



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

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

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 400 Fax: 649-5383

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning
Thursday, June 6, 2019, 1:05 p.m. – 5:27 p.m.

Public Notice: The *Guam Daily Post* on May 30, 2019 and June 4, 2019

CALL TO ORDER:

Chairwoman Pika Fejeran: Okay...Hafa Adai, I would like to call this CHamoru Land Trust Meeting to order. This meeting's public notice was provided in the *Guam Daily Post* on May 30th and June 4th.

ROLL CALL:

Chairwoman Pika Fejeran: I'd like to do Roll Call, Tan Amanda Santos, Commissioner

Commissioner Santos: Here

Chairwoman Pika Fejeran: Shawntel Techaira, Commissioner

Commissioner Techaira: Here

Chairwoman Pika Fejeran: Legal Counsel Nicolas Toft

Legal Counsel Nicolas Toft: Here

Chairwoman Pika Fejeran: And I'm present, Pika Fejeran, Chairperson

Chairwoman Pika Fejeran: Absent today is Vice Chairman Joseph Cruz and Commissioner Austin Duenas also our Administrative Director Jack Hattig is absent okay but um, we do have quorum today so I'd like to continue with the meeting.

Thank you everybody for being here. Um before we continue on with our agenda, I'd like us all to rise and cite the Inefresi.

ALL: Citing the Inefresi

Chairwoman Pika Fejeran: Biba CHamoru!

All: Biba!

Chairwoman Pika Fejeran: Okay, thank you all for being here. Um, we got a full house. First, some housekeeping matters, I believe the agendas have been provided and Public Comment Sign In sheets is there if you'd like to provide comment. Um, our Public

Comment period would come after we've gone through the agenda, Approval of Minutes, New Business, Old Business and Financial Report; so we're estimating at 4PM.

Um, is there anybody here to provide public comment that is not on the agenda? Any of their cases? You are, okay. Alright.

APPROVAL OF MINUTES:

Chairwoman Pika Fejeran: Okay, so moving down the agenda, Approval of Minutes.

The Commission was provided with um minutes from our April 4th Working Session along with our April 4th Regular Meeting.

Um, I've only had the chance to review the regular meeting minutes...um...but Commissioner Techaira requested that we table this pending further review. Um... I did want to thank the staff and whoever put together the minutes. I like the format of verbatim rather than in summary form um... so how does the Commission feel? Because before it use to be verbatim, like what everyone said is typed out and then it switched to summary form where it was like a summary of whatever they said which got to be cumbersome. What are your feelings?

Commissioner Santos: Yeah

Commissioner Techaira: It should be

Chairwoman Pika Fejeran: Is it easier for you guys? Verbatim?

Land Agent I Tina Jocson: Verbatim? Yes it is.

Chairwoman Pika Fejeran: It is right? Yeah, I think it's easier because then you're just listening and typing versus trying summarize the discussion. Okay so, I'd like to switch back to um... verbatim. We'll table the minutes until the next meeting. I also wanted to make sure...I've been communicating with the Director preparing for this meeting um...that notes will be taken during the meeting and digitize and released as a Director's Report. So are you guys going to be having that? So...I know we had previously been talking about um...having an abstract of the meeting that we can release prior to approval of minutes and it got a little problematic with you know...the approval of it by the Commission. So um...Nick, can I just get your um...advice if we um...have the Director, in lieu of the Director today, the staff write notes...basically um...just recording the motions made and then the follow on actions that the Director or the staff have to take. If they can write those notes up, digitize it and then um...I'm hoping within 24 hours of our Commission Meeting they would be able to post it on our website and release it to interested parties.

Legal Counsel Toft: Yeah

Chairwoman Pika Fejeran: Does that work and if it's titled as a Director's Report?

Legal Counsel Toft: Yes

Chairwoman Pika Fejeran: Okay...alright awesome.

Um...what I'm hoping that will do is give all our beneficiaries that are not here today or everybody at the legislature, they'd have something in hand as a Director's Report kind of summarizing our Commission Meetings. Okay.

NEW BUSINESS:

Chairwoman Pika Fejeran: Okay going down um...New Business, we have Constituent Matters. For the Constituent Matters that I have is... in our packet is Joseph Terlaje Cruz. Can we have the file please? Is Mr. Cruz present today? Okay, thank you.
Hi Hafa Adai, if you could state your name for the record, both of you.

Joseph Terlaje Cruz: I'm Joseph Terlaje Cruz

Chairwoman Pika Fejeran: Hafa Adai Sir.

Land Agent Tina Jocson: Jho, can you turn it on?

Joseph Terlaje Cruz: I am Joseph Terlaje Cruz

Chairwoman Pika Fejeran: Hafa Adai Sir.

Land Agent II Jhoana Casem Bragg: I am Jhoana Casem Bragg um... Land Agent II.

Chairwoman Pika Fejeran: Okay

Land Agent II Jhoana Casem Bragg: So...before you, we have Mr. Joseph Terlaje Cruz um...in front of you we have the facts location on a portion of Lot 10122, Dededo along Flores Rosa Street. Um, lot size none at the moment, we don't have a lease under Mr. Cruz and it is not surveyed at the moment and his request is for an agricultural lease issuance. Um, Mr. Cruz is a pre-occupier under 764 Swamp Road Astumbo, Dededo, under LUP No. 3823 and he is a priority one with an application date and time of April 3, 2000 at 3:14 p.m. and application no. 05326. Um, things that were submitted are his Mayor's Verification indicating his occupancy since August of 2001 and he did provide the office with a water bill for reference and he appeared before the Board requesting for a UT um...on May 16, 2019.

