



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

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Commissioner

**Jack E. Hattig III**  
Administrative Director

04/04/2019

**COMMISSION WORKING SESSION MINUTES**  
Department of Land Management Conference Room  
3rd. Floor, ITC Building, Tamuning

**Thursday, April 4, 2019 from 1:00pm – 4:00pm**

*Public Notice: The Guam Daily Post on March 28, 2019 and April 2, 2019*

Okay, thank you everybody, this CHamoru Land Trust working session, is now in session. \*\*\* *Chairwoman P. Fejeran called the working session to order at 1:08 p.m.* \*\*\* This working session was provided in the Guam Daily Post on March 28, and April 2. Okay, present today is, myself (*Chairwoman P. Fejeran*), Commissioner Amanda Santos,

**Commissioner A. Santos:** Here

**Chairwoman P. Fejeran:** Commissioner Austin Duenas

**Commissioner A. Duenas:** Here

**Chairwoman P. Fejeran:** Commissioner Shawntel Techaira

**Commissioner S. Techaira:** Here

**Chairwoman P. Fejeran:** Legal Counsel Nicolas Toft

**Legal Counsel Toft:** Yes

**Chairwoman P. Fejeran:** And Administrative Director Jack Hattig the third.

**Administrative Director:** Etse gui yu. *replied in CHamoru*

**Chairwoman P. Fejeran:** Thank you. Okay, before we get started can we all rise to cite the Inifresi, pot fabot.

**\*\*\* All are reciting the Inifresi (CHamoru Pledge) \*\*\***

**Chairwoman P. Fejeran:** Biba CHamoru!

**All:** Biba!

**Chairwoman P. Fejeran:** Biba CHamoru!

**All:** Biba!

**Chairwoman P. Fejeran:** Biba CHamoru!

**All:** Biba!

**CHAIRWOMAN P. FEJERAN:** Thanks everybody, so, we are going to be talking about Resolution 2018-09. This resolution was prepared by the Trust, the Commission last year, really in response to the controversy and lessons learned from last year. The resolution was submitted to the Guam Legislature in hopes that they would move to get our proposed changes made to Public Law 23-38, unfortunately the Legislature did not act on it. So, in the time passed since the Commission felt it necessary to revisit the Resolution and revisit the proposed changes, and really take our time to make sure the Commission understands the effects of the proposed changes and also our beneficiaries have a chance to share their concerns with us. Okay, so what we have in the back, I hope you all were able to pick up is this CHamoru Land Trust Commission Working Session April 4, 2019. Okay, we are going to start with this document, we are going to start with an introduction because what the Public Law will do is set the commission and the Trust on its path forward right, but in order to really make that path clear we first have to know where we want to be and that would be the CHamoru Land Trust Vision. So, in this document we have our vision, so, I will just read it here. The CHamoru Land Trust through comprehensive land use planning, robust financial management, and strong partnerships to enhance the abilities of the CHamoru people has benefitted not just the CHamoru people but all the love that call Guam home. CHamoru Land Trust properties are comprised of clean safe and thriving neighborhoods were neighbors' practice Inafa'maolek and all live with dignity. And productive Agricultural tracks of land that are nurture with best management practices and lead the island's agricultural market, and sensitive ecologically culturally significantly lands that are protected and preserve for future generations and sound commercial enterprise that enhance the livelihood and wellbeing of the CHamoru people. So, if you look at our vision, we've underlined the two statements that the Public Law has a direct effect on, first it's our neighborhoods that has to do with our Residential leases and the second is the Agricultural tracks of land, so that's our Agriculture leases. The Public Law 23-38 which we will be looking at today speaks to exactly the process of those leases are awarded that we will be getting into later. Now that we've reoriented ourselves with our vision, right, what we see the future of the Land Trust being, we also have to understand our reality today. So, our 2019 reality, we currently have 5350 applicants on our Residential waiting list we have another 3290 applicants on our Agricultural waiting list. Yes, Director.

**Administrative Director:** Madam Chair, I just want to make a small edit on the next portion. Instead of vacant It should be leased. Currently we are trying to ascertain with the Department of Land Management and Department of Agriculture what the acreage is for unleased property because right now they've only taken survey of those that are obviously leased. That's the reason why we

don't have the division between agricultural and residential for not leased. Right, for vacant properties, it's just an addition so, scratch vacant and put leased. So, that's the acreage that we have leased. That is what we have available, leased already, for Residential and that is what we have leased for Agricultural and again as leases are being approved, and as surveys are being conducted that's when we can ascertain the acreage of not leased property

**Chairwoman P. Fejeran:** so, what is our vacant total?

**Administrative Director:** Our vacant total is 5662 not leased total and again subject to what is designated Agricultural versus what is designated as Residential. We are still working with the Department of Land Management and Department of Agriculture to help us ascertain that number.

**Chairwoman P. Fejeran:** Yeah

**Legal Counsel Toft:** Plus, the, plus what is registered and what is unregistered.

**Administrative Director:** Right, correct.

**Chairwoman P. Fejeran:** so, does this 5662 include unregistered?

**Administrative Director:** Yes, we're not able to lease unregistered property.

**Chairwoman P. Fejeran:** It's part of this is vacant total?

**Legal Counsel Toft:** so, we don't have an exact amount for what is registered?

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** So, there are 5662 acres in our inventory that would have to satisfy the 8500 plus people on our waiting list.

**Director Hattig:** Right, and keep in mind it's not including newly transfer land for landless land subdivision in I'ha, we haven't included that yet because it just got transferred to the trust. That's obviously going to be increased. Subsequent it's fluid, it's fluid because when the Legislature does, you know legislation that takes from our inventory, so does our acreage move, this will be a fluid number for the time being.

**Chairwoman Fejeran:** So, just to recap what was discussed up here, the third bullet under 2019 Reality, instead of those Residential acreage and Agricultural acreage, referred to vacant land, those are actually leased land acreage. I think it's very important that we add to our notes here the vacant, the total of vacant lands within our inventory is 5662 acres. Unfortunately, we don't know which, how many of those acres set aside for Residential and how many for Agricultural, but I think what we can ascertain from that number, 5662 acres is going to have to meet the demand of our waiting list. We know our waiting list

is growing with more people applying every day. So, I think it's important we make that connection, we have, it looks like we have, let me just add that up, looks like we have 8648 people on our waiting list that have to fit in 5662 acres. Okay moving on, we are looking at our past leasing practices, it was done at the Administrative level in past years, now leasing will be approved at the commission level moving forward. Leasing was very applicant centered versus property centered. It's clear that our applicants have an unclear understanding of the leasing process and requirements and it's also clear that lease awards did not consider the ability of the lessee to actually use the land whether that's no utilities infrastructure or access. Or the land is not developable. And also, these awards did not consider an applicant's qualifications to perform conditions under the lease. So, what we want to do is look at this reality and work together to propose changes to the law that will allow the reality to reach our vision, our future vision. Okay, anybody have any questions before we go on?

**Chairwoman Fejeran:** Yeah sir, Mr. Aguon.

**Mr. Aguon:** My question (inaudible) residential is half acre, right? Can a family have that split for that child that is waiting on the list to have quarter acre to build their house there, it is just the mother's lot, right. But we are only allowed one residential dwelling; I mean we can have all kinds of canopies and storage but only one residential. But half acre, God you look at it and you can put two houses on it.

**Chairwoman Fejeran:** Right and we know our families are large on this island and...

**Mr. Aguon:** I mean there is not enough land, half acre, let's cut it for the other child to build a house.

**Chairwoman P. Fejeran:** Thank you Mr. Aguon, that's a very good point. What we are going to do as we go through this meeting is, we are going to use this white board, so, we are going to have a parking lot. So, the parking lot is for your comment we are going to put it on the parking lot. Because it's a very good comment that we will get to address. But we will put up there for now until we can get to it.

**Mr. Aguon:** Because we all have family waiting. Quarter acre to split for the kids.

**\*\*\*White Board\*\*\*** Subdivide lots for families. Subdivide half acres into quarter acres.

**Chairwoman P. Fejeran:** Okay, thank you Mr. Aguon. So, let's move on to our working session format and our ground rules, so the discussion today, will be split into three main sessions per topic. So, the first topic is management of the waiting list. The second topic is the process for awarding leases. The third topic is greater transparency and accountability. We also have the work session matrix; this is the handout that will lead the discussion. So, if you look at the bigger paper, handout, we are going to go by topic. We are going to

have the topic discussion, then we are going to talk about our goals for revision to that topic, and how those goals relate to the proposed changes. So, now Public Comment; the public may sign up for public comment per topic area. We have three public comment, sign in sheet be routed around and in the beginning of each topic session we will first have the commenter that signed up join us up here, we will allow two minutes per person's comment. Comments can also be submitted in written form. If your shy to come up, you can write it out and hand it to one of the Land Trust staff members and they'll bring it to us so we can read it aloud. Of course, as the discussion is going on anyone out there can raise their hand as we are going through the discussion then please just wait to be called. Okay, some ground rules, I want to make it clear; the commission can make no decisions during this working session because it is a working session we're here to discuss and throw things out there and really try to figure things out. But very detail notes will be taken where this meeting is getting recorded so at the next regularly scheduled commission meeting, we revisit what we learned here today and make some decisions at that point.

This is a public discussion not a debate the purpose is not to win an argument but hear many points of view and explore any options and solutions.

No one or two individuals may dominate a discussion. If you have already voiced your ideas let others have an opportunity and when you speak, please be brief and to the point. When you speak, state your name and where you live at a public meeting like this it's helpful to know who's speaking as well as where you live in the community. I think it's also important that you just specify if you're an applicant or lease holder. Right if you're on the waiting list or you hold a lease that would help us as well. I also ask that if you do provide comment that you can come up to the microphone. We have microphones, we will just pass those microphones along. One person speaks at a time, please refrain from making side conversations let's pay attention to the person speaking. If you think you'll forget an idea that comes to mind, write it down. Everyone's doing so well right now, thank you. Listen and respect other points of view. All of us bring information and ideas to contribute and people are more likely to contribute if they know that they are respected. Do your best to understand the pros and cons of every option not just those you prefer. Be as objective and clear minded as you can be. See first to understand, not to be understood. Ask questions to seek clarification when you don't understand the meaning of someone's comments.

**Chairwoman P. Fejeran:** Okay, so I hope that sets the ground rules for all of us. I'm really happy that you all are here with us. You are interested you want to give your opinion because all of us sit here are at commission level we have maybe two meetings a month and we get to hear from our lease holders and our applicants but we're not the ones going through the process of trying to get a lease or holding your lease. So, it's important that everyone going through the process can tell us really what their experience is, because we want to get the public law as tight as we can so that the past mistakes do not happen again.

**Chairwoman P. Fejeran:** Alright, now we can move on to our working session. So again, we have two handouts for you to reference, this first long one is separated in three topics. These are the proposed changes from the 2018-09 Resolution that we are revisiting. You see the first column under topic has our

goals and outcomes under that topic. And then the second column has the proposed changes per section of the law. The other handout is a very valuable reference. It's the public law as it's currently written. So, you will have a reference to know where we are starting from and what we are proposing to change. Topic one: the first topic is management of our waiting list. Okay, and we have three goals and outcomes for our discussion on management of our waiting list.

- a. Is to reestablishment of an island wide residential list and one island wide agricultural list.
- b. Is priority will be applied in accordance to the law
- c. Rules on transferring and switching of application rights can be clearly identified.

**Chairwoman P. Fejeran:** Okay, so, we will start with topic one. I have the sign in sheet for some of you to provide public comment, so when I call your name you can please come forward. State your name and we will give you two minutes on the floor. Mrs. Villagomez please come forward.

**Director Hattig:** Maila Mo'na

**Ms. Villagomez:** Buenas yan hafa adai. My name is Florencia Villagomez and I am originally from Sinajana but now living in Barrigada. I am also an applicant, and I'm here on behalf of my son, an applicant too, who is in the Marines. My biggest question and I'm sure it's everyone's question. How far along is the list now? And why is it taking so long? It is 2019, that's it. Thank you.

