



**Lourdes A. Leon Guerrero**  
Governor

**Joshua F. Tenorio**  
Lieutenant Governor

**Commission Members**

**Arlene P. Bordallo**  
Acting 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

**Thursday, November 16, 2023, 1:13 p.m. – 8:25 p.m.**

Public Notice: *The Guam Daily Post* on November 08, 2023, and November 14, 2023

**PRESENT:**

**Commission Members**

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

**Management and Staff**

John T. Burch, Acting Administrative Director  
Joey Cruz, Program Coordinator IV  
Glenn Eay, Land Agent III  
Jhoana Casem, Land Agent II  
Jessica Dayday, Land Agent II  
Pierce Castro, Planner II (via videoconference)  
Kristan K. Finney, Legal Counsel, Assistant Attorney General

**GUESTS:**

**Constituents**

Genevieve L. Aldan  
John Mendiola  
Breanna Sablan  
David V. Pangelinan (via videoconference)  
Billy P. Cruz  
Bernadita Cruz  
Johnny Charfauros

**Guam International Country Club**

Yohei Koike  
Carlos Camacho  
William Pole  
Jerry Tang

**Lot 7161-R1, Yigo**

Jeffrey Rios

## Call To Order

**Acting Chairperson Bordallo:** Good afternoon. This is the CHamoru Land Trust Commission regular board meeting. Today's date is Thursday, November 16, 2023. The time is 1:13 p.m. Meeting is held here at the ITC Building, Tamuning, Guam. Public notice was in *The Guam Daily Post* on November 8 and November 14 plus the Government of Guam Public Notice Portal, CLTC Facebook page, and the website. This meeting is now called to order. The certification of a quorum is present. Would you please stand up.

The Inifresi was recited.

## Approval Of Minutes

**Acting Chairperson Bordallo:** Approval of the minutes of September 21, 2023 regular board meeting and September 26, 2023, the second [sic] resumption meeting, and October 3, 2023 (the second resumption meeting).

**Commissioner Garrido:** Madam Chair, on page 6 of 72 regarding the comment by AD Tajjeron, I propose that we bring that at a later time for discussion. This has to do with the date and time for the lease recipients. So, if we can schedule this for a later time for discussion. Thank you. Also, on page 7 of 72 the first paragraph there under my name. Halfway through that paragraph it says, at the beginning of that line it says, "...according to CLTC rules we should of given..." It should be "we should have given..." instead of "we should of given..." And then another correction I want to see is page 14 of 72 on the top page under my heading "...Smithbridge would enter a deal like that without the necessary paperwork because they can *write*..." It should be *write*, instead of run. And then page 19 of 72 at the very top paragraph to replace the word renew with new. That's it for now with the corrections madam chair.

**Acting Chairperson Bordallo:** There being no other corrections, is there a motion to accept the minutes as presented?

**Commissioner Garrido:** Notwithstanding the proposed the corrections, I suggest [sic] that we pass the minutes of September 21, 2023.

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

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

## Acting Administrative Director's Report

**Acting Chairperson Bordallo:** Okay, the Administrative Director's Report.

**Acting AD Burch:** Thank you, Madam Chair. I'm going to keep mine very short, because I know we all want to get into the meat of today's business, which is the loan guarantee requests. So, I'm going to keep it short with a couple of issues. One I discovered was the memorandum of agreement between GCC and the CHamoru Land Trust Commission and that was for Lot 7161-R1 in Yigo, the raceway track. It was signed on October 13, 2023 by my predecessor, the former administrative director and the president of GCC, Mary Okada and Alice Tajjeron. I don't know the rules here. I'm pretty new here at CLTC, but the rule in other government agencies I've been with that have governing boards is only the boards can approve MOUs or agreements [inaudible] administratively. If an administrative officer

does this [inaudible], but approval normally comes from the board. I don't know if there's any difference here. So, since this is for the-- it's pretty much a four-month agreement, and I know it a good thing. It has been done already in the past where we've allowed others like GCC [inaudible] and pretty much this is what this is for and also the fire department, the police department, and others to use that place up there, which is formerly the raceway track, to train their personnel. But I think it was out of order for this thing to be signed unless legal can tell me otherwise. My experience with GovGuam is it would take the board to vote on any use of land for sale or lease of property. This is for 4 months and I'm not asking to ratify this; it's not on the agenda for ratification. It's just for information purposes and to let you know that this is on the [inaudible]. I found out because the president of GCC, Mary Okada, contacted me and said I want to remind you we have an MOU in place for that property and she wants to know if we're going to honor it, because it did not receive board attention. I can't see that I'm going to honor this at all.

**Acting Chairperson Bordallo:** Would you give us a copy of that [inaudible] and with the guidance of the Assistant Attorney General.

**AAG Finney:** I need to see a copy.

**Acting AD Burch:** I mean it was signed by them; it wasn't notarized or anything. The first thing I noticed no notary public and no board signature. The other item that I want to get through very quickly is, of course, the update. Glenn Eay will be here. I guess he's going to provide this. He's the one who made the last inspection. I have pictures of it, for the update on Ypao point, and the cleanup that's going on there. My understanding is that the Army Corp has already signed off. They have cleared out. They removed most of the material that is typhoon related. All of it. What's left now is Public Works and the material left there is, I guess, material that [inaudible] that's left over from when it was used as a dump by the mayor of Tamuning. We have our padlock on it and whenever Public Works goes in, they call us up. I believe they might have a key to it also. But after that's done and once it's all cleaned, I would like to lock it up permanently and only CLTC will have a key to the lock and make sure no one dumps any trash there and we'll monitor that from now on going forward. Well, I'll let Glenn go into it in detail. He'll explain it in greater detail.

**Mr. Eay (CLTC):** As Director Burch mentioned, I was the one that went there and did a site inspection. Joey Cruz assisted me and what we did, the Army Corps of Engineers and FEMA was on site together with the contractor and we all concluded that they had finished the debris removal from the facility. What's left is several items there-- when I say several, I mean a huge mountain of metal debris and also metallic debris and stuff like that. Right now, DPW [inaudible] on-going right now removing debris. I have the keys and the padlock to that. I have full control of that. Nobody has access to that. If they want to go in and out of the premises, I'll open and close for them. We don't know as to the timeline when it's going to be complete, but I'm working with the supervisor there and we'll be getting a date if not I'll follow up when they'll complete with their project. So, that's it for this time and they're pretty close like 95% removal of debris other than what was left from the previous storm and typhoon and a lot of white goods that was there, brought there [inaudible] the mayor's office and we're still trying to figure out who's going to remove those or responsible for removing those white goods there. We [inaudible] a lot with that at this time.

**Acting AD Burch:** Were pictures included in your packet? If not, I can have them reproduce it.

**Acting Chairperson Bordallo:** Nothing.

**Acting AD Burch:** Nothing? [crosstalk] And I just came out of a public hearing at the legislature. I was there tied up all morning. I know they'd probably like me to come back at 5:30, but I think the Speaker gave me a reprieve.

**Commissioner Garrido:** Well, we're not going to release you before 5:30. We have a full agenda.

**Acting AD Burch:** I plan to stay here and I know there's other issues we should bring up but there's more concern that we have when people are waiting in the audience for us to move forward on their issue and I propose that that will be the final for the administrative director's report and I recommend we move into Old Business. Unless you have questions.

### **Roll Call**

**Acting Chairperson Bordallo:** Before we go into Old Business, I missed out on calling the roll call. So, you weren't late, if you weren't called. David Herrera.

**Commissioner Herrera:** Gaige yo', Madam Chair.

**Acting Chairperson Bordallo:** Earl Garrido.

**Commissioner Garrido:** Gaige yo' lokkue.

**Acting Chairperson Bordallo:** Acting Director John Burch.

**Acting AD Burch:** Present.

**Acting Chairperson Bordallo:** Kristan Finney.

**AAG Finney:** Here.

**Acting Chairperson Bordallo:** Arlene Bordallo. Here.

**Commissioner Garrido:** I have a real quick question. Concerning Satpon Point, has the mayor been formally notified that she can no longer dump?

**Acting AD Burch:** I like using lot numbers. Actually, it's Ypao Point. Ypao point is next to Ypao beach and Satpon is where the current hospital is and Oka, you know where Oka Payless going to that point, that's Oka. Yes, it's Ypao. We're going to notify but she should already know that, she was on some of these things that we discussed with the legislature concerning Ypao point and we'll make sure she's aware, we'll send a letter and she understand that's no longer a place for white goods or any kind of trash. That place has better value than that so, we'll make it a point if I have to visit her, I'll do so, sorry it's not available. It's under CHamoru Land Trust Commission jurisdiction

**Commissioner Garrido:** Just one more quick question in regards to the same area. There were reports of invasive species there.

**Acting AD Burch:** Fire ants.

**Commissioner Garrido:** Fire ants, and I think the hornet. Who will be responsible for **[inaudible]** on that?

**Mr. Eay (CLTC):** I drew my discussions at the end of the project, close of the project, that's one of the questions I asked FEMA and the Army Corps, did they find any fire ants or rhino beetles on the premises and they didn't find any. I brought up that, because **[inaudible]** we knew once upon a time there was rhino beetles, but that was already **[inaudible]** way back four or five years ago when they placed a **[inaudible]** net there and I believe they had to burn it out.

**Acting AD Burch:** I was at a hearing at the legislature on oversight actually a couple of weeks back, and this issue was brought up there at the legislature and **[inaudible]** from the Department of Agriculture said in the area that is cleared they are no fire ants, but in the area that was not, the one with bushes and the housing area, have fire ants. EPA did an estimate, I forget as to how much but it's an area that has been cleared out where they went in the fire ants have been removed but according to that guy from Agriculture there still is a major problem with fire ants up in the area where **[inaudible]** and

the buildings are still located on the property. So, yeah, it is a concern. Maybe we can get together with Agriculture and see what they can recommend to clear that area out.

**Commissioner Garrido:** I'll support you on that.

## **Old Business**

### **A. Continuation of Loan Guarantee Request for Board Action from October 9, 2023**

#### **13. Joseph Guzman Mendiola**

**Acting Chairperson Bordallo:** Going to the Old Business continuation of loan guarantee requests for board action from October 19, 2023, starting with Joseph John Guzman Mendiola.

**Mr. Eay (CLTC):** Ms. Bordallo, I'll be the one presenting the case here.

**Acting AD Burch:** Glenn will handle the presentation. I assigned him when I came in to be the land agent supervisor, so I'm able to delegate duties out and I do have a full plate, filled to the brim I believe, so I assigned him as land agent supervisor. So, he'll be presenting the cases here today. I would like to turn it over to Mr. Eay.

**Mr. Eay (CLTC):** Moving along, last month we went ahead we went through 12 constituents, this will be continuance for the thirteenth one and which is Joseph John Guzman Mendiola and he's requesting an SBA loan guarantee for the amount of two hundred thousand for real estate repairs and/or replacement and one of the issues that was put down on the report for residential lease was awarded contrary to 18 GAR, Chapter 6A, Subsection 6A111; application for leases where it states contract award priority and the applicant was considered an award in which they're completed and an application will be received by the commission provided the award shall first be to ranking and existing priority waiting list in order until those waiting list are exhausted so that's the issue at hand right now on how they prioritized the list, was it first come first basis which is unusual at this time and as you're aware the lessees date and time here is December 2, 1995 at 1:12pm like I said they here for loan guarantee for two hundred thousand for repair and replacement and improving the building.

**Commissioner Garrido:** What's the total loan amount?

**Mr. Eay (CLTC):** The total loan amount is two hundred twenty thousand eight hundred, but for loan guaranty we're going to do only for two hundred thousand for home repair and improvements. I believe you have photos there.

**Commissioner Garrido:** Is Mr. Mendiola here?

**Mr. Cruz (CLTC):** Not here at this time.

**Commissioner Garrido:** The proceeds will go into putting in a concrete roof on the dwelling.

**Mr. Eay (CLTC):** I'm not sure exactly what actually but it's for repair, replacement or improvement the building as you saw in the photo the roof was caved in, what's needed on repair I don't know at this time but definitely it's not just for roof structure there's also the flooring tiles stuff like that and other things. But definitely he's going to build to code.

**Commissioner Herrera:** [inaudible] the cover sheet. The cover sheet will identify the project.

**Commissioner Garrido:** I don't have a cover sheet for that. [crosstalk]. Yeah, concrete roof slab.

**Commissioner Herrera:** To the far right, yes, the project is house renovation and perimeter fence according, most likely the small business administration had made their computation and it

would be based on this configuration for that amount that was awarded for two hundred thousand for concrete roof and perimeter fence.

**AAG Finney:** Just to point out that the lease is not recorded with land management.

**Commissioner Herrera:** I see, the lease is not recorded.

**Commissioner Garrido:** I'm sorry can you say that again please.

**AAG Finney:** I said the lease is not recorded with land management.

**Acting AD Burch:** Attorney Finney is referring to the lease between CHamoru Land Trust and Guam Community College.

**AAG Finney:** What? I'm sorry we're talking about; in the back it shows it's not recorded.

**Commissioner Herrera:** For Mr. Mendiola, but it's been ratified by the **[inaudible]**.

**AAG Finney:** I haven't reviewed everyone but I'm just pointing out that It's not recorded at land management.

**Commissioner Herrera:** And Mr. Mendiola's request is a for a loan guarantee and approval to build, just those two.

**Mr. Eay (CLTC):** Yes.

**Commissioner Herrera:** That's his primary request.

**Mr. Eay (CLTC):** Correct.

**Commissioner Garrido:** I'm not comfortable with the lease not being recorded with land management.

**Mr. Eay (CLTC):** Because of this loan guarantee it will be required to be recorded, it passed then, when we first started issuing leases it was not required back then to record leases until I came on board in 2016 at this time, they started putting that in to have leases to be recorded.

**Commissioner Herrera:** Mr. Eay, you mentioned there was a bill for public law that exempt the land trusts maps and lease, to be exempt from recordation.

**Mr. Eay (CLTC):** If any approved map has to be recorded.

**Commissioner Herrera:** The map has to go through the Department of land management chief.

**Mr. Eay (CLTC):** In order for it to be recorded, it has to have the approval from land management of course and all the division heads like survey, planning and the director's approval.

**Commissioner Herrera:** Oaky, thank you. May I make a motion for Mr. Mendiola, Madam chair. I would like to make a motion for Mr. Joseph John Guzman Mendiola, to approve his request for an SBA loan guarantee, and the approval to build based on the building permit or building map that he provided.

**Commissioner Garrido:** He will have to record his lease.

**Mr. Eay (CLTC):** That's a condition.

**Commissioner Garrido:** That's a condition, okay. I second the motion.

**Acting Chairperson Bordallo:** Provided that [inaudible].

**Mr. Eay (CLTC):** Once everything is completed the lease and the loan guarantee and the tax will be recorded simultaneously.

**Mr. Cruz (CLTC):** If possible, on the motion, can you state the amount of the guarantee?

**Commissioner Herrera:** I would like to restate the motion madam chair for Joseph John Guzman Mendiola, for the amount of two hundred thousand dollars for real estate repair and replacement on his dwellings and the SBA loan guarantee and the approval to build.

**Acting Chairperson Bordallo:** Second?

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

#### **14. Genevieve L. Aldan (FKA Genevieve Hernandez Chiguina)**

**Mr. Eay (CLTC):** The next lessee now is Genevieve L. Aldan who has a residential lease and she's here for a SBA loan guarantee which her total amount approved is two hundred twenty thousand eight hundred and for loan guarantee for the amount of two hundred thousand dollars and the issues are, there's two issues found, this one is a residential lease awarded contrary to 18 GAR chapter 6a subsection 6a111 which again is first come first serve award and the next one followed by that the residential property lease based on the master plan and to fix that the addendum should be executed to reflect the in-house survey map and the date and time is December 2, 1995 at 4:06pm.

**Acting AD Burch:** Genevieve Aldan is here, and she'd like to make a statement.

**Commissioner Garrido:** State your name for the record.

**Ms. Genevieve Aldan:** I'm Genevieve Aldan, I'm requesting for the loan guarantee from SBA and to build my concrete home.

Commissioner Garrido: This is a residential or agriculture?

**Ms. Genevieve Aldan:** Residential.

**AAG Finney:** I just want to see to get clarification it says there a recorded lease and an unrecorded lease.

**Commissioner Herrera:** There's two right.

**AAG Finney:** Maybe just to see if that could qualify.

**Commissioner Herrera:** Is it two separate leases and different dates.

**Commissioner Garrido:** 12 and 13.

**Mr. Eay (CLTC):** There's an error on the item listing there but the lease is recorded, the document there mentioned is 888921.

**Commissioner Garrido:** So, 13 is void.

**Mr. Eay (CLTC):** It's a recorded lease but 10125 Dededo, in other words the lease is recorded, strike out the unrecorded lease but what lease we did correct also is the property description was based on the master plan and it was a practice back then where we used the master plan to identify lot number but at the time when they did that there was a map existing which was an in-house map that was approved by survey so, we request we do an addendum describing the lot to reflect on the in-house map, that would be an addendum. I have here the recorded lease.

**AAG Finney:** Just to clarify there's only one lease.

**Mr. Eay (CLTC):** One lease, yes.

**Acting Chairperson Bordallo:** There is a question on the request to change name due to marriage. That's on number 10.

**Mr. Eay (CLTC):** Right now, her married name now is Aldan. At the time she applied it was Chiguina. That's why we require a name change also.

**Commissioner Herrera:** So, this is under Genevieve L. Aldan.

**Mr. Eay (CLTC):** Chiguina.

**Commissioner Herrera:** Chiguina, okay understand.

**Mr. Eay (CLTC):** The addendum just to change the now married name.

**Commissioner Herrera:** And that's to reflect on the lease.

**Mr. Eay (CLTC):** And also, the master plan to reflect on the in-house map.

**Commissioner Herrera:** I see. And the request is basically for the SBA loan.

**Mr. Eay (CLTC):** Loan guarantee for the amount of two hundred thousand dollars other than that there's no other, that's the only request.

**Acting Chairperson Bordallo:** Any questions?

**Commissioner Garrido:** No questions at this time.

**Mr. Eay (CLTC):** Pending also is the building plan. Once it's approved, they have to submit a building plan and approval to build as well.

**Commissioner Garrido:** What was the last one you just said, after building plan then what.

**Mr. Eay (CLTC):** Once she submits a building plan, then we can put a request to put a permit to build as well.

**Commissioner Herrera:** That's why there's no permit to build on this one.

**Mr. Eay (CLTC):** Yes, that's why it's pending.



**Commissioner Herrera:** Just for the loan guarantee.

**Mr. Eay (CLTC):** Right.

**John Mendiola:** Can I speak on behalf of my wife?

**Commissioner Garrido:** State your name for the record.

**John Mendiola:** John Mendiola. I'm going to make a speech, because we had it going on already. We had an engineer to get the sketch out and everything so process from the staff at DPW and once it's done, we'll hand a copy to you guys.

**Mr. Eay (CLTC):** Yes, normally the building plan. It has to be approved by an engineer and once that's completed then it goes to us correct.

**Acting Chairperson Bordallo:** Do we have to do a conditional on the SBA loan? Wait for the building plan?

**Commissioner Herrera:** Generally, the request is basically just for the loan guaranty and then when they finish with their building plan then they'll come back right to present the building plan and permit to build.

**Commissioner Garrido:** We can give them conditional approval.

**Commissioner Herrera:** For both.

**Commissioner Garrido:** Yes.

**Commissioner Herrera:** Okay.

**Acting AD Burch:** Pending receipt of documents.

**Commissioner Herrera:** Permit to build. What we're going to approve, for two.

**Commissioner Garrido:** Yes, two conditions.

**Commissioner Herrera:** For loan guarantee and also, we're going to approval conditionally permit to build. So, when you have your plans, you don't have to come back.

**Commissioner Garrido:** You need to bring your plans that's approved and permits.

**John Mendiola:** The staff will be the one.

**Commissioner Garrido:** You have to go to DPW, Public works, GPA all the utilities, EPA, Department of AG. They'll give you a list and you go apply for a permit, also for your plans.

**Commissioner Herrera:** Okay, Madam Chair, I would like to make a motion for conditional approval for Genevieve L. Aldan formally known as Genevieve Chiguina to approve her request for the SBA loan guarantee and the conditional approval for the permit to build.

**Commissioner Garrido:** Building plans.

**Commissioner Herrera:** Building plan on Lot 5, Tract 10125 Dededo containing an area of 2,023 shown on subdivision master plan number 2015-100-4 for two hundred thousand dollars.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Aye. Motion carried.

**Mr. Eay (CLTC):** Madam Chair, can we do a remotion **[sic]** on the lot description pending further concurrent with Pierce, our Planner II to confirm the lot description because as Commissioner Garrido mentioned he used a master plan but what we're trying to do it to change it to reflect it to the in-house map which changes the lot description so, it's still pending and waiting for confirmation from Pierce and we'll get it soon.

**Commissioner Herrera:** Do you have the in-house identification? You want us to change.

**Mr. Castro (CLTC, via videoconference):** If you notice the lot number, this is one of the issues with in-house map it didn't come through DLM map approval process but because it was signed by the director and the surveyor and it was deemed approved, but if you look at the title, it just says Lot 2, Block 7 it doesn't say anything the racing lot being at 10125 or the Tract 10125, we have to work on that and we have to give the current legal description later on when I consult with Mr. Paul Santos.

**Commissioner Herrera:** So, Pierce, this will be Lot 7, Block 2.

**Mr. Castro (CLTC, via videoconference):** Yes, the only issue I'm trying it says within Lot 10125 so I believe based on that the current lot description will be Tract 10125, Lot 7, Block 2 so, what I have to confirm whether we have an existing Lot 7, Block 2 now, that's not this lot, we just want to make sure we don't duplicate lot numbers.

**Commissioner Herrera:** Same tract. Same tract.

**Mr. Castro (CLTC, via videoconference):** Yes sir, the same tract, same lot even the placement is the same but I just want to confirm that there's no other lot number with this description.

**Commissioner Herrera:** Then the reference subdivision master plan will change also.

**Mr. Castro (CLTC, via videoconference):** Yeah, I have to get out. I'll pull this map out, sir. Standby.

**Commissioner Herrera:** Okay, can you put the in-house on the screen.

**Mr. Castro (CLTC, via videoconference):** I'm working on it right now. Lot 4, Block 5 is the master plan. Her name doesn't appear on the master plan, but we said it before the master plan are subject to change, at the time we did the master plan it was more for tax purposes and we just needed to match, it was for taxing purposes so we needed to get all the lessee that submitted an application had to match an area size and lot number to their names. Mr. Ernestine Espiritu is on this lot. That doesn't necessarily mean their occupying the lot. Ms. Aldan is occupying the lot right now.

**Commissioner Herrera:** Lot 4, Block 5.

**Mr. Castro (CLTC, via videoconference):** This is the master plan lot number, which is not correct. We have to follow her in-house map approved lot number.

**Commissioner Garrido:** [crosstalk].

**Mr. Castro (CLTC, via videoconference):** Her master plan is indicating Tract 10125 while her in-house map is indicating Lot 10125.

**Commissioner Herrera:** Okay got it. Can you screen the map that identify Lot 7, Block 2, if you have it or not it's okay.

**Mr. Castro (CLTC, via videoconference):** I did before this one right here, you're referring to the in-house map right.

**Mr. Eay (CLTC):** The was the first map he shown.

**Commissioner Herrera:** The first one. This one.

**Mr. Eay (CLTC):** No, this is the master plan.

**Mr. Castro (CLTC, via videoconference):** That's the master plan that's being shown now.

**Commissioner Herrera:** What's Lot 7 Block 2?

**Mr. Eay (CLTC):** Lot 7, Block 2 is the in-house, but he'll have to confirm with [inaudible].

**Commissioner Herrera:** On the list it's showing 4 and 5.

**Mr. Eay (CLTC):** Block 4, Block 5 Tract number.

**Commissioner Herrera:** That needs to be changed.

**Mr. Eay (CLTC):** Every tenant won't motion yet until we confirm.

**Commissioner Herrera:** Ok, Pierce, thank you.

**Mr. Eay (CLTC):** The property itself is there. It's just the property description has to be identified.

**Commissioner Herrera:** Same applicant. Thank you, Pierce.

**Mr. Castro (CLTC, via videoconference):** You're welcome, sir.

**Ms. Casem (CLTC):** Mr. Herrera, in your motion it has to include the lot description. Just indicate that you're approving the loan and the conditional to approve without the lot description.

**Commissioner Herrera:** ok, I would like to state my motion madam chair.

**Acting AD Burch:** Because the motion was approved, this is to amend.

**Commissioner Herrera:** To amend without the lot number. I like to make a motion to amend to approve the request for Ms. Genvieve L. Aldan for the SBA loan guarantee and permit to build on tract, can I mention the tract?

**Mr. Eay (CLTC):** No, just to build.

**Commissioner Herrera:** Just to build, for the amount of two hundred thousand dollars (\$200,000.00).

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor, say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye. Okay, thank you so much.

**Commissioner Garrido:** The rest is on you, permit and plan.

**Ms. Genevieve Aldan:** Yes.

**Commissioner Herrera:** Madam Chair, if I may make some clarification here. I understand that what we just went through, we did have a subdivision master plan and again my question in the beginning is that when we do a subdivision master plan, we need to go through the check print and have the chief planner go through [sic]. That's number one and number two, that master plan has to go to recordation to be considered an official master plan, so, what we did we changed the master plan to subdivision tract, is that inline Joey, from the in-house master plan for the purpose of the tax and the assignment of the lots.

**Mr. Cruz (CLTC):** So, what happened before in the past like in the late 90's and early 2000's the lessees were hiring surveyors on their own and the maps were just being approved in-house with the director at the time and the surveyor.

**Commissioner Herrera:** Hold short on that one, so, when the lessees hire a private surveyor, the private surveyor performs the job then that subdivision and that plot that was surveyed does not go through the check print or recordation.

**Mr. Cruz (CLTC):** Before.

**Commissioner Herrera:** Before, and this is why we have this problem now that we're facing is that now when we try to intergrade an overlay the master plan and in-house, it gets discombobulated, there not in alignment so, today now, if a constituent request for a surveyor to survey a lot for example, are they required to have a check print, go through department of land management and then after that check and if in sync and it gets recorded.

**Mr. Cruz (CLTC):** That's about right.

**Commissioner Herrera:** Okay, got it, so, Pierce remember we were discussing this way back during the private individuals hiring surveyor they were not required, was there a public law that gave them that authorization to do that at that time.

**Mr. Cruz (CLTC):** The public law that was being mentioned earlier was 31-178 I think, although that was to grandfather the in-house maps that were already approved, there's a criterion that is has to meet in order to be considered an in-house map so, it required the registered surveyor who conducted the survey and the director to approve and it was for a certain period of time. So, when they were creating the master plan some of the in-house maps were considered in the design some were not due to whatever reason, I guess like you mentioned that's one of the issues we're facing now.

**Commissioner Herrera:** Okay, because this is one classic example, we just had the constituent and then we had the lease and now we're trying to put a square configuration to a round configuration but again until DLM approves the final map then we'll identify the lot and block number and tract number. That's its Madam Chair. Thank you.

## **15. Breanna Beth Finona Sablan**

**Acting Chairperson Bordallo:** Mr. Eay, next.

**Mr. Eay (CLTC):** Okay, moving forward the next lessee is Breanna F. Sablan.

**Commissioner Garrido:** Please state your name for the record.

**Ms. Breanna Sablan:** Hafa Adai, Breanna Sablan.

**Mr. Eay (CLTC):** Breanna Sablan is here today for approval to acquire an SBA loan guarantee for the amount of one hundred ninety-two thousand two hundred dollars. The original loan approved is for two hundred forty thousand dollars and she's December 2, 1995 applicant at 8:41a.m., some issues noted here at least 5 mentioned, of them is mentioned is original agreement under Lou Santos Finona needing an addendum reflecting Briana Sablan and the other one is building approval for structure on the property which is there today, there's a structure and the (inaudible) also pending board approval for a loan guarantee and pending approval to build, these are the issues.

**AAG Finney:** Just to clarify, it says that this addendum is needed, there are ways a new lease with her signature, whatever needed to happen before is already finished, I just wanted to clarify.

**Commissioner Herrera:** For example, I'm trying to clarify one more time.

**AAG Finney:** It's mentioned here that there's an issue that an addendum was needed to add the current lessee or current occupant name is the lessee but I believe that's already been done, there's already a recorded lease that she signed. Is that correct? I just wanted to confirm just that's actually not an issue. I reviewed the lease.

**Mr. Eay (CLTC):** Yes.

**Commissioner Garrido:** Who is Luis?

**Ms. Breanna Sablan:** My father's brother.

**Commissioner Garrido:** Your father's brother. Are you the beneficiary?

**Ms. Breanna Sablan:** My son.

**AAG Finney:** I think after the 7 years, then the lease is transferred to her name and everything is already done. I'm mentioning that because you said it's an issue but I just wanted to confirm that. I didn't see any issue.

**Commissioner Garrido:** When did you take control of the property?

**Mr. Eay (CLTC):** There was a transfer.

**Ms. Breanna Sablan:** It was 2015.

**Commissioner Garrido:** Yes, 2015. Is this your primary residence?

**Ms. Breanna Sablan:** Yes.

**Commissioner Garrido:** And your roof was blown away?

**Ms. Breanna Sablan:** Total damage sir.

**Commissioner Garrido:** Total damage. So, you're not residing there?

**Ms. Breanna Sablan:** I am.

**Commissioner Garrido:** You still are?

**Ms. Breanna Sablan:** Yes sir.

**Commissioner Garrido:** The building was self-constructed?

**Ms. Breanna Sablan:** I don't know.

**Commissioner Garrido:** You just got it in that state?

**Ms. Breanna Sablan:** yes

**Commissioner Garrido:** It says here need building approval. So that means you need a building permit. Where are you in getting your blueprints?

**Ms. Breanna Sablan:** Blueprints have already been submitted. It was submitted here to the office and staff and DPW [inaudible].

**Commissioner Garrido:** So, you're still in the process of securing authorization?

**Ms. Breanna Sablan:** We already got clearances from all the other agencies so, our last step is DPW so I'm at that stage.

**Commissioner Garrido:** Have you gone to Department of Ag.

**Ms. Breanna Sablan:** No.

**Commissioner Garrido:** Because you have to go there, you have to go to EPA, Public Health.

**Ms. Breanna Sablan:** EPA, I think it's only Agriculture [inaudible] I think it was Agriculture.

**Commissioner Garrido:** questions?

**Commissioner Herrera:** No questions, I would like to make a motion.

**Commissioner Garrido:** What's showing here that's lacking also is the lease [inaudible].

**Ms. Breanna Sablan:** [inaudible].

**Commissioner Garrido:** And of course, the approval to build. You're working on that now?

**Ms. Breanna Sablan:** Yes, but I already submitted it, working on the permitting process with government agencies.

**Commissioner Garrido:** Go ahead Commissioner Herrera.

**Commissioner Herrera:** Madam Chair, may I make a motion?

**Acting Chairperson Bordallo:** Sure.

**Commissioner Herrera:** To approve the request from Breanna Finona Sablan, to approve the SBA loan guarantee and to approve the building authorization for Lot 4, Block 4, Tract 9210

Phase 1 in Yigo for one hundred and ninety-two thousand two hundred dollars (\$192,200.00) upon the approval of permits from the regulatory agencies from Government of Guam.

**Mr. Cruz (CLTC):** In the past when constituents present their building plans, the board even this board has approved the authorization to apply for a building permit, if the constituents is going to wait until the whole process It may take 3 to 4 months. Nonetheless because she presented the plans already, they the intent that will be construct so, I just making mentioned of what was done in the past so it wasn't approved conditionally, it was just approved because if you're approval based on the plan it doesn't necessarily mean the plans are being accepted by DPW, there may be a change. The requirement is just to submit your plans and we'll present it to the board for approval to build, I just wanted to make mention that previously that's the way it's been done, if we're going to wait for the permit to be approved in its entirety it may take 3 or 4 months even longer, how that would affect her loan in regards when she has to encounter the whole amount, I don't know it's just to make mention, since she already provided the plans and based on our previous actions in the past, present it to the board for approval.

**Commissioner Herrera:** For approval, not condition. Okay understood. Do I need to rephrase?

**Ms. Casem (CLTC):** Yes, accountable to the amount and accountable to them.

**Commissioner Herrera:** Okay Madam Chair I would like to restate, to make a motion to approve the request from Breanna Beth Finona Sablan to acquire the SBA loan guarantee and also to approve the building authorization on Lot 4, Block 4, Tract 9210 (Phase-1) in Yigo for one hundred ninety-two thousand two hundred dollars (\$192,200.00).

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Motion carried.

## **16. David Vincent Pangelinan**

**Mr. Eay (CLTC):** Moving on to the next on the list is David Vincent Pangelinan.

**Ms. Casem (CLTC):** He's online.

**Mr. Eay (CLTC):** Online, can you turn on your camera on your audio please. Can you hear us? Unmute please. Go ahead and state your name sir.

**Mr. David Pangelinan (via videoconference):** David Pangelinan.

**Mr. Eay (CLTC):** We have Mr. David Pangelinan who has a residential lease and he's here today for a SBA loan guarantee for the amount one hundred ninety six thousand eight hundred dollars, the original loan approved is two hundred six thousand dollars and there's several issues here that the land agent had stated here and one of them is the December 6, 1995 application was paid on October 21, 2002 which is contrary to 18GAR chapter 6a subsection 6a107, application processing which reads the application shall pay one time processing fee of fifty dollars to the commission within 30 days of application submittal. For the time the from December 6, 1995 the applicant paid in 2002 which was over the 30 days limit. And the second one here is mentioned the residential lease was awarded on June 12, 2012 contrary to 18GAR, Chapter 6A, Section 6A111 which mentioned again the priority listing and also there

was two structures on the leased property when the land agent inspected, there were two structures there was one where they are actually occupying right now and the other structure identified when I inspected was they're former house that was destroyed by (inaudible) so they built another one next to it temporary so that until they get their dream house built, that's why there's two structures there right now. The property is surveyed an in-house approved map on file addendum to residential lease was executed to reflect the subdivision master plan map so, these are the issues we have on hand that I just mentioned, again the date and time of the lessee is December 6, 1995 at 1:12pm.

**Commissioner Herrera:** What number is the in-house approved map.

**Mr. Eay (CLTC):** I don't have that information.

**Commissioner Herrera:** The in-house map?

**Mr. Eay (CLTC):** Pierce, would you like to show that?

**Commissioner Herrera:** It's okay.

**Mr. Castro (CLTC, via videoconference):** I'm currently looking for that right now, I don't think I have that in my file the in-house map. The satellite imagery.

**Mr. Eay (CLTC):** We have the hard copy here though thank you. The satellite imagery there where the house is located the building.

**Mr. Castro (CLTC, via videoconference):** This lot is one acre, Glenn.

**Mr. Eay (CLTC):** Yes, one acre residential. It's lease up to one acre not over. It is a good lease.

**Mr. Castro (CLTC, via videoconference):** Images from 2017 the satellite image.

**Mr. Eay (CLTC):** Okay, what you see there the satellite image is different on what we actually.

**Commissioner Herrera:** Lot 4, Block 5.

**Mr. Eay (CLTC):** Is that Lot 4, Block 8, Pierce?

**Mr. Castro (CLTC, via videoconference):** Yes sir.

**Commissioner Herrera:** Okay got it.

**Ms. Casem (CLTC):** Lot 5401S-2.

**Mr. Eay (CLTC):** The in-house map.

**Ms. Casem (CLTC):** [inaudible].

**Mr. Eay (CLTC):** What's the lease lot number? It's not showing on the lease.

**Ms. Dayday (CLTC):** Lot 5401S-2 Mangilao.

**Mr. Eay (CLTC):** So, they need to change addendum?

**Ms. Dayday (CLTC):** Yes, but the lease is okay.

**Commissioner Herrera:** The lease is showing.



**Mr. Eay (CLTC):** The correct [sic].

**Ms. Dayday (CLTC):** However, the addendum is showing the master plan. It's describing the master plan.

**Mr. Eay (CLTC):** When it shouldn't.

**Ms. Dayday (CLTC):** This one I don't know if we have to terminate it or do another addendum to reflect.

**Mr. Eay (CLTC):** [inaudible].

**Ms. Dayday (CLTC):** The lease agreement has the correct lot description from his in-house map. However, he signed an addendum that changed the lot description to reflect the master plan so, do we do a second addendum? To reflect what's said on the lease, how do we go about this because right now with Rev & Tax would have this description.

**AAG Finney:** That's the wrong description.

**Ms. Dayday (CLTC):** Yeah, it's not based on his map.

**Mr. Eay (CLTC):** The original lease has the correct lot description. The original lease is based on the in-house map which is the correct lot description later on there was an addendum.

**AAG Finney:** I have to look at, by the sounds of it shouldn't affect.

**Commissioner Herrera:** This is an administrative adjustment so we're just going to do an administrative.

**Mr. Eay (CLTC):** An addendum yes.

**Commissioner Herrera:** the tax payment is not going to match.

**Mr. Eay (CLTC):** The addendum will revert back to its original done administratively.

**Commissioner Herrera:** Okay, so just for the loan approval?

**Mr. Eay (CLTC):** Yes.

**Commissioner Herrera:** Madam Chair, can I make a motion? To approve the request for David Vincent Pangilinan for an SBA loan guarantee for Lot 4, Block 8, Tract 11813 Mangilao, containing an area of 4,047 square meters for one hundred and ninety-six thousand eight hundred dollars (\$196,800.00).

**Ms. Casem (CLTC):** Don't use lot description.

**Commissioner Herrera:** Oh, don't use lot description? Okay got it. I'm going to rephrase the to approve David Vincent Pangilinan for the SBA loan guarantee for one hundred ninety-six thousand eight hundred dollars.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** Any questions? In favor say aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Motion granted [sic].

**Commissioner Herrera:** Okay.

### **17. Josie Lynn Camacho**

**Mr. Eay (CLTC):** Next on the agenda is Josie Lynn Camacho, she is requesting approval to for a loan guarantee for the amount of one hundred eighty six thousand nine hundred dollars and a total loan approval from SBA is two hundred forty thousand dollars and she is December 2, 1995 applicant at 1:38pm and the issues are these issues outside of date and time contrary to 18GAR and also there is no survey, no building approval for structure of property which is contrary to 18GAR, Chapter 6A, Subsection 6A126 also pending of payment of tax and that GCA 75114, the lessee shall pay all taxes and also lessee payment of ninety-nine dollars which is unpaid as of today. They are three structures on the premises and I don't believe he is here today, is he here? We we're trying to get a hold of Ms. Josie Camacho in the past, we even did a site inspection, we went there several times and we found out that there were three structures but the structures on the premises, there decapitated, it's unlivable, no one can live there in these three structures, if she wishes to rebuild, we recommend that all three structures be removed and demolished on the premises as part of the conditions **[inaudible]**.

**Commissioner Herrera:** No plans yet.

**Mr. Eay (CLTC):** No plans submitted.

**Commissioner Garrido:** Have you been in communication with Ms. Camacho.

**Mr. Eay (CLTC):** Land Agent is Ms. Casem. Jhoana, have you made...?

**Ms. Casem (CLTC):** Unable to contact her.

**Commissioner Garrido:** So...?

**Ms. Casem (CLTC):** We did send out a notice to them though.

**Mr. Eay (CLTC):** That's basically it, like I mentioned there's three structures there, it appears like it's been abandoned even prior to the storm and just based on the condition of the building.

**Ms. Dayday (CLTC):** Ms. Camacho actually has been contacting, she has been in contact with CLTC. She's been trying to get her survey situated, the surveyor that performed the work didn't complete the map and then he passed away but she lost out on the survey cost and so, she's been trying to work it out with the former director and that was Ms. Angie Camacho. However, Ms. Josie Lynn, we haven't really completed then the typhoon hit. Her property got damaged even more to the point she got displaced so, she's been actually renting other places but this happened before the typhoon, she's been trying to build a home and to make it safe for her and her children but we've been working with her on the survey and what not. She has been in contact, it just that we keep canceling the meetings and stuff it's just she hasn't responded to us yet. Yes, she has been in contact, she's been reaching out to us to conclude her request.

**Mr. Eay (CLTC):** In many cases like Ms. Camacho whereas they are constituents or rather lessee hired a surveyor who did not complete their survey either they passed or whatever reasons, we received a lot of that, a lot of times they come up and request if they trust their survey for them, many times we also try to ask to them to go and get another surveyor and do another survey, we understand their loss they invested, some paid full and some paid half but if they

really want to move forward we ask to them to get another surveyor, we don't have the funding right now to do the survey for them.

**Commissioner Herrera:** Can the constituent request for a payment from the land trust to pay the surveyors that for example that has passed away or let's say they paid ten thousand for a survey and the surveyor passed, can they claim from the attorney general that they have paid and the survey was not completed on CHamoru land trust property, after all its land trust property and in the beginning of the program it was required for the land trust to perform the survey not the constituent. Would that not put the land trust in a liability because it's a land trust property? The issue that we have two cases where we have agriculture subdivision master plan in-house, pretty soon we'll have a private surveyor going out and performing another survey and then pretty soon, Pierce is still on the line, now the surveying department have two different lot numbers two different block numbers, one tract, one subdivision and one lease that contradicts each other because we did not follow the regular protocol of the subdivision requirement to go through the department of land management pedestrianly division to verify and that's in a nutshell. These families, for a family to burn five thousand dollars, it may be nickel and dime for the CHamoru land trust but it may be major expense for the family that has a single parent for example.

**AAG Finney:** And I think that's why the provision in the law that if they perform, if the lessee surveys the property, then there's a period of time, they don't pay the taxes on it.

**Commissioner Herrera:** Oh, seven years.

**AAG Finney:** But if the Land Trust performs the survey, then they don't get that.

**Mr. Eay (CLTC):** If they didn't pay taxes.

**Commissioner Herrera:** So let's say hypothetical, property that was surveyed for twenty thousand and they are seven years and the tax value is only fifty dollars a year that's four hundred dollars versus a fifty thousand dollars burn, again back on the law 12-226 that indicated for the trust to create these survey funds of improvement funds, educational funds, home improvement funds, and we are here today, fifty years later and we have still have not put money into the bucket to meet our mission requirement and we have eleven thousand acres in our inventory and we're still trying to create more cash flow to fulfill the bucket of funds for our constituents which is about eight thousand applicants now.

**Mr. Eay (CLTC):** We have close to thirteen thousand (13,000) altogether or was it twelve (12)?

**Commissioner Herrera:** Thirteen thousand (13,000).

**Mr. Cruz (CLTC):** Still waiting.

**Mr. Eay (CLTC):** Eight thousand (8,000) plus, still waiting.

**Commissioner Herrera:** Eight thousand (8,000) plus and we're at number, what was that number I forgot it was applicant number, what was that.

**Mr. Cruz (CLTC):** Six (6).

**Mr. Eay (CLTC):** We went back to the beginning December 2, 1995, we're at 8:06am.

**Commissioner Herrera:** We're at applicant number six, 30 years now. That's its Madam Chair, just a point of reference about the survey process. I like to make a motion to approve the request of constituent Josie Lynn Camacho.

**Mr. Eay (CLTC):** She also needs to complete her survey to update her lease payment for ninety-nine years.

**Commissioner Herrera:** But for the request, it's for the two items.

**Mr. Eay (CLTC):** The two items is for approval for SBA loan guarantee for the amount of one hundred eighty-six thousand and eight hundred dollars (\$186,800.00) and a building authorization.

**Commissioner Herrera:** I have to mention it.

**Mr. Cruz (CLTC):** Building authorization should be conditional because there's no plan.

**AAG Finney:** And the lease is not recorded also, it says unrecorded lease.

**Commissioner Herrera:** So, the request would add to approve the SBA loan guarantee and the building authorization upon submission of the building plan for Lot 5-1, Block 22, Tract 10125 Dededo, containing an area of 2,023 square meters for one hundred and six nine hundred dollars (\$186,900.00).

**Mr. Eay (CLTC):** The amount for one hundred eighty-six thousand nine hundred dollars (\$186,900.00).

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Motion granted.