As of our findings, um...his Mayor's Verification indicates time of occupancy started August 2001 to present, which was submitted to our office in 2015; no inspection has been conducted since June 2015 when he came to office for a follow up. Um... and the CLTC Staff recommend for the Board to review to determine issuance of an agriculture lease status of Mr. Joseph Terlaje Cruz.

Chairwoman Pika Fejeran: Um, I have a question, um... there is a Land Use Permit which would I guess, the act would consider him a pre-occupier, right...because of the Land Use Permit but I see that the Land Use Permit is under a Manuel Cruz? Is that your father?

Joseph Terlaje Cruz: Yes Ma'am. He took the back side of where my property is at and when he died, I passed on all that property to the rest of my brothers and I took the front side to where I'm residing at right now. I estimate about hundred and fifty by three hundred (150 x 300) is where I'm residing at right now. Ahh...the rest of my brothers, my nephews are taking the back side which I turned over to them and told them, up to them how they going to divide it amongst them. Originally I took the front side Ma'am because there has been several stolen vehicles that were parked in the back side coming in from La Familia. I closed the road though, I reported one car to

GPD, they pulled out more than 15 cars which I didn't even see and they were all stolen from the Port. So I shut the road down going to the back of La Familia.

Chairwoman Pika Fejeran: Okay.

Joseph Terlaje Cruz: From my understanding Ma'am, the original property that my father took was almost four hundred feet by almost 1000 (400ft. X 1000ft.) so I left all of that for my brothers to divide it amongst themselves and my nephews and I took the front part on Swamp Road to assure that nothing goes wrong again in the back the way the previous (inaudible). If anything happens, it's a one way street, I shut the road down until I can find out what's going on.

Chairwoman Pika Fejeran: Okay. Um... I do see there's some documentation requesting that your rights to the property be transferred to your daughter?

Joseph Terlaje Cruz: Ahh...my daughter passed away a year and a half ago Ma'am and I question my son about it and he's in Florida doing good right now... (Inaudible) he's one of the top air con specialist for a big company in Florida...so... I do have nieces and nephews that I will do a Deed of Gift, in case I pass away and I will put it in a Last Will and Testament.

Chairwoman Pika Fejeran: Well for this property, um you would be the lease holder so you wouldn't be able to give them a Deed of Gift but...

Joseph Terlaje Cruz: Until I (inaudible)

Chairwoman Pika Fejeran: Right...so you would list them as your beneficiary

Joseph Terlaje Cruz: Beneficiary...okay. I still have to let them show me that they are worthy of the property because I can turn it over to (inaudible).

Chairwoman Pika Fejeran: Okay...so um...the

Commissioner Santos: Is it Arruendo?

Chairwoman Pika Fejeran: Well it's a...well the whole thing sounds like the whole property was your father's Land Use Permit. Um, but your...

Joseph Terlaje Cruz: Except for the front part where I'm residing at right now. I...ahh...spoke to one of the Land Management people and they told me to take what's left in the front and that's where my application went. I've been out there since 1976 Ma'am.

Commissioner Santos: Arruendo no Pika.

Joseph Terlaje Cruz: It was Arruendo

Chairwoman Pika Fejeran: Mhm...okay...um lets...I just wanted to pass this to Legal Counsel because um they do have the Land Use Permit which would fall under pre-occupier status, does that take precedence over the Mayor's Verification saying he's only been there since 2001.

Legal Counsel Toft: Yeah, you just need proof that he was there... I mean either one works good. It's not that one trumps the other necessarily, it's because you need proof of occupation as of 1995. So if he has the one (inaudible) that's fine.

Chairwoman Pika Fejeran: Okay.

Joseph Terlaje Cruz: Ma'am I've been occupying my father's Arruendo since I was 16. Only reason, when I got married in '86 I took the front part and the rest I left for my family.

Chairwoman Pika Fejeran: Okay...and then...um let's see...so Commissioner Santos would like an inspection done. Was the Utility Authorization never um...provided?

Land Agent II Jhoana Casem Bragg: No

Chairwoman Pika Fejeran: Okay so um does the Commission have any questions. What we're considering in issuing is um an agricultural lease based on his pre-occupant status. Um, the lease would be issued, um, I guess we would just give the portion of and then subject to survey and then once the lease is issued um...then we'll...we'll be able to give a Utility Authorization right? Survey Authorization and Utility Authorization?

Land Agent II Jhoana Casem Bragg: You have to complete a scheme um... because his area hasn't been schemed out. So we would have to work with Survey Division to create a scheme and then from there we would present it to Survey Division and also with Planning and from there signatures and we can give it to Mr. Cruz so that he can go ahead and proceed with his survey.

Chairwoman Pika Fejeran: Okay. Um...and the lease?

Land Agent II Jhoana Casem Bragg: The lease can be issued and then it will just indicate subject to survey um, so after the lease is done then we can go ahead and um...see if we could do the utility, however, it's dependent on the utility companies, again whether they would accept that without a survey done.