**Chairwoman P. Fejeran:** Okay, thank you Mrs. Villagomez. You know our focus, is, once we get through the proposed changes, the Trust will have a very clear path to really get leases out to everyone still waiting, so I appreciate your comments. *\*\*\*referring to white board\*\*\** Something I want to put up here based on your comments. You mentioned your son is an applicant but he's in the Marines off-island, right. So, one of the questions that have come up is people living off-island and their name comes up, you know, what do we do. Yeah off-island applicants. Thank you.

**Chairwoman P. Fejeran:** Okay, next is Mr. Jeffery D. Kosaka? Kosak?

**Commissioner A. Santos:** Kosaka.

**Chairwoman P. Fejeran:** Kosaka

**Mr. Kosaka:** Hafa adai Chairwoman, board members, and Administrator Hattig. My name is Jeffery Duenas Kosaka, I live in Santa Rita and I'm a current lease holder for 3.2-acre Agriculture land in Santa Rita and I live right across that street, where farming was unavailable. How I was able to attain that is in 94 I was an applicant, and I had a Residential. You know infrastructure and a lot of challenges all the way up till I returned back from deployment in 2013. I approached Mr. Monte Mafnas at the time and asked him what can I do now that my wife and I built a house that was under her name. it's not unto

recently where she gave me rights to survivorship to the house or rights ownership of the house so, that makes me ineligible for Residential. I approached the land trust commission and ask how can I get an agricultural lease and I went through the motion. I had to write a letter saying that I will give up the land in exchange for Agriculture and I went through all the process and the hurdle I had was having to survey the land so I told them I have money so I'm going to survey myself so I can move on. For the most part, I looked into Agriculture because I wanted to find somewhere that I can come and do some soul searching after my deployment, thank you to the members of the previous administration staff of the CLTC they were great people that helped me out through this whole process. If you ask these guys who am I, they'd probably tell you he's popular here. Just ask that question around here and they'd probably tell you. Let's get back into the question here is management of the waiting list, I think that the separation of the two lists is great and umm...who's the current manager for it, who oversees it right now? The board, commission? Who's the one individual?

**Mr. Kosaka:** Is it the administrator?

**Chairwoman P. Fejeran:** No, I think there's a staff

**Mr. Kosaka:** Okay, a staff member. What is the proposed, again I didn't want to bring this up? What is the proposed person that will be in charge of this waiting list? Is going to be the commission? Or a staff member, cause if it's going to be a staff member I think maybe with the guidance of Mr. Hattig or the Commission or someone to oversee that kind of stuff so that way there's no pa'pa I lamasa deal going on you know. That kind of stuff so, and the last one I have is umm...I guess we'll stick to the subject and wait until the next question. By the way thank you and I will keep it short for the rest.

**Unknown Speaker:** I have a quick question? So, in order to have a property surveyed, we have to have a lease? yes or no?

**Chairwoman P. Fejeran:** No, it's been both ways. So sometimes you have to have a lease and you have to get it surveyed, sometimes they, we withheld the lease until you've gotten surveyed, there's been two paths that have been taken with leasing.

**Mr. Kosaka:** Can I interject for her comment? So, how I did it was the law allowed you at the time, I wanted the government to survey. The survey was going to take forever, later I found out that the money was taking out of the pot, so, you know stuff like that just for me to be proactive in pursuing what my requirements was to just to get this land was to, I was fortunate to have this money on hand. So, I surveyed it, I couldn't get the tax rate cause of the lap of the seven years. If I am correct, that's still the same. Correct me if I am wrong that the current law still allows the individual trying to get that lease and survey the lot and whatever money they spent is minus for the tax part that you have pay for the tax. So, kind of like, if I paid thousand dollars for survey, whatever tax I have to pay for the number of years I paid the thousand dollars, I won't pay taxing for that many years.

**Chairwoman P. Fejeran:** Right, yes, or if they survey...

**John Gumataotao:** If the lessee surveyed the property, then the government will impose the seven-year tax exemption.

**\*\*\*multiple conversations\*\*\***

**Mr. Kosaka:** Seven years or the dollar amount you spent on the survey?

**Chairwoman P. Fejeran:** It's the full seven years, regardless of the amount.

**Administrative Director:** It's the full seven years.

**Mr. Kosaka:** So, that right there is a management for us that want property. You know I am not saying go get a loan or something, but in return of your investment it's you're going to get that property faster than you would wait, if there's no funds in the government right now. Again I am sure that the leadership is working on it to put the funds back into that thing and the interim the properties that ready to be surveyed, giving out to the lessees I think this is one option the public, the individuals on the waiting list, you get your property, you won't get all back hopefully you get it back. It's a good investment.

**Chairwoman P. Fejeran:** See and you bring up a good point. The fact that information is not really known by everybody on the waiting list or even people who have leases.

**Audience Member:** and just to tie in umm... what's happen the force between all these years, every time I've calm down. My fathers on a lease, we're supposedly side by side, and they always wanted to move me and stuff but I already paid into, that was my biggest question is the fact that I've never got a lease but I paid into property up in Yona, I'm from Yona.

**Chairwoman P. Fejeran:** As a survey?

**Audience Member:** nah I didn't survey or anything because people have told me throughout the years, oh a you paid fifty dollars into owning property it's supposed to be ninety-nine dollars per lease, right. One dollar a year? So, I paid fifty dollars, then I stopped because I was kind of confused about where I should go on, especially, every time I've come up to ask for a lease and I've never had any information. They'd always told me they would get back to me or we'll move you to Mangilao, you know, and all those questions would frustrate me. So, that's where I stand and the fact that I paid fifty dollars and if I had the right to survey whether or not I had a lease.

**Chairwoman P. Fejeran:** Can I have your name, please?

**Ms. Garrido:** Josephine Garrido

**Chairwoman P. Fejeran:** Josephine Garrido. Thanks



**Ms. Garrido:** You're welcome

**Administrative Director:** Madam Chair, I just want to go back and answer Mrs. Villagomez's question. I don't want anyone to leave here thinking their questions were unanswered. On the initial sheet that was passed out with the agenda says there are 5358 residential applicants alone, most of that, the bulk of that are 1995 applicants. So, I believe that once we get our issuance of our lease process going as a result of these changes, you're going to see a reduction of that and therefore you're going to see quicker action on the issuance of leases. As I understand it Ms. Garrido, you're a 1995 applicant as well, see, we need to get this part done, our rules and regs need to be crystal clear to avoid any confusion that happened in the past and then we can move forward, and start getting everybody in line again. Issuing leases again in Ernest. Second question is; why is it taking so long? That's exactly this, the commission has opted to make sure this is a priority first to prevent anymore missteps and to process clear, everyone's mind all the lease holders will have a clear process of what's going on and how they are affected by this particular situation.

**Audience Speaker:** I have a question?

**Chairwoman P. Fejeran:** Yes sir, you can state your name.

**Mr. Francisco:** Pete Francisco from Mangilao. The list you have has five thousand plus. Are they five thousand plus qualified applicants?

**Chairwoman P. Fejeran:** Yes

**Mr. Francisco:** Is it reviewed and all the applicants on there are all of CHamoru Culture and they are authorized to apply for Land Trust.

**Chairwoman P. Fejeran:** Yes, when we get an application, the director and staff they review to make sure all the qualifying documents are in there and then only then do the application get approve and put on the waiting list.

**Mr. Francisco:** The next question is, are all those people that are qualified, do you still base them on priority, priority one? Or somebody's homeless or...

**Chairwoman P. Fejeran:** mmm...

**Mr. Francisco:** Okay, now people that are homeless, should be applying strictly for Residential. Cause they don't have a house. Why would you apply for Agriculture, and turn around, you can't get infrastructure in there to build your house. A dollar a year for ninety-nine years doesn't give you any infrastructure. So, my, my question is on prioritizing these applicants, shouldn't it be those people that don't have a house, apply for the land, for the landless house. Not, isn't that?

**Chairwoman P. Fejeran:** So, our Residential leases obviously for the landless, but our Agriculture leases also allow to build a house.

**Mr. Francisco:** Provided you have infrastructure.

**Chairwoman P. Fejeran:** For both types of properties and leases. There a lot of Residential properties that have been leased out but still doesn't have infrastructure.

**Mr. Francisco:** Why is that? Why is that? When you could take that property and build affordable houses for everybody.

**Chairwoman P. Fejeran:** I agree sir.

**Mr. Francisco:** You don't have Mr. Davis over here complaining why you're being prejudice,

**Chairwoman P. Fejeran:** Yes sir.

**Mr. Francisco:** I think that's one of the things the commission should look into. The prioritizing and you know. You still don't want people living down Ypao or wherever. But they on the list.

**Chairwoman P. Fejeran:** Right, thank you Mr. Francisco.

**Administrative Director:** Madame, also to answer Mr. Francisco's question about why it is infrastructure utilities not on the property, already...

**Mr. Francisco:** Ninety-nine years doesn't pay for anything

**Administrative Director:** Working together with interagency cooperation is important working with the Trust. We had money set aside in the survey and infrastructure fund, however, money was taking out of that fund. And now we are trying to repopulate that money, we recently had a sell of some public land. Some remnant land, it's going to give a shot in the arm, so we can start realizing the dream of adding infrastructure and utilities, you know, based on the monies that were put into that account. So, the legislature put that account set for us. So, now when we put the money into, we can, people that apply can request for that to be utilized and the commission can approve to utilize that money to put infrastructure into those areas. So, that's the way forward. I'm just giving you an answer as to what's the way forward. Also, the commission is exploring an opportunity to set aside a little bit of commercial, all of the commercial leasing that we get, to try and also if we can tie that in, so, that if they develop that area, if we develop an area commercially, infrastructure and utilities will be ready and that the subdivisions can be built. The houses can be built. So, we're trying to work together with business and with the utility agencies and inter-governmental operations, so we can get that in there, that's the way forward.

**Mr. Francisco:** I don't see that feasible, Mr. Hattig.

**Administrative Director:** Okay.

**Mr. Francisco:** You're talking about commercial now. How many acres do we have?

**Administrative Director:** How many acres of?

**Mr. Francisco:** How many acres we have for, in stock for?

**Administrative Director:** That is not, that is vacant?

**Mr. Francisco:** Total for the Land Trust.

**Administrative Director:** 11,669 acres is the complete Land Trust inventory. And as we said before, in the earlier, this was passed out. You have the leased property; you have the acreage that is listed as leased property. And the vacant is 5662. Currently.

**Mr. Francisco:** For about how people on the list, about nine thousand...

**Administrative Director:** We're about eight thousand and some change, yes.

**Mr. Francisco:** So, you mean to say that we can work around with "x" amount of acres, commercially and Residentially, and...

**Administrative Director:** Right, we use the...remember we're capped at nine percent of our inventory for commercial use. So, that little bit of, okay, so that little bit of money is generated from that, can help, in the infrastructure, that was what I was trying to say.

**Mr. Francisco:** Okay, now I understand.

**Administrative Director:** Yeah. It's too available

**Mr. Francisco:** because as commercial, hey I can make a million from you guys. So, they can take it away.

**Chairwoman P. Fejeran:** No.

**Administrative Director:** The purpose again is to put back for infrastructure.

**Chairwoman P. Fejeran:** Okay, thank you, I'm going to move on to the next person who signed in, Mr. Joseph C. Quidachay. Hafa adai sir. You can come move forward.

**Mr. Quidachay:** My question is the same as the first lady. My stepdaughter is staying in Honolulu for medical purposes, however, it's just a temporary thing. But she's been an applicant since 2003.

**Chairwoman P. Fejeran:** Okay, so your question is in line with hers, can a family who is an applicant and living off island.