### **18. Nadine Roberto Domingo**

**Mr. Eay (CLTC):** Next item on the agenda is Nadine Roberto Domingo, she is not present at this time and she's requesting for a loan guarantee for the amount of one hundred eight-six thousand six hundred and also approval to reconfigure the area to include her garage and trees and approval to make improvements to her current structure, mainly asking to reconfigure the area garage and trees, what happened is the current pavement there are building right now is not exactly on the lot line, what they want to do is reconfigure the property so they can meet the setback requirements so it stays within her lot line and we have the amount of area where we can do that, it won't impact the neighboring lots so that's the good thing about it, there were adjacent lots that leads that she would be encroaching to the neighboring lot which would not be impossible to reconfigure her lot so, I just wanted to mention that. Also, change of application type from residential to agriculture, contrary to 18GAR, Chapter 6, Subsection 6A120 a resident permanent on agricultural lot, site inspection validates that there is not farming activity at this time and is contrary to 18GAR, Chapter 6A, Subsection 6A126 requirements no building structure improvement, maybe constructed on the premises without building approval from the commission so, at this time there is a building there which did not have written approval from the commission as our land agent inspected, also the lessee's garage and trees are encroaching onto adjacent lot, as I mentioned we requested to reconfigure the lot so that they will no longer encroach to the neighboring lots.

**Commissioner Garrido:** Does that mean we have to downsize the neighbor's lot, the encroachment?

**Mr. Eay (CLTC):** I haven't really looked into it but the neighbor's lot may be down sized, I think, we can pull it up on the screen.

**Ms. Dayday (CLTC):** This is Mr. Domingo's property or house. This lot is not occupied or leased out.

**Commissioner Herrera:** This is Mangilao?

**Mr. Eay (CLTC):** This is Dededo.

**Ms. Dayday (CLTC):** This is her property and this is the property where her trees were and her garage is now.

**Commissioner Herrera:** This is Ysengsong?

**Ms. Dayday (CLTC):** Yes.

**Mr. Eay (CLTC):** We have Mr. Pierce working on that to reconfigure the boundaries, I don't know how he's going to do that but he may have to shift to the left side so that we'll meet the setback requirements. As shown here, this is the lot line the neighboring lot, this line will be moved here so we meet the setback requirement and also the rear will be also.

**Commissioner Herrera:** That's a right of way?

**Mr. Eay (CLTC):** No, this is the right of way, right over here.

**Commissioner Herrera:** That ties into swamp road?

**Mr. Eay (CLTC):** It goes to the main road.

**Ms. Dayday (CLTC):** Right across the coral pit.

**Commissioner Herrera:** That's the coral pit?

**Commissioner Garrido:** What's the neighboring lot?

**Mr. Eay (CLTC):** The neighboring lot right now as Ms. Dayday mentioned there's no lease to it. It's a vacant lot.

**Commissioner Garrido:** There's a building there?

**Mr. Eay (CLTC):** There's was a building there.

**Ms. Dayday (CLTC):** But it's not there anymore.

**Mr. Eay (CLTC):** But there were people squatting on that so they relocated.

**Ms. Dayday (CLTC):** No, on this lot, they're over here actually.

**Mr. Eay (CLTC):** They actually build on their lease on the side but they didn't survey they built onto another lot.

**Ms. Dayday (CLTC):** They're on the pan handle actually but this property, this lot here is actually vacant and this is Ms. Domingo's. She has one acre.

**Commissioner Herrera:** and the coral pit, so that's Ysengsong road.

**Ms. Dayday (CLTC):** Right here is the [inaudible] or the golf course, right after the golf course.

**Commissioner Herrera:** I see.

**Commissioner Garrido:** You mentioned agricultural.

**Mr. Eay (CLTC):** The report here is that they're not in compliance with their farming, it's a nice clean lot but no farming activities.

**Commissioner Herrera:** On one acre.

**Mr. Eay (CLTC):** One acre. Our lease agreement prior to building a home it has to be two-thirds farmed, once you've farmed two-thirds then you can build your home.

**Commissioner Herrera:** Let's look at the entrance road, the rights of way and this entrance road is on the proper street. It's cutting in from the buffer or that's another parcel.

**Mr. Eay (CLTC):** That one is a 100ft right of way, right now you're looking at a 22ft pavement off Ysengsong so, there's no buffer there.

**Commissioner Herrera:** That triangulation lot is another lot from the road assigned to somebody or is it open.

**Ms. Casem (CLTC):** It's leased out.

**Ms. Dayday (CLTC):** This is how they enter.

**Commissioner Herrera:** It goes into.

**Ms. Dayday (CLTC):** No, this one, it's cleared. This one doesn't really show what it looks right now but this is cleared here and it was Mr. Domingo.

**Mr. Eay (CLTC):** The third row that you see right there, they were using the past 20 years or 15, just last year they were able to use their easement, they cleared out about 10 to 15 feet, that's their access right now.

**Commissioner Herrera:** There are other trails there on the top right.

**Ms. Dayday (CLTC):** This goes to other leased property.

**Mr. Eay (CLTC):** That will be there [inaudible].

**Ms. Dayday (CLTC):** They were entering Chalan E. Bamba at one time but this one is all leased out now.

**Commissioner Garrido:** The front of the house, does that meet the legal setback.

**Mr. Eay (CLTC):** This is what we're doing sir is we're trying to make sure the front is 15, the sides are 8 and the rear is 10 to meet the variance so as mentioned the property is, just looking at it, the easement that should be the front.

**Commissioner Garrido:** Yes.

**Mr. Eay (CLTC):** Right now, as it is, this is the garage...

**Commissioner Garrido:** No, I'm talking about the front.

**Mr. Eay (CLTC):** The front actually meets the setback requirements.

**Commissioner Garrido:** It meets the setback requirement.

**Mr. Eay (CLTC):** It should be at 15 feet.

**Commissioner Herrera:** Was this a master plan configuration that we see now or was arendu before?

**Mr. Castro (CLTC, via videoconference):** This is a map done by a surveyor, it was only signed by the surveyor, it doesn't fall under the Public Law 31-170 but because we used it for leasing, we included it in the master plan.

**Commissioner Herrera:** Ok got it. After the master plan then it changed to tract.

**Mr. Castro (CLTC, via videoconference):** Some of the lots did but some of them depending on the size of the basic lot, this is on a huge lot which is 10122 basics so, this portion of lot 10122 was converted to a tract.

**Commissioner Herrera:** Okay, thank you.

**Mr. Castro (CLTC, via videoconference):** Just this portion where this subdivision is at.

**Mr. Eay (CLTC):** This portion right here which is part of the one acre where there no farming is just heavy vegetation.

**Commissioner Herrera:** Is that a flood zone or...?

**Mr. Eay (CLTC):** No flood zone. It's flat.

**Commissioner Garrido:** The initial application was for residential or was it for agriculture.

**Mr. Eay (CLTC):** The original applicant is for residential, original applicant is residential.

**Ms. Dayday (CLTC):** They changed it to AG.

**Mr. Eay (CLTC):** That's one of the ones we're changing.

**Commissioner Garrido:** Did they change it to AG or did they just change it?

**Mr. Eay (CLTC):** We will not change it until they request to change it.

**Ms. Dayday (CLTC):** This is originally under the arendu.

**Commissioner Herrera:** So, that's an LUP?

**Ms. Dayday (CLTC):** The original lessee was under an LUP.

**Commissioner Herrera:** Land use permit, do you have a copy of the LUP?

**Ms. Dayday (CLTC):** I don't have a copy of the LUP; he held his lease for more than seven years and transferred it to his property. I don't think it's in the file.

**Commissioner Herrera:** Okay.

**Mr. Eay (CLTC):** It doesn't mention in his staff report an LUP number but their application they claimed that their pre-occupiers.

**Commissioner Herrera:** Pre-occupier from the...?

**Mr. Eay (CLTC):** From the land use permit.

**Commissioner Herrera:** But there is no LUP number.

**Mr. Eay (CLTC):** Normally when there is an LUP number, we go through the listing and if the father or [inaudible] sometimes if that's the only way I would verify but sometimes because maybe the land agent at the time knows, even the mayor's verification they can say they've been occupying since 1970 or so far.

**Commissioner Herrera:** You have a LUP data?

**Mr. Eay (CLTC):** We have a listing.

**Commissioner Herrera:** Maybe next week we can have [inaudible].

**Commissioner Garrido:** Madam Chair. I would like to request that we place this specific applicant on delayed voting on this because there's too many questions we're experiencing on status on property, part of it being it was changed to agricultural and there's no (inaudible) and there's setback violations and I think we need to research those further. I propose that we set this aside for further investigations and that will be for legal, her lot number is Lot 5, Block 14, Tract 10316 Dededo containing an area of 4,062 square meters. I propose we defer to a later date after a more detailed investigation.

**Acting Chairperson Bordallo:** Any questions?

**Commissioner Herrera:** No questions. I second.

**Acting Chairperson Bordallo:** All in favor.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

### **19. Carmen Diane Crisostomo**

**Mr. Eay (CLTC):** The next lessee is Carmen Crisostomo, who has a residential lease and is requesting an SBA loan guarantee for the amount of two hundred thousand and also approval to build and issues noted is the original lease was awarded on August 22, 2003 contrary to 18GAR chapter 6a subsection 6a111 which speaks of first come first serve and also the building was constructed contrary to the residential lease agreement section 7.3 the lessee shall conform to all territorial zoning including lots, subdivisions, environmental and administrative laws or policies, there are junk vehicles, white goods and household trash on the property. The applicant date and time is December 2, 1995 at 1:50pm the type of application is residential, which the lessee also has a residential lease.

**Commissioner Garrido:** Just clarification on your explanation. In your third paragraph from the top, it says applicant shall be considered, strong language using shall.



**Mr. Eay (CLTC):** Yes shall. The land agent put that on because whenever you enter a lease warrant for lessees we have to base it, we have a priority list based on first come first serve, there done numerically and so if you're working on number one, you can't go to number 200, you have to go from one to numerical two, three, four and so on, that's why I say shall, a lot of people question did we skip, did we jump, that was there before someone else and how did they get a lease. That's why they ask me and that's why we emphasize "shall". That's basically it, she's applying for SBA loan guarantee for two hundred thousand, approval to build as well. You see on the photos, we took that, the home was totally demolished from the storm, the whole roof was gone and several columns are up right now. Of course, it shows junk vehicles, white goods and all those trash on the property so these things have to be removed.

**AAG Finney:** So, she's not compliant.

**Mr. Eay (CLTC):** Right, she's not compliant.

**Commissioner Herrera:** Is that because of the time and date?

**AAG Finney:** No, it's because of the accumulation of the junk vehicles, white goods and other items on the property.

**Commissioner Herrera:** Okay, understood.

**Mr. Eay (CLTC):** From Section 7.3.

**Commissioner Herrera:** And then she budgeted 40k to cleanup.

**Mr. Eay (CLTC):** At two hundred forty thousand dollars approved for her loan and then two hundred thousand will be for her loan guarantee so, we're not going to include the forty thousand dollars, that will be for her other use, property cleanup and stuff like that.

**Commissioner Herrera:** Disaster cleanup.

**Commissioner Garrido:** No mention here whether the structure was permanent prior to this loan.

**Mr. Eay (CLTC):** I believe there's no permit for this structure so, because they're coming now to build a new home, it's up to the board now they'll just move forward now the loan guarantee can put in a permitted to build a house in accordance in the building codes.

**Commissioner Herrera:** And the approval to build. I would like to make a motion madam chair to approve the request from the constituent Carmen Diane Crisostomo to approve the SBA loan guarantee and the approval to build on Lot 1, Block 5G, Tract 1022 Dededo for two hundred thousand dollars (\$200,000.00).

**Commissioner Garrido:** Half an acre.

**Commissioner Herrera:** For a half-acre.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**AAG Finney:** Can I ask a question first? Are you not considering of any kind of requirement to come in compliance?

**Commissioner Herrera:** Basically, the request is only for the loan guarantee and the approval to build and you're looking at the item 2.

**AAG Finney:** I'm just noting that the lessee is not currently compliant to the lease.

**Commissioner Garrido:** She's got junk on the property.

**Mr. Eay (CLTC):** Yes.

**Commissioner Herrera:** That's why I noted the spreadsheet on the loan guarantee the disaster cleanup and debris removal, expenses are here, most likely they want to do a demo and clean the property at the expense of SBA but we're only guarantying the building.

**Mr. Eay (CLTC):** Yes, but we want to note that down as part of the cleanup is that this lady household trash, junk vehicle and white goods are included as part of the removal.

**Commissioner Herrera:** Okay.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

## **20. Billy P. Cruz**

[crosstalk]

**Mr. Eay (CLTC):** Next on the agenda is Billy T. Cruz. We have Mr. Billy Cruz here today, please state your name.

**Mr. Billy Cruz:** Billy Cruz. Buenas.

**Mr. Eay (CLTC):** We have Mr. Billy Cruz here today, thank you for coming sir I know we've been talking on the phone it's been a while. Mr. Cruz is here today; he has an agriculture lease and he's requesting for an approval for an SBA loan guarantee for the amount one hundred ninety-five thousand three hundred and for re-construction on the building and also for building authorization approval. Issues here at hand are the four items mentioned here is the change of application type of residential to agriculture, lease outside date and time contrary to 18GAR subsection 6a111 issued lease on unregistered property contrary to 21GCA subsection 75a 105 and no building approval for structure on property contrary to 18GAR 6a 126 I want to remark on item number 4 where we released building approval for trust of property 18GAR what I did I went out last weekend, a week and a half ago and I found there's an ongoing building structure that you can see on the photo there that the 20x40 structure being built and I had spoken, we have a letter from Department of public works stating that, my concern was there was no building permit so I spoke to DPW and they were able to provide us a letter stating that the type of building structure is building on the property or premises does not require a building permit, the reason for that is that is for as long as there's no walls that enclose the structure and as long as there is no electrical, water or plumbing on the building, if that happens then you'll need a building permit. I confirmed with DPW and also provided a building plan for his home that he wishes to build and one of the biggest problems here that I want to mention in my findings is that as we, as land agent the property that was leased to Mr. Cruz is located on an unregistered property and with that being said, there is a public law Guam annotated law that mentioned that CLTC shall not lease unregistered property for or license per person, right now like I said we leased to Mr. Cruz, no fault to him and that is on

our part, trying to fix this issue, with concurrence with our legal here and I discussed with her earlier asked if we can table it so we can find a solution to this and how we can fix this.

**Mr. Billy Cruz:** Can I just say something. I know back in 2003, and the through the map which was filed in your office also signed by the CHamoru land trust administrative director Joe Borja, signed by me, same situation where we didn't have to register the map because of them 20 years ago. That signed here survey came out Milton Santos who did the survey, signed the survey, the land survey and all that. I got this copy because I lost my copy here from CHamoru land trust so I requested a copy. This was signed by Joe Borja at the time director, January 5, 2004, signed by me October 20, 2003 and coming to the register part I obtained a copy of the registered map from Land Management, it's an agriculture subdivision map master plan that indicated a lot number 53A-3 that's signed under me Billy T. Cruz, this survey map was signed by Paul Santos, Marvin Aguilar and Margarita Borja. I don't know if you guys have a copy of this.

**Mr. Eay (CLTC):** Is it recorded?

**Mr. Billy Cruz:** Yes, it's a recorded map.

**Mr. Eay (CLTC):** There's a difference between a recorded map and registered map.

**Mr. Billy Cruz:** At the time this was given to me I took guidance from them whoever was at CHamoru land trust, they stamped that stuff approved it and gave it to me and as soon, I hired a private surveyor Milton Santos who is not here, can't answer, went out of business or whatever, he was one of the surveyor I hired back then and now I'm left here before you, I treasure this property for 20 plus years ago, I never neglected this property, I spend the whole weekend with my family to make sure I take care of what was given to me and not abandon it but for the past 20 plus years I've never neglected a piece of property that was leased out to me, I do have a lease agreement though, signed registered with land management, stamped also and probably have a file also and this is where we're at today, I'm sorry that I don't what else it needs to take to make it happen, I request that we take it forward, I'm asking to get whatever it needs I need to do now. The people that work with 20 years are no longer here to answer to or even to go to their office, they're closed, I can't get that done so I'm here today facing you the board members and staff of the CHamoru land trust and what guidance you're able to give me to move forward. Thank you for giving me the time to speak before you all.

**Commissioner Garrido:** I have a question for you Mr. Cruz.

**Mr. Billy Cruz:** Sure.

**Commissioner Garrido:** Regarding what you're asking for is to reclassify from residential to agricultural, it's a half-acre lot.

**Mr. Billy Cruz:** Yes, it's a half-acre lot, I think and I can't believe if I remember this back twenty years ago, I signed a document to, from agriculture to residential. At the time I believe my lease is supposed to be agriculture but I signed an addendum and I can't find that it's supposed to go from agriculture to residential, I don't know why that's the only thing I afford to maintain, I don't want to get a big piece of property and not be able to maintain, I want to be able to maintain it, a smaller piece of property.

**Commissioner Garrido:** So, I guess my question is are you going to, or do you intend to farm on that half-acre?

**Mr. Billy Cruz:** No, my intention is I need to build a residential home, it's only a two thousand one hundred square meters.

**Commissioner Garrido:** You're defeating the purpose here because you want to change the type from residential to agricultural.

**AAG Finney:** I don't think he's asking to change it now; I think it was already changed.

**Mr. Eay (CLTC):** It was changed. The original application type was residential then later changed to agriculture so, to date his lease is now agriculture.

**Commissioner Garrido:** So, here in number one, it says to change application type from residential to agriculture.

**Mr. Eay (CLTC):** Right, right now it's an agriculture lease but if you look at the facts.

**Commissioner Garrido:** From agriculture to residential.

**Mr. Eay (CLTC):** In fact, item 3 and 4 is his original application type is residential, right now it's AG.

**Commissioner Herrera:** Sir, the map you have there is signed by, it was recorded.

**Mr. Billy Cruz:** Well, the only thing that was recorded is the agricultural subdivision master plan.

**Commissioner Herrera:** I see, that's where, this is not the same map.

**Mr. Billy Cruz:** This was approved by Joe Borja at the time when he was director.

**Commissioner Herrera:** Can you pass that; this is the agricultural right.

**Ms. Dayday (CLTC):** Master plan and this is his map.

**Commissioner Herrera:** This went through Paul Santos right, chief and Marvin Aguilar which is the chief planner and Margarita Borja so, you're saying this is unregistered, these guys must have caught this from the beginning but to make it go through the chief and chief planner and land administrator, pretty sure they resolved this.

**Ms. Casem (CLTC):** The master plan is not a map, that's just for the permits and the tax.

**Commissioner Herrera:** So, it's not a survey map?

**Ms. Casem (CLTC):** It's not a survey map.

**Mr. Cruz (CLTC):** It's not a survey map.

**[crosstalk]**

**Mr. Billy Cruz:** Again, earlier and listening to the conversations and the gentlemen mentioned then they didn't have to get an approved map like what is required today versus if the director signs up and we signed up should be sufficient, I asked the same question back then and I believe probably the entity was not together for some reason is what happened.

**Ms. Casem (CLTC):** Mr. Pierce, can you look at the TV?

**Commissioner Herrera:** that's the ....

**Ms. Casem (CLTC):** That's the 5380 area.

**Commissioner Herrera:** That's the master plan.

**Ms. Casem (CLTC):** No, this is the map.

**Mr. Castro (CLTC, via videoconference):** What you're seeing up here is the registration map from GWA with the water tank. 5380 was not registered at the time, when GWA came in there was a parcel cut off for them which is 5380-1 where they're existing, they registered that portion but the remainder of the lot is not registered.

**Commissioner Herrera:** They registered the part that Guam Waterworks like you're saying.

**Mr. Castro (CLTC, via videoconference):** Yes sir.

**Commissioner Herrera:** Is that where the water tank is at?

**Mr. Castro (CLTC, via videoconference):** Yes, where the water tank is at.

**Commissioner Herrera:** Maybe Joey can help you, the registration process to register an unregistered property, they went through the proceedings with the court records and if there was original land owner or any ancestral land owner, apparently it passed.

**Mr. Cruz (CLTC):** GWA's part.

**Commissioner Herrera:** The whole basic lot is lot number 10...

**Mr. Castro (CLTC, via videoconference):** Basic lot is 5380, parcel lot, the lot where the water tank is at, that's now 5380-1 and that is registered.

**Commissioner Herrera:** A portion of it.

**Mr. Cruz (CLTC):** Dash 1.

**Commissioner Herrera:** So, Pierce, the basic lot of 5380 was recorded back in early 30's, 40's, 50's?

**Mr. Castro (CLTC, via videoconference):** No, sir.

**Commissioner Herrera:** Any tax roll from a private claimant, you know what I'm saying?

**Mr. Cruz (CLTC):** I don't think so.

**Commissioner Herrera:** Did anybody claim as ancestral land, crowns land or is it government of Guam land because apparently the water tanks are there right and it's registered, the basic lot 5380 is, yeah dash 1, that's the title.

**Mr. Cruz (CLTC):** Dash 1.

**Mr. Castro (CLTC, via videoconference):** That's the title 5380-1.

**Commissioner Herrera:** The title was since 19...

**Mr. Castro (CLTC, via videoconference):** 84.

**Commissioner Herrera:** And who was the owner before 1084 based on the title? Was it government of Guam or Navy? I'm just checking.

**Mr. Castro (CLTC, via videoconference):** Yes.

**Commissioner Herrera:** Government of Guam. Right?

**Mr. Castro (CLTC, via videoconference):** Yes.

**Commissioner Herrera:** Okay. So, the basic lot just to go back the 5380 is registered to put the water tanks from Guam Water works, apparently those crown lands or ancestral lands because if there was it would have surfaced from the land registration, the basic lot basically is not claimed by any private entity or the government of Guam or ancestral lands right director because if it was it would be under your inventory.

**Acting AD Burch:** Not necessarily. Ancestral Lands has crown lands, not ancestral lands and crown lands. We have several thousand acres that ancestral that we're trying to find the owners of.

**Commissioner Herrera:** The ancestral part.

**Acting AD Burch:** Right.

**Commissioner Herrera:** And the crown.

**Acting AD Burch:** The crown is mostly central most southern property crown is probably down at Polaris Point, most of it is up north.

**Commissioner Herrera:** Okay.

**Acting AD Burch:** This is in an area right by the water tanks and that's a northern property.

**Commissioner Herrera:** Apparently the Guam water works real estate group did their due diligence to do the research to find out if there was any claimant for this 5380.

**Acting AD Burch:** The honest deal, there are ancestral lands being used for parks that have original land owners, there's several out there, easy ones are Tiyan, they returned some properties and some have been kept for the football field getting it all set up, those are the original land owners and their waiting for it to be returned because GovGuam deem it was necessary to use it as a park for public use and GovGuam has that type of control and I know those owners requested when can we get these properties returned but unless it's legislative but issues like this they'll be cleared up by though legislation that will be the easiest way to handle it but ....

**Commissioner Herrera:** Apparently Guam Water Works sliced out or carved out a portion for the water tank.

**Acting AD Burch:** And had it registered.

**Commissioner Herrera:** And kind of left the remainder open for agricultural subdivision at that time.

**Mr. Eay (CLTC):** I'm not sure if its AG but some of our property is misused but it should be AG.

**Commissioner Herrera:** Okay. Then they decided to subdivide it into residential and well its parceled out for an acre because Mr. Cruz was authorized an acre.

**Mr. Eay (CLTC):** Half-acre.

**Commissioner Herrera:** Half-acre, and the rest if you look at the configuration of the property on the rights of way, what's the size Pierce on the one, two, three, four, five, six lots water.

**Mr. Eay (CLTC):** Half-acre.

**Mr. Castro (CLTC, via videoconference):** Let me pull a map. Mr. Cruz lot is a half-acre, this one is a half-acre, these are half-acres right here.

**Commissioner Herrera:** Okay.

**Acting Chairperson Bordallo:** Mr. Eay, the other lots, the neighboring lots are they mostly residential?

**Mr. Eay (CLTC):** I'm not aware of that, but the neighboring lots like right across them are private and the other side is CHamoru land trust, those assigned lots there are homes that are built and appears to be residential because I don't see any farming activity within the premises but I have not yet check that yet but my field inspections all have residential dwellings there within the premises.

**Acting Chairperson Bordallo:** So, why can't we change it from agriculture to residential [inaudible].

**Mr. Eay (CLTC):** That's our legal ....

**Acting Chairperson Bordallo:** Since the neighbors are all...

**Mr. Eay (CLTC):** We have to confirm that Mr. Pierce, the neighboring lots, is that residential?

**Mr. Castro (CLTC, via videoconference):** These here.

**Mr. Eay (CLTC):** The Sablan.

**Mr. Castro (CLTC, via videoconference):** Yes, these are residential.

**Commissioner Garrido:** It's your intent, Mr. Cruz, to have that classified as a residential.

**Mr. Billy Cruz:** Hunggan.

**Mr. Eay (CLTC):** The original application has stated is residential and in 2022, Mr. Cruz requested to change application type from residential to AG approved from administrative director Mr. Ron Teehan we have that on file and I just confirmed it. The request now is to revert it back to residential, from AG to residential.

**Commissioner Herrera:** But the lease is indicating, the 99-year lease is AG.

**Mr. Eay (CLTC):** The original application type is Residential.

**Commissioner Garrido:** It's in the report.

**AAG Finney:** It's not like, this was one of the issues we were looking at because I think this is not the only case, a person who switched who had a residential application and then switched types to agricultural and then was not in compliant with the terms of the agricultural lease and so wants to switch back to residential. I think there's a number of leases that are like this and I'm not sure how the board wants to proceed with that, I'm aware of the issue but I haven't, I don't have a recommendation for you today on how to handle of those who are in that type.

They should definitely should be treated the same if somebody's not in compliant in their agricultural lease but they're living on the property.

**Acting AD Burch:** Pierce, I have a question. What is the zoning of those lots in that area? Is it zoned agricultural or residential?

**Commissioner Garrido:** The neighboring lots are residential.

**Acting AD Burch:** Cause if residential I think we should authorize it to be agricultural because if you're going to raise livestock or something on a residential subdivision you might have problems there. If no residential I don't think you'll have a problem with the...

**Commissioner Garrido:** The neighboring lots is what I'm saying.

**Acting AD Burch:** That's why I asked Pierce what's the zone.

**Mr. Castro (CLTC, via videoconference):** Some of them are saying R1 and some are saying agriculture zone. I could confirm it in more detail if we need to but, for example the first lot here or second lot is zoned R1 I'm not sure if it's zoned agriculture, I just took it from this. Let me verify. According to the map, 5380 is still zoned A, Agriculture.

**Commissioner Garrido:** The basic lot.

**Mr. Castro (CLTC, via videoconference):** Yes sir, the basic lot.

**Commissioner Herrera:** Pierce, the Guam waterworks is zoned for the water reservoir. Is that M1?

**Mr. Castro (CLTC, via videoconference):** Per the map, it's zone A. I need to verify with planning if it ever was changed or rezoned, I don't have that information on me right now but per this map which was recorded in 2018 it's zoned A.

**Mr. Eay (CLTC):** A lot of our leases our AG, CLTC lots has mixed use, there not consistent, if you're talking about zoning, the only way to change the zone property you have to go to GLUC, but in our case what we're doing is ok, this one is AG no let's make it residential and that's been the practice that I've seen since I've been on board and I said how is this done, well internally, they threw away the zoning like you said it had to go through the process for rezoning and the question is was it done correctly.

**Commissioner Garrido:** I feel like right now we're pass our tenant now wants to revert back to residential, clearly, he's maintaining the property as residential, I don't know if he ever farmed on the property that's beyond my time, I personally would like to see if we can assist him in reverting to residential so he's in compliance.

**Acting AD Burch:** I don't think there's an issue building residential homes on agriculture lands, I don't think there's an issue on that, the issue is if it remains agriculture there's a certain percentage of the property that must be used for agriculture purposes and that half acre lot that would exclude building a house so, I'm assuming it would be the prerogative of the board to allow a residential home to be placed on that lot following whatever conditions that our attorney can come up with and if it might take time to review this it might have to take it to the next meeting, we can make that decision tonight.

**Commissioner Garrido:** there's no limiting the structure that you're building on agriculture lot, an agriculture lot you can build a duplex, nothing more than a duplex so you can build a residence. Like you said, other than that stipulation for agriculture the two-thirds of the property has to be farmed.



**Mr. Eay (CLTC):** Two-thirds has to be zoned on R2.

**Commissioner Garrido:** No, duplex is allowed on agricultural.

**Mr. Eay (CLTC):** I can look at that later.

**Acting AD Burch:** If we convert this lease to residential it would move that stipulation from rules that significant portion of the property be used for agricultural purposes and I don't think there's a problem in zoning in agriculture in place of residential house on it so, it might be up to the commission unless attorney Finney has any objections.

**Acting Chairperson Bordallo:** Does it have sewer on that area?

**Mr. Eay (CLTC):** There's no sewer available at this time.

**Acting Chairperson Bordallo:** That's why it's a half-acre.

**Mr. Eay (CLTC):** What more so, it's next to a well, looking about a thousand feet.

**Commissioner Herrera:** The well is above ground; the water lens is below ground.

**Mr. Eay (CLTC):** They're standard, I believe, is any well or even above you can build any structure within a thousand feet radius so that's above or under that's the law, EPA also.

**Commissioner Garrido:** What are the alternatives?

[crosstalk]

**AAG Finney:** I mean specifically though [inaudible] there's none.

**Commission Garrido:** In changing his zone, he's not meeting the criteria for agriculture.

**AAG Finney:** You don't need to change the zone. [inaudible]. That's a separate consideration that I don't think is an issue [inaudible] I think it's just the lease.

**Commissioner Herrera:** The lease is under A zone.

**AAG Finney:** The lease is an agricultural lease, doesn't have to do with the zoning property.

**Commissioner Garrido:** The lease is an agricultural lease that means he has to farm two-thirds of the property.

**Commissioner Herrera:** And he can build a home.

**Commissioner Garrido:** He can build a home.

**Commissioner Herrera:** Correct that's it.

**Acting Chairperson Bordallo:** Plant bananas.

**Acting AD Burch:** His house will be extremely small. Just remember he has to have space for a leaching field with a septic tank, as you convert the lease to a residential and that will be up to the board.

**Commissioner Herrera:** And residential will be with the sewer line.

**Acting AD Burch:** [inaudible].

**Acting Chairperson Bordallo:** But normally it's just a resident and it's not a big [inaudible].

**Commissioner Garrido:** He meets the criteria. The lot size meets the criteria for residential. Like they said it's up to us to decide to change the lease from agricultural to residential. Correct?

**Acting AD Burch:** Correct.

**Commissioner Herrera:** The size remains.

**Commissioner Garrido:** No change in size because it meets the qualification.

**Acting AD Burch:** Just the lease, change the condition of what can be placed on the property.

**Commissioner Garrido:** And then he doesn't have to farm.

**Acting AD Burch:** And that's what he's requesting right, Mr. Cruz?

**Acting Chairperson Bordallo:** That's the original residential.

**Commissioner Herrera:** Okay.

**Mr. Eay (CLTC):** We still have to address the unregistered property.

**Commissioner Herrera:** Correct, that's the administrative part we have to...

**Mr. Eay (CLTC):** Request the condition to build or to revert back to residential or to include to build. Are we going to table it until we get a definite answer as far as unregistered property?

**Commissioner Herrera:** You know that's a good point, this is an unregistered and I see on the property, are those homes?

**Mr. Eay (CLTC):** They're homes, sir.

**Commissioner Herrera:** And they're the same parcels.

**Mr. Eay (CLTC):** The same tract [inaudible].

**Commissioner Herrera:** So, how did they build-- how were they approved to build homes, but it is unregistered?

**Mr. Eay (CLTC):** There's a map [inaudible]. There was an oversight there where they didn't check to see if it was registered properly. We caught it only because of the due diligence of our staff.

**Commissioner Herrera:** So those 3 homes there are Land Trust recipients that built a home?

**Mr. Eay (CLTC):** Yes, they're all siblings.

**Commissioner Herrera:** And they went through the Department of Land Management.

**Mr. Eay (CLTC):** And then now we're going to penalize this next person, because we caught it. I mean, I'm just trying to see [inaudible]. I mean, I don't know who Mr. Billy is. This is the first time I've met him.

**Mr. Billy Cruz:** May I speak?

**Commissioner Herrera:** Yeah.

**Mr. Billy Cruz:** Because I can remember. I'm the first one before all the Sablans in the bottom who did my survey map. You can go back **[inaudible]**. And I'm sure that they probably followed my points from there. I just want to throw that out there. The whole entire place was boonies, jungle. I'm the first one there.

**[crosstalk]**

**Mr. Billy Cruz:** **[inaudible]** on the corner besides Mr.—the Villagomez are right across me. The other American guy right beside me was the only one there. I just want to say that I was the first one cleaning the place by hand. You know when they—a couple of years later I guess they started to develop the area **[inaudible]** I guess they have money. I'm sorry I don't have that kind of money at the time.

**Commissioner Garrido:** I think we have consensus already of changing your lease. Right now, the problem is it is unregistered land. And I look to our CLTC people to guide us on how we can get that registered. Ah, because I don't know the process for registering unregistered land aside from hiring a surveyor to do it all.

**Mr. Eay (CLTC):** There's a process we can follow as far as doing the land registration, but the question is—it's a lengthy process.

**Commissioner Garrido:** Have we ever done one?

**Mr. Eay (CLTC):** We've been doing it in the past, yes.

**Commissioner Garrido:** And which one is that property? I'm just checking.

**Mr. Eay (CLTC):** The last one **[crosstalk]**. That's in Dededo. Yigo? **[inaudible]**...farm **[inaudible]**.

**Commissioner Garrido:** It was unregistered property.

**Mr. Eay (CLTC):** It was unregistered, and we did that maybe about 5 or 6 years ago **[inaudible]**. And right now, we're doing a land registration—one in Dededo. It's still pending approval. To register **[inaudible]** it has to go through a process. **[inaudible]** tract. We have to investigate who's around the perimeter, who's occupying there. And then give them notice that we're going to zone. **[inaudible]**. That's the process, and it goes through the courts. And it takes time to go through the courts **[inaudible]**. We don't have a timeline.

**Commissioner Garrido:** But meanwhile we have a tenant that has been through the SBA process, and he's just waiting for our loan guarantee.

**Acting AD Burch:** I see the point where they're saying with unregistered land there is a problem with claimants that might cloud up the title, should that ever come about. And once the title is clouded then it takes quite some time. So, the safety measures **[inaudible]**. I see that one motion where you can make **[inaudible]** change the lease from agricultural back to residential. The other issue is now the unregistered property.

**Acting Chairperson Bordallo:** Would that go for the other lots?

**Mr. Eay (CLTC):** We would have to do it as a whole.

**Commissioner Herrera:** So, if this fails on the registration, then all those leases that we provided would be null and void. The ones that built homes.

**Mr. Eay (CLTC):** If it fails and somebody makes a claim then the court decides—makes a judgement that it belongs to them, then we have to **[crosstalk]**.

**Commissioner Herrera:** **[inaudible]** basic lot and then Guam Waterworks registered their portion. And then we gave leases to the top 3 or 4, and they built homes. Apparently, they went through the permitting process. So, now we're going to go through this corner lot, and **[inaudible]**.

**Mr. Eay (CLTC):** Whereas Guam Waterworks did land registration hopefully we can go through that same smooth process where nobody claims that lot, because [5380?] that's a big lot there. So, we're hoping that—we can only assume that nobody's going to make a claim on the remainder of the property. But then again, we can never tell.

**Commissioner Herrera:** So, I'm saying that if we went through the process and there was a claim? So, those 3 homes are likely **[inaudible]**—the homeowners?

**Mr. Eay (CLTC):** We're going to have to, yes, pay them. How are we going to pay them? There's a Relocation Act that we're going to have to follow. Whereas if a person is being displaced, there is a very lengthy **[inaudible]**. We are going to have to relocate the lessee. We'll look at the fair market value of the house **[inaudible]** compensate them and relocate them to another place depending on the agreement **[inaudible]** just compensation.

**Commissioner Garrido:** (AAG Finney), what are our options here?

**AAG Finney:** I think...

**Commissioner Garrido:** We're caught between a rock and a hard place. We want to help the tenant, but it's a long process as stated.

**Acting AD Burch:** Plus, it is also a violation of law **[inaudible]** unregistered property.

**AAG Finney:** I was going to point out, the issue is that the law says don't lease unregistered property. Way back **[inaudible]** some years ago somebody leased unregistered property. So, that's why I was saying we'll need to look at what the options are.

**Acting AD Burch:** It might be better to table this one and allow Attorney Finney to review and find what options we have available to him. In good faith we'll try to help Mr. Cruz out. Yet, I see what Mr. Eay is saying—what Glenn is saying is that should you allow the loan guarantee and a house is built like those other homes and somebody files claim and wins **[inaudible]**. CHamoru Land Trust will have to relocate those people and provide fair market value replacement for them. So, we will be—we will have big problems for each home. We don't know how much that will cost.

**Commissioner Garrido:** I'd like to make a motion.

**Commissioner Herrera:** Wait, I have another question. Look at this basic lot, right? There's like 10 lots. They're all CHamoru Land Trust?

**Mr. Eay (CLTC):** The whole perimeter here, this is CHamoru Land Trust property here, but already it was severed out here, this portion here, for Guam Waterworks. So, this whole lot here **[inaudible]**.

**Commissioner Herrera:** The large portion on the far-right corner?

**Mr. Eay (CLTC):** I have to confirm that with [inaudible] to see if it's ours or is it leased out.

**Commissioner Herrera:** Pierce, you know that right corner, the green? Yeah. Who owns that? I mean, who's that leased under?

**Mr. Castro (CLTC):** It says it's not leased.

**Commissioner Herrera:** Okay, and what's the area?

**Mr. Castro (CLTC):** I believe there's a map. Hang on, sir.

**Commissioner Garrido:** Lot 5380-2 [sic].

**Acting AD Burch:** The property is pretty steep. I'm not sure you can use the property.

**Mr. Castro (CLTC):** So, 5382-2 [sic] was parceled out. It was intended for a land exchange, but the exchange never went through.

**Commissioner Herrera:** Land exchange with? Guam Waterworks?

**Mr. Castro (CLTC):** No, with—the land exchange—there's a special note on the map here.

**Commissioner Herrera:** It's 275,000 square meters. That's about 20 [crosstalk] 20,000 [inaudible].

**Mr. Castro (CLTC):** So, it says the lot was intended—it was authorized by Public Law 28-84 [inaudible] land exchange. It was never consummated.

**Commissioner Herrera:** Public Law?

**Mr. Castro (CLTC):** 21-84. It was never consummated. And instead, another lot [inaudible]. It was owned by Edward Leon Guerrero and Evelyn Leon Guerrero [inaudible] land exchange. It was purchased by the Government of Guam. It never was consummated. That's the reason why that lot was portioned out. So, it was never—I can verify whether it was still under GovGuam or [inaudible]. This parcel was already consolidated [inaudible] [3080-R1?].

**Commissioner Herrera:** So, it's not dash 2 anymore?

**Mr. Castro (CLTC):** No, not anymore.

**Commissioner Garrido:** Madam Chair, may I—?

**Commissioner Herrera:** I have a question. On the SBA loan guarantee, right? I know Mr. Cruz has been approved. So, if we're going to table this, right, and start working on the administrative process to register the unregistered would that give him the window to build?

**Commissioner Garrido:** No, it would—.

**Commissioner Herrera:** Because SBA has a timeline, right, for construction? [crosstalk] So, SBA has a window for when you are guaranteed a loan.

**Mr. Eay (CLTC):** What SBA does is when they give you an approval for a loan, they'll give you x number of days.

**Commissioner Herrera:** How many days?

**Mr. Eay (CLTC):** I'm not sure.

**Commissioner Herrera:** We have to make sure.

**Mr. Eay (CLTC):** [inaudible]. You have to look into his contract. Mr. Cruz. If you don't meet the deadline, you can always request for an extension. I don't think I've done that before [inaudible].

**Commissioner Herrera:** So, to work on this property, right, now that it's been consolidated again. The timeline to get it registered, would that coincide with the SBA loan guarantee or would that leave the tenant hanging for another week, another month? For the loan guarantee process. Maybe 2 months? Based on your experience from the last [inaudible].

**Mr. Eay (CLTC):** Based on my experience [inaudible]. Just to go out to do an assessment. Assessment has been done [inaudible] land registration. You have to check the surrounding neighbors.

**Commissioner Herrera:** Every 6 months?

**Mr. Eay (CLTC):** Sometimes—to get everything put together it might take, I'm not sure, 4 to 6 months.

**AAG Finney:** Are you talking about doing the actual land registration survey before...?

**Mr. Eay (CLTC):** No.

**Commissioner Herrera:** Remember this is a disaster loan. This is not to build an ivory tower. This is a disaster loan.

**Mr. Eay (CLTC):** But the process is still the same. [crosstalk] Like I said it has to go through the process again to go and check the neighboring lots and get their names, addresses and if you can't find them you have to find them, because you can't go to proceedings with land registration until you give notice [inaudible]. And if they're not given notice, they can always [inaudible]. Only to find out later on they make claims then we're in trouble. So, the process has to be completed before we even—that information has to be gathered before we even proceed to a land registration. We have to get all this information down.

**Commissioner Herrera:** An in the meantime you can be standing by under a tarp in the weather.

**Mr. Eay (CLTC):** That's beyond our control, sir.

**Commissioner Herrera:** Understood. That's it.

**Acting AD Burch:** Commissioners, you might want to consider just tabling this so we can move on with the other ones. It seems this one has some problems. We'll come back to it at the next meeting and see if we can come up with a resolution of some sort. Registering property according to what I heard and to what Mr. Eay is saying is it does take time. And it might exceed his timeline when he applies for a loan. Most likely it will. It might be easier to just do a land swap [inaudible]. Mr. Cruz has put some investments already into the property. It's very clear that he's done that.

**Commissioner Herrera:** And we're willing to pay for [inaudible].

**Acting AD Burch:** But the problem that has occurred here was that a lease was given, and this may not be the only one, by the CHamoru Land Trust Commission in violation of local law by

granting a lease for unregistered property. And that's the big problem here. The issue there is that I know people can file a claim on anything even if you have title, they'll still cloud the title. Unregistered property makes it even more difficult.

**Commissioner Herrera:** Don't get me wrong on this one. I understand you're reading the mandate. I'm looking at it from a humanitarian approach. Because this disaster loan from the Federal Government from the Small Business Administration, so you know we have 27 individuals, right, that applied. Correct, no?

**Mr. Eay (CLTC):** And more are coming.

**Commissioner Herrera:** And it appears, right, that this is an administrative process that, I'm going to say that we failed to thoroughly go through the requirements. We gave the individual a lease, a 99-year lease. And we have the Attorney General on our side and the Department of Land Management on our side. [inaudible] when we compare—we are the government. CHamoru Land Trust is the government. We have basically the resources of the legal expertise in properties and apparently the individual went through the process—you were saying it was an agricultural [inaudible] back then. We're going backwards to the history, and we're here today. And we're here today because of the presidential declaration of disaster. The Federal Government provided FEMA and the Small Business Administration. And you're right. If this one needs to be tabled [inaudible] humanitarian portion, that's number 1. And number 2 the Land Trust was created because of the unjust land takings from the past. So, we have to take that computation into account. So, that being said, I'm open...

**Acting AD Burch:** Commissioners, I know legal has advised us. And based on that advice, if you—the decision is going to be up to the Board itself. But you have to remember that if you go against the advice of legal that you will be assuming the responsibility as board members, and you will be placing the responsibility on the CHamoru Land Trust Commission. Just remember [inaudible]. It's going to be your call in the end.

**Commissioner Herrera:** Well, that was our issue from the very beginning. When we only had 300,000 in the bucket. And we had 10.4 million aggregates. Remember? When we had 300,000 and there's like 100 applicants. And we've been approving them, because of disaster loans. 10.4. Now, we have about 3 million aggregate that's coming up and we're still facing this kind of fear of being sued personally. The fear that I may lose my personal assets. And yeah, maybe I shouldn't be in this chair to start feeling this and just become a legal [inaudible] to say, well, Mr. Cruz you were given a lease that was unregistered, it was our fault, because we gave you a lease, so you know have a good day. We're giving you another option. We're giving you a land exchange. Is that what you were saying?

**Mr. Eay (CLTC):** In this case, we don't do an exchange. We can relocate [inaudible]. But again, like the Director pointed out [inaudible] improvements to the property. He invested a lot of money [inaudible].

**Commissioner Herrera:** Give me a value on the investment that you saw.

**Mr. Eay (CLTC):** I can't determine a value on that one.

**Commissioner Herrera:** You're a former contractor, so you could [inaudible]. Let's just be truthful.

**Mr. Eay (CLTC):** Let's just say that what he invested there is very costly.

**Commissioner Herrera:** Put a dollar amount.

**Mr. Eay (CLTC):** I can't [inaudible]. That estimate on that one there has to be done an appraiser. A real estate appraiser. [inaudible] justified. Not by a contractor. Or like me a former contractor.

