me.

Mr. Eay (CLTC): Because I'm not there, I cannot say who instructed it.

Ms. Dayday (CLTC): Mr. Eay (CLTC) was...

Mr. Eay (CLTC): If he was instructed, he can mention the name freely, who asked you to change it.

Jose C. Quinata: Let me go get the copy.

[crosstalk]

Jose C. Quinata: When Joey reviewed this, he said;

Acting Chairperson Herrera: Okay wait! We're just trying to make this clear. Somebody gave an instruction to have the map changed. I'm not pointing fingers. We're just trying to see where the law is at so we can correct it. So, somebody told you from the front door to change that and what I'm hearing is that you came to put your map, but then you made a photocopy. Somebody stamped your photocopy?

Ms. Dayday (CLTC): Joey did.

Acting Chairperson Herrera: Then Joey, did Joey give somebody instruction that you have to change that based on this.

Acting AD Burch: That doesn't say...

Jose C. Quinata: No, Jessica told me that I need a smaller...

Ms. Chargualaf (CLTC): [inaudible] that's between SBA and DPW. Once we give you the building and you confirm the drawing, that's all we need to do.

Acting Chairperson Herrera: So, say the question...

Jose C. Quinata: Mr. John Burch, all I'm asking is public works is just and SBA is asking just to approve this.

Acting AD Burch: Right.

Jose C. Quinata: So, I can go through the next process. I mean, I've been here ten times.

Acting AD Burch: **[inaudible]** when you went there, well apparently, you didn't go because; if public works, I guess, we can check with them what they require. Of course, the financial intuition will tell you, whoever owns the property will be the one. I'm aware of that. This is GovGuam. That was private that it was. There's a big difference there. So, I don't see distinguishing either one or the other.

Acting Chairperson Herrera: So, this may be an error when he goes to DPW.

Ms. Chargualaf (CLTC): Not sure.

Acting AD Burch: We'll check with public works.

Acting Chairperson Herrera: But somebody gave somebody an instruction that to change. Now who that somebody is, we know, I'm guessing who it is. If you see others establishing this.

[crosstalk]

Acting AD Burch: If you see another blue print stamp;

Commissioner Garrido: Let's just assume you have to question. It's not, who said **[inaudible]**

Acting AD Burch: Right! Yes!

Acting Chairperson Herrera: Who's controlling the **[inaudible]**.

Acting AD Burch: Mister Chair, you said you've seen some blueprints that have private names

Acting Chairperson Herrera: Actually, all of them.

Acting AD Burch: Oh, where did you see those names? Okay **[inaudible]**. Not CLTC.

Acting Chairperson Herrera: Not the private name, and I'm trying to find

Acting AD Burch: It that's the case, then I don't see why we would require CLTC on it.

Acting Chairperson Herrera: Right. I know that...

Acting AD Burch: So, it's establishing procedure and that would be okay.

Commissioner Garrido: If I was following public works or the authorizing agencies, that's to me, inconspicuous, he has to at least prove he is the...

[crosstalk]

Acting AD Burch: So, why don't the board set that, declare that right now and make a motion to approve that right now.

[crosstalk]

Acting Chairperson Herrera: Well, because remember, you see, it's not on the agenda.

Acting AD Burch: It's not.

Acting Chairperson Herrera: Oh, oh, the procedure.

Acting AD Burch: Establish the procedure.

Acting Chairperson Herrera: Cannot approve that now.

Acting AD Burch: No, no you can't until the next meeting but the procedure you can tell us what procedure we should follow.

Commissioner Garrido: Few things that's hindering from going forward. It seems like its CLTC's mandate, apparently.

Acting AD Burch: Apparently, it's worked different ways. I'm just saying, like say, I applied for a permit, it's not a building permit but a permit of the same and the only thing where I had a problem getting authorization was Parks and Rec simply because the property is not under my name, it's my mom's name, okay? So, all I did was get a letter saying that I'm authorized to apply for that permit and that's all it took. All the other agencies didn't care.

Mr. Eay (CLTC): It was an oversight. They didn't look at it.

[crosstalk]

Commissioner Garrido: Huh?

Mr. Eay (CLTC): They didn't look at it. It was an oversight.

[crosstalk]

Mr. Eay (CLTC): The thing is, public works require, if you're the [inaudible]

Commissioner Garrido: Is that public works mandate or it says it has to be CLTC's name on it?

Mr. Eay (CLTC): It has to determine ownership.

Commissioner Garrido: That can be done with the lease.

Mr. Eay (CLTC): [inaudible] And the permitting; so if you are, it says owner, and you put down you're private, no, the property owner is CHamoru Land Trust but you're the lessee...

Commissioner Garrido: Yes, but he has rights to the property for the duration of the lease.

Acting AD Burch: I guess what we should do then is check with public works and see what their requirements are.

Commissioner Garrido: Yeah!

Acting AD Burch: And we'll follow up with that.

Mr. Eay (CLTC): We've already had discussions with them.

Acting AD Burch: But we'll double check. We'll go back and check with their permitting section and see their requirements and if public works requires the owner of the property or would a lease suffice. Yeah, and these authorizations will start building. I don't see why they wouldn't want to stamp it.

[crosstalk]

Commissioner Garrido: Commissioner Herrera was pushing for that; we've been included in the authorizing agencies for permits.

Acting AD Burch: Yeah, because I know businesses and others have leases for 50-years in order to build; they can do whatever they want, they don't go back to the owner once they have a lease, they take care of it themselves.

Commissioner Bordallo: Yeah!

Acting AD Burch: Because I know with commercial leases with Ancestral Lands, they don't come to us to ask Ancestral Lands for permission to build or do whatever. Once they have a lease that's authorized by these, they do it on their own without returning to the actual owner.

Commissioner Garrido: A duly recorded lease will suffice for the permitting purposes.

Acting AD Burch: I do get your point with them but we should have a policy standard operation that...

Acting Chairperson Herrera: We did an SOP. I think we're 50%, you would know, Dex, a standard operating procedure with the, was it very specific or, what was the thing again, saying about the map entering process? Remember John created the process flow from the matrix to the **[inaudible]** safe system. And when covid hit, we kind of put it on the side. I mean...

Acting AD Burch: Moving forward we'll take care of it, but connected; thank you for bringing it to our attention now so the board's aware of the discrepancy.

Acting Chairperson Herrera: So, now, we might have to take that map again? I'm not sure.

Commissioner Garrido: We'll delay that until we talk to public works.

Acting AD Burch: Yeah!

Commissioner Garrido: To see what their mandates; because like he just said, if I have a commercial lease for land, I don't need the land owner to sign off for me. I showed the lease together with the permits approval.

Acting Chairperson Herrera: The lease?

Commissioner Garrido: Yes, the lease **[inaudible]** expires.

Acting AD Burch: The lease gives you the authority to do that but I don't know CLTC has different rules, but...

Jose C. Quinata: I guess because the land agent, sees people building without a permit, then what? And now, I'm going through this. I spent Five Thousand Dollars (\$5,000) on this!

Acting AD Burch: They charged you that much to change the main?

Jose C. Quinata: Engineer charged me Two Thousand Dollars (\$2,000)!

Acting AD Burch: Really? Wow!

Jose C. Quinata: And now all I'm asking is approval from you guys to and the board so I can go to the next step.

Acting AD Burch: Well, we can't grant approval tonight because...

Jose C. Quinata: Some of the clients that under CHamoru Land Trust have their name, not CHamoru Land Trust but they have their own personal name on the...

Acting Chairperson Herrera: So, you see this, we have to put in on the agenda for another meeting. But now that we see it was fixed, but I think it is wrong.

[crosstalk]

Acting Chairperson Herrera: Permit to build, right Jes?

Commissioner Garrido: [inaudible] We don't if it has to be fixed because...

Acting Chairperson Herrera: We have to check if this is a problem.

Commissioner Garrido: We have to check...

Acting Chairperson Herrera: He needs a permit to build, right Jess?

Ms. Dayday (CLTC): They need approval from the board to build.

Acting Chairperson Herrera: Then after the approval from the board?

Ms. Dayday (CLTC): Then he can go to his contractor, give his contractor to do the building permit.

Jose C. Quinata: Yes.

Acting Chairperson Herrera: A letter?

Ms. Dayday (CLTC): Give the letter to Mr. Quinata and he would go either to his contractor or DPW and then give him all the permits he needs.

Jose C. Quinata: But then Jessica, Jessica; I'm sorry, my son just told me it was Jhoana that had to tell him to change the name from Jose to, but I talked to my niece, I look at her map, her name is there. I talked to another friend; his name is there. So, when I was telling him my situation, CHamoru Land Trust is not going to pay for your loan, you're the one that's going to pay for your loan under SBA, so, I'm giving SBA under my name, under this blue print for a house to be built for my family. So, all I'm asking is, approval so I can go through the contractor, public works get the building permit; because they gave me the step by step where do I go. Make sure I get the contractor, the engineer phone number, the contractor phone number, to get approval from CHamoru Land Trust board.

Acting Chairperson Herrera: The approval is done here, but before it is approved, it has to be placed on the agenda.

Jose C. Quinata: So, for all those constituents that their name is under this, then what? What's going to happen now? It's not under CHamoru Land Trust, it's under your own name.

Acting Chairperson Herrera: That is the issue we will find out...

Commissioner Garrido: We need to investigate what Public Works wants it done.

Ms. Dayday (CLTC): But Mr. Quinata, to add to, I've explained it to you and I gave you a letter that when you bring in your building plan, we will bring you to the board. Now, I did mention to you on January 12 when you came in, or you called on the phone, that you will be placed on the agenda next month because the agenda

was already set, already posted, in the newspaper. And according to the open government law, we cannot discuss anything that's not printed, so that's why.

Acting Chairperson Herrera: Let me explain the open government law. The open government law, today is Thursday, right, brod, today is Thursday, so to put in the news, they need at seven days prior for the names to posted. You know right, what is seven days?

Jose C. Quinata: Excuse me, brother David. I'm going back and forth on this.

Acting Chairperson Herrera: Hungaan.

Jose C. Quinata: Pay me for my money I spent here. Because the information I get, bring the blue print, bring the floor plan. You guys never tell me, make sure it's not under your name, make sure it's under CHamoru Land Trust.

Acting Chairperson Herrera: Hungaan.

Jose C. Quinata: All you guys said, if you guys rewind the, review the recording you assure me. Bring the blue print.

Ms. Dayday (CLTC): Yeah, I know, I gave you the letter.

Jose C. Quinata: Just bring a; I give you guys the first copy, colored one, you say no, we need the original. So, I now, I brought this now.

Acting Chairperson Herrera: If there's a problem here with these guys, I'll be the first to say we made a mistake.

Jose C. Quinata: You know, we made a mistake and...

Acting Chairperson Herrera: You know I paid thousands of dollars just to change that name, man!

Acting Chairperson Herrera: Yes, understood. We are only human, we make mistakes.

Jose C. Quinata: Yes, but man, my family is suffering.

Acting Chairperson Herrera: Excuse me brod, I will carry the wrong that these guys here have made

Jose C. Quinata: I guess you don't, you, Jessica and you guys when you came to my house, what's the first thing you said? Oh, I feel sorry. Now, I think you guys are just lying, pretending.

Mr. Eay (CLTC): Don't say that, don't say that sir.

Ms. Dayday (CLTC): You're just saying other stuff.

[crosstalk]

Jose C. Quinata: I feel sorry, [inaudible] and you just let them go. Where's my map?

Mr. Eay (CLTC): Please don't say that sir!

Jose C. Quinata: If this was your family, you'll help them right away. Where's the map?

Acting Chairperson Herrera: Just...brod

Jose C. Quinata: Land agent, I don't know what kind of land agent you are.

Ms. Dayday (CLTC): See, degrading us.

Jose C. Quinata: [inaudible] for the people. Us CHamoru

Ms. Dayday (CLTC): There you go again.

Jose C. Quinata: Lanya, you know us Chamorro, indigenous people. All I'm asking, make approval and I'll bring it to the public works and the contractor and that's it!

Acting Chairperson Herrera: Your plans are approved, it's just the letter now but it has to be placed on the agenda.

Ms. Dayday (CLTC): It was not approved yet. SBA loan.

Acting Chairperson Herrera: Right, right. I understand.

Jose C. Quinata: Lanya, if I was your brother and sister, hey, no problem.

Acting Chairperson Herrera: Dex, can you give me a blank, what's that, a blank paper.

Jose C. Quinata: Only for your family

Ms. Dayday (CLTC): I have not siblings.

Acting Chairperson Herrera: Give me a blank sheet of paper. Approve to build. [6:32:50]

Ms. Dayday (CLTC): It's not that.

Jose C. Quinata: **Mr. Tan (CLTC)**, do you have a rubber band there? I'll buy it from you!

Ms. Dayday (CLTC): We have a template [inaudible] addressed to the lessee. That they have the approval to the build.

[crosstalk]

Ms. Dayday (CLTC): But I did give him a letter.

Acting AD Burch: Understand, but the only time we're going to be able to have the board approve that now, now that you got it through...

Jose C. Quinata: So, all those people that has the, their name under this, the blue print, what's going to happen now, you're going to bring it back and change it?

Acting AD Burch: That's not going to happen. I'm sorry that this happened.

Jose C. Quinata: I don't know, what's the difference between me changing my name to CHamoru Land Trust and still going through?

Acting Chairperson Herrera: Apologies.

Jose C. Quinata: I spent Five Thousand (\$5,000) some dollars on this blueprint and just to change my name to CHamoru Land Trust. Land agent, lanya, I don't know what kind of agent these people.

Acting Chairperson Herrera: Somebody gave Jhoana the instruction to do that, somebody, either she did it herself...

Jose C. Quinata: Everybody here got different rules, the staff.

Acting Chairperson Herrera: Yes brod, that is what we are trying to fix.

Jose C. Quinata: You came to my house; you guys came to my house; you feel sorry for my family. I don't think so. You're only a pretender. Who's living there? The Palau?

Commissioner Garrido: Joe, I feel your pain, but there is nothing we can right now, until next meeting

Jose C. Quinata: Land Agent

Commissioner Garrido: It will change.

Ms. Dayday (CLTC): He needs to stop. He needs to stop already because he keeps on; that's harassing already.

Acting Chairperson Herrera: Okay, that's it brod!

Ms. Dayday (CLTC): And I have it recorded.

Jose C. Quinata: Lanya, I spend Five Thousand Five Hundred (\$5,500) from, just. I am a CHamoru, I'm a Guamanian. I was born and raised here. And you call us indigenous? Where's the grassroots?

Acting Chairperson Herrera: Brod, we are continuing the meeting, let me tell them. We're not adjourning right? Do you want water? Or... Dex, can you bring him water?

Acting AD Burch: No, recess until January 31st at 1:00PM.

Ms. Dayday (CLTC): You have to motion it.

Acting Chairperson Herrera: I have a motion.

Commissioner Bordallo: I make a motion to recess.

Commissioner Garrido: I second.

Acting AD Burch: Second. Motion made by Commissioner Bordallo to recess.

Ms. Dayday (CLTC): 7:38?

Acting AD Burch: Yeah.

Commissioner Bordallo: January 31st, 1:00PM.

Jose C. Quinata: When's the next meeting?

Commissioner Garrido: February; regular board meeting.

Acting AD Burch: Regular board meeting for approval will be February 15th, right?

Acting Chairperson Herrera: 3rd Thursday.

Acting AD Burch: 3rd Thursday.

Commissioner Bordallo: We move.

Acting Chairperson Herrera: All in favor, say aye!

All: Aye!

Acting Chairperson Herrera: Motion carries.

This meeting was adjourned at approximately 7:38PM

Approval Of Minutes

CLTC Meeting Minutes were approved on June 13, 2024 at the regularly scheduled meeting

Chairperson Arlene P. Bordallo: *Arlene Bordallo* Date 6-27-2024

Concurred by: *JF* Date 6/27/2024
Acting Administrative Director
John F. Burch



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

Arlene P. Bordallo
Chairperson

David B. Herrera
Commissioner

Earl J. Garrido
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

John T. Burch
Acting Administrative Director

Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 671-300-3296 Fax: 671-300-3319

REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Wednesday, January 31, 2024
(Resumption Meeting from January 18, 2024)

Public Notice: *The Guam Daily Post* on January 11, 2024 and January 16, 2024

PRESENT:

Commission Members

David B. Herrera, Acting Chairperson
Arlene P. Bordallo, Commissioner
Earl J. Garrido, Commissioner

Management and Staff

John T. Burch, Acting Administrative Director
Glenn Eay, Land Agent III
Jhoana Casem, Land Agent II
Dexter Tan, Land Agent II

Guests

Michael Limtiaco, Guam Raceway Federation
Jeff Jones, Guam Raceway Federation

Constituents

Bernice Tudela Nelson
Johnny C. Charfauros

The Inifresi was recited.

Call To Order

Acting Chairperson D. Herrera: The time now is 1:06PM and I call this meeting to order; this is a succession meeting for the CHamoru Land Trust Commission from our January 18, 2024 meeting. I apologize. Public notices were published on the Guam Daily Post, the notices on January 11 and January 16 and notices were also posted online on the CHamoru Land Trust Commission Facebook page, Google Meet joining info on google.com. This meeting is being live streamed on the CHamoru Land Trust page and YouTube with live audio recordings are made possible by our partners at KGTF.

So last week we ended up on number 8, public comments. So today, we're following through and we'll proceed and ask our director to kindly give us a briefing.