Chairwoman Pika Fejeran: Okay. Well um...question

Commissioner Techaira: How is it portion of subject to survey?

Land Agent II Jhoana Casem Bragg: The area hasn't been schemed so...

Commissioner Techaira: Yeah so then...

Chairwoman Pika Fejeran: So then if we do a lease, we would um...scheme it out first, right?

Land Agent II Jhoana Casem Bragg: We would scheme it out first yeah...

Commissioner Techaira: Why would it say portion of lot if he's going to have to survey? A portion of what? Like any...

Chairwoman Pika Fejeran: Well they would scheme it out

Land Agent II Jhoana Casem Bragg: The subject lot, the subject lot is basic lot...yeah.

Chairwoman Pika Fejeran: So they would scheme it out so that it has um...um... a more exact lot description right but it hasn't been verified by survey. So then they would issue the lease based on the scheme description and then subject to survey.

Land Agent II Jhoana Casem Bragg: Yes

Chairwoman Pika Fejeran: Okay

Land Agent II Jhoana Casem Bragg: We're still working with the Utility Companies to see whether or not temporary UT can be issued but again that is based on their requirement for a lease and a survey and that came from the Utility Companies.

Chairwoman Pika Fejeran: That it has to have a survey?

Land Agent II Jhoana Casem Bragg: Um...yes.

Chairwoman Pika Fejeran: So a schemed lot description....well let's see....let's just use the schemed lot description on the lease so that we can issue a Utility Authorization...right.

Commissioner Santos: How big is the land?

Chairwoman Pika Fejeran: Um...it would be...less than half acre? Is that what we're looking at?

Commissioner Santos: The way they describe it not a...acre

Joseph Terlaje Cruz: (inaudible) I planted so many trees and stuff, I cleared the property, so I can't even hold the hundred and fifteen by three hundred (115 X 300) it'll save me from all the stuff I planted, I planted so many fruit trees and stuff and if I'm going to get anything smaller I will lose everything that's there. There's (inaudible) on that property where I can plant, I had agriculture come out and tell me it's hard because it's all gravel. When I plant something I got to dig a hole put dirt in it and plant.

Chairwoman Pika Fejeran: And you've done that?

Joseph Terlaje Cruz: Yes Ma'am.

Chairwoman Pika Fejeran: Okay

Joseph Terlaje Cruz: I have more than 20 calamansi trees in front but Ponsonga and Chata'an took down after ten years. I took a major lost on that. (Inaudible) after everything I've planted, typhoon took it out and uprooted it and surface (inaudible) there goes all the gravel underneath. I am trying so much to get truckloads of dirt but it's costing me too much.

Chairwoman Pika Fejeran: So what is the... how big is the property that he's requesting that has the planting?

Joseph Terlaje Cruz: I... I measure between Dela Cruz and the road going in a hundred and fifteen feet by three hundred (115ft. X 300ft.)

Chairwoman Pika Fejeran: And what is that in terms of acreage?

Joseph Terlaje Cruz: It's not wide but it's long

Land Administrator Margarita Borja: Based on the dimensions that he's asking for, it's about an acre.

Chairwoman Pika Fejeran: Well... I think... we have to scheme it out and then...

Land Administrator Margarita Borja: Well what we could do is go out there and do an inspection and identify the perimeters of what he's utilizing and bring it back to the Board and see it might be half, it might be an acre...we don't know.

Chairwoman Pika Fejeran: Okay. Um, if he's a pre-occupier um are we still bound by the half acre from the law or this is basically just validating a pre-occupier status on their property?

Legal Counsel Toft: We'd be validating (inaudible)

Chairwoman Pika Fejeran: Okay so then we would be able to ensure that he gets the entire property that he's been farming because of the pre-occupier status? Okay. Okay so let's um... just so we're clear, um... we would be... we're considering issuing a lease based on Mr. Cruz's pre-occupier status at um... 764 Swamp Road in Astumbo Dededo they exact property which is a portion of lot 10122 is to be determined based on um...a site inspection...ah...site inspection and then based on the site inspection GPS information um... the next step would be to scheme it out to get a proper lot description and then issue the lease based on that lot description and then survey and utility authorization.

Land Agent II Jhoana Casem Bragg: Yes.

Chairwoman Pika Fejeran: Okay.

Commissioner Santos: Inaudible...so he'll still going to continue farming?

Chairwoman Pika Fejeran: Yes. Yeah.

Land Agent II Jhoana Casem Bragg: I'm sorry, he's on a portion of 10120.

Chairwoman Pika Fejeran: Oh 10120 not 10122?

Land Agent II Jhoana Casem Bragg: Yes. Error.

Chairwoman Pika Fejeran: 10120. Okay well um, I believe our review shows that he's um...wait... Sorry, the staff report says part of Null and Void listing? Yeah...but um...it's because... I guess they did switch but his daughter passed away so he still holds application...okay... so he's not a part of the Null and Void listing. Okay.

Commissioner Techaira: So (inaudible) to vote on this?

Chairwoman Pika Fejeran: Yes we need a motion.

Commissioner Techaira: For um... (Inaudible) Utility Authorization?

Chairwoman Pika Fejeran: Um to issue a lease based on the site inspection and scheme and based on his pre-occupancy status.