**Acting AD Burch:** In short, it's too expensive.

**Commissioner Herrera:** Let's say 50 grand?

**Acting AD Burch:** I put a chain link fence about maybe 2/3rds of what he has, and it cost me over \$25,000.

**Commissioner Herrera:** This is concrete.

**Acting AD Burch:** This is all concrete. Right. So, it's going to cost a lot more than chain link.

**Commissioner Herrera:** About \$200 a square foot. Roughly.

**Acting AD Burch:** I don't know the linear feet.

**Commissioner Herrera:** Okay. That's a half-acre, 2,000 square linear feet. 100, 200, 300, 400 linear feet times 20,000? You're the contractor.

**Mr. Eay (CLTC):** I don't want to throw out any number right now, because, you know, it might be misleading.

**Commissioner Herrera:** We forgot the footings for the 4x4 vertical columns [inaudible].

**Mr. Eay (CLTC):** [inaudible] other expenses, clearing the property [inaudible] new structure that's on the premises and so forth. Lots of things you have to consider.

**Commissioner Herrera:** Thank you, Mr. Eay.

**Acting Chairperson Bordallo:** So, we're going to table it?

**Commissioner Herrera:** We're legal reliant. So, let's hear the legal. Because I don't want to be personally liable. So, we're legal reliant.

**AAG Finney:** It's up to the Board.

**Acting AD Burch:** I would recommend that the Board table it for now, and we move forward with the others. We have a lot. This is a complicated issue. We have to consider whatever avenues are available. Let's see how we can correct an error that occurred years ago. This lease is since 1999. It's been there for a long time.

**Commissioner Herrera:** Yeah, 1999 but he occupied it before 1999.

**From time stamp 3:04:23 until 3:12:15 CHamoru is spoken.**

**Acting Chairperson Bordallo:** [inaudible].

**Commissioner Garrido:** Based on the Director's recommendation and it's quite evident there's a lot of complications for this issue. I see both sides of the predicament where I see our tenant here has done more than his due diligence at maintaining in a very orderly fashion and he put in very good improvements to the land. I also see that there was a mistake made...

**Acting Chairperson Bordallo:** On our part.



**Commissioner Garrido:** ...may decades ago and that led to the issuing of an unregistered property. We need to go in and find out what are the actual processes and timelines that will be needed, because I don't want to see this person, this individual, lose the property. He has an attachment already. He has an emotional attachment to the property. And like he said he put his blood, sweat, and tears into improving the property. So, I do feel for him, but at the same time we have to do things the right way. So, I suggest that we do table this for now. I hope you don't mind. I'm not saying yay or nay. I'm on your side. But we need to know the timelines attached to the procedures to register that land and since it was initially a fault of CLTC maybe CLTC should bear the cost to register the property. That is my recommendation. That is the motion I want to put on the floor.

**Commissioner Herrera:** Second the motion.

**Acting Chairperson Bordallo:** All in favor?

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** So, we will investigate this for you further, sir, and we will try and do our best to resolve the issue, because I know what you went through because I'm doing the same thing. (CHamoru 3:14:30 – 3:15:15)

#### **24. Vicente J. Cruz**

**Mr. Eay (CLTC):** Madam Chair, I'd like to request that we skip down to number 24 Vicente J. Cruz who's sitting there right now. He's feeling ill. He's requesting that we see him first before others right now. [crosstalk]. Okay we have Mrs. Cruz right here. She going to represent her husband, because he's not feeling well right now. Please state your name.

**Bernadita Cruz:** My name is Bernadita Cruz. I'm here for my husband, Vicente Cruz. We're requesting that we get approve [inaudible] to build our own house.

**Mr. Eay (CLTC):** So, Mr. Vicente Cruz is requesting approval for loan guarantee for the amount of one hundred eighty-four thousand dollars (\$184,600.00) to rebuild his home. As you can see there are photos attached to our report [inaudible]. I believe it's going to be totally demolished and rebuilt to a fully concrete structure. He's also requesting approval [inaudible]. We found that Mr. Cruz has 2 agricultural [inaudible]. And at this time [inaudible]. Well, there's an inhouse survey right now. The main problem at hand is that Mr. Cruz has 2 agricultural leases [inaudible]. The recommendation is the place where he is currently occupying that he remains there. And the other lease that was awarded to him he terminates that lease. Because the law requires you can only have 1 lease for 1 application. You can't have 2 leases. I believe Mr. Cruz has agreed with our land agent Ms. Dayday; they have discussed this earlier and if we can also motion to cancel the other lease located a portion of 7150-[inaudible], Yigo, containing an area not more than 1 acre subject to survey. So, that's the one he wishes to cancel and keep his current lease where he's actually occupying. [crosstalk] This property is registered property. [crosstalk] There was a typo there, sir. This is located Chalan Evangelista, Yigo. [crosstalk].

**Commissioner Garrido:** We don't have an issue with unregistered on this one, right?

**Mr. Eay (CLTC):** [inaudible] this is a registered property, sir.

**Commissioner Garrido:** How big is the second lease?

**Mr. Eay (CLTC):** One acre. They're both 1 acre.

**Commissioner Garrido:** No, it's half acre.

**Ms. Dayday (CLTC):** The first one is 1 acre.

**Mr. Eay (CLTC):** The first one is 1 acre? What about the second?

**Ms. Dayday (CLTC):** Half acre.

[crosstalk]

**Mr. Eay (CLTC):** The second one is where he's actually occupying?

[crosstalk]

**Vicente Cruz:** The reason why I cancel the one acre is because it will encroach my neighbor to build a cement house already. [inaudible] If you go there again and you see it, I'll show you. So, that time I told Mr. Camacho and Ms. Blas [inaudible] that I do not want a 1 acre, because it's going to encroach [inaudible]. Because it wasn't surveyed at that time. [crosstalk] The land wasn't surveyed. That's under my mother's lease. It was a 5-acre lease under Land Management at that time. Then when the CHamoru Land Trust came in [inaudible] they said 1 acre. I said no. Because I asked them where, and the surveyor at that time showed me where it would go [inaudible]. I don't want to hurt my neighbor. I don't want to have [inaudible]. Just keep me away from that house. When they surveyed their property, they were going to go towards me cutting me to 1,000 square meters. I brought that person here to CHamoru Land Trust, and we settled it. [inaudible] So, it's surveyed. [inaudible].

**Mr. Eay (CLTC):** Okay, that wasn't mentioned [inaudible]. Right now, we can recommend to terminate that lot where you wish to terminate [inaudible].

[crosstalk]

**Vicente Cruz:** [inaudible] I don't want to go an acre. [inaudible] Already they build after 1997. I'm shaking, because I'm ill. They built that house and in fact the owner of that house wanted to borrow my license for my house to stick it to their house to continue in case CHamoru Land Trust [inaudible]. I said no I cannot do that.

[crosstalk]

**Commissioner Garrido:** Madam Chair, since the Commission has no questions on this matter, I would like to put on the table that we approve Mr. Cruz's request for his loan guarantee, and that he relinquish Lot 7150-3-2 containing an area of 1-acre back to CLTC and we go forward and we approve his loan with SBA for his half acre lot. The SBA [inaudible] is one hundred eighty-four thousand, six hundred (\$184,600.00) for real estate reconstruction.

**Commissioner Herrera:** And to approve to build.

**Commissioner Garrido:** And to approve to build.

**Commissioner Herrera:** Second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioners Herrera and Garrido:** Aye.

**[crosstalk]**

**Ms. Casem (CLTC):** I didn't hear a motion...He only motioned for the SBA and the relinquishment of 7150, but no approval to build.

**Commissioner Garrido:** Yes, I included it.

**Ms. Casem (CLTC):** Okay.

**21. Mr. Tony Eloy Cruz**

**Mr. Eay (CLTC):** Okay moving to the next lessee is Mr. Tony Eloy Cruz. He was here earlier. I don't know what happened. [inaudible]. Moving forward, Mr. Tony Cruz is requesting for an SBA loan guarantee for the amount of one hundred ninety-five eight hundred thousand (\$195,800.00). Also, approve to build as well. And the issue [inaudible] listed here is a residential lease was awarded July 29, 2002 [inaudible] which is first come first serve basis. And, also, another one [inaudible] subsection 6A120 "Residence permitted on agricultural lot." No farm activity. There was no farm activity found during inspection. And, also, contrary to residential lease agreement section 7.3 the lessee shall conform to all [inaudible] environmental and administrative laws or policies [inaudible] household trash, white goods, junk vehicles and aircraft. This is the first time I saw aircraft on a property. [crosstalk] aircraft with no engine [inaudible].

**AAG Finney:** So, he had a previous loan, an SBA loan that was [inaudible]?

**Ms. Dayday (CLTC):** Yes, the original lessee, but it was paid off before it was transferred to Mr. Cruz.

**AAG Finney:** Right, but I'm just wondering were the conditions of that [inaudible]?

**Ms. Dayday (CLTC):** You mean the letter of...? Yes, he has one. It was submitted prior to Mr. Tony Cruz taking over the lease.

**[crosstalk]**

**AAG Finney:** Right, but what I'm wondering is was the original loan included in—were all of the required [inaudible].

**Ms. Dayday (CLTC):** I'm not sure about that.

**Mr. Eay (CLTC):** We haven't read the lease [inaudible] contents are [inaudible], but based on our findings [inaudible] you can see there is a semi concrete building with a tin roof. If it was part of the contract, we don't know...

**AAG Finney:** That was allowed under the original SBA...?

**Mr. Eay (CLTC):** That's what I don't know [inaudible], because right now for disasters, even right now we're even putting temporary roofs with FEMA and everything. I'm not sure what was required of them at that time.

**[crosstalk]**

**Ms. Dayday (CLTC):** I don't see a building permit or plan in the file. There's nothing in here under the original lessee.

**Mr. Eay (CLTC):** When was that? What year was that?

**Ms. Dayday (CLTC):** It was done in 2003.

**AAG Finney:** And this one unlike—because there was another one where there was a prior SBA loan and then SBA had filed something saying that you would not be eligible for future [inaudible]. Was there anything like that in there?

**Ms. Dayday (CLTC):** There's a document from—because that was asked prior to it transferring to Mr. Cruz—that he submit that document. I know there's a document in here that was given. This one.

**[crosstalk]**

**Mr. Eay (CLTC):** It's semi concrete, but the walls when I look at it—most of the walls are [inaudible]. It's similar to concrete, but again the thickness, you got a quarter inch, half inch, three quarter inch depending on what you're using. And I believe they were using a half inch [inaudible]. And there's some areas where there's concrete towards the rear, so there's mixed materials for the structure.

**[crosstalk]**

**AAG Finney:** That's what I'm wondering, and so that's why—I'm just raising the question about guaranteeing a second loan.

**Commissioner Herrera:** A second loan?

**Mr. Eay (CLTC):** So as mentioned the first loan was issued to the first lessee. So, the loan was satisfied and paid off. After it was paid off only then they transferred it to Mr. Tony Cruz, who is now applying for an SBA loan. So, this is his first time applying for that loan.

**Acting AD Burch:** Oh, so this is Eddie Cruz that applied [inaudible].

**Acting Chairperson Bordallo:** It's paid off.

**AAG Finney:** Right, I was just wondering, because the structure—you know the loan was supposed to be used to...

**Commissioner Herrera:** For the first structure. And the first structure was in compliance to the SBA?

**AAG Finney:** That's what I'm asking.

**Commissioner Herrera:** Do we have the SBA contract for the first one?

**Mr. Eay (CLTC):** We have an authorization and an agreement here.

**Commissioner Herrera:** The SBA contract for the first...

**Mr. Eay (CLTC):** We only have the loan authorization and agreement, but as far as the [inaudible].

**Commissioner Garrido:** Was it to build a permanent building?

**Commissioner Herrera:** Check if the building plan is there for the first one.

**[crosstalk]**

**Mr. Eay (CLTC):** Part of the requirement and agreement here that was set by SBA that it has to meet—it has to have a valid building permit **[inaudible]** or written evidence from proper authority that a building permit is not required. So, that's all it says there.

**Commissioner Herrera:** 1968?

**Acting Chairperson Bordallo:** 2003.

**Mr. Eay (CLTC):** 2003, I believe.

**Commissioner Herrera:** Typhoon...

**Commissioner Garrido:** Pongsona. December. But that 2003 loan from SBA—that was to build? Is Mr. Tony Cruz in the house?

**Ms. Dayday (CLTC):** He was here earlier. I don't see him now.

**Mr. Eay (CLTC):** Well, we can only assume **[inaudible]**. So, with that set amount, it must be to build.

**Commissioner Garrido:** How much was the amount?

**Mr. Eay (CLTC):** \$48,700.00

**Commissioner Garrido:** That's good money back then for building. Construction rates were down to about \$80 a square foot.

**Commissioner Herrera:** He's asking now for **[inaudible]**.

**Commissioner Garrido:** I would like to suggest that we put this—that we sideline this issue until we bring in Mr. Cruz, so we can ask him some questions concerning his application. Based on our field workers site inspection—we just need to investigate more. We put this on the back burner for maybe next board meeting.

**Mr. Eay (CLTC):** When you say investigate, what is it you want us to investigate?

**Commissioner Garrido:** Well, apparently there was a loan that was put out for him to build a permanent structure back in 2003.

**Mr. Eay (CLTC):** That was the original lessee. Who was Eddie Cruz.

**Acting AD Burch:** We're talking about Tony Cruz now.

**Commissioner Garrido:** Tony Cruz is the son?

**Ms. Dayday (CLTC):** Brother-in-law.

**Mr. Eay (CLTC):** So, now Tony Cruz took over the lease and now there's a disaster and now he's applying for an SBA loan, which is his first time. So, his SBA loan has nothing to do with Eddie Cruz.

**Commissioner Herrera:** And the SBA vetted Mr. Tony Cruz?

**Mr. Eay (CLTC):** For Tony right now, it went through the process and it was approved for [inaudible] 195,800.

**Commissioner Herrera:** So, what's the problem?

**Mr. Eay (CLTC):** I don't see any problem at this time.

**Commissioner Herrera:** I don't either. Because SBA won't give you 2 loans for the same person.

**Commissioner Garrido:** Yes, if they fulfill the first loan.

**AAG Finney:** [inaudible] point out that the property is also—they're not in compliance with the lease agreement.

**Commissioner Herrera:** It's not registered also?

**AAG Finney:** It's not in compliance with the lease terms.

**Commissioner Herrera:** And that's the time and date?

**AAG Finney:** No, it's the junk vehicles, white goods, and other [inaudible] items on the property.

**Mr. Eay (CLTC):** As far as farming activity is concerned, he only has a piggery there. [inaudible] on the premises.

**Commissioner Herrera:** And it's a residential lot?

**Mr. Eay (CLTC):** This is an Ag, sir.

**Commissioner Garrido:** It's an Ag lot. It's more than an acre.

**Commissioner Herrera:** It's got a septic tank? Sewer [inaudible].

**Mr. Eay (CLTC):** There is a septic tank that is in place, but it's not completed. They dug already the depth and width requirement, but he has not enclosed the top part. Again, that was done years ago, so the question is has he been using that?

**Commissioner Herrera:** There are 20 piglets.

**Mr. Eay (CLTC):** I'm talking about the house now.

**Commissioner Herrera:** No, but there are 20 piglets now.

**Mr. Eay (CLTC):** Approximately 20, yeah.

**Commissioner Herrera:** And that drain goes to where?

**Mr. Eay (CLTC):** I didn't see any catchment for the area where the pigs are being raised.

**Commissioner Herrera:** Is this Swamp Road?

**Ms. Dayday (CLTC):** Yes.

**Mr. Eay (CLTC):** This is about a quarter mile away from Swamp Road, but you have to go—Swamp Road would be the main access to the property.

**Commissioner Herrera:** Any Guam Waterworks pump there in that area?

**Mr. Eay (CLTC):** The pump is within the—along Swamp Road, but it's far.

**Commissioner Herrera:** Any aquifer below that property?

**Mr. Eay (CLTC):** It's located within the northern aquifer. But we have to go back again and check and see if he has the proper plan for raising pigs. He has to submit a farm plan or [inaudible] for raising pigs and to find out where he is storing the waste. Those things that we have to consider as well.

**Commissioner Herrera:** And on your inspection did you see any containment tank for the waste of the 20 pigs?

**Mr. Eay (CLTC):** I didn't see any at the time.

**Acting Chairperson Bordallo:** I don't see the pigs, too.

**Mr. Eay (CLTC):** I have the pictures of the pigs there.

**Commissioner Herrera:** So, he flushes it maybe down to the ground or something? Or maybe he's got a vacuum to vacuum the—whenever he flushes.

**Mr. Eay (CLTC):** Compared to others, there was no foul smell. But I can't confirm anything other than that.

**Commissioner Herrera:** How about these vehicles here? Do they still have gas? Engine oil? Transmission oil? Differential oil?

**Mr. Eay (CLTC):** Most abandoned vehicles, junk vehicles have some remnant of gas and oil. [crosstalk] It's a concern of EPA.

**Commissioner Herrera:** And this 40-foot container? What is that?

**Mr. Eay (CLTC):** The 40-foot container is where he stores his equipment, lawnmower, and stuff like that. But I believe there's no [inaudible] as well, only a septic tank. But as far as when he built his house, he's going to be required to put all those into place.

**AAG Finney:** Well, just the noncompliance with the lease terms. I'll just point that out to you again. I don't know if you want to...

**Commissioner Herrera:** Terminate the lease.

**Acting AD Burch:** You could approve based on the condition that he clean up the area and if you want some kind of septic system for the piggery that he has out there.

**Mr. Eay (CLTC):** [inaudible] a farm plan.

**Acting AD Burch:** Yes.

**Commissioner Garrido:** What is the ratio for a piggery on an acre and a half?

**Mr. Eay (CLTC):** So, those piggeries are contained. There is a—I'm not sure of the ratio, but part of the requirements for a piggery is they have to be contained. It's not like cows. There is a 1-acre ratio, 1:1.

**Commissioner Garrido:** 2:1.

**Mr. Eay (CLTC):** 2:1? Okay, I stand corrected. But I'm not sure what the ratio is for pigs. As mentioned, we have to also address—are they in compliance with farming activities? [inaudible] he has to provide a plan. What type of farming are you going to be doing there? Is it for piggery? Or is it for...?

**Commissioner Herrera:** Subsistence.

**Mr. Eay (CLTC):** Subsistence or what have you, yes.

**Commissioner Garrido:** Madam Chair, I have already a motion on the floor.

**Acting Chairperson Bordallo:** To table?

**Commissioner Herrera:** Second.

**Acting Chairperson Bordallo:** All in favor.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Motion carried to table.

**Acting AD Burch:** And to call in Mr. Cruz.

**Commissioner Garrido:** Yes, and to call in Mr. Cruz.

## **22. Jose Navaro Bautista**

**Mr. Eay (CLTC):** Okay, moving forward the next lessee is Mr. Jose Navaro Bautista. Is Mr. Bautista here? Okay, so Mr. Bautista is requesting approval for a loan guarantee and also to build as well as to relocate the water line to public easement. The issues are the Board approved back then to give him additional acreage from an original half acre lot to a  $\frac{3}{4}$  agricultural lease. The lease that was awarded to him was not awarded on a first come first serve basis.

**Commissioner Garrido:** The initial?

**Mr. Eay (CLTC):** The lease that was awarded to him. He applied on April 20, 2000. And he's not a [inaudible]. I asked him how did you acquire the property in the first place? He mentioned, if I'm not mistaken, that his brother was occupying, then he passed. He asked one of the CHamoru Land Trust employees back then can I stay there? From there he carried on and was allowed to stay there. And he got a mayor's certification that he is occupying the property, but it didn't give a specific date. [inaudible].

**Commissioner Garrido:** Do we know who was the initial tenant?

**Mr. Eay (CLTC):** I believe if I'm not mistaken it might be his brother.

**Commissioner Herrera:** And the brother's name is also Bautista?



**Mr. Eay (CLTC):** If it was his brother, then most likely Bautista.

**Commissioner Herrera:** And he has a [inaudible] permit or land use permit?

**Mr. Eay (CLTC):** I tried looking for that, but I have to go back and check [inaudible].

[crosstalk]

**Commissioner Herrera:** This is in Yigo?

**Mr. Eay (CLTC):** Sir, this is in Barrigada right next to the—in between Revenue and Tax and Mobil Station. That is where the property is located.

**Commissioner Herrera:** This where the fire broke out on the patio?

**Mr. Eay (CLTC):** I'm not sure. I don't think so, no. But to get there, I don't know, sir, if the...

**Commissioner Herrera:** This is the quarry?

**Mr. Eay (CLTC):** The back where the quarry is? It's about 200 yards away from there.

**Commissioner Herrera:** And the wrecker service? This is the wrecker service?

**Mr. Eay (CLTC):** Several lots before. The aerial's there. You can take a look at it.

**Commissioner Garrido:** Is the area being farmed?

**Mr. Eay (CLTC):** Right now, as you can see, there are a lot of trees—a lot of fruit trees, and a lot of banana trees, but as far as maintenance, they're not maintained. You know when you're farming...

**Commissioner Herrera:** Manicure. You have to manicure.

**Commissioner Garrido:** So, is he farming on at least half an acre?

**Mr. Eay (CLTC):** The number of trees that he has and the—you could see even in the photos he has a lot of banana trees in the back. [inaudible] very close he meets the mandate [inaudible] farming. I'm satisfied [inaudible].

**Commissioner Herrera:** Is that a dog house there?

**Mr. Eay (CLTC):** There's a dog house there.

**Acting Chairperson Bordallo:** And roosters.

**Mr. Eay (CLTC):** Roosters, yes. The thing is I see a lot of [inaudible].

**Commissioner Herrera:** Are the chickens free range?

[crosstalk]

**Commissioner Herrera:** I think we have to reject the lease on this one. It doesn't meet the standards.

**Mr. Eay (CLTC):** The roosters are not farm animals, right?

**Acting AD Burch:** No, they're not. That's a sign of cock fighting.

**Commissioner Herrera:** This is a 99-year lease?

**Mr. Eay (CLTC):** Yes, sir.

**Commissioner Herrera:** Is this an LUP?

**Mr. Eay (CLTC):** He's not an LUP. Just to clarify his request, he is requesting to realign the waterline. His waterline comes out—his mainline is adjacent to Mobil Station from the highway, and it cuts through several properties [inaudible] heavy vegetation to the rear of his property. So, he is asking that they realign it to the easement location. Because if I'm not mistaken it's a 1-inch waterline and by the time it gets to his property there's little to no water [inaudible] and because of the vegetation there [inaudible] typhoon and what have you, every time he has to go out there there's a breakage, because it's surface; it's not underground. So, he did go to Waterworks, and they said check CHamoru Land Trust.

**Commissioner Garrido:** CHamoru Land Trust?

**Mr. Eay (CLTC):** Yes. Apparently, Guam Waterworks, when you are requesting for a waterline, they're not responsible for putting water surfaces to your lease unless...

**Commissioner Garrido:** Primary waterlines are the responsibility of GWA. Secondary, which is residential, like for your house, is the responsibility of GWA up to the water meter. Anything inside the water meter is the resident's responsibility.

**Mr. Eay (CLTC):** Like many of our residentials, our lessees, they don't have those infrastructures. And the issues that we're having is they will not entertain us as far as putting waterlines to connect to residential or agricultural.

**Commissioner Garrido:** But he's asking us to put in—relocate the waterline?

**Mr. Eay (CLTC):** Yes, he's asking us to do that. I asked him if he knew about this. He said he knows about this, because he was a former manager of PUAG. So, it's nothing new to him.

**Commissioner Garrido:** So, why is he asking us? Where is the water meter at?

**Mr. Eay (CLTC):** It's next to Mobil Gas Station along Route 16.

**Commissioner Garrido:** So, everything from the water meter in is his responsibility.

**Commissioner Herrera:** From the secondary line. Oh, primary line.

**Mr. Eay (CLTC):** Primary comes out from Route 16.

**Commissioner Garrido:** Primary ends at the meter.

**Mr. Eay (CLTC):** Right. That's where the meter's at, right along the right of way, Route 16. So, that's why he's saying that he doesn't want to bear the cost to connect it there. He wants to put it in the easement that leads to his property.

**Commissioner Garrido:** Well, he allowed it initially.

**Acting AD Burch:** Well, I guess he got an estimate for \$30,000, and he wants CLTC to foot the bill.

**Commissioner Garrido:** Director, what is your recommendation on this?

**Acting AD Burch:** I paid for my waterline. I never asked the government to pay for my waterline. It is expensive. Just the application for a meter is \$3,000 and then another \$3,000 depending on distance to connect.

**Commissioner Herrera:** Not including the sewer.

**Acting AD Burch:** Not including the sewer. It would cost a whole lot more.

**Commissioner Garrido:** How far away is his ranch from the main highway? Route 16.

**Mr. Eay (CLTC):** Approximately—about maybe close to the length of a football field.

**Commissioner Garrido:** So, 300 yards?

**Mr. Eay (CLTC):** If not, 250 plus or minus.

**Commissioner Garrido:** So, I think the law there is 200—I'm not sure if it's feet or yards—for sewer hookup.

[crosstalk]

**Acting AD Burch:** How far is he from the sewer line?

**Mr. Eay (CLTC):** [inaudible] right here along Route 16.

**Acting AD Burch:** What's the distance in linear feet?

**Mr. Eay (CLTC):** So, if you're talking about linear feet, wow you're talking about...

[crosstalk]

**Acting AD Burch:** Because I know there is a requirement. I don't know right off hand that if you're within a certain distance...

**Mr. Eay (CLTC):** Like a hundred feet or something like that, but this if over [inaudible].

**Commissioner Garrido:** I think it's 200 feet.

**Commissioner Herrera:** The red lines there...

**Mr. Eay (CLTC):** Those are property lines.

**Commissioner Herrera:** And that's Land Trust?

**Mr. Eay (CLTC):** I have to confirm it. Maybe it's CHamoru Land Trust. I think it is, because when I was doing an inspection and trying to locate his waterline one of the [crosstalk] came out and said, "What are you guys doing?"

**Commissioner Herrera:** So, that's Mobil?

**Mr. Eay (CLTC):** This is Mobil right here.

**Commissioner Herrera:** Okay. And that's the one that has the vegetable stand?

**Mr. Eay (CLTC):** See, the one I was talking about, he's now deceased. So, the brother came out here and asked me what was my business doing there. So, he's occupying the property now. The lessee passed away during Covid.

**Commissioner Herrera:** And our map is showing that Land Trust?

**Mr. Eay (CLTC):** I believe that's Land Trust. And you're right that's where they used to sell vegetables.

**Commissioner Garrido:** How much money is he asking from SBA?

**Commissioner Herrera:** \$200,000.00 for construction.

**Mr. Eay (CLTC):** What's the total?

**Commissioner Herrera:** Total's at—something's wrong here. \$220,000.00 maybe, \$220,000.00 total, and he's asking for construction at \$200,000.00.

**Commissioner Garrido:** Is the structure habitable?

**Mr. Eay (CLTC):** Well, the structure that they have there is semi-concrete with tin roof. But does it have a building permit? At this time there's no building permit when they constructed that.

**Commissioner Garrido:** So, why don't we bring in this tenant?

**Mr. Eay (CLTC):** Well, he's coming in for a loan guarantee as well, but at this time I don't have the number.

**Commissioner Garrido:** No, the number's here in the big sheet, but the final total it's wrong.

**Ms. Dayday:** Yeah, it's wrong.

[crosstalk]

**Mr. Eay (CLTC):** We're trying to confirm that now. [crosstalk] It was a typo here. It should be \$220,000.00. Because what we're asking for loan approval is \$200,000.00. That's a typo on the spreadsheet.

**Commissioner Garrido:** So, Acting Director Burch what is your recommendation on this applicant?

**Acting AD Burch:** I don't think we should do the—pay for the water transfer. Most average citizens including myself pay for our own connections up front.

**Commissioner Garrido:** Should we sideline this, and we'll bring him in?

**Acting AD Burch:** We could bring him in and question, find out more; just table it for the next time and move forward, because he's not here to defend this, or to respond to his request. Is he really committed to obtaining a loan guarantee? If he doesn't have time to show up—that should be a consideration, too. If you're really interested, you will show up.

**Commissioner Garrido:** Madam Chair? I would like to place before the Board my recommendation that we table this until our next Board meeting so that we can bring in the tenant so that he can answer some questions in regards to what he is trying to do here.

**Commissioner Herrera:** Second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Motion carries.

### **23. Emailina Chargualaf Mariano**

**Mr. Eay (CLTC):** Okay our next item is Emailina Chargualaf Mariano, who has an agricultural lease, requesting to approve an SBA loan guarantee for the amount of \$196,200.00. The original loan amount approved is \$209,700.00. The issues at hand are: (a) lease issued outside the time and date, as mentioned and (b) the acreage awarded is suitable for commercial usage contrary to 21GCA, Chapter 75A, Subsection 75A107; also item (c) reads pending payment of taxes contrary to 21GCA, Chapter 75A, Subsection 75A108, and subsection (f) and item (d) no building approval for structure on property contrary to 18GAR, Chapter 6A, Subsection 6A126.

**Commissioner Garrido:** When you said outside the time and date what exactly is the time and date?

**Mr. Eay (CLTC):** If you look at the pack, item number 1 after the applicant date and time is February...

**Commissioner Garrido:** Oh, 2001?

**Mr. Eay (CLTC):** 2001 correct.

**Commissioner Garrido:** That's very far from where we're at.

**Mr. Eay (CLTC):** I just got a note for the amount for the one that was tabled. The loan amount was \$228,000.00, but the loan guaranteed for \$200,000.00.

**Commissioner Garrido:** On this Mariano, it's an agricultural lease?

**Mr. Eay (CLTC):** This is an agricultural lease, yes.

**AAG Finney:** And it's not recorded.

**Acting AD Burch:** But it's preoccupier.

**AAG Finney:** The lease is not recorded, and the taxes aren't paid.

**[crosstalk]**

**Mr. Eay (CLTC):** The lease itself is not in compliance with his agricultural lease. As you can see there's no active farming there. The background is surrounded by coconut trees, which is just the adjacent lot. That's not within her lot line.

**Commissioner Garrido:** But her lot is 2 acres.

**Mr. Eay (CLTC):** Subject lot is 2 acres, yes. And the lot size—the 2 acres—if you look at [inaudible] this lot is suitable for commercial use, not a subsistence farming. So, we have to look at this to

see if we can bring it down to a reduction of acreage, down to at least a half-acre where the existing building is located.

**Commissioner Garrido:** The existing building is semi concrete?

**Mr. Eay (CLTC):** Yes.

**Commissioner Herrera:** This is Astumbo, Dededo, Chalan Ibang.

**Mr. Eay (CLTC):** Yes.

**Commissioner Herrera:** She has a farm plan?

**Mr. Eay (CLTC):** There's no farm plan, no.

**Commissioner Garrido:** How big is her footprint in your estimation?

**Mr. Eay (CLTC):** Where the property—if you look at that the footprint right now based on where the improvements and where they cut the grass and keep it cleaned—maintained rather—you're talking approximately close to 1 acre.

**Commissioner Garrido:** Including the backside there?

**Mr. Eay (CLTC):** What you see right there, yeah. Behind the house is about 20 feet, there's nothing, there's no improvements there. There's no farming activity.

**Commissioner Garrido:** Acting Director, what is your recommendation for this?

**Acting AD Burch:** What is she requesting?

**Mr. Eay (CLTC):** \$196,200.00.

**Acting AD Burch:** And that's to construct or repair the building, right?

**Mr. Eay (CLTC):** This is, I believe, to construct or repair the building.

**Acting AD Burch:** I believe if we allow the tenant to—if we approve the loan—we'll see some improvement on the property. We could require that they pay the taxes on the property. I don't think it's going to be that much. And it would be up to the Board to seek a reduction in the size. I mean, it is an agricultural lot. And it looks like we could use that property for other people. It's being wasted right now, if it's available for commercial use. And the size, I guess, if you're going to—it's an agricultural lease.

**Commissioner Garrido:** Non-compliant.

**Acting AD Burch:** Yes, non-compliant. But then again, we hope that should she get a loan and if she was approved for it, and this says for an SBA loan, they would require that she clean that up and we could make that a requirement, too.

**Mr. Eay (CLTC):** Being that the lot size is 2 acres, you have to see if they want to keep it, they have to recommend to have her be a qualified farmer and to get into compliance.

**Commissioner Garrido:** Did it look at one point in time she may have tried to be compliant?

**Mr. Eay (CLTC):** I don't know, but at certain times I went there, and the lessee was not at home. I'm not even sure they are occupying the premises at this time.

**Acting AD Burch:** Would you table this, and again we'll try to give her a call to make sure that—I mean, if they're really serious about obtaining a loan and having us guaranteeing it, then they would be in this room right now. So, I think that the Commission does have a responsibility to that effect. Because there are other people that we know have come in to apply for loan guarantees. We have to show them that if they're really serious about us guaranteeing almost a \$200,000...

**Commissioner Garrido:** Do we have a vicinity map?

**Mr. Eay (CLTC):** I could ask Pierce to put it up.

[crosstalk]

**Mr. Eay (CLTC):** I don't think I was able to put an aerial map there. I just put down photos of the building.

**Commissioner Garrido:** Where in Dededo is this?

[crosstalk]

**Acting AD Burch:** Commissioners you might want to just table this, and we move forward with the others that are here waiting. This person didn't see that it was worth her while to come here for this. You know, it's not saying no, it's just saying take time to come in and see us and justify why she should keep 2 acres of commercial type property for a single home.

**Commissioner Herrera:** So, this is zoned commercial, Glenn?

**Mr. Eay (CLTC):** Anything over a half-acre is recommended for commercial use.

**Commissioner Garrido:** Madam Chair, I would like to recommend that we put off this applicant until our next regular board meeting, and we're able to bring her in to answer some questions as to the conditions of the property, pending approval of the SBA loan guarantee for \$196,200.00. This is for Lot 7-2, Block 1, Tract 1021 Dededo. Lot size is 2 and a half acres, and we have to have an open discussion with the tenant as to possibly downsizing, if she's not going to be in compliant with the mandate.

**Commissioner Herrera:** Second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

## 25. James Roland Mathis

**Mr. Eay (CLTC):** Moving forward the next lessee is Vicente J. Cruz, which we already heard from earlier. So, the next person after that is James Rolan Mathis, who is not here. Mr. Mathis request is approval to acquire an SBA loan guarantee in the amount of \$196,100 for real estate improvement for reconstruction. The issues are: (a) lease issues outside of date and time contrary to [inaudible] Chapter 6A Subsection 6A111 and (b) needs to survey.

**Commissioner Garrido:** Is this correct, January 2023?

[crosstalk]

**Mr. Eay (CLTC):** Do we have Mr. Mathis' file?

**Commissioner Herrera:** Is this registered land?

**Acting AD Burch:** Yes.

**Mr. Eay (CLTC):** January 23, 2001 is the original applicant, so this is probably when he took over.

**Commissioner Garrido:** Take over is August 13, 2007.

**Mr. Eay (CLTC):** This is a mistake here on item number 2. The original applicant is January 23, 2001 at 11:04 a.m. There's a typo there.

**[crosstalk]**

**Mr. Eay (CLTC):** So, survey's been completed, and we went up there and did a site inspection. As you see in the photo the whole house was demolished. The only thing left there was the flooring of the house. And you can see the roof was still attached to the tree, and held up by rope so it won't fall down. And right now, in the second photo as you can see, they are actually living in tents. They put up a 20 x 40 tent and also a [inaudible] tent in the inside. And to cool off there were a few cars started and the AC was on to keep them cool. They said this is how we keep ourselves refreshed, in the car in the daytime, because it was really hot. Their house is totally gone.

**Commissioner Herrera:** So, the issue is there's no survey.

**Mr. Eay (CLTC):** No, the survey is—yeah, no survey, right? Still needs to be done.

**Commissioner Herrera:** And they're outside the date and time.

**Mr. Eay (CLTC):** Yes.

**Commissioner Garrido:** Six years outside the date and time.

**[crosstalk]**

**Mr. Eay (CLTC):** The date and time for the [inaudible]. They're LUP, because they remain there and they never left. It was the practice back then that CLTC issues them a lease only to find out later that it wasn't right to do that. They can remain there [crosstalk]. The original lessee passed away. I believe the son took over. He never left. Does he have a right to be there? Yes. Should we have given them a lease? Probably not, because it was outside the date and time of the application.

**[crosstalk]**

**Commissioner Garrido:** Acting Director, what is your recommendation?

**Acting AD Burch:** I say let's get them out of the tent and put them in a house.

**Commissioner Herrera:** But this is non-compliant.

**Acting AD Burch:** It's non-compliant, but they're preoccupiers. They're LUPs. And they never left the property.

**[crosstalk]**



**Commissioner Garrido:** Madam Chair, I would like to recommend that we approve James Roland Mathis on his request for approval to acquire an SBA loan guarantee in the amount of \$196,100.00 for estate improvement and reconstruction. The Lot number is—a portion of Lot 10125 Dededo consisting of 2,601 square meters, plus or minus.

**Commissioner Herrera:** And permit to build.

**Commissioner Garrido:** And what?

**Acting Chairperson Bordallo:** Permit to build.

**Commissioner Garrido:** And permit to build.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Acting Chairperson Bordallo:** Motion carries.

## **26. Pauline Therese T. Acosta**

**Mr. Eay (CLTC):** Next is Pauline Therese T. Acosta. Is she here? No? Okay. Ms. Acosta is requesting to acquire an SBA loan guarantee in the amount of \$65,200.00 for real estate repair and reconstruction. The issues at hand are: (a) lease issued outside date and time contrary to [inaudible] Subsection 6A111 and (b) loan guarantee from CLTC for Guam Housing Corporation. What it is right now is Ms. Acosta has an existing loan with Guam Housing, and now she is coming in for a loan guarantee for an SBA loan. The question that we might ask is are we allowed to give a loan guarantee with an already existing loan guarantee for Guam Housing?

**Commissioner Garrido:** This is like a second mortgage.

**Mr. Eay (CLTC):** Correct. So, that will be up to our commissioners. You can see the photo here of the building.

**Commissioner Garrido:** It's a nice building.

**Mr. Eay (CLTC):** What happened when we interviewed her via telephone that what was actually damaged was her outside garden. So, she wants to build a permanent structure for that, her outside garden, which SBA has approved for that purpose.

**Commissioner Garrido:** And this is a residential lease?

**Mr. Eay (CLTC):** Yes.

**Commissioner Garrido:** Acting Director, your recommendation please.

**Acting AD Burch:** Kristen, do you have any issues with us guaranteeing 2 different loans?

**AAG Finney:** That's up to you guys. She's current on the loan. I guess the question is—so, you said this is to build something new. This isn't to repair or...

**Mr. Eay (CLTC):** This wasn't part of the permanent structure that was originally built. As you can see in the photo, it's an extension for an outside garden.

**AAG Finney:** Because doesn't the SBA loan say something about it's for repair and reconstruction? Something isn't matching up.

[crosstalk]

**Acting AD Burch:** I think this is one where the tenant's not here that we should again request the tenant come in. If it's just to build her a nice garden at \$65,000.00 [crosstalk] use that for someone else who's in great need. I don't know. Does she use her garden to support her livelihood? I have no idea.

**Commissioner Herrera:** And the SBA already approved that amount?

**Mr. Eay (CLTC):** The original amount approved is \$87,400.00 and loan guarantee is \$65,200.00.

**Commissioner Herrera:** Wow, that's the first time I've heard that. For SBA to approve a structure that's open.

**Commissioner Garrido:** For a structure that's not there.

**Acting AD Burch:** It's not mitigation, I don't think, unless she's going to protect her plants.

**Commissioner Herrera:** Good for her, it's 2 percent at 30 years.

**Ms. Dayday (CLTC):** That's what she mentioned that it was a really good deal for her, but her property is maintained and her house...

**Mr. Eay (CLTC):** It's one of the nicest residential lots of our lessees.

**Commissioner Garrido:** I think Mr. Cruz's improvements were a lot nicer.

**Commissioner Herrera:** But she's non-compliant.

**Acting AD Burch:** I think this is more for luxury, and we're looking at healthy people who lost their homes during Typhoon Mawar.

**Commissioner Garrido:** Madam Chair, I would like to propose that we, the Commission, not passing judgement on Ms. Acosta, that we invite her in to our next board meeting to do some clarification on her intent. It's a loan guarantee; the intent is for a loan guarantee in the amount of \$65,200 for real estate repair, reconstruction, and rebuilding. This is for Lot 2, Block 5, Tract [inaudible] 1022 Dededo consisting of half an acre.

**Acting AD Burch:** Madam Chair, because of the time, and we have some people still waiting here, could we table the CLTC financial statement until the next meeting and take care of the folks who are here today?

**Commissioner Garrido:** To expedite time, Madam Chair, I would like to suggest that we do table this until our next board meeting.

[crosstalk]

## Old Business

## B. Guam International Country Club

**Acting Chairperson Bordallo:** So, no need to table. Continue. Old Business. Guam International Country Club.

**Mr. Cruz (CLTC):** Today [inaudible] actually, you have the statement of the GICC account. They're current. They're complying with their payment arrangement and paying their monthly [inaudible]. This is just an update for the Commission. Although Mr. Koike is present [inaudible].

**Mr. Koike:** My name is Yohei Koike. I'm the general manager of the Guam International Country Club, and I'm here with Mr. Camacho and Attorney Pole.