**Mr. Quidachay:** Right, and her son being the service also, pretty much falls in the same category.

**Chairwoman Fejeran:** Okay.

**Mr. Quidachay:** I forgot my question.

**Administrative Director:** When you remember it, just raise your hand.

**Chairwoman P. Fejeran:** Next, we have a Mr. Frank V. Lujan. Hafa adai sir, can you give him the mic please?

**Mr. Lujan:** Hi, my name is Frank Lujan from Agat, I reside in Agat. I'm an applicant. My question is, I was twenty-eight when I applied for the Agricultural property, now fifty-two. Twenty-four years, thank you. Why wasn't any follow up from 1995 to present time? So, information I provided when I applied for it was, I had the same number that has been since 1970, same P.O. Box. I got nothing, the only thing I got was from Senator San Nicolas office, prior to his running for the Legislature. I got a letter saying I was on the waiting list. That's the only time I found I was on the waiting list, since then. I just want to know, why wasn't there any follow ups, since ninety-five to twenty-nineteen?

**Chairwoman P. Fejeran:** Yes sir, thank you. Thank you, Mr. Lujan. You know, as the director and I mentioned earlier, that's really what we want to avoid in the future which why we are going through this today, so thank you for telling us your experience. Okay, that's it for the sign in sheet, for comments. So, now if we could turn to on to the matrix, the topic matrix. So, topic one is the management of the waiting list. Our first goal or outcome for this topic is an understanding that establishment of one island wide Residential list and one island wide Agricultural list. Okay the way the rules are currently written, and if you would like to refer back to the reference sections 5.6 and 5.6 (a). The current rules have the waiting list is talking about village waiting list versus island waiting list. Our proposed changes is to simplify and clarify first the name of the section we're not going to have village waiting list we're only having residential and agricultural waiting list. And when somebody applies, this 5.6 (a) applicants will be placed on respective island wide residential or agricultural waiting list in the order in which they were received. So, the section we took out of the existing law is the reference to the section 5.3 (a) and that's something I wanted to revisit with the commission because back when this was our proposed changes were made, a lot has been learned since then, we need to revisit that so 5.3 (a) current law talks about priority, that's actually the next goal and outcome. \*\*\*Writes on the white board\*\*\* So, 5.3 (a), oh no, actually 5.3 (a) just talks about how applications will be processed. Right?

**Administrative Director:** Yes.

**Chairwoman P. Fejeran:** So, I guess we don't need to have that in there, right. We're just saying that were in the order they were received, so. Are there any comments on those proposed changes, it's really just a simplification and clarification that we don't have those waiting lists?

**Commissioner S. Techiera:** 5.6?

**Chairwoman P. Fejeran:** No? 5.6 and 5.6 (a). Okay, so moving to priority. Priority will be applied in accordance to the law. So, priority is discussed in section 5.7. The current law says the applicant is considered for award in the order which their completed application were received by the commission provided that awards first be made according to ranking and listed priority waiting list, in that order until waiting list is exhausted. Okay, so, the way the law is written, and I'll write it up here. \*\*\*writing on the white board\*\*\*. Is we have, let's say one waiting list, is right, we have residential, everyone comes in and applies and gets chronologically right, we have one, two, three, four, five, and we have one island wide waiting that everybody that applied, whoever, it's basically, imagine these people standing in line, right, number two is ahead of you in line, number three is behind you in line, right, what the current law says to do is okay, we are going to put everyone in chronologically order, but then, we are going to take this and we're going to separate this into priorities, okay. So, priority one, means you're landless, oh sorry, yeah, priority one is landless, and actually it's landless, and you own .5 acres or less. Is it or less?

**Administrative Director:** it's one acre or less ma'am.

**Chairwoman P. Fejeran:** own one acre or less. And three is...

**Administrative Director:** is own more than one acre.

**Chairwoman P. Fejeran:** Own more than one acre. Okay, so, what the law did was the commission was supposed to take this island wide Residential waiting list and then filter it, right, so, let's say applicant one is landless, applicant two also landless, applicant three owns one acre, right. Applicant four landless, and applicant five owns more than one acre. The way the rules are currently written, when the commission goes out to award property, we're not just going to go down one, two, three, four, five. Instead we are going to go, who's our landless people, right. So, priority one, this person would get property, then the next person in priority one would get property, then we would skip number three because he already owns property, we go to number four, right. So, essentially, we have one island wide waiting list, but then within our island wide waiting list, we create three waiting list, right, so, all of these guys go into this list, this guy goes into this list, this guy goes into priority three. And the way the rules are written, is we have to exhaust all of the landless applicants, we have to award all landless applicants land before we can get to anybody who is in priority two.

**Administrative Director:** Now the questions can begin.

**Chairwoman P. Fejeran:** Yeah, the questions.

**Mr. Francisco:** the categories and prioritization, once again, I'll go back to this timeless, now if you're landless, apparently you don't have a home or you're staying with somebody, now landless or homeless, there are programs in the Government to assist them, so, if you don't have a house, if you don't have the infrastructure to get a house, so why can't we change that around. If your homeless, rather than putting your name on an application sleeping under benches at the park and waiting for God to drop something on you, let's move these up people to other programs in the Government. Now if I'm landless, but I rent I pay, can I get the same fair shake as they do. Because I'm not putting homeless people down, but there are programs to help them. But there are no programs but CHamoru Land Trust to help me?

**Chairwoman P. Fejeran:** Right, got it.

**Mr. Francisco:** Let's talk about this priority thing. Same thing with the commercial, you know, that's understandable.

**Chairwoman P. Fejeran:** So, the way that this priority is it doesn't talk about homelessness, or if you live in a home, and rent.

**Mr. Francisco:** If priority is right there, they are homeless, how are you going to deal with it?

**Chairwoman P. Fejeran:** Well they would be considered, considered landless if they are homeless, they don't own land. Another applicant would be considered landless, even if he lives in a home that he rents. As long as he doesn't own the property.

**Mr. Francisco:** If you give a person that is homeless that put in an application to continue standing there on the street getting a dollar a day for ninety-nine years. I'm paying a dollar a year for ninety-nine years.

**Chairwoman P. Fejeran:** I'm not sure...

**Mr. Francisco:** but they can't even build.

**Chairwoman P. Fejeran:** Right.

**Mr. Francisco:** you give them the property, they move in, quarter acre whatever, house lot, whatever, they go to the hardware store and pick this pallets, cardboards, build their house, take a crap in the boonies, keep on building up trash on Chamoru Land Trust property without the ability to pay for somebody to remove their trash. So, how are we going to deal with that?

**Chairwoman P. Fejeran:** So, what I am hearing is within this landless category, is there is a need to not just give property but to give homes, that can be moved into.

**Mr. Francisco:** To give homes

**Chairwoman P. Fejeran:** Homes!

**Mr. Francisco:** To give, you just said to give, where are you going to get that funding.

**Chairwoman P. Fejeran:** To lease

**Commissioner A. Santos:** Lease, not to give

**Mr. Francisco:** You're going to lease the property and give them a home?

**Chairwoman P. Fejeran:** Lease the home, I'm sorry.

**Mr. Francisco:** Where are going to get the pallets to build the home?

**Chairwoman P. Fejeran:** No.

**Commissioner A. Santos:** Lease

**Chairwoman P. Fejeran:** So, we actually have a program with Guam Housing, where they are working with a developer, contractor on Chamoru Land Trust property, they build the homes, and our lessees move in.

**Mr. Francisco:** And who pays for that?

**Chairwoman P. Fejeran:** The lessee. The lessee purchases the home.

**Mr. Francisco:** How can the homeless person buy a home?

**Commissioner A. Santos:** What if they don't have a job?

**Audience Member:** You know, I understand your frustration and everything.

**Mr. Francisco:** It's not frustration

**Audience Member:** Well, it sounds like you're getting frustrated. Well what I'm getting at, what I'm thinking to is, like you said there are things out there that can help a person. Number one is you just can't put a homeless person in a property and you're right, there's no infrastructure, but maybe there is somewhere they can be placed in temporary until infrastructure is done. Which even out there GHURA housing, Section 8, there's already a cap off. There's waiting lists there also, I think we're in a bind. We really are, I go down roads and see people living in jungles under canopies and you're right, how do they use the bathrooms. How do they use the bathroom, how do they bathe? And they have children, and the people are out there doing that, and I think that's another step. \*\*\*multiple conversations, hard to understand what the speaker is saying\*\*\*. But a lot of times people that even your department their hands are tied, so we have to look for other alternatives. Another place is, what do we have here, Habitat for Humanity. If there is a place that has infrastructure

available, maybe we can help those and people in the low cost can help pay for that, even though you're purchasing a property a dollar a year. But it would be really nice that I probably pay two hundred, two hundred fifty dollars a month for this house, I am able to live in and have some kind of dignity. That's the problem is a lot of people are down in dumps with no dignity and just have to lift them up. \*\*\*multiple conversations, hard to understand what speaker is saying\*\*\*.

**Chairwoman P. Fejeran:** The commission has been really considering and looking at the current leases we have people living in substandard housing on our properties and one of the goals of the commission is to really not just give the, not just lease the property but also lease a home that somebody can move into with dignity. If they don't have the means to build a well-made home, then the commission is looking at ways that we can have the home built and they move in.

**Audience Member:** Also, another thing I would like to throw in is, since he opened it, is for example, if we do have small income, and we're landless but, maybe your department can provide, for example, how to build a septic tank.

**Mr. Francisco:** They got those.

**Chairwoman P. Fejeran:** We're in partnership with...

**Audience Member:** Then a structure that is safe with the needs, but I know a lot of people cannot afford to build a concrete home.

**Chairwoman P. Fejeran:** Yeah

**Audience Speaker:** But at least a stable shelter and they with stand. Thank you.

**Chairwoman P. Fejeran:** Okay.

**Administrative Director:** If I may, I just wanted to point out on the handout that has the correct public law on it, if you refer to section 6.3, it says award of lease and lessee performance. According to this rule, the commission is supposed to determine whether the applicant is qualified to occupying, commence construction or use a residence. In that particular lease that they are applying for, so there is a criteria sir, that we do have to follow with regards to folks that might not have the ability to do so. So, if the commission does find that they may not have the ability to do so what we do is we work with Guam Housing Corporation, GHURA, right, and any program we try to connect them with a program, so we don't just issue them the property, property that cannot do anything with. So, we try to do, however, there is no mechanism to ask for verification of employment or financial statement to determine whether they are indeed able to do that. There are specific criteria in that section of approve loan or financing to construction, a contract between the applicant and the construction company. An equivalent evidence of the applicant's intent to build a residence, all those are very, anyone can do that. But not everybody has the



ability. So, you're right, I'm glad that your voicing this concern, this portion needs to be looked at, and perhaps strengthen so that we can prevent something like that from happening. A homeless Chamoru is a very bad thing to see. But what our goal here is not only to just issue the land, is to connect them to the agencies and we have been working very hard, at least I have, in the last forty days that I have been here. I've been working very to connect everyone that comes through here with an opportunity to build their own home, put infrastructure in and that's what I'm intending to do is I'm looking to get the utility agencies on board, what is their planning for how they are expanding into the island because they have their rate bases, is increasing. So, where are they building? If they are building in this area of Chamoru Land Trust, then let's work together, let's hold hands and identify those areas, and then identify the lands in those areas and issue leases to those so that construction can begin in earnest. But you're absolutely right and I just want to point out that there is some kind of mechanism that can address your concern. Okay.

**Chairwoman P. Fejeran:** We have another comment from Mr...

**Mr. Kosaka:** Hi again. Sorry again, sorry this is very important to me because I see a lot of concerns and most especially my pari, Angel Santos, that offered this. I encourage Chamoru Land Trust to reach out to the public/private partnership. There a lot of non-profit organizations out there that don't pay taxes that can donate, can assist, Habitat for Humanity, reach out to our partners. And let's get this rolling for our people. You know, going back to the prioritization, I don't think you can exclude that the one who has property because residential, I mean Agriculture is available to them as well. And they sign, they lined up maybe number twenty and wanted Agriculture. Maybe they didn't want Residential but wanted Agriculture. Why would you want to take that away from them? Maybe you can put them in another, split the brackets. For the lease, residential and agriculture.

**Chairwoman P. Fejeran:** So, you bring up a good point. The prioritization applies only to Residential applicants, right. So, like, in your case right, by the time it was time to get your lease, you owned property, right, you'd fallen down to priority two, we wouldn't be able to give you a lease. But because you said, "you know I really want to have an agricultural property." The Trust allowed you to move from a Residential applicant to the Agricultural applicant. And so, you were able to obtain a lease that way.