Administrative Director's Report

Acting AD Burch: Thank you, mister chair. Just before the recess at the meeting that we had; this is a continuance of the meeting on January 18. At the board meeting with three motions. The motions were made to table are issues that were raised during public comments and now this involves the open government law and it's important to note that these motions were approved but they are not legally valid. All issues that you vote on must be listed on the agenda specifically. While we can listen and take account of, things that were said during public comments, they're not agenda items that you can vote on...motions to vote on. Open government law says it must be advertised. Okay, so, specifically this is where the motions to table any decision until further investigation and research on issues concerning Ms. Anita A. Cruz, Ms. Bernice Tudela Nelson, and Mr. John Quintanilla. These were not on the agenda, they are considered violations of the open government law so those aren't valid and I recommend these issues if you want to vote on them, basically you voted to table them, that they be placed on the agenda on the meeting coming up on February 15, the regular meeting, but that'll be at your pleasure to decide that. The reason sometimes these things occur when we start making errors or the way we conduct the meetings is that the duration of the board meetings are real lengthy. You come in for about eight hours but the staff has been here for four (4) hours prior at eight (8) in the morning and get off at about 8 at night and so I've seen that towards the end of some of the meetings, sometimes people are frustrated and tempers tend to flare. We do deal with people that many times are frustrated and the staff working with them to become frustrated but putting on twelve (12) hours of work and dealing with that, I can understand why their tempers would flid towards the end of the meeting which I've seen at a couple of times, so, I strongly recommend that we start shortening the meetings prior to that. The other reason for that too is that when they work overtime, I don't give, and I'm not authorized by law; I don't have it in the budget for CLTC to pay overtime, so, I give them compensatory time off and that's one point five (1.5) for every hour that they work and I always allow them to exhaust their leave so they don't accumulate too much. Right now, we operate with a skeleton crew. Today, you see many of the staff are off to make sure that they exhaust their CTO, and so if were required to do work, a lot at work falls on the back because there's a handful of people. I reminded you at the last meeting that other than the land agents, the only admin staff that I have are a PC-IV and a PC-I and that's it. I don't have any secretaries, I don't have any admin staff, accounting staff...we do it all. The land agents they do the research as far as for the loan guarantees, the plotting of properties and such, they do investigations. Right now, were in the middle of closing out with financial audit of FY22 and we're opening up the financial audit for FY23 and we're also going to receive the budget call to prepare our budge for FY25 and that's without any admin staff, so, hopefully we're interviewing, we're hoping to pick some people up but just to let you know, the pressure on the staff here. Right now, we have very few people here in the office and that's why tempers flare because the pressure is on especially with this agency. You know, we deal with people that are in need and I understand with the loan guarantees when we have to get people their loans so they can put, repair the homes and put a roof over their heads, understood why we went for eight (8) hours or more during that one day with the meeting. I like to remind you the staff are here throughout the morning preparing for that, so, they're here for twelve (12) hours, sometimes more, so I'd like you to take that into consideration when we do have

these meetings and when we set up the agenda to think about those things prior because it becomes; I don't think it should be a practical part of the meeting where somebody like myself would have to stand up and calm down the tempers that will start to rise. So far, we've been able to handle that and hopefully doesn't continue, so, I'm just asking you to consider that. If we are able to hire the staff that you approve at the other meeting, I believe that was just this meeting too, right, just an extension of that once we get to the end then I'll have more flexibility. So, I strongly recommend that we keep the meetings short if possible so I don't have to get involved in allowing people to take off on comp time because for every hour here, I have to give them an hour plus half, so, I lose them. I lose them on productivity. So, moving forward, those three (3) motions are not valid but if you want, let me know, I'll place them on the agenda for the next meeting coming up.

Acting Chairperson D. Herrera: Okay, so, that's Ms. Anita Cruz?

Acting AD Burch: Oh yes, Ms. Anita Cruz, Ms. Bernice Tudela Nelson, Mr. John Quintanilla. Is there another one? Ms. Bernice Tudela Nelson, sorry! Forgot her last name.

Acting Chairperson D. Herrera: Okay, do we need a motion to...

Acting AD Burch: No, just letting you know they're invalid so then we'll do that next time. We'll simply take it off the motions that have been approved

Acting Chairperson D. Herrera: Okay, and then we'll add it to the February...

Acting AD Burch: Yes. If you want, would you like that to be added on?

Acting Chairperson D. Herrera: Yes please.

Acting AD Burch: Okay, while you can listen and discuss things during public comment, I advise you not to make any motions at that point unless it's on the agenda

Roll Call

Acting Chairperson D. Herrera: Okay, just for the record, I'd like to take roll call. I did not take roll call from the beginning. Ms. Arlene Bordallo, Commissioner Bordallo.

Commissioner A. Bordallo: Here.

Acting Chairperson D. Herrera: Mr. Earl Garrido.

Commissioner E. Garrido: Right here.

Acting Chairperson D. Herrera: Okay, thank you sir.

Acting AD Burch: Another part is we did send some items to legal, the RFP for the raceway track and also a sponsorship document that legal was supposed to review but unexpected circumstances occurred and Atty. Gumataotao passed away. I have not received any word from the Attorney General's Office who has been assigned to the CHamoru Land Trust Commission for legal counsel, and I have not been informed whether Atty. Gumataotao, how much work he's done on it. My understanding is I was supposed to have met him on Friday to go over it but that was the day he passed away. So, I did not have access to those materials, so, knowing that we don't have legal counsel, based on that, I don't think we should take any

action on any issues that were forwarded to legal counsel for their review and I would recommend that that be tabled until the next regular meeting on February 15.

Acting Chairperson D. Herrera: Okay, we copy, so for February 15, that would be the discussion between the sponsorship and the offer from Guam Raceway.

Acting AD Burch: Yes, the license; the RFP, the license, submitted by the Guam Raceway Federation and the sponsorship. That would be placed on the agenda; it's all about the same property but I guess you can say, three (3) different ways of trying to get it open if possible. One would be if the RFP, to place the property out for commercial use; the sponsorship is to schedule activities by events. It's kind of like an event if you think of a wedding or, a wedding planner sets up down at the Hilton or something, they rent the place for the event and after the event, well it's to occur, they go and set up, clean up and do everything. After it's done, they pull out; that's a sponsorship. And then the license of course, submitted by the Raceway Federation is for a two-year license, a short term one, specifically stating that they will not be doing any grading or anything of that sort. They're just going to put out the events for that period of time. So, those are the three (3) options for the use of that property.

Acting Chairperson D. Herrera: And the RFP would be; is the RFP ready?

Acting AD Burch: It's with legal. It's ready as far as it was sent to legal for their review but we have not received a response because like I said, Atty. Gumataotao passed away.

Acting Chairperson D. Herrera: Okay, I understand. And that's to take into consideration the sponsorship and the offer of all three? Any comments from the commissioners or any questions?

Commissioner A. Bordallo: I understand what's up.

Acting Chairperson D. Herrera: Okay. I understand director that the raceway group is here.

Acting AD Burch: Yes. It's up to you if you'd like them to speak.

Acting Chairperson D. Herrera: So, are you here to present something or just for us to hear because; for legal right because you have to meet with our legal

Acting AD Burch: Right.

Acting Chairperson D. Herrera: So, you have a few minutes to speak?

Acting AD Burch: I guess. That's your call.

Commissioner E. Garrido: According to my notes here, we went ahead and scheduled a resumption because of the Null and Void leases that was on the agenda, so you want to pick up from there?

Acting Chairperson D. Herrera: From the null; that's G?

Commissioner E. Garrido: Yes.

Acting Chairperson D. Herrera: Okay. Alright, so understanding we're on G, and the Guam Raceway is here, so, yes, I agree, let's start with the Null and Void and then circle back to the group. So, you want; because Null and Void is basically from the report from the Attorney General, real brief. Is this the 104 void, voidables?

Acting AD Burch: Yes.

Acting Chairperson D. Herrera: Okay, so I know back in March of 2022, I know that the two (2) staffs, Ms. Lydia and Ms. Jhoana have provided an update and the update was basically saying; if there's no

changes to the update then generally it's the same and I believe what we have back then was that we had twenty-five (25) leases that were adjudicated, 79 leases that were unresolved and the total cases is 104. So, if there's no major changes, then there, let's continue with the process understanding that there's a shortage of staff. Again, twenty-five (25) adjudicated and seventy-nine (79) unresolved from the 104. Do you have any comments Commissioner Garrido? Then again that report is on page, right after the listing.

Commissioner E. Garrido: Well, the questions I have, I think we need to have legal counsel present in order to work with it.

Acting AD Burch: I'll try to get legal from the AG's office assigned to us; somebody for the next meeting. I mean, it was kind of close, I understand he just passed away Friday. Legal did assign someone to Ancestral Lands yesterday for public hearing but it was actually the chief deputy attorney general who came to that public hearing with me to represent Ancestral Lands; that was before because that's change or to amend the enabling act for the Ancestral Lands Commission and I asked him if he would assign someone here and he said that it was kind of tight at that time. They were overextended so, I understood that but the feedback I got you could see now is that no one is going to show up. I had a strong feeling this would occur. I'll try to see if we can get something outside for the next week and also to look at the documents because the person, I understand will maybe be taking over Mr. Gumataotao's has been on island for about three weeks. Yes, he's a new attorney, an AG at the attorney's office.

Acting Chairperson D. Herrera: Okay, anything else commissioners?

Acting AD Burch: Mr. Eay says he has something to add to the Null and Void.

Acting Chairperson D. Herrera: Okay, real brief.

G. Eay (CLTC): Just a short brief. The last meeting there was a motion made to void four of the lessees, of the five null and void and to keep one, remain one, and that motion was approved and carried because the five individuals that was, first five of the names was actually never on the agenda, then there shouldn't be a motion on that, so, we can schedule that for the February meeting, then you can announce the names of those five and then we can void that, that's my comment.

Acting Chairperson D. Herrera: Okay, got it. That's addition to Ms. Anita Cruz? **[inaudible]**

Acting AD Burch: Yes, yes.

[crosstalk]

Acting Chairperson D. Herrera: So, those five are ready for action?

G. Eay (CLTC): There was a motion to terminate four (4) of the five (5) but we can't take any action on that **[inaudible]**

Acting AD Burch: Just redo the motion.

Acting Chairperson D. Herrera: And that was to terminate the lease?

G. Eay (CLTC): Yes. No, they're not a lease, they're on an application stage.

Acting Chairperson D. Herrera: That's based on 75A?

G. Eay (CLTC): 75. And out of the 5 there was 1 that actually had a lease.

Acting Chairperson D. Herrera: Based on 75?

G. Eay (CLTC): Yes.

Acting Chairperson D. Herrera: Okay. Thank you, sir! Moving right along. Anything else commissioners?

Commissioner A. Bordallo: I'd like to make a motion to adjourn. We don't have legal counsel.

Acting Chairperson D. Herrera: Do we have a second?

Commissioner E. Garrido: Adjourn or recess?

Commissioner A. Bordallo: The month is already over.

Acting AD Burch: Well, I mean if you're going to recess, it's up to you, but according to our next meeting it will be on the 15th of February. That's a couple of weeks from now.

Acting Chairperson D. Herrera: The third Thursday. That's about every three weeks.

Acting AD Burch: Yeah.

Commissioner E. Garrido: Two weeks.

Acting AD Burch: The 15th, about two weeks. 15 days from today.

Acting Chairperson D. Herrera: I see. I know we have people in the audience here. Could we, what motion do we need to hear? There?

Commissioner E. Garrido: Also, there's public comment again.

Acting AD Burch: You could move that up on the agenda if you have a motion to move it up to...

Commissioner E. Garrido: Based on this, the Raceway, item C.

Acting Chairperson D. Herrera: No action, just...

Acting AD Burch: Discussion.

Acting Chairperson D. Herrera: Discussion, brief discussion here on old business; Charlie, oh, C. Do we need to make a motion on that Director?

Acting AD Burch: Yeah, because you have the Null and Void; you could just make a motion to revisit that if you want. The representatives are here.

Acting Chairperson D. Herrera: Earl, motion or objection?

Commissioner A. Bordallo: Well, first, cancel out my motion. You don't second it.

Commissioner E. Garrido: I can second it.

Commissioner A. Bordallo: Motion not carried.

Acting Chairperson D. Herrera: Okay, so, motion not carried.

Commissioner A. Bordallo: So, now you can have...

Commissioner E. Garrido: So, chairman, in light of, in light of, the Raceway Federation being present, I have a feeling they want to say something at this particular time and day, so, I would be willing to hear them out.

Acting Chairperson D. Herrera: Thank you, Commissioner. Do we need to second that motion, or?

Acting AD Burch: I'd second it.

Commissioner A. Bordallo: And we can't take action?

Acting AD Burch: We can't take action but you could listen.

Acting Chairperson D. Herrera: Okay, so, anyone want to come up? Real brief. Just because we don't have legal counsel and we're not lawyers.

GUAM RACING FEDERATION

Michael Limtiaco: Thank you, Commissioner Garrido, Commissioner Bordallo, Commissioner Herrera, thank you for your time; Director Burch, thank you for your time. We just want to comment on the different solutions that were offered at the last meeting and although the GRF is open to any type of solution that will get the racers off the private property or just passing it on to an organized raceway; we're very willing to hear. We talked a little bit about the different solutions, specifically the sponsorship. You know, one of the challenges that we feel with the sponsorship is that that facility requires a lot of maintenance. If you haven't been up there recently, you can see the vandalism that's taking place, the illegal dumping that's taking place and the fact that the grounds, the jungle in this area is overgrown. So, on the sponsorship basis, the commissioner should consider what it would take, just the work and the money it would take to get the facility in shape to host the venue, right? Just for example, we wanted to put on Smoking Wheels. If we went in there today, how much money and, both in cash outlays or volunteer work would have to go into preparing to host the Smoking Wheels, the cost would just be unreasonable. It would be hard to overcome. I would imagine that any other, you know, organization that would want to perform a sponsorship would have the same challenges as we would if its not consistently maintained. So, if the commissioners were to entertain the sponsorship type of solution, you know it would need to be something of longer term because it's being constantly maintained, so, that's just one comment. On the licensing side, I know that there's reference to needing legal counsel present, but he's a very; you've authorized licenses for two other organizations already and part of the unsolicited proposal that we proffered is something similar to what you've already **[inaudible]**... needed in my opinion. Please keep that into consideration as well. And then in reference to the RFP, you know, is the RFP specifically for a race way or is it for any commercial use?

Acting Chairperson D. Herrera: I haven't seen the RFP, so...

Commissioner E. Garrido: The RFP was given to legal for review, same way with the sponsorship and the licensing. And unfortunately, he passed away before our meeting and he never gave us any input from the initial January meeting.

Acting Chairperson D. Herrera: If you recall back in March of 2022, remember, you guys came and did a presentation so we requested for your legal to meet the legal at that time from March, so, do you have an update from that basic communication?

Michael Limtiaco: I think the current legal counsel at that time had mentioned that there's no other legal solution except an RFP, but you know at the last meeting, several other solutions were proffered; a sponsorship, we referred to licensing. I think there was clarification from one of the individuals present, one of the staff that was incorrect as well, that was clarified, as well, so, the only reason why I'm bringing up the RFP is the commissioners should consider the fact that if it's an RFP is to operate a raceway, we can understand that the GRF being able to participate in that RFP. But if it's an RFP for any kind of commercial use, the GRF would be at a disadvantage because there is no revenue stream in racing. In fact, for the most part, we rely heavily on volunteers and donations in order for the racing to continue. So,

a sponsorship; we don't have a big enough revenue to even submit a response to an RFP if it wasn't specifically for a raceway.

Jeff Jones: The biggest revenue source from an event standpoint is the gate, you know, the ticketing, and traditionally every year that goes to pay the insurance for the event. So, it's not a money-making event at all. It's a public event for all the racers and it's a sports tourism event because we bring in all the racers from Japan.

Acting Chairperson D. Herrera: Okay, so, that's a good point. So, the last 40 years you guys have operated Smoking Wheels? You guys most likely have participated back then when we didn't have the right gear, right? So, that 40 years, you guys were successful capitalist businessmen. Was it profitable in the last 40 years?

Jeff Jones: We generally work on a break-even basis.

Acting Chairperson D. Herrera: Okay, alright.

Jeff Jones: As a sponsor, we've sponsored it several times, so has many others in the community. American President Lines, you know, their sponsorship, they ship all the cars in for the competitors.

Acting Chairperson D. Herrera: It's a break-even, most likely right?

Jeff Jones: Yeah. Right.

Acting Chairperson D. Herrera: You guys have been in this business for 40 years and most likely you will get your analysis in Asia and the United States in racing events?

Jeff Jones: Just Guam...**[inaudible]** it's the only one with experience.

Michael Limtiaco: The racers are internationally, from Japan and the US.

Acting Chairperson D. Herrera: So, have you guys, based on your research check, how do the racing organizations operate in the states or in Asia? Is it provided by the public? Is it a public function that; we understand that we'll support Department of Education for the football for the children, you know, baseball, soccer, but racing is a different category.

Jeff Jones: It's usually clubs, you know, mostly racers are in clubs. Motorcycle club, the off-roading club, yeah, it's all club membership, drag racing club.

Acting Chairperson D. Herrera: I understand. We're both in the heavy equipment business. I'm right next door to you. We have the **[inaudible]** trucks, the million-dollar machine trucks; so, what I'm saying is, this kind of activity, right, of course when you have a racing track to operate, of course you generate money when you start selling the motorcycles, tires, parts, spark plugs, oil, right, right? Generally, that's the economic engine for the racing activity other than the apparel, the equipment, how do we get the equipment; there's only a certain amount of groups that sell the Ford, Chevy, Honda, Kawasaki; so, what I'm saying is that, we can say that it's not a profitable event, but economically, we can almost say that the more you use the machine throughout the year, given aware of the machine, right, maintain the machine, you have to balance, all of the above.

Michael Limtiaco: The same thing can be said about any sports equipment apparel company that provides soccer balls or footballs or basketballs and... **[inaudible]**

Acting Chairperson D. Herrera: It's just that the cost is, if you're going to compare it, a four-wheeler to a basketball, shorten the boat, of course the economic balance and expenses is different. I mean, a motorcycle for example, that has a high-performance machine, tires, hobbies and all the dragsters here in our room, generic car to beef it up, luckily you can get that machine to do an ET, we'll say 10 seconds in a

quarter or 15 seconds in a quarter, you're going to put \$200 pink machine to put it in the machine to make the elapse time. You're going to have to put more dollars in the motorcycle, right? So, my point is that, again, please understand that our mission, the CHamoru Land Trust is housing and agriculture.