**Mr. Camacho:** Madam Chair, Board Members, Acting Director, thank you very much for—this has been a long day today—trying to get my train of thought here. We just wanted to share our views since we've been through one public hearing of one bill tied to one of our pending bills still waiting to be heard at a public hearing. We wanted to find out if there are any concerns. We heard through some of our legislative friends that there may be some concerns—at the public hearing we heard about the endowment side of the equation versus [inaudible]. We're very flexible in that angle. The only reason we wanted to look at the endowment at one time is we wanted—if 179 passes, we wanted to make sure the funds that these guys will be accelerating and paying up front is protected for you guys. As they stated at the public hearing, one of the senators stated it will not be [inaudible] by any future governor or any future senator. But that's not our call. If you guys want the flexibility, we support any amendments that the bill puts that type of restriction. That's not our goal to restrict it to whatever the case may be. We just wanted to make sure that—historically, when they used to take funds out from your account for a large amount, we want to make sure it's protected. If the flexibility needs to be there, we do support that angle, too. Whatever needs to be done to allow you, the Commission, and management to best use those funds if we succeed on Bill 179. What I wanted to do, also, just to clarify that, a lot of times you guys were asking how strategic—when we first started this many, many months ago, as Mr. Cruz said, [inaudible] the market's not too strong, one of the questions you, the Board, asked was what do we need to do to improve our economic base or diversify. At that time several months ago, we did not know what we were looking at until we saw what was publicly available through media, through legislative reports, that there are going to be need for future renewable energy under the utilities scale approach, not the power purchase agreement where you see through a lot of different homes all over the island. So, we looked into that and the presentation we did to you guys—the reason I'm rebriefing is because Mr. Burch wasn't there prior—they did 2 to 3 utility scale solar—one in Dandan, one in Marbo, and the present one as you guys can tell they're still negotiating the CCU that they want the bid, but their offsite infrastructure was too expensive. They needed to adjust the cost of their kilowatt or whatever the case, because they said they're going to deliver 50, but now they have to deliver only 22. And the reason for that—again that's whatever's in the media—was due to the offsite cost. So, when we analyzed the GICC conversion to stabilize the cash flow, we did our research, also, with the team. Some of you went out there, some of you have not. But could I pass this. This is very important, because this shows something that some of you did know, some of you don't know. This is just an overall view of the golf course. This is upside down, but on the left side where the red arrow is at, that is the GPA substation. It is right parallel to the GICC golf course. Why this is important, if you look at Dandan, Marbo, and the one that's in the news recently on the adjustment of the kilowatt, all the offsite costs were 18-to-20-million-dollar investment just to bring in the infrastructure to the solar farm. In this particular case, it's right parallel. This is why we think: (1) we can be very competitive in regards to our pricing. Nothing's guaranteed like I said, because everything has to go out to a bid, but our pricing. We are right at parallel to this property. (2) Our property is already cleared [inaudible] unlike the other properties that have to start at ground zero. And (3) all the infrastructure is in place. So, we think this is competitive. And the last final one in 2022 on the past presentation I presented to you guys, Congress passed the Inflation Reduction Act. You don't have it here, but the Inflation Reduction Act provides a 50% [inaudible] not to Guam, a 50% tax credit to the institution investing to solar project. Tax credits are from the IRS not from the Department of Rev and Tax; I want to make that

very clear. These are investments from our solar industry that will offset the cost of the investment by 50%. Only in 2022 that this happened when Congress passed it into law. And that's called the Inflation Reduction Act. So, by that, by GPA being close by, by the topography and the property is already cleared. That's why we think by giving us the opportunity to converting this property to a stable more income, we think we can be competitive. Knowing the 4<sup>th</sup> phase of GPA's renewable utility scale bid, the law says you have to be at 45% renewable. They're only at 13% with the 2 renewable energy plants they got now. And, again, this is only based on what they publicized. We don't know what the RFP's going to be when they put it out. So, we know there's going to be an opportunity, because we won't be doing our due diligence and going through all this exercise if we don't think we'll find a potential opportunity. And third, finally, the environment again this is on top of the northern aquifer. By not putting pesticides on the grass and all that, we'll protect the aquifer. So, from the environment to increasing the solar opportunity [inaudible], to get off the fossil fuel and being competitive, we think this is a stable operation. So, the only thing, like I said, I heard in Bill 178 [inaudible] is the endowment definition. We're very flexible on that. We supported an endowment just to protect—again not for us—because we're providing the funds to CHamoru Land Trust to protect CHamoru Land Trust, so no future governor or senator will take the funds. But from the 178 we heard that you guys want the flexibility. You guys want to make sure it is not treated as a tax write off or tax credit. So, our tax credit is from the IRS for the investment, not to the endowment [inaudible]. So, we will be very flexible in regards to endowment definition. We want you, the Board, to have full control of it. We will support any amendments on Bill 179 to make that clear. I know 179 made it clear to [inaudible], but we want to make sure it's not conflicting with 178. So, we support—we will support on our part any flexibility that you guys may need. So, that's the latest update we got and of course on that [inaudible] 178 from Director Burch's success on Ancestral Lands Commission on their investments from the 5% to 8% return on their funds. Last time when I presented this to you guys before I was being conservative at a 4% return on that investment. So, I also did another one—if Mr. Burch's success on GALC on the 5 to 8—I also did another one for—what happens if you guys do get a 5 to 8. Piggyback with Ancestral Lands Commission's investment vehicle, because that's already a case study that's real. The last I did for you was just a hypothetical 4% and again that's based on the success of Ancestral Lands Commission. If you guys choose—and again that's your call—if you guys choose to use any of those investment vehicles that Mr. Burch has done successfully with the other sister agency of this government, that 9 million dollars could yield anywhere from, at 5%, \$450,000 a year or \$37,000 a month, if you decide to annualize it. At 8%, \$720,000 a year or \$60,000 annualized, if you fully invest the 9 million. But, again, that's assuming you put everything in it, but that would not be our call. That is just assuming the assumption of a successful case study that Mr. Burch did with Ancestral Lands Commission. So, right now this is assuming, hypothetically, if you did those investments. But that is going to be the call from this Commission, and your management on how you best fit those funds. You may want to say the reason you want flexibility is you may want to use it for something else, for infrastructure, to pay for survey, for other properties, or pay for operations. That will be up to you guys, but we want to give you the best [inaudible] based on Mr. Burch's successes at Ancestral Lands Commission. The final one I brought in, this last one that you have, [inaudible] is the Sources and Uses, because they may say—this is the last page—they may say how would you, you know, because 2 different operations here. The golf course cash flow is based on the economy, based on—oops, load shedding—so that's why you see a very fluid cash flow...

**AAG Finney:** Hold on, because I think we're not broadcasting.

[crosstalk]

**Acting AD Burch:** Commissioners, we're having issues with the internet. I don't know if this is an O-Tech thing; it must not be hooked up. But if we don't have [inaudible], I do recommend [inaudible] if we don't have internet for us to go live stream. We wouldn't have a choice. We would have to recess and come back.

**Commissioner Herrera:** We're not in compliant with the Open Government law. Is this just an intermission or is it going to be one hour or?

**Acting AD Burch:** Normally, these are one-hour brownouts.

**AAG Finney:** Are we on the facebook also though; because we're...

**Ms. Dayday (CLTC):** No, we're on google.

**AAG Finney:** Right because...[inaudible]

**Mr. Cruz (CLTC):** Should be the same.

[crosstalk]

**Acting AD Burch:** That would be okay though? I guess we could proceed once you're ready.

**PBS:** We're back on.

**Acting AD Burch:** Commissioners, you're back on.

**Mr. Camacho:** I can proceed?

**AAG Finney:** You might want to make some kind of; make some mention...[inaudible].

**Acting AD Burch:** About the transmission?

**AAG Finney:** Yeah, yeah.

**Acting AD Burch:** Okay. Due to a power fluctuation, we had a transmission issue with broadcasting and live streaming and now that we're back on, I recommend, Madam Chair, that we continue on with the meeting.

**Acting Chairperson A. Bordallo:** Go ahead.

**Mr. Camacho:** Madam Chair, Board Members, Mr. Director, thank you again. As I was explaining prior to our little technical setback, another concern some may have, was the cash flow and the reason I say that is because if you look at the left side of the arm under "Golf Course Operation", historically and presently, when in compliance now, you see sometimes a very fluid income cash flow. There are times when they're behind, sometimes they're caught up, sometimes they corrupt, depending on the economy, so, in the last time after Covid came, my client was behind, but we came in and we made things in good standings, and I still remember when Commissioner Garrido said we'll give you one chance, but you better not be behind, and you could be in a probationary period at least for the first 36 days, and I think our liability at that time was close to \$800,000.00 - \$900,000.00, and we're down to \$600,000 and moving forward to making compliance. The exciting part is when we try to find diversification and how do we sustain the cash flow where it's not depending on the fluctuating economy when we were asked; that's why when I explained 5 minutes ago on the resources and infrastructure available and the potential opportunity. Again, nothing's guaranteed to do it, so that's why we went in to try to push 178 and 179. Most importantly to get this down, the question is, well, how are you going to fund the 9 million dollars? I just want to make it very clear, because if you can't even fulfill the 600, 800 right away, how would you fund \$9 million? Now, on the other side of the hand, if you guys look at the back, the total investment for this solar farm is close to \$270 million. Now, that's already been analyzed by our total investors and the potential syndicators and the solar farm. The Dandan Farm and Marbo farms are over \$200 million, also. We analyzed this as we stated in our last presentation, so this potentially could be a 65-megawatt infrastructure.

Of course, we don't know that, yet, until we spend the due diligence and fully do the whole architecture and engineering design. But based on this I would want to source and use the \$270 million, where on the source side from our U.S. partner over \$8.8 million will come in, our Korean solar partner will come in at \$8.8 million, and U.S. financial institutions about \$250 million, which is the tax credit investors and finance institutions. We deliberately not put the names here, because once this becomes public record, of course our competitors will know who are partners are, that's why we had to be very general. Below it you see pretty much the use of the funds. The general equipment about \$88 million. The balance of the plan 81 million. The interconnection to connect everything internally to the grid about \$9.6 million. And most important here, we fund the \$9 million accelerated grant, a part of this. You gather all of that up, and it gets to this. Now, how do you get this money? When you develop this, you create a kilowatt hour, as like Dandan and Marbo and if you win, GPA will buy that at whatever 14¢ a kilowatt, 15¢ a kilowatt. You take those kilowatt hours and you leverage that to get the financing just like the other two, Dandan and Marbo. To make it as easier as this, it's the same as you approve the home loans with the SBA Guarantee. Mr. Cruz, Mr. Quinata, mister everybody else there, being lent by SBA based on their income. You know, based on 2.9 they can get \$190,000, \$200,000, but they have to pay for that to qualify; they have to have the income. That's how they got a \$200,000 loan. We assume, based on the 65-megawatt development, based on announcement of what we can sell if for, through the comparable rates that we think we could, what we yield is a \$270 million total investment to do an annual cash flow. If it doesn't cash flow, and we don't win, this doesn't mean we're not stopping paying the rent. We will still be paying rent to move forward, so, there's no—you guys will not lose any opportunity. The GICC guys will still pay the rent until (1) if they do win the bid, and the first milestone kicks in for the corpus and the ninth break, that's when the rent will stop from the GICC side because they will merge over to the solar side. If they don't win, it stays the same and the rent still moves the same. So, it's not like we changed the law then there's zero rent. You guys will still get the rent from the original contract, base rent; then if you invest it like Mr. Burch has done then you get...those are the rent you want, if you decide to choose that route, so we'll stick to that rate. So, we just assume there will be good opportunities. Now, you're right. The last meeting, we had, we had opposition from—these are my friends, some of the golfers in the industry. But as I mentioned before, this would be different if we were the only golf course on Guam, but there's six (6) other golf courses here. So, we're not excluding, we're not monopolizing, we're not taking them away from the opportunity. Second right, we're just trying to find a sustainable cash flow, so we hope that the opportunity is here for you guys to make a decision and we want to be as flexible as I stated 10 minutes ago from what I heard from 178 in clarifying the endowment and to making sure if you guys need to further amend 179 to make sure it's not exclusive, we will change it and the only reason we were protecting it, is as one senator stated, that it will never get graded from any governor or senator in the future. But that's not our call, we're here just to either support your endeavor because you may have immediate needs and that will be you guys' call, but we'll make sure the flexibility is there. We'll support any amendment if needed. Thank you. Any questions? And again, our attorney Mr. Pole is here, if there are any technical questions because I know we weren't here when they keep saying there were some technicalities in the law so I asked him to please join us, just in case there is a technical question that may arise.

**Commissioner Garrido:** Technical in regards to what?

**Mr. Camacho:** Legal issues.

**Atty. Pole:** Again sir, financial issues.

**Commissioner Garrido:** I don't have questions for you. I have questions for these 2 gentlemen here. You put down on this page \$9 million dollars of accelerated rent payment. Over what course of time?

**Mr. Camacho:** So, if you remember the first presentation, we showed you what we're paying rent right now, not in this packet but the first packet to show what we're paying rent from...

**Commissioner Garrido:** But what does this break down to in terms of monthly per annum?

**Mr. Camacho:** [inaudible]. No, the \$9 million is the accelerated rent from the existing rent we got now to net present value, you remember that; net present value, now, how we came up with that; it doesn't show 179. You guys were hired as Mr. Eay said trying to get other properties appraised; get a third-party appraiser. You guys hire your own master appraiser to appraise the net present value of the cash flow. We use our excel and we came from seven (7) to nine (9), so we always use the highest one so we can yield a better [inaudible] but you guys will still have the master appraiser to reconfirm those numbers.

**Commissioner Garrido:** But how do you break this down? Is this over a course of 5 years or 10 years?

**Mr. Camacho:** The \$9 million? If we do get the lease extension, then it's up to year 2055, which is the remaining 17 years.

**Commissioner Garrido:** Okay, that's what I was asking, so, over 17 years. Okay.

**Mr. Camacho:** Oh, you were asking when the \$9 million will be paid?

**Commissioner Garrido:** No. I was asking based on the recovery...[inaudible]

**Mr. Camacho:** Based on the lease? [crosstalk] By law we need to ask the legislature to extend the lease first.

**Commissioner Garrido:** I also know you have your ear to the pipeline, meaning to GPA and the first solar farm, Dandan, how many megawatts are they producing?

**Mr. Camacho:** Forty-five megawatts. Okay, wait I put it in here. Twenty-five megawatts.

**Commissioner Garrido:** So, twenty-five megawatts?

**Mr. Camacho:** And then Marbo is 60 megawatts.

**Commissioner Garrido:** And the third one?

**Mr. Camacho:** The third one, that's still, like 22 now because they had to adjust the offset because of the infrastructure. Again, that's only the [inaudible], their legal just said to go ahead and sign, because they're adjusting it [inaudible].

**Commissioner Garrido:** So, what you're vying for is the fourth slot.

**Mr. Camacho:** Well, that's going to be; there's 185 mega, again what's been announced is a 185-megawatt demand for this neck around

**Commissioner Garrido:** Okay so an additional 180 megawatts?

**Mr. Camacho:** 180. But we're only coming in at 65.

**Commissioner Garrido:** Okay, now, these are technical but now lawyer technical it electrical technical but...

**Mr. Camacho:** I know you guys asked GPA last time?

**Commissioner Garrido:** Okay, let me ask you, based on the amount of property in the gold course, what is your projected maximum...

**Mr. Camacho:** 65 megawatts.

**Commissioner Garrido:** Only 65 megawatts?

**Mr. Camacho:** Yes.

**Commissioner Garrido:** And that's based on your engineer's computation?

**Mr. Camacho:** Yes.

**Commissioner Garrido:** So, if you do win, and you do 65, you'll be the largest solar farm in Guam?

**Mr. Camacho:** Yes, yes, that's correct.

**Commissioner Garrido:** And then you said Marbo 60?

**Mr. Camacho:** That's right!

**Commissioner Garrido:** And the other one is Dandan 30?

**Mr. Yohei:** 25.

**Commissioner Garrido:** 25. So you guys will come in at 65?

**Mr. Camacho:** That's correct. Now, I forgot to mention that if we do win, our lease will only be for 30 years. After 30 years, guess what happens here? You know, we already know that renewables will still be needed after that. Our lease ends and CHamoru Land Trust either become a solar provider and have additional cash flow by itself. So, it's not like our ground lease ends and it's zero. You get all that real estate asset there and continue or renegotiate with somebody else; that's for opportunity [inaudible].

**Commissioner Garrido:** What do you anticipate if you won the bid? Your rent toward CLTC will be...because you're prepaying the 17 years with \$9 million. So, after the 17 years, what is your projection that you will be paying to GPA on a monthly basis?

**Mr. Camacho:** To GPA?

**Commissioner Garrido:** Yeah, I mean, to CLTC, I'm sorry.

**Mr. Camacho:** No, we prepaid our lease already.

**Commissioner Garrido:** Only for the first 17 years.

**Mr. Camacho:** For the first remaining 17 years, yes.

**Commissioner Garrido:** The remaining...

**Mr. Camacho:** After the 30<sup>th</sup> year? We negotiate, whatever you guys want. Then after the 30<sup>th</sup> year if you still want...

**Commissioner Garrido:** Your remaining lease is seventeen (17) years, right?

**Mr. Yohei:** Fourteen (14)



**Mr. Camacho:** Fourteen (14) years.

**Commissioner Garrido:** So, the \$9 million is to prepay for the 14 years?

**Mr. Camacho:** For the remaining fourteen (14) plus the seventeen (17) additional that we're getting. Up to 2055.

**Commissioner Garrido:** So, this is a lump sum lease payment?

**Mr. Camacho:** Yes, yes. [inaudible]

**Acting AD Burch:** Commissioner, currently with the flat land lease we get about \$280,000 a year in lease hold. With that proposal, based over a 17-year period, it'll equal about \$300,000, so it's about \$12,000 - \$11,000 more per year. Will that fall into what your questions about fair market value or what we're gonna earn?

**Commissioner Garrido:** No, I wanted to establish—I haven't gone into fair market value, yet—I just wanted to establish how you came up with the \$9 million. And according to Carlos right now, this \$9 million is for the full seventeen (17) plus whatever you're granted by the legislature. So, this is just one, giant, lump sum payment.

**Mr. Cruz (CLTC):** I think the \$9 million accounts for when they are—if they win the bid to suffice. So, they could win the bid within 6 months to a year from now, right? So, you have 14 plus 17 that's 31, so based on a 30-year period and the more times [inaudible] \$9 million, GICC or whatever the company the company will be called then, will only pay \$300,000 a year, which is about \$12,000 more than what they're paying today, not factoring in the potential interest that could be earned based on the corpus. But just for speaking to Commission Garrido's concern, I think that's what you were leaning to.

**Commissioner Garrido:** Not really. I just wanted to break down how they came up with this \$9 million. So, it was to—if they won—to cover their remaining time on their lease plus the extended time. Right? Okay. It is a little bump, but normally we get a percentage—or we ask for a percentage of the profits. So, depending on your PPP, because that's what you're going to be bidding on is a PPP with GPA, Public-Private Partnership. So, whatever profits you make from there—case in point, like what we had with the raceway where we got a piece, aside from the basic rent, we got a piece of their profit margin.

**Mr. Cruz (CLTC):** If I may, Bill 179 is almost literally writing the lease terms. So, the participation rent won't be considered, if that bill is passed.

**Commissioner Garrido:** But normally they give us the option to finalize.

**Acting AD Burch:** It will be a legislative lease.

**AAG Finney:** Can I just point something out, though? He mentions competitors, and I just want to remind everybody that the reason they were there was to offer the golf course. If the Commission wants this property to become a solar farm, it seems like it should go out for a bid. It should allow competition. And I just don't see in this bill where it allows for any competition.

**Commissioner Garrido:** No, the competition comes in on the bid from GPA.

**AAG Finney:** No, I mean to lease out the property as a solar farm.

**Acting AD Burch:** Commissioner, we have property that's [inaudible] in the Dandan area close to the current solar farm down there. If we were to put that out, we would have to RFP that, and we

would go with the highest bidder for the property. This one here would not follow that. It would be legislative. The legislature could do anything they want. What Mr. Cruz was saying is that it would essentially be a legislative lease that would lock us in. That's why I was being careful about—I didn't go out against the bills or against the solar farm except the endowment fund was my concern. Right now, with the IPS that I developed for Ancestral Lands I got a report from Raymond James that I told them that I wanted a few of those investments to go into extreme conservative investments, which were CDs and cash equivalents. They just informed me that they have invested for over a year or so that Ancestral Lands will be getting 5.4% and each one of them were for investments that I just authorized. So, yes, we can do better than 4%. And that's only with the most conservative. Of course, you have moderate, you have aggressive. And if the Board ever thinks of going that route, that's something we could look at. Ancestral Lands is going from ultra conservative to conservative, so now they're investing in shares and stocks. An Investment Policy Statement could be tailored here. It doesn't tie the hands of the Commission or the Board. Unlike the endowment fund it would tie up the principal where you only have access to the interest earned. Investments allows you flexibility, so in case you need to, you could draw it all or part of it. You could set up your investments for different periods of time throughout the year, the time horizon. That's why I was concerned about the endowment fund; it ties your hands. And it limits you to the amount of whatever interest income you get. It could limit you to \$300,000 a year that you would be able to use for any other project.

**Commissioner Garrido:** I guess I'm not expressing—my point had nothing to do with the endowment fund. What I'm saying is, like the proposed 50-year renewal for the raceway, the legislature, before they passed the bill, said they had to coordinate with CLTC on the terms. And our basic terms with the raceway, we got a percentage of the profits that they made over the monthly lease. That's what I'm alluding to, that we inject something like that.

**Acting AD Burch:** This doesn't allow for that. This actually ratifies the current original lease and extends it.

**Commissioner Garrido:** What I took out of what was being proposed in the legislature is that they would have a dual role. Either GICC continue as a golf course in the event that they don't win the bid or they can transfer and become a solar farm. On the CLTC part, hopefully the legislature will allow us to insert our interests towards finalizing the terms of the agreement in the event that they win.

**Acting AD Burch:** And, also, if the Commission agrees to go with a solar farm versus a golf course. That part I leave up to the Board. I didn't inject that into my testimony. My testimony was strictly on the administrative part. My concerns over that and not whether or not we're going with a golf course or a solar farm or whatever endeavor we want to get into. That's strictly up to you at this point. So, I just don't want our hands to be tied or the Board, this Board, or any future Board as far as investments, because things do come up. And this is a really long-term investment that we're thinking of here.

**AAG Finney:** The bill would take that out of the Board's hands. You said it's up to the Board, but it wouldn't be up to the Board at that point.

**Acting AD Burch:** If this becomes law.

**AAG Finney:** It would just be the legislature deciding that the property is better used as a solar farm.

**Commissioner Garrido:** Right now, it does not include the verbiage for us to negotiate our side, but what's to stop us from trying to include that, to modify the intent? That's all I'm saying. Maybe we need to be a little bit proactive in modifying...

**Acting AD Burch:** That's why I've always been against legislative leases. We have cases like the raceway track or the Farmer's Coop. When we put things out for bid, we let the market decide.

And CHamorou Land Trust has quite a bit property around the island, not just the golf course, that may be larger, too.

**Commissioner Garrido:** This situation is a little bit different.

**Acting AD Burch:** This is quite a bit different, because it won't allow for the RFP. It would simply ratify the lease—the current lease—and extend it up to the year 2055. So, it's something to think carefully about, if you're going to endorse the bill or not. Or if you're going to talk with Senator Joe San Agustin about the issues we might want to change or amend the current bill and see if that goes through to gain your support or not. Because it's still in bill form and you know how it is, by the time it gets to the floor to become law; it could be totally different than what we agreed on. And that's why I've been against—because we've run into that here at CHamorou Land Trust with the raceway track; we saw the result with that. I've run into that with Ancestral Lands with the same or similar legislative lease. Then again [inaudible] so far with my testimony, you were there, you heard that it was simply tying the hands of the Board. I was very concerned about that. That should be done administratively. The Board should make that decision. You should be able to look at that proposal that I haven't brought to you. But I plan to bring to you. Its tailor made for one government agency and it's working. I don't see a problem with bringing it down to CLTC as far as investments, if we do agree to accelerated rents. I just don't agree accelerated rents should be locked in [inaudible], because we could make that—like what they do at Ancestral Lands where by law no one can raid that fund. And we only have to put that in. We don't need an endowment fund to lock it, because the funds at Ancestral Lands are locked in by law and it's not required to go through an endowment fund. Those things could be put into Bill 179 [inaudible] if you decide to go with that. It's just options. I don't want our hands tied. I know we're not going to be here permanently. You're a new board, and I'm only not even a month here, yet. But my job is to protect the agency while I'm here.

**Commissioner Herrera:** I'd like to add to the Director's point on Section 4 on the funding of CLTC endowment fund. That's the part that's kind of locking everything up, because according to this language on Bill 179 [inaudible] all accelerated rent received shall be transferred to CLTC endowment fund. So, probably that language needs to be...

**Acting AD Burch:** Removed.

**Mr. Tang:** Yes, Commissioner. My name is Jerry Tang. I've been sitting back there for all the meetings and observing the hard work that you guys do. So, I want to thank you first. And I see all the [inaudible] that you guys help at every meeting, loan guarantees, and trying to work out the lease problems. I wanted to finally speak to you, because number 1 to thank you guys for the hard work that you do, and number 2 to just to clarify some of the things that sometimes Carlos misses. It was never our intention to put the CHamorou Land Trust commissioners in a lock box with respect to the endowment fund. So, I think it was attracting, you know, we could have done a better job in drafting that. If you guys look at Bill 178, the one that actually creates the endowment fund, the language in there says that from the accelerated rent it's the commissioners that decide what portion thereof, if any, goes into the endowment. So, 179 should have [inaudible] the same language as 178. So, when we caught onto that, oh, man, we don't want to do that to CHamorou Land Trust, because things like typhoons happen and sometimes the CHamorou Land Trust needs access to its funds. It really should be—no one is better situated to manage CHamorou Land Trust funds and to use it to best benefit its beneficiaries other than the commissioners. When I caught that inconsistency, I said, hey, we need to reconcile 179 with 178. What we want to do with 179 is tell the senators, hey, look we need to correct it. So, even the \$9 million, right? That's accelerated rent and to be consistent with 178 it should be up to the commissioners, what portion of the \$9 million, if any [inaudible] invest it or use it right now. I hope that clarifies that a little bit. Now, speaking as a Guam resident, I want to thank not just the CHamorou Land Trust, but all the CHamorou people who have made me feel very welcome. I wasn't born here. I came here when I was 3 years old. Guam has really always been welcoming to my family. My parents, you may not know them, but I'm pretty sure you have eaten at their restaurants. My parents had Shanghai

Restaurant down in Agana next to what used to be Band of America. Later on, they did Hong Kong Restaurant in Tamuning. I've made Guam my home, but even though I'm a Guam resident—for me you can't really claim to be local unless you really prioritize and understand Guam's history, and the needs of, you know, how CHamorus have suffered. A lot of times it's even not about what our local island is doing. Guam is such a small island, you know, where there is global events and things with the economy that we don't have control. When we came up with the endowment fund idea, it was because we knew that every year is a battle for appropriation. You know, what agency is going to get what. It seems like CHamoru Land Trust is always underfunded. We thought maybe an endowment is a great idea, because it has potential to grow if it was invested. It would just start creating an additional, supplemental source of income. We really liked the idea that it was going to be perpetual, that you don't touch the principal. It was never our intention to say how much of accelerated rent has to be put into the endowment. So, we want to correct that. I want to just briefly talk about contributing to this island, and what's really important to CHamoru Land Trust right now. I've always felt, you know, even the whole thing about having a municipal golf course on CHamoru Land Trust land. Was that ever the highest and best use of that property? Because from the decades of, you know, it being used as a municipal golf course with subsidized rates, it was just not viable. It's just kind of weird that running a municipal golf course has nothing to do with the CHamoru Land Trust mission. It was always a commercial lease to generate revenue to support the CHamoru Land Trust Commission. There's been a lot of talk about, you know, putting, what about these golfers? You cannot, especially for the CHamoru Land Trust, you cannot prioritize some golfers over the mission, over the housing needs of its beneficiaries. I just can't fathom how someone could even come here and argue that. For me, it's a little bit offensive when someone comes here and says I made Guam my home for 40 years, trying to establish a case that they're local and then say it's more important for me to have subsidized golf than the mission of the CHamoru Land Trust. And that's offensive. It's also offensive when they say, oh, you know, the Japanese's own golf course they prioritize tourist over locals, right? And that was really, really [inaudible]. It was disparaging Japanese businesses when he's the president of Nissan. That was just kind of weird, right? It's not just that, it just not true. When you call a golf course and you make a tee time, they don't ask you if you're local. They only give local discounts, by the way. When you go check in, you show your Guam driver's license and you pay the local rate. All the Guam courses give a local rate. It's just not true that they prioritize tourists over locals. It's simply not true. You know, I really appreciate the opportunity to talk today, because there were just so many things I wanted to say [inaudible]. Now, I want to go back a little bit and talk about the \$9 million. How did we come up with that number? I have to really educate myself on this. I'm sure this is something that Director Burch knows by heart, the whole concept of net present values of a future cash flow. Basically, you have to determine, you kind of have to access, what kind of return can you get on that money. And that's something that people [inaudible] negotiate, and there's certain standards that businesses use, certain standards that realtors use, to determine the discount rate to apply. What they're really saying is, you know, instead of getting—the simplest example is if I have a 1-year lease and the rent is \$100 a year and is payable at the end of the year versus I pay it at the beginning of the year. If I pay you \$100 at the end of the year, you have \$100 at the end of the year. But if you could get 10% interest on that \$100, then the net present value of that \$100 a year from now would be like \$90. So, that's the general concept. When we thought about that, what we were trying to say is even if you use a really low discount rate, really low rate of return that you think you're going to get off that \$9 million. Your annual income from that \$9 million invested will be equal or exceed your monthly rent that you're getting now. Theoretically, if that's invested it's going to provide that income in perpetuity. Like Carlos was mentioning we don't want to dictate how much of that solar rent is actually invested. That's something that in 178 it shows that it's really up to the Land Trust to determine that. So, what we want to do is make 179 consistent in the language so that the \$9 million is up to the CHamoru Land Trust how they want to, what portion if any to put in the endowment fund. I hope that clarifies some of those issues. I'm open to any questions.

**Commissioner Herrera:** That was my question on Section 4. It's language to lockbox the amount, and it wasn't consistent with 178. That was my—so now, I guess, we may have to change the language.

**Mr. Tang:** That was an oversight in the drafting, because it was always intended to be like 178 where it's up to the commissioners what portion thereof to invest. Really, you guys are best placed to manage your own funds. You know what priorities you have, what needs you have.

**Commissioner Herrera:** And then we have a big liability right on the next page, Old Business. That's another problem we're having. Once we have this amount of money in the bucket, it may be raided.

**Acting Chairperson Bordallo:** They do raid [inaudible] other agencies.

**Mr. Tang:** Commissioners, if I can be very open. I've thought about that. And, you know, some type of a balance is like—there's things we could do in legislation to make it harder to loot, but then you might run into political opposition. One of the things that I thought about was, hey, you know [inaudible] what if we get the beneficiary some type of standing to sue whoever loots it. But then I don't know if the senators would support that, right?

**Attorney Pole:** Legally, there's another option. It's similar, but it's to put all the \$9 million into the fund, but give the commissioners the right to (a) decide when the fund is dissolved and (b) give the commissioners the right to take—by vote obviously—the principal. So, that would do 2 things. [inaudible] is safe, because the money's in there, and then the Commission would have the authority—because once it's in there you can't take it out, right? The governor can take it before it's in the fund, but can't take it once it's in the fund. And if you give the commissioners the authority to, as I said, (1) determine whether or not the fund should be—and, of course, it would be for any commission or board, right? Any given commission could decide we want to dissolve the fund and use the money this year. You could also give the commissioners, by whatever kind of vote you want to do, the authority to also take principal. And so, good year, bad year, right? Good year you might have so much invested that you don't need to take the principal. In a bad year, you know, like how household live. Good year you live off what you have and in a bad year you borrow from your neighbors. So, I think the fund could be set up that way to minimize the ability to raid it. Once the money is in there versus okay, we're going to put \$6 million in there [inaudible], because the governor has line-item authority. But that might be an option to minimize the ability and to maximize this board's ability to determine what it needs and when it needs it. In a good year you might decide to increase the endowment and in a bad year you might decide that you need to take it. In terms of retirement, that's the 4% rule. That's really what the 4% rule is about. In good years you can live off the interest, and you expand it. And in bad years you out. I think that it can be written in such a way that it can minimize that issue.

**Mr. Tang:** Before I forget, I think there's one other thing—maybe this wasn't asked, but I thought someone asked this regarding the \$9 million [inaudible] the monthly rent—GICC continues to pay the monthly rent until that whole \$9 million is paid in full. The \$9 million is paid in 2 installments. The first installment is when the [inaudible] agreement is signed. The main installment is when [inaudible] first delivered, transmitted to GPA. Throughout that time, they will continue to pay the monthly rent. I think that's important to point out, because one of the things, I mean, for me it's not just about advocating for this bill or that bill. I really wanted to do something that was good, that was right, that I felt like, hey, you know what? I can contribute to this island by using my knowledge, my experience, to try to do something good. Just to give you a little bit of background, I used to be a practicing lawyer. Now, I just feed people, because I have a lot of restaurants. Ajisen Ramen. I-Hop. Long Horn. Olive Garden. Pieology. Me and my partners, not just me. [inaudible]. Hey, you know what? I really like this idea of an endowment, because I thought this is going to be like perpetual income, right? But as I further looked into it, hey, you know, there's all these other issues, right? As I attend all these meetings it became very clear to me that the CHamoru Land Trust really needs money. Really needs money. We really should, you know—the funds should not be put in a lockbox. So...

**Mr. Camacho:** I just want to say, I'm glad we're going through this Q&A, because we're not done, yet. I still have 15 heads down at the public hearing that will probably ask a lot more questions.

**Acting AD Burch:** I was there from 8 to 12 this morning. I came here missing lunch.

**Mr. Camacho:** This is a great back and forth. Are there other concerns you may have?

**Acting AD Burch:** What about the current arrears?

**Mr. Tang:** That's the other beauty about this. The moment that, you know—we want to make sure that because, you know, I think maybe within 30-60 days of the bill passing, [inaudible] 100% of the arrears they'll pay within like 60 days of the bill passing. Really, a lot of the money, a lot of the funding partners will only fund it if it's solar. They don't want to back a—they feel like a golf course, you know, is not a good investment. With solar they think it's a proven investment. Just a little bit of side information. We're so confident about this bid, because the property has all these advantages that Carlos talked about. One thing that's not really talked about is that, the space for GPA bid, they're seeking like, I think, like 180 megawatts. The total bidders, all the people who are going to submit bids, does not even reach 180. So, as long as everybody hits GPA's target price, almost everybody wins. You just got to hit GPA's target price. And because of the property's location, its proximity to the substation, its proximity to the energy demand, because that's, you know—Dededo, Yigo is where the demand is at. It's such a great opportunity and before I forget, I mean, there's, you know—this \$270 million investment, about \$180 million of that are for capital improvement. Meaning the solar panels, the storage, the connection lines. When they say transmission investment, that's the connecting infrastructure to the substation. Those capital improvements, they do depreciate. Accountants always say, you know, they use some type of formula. But under the lease agreement and under the requirements with GPA, they have to guarantee a certain production of those panels, a certain amount of electricity that they're going to deliver to GPA. They can't go bid out 65 megawatts and only deliver 30 megawatts. So, what I'm trying to say is, at the end of the lease term, this opportunity is like you're going to have a \$100 million asset. CHamoru Land Trust will have a \$100 million asset that it could choose to either operate itself and sell power to GPA. Or re-lease it out at max value. Or sell it to GPA with legislative approval. You're going to have possession of something that way, way more valuable than a rent-controlled, unviable golf course.

**Acting AD Burch:** You say in 30 days we'll get all rents. That's not written into the law; I didn't see that.

**Mr. Tang:** Oh, because we have—sorry, Director. This conversation goes back so many months, maybe like more than half a year ago. We presented that to the Commission before, and if I recall at one point Commissioner Garrido warned us make sure—that we're on probation—make sure we pay. But, also, there was supposed to be some type of written payment plan. We had it in letter form, but [inaudible] we were waiting for a draft. We weren't really sure who was supposed to prepare the draft whether it was going to be the AG's Office or we were supposed to do the initial draft of the payment plan. But we've agreed in several of our letters to the commissioners that we will pay up 100% of the arrears upon so many days after passage of the bill.

**Acting AD Burch:** That will be done even if the property is not used right away for [crosstalk]. That's not tied to that, because I see a little caveat here, I think it's on page 2 or 3. My little assessment of that says if the property is used for renewable solar power, then the lessee will pay all rents due under lease in advance. [inaudible] Net Present Value, right?

**Mr. Tang:** Right.

**Acting AD Burch:** And then determined by a certain [inaudible] a certified real estate appraiser. You said that would be our responsibility?

**Mr. Tang:** Well, I wanted to make sure that—because we ran our own numbers and honestly, when you take the Net Present Value of something, if we use standard business models, standard realtor models, it would just come too short. That's why we wanted to make sure we boost it up, and we wanted to let CHamoru Land Trust pick its own appraiser. Using standard models—the Net Present Value of future rent will only be like \$6 million.

**Acting AD Burch:** I keep hearing \$9 million, but I also got out of that that the payment we [inaudible] market-based discount rate, which will be between \$7 million to \$9 million. If you could explain that one.

**Mr. Tang:** We have to pick the discount rate, and if we use a 6%, 8% discount, it would just yield too little. So, when went to like a 4% model, to be conservative, we—like 4% on \$9 million, would be \$360,000 a year, which would be slightly more than the annual rent.

**Acting AD Burch:** About \$11,000 more.

**Mr. Tang:** If that \$9 million is invested in perpetuity, then it'll keep paying that same amount throughout the whole lease period. [inaudible]. That was our thinking. That's how we arrived at that amount. Why we always use \$9 million? Because I just assumed that CHamoru Land Trust is going to pick \$9 million. If it's \$7 million to \$9 million, I figured CLTC is going to pick \$9 million.

**Acting AD Burch:** Just like in the last bill, 178 the language used there was advocate to place the money in the endowment fund. In 179 changes the language. We just don't want to get caught in something, like I said, when bills go through the legislature, they go through the process, many times it doesn't look like the one we submitted or agreed to. That's why I'm afraid of legislative leases, and this in effect would be similar if not exactly that.

**Mr. Tang:** It's very important that we have this conversation. The legislative process—I feel that from the senators that we've spoken to, they're very supportive of this idea, because how could you not, as a political leader, how could you not be supportive of funding the CHamoru Land Trust. I think the way forward is just be very open about your concerns at the public hearings and also in your private meetings with the senators. And we will do our best to make sure those concerns are addressed by the senators.

**Acting AD Burch:** I was looking at alternative lots in CLTC, and we came up with one equal to or maybe larger than the solar farm that's down in the Malojloj area. Real close to it, too. That CLTC has. Would you be interested in something of that nature, but that, of course, would go out to the highest bidder. The best deal that we could get.

**Mr. Tang:** I think, because of timeline pressures, I'm not saying no to that; I can't speak for everybody. I'm really just speaking a lot from what I know, and my involvement with putting this transaction together. But what I know is that this is Phase 4 for GPA. There's going to be a Phase 5. So, that's a great opportunity. I jump all over the place. I've been thinking about this for so long. How realistic is it that people would opt to pay accelerated rent? My time in private practice I've learned a lot of things that—and also as a business man—sometimes it makes sense to pay accelerated rent. When we say accelerated rent, we're talking about the Net Present Value of accelerated rent. So, if the discount rate that you apply, for example, if my cost of money is so low, and I could get a discount by paying the rent up front, I do it. I do it. This is really not that outrageous, because when I was practicing, a lot of my clients were from Taiwan, places where interest rates were so low that if you could get a discount paying money up front, you do it.

**Acting AD Burch:** And that's assuming that we do well with our investments over the years. That's a decision the commissioners will make. My job is to make sure they're aware of the risks and advantages of it. Pros and cons of the whole thing. It's not that I'm against a solar farm, of course not, that's clean energy. I know that's the direction almost everyone is going to be moving to in the very near future. But it's a decision the Board is going to have to make whether not they want to

keep a golf course going where they have local rates on or to have a solar farm. My job is to educate them on the financial issues.

**AAG Finney:** Hold on. We're offline.

**Acting AD Burch:** We are offline? Again? Oh, because GPA came back on. It took us, what? Ten, fifteen minutes last time?

[power glitch]

**Acting AD Burch:** We're back on? Sorry, we just had another power glitch and we're back on island power. We'll continue. Madam Chair, are we allowed to move forward? Okay, where I left off last time before the power went out was that my job basically is to make sure that the Board here is aware of the risk. They're going to weigh it in the end. Mine is just to advise them. You're doing the same thing here with this round table type interaction, which is great. So, at least they know what the advantages are, and they can see it from both ends. We really appreciate that. If it's anything to raise more money for CLTC, of course, we're going to be for it. I just want to make sure that we get the best [inaudible] we can. I understand that this counsel [inaudible] is business. All you want to pay things up front, because I do the same thing, too. I mean, I pay things off just when I see interest rates start to go up and down. I agree [inaudible]. And that's why I advised the other board at Ancestral Lands on how to do these things. That's my job here, too, among many other things. So, it's to make sure we get the best deal and make sure we don't get sued [inaudible]. Make sure our board doesn't get sued. That's why I always advise to listen to our attorney. Their job, too, is to make sure that we're on track. GovGuam has a lot of laws, and believe me it's easier to operate in the private sector. Of course, your risk is yours. You take the risk, but I tell you sometimes I miss that. You may be looking at one code in government and there's another code written somewhere else that affects—you need an attorney there whenever we make a move, pretty much. So, that's why Attorney Finney's here to make sure we don't mess up. But on the financial end and investments and other stuff, reading laws and see what benefits the Commission and basically operations of the office. That falls in my territory. She just makes sure I don't step out of it, which I thank her for. Sometimes I do things she says I can't do that. That's why I advise my board members here to do the same. So, you see why we're being very cautious. You've heard of mistakes by previous boards, previous directors. Our job here with the new board and the people here is to fix those issues. And sometimes they're not [inaudible].

**Mr. Tang:** I also see just how hard the Commissioners tried to make it work for the [inaudible]. If there was any way possible to help them without getting in trouble [crosstalk].

**Acting AD Burch:** I could see that conversation that Commissioner Herrera with one person, Mr. Cruz. You could feel the pain their feeling by acknowledging that this was done outside the law. Therefore, can we perpetuate violating the law. And while he wants to do something, his hands are tied. Even if you want to help as much as you want and things are right and wrong, my job and, of course, Attorney Finney's job is to make sure we stay in line with the law. They have a tough job. I'm glad I'm on this side and not that side.

**Mr. Tang:** Even all the staff on this side they work extra hard to prepare for each meeting. I see that every single case, every single tenant has their own file, has their own issues that they have problems with, but I just have to, you know, again thank the Commissioners. When I was practicing, I've attended a lot of meetings like this, but this is the first time that I've spent so much time with CHamoru Land Trust. There was one meeting that there was like 30 tenants trying to get loan guarantees and this was like about 6:30 already and everybody was so tired, everybody was ready to go home. But what did the Commissioners do? They said, you know what, they're so many people that need help. Let's not wait until next month. How soon can we schedule the next meeting? I've never seen that before, and that really moved me. I don't know if people realize the work that CHamoru Land Trust does, and how your heart is just really into it. That was really touching.



**Acting AD Burch:** They're community service, pretty much. They're doing it for free almost. I think it is for free. They don't get paid anything. We need more people like that. They do it, because it's what they want to do. It's not because they're making any money out of this. So, that's why I say our job is to make sure that we protect people we have that are willing to put up their time. And that's why we have a lot of questions. And when we go to the legislature, I know they're going to have a lot down there, too. So, the Commissioners will make a decision on this. Of course, I'm going to tell them we probably have to have a work session on it to go over everything you've given us. So, that should this every come up for a hearing I would be prepared for it. I see that, yes, can we make money out of this? The answer is yes. We get our arrears money repaid. I hope I can do that at Ancestral Lands. I know Carlos is here, I've been begging, please help me out fix that thing. If we can get that done, I don't see a major issue on this. I just wonder what are the golf enthusiasts out there going to do, because some of them have already floated petitions, to be honest with you.

**Mr. Tang:** I do support the local golfers. I'm in a golf club, but it's more of a drinking club. There were some really good ideas floated at the last meeting. I think that that's something that if people like Carlos put his mind to it—I mean, we could find a way to help the local golfers. We could create, maybe working with GEDA, some type of program with the other private golf courses. Because all these golf courses, even the other private golf courses, they're pretty old. These are all pretty old golf courses. They need like some type of GEDA-backed loan, or some type of tax credit that in return they have to have these programs to support the local golfers. And I really prefer that route, because again subsidizing the golfers is not the responsibility of the CHamoru Land Trust. If the government of Guam wants to subsidize local golfers, let it come out of the general fund. Let it come out of some other agency, not the CHamoru Land Trust. I don't get it. Because if you really wanted a viable, municipal golf course with the cost of fertilizers, cost of maintenance, it's just skyrocketing. If you wanted it to be viable, and if some other operator comes in, I really believe this, like in a year they'll be coming here, can we get a [inaudible]? Why? Why should you get a [inaudible]? Why should it come at the cost of the beneficiaries?

**Acting AD Burch:** When we're getting into the golf course and running it and all the pesticides put into the ground, we're all concerned about that. But also with solar farms, we don't have much. We do have batteries. What do we do and where do the batteries go, once they're used up?

**Mr. Tang:** That's something I want to clarify with our solar partners, because I know the latest technology, I know before it's all lithium and lithium is harmful. Most laptops, cars, they use lithium, because it has a high density, small space, it can store a lot of power. But the newest technology, especially when it comes to solar farms, they're moving away from that. Lithium is very expensive. There's a cheaper solution now. It's a sodium-based battery. And sodium-based battery works with solar farms, because you're not like a car where you need to have very dense, small space. Sodium batteries are cheaper. They take up more space, but they're cheaper. They're don't have the hazard of burning up. So, I could look into that and find out what type of batteries, what type of technology that our solar partners...

**Acting AD Burch:** That's what I read into some of these things here is that one of the issues there is environmentally safe, and I know dealing with lithium batteries, they are a problem and a problem of disposing of them, too. It's just that we don't want to inherit another issue [inaudible] we have to be responsible for that. We do have some, whether it be here at CLTC or at Ancestral Lands, where we've had tenants who have left their materials behind, and we're responsible for cleaning it up. Sometimes the way I look at it, sometimes it goes up in the millions of dollars just to clean up something from a previous tenant. I'm dealing with that also and that's because materials were left behind. We don't want to be stuck with anything, especially if you're using lithium batteries or something that might be harmful. That's going to be another big concern.

**Mr. Tang:** We'll look into that. I want to confirm that, because lithium is more expensive and we don't need that energy density.

**Acting AD Burch:** And to show that we're interested in renewable power, we started looking, the staff was looking for other size lots that could be alternatives to it that's just as large, maybe larger, because CLTC has over 11,000 acres out there. That's quite a bit of acreage spread out throughout the island. And some are near other solar farms [inaudible]. You know, that is an alternative to the golf course. That's a decision our board will make. I'll just advise them of the options they have, and, hopefully, we'll get a work session together where we can sit down and discuss this. It's been very good you coming here. This is not a bad deal. It's a decent proposal. Of course, like Commissioner Garrido said, it takes us out of the thing of negotiating for more. If it becomes a law by legislation, and I know he would just love to negotiate. I like doing that, too. The senators could do whatever they please. That's the risk we do take.