**Mr. Kosaka:** It's understood, so, back to 6.2, the awards of leases. So, a lot of our Chamorus are low income families, not putting down our brothers and sisters, but that's the reality. So, do we give them a property and have them take out a loan, it's not real for them so, I think we should look into, you know there are apartments for sale, about thirty units. Who's saying that the law cannot, the government cannot go out there purchase this thirty-unit apartment and lease it out to the applicant because one, the building has infrastructure, got power and water, now all they have to do is get hooked up to GHURA. And you know the income bracket, \*\*\*multiple conversations\*\*\*. You know the eight hundred some homeless and counting. I think that's one of the priorities to consider and I talked to a Mr. Hattig here along the campaign trail, one of the

questions I had was veterans. I have a program coming up and I will share it now that it's a reality for our veterans because Senator Terlaje is securing a lot of our veterans. The Veterans, so, we want to get a place for a veteran to call a place home. I want to donate and built these container homes for these guys, with help of the government would provide us a lot and we'll take care of the rest.

**Chairwoman P. Fejeran:** Thank you, Mr. Kosaka. So, here's my question, right. The current, the proposed changes that are listed here that are from our resolution gets right on this priority, prioritization for Residential. It gets rid of it, because everybody talking about go down the list, chronological order, why did that guy one ahead of me, that kind of thing. And so, if you get rid of this kind of prioritization, it gets rid of the cloudiness around it, however, I also know the Trust was set up to help those Chamorus whose lands was taken away generations ago, to put them on lands, so. The prioritization, as it's written in the law, would address that. In practice what it means though, because we have five thousand plus people on the Residential waiting list, and every day we get more landless Chamorus signing up. What it means is all of the landless Chamorus have to be satis...have to be given leases before we can reach this person, number three in line because he owns property. This is for Residential. But they will, have the option, to switch that to Agricultural and use it for Agricultural. So, my question is one, do we keep the priorities like this, with the understanding that if you're in the Residential line, and you own more than one acre, we'd probably never get to you in line, right. And two the next question is the priority is applied when? Is it when we signed up? Or is it when we get to your name on the list? If in the twenty-four years you've been able to do well for yourself then you go out and buy a property and we are ready to lease to you and we interview you and we find out, oh, you've now dropped down, I'm sorry, you're not in this line anymore, we've moved you over here. We have to get to the landless Chamoru first. So, those are things that the commission in the implementation of the current law has struggled with, when does this apply, do we, move people that have, in the last twenty-four years, have been able to buy property? When does this priority apply? Mr. Aguon.

**Mr. Aguon:** I don't have a question. Half acre is residential? Or is one acre residential? I'm confused.

**Administrative Director:** Oh no.

**Chairwoman P. Fejeran:** This is for owning property.

**Administrative Director:** Owning property prior is one acre, but the lease, the Residential lease is for half acre.

**Mr. Aguon:** Half acre is residential, and one acre is Agriculture.

**Administrative Director:** No, the Agricultural leases are different, it's based on what you're going to do, what kind of farming you're going to do.

**Mr. Aguon:** (inaudible) Priority list, right?

**Administrative Director:** There's no priority list for agricultural

**Mr. Aguon:** In the past, I was told half acre is the smallest you can have for Residential and in one acre and greater is agriculture.

**Administrative Director:** Right, right.

**Mr. Aguon:** There is no three-quarter, there is no one-quarter, it's half acre, one acre and greater.

**Administrative Director:** Yes.

**Mr. Aguon:** And it goes by half, five and a half, four and a half. So, what is it, half acre is Residential, and one acre is Agriculture?

**Administrative Director:** Or more.

**Mr. Aguon:** Yeah, but I mean one acre is Agriculture. What if your lease is Residential but Chamoru Land Trust didn't change it? And left it at Agriculture? Because like, I'll save this for, because we don't have much time.

**Chairwoman P. Fejeran:** Thank you. So, does the commission have any comments because our, last year we said, you know what this complicates it, we're just going to go chronologically down the line. But Mr. Kosaka mentioned there's eight hundred plus Chamorus out there that don't have, don't even have homes. Any comments about the prioritization? When it applies?

**Commissioner S. Techiara:** I feel that we should just stick with what we've decided to eradicate the priority list, so that we can get through the list, otherwise, we'd still be stick in ninety-five waiting list. When do we exhaust that? Seems that is the rigorous to the process. And now that we're in twenty nineteen, how do you correct something that existed in ninety-five, it made sense in ninety-four/ninety-five, but we are in twenty nineteen and the list continues to grow. So, I think what we have implemented here works towards solving that problem. And in a perfect world, everybody gets everything that they want, but doesn't it make sense to work through the list and get everybody a place right. Okay, because also, homeless is a priority, but shouldn't be everyone that is applying a priority?

**Chairwoman P. Fejeran:** Okay, I know for the administration would be a lot easier to have one Residential list rather than breaking it down to these other lists.

**Commissioner S. Techiara:** With, one, two, three, four, five, and then breaking it down to, one, two, three, I don't believe you would ever get out of having a waiting list. It makes it very impossible. It sets up challenges.

**Chairwoman P. Fejeran:** Right, because basically we never get to people in priority two or priority three. I am sorry to interrupt you. If this remains, this

Residential list is basically a list of applicants that are landless applicants that we would ever get to.

**Commissioner S. Techiara:** So, wouldn't it make sense if your poor and you line up and get serviced, but then to say that oh this person supersedes you, is a disservice, so, I believe that priority one, two, and three in twenty nineteen should really be looked at. And revised so that we can get through the list.

**Chairwoman P. Fejeran:** Removed?

**Commissioner S. Techiara:** Removed.

**\*\*\*multiple conversations\*\*\***

**Chairwoman P. Fejeran:** Can you state that? So, the staff, you know we are talking about maintaining the priority list or getting rid of the priority list. The staff like Mr. Kosaka's case right, he was residential, he fell down to priority two because of the intermingling years was able to buy property, is that right?

**Mr. Kosaka:** My wife had a property. We build a house and she gave me the house as a Christmas present.

**\*\*\*multiple conversations\*\*\***

**Chairwoman P. Fejeran:** His wife had a property. So, when his name came up, originally, he was landless, priority one. His name came up and then they found out okay you actually own property, so, we can't give you a Residential lease. But the staff allowed him to switch his application from Residential to Agricultural. So, then, he was still able to obtain a property, because Agricultural does not have this priority. Agricultural is supposed to be chronologically in line, right. So, if we keep the priorities, for, if we keep the priorities, we are basically saying, if you're landless, you will be awarded a Residential lease. If you own land, we'd probably won't get to you, you should switch to Agricultural. So, there's the relief valve for that.

**\*\*\*multiple conversations\*\*\***

**Chairwoman P. Fejeran:** Mr. Kosaka.

**Mr. Kosaka:** So, is the Guam Ancestral Lands Commission involve in these properties?

**Chairwoman P. Fejeran:** No.

**Mr. Kosaka:** A lot of the landless applicants on Guam have land that was taken away from them by the federal government and given back to the government of Guam. Now are any of these applicants apart of that?

**Commissioner A. Santos:** No, that's ancestral.

**Chairwoman P. Fejeran:** Maybe, I'm sure there's a lot of overlap.

**Administrative Director:** It's entirely possible that...

**Mr. Kosaka:** So, the priority that's going to be given to the people of Guam, I'm going to say the people of Guam, is that the lands were taken by the Federal Government and given back to the Government of Guam and should be given back to the ahh...and if it's not a part of the CLTC inventory then don't worry about it.

**Administrative Director:** Right. And I think that's the case, the case is that to prevent them from getting CLTC land and land that was taken away, they have to follow the claims process with the GALC

**Mr. Kosaka:** And it's great that they separate these functions because basically because of that. Because if they put apples and oranges together, it comes out kalamansi you know, and it doesn't mix. That's good that's there and thank you.

**Chairwoman P. Fejeran:** Another question that I just wanted to throw out there is what if somebody gets a lease right, they were landless, they get a lease, and then five years from now, they have got lots of property, we're not in the practice of taking away leases right? They got the lease, they have the lease, they maintain it.

**Administrative Director:** Right.

**Mr. Kosaka:** We should, the commission should come up with a memo or something because again the program is design for land for the landless, right. Now if you receive money and property from inheritance or, you know it doesn't make them landless anymore. They should move from that priority.

**Administrative Director:** Well, what we're thinking about is awarding the lease, you were landless at the time, but after the awarding of the lease, you came into property.

**Mr. Kosaka:** They don't have a beneficiary that it can be passed on, I think we should be able to take that land back because really the commission owns this land not the lessee. And I think you guys should have that authority, I mean because, how could it be fair that they have five acres plus this. They are going to be getting one, when mister so and so doesn't have a land yet. Just something to consider.

**\*\*\*multiple conversations\*\*\***

**Administrative Director:** We are not in the process of kicking people out.

**Chairwoman P. Fejeran:** So, there's two difficult spot, keep the priority, take out the priority and make it a simpler process, but then also there's always going to be people seeing wealthy land owning Chamorus from the nineteen

ninety-five waiting list that are awarded a property before, say a homeless person or somebody that's stuck renting a home. So, that's something the commission should really consider? Really think about what was the Trust set up for. While also respecting the fact that people on our waiting list have waiting twenty-four plus years. Okay.

**Administrative Director:** We have gone past our hour by twenty minutes, but that's...

**Chairwoman P. Fejeran:** Right. Can we have a short recess for ten minutes? We'll reconvene at two thirty.

**Chairwoman P. Fejeran:** We are running a little behind, we are still on Topic One. Are we set, Tina?

**Chairwoman P. Fejeran:** So, we talked a lot about the priorities and how it applies to Residential. Next, I wanted to look at section 6.2 (b). So, I'm sorry, what? Sorry these references are wrong on here.

**Administrative Director:** For Priority (b)?

**Chairwoman P. Fejeran:** 6.2 (b). Sorry, in our matrix 6.2 (b), the words following 6.2 (b), is actually 5.10. 5.10 (a). So, right now our waiting list is as old as our waiting list. Since nineteen ninety-five. And what the commission is proposing is to set a clear process on how we, I guess, work down the waiting list, and remove names on the waiting list. So, actually that should be 5... So, 5.10 (a), when the commission initiates action for award, written notice should be mailed by US Postal Service, First Class Priority mail. For all notices, the commission shall post twice, in a daily newspaper, or in general circulation in the Territory of Guam, a notice of intent to award for applicants listed. Notice of list to award shall simultaneously should issued to each village mayor, if the applicant does not respond to the notice, the commission shall remove applicant from the award list and the applicant must reapply as a new applicant. The applicant may appeal the commission's decision to remove their name from any award list, as provided in the administrative adjudication law. So, this section is saying, we are giving our applicants ninety days to respond, if they don't respond we are crossing them off our waiting list and we are moving on to the next person in line. The law as it is currently written, required us to use registered mail, and also gave the ninety calendar days. But this reduces the requirement to use US Postal Service First Class mail. Which the Trust believes our budget can handle, but, I guess can be tracked and hand delivered. So, this is giving us a way to handle our list, for people who are actually ready and contactable. Okay. And it also sets forth the process that properties are identified and say okay, we are ready to issue leases. What the commission will is look at the waiting list, say we have fifty properties ready for leasing. We look at the fifty people next in line, and we go through this process we mail them by first class mail. A Notice of Intent to Award, which tells them, hey we found, we have property for you, contact us. After the, we mailed them. Then we put the list twice in the daily newspaper. So, that they know, hey we

have land for you. I don't think that's been done before. Has that been done?  
A notice of intent to award. Just...

**Administrative Director:** Not in a long time, not in a long time.

**Chairwoman P. Fejeran:** Okay. Yeah so, that's what that section is.

**Administrative Director:** If I could bring the last sentence of 5.10(a). The administration adjudication law okay. It's extremely difficult for the staff to go down this road, any road that requires the triple a process.