Commissioner Techaira: Motion to issue lease for Mr. Jose Terlaje Cruz based on site inspection and pre-occupier status for portion of lot L10120 Dededo.

Commissioner Santos: I second it

Chairwoman Pika Fejeran: Motion made and seconded um further discussions?
None. Okay um... sorry I just wanted to clarify the applicant's name is Joseph Terlaje Cruz not Jose.

Commissioner Techaira: Did I say Jose?

Chairwoman Pika Fejeran: You said Jose. Okay um... we accept that motion with that correction.

Commissioner Techaira: So I'll revise my motion um... motion to issue lease for Joseph Terlaje Cruz based on site inspection and pre-occupier status for a portion of Lot L10120 Dededo.

Commissioner Santos: I second it.

Land Agent I Tina Jocson: What about the scheme?

Chairwoman Pika Fejeran: Yeah, the site inspection would inform the scheme right?
Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it.
Okay Mr. Cruz.

Joseph Terlaje Cruz: Thank you very much

Chairwoman Pika Fejeran: Thank you sir.
So the staff will be out to your property and we'll get you that Utility Authorization and the lease.
Thank you for your patience.

Joseph Terlaje Cruz: Thank you.

Chairwoman Pika Fejeran: Next under New Business, Constituent Matters is a Tomasa Taimanglo Treltas.
Do we have a Ms. Treltas here with us today? No okay um... who's presenting?

Hi John. Yeah so we could here you on the microphone. Please state your name for the record.

Land Agent I John Gumataotao: Buenas yan Hafa adai, my name is John Gumataotao I'm a Land Agent with CHamoru Land Trust.

Chairwoman Pika Fejeran: Thank you.

Land Agent I John Gumataotao: Actually with um... Ms. Treltas...she's currently occupying a government land but if you take a look at the screen over there ah... so where the curser is at is the area that they're currently occupying that's ah... I'm not a hundred percent sure but I believe its unregistered government land.

Chairwoman Pika Fejeran: Ahh.

Land Agent I John Gumataotao: So...ah... it's the Commission's directive I guess if they want to continue to occupy that portion of unregistered land and you know...in hopes the Government will register it in the future. Or we try and accommodate a relocation but...

Chairwoman Pika Fejeran: It looks like they have a home there.

Land Agent I John Gumataotao: They have a make shift ah...it's like an old container. So they're actually trying to use their father's Land Use Permit.

Chairwoman Pika Fejeran: Okay...so... the original applicant is Ms. Tomasa. Um, she's using her father's Land Use Permit as validation for preoccupancy status?

Land Agent I John Gumataotao: Correct.

Commissioner Santos: Is the father alive?

Chairwoman Pika Fejeran: Is the father alive....he is? Oh, he's deceased. Yeah, he's deceased... just trying to find the...

Land Agent I John Gumataotao: So Ms. Treltas is actually requesting for a Utility Authorization in lieu of an actual lease. Not sure if ah...the Utility Agencies are going to allow for accommodating temporary type of authorization.

Chairwoman Pika Fejeran: Okay.

Land Agent I John Gumataotao: And if it is... the Commission considers issuing a temporary authorization of utilities then ahh... can we have the Administrative Director be able to sign off on these?

Commissioner Techaira: Is there power and water there right now?

Land Agent I John Gumataotao: No

Chairwoman Pika Fejeran: It looks like they're getting power and water from their relative right nearby?

Land Agent I John Gumatoato: Yes

Chairwoman Pika Fejeran: Okay. So the applicant is a 1995 applicant um but they do have preoccupancy status of a Land Use Permit. Ah...um I know this is not the first person to by occupying unregistered property, um...Legal Counsel, is it um...Commission is prohibited from issuing leases for unregistered properties?

Legal Counsel Toft: (inaudible)

Chairwoman Pika Fejeran: Okay however, we do know and have to admit that she is living there um...so how can we...is there some kind of authorization that we can give maybe um...

Legal Counsel Toft: You could still give a utility authorization but just can't issue a lease.

Commissioner Santos: Yeah

Chairwoman Pika Fejeran: a lease?

Legal Counsel Toft: We can't...under the Arruendo issue, we can't evict them either so... that's where it hits the weird gray zone that we have to...

Commissioner Techaira: But how does the utility company hook up the utilities without a lease? They need that right? Or some kind of document?

Chairwoman Pika Fejeran: Yeah they do. So is there some kind of document we can prepare saying that the property is unregistered, we're working to get it registered, in the interim the Land Trust authorizes Ms. Treltas to occupy?

Legal Counsel Toft: I mean we could use something like that, the question is; whether GWA GPA recognizes it.

Commissioner Santos: Yeah they could

Chairwoman Pika Fejeran: Yeah. I mean um... I would be... I mean we....I'm seeing requests for utilities since 2002, 17 years later still no utilities. Um if the land was registered, we would be able to provide a lease but because it's unregistered, we can't so we have to try to um...

Commissioner Techaira: So we're just going to issue an authorization?

Commissioner Santos: Yeah authorization

Chairwoman Pika Fejeran: Yeah I think maybe we can provide a document authorizing occupancy and um...lease pending registration of the property and then um with that document also provide the utility authorization and see how that goes with the utility agencies.