**Commissioner Garrido:** If I'm not mistaken, the initial lease that you guys acquired for the municipal golf course was also legislative. So, we didn't have a say so. That was just put in our lap. Take care of it. You have to work it.

**Acting AD Burch:** That's why we're very cautious about it, because whether it be CLTC or Ancestral Lands or any other agency, the legislature has legislated leases. And when we come up for our financial audits and the auditors say where's the lease? You say, here's the law. They say, privately, that's not a lease. But it doesn't give us the option to negotiate. And that's happened many times. So, we get dinged on that by the financial auditors when they come in. They want to check the leases, and we give them a public law. We run into that often enough. That's why I'm very cautious about that, because I like getting clean audits. But with that type of situation, it's almost impossible. You're going to get written up in something that's beyond our control. I know that's happened here, right? I'm done.

[crosstalk]

## Old Business

### **C. Lot 7161-R1, Yigo**

**Acting AD Burch:** Madam Chair, on the agenda we have the lot listed; it doesn't say the Raceway Track. I'd like to table that and move into a couple of other issues. We still have someone here that wants to speak. And one that is very critical to operations that Joey will—I guess he'll explain it now. It's pretty simple.

**Mr. Cruz (CLTC):** Under New Business, item B, "Designation of Authorized Signatories".

Acting AD Burch: That's if you agree to table the next item, which is the lot, whatever that lot name is.

**Mr. Cruz (CLTC):** Lot 7161-R1.

**Acting Chairperson Bordallo:** Are they here?

**Acting AD Burch:** Mr. Rios is here, but we'll table it to give us to the next meeting. That's going to take a long time, we're going to go through that. But it's not the Federation, it's about the lot itself. Already, Attorney Finney is going to go through the MOU with GCC that, apparently, the Board was not aware of. Because I was caught by surprised when I got pulled off to remind me about the MOU. And so are these guys. They were all caught by surprise by an MOU they never knew would ever happen.

**Commissioner Herrera:** With GCC?

**Acting AD Burch:** Yes.

**Acting Chairperson Bordallo:** Jeffrey, if you want to talk, make it short.

**Mr. Rios:** Real quick. Hafa Adai. Thank you again everyone for staying back so late. So, I'm not going to thank you, do all that thank you like this gentleman did, that was a lot of thank-yous. And I know we're all hungry. Maybe Chinese. Yes, Commissioner Herrera, Madam Chair, and Commissioner Garrido. Of course, I know that you're not in any position to make any decisions with that lot number. I would, though, just want to say it's been 167 days that the track has been closed. And just on my phone as I'm sitting here there's been another accident in Mangilao. I'm not saying that that's because of drag racing or anything like that. But you all know it's happening. It's happening. I have no footage to show, because I won't do that. But it is happening. And there was a very bad crash about 3 weeks ago with a new car, a very fast car and both individuals in the car died. No one is saying anything about that, but I'm going to say it. Please. Please. I know you can't make any decisions about a 2-year lease at least, but can we at least decide maybe this can be done: Give us a 4-month Memorandum of Understanding. Let us go in there and clean the place up. Clean it up. Have a couple of real, legal, controlled races. If that could happen, you could give us more time, 4 months, to at least talk about the 2-year lease that we are proposing to just iron what the Federation is trying to do. We have to get these guys off the road. And that's all I'm saying. That's it. My phone blew up with an accident that just happened. KUAM. I follow it. Check it out. It's right there. Another accident. I think it was Thursday night, but they're reporting on it today. I'm just saying it's happening all the time. So, I'm asking, Madam Chair, could that be something like that put on the floor today for just a 4-month MOU? Just thought I'd ask. Is that possible? I'm not asking for an extension, because I know we can't do it. I'm not asking to rescind the eviction, because I know we can't do that. That's all I'm asking. Let us get in there and clean up. Have you gone by there? It is in terrible—it's in such disarray. It needs so much work. And we're all going to do that. Right now, these guys are hungry just to get in there. They'll clean it up, they'll—in 4 months the place will look like it did on June 1<sup>st</sup>, the day before we got evicted. Can that be considered? Just throwing it out there.

**Acting AD Burch:** I know that with government agencies we're allowed MOUs and MOAs, but I'm not sure we can do that with a non-profit.

**AAG Finney:** I think that's really the problem. Land Trust just isn't—if you look at that section of the law that talks about how they can lease and license out their property, there's just no provision there for any...

**Mr. Rios:** But there are MOUs, right? As an attorney you have MOUs in place. Do you not have MOUs in place now?

**AAG Finney:** There's MOUs with other government agencies, which is not the same thing as a commercial venture.

**Mr. Rios:** Just saying this is not a commercial venture. This is a community venture. We need to get these guys off the street. I want to be part of the solution. And I want the commissioners to be part of the solution.

**AAG Finney:** The discussion can't really be here. It needs to be with the legislature, because the law sets out what the Commission can do.

**Acting AD Burch:** The laws here are more restrictive than the laws with Ancestral Lands. Ancestral Lands has a lot of flexibility. CLTC does not enjoy that.

**Mr. Rios:** I just had to ask. That's all.

**Acting AD Burch:** I know you had to ask.

**Mr. Rios:** I had to ask. I'm concerned about it. If there's something that could be done, that'll be great. We go in there. We get an insurance effective tomorrow for 4 months. If 4 months is too long, give

us 3 months. Just let us do something to get these street racers and drag racers off the streets. I mean, if 3 months later we have this discussion, and it's just not going to work with the Guam Racing Federation, then so be it. But it's been 167 days. I'm counting. A lot of drag racers are as well. We've lost—I want to say we've lost 10% of our motorcross riders to the kids, because they just found something else to do. And a classic example was I remember having this conversation with Commissioner Herrera last year when we were so excited that we were taking kids and racers to Saipan for a race. We're doing it again. Thirty-nine riders last year. Thirty riders this year. That's a substantial loss of interest. You know, they're motorcross riders. They'll find something else to do. Guess what? They'll race cars. They just have the need for speed. That's it. That's all I have to say. So, if you want to talk about putting that on the floor, and a motion on the floor for 4 months, a motion on the floor for 3 months. That would be fine. We'll take it. That's all. If you want to, go ahead. Thank you. Have a good night.

## **New Business**

### **B. Designation of Authorized Signatories for Bank of Guam Accounts**

**Acting AD Burch:** Commissioners, there is a—on the agenda, one is administrative and then Mr. John Charfauros is on the floor.

**Mr. Cruz (CLTC):** Under New Business, item B, the “Designation of Authorized Signatories”. The current signatories are Commissioner Garrido and former Chairperson John Reyes. But Mr. Reyes is no longer with us, so it is important that the Board designates 2 signatories for all of the Bank of Guam accounts that are in the custody of CHamoru Land Trust. We recommend that the Chairperson or Acting Chairperson and the Administrative Director or the Acting Administrative Director be appointed the signatories for all Bank of Guam accounts under CLTC custody.

**Acting Chairperson Bordallo:** How long is my term?

**Mr. Cruz (CLTC):** You still have a couple of years to go, I think, if not more.

**Acting Chairperson Bordallo:** I'm old.

[crosstalk]

**Mr. Cruz (CLTC):** The reason this is a pressing matter is because we're going to an audit. One of the tasks within the audit is to do a reconciliation with...

**Acting Chairperson Bordallo:** Well, it's up to these guys.

**Commissioner Garrido:** Okay, I nominate the Acting Chair.

**Commissioner Herrera:** I second the nomination.

**Acting Chairperson Bordallo:** What's the name of the Acting Chair?

**Mr. Cruz (CLTC):** We won't use names. Just the positions.

**Acting AD Burch:** Acting or Chair, so we don't have to come back to this issue again.

**Mr. Cruz (CLTC):** And it will be Administrative Director or Acting Administrative Director.

**Acting AD Burch:** Just in case we change, you know, because one day I could be [inaudible].

**Mr. Cruz (CLTC):** You have to make a motion.

**Commissioner Garrido:** I motion to nominate our Acting Chair.

**Mr. Cruz (CLTC):** The Chairperson or Acting Chairperson. And the Administrative Director or Acting Administrative Director.

**Commissioner Garrido:** And the Administrative Director or Acting Administrative Director.

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

**Commissioner Garrido:** All in favor? Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Joey, when are we getting the RFP for...?

**Commissioner Garrido:** The raceway?

**Acting AD Burch:** I've been asking the same thing. He's been working on it, but we're also in the middle of our financial audit.

**Mr. Cruz (CLTC):** I've spoke to Kristen briefly yesterday, so we're trying to tie up all the loose ends to the RFP. After that it will be forwarded to Director Burch and to Kristen for their review, then the Board will be informed, and we can start discussing dates. There's a process we have to go through. After we issue out the RFP there's a timeframe. After the RFP has closed, before that the Board will have to decide who's going to be part of the committee to review the RFP. Then from there we'll report to the Board on what the committee has decided or the chosen **[inaudible]**. So, we hope by the next meeting date—it will be done before the next meeting.

**Acting AD Burch:** We'd like to give you the opportunity to see it before the next meeting to go over it. But we do have Mr. Charfauros, he's been waiting here for the longest time.

**Mr. Cruz (CLTC):** So that's our bid on 7161-R1 so we can move to constituent matters with Mr. Johnny Charfauros who's here.

### **Constituent Matters**

**Mr. Charfauros:** Madam Chair Arlene Bordallo, members of the Board, and members of CHamoru Land Commission, Acting Director John Burch, Asisstant Attorney General Kristen Finney, and Land Agent Glenn Eay. Thank you for inviting me to this meeting.

**Mr. Eay (CLTC):** So, Mr. Charfauros, Johnny Charfauros is here today who is requesting to relocate to a bigger property located at Track 10121, Block 9, Lot 3. It's approximately a 1-acre lot. A little history of this one here. Mr. Charfauros was issued a lease back in late 1997, it's located 7150-3-4 Yigo. What had happened was that back in 97', to date, he claims he has not been shown the property area of his lease and he came in several times to try to mitigate the issue and was not assisted by land agents in the past. He's here today, many years later, requesting that we finalize this and we take it to action, because the property is no longer available, the lot that was issued to him, so we can relocate him to another area that's available. That's what he's here for today. I'd also like to mention some issues that I have here. Issue number 1, an agricultural lease was awarded to Mr. Charfauros on June 5, 1997 located on the portion of Lot 7150-3-4 Yigo, who did not occupy the premises as of a today. CLTC has not received any payment of rental fees or property tax, which is contrary to 21 PCA Subsection 75A108, Condition of Leases. The Lessee shall pay a rental of \$1 a year for the tract and the Lessee shall be for a term of 99 years. The Lessee shall occupy and commence to use or cultivate the tract as his home or farm after 1 year after the lease has been made. And also for (f), the Lessee shall pay taxes assessed upon the tract and improvements thereon. The Commission may, at its discretion, pay taxes and have a lean therefore as provided by 75A114 of this law. Those are the issues that were found as of today. Lessee fee hasn't been paid. Property tax hasn't been paid.

[inaudible] he has not farmed or cultivated the property. Of course, as he mentioned he didn't know where it was located. So, he's here today trying to request to relocate to a farm that he had chosen. We went up there, and I showed him the place and that he agreed to, which is down in Yigo. I also want to add at the time he got a lease, his deceased wife also had a lease the same year. A year later there was a legal opinion that one of (them) had to terminate one of the leases. You can only have 1 lease for one type of application. In that case they both have a lease for Agriculture.

So, as of today we have to consider too that there are still 2 leases from his deceased wife and for himself, so we have to make a decision also to terminate also one or the other, and that's pretty much it right now. [inaudible] for your decision here, if it's possible to relocate [inaudible] the property description and that is, like I mentioned, he decided to go to 10121, Block 9, Lot 3 Yigo, which is approximately 1-acre which is 4,047 square meters. Now, that being said, because I also want to mention that because the lessee did not fulfill the conditions of his lease that was awarded since 1997 and also to request to relocate to another location, we recommend a reduction of acreage from 1-acre to a half-acre lot.

**Commissioner Garrido:** Is he in agreement?

**Mr. Eay (CLTC):** It's up to him now. He can have the floor.

**Mr. Charfauros:** In fact, when I signed that lease agreement, I did not know about it. The reason why I signed that piece of paper is because at that time I asked for 1 hour off work to help out my wife with her situation with her agriculture land. That's the only land I know of. I've been helping my wife out for about a year. I've been working a lot of overtime. Now, I asked for that day 1 hour for my work to take my wife down to her appointment. So, I sat outside and evidently it ran into 2 and a half hours of arguing between the agent and my wife on her agriculture. I was very furious. Finally, they decided [inaudible] everything under control. Then they said Mr. Charfauros can you sign over here that we took care of your wife's situation. I said it's about time. So, I signed and I left and I went back to work. Last year, in September, I decided to take over my wife's agriculture land. So, I came down here to the Commission and said I would like to take over my late wife's property. No, I don't see your name in here. It's the Privacy Act. Now, I've been paying all the taxes, including the one up in Yigo. I got proof. So, like I said I did not know that I signed for the agriculture property up in Yigo, but I was paying taxes. So, anyway, as the story goes from September last year all the way up to now, you know, I've been waiting. I'm number 11 on the list. According to the law, first come first serve, right? So, what happened? When I came here before I left the island 3 months ago for my wife's surgery, Mr. Glenn Eay here said I'm going to try to put your name on the list. You approve of the Yigo property? I said yes. So, I signed the paper. Next thing you know I come back here October 9, after my wife's surgery in Hawaii, and I was wondering...my wife says, oh, you know what? They had a meeting in September, and your name wasn't on the agenda. I said, what? She said there's another meeting in October. I said, I'm going there. [inaudible] and I waited, I waited. Then I brought the subject up to her, Chairman Arlene Bordallo. And I also questioned Mr. Glenn Eay, what happened? When are you guys going to take care of it? Originally, Mr. John Reyes, Jr. before he left, he apologized to me and told the director, the one who resigned, take care of Mr. John Charfauros. She said yes. He was there listening. Did anybody take care of me? Now, that I'm here, I listen to you guys for 7 hours. Now, I told you what happened. I did not know I had property. You promised that you're going to put me on the agenda. You took me to that Mangilao property that is half an acre and is solid rock. So, I said let me have my Yigo property back. The one that you promised. Because I asked you, is there any property in Mangilao? You said, yes. I said, I would like to take a look at it. I already signed that piece of paper for Yigo, the second one. Now, the original one, oh, I asked you guys to show me the property up in Yigo, the one you said I signed in 1997. What happened? You did not show up, because the director assigned you at the last minute to another job. They send the 2 over there, Jhoana and Jessica. They came up there at 9 o'clock in the morning. Scheduled time. I said, okay, where's Glenn. Oh, he didn't show up. I said, now, you guys are here to show me the property [inaudible]. What's going on?

**Mr. Eay (CLTC):** May I comment? Like Mr. Charfauros said, he made arrangements with me to show the proximity of the property where it's located on a portion of 7150-3-4. Like he said, I was redirected and assigned to do another project. Ms. Dayday and Ms. Casem were going in the field anyway, and

they're familiarized with the area, so when they met with Mr. Charfauros, they said this is the proximity of the lot, but he's upset; he wants to know the exact location. Because the property was never surveyed, you cannot say this is it. This is the location. But this is the proximity. He wasn't satisfied with that. So, when he said that we threatened him, he threatened my land agents.

**Acting AD Burch:** We're here tonight not to argue, but to rectify whatever occurred. So, Mr. Charfauros do you agree to relocate to the Yigo property?

**Mr. Charfauros:** I agree to the property that I signed for. The one between me and Mr. Glenn Eay.

**Acting AD Burch:** Which property is that?

**Mr. Charfauros:** The second Yigo property.

**Mr. Eay (CLTC):** I took him to 3 sites. The first day I showed him 2 sites. He agreed this side, this side, there in Yigo.

[crosstalk]

**Mr. Eay (CLTC):** Then he calls me up and says I want somewhere in Mangilao where I originally intended to get close by his late wife's property.

**Mr. Charfauros:** I did not say I don't want. I said, do you have any property in Mangilao?

[crosstalk]

**Acting AD Burch:** Mr. Charfauros, we're going to resolve this tonight. Whatever happens, we're going to resolve it. Are you interested—I don't know where 10121, Block 9, Block 3—is 4,000 square meters. Is that the one you're interested in?

**Mr. Charfauros:** Yes.

**Acting AD Burch:** The issue we had before is the survey of the property.

**Mr. Charfauros:** I'll take care of it.

**Acting AD Burch:** You'll take care of it? Great. Commissioners, Mr. Charfauros is priority 1; he's a preoccupier. He's been around a long time, and he's still waiting. Many things happened before; it's our job to fix it. I don't want to get into arguments that will escalate into a shouting match. We're here to fix things.

**AAG Finney:** So, there is already a lease. So, what we would be doing is just amending the lease to reflect the property that he wants. Is that correct?

**Mr. Eay (CLTC):** It's going to be amended, yes.

**AAG Finney:** And that property is available?

**Mr. Eay (CLTC):** Yes.

**AAG Finney:** There are no problems with it? Okay.

**Mr. Charfauros:** The original property that I signed for, the 2 there when they went up to show me the property, they showed me the map [inaudible] all occupied by somebody.

**Acting AD Burch:** We'll resolve that tonight. I know the Commissioners were—we went through a long day—we're here. You're here. Why weren't you taken earlier, before everything else happened. Anyway, we're at the point now and you've been here the whole day unlike some of the others we worked on today that didn't show up. Mr. Charfauros showed up and he stayed here the whole time. He knows that you're sincere. Now, Commissioners it's up to you. You've heard our land supervisor, Mr. Eay, say that the land is cleared. There are no issues with it. I would recommend that we go for it. He is priority 1 preoccipier. I don't see why we should be holding him up. The way the laws are set.

**Commissioner Herrera:** He's a preoccipier on federal land?

[crosstalk]

**Mr. Eay (CLTC):** In the statement was that he was preoccupying government land, but when we verified with Joey Leon Guerrero upstairs, the property that they were occupying was Guam Ancestral Lands. It was not CHamoru Land Trust property.

**Acting AD Burch:** But that was probably property that—we had many properties—and we have to work this out, because I'm also with Ancestral Lands. They are CLTC tenants who are occupying Ancestral Lands property with CHamoru Land Trust leases. We have a few of them. It's a humanitarian thing that the Board of Ancestral Lands allowed them to connect water and power with the agreement. This was like 3-4 years back before I arrived. They agreed to this, because these people can't go without water or power. They have a lease with CLTC, they just happen to be misplaced, because many of these people were preoccupiers. Some of them had Land Use Permits before Ancestral Lands was even created. I won't make anybody homeless. During my tenure, no one will be kicked out. We'll find an avenue to take care of them, because these are our people. We've been through this. I'm just recommending let's find a solution tonight.

**Commissioner Herrera:** So, this property here, does it have water and power?

**Mr. Eay (CLTC):** Water and power are available within 100 to 200 feet. You can see [inaudible] right there that dirt road there. Around this street right here. There's a house here with water and power. There's a power pole. [inaudible] right of way here that's partially open. It will be through this easement.

**Commissioner Herrera:** About 100 feet or so.

**Mr. Eay (CLTC):** Plus, or minus. [inaudible].

**Acting AD Burch:** Another qualifier for him, Commissioners, is that many of Ancestral Lands' CLTC tenants most of the property that Ancestral Lands got was transferred there from CLTC. So, that means they were on CLTC property at one time. So, that's why they have the current leases. It's not that you misplaced them; they were placed on CLTC property that by legislation were later transferred to Ancestral Lands.

[crosstalk]

**Acting AD Burch:** They're lease were not created in bad faith; they were in good faith. It's just that the legislature did not know [inaudible]. We should fix it. This is one fix we should do. We have him here before us tonight. So, I understand your frustration, Mr. Charfauros. I would feel the same.

**Mr. Eay (CLTC):** I just want to make the point before you make your decision that Mr. Charfauros said he signed the contract not knowing what was in the contract, what he was signing, because that wasn't mentioned [inaudible]. He didn't know what he was signing, that's considered more or less null and void, because he was signing something that someone forced him to sign. I just wanted to bring that up, because he did open that door.

**Commissioner Herrera:** It was mentioned he had 2 leases?



**Mr. Eay (CLTC):** His deceased wife and himself both have agriculture leases.

**Commissioner Herrera:** If the, for example, they were not married and were both awarded leases, then they got married, do they still have to...?

**Mr. Eay (CLTC):** Yes, they still have to terminate one.

**AAG Finney:** The law says that.

**Acting AD Burch:** Mr. Charfauros, you understand that?

**Mr. Charfauros:** Yes. I told them that since back in September last year. And I don't know if it goes in here and goes out this way and disappears. I do not like that.

**Acting AD Burch:** I just want to resolve this issue that's been on for such a long time.

**Mr. Eay (CLTC):** To stand correct, he didn't tell us, we told him. He said he wasn't aware of that [inaudible].

**Mr. Charfauros:** Mr. Glenn Eay, I'd like to remind you that whenever you make an appointment with me and you tend to disregard or fail to do so at least give me the dignity of calling me that you're not going to show up. Don't pretend that God's going to do it for you.

**Mr. Eay (CLTC):** That was only 1 time.

**Mr. Charfauros:** One year! When I came back 3 weeks you did not answer my phone call. I came to the office and left messages. You never called.

**Mr. Eay (CLTC):** At the time he came in—I came at the latter part. I wasn't the initial land agent. There were 2 or 3 land agents prior to me. Because of the case's difficulty, it was issued to me. So, I had the latter part of [inaudible]. So, I never had a prior conversation [inaudible].

**Ms. Dayday (CLTC):** The time Mr. Charfauros did come in we were closed, and he did meet us at Guam Ancestral Lands. We were detailed out. Our office was closed. But Mr. Charfauros ended up going to Ancestral Lands and that's when he saw us. That's when we informed him that our office was closed and we didn't know when it was going to open.

**Mr. Charfauros:** It was closed due to the mildew.

**Ms. Dayday (CLTC):** That's what I said, the mold.

[crosstalk]

**Acting AD Burch:** There were with us upstairs, so that they could come to work and perform their duties, and of course not get sick.

**Ms. Dayday (CLTC):** But we had no...

**Acting AD Burch:** That's already done. It's in the past. We've already aired out everything. I just want—I recommend that we move forward. [inaudible].

**Acting Chairperson Bordallo:** Let's do the lease. The lot number and approve that. And the lot that was given to—whichever property it is or lot number that we need to cancel.

**Mr. Eay (CLTC):** The one that has to be canceled—it's up to him now, which one he wants to cancel. The choice is [inaudible] cancel his lease or his wife's lease.

**Acting Chairperson Bordallo:** Does he know the difference on the lot numbers?

**Mr. Eay (CLTC):** Yes, because we gave him a copy of the lease.

**Commissioner Herrera:** So, that's the property that he selected?

**Mr. Eay (CLTC):** Yes, sir.

**Mr. Charfauros:** [inaudible] the original one that he said I signed back in 1997, 1995 [inaudible]. They gave me a copy. I never received a copy from CHamoru Land Trust or be told about until my late wife passed away. And I started paying the land taxes. Then I noticed Yigo, that I been paying Yigo taxes and I thought my wife was paying for a maybe a secret family inheritance property. But when I went to Revenue and Tax, they said it was registered under me. I said, I've been paying for a property that I never used. That's how this whole thing started.

**Commissioner Herrera:** The tax roll was wrong?

**Acting AD Burch:** No, he signed a document—see, not everyone can read legal documents the way we read it. I mean, I go into it, I read between the lines. I do my assessment, but not everybody does that. They take your word as you tell them what's on the document, and they sign it. And maybe it wasn't made clear to Mr. Charfauros that his property that he was going to get was in Yigo. But he's paid for the taxes and all.

**Mr. Charfauros:** The one that someone's occupying. The property's right there. Below it. Straight down to your right.

[crosstalk]

**Mr. Charfauros:** Originally, the property was here. Then all of a sudden it showed on the map that there's a house; someone's living on the property. Then Mr. Glenn Eay decided to—somewhere up here—took me [inaudible] there's power and water there. Oh, I don't like that. The neighbor [inaudible].

[crosstalk]

**Mr. Eay (CLTC):** The first lease that was issued to Mr. Charfauros in [inaudible] is within that proximity. We couldn't point to where it was. That's why the land agents went there and said this is the general area. So, now we're here and we found a property close within that proximity, which is 1 acre. It has to be surveyed. It might be a master plan already, but then again before we give a survey authorization as well, it has to be approved by Pierce to provide a sketch [inaudible] map.

[crosstalk]

**Mr. Eay (CLTC):** We also have to be mindful that the lease is commenced if you do choose to give him the 1 acre, he has 1 year to comply with the farming activity before he even builds on it.

**Mr. Charfauros:** [inaudible].

**Commissioner Herrera:** Madam Chair, I'd like to make a motion to approve the request for John C. Charfauros to relocate to Yigo located at Tract 10121, Block 9, Lot 3 an area of 4,047 square meters under the conditional use and to meet the prerequisites for the transfer. Correct?

**Mr. Eay (CLTC):** He must meet the conditional lease as far as he has to farm 2/3s within the year. Once that's done, he can come to us and ask to build. Once we've verified, then we can authorize to build.

**Commissioner Herrera:** So, for the conditional use to farm 2/3s of the property and return to CHamoru Land Trust to obtain a permission to build. Do you want to include the water and power request?

**Mr. Eay (CLTC):** Yes.

**Acting AD Burch:** That he have authorization? You'll be giving authorization in advance, so that whenever you have time and money, you can apply for power and water.

**Mr. Charfauros:** Now, do I have this approved?

**Acting AD Burch:** Mr. Herrera is making the motion, he's going to wait for a second, then they'll vote. And once it's done, it's yours. We'll take care of the paperwork.

**Mr. Charfauros:** Can I say something afterwards?

**Acting AD Burch:** Yes, just don't make it...

[crosstalk]

**Acting Chairperson Bordallo:** We have 2 motions to make.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Ms. Casem (CLTC):** I'm sorry, Commissioners, you have to name the lessee that you're terminating.

**Acting Chairperson Bordallo:** No, that's the next one. The first one was to give him that lot. The second one is to terminate the other.

**Ms. Casem (CLTC):** So, we need the name and the lot number.

**AAG Finney:** The other lease is still existing?

**Acting AD Burch:** Yes, so we're going to terminate it.

**Mr. Eay (CLTC):** The lease that's going to be terminated, so this is a ground lease that was issued the 5<sup>th</sup> day of June 1997 to Ms. Doris Carriaga Charfauros on a portion of Lot 5402-R5-NEW-R5 Mangilao containing an area not more than 1 acre.

**Commissioner Herrera:** Madam Chair, I'd like to make another motion to terminate the lease for Doris Carriaga Charfauros on Lot 5402-R5-NEW-R5 in Mangilao for 1 acre.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido: Aye.**

**Acting Chairperson Bordallo: Aye.**

**Mr. Charfauros:** I would like to acknowledge my new wife, Mrs. Linda May Hernandez-Charfauros to be added to my assigned agricultural lease document. 2. I would like to ask permission to have said property surveyed as soon as possible. 3. Once I have it surveyed and properly recorded, can I have said property fenced in due to a lot of wild pigs and other animals might cause vegetables and fruit trees destruction. 5. Any vegetables and fruit trees planted will be in accordance with CLTC law. 6. I need permission to build a house for me to stay in that area to be watching over my agriculture plants, because there seems to be a lot of thieves running around. A house and storage facility.

**[crosstalk]**

**Mr. Eay (CLTC):** We cannot do an add-on for his wife on the lease. We can only add her as a beneficiary, and she would also have to qualify for the program. Also, we have forms for Mrs. Charfauros to fill out, so we can help assist if she qualifies. The cost of the survey will be the lessee's, not the Trust. Also, before even starting the farm, he has to provide a farming plan.

**Commissioner Herrera:** And when do we start **[inaudible]**.

**Acting AD Burch:** The Speaker just talked to me about a lot of things after the public hearing. She has a long list on her agenda. I know that's what we're thinking about, and she was concerned that we have all this on our agenda tonight and she's wondering what are we doing about other things. It took us over 8 hours.

**[crosstalk]**

**Commissioner Herrera:** This is the continuation of the unfair taking of **[inaudible]** land.

**Acting AD Burch:** Mr. Charfauros were you here for the 8 hours? The Board members were here, and they don't get a salary.

**Acting Chairperson Bordallo:** Mr. Charfauros thank you for coming in and for being patient.

**Commissioner Garrido:** I would like to do a motion that we recess this meeting until the earliest possible time, because we didn't get through the agenda.

**Acting AD Burch:** Dexter, they just want to recess.

**Mr. Tan (CLTC):** The 27<sup>th</sup>.

**Commissioner Garrido:** And we invite Mr. Chu.

**[crosstalk]**

**Acting AD Burch:** For those that we tabled, we'll make an attempt to bring them in, too?

**Acting Chairperson Bordallo: Can we finish the motion to recess?**

**AAG Finney: Until what time?**

**Acting Chairperson Bordallo: Until the 27<sup>th</sup> at 1 o'clock. All in favor say aye.**

**Commissioner Herrera: Aye.**

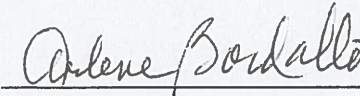
**Commissioner Garrido: Aye.**

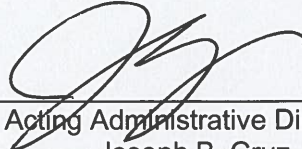
**Acting Chairperson Bordallo: Aye.**

The meeting recessed at approximately 8:25PM. A resumption meeting was scheduled for November 27, 2024.

**Approval of Minutes**

This board meeting minutes were approved on the June 13, 2024 CLTC Board Meeting.

Chairperson Arlene P. Bordallo  Date 6-27-2024

Concurred by:  Date 6/27/2024  
Acting Administrative Director  
Joseph B. Cruz



**Lourdes A. Leon Guerrero**  
Governor

**Joshua F. Tenorio**  
Lieutenant Governor

**Commission Members**

**Arlene P. Bordallo**  
Acting 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** **Resumption of November 16, 2023 Regular Board Meeting**

CLTC Conference Room

Suite 223, ITC Building, Tamuning, Guam

**Monday, November 27, 2023, 1:26 – 7:22 p.m.**

Public Notice: *The Guam Daily Post* on November 8, 2023, and November 14, 2023

### **PRESENT:**

#### Commission Members

Arlene P. Bordallo, Acting Chairperson

David B. Herrera, Commissioner

Earl J. Garrido, Commissioner

#### Management and Staff

John T. Burch, Acting Administrative Director

Kristan K. Finney, Legal Counsel, Assistant Attorney General

Joey Cruz, Program Coordinator IV

Catherine Cabrera, Staff Assistant

Dexter Tan, Records Management Officer

Glenn Eay, Land Agent III

Eileen Chargualaf, Land Agent II

Jhoana Casem, Land Agent II

Jessica Dayday, Land Agent II

Pierce Castro, Planner II (via videoconference)

### **GUESTS:**

#### Constituents

Billy P. Cruz

Anthony Domingo (via videoconference)

Mr. and Mrs. Jose Navaro Bautista (via videoconference)

#### Global Recycling

Alan Chu

Yuan Chen Wu

#### Public Comments

Jose Chargualaf Quinata

## **Call To Order**

Acting Chairperson Bordallo called to order the resumption of the November 16, 2023 regular board meeting at approximately 1:26 p.m.

The Inifresi was recited.

**AAG Finney:** I just wanted to remind the board members that any discussion that you have about the business of the board has to be done in the meeting.

## **Roll Call**

**Acting Admin Director Burch:** Madam Chair, roll call.

Acting Chairperson Bordallo called out the roll. All commissioners were present.

## **Old Business**

### **Continuation of Loan Guarantee Request for Board Action from October 19, 2023**

#### **18. Nadine Roberto Domingo**

**Acting Chairperson Bordallo:** Going back to Old Business, we have Nadine Roberto Domingo on the agenda.

**Mr. Eay (CLTC):** On our last November 16 board meeting we had discussed Nadine Roberto Domingo's asking for a loan guarantee for the amount of \$186,600. The purpose for it being tabled was there was a pending scheme that Pierce Castro, our Planner II, was working on. He's supposed to be working on a new scheme. The Board wanted to make sure the setbacks and the [inaudible] were in compliance with the subdivision law. So, Pierce if you can show your proposed scheme, sir?

**Mr. Castro (CLTC):** Good afternoon. Can everyone hear me? I'm not done, yet, with the scheme. But I understand that one of the concerns was the setbacks. Is that correct?

**Mr. Eay (CLTC):** Yes.

**Mr. Castro (CLTC):** I don't have anything prepared right now. I did start it, but I'm not finished with it. I would always follow the setbacks' requirements. The map will never get approved through DLM's map approval process, if the setbacks aren't met. Can everyone see what I'm presenting? So, this is her house right here. From what I understand they want to give up half of this section here of their [inaudible], and they want to move over to this side over here, because of this violation with this setback in their garage. I plan to make—whatever the square meters are—to take out of here, and I'm going to include it on this side here and their boundary will be—of course, I [inaudible] existing boundary line, moving this boundary a little bit closer over here. That way we can eliminate this property line that's [inaudible] their house. From the front to the back, the lot will be close to an acre in this area right here. I can probably keep this line as is, where it's at now. Of course, I was told that all these structures are [inaudible]. So, this boundary line will move in closer over here this direction towards the house. That way there's no violations here on the setback requirement.

**Commissioner Garrido:** Is the structure tin frame or concrete?

**Mr. Eay (CLTC):** The structure itself is concrete with tin roofing.

**Commissioner Herrera:** No survey map, yet?

**Mr. Castro (CLTC):** There's no approved survey map.

**Commissioner Herrera:** So, this is the master plan?

**Mr. Eay (CLTC):** I believe that's based on the master plan. This house, if I'm not mistaken, was built prior to the master plan, because these guys are preoccupiers. When the master plan was developed you can see the overlay, it went through the portion of the building. So, what Pierce is trying to do is shift the property to the left, area for area, so that the one on the right side will be available for leasing as well.

**Commissioner Herrera:** Preoccupying based on, not LUP, right?

**Mr. Eay (CLTC):** They were preoccuper. They were there prior to [inaudible].

**Acting Admin Director Burch:** What about the structures that are there on that property you're planning to transfer?

**Ms. Dayday (CLTC):** It's gone.

**Mr. Eay (CLTC):** If you see the structures on the left side, the last storm blew them off. They were just temporary buildings. They vacated prior to the storm. Their lease is actually for the other side. And because they didn't survey, they just built unto a vacant lot and also somebody else's [inaudible] lot. They know that they were encroaching.

**Commissioner Herrera:** The preoccupancy was agriculture?

**Ms. Dayday (CLTC):** Yes, but the location is residential.

**Commissioner Herrera:** They were preoccupying before July 12, 1995?

**Ms. Dayday (CLTC):** Yes, the original lessee was.

**Commissioner Herrera:** Under the agricultural program?

**Ms. Dayday (CLTC):** The arendu.

**Mr. Eay (CLTC):** When they got their lease, it was for residential.

**Commissioner Herrera:** But not Land Use Permit?

**Ms. Dayday (CLTC):** She doesn't have it, but the original lessee does.

**Commissioner Garrido:** What's the proposal?

**Mr. Eay (CLTC):** The original occupant was Ronald Camacho Roberto.

**Commissioner Herrera:** And he has the Land Use Permit?

**Ms. Dayday (CLTC):** Yes.

**Commissioner Herrera:** And this is the brother?

**Ms. Dayday (CLTC):** The daughter.

**Mr. Castro (CLTC):** A professional land surveyor did do the subdivision here, but because the CLTC director at the time did not sign off on the map, only the surveyor, we couldn't accept it as an



approved in-house map. But because the lots were used for leasing purposes, we included it in the master plan. But there is a map done by Mr. Paul Santos on this subdivision here, but [inaudible].

**Commissioner Herrera:** And Paul did that for the Domingos?

**Mr. Castro (CLTC):** Yes, sir.

**Commissioner Herrera:** That's when Paul was private, not with DLM?

**Mr. Castro (CLTC):** Yes, that's correct.

**Commissioner Herrera:** Paul's going to verify the [inaudible] now?

**Mr. Castro (CLTC):** Well, he'll go through the process, so Planning and Survey Divisions will review.

**Commissioner Herrera:** So, Paul's going to [inaudible].

**Mr. Castro (CLTC):** Are you talking about the original map?

**Commissioner Herrera:** When Paul did the original map, he was in private practice.

**Mr. Castro (CLTC):** Let me show it to you [crosstalk]. Can everybody see this? If you notice on the bottom right, Mr. Santos did sign off on the map, but when it was accepted at CHamoru Land Trust the director didn't sign off on it.

**Commissioner Garrido:** Is that the third lot from the left? Or is it the second lot? The big lot is the lot in question?

**Mr. Castro (CLTC):** Yes.

**Commissioner Garrido:** What is our recommendation?

**Commissioner Herrera:** To comply with the setback, we have to increase lot number 4?

**Mr. Castro (CLTC):** Yes, if you remember their house is somewhere in this area right here, so I'll probably hold this boundary line here, take these square feet to square meters from this side here and include it here. I'll cut out an acre from this area here. This section here will go back to CLTC. It should be about a half-acre, also. Lot 3 and Lot 4 will be consolidated and then re-parceled to show the new configuration. Just keep in mind the lot designation on this map has already changed.

**Commissioner Garrido:** How much loss to the narrow lot will there be?

**Mr. Eay (CLTC):** It should be area for area, sir.

**Commissioner Garrido:** Where would we get the area from?

**Mr. Eay (CLTC):** It's going to shift this way.

**Commissioner Garrido:** How are we going to compensate the narrow lot?

**Mr. Eay (CLTC):** That will now be the new lot for Ms. Domingo. They're going to consolidate it.

**Acting Admin Director Burch:** Basically, the end result is to move—Domingo will now be 104, because the line dividing 104 and 103 will move to the right. And 103 will be vacant.

**Commissioner Garrido:** How big will...?

**Acting Admin Director Burch:** He said exactly an acre. It will be 4,000 square meters as in the lease.

**Mr. Eay (CLTC):** It's not going to increase or decrease.

**Commissioner Garrido:** There's also the question of agricultural vs. residential.

**Mr. Eay (CLTC):** For residential, the law allows up to 1 acre, not to exceed. Depending on the subdivision or if it has adequate sewer lines, but if it doesn't **[inaudible]** it has to be a half-acre to 1 acre.

**Commissioner Herrera:** This is Ysensong?

**Mr. Eay (CLTC):** It's along there. Right after you pass the coral pit, it's the right side.

**Commissioner Herrera:** This is for an SBA loan? Or reconfiguration?

**Mr. Eay (CLTC):** We have to realign the property. Once it's realigned to 1 acre and approved by Land Management, then we can use it as a working **[inaudible]**, and it has to be surveyed as well.

**Commissioner Garrido:** Can we reduce it to half an acre?

**AAG Finney:** Not without giving them an opportunity to come make their case before you, if you're going to try and reduce their—they would need to have a notice that that's what you're planning to do. They would have to have an opportunity to respond to that.

**Acting Chairperson Bordallo:** What was the homestead square meters that was before CHamoru Land Trust?

**Commissioner Herrera:** It was a Land Use Permit.

**Commissioner Garrido:** No.

**Mr. Eay (CLTC):** The original applicant, Ronald Roberto, is LUP. If you look at item number 3, no, I'm sorry. It doesn't show an LUP number. But the original applicant was an LUP, and then it went down to the daughter. In 1999 when they did an inspection, the land agent found that they were situated on a 1-acre lot. It showed that 85% of the property was being farmed.

**Commissioner Garrido:** Is it still being farmed?

**Mr. Eay (CLTC):** Today, it's not being farmed, because the lease **[inaudible]**. As Attorney Finney mentioned, we would have to give the lessee an opportunity to come here **[inaudible]** and also to give them an opportunity to farm. We can give them a month, a year, or a half a year period to do some farming activity. Because right now while we're trying to shift the property, we can't get them to start farming until that survey is completed. It would be unfair for them to start farming right now.

**Commissioner Herrera:** Is the lessee here?

**Mr. Eay (CLTC):** No.

**Commissioner Herrera:** What do you guys recommend? Do the mapping first and have the **[inaudible]**?

**Mr. Eay (CLTC):** The lot number **[inaudible]**, but the area is going to be the same. The lot description will change.

**Commissioner Herrera:** The lease will reflect the new **[inaudible]**.

**Mr. Eay (CLTC):** And if you decide to cut it down, there's another work again.

**Acting Admin Director Burch:** Is this just an in-house map where this doesn't have to go through Land Management?

**Mr. Castro (CLTC):** This was submitted to CLTC only, but like I said it wasn't signed by the director of CLTC [inaudible].

**Acting Admin Director Burch:** So, Pierce, we can move the boundary without any major issues, right?

**Mr. Castro (CLTC):** We did use this map, the configuration of the lots. We did put them into the master plan.

**Acting Admin Director Burch:** Okay, so what you're proposing is to enlarge Lot 4 and that would include the residential home. Lot 3 would be reduced. And we can do that in-house.

**Mr. Castro (CLTC):** Yes, basically I'm going to move number 3 to Lot 4, then 4 back to where Lot 3 was. It's going to have the same basic configuration, but just that boundary line will move to the right.

**Acting Admin Director Burch:** So, what Pierce is proposing is to move that boundary line, right there where he has the cursor, over towards the right to include the house where the setback would not be a problem. He's saying, because it's an in-house map, it's up to us to make that decision. So, yes, we don't have to table. We can make that decision now, and Pierce can take care of the rest. We can approve the loan guarantee based on this work being completed.

**Commissioner Herrera:** And we're doing that, because the home [inaudible] proper setback.

**Acting Admin Director Burch:** Yes. To make sure it has the proper setback.

**Commissioner Herrera:** We don't move the building; we move the lot line.

**Acting Admin Director Burch:** We move the lot line, not the building. Because it's in-house we have the authority to do that. I'm looking at the pictures here. It looks like the roof even over their main structure—what took a hit—parts of the roof are missing. That's what the repairs are going to be for. It's semi-concrete, but after this it will be concrete.

**Commissioner Garrido:** My concern right now is not the shifting of the lot, but the utilization of the 1 acre. That's why I'm asking can we downsize it.

**Acting Admin Director Burch:** To reduce it to a half-acre?

**Commissioner Garrido:** Yes.

**Acting Admin Director Burch:** Well, Attorney Finney already had her legal advice on that. We would have to then go through another lease. Is that correct, Attorney Finney?

**AAG Finney:** Yes, you can't just reduce it, because they have a lease for the acre. So, you would have to give them a notice that that's what you're going to be considering and give them an opportunity to be heard about that.

**Commissioner Garrido:** Okay, so let's give them an opportunity.

**Acting Admin Director Burch:** Then that means you're going to have to table this.

**Mr. Eay (CLTC):** Just to stand corrected, the lease is for agriculture. I was mistaken. The original application was for residential. So, were they in compliance of the lease? No, they weren't.

**Acting Admin Director Burch:** Now, the other thing is, if you look at the map, if you move the boundary line over, it appears it will be more than a half-acre that we would have to give Domingo. Pierce, if we move the line over to accommodate for the setback, would it still be more than a half-acre or about an acre.

**Mr. Castro (CLTC):** Well, I'm going to try to hold whatever area size that was given to them.

**Acting Admin Director Burch:** What the Board is recommending is we reduce the property size to a half-acre. Would that put the property line right through the building as it sits right now? How big is Lot 4 right now? That's almost a half-acre, right, 1,911? So, if you move it over, that would defeat the purpose.

**Commissioner Herrera:** Pierce, do you see where the letter C22 is? Right at the [inaudible]? If you move your lot line down to the [inaudible] and then to the left and then reconfigure Lot 4 [inaudible]. If you follow, it's going to be like a trapezoidal shape. In other words, you want cut the house to [inaudible] Lot 4, but you don't have to cut a straight line down.

**Mr. Castro (CLTC):** This is not how it looks today. I'll put up the archive. I can't share more than one window at a time.

**Commissioner Herrera:** The house is on the lot line?

**Mr. Castro (CLTC):** A portion of the house.

**Commissioner Herrera:** The [inaudible] has a setback, but the actual--

**Mr. Castro (CLTC):** I believe they extended this out here.

**Commissioner Garrido:** If you look at page 4 of 17, it says existing condition and demolition plan. What is the extent of the demolition?

**Mr. Eay (CLTC):** If you look at the drawings of the building itself, it looks like it's going to be a new building.

**Acting Admin Director Burch:** You mean they're going to remove the entire building?

**Mr. Eay (CLTC):** Yes, just look at the proposed building; they reconfigured everything.

**Commissioner Garrido:** So, is the setback going to be an issue? If they are going to demolish the entire building and rebuild, the setback is not going to be an issue.