**Chairwoman P. Fejeran:** Okay.

**Administrative Director:** Simply because, I am just saying it requires funding. It requires funding for hearing officers and the Attorney General last indicated the legal counsel is not a hearing officer. It would be really hard, any, decision we make that requires the Administration Adjudication law, is going to be very difficult, so, what we've been doing in practice from what saw is not availing ourselves, not going down this road even though this the way the law tells us to. We tried every effort to legally maintain our list. Number one; to legally maintain leases Number two; so, lease holders can maintain their land. This body has gone through so many different types of litigation to avoid any kind of hearing. It's had acreage reduction, non-punitive, a non-punitive memorandum, give warning after warning, after warning. So, I think that the Trust should really visit the applicability of this particular law or this particular point with triple a process because we wouldn't be able to go through it, we literally wouldn't be able to go through it without some kind of supplemental budget to do so.

**Chairwoman P. Fejeran:** Right.

**Administrative Director:** Without a memorandum of understanding from the AG that maybe the legal counsel can service as a hearing officer so that we can go through this process.

**Legal Counsel Toft:** We did contract with a hearing officer, so we do have one. Retained. \*unable to understand\*\*\*

**Administrative Director:** Was the commission. My understanding to is encumber that and we will talk about it in the budget process. We're just going to get bare bones next year and we won't have an opportunity to go down that road next year. On the bottom of no funds, unless we increase our commercial leasing which we're working with GEDA to do. This has ramifications here and all the changes we intend to make. In terms of litigations what we want to do moving forward is clearing the hundred and two. Because there are going to be some cases and I did bring it up with the legal counsel is we are going to have to terminate, we will not have a choice. According to the law we will have to do the triple a process after that. Unless we can a proposed, some kind of waiving. So, the lessee would waive their rights to the triple a process. Allowing us to move forward without litigation. You know for a termination. So,

just take consideration, I know this is just in other, especially this switching, the switching would be transferring then we can come up too

**Chairwoman P. Fejeran:** Okay. So, that statement about Administrative Adjudication Law, it's an original, right. The original law.

**Administrative Director:** Yes.

**Chairwoman P. Fejeran:** Current law.

**Administrative Director:** Yes.

**Chairwoman P. Fejeran:** Okay, moving on is... So, 6.2 (c), move the current, 6.2 (C)? prioritization let's go back to this. And it replaces it with the board of commissioners, approve a listing of eligible applicants, who have been duly notice, a lease will be prepared and processed. This lease shall be deemed ratified. So, again this speaks more towards process. A notice of intent is mailed out, published in the newspaper. These applicants come to us and say okay I want to receive that land. And then after the ninety days we'll list those that are ready to receive the lease, the commission will approve that list of applicants, and leases will be processed and issued.

**Director Hattig:** I just want to point out that according to the law each lease must be approved by the board. So, it might be advisable to include the language because, you can approve the... I can approve the applicant by law I'm supposed to in thirty days decide if their eligible or not. But the leases have to be approved by the board. And that's what kind of got us in trouble the last time was the director was approving leases and not bringing it to the board. So, if we can just include in this that leases will be prepared and processed but not without board approval. Because it just says, upon approval of these applicants. You can approve the applicant, but I'd really like you to approve the lease.

**Chairwoman P. Fejeran:** Right.

**Administrative Director:** And I can sign it.

**Chairwoman P. Fejeran:** Okay, let's see, next, the rules governing transferring and or switching application rights will be clearly identified. So, we're looking at 5.8 of the law. It is 5.8 (a) and new proposed 5.8 (b). 5.8 (b) proposed that we revise the title of section of transfer or switch of application rights. And recommend or we proposed that section 5.8 (a) be revised to what we see here. I believe let me see here. So, 5.8 (a) proposed to an applicant may name a qualified individual under the act, to include a qualified spouse, to succeed the applicant's right upon him or her death. Upon the death of an applicant, that was not designated a successor, the application rights may be succeeded by a qualified individual, within the third degree of consanguinity of the applicant as per the section, therefore. Okay, the previous law, specifically called out that the application can designate a husband, wife, children, widows or widowers of the brother or sister, nieces or nephews. Okay, it doesn't list the



brothers or sisters. Just talks about the widows and widowers. Okay, so, this makes a more complete picture of who can be designated as a successor of application rights? Does anyone know what that means for reference?

**Administrative Director:** The third degree?

**Chairwoman P. Fejeran:** Yeah.

**Legal Counsel Toft:** That's short for

**Chairwoman P. Fejeran:** Yeah, we have a chart, it was learning experience for me what that meant. Consanguinity. Basically, you are going down, your children, your grandchildren, right. Then your brothers and sisters, nieces and nephews.

**Administrative Director:** Anything after that, is past the consanguinity.

**Chairwoman P. Fejeran:** Mr. Kosaka.

**Mr. Kosaka:** You know that Guam identifies these certain ways of consanguinity and how to go down. I think the board should adopt a part of section there. Make it easier for you guys to pass on the property, I think the only thing here is if an individual wants a piece of property. The only way to pass along property is to their son, right? What if I am getting sick already and my son is taking care of me now. How do we switch that rule? What if I die or...?

**Chairwoman P. Fejeran:** The way the law is written is if you held the lease for seven years, you can transfer it

**Administrative Director:** You can transfer it.

**Chairwoman P. Fejeran:** Otherwise you can transfer to a beneficiary.

**Mr. Kosaka:** Yeah, the people of Guam

**Chairwoman P. Fejeran:** Yeah, we will look into the probate law.

**Mr. Kosaka:** You define specially the rules and figure this all out.

**Legal Counsel Toft:** Also, under the provision, the board can approve in an emergency to solve.

**Administrative Director:** Right, right.

**Chairwoman P. Fejeran:** Okay, oh thank you. Okay. Okay, so, moving on. In the absence of an applicant designating their successor in their application rights, the commission may designate in its absolute discretion a successor to include a qualified spouse, or qualified people within the third degree of consanguinity of the applicant to the application right of the deceased applicant.

Are there any changes here? No, I think it's just saying more specific. And two, allow an unqualified spouse to designate a child of the deceased application rights. Okay, there are no changes there.

**Audience Member:** I am sorry to bother you; you are so intense there. But when you say unqualified spouse, so that means somebody not of CHamoru Heritage.

**Administrative Director:** Correct.

**Chairwoman P. Fejeran:** Well I think

**Audience Member:** What if there is no child?

**Administrative Director:** The next qualified person.

**Audience Member:** An unqualified (inaudible)

**Chairwoman P. Fejeran:** A qualified means a CHamoru as define by the act. So, that's the qualified, so.

**Audience Member:** An unqualified, I am CHamoru but I you know the wife of the applicant but I'm. So, I'm unqualified through the priorities. So, I am a little confused between qualified and just that way. It's just confusing as I read it.

**Chairwoman P. Fejeran:** Okay, Thank you.

**Administrative Director:** Thank you

**Mr. Kosaka:** You can go two ways; one is the ineligibility on the Organic Act or two on the priority because you already have property. So, that would change the prior, so if you have children, you can give it to your children because you will never be qualified if you have property. Individuals because you don't meet that criteria based on the Organic Act.

**Audience Member:** That's the question, ineligibility and unqualified based on what? Is this for the people on the list?

**Chairwoman P. Fejeran:** The people on the list. So, unqualified spouse, that section there is from the original, the current law. So, nothing was changed yet. 5.8 too.

**Audience Member:** So, if spouse is unqualified

**Jhoana Bragg:** So the applicant or lessee designated their unqualified spouse as a their benefactor, he or she has kids, the lessee has a kid, but they are, say of age right, and because the husband and wife have a home together, maybe a mortgage, home loan on it, the kids are already of age, and they, because they are the qualified ones, our practice was you know, give it to the qualified individual. So, that displaces the spouse.

**Audience Speaker:** What if the spouse was the one who got the mortgage, what happens there?

**Administrative Director:**

**Chairwoman P. Fejeran:** I think that's the effect of our...

**Audience Speaker:** But I think that if the unqualified spouse has no children.

**Administrative Director:** And that's what the lawsuit is about. Also, that situation, yes. But the law is specific right now. That's why we're having this discussion, the law is very specific and that's what we have to follow.

**Chairwoman P. Fejeran:** And we're proposing no changes.

**Administrative Director:** Correct and no changes at this time.

**Chairwoman P. Fejeran:** At this time.

**Mr. Kosaka:** I think that prior to them receiving, we should have them sign a document that knowing my spouse is an unqualified applicant that when I die, she acknowledges that. Because if she doesn't, she won't have an understanding, hey I've been here for thirty years and we paid this house together. But if you have a document that is signed. If they don't know that then. There should be a letter of understanding. You don't qualify just because you're married to this qualified. Again, you tie that back to the probate law. Talks about spousal rights, and a lot of other things. They feel that it's unconstitutional because of that.

**Chairwoman P. Fejeran:** So, moving on is that section, the last section sentence is unchanged. Request of that succession shall be made to award if the applicant is deceased, otherwise the application shall be cancelled, and the applicant will be removed from the waiting list. I stand corrected, what we changed here was that, I guess the trigger for cancelling an application is ninety days from the intent to award. Which ties in with 5.10 we just went over.

**Administrative Director:** They have a hundred and eighty days.

**Chairwoman P. Fejeran:** A hundred and eighty days from the death of the applicant. So, we know that many of the successors to the applications don't even know they are the successors until even years later. Hundred eighty days, definitely passed the hundred eighty days. Okay, so this section here says, no, come tell us right away, but if we send the deceased notice of intent to award, then their successors have ninety days to get back to us or their application is cancelled. On 5.8 (b), So, this is a new section, that is proposed. 5.8 (b). An applicant may once in his or her lifetime, switch his or her application date and time rights, to a qualified individual from the third degree of consanguinity of the applicant under the act. The request to switch date and time shall be made to the commission in written form. The board of

commissioners shall consider the request, no other switching of the application rights shall be permitted, thereafter. Request for transfers or switches, may take place in an emergency, if the commission which makes the transfer or switch imperative. So, you know, last year we had a lot of, and we still have a lot of applicants that have transferred, giving application rights over to family members. That was found to be outside of the law. That administrative practice was found outside of the law. And this is the commission acknowledging that, that really all this time has passed, and the rights of an applicant maybe passed to their family. Right, so, their an applicant, right, this is dealing only with application rights. So, they can transfer and switch it to one person in their lifetime. So, does that mean if this one applicant can transfer or switch it to.

**Administrative Director:** Can't switch it

**Chairwoman P. Fejeran:** Can't switch it, so, there can be one, one place in line that changes hands like five times. Or is it the intent of the commission that can. One place in line, whoever lined up there can pass it up once. And it stays with that person.

**Mr. Kosaka:** They should put in years, maybe first-time cause there is no time limitation in switching, cause the brother switches off the brother and the brother again, but if they only know about these properties. You got to give them some ample time to build and use the land. Cause if they are just going to be passing on then. You know you got to really set a time frame.

**Chairwoman P. Fejeran:** I think initially, one place in line can actually, there can only be one transfer or switch.

**Mr. Kosaka:** In its entirety.

**Administrative Director:** I think the intent of the new, is both parties, is considered a one time, that's it for both parties. The way it's written, the applicant, you're talking about two applicants right. So, both parties, may only switch one time. That's it, so once they switch, that's it. This person can't switch again. This person can't switch again cause it's only one time in their lifetime.

**Chairwoman P. Fejeran:** Okay.

**Administrative Director:** So, each applicant, the onetime switch occurs for each applicant not just the one who wants to switch. See, versus the one they are switching to. To and from, right. So, both applicants, it would be applicable to them.

**Legal Counsel Toft:** The one problem to be made though.

**\*\*\*Multiple discussions\*\*\***

**Legal Counsel Toft:** Person A, is now the grandfather or grandmother, transfer to person B, grandson, and it takes that long for the list to go. And that person wants to transfer to their kids, you may want to allow. Like he said, it may benefit if they have a period of years before another switch can be made. Or something like that. It may not need to band to transfer, but just have a period of years.

**Chairwoman P. Fejeran:** Like the seven-year waiting period.

**Administrative Director:** And then the sentence that really is the lynch pinch, in the end, the commission can find that in an emergency exits, once again, the commission can allow the transfer.