Legal Counsel Toft: And also make a note to the Executive Director as well the plot of land to be put on the list to be registered so that it's on our radar as well.

Chairwoman Pika Fejeran: Mr. Gumataotao

Land Agent I John Gumataotao: If I may, ah... as care takers of Government land, I believe that we'll be doing an injustice not only to the Government but to these occupants as we allow them to continue to occupy unregistered land. It would create ah...an imbalance, I guess or in the future when we start to register these properties...

Legal Counsel Toft: But we can't evict them either

Land Agent I John Gumataotao: We could always provide an option to relocate

Legal Counsel Toft: We could, but that's their decision

Land Agent I John Gumataotao: I just thought I'd share that

Commissioner Santos: How big is the land?

Chairwoman Pika Fejeran: um... the land

Legal Counsel Toft: (inaudible) you could see four different structures in that picture alone. And that's not even the top half of the picture... (Inaudible) it may be more. It looks like maybe it's a half acre. So I don't think... once it gets registered, the parceling would be... (Inaudible)

Chairwoman Pika Fejeran: You know, Guam maybe the only place in America that is still registering property...right? I mean...

Legal Counsel Toft: I mean we're in a unique situation though and that our history with the U.S. is lot more (inaudible) and we have a Spanish system that switched over to the U.S. system that switched over to what's called the Torrance system in the '50s and that's (inaudible) which is (inaudible) in the U.S. so the Torrance system is a central repository for Department of Land Management that has all the land records and is the official caretaker versus in the states, it's very decentralized, people have deeds and there's no central caretaker for just who ever has a deed that controls gets the property. So... it has its benefits and draw backs. Ideally in the Torrance system you would want it to have a lot of land registered early so that you don't have the problems that we're running into now. And what we're running into it now on our end is that so much Gov Guam property remains unregistered and to get a piece of property registered takes... ah... our records people have to identify all surrounding properties provide notice to them which is difficult because a lot of the times people aren't home during the day, so our records people have to work either at night, comp time, overtime or what have you... just to get notices out then it has to go to the Survey Division, Survey has to put all the markers down then through the court system and the court system takes a while to get through if there's any objection then it goes to home loan trial. Ah... if you're even just a foot here or there would sometimes cause an objection on it. So it's a very laborious process and there haven't been huge amounts of Gov Guam land that have been registered yet. So ah... we're working towards it, we're trying to crank out as many as we can with the resources we have.

Chairwoman Pika Fejeran: Thank you...for that....okay... um... this pre-occupier is occupying and asking for utilities since 2002 and I think for all intents and purposes if the land was registered um...we would have to issue the lease. Unfortunately, we are prohibited from issuing the lease for the unregistered property um... so does the Commission want to issue a... authorization for occupancy and lease issuance pending registration and then based on that authorization, we would be able to provide a utility authorization.

Commissioner Santos: Yeah

Chairwoman Pika Fejeran: Okay and just hoping that the utility agency accepts it. Um...

Legal Counsel Toft: Because that's all that we can do.

Chairwoman Pika Fejeran: Yeah, that's all we can do.

Commissioner Techaira: So we're just going to issue authorization for occupancy and utilities anything else base on...

Chairwoman Pika Fejeran: I think maybe um... if you could add... um... in the authorization for occupancy just point out that the lease is pending land registration so that the agency knows that we want to issue them the lease but we have to get the land registered first.

Commissioner Santos: This must be Arruendo then?

Chairwoman Pika Fejeran: Shawntel can you just turn the microphone to you?

Commissioner Techaira: Motion to issue authorization for occupancy pending land registration

Chairwoman Pika Fejeran: Pending lease registration.... Sorry go ahead, it's your motion.

Commissioner Techaira: (inaudible) it needs a land registration then it needs a lease right?

Chairwoman Pika Fejeran: Mhm.

Commissioner Techaira: So it's like 3...4...things right

Chairwoman Pika Fejeran: Mhm...

Chairwoman Pika Fejeran: Ahh lease issuance pending....

Legal Counsel Toft: (inaudible) authorize a lease pending land registration

Commissioner Techaira: Motion to issue an authorization for lease pending land registration and issue authorization for utilities for Ms. Tomasa Taimanglo Treltas portion of Lot 10141-R15, Dededo

Chairwoman Pika Fejeran: Motion has been made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: And seconded by Tan Amanda. Okay any further discussion?

Commissioner Techaira: No

Chairwoman Pika Fejeran: Okay... all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay Ayes have it. All those opposed?
Okay.

Land Agent I John Gumataotao: Madam Chair

Chairwoman Pika Fejeran: Yes

Land Agent I John Gumataotao: If you're allowing the Administrative Director to sign off on utility authorizations for those who have leases... do you still have to authorize the Administrative Director to issue utility authorization based on a temporary

Chairwoman Pika Fejeran: In this case

Land Agent I John Gumataotato: Yes

Chairwoman Pika Fejeran: Ah... case by case basis so like right now, we provided ahh... we authorize the director to issue the utility authorization for this case.

Land Agent I John Gumataotao: Okay thank you

Chairwoman Pika Fejeran: Next item, our next constituent on our agenda is a Mr. George Cepeda Ulloa Jr.