**Mr. Eay (CLTC):** You're correct.

**Acting Admin Director Burch:** Now, that changes this whole--

**Mr. Eay (CLTC):** That changes everything.

**Commissioner Garrido:** Again, I would like to recommend, Madam Chair, that we table this for now, and we do more research.

**Acting Admin Director Burch:** Because if that's the case, and you're right, there is a section here for demolition. That means they're going to tear the building down, and they could move the entire

building over. We need the person here to find out what they intend. So, yes, table it until the next meeting.

**Commissioner Garrido:** I motion, Madam Chair, that we table this until our next regular board meeting.

**Acting Admin Director Burch:** I didn't see that part of the plan. That's a good catch.

**Commissioner Herrera:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Mr. Eay (CLTC):** Can you state the reason for being tabled for the record?

**Acting Chairperson Bordallo:** Because we want to know the intent of the Domingos.

**Commissioner Garrido:** The demolition. Basically, that would be the primary, but on the other side of that is the agricultural.

**Mr. Eay (CLTC):** We have to give them the opportunity.

**Commissioner Garrido:** By all means. This is our second time [inaudible] this subject.

**Ms. Dayday (CLTC):** I just wanted to say that we had the same similar situation with another constituent that they were originally residential. They were given an agricultural, and you guys wanted to give him his residential. So, it's the same as Ms. Domingo, but Ms. Domingo actually has something on the property. They were originally farming, but because of the neighbors and whatnot and the situation on that property that happened in the past couple of years, they had to stop. They were afraid. They didn't even have access to their property. Mr. Domingo was the one who opened, he's the one who cleared the access. It was originally opened, but because of the, I believe that's where the water meter was at. So, when it gets flooded the trees overgrew. He had no access. The property over here—the lessees here—there was domestic violence. They were afraid to enter that area. But originally, this part here, there were trees, but because of the situation that was going on in the whole area, they were afraid. Ms. Domingo is actually off-island for duty. I'm just saying they lived here. They have a house here. This whole area their family was farming. At a certain time, it stopped. This is where they were coming in. And they have it on record that they have been trying to have this cleared. They requested from DPW. They requested from the mayor. Nobody wanted to assist them. So, Mr. Domingo took it upon himself to clear it. Just so his family didn't have to interact with these people. So, he opened it up for everybody to go there. I understand they have an agricultural lease, but originally, they were residential. It happened in the last meeting, the same thing.

**Commissioner Herrera:** The access road is going through 2 lots.

**Ms. Dayday (CLTC):** Now, it's cleared. This one is actually cleared now. Everyone in this area can access. They don't have to follow this road anymore. They don't have to go through these people. They don't have to these people. They don't have to bother anybody. They can just go in and out. This is where the water meter is at. This is where their power line is at. And we have a house here. There's a house up here, too. This area here, Mr. Domingo opened up. The original application was residential. However, the CHamoru Land Trust gave an agricultural lease.

**Commissioner Garrido:** We need to bring them in and talk to them.

**Ms. Dayday (CLTC):** Understood. They have a house there. Their house was destroyed in the typhoon.

**Commissioner Herrera:** The entire house is going to be rebuilt?

**Ms. Dayday (CLTC):** We'll verify on that. It's going to be Mr. Domingo, because Mrs. Domingo is not on-island. He does have Power of Attorney. It's in the file.

**Commissioner Herrera:** Okay. If the demolition is going to be the entirety of the existing structure, then the [inaudible] setback in accordance of the [inaudible].

**Ms. Dayday (CLTC):** That means we won't have to give them Lot 4?

**Mr. Eay (CLTC):** Right. That's what we're trying to do.

**Ms. Dayday (CLTC):** I'll let them know that.

**Commissioner Herrera:** That's if it's a complete demolition. Now, if it's only partial [inaudible].

**Ms. Dayday (CLTC):** So, [inaudible] no condition to [inaudible].

**Mr. Eay (CLTC):** For further confirmation of the demolition [inaudible].

**Ms. Dayday (CLTC):** For approval of the loan guarantee.

**Mr. Eay (CLTC):** Yes.

## **20. Billy P. Cruz**

**Mr. Eay (CLTC):** Moving forward, next on the agenda is Mr. Billy Cruz, who is asking for a loan guarantee of \$195,300.00. This was tabled for the reason that we needed a legal opinion in regards to it being an unregistered property. That was the big question at hand. Can we go ahead and proceed with a loan guarantee on an unregistered property or not? That's what we're here to discuss now.

**Acting Chairperson Bordallo:** Legal counsel, do you have an answer to this? If you want to discuss it, we would have to [inaudible].

**Commissioner Garrido:** [inaudible]. This person was given a lease on unregistered land.

**AAG Finney:** Yes, and I haven't looked into the extent of how many properties are on unregistered land or anything like that. Also, I know that there are some properties that are ready to go through the registration process. I'm not sure if this is included in those or not. So, I don't know how quickly this property would get registered. Also, I haven't looked at the whole unregistered property issue, yet.

**Acting Admin Director Burch:** I've been told there are a few leases out for unregistered properties. And checking into the timelines of getting it registered, going through the process, may take a year, sometimes more. Based on the law we're not allowed to hand leases out on unregistered property. This is one of those. So, I don't think we should perpetuate a mistake by adding on to it by giving a loan guarantee for this property. There are ways we could probably relocate, but if we relocate, because CLTC did not authorize any improvements to the property, I don't feel that the CLTC should be penalize for that. But CLTC does have an issue with the property being unregistered. If Mr. Cruz would like, we could probably look for another property for him that is registered.

**Commissioner Garrido:** The problem that Mr. Cruz has raised is that he's made improvements.

**Acting Admin Director Burch:** Yes, but without any authorization.

**Commissioner Garrido:** His neighbors, also, who are on unregistered properties, have their homes.

**Acting Admin Director Burch:** Yes, and they're not the only ones apparently. There's more. So, if we're going to do this, we should prioritize for all of those folks and target the larger groups, because it's a long process from what I reviewed. He's not the only one. I admit we have to take care—this is a problem that's been going on for years. Mr. Cruz has been there for many years, and it's a shame that this occurred. But I know going back to 1995, that I was told back in '95 that you're not allowed to issue leases for unregistered property. And that was known. So, whoever issued this lease, or any of these leases, knowingly violated local law. And it's just sad that Mr. Cruz is caught up in this. He should have been advised of it. But I know back in 1995 that that was the case. And I wasn't director of here back in 1995. Definitely, not.

**Commissioner Herrera:** We were still protesting at that time.

**Acting Admin Director Burch:** Exactly.

**Commissioner Herrera:** Can you ask Pierce to put up [inaudible].

**Mr. Eay (CLTC):** Just the aerial?

**Commissioner Herrera:** The clean water tank at Macheche, while we're on the subject now.

**Mr. Eay (CLTC):** Mr. Pierce? You heard the request?

**Commissioner Herrera:** Unregistered properties were a big problem back when the Department of Land Management surveying unregistered and then registering it through some sort of tax roll [inaudible].

**Acting Admin Director Burch:** From what we've researched I've been told is that where Waterworks did the water tanks those properties are registered, but for some odd reason they did not include the entire lot. So, those other lots around it are not registered. So, it's not just Mr. Cruz, and this is only 1 location that I've been informed about. We have to prioritize this, but it's not going to happen overnight. I'm advising you this is going to be a long process.

**Commissioner Herrera:** That means we're going to have rescind Mr. Cruz's lease or something like that and relocate...?

**Acting Admin Director Burch:** Technically, we'd have to look and every one of them that's in there.

**Commissioner Herrera:** Commissioner Garrido was saying there's 3 homes at the top, 3 lots that were under the Guam Housing Corporation. Right there, Pierce, the top 3 on Lot, is that 456 or 567? Those were financed under Guam Housing Corporation. That means we're going to have to rescind or...

**Acting Admin Director Burch:** There is a problem. There are major problems. It's on this Board now to make a decision on what we're going to do. I don't recommend making anybody homeless or removing them from their homes. But they're not the only ones. That's what I want you to be aware of.

**Commissioner Herrera:** Around the or in the...

**Acting Admin Director Burch:** Within CLTC. There are larger tracts of these problems.

**Commissioner Herrera:** Maybe we could use this as a prototype on how to approach it. Start with Mr. Billy Cruz. I think those 3 or 4 are Sablan, Sablan, Sablan, Sablan, when I last checked.

**Acting Admin Director Burch:** I think we should have our staff do work, but it's not something that will happen right away.

**Commissioner Garrido:** I agree. It's not going to be something that will happen right away. There's a lot of research that needs to be done. I would be very hesitant to try and relocate these people, because they've done a lot of strong improvements to the land. If we were to relocate them, then that would mean that we should take the burden of rebuilding for them.

**Acting Admin Director Burch:** And we can't afford that.

**Commissioner Garrido:** That's right. The only other alternative is we do the research, and we fast track trying to register—cater to these people now. They're on a timeline, because of the loan guarantee.

**Acting Admin Director Burch:** Well, we won't make the loan guarantee from what I've looked at even if the property is surveyed; it still might take a year, if we fast track it. And by then this loan guarantee...

**Commissioner Garrido:** But maybe they could work some sort of arrangement with SBA. Well, the 3 that are already built, they're not asking for a loan guarantee. It's Billy Cruz that's asking. We just open it up to him and tell him this is the way it is right now.

**Acting Admin Director Burch:** I don't recommend giving a loan guarantee at this time for unregistered property. We can work on it, but there are others. And some of them in tracts that may have 100 leases, and this is one person we're talking about. I'm talking about 100, and they're just as important as Mr. Cruz. That's why we should look at all of them and then work on it to get them all done. And that's not going to happen overnight. I'm telling you this is long term. This is not a short-term process.

**Acting Chairperson Bordallo:** Do you know how long Waterworks got their property registered?

**Mr. Eay (CLTC):** I'm not sure what the timeline was when they got it registered. Again, from the basic lot, it's 5380, and when they did a land registration what they did was they prepared a land registration map that identified the lot as 5380-1. So, the remanent portion is now 5380-R1. The entire remanent portion. When we do a land registration, it will be based on 5380-R1, to exclude the lots that are parceled out. You can't use that as a land registration. It has to be the remainder. Then when it's recorded at Land registration, then we can use the **[inaudible]**.

**Commissioner Herrera:** **[inaudible]** was recorded as a document number and was identified as unregistered **[inaudible]**.

**Mr. Castro (CLTC):** Is this the map you were referring to, sir?

**Commissioner Herrera:** Yeah. It was recorded, I think, in 2005 **[inaudible]**. Just to align with lot number 567, when they were issued the lease, and they started applying with Guam Housing. What Director Burch was saying is that back in 1995 we already understood about leasing unregistered land. This was recorded way after 1995.

**Mr. Castro (CLTC):** This is around **[inaudible]** when it was approved and recorded.

**Commissioner Herrera:** Okay. And the signatures from Land Management?

**Mr. Castro (CLTC):** 2018.



**Commissioner Herrera:** Okay. So, that's way after 1995 like what the Director was saying. The officials knew back then, since '95 when we implemented the CHamoru Land Trust Rules and Regulations [inaudible]. Since that time the leases were being issued to these families that were here. Okay, is that 3.7.2018? The stamp of the chief surveyor from DCA? Yeah, 8.9.2018. The certificate of the surveyor. Okay, so get a legal status on what to do with this one.

**AAG Finney:** In what sense?

**Commissioner Herrera:** I mean, since '95 it was a standard policy not to issue leases that were unregistered, but these leases were issued in 2005. I mean, should we rescind or stand by until we register? I don't know.

**AAG Finney:** It's not really before the Commission to discuss what to do about the lease at this point. You're only looking at the issue of whether or not to approve the loan guarantee request. The rest of it can be taken up at a different time. I don't think that that's what before the Commission right now to decide on.

**Commissioner Herrera:** Okay, so we'll just concentrate on Billy Cruz.

**Commissioner Garrido:** In regards to Billy P. Cruz, his request for a loan guarantee, I propose that we table this until a later date where we can have more data to make a favorable decision that would benefit both Billy and CLTC.

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

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Aye. Motion carries.

## 21. Tony Eloy Cruz

**Acting Chairperson Bordallo:** Next is Tony Eloy Cruz.

**Acting Admin Director Burch:** Is Mr. Cruz here?

**Acting Chairperson Bordallo:** Mr. Eay, do you want to open up the discussion.

**Mr. Tony E. Cruz:** My name is Tony E. Cruz. I'm 72 years old. I am from Dededo [inaudible] area. I live there. The home has been transferred to me from [inaudible] Cruz to me, my brother.

**Mr. Eay (CLTC):** Moving forward, like Mr. Cruz mentioned he is occupying the lot in Dededo. He is requesting here today a loan guarantee for the amount \$195,800. At the last meeting it was tabled, because one of the questions at hand was how does Mr. Cruz control waste management, and if he could explain that today.

**Mr. Tony E. Cruz:** How do I dispose of which waste? Human waste?

**Mr. Eay (CLTC):** From the piggery.

**Mr. Tony E. Cruz:** What I did is [inaudible] a trench [inaudible]. All waste material I collected. Food like those things I use it for some of that plant for fertilizer, because as far as my theory and what I

know and what I get [inaudible] those are good things for the plant. CHamoru spoken here. YouTube timestamp begins at 1:22:18 or MP3 at 1:22:43. Because if I'm going to go to Home Depot or some other place to buy, I cannot afford to be honest with you. My [inaudible] versus to the time I retired to now, I cannot afford and probably you guys know that. It's so expensive. [inaudible] in order for me to have a good plan and nice [inaudible], because if it's coming out of my pocket I admit it, I cannot afford it. The soil there, if I let you guys dig it, you won't believe it. This much soil; the rest is 100% coral. I have a septic tank for the house, and I always keep my property clean. I want to show my neighbors an example. Where I live, there's probably 500 cars right now. You could go up there and find cars that have been burned. That's what is causing the aquafer damage. It's not the sewer. I worked for 33 years.

**Commissioner Herrera:** Waterworks?

**Mr. Tony E. Cruz:** Yes. I know that's not the fact that caused that problem. It's those people that are stacking cars along the road, and when they get pissed off from the Government of Guam, they burn it. They light it up. Keep burning it. I want to show them that's not good for us. Like I say I've been working for the government for 33 years. I try as much as I can to promote my area, to keep it clean. [inaudible].

**Commissioner Herrera:** Land Agent Eay, what's the request here?

**Mr. Eay (CLTC):** He's here for a loan guarantee for the amount of \$195,800, for approval of a loan guarantee.

**Mr. Tony E. Cruz:** I'd like to ask you guys, I hope and pray that the government go up there and give those people a cite, charge them for all those [inaudible]. It's really bad in my area.

**Acting Admin Director Burch:** They're in the properties around you?

**Mr. Tony E. Cruz:** It's right there when you're driving [inaudible]. It's right there both sides of the road. They've been throwing trash, cars, all kinds of metal, I mean, God, man.

**Mr. Eay (CLTC):** CHamoru Land Trust a little after Covid [inaudible] if you notice that we cleared the whole Swamp Road up, removing all white goods and vehicles. A year later it came back again. And then last year...

**Mr. Tony E. Cruz:** Right after the typhoon, not even 2 weeks, everybody's dragging—they even burned a car right in the middle of the road.

**Commissioner Herrera:** Okay, so just to get to the point, because we have others, what do you recommend?

**Mr. Tony E. Cruz:** That's all I'm recommending.

**Acting Admin Director Burch:** Mr. Cruz, this is to repair the house that you're in right now.

**Mr. Tony E. Cruz:** Yes. My house is totally damaged. I live in a garage.

**Acting Admin Director Burch:** You're farming the land right now, right? Because you're supposed to two-thirds of the property for that.

**Mr. Tony E. Cruz:** I dig it with my hands.

**Acting Admin Director Burch:** Most properties from Barrigada all the way up are all coral [inaudible]. It's not like Agat where you can just dig down you have topsoil. There you need a chipping gun. I'm aware of that. As long as you're becoming compliant, you know, I could see you're doing your best

you said to have junk cars removed. The pictures show there might be some on your property. I don't know. You have an airplane up there?

**Mr. Tony E. Cruz:** [inaudible] and you know what? For the last about 5 years, they promised me. They said you don't have to take it out, Mr. Cruz. We'll come in with a backhoe and lift it and put it in the truck. You going to allow me with a backhoe and a dump truck? I said I'll allow you any kind of things as long as it keeps this place clean.

**Commissioner Herrera:** The Director was asking about this airplane.

**Mr. Tony E. Cruz:** [inaudible]. My brother asked me can I just leave it there for the time being? It's not going to stay there that long. I told him I don't want that. It's too big. I'd rather plant lemai or mango.

**Acting Admin Director Burch:** How many pigs do you have up there?

**Mr. Tony E. Cruz:** Right now, over 30. I think you were the one who came. At the time I think we added another 50.

**Acting Admin Director Burch:** I've raised pigs in the past, too, and Agriculture required that I put [crosstalk]. I know that because the area where I lived, they had other people build homes, right? I was required by Agriculture to dig a septic system in there with—where you flush it off, it goes in the back, goes in the system where it doesn't smell, and it doesn't contaminate the neighbors' yards.

**Mr. Tony E. Cruz:** When I was raising a lot of people ask me, what did you tell me you use that I could stand in front of your [inaudible], and I don't smell it. I say if you do your work and clean, you'll never smell. Believe me I've had experience since I was a young kid.

**Acting Admin Director Burch:** So, this loan that you're going to get is to repair your dwelling? Commissioners, I would recommend that as long as Mr. Cruz testifies that he is doing his best to keep things clean, there's no smell or contamination—this is for his living, to repair his roof. I would recommend that it be approved. He is a preoccupier. The property is registered. As far as CLTC is concerned all of those are met. The problem they might have now is any white goods or junk vehicles on the property and perhaps even the piggery that's there.

**Mr. Tony E. Cruz:** In fact, excuse me, that vehicle that was shown there [inaudible].

**Acting Admin Director Burch:** You'll be able to provide us with a building plan?

**Mr. Tony E. Cruz:** Yes. Right now, the SBA wants me to clear this problem. I got already maybe 40 list of [inaudible]. I have to go through every one of them. They give me a good amount of money, but I tell you the price of good construction is an arm and a leg.

**Acting Admin Director Burch:** Yes, it's gone up dramatically. Commissioners, I would recommend to approve pending the building plans. Of course, he's attesting that he does keep the place generally clean. We all know the problem up in that area in Swamp Road. This is to make his place more livable, give him a concrete roof so that during storms he won't have to run away.

**Acting Chairperson Bordallo:** We need a motion to approve his loan guarantee.

**Commissioner Herrera:** I'd like to make a motion, Madam Chair, to approve the request for an SBA loan guarantee for Mr. Tony E. Cruz and that we receive a building plan and also to authorize an approval to build for the amount \$195,800.00 for Lot 10120-1-2 Dededo containing an area of 6,684 plus or minus square meters.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Acting Admin Director Burch:** Mr. Cruz you're approved. Make sure you bring us the building plans when you're ready.

**Mr. Tony E. Cruz:** [inaudible] I know you guys are trying to help the CHamoru. I hope you knock on the EPA door and ask them, please, let's go out there and see those cars. It's making me look [inaudible]. Keep the island clean. [inaudible]. You're EPA. That's your job man. It's making our island so small. All my family's back there. I love my island. Thank you.

### **18. Nadine Roberto Domingo**

**Mr. Eay (CLTC):** Madam Chair, we have Mr. Domingo online right now. If you want to, we can go back, and we can ask him some questions. He's representing his wife.

**Acting Chairperson Bordallo:** We need to make a motion.

**Commissioner Herrera:** He's online? Madam Chair, may I make a motion to revert back [inaudible] the case of Nadine Roberto Domingo.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Mr. Eay (CLTC):** Mr. Domingo, can you hear us?

**Mr. Domingo (via videoconference):** Yes.

**Commissioner Garrido:** What is the definition of your demolition? To what extent?

**Mr. Domingo (via videoconference):** The demolition [inaudible] will just be the roof. The house is currently semi concrete. We'll try to use the SBA funding [inaudible] full concrete our residence, so it would be better secured for future typhoons.

**Commissioner Garrido:** Do you have plans to that effect?

**Commissioner Herrera:** We thought the entire house was going to be demolished and then the brand, new foundation was going to be excavated [inaudible]. But it appears it will just be the roof and the walls.

**Mr. Domingo (via videoconference):** Yes.

**Acting Chairperson Bordallo:** Is he aware of his encroachment?

**Mr. Eay (CLTC):** Mr. Domingo, the biggest question we discussed earlier was the encroachment of your building into the neighboring lot, I believe that's Lot 4. What we were trying to do was realign your lot so that you could meet the setback requirements of the building. Another option was if you were to rebuild the whole building it wouldn't require for us to realign the property. But you have just mentioned it won't be the whole building.

**Mr. Domingo (via videoconference):** That is correct.

**Mr. Eay (CLTC):** Your plans mention demolition. Which part is going to be removed.

**Mr. Domingo (via videoconference):** Because my garage is actually encroaching into an unknown lot, so—that's why I've been talking to Land Trust for the past 4 or 5 years. [inaudible]. We're trying to get everything in order, which is surveying the land [inaudible] make sure we have the property lines so we can do what we need to do. But it was after the fact that we found out we were encroaching, after we did the garage. There's no demolition. It's just going to be the removal of the roof and building columns and beams to support the new roof. The garage [inaudible].

**Mr. Eay (CLTC):** The columns are fully concrete?

**Mr. Domingo (via videoconference):** The walls are concrete [inaudible]. The main structure that will be supporting the roof will be the [inaudible].

**Mr. Eay (CLTC):** So, it will be the same foundation, in other words, that will be used.

**Acting Admin Director Burch:** Not necessarily. I'm looking at the foundation plan. You're planning to posts and columns in to support the weight of a concrete roof, because the current foundation is unable to do that?

**Mr. Domingo (via videoconference):** According to my contractor is that in order for them to save the current walls and to sustain the weight of the new concrete roof, they would have to do some testing, to try to stay in the price range that we got from SBA. So, my contractor recommended that we do new columns, new beams to support the entire roof [inaudible].

**Acting Admin Director Burch:** I'm counting about 35 columns [inaudible]. So, it likes what you're going to keep basically are the walls and the floor pad. The rest of it looks like it's going to, according to your plans here—won't it be cheaper to just build a new house and move it in, so we won't have to worry about the setback issues of where the current building is?

**Mr. Domingo (via videoconference):** My wife and I haven't really talked about rebuilding or anything. We don't know how much that would cost. This is just something we've been discussing for quite a while. This seems to be the easiest way for us. [inaudible].

**Acting Admin Director Burch:** You're asking for a loan guarantee of \$186,600.00.

**Commissioner Garrido:** That's the cost of a new home.

**Acting Admin Director Burch:** Yes, that's what I was thinking, the cost of constructing a completely new home rather than repairing one. Often times, if you look at repairing an older home—for sentimental reasons you may want to do that—sometimes that is more costly than outright building a new one. And moving it inside the lot far enough where you don't have a setback issue. With the setback you said the problem was when you put the extension for the carport. If you remove that extension, do you think you'll meet the setback requirements?

**Mr. Domingo (via videoconference):** Yes, I would. That's exactly how it is right now. Technically, my entrance is right there [inaudible].

**Acting Admin Director Burch:** Pierce, looking at the photo you have there and the lines for the boundary, do you think, if you look at the main building and remove the part of the structure that encroaches on the other lot, do you believe that that would meet the setback requirements?

**Mr. Castro (CLTC):** Yes, that would meet the setback requirements. We've actually [inaudible] the guidelines of Agriculture.

**Acting Admin Director Burch:** Commissioners, Glenn would like to show you.

**Mr. Eay (CLTC):** Right now, we're looking at the encroachment right here, so these would have to be removed. If you just remove this portion here, that would not solve the problem. This is the front, the side, and the rear. There still has to be another 8 feet setback to include. That would go all the way down here. Would it meet the setback? We won't know until we get a complete survey. There will be a plus or minus. Isn't that just [inaudible] you have to move another 8 feet back.

**Commissioner Garrido:** The floor is not included in the setback.

**Mr. Eay (CLTC):** But it's encroaching on the neighboring lot. They can build the floor to the lot line, but not to the neighboring lot.

**Mr. Domingo (via videoconference):** So, that was one of the other issues [inaudible] I brought to CHamoru Land Trust. Because I am encroaching, I was wondering if it was possible to switch [inaudible] vacant lot to [inaudible] swap [inaudible].

**Commissioner Herrera:** And you want to keep your existing floor and walls?

**Mr. Domingo (via videoconference):** Yes. Well, I spoke with my wife, and we haven't spoken about anything with demolishing the whole thing and rebuilding.

**Commissioner Herrera:** What is the dimension of your existing dwelling now?

**Mr. Domingo (via videoconference):** I believe it's 60 x 80.

**Commissioner Herrera:** 60 x 80?

**Mr. Domingo (via videoconference):** It's currently a 4-bedroom, 3-bath. I don't know how much that will be [inaudible].

**Commissioner Herrera:** That's about 4,800 square feet. And you have \$186,900.00 approved?

**Mr. Domingo (via videoconference):** SBA approved me for \$219,000.00.

**Mr. Eay (CLTC):** The loan guarantee is \$186,000.00

**Commissioner Herrera:** Right now, the cost of construction is about \$175.00 to \$200.00 per square feet. And if you have \$186,900.00 and you're going to construct a brand-new home at \$200.00 a square, you can only build 930 square feet of home. If your contractor is willing to give you \$175.00 per square foot, you can build up to 1,000 square feet. Right now, the existing dwelling is 60 by 80. That's about 4,000 square feet. Of course, you win to reconfigure your existing home. You will win, because you don't have to do a floor slab, you just have to reinforce your vertical columns, your load-bearing columns, to carry the load of your wall. You have the square footage. If you go a brand-new home, we can resolve the setback issue without doing a reconfiguration of the property. However, the square footage for a brand-new home would be reduced. So, you choose.

**Mr. Domingo (via videoconference):** Well, we can keep it the way it is and just **[inaudible]**.

**Commissioner Herrera:** So, we'll have to reconfigure the lot line.

**Commissioner Garrido:** How big is your carport?

**Mr. Domingo (via videoconference):** 20 by 60. A double carport.

**[crosstalk].**

**Commissioner Herrera:** Does SBA provide loans for carports?

**Acting Admin Director Burch:** They can and they have. For mitigation purposes.

**Mr. Domingo (via videoconference):** We didn't actually know we were encroaching until after the fact. From my knowledge the **[inaudible]** has been with my wife's family since her grandfather and passed down to my father-in-law and now passed on to my wife. We tried to get all the documents in place, and we found out that we're encroaching. We put in so much of our money into doing the garage. It used to be a canopy, which every time a storm comes, we had to take it down every time. So, we decided to make it more solid. So, we don't have to worry about taking down the canopy and posts. We're just trying to get everything on track, because from the mapping to even the **[inaudible]** next to the road, we're trying to get everything within the property line or at least closer to the property line. We had to open up the easement, and right now the easement is only 1 road. We tried going through the mayor's office and Public Works, but we ended up doing it ourselves.

**Commissioner Garrido:** Did you know that carports are not configured into the square footage for the house. So, what are the dimensions of your actual house for the living space?

**Mr. Domingo (via videoconference):** I believe 20 by **[inaudible]** feet. I could be wrong.

**Commissioner Herrera:** Carport's maybe about 20 by 30? 20 by 20?

**Mr. Eay (CLTC):** Approximately, 20 by **[inaudible]**. The residential building itself is probably 30 by 60.

**Commissioner Garrido:** How many bedrooms?

**Mr. Domingo (via videoconference):** It's 4 bedrooms, 3 baths.

**Commissioner Herrera:** Okay, he's got about 3,600 square feet of living space.

**Mr. Castro (CLTC):** I have a rough **[inaudible]**, if they were to re-survey. Do you want to see it? Right now, what you're looking at is as is based off everything else in the in-house map and the master plan. I'm going to shift this to the right, and it's going to look something like this. **[inaudible]** the 1 acre move it to the left side and the half-acre move it to the right.

**Commissioner Herrera:** That's your new configuration?

**Mr. Castro (CLTC):** Yes.

**Commissioner Herrera:** Four thousand square feet?

**Mr. Castro (CLTC):** The one on the left is about an acre. The one on the right is about the same.

**Acting Admin Director Burch:** That's what Mr. Castro recommended earlier, simply moving the boundary line will take care of the issues.

**Commissioner Herrera:** And then we change the lease...

**Acting Admin Director Burch:** Well, to change the lease, now, if you propose to reduce it to a half-acre, to move the boundary line, that's something that we'll have to bring them in now.

**Commissioner Garrido:** Mr. Domingo, I have a question for you. Your current lease is an agricultural lease. You're occupying an acre lot. Are you going to farm the property?

**Mr. Domingo (via videoconference):** Yes. We are currently—we have [inaudible] around the house [inaudible].

**Mr. Eay (CLTC):** There are [inaudible] trees within the premises, but as far as actively farming, no. But there are trees, like he mentioned, that have been there for a while. But does he meet the two thirds farming? No.

**Commissioner Herrera:** Are the trees considered part of the farming?

**Mr. Eay (CLTC):** There are certain types of trees that the Department of Agriculture recognizes as farming. So, we have to go out there and actually inspect the type of trees on the property and if they meet the standards of the Department of Agriculture.

**Mr. Domingo (via videoconference):** Is there a list of those trees that I can get?

**Mr. Eay (CLTC):** Yes, the Department of Agriculture can provide you, sir.

**Mr. Domingo (via videoconference):** [inaudible] typhoon we are replanting some trees as well as our pepper trees and regular vegetables [inaudible].

**Mr. Eay (CLTC):** I'd like to mention, also, that as part of your farming, you have to provide us a farming plan that shows the types of trees you'll be planting, or fruits, and vegetables [inaudible] that the Commission can see if you are meeting the two thirds requirement. Also, the plants could be found at the Department of Agriculture. In fact, if I'm not mistaken, there are plants that they can give for free to our constituents, like papaya, bananas and so forth.

**Mr. Domingo (via videoconference):** For the most part [inaudible] my wife and I want in our lot are the fruits we rarely see nowadays [inaudible]. Those are the trees that we want to replant on our property so our kids can try as they grow older. We rarely see those nowadays.

**Commissioner Garrido:** Mr. Domingo, would you be able to provide the necessary plans to CLTC?

**Mr. Domingo (via videoconference):** [inaudible] and I can provide that.

**Commissioner Garrido:** Yes, I am requesting for you to submit plans, because it's going to cost CLTC some time and money to reconfigure that lot. The land agent just told you that you're supposed to submit an agricultural plan. So, I would like to table this until our next monthly meeting and you provide us with a plan so we can have a detailed discussion on it.

**Mr. Domingo (via videoconference):** Will do.

**Mr. Eay (CLTC):** If you need assistance with your plan, you can seek help at the Department of Agriculture, and they can assist you with your farming plan.

**Mr. Domingo (via videoconference):** That will be great. Thank you for that.



**Commissioner Garrido:** I propose concerning Nadine Roberto Domingo that we table this until our next meeting pending the submission of the plans, then we can make the decision on the loan guarantee issue. This will be concerning Block 14 Tract 10316 Dededo containing an area of 4,062 plus or minus square meters.

**Commissioner Herrera:** I would like to respectfully oppose that motion. I would like to make a motion to do a tentative approval for this loan guarantee and also based on the configuration of the resurvey. So, we're still back on the resurvey. Right, because what Pierce was saying was right now, we spoke to the constituent. The constituent would want the existing building there, and he wants to use the \$186,000.00 to rebuild the home.

**Acting Admin Director Burch:** Commissioner Herrera, there's a motion on the floor. Before you have a discussion, you should technically have a second, then discuss. Or else the motion could be rescinded by whoever made the motion.

**Commissioner Herrera:** The motion was to table. And then my counter motion was to tentatively...

**Acting Admin Director Burch:** Right, there's a formality, though. Either the motion is withdrawn, if not seconded. But if you're going to have a discussion on how to proceed, you first have to take care of the first motion, either have it rescinded or have it failed due to failure to receive a second.

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

**Acting Admin Director Burch:** That's the motion. It has not been seconded.

**Commissioner Herrera:** And then she makes the—to break the tie.

**Acting Admin Director Burch:** Well, I guess in this case there's only 3 of you. But if there's no second, then it will fail based on that **[crosstalk]**. It's not seconded. There's no second to the motion, so it could fail based on the failure to receive a second. And then the Chair could declare to move forward, if there's no compromise for that.

**Commissioner Herrera:** And your motion, Commissioner, was to table until the research is done?

**Acting Admin Director Burch:** To submit an agricultural plan.

**Commissioner Herrera:** Okay, but the main issue here is not the plan, right, it's the reconfiguration of the property, to maintain the existing structure.

**Acting Admin Director Burch:** I think his intent was to receive an agricultural plan, and then the Board would make a decision on whether or not to reconfigure the property. Whether or not it's going to continue as agriculture, I believe that's the intent.

**Commissioner Herrera:** I was just thinking that the agricultural plan is miniscule based on building a home.

**Acting Admin Director Burch:** Right, but that's the motion on the floor.

**Commissioner Herrera:** **[inaudible]** the person needs to rebuild the home, because it was a disaster **[inaudible]**. But we're talking about planting bananas and fruit trees.

**Commissioner Garrido:** We're talking about conforming with the agricultural **[inaudible]**.

**Acting Admin Director Burch:** Madam Chair, you could call that if there is a second to the motion and if there's none, then the motion could fail and just simply move on to another motion. But if there's a second, then you could have that discussion.

**Commissioner Herrera:** Oh, if there's a second.

**Acting Admin Director Burch:** Yes. It doesn't mean that it's passed, because there's a second. Otherwise, it could also fail on 2 different...

**Commissioner Garrido:** After the motion passes, she takes a vote.

**Acting Admin Director Burch:** Yes, and it could fail or pass.

**Commissioner Herrera:** So, if I second, then we continue the discussion.

**Acting Admin Director Burch:** You can. Normally, that's the way it's done. When the motion's made, you second, then discussion. Rather than discussion then make the motion.

**Commissioner Herrera:** I'm new to the Robert's Rules **[inaudible]** Parliamentary Procedures.

**Acting Admin Director Burch:** But if it fails to get a second, then the Chair could declare it and then we could move on, also.

**Commissioner Herrera:** So, I second the motion from Commissioner Garrido.

**Acting Chairperson Bordallo:** Now it's open for discussion.

**Commissioner Herrera:** So, the primary issue that we have here—we have 2. We have the encroachment and to solve the encroachment—Pierce you can tune in on this—is either we move the lot line or we relocate the house. The constituent wants to maintain the home. He wants to use the \$186,900.00 to reconstruction the original home. That way he can maintain the 4,800 square footage. Or minus the garage, it would be 3,600 square feet. If we configure the lots lines, then he can maintain and rebuild the existing home and put a concrete roof **[inaudible]**. That would resolve that. He can continue with his 30-year loan, that's about \$800.00 a month at 2% for the life of the loan. That would be my motion. Now, the agriculture **[inaudible]** is secondary to the primary. The primary issue, now, is the disaster loan. The person needs a home for his family. Not bananas or, I mean, I may be wrong. But right now, it's a disaster loan. To build a secure, safe, and sanitary home. That's my issue. I apologize if I hurt anybody's feelings.

**Acting Admin Director Burch:** You can ask the person who made the motion, to amend his motion.

**Commissioner Herrera:** Please state your motion openly, because I need to hear what you guys are saying.

**Acting Admin Director Burch:** No, he's just giving me advice.

**Commissioner Herrera:** Okay, because I can whisper **[inaudible]**. We just had counsel explain to us that whenever we communicate, we communicate openly.

**AAG Finney:** For you guys.

**Commissioner Herrera:** But you guys can communicate in secret. Yes? Let's just be clear. You can communicate in secret before the meeting, then when we have the meeting, we have to comply with the Parliamentary rule of law. You can do secret meeting. We can't. Okay, so, but go ahead.

**Acting Admin Director Burch:** Your decision is public and final. Now, you can agree to the motion that's on the floor, to vote for or against it. Or request the motion to be amended to include your proposal.

**Acting Chairperson Bordallo:** We're still open for discussion.

**Commissioner Herrera:** Remember, my discussion is the primary issue, secondary is the agriculture. That's just my point. Because we're dealing with a loan guarantee for a disaster loan to build a home with safe, sanitary conditions for the family. Versus the secondary component of are you planting banana or are you planting fruit trees. That's a secondary issue. That's my point.

**Acting Admin Director Burch:** Mr. Eay would like to provide advice.

**Mr. Eay (CLTC):** I was just mentioning to the Director, not secretly, but I was trying to see if I can mention something that in the case of Mr. Domingo, you mentioned that the primary is to build a home, because of disaster, right, but in our lease agreement that prior to building you have to farm 2/3<sup>rd</sup> of the property first, then you build.

**Commissioner Herrera:** Don't forget. This is an LUP. **[inaudible]** 30 got them from a LUP. They were there. You wrote it in your research; he's a preoccupier. Not him, but the parent. So, why was the parent there for the LUP? Remember, we mentioned that. Public Law 30 gave the LUP to occupy the land on category 1, 2, and 3. That's my point. He just took over an LUP, and he was awarded a lease and we're here today. We're going to penalize a person, because he was there with an LUP? And then the basic lot was subdivided to 4 lots, and he was there, I think you were saying, Agent Dayday, that they were the primary occupant, then the neighbor started coming in encroaching—who's encroaching on who? Now, if the Department of Land Management has done their due diligence and did a **[inaudible]** plan and go out and find out who's who and where's where. But this is the problem. We do a tabletop survey, right? Then I go to the field and say, oops, we just went through a living room. So, we're **[inaudible]** this individual, because me as a registered, professional surveyor **[inaudible]**. We have to look at the logic **[inaudible]**. How was Land Trust given the genesis from the condemnation of the properties between '41 to '68. Remember. You have to go back to the genesis. So, now we're penalizing people that were given lots that were not registered. Now, we're penalizing people that there prior to LUP.

**Mr. Eay (CLTC):** But we also have to consider the purpose of the LUP was not to build a home or dwelling. It was for farming purposes, based on a year-to-year basis. We have cases where the director of Land Management allowed the lessee to build a home, but there's a clause, a condition. At the end of your lease term, the house must be destroyed.

**Commissioner Herrera:** So, this LUP was destroyed. Apparently not, he was given a 99-year lease. So, the LUP for 1 year ended 99 **[inaudible]**. So, now we're going to penalize.

**Mr. Eay (CLTC):** We've got two different programs here. The LUP was already abolished. So, CLTC took over. Now, there's a new mandate.

**Commissioner Herrera:** No. No. No. Land for the Landless took over. Because that's why we protested the Land for the Landless program, because it was carved out of the CHamoru Land Trust or the Arendu to be given out to any person who had no registered land. That was the problem. That's why we were losing acres. We have 11,000 now. We should have 100%. We don't have that. We only have a third. But, go ahead, Agent Glenn Eay.

**Mr. Eay (CLTC):** I'm just mentioning the law that I've read.

**Commissioner Herrera:** What's your recommendation now for legal.

**Mr. Eay (CLTC):** That's up to the Board. I'm just telling you what is the law, and now it's up to you how you want to apply it.

**Acting Admin Director Burch:** Mr. Castro had his recommendation. He should you moving the property line. That was his recommendation. I feel that that would meet whatever issue we have with setback. But between the Commissioners, there's the issue of agricultural or reducing it to a half-acre for residential. And that's up to you guys to make that decision. As far as the CLTC staff, Mr. Pierce Castro already came up with a recommendation that would resolve this without having to renegotiate the lease and allowing this to occur the way Mr. Domingo and his wife would want. The disagreement is not with us. He's giving his review of the law. He's pretty much advising me. Whatever he's telling me doesn't have to on record. When you vote on it, that's what will be on the record. That's where you have to be careful that everything you conduct is within the open government law. Plus, these people need to be taken care of. But the staff did come up with a recommendation. It's up to the Board now to agree or disagree or to put any other conditions in.

**Commissioner Herrera:** I'm just saying we have to go back to the beginning of how we're here today. Why do you get your paycheck and your paycheck and your paycheck. I don't get a paycheck here. So, we're here because of what happened in the past. That's my motion.

**Acting Admin Director Burch:** Well, you're still on the first motion. You still have to make a decision on this motion now. Whether it passes or fails and then you could make another motion, if it fails. Unless Commissioner agrees to amend his motion.

**Acting Chairperson Bordallo:** We're still in discussion. The question is, what is the most important thing?

**Commissioner Garrido:** Well, this whole situation is where it's at, because of a lack of accountability. A dwelling was built without a survey of the property points. So, in order to adhere to the setback regulations--

**Mr. Castro (CLTC):** I'm sorry, sir. Can I just interrupt for a second, please. There was reference made that the map done by Mr. Santos was a tabletop survey. Actually, it wasn't, because if you zoom in on the map, you'll see the gas **[inaudible]**. So, that means the surveyor did pick it up. And then the property corners here. If you notice the white circles, that indicates from the legend the type of point that was put in the ground. And if we come down here to the symbols, it says in number 4 rebar set with plastic **[inaudible]** Mark R 68. So, you can't say it was a tabletop survey, because the points are actually in the ground. It's just at the time he did this map, it wasn't a requirement for CLTC maps to go through the DLM map approval process.

**Commissioner Herrera:** And who was number 68?

**Mr. Castro (CLTC):** Mr. Paul Santos.

**Commissioner Herrera:** So, the as built, that shows the home was not on the lot line. This is where the confusion is at, when you did an aerial based on Google Earth, it was showing that that house now is on the property line on the C21 North 10 degrees West. Either they extended the house before the survey or they surveyed then they extended the house. But we're going to resolve this, right, by reconfiguring the lot line. Because the constituent wants to remain and make use of the square footage that he has and to maximize the \$186,000.00. Because a brand new one will only give him 1,000 square feet. So, we're good **[inaudible]** we're just going to have to reconfigure the lot and get this process moving.

**Commissioner Garrido:** Mr. Domingo, what are the dimensions of your dwelling less the carport?

**Mr. Domingo (via videoconference):** I believe it's 30 by 60 or 40 by 60.

**Commissioner Herrera:** He mentioned 60 by 80. Minus the garage it's about 3,600 square feet. If you rebuild that it will be **[inaudible]** your leverage of your dollar is greater. Rebuilding it brand new, if you do that today, you will only have a 930 square feet home, maybe 2 bedrooms, 1 bath.

**Mr. Domingo (via videoconference):** That's the reason why we are trying to do just the roof.

**Commissioner Herrera:** I understand.

**Acting Admin Director Burch:** According to his blueprint or sketch here, the carport is about 20' by 43'. I'm looking at page 7 of 17. So, it's a fairly large carport. Minus that it's about 60 by 30. The main house.

**Commissioner Garrido:** My calculations show your house 52 by 32. That's 1,664 square feet. Not including the carport. That's the current footprint **[crosstalk]**. The carport is 19 by 32. **[inaudible]** 32 by 62. That gives me 1,984 square feet.

**Commissioner Herrera:** Ask Pierce to put back the as built.

**Commissioner Garrido:** Glenn, how accurate is the aerial?

**Mr. Eay (CLTC):** There's a plus and minus there. The aerial is only a working tool. We don't know how many feet.

**Commissioner Garrido:** How do we verify the setback?

**Mr. Eay (CLTC):** The only way is to do an actual survey. Like Mr. Pierce said **[inaudible]** and you can pull a line from one end to the other end. Like you guys mentioned, one of the ways **[inaudible]** is realign them. Or, as mentioned, if you remove the garage, it may meet the setback requirement. If it's shorter than 8 feet, we can always ask for a variance. Most likely, it may be grandfathered in, because it's prior to the '90s. **[inaudible]**.

**Commissioner Garrido:** Whatever route is taken; it's going to take some time.

**Commissioner Herrera:** To resurvey this, you can do this in a week.

**Mr. Eay (CLTC):** Less timely, resurvey it. To get a variance, up to a year.

**Acting Chairperson Bordallo:** This map shows the original house.

**Mr. Eay (CLTC):** The original house **[inaudible]** met the setback requirements.

**Acting Chairperson Bordallo:** The other photo shows going outside...

**Mr. Eay (CLTC):** Because they extended the home.

**Acting Chairperson Bordallo:** Yes, but did they get a permit?

**Mr. Eay (CLTC):** That was the question I was asking earlier.

**Acting Chairperson Bordallo:** If you don't get a permit, and if you're getting a loan from a bank, they're going to tell you cut it down to meet the setback.