**Legal Counsel Toft:** yeah

**Administrative Director:** so, there is a face.

**Chairwoman P. Fejeran:** Yes.

**Audience Member:** So, there's a regard that you can switch if your priority falls right. If they are eligible and qualify.

**Chairwoman P. Fejeran:** Right.

**Chairwoman P. Fejeran:** So, so your question is...

**Audience Member:** Who you transfer to

**Chairwoman P. Fejeran:** That makes that person priority. Like let's say that number three, you know, I've already got a home, I want to give it to my granddaughter who is landless. So, that makes him change to priority two to priority one. And I think that's what has been happening, that's why the switches were done over the past twenty years, I don't know twenty some years. Because that was happening to accommodate people. Okay. Okay, so, that's 5.8 (b). We need to maybe make some clarifications. Qualifies and what's needed. Okay. It's three o'clock, we have one more hour, if we can go through, Topic Two: Process for awarding leases. The first outcome and goal that was what we're looking at is that there is a clear workflow from application to lease award. To find the rule, which the commission adopts under a standard operating procedure. Okay. And the second goal or outcome, that qualifications for lease awards will be clearly identified. Maybe we need to, Ms. Rojas brought up a good point with that we use qualifications, qualified versus eligible. So, maybe that one should be eligible. Okay. Before we get going with that, I have the comments, sign in sheet. I see Mr. Celestial is not here anymore. Mr. Kosaka.

**Mr. Kosaka:** You know for the sake of time; I will just discuss mostly.

**Chairwoman P. Fejeran:** Thank you, and Mr. Quidachay again. I think he also left, right? Okay, so, we will keep going.

**Administrative Director:** Are we still on item two? Or Topic Two?

**Chairwoman P. Fejeran:** Topic Two.

**Chairwoman P. Fejeran:** Did you want to ask any questions or about awarding of leases? Or do you want first while we discuss the changes then? Okay. Actually, I have a question on awarding of leases.

**Chairwoman P. Fejeran:** Okay, thank you. So, topic two, this is the change of the Act itself. Section 75109 (a).

**Administrative Director:** That's actually going to be found in the GCA, right?

**Chairwoman P. Fejeran:** Yeah, that's in the GCA.

**Chairwoman P. Fejeran:** Unfortunately, we don't have the topic that is available for the public. Maybe we can, can we pull it up here? (television monitor). 75109 (a). So, this section here is succession to leases to lessees. Okay, again it, the way the Act is currently written, and I think it's really an oversight, it lists, husband and wife, children, and widows and widowers' brothers and sisters, nephews and nieces. So, it leaves out siblings, brothers and sisters. So, 75109 (a), would be revised to say that the lessee shall designate to a person who he or she has interest to best upon his or her death. In the absence of such a designation as approved by the commission, the commission shall select the relative of the lessee, one person within the third degree of consanguinity of the lessee. Who is qualified to be a lessee of CHamoru Homelands as a successor of the lessee's interest? Upon the death of the lessee, his or her, shall invest in the person selected. The commission may select such a successor, upon the death of the lessee and the rights of the use and occupancy made effective as of the date of death of such lessee. Any questions?

**Mr. Kosaka:** I know I'm going to, but consanguinity, again going back to that probate law. Maybe reference this part, you know I think that they don't deserve one, but I have a brother and sister, it's a part of the probate law that we should adopt this because it's supposed to be universal on ways to deal with properties here on island. The only difference here with the probate law is the qualification of the individual according to the Organic Act. That probate laws.

**Chairwoman P. Fejeran:** Okay, thank you sir, so, we have noted your comments about checking the probate law and then you know just like the public law 23-38, whatever changes proposed there, would also have to be mirrored here. Okay, so, topic two, the next section 5.1, 5.3, 5.4, 5.5, those there don't have any proposed changes. So, let's read them in the law. So, 5.1 talks about application form, okay, so the Residential and Agricultural form. 5.3 is the section and it talks about application processing. No changes are made there. And I just want to confirm there that the commission follows these, this part of the law to a tee. Right, applications are date stamped, time stamped, assigned a numerical designation, filed in the order received, there's a

processing fee of fifty dollars, there is the thirty days for qualification to be determined.

**Administrative Director:** Right.

**Chairwoman P. Fejeran:** It doesn't state who makes that determination.

**Administrative Director:** Actually, it actually states that the commission the director after thirty days makes that determination. Whether the applicant qualifies as an applicant.

**Chairwoman P. Fejeran:** So, it's application approval, checking for qualification at the Administrative level.

**Administrative Director:** Correct

**Chairwoman P. Fejeran:** Okay. Alright, so, then, number, 5.3 no changes, 5.4 Residential tract applications. Applications for Residential tract leases shall be made for one lot only. One island wide Residential application list must be maintained. No changes. Agricultural Tract Applications, it just says that the commission shall establish for those designated Agricultural Tracts. Okay, so, no changes there. Again, we are looking at 5.6 (c). 5.6 is a whole, 5.6 (C) would be changed, right? So, 5.6, we already went over 5.6 (a). Are we deleting 5.6 (b)?

**Commissioner S. Techiara:** I didn't realize we did.

**Chairwoman P. Fejeran:** I think we did. Hold on. Oh no, we are leaving 5.6 (b). Yeah, we're leaving 5.6 (b). Which says, in the event a new subdivision is open, applicants on the island wide waiting list shall be awarded according the rule 5.2. Which is the priorities?

**Mr. Kosaka:** So, the new development happening up in Yigo, Is that for elderly or the senior citizens? Or is that open to applicants to use.

**Chairwoman P. Fejeran:** I don't think that's on the list

**Mr. Kosaka:** I thought

**Chairwoman P. Fejeran:** That's not a Land Trust development.

**Administrative Director:** No.

**Mr. Kosaka:** Isn't, it part of GHURA? Or GHURA funded thing.

**Administrative Director:** That would GHURA

**Chairwoman P. Fejeran:** That would GHURA, yeah.

**Mr. Kosaka:** Okay, so, is there. Who makes it priority for them? Is Senior citizens or this or that?

**Chairwoman P. Fejran:** I don't know, that's a separate program

**Mr. Kosaka:** Maybe you should look to having these other agency build, because if they are looking for someone to rent these places, I think that's what it is. There's supposed to be available. If that's talking about new development, well, I think the inner agencies of the Government

**Administrative Director:** I think the issue there, Jeff, is that is not CLTC property, that doesn't belong to the CLTC. So, placing CLTC applicants onto non CLTC property is not possible. Or maybe we can work on some kind of swap.

**Mr. Kosaka:** That is

**Audience Member:** Was that land transferred from CLTC?

**Administrative Director:** I would have to check into that.

**Audience Speaker:** Check into it.

**Administrative Director:** I will.

**Chairwoman P. Fejran:** Was it? You guys know what he's talking about?

**Administrative Director:** I don't know on the top of my head.

**Chairwoman P.:** Yigo.

**Administrative Director:** I'll check.

**Audience Member:** *(inaudible)*

**Chairwoman P. Fejran:** Okay. So, I think, I just want to point out 5.6 (b), should be revisited at the same time that we revisit priorities because this references priorities. If we were. Oh wait. 6.2 yeah, if we're changing the way awards are made, without priorities we need to, oh no, if we change 6.2 then it references 5.6. That's all. Okay, 5.6c, this is where we made a change. So, an applicant receives a notice of intent to award, shall be able to decline twice, after a third notice of intent to award, an applicant's name shall be removed from the waiting list. Okay, right now, the law talks about an applicant who was awarded a lot, may decline a lot in two different villages, after declining a third award, applicant, shall be removed from the waiting list. What our revision is what defines when they decline. Cause right now, the current law, when is a lot awarded, is it when a lease is given? You know, when somebody has a lease, that's what is happening. Leases have been given to applicants. They come back to us a month later, a year later and say, I don't want this, give me another one. So, then we, according to the law we have to service them again. Work



with them again, get them a new property, get them on a new lease, and they can come back another time. And say, I don't want that either, give me, a new one, so. What our proposed change does is it says that the declining of lots can be done at the notice of intent to award stage. Okay.

**Legal Counsel Toft:** You also need to remove the

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** Oh yes, so also, village requirements are out so.

**Administrative Director:** Right. I want to also say, requirements, they are not allowed to decline a lease. Here it says decline an award. So, award would be clarified as intent to award. That's our, make sure that we clear that up before we, once a lease is signed, it's binding and there's no declination of a lease. Right, so, we want to make that clear for our applicants that haven't received leases yet. And once they signed the lease, it's entirely binding and there's no declination afterwards. Prior to when we show you the lot and you sign a notice of intent, that is sent out and we send it to you, then at that point, you can decline. But not after, not after you sign the lease.

**Chairwoman P. Fejeran:** Okay. Thank you, moving on 5.7 contract for award, applicant shall be considered for award, in the order the application was received by the commission. Provided that award first be made, according to their ranking on the island Residential or Agricultural waiting list. Okay, so this, this sections revision is tied to the other revision where we are getting rid of priority list. Okay, so, whichever decision we make, regarding priority we will have to look at this one. Okay, 5.9. Posting lessee award, commission shall post in every municipal Mayor's office and on the CLTC official website, the names, waiting list number, and dates and times of application, of all who were awarded leases, within two weeks after awards are made. In which shall be posted of sixty days. Okay. So, what our proposed changes does is we're keeping posting at the Mayor's office. And replacing in a publication of general circulation. We're replacing that with our website. We felt that it might be cost prohibited to constantly put out notices and.

**\*\*\*Multiple discussions\*\*\***

**Chairwoman P. Fejeran:** Okay, 5.10 (a).

**Administrative Director:** Oh, that's fine, I'm sorry.

**Chairwoman P. Fejeran:** Comment? 5.10 (a), an applicant for award, an applicant...an applicant for award, must notify the commission in written of change of address or any other information contained in application within fifteen calendar days of such changes.

**Administrative Director:** I think we moved the rest of it after that, we moved it to 6.2.

**Chairwoman P. Fejeran:** Okay. Our 5.10 (a)?

**Administrative Director:** Right. Well, I know it says "B" but there aren't any other.

**Chairwoman P. Fejeran:** Okay, so, 5.10(a), is found on page one.

**Administrative Director:** You see how the part, whenever the commission seeks action for award. Starting at that sentence, I believe we're trying to move it to actually awards at 6.2.

**Legal Counsel Toft:** I see.

**Administrative Director:** That way it's not.

**Chairwoman P. Fejeran:** Oh, that's what it was.

**Administrative Director:** From that point on we will want to move it to 6.2 move it to awarding.

**Chairwoman P. Fejeran:** Oh, okay. So, the whole talks about Notice of Intent to award, and they have to contact us, it's moved to the current.

**Administrative Director:** Into award.

**Chairwoman P. Fejeran:** Okay, okay.

**Administrative Director:** Awards

**Chairwoman P. Fejeran:** Okay, got it. So, 6.2, 5.10(a) really, they just have to make any changes.

**Administrative Director:** Changes.

**Chairwoman P. Fejeran:** Oh, got it. Okay, moving on 6.1 (a), whenever Residential Lots or units are available, the commission shall award leases to applicants who in the opinion of the commission who are qualified to perform the conditions of such leases. The commission's opinion of such applicants shall be based on criteria, such as provided in the Act. Okay. Oh, I think the change was added in the minutes. Right?

**Administrative Director:** Yes, because it used to be tracts.

**Chairwoman P. Fejeran:** Just tracts, right? Now, it's lots or units.

**Administrative Director:** Right, because tracts are large.

**Chairwoman P. Fejeran:** Large property

**Administrative Director:** Large parcel pieces

**Chairwoman P. Fejeran:** Okay. 6.1 (b), the lessee shall occupy and commence to use the lot, or unit, as his or her home within one year after the lease is executed.

**Administrative Director:** Change that from made to executed. Because the law had made. The word is, one year after the lease is made. So, we changed the word made to executed.

**Chairwoman P. Fejeran:** Executed. Umm...is there another law that came after this that extended that? Umm...that timeline?