Mr. Ulloa is an applicant from December 4, 1995, um he is deceased since 1997, there's no... ah... he did not designate a beneficiary. However, there is a request to transfer his application to his daughter Heather Ann Uncangco. Okay... so this would be okay so it is within the Commission's authority when an applicant has passed away and they did not designate a beneficiary to their application, the Commission can consider and appoint a beneficiary. So I think that's ahh what is it? A 5.8 maybe?

Legal Counsel Toft: Yes

Chairwoman Pika Fejeran: From our Rules and Regs. Okay...well

Commissioner Santos: Is the daughter here?

Chairwoman Pika Fejeran: (inaudible) Ulloa?

Land Agent I John Gumataotao: That's the granddaughter.

Chairwoman Pika Fejeran: It's the granddaughter?

Land Agent I John Gumataotao: Yes.

Chairwoman Pika Fejeran: Um... Heather Ann Uncangco is the granddaughter of the original applicant?

Land Agent I John Gumataotao: I'm sorry, Heather is the daughter of the deceased applicant but ahh... the grandfather is actually (inaudible)

Legal Counsel Toft: So that's the updated (inaudible)

Land Agent I John Gumataotao: Regarding the Power of Attorney, yes.

Chairwoman Pika Fejeran: Okay and this is just application rights there's no lease or anything that says (inaudible) is this... what is this about the... a... um... Heather Ann Uncangco...oh okay. Okay so there's affidavit in here dated since November 2018 from the mother, so the common law spouse of the original applicant um stating that basically she was like her daughter Heather Ann Uncangco so she has waived her rights to the application and um would like the Commission to appoint her daughter Heather Ann Uncangco. Okay and that follows the Rules and Regs. On our um...on our Staff Report, sorry... oh John there you are, the Staff Report says um the Addendum to Lease authorization to clearing.

Land Agent I John Gumataotao: Oh no that's um... follow up on when we start to process the application, those are the steps that we need to go through.

Chairwoman Pika Fejeran: Oh okay because there is no lease to the addendum. Okay.

Commissioner Techaira: What is it? Just an application?

Chairwoman Pika Fejeran: Yes, just an application so it'll be.... Ah... does the Commission

Commissioner Techaira: Motion to appoint Heather Ann Uncangco as beneficiary for Mr. George Cepeda Ulloa Jr.

Chairwoman Pika Fejeran: A motion has been made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Any further discussion? All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay so um the daughter Heather Ann Uncangco is now the beneficiary to Mr. George Cepeda Ulloa Jr.'s application number 814 dated December 4, 1995 at 8:30 in the morning. Do we need a follow up motion to allow a transfer or no?

Legal Counsel Toft: That's sufficient

Chairwoman Pika Fejeran: That's sufficient, okay. Okay so then with our motion the staff, you're going to go back and contact her so that she could take over her application rights.

Land Agent I John Gumataotao: Yes

Chairwoman Pika Fejeran: Okay thank you John.

Okay and then um...per the Staff we will not be hearing Julia Q. Tenorio's Staff Report, there was no action made... Okay so the final um... New Business Constituent Matter is Angela Flores Weger.

Commissioner Techaira: Is she here?

Chairwoman Pika Fejeran: Oh is that you Ms. Lorraine? Is it Lorraine? Okay so um...

Land Agent II Jhoana Casem Bragg: I'll just do it.

Chairwoman Pika Fejeran: You'll just do it? Okay.

Land Agent II Jhoana Casem Bragg: Okay before you...

Chairwoman Pika Fejeran: Please state your name for the record.

Land Agent II Jhoana Casem Bragg: Um...my name is Jhoana Bragg I'm a Land Agent II. So I'll be presenting to you Ms. Angela Flores Weger, she is requesting for a residential lease issuance. Um, she is located on Lot 1, Block 15, Tract 11405, Dededo with 1858 square meters for a residential lot. There's no lease in file, we're here to request for an addendum lease to correct the lot description based on her survey map that was done by Mr. Raymond Cruz recorded with Land Management under 884204 and she is a December 2, 1995 applicant at 10:51 a.m. um... and application number 243.

Chairwoman Pika Fejeran: Okay. Oh okay so there is an existing residential lease. I see one in the file right here.

Land Agent II Jhoana Bragg: Um... that is a decline lease.

Chairwoman Pika Fejeran: Oh okay.

Land Agent II Jhoana Bragg: So she's requesting for a lease based on the survey that she has completed on the 11405.

Chairwoman Pika Fejeran: So it's a new lease? It's not an addendum to a lease?

Land Agent II Jhoana Bragg: Umm...it's a new lease to this residential lot however because she does have a lease in file um I believe it's an addendum.

Commissioner Santos: It's a decline lease. She decline the lease

Land Agent II Jhoana Bragg: Because it was decline. So it's a new lease, I'm sorry.

Chairwoman Pika Fejeran: It is a new lease? Okay.

Land Agent II Jhoana Bragg: Yes, because it was declined.

Chairwoman Pika Fejeran: Okay so this lease in file is um... void.

Land Agent II Jhoana Bragg: Because it wasn't recorded, it doesn't have to go through termination. So yeah... because if it was recorded, then we would have to go through the proper procedures of doing the termination lease and then record it with Land Management.

Chairwoman Pika Fejeran: Okay so this... so this um... request is to issue a new residential lease to Ms. Weger.