**Commissioner Herrera:** Okay, so what is the next move?

**Acting Admin Director Burch:** The next move is to vote on the motion.

**Commissioner Herrera:** I made the motion.

**Acting Admin Director Burch:** No, already there is a motion on the floor. It hasn't been voted on. It was seconded.

**Acting Chairperson Bordallo:** If you were to redo the map to include the whole house. How long?

**Mr. Castro (CLTC):** After I'm done with it, I have to have Mr. Santos review it. And if it's all good to go, I will send it down to Mr. Burch. The scheme by the end of the week.

**Commissioner Garrido:** The scheme will take a week?

**Mr. Castro (CLTC):** No, less than a week. I started it already.

**Commissioner Garrido:** How long before the surveyor can go out there and do the retracement?

**Ms. Dayday (CLTC):** Mr. Domingo hired a surveyor, paid in full. However, the surveyor passed away, did not complete the map. It would be Mr. Domingo to survey the property, because he's the one who wants to move **[inaudible]**.

**Commissioner Herrera:** He had a surveyor out there already?

**Ms. Dayday (CLTC):** He did. That's when we found out that he was encroaching, because the points are there. But when we verified with this map, because the director didn't sign it, we couldn't use this map.

**Mr. Eay (CLTC):** Once the scheme is completed by Mr. Pierce, all we have to do is give an authorization to survey.

**Commissioner Herrera:** The existing surveyor, you said, is the one who found it.

**Ms. Dayday (CLTC):** He passed away. The map wasn't completed. It was Mr. Castro. So, Mr. Domingo paid for the survey, he submitted **[inaudible]**. We went out there with Melvin, who no longer works for CHamoru Land Trust, but we went out there to look at the points. That's when we found out that Mr. Domingo was encroaching onto another lot.

**Commissioner Herrera:** And he paid that surveyor in full?

**Ms. Dayday (CLTC):** Yes, but the map was never completed.

**Commissioner Herrera:** To reconfigure will be our cost?

**Ms. Dayday (CLTC):** Mr. Domingo. We weren't aware of Mr. Castro at the time. Mr. Domingo was asking to give that half up for this half.

**Acting Chairperson Bordallo:** Go back to the aerial photo.

**Commissioner Herrera:** The red line was configured by our surveyor? And then Mr. Domingo hired another surveyor...

**Mr. Eay (CLTC):** To do a retracement.

**Commissioner Herrera:** He's only following the existing survey, right?

**Mr. Eay (CLTC):** Mr. Pierce, would that require a new retracement or a new survey?

**Mr. Castro (CLTC):** The in-house map wasn't deemed approved; it wasn't signed by the director.

**Commissioner Herrera:** So, we can reconfigure?

**Mr. Castro (CLTC):** Yes, as long as the lots being affected aren't owned by another lessee, leased.

**Commissioner Herrera:** After reconfiguration, he goes to **[inaudible]** to be verified?

**Mr. Castro (CLTC):** Right, the surveyor will submit it as a **[inaudible]**.

**Commissioner Herrera:** And then after that we sign, and we're good.

**Mr. Castro (CLTC):** It goes through the process **[inaudible]**.

**Commissioner Herrera:** So, you're right, Glenn, that's the shortest route.

**Mr. Eay (CLTC):** It is the quickest route.

**Commissioner Herrera:** Mr. Domingo needs a house.

**Acting Chairperson Bordallo:** What we could do is have the map reconfigured and have Mr. Domingo come up with a farm plan at the same time.

**Commissioner Herrera:** And conditionally approve the loan guarantee?

**Acting Chairperson Bordallo:** Not yet.

**Commissioner Garrido:** What I want to clarify is existing conditions. Have we verified that there is an encroachment?

**Mr. Eay (CLTC):** We have a former employee that was working with Mr. Pierce, that went out there with Ms. Dayday. He concluded that there's an encroachment on the adjacent lot. He's from survey division. He was a survey tech at the time.

**Commissioner Garrido:** And the encroachment portion is the carport?

**Mr. Eay (CLTC):** Yes, sir.

**Commissioner Garrido:** And that's the 19'x32'. If the carport were not there, it would be conforming.

**Mr. Eay (CLTC):** It might be. When you're basing on the red line that goes across, that's a plus or minus 1 or 2 feet there. We don't know. It's just a working tool. The only you can verify that is actually go out there and do another survey **[inaudible]**.

**Commissioner Herrera:** Another as build.

**Mr. Eay (CLTC):** Correct. What is there now is different than prior--

**Commissioner Herrera:** At the expense of CHamoru Land Trust.

**Mr. Eay (CLTC):** I believe Mr. Pierce said that. Mr. Pierce, would it meet the setback, if they removed the carport?

**Mr. Castro (CLTC):** It's hard to say, because we're not doing an actual survey. When a surveyor is going to survey a map, he has to **[inaudible]** of everything on the lot. It's then that we'll see the accurate measurements. We'll move from there. This image was done in 2019 or 2017. I don't know if the house has changed since then. We use this as a research tool until the final inspections are done.

**Commissioner Garrido:** Pierce, what would it entail to reconfigure the lot?

**Mr. Castro (CLTC):** I would have to shift this line, which will make this lot substandard. I can shift the boundary lines a different way.

**Commissioner Garrido:** You put up an initial proposal. Go back to that drawing, please.

**Mr. Castro (CLTC):** This is the fastest way to do it.

**Commissioner Garrido:** Yes, that's what I'm talking about. What would that entail, including costs?

**Mr. Castro (CLTC):** Since Mr. Domingo is going to hire a surveyor, that would be determined by the surveyor.

**Commissioner Garrido:** Give me an estimate.

**Commissioner Herrera:** About \$4,000?

**Mr. Castro (CLTC):** That scheme is what we give the surveyors to follow. They'll prepare the map and submit it to DLM for review and approval.

**Mr. Eay (CLTC):** What's going to show there is actually what you see there, but the final scheme is going to show the meets and bounds. The cost is going to be on the surveyor. We don't know how much it's going to cost.

**Commissioner Garrido:** Give a guesstimate. Ballpark.

**Mr. Eay (CLTC):** Close to \$5,000 probably, because a half-acre lot now is going for \$2,500 or a little more.

**Commissioner Herrera:** We'll make CHamoru Land Trust pay for it.

**Acting Chairperson Bordallo:** Did they lose their roof on the--?

**Mr. Eay (CLTC):** These houses here, their **[inaudible]** is actually here. They knew they were encroaching on their neighbor. They didn't build on the right **[inaudible]**. What it is, is a 20-foot container with a little tent on the outside. The moved out prior to the storm.

**Acting Chairperson Bordallo:** Is the garage roof still on Mr. Domingo's house?

**Mr. Eay (CLTC):** Yes.

**Commissioner Garrido:** Is the dwelling being lived in currently?

**Mr. Eay (CLTC):** Yes. It's a nice-kept yard there. As mentioned earlier, they even made an attempt to open the road **[inaudible]** through the easement.

**Commissioner Garrido:** How much time would it take to resurvey?

**Mr. Eay (CLTC):** The market out there now to get a surveyor, it takes 4 to 6 months, sometimes a year to get a surveyor.

**Commissioner Garrido:** And who should bear the cost of the survey?

**Mr. Eay (CLTC):** In the original lease, Mr. Domingo did his part. He hired a surveyor and paid for it. He submitted a map **[inaudible]**, but it wasn't completed. Unfortunately, the surveyor passed.



**Commissioner Herrera:** Could you make it clear on the original law [inaudible] Land Trust was supposed to bear all survey costs. It was just when in '95 the influx of 8,000 applicants were rushing in to get the land. What happened there when the constituents chose [inaudible]. That's when the problem started, because we didn't have to go through the process of recordation. But to answer Commissioner Garrido's question, who bears the cost? According to law it was Land Trust.

**Mr. Eay (CLTC):** The intent at the very beginning, was for CHamoru Land Trust to [inaudible] the survey. But because we didn't have the funds to do so, what we did in the past is that, you want your property, it's not surveyed, it's up to you. And then if you get it surveyed, you get tax credit. [inaudible] it still offset the survey cost, if you want to get your own survey.

**Commissioner Garrido:** Kristen, what is the legal side to this?

**AAG Finney:** What exactly?

**Commissioner Garrido:** What is the legal side to this?

**AAG Finney:** In what sense?

**Commissioner Garrido:** How do we resolve this?

**AAG Finney:** What is it you're trying to resolve? I mean, are you talking about--?

**Commissioner Garrido:** The issues that we're debating right now, is the setback.

**AAG Finney:** I think we kind of discussed that right now what's before you guys is whether or not to approve the loan guarantee. So, the rest of it can happen at a different time. This property is registered, right? There's no other issue?

**Acting Admin Director Burch:** Right. Just the setback.

**AAG Finney:** It's up to you guys to decide how you want to resolve the issue with the setback.

**Acting Admin Director Burch:** Mr. Castro has given a recommendation. [inaudible]. Pending Mr. Pierce's recommendation that that be submitted. That was your motion, right? So, that's on the floor. If we get an agricultural plan from Mr. and Mrs. Domingo, then we will work on adjusting the property lines.

**AAG Finney:** As long as you were moving forward to fixing the issue. You could do it afterwards. Or you could have that resolved first before you guarantee a loan. That's up to you guys.

**Acting Admin Director Burch:** You're approaching it from different directions. Commissioner Herrera wants to do it now. He wants to give a conditional approval. You want the plan to come in first before we move in that direction. I don't know if you both agree to moving the boundary lines over. If you both agree to that, so we don't worry about the setback, the issue then is the agricultural plan first, which is what Commissioner Garrido wants. What Commissioner Herrera wants to give a conditional approval and take care of that later [crosstalk]. If Commissioner Garrido amends his motion to include that, you can do both. Make it conditional upon receipt of the agricultural plan and approve it now. And then we also move forward to move the boundary. But that takes an amendment, because that part was not included in the current motion. We're waiting for a decision on your part. Apparently, there's a disagreement.

**Commissioner Garrido:** There isn't a meeting of the minds right now. So, I'm asking you, what is your recommendation?

**Acting Admin Director Burch:** I'm for getting their roof fixed as quickly as possible. I agree with Commissioner Herrera. The main thing here is there was storm damage. And that's what this whole program is about right now, to repair these homes that were damaged. Of course, the agricultural plan, that could come in. We could make that a condition of the—approve it with those conditions to be met before we sign off on the document. Then we also move forward with Pierce's proposal to move the boundary line. And that will take care of the setback. And leave the actual [inaudible] total amount of property as is, just simply moving the boundary line. That would be the simplest form and quickest one to get through this.

**Commissioner Garrido:** And if the agricultural requirements aren't met?

**Acting Admin Director Burch:** Then it's conditional upon receipt of that.

**Commissioner Garrido:** But that's like after the fact, right?

**Acting Admin Director Burch:** Well, we approve it. If we don't receive it, then the document is not signed.

**AAG Finney:** But the difference if you approved it condition on receiving this versus just tabling it is that if you were to bring and comply with the conditions, then the approval could be signed off on. Otherwise, he will have to come back again once he's done those things and have the commission approve it.

**Commissioner Garrido:** Isn't that what I requested?

**AAG Finney:** What you requested is that he will have to come back again before the Commission, not just bring everything to the staff.

**Commissioner Garrido:** No, I said we will table it until a later time, and he can provide us with a plan.

**Acting Admin Director Burch:** That's different, because he would come in to go before the Board again. With conditional approval, it would be administrative work. We would handle it on your end. But if it's not conditional approved, then he will come back to the Board to submit the plan to the Board for the Board's approval. But we can enforce the Board's conditions.

**Commissioner Garrido:** You are in agreement with that then?

**Acting Admin Director Burch:** Yes. That would make it a lot easier on the Domingos and move forward on this. The burden would be on them to move forward with the paperwork. They could start that as quick as possible. We will work on our end with Mr. Castro's proposal.

**AAG Finney:** Just to confirm, that other lot that you want to adjust is not assigned to anybody, right? Nobody's there and nobody's assigned to it?

**Ms. Dayday (CLTC):** No.

**AAG Finney:** Okay. I just wanted to make sure.

**Commissioner Garrido:** I'm willing to amend my motion to allow for a conditional approval based on the submission of the agricultural plan.

**Acting Admin Director Burch:** Was that good enough?

**Mr. Eay (CLTC):** To include the final scheme.

**Commissioner Garrido:** Well, I was never against that. All I was pushing for is to assure that they are in compliance with the nature of the lease.

**Acting Admin Director Burch:** The staff here would make sure they are in compliance before we sign off, but we need your approval on that. So, now there's an amendment. Is that amendment satisfactory?

**Commissioner Garrido:** Because it's an initial motion, I don't have to call out the lot and everything; I'm just amending it.

**Acting Admin Director Burch:** Commissioner Herrera, do you agree there'll be a second to the amendment now?

**Commissioner Herrera:** Yes. Agriculture and reconfiguration of the lot.

**Acting Admin Director Burch:** And it will be a conditional approval, right? That's understood?

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

**Mr. Domingo (via videoconference):** Excuse me, sorry. I wanted to ask, the farming plan that I will be turning in, will that include the **[inaudible]**. I'm not sure what the requirements are.

**Mr. Eay (CLTC):** It will be based on the scheme that you're seeing right now.

**Acting Admin Director Burch:** So, you would vote on the amendment first, and then vote on the motion as amended. There are 2 votes now.

**Commissioner Herrera:** I second the amendment.

**Acting Chairperson Bordallo:** All in favor, say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Aye.

**Acting Admin Director Burch:** Okay, the amendment passes. Now, on the motion as amended.

**Commissioner Herrera:** **[inaudible]**.

**Commissioner Garrido:** No, the motion's already on the floor.

**Acting Admin Director Burch:** Now, you have to approve the actual motion.

**Commissioner Herrera:** So, I have to second?

**Acting Admin Director Burch:** No, it's a vote **[crosstalk]**. The Chair puts it up for a vote.

**Acting Chairperson Bordallo:** Okay, place your votes.

**Commissioner Herrera:** Yes.

**Acting Chairperson Bordallo:** Yes.

**Commissioner Garrido:** Yes.

**Acting Admin Director Burch:** Okay, so motion passes. Now, that's what we're going to work on, and we'll get the plans. Mr. Domingo, you understand what was put forward, right?

**Mr. Domingo (via videoconference):** Yes, sir.

**Acting Admin Director Burch:** Please get us the agricultural plan or start planting as quick as you can. We'll get it where you can repair your house on the current footprint based on the plans that you submitted. Okay, so that one's approved.

**Acting Chairperson Bordallo:** Let's take a break.

[10-minute break]

## **22. Jose Navaro Bautista**

**Acting Chairperson Bordallo:** Mr. Eay, we have Jose Navaro Bautista.

**Mr. Eay (CLTC):** Yes, Madam Chair. I believe we have Jose Navaro Bautista. Is that you? Can you hear us? Can you unmute, please?

**Mr. Bautista (via videoconference):** Hello? I only have 2 questions for you guys.

**Mr. Eay (CLTC):** I'm going to present your case to the Commissioners. We have Jose Navaro Bautista here. He's requesting for a loan guarantee for the amount of \$196,200.00. I believe it was tabled at the last meeting. What was in question was to validate the type of farming activity within the premises. Also, the submission of a loan assignment and the agreement from the SBA.

**Commissioner Garrido:** Does the tenant meet the requirements for agriculture?

**Mr. Eay (CLTC):** Right now, he's farming. There are papaya trees, banana trees, and a lot of fruit trees. Is the property managed? No, but there are fruit trees and long-term trees on the premises. It could be better managed. He does have farming activity on the premises. Did you submit, Mr. Bautista, your loan agreement from SBA?

**Mrs. Bautista (via videoconference):** We submitted all the documents that SBA gave us to your office.

**Mr. Eay (CLTC):** I believe one of the questions you wanted to bring up was your loan guarantee and your water situation.

**Mr. Bautista (via videoconference):** The old water line was established before I came to the property. Then I applied for water [inaudible]. They hooked me up to the old system. And [inaudible] the terrain here is so rough for me, because I'm old already. And it's encroaching private property. As a matter of fact, my neighbor up here, Mr. Sat [inaudible]. So, what I'm asking, sir, is line extension to run the water line through my property, so I can hook up my meter. When the existing line leaks, I have to maneuver myself in the boonies. I discovered this line was already old when they charged me over a thousand for water usage. So, please, if the department can help me out. I already went to GWA, and I was referred to Peter Arceo. He said to go back to you guys. That's the only problem I have there. My wife wants to talk to you guys. (His wife is speaking now) I wanted to add in to my husband's concern about the water line. There were numerous occasions that we had to go through the ravine and the jungle to fix the water line that broke in between the pigs going in between the jungles and stepping on it. We had to go out and repair these pipes. We met with Glenn Eay. We showed him the area where the water (line) is located. The water line runs through that jungle. You should have in file more information regarding the distance on that water line right now to where it's at. As my husband stated, he's getting too old and every time there is a leak out in the boondocks, he and I have to go and cut through a tremendous amount of jungle just so that

we can pinpoint and locate the actual leakage, so we can repair it. Like my husband said, we have been having to pay a lot of money to waterworks because of leakages we've had out there. It's a very bad situation. We don't want to keep doing this. On top of that, the latest time we were out there was when we had Mawar. The water pipe busted, because of all the trees that fell on it. My husband and I had to go in with machetes just to clear that area to repair the water pipe. I'm not sure if you have reports from Glenn in the file from the day we met with him to show him the actual water meter, and the distance from that meter to our property.

**Mr. Eay (CLTC):** I provided the Commissioners an aerial **[inaudible]**. The water meter is fronting Route 16 adjacent to the Mobil Station. It traverses two Land Trust properties to the rear of your property, which is approximately the length of a football field. What you're asking of us is to realign the water meter to the existing easement. Correct?

**Mrs. Bautista (via videoconference):** Yes. The water line runs through the jungle. Repairing it—there's a lot of boonies that we need to go through just to try to pinpoint the actual leak of our line. We do have, if you notice, are several street lights that come into the property. So, we're locating at the possibility of maybe relocating the line or have a line extension, like my husband said, so that it would give us easier access to hook up and be able to work on our busted line.

**Acting Admin Director Burch:** Mrs. Bautista, today you're here not just for a water line, but for a loan guarantee?

**Mrs. Bautista (via videoconference):** I'm sorry?

**Acting Admin Director Burch:** Are you with us today to discuss a loan guarantee?

**Mrs. Bautista (via videoconference):** Well, that is on the agenda and you guys brought up the other request, which is the water line.

**Acting Admin Director Burch:** The loan guarantee is to build you a new house or repair your current house?

**Mrs. Bautista (via videoconference):** No. It's to convert the roof, because we're on the semi-concrete home. When SBA came out and did an inspection, they asked about rebuilding. My husband and I said we don't need to rebuild. Our concern, if there is any typhoon, is our roof will take off. They looked at the possibility of doing a concrete roof. They said we are willing to give you x amount of money, and you'll need to work with CLTC now.

**Acting Admin Director Burch:** That's what is on the agenda today. Mr. Glenn Eay can work with you on the other topic. But the Board is meeting today for what's on the agenda, the loan guarantee for the home. I believe our commissioners would like to ask you a few questions. Commissioners, we're here for the loan guarantee. Of course, there may be an issue with relocating the water line, to make it more convenient. But the actual discussion here today is not necessarily on the water line itself, but on the loan guarantee. I don't see a building plan here, but we do have Mr. and Mrs. Bautista available for any questions you may have. They were tabled. You wanted them to respond and answer questions.

**Mr. Eay (CLTC):** There was an increase from a half-acre to a three-quarter acre lot.

**Commissioner Herrera:** Fax roman numeral 3, 2, and 8.

**Mr. Eay (CLTC):** Fax number 3, Application Type; this is an agricultural lease.

**Commissioner Herrera:** I know we're addressing the loan guarantee, but I'm just trying to see—they were there for 20 years? Roughly?

**Mr. Eay (CLTC):** Per our discussion with Mr. Bautista, he mentioned that the original person occupying the lot was his brother, who is now deceased. He asked one of the staff here a while back if he could occupy the premises. I don't see it in the notes, but apparently there was an agreement that he could occupy. So, he ended up staying there even though at the time of the application, it wasn't based on a first come first basis.

**Commissioner Herrera:** His brother was a Land Use Permit?

**Mr. Eay (CLTC):** I don't see anything about a Land Use Permit, but he could be a pre-occupier. The mayor of Barrigada said he was staying at that address, but he never said the year that he was occupying. So, that's questionable, too.

**Acting Admin Director Burch:** Commissioners, I have a couple of things. One is I'm going to be taking off in a couple of minutes; I'll call Joey Cruz in. Also, Pierce Castro is the caregiver for his parents. He comes in earlier, so he can leave at 4:30 pm to take care of his parents. We're going to lose Pierce in a couple of minutes, too. Of course, Mr. Eay can handle any question you have. And also Mr. Cruz, I'm just sorry you're going to lose a couple of us. So, Pierce. It's almost 4:30. I'm aware that you are a caregiver. If you have anything to add, now's the time before you take off.

**Commissioner Herrera:** Pierce, right across the street, is that the quarry?

**Mr. Castro (CLTC):** Yes, the quarry is right across the street.

**Commissioner Herrera:** So, they're located in the M1 zone?

**Mr. Eay (CLTC):** Adjacent to it is Revenue and Tax. Next to it is Mobil Gas Station. The big green one there, that's the quarry.

**Commissioner Herrera:** Is that where the tires burn?

**Mr. Eay (CLTC):** I'm not too sure about the fire, but if I'm not mistaken that's where a lot of **[inaudible]** was put back there.

**Commissioner Herrera:** And then to the right of where Pierce's arrow is at, are those cars?

**Mr. Eay (CLTC):** There are about 200 cars there.

**Commissioner Herrera:** So, it's an M1?

**Mr. Eay (CLTC):** No, we don't have an M1. I haven't really looked at that lot itself **[crosstalk]**. Everything there is an **[inaudible]** zone, yes.

**Acting Chairperson Bordallo:** Where is their lot?

**Mr. Eay (CLTC):** This is the lot right here. So, their meter is right here.

**Acting Chairperson Bordallo:** How are the others getting their water?

**Mr. Eay (CLTC):** I'm not sure, because I have no access to these properties. This is Route 16, the main road. Water and power are accessible there. About 100 feet.

**Acting Admin Director Burch:** Sorry, I have to take off.

**Commissioner Herrera:** Is that a house right there?

**Mr. Eay (CLTC):** I believe it's a dwelling, but the person who was occupying it is deceased.

**Commissioner Herrera:** Those are all Land Trust?

**Mr. Eay (CLTC):** Yes.

**Commissioner Herrera:** And that's the Barrigada Heights road? That's where the Barrigada [inaudible] is at?

**Mr. Eay (CLTC):** No.

**Commissioner Herrera:** Where's the one that had the problem with Land Trust?

**Mr. Eay (CLTC):** That's further down.

**Commissioner Herrera:** Okay, just approval for loan guarantee.

**Mr. Eay (CLTC):** But we need the building plans. And I don't know what happened here, but I don't have a copy from SBA, the loan agreement. We need those documents. Mr. Bautista, do you have a building plan at hand for SBA?

**Mr. Bautista (via videoconference):** Do I have the building plan before the house was built?

**Mr. Eay (CLTC):** No, for right now. You're planning to reconstruct your home. That requires a building plan. Do you have a building plan?

**Mrs. Bautista (via videoconference):** I'm sorry. You were asking when was the extension built?

**Commissioner Garrido:** No, do you have a proposed building repair plan?

**Mr. Eay (CLTC):** Mr. Bautista, do you have a building permit for the existing building?

**Mrs. Bautista (via videoconference):** No, because the existing was here before my husband moved in. My husband just finished off what was needed for us to live in it. But there was already a shell that was on the property.

**Mr. Eay (CLTC):** Who built the structure prior to your husband?

**Mrs. Bautista (via videoconference):** It was his brother, Miguel Bautista.

**Commissioner Herrera:** The Rules and Regs require a building plan?

**Mr. Eay (CLTC):** Whenever we construct a home or dwelling, we just provide a building plan. From there it will take it to the permitting system. We can't approve a building plan, because we're not engineers. We just have to provide a building plan [inaudible] for the [inaudible] agencies.

**Commissioner Herrera:** Madam Chair, I'd like to make a motion to approve the Lessee's request, the Lessee Jose Navaro Bautista, to approve the loan guarantee and permit to build. The loan guarantee will be situated on Lot 5219-1-R4 Barrigada, containing an area of 3,035, plus or minus, square meters for \$200,000.00.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor, say Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo: Aye.**

**Commissioner Herrera: Aye.**

**Acting Chairperson Bordallo: Motion carried.**

**Commissioner Herrera:** CHamoru spoken. Timestamps: 3:40:10 – 3:43:42 (YouTube) and 3:40:33 – 3:44:06 (MP3).

### **23. Emailina Chargualaf Mariano**

**Mr. Eay (CLTC):** Emailina Chargualaf Mariano is next right now. We apologize. She's not here today. She is requesting a loan guarantee for \$196,200.00. It was tabled at our last meeting. She is situated on a two-acre lot. There was zero farming activity on the premises. As discussed last time, we asked if we could have her come in. We couldn't reach her. I recommended a reduction of acreage. There is a structure on the agricultural lease. We need a farming plan and a building plan as well. Prior to that we need a survey as well; survey will be determined if you want to maintain the two acres or reduce it to one acre or half acre.

**Commissioner Herrera:** This is in Tract 1021 Swamp Road?

**Mr. Eay (CLTC):** This is in Tract 1021 Dededo **[crosstalk]**. Part of the issue is it being in non-compliance, situated in two acres. We need a survey.

**Commissioner Herrera:** Madam Chair, I'd like to make a motion to table the case for Emailina Chargualaf Mariano for the next commission meeting.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor, say aye.

**Commissioner Herrera:** Aye.

**Commissioner Garrido:** Aye.

**Acting Chairperson Bordallo:** Aye. Motion carries.

### **26. Pauline Therese T. Acosta**

**Mr. Eay (CLTC):** The next one is Pauline Acosta. Ms. Pauline Acosta was not able to make it this afternoon, but she did submit a letter via email. The loan amount she is asking for approval is \$65,000.00. This was in question, because she wanted to build an extension. She mentioned in her letter that she was **[inaudible]** from her insurance; it was declined. **[inaudible]** external kitchen, internal **[inaudible]** and also repair and install shed roofing and so forth. This is different from what was mentioned last time.

**Commissioner Garrido:** Was there a reason why she's not in attendance?

**Ms. Dayday (CLTC):** She's a teacher. She's not able to make it online or in person.

**Mr. Eay (CLTC):** The purpose for the loan guarantee was for those homes that were totally destroyed or for those living in tents. **[inaudible]** for either to rebuild or repair their homes. This case is unique.

**Commissioner Garrido:** This is not a disaster loan.



**Mr. Eay (CLTC): [crosstalk].** Damages in the tiles and paint she wants to repair. And her fence. The question at hand now does the loan guarantee that we put up the money for include repairing the fence, repainting the house, or rebuilding a new home. She also has an existing loan with Guam Housing, and we did a loan guarantee on that as well.

**Commissioner Herrera:** The loan guarantee with Guam Housing is \$500,000. We have an MOU with Guam Housing? Her standing with Guam Housing is okay?

**Mr. Cruz (CLTC):** Her account is performing at this time.

**Mr. Eay (CLTC):** The original loan is \$85,000.00.

**Commissioner Herrera:** For Guam Housing?

**Mr. Eay (CLTC):** Yes. I provided photos of the dwelling. SBA approved a loan for \$87,400, but the loan guarantee is \$65,000.00.

**AAG Finney:** What's your specific concern?

**Mr. Eay (CLTC):** What I mentioned earlier is that originally the purpose of the loan guarantee is for those whose homes were totally destroyed.

**AAG Finney:** Are you saying that's what the law says is the purpose?

**Mr. Eay (CLTC):** That's what we asked for. I'm not sure of the law itself.

**Commissioner Herrera:** When we were discussing loan guarantees, there other loan funds. Home repair funds. Home improvement funds. Loan guarantee funds. So, apparently this is a home improvement **[inaudible]**, but she's not getting the money from CHamoru Land Trust. She's getting the loan from SBA. I know that we're guaranteeing the loan, but we have 5.6 million in the bank to guarantee a loan **[inaudible]**.

**Mr. Cruz (CLTC):** With the 5.6 in the bank, we can guarantee about \$22 million.

**Commissioner Herrera:** At 20%. That's what we agreed upon. We can look at the formula and use the \$5 million. We can go down to 5% and go up to \$112 million aggregate. If this tenant is in good standing with Guam Housing and the tenant is trying to improve the home, the value of the home is going to go up. We see some of the homes--

**AAG Finney:** I'm sorry. How much is remaining on her existing loan.

**Mr. Eay (CLTC):** I believe 60 some plus.

**Commissioner Herrera:** She's been preapproved \$65,000.00 for this one?

**Mr. Eay (CLTC):** The total amount was \$87,400.00 but \$65,000.00 for loan guarantee

**Commissioner Herrera:** So, we only look at the 65 to guarantee. And like our attorney was saying—did it have any restrictions?

**AAG Finney:** I don't think so.

**Commissioner Herrera:** When I look at this it's like a home improvement...

**Mr. Eay (CLTC):** One of the biggest questions at hand is we already did a loan guarantee for Guam Housing. Can we do a second one?

**Commissioner Herrera:** Remember, Guam Housing has its own--

**Mr. Eay (CLTC):** I remember we didn't approve one of our lessees who was trying to do a second mortgage.

**Commissioner Herrera:** Can we check her credit score? **[crosstalk]**. This applicant, I think, is in good standing. She's willing to invest \$65,000.00 more to improve the home. I'm in the position to approve, because it's an improvement. She took time to write a letter. She has good standing with Guam Housing. Of course, this is a risk. I'm an optimist.

**Mr. Eay (CLTC):** Of course, any improvement **[inaudible]** value. Can we use that \$65,000.00 to better use for those who need to build a home.

**Commissioner Herrera:** That would be SBA's account, because it's not CHamoru Land Trust's money that we're using to make her invest. We're only doing a leverage of 20% risk. But I'm open. Good point, though, Mr. Eay.

**Mr. Eay (CLTC):** It's a cyclone fence. A portion of the fence was knocked down by the storm.

**Commissioner Herrera:** So, the fence that's going to be put up is?

**Mr. Eay (CLTC):** I'm not sure, but it's probably just for repair.

**Commissioner Herrera:** So, I'm in favor, Madam Chair, to approve this. So, that's my motion. It's an enhancement for their safety. It's an enhancement of the real estate of CHamoru Land Trust.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor, say aye.

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Aye. Motion carried.

**Mr. Cruz (CLTC):** Can you say the whole motion?

**Commissioner Herrera:** Madam Chair, I'd like to make a motion to approve the Lessee's request to approve the loan guarantee in the amount of \$65,200 for Ms. Pauline Acosta on Lot 2 Block 5 Tract 1022 in Dededo.

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor, say aye.

**Acting Chairperson Bordallo:** Motion carries.

[5-minute break]

## Old Business

### D. Global Recycling

**Acting Chairperson Bordallo:** Our next subject is Global Recycling. Mr. Cruz?

**Mr. Cruz (CLTC):** The next item on the agenda under Old Business is Global Recycling. Today we have Mr. Alan Chu, the son of Danny Chu, the General Manager of Global Recycling. And I'm not too sure—Danny Wu, who's also a partner with Mr. Chu. Come to the table. Just sign in, please.

**Mr. Chu:** My name is Alan Chu. I guess I would be the administrator over at the recycling center. My colleague here is Yan-Chen Wu. He's a co-administrator. Thank you for seeing us today.

**Mr. Cruz (CLTC):** Today, our staff report reflects on several issues, mainly 4 issues. But to give you a brief history of Global Recycling, Global was brought into Lot 10122-15 through Koko Recycling through a [inaudible] agreement. After Koko had satisfactorily completed whatever they were supposed to do based on their lease agreement with CHamoru Land Trust for Lot 10122-15, the administrative director, Mr. Tom Elliott, cleared Koko Recycling of their duties and responsibilities, but also allowed Global Recycling to stay. Throughout the years, Global has just been utilizing the property through an authorization to occupy. Global Recycling did at one point during the tenure of Mr. Monty Mafnas make a \$100,000.00 payment, although it was really unclear what that payment would be applied to. As the years went by, I believe in 2017 the Board then authorized the issuance of a lease agreement or license agreement for a period of 5 years.

**Mr. Chu:** That was never finalized.

**Mr. Cruz (CLTC):** It was all in the proposal stage. I think there was a last request for a meeting, but we were waiting here at CHamoru Land Trust was for the total amount of tons that will be accepted from the village mayors at no cost to the mayors or to CHamoru Land Trust.

**Mr. Chu:** The last conversation we had was how CLTC wanted to frame the lease agreement, whether it would be commercial. At the time, I believe, Nicolas Toft, your legal counsel, was also mentioning another type of lease, which was for—

**Mr. Cruz (CLTC):** Public purpose.

**Mr. Chu:** Yes. So, they hadn't finalized what they wanted to go through at the time. And we discussed various payment plans, whether it would be in-kind service, partial payment and in-kind service, or full payment. Those were all options on the board. At that time, they never finalized anything. The director had resigned suddenly. There were no replacements. The Board had issues getting it filled. We were just left in limbo the entire time. We would like to move forward with trying to work out a commercial lease with CHamoru Land Trust. One of the issues was that the leases are so short-term; they're only 5-year leases. I think that's because of public law. One of the other things that was suggested to us from then director Hattig and legal counsel Toft was that we could potentially try to go through the legislature to get a longer-term lease directly. Ideally, we would like to work within the bounds of CLTC since we are on CLTC property. If we cannot secure a longer lease, because it's a large facility we might go with a legislative route.

**Mr. Cruz (CLTC):** Issue number 1 is Global Recycling is utilizing and conducting business on Lot 10122-15 through authorization to occupy issued on—the last issuance was on January 6, 2015. Second, under the authorization to occupy, Global Recycling is not obligated to pay monthly rental fees or real property taxes. Number 3, is a non-compliance with 21 GCA 75107(f). When the CLTC Board approved the issuance of a commercial license to Global Recycling on Lot 10122-15 for public purposes on September 19, 2019, § 75107(f) reads, "Nothing herein *shall* be construed to authorize the commercial lease or the license of *Chamorro* Land Trust properties prior to the promulgation of rules and regulations, pursuant to the Administrative Adjudication Act or adoption by *I Liheslatura* (the Legislature), to govern commercial leases and licenses." Number 4, the non-compliance with 21 GCA 75122(b)(6) and 75A122(b)(6). When the CLTC Board approved the issuance of a commercial license on Lot 10122-15 for public purpose on September 19, 2019, §

75122(b)(6) reads, "Any solicitation for interest or proposals, prior to the enactment of this Act, for commercial activity on CLTC land with the intent of entering into a commercial lease *shall* be null and void." This section was enacted under Public Law 33-95, signed into law on November 9, 2015. So, even after 33-95 was passed into law, the Board went ahead and authorized the issuance of a commercial license for public purposes; the Board wasn't allowed to do so. Our reference to these issues is Superior Court Case No. CV1101-18, which is The Guam Rocks, Inc. v. Chamorro Land Trust Commission. In a nutshell, CLTC authorized Guam Rocks to conduct surveys and invest some money, which Global has also [inaudible] appraisals. Although in the end, [inaudible] Decision and Order reads, "Absent an executed commercial lease, license, or other conveyance, the parties were still in the proposal phase. Accordingly, PL 33-95 voided Guam Rocks' Lajuna License Application." Global Recycling was also in the proposal phase still. But the enactment of 33-95 voided everything.

**Commissioner Herrera:** Guam Rocks is the one next to [inaudible] Rock?

**Mr. Cruz (CLTC):** No. They were awarded a commercial license or lease by the Board, but nothing executed. Next to Smithbridge, I believe.

**Commissioner Herrera:** That was to quarry?

**Mr. Cruz (CLTC):** I believe so.

**Commissioner Herrera:** Now, these guys.

**Mr. Cruz (CLTC):** Global Recycling were still in the proposal phase of executing a commercial lease or license. But the passage of 33-95 voided everything.

**Commissioner Herrera:** Legislative action is the alternative route?

**Mr. Cruz (CLTC):** If it was to be sole sourced to Global Recycling.

**Commissioner Herrera:** We have about 3 or 4 recycling [inaudible]?

**Mr. Cruz (CLTC):** I'm not too sure.

**Commissioner Herrera:** Do you know your competitors?

**Mr. Chu:** There is Pyramid and [inaudible]. That's about it.

**Commissioner Herrera:** So, it would not be sole source requirement on the procurement.

**Mr. Cruz (CLTC):** If we go the 75-122 process, it's to competitive bid. It will not primarily mean that Global will win or be awarded the license or lease.

**Commissioner Herrera:** Are you willing to compete?

**Mr. Chu:** The thing with it right now is there's a lot of metal and things already on the site, which have paid for our ongoing operations. We pay about 5¢ a kilo for metal.

**Commissioner Herrera:** The ones that are stacked there now?

**Mr. Chu:** Yes. And we have some equipment on hand.

**AAG Finney:** Can you clarify? Because a lot can mean—

**Mr. Chu:** Several hundred tons.

**Commissioner Herrera:** Let's say about 500 million?

**Mr. Chu:** Oh, no. A ton is 2,000 kilos. We have like 500 [inaudible], yeah, very close [crosstalk]. We also accepted a lot of metal and material from the typhoon. I believe minimum would be about 30,000 tons.

**Commissioner Herrera:** Can you convert that to cubic yard?

**Mr. Chu:** It's very hard, because some of the material is not compressed. As you compressed the material, it will be heavier, but the volume will be less. But now a lot of that material is loose material, so it needs to be processed. Right now, there is dramatically more, because of Typhoon Mawar. We've shipped out a lot of white goods, but we still have a lot more. If you go to Tiyan or any of the Typhoon Mawar sites, they're almost empty.

**AAG Finney:** How long does it take to process 30,000?

**Mr. Chu:** This will probably take at least six months, and that's not including new material, that's just what we have. We're always taking in new material. It will be a minimum six months. We're primarily limited by containers. A lot of the shipping companies have a shortage of containers, like Matson has a shortage of 20s. The thing with Matson is we're only allowed to ship 10 TEUs a week, because their transport port is in Shanghai; Shanghai only allows 10 TEU. A 20 is one TEU, a 40 is two TEUs. Each container that we ship is averaged about 20 to 21 tons for the 20-footer. The 40-footer is usually for some materials that cannot be compressed, but they will only average about 24 tons.

**Commissioner Herrera:** Maximum will be about 39 tons?

**Mr. Chu:** Cannot be that much. [inaudible] Worldways cannot allow that much. Actual net material maximum is about 25 tons.

**Commissioner Herrera:** And you ship out about 12 containers a month?

**Mr. Chu:** No. Right now, we're probably doing about an excess of 40 containers a month.

**Commissioner Herrera:** To Shanghai?

**Mr. Chu:** No. The ultimate destination is Taiwan or Malaysia. We use several different carriers. The problem with the Taiwan shipments is the Matson [inaudible]—the ship has to transport to another ship. That's in Shanghai, but Shanghai has very strict rules about how much material they can take. We can only ship 10 TEUs. So, we've been averaging—and we also through [inaudible] and APL. Because of Typhoon Mawar, the extra material we've brought in, we're shipping out an additional 12 40s a month. There's a lot more material to get rid of.

**Commissioner Herrera:** I see a lot of chassis.

**Mr. Chu:** We also handle a lot of Matson's chassis. This facility is probably the only facility that can handle that much load. One of the reasons we were chosen as a facility for the Typhoon Mawar disposal is because no other facility on Guam has the space to hold it or the processing speed. If you go to our competitors, I don't believe they ship even a quarter of our volume.

**Commissioner Herrera:** How many chassis do you have to split, trip, then pack?

**Mr. Chu:** Usually, you just cut them into strips.

**Commissioner Herrera:** Now, with the cement trucks. You remove the cylinder, then cut, then pack?

**Mr. Chu:** No, you have to cut it. A lot of our processing is labor intensive. We have a baler on site to compress the looser metals like tin and rebar.

**Commissioner Herrera:** On the anchors, that are solid, high-grade steel.

**Mr. Chu:** Those are put in directly. If it's a thin anchor, we can cut it. But those ship anchors **[inaudible]** have to be put in directly. Those are very, very heavy. It's not cost effective to cut them. Ship anchor chains are not cut as well.

**Commissioner Herrera:** Do you see a lot of transformers?

**Mr. Chu:** Not too many.

**Commissioner Herrera:** Do you remove the liquid and—?

**Mr. Chu:** We do not accept material with hazardous waste. That's one of the provisions that we have for any of the companies, even the commercial entities, that come to our yard. When we dispose of it, it has to be certified drained of chemicals.

**Commissioner Herrera:** **[inaudible]**.

**Mr. Chu:** We do some light separation. The non-ferrous material is dramatically lower than the ferrous material. I'd say in a factor of 1:20.

**Commissioner Herrera:** And then I see a lot of batteries.

**Mr. Chu:** We do ship car batteries. Right now, we ship primarily to Korea. And those have a separate packaging.

**Commissioner Herrera:** After draining the **[inaudible]** acid.

**Mr. Chu:** No, those aren't drained. Those are just placed as is. You can keep it on site for up to 1 year. With the liquid in it. You don't have to have a registry for it, if you're keeping it for under 1 year. Basically, once we have **[inaudible]** we ship it to Korea.

**Commissioner Herrera:** Monitors and computers?

**Mr. Chu:** We generally don't take electronics. White goods we do take. The insulation we dispose of through Guam Solid Waste. Every month we pay thousands of dollars as tipping fees for those things. We do separate the material. Washers, dryers and stoves don't have much at all. They're mainly just metal. It's the water heaters and refrigerators that primarily full of insulation.

**Commissioner Herrera:** Vehicles with transmissions? Aluminum transmissions? Aluminum **[inaudible]** blocks?

**Mr. Chu:** Yes.

**Commissioner Herrera:** Our attorney **[inaudible]**.

**AAG Finney:** No, I was only trying to get an idea of how long it would take you to...

**Mr. Chu:** To process all this material? I think it will be a minimum of six months. Right now, there is a labor shortage.

**AAG Finney:** What about buildings? Did you guys build any—?

**Mr. Chu:** They're mainly temporary. Our office is a container office. And we do have some overhangs. Those can be easily removed, I think, by us.

**Commissioner Herrera:** The metals at Tiyan, you guys purchased?

**Mr. Chu:** No. The Army Corps of Engineers subcontracted to two companies, Pacific Federal Management and ECC. I don't know what the acronym stands for. And then they dispose at our facility.

**AAG Finney:** If you had a long-term lease, do you have plans to build something?

**Mr. Chu:** I've not discussed it with my boss. He has thought about maybe adding more capital infrastructure. We probably won't make any real capital improvements unless there is a long-term lease.

**Commissioner Garrido:** Who are the principal owners?

**Mr. Chu:** Myself, my father, and Mr. Danny's father.

**Commissioner Herrera:** Mr. Quan is not with you guys?

**Mr. Chu:** Oh, you're talking about Primos? No, he's not.

**Commissioner Herrera:** In the beginning it was showing Mr. Quan.

**Mr. Chu:** I'm not sure of the relationship, because I came on board in 2010.

**Commissioner Garrido:** Can you tell me the relationship you guys have with **[inaudible]**?

**Mr. Chu:** I do not know. That was before my time.

**Commissioner Herrera:** Mr. Ed was the one who issued the 100k?

**Mr. Chu:** No, Daniel, my father. They were doing that before I came to Guam.

**Commissioner Garrido:** How did Global get involved with the property?

**Mr. Chu:** I believe—and I can't verify the accuracy of my statements, because this is just my dad telling me stuff like this—so he told me initially Koko—I forgot who, it might be Balli Steel—they had a lot of—this was a FEMA designated debris site before. And what happened was during that time there was a ton of stuff here. They could not sell it themselves, so my father reached out to his father in Taiwan—his father in Taiwan had been in this recycling industry for many years prior to this—to handle all the material that was stored there over the time after Pongsona. So, that was a FEMA disaster site.

**AAG Finney:** Was it everything kind of like the sites we have now or was it just metals?

**Mr. Chu:** Like I said I don't know. **[inaudible]** in his recollection it was almost everything. Again, we don't specialize in **[inaudible]** with everything there. Just the metallic.