Jeff Jones: Sure.

Acting Chairperson D. Herrera: Just to keep that in mind.

Michael Lintiaco: Sure.

Acting Chairperson D. Herrera: Are we against the racing, no!

Jeff Jones: Understood.

Acting Chairperson D. Herrera: That's my take on this. **[inaudible]**

Commissioner E. Garrido: If you want a more definite, what's in the RFP, I suggest you address the questions to our Acting Director.

Jeff Jones: I think we have.

Commissioner E. Garrido: He's basically the author for the RFP.

Jeff Jones: We've written the letter for clarification, which has been on the 24th of January asking for some clarification, you know, licensed versus RFP versus unsolicited proposal, what CLTC is authorized to act on and what they're not, just to give us guidance so we don't waste our time or your time on trying to figure out a way forward.

Acting Chairperson D. Herrera: Just last month, or last couple of weeks, we had your offer, we had the Director's.

Jeff Jones: I know that the lack of legal counsel has put a damper on things right now, but hopefully another counsel will be assigned and they can take a look at our request for clarification.

Acting AD Burch: All three (3) were submitted to legal for review. The sponsorship was a way to move things forward because an RFP, we know, it's going to take some time, right? But once it's put out for bid, you're talking about a month or two before we get all the bids in. And of course, the license thing, that now can be considered and you submitted that too. So, the sponsorship proposal was a way to get around this, but of course, it doesn't give anybody everything they want. **[inaudible]** to anyone coming in who wants to sponsor and event out there. You're correct. It doesn't take care of maintenance of the raceway track itself.

Jeff Jones: Well, we were; we've had a meeting after that meeting and basically we went through the cost it would require to prepare the facility for a Smoking Wheels and it would probably be close to a hundred thousand dollars (\$100,000.00) just getting it ready for an event that way and if it's not something that we could continue to do, continue to maintain, then you know, then it would have to be done again the next time there was an event, so, that's the challenge with a sponsorship; it's we've have to have access to the property to do ongoing maintenance and clean up [sic].

Acting Chairperson D. Herrera: **[inaudible]** Smoking Wheels; is it July, July?

Jeff Jones: Well, it was supposed to happen in April

Acting Chairperson D. Herrera: Okay.

Jeff Jones: Traditionally it happens in April. We've been trying to communicate with the other racers, international racers if there would be any other possibilities. I don't think we've heard back from...

Acting AD Burch: Well, that's why we've pushed forward with sponsorship to see if we can meet that deadline but, we have a problem now with legal.

Jeff Jones: Yeah. It's understandable.

Acting AD Burch: And I was hoping we can have that ready for tonight, but I guess it's not meant to be so, I know, if we get to the next meeting would it still be on time for Smoking Wheels or would you have to postpone that this year and come up with another event?

Jeff Jones: Well, I don't know, what do you guys think?

Michael Limtiaco: We'll probably propose the local, you know a local event; smaller, a smaller scale down version without international racers.

Acting AD Burch: At least get the people here;

Michael Limtiaco: Get the people here back in the track.

Commissioner E. Garrido: Well, the sponsorship is the quickest way to get from point a to point b.

Jeff Jones: Yes.

Commissioner E. Garrido: And, it has the release and legal ramifications to fall upon it that would prevent us from coming together, so, I understand that you prefer the license, but the license will take a while and so with the RFP. And, to your question, me personally, I have no knowledge of us, of the RFP going up on an open RFP. It was, like I said, from my own knowledge, it was to try and reopen the track.

Michael Limtiaco: That's excellent! And, I think we're open to any kind of interim solution to allow us to get the racers off the road; that was the sponsor.

Acting AD Burch: And, I already prepared, other than what I present to the board the other night to the board, the proposal itself. I actually prepared the template and that is with legal. So, if I can get them to the AG's Office to review it or have somebody review it and get back to us, get back to me, **[inaudible]** I'll do that.

Jeff Jones: Maybe we can get on the agenda for the next meeting and hopefully legalize the opportunity to review between now and then.

Acting AD Burch: Yes, a new legal advisor or counsel will be assigned to us, that's why I recommended to table that and place it on the agenda and hopefully I can work on that with legal and go up to the AG's Office again and see if they have a replacement. I've been told that they did bring one person in but this does deal with land, but it deals with something other than loan guarantees and all; that's just sponsorship to set up the program where we can get these activities going again because we know we've all seen it and what concerns me is the report in the PDN and the Post about the accident that occurred where a young Navy sailor was doing almost 100 miles an hour and his lights was off, and killed that unfortunate woman that harmed her family. I'm afraid of those things continuing on the roadway and that's why the drag strip initially was opened up, is to remove that off of the roads of our island and give these people a place to assert their energy, so we do see that happening out there. And I am aware; we have videos of events, drifting and such illegal occurring down at the Paseo de Susana. The deputy director of Parks and Recs sent me a video of that and I'm told that as soon as soon as the police arrive, they simply remove it and they head down to other areas like Malojloj, and they just occur wherever they can.

Jeff Jones: I think a sponsorship would be a good interim solution. We were open to that, but I guess we're asking if it's a sponsorship if we can have a more longer term so we can maintain the property.

Acting AD Burch: It could be; it'll be up to the board to discern the duration. You just try to...

Commissioner E. Garrido: Well, that door is not closed.

Jeff Jones: Sorry?

Commissioner E. Garrido: In other words, we need legal to open the door.

Acting AD Burch: I don't have this; **[inaudible]** occurs every Friday night; this is what's going on with no guidance, no supervision, and when police arrive, they take off. This is a regular for us and these are sent to me by people out there and all it takes is for somebody standing in the middle of drifting and get hit by a car and get killed. These are activities I like to see prevented by having it under some kind of control.

Acting Chairperson D. Herrera: I'd like to add something to that. We're all from this island. I just mentioned to Mister **[inaudible]**, I grew up with the father and we do that back then, even from Christmas, Thanksgiving, it happens around the villages with or without the track. And if you don't agree then you can witness, if you go to the streets, you can see the skid marks that are there, there are drag skid marks and you can analyze the crypt skid mark but, it happens, even when the strip was open. We can say no, but...

Michael Limtiaco: Sure, but we can all agree that with an organized event, it would happen less.

Acting Chairperson D. Herrera: Yes, but it still happens.

Michael Limtiaco: Sure.

Acting Chairperson D. Herrera: And then, with all the accidents, with the head on collision, if you take the data of how many accidents occur, and you say, how many of them are racers; so even now, even if you drive on Marine Drive between five, six, seven, eight, nine, four, five, six, do you think the commuters out there are really going to follow the 35mps? Really? And we blame the drag strip?

Commissioner E. Garrido: Mr. Jones, are you going to be running your Chevy Cobra?

Jeff Jones: No.

Commissioner E. Garrido: Why not?

Jeff Jones: **[inaudible]**

Commissioner E. Garrido: Those are the fastest cars on the island, especially the south.

Jeff Jones: We might. If we ever get open. We will see. That's why we run the electric vehicle.

Commissioner E. Garrido: Or you're going to run that Honda? That two-hundred thousand dollar...

Jeff Jones: The **[inaudible]**

Acting Chairperson D. Herrera: I'd like to show this to; this is the 628 acres reserved back, thirty years ago; that's for the drag strip. We set that aside when we were at Senator Nelson's, Senator Ed Reyes'; that's not too far from where you're at or at the Cross Island. 628 acres for speedway.

Michael Limtiaco: Oh yeah, we're familiar with this one.

Acting Chairperson D. Herrera: Yeah. Right. So, remember when were having this conversation with the motor cross is that the reason why we couldn't really have a real motorcross, it's generally flat; that one has the topography of a sloping topography from 50 degree to 35 degree.

Michael Limtiaco: That would work well for a motorcross track, but it wouldn't work very well for a drag strip.

Acting Chairperson D. Herrera: Understand, so, what I'm saying is that you guys don't need the 1-million acres or 1-million square meter, you don't need the 215 acres because most of the drag strip, the drag strip; we already computed the size of the drift to drag and the motorcross, about 40 acres. We did the computation, so, for the drag and the drift maybe 15 acres. The motorcross is the bulk of the occupancy on that property. Right?

Michael Limtiaco: Yeah. Yeah.

Acting Chairperson D. Herrera: So that's what I'm saying.

Michael Limtiaco: That entire facility is already developed, Commissioner **Herrera**, so if we move, if the proposal is to move to this, just think about of how much money will need to go into that facility

Acting Chairperson D. Herrera: That's a tax break property, 8-million.

Michael Limtiaco: It is, but it's already done. So, it'll have to be all done again for that piece of property.

Acting Chairperson D. Herrera: Well, you guys are the successful businessmen to get the cash flow going to purchase a property to do what you guys envision. Because, again, our function is for Residential and Agriculture.

Michael Limtiaco: Right. Understood. We're aware of that.

Acting Chairperson D. Herrera: Yeah, and see here, 628 acres for, and it can still be developed.

Michael Limtiaco: How many acres is the football side?

Acting Chairperson D. Herrera: I don't know.

Michael Limtiaco: How many acres is the Hal's Angel side?

Acting Chairperson D. Herrera: I don't know.

Michael Limtiaco: Neither of those are Agriculture or Residential and it was still licensed by the commission.

Acting Chairperson D. Herrera: But it's not a drag strip.

Michael Limtiaco: It's not, but it still promotes safety, a safe activity, whether its football or soccer or motorcycle racing or drag racing, the benefits of the community is the same. So, I know, I understand that it's agriculture and residential, but you've legally licensed two other facilities and organizations that aren't associated with agriculture or residential.

Acting Chairperson D. Herrera: Well, you know to my knowledge, right, I've been here for two years and we've worked with Chamorro Land Trust back in 1995 and if you look at this listing, there's properties set aside for the judicial court, mental health, public health, so, we'll continue, we'll work with you.

Michael Limtiaco: We appreciate that.

Jeff Jones: Thank you, sir.

Michael Limtiaco: Thank you very much and have a good day.

[crosstalk]

Acting Chairperson D. Herrera: Okay, moving right along, Mister Director.

Acting AD Burch: Yes.

Acting Chairperson D. Herrera: We finished. Do we need a motion to go down to...

Acting AD Burch: To new business?

Acting Chairperson D. Herrera: That's V, C, Charlie; nobody from Global Recycling, Null and Void, yeah?

Acting AD Burch: Actually, at the last meeting, we went through a lot of this already. We did discuss Global Recycling, unless you want to discuss it again.

Commissioner E. Garrido: No. There's nothing to be discussed.

Acting AD Burch: No, nothing to be discussed. Yes, we've already gone through that. And we've also covered a lot of the material under the new business. We've gone that far. We pretty much returned today to discuss before issues that were put forward to legal counsel but, we did go as far as new business; revised organizational, a recruitment of additional positions which was approved and was motioned and approved of the Guam Power Authority request. It was approved to start negotiations with GPA. Under new business, C, regarding 179-37, GICC Lease Board Resolution, that one we wanted to have revised. And I realized it, based on the instructions from the Chairman, and it was to revise section 2, 2a, and section 2a, also revised, effective 2d.

Acting Chairperson D. Herrera: B as in Bravo? D?

Acting AD Burch: D as is Dave. And we changed the GICC/solar project to "Lessee" depending on who obtains the lease; it would be determined at a time, who would be responsible for the lease? So, the amendment based on what you received last time for the resolution was **[inaudible]**, amendment to leases. It says, notwithstanding remnant positions of the law, the CLTC requests the 37th Guam Legislature to approve the following amendments to the lease agreement. That's A, the designation of approximately five (5) hectares of Lot 1022-12 in Mogfog, municipality of Dededo, surrounding the areas of the GICC Clubhouse is open to negotiations. And that's because it would affect their business model.

Acting Chairperson D. Herrera: Okay

Acting AD Burch: It says, however, the GICC Clubhouse along with its surrounding properties, if at least 5-acres willing to include the parking lot, areas around the clubhouse and then maintenance storage building, that was brought to our attention at that time, along with the surrounding property of 1-acre shall be exclusively designated use of the Chamorro Land Trust Commission, and this designation aims to significantly relieve rental costs to the CLTC, the Guam Ancestral Lands Commission and the Department of Land Management by providing dedicated facilities. By having these dedicated facilities, the need for external spaces, such as where we have it now at ITC Building will be minimized. So, not just for the CHamoru Land Trust Commission but we envision also for the Guam Ancestral Lands Commission and the three land agencies including Land Management. And, that, of course, would be which was recommended by the Chairman, that the lessee shall be required to refurbish and reconfigure the clubhouse to accommodate the office for all three agencies. And the lessee shall be required to provide a surety bond, which is to guarantee that if they fail to move forward with whatever agreement, because this looks like this agreement could be legislative. This is based on Bill Number 179-37 COR, and to provide a surety bond to provide a financial guarantee for the lessor and to also ensure the removal of components associated with the solar farm at the end of the lease agreement. The bond is to provide protection in the event the lessee fails to fulfill their obligations, that's the surety bond. We should make sure that for any commercial lease, that we require a surety bonds for all of them. That seems to have been a problem in the past when we have lessees or tenants, we don't require them to have insurance that can protect us, so I think that should be something commonly needed in future commercial leases.

And then, of course if we get Building D, as in “day”, CLTC will be responsible for the overhead maintenance cost of the facilities and the grounds around the club house and the maintenance storage building and this includes the upkeep and maintenance of the buildings and surrounding grounds. E, the CLTC opposes the creation of the CLTC Endowment Fund because that will tie our hands. If they give us the money, the way I foresee it, if this goes through, we’ll be getting money that will take us normally 30 years to obtain in advance, in advanced payment should they get an agreement with GPA, and we use those monies to install infrastructure today at today’s prices. So, using like future income received a whole lot of one time today and take care of these issues that we have with our lessees that are living on property that don’t have the necessary infrastructure. So, we don’t want the Endowment Fund, which will tie our hands. And any mandates leading to the transfer of accelerated rent received the accordance to the amended lease agreement. This opposition is based on a specific mandate outlined in Bill 179-37COR.

And then, if the property is not used for renewable solar power, the positions outlined in Section 2A through E of this resolution shall be null and void because G we want this right away. They owe us about \$600,000 in arrears so, G is for the GICC, should this become law. We’ll settle their arrears payments within 30 calendar days upon the passage of the bill. The Act seems to cover a lot. It seems, based on what the commission received last time and instruction from the Chairman and what I get from the board and also the proposals coming from the people that support the solar farm project. This supports basically the intent of Bill 179-37, with certain amendments, certain clauses, that provisions that say that these things are implemented, if not, then we don’t support it, and that is; the way it was presented to us is like we were the ones that are negotiating with them, no, they’re negotiating with us, this is CLTC property. We determine what will happen to that property.

Acting Chairperson D. Herrera: Thank you for that.

Acting AD Burch: So, that’s why it’s written this way and if you agree with it, you can vote on this. It’s a resolution, it’s simply something that will pass off to the legislature with a letter of transmittal if you approve the resolution. Those were the amendments to the initial resolution that you received at the beginning of the proposal. You don’t have to approve it tonight. We could hold on to it at the next, think about it.

Commissioner E. Garrido: Well, my question...

Acting AD Burch: Or you want to add more to it.

Commissioner E. Garrido: My question for that is, can we make a motion, vote on a motion without legal being here?

Acting AD Burch: Well, this is a resolution, it’s not a contract.

Acting Chairperson D. Herrera: So, we don’t need legal?

Acting AD Burch: Right, well, legal read it last time and didn’t have any issues with the resolution. We did not decide to send this, but you want legal to look at the resolution first? That’s your prerogative, you can make that decision.

Commissioner E. Garrido: Well, I just want to know if its germane to vote on it without legal’s presence.

Acting AD Burch: You can work on the resolution as it is, its your decision. It’s a decision whether or not we support the legislation point to the legislature, and then when we go there for a public hearing on it when that is scheduled. If they have a resolution supporting it, then we come in and tell them our support is based on these contingencies, that these are the issues we are looking at. I don’t generally agree with Legislative contracts or agreements because it puts us at a disadvantage; I’ve seen that...

Commissioner E. Garrido: Takes it far away from us.

Acting AD Burch: It does. The example we have here is the legislation for the raceway tract. We just went through that and that's more recent here. Ancestral Lands also has its own legislative leases and it generally puts the commission at a disadvantage.

Acting Chairperson D. Herrera: On your generation of investments, is that controlled by an endowment fund?

Acting AD Burch: The one for Ancestral Lands?

Acting Chairperson D. Herrera: Right, right. You guys have generated from zero dollar, now up to a couple dollars?

Acting AD Burch: It's by the board. What I did with Ancestral Lands is we came up with what we call an investment policy statement where the board agrees on how the funds that we generate will be invested to grow the money. Its not an endowment so it doesn't tie our hands. If the board decides to withdraw one and all the money for a specific project; if they do it for any other reason or for extended period of time for investments, the board can make that decision, it's an investment policy, it's not generated by the legislature where they tie their hands, because if it's from the legislature it becomes small with a policy that's set by the board and I did give the copy to Joey Cruz to work it over and see how we can adapt that from the Guam Ancestral Lands to the CHamoru Land Trust Commission. It works for one government agency doing something similar, having funds that you need to grow and they get to actually invest money and I could see it like the loan guarantee money. We have 5.6 million dollars in there, right? Right now, it's sitting in some account earning probably less than 1 percent. If you invest that through investment firms like Raymond James, just certificates and deposits, CDs are now very high, four and a half, five percent, five and half percent. On CDs alone, you have it spread out through various banks throughout the US that are insured, banks or credit unions insured up to \$250,000.00 per account. Then it makes it safe.

Acting Chairperson D. Herrera: I see.