Land Agent II Jhoana Bragg: Yes.

Chairwoman Pika Fejeran: It is... wasn't... are you sure it wasn't recorded? I'm looking at a Staff Report that has the lease instrument number

Commissioner Techaira: Mhmm

Chairwoman Pika Fejeran: But then I'm looking at the Staff Report that's in the file and it says lease in file not recorded. What is this?

Land Agent II Jhoana Bragg: That might be an old one.

Chairwoman Pika Fejeran: Oh okay so this lease instrument number is actually not Ms. Angela Weger's?

Land Agent II Jhoana Bragg: The lease in file is not... (Inaudible)

Chairwoman Pika Fejeran: This lease instrument number 829657, December 1, 2011, I'm looking at notes in the file and it says; incorrect info, this lease instrument is for Teresita McDaniel. Okay so there is no lease. It is a new lease. So the property has been surveyed?

Land Agent II Jhoana Bragg: Yes, under 884204.

Chairwoman Pika Fejeran: Okay. Is she currently occupying? Where are we here? No?

Commissioner Santos: She got it surveyed (inaudible)?

Chairwoman Pika Fejeran: She got it surveyed since 2015 and was just never issued a lease. So... it sounds like she was one of the um... applicants that we identified a property for her and said go get it surveyed before we issue the lease, so she got it surveyed and now we need to um... follow through and issue the lease.

Commissioner Techaira: So we're going to um... a motion to issue a lease?

Chairwoman Pika Fejeran: mhmm.

Commissioner Techaira: So then all these notes about...

Chairwoman Pika Fejeran: Wait what are you looking at?

Land Agent II Jhoana Bragg: That is the old Staff Report you're looking at.

Commissioner Techaira: Oh that's the old one?

Chairwoman Pika Fejeran: Yeah, that's the old one. They gave us the old one, there's a new one... here...

Commissioner Techaira: I guess I don't have the... what she's looking at and what I'm looking at are two different documents. I don't have what you guys are looking at.

Chairwoman Pika Fejeran: No, you do. The one I'm looking at is in the file. This is the real Staff Report we should be looking at.

Commissioner Techaira: Oh no, hers is correct.

Chairwoman Pika Fejeran: Oh hers is correct?

Commissioner Techaira: Yeah, I just don't have that.

Land Agent II Eileen Chargualaf: They should have taken out the old... that was the wrong one.

Chairwoman Pika Fejeran: Okay. Well it makes sense now why it's presented before us.

Commissioner Techaira: I'm not sure what's what.

Land Agent II Jhoana Bragg: It should be (inaudible)

Commissioner Techaira: No these are just minutes. So I don't know what's....it's okay, I can move on. I'll just borrow hers. I understand now, I'll move on. It's ready for the motion?

Chairwoman Pika Fejeran: Mhmm.

Commissioner Techaira: Okay. Motion to approve a residential lease issuance for Ms. Angela Flores Weger for recorded map for Lot 1, Block 15, Tract 11405, Dededo.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Motion made and seconded. Further discussion?

Commissioners: No

Chairwoman Pika Fejeran: None. Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: All those opposed?

Commissioner Techaira: Aye...oh sorry. No.

Chairwoman Pika Fejeran: Okay. All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay Ayes have it. Okay, thank you Jhoana for presenting. Okay um... does that conclude our New Business, Constituent Matters?

Land Agent II Jhoana Bragg: Yes.

Chairwoman Pika Fejeran: Yes. Okay. Moving down the agenda, New Business, CLTC Infrastructure Plan. Who's supposed to do that?

Land Agent II Eileen Chargualaf: Glenn is supposed to sit in for Joey.

Chairwoman Pika Fejeran: Okay. Okay well um... wait we'll wait for the person and we'll keep going down.

Land Agent II Eileen Chargualaf: Glenn is on his way.

Chairwoman Pika Fejeran: Oh. Is there a report that he will be giving us?

Land Administrator Margarita Borja: Yeah, ah... Joey wasn't able to present, he's out sick so he just has a written report.

Chairwoman Pika Fejeran: Oh ok.

Land Administrator Margarita Borja: So we'll just go ahead and provide you with that.

Chairwoman Pika Fejeran: Yeah.

Land Agent II Glenn Eay: Hi.

Chairwoman Pika Fejeran: Hi Glenn.

Land Agent II Glenn Eay: (inaudible)

Chairwoman Pika Fejeran: That's okay. Did you have the um... I think I have this already.

Land Agent II Glenn Eay: Yeah right, this is my copy.

Chairwoman Pika Fejeran: We were looking at the (inaudible) infrastructure plan.

Land Agent II Glenn Eay: No he didn't provide me with that...just these two documents.

Chairwoman Pika Fejeran: No nothing? Okay. So we're going to table CLTC Infrastructure Plan.

Land Agent II Eileen Chargualaf: He did meet with the utility agencies when we had our meeting so he had some kind of breakdown but...

Land Agent I Tina Jocson: It's in the new packet that was on the table.

Chairwoman Pika Fejeran: I don't have it in my packet. I have... do you have that Nick?

Commissioner Techaira: I have a title page but I don't have that.

Land Agent I Tina Jocson: I can go print it out real quick.