**Administrative Director:** The only one I'm aware of is, if...

**Chairwoman P. Fejeran:** I think it's something the timeline you have like three years after infrastructure.

**Administrative Director:** Infrastructure available

**Chairwoman P. Fejeran:** Available. Do we want to make changes here?

**Administrative Director:** It's a separate public law.

**Jhoana Bragg:** Yeah, that one

**Chairwoman P. Fejeran:** It was amended right, so should we just add that amendment here?

**Administrative Director:** We should add that to the...

**Chairwoman P. Fejeran:** So, this should be, I think I found it. Plan extension for the initial use of Residential lease properties with the CHamoru Land Trust Commission, it says any individuals or family referred to, otherwise referred to the lessee, who leases property with CHamoru Land Trust Commission, through its Residential properties program, shall occupy and commence to use the tract as his or her home, no later than three following the availability and basic necessity infrastructure, ie, road, water, and power. This would be Public Law number 24-62. So, lets, we'll update

**Administrative Director:** Without sending any other to public law.

**Chairwoman P. Fejeran:** Okay, so, Okay, 6.1 (C), lot size for Residential lease shall be awarded, shall not be less than one-half acre, with no public sewer available or lot size for Residential lease shall be specified by zoning, environmental and administrative policies. Okay, so, what do we get rid of here? So, if it's less, if it's, no public sewer connection, cannot be less than half an acre. And that's because of the environmental concerns. Okay.

**\*\*\*Multiple discussions\*\*\***

**Administrative Director:** I think that's the only part changed.

**Chairwoman P. Fejeran:** But then...

**Administrative Director:** No public sewer.

**Chairwoman P. Fejeran:** We also took out, we took out, but neither case shall be more than one acre.

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** Okay, or lot size for residential tract lease shall be specified by zoning, environmental or administrative policy but in no circumstance may the area exceed one acre. So, we took out the maximum, we did, right?

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** I mean; oh wait, I think there's another public law though that references lot sizes. I know that was for Agriculture.

**Administrative Director:** That was for Agriculture

**Chairwoman P. Fejeran:** So, I guess I would ask, do we want to take out the maximum knowing we have such a limited supply. I mean it would be very irresponsible to give a Residential lease for 5 acres to one lessee knowing we have so many lessees out there.

**Mr. Kosaka:** I think I would just stick to one acre, makes it more available for everyone else

**Chairwoman P. Fejeran:** Okay, we'll look at it again about keeping that maximum in. Okay, so then 6.2b, this is our new, 6.2b again it talks about the process of Notice of Intent to Award sent via first class mail, published twice and then giving the applicants 90 days to respond. They don't respond, the commission shall remove the applicant from the award list and the applicant must reapply as a new applicant.

**Administrative Director:** I might want to ask about the published twice in the daily newspaper of the Notice of Intent. So, this is for each Notice of Intent or just for a list? Because as its written it says, a written notice shall be mailed for all notices. So, every time that we issue a notice for intent, I'm supposed to take out an ad in the paper? Twice, it says shall publish twice in the daily newspaper of general circulation, a notice of intent for applicants listed. That might be a little cost prohibitive in my opinion to do it every time we award. Imagine when we get over this hub and we start awarding on mats.

**Chairwoman P. Fejeran:** I think the way we would be doing it moving forward is like I said, 50 properties available and then we issue 50 NOIA and then those 50 names will be published.

**Administrative Director:** Okay, I'm just asking because the way it's written it say for all notices. So, I mean one could interpret that to meet all notices individually or all notices together as one.

**Chairwoman P. Fejeran:** Notice of the List of Intent to Award

**Administrative Director:** That would definitely be better

**Chairwoman P. Fejeran:** Okay, so then we'll just make sure that when we're talking about when publishing

**Administrative Director:** Publishing a list of those with the intent to award shall be

**Chairwoman P. Fejeran:** Notice of the List

**Administrative Director:** Yeah

**Chairwoman P. Fejeran:** Okay, thank you

**Administrative Director:** And did you want to quantify or qualify when, as to when is it going to be; do we have to do it right away or weekly, you know what I mean; is a weekly list or is it a monthly list, you know because, what if we process in a week, we process 5 and that's it and that's my list to publish for the week is 5, then the next week it's 10, or the next week, so do we want to make it a little more sizeable.

**Chairwoman P. Fejeran:** I think the way this would work is whenever the notices are mailed out but the 90 days doesn't start until the 2<sup>nd</sup> publishing so if you only publish once a month, then after the 2<sup>nd</sup> publishing then that starts the 90 days for everybody that was listed.

**Administrative Director:** Okay, so, am I clear to publish monthly?

**Chairwoman P. Fejeran:** Yeah, it would be at your discretion I guess, administratively

**Administrative Director:** As long as it's published twice

**Chairwoman P. Fejeran:** Yeah, as long as you publish it twice. You know I saw another one that we just went over that was talking about cancelling the application.

**Administrative Director:** Right

**Chairwoman P. Fejeran:** Do we want to keep that same language here rather than removing them from the list. It would cancel their, where was that

**Administrative Director:** It also says the applicant must reapply as a new applicant, I mean, well not necessarily; the other one was just cancelling it and that's it, there was no recourse after that, it was just cancelled, but this one specifically provides that they can reapply. So, they'll be put back on the list once they reapply.

**Chairwoman P. Fejeran:** Okay

**Administrative Director:** Yeah, so I don't know

**Mr. Kosaka:** Can I just make a suggestion on that, instead of; you know a lot of time and effort (*inaudible*).... put them at the bottom of the list and the last person that applied could've gone to the bottom. Kind of like when we go to school (*inaudible*)...give you an option like maybe you're not ready for it or whatever situation happens that couldn't get him to responding back or something...( *inaudible*) Having to redo all this stuff it's just a lot of, you know, it's just the government. You know I understand the need for us to be persistent a little more or respond accordingly but maybe put him at the bottom of the list.

**Administrative Director:** Also, I wanted to bring up when they reapply again, they have to pay the \$50 application fee one more time again so, that's something to consider

**Chairwoman P. Fejeran:** I think we also need to be more clear about removing the applicant not just from the award list but from the waiting list

**Administrative Director:** Right

**Chairwoman P. Fejeran:** Cause what we want to do here, we want to be able to clear out the list of people that aren't interested anymore or passed away and nobody interested. Right, so I guess, be more specific with the waiting list. Okay 6.2c, the Board of Commissioners shall approve a listing of eligible applicants who have been duly noticed and have accepted and are ready to be awarded a lease. Upon approval of these applicants, a lease shall be prepared and processed. These approved leases shall be deemed ratified. So, I think we already covered this one, in topic one. So, we'll just revisit this topic one. Okay, 6.3, Section 6.3, Award of Residential lease, lessee's performance. Section 6.3a, the Commission shall, whenever lots or units are available, enter into such a lease with any applicant who, in the opinion of the Commission, is qualified to perform the conditions of such lease. Sorry, next sentence is a recommendation.

**Administrative Director:** Yeah, that was my recommendation. I didn't think that was going to make it in.

**Chairwoman P. Fejeran:** So, this one we just changed tracts to lots or units, okay.

**Administrative Director:** With regards to that though, Madam Chair, sorry; just with regards to my suggestion since it's on the paper. It doesn't prohibit right,

correct me if I'm wrong Legal Counsel, but it doesn't prohibit the board from asking for anything more than what's here, 1 thru 4, on the existing B, 6.3b, approve loan financing, contract between applicant, equivalent evidence or approved evidence or of the intent and ability to fulfill, in particular number 4. We can ask them anything that falls under this right?

**Chairwoman P. Fejeran:** So, it gives us some

**Administrative Director:** So that's my recommendation is that we take advantage of this and answer to Mr. Francisco who came in earlier about qualification, financial qualification not necessarily eligibility under the law, under the act. But that's something that I think we should continue or start on that process, perhaps if I could be so bold as to a verification of employment, financial statements of any kind that would help the decision, that would help the commission make a decision on whether this lessee, this applicant should be awarded the lease

**Chairwoman P. Fejeran:** Okay, thank you. Moving on, 6.5 Agricultural Leases. Whenever Agricultural lots are available, the commission shall award agricultural leases to applicants who in the opinion of the commission are qualified to perform the condition of such leases. The commission's opinion as to the applicant's qualification shall be based on criteria specified in the act.

**Administrative Director:** Only consideration I would have is establishing an agricultural applicant as a bonified farmer or as a bonified agriculture after he's awarded. Not giving a prequalification or another qualification right, but maybe afterwards he would be enrolled in the Guam Farmer's Co-op or already connected to a farming apparatus like an organization that would be helping him or her to start farming, similar to residential applicants, we connect them with Guam Housing Corporation, so perhaps we can connect them with the Guam Farmer's Co-op Association that way they can register to become a bonified farmer because this helps the commission in this respect, in terms of compliance going out and finding out that the 20 acres that we gave Mr. Cruz or whoever is actually being farmed or actually being raised because they have bonified farmer credentials. So that's something for the trust I think to consider putting in their criteria is afterwards said lessee upon the granting of the lease shall be automatically enrolled or shall be considered for membership in the Guam Farmers Co-op Association

**Mr. Kosaka:** I think that's a good point Mr. Hattig because sometimes it talks about Agricultural Leases (inaudible)...but it doesn't specify in there about Department Agriculture (inaudible)...but it don't doesn't say there that we have to register.

**Chairwoman P. Fejeran:** Thank you. So, 6.5, the Lessee shall occupy and commence to use the lot to cultivate as his or her farm within one year after the Lease is executed

**Administrative Director:** Again, it was just changed from made to executed

**Chairwoman P. Fejeran:** 6.6, a residences shall be permitted on Agriculture Lease lots. Only one residence will be permitted per lessee on CHamoru homelands subject to the following conditions; and then that next sentence should be crossed out. Okay, so, the following conditions are one, the lessee has actively cultivated or developed at least two-thirds of the Agricultural lot at all times. And that just changed tract to lot. Two, would remain unchanged which would require approval from the commission and three remains unchanged conformance to all territorial zoning and building requirements. Okay. So, this; so, on Agricultural properties they're allowed once residence

**Administrative Director:** Yeah, I just suggested taking the first sentence out because it says, residences will be permitted and then it says only one residence per; so if we just take out the first sentence and say only one residence will be permitted and per lessee on CHamoru homelands subject to the following conditions or combine the two; combine the first sentence

**Chairwoman P. Fejeran:** Yeah

**Administrative Director:** With the second sentence and say only one residence shall be permitted on Agricultural lots pursuant to the following conditions

**Chairwoman P. Fejeran:** Okay. So, this kind of brings up; I don't think it was up there but I guess it's more on the nitty gritty details, but it's come up before about a married couple having one lease each. There's nothing in our rules that it's against that but it does say that the way the law is written, right, the way it's written it says only one resident will be permitted per lessee on CHamoru homeland, right? So, one lessee; it sounds like one lessee might have two leases, one residential, one agricultural. Do we have any lessees that have two leases?

**CLTC Staff:** Yes

**Chairwoman P. Fejeran:** We do?

**Administrative Director:** Because its...it's not prohibited.

**Chairwoman P. Fejeran:** It hasn't been prohibited.

**Mr. Kosaka:** I was prohibited by doing that. So, I had to give up my Residential lot. You know and I had a spouse; that's why can I just keep the Residential as well because I don't own the land, you know? Because you know I wasn't allowed to do it because I don't think you should allow (inaudible).

**Administrative Director:** Right

**Mr. Kosaka:** Most couples stay together. Now, maybe I can understand if they're illegally separated or whatever the law may interpret, but if they're saying they're sleeping in the same house then I don't think (inaudible). Because take Agriculture land from one (1) acre to twenty (20) acres and



people build a house and you guys have (inaudible)...and you can build a house. We have a residential and a house lot on a lease land, it's not fair.

**Administrative Director:** I think so, I think we have inconsistencies in the implication of this administratively. At least that's what we're seeing in Mr. Kosaka's case.

**Chairwoman P. Fejeran:** Yes

**Administrative Director:** And then with already acknowledging that we do have individuals that may have qualified for one residential lease and one agriculture lease.