Acting AD Burch: And so, it's something where the funds can be spread out and earn as much interest on it as we can. At least, more interest than what it's earning now. Even in CDs and cash equivalent, but if you decide after experiencing and becoming more experienced with investments that you could go into other stocks and bonds as you become more familiar and more comfortable with investments.

Commissioner E. Garrido: John, can you check on treasury bills?

Acting AD Burch: Like bonds and such?

Commissioner E. Garrido: That's supposed to be pretty high right now.

Acting AD Burch: Yes, yes. Like I said, with Ancestral Lands, they're earning about five to five and a half percent on the average and right now, interest rates are climbing, so of course we see that, that will climb if you decide to go into shares or stocks, yes, treasury. So, those are those things that's included for CDs, cash equivalents and such, because if its in that, you can pretty much withdraw what you want **[inaudible]**

Commissioner E. Garrido: The thing with the FDIC insurance.

Acting AD Burch: Yeah, they're all FDIC insured.

Commissioner E. Garrido: It covers only...

Acting AD Burch: \$250,000.00

Commissioner E. Garrido: Maximum?

Acting AD Burch: Each account. That's why with Ancestral Lands, we spread it out \$250,000.00 maximum per bank [inaudible]

Commissioner E. Garrido: \$250,000.00 per bank?

Acting AD Burch: Per bank. That's correct.

Commissioner E. Garrido: But you cannot have more than one account in one bank? It's still going to be \$250,000.00?

Acting AD Burch: So, you can spread it out amongst 100 banks if you want. Yes, that's what were able to do.

Commissioner E. Garrido: That's the only way you can insure all that money.

Acting AD Burch: That's what I've done with Ancestral Lands and they have a [inaudible]

Commissioner A. Bordallo: So, if they have branches, it's just one, one bank of your branch?

Commissioner E. Garrido: But you have to go, like what he said, 100 different banks throughout the entire...

Acting AD Burch: Exactly. Ancestral Lands has sixteen million dollars set up aside. We have five million, six hundred thousand; it can be done. I've done it with Ancestral Lands, it can be done here. So, that's already with Joey Cruz for him to go over, then hopefully when he's done, we can present it to the board for your review and I advise you again to go over it very carefully and we can bring in people from like Raymond James and others to explain what we're up for, because of course, we're going to have to put it out to an RFP. We can't just say Raymond James, you're going to do this, we have to place it out. It's something we've already developed for one agency and we can just transfer it here. The template is there. It's a matter for you to look at it and make a decision, so, it can be done.

Acting Chairperson D. Herrera: I have a question on G, G as in golf, or F as in foxtrot. The property is not used for renewable power

Acting AD Burch: The property is not used for renewable because there's a clause in the bill that says until it is used because what they're going to do is when this becomes law, should become law, what's written in Bill 179-37, is that there will be a clause from them giving us the accelerated payments. That's not guaranteed that once this becomes law then they use accelerated payments until they have a contract with GPA. So, the bill is to provide for a license agreement for a private company to take over the golf course and convert it into a solar farm, with the hope of hooking up to GPA. They don't have a contract just yet.

Acting Chairperson D. Herrera: I see. Okay, then we go to G. The GICC is to settle arrears payment within 30 calendar days upon the passage of the bill.

Commissioner E. Garrido: That's a month and a half.

Acting AD Burch: Yeah.

Acting Chairperson D. Herrera: Month and a half?

Commissioner E. Garrido: Yeah.

Acting AD Burch: Well, that's within 30 calendar days, yeah, so of course, you have to minus out, you know.

Acting Chairperson D. Herrera: Okay, I understand. But my point here is that...

[crosstalk]

Acting AD Burch: Well, we can change it to business days if you want, but the agreement we have with them when they sat here is, they owe us \$600,000.000 in arrears.

Acting Chairperson D. Herrera: Yeah, that's the page in front of you. That was my question. How are they, arrangement with \$600,000.00, still six **[inaudible]**

Acting AD Burch: It may have gone up. **[inaudible]** it may have gone down. I don't have Joey here right now to give me the actual numbers, he's on leave. He's handling a funeral with his family, right?

Acting Chairperson D. Herrera: Because, I remember Commissioner Garrido mentioned that he was going to give GICC a probationary period and that was like six months ago.

Commissioner E. Garrido: No, no, that was last year.

Acting Chairperson D. Herrera: Yeah, to pay up, pay the total \$800,000.00 at that time.

Commissioner E. Garrido: Based on the penal note that they signed with the previous board.

Acting AD Burch: Yeah, my understanding is that they're up to date on making their payments, that's my understanding.

Acting Chairperson D. Herrera: On the monthly of \$24,000.00 per month?

Acting AD Burch: Yeah, if they bring down the arrears, slowly.

Acting Chairperson D. Herrera: Okay.

Acting AD Burch: So, my understanding is they're adhering to the payment plan. So, because of that, we just can't end the contract.

Acting Chairperson D. Herrera: Oh, but the arrears are supposed to be paid within the note of six months?

Commissioner E. Garrido: No, no.

Acting Chairperson D. Herrera: Oh, to pay in full?

Commissioner E. Garrido: Their promissory note is to pay down their arrears.

Acting Chairperson D. Herrera: On a twelve month...

Commissioner E. Garrido: I don't know if it's twelve months.

Acting AD Burch: I understand there's a payment plan.

Acting Chairperson D. Herrera: Just checking because, the contract doesn't fall, 179...**[inaudible]**

[crosstalk]

Commissioner E. Garrido: Because it they owe \$600,000.00; they're not going to pay that off in twelve months.

Acting AD Burch: Yeah. It used to be \$800,000.00 that's my understanding **[inaudible]**

Acting Chairperson D. Herrera: That's the last report I had was like \$800,000.00 there. Glenn, you, see?

Acting AD Burch: Yeah, I believe Joey told me it was down to \$600,000.00 now.

Acting Chairperson D. Herrera: Okay, that just...

Acting AD Burch: Okay, so, anyway...

Acting Chairperson D. Herrera: But, it's good, looks good.

Acting AD Burch: That clause here in G, is regardless if they have the contract with GPA. The clause says that should this become law, that they have 30 calendar days when it becomes law to pay it off

Acting Chairperson D. Herrera: When they switch on the power.

Acting AD Burch: No, the arrears, 30 days from this day **[inaudible]**

[crosstalk]

Commissioner E. Garrido: The contract when the arrears have been paid off.

Acting AD Burch: The seven to nine million dollars is when they get the contract.

Acting Chairperson D. Herrera: I understand. Got it.

Acting AD Burch: There's two different payments here.

Acting Chairperson D. Herrera: Seven to nine mill is when they switch the light on.

Acting AD Burch: Yes.

Acting Chairperson D. Herrera: And the arrears should be paid off right after this.

Acting AD Burch: Right after this becomes law. Okay so we get the arrears up front right after thirty days, then once they get the contract, they turn the lights on for GPA, then we get seven to nine million dollars.

Acting Chairperson D. Herrera: Okay.

Acting AD Burch: That's what this resolution carries.

[crosstalk]

Commissioner E. Garrido: Calendar's faster than **[inaudible]**

Acting AD Burch: It is. So, we talked to them during the time they presented to us about calendar days, so we were very specific with that; yes, we'll pay it up, cuz my concern there was, that we're not making more money that what we're going to be making right now. We accepted that rather than waiting thirty years to collect it based on what their proposal is, we will get both the money paying in advance, all our earnings for the next thirty years paid to us up front with the accelerated payment. So, this would mean if you approve the resolution, then we could prepare a transmittal letter with the resolution to the legislature saying that we agree or disagree with Bill 179-37 because in short, this is to support that **[inaudible]** attached, that we would agree to amend the lease agreement with the Guam International Country Club. Of course there's certain notes on our own, letters A through G.

Commissioner E. Garrido: Mister Chair, based on the Resolution 2024-001

Commissioner A. Bordallo: Can I make a...

Commissioner E. Garrido: Go ahead.

Commissioner A. Bordallo: I just have a question before we get into.

Commissioner E. Garrido: Sure.

Commissioner A. Bordallo: Voting or agree.

Acting AD Burch: Oh yes.

Commissioner A. Bordallo: Cuz mister Director Burch, this resolution is, but I just have questions as to, as EPA ever assessed the solar farms?

Acting AD Burch: I don't know. I don't have an answer for that.

Commissioner A. Bordallo: And how's it going to affect having a solar farm in that area where the golf course is?

[crosstalk]

Acting AD Burch: What we could; no, I don't, I don't have that and we could make that a requirement that they apply with all Guam laws; building permits, environmental, of course, that's what they're going to have to go through but we could include in the resolution something to that effect that they do so in compliance with Guam's building code, environmental code, and such. I think I can come up with the language for that.

Commissioner A. Bordallo: And, how much is going to cost for CLTC and what revenue is going to CLTC?

Acting AD Burch: Their proposal; I don't have their proposal right in front of me now. I'm trying to remember what it was in there, but the revenue that was going to come to us would be equal to the total revenue that we would be charging them right now, monthly, but over a span of thirty years, you know. And that's where it came up to about seven to nine million dollars (\$7,000,000.00 - \$9,000,000.00). So, that's, I wish that they were here for that now, but...

Acting Chairperson D. Herrera: Including the acceleration?

Acting AD Burch: The acceleration was to pay everything in advance.

Acting Chairperson D. Herrera: Yeah, including the acceleration clause every five (5) years?

Acting AD Burch: If they did get that, they were, there's a clause and I don't have a copy of the bill in front of me, but there's a clause in there that stated that it will be increased every so many years, like every five (5) years

Commissioner E. Garrido: Escalation meaning, excavation?

Acting AD Burch: Escalation clause in there, but, of course, by paying in advance acceleration was to give them a deal and it would work out with us receiving the money today rather than waiting thirty (30) years to accumulate the funds, we get paid all at once. Of course, the acceleration and all that I assume will not be built into that.

Commissioner A. Bordallo: And then, the other question is, information on the other two (2) solar farms [inaudible] for violations or not conforming to the standards.

Acting AD Burch: Okay, so, you want me to do research on the other solar farms?

Commissioner A. Bordallo: Yeah. And with the present bill, Bill 179-37, would you be able to, sort of like when you go there to testify for that bill, and if there's something that you don't agree to during the discussion of the bill, would the legislature make changes? [sic]

Acting AD Burch: That now is the problem when its legislative.

Commissioner A. Bordallo: So how do, how do...

Acting AD Burch: We don't have control, we lose control. This is where we provide our input.

Commissioner E. Garrido: This is how we, like he said, provide our input and hopefully we [inaudible]

Commissioner A. Bordallo: [inaudible]

Acting AD Burch: We put this out saying we agree based on these contingencies that we add into it and then of course the problem with the legislative contracts is we lose control. It's up to the legislature. In fact, that's the way certain bills, certain laws are created. The legislature wants to control contracts for long term. In many areas, I mean, CLTC is exempt from some of this but other agencies can only lease properties for less than five years. Anything excess on that, they must go to the legislature for the legislature to agree to that. And of course, you can see that was the problem with the decision, everybody says they want to build a hospital but the thing is the location on government property and while everybody says we gotta build one, they can't agree to the location, where? And that's where they control that by controlling the leases in excess of that and now with this, there is this proposal, and actually this came out with two bills prior, and after our testimony on that, I was concerned about the administrative control on those bills. It took it away from the commission. I haven't seen those bills come up and I hope they don't, those two don't get passed. One bill was to give us the other stuff; provide us with some understanding that they're going to help us by setting up a minimum or the maximum for loan guarantees but it was a defective bill, it did not work. In fact, the board, you made the decision to say that our loan guarantees should be guaranteed up to 20% aggregate.

Acting Chairperson D. Herrera: Up to. From five to...

Acting AD Burch: Right. But the bill was written that it would be 25% of each loan, which is not the same thing. Yes, it was 25% of the loan. If you're going to get a loan from a bank for a \$100,000.00 and we're only guaranteed 25% of that, what bank will accept that? It will be good for us, but no financial institution will agree to that.

Acting Chairperson D. Herrera: Yeah, I checked SBA with that.

Acting AD Burch: But what we were looking for and the board made a decision that because the defaults we have range from 18 to 19%, we decided to keep 20% of the total aggregate amount in an account. Has about five (5), five point six million (\$5.6 million) that we have now. We've used up to 50% of that in guarantees, so...

Commissioner A. Bordallo: Can I ask you then, those owed guarantees that was agreed by the CLTC in the past, now is it the same wording, as far as [inaudible]

[crosstalk]

Acting AD Burch: The document we use is the same.

[crosstalk]

Acting AD Burch: I'm understanding there's minor changes. I didn't look at the one previous, only the one that we're doing now, but there's covered by that. So that's where the 50%, 55% of our funds. But that's where I say that when it comes to legislation, you know, it's at the legislature, our job is to make sure

they're aware of our concerns, and then of course, the 2nd one was Bill 178, which we wanted to establish the endowment fund. Of course, my concern with the endowment fund is usually a tax break where whoever puts money into the endowment fund and if you're going to pay a lease to us and they're going to get a tax break for it, I don't think that was right. And then, they were going to live in our access to whatever monies is placed in that to whatever interest earned on that becomes available and that's if they put in seven to nine million dollars into about \$300,000 a year. So, if we wanted to start a project now, we could, I mean the amount of funds available is not enough. It would take us a long time to access money to build infrastructure to the various projects that we have. And so, they said that was a good thing for us because it gives us a guaranteed income, but it gives them a tax break and it limits our access to it by law. So, I was against the endowment fund and then that led up to this Bill 179. And 179 says, the endowment fund again, that's why I say were against anything that does that but apparently there's three (3) bills out there that means one, two, or three, and this is the final one. None of them have become law just yet but this is just to let them know our concerns, that's why I said, we could write on this thing, almost anything that you want, the idea is, do we support it or not. Right now, as the, as a golf course, they're not making much money out there. You visit the place, I know our chairman went up there, you saw the condition of it.

Commissioner A. Bordallo: I was.

Acting AD Burch: You were there too. Okay, so you've seen that.

Commissioner A. Bordallo: The only question on the lease or the agreement, the golf course is; are we able to do this where we allow this solar farm to happen or does the lease have to expire.

Acting AD Burch: This is to amend the lease, that's what the bill is. To amend it and to extend it.

Commissioner A. Bordallo: But on the original lease or the law when it became a municipal golf course.

Acting AD Burch: Yeah, this changes the use from a golf course to another alternative use [inaudible]

Commissioner A. Bordallo: So, it's changed?

Acting AD Burch: Yes.

Commissioner E. Garrido: It's an addition to the golf course.

Acting AD Burch: It's an amendment to the lease.

Commissioner E. Garrido: That way if they win the bid, they phase out the golf course. If they lose the bid, they continue as a golf course.

Acting AD Burch: Yeah. And we would move forward with; I forget what the interest rate and after so many years the interest rate increases again. It pretty much extends it and I believe it also allows for the ownership of the country club change, to change over because that's not rather; and putting the GICC which may longer exist later on as the lessee.

Commissioner A. Bordallo: Yeah. So, those questions I asked, can you, at least let me know from the...

Acting AD Burch: On the next; we can hold this and have it at the next agenda.

Acting Chairperson D. Herrera: Prepare it.

Commissioner A. Bordallo: Prepare for it. Cuz the resolution; I'm just concerned about...

Acting AD Burch: I think we should add in, you're correct, **[inaudible]** the building codes, the environmental issues and it would be upon them because if I were to ask EPA to do it now, they're over **[inaudible]**; I'll just put it in as a requirement. That'll be one of the requirements in here.

[crosstalk]

Acting Chairperson D. Herrera: The vendor will be required right to go through the permitting process, right?

Acting AD Burch: Exactly. It's required in our process, but we could just put it in words if you want. That's no problem writing it down.

Acting Chairperson D. Herrera: Up to you, I'm okay.

Acting AD Burch: But yes, in a permitting process, that is the requirement. Whenever you do any type of major construction like this.

Acting Chairperson D. Herrera: Remember the Marbo Cave incident when that erosion took the dirt and went in to the pure water?

Commissioner A. Bordallo: Yeah, see, that's a concern too.

Acting Chairperson D. Herrera: Right.

Commissioner A. Bordallo: That's why I say, check with EPA what happens.

Acting AD Burch: I believe waterworks has test wells up there?

Acting Chairperson D. Herrera: Correct. The golf course?

Acting AD Burch: Yes, they have about five (5) acres now. That's really now, we have to verify this.

Glenn G. Eay (CLTC): **[inaudible]**

Acting Chairperson D. Herrera: They got nine (9) pumps **[inaudible]**

Acting AD Burch: But they got, it's actually 205 acres and 5 acres is leased, are given to waterworks, so, it's really 200 acres we're looking at.

Acting Chairperson D. Herrera: Okay, okay.

Acting AD Burch: We verified that one. Before we were saying it was 250 acres **[inaudible]**

Commissioner A. Bordallo: Remember when we went on that trip at the golf course, like the water, the grains go in and they hold it

Acting Chairperson D. Herrera: The manmade lake

Commissioner A. Bordallo: But it doesn't just go right into the water

Acting Chairperson D. Herrera: Well, there's a liner. The liners are torn apart because even if it goes into the water aquifer, I guess remember, there's a treatment system that goes through the chlorination system. Remember when we went through it? There are chlorinators in some of the pumps, so, and then it goes up to the 2.5-million-gallon reservoir. Remember, we went back on hole number 9 from route 1 to hole number 9 from the east side of the property, so, that's your question?

Commissioner E. Garrido: Just include the verbiage, about the authorizing agencies and meeting the proper standards

Acting AD Burch: That's easy enough to include that because part of the permitting process but it's not hard to write and place it in. But I do know that when we have golf course, they take care of the grounds. They use a lot of chemicals and pesticides that do go into; but the solar farm will not be using that.