**Commissioner Herrera:** Plastic?

**Mr. Chu:** No plastic.

**Commissioner Herrera:** And his father is in Taiwan?

**Mr. Chu:** His dad is on Guam, but he doesn't speak English very well.

**Commissioner Herrera:** But you ship to Taiwan?

**Mr. Chu:** We ship to Taiwan. The majority of our vendors are in Taiwan.

**Commissioner Herrera:** And the vendors are **[inaudible]**?

**Mr. Chu:** No, they know them.

**Commissioner Garrido:** Reading some of the correspondence, my interpretation was Koko brought you guys unto the property for **[inaudible]** purposes.

**Mr. Chu:** They wanted us to handle—well, like I said I wasn't here for this. I didn't even read these correspondences, but from my understanding they couldn't handle all the material.

**Commissioner Garrido:** That's why I'm wondering who are the principles. Was there a partnership between Koko and Global?

**Mr. Chu:** I do not know. I would have to ask my father. He's in Taiwan for medical treatment. He'll be back in December.

**Commissioner Garrido:** I don't want you to say something—

**Mr. Chu:** Sorry I couldn't answer your question.

**Commissioner Garrido:** At least you have my question.

**Mr. Chu:** I can forward it to my father.

**AAG Finney:** So, what would you guys like to see?

**Mr. Chu:** Ideally, we would like to get a long-term lease and continue our operations there. I believe we do a public service for Guam. No site can handle the amount of material we took from Typhoon Mawar. The companies even approached us directly and told us that. You can confirm with DCC or **[inaudible]**. We also do some services for the mayors many times. If a location had a desperate need of clean up, they will ask us. We usually just expedite their request. I know we've done that for the Yigo mayor before.

**AAG Finney:** Have you accounted for the fact that you guys currently are paying any kind of rent?

**Mr. Chu:** We understand that. That's not because we don't want to pay rent. We've gone through the steps to try and secure a lease, but the problem is a lot of things happened. Covid happened. Another public law came out that nullified the initial discussions. So, now we're kind of in limbo. We don't really know what the next step is, because it's predicated upon the Commission to propose something to us.

**AAG Finney:** Have you gotten an appraisal of the property?

**Mr. Chu:** Yes, but that was a few years past.

**AAG Finney:** You provided that to the Commission?

**Mr. Chu:** I believe we did. One from Cornerstone and the other one from Richard Gutierrez. Chief Appraisals.



**Mr. Cruz (CLTC):** On March 2021 they provided.

**Commissioner Garrido:** What did Richard Gutierrez's appraisal come in at?

**Mr. Chu:** Both appraisals were very close to each other. I think each one was roughly about 2 million.

**Commissioner Herrera:** [inaudible] acres?

**Mr. Chu:** I believe it's 13 something.

**Mr. Cruz (CLTC):** We can verify, but I think it's 15.

**Mr. Chu:** Oh, because there's another section there. That is not necessary for us to use. [inaudible] had mentioned that previously.

**AAG Finney:** But you're using the whole property?

**Mr. Chu:** There's a section that we don't use.

**AAG Finney:** Other than that.

**Commissioner Garrido:** Has there been any EPA assessment done on the property since you guys have been in control of it?

**Mr. Chu:** We do get permitting by EPA.

**Commissioner Garrido:** Is that annual?

**Mr. Chu:** That is for collection and processing. It's 3 years and the other one is 4 years.

**Commissioner Garrido:** Have you shared those reports with us?

**Mr. Chu:** If you need our EPA permits, I can forward them to you. Actually, I have them on the phone, if you want me to forward them now.

**AAG Finney:** Is that what you're asking about, their permits?

**Commissioner Garrido:** The results of the EPA investigation. They'll be denied, if they didn't pass muster.

**AAG Finney:** So, you mean just of an inspection?

**Commissioner Garrido:** The results of an inspection. If they didn't pass, they wouldn't get their permit to operate.

**Commissioner Herrera:** So, at 2 million at 14, 15 is about 130. Are you willing to locate closer to the port, because we have another property?

**Mr. Chu:** I can bring up to my boss, but we still have to process all that material. We would have to see the location, but we're open to the idea. One thing though, it might be more difficult for the customers, the people who bring metal to sell to us. A lot of the people bring from central area. I'm sorry. Not central. It's from Dededo area. A lot of the material that we bring in is brought by people who just bring their scrap metal.

**Commissioner Herrera:** For you to remain on the property, what would be a—?

**AAG Finney:** We're not really at a point we can negotiate or get anything like that.

**Commissioner Garrido:** When did you guys first sit on the property? Pongsona? That was 2003?

**Mr. Cruz (CLTC):** The scraping bailing agreement wasn't executed until January 15, 2004. That was the agreement, but them coming it could be different. I mean August 31, 2004. Sorry.

**Commissioner Garrido:** Would you be willing to share that agreement you had with Koko back then?

**AAG Finney:** I think it's included in our materials here.

**Commissioner Garrido:** The initial agreement between Koko and Global?

**AAG Finney:** Yes, it's here. Just so I understand everything. You said there were negotiations and then it stopped.

**Mr. Chu:** Yes.

**AAG Finney:** You guys were negotiating with CLTC to get some kind of a license agreement?

**Mr. Chu:** Yes.

**AAG Finney:** And that would have previously been approved by the Commission to pursue that?

**Commissioner Garrido:** [inaudible] not approved by the Commission, it was approved by the director. I'm talking about earlier.

**AAG Finney:** But more recently they tried to address it by...

**Commissioner Garrido:** 2016?

**AAG Finney:** No, this was probably like 2019 or 2020 that they were trying to come up with some kind of agreement. And then as Mr. Chu says there were a series of interruptions with that that kind of took it off that path.

**Mr. Cruz (CLTC):** On December 19, 2019 the Board approved.

**AAG Finney:** But I haven't seen that agreement. I'm not sure exactly what stage they were at. And I'm not sure where they're saying that they can have some kind of—I mean, you guys are a commercial operation, right?

**Mr. Chu:** Yes.

**AAG Finney:** So, it's hard to see how they can enter into any kind of an agreement outside of what the rules for a commercial lease would be. The thing is that going all the way back to when this property was used as a collection site for typhoon debris, there's this like continuity that it was used there, there was material there, they cleaned it up, but continued to accept new material. And here we are now. They accepted all this material from all of the debris sites and as they say from all of the different mayors that go around and collect vehicles and white goods and things like that and bring it to you guys. So, this has been going on for all of this time. And so, they're saying now they're at a situation where if you told them right now to get out, it would take them 6 months just to clean up what's there. In the meantime, they're not processing anything else that's continuing to collect. That's the difficult situation that, I think, the Commission has been trying to figure out going all the way back to the beginning. This is why, I think, it keeps coming up that you say that there's some solution that you might need to find from the legislature. They may be able to grant the

Commission authority to enter into an agreement. Right now, they are very constrained on how they can enter into an agreement with any kind of a commercial entity to lease out their property.

**Commissioner Garrido:** I feel before we enter into any type of agreement we need to clarify [inaudible] answers to questions.

**AAG Finney:** Right, but I'm saying that even if you're like okay let's go put something down, let's all sign it, you guys are constrained by what the law says you can do.

**Commissioner Garrido:** Our constraint is 20 years. Or 22 years?

**AAG Finney:** But there's more than that.

**Mr. Cruz (CLTC):** CLTC can lease up to 21 years for a commercial license. For a commercial lease it's 25.

**AAG Finney:** But there are other kinds of constraints. Like if you are going to lease out a property, you have to put it out for bid. You have to have a competitive process.

**Commissioner Garrido:** Yes, but Joey has just mentioned there is a 25 commercial lease.

**Mr. Cruz (CLTC):** What they were presenting to Global before, because of the public law that restricted commercial leasing of government property to five years, but that's part of the Chapter 60. Prior to the discussions. It is what it is. The Commission can license commercial property up to 21. It can commercially lease property up to 25. If there's a desire for an exceptional term lease, it has to be approved by the legislature. But even after all of that, we still have to go through the competitive bid process. So, that's a whole process in itself.

**Commissioner Herrera:** So, step 1. First, we have to determine the condition of the property, if it's A or commercial.

**Mr. Cruz (CLTC):** Even though it's zoned agriculture and there's M1 activity, the director of DLM can issue a conditional zoning certification.

**AAG Finney:** This doesn't have to do with the zoning. It just has to do with the fact that if you guys wanted to lease out this property, you have to put it out for—

**Commissioner Garrido:** I want to lease out this property, but I want it to be in compliance with the zone.

**Commissioner Herrera:** Because the zone will make the difference in value.

**AAG Finney:** Yes, but you're talking about something different. Is this property registered?

**Mr. Cruz (CLTC):** It's registered. There's no issue with registration.

**AAG Finney:** You guys are all the way down here. I'm still over here on step 1.

**Commissioner Herrera:** We've studied this case for almost two years. We have dissected it. We have turned it over. We tipped it over. We went to their side. We know exactly what we want. The past group that was here. That was a different story. So, we're not ignorant in this kind of operation. We're ready to deal, and we'll follow the process of the requirement.

**AAG Finney:** So, that's kind of what you need to look at, because before you can put out a property for bid, you have to have a public hearing. This property was not included as those other properties.

**Mr. Cruz (CLTC):** If I can expand on the process. If the Board should choose that they would like Lot 10122-15 to be used for commercial use, at the next board meeting it could be an item on the

agenda. And the Board can declare it for commercial use. Immediately after that, we have to hold a public hearing. After that, we come back and present to the Board all the comments for and against. If the Board decides to proceed, then they'll declare through a resolution. That resolution will be sent to the legislature, and they'll have 60 days to decide what they're going to do. If they don't do anything within 60 days, on the 61<sup>st</sup> day it automatically becomes approved. Then we have to go back again and, in the meantime, if there is a desire for an exceptional term lease, we have to file a determination of need. We have to publish that. We have to get comments. So, that whole process takes maybe 6 to 8 months, if we're lucky. Then after that, it's the RFP process. We accept. The Board decides who's going to be on the committee. At the end, we take it. We review it. We score it, and we present to the Board the successful bidder. We determine whether they've been responsive and then now we determine whether they're responsible. And if there are other conditions that may be required, for example, a security deposit or whatever the case may be. That's the whole process.

**AAG Finney:** Let me ask you this. About how much in a month, typically, do you accept?

**Mr. Chu:** It fluctuates a lot.

**AAG Finney:** So, when you say very heavy or very light, what kind of numbers are thinking of?

**Mr. Chu:** On a really slow month, it's less than 500 a day. We're doing 5¢ a kilo. I just look at the dollar figure per day that we pay out. A slow day is like anything under \$500. Some heavy days we'll do like \$7,000. It's a crazy range. If a construction company demoed a building, then that's a crazy day. They just bring their dump trucks, and there's a ton of material.

**AAG Finney:** But on this property you have the space to—

**Mr. Chu:** I mean, if you need the figures for the exports, I have them. The inbound amount is much harder for us to delineate.

**AAG Finney:** I was just trying to get an idea of, you know, because you guys are saying we want to move forward with this process, then what happens in the meantime?

**Commissioner Garrido:** We're not saying we're moving forward. We're just trying to get to the questions that we have. Eventually, we will have to do something. For now, I'd like to get some answers. We have to start at the beginning.

**Commissioner Herrera:** That one's not even half of what's there now. We just passed by there yesterday.

**Mr. Chu:** Yeah, it's a lot. Typhoon Mawar was just so much material.

**Commissioner Herrera:** So, all the sites that have been cleaned up in hospital point and Tiyan, they're there.

**Mr. Chu:** Well, I mean a lot of it has been shipped out. We've already shipped out thousands of white goods [crosstalk]. Did they ever resolve the GICC thing?

**Mr. Cruz (CLTC):** That's in process, too.

**Commissioner Herrera:** Well, at least they're paying about 25K a month.

**Mr. Chu:** How many acres is theirs?

**Commissioner Herrera:** 250. But there's cash flow.

**Mr. Wu:** We did calculation already after Typhoon Mawar. Our estimate came out is six months. Without us, our estimate is up to three years minimum.

**Mr. Chu:** I don't think any other facility can—I mean, just looking at their outbounds.

**Mr. Wu:** That's with every other competitor.

**Commissioner Herrera:** So, could you imagine the amount of cash flow we lost. I mean, the Trust.

**Mr. Chu:** For the Mawar one we did gain, but generally our margins are very slim. This industry is a very slim margin business.

**Commissioner Garrido:** Initially, Global received on loan **[inaudible]** caterpillar bulldozer. Apparently, something happened to it in your possession, and you guys ended up cutting it up and selling it.

**Mr. Chu:** It caught fire. I did send the letter to Joey.

**Commissioner Garrido:** Were you there at the time?

**Mr. Chu:** What year was that? I wasn't aware of the situation. My father's the one who told me about this. I wasn't aware of this until they brought it up. And then he told me about it that the reason why it happened was that it caught fire. We've had incidences of...

**Commissioner Garrido:** But it was not reported to us until after you guys cut it up.

**Mr. Chu:** Yeah, I didn't know otherwise I would've said something. I didn't even know we had a D4 in possession.

**Commissioner Garrido:** I don't know if it was a D4 or D10.

**Mr. Cruz (CLTC):** D4. We received the letter June 26, 2017.

**Mr. Chu:** I have to go back and ask him when that caught fire. I remember we did have several instances of vandalism and arson at our place where these guys set fire to those junk cars.

**Commissioner Garrido:** Was it because there were no guards?

**Mr. Chu:** There are no guards. The facility is very big. We do have a person on site, but he can't go around everywhere and at night it's dark. I know there was a police report done before and even the officers didn't—can't find anyone. It's just all jungle, so they just run off. That was an issue. We had several incidences of that. The nonferrous material is worth more money, like copper. We don't deal with that that much, but we do have a little bit; we do lock it up now. We do not take nonferrous from non-commercial customers. You have to present a business license if you sell nonferrous to us. That's our way around it. We've had people try to bring in things that they can't answer for, like, oh, do you guys take manhole covers? And I'm like, who are you? Do you work for the government? Just some common-sense things.

**Commissioner Garrido:** I hope this line of communication that we came here to help open will lead to something positive.

**Mr. Chu:** I hope so, too.

**Commissioner Garrido:** Right now, **[inaudible]** I'll keep feeding you questions. You can give me the answers later on.

**Mr. Chu:** Sure.

**Commissioner Herrera:** [inaudible]. I got my computation already. She wanted to mention, Madam Chair, her grateful [inaudible] about cleaning the island.

**Acting Chairperson Bordallo:** Not only that. Being a landowner, too. People like to dump...

**Mr. Chu:** I know, at least from my general impression, because we pay for the metal, that there's less people throwing it away. Because costs have gone up so much, we have to charge for vehicles. There's so much trash. Like all the nonmetallic things, dashboards, chairs, foam insulation, we have to pay for dispose of. So, that's why we charge for vehicles. And then the metal prices are very volatile. There have been years that we don't make any money. Literally, we're trying to stay in business through cash flow, but it's net negative, because the metal prices drop. I believe that was the year GovGuam [inaudible] for a lot of the recyclers of cardboard and metal they subsidized some of the costs per [inaudible], because during that time every recycler on Guam was suffering. We were operating too much in the red at that time.

**Commissioner Herrera:** So, every vehicle you receive about how much?

**Mr. Chu:** \$400.00. Before it was \$150.00. We have to cut the chassis off, remove the engine.

**Commissioner Garrido:** [inaudible].

**Mr. Chu:** Yeah. Sure, no problem.

**Commissioner Garrido:** A D4 roughly weighs five or six tons, and you sold it at \$50.00 per ton. Did CLTC every get that money?

**Mr. Chu:** No, not that I know of.

**Commissioner Garrido:** Maybe we should.

**Mr. Chu:** I can bring it up with him. He just told me to draft the letter. He told me the information, and I wrote it up. Like I said, I didn't know of the D4 until after.

**Commissioner Garrido:** I appreciate you coming over. I appreciate you opening the dialogue.

**Mr. Chu:** If there needs to be a payment for that particular [inaudible] we're not opposed to the idea.

**Commissioner Garrido:** Actually, I think there needs to be a payment for the use of the land since the beginning.

**Commissioner Herrera:** So, that would be eight years.

**Commissioner Garrido:** No, they've been on the property since [inaudible], at least.

**Mr. Cruz (CLTC):** 2006 was when they authorized.

**AAG Finney:** I suggest that you might want to communicate with the staff and have them coordinate—I'm just suggesting just because I want to make sure that, you know...

**Commissioner Garrido:** My questions are all based on what the staff wrote. But it's going to go through the director.

**Commissioner Herrera:** Do we set another meeting for Global?

**Mr. Cruz (CLTC):** We can include them in the next board meeting.

**Commissioner Herrera:** And how many years occupancy, Joey?

**Mr. Cruz (CLTC):** April 17, 2006.

**Commissioner Herrera:** But the authorization to occupy was **[inaudible]**. Is that when the clock starts?

**Mr. Cruz (CLTC):** On June 19, 2006 was when the authorization to occupy was issued by then Administrative Director Thomas Elliot. It started from that.

**Commissioner Herrera:** So, that would be how many years?

**Mr. Cruz (CLTC):** Seventeen. So, we'll put them on the agenda for next month?

**Commissioner Garrido:** Also, find out what was the intent of that payment.

**Mr. Chu:** From my understanding, that was a good faith payment to do the lease, but then again no one ever contacted us or anything.

**Commissioner Garrido:** Actually, there's—

**Mr. Chu:** Yeah. Well, I mean, to finalize—

**Commissioner Garrido:** From my understanding you guys have to draft the terms for us, right? We cannot draft the terms.

**Mr. Cruz (CLTC):** There was draft prepared, which was given to your dad. But like I said earlier what we were waiting for was the acceptable amount of tonnage you guys can accept monthly to offset your rent. That was the agreement that was mentioned. Aside from that, there was also monthly payments, but that would be reduced by the acceptance of whatever the tonnage was. We were waiting for, also, not only the total, but a fixed rate of what it would cost you guys. Well, maybe your dad has it, but we sent a copy of the draft license that was approved by the Board. So, there's blank areas that needed to be filled in. That's what we were waiting for.

**Mr. Chu:** But that one you said cannot be valid, because of the law.

**Mr. Cruz (CLTC):** It shouldn't even have been presented to you guys, because of the enactment of the law in 2015. Even if the intention was to go through the public purpose arrangement, still it didn't allow for it. Anything commercial had to go through the competitive bid process. So, we'll put them down as old business for the next board meeting. If there's any questions, we'll gather them, then we'll send it to you via email or letter.

**Mr. Chu:** Email preferred.

**Commissioner Herrera:** Okay thank you so much.

**Mr. Cruz (CLTC):** We have one more item.

**AAG Finney:** Can I just before they? I understand that you guys will be communicating with the director. I just want to make sure that you guys don't communicate among yourselves about anything that has to do with the business of the board, like with email. Everything has to be in the meeting. I just want to remind you. So, there can't be any kind of discussion or anything like that.

**Mr. Cruz (CLTC):** So, the last item for discussion—

**Commissioner Herrera:** You know, if we're just going to wait until we get here and then screen this? This is what happens.

**AAG Finney:** You can read all the materials and prepare for the meeting. You just cannot discuss it among yourselves.

**Commissioner Herrera:** Okay. We always read the material.

**AAG Finney:** You just can't discuss it among yourselves.

**Commissioner Herrera:** Understood.

**Acting Chairperson Bordallo:** But then when he emails you guys—

**AAG Finney:** There just cannot be discussion.

**Commissioner Herrera:** Because when there are questions that are legal, right? **[inaudible]**. But, you know, there are a ton of material to read. And it does take **[inaudible]**. But thank you.

**Mr. Cruz (CLTC):** The last item is under New Business, item A, The Appointment of Acting Administrative Director Mr. John T. Burch.

**Acting Chairperson Bordallo:** He left.

**Commissioner Garrido:** Madam Chair, I would like to table the appointment of Mr. Burch as Acting Executive [sic] Director until our next meeting.

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

**Commissioner Garrido:** Aye.

**Commissioner Herrera:** Aye.

**Acting Chairperson Bordallo:** Aye. Motion carries.

### **Public Comments**

**Mr. Cruz (CLTC):** We're moving to Public Comments now? Is that what you guys want to do? Mr. Quinata?

**Mr. Jose Chargualaf Quinata:** Good evening, everybody, my name is Jose Chargualaf Quinata. I'm here to thank each and every one of you guys for **[inaudible]** my family back here since we're the last batch here. I just want to emphasize that we do need your help. This has been going on almost 6 months. We just turned in our documents to our land agents, Jessica and Glenn. We want to find out how soon can we get these documents to SBA to approve the loan guarantee, so we can start moving forward **[inaudible]**. Right now, we're still on a canopy. We just bought a new tarp. I cannot leave my place. The place where I'm sitting at is risky business. Like Mr. Tony was saying that area is **[inaudible]**. My concern is how much longer can we get **[inaudible]** loan authorization to present to SBA, so we can move forward and get away from this canopy. Honestly, I send pictures to you guys to look at how we live. Like I say again. We need help. We need help. We need someone to help us. We're living in a situation when it rains, we get flooded.

**Commissioner Herrera:** Thank you. We did make a motion to approve your loan guarantee, so that's already secured.



**AAG Finney:** It's just processing, right?

**Mr. Quinata:** If you don't mind me asking, how much longer?

**AAG Finney:** I'm not really sure.

**Commissioner Herrera:** Now, was the issue the format or the template of the loan guarantee?

**AAG Finney:** I haven't seen that, yet, so I haven't reviewed that.

**Mr. Quinata:** I have health issues in my family. One is my daughter. Another is my wife. She just came back from the Philippines. I'm not going to **[inaudible]**. The most hurting part there is the way we live right now. I don't know how you guys are living. All I'm saying is put yourself in my shoes, waiting for this long. We come with good faith. I'm asking for you guys to give us your support. **[inaudible]**. I took off today from work. **[inaudible]**. My family is hungry. Even for me to go use the restroom, my wife is telling me to stay, because they might call you next. I'd rather let it out then for me to hold it here. I need you guys help. How long are we going to wait? Because I have health issues in my family. That's my biggest concern. I have a daughter **[inaudible]**. I have to put my daughter 24/7 in aircon in an automobile. My question is how much longer? Another three months?

**Acting Chairperson Bordallo:** What is the process when you turn in all your documents?

**Mr. Cruz (CLTC):** It shouldn't take long, but we have one concern about who's going to sign the document.

**AAG Finney:** We just need to confirm who the signatories have to be and then also we need to review the document.

**Commissioner Garrido:** I thought we answered that, and we designated the Acting Chairperson and the Acting Administrative Director.

**Mr. Cruz (CLTC):** That's for the bank accounts.

**AAG Finney:** It just needs a review.

**Acting Chairperson Bordallo:** Do we have to authorize?

**AAG Finney:** You guys wouldn't have to do anything else for the ones you've authorized. You've already authorized it, so now it's just administrative.

**Commissioner Herrera:** We have a 100 SBA that are **[inaudible]**. Can we use that as a precedent?

**Commissioner Garrido:** What is the holdup?

**AAG Finney:** I don't think there's any holdup.

**Commissioner Garrido:** He just mentioned the signatories.

**AAG Finney:** We have to confirm who the signatories need to be, and the document itself needs to be reviewed. And I haven't seen the document, yet.

**Commissioner Herrera:** So, with the last 100, who was the signatory?

**AAG Finney:** I think it was the director last time.

**Commissioner Herrera:** So, will that suffice?

**AAG Finney:** Possibly not. There's been some court filings that have brought that into question. So, that's what I'm just saying. We just need to confirm that, and we need to look at the document.

**Commissioner Herrera:** Based on Chapter 75 and the [inaudible].

**AAG Finney:** We just need to confirm. It's not a question I can answer for you right now. I need to talk to the Deputy AG.

**Commissioner Herrera:** [inaudible].

**AAG Finney:** Graham [Deputy AG D. Graham Botha].

**Commissioner Herrera:** So, we contact Mr. Graham before the end of the week?

**AAG Finney:** Yes, I can talk to him tomorrow. So, there's that piece of it, and then there's also the document itself. We need to make sure that it's compliant, because SBA is going to provide the document.

**Commissioner Herrera:** So, SBA is going to provide the document for the loan guarantee.

**AAG Finney:** Right.

**Commissioner Herrera:** Do we have the loan guarantee from SBA?

**AAG Finney:** I have not yet seen it.

**Mr. Cruz (CLTC):** Just for correction purposes, we have a template of the loan guarantee.

**Commissioner Herrera:** From the last 100?

**Mr. Cruz (CLTC):** Yes. We'll provide that.

**AAG Finney:** Oh, they're not going to provide—?

**Mr. Cruz (CLTC):** They provide a schedule of what's covered and all that other great stuff. But we provide—

**AAG Finney:** But they want us to draft it up?

**Mr. Cruz (CLTC):** Yeah.

**AAG Finney:** So, then it's going to take a little bit longer, because we will actually have to draft the document. We have the template from before. We have the things that they want in it. I haven't seen it, yet, so we need to review it to make sure it's compliant with our law. We understand the urgency. And everybody's moving quick. That's why these guys have been meeting more often than they typically would.

**Mr. Quinata:** I understand that. I've been here almost 7-8 times now. And still you haven't seen the document. You haven't seen the template. I was told that somebody received already [inaudible] their document through SBA and now they're starting their new greenhouse.

**AAG Finney:** I don't know what SBA's timeline is or how any of the process works. I'm just letting you know that—

**Mr. Quinata:** Because SBA approved us already. All we're asking for is loan authorization. They're even wondering what's taking us so long. When they call me from off-island, sometimes I don't even answer.

**AAG Finney:** [inaudible] communication with SBA about this?

**Mr. Cruz (CLTC):** No. Not anything that Ms. Tajeron has communicated already insofar as the timeline [inaudible].

**Mr. Quinata:** Okay really honestly like [inaudible] heard me loud and clear. I have family with health issues, and I need that urgent care as soon as possible. I cannot be buying tarp or friends donating car or asking do I need help? You want to live with me.? No, I want to stay in my own place. I don't see why another client got approved, and how he got approved, I don't know.

**Mr. Cruz (CLTC):** We can just confirm now, Mr. Quinata, that anyone who has been approved for a loan guarantee prior to Typhoon Mawar, no one has received their loan guarantee documents from us.

**Commissioner Herrera:** Okay, maybe we can add it to that. The first one that we approved here on the first 25 [inaudible]. [crosstalk] What do we need to do? I mean, is it the signatory, the language or all of the above. It sounds like all of the above. We have [inaudible]. We don't have a template. We don't know who's going to sign. I mean, you're our legal. We look up to you.

**AAG Finney:** Understood. Honestly, until you clarified that, I didn't even realize we have to draft the document. I did think that SBA would provide it.

**Commissioner Herrera:** That's what I thought, too.

**AAG Finney:** I mean, there's got to be—it is going to take a little bit of time.

**Commissioner Garrido:** Do we have an updated template from SBA?

**Mr. Cruz (CLTC):** We have a template that we recently used in 2020 or something, but this is what the loan guarantee document looks like. So, this is what we prepare internally.

**Commissioner Herrera:** And it's signed by the Administrative Director. So, that means if Mr. Quinata defaults, the Administrative Director and the Comptroller [inaudible] the foreclosure.

**Mr. Cruz (CLTC):** It's signed by the borrower, a witness, and the Administrative Director.

**Commissioner Garrido:** Who will draft the letter for the [inaudible]?

**Mr. Cruz (CLTC):** We will draft it. We have a template already. It's not going to be difficult [inaudible].

**Commissioner Herrera:** And then recorded after that?

**Mr. Cruz (CLTC):** There will be a document, I believe, from SBA, a mortgage document or something like that. That needs to be recorded.

**AAG Finney:** So, there is a document from SBA.

**Mr. Cruz (CLTC):** We've seen one. It's just their mortgage document.

**AAG Finney:** So, just for the borrower, not for us?

**Mr. Cruz (CLTC):** Yeah.

**Mr. Quinata:** All SBA is looking for is just a document saying that CLTC authorizes an agreement—that you guys agree to approve, so that I can bring it over to SBA and they can record it. If you guys haven't seen any document, then we're still going to wait.

[crosstalk].

**AAG Finney:** We still need to take a look at it. We're not talking about a long period of time, but you need to have some period of time for these guys to actually process it through. Everything that the Commission needs to do is already approved. So, now it's just administrative.

**Mr. Quinata:** [inaudible]. Getting the document is almost like going on 6 months. [inaudible]. And I'm here going on 8 times already. And still you're saying you haven't seen [inaudible]. I'm just wondering. I got my family here. [inaudible]. But being sorry because you saw my daughter is too late already. I'm struggling. We're struggling. There's no support. There's no understanding. Help us.

**Commissioner Herrera:** This is the first time I heard that it was stuck at this level. I thought that we had a template. And I thought we had already agreed on the signatory. Joey, does that have a successorship in the event of a default?

**Mr. Cruz (CLTC):** No, but already the guarantee will tie us to it.

**Mr. Quinata:** If the loan is guaranteed, then by all means can you just give me a document to present to SBA? I've been getting calls from SBA, and I don't know how to answer it. [inaudible]. It's a waiting game.

**Commissioner Herrera:** [inaudible]. How many have loan guarantees?

**Mr. Cruz (CLTC):** If it's new loan guarantees, none. If it's existing, one that we know of.

**Commissioner Herrera:** Now, the Guam Housing Corporation. That would be the first one, right?

**Mr. Cruz (CLTC):** Yes.

**Commissioner Herrera:** Does he have a loan guarantee?

**Mr. Cruz (CLTC):** No.

**Commissioner Herrera:** So, he hasn't started, yet. Is there something that we can do to help?

[crosstalk].

**AAG Finney:** I think the Commission has already done everything that it needs to do, and now it's just, you know—

**Commissioner Garrido:** We need to fast track [inaudible].

**Commissioner Herrera:** Do we need to meet with the AG himself?

**AAG Finney:** What I'm saying is that I haven't even seen it, so I don't even know if there are any issues or anything like that. So, right now, I don't foresee any.

**Commissioner Garrido:** How long will it take you to review it?

**AAG Finney:** I haven't even seen it.

**Commissioner Garrido:** I don't know what your schedule is. That's why I'm asking you.

**AAG Finney:** Well, obviously this is an urgent matter and so whatever the schedule is doesn't—you know, everything is—

**Commissioner Garrido:** If Joey were to give it to you tomorrow morning, will you be complete with the review and finalization of it in two days?

**AAG Finney:** It depends on if there are any issues, so I can't tell you yes or no. But I can say that as soon as it comes to me and my boss and his boss, all understand the urgency of this.

**Commissioner Herrera:** And your boss is?

**AAG Finney:** My boss will be Mr. Graham Botha. He's the Deputy AG. And then his boss over him, there's the Chief Deputy and then there's the AG. I'm just saying everybody knows the urgency of this issue. So, there's not going to be any delay, but I don't know if there are any issues that would stop the process. There's not going to be any delay in, you know, just like, oh, there's something more important, we're going to set this aside. Everybody sees the urgency of this.

**Commissioner Garrido:** Joey, how soon can you provide the document?

**Mr. Cruz (CLTC):** We can provide the template tonight. After this meeting we can email it. But it's just a template.

**Commissioner Garrido:** The template is the major hold up right now. And they we customize it to each—

**AAG Finney:** That part is minor. It's just having the document itself. And we do need to review it. We need to make sure that it complies with the law. You don't want to rush something through that ends up it's not a good document. It is going to take some time.

**Commissioner Garrido:** Yes, I know, it's going to take some time. But on the other side of the coin, he's a disaster victim. And we need to try to fast track it **[inaudible]** for them. Can you imagine yourself living under a tarp for the last 6 months.

**AAG Finney:** Let me just make clear that nothing has yet been provided to the AG's Office for review. So, there's not a matter of delay.

**Commissioner Garrido:** Well, I guess I'm asking you to give me an estimated timeline for your side of it.

**AAG Finney:** I'm sorry. I'm not trying to be difficult, but it really depends on what's there. If everything is clean and smooth, then it could be a matter of a couple of days. Or it could take longer if there's something that needs to be revised. It's just hard to predict. What I'm assuring you, is that everyone understands the urgency of this matter. And that there are people who are continuing to suffer. We understand. I just want to assure that that is taken into consideration in determining priorities. I'm advising the Commission, not Mr. Quinata.

**Commissioner Herrera:** I recommend that you walk upstairs and meet with Doug Moylan, if that's what it takes.

**AAG Finney:** But I'm telling you that there's not—I haven't even seen anything, yet. **[inaudible]**.

**Mr. Quinata:** Excuse me. I'm not a lawyer, but through my understanding we are the Board here. **[inaudible]**. If the Board approve it, **[inaudible]**. I don't know what's the delay.

**AAG Finney:** There's no legal delay. I haven't even seen the document.

**Mr. Quinata:** How can you see a document when it's not presented to you. You never ask for it.

**Acting Chairperson Bordallo:** Dispensa. Joey, tell me the history on how long it takes for your department and lawyer to review it?

**Mr. Cruz (CLTC):** Like I said, after this meeting I can email the template to Attorney Finney.

**Acting Chairperson Bordallo:** But the template, will that be the information, also, of Mr.—

**Mr. Cruz (CLTC):** No, the general information of the contents of the guarantee. It's just a matter of changing the name of the Lessee, the description, and whether it's SBA or Guam Housing and the amount and that's it. So, that won't take us long. We will forward Attorney Finney the template after this meeting and after she's done with her review and she lets us know if there needs to be any adjustments, that shouldn't take a long time. Not even a day. And then we can populate it.

**Mr. Eay (CLTC):** Not to delay, but what was approved from the very beginning was only for a loan guarantee. An authorization to build was not mentioned. Mr. Quinata just provided us earlier a building plan, which is part of the requirement. What we need is a building plan approved by an engineer. Which is something you could take to permitting agencies. so that it could go through the process.

**Commissioner Garrido:** The contractor that he decides to go with should get those permits and provide the blueprint for the building.

**Mr. Eay (CLTC):** Blueprints that we've been receiving are blueprints that were signed by an engineer. Those are the building plans that we want.

**Commissioner Garrido:** Does CLTC require that or is that a requirement for building permits?

**Mr. Cruz (CLTC):** In the past and even the previous meeting, that prior to getting an authorization to apply for a building permit the applicant will submit the building plans, which is signed by an engineer. Just the previous meeting you guys have conditionally approved authorization of building plans. That's just the one of the prerequisites to build with CLTC. But I think what Mr. Eay was saying, Mr. Quinata when he was presented, I think, was only for the approval of SBA. So, Mr. Quinata will have to come back to get an authorization to build.

**Mr. Eay (CLTC):** Not to delay anything, simultaneously, we could be working on his agreement for our side of the house based on the template that he's going to present to our legal counsel. Because this is only Public Comment, you cannot vote on that.

**Commissioner Herrera:** Did we motion back then for loan guarantee and permit to build?

**Ms. Dayday (CLTC):** No, but he was given a letter about the approval to build, to submit his building plans. He got the letter the day he came in for Public Comments. He submitted a building plan to Glenn.

**Mr. Eay (CLTC):** Just before he came in. He has the original. I have a copy.

**Mr. Quinata:** What if the contactor is an engineer?

**Mr. Eay (CLTC):** If you submit this to GPW—**[crosstalk]**. This is not signed by an engineer. This is not adequate for permitting. It goes through the signatory agencies for approval.

**Commissioner Herrera:** Whose signature is there?

**Mr. Eay (CLTC):** Mr. Jack Chen (sp?) **[crosstalk]**. So, in our lease agreement and in the letter sent to Mr. Quinata, it says you are required to submit an approved plan **[inaudible]**.

**Commissioner Garrido:** What is the date of the letter?

**Mr. Eay (CLTC):** September 20, 2023. He received it on the 26<sup>th</sup>.

**Commissioner Herrera:** Back to the loan guarantee. That's the primary holdup now.

**Mr. Eay (CLTC):** The loan guarantee was already approved by the Commission.

**Commissioner Herrera:** No, the document **[inaudible]**.

**Mr. Eay (CLTC):** That's the holdup basically.

**Acting Chairperson Bordallo:** So, he should get his building plan?

**Mr. Eay (CLTC):** He submitted a—

**Acting Chairperson Bordallo:** Because when I go and get a building permit, I have a blueprint, and it goes through different departments for approval.

**Mr. Cruz (CLTC):** But the blueprints you have prior to getting it approved is what is submitted here.

**Commissioner Garrido:** When you go to Public Works to apply for a permit, you have to have a full set of plans.

**Mr. Cruz (CLTC):** That's what we require here.

**Mr. Quinata:** So, I'm asking, why can't it be brought up in the beginning when CHamoru Land Trust was first organized? **[inaudible]**. I just wasted money for that print out.

**Mr. Eay (CLTC):** I believe **[inaudible]** timely manner.

**Mr. Quinata:** I suggest you publicize it throughout the media. Put it in the newspaper. Don't let the constituents come inside here and then—

**Mr. Eay (CLTC):** I'm not going to fault him. Like Mr. Quinata said we should have crossed our t's and dot our i's.

**Commissioner Herrera:** Do we have a checklist of what they need? I guess that's what he's saying, right?

**Mr. Cruz (CLTC):** If I may, one of your requirements from SBA is you're going to need to have plans from an engineer.

**Mr. Quinata:** All I need is the authorization from you guys, because already the money is in the bank. **[inaudible]** you guys already preapproved.

**Mr. Cruz (CLTC):** What I was alluding to is that eventually you're going to get a building plan to spend that Federal money from a licensed engineer to draw it and all that other great stuff.

**Mr. Quinata:** But CHamoru Land Trust don't even have engineering. Don't even have surveyor.

**Mr. Cruz (CLTC):** What I'm saying is whatever your contractor is going to use to construct your home is going to be a building plan that's signed by an engineer.

**Mr. Quinata:** But do you guys know how to read the plan?

**Mr. Cruz (CLTC):** We're not here to read the plan. It's for us to present it to the Board, for the Board to know that you've fulfilled the prerequisite of submitting a plan for them to approve you to build your house or to approve so you can go apply for a building permit. That's what it's for only. It's not for us or them to approve. It's to meet the requirement that everybody else has to go through.

**Commissioner Garrido:** Your contractor [inaudible].

**Mr. Quinata:** [inaudible] you should publicize this in the newspaper. Honestly, [inaudible]. I have a disabled child. Remember that when you guys go to sleep. And when you go to church, pray for me and for my family. Don't pray for nothing [inaudible]. Don't be a liar for the church. Thank you so much. You guys are hurting my family. CHamoru Land Trust is not helping the people of Guam. Too many [inaudible]. Advertise that you need all these documents. Look at my family here. They've been here since 12 o'clock. And they're hungry. Now, you want me to wait another month? Come on man. You guys are living under a solid roof. When it rains it doesn't leak. Me, when it rains, and the wind, the canopy shakes. It gets flooded. I can't leave my place. Come on, man. Wake up. Are you born with Jesus Christ in your heart? I don't think so. You guys go to church for what? To pray for people that need help. I don't want to tell you guys thank you. I have a disabled child. I have a wife that's sick, and I'm living under a canopy. Very shameful. Don't go to church if God is not in your heart. I'm hurting right now. There's no help from you guys. When you pass by [inaudible] think about Joe Quinata. My family is hungry. Thank you, Commissioner David, Chairwoman Arlene, and Commissioner. Thank you. You guys think about my daughter. [inaudible]. Think of me. Think of all the angels and saints.

**Acting Chairperson Bordallo:** There being no other business—

**Mr. Quinata:** Excuse me. If SBA call again [inaudible] I'm going to tell them, I'm going to return the money. I don't what's so hard about just giving me a document. [inaudible]. Don't sit in the chair there if you cannot help the people. I wish I can go to the media and speak. It's embarrassing. [inaudible]. I gave the board a picture of how we live. My kids [inaudible]. Are you guys getting wet when it rains? No. How dare you guys [inaudible]. Feel how I feel.

**Commissioner Herrera:** We're still on Public Comments.

**Acting Chairperson Bordallo:** You're going to make comments?

**Commissioner Herrera:** CHamoru spoken here. Timestamp on YouTube begins at 6:03:55 and on MP3 at 6:04:13. The constituent that just left; I can see because I was a land agent at one time. We can say living in an ivory tower kind of Commission. We have not felt the constituent's pain having a handicap child. We may have caretakers for parents, but when you have a child unable to speak, read, or feed themselves. Yeah, it's a challenge. But my public comment is just about that. I understand that we all have to follow the rules and regulations [inaudible] and all the other requirements. I understand that I hear a lot from our land agents that we feel empathy for the struggle that our people our facing out there. However, I'll keep saying it, the reason why we're here is to right the wrongs of the past. [inaudible] 36 or 37 that are waiting for a loan guarantee. So, I understand Joey's position, Mr. Glenn Eay's position, and Attorney Finney's position. That you have to go through line by line, word by word, verb by verb, vowel by vowel, consonant by consonant, and see how it interrelates to the loan guarantee. That being said, that's for the constituents. My public comment is regarding the last client, Global. Global was tied in to Koko. We owe Koko \$7.5 million. And in the beginning when I got here, we wanted to verify did they really ship out \$7.5 million worth of merchandise? We interviewed Global. All we asked is are you shipping out by metric ton, short ton, long ton? High quality steel? Stainless steel? Brass? Copper? We owe Kok \$7.5 million and then we started deducting the rental from the property that's located in Barrigada. We kind of deducted about \$1.5 million. Would that be an accurate statement?

**Mr. Cruz (CLTC):** \$2.3 million, I think.



**Commissioner Herrera:** We have a liability balance of about maybe \$6 million. How do we know? We worked on that. We looked at the **[inaudible]** and shipping documents. We wanted to make sure that he shipped it out. We verified the ships and then he got deducted about 10 tons. **[inaudible]** My point here is that we have a liability of about \$6 million. Now, we have a liability with maybe \$10.4 million from the old SBA. We're starting to have a liability of maybe another \$5 million. So, now we have a liability, of including the Koko, which they can take us to court. We have an attorney that can probably litigate that. Do they have a right to claim? And my question, and here's for the record, Attorney Finney I would like to respectfully ask of you to find out do we have a statute of limitation on Koko's IOU? From the time that we owe Koko, from the time we were deducting the rental from Barrigada Heights, from the time today. Do they have a statute of limitation? And if there is, when did the clock start? Thank you, Madam Chair.

**Commissioner Garrido:** Since he brought up the Koko thing, can you check if the award was done correctly? Were all the i's dotted and the t's crossed in awarding Koko that amount? Was the initial contract valid?

**AAG Finney:** I can look into that.

**Acting Chairperson Bordallo:** I have a question. Because you mentioned about authorization for the loan guarantee, we didn't vote on it, yet.

**AAG Finney:** The previous ones were just signed by the director. However, there was an issue raised in court previously. So, I need to confirm that those signatories are the same.

**Commissioner Herrera:** That court case was about SBA with the Land Trust.

**AAG Finney:** There wasn't a resolution. There were just arguments that were made in the court. There wasn't any judgement. An argument was made, so I need to confirm if that has any effect now. What was filed was public, but I don't have it right now. We have to do a little research to locate it. It was several years ago.

**Commissioner Garrido:** There was never a final judgement?

**AAG Finney:** That case ended up settling. It could have just been dismissed. We need to look into that **[crosstalk]**. I just need to confirm who should be the signatories. That's not a big issue. But it is something that needs to be resolved. So, that's one thing. The other thing is, as I had explained, I haven't seen the document, yet. There are still some things that need to be reviewed. Again, I understand the urgency. It's not an instant thing.

**Mr. Cruz (CLTC):** The templates were emailed five minutes ago. So, Kristen, you have it in your inbox. Just so you know.

**Commissioner Herrera:** If we have to meet with Attorney General Doug Moylan, we will.

**AAG Finney:** Of course, he's open to anybody requesting to meet with him. He's very open to talking to whomever. But what I'm telling you is there's nothing that can be done right now to speed up the process on that end.

**Mr. Cruz (CLTC):** There's one item we didn't go over, which is item C, the Null and Voids.

**Commissioner Garrido:** On item **[inaudible]** the Null and Void, Madam Chair, I would suggest that we table it until our next regular board meeting.

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

**Acting Chairperson Bordallo:** All in favor, say aye. Motion carries.

**Commissioner Herrera:** I motion to adjourn

**Commissioner Garrido:** I second.

**Acting Chairperson Bordallo:** All in favor, say aye.

The meeting was adjourned at approximately 7:22PM

**Approval Of Minutes**

CLTC Meeting Minutes were approved on June 13, 2024 at the regularly scheduled meeting

Chairperson Arlene P. Bordallo *Arlene Bordallo* Date: 24 June 2024

Concurred by: *[Signature]* Date: 6/27/2024  
Acting Administrative Director  
Joseph B. Cruz