**Chairwoman P. Fejeran:** So, this is not clearly spelled out in our goals. That one applicant can hold one lease and there's nothing in our rules about marriage, right? One marriage, two applicants, two leases or is it once you get married, you gotta; I know Mr. Aguon that was here, joined us earlier, he also had to give up his property because that was the interpretation

**Mr. Kosaka:** For the sake of argument, I would use my case as a (inaudible)...for my lease property. Otherwise I would've kept it.

**Administrative Director:** Sure

**Mr. Kosaka:** (inaudible response)

**Chairwoman P. Fejeran:** Okay.

**Administrative Director:** Glenn, did you have something?

**Glenn Eay:** Yeah, you know, from back in 6.6a where it says only one single residence, there's a difference between one single dwelling family, because you know, you can have multiple in one residence where they build extensions and they're all connected; so would it just be one family? That's what they're doing when we see it out there right now where it's just one house, but they keep extending, extending, extending and they have four (4) kids so it's no longer one residence, it's multiple.

**Administrative Director:** Thank you

**Mr. Kosaka:** Here's a recommendation for Agricultural lots. You get 20 acres right, so you have 5 kids, husband and wife and 5 kids, and you're in that one agriculture lot, right (inaudible)...the kids are grown up now and you know maybe a subdivision of that 20 lots can be tracked down to 5 or 4, 5 lots and now each of one those kids can have one lot because they invested their time and the plantation on the farm.

**Administrative Director:** I think it's up there. We actually put it up there too, subdivide; so, we'll take that into consideration

**Chairwoman P. Fejeran:** Alright, let's see, moving along, 6.6b. The Commission shall not be liable for expenses incurred by the Lessee for amenities brought to the lot. The Commission shall not provide nor be required to provide such amenities except as it may determine in the plan development of the plan (pause)...okay.

**Commissioner A. Duenas:** (inaudible discussion with Administrative Director) Changed it cuz we eliminated from the original from 6b?

**Administrative Director** Yeah.

**Commissioner A. Duenas:** Could we just change; that would be... (inaudible discussion with Administrative Director) ...that was b?

**Administrative Director:** That was c, now it's b. Yeah because we eliminated the original.

**Commissioner A. Duenas:** Change tract to lot? Same thing goes for 6 to 6c

**Chairwoman P. Fejeran:** It all moved up

**Administrative Director:** It all moved up. Everything moved up. Could you John, could you just highlight the one on the left. Madam Chair, that's what happened right there. You see 6.6b stricken completely and then if you scroll up, and then everything else moved up one

**Chairwoman P. Fejeran:** Ah, okay, thank you. So, what we've removed was; what did we remove?

**Administrative Director:** From lessee possessing a Residential tract lease can construct a residence on a Lessee's Agricultural tract providing if the Lessee complies

**Chairwoman P. Fejeran:** Okay so that's what spoke to my question of one applicant, one lease

**Administrative Director:** Yeah, Yeah

**Chairwoman P. Fejeran:** And by striking that we're making it clear that one applicant can only have one lease

**Administrative Director:** Right, right

**Chairwoman P. Fejeran:** Okay, that makes sense. Thank you for that clarification. So, 6.6c, upon cancellation, to render, or transfer of the Agricultural lot, the Lessee shall relinquish the entire lease hold interest including any resident therein built

**Administrative Director:** It's just changing tract to lot

**Chairwoman P. Fejeran:** Okay. Okay, Section 7.5, Transfer of Leases. Request for transfers will be conducted; considered for approval, sorry typo; considered for approval only if the Lessee has held such a lease for a period of at least 7 years unless the commission finds that an emergency does exist which makes the transfer imperative. A Lessee may transfer lease hold to a qualified spouse or qualified individual within the third degree of consanguinity. The Transferee must immediately occupy the residential lot or use or cultivate the Agricultural lot. Failure to occupy or use such lot within 60 days from the date of transfer shall constitute grounds for cancellation of such lease.

**Administrative Director:** Here we clarify, the Lessee may transfer to any individual who qualifies under the act. We actually made it to any qualified spouse or qualified individual within the third degree

**Chairwoman P. Fejeran:** Of consanguinity

**Administrative Director:** Yeah, so this one, the original in the current laws; the rules and regulations says anybody that qualifies under the act the Lessee may transfer, anybody. But in our proposed, its just anybody within the third degree that qualifies.

**Chairwoman P. Fejeran:** So then, with the act, I think the act would be amended too or did we already do that.

**Mr. Kosaka:** For clarification

**Chairwoman P. Fejeran:** Sorry just a second, because the act under that section we looked at earlier, okay, that's where we brought in the third degree of consanguinity to match the section now

**Administrative Director:** Right

**Chairwoman P. Fejeran:** Okay, got it.

**Administrative Director:** Okay, and then did you still want to do it

**Mr. Kosaka:** So, you know here on Guam we have a lot of step children, right, that we raised since they were babies and we fostered here or adoption or thru by marriage; it doesn't talk about in here about stuff like that, so, the Coby Law and stuff like that can be adopted instead of and that would make it fair for children that I've raised since they were little kids to be qualified for me to transfer my lease

**Chairwoman P. Fejeran:** Right, like the poksai kids and stuff. Well I think that would be

**Mr. Kosaka:** Well, like my case, I married; when I married, she have two kids and then I had foster kids that I raised thru; I had guardianship thru the court and they became 18 years of age but do they qualify as my kids to transfer this

**Chairwoman P. Fejeran:** I think would happen is, if you pass the 7 years you still have to request to transfer thru the Commission and the Commission could approve it; you come to us and tell your case

**Mr. Kosaka:** Because in consanguinity they talk about by blood, you know

**Administrative Director:** Right, and that's the essence of what Angel was trying to bring forward is the fact that it's CHamoru but we have to weigh heavily both, both arguments because what if you poksai'ed somebody that's not a Chamorro, right, I mean so, were getting into the essence of what the program is all about

**Mr. Kosaka:** Now they can make the law and put that, interpret that where it becomes fair for the couple to have that child that they raised thru a court order

**Audience Member:** Unless you're adopted

**Mr. Kosaka:** Adopted nai (*inaudible*)...I don't see anything here on this (*inaudible*)

*(inaudible discussion in the background)*

**Administrative Director:** Right

**Chairwoman P. Fejeran:** Okay. Thank you so then we move on to our second, B. And I'm going to change it to eligible or whatever; qualifications from lease award will be caught clearly identified and that's going to section 5.2 which we are not proposing any changes; 5.2 is the qualification of applicant, so they have to have document proof that the applicant is at least 18 years old, is a native CHamoru and is a native CHamoru as defined by the act, right. And then Section 6.7, talks about agricultural livestock and crops; go ahead, 6.7 there; no changes then. Wow were almost done here. Okay, moving on to topic 3, I have Mr. Kosaka

**Mr. Kosaka:** Again, for the sake of time

**Chairwoman P. Fejeran:** I appreciate it. And then Mr. Quidachay is also gone. Okay, Topic 3, greater transparency and accountability. Our goal is talking about the master database listing will be recorded with the dept of land management. Right now, 5.6d, the current rules say, on or before the 15<sup>th</sup> day of every month, a copy of the priority listing for the previous month as of the last day of the month shall be recorded at the dept of land management. We're proposing to change that to by the end of the 20<sup>th</sup> day of the end calendar year, a copy of the residential and agricultural redacted master database listing for the previous year shall be recorded at the dept of land management. Because recording is just a snapshot in time but puts it in a; it has it recorded at Land Management, we felt that once a year for the year previous was enough

**Administrative Director:** And the previous one, the fifteenth (15<sup>th</sup>) day of every month is really difficult, I don't think

**Chairwoman P. Fejeran:** We've ever done that

**Administrative Director:** In my forty (40) days, I've never, I'm sorry but I've never been able to do that, plus it says priority listing, it doesn't say waiting list or doesn't say master list, so I don't even know what a priority list is because we haven't even established a priority list.

**Chairwoman P. Fejeran:** Priority list, right, so, this is just saying at the end of the year we have to have it recorded and it's redacted because of the sensitive personal information is taken out. Okay, B, island wide residential and agricultural waiting list will be posted online and hard copies available at the Commission offices. 5.6b.

**Administrative Director:** It creates a new section or subsection

**Chairwoman P. Fejeran:** Okay, so this is new. Residential and Agricultural island wide waiting list shall be posted online and made available at the Commission offices. There you go.

**Administrative Director:** Easy. Self-explanatory.

**Chairwoman P. Fejeran:** So, and that wasn't in the rules before but now it's saying let's get it in there and make sure it's...

**Administrative Director:** It's part of our transparency

**Chairwoman P. Fejeran:** Okay for C, a listing of leases awarded to applicants will be posted at every municipal Mayor's office and on the CLTC official website, so we went over this already.

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** But this is Section 5.9, posting lessee awards

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** So instead of having to publish in a newspaper

**Administrative Director:** Yes

**Chairwoman P. Fejeran:** Instead were posting it on our website. And it shall remain posted for a period of 60 days. Okay. That's all we got thru this. Any final thoughts before I conclude? Yes?

**Administrative Director:** We have one, a concerned citizen is asking if they'll be able to plant marijuana on their CHamoru Land Trust property should the recreational marijuana law come to fruition

**Legal Counsel Toft:** (inaudible response) ... Problem is that because federal laws also apply in a lot of the CHamoru homeland where former federal (inaudible)...there's potential that those lands would be seized by the federal government so based on the AG's office, they said that is not allowed on CHamoru Land Trust properties

**Chairwoman P. Fejeran:** The Commission, I remember when this first came out. The Commission decided back then that this is medicine, a natural medicine, and we voted, I think we made a resolution or something. In fact, that we would allow it, the Commission would allow it. And then this is first I've heard of it. I haven't seen anything in writing from the Attorney General about our decision.

**Legal Counsel Toft:** Alright

**Chairwoman P. Fejeran:** So yeah. The commission wanted to allow it.

**Administrative Director:** Yeah and then secondly if there could be any determination as to what Federal Land was given back and turned over to the trust and sequester that land and say on that land there can be no marijuana but on land that was Government of Guam land

**Legal Counsel Toft:** Let me find you something

**Chairwoman P. Fejeran:** Okay, yeah, thank you. Yeah cause, I guess the former director mentioned it that I said; it was never brought to the commission after our decision was made

**Legal Counsel Toft:** Okay

**Administrative Director:** Cause I know commercial leasing of agricultural land is now going to be inclusive of that and we're a year out from the cannabis control board being created but we wanna have something in place should; I mean we're going thru this process of, we might as well, you know, kind of hit it off the pass, you know, while it's out here, but for consideration for the Commission to consider because we already have applicants asking questions or you know lessees asking questions about; hey I wanna grow marijuana on my land and I wanna sell it; I wanna make my subsistence; it's a legitimate question now that the bill has been signed or going to be signed

**Legal Counsel Toft:** It just was

**Administrative Director:** It just was

**Chairwoman P. Fejeran:** Alright, okay. Well this concludes our working session. Thank you everybody that participated. I think we got a lot of feedback and some real sticking points that I think we really have to think about and revisit as a commission and working with our beneficiaries and our staff to make sure that what were proposing makes sense for all of us and gets us to our vision.

**Audience Member:** If I could just ask, I forgot to ask this question

**Chairwoman P. Fejeran:** Oh yeah, sure

**Audience Member:** So, my father has to sign over a new contract, new lease because of the lot beside us. They had issued a first lot numbers and it was odd, I guess it was wrong jurisdiction and stuff; as soon as given a new lease agreement, so that new lease starts fresh again; I think he was Lot 199 and they said no that's in a different area

**Chairwoman P. Fejeran:** I think that would be a lease Addendum so, am I right?

**Administrative Director:** It would be a correction

**Chairwoman P. Fejeran:** It would just be a Lease Addendum changing lot description

**Administrative Director:** Correct

**Chairwoman P. Fejeran:** And then the lease start date would be the same; yes, wouldn't change

**Administrative Director:** And just a continuation

**Chairwoman P. Fejeran:** Okay thank you, we'll have a seven-minute recess and we'll reconvene for our meeting