Commissioner A. Bordallo: I know that, but just what has happened **[inaudible]**

Acting AD Burch: Well, that's how come, I included here was the surety bond that they would have in place to protect us from; I recommend for anything in the future, we require that too. It's insurance to make sure they follow through with the lease and should they fail on the lease anywhere down the line, we will be covered. So, that's something I haven't seen in some of the leases that we've had with GovGuam with commercial properties, commercial businesses. I'm just thinking of protecting; again, the agency.

Commissioner A. Bordallo: That's very good.

Acting AD Burch: So, and putting this other clause in here is not a problem. Even if we know it's part of the process of construction out there, it doesn't hurt to put it down.

Commissioner A. Bordallo: Put it down.

Acting AD Burch: So, those are the only concerns with that?

Commissioner A. Bordallo: Yeah, yeah.

Acting AD Burch: Okay. So just that one clause you want put it. And you want to know a little bit about problems that they've had with other solar farms?

Commissioner A. Bordallo: Yeah.

Acting AD Burch: Not necessarily the construction shape, phase but actually the **[inaudible]** long-term effects that they had

Commissioner A. Bordallo: They may not have followed the recommendations from EPA when they built

Acting AD Burch: Yeah, but there are some old solar farms who may find out because the construction materials for them, I understand have changed over the years and may not warrant it now than when they first opened, you know when they first started

Commissioner A. Bordallo: Right

Acting AD Burch: And things go anywhere from the material used to make panels, to the batteries where they store the energy. I mean, nowadays, what everybody uses is the lithium-ion, which I was concerned about when they came in and they said there's other batteries, but we carry lithium-ion batteries with us everywhere. You have a smartphone, its in your pocket.

Commissioner A. Bordallo: Yeah, yeah.

Acting Chairperson D. Herrera: That kind of battery?

Acting AD Burch: Yeah, that's what in these things and if we have any of those battery-operated tools at home, Ryobi, Milwaukee or whatever, guess what kind of battery you're holding?

Acting Chairperson D. Herrera: The same thing?

Acting AD Burch: The same thing; long lasting and they hold a lot. And if you're driving those new electric cars, so you know, that's the battery now.

Acting Chairperson D. Herrera: Not liquid, no?

Acting AD Burch: No. Not too many batteries you're going to find liquid. Many of them do gel [inaudible]

Acting Chairperson D. Herrera: Okay. Very good.

Acting AD Burch: Okay, I can have that ready and also, do you want me to send this to legal because that wasn't decided last time.

Commissioner A. Bordallo: Right. Just a review.

Acting Chairperson D. Herrera: Well, you guide us on that

Acting AD Burch: Okay

Commissioner E. Garrido: So, just schedule this for February meeting, so we'll make final determination on it

Acting AD Burch: And hopefully we'll get legal here, you know, the odds here when Ancestral Lands. When we lost, I mean Ancestral Lands, we went through you know, four new legal counsels. Two quit, one got transferred, and then one died and here too, but there was a period of three months when we did not have legal counsel with Ancestral Lands and the commissioners, they wouldn't function except you make decisions like this but not decisions, and on bills, but not decisions on actual contracts that would be signed, they would need the AG's signature on them. Because this one here require that signature. Okay.

Acting Chairperson D. Herrera: Okay. Go ahead sir.

Commissioner A. Bordallo: You're in charge.

Acting Chairperson D. Herrera: Oh.

Acting AD Burch: I'm going to tell you that we actually also covered the next one, I just wanted to remind you of that, which was Bill 212. We did cover that. We did explain, we tried to cover a lot of it. The only reason why we recessed was to cover certain issues that had to go through legal, so, Bill 212 was the issue of, I believe, 707 square meters

Commissioner E. Garrido: Tamuning?

Acting AD Burch: Yes, in Tamuning and it was agreed. And anyway, we already had the public hearing on it. And the commission in 2017 and 2015 passed resolutions. Just to give you a brief on that, there was resolutions signed back then saying that the property was mistakenly transferred to CLTC and it was an effort to correct it. And then, for some reason, the legislature passed the law transferring property for the baseball field and then everything from there, left this 707 square meters out of it, they forgot, somehow.

Acting Chairperson D. Herrera: So, that's the small piece here.

Acting AD Burch: Yes, small. There's a little building on it, used to be a fish store, whatever, it sits on CLTC property and the municipality of Tamuning, almost right down the middle. And it's kind of, not land locked, pretty much makes it difficult for the community of Tamuning to enter through there, I guess the remaining access. So, they were using access through GDOE, by the school. So, the bill is already heard and based on previous, two previous resolutions passed by the board, members that aren't here today. What Senator Taitague wanted, let me check the minutes here, what occurred, oh yes, you approved for me to write for the next meeting, cuz this is continued, this one, resolution just reaffirming the resolution of 2018. Just to reaffirm, you made a motion and it passed, so, that's already done.

Just to let you know, so we were in for just the legal issues and Atty. Gumataotao passed away so, we do have some constituents here. We went through public comments in the past and its up to you if you want to entertain that.

Acting Chairperson D. Herrera: Yes, please.

Acting AD Burch: It's your call mister chair.

Commissioner E. Garrido: I would like to take a 5-minute break.

Commissioner A. Bordallo: Second.

[crosstalk]

Acting AD Burch: No, no, no, it's up to you. I'm just advising you that we covered all of this already, we're just rehashing it.

Acting Chairperson D. Herrera: Then we'll come back after the break and [inaudible]

Commissioner E. Garrido: We'll wrap it up.

Acting AD Burch: We'll wrap it up and then these has to be one of the shortest meetings ever

[crosstalk]

[** BREAK ** 2:31PM, Returned at 2:40PM]

Acting Chairperson D. Herrera: Okay. Mister Director, we're on...

Commissioner E. Garrido: Item A, Public Comment(s)

[crosstalk]

VII. Public Comments

BERNICE TUDELA NELSON

Acting Chairperson D. Herrera: Okay, we're good?

Acting AD Burch: Yes, we're good, just waiting on you.

Acting Chairperson D. Herrera: We'd like to invite the public to come up and introduce yourself please.

Bernice Tudela Nelson: Bernice Tudela Nelson.

Acting Chairperson D. Herrera: Yeah, just have a seat and sign in. And just talk into the mic. Put the microphone closer. Yeah, just for the recording. Full name and then...

Bernice Tudela Nelson: My name is Bernice Tudela Nelson and I'm from the Amot Farm in Dededo and I just want to find out if I'm still approved to stay there

Commissioner E. Garrido: This is just an extension from the previous meeting.

Acting AD Burch: Commissioners, just for your information, the issues were brought up by Mrs. Nelson during public comments so you can't take any vote on the issue and it's still in progress for consideration, so, my recommendation is to include this on the agenda of the February 15. **[inaudible]** Right now, you can have Ms. Nelson speak her mind and let you know on it, but I recommend that you don't take any action simply because any motion, any vote would be a violation to the open government law.

Acting Chairperson D. Herrera: Okay. Mrs. Nelson, so you understand that we meet every third Thursday, every month. So, for us to make any decision, we have to have your case on the agenda, but right now we're open to hear you under that public comment and you can share your thoughts.

Bernice Tudela Nelson: Well, I just want to find out, I don't want to keep going and coming over here and not sure. I'm the only one that's working on the farm right now and I have tour, just starting the tour. And, next month I'm getting people for March for going to school to teach the school, teach the school about the plants. So, I want to make sure I still have the farm or not, if not I'm wasting my time. But as far as I know, Jessica or someone, I was here before the Organic Act. I was a baby, so in 1948, my parents.

Acting Chairperson D. Herrera: Okay, so, all those things you're mentioning, we're reconfirming everything based on all the facts from your file

Bernice Tudela Nelson: So, just up and up right now. No saying yes or no.

Commissioner E. Garrido: No decision made

Bernice Tudela Nelson: No decision made

Commissioner E. Garrido: Yeah, because we're not allowed to make decision because you're not on our agenda.

Bernice Tudela Nelson: Okay

Commissioner E. Garrido: You have to be published in the paper

Bernice Tudela Nelson: Why they come over here? I got stuff to do, I mean they could just tell me I don't need to be here.

Commissioner E. Garrido: Your case is very complicated.

Bernice Tudela Nelson: Yeah.

Commissioner A. Bordallo: Can I ask, you just mentioned, your parents were here when?

Bernice Tudela Nelson: The what?

Commissioner A. Bordallo: Your parents

Bernice Tudela Nelson: I was here in 1948 with my parents from the great grandmother's side.

Commissioner A. Bordallo: So yeah, that was before 1950, yeah. So, you became a US citizen?

Bernice Tudela Nelson: Since 1975, before the Saipan people become US, I become US, I become US here

Acting Chairperson D. Herrera: In 1975?

Bernice Tudela Nelson: Yes.

Acting Chairperson D. Herrera: Not 1950?

Bernice Tudela Nelson: No. But I was here in 1950.

Acting Chairperson D. Herrera: Understood

Commissioner A. Bordallo: You were born here, weren't you?

Bernice Tudela Nelson: No, I was born in Saipan but my parents come over here 1950, I mean 1948, I was still a baby.

Acting Chairperson D. Herrera: Okay, all those things were having the agents gather all the documents and like what the director was mentioning, official, we cannot make any official motions today, because we're not on the agenda. **[inaudible]** Every third Thursday of the month.

Commissioner E. Garrido: Just in passing, I'm just curious,

Bernice Tudela Nelson: It's getting you know, you know

Commissioner E. Garrido: I'm curious just in passing from what you just from what you shared with us.

Bernice Tudela Nelson: But it's really not, it's really...

Commissioner E. Garrido: Was your father a US citizen?

Bernice Tudela Nelson: No, my grandfather. But the only thing is, I'm not worried much about the farm. It's just like, I took, ask a loan to fix my house. My house has got like molding once a month. I have to clean all the walls and that's why I ask for a loan. I don't ask for a bigger loan **[inaudible]**.

Acting Chairperson D. Herrera: Understand.

Bernice Tudela Nelson: So, you know I just want the house fixed.

Acting Chairperson D. Herrera: You recall, we gave, what's that, Tina. We gave Tina the packet of the public law of Chapter 75A

Bernice Tudela Nelson: Yeah.

Acting Chairperson D. Herrera: So, that's the rules and regulations is the one that on that document, is the one that we're verifying all the information that you provided to see if its in compliance to that Chapter 75. Tina carried out here last week.

Bernice Tudela Nelson: Yes, she was born here **[inaudible]**

Acting Chairperson D. Herrera: You we're able to read the document on that?

Bernice Tudela Nelson: I didn't read the document, like I said, I wanna do a lot of things but I'm the only one up there and it's just hard for me to keep leaving and going somewhere. If I keep going every week, then there's nothing done on the farm.

Acting Chairperson D. Herrera: Understand. Did they call you to come over today?

Bernice Tudela Nelson: Yes.

Acting Chairperson D. Herrera: And who called you?

Bernice Tudela Nelson: Jessica called me that supposed to come over here and just hear; finding out that I was here in 1948.

Acting Chairperson D. Herrera: So, Jessica.

Commissioner E. Garrido: We're you able...

Acting Chairperson D. Herrera: Wait just one moment, Jessica's not here.

Glenn G. Eay (CLTC): Jessica's not here.

Bernice Tudela Nelson: She said she'll be gone.

Glenn G. Eay (CLTC): Gone since sometime last week Wednesday or Thursday.

Acting Chairperson D. Herrera: So, Jessica called you.

Commissioner E. Garrido: Yesterday?

Bernice Tudela Nelson: No, last week

Acting Chairperson D. Herrera: To come today?

Bernice Tudela Nelson: Yeah, just to come and hear what you...

Acting Chairperson D. Herrera: So, this is just the message we have, right. We're still researching to confirm the public law we gave Tina, the Chapter 75A. So, if Tina can share with you what's in that particular law and then all the documentations that Mr. Glenn and the agents have, we will compile it and have the legal counsel make that assessment.

Bernice Tudela Nelson: Okay

Commissioner E. Garrido: We're you able to ever get an exact date of when your grandfather left Guam

Bernice Tudela Nelson: No, but I was here before 1950. I was the baby with my parents and I remember, I think, when I was probably 2 or three years old when I went to Saipan, so, that's what makes it you know, like I have hope because I was here before the Organic Act.

Acting Chairperson D. Herrera: So, that's the question. Go ahead Earl, if you have a question. The point there is...

Commissioner E. Garrido: I was just wondering if she was ever able to determine when her grandfather left Guam because there's two parts, 75 and 75A.

Bernice Tudela Nelson: If I'm here before that then, because why concentrate on my grandfather, but if I'm here before 1950, I was here before.

Commissioner A. Bordallo: The thing is about the Chamorro Land Trust law, public law way back, 1975. Okay, anyone was in Guam before 1950 is considered Chamorro.

Acting Chairperson D. Herrera: US. Wait, wait, there's something to add there

Commissioner A. Bordallo: US, but also the fact that you were here before 1950. Even if you're a white man, you're here, you can have property from Chamorro Land Trust. That should be checked with our lawyers on the interpretation of that law.

Acting AD Burch: Yeah, because there's the issue of US citizenship. If you were here in 1950 between those dates and you were a resident of Guam, you would automatically be a US citizen but Mrs. Nelson said she was naturalized in 1975, so, apparently, she was not included in the transactions of the Organic Act. That's something that needs legal because you came a US Citizen after 1975.

Bernice Tudela Nelson: Well, I just become because I'm married, and you know, and I could stay and become US without become, go through naturalization.

Commissioner E. Garrido: She became a US citizen through the CNMI.

Acting AD Burch: CNMI? Sure, when the CNMI became a commonwealth?

Bernice Tudela Nelson: Then I become before four or five years before that

Acting AD Burch: When you married?

Bernice Tudela Nelson: My husband.

Acting AD Burch: And, so, you were naturalized then?

Bernice Tudela Nelson: Yes.

Acting AD Burch: In 1975? The Organic Act would make you a US citizen in 1950 when it was passed.

Bernice Tudela Nelson: Then, we were here in 1950 and 1948, but my parents are.

Acting AD Burch: Another part, when it comes to the lawsuit, 75A must've been lost land or deprived of using land during the period of 1898 to 1968. That's the new announce so it's not necessarily based on the race that you are Chamorro. It's based now on whether or not it was taken away from you, or you were using land, or you were deprived of the use of that property during that part, that specific period. So, it is based on a date, because to be honest with you during the Spanish Administration of Guam, almost all the Chamorros, actually, all the Chamorros from the Northern Marianas was relocated to Guam during the Spanish time. I hear maybe in Rota, there may be a few and for almost, I believe about 100 years there was nobody living up there to the Carolinians. I believe its Chief Aguilar stopped on Guam. There was another chief that went straight up and they named him Madagaha in his honor, so that they can settle in the Carolinians. That's why the Carolinians say they're the first settlement in Saipan but not the Chamorros because the Chamorros were relocated to Guam that survived the Spanish inquisition and the measles and all. In fact, the last battle was possibly fought on **[inaudible]** Island, right outside Tinian. And so, for about 100 years, everybody from Saipan is originally from Guam.

Commissioner A. Bordallo: Right.

Bernice Tudela Nelson: Right.

Acting AD Burch: Originally. We're all related, we're all one people, but that's not what was decided when the law was passed. The law was based on residency and a time period of being here. So, yes, we're all Chamorro but just like if I go up to Saipan because I'm a Guamanian Chamorro, I can't buy concrete there, right, I'm excluded. This doesn't exclude people from buying land on Guam, but it's for Chamorro Land Trust but that was changed with 75A to a specific time period, that's the problem that we gotta to show is that; if you could show us, it could be a white person, it could be anybody, maybe eve Yokoi would qualify, he was here. Definitely, the caught him a whole lot later from 1898 to 1968, if you are

deprived. You didn't own land but you were deprived of it or if the US Federal Government, not the Government of Guam, it's very specific. US Federal took your land away from you. That way with the Guam Ancestral Lands Commission, I oversee also, if their lands were condemned, they automatically qualify, but also those whose properties were ideal to my uncle's property and if I was deprived at that right to make a living off that land. I didn't own it but I was deprived of a livelihood, then I would qualify too. If you can show us that, that you were deprived to that, or someone up there in your family, then you would qualify.

Bernice Tudela Nelson: Like I said, as far as I know, we have land here from Tudela and even Tony Sablan said yes, we have land, but I don't know what happened to it. I never asked my grandfather.

Acting AD Burch: If you could find that because the staff here is trying, looking through for any properties taken from the Tudela family they can find, but if the family had another name under.

Bernice Tudela Nelson: My grandfather was born here 1895 and he was baptized on Agana.

Acting AD Burch: Okay, that's where we need to do our research.

Acting Chairperson D. Herrera: Between now and next February, we should have a legal counsel, hopefully at that time and it would be good also for the legal counsel to write the findings cuz we can do here say.

Bernice Tudela Nelson: I'm just going to be hanging there.

Acting AD Burch: Well, no actions are being taken against you at this point, none of that. In fact, it did come to the commission's attention that you came here for the loan guarantee, and they started researching it and that's the job of the land agents. They'll try to look into it further but it would help if you could show them or find anything on your own because going back to checking on the ancestry with each one of us is a big task.

Bernice Tudela Nelson: Cuz, I gave all my grandfather's birth certificate, but they don't have, and death certificate. When they said they need death certificate because somebody said he was born in Saipan, so I provide that. I provide the birth certificate.

Acting Chairperson D. Herrera: Okay, so we're gonna do that report and legal's going to verify that report, and by next February you should have that.

Commissioner E. Garrido: But any documents that you have that we are not aware of.

Bernice Tudela Nelson: I'm giving everything I have.

Acting Chairperson D. Herrera: Right, so that document...

Commissioner E. Garrido: You made mention that Tudela's have land here on Guam. Where?

Commissioner A. Bordallo: Yeah, where?

Bernice Tudela Nelson: Up in Anderson, somewhere like that.

Commissioner E. Garrido: If you could find something that could sustain that claim.

Bernice Tudela Nelson: My uncle sold it under my grandfather's, I don't know.

Commissioner E. Garrido: When your grandfather left Guam? If you can still substantiate when he left Guam.

Commissioner A. Bordallo: What's your uncle's name. Give the land agent and they can check land management.

Bernice Tudela Nelson: I did that already, I called. But then it's going to take back because they don't have any numbers so it's going to take a while.

Commissioner A. Bordallo: Because there is, even going back to the Spanish days, there are records.

Bernice Tudela Nelson: Oh okay. Can I go down there and ask for it, I mean I already asked for it but they said they don't have time but can I do it myself?

Commissioner A. Bordallo: Yeah, you can ask.

Commissioner E. Garrido: That's why I mentioned to you last time, if you can do some research through the census in the early 1900's. Hopefully, your grandfather was still in Guam in the 1900's if he's listed on a census back then, that may give your claim footing.

Bernice Tudela Nelson: Like I said, we went to Saipan, a lot of them went to Saipan.

Commissioner E. Garrido: When did he go to Saipan?

Bernice Tudela Nelson: When he was a teenager.

Commissioner E. Garrido: Because you showed us him coming back to Guam or somebody coming back to Guam. You showed us a record of somebody coming back to Guam.

Bernice Tudela Nelson: My grandfather came here when we were here in 1960.

Commissioner E. Garrido: When?

Bernice Tudela Nelson: 1960.

Commissioner E. Garrido: 1960?

Bernice Tudela Nelson: Yeah, we lived in Chalan Pago. I went to school...

Commissioner E. Garrido: Now, that's after, after 75A, so...

Acting Chairperson D. Herrera: All those documents will be written down.

Bernice Tudela Nelson: [inaudible]

Acting Chairperson D. Herrera: So, we can have it documented and reviewed by the legal counsel just to save time because we can sit here, you know longer right, and keep saying all these here say things but we need the documentation to match what we're saying so you can have more comfort in understanding the status. You can remain where you're at for now until we can finish our final research and by next February 15.

Acting AD Burch: Was your grandfather a US citizen? I don't think so.

Bernice Tudela Nelson: My grandfather's from here, born here.

Acting AD Burch: But, people being born here doesn't necessarily mean they became a US citizen unless you were living here through the Organic Act.

[crosstalk]

Commissioner E. Garrido: Organic Act.

Acting AD Burch: Right.

Bernice Tudela Nelson: He was here.

Acting AD Burch: But if he was up in Saipan then he would not have been made a US citizen by the Organic Act.

Bernice Tudela Nelson: But I was here.

Acting AD Burch: But you were made a citizen in 1975?

Bernice Tudela Nelson: Yeah, because when I went back to Saipan and then I marry instead of waiting for Saipan people to become US, I went ahead and **[inaudible]**

Acting AD Burch: With the Common-law? You went and did it earlier? Okay.

Acting Chairperson D. Herrera: Okay. You see, you were mentioning you were there in 1948 based on the newspaper you reported.

Bernice Tudela Nelson: No, it was the research from Jessica. I was here...

Acting Chairperson D. Herrera: 1948.

Bernice Tudela Nelson: 1948. My mom and dad and me.

Acting Chairperson D. Herrera: Again, we can keep saying this over and over, but you did not become a US Citizen in 1950?

Bernice Tudela Nelson: No. I don't know if I'm...

Acting Chairperson D. Herrera: And that's why we want to write it down, auntie, so we can have research document because we can keep saying this over and over but you mentioned that you became US in '75'.

Commissioner A. Bordallo: How about your parents?

Bernice Tudela Nelson: My parents is from Saipan.

Commissioner A. Bordallo: They were born in Saipan?

Bernice Tudela Nelson: Born in Saipan.

[crosstalk]

Commissioner A. Bordallo: Both your mom and dad?

Bernice Tudela Nelson: Yes.

Commissioner A. Bordallo: Was your dad originally from Guam?

Bernice Tudela Nelson: No, he's originally from Saipan but he comes over here to translate for Japanese, from Chamorro to Japanese in 1945.

Acting Chairperson D. Herrera: So, all those will be in the document report. It will be very clear and then you can use that as your guideline. And that would make our decision very clear on where you stand.

Acting AD Burch: I think it's more going to be on, again, whether or not your father or your grandfather were on Guam during that period between 1898 to 1968 and was made a, and had property that was taken away or they were deprived access to it or, because the hardest part I can see is the citizenship issue, cuz that's...

Bernice Tudela Nelson: Okay, well when did Guam become US citizen?

Acting AD Burch: 1950.

Bernice Tudela Nelson: 1950? I was here before that. I was born in 48'. I was here for about three or four years.

Acting AD Burch: But the Federal Government recognized your citizenship when you became, when you married and became a naturalized citizen in 1975 and not 1950. So, if the parents had come here and stayed and remained a residence of Guam during that time, he would've been naturalized in 1950.

Commissioner E. Garrido: You stayed in Guam from 48', how many years?

Bernice Tudela Nelson: About [inaudible] years or three years. I'm still a baby. I was young when I still went to Saipan.

Commissioner E. Garrido: No, then you went back to Saipan?

Bernice Tudela Nelson: Yeah. Went to Saipan and I come back in 1960, after the typhoon.

Acting Chairperson D. Herrera: And you were born here? 1948?

Bernice Tudela Nelson: I was born in Saipan 48' but my parents and I came over here in a ship.

Acting Chairperson D. Herrera: Okay, so all those would be...

Acting AD Burch: We'll still forward that to legal for legal's interpretation. It's a gray area but you know...

Acting Chairperson D. Herrera: We'll be very clear when we're done. The lawyers are going to put that in writing.

Commissioner A. Bordallo: And then you mentioned Tony.

Bernice Tudela Nelson: Tony Sablan.

Commissioner A. Bordallo: So, Tony, we know holds property up in...

Bernice Tudela Nelson: Yes, up in...

Acting Chairperson D. Herrera: On the Artero. He was on the Sablan side and Tony's from...

[crosstalk]

Commissioner A. Bordallo: Is he a Tudela?

Bernice Tudela Nelson: My grandfather's a Ramirez and my other grandfather's the one related to Sablan.

Commissioner A. Bordallo: From the Sablan side?

Glenn G. Eay (CLTC): Your grandfather is Joaquin Sablan Tudela?

Commissioner E. Garrido: Okay, Sablan is [inaudible] because in that area is Artero

Bernice Tudela Nelson: Sablan. Tony Artero Sablan.

Commissioner E. Garrido: Yes, but the land was vested through the Artero, not Sablan.

Bernice Tudela Nelson: I don't know, but that's what Tony said. I asked him if there's Tudela land here and he goes, yes.

Commissioner A. Bordallo: So, you should ask him.

Bernice Tudela Nelson: That's what I'm going to do.

Acting AD Burch: We can find out from Tony and find out if he can give you directions, so, our land agents here are very capable doing their research and that's probably what's going to hint on. And I know nobody wants to see Amot Farms go down, but there is the law, and I know we're trying to figure out a way around it but if not, it might take legislation at that too.

Commissioner E. Garrido: But we're not chasing you out.

Bernice Tudela Nelson: I know, I know, I know you're not.

[crosstalk]

Commissioner E. Garrido: Nothing has been determined yet.

Bernice Tudela Nelson: Doing it for four years or something and then that's it and then I put all money and effort in it and it's like waste my time, you know. I don't want the kids or people that comes over here asking for medicine, and people come over all the time for medicine.

Acting Chairperson D. Herrera: And you applied of that place? You applied?

Bernice Tudela Nelson: Yeah.

Acting Chairperson D. Herrera: CHamoru Land Trust, right?

Bernice Tudela Nelson: Yes.

Acting Chairperson D. Herrera: So, all those documents will be written in the report an you'll have it line by line [inaudible]

Commissioner E. Garrido: Glenn, when did she get her lease?

Glenn G. Eay (CLTC): She applied sometime in 1996, and I believe the lease was issued, if I'm not mistaken in 2012 or 2010, 10' or 12'; most likely 12'.

Bernice Tudela Nelson: 1996? 1975?

Glenn G. Eay (CLTC): For the land use permit.

Bernice Tudela Nelson: Oh okay, because I was planting.

Glenn G. Eay (CLTC): Any records I saw in 1976, you were given a lease...

Bernice Tudela Nelson: For a 100 x 100.

Glenn G. Eay (CLTC): What happened was the lease was in a year-to-year basis, and there were some years that you didn't continue your lease, and I have records of those and letters from Land Management. Then when LUP was no longer in place, CHamoru Land Trust took over, that's when you came in and applied in 1996.

Acting Chairperson D. Herrera: So, all those will be listed down. All the documents that were mentioned, it's recorded, so it's going to be itemized.

Bernice Tudela Nelson: Okay.

Acting Chairperson D. Herrera: So, it will save you time and...

Commissioner E. Garrido: It's complicated.

Acting Chairperson D. Herrera: It's not, it's very simple. With the law it's written, it's clear, we're clear

Commissioner A. Bordallo: But the law can really confuse you.

Acting Chairperson D. Herrera: That's why we're going to make the lawyer make it really simple so we can understand, so, we don't want to waste your time because you have a lot of work to do. We understand the emotion that's going through and we understand the documents that you submitted when you applied for arendu and all this research. You believe in praying and meditating?

Bernice Tudela Nelson: That's right!

Acting Chairperson D. Herrera: If you can do that, you're fine. No worries, right?

Bernice Tudela Nelson: Okay.

Glenn G. Eay (CLTC): But if you can give us the document where you said, a taking was in place back then, from the Tudela or Sablan, then it would help us in the case, we would really appreciate.

Acting Chairperson D. Herrera: That one Glenn, communicate that, because we're not here to do that now.

Glenn G. Eay (CLTC): We have the tools, like Land Management has.

Acting Chairperson D. Herrera: Right, understand.

Glenn G. Eay (CLTC): We're going to have to work with them and we're there to help you.

Acting Chairperson D. Herrera: So, communicate one to one if you have the documents and set it up on your summary.

[crosstalk]

Glenn G. Eay (CLTC): Any names, you know, and then we can find out, see how we can assist you in finding those land takings or condemnations and we can do it as soon as possible, hopefully before the February 15 meeting. We need that to help you.

Bernice Tudela Nelson: I called the SBA and tell them forget about that, the loan; just fix my house a little bit of a time; you know it's starting to...

Acting Chairperson D. Herrera: We have no problem the SBA; its where the house is standing on. That's our mission, so the land. But okay, again, we'll get all the documentation.

Bernice Tudela Nelson: Okay.

Acting Chairperson D. Herrera: We'll decide based on the facts.

Bernice Tudela Nelson: Okay. Thank you.

Acting AD Burch: Commissioners, what we got recently that wasn't in my report. I guess if we can go back on the agenda on the Director's Report. This is interesting legislation that came up and I just checked it; public hearing is going to be on Tuesday.

Acting Chairperson D. Herrera: For Tuesday? Next week?

Acting AD Burch: Yes, Tuesday next week, February 6th at 10:00AM.

Acting Chairperson D. Herrera: That's 212?

Acting AD Burch: 228.

Acting Chairperson D. Herrera: 228, and that's regarding?

Acting AD Burch: It regards the successors to CHamoru Land Trust.

Acting Chairperson D. Herrera: The children.

Acting AD Burch: The children, yes, so can I go back into the Director's Report?

Acting Chairperson D. Herrera: Any objection or...

Acting AD Burch: Okay, because I just got this the other day and I got notice from Adelup and they want to know what our position is on this. Okay, I do know that it's something that really thank the Speaker for bringing this up, but it's missing things too.

Acting Chairperson D. Herrera: Good!

Acting AD Burch: Not only children. I find it, but I read through the law, it's missing siblings. I can give property to my beneficiary, to my sister-in-law, but not my brother, so we should make it siblings too

Acting Chairperson D. Herrera: Okay, add it in, and we'll...

Acting AD Burch: Okay, siblings, because it's really odd. They might think something is wrong. Why give my sister-in-law but not my brother, but it's not allowed for my **[inaudible]**? That's one of the problems that we heard previously with people coming in. It was given by the brother therefore it's a voidable; exactly, it's one of those voided stuff. So, we can ratify some of these by doing that. And this one here is for you to give to your grandchildren but there's many cases, there have been some cases where grandchildren wanted to return the property to the grandmother, grandfather. It's not allowed to be reversed and can't go to the grandparents. So, that's, grandparents, siblings, and retroactive so we can ratify some of these issues.

Acting Chairperson D. Herrera: Okay.

Acting AD Burch: Is there anything else that I am missing?

Glenn G. Eay (CLTC): Well, I believe the grandchildren and of course we have the children and the grandparents.

Acting AD Burch: Yes, retroactive, and if you support it, I can write up testimony and testify in favor of this but to include these others. Because these are issues that becoming before us. I notice several of them when we're going through the loan guarantees why they're not being; while we're doing that, the land agents are

auditing their records they say it was given to you by your brother, so there's a problem because it's not allowed by law, from the grandparents to the grandchildren, the law, so this will fix that.

Glenn G. Eay (CLTC): See, we also want to include parents, grandparents, grandchildren, blood relatives. Yeah, because if it were to be given to my sister-in-law and my brother died given to her, then she gets married, it goes to another family when she dies. And it's away from the blood line of my family, so, I would say yes, blood relatives, that's the key part. So, you would want to keep it at the family tree. But that's why I find it odd. This is a problem I say; why can't we do it? Well, it's missing.

Acting Chairperson D. Herrera: Remember, we had this stumbling block since 1975.

Commissioner E. Garrido: Well, that doesn't make sense at all. It includes, widow and widower of siblings but not the sibling.

Acting AD Burch: Yeah, that's my problem. **[inaudible]** you see what I mean right? Let's add the siblings, grandchildren; and this would **[inaudible]** February 6th at 10:00AM. If any of you will be there, I'd be more than happy. With many times I go to the legislature, whether it's Ancestral Lands or here since I've been here, if the commissioners are there, it has a greater impact than just the administrator.

[crosstalk]

Commissioner A. Bordallo: Why are you meeting? It's a public hearing.

[crosstalk]

Acting Chairperson D. Herrera: We're stuck at number six (6), since when, 1995?

[crosstalk]

Glenn G. Eay (CLTC): Number six is grandchildren.

Commissioner A. Bordallo: **[inaudible]**

Acting Chairperson D. Herrera: Just to let you know, this is an applicant.

Glenn G. Eay (CLTC): But with this one, we can move forward with number six.

Acting Chairperson D. Herrera: The applicant passed away?

Glenn G. Eay (CLTC): Yes, passed away.

Acting AD Burch: That's not included in this.

Glenn G. Eay (CLTC): Not included that.

Acting AD Burch: I don't see applicant included in this and there's an issue if we include the applicant and beneficiaries of applicants who pass. You know that's going to do a lot of work for the staff. I'm going to need more staff to do the history to find out who are the heirs of the applicants.

Acting Chairperson D. Herrera: You see, I mentioned this when I requested for the 8,000 applicants.

Acting AD Burch: It's up to you if you want to include applicants but it opens up another can of worms.

Commissioner E. Garrido: Well, number six is an applicant, not a lessee?

Acting AD Burch: Yeah, yeah.

[crosstalk]

Glenn G. Eay (CLTC): But the beneficiary is a grandchild.

Acting Chairperson D. Herrera: He is a deceased. The applicant is deceased.

Commissioner E. Garrido: Huh?

Acting AD Burch: And if the applicant is deceased, then their application is deceased too.

Acting Chairperson D. Herrera: But the grandchild who is there.

Commissioner E. Garrido: But the grandchild is not covered.

Acting Chairperson D. Herrera: That's why we're doing this law, right?

Commissioner E. Garrido: But that's what I said, to include applicant slash lessee.

Acting Chairperson D. Herrera: Right.

[crosstalk]

Acting Chairperson D. Herrera: So, write those things down, what you have in thought so we can submit it and then they'll hash it out.

Acting AD Burch: Okay, so, you want successor to the applicant, so even if you don't have a lease, you're recommending to put this?

Commissioner E. Garrido: Yeah, because that's number six, they don't have a lease.

Acting Chairperson D. Herrera: That's why we're stuck at number six.

Acting AD Burch: Okay, we'll make our list so I can write up the testimony. I just need a list of everything that you want in there. What's been causing us to have [inaudible]. And that would ratify a lot of leases.

Commissioner E. Garrido: All that 18,000, they're all applicants.

Acting AD Burch: Right. The issue too is to make it retroactive because if we do it from today.

Commissioner E. Garrido: Grandfathered?

Acting AD Burch: Yeah, you know, all those people will still be cut off, so we gotta retroact this back to make it effective.

Acting Chairperson D. Herrera: The legislature could do that in their...

Acting AD Burch: Well, that's why we come in and they amend the bill.

Commissioner A. Bordallo: Clarify it.

Acting Chairperson D. Herrera: So, that's why I say...

Acting AD Burch: That's why in order to show emphasis, that's what we actually need. It helps for the board to be as you're the governing board, you know, we administered whether I agree or disagree of what you say what I'm going to do, we well do it. The decisions made by the board, here. Okay, yeah, so this is important so

what I can do is once I sit down with the staff tomorrow, we'll go over all these applicant, siblings, retroactive grandparents and parents.

Glenn G. Eay (CLTC): And parents, yes.

Acting AD Burch: And successors to applicants and then once I have that drafted up, I'll share it with you.

Commissioner E. Garrido: You don't wanna, in that phrase there, successor to applicants and/or lessee?

Acting Chairperson D. Herrera: Yeah, write it down and we'll add it in.

Commissioner E. Garrido: Yeah, because if you're a lessee and the grandchild is still not accepted, then we'll cover both basis by saying applicant and lessees.

Glenn G. Eay (CLTC): When the law is already in place when you have a lease, you can give to your children right, and your nieces and nephews but it doesn't include grandchildren, right.

Commissioner E. Garrido: That's what I'm saying.

Glenn G. Eay (CLTC): So, you're right.

Commissioner E. Garrido: That's what I'm saying to include it.

Glenn G. Eay (CLTC): Yes, yes.

Commissioner E. Garrido: We include both categories, applicants and lessees and using the term retroactive.

Acting AD Burch: Right.

Acting Chairperson D. Herrera: You remember the void and voidables, the report from the Attorney General? Those that jumped the line and then those that were provided leases on unregistered land. So, you know, these issues, right? Right now, we've got 2,900 leases and then out of 2,900, we're only at number six. So, all the others are basically are given a lease, its either they're preoccupying, right, and they're backed by the land use permit or just by squatting or by Department of Agriculture. Verify that, Glenn. 2,900 leases, right? That's the database now.

Glenn G. Eay (CLTC): Right.

Acting Chairperson D. Herrera: We're still at number 6 on the first come, first serve. And how many have been given leases that passed number 6? So, compute in the pre-occupiers, remember?

Glenn G. Eay (CLTC): But we have to remember that as a pre-occupier, right; I'll give you an example, I've been there since 1986, never left he farm, I applied at 2009. The law's very clear that the leases will be issued based on date and time, but because I applied in 2009, that doesn't allow me to jump and get a lease right away. I have to wait my date and time when 1995 is completed, 1996 completed, but we have many cases, like I said, they're pre-occupiers and was issued a lease. They jumped the line. There has to a fix to that too.

Acting Chairperson D. Herrera: Correct. Good one. So, the question here is, which came first, right, the chicken or the egg? The chicken in the public law 12-226 or the egg can be the land use permit, that's public law 30...

Commissioner A. Bordallo: Provided that the arendu, the people are still farming.

Glenn G. Eay (CLTC): Yes. They're living, continuously occupying to current.

Acting Chairperson D. Herrera: Correct.

Glenn G. Eay (CLTC): So, if they leave, 1 year, 6 months, 30 days, then they abandoned the premises. We have cases, back like 5 or 6 years ago, where the sibling is the LUP, stayed there like up to year 1998/2000 for example, left island for 6 months for whatever reason, sister stays there and when she came back to make claims, because she didn't have a lease, she wasn't qualified to get a lease because she left island.

Acting Chairperson D. Herrera: But she grew up in that homestead?

Glenn G. Eay (CLTC): Yeah, but she didn't continuously occupy, she left without consulting...

Acting Chairperson D. Herrera: Who has the lease?

Glenn G. Eay (CLTC): The sister.

Acting Chairperson D. Herrera: The sister?

Glenn G. Eay (CLTC): Because the sister stayed there too as well.

Acting Chairperson D. Herrera: And is that her primary residence?

Glenn G. Eay (CLTC): For both sisters.

Acting Chairperson D. Herrera: Okay, so what I'm saying here is that we'll make the legislature hash that out. I'm not a senator, you're not a senator so we'll lay that out and have them analyze that.

Commissioner A. Bordallo: But the question is, the brother or sister that left, allowed her to stay.

Glenn G. Eay (CLTC): Yes, but they're also staying there too, you know at the same time because you know on the arrendo, siblings we're staying there too.

Acting Chairperson D. Herrera: As a primary residence?

Glenn G. Eay (CLTC): Even if you're the land use permittee, also the children is also entitled to that too, or siblings but if you leave the premises and you no longer, you know, you're not continuing occupying.

Acting AD Burch: Does that law also allow for squatting?

Glenn G. Eay (CLTC): For squatting, okay, we have to remember that for anybody, even if you're on the arrendo, say you're an LUP and then you come in today and you say your date and time is up, you have to qualify for the program and if you don't today as 75A, that's when you have to vacate.

Acting Chairperson D. Herrera: Squatting?

Glenn G. Eay (CLTC): That applies to that too.

Acting Chairperson D. Herrera: So, answer the question is, is squatting included in that? Yes, or no?

Glenn G. Eay (CLTC): There's a...

Acting Chairperson D. Herrera: Just say yes or no.

Glenn G. Eay (CLTC): Yes

[crosstalk]

Acting Chairperson D. Herrera: Okay, that's it.

Glenn G. Eay (CLTC): For those who were occupying under land use permit or unauthorized.

Acting Chairperson D. Herrera: Okay, we don't need to keep [inaudible]. Okay, so we're done with that subject.

Acting AD Burch: So, that means they qualify.

Acting Chairperson D. Herrera: Right. That's the questions so we can spread the cheese all the way right, but are they qualified, yes or no, based on 75A, yes?

Glenn G. Eay (CLTC): That's yet to be determined.

Acting AD Burch: Anyway, this one here is good news. If you're there, I'll work on it.

Acting Chairperson D. Herrera: It's a thirty-year-old problem.

Acting AD Burch: This would resolve a lot of issues so; I thank the Speaker for coming through with this [inaudible]

Acting Chairperson D. Herrera: Retract it, that would be another subject, you know what I mean?

Acting AD Burch: It's up to the Legislature. We'll give our input and the more support we get on the input for this, I know affects the decision and process of the legislature

Acting Chairperson D. Herrera: So, we're still on public comments, yeah?

Acting AD Burch: Yes.

Acting Chairperson D. Herrera: Would you like to come and say something, sir?

JOHNNY C. CHARFAUROS

Johnny C. Charfauros: One question I would like to ask, between the two of you guys.

Acting Chairperson D. Herrera: Just state your name and write. We don't have overtime funds.

Johnny C. Charfauros: Alright. Commission board members;

Acting Chairperson D. Herrera: State your name for the microphone.

Commissioner A. Bordallo: You're on.

Acting Chairperson D. Herrera: Your name.

Johnny C. Charfauros: Commission board members, and Mr. Chairman Herrera, Mr. John Burch, Acting Administrative Director, and lead agent agriculture, Glenn Eay, what I wanted, my opinion and I wanted to ask, I want to be attending the CHamoru Land Trust regular board meeting every month. During this time, I would like to understand what is being said. Would be it be okay, if whatever documents you guys are being given, I would like to take a look at it, so I can decide what you guys are talking about representing the public. So, when that line item, public comment comes up, I can or don't have to make public comment about what transpired here [inaudible]. So, if I cannot, what public law or what reference states that I can be given a copy of what's going on in the meeting? End question.

Acting Chairperson D. Herrera: Okay. We'll share that with our legal counsel but of course, application with data like social security number and stuff like that would be, you follow what. **[inaudible]** So, some documents are protective documents.

Johnny C. Charfauros: But it's being transpired in public because of the meeting. So, really, as long as its **[inaudible]**

Acting Chairperson D. Herrera: Right, other than that.

Johnny C. Charfauros: **[inaudible]** for a public member like this to take a look at what agenda you...

Acting Chairperson D. Herrera: Correct. You're right. That's all.

Johnny C. Charfauros: That's the reason why it's an open public meeting.

Acting AD Burch: I can understand.

Johnny C. Charfauros: Again, if I wanna say something, I can come forward. Thank you for that.

Acting Chairperson D. Herrera: Have a good day. Thank you for your research. Okay, just two items and then we'll close it.

Commissioner A. Bordallo: I have to go.

Acting Chairperson D. Herrera: Real quick. On this first document, there's 211 lots, this is Tract 319, this one. So, I know that we had a work with GPA last week, I believe.

Acting AD Burch: Actually, this meeting, but you know.

Acting Chairperson D. Herrera: Oh, okay.

Acting AD Burch: So, it's still current.

Acting Chairperson D. Herrera: So, all these 211 lots have leases, but they don't have access to go into the property, so we're going to ask...

Glenn G. Eay (CLTC): We've already given give sites to GPA that with homes without utility such as power that they were able to see and that's where the \$190,000.00 is supposed to come in.

Acting Chairperson D. Herrera: Alright. So, tomorrow, please send me a schedule, I'd like to bring you to the site I'm talking about so I can explain to you what I'm trying to do.

Acting AD Burch: Okay, mister chair, are you going to be involved with the negotiations with GPA.

Acting Chairperson D. Herrera: Ah, no, I want to show Glenn what I'm talking about because you're already telling me you're going to have access to the property.

Glenn G. Eay (CLTC): I'm not sure if you understood what I was saying. We identified five sites that people who are living and occupying homes without power and GPA have those five sites and they would choose among those five sites where they want to put all those power poles.

Acting Chairperson D. Herrera: Thank you, sir. Is this part of the five (5) sites?

Glenn G. Eay (CLTC): 319? I don't believe it's one of them.

Acting Chairperson D. Herrera: Okay, so tomorrow, if permission of the director. I'll show you the sites. You know, I'm trying to finish my presentation but go ahead, you interrupted, so...

Commissioner A. Bordallo: Are those properties that belong to CHamoru Land Trust?

Glenn G. Eay (CLTC): It's CHamoru Land Trust properties, yes.

Commissioner A. Bordallo: And they have leases?

Glenn G. Eay (CLTC): Yes, they have leases there.

Commissioner A. Bordallo: They can get power?

Acting AD Burch: I think what he's saying is GPA, [inaudible], I wasn't in here for the meeting. They had a discussion on, well, I guess that's why this map was brought up.

Acting Chairperson D. Herrera: That's another one. That's the second one. See, these are all residential lots, right, so you know...

Acting AD Burch: Is this the one where they want to do the temporary?

Glenn G. Eay (CLTC): Well, this one here is where they want to store their containers [inaudible]

Acting AD Burch: Right. And we're supposed to work out an MOU with them and what they propose when they met with us a couple of weeks ago was they came up with five (5) sites where they could install power and they have an estimate how much it's going to cost giving power to people who are living in areas, living there now with houses, with no access to utilities. And they were going to bring the propose that we could bring the power into there.

Acting Chairperson D. Herrera: And there's residences in that site there?

Acting AD Burch: Are there?

Glenn G. Eay (CLTC): There are already people living there without power

Acting Chairperson D. Herrera: So, let me restate it again. The question is, is there's residences there?

Commissioner A. Bordallo: Can I ask? How many families before GPA can come in there and put in the power lines? How many is required? In other words, when you apply for power, how many of families can get power in that area. How many families can apply for it?

Glenn G. Eay (CLTC): Anybody can apply for power, so the question is, if I'm the individual applying for the power, I'm the fifth lot furthest away from the nearest power line, so, what I'm going to have to do, the applicant paid for those number of power poles to get into my place and I would have to pay for those power poles. So, to answer your question, by the 5th lot, four families were able to receive power [inaudible]

Commissioner A. Bordallo: Provided they pay?

Glenn G. Eay (CLTC): There's an agreement with GPA and the applicant where they will be reimbursed, once the people start connecting to those lines. That's not a CLTC thing, that's between GPA and the applicant.

Acting AD Burch: I think where we're getting is, anybody living in this area, in the Agat, in the Pagachao area

Glenn G. Eay (CLTC): See, this is something that I haven't seen yet in Tract 319

Acting AD Burch: [inaudible]

Glenn G. Eay (CLTC): I know 319, there's power within some areas. There are people living within 319, so, like what the Chairman said, he wants to show me the area where it was...

Commissioner A. Bordallo: What's so sad is that is, you know in the old days when you apply for power, there's no problem, they'll put the pole up, they'll give you the power. Now, you practically have to pay for the power pole.

[crosstalk]

Commissioner A. Bordallo: You do!

Acting AD Burch: When I installed power lines, it cost me 12,000 to put everything in.

Commissioner A. Bordallo: See that's just the whole point.

Acting AD Burch: [inaudible] then my neighbors hooked up

Commissioner A. Bordallo: First of all, CHamoru Land Trust people don't have the means to pay for each power pole

Acting AD Burch: That was in 86' when it cost twelve thousand. Today, it cost way more than that.

Commissioner A. Bordallo: And yet, GPA is making a lot of money. It's not fair, I mean there's where the public should get those kind of assistance that at least to put the power pole in.

Acting AD Burch: They're willing to negotiate for in-kind service. The decision from CLTC is location. Which sites do we want them in? What was identified was five sites. What the Chairman is identifying is the 6th site, another site to look at. Where will we; our tenants or lessees benefit the most, who can benefit the most with that and they are offering up to in-kind value of around \$190,000.00 for leasing the property [inaudible]

Commissioner E. Garrido: \$200,000.00.

Acting AD Burch: \$200,000.00? \$190,000.00 is what was approved to start negotiations.

Commissioner A. Bordallo: Yeah, but for how many families?

Acting AD Burch: That's the part that we gotta decide, location.

Commissioner E. Garrido: It's a dollar a month once they spend it, no more freebie.

Acting AD Burch: So, the thing is, for us to decide which site and I get where the Chairman is saying. There's a site in Pagachao, for in that general area. What Glenn is saying is that there were five sites identified already with GPA, but it doesn't mean we can't add a number 6 in here and say here's another location. But what we got to look at is the most benefit. You know, you're saying, are these people capable of hooking up because I don't know, I believe there's a requirement that before you get power you have to have all other things in place right before you connect up. You can't just apply for power unless you have a building permit that says you're going to build or your building is legitimate.

Commissioner A. Bordallo: Especially now it's underground that they require?

Commissioner E. Garrido: No.

Commissioner A. Bordallo: No?

Acting AD Burch: They're still doing some overhead. I'm assuming this is going to be overhead powerlines. Underground is when you do subdivisions.

Commissioner E. Garrido: You know Director, my short time here with CLTC, we've allowed GWA access through LCTC land in more than two or three occasions. We need to use the GPA template and instead of giving them the access that they give us something in-kind, because water is more expensive than power.

Acting AD Burch: And its needed more in life than power. We need water. We can survive without power but we need water. But this is an opportunity so, the decision for the board is once it comes up for negotiations to present to the board, and the board approves its location. So, it's still in your hands. It's just that you want to add number 6, another location. That means it will go out and look at the site.

Acting Chairperson D. Herrera: So, where's the number 5?

Glenn G. Eay (CLTC): I presented it last meeting and everybody provided a copy but if you need another copy, I can give you a copy.

Acting Chairperson D. Herrera: Yeah, let me have it now.

Commissioner A. Bordallo: Give it all.

Glenn G. Eay (CLTC): Yeah, I can give it to you.

Acting AD Burch: [inaudible]

Acting Chairperson D. Herrera: I believe Dexter's doing it already, what's your point Glenn?

Glenn G. Eay (CLTC): I'm sorry?

Acting Chairperson D. Herrera: What's your point now? Dexter's going to get it.

Glenn G. Eay (CLTC): I wanna ask why you're being like that to me?

Acting Chairperson D. Herrera: Oh, no, my feet is numb. I'm numb.

Glenn G. Eay (CLTC): What's my point? What are you trying to say? You ask me a question and I...

Acting AD Burch: We just added another site, number six and then of course the negotiations go forward. They already know \$190...

Commissioner A. Bordallo: If they're willing; but you give the same amount, right?

Acting AD Burch: Well, the lady that was here representing GPA said they can go as high as \$190k. We agreed \$190k was good. They said, that was highest they would go and the thing is for us to make a decision on site, so, that's the other part of the negotiation of the MOU and once we do that before the MOU goes out, the board gets to approve it. The board makes the final decision. We just don't create the MOU and sign it, it goes to the board, board approves it and the selection of site. So, if you want a number 6 site; I'm just saying when you select the site, choose the one that would get more benefit for the people currently living there. If you got like thirty people here and one here, I recommend to taking care of the thirty. You know, spread the benefit as far as we can.

Commissioner A. Bordallo: So, you let us know.

Acting AD Burch: You guys will make that final decision and based on the numbers of where we get the most benefit but of course, you could say, can I do a subdivision but nobody lives there. I would recommend where we have people.

Commissioner A. Bordallo: [inaudible]

Acting AD Burch: And then the other determining factor is, do they qualify for a hook up?

Commissioner A. Bordallo: Yeah

Acting AD Burch: You know?

Commissioner A. Bordallo: Do they have the means to hook up?

Acting AD Burch: Right.

Acting Chairperson D. Herrera: 319's been developed since 1970

Acting AD Burch: I don't know if we have any tenants living there, to be honest with you. I know Pagachao, but I don't know which side, you know? That's all a subdivision area.

Acting Chairperson D. Herrera: Right, that's why I want you to have it pulled out on the map. Okay, so you see, so that's why I'm asking. Is that we open up where the arrow's at.

Acting AD Burch: I see it.

Acting Chairperson D. Herrera: And we...

Acting AD Burch: You like to open up the easement itself?

Acting Chairperson D. Herrera: Yeah, right. Well, it's an easement, it's just that it's got shrubs

Acting AD Burch: I see. I'm not sure how GPA is. The thing is, they are going to expect the easement to already be open at least and plant the poles. Or the cost when you start opening the easement, if that's gonna, of course that's going to add to the cost right?

Commissioner E. Garrido: That's a question for GPA.

Acting AD Burch: Yeah, well the total they're saying is \$190k [inaudible]. But I don't think they're going to open the easement when they put the pole when they, power poles and easements, they just clear it, put the pole and then as long as the line truck can go in, right, and the bucket trucks can go in. They're not going to go in and those are big 4-way drive vehicles. They're going to make it smooth necessarily, just for their vehicle.

Commissioner E. Garrido: GPA has access to back hoe, they have back hoe.

Acting AD Burch: Oh yeah, yeah. They will do that. I'm just saying they're not going to open the easement and put coral and all that to make it something you can drive a regular car into. They're going to make access into [inaudible].

Commissioner A. Bordallo: And hopefully the public don't dump on it.

Acting AD Burch: That is a problem. That is a problem that I found out with Ancestral Lands, so yeah, we don't want that.

Commissioner A. Bordallo: So, where do we go from here?

Acting AD Burch: Well, the Chairman wants to add a number 6 to the list that we already have, five, and that's what Glenn Eay was saying is that we have 5 sites identified but [inaudible]

Acting Chairperson D. Herrera: And that was discussed during our...

Acting AD Burch: The last meeting, yes, GPA came in here.

Acting Chairperson D. Herrera: Right, okay, so that's...

Acting AD Burch: I don't have, I didn't bring any because that topic was already covered. I didn't know we were going back to it. And it was here when they were here; the representative from GPA was here. And they felt that that was a quicker way to get in because they have previous talks with Joey Cruz and Glenn. I was probably in another, back-to-back meetings, right. And then I was unable to attend that one, so they went ahead on by behalf.

Commissioner A. Bordallo: Number 6.

Acting AD Burch: Pagachao, Agat, your site, right?

Acting Chairperson D. Herrera: Right. Yeah.

Acting AD Burch: I know the area, I just don't know where the CLTC.

Acting Chairperson D. Herrera: From the Pagachao site? But that's what I'm saying, right, there are homes that are there and then all the lots here. Do we have a problem here? Do we need to call security?

Acting AD Burch: There's a problem? I don't...

Commissioner A. Bordallo: [inaudible]

Acting Chairperson D. Herrera: Okay, so, if you look at the lots here right, there's 211 and these guys have been giving the lease since back in 95'. So, the point here that a, if we can start opening up the access here; we had a plan here since last year with Joey, when Tina, I mean, Alice was here. They apparently, they transferred the money that was going to be used to open up the access, where the arrow's at.

Acting AD Burch: Yeah, so was this the ARP funds or something?

Acting Chairperson D. Herrera: It was the funds in the account that we had according to Joey.

Acting AD Burch: Oh yeah, and it was transferred out?

Acting Chairperson D. Herrera: Right. So, the reason why I was asking if you can get GPA involved in this one is that they have a clearing, they can clear access sites to the rights of way.

Commissioner A. Bordallo: Why is it unregistered? It says...

Acting Chairperson D. Herrera: Unregistered?

Acting AD Burch: I can barely read this thing.

Commissioner A. Bordallo: It says unregistered.

Acting Chairperson D. Herrera: Oh, that's Lot 453. This is Tract 319. 453 is another lot. You, see? A different lot. This is the lot that's together, that was subdivided.

[crosstalk]

Commissioner A. Bordallo: So, where is that now?

[crosstalk]

Acting Chairperson D. Herrera: He's talking about the last meeting?

Acting AD Burch: Yeah. The one where GPA was here, with their presentation.

Acting Chairperson D. Herrera: So, what I was understanding is that from GPA right, we're going to barter, some sort of service for the property.

Acting AD Burch: Yeah, they agreed on that and accepted the \$190?

Acting Chairperson D. Herrera: Right. So, that's the reason why I had this because of the 211 lots and...

Commissioner A. Bordallo: Is that the same thing as this?

[crosstalk]

Acting AD Burch: GPA now is on the right, up in the Yigo area and this is in Agat.

Acting Chairperson D. Herrera: Correct. But this is not about the GPA, this is about these lots, the 211, we want to start an RFP to have a subdivision work done.

Acting AD Burch: So, this is not about GPA, this one?

Acting Chairperson D. Herrera: No, just to get a subdivision on this one because this was prepared for a subdivision and development but it was; it died.

Acting AD Burch: But...

Acting Chairperson D. Herrera: Go ahead.

Acting AD Burch: On the agenda.

Commissioner A. Bordallo: I'm really sorry. I wanna see this map is not the map that I have here.

Acting Chairperson D. Herrera: This one you mean?

Commissioner A. Bordallo: Yes. And jumping from this to that.

Acting Chairperson D. Herrera: We're done with this one. For GPA to come in and open up the road.

Acting AD Burch: So, you want GPA to open up this one?

Acting Chairperson D. Herrera: If they, if they can

Acting AD Burch: They mentioned the linear fee. How far they will go, I don't think it's [inaudible] \$180 thousand

Acting Chairperson D. Herrera: I did that; our group to start requesting either DPW or, right where the arrow's at, and again

Acting AD Burch: This will take a lot of survey. I know that with, with, I just did, it cost about 89, 90 thousand. Land Management told me to survey lots within the 102 acres, they ran about that much.

Acting Chairperson D. Herrera: The lots have been already surveyed

Acting AD Burch: They have been?

Acting Chairperson D. Herrera: It used to be a subdivision okay. It used to be Land for the Landless.

Acting AD Burch: This is already surveyed property?

Acting Chairperson D. Herrera: Right, and all the lots have been issued leases

Acting AD Burch: So, not related to the GPA, this one at all? I just thought so because this is the location right where they wanted to stage their generators, I thought it was GPA.

Acting Chairperson D. Herrera: Right across the, that's the 144 lots. Okay, if you look at page 2, the five sites, right, they're all in Dededo, Mangilao, and Yigo.

Acting AD Burch: So, you want to include Agat?

Acting Chairperson D. Herrera: If you can, because you know, this is 311, 211 lots subdivided and...

Acting AD Burch: But, are they; it talks about here if you look at it, what's the most expensive one? Just say, the one close to 190 is site number 4, right?

Acting Chairperson D. Herrera: Yes.

Acting AD Burch: It tells you the estimated line length in feet, 3000 feet for about 20 spans at \$8,000 per span, 160 thousand dollars, so, when you're thinking of that, the estimated alignment

Acting Chairperson D. Herrera: So, each span is a pole?

Acting AD Burch: Yes.

Commissioner E. Garrido: No.

Acting AD Burch: Not a pole?

Commissioner E. Garrido: Each span is the distance from one pole to the next adjoining.

[crosstalk]

Acting AD Burch: Not the length of the pole? I thought that's what your asking. You have one pole here, you have one pole here, that's a span

Acting Chairperson D. Herrera: So, one span is two poles? Something like that?

Acting AD Burch: The length between the two.

Commissioner A. Bordallo: It's how many feet.

Acting AD Burch: How many feet.

Acting Chairperson D. Herrera: Okay.

Acting AD Burch: So, they can go and estimate it, 20 spans for \$160 thousand. That means like 221 holes.

Acting Chairperson D. Herrera: Okay.

Acting AD Burch: If you look at what you're talking about here, that will go far into that.

Commissioner A. Bordallo: The question is how many families is it gonna provide power?

Acting AD Burch: And that's why they were looking. This is to benefit families to individuals already living there. That's what I'm saying taken into consideration. We could look at this other one and see and then determine if that's correct. But I mean, if there's more people to benefit there but you gotta think about it. 20 spans, if you go up another span, maybe 180 thousand already. That's about 21 poles, 20 to 21 poles. You're gonna put up...

Commissioner E. Garrido: Each pole is capable of serving four homes

Acting AD Burch: Or approximately, yeah

Commissioner A. Bordallo: So, that's 80, based on the 20 spans?

Commissioner E. Garrido: Okay, these numbers you're looking at is just for the span, okay? It's not for the transformers or the drop lines

Acting AD Burch: It's not for clearing.

Commissioner E. Garrido: And it not for clearing either.

Acting AD Burch: But, that's what the Chairman's saying is that for them to open the easement and say there's an extra cost and I remember that when I opened about a half mile, 3-quarter miles in, that was a huge cost just for survey services

Commissioner E. Garrido: Another cost they have to look at, to incorporate is, the properties have already been surveyed, right?

Acting Chairperson D. Herrera: Yes.

Commissioner E. Garrido: There's no access to the properties?

Acting Chairperson D. Herrera: Uh, yes.

Acting AD Burch: That's what I was understanding, the access, you wanted them to open up the access

Acting Chairperson D. Herrera: Right. The access here, maybe there's around 8 Ironwood Tree, once you open that, it's all sword grass. That's what I'm saying...

Commissioner E. Garrido: But another caution you have to look at is the retracement for the right of way.

Acting Chairperson D. Herrera: Okay, so we'll just table this.

Acting AD Burch: Well, it's something, like I said, the final decision is up to the board. I mean, I could look at it and see if it's feasible again. What I'm saying is to look at where we get the most benefit from this. You know, 40 individuals out there, not, not for ourselves.

Commissioner A. Bordallo: You guys have to do the research [inaudible]

Acting AD Burch: Yes, and that's why we have several sites that we're looking at. We could add in number 6.

Commissioner E. Garrido: The \$290 thousand, I don't know if it'll be enough for one subdivision

Acting AD Burch: I know it's not 200, it's 190. So, it's not...

[crosstalk]

Commissioner E. Garrido: Give in to consideration clearing, because they can probably clear it for us but we don't know if they'll charge us, okay

Acting AD Burch: Right.

Commissioner E. Garrido: So, it's also going to entail retracement. They have to plot out where the right of way is, because it's overgrown right now.

Acting AD Burch: Yes. Right.

Commissioner A. Bordallo: I think we have to go to site 2.

Acting Chairperson D. Herrera: Right, that's what I'm saying, we have to put some visual on it because...

Acting AD Burch: That's why, I mean, Joey Cruz will be out until tomorrow and will be returning Friday. I guess there was a death and...

Acting Chairperson D. Herrera: I understand.

Acting AD Burch: So, the thing is, he attended the meeting but then GPA representative came in

Acting Chairperson D. Herrera: That's why I was asking because normally Glenn would follow us on our site, but because Joe's not available, so if he's available tomorrow, but it's okay, we can cancel it because...

Acting AD Burch: Yeah, and you know, this is something that GPA wants to move on and it's up to the board now based on whatever recommendations that the staff gives to select the best site, and I'm saying to select the best site where we actually have people living in our homes that means they already have access road into their places

Acting Chairperson D. Herrera: Yes, and you're right because to get access here, people are cutting across, just like the way to Swamp Road, and before you know...

Acting AD Burch: Yeah, I know. I've seen that issue before with people doing that. I've developed property personally, after I opened up and everybody went.

Commissioner E. Garrido: Have we gotten all the monies that we were ear marked for by the legislature, by the governor's office?

Acting AD Burch: For the loan guarantees? Yeah, that's what I was told, we did receive it, according to Joey.

Commissioner E. Garrido: All of it?

Acting AD Burch: Assumingly, we received all of it. I can follow up with them on that.

Commissioner E. Garrido: Because we got initially a million from the legislature, right, and then we got four (4) million from the Governor's Office and then didn't the legislature give us an additional 6 million.

Acting AD Burch: No, it was 6 million, what's that; 5 million, 6 hundred thousand total that we have. Summage from previous...

Commissioner E. Garrido: So, that then, is the money that came from the Governor's Office and the initial 1 million from the legislature?

Acting AD Burch: Yeah, that's what we have.

Commissioner E. Garrido: I thought the legislature gave us addition.

Acting AD Burch: We can try to ask for more.

Acting Chairperson D. Herrera: [inaudible] we have 25, right? 25 applicants?

Acting AD Burch: There will probably be more coming in. We use 50% of the loan guarantees so we can still take in more.

Acting Chairperson D. Herrera: So, I understand there was 5 that came in, additional?

Acting AD Burch: Possibly. I'd have to call in the land agents for that.

Acting Chairperson D. Herrera: They tabled the 5 until the first 25 is done? That's what we got from the last meeting. So, because it was a disaster loan, you know, if you can, double check it if we can [inaudible]

Acting AD Burch: Yeah, for the disaster loan, but the other loans, I believe it was Delfin, that's not a disaster loan, it's Guam Housing

Acting Chairperson D. Herrera: It's under Guam Housing [inaudible]

Commissioner A. Bordallo: I'm lost

Acting AD Burch: Yeah, I don't have my numbers in front of me. I don't have the numbers.

[crosstalk]

Acting Chairperson D. Herrera: That was Joe Quinata.

Acting AD Burch: Oh that? I don't know if he's going to...

Acting Chairperson D. Herrera: Remember, we approved Joe Quinata? And then we approved Tony Cruz.

Acting AD Burch: And Joe, has to come in I believe, because we didn't make a motion and he has to be on the agenda.

Commissioner E. Garrido: We tabled his motion to the February meeting.

Acting AD Burch: To the 15th? Yeah.

[crosstalk]

Acting AD Burch: And that's where; we could've done it in the beginning but he didn't want until he got his blue prints but now that he's got that, now he's going to come back a 2nd time, unlike the others were approved on conditional until you can do certain things that they can get their building right. Quinata didn't want that. He wanted to return so he's coming back for the motion to start building, right? He could've done it all in one sweep.

Commissioner A. Bordallo: We're you able to get the information on Mr. Quinata's?

Acting AD Burch: On this thing, according to what we found is we've done it under both, but we always have the person apply, that the plans will be under their name. But we also have plans where it also says properties owned by Chamorro Land Trust and then their name below it, so, I would say that we don't necessarily have to require CLTC to be on it but I believe that's probably the best way to put CTLC and the one with the name of the building. Just have both on it. At least not necessarily [inaudible]

[crosstalk]

Commissioner E. Garrido: Mister Chair, on those 5 or 6 subdivisions, are you requiring they have a building too? Which is the oldest?

Acting Chairperson D. Herrera: On this subdivision?

Commissioner E. Garrido: Yeah?

Acting Chairperson D. Herrera: Well, this would be the oldest.

Commissioner E. Garrido: Okay, so maybe that's where we start. The only one. **[inaudible]**

Acting Chairperson D. Herrera: That's what I'm saying, right?

[crosstalk]

Acting AD Burch: We added number 6.

Acting Chairperson D. Herrera: That's what I'm trying to share with Glenn, right? If that's the preliminary plan right. This is the 211, which is the oldest. But see, these 211 is part of the land for the landless but see that's why we have to understand the prerequisite to understand land for the landless. Was that your question?

Commissioner A. Bordallo: Land for the Landless?

Commissioner E. Garrido: No. My question is, whatever funds we get for in-kind with GPA, we apply it to the oldest subdivision that hasn't been developed

Acting Chairperson D. Herrera: There, this is why...

Commissioner E. Garrido: Fine, that's fine. That's my proposal. We get the oldest and start bringing things up to the future

Commissioner A. Bordallo: But land for the landless, those were lands that were purchased by individuals

Acting Chairperson D. Herrera: Good point

Commissioner A. Bordallo: It's not a CHamoru Land Trust property. It's like that's questionable.

Acting Chairperson D. Herrera: This is 3-phase development. Phase #1 is Pagachao, number 2 is the middle, 3 is Umang. Phase #1 is about 10 lots and then we protested in 1995. So, all, what we did was repeal the law for land for the landless, we repeal and then we have all these lots transferred from the land for the landless program to CHamoru Land Trust but it was originally subdivided for the landless but we protested to stop it and repeal so...

Commissioner A. Bordallo: That never became a land for the landless?

Acting Chairperson D. Herrera: Out of the land for the landless, 10 lots were sold in 2005

Commissioner A. Bordallo: Is that the 10 down there?

Acting Chairperson D. Herrera: Yes, here on this side

Commissioner A. Bordallo: The one there?

Acting Chairperson D. Herrera: Yeah, some of them there. But then the rest...

Commissioner A. Bordallo: If they are land for the landless owners, they should be the one to apply for GPA
[crosstalk]

Acting Chairperson D. Herrera: The 211 is land trust, it was transferred

Commissioner A. Bordallo: Well, anyway, you have to check that out with [inaudible]

Commissioner E. Garrido: We'll check it

[crosstalk]

Acting AD Burch: Yeah, and we'll add in number 6 location and start looking at it then we get this [inaudible]

Commissioner A. Bordallo: [inaudible] Is it ours or...

Acting AD Burch: This is a lot more money and it's not even on the agenda yet. We should include that if you want but if we were to open this, this does, I'm not aware of this that has leases on it

Acting Chairperson D. Herrera: This is the one that was supposed to be developed for both power, water, sewer and a home. It was an artifact but we'll get a packet on that.

Acting AD Burch: This, this one here is going to take a lot more money than what GPA is offering us in-kind.

Acting Chairperson D. Herrera: Now, what Commissioner Bordallo is asking about this one, all the lots that were here were provided leases. All of them have leases under the CHamoru Land Trust, not Land for the Landless. Land for the Landless title [inaudible]

Commissioner A. Bordallo: Right. If they are under someone's name and not CHamoru Land Trust, you know, owner, then we don't have to spend money for the Land for the Landless people that own the land, own title, they should go out and apply and pay for the fee, not CHamoru Land Trust assistance. Do the research and make sure whether it's ours or theirs.

Acting AD Burch: Just these ones have already been...

Acting Chairperson D. Herrera: It's okay. I'm just trying to spread the benefit to the south also.

Commissioner A. Bordallo: Oh, the benefits are already there by "katchao", they have...

Acting Chairperson D. Herrera: Exactly.

Commissioner A. Bordallo: Yeah.

Acting Chairperson D. Herrera: That's why I'm doing 319 because it's right next to Pagachao, next to the marina. It's a developable area. But again, that's what I'm trying to share with Mr. Glenn, this is an additional on the five (5).

Acting AD Burch: Glenn just does the research; decision is made by the board. Him and other land agents will come up with...

Commissioner A. Bordallo: I think it should be researched on that

Acting AD Burch: Yeah, but you know, GPA is going to want something soon. I don't know how long it will be this time.

Commissioner A. Bordallo: Well, you would have to....

Acting AD Burch: Yeah, work it out with the negotiations but...

Commissioner A. Bordallo: And let us know.

Acting Chairperson D. Herrera: Okay, so you guys wanna make a motion?

Commissioner A. Bordallo: I'd like to make a motion to adjourn. I need to leave. [sic]

Commissioner E. Garrido: I second.

[crosstalk]

Acting Chairperson D. Herrera: All in favor, say aye!

All: Aye!

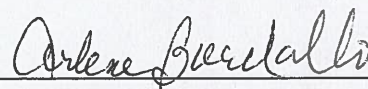
Acting Chairperson D. Herrera: And the time is 4:03

Acting AD Burch: I believe what when you make a motion to adjourn, and seconded, it's a done deal.

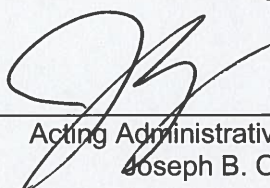
This meeting was called to recess. A resumption meeting was scheduled for January 31, 2024 at 1:00PM.

Approval Of Minutes

CLTC Meeting Minutes were approved on June 13, 2024 at the regularly scheduled meeting

Chairman Arlene P. Bordallo: 

Date 6-27-2024

Concurred by: 
Acting Administrative Director
Joseph B. Cruz

Date 6/27/2024