Chairwoman Pika Fejeran: Okay. Yeah. That'll be nice. Well let's just skip that for now. We'll go to Old Business, Administrative Matters um we have a Pre-Moratorium Lease list. Did you guys have a chance to go through all of these?

Commissioner Techaira: There's some names that look familiar in here.

Chairwoman Pika Fejeran: Yeah, there is. How many total do we have?

Land Administrator Margarita Borja: 53

Chairwoman Pika Fejeran: 53? Okay and just to refresh our memory, these were leases that um...

Commissioner Techaira: Switch date and...

Chairwoman Pika Fejeran: No. These were leases that were signed off by... in mid... in most cases signed off by the applicant, signed off by the Director, was not signed by the Governor yet but um...about a year ago before it got to the Governor's desk um the Director at the time just red marked all of those leases because they were not approved at the Commission level, so now, we discovered it just this year in 2019 we realized there were all those leases with red marks on it. And then I think the staff also found additional leases that were not executed but were in files, right? So um 53 of them and the staff has prepared staff reports for all of them um... so I'd just like to go through them, one by one um... since we have the staff reports, I'd like to go through them really quickly and discuss it.

Do we need a motion per um...a motion per applicant or can we kind of start putting them in piles like, we want to approve these... we don't want to approve these...and then just do one motion for all the approved ones?

Legal Counsel Toft: Um... maybe best to go individually.

Chairwoman Pika Fejeran: Individual okay.

Commissioner Techaira: Are we supposed to see 53 reports in here?

Chairwoman Pika Fejeran: Yeah.

Commissioner Techaira: Well I only counted not 53.

Chairwoman Pika Fejeran: Okay well let's see what we've got. So the first one I'd like to look at is a Bertha Benavente Aldon. Okay.... Actually, she appeared before us a meeting right? Um...

(Inaudible voice)

Chairwoman Pika Fejeran: Sure um let's do that. So just to refresh our memory, Bertha Benavente Aldon um... her name is currently on the lease that's drafted because she's switched application date and time with her husband Norman Castro Aldon. But because we know that switching of application date and times is prohibited um...both applicants are back where they should be. Right?

Land Administrator Margarita Borja: I think it's just a transfer of application rights. It's not a switch.

Legal Counsel Toft: It's not a lease yet.

Land Administrator Margarita Borja: It's just transfer of application rights.

Chairwoman Pika Fejeran: Transfer of application rights which is also prohibited because he's still living, right?

Legal Counsel Toft: Right.

Chairwoman Pika Fejeran: Um... so now we know okay so now the original applicant is a Norman Castro Aldon and I think they did the transfer of application rights because his qualification under the act is not clear but it looks like um... we were able to get confirmation from the Micronesian Area Resource Center, a professor there, Assistant Professor... that the original applicant, Norman Castro Aldon ancestors were residence of Guam prior to August 1st 1950, and with that...um let's see... and does that qualify him under the act?

Legal Counsel Toft: Yes.

Chairwoman Pika Fejeran: It does? Okay. So Mr. Aldon is qualified under the Act.

Legal Counsel Toft: So we would just need a motion to revert the application back to the original applicant.

Chairwoman Pika Fejeran: Okay. So if you look on the staff report under findings...so we need the motion to revert them back.

Legal Counsel Toft: There was a lease on this one.

Land Administrator Margarita Borja: There was a lease, but it didn't go through the whole process.

Legal Counsel Toft: It never was consummated?

Land Administrator Margarita Borja: Yeah, it was one of the um...

Legal Counsel Toft: Okay.

Land Administrator Margarita Borja: It was one of the um... Pre-Moratorium.

Legal Counsel Toft: Okay.

Chairwoman Pika Fejeran: And also on our Null and Void list.

Land Administrator Margarita Borja: No because the ones on the Null and Void are the ones that were executed leases which went all the way down to...

Chairwoman Pika Fejeran: Ohh... got it.

Land Administrator Margarita Borja: Yeah so she never made it there.

Chairwoman Pika Fejeran: Ah I see. Okay.

Commissioner Techaira: So what do we put it back to? Norman Castro?

Chairwoman Pika Fejeran: Yes.

Commissioner Techaira: Okay. Motion to revert the application for Lot 4, Block 19, Tract 10316, Dededo back to Norman Castro Aldon.

Chairwoman Pika Fejeran: A motion has been made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded... um... I think just clarity that it's um... the revert is the application, just the residential application and then a follow up motion would be to approve the lease for that Lot 4, Block 19, Tract 10316.

Legal Counsel Toft: Correct.

Commissioner Techaira: Oh okay cool. So it's just the application and then to approve the lease?

Chairwoman Pika Fejeran: Mhmm. So we would need two motions.

Commissioner Techaira: Motion to revert the application back to Norman Castro Aldon and Motion to approve lease for Lot 4, Block 19, Tract 10316, Dededo

Chairwoman Pika Fejeran: Okay so two motions have been made, we'll start with the first motion, reverting the application rights... um...

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay, further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay. All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: All those opposed?

Commissioner Techaira: None

Chairwoman Pika Fejeran: Oh, all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay so now that we've put them both back in... their applications both back in line as to their original applicant dates and times um... now we can move to the second motion that was made for the approval of the residential lease. Can I have a second for that? Do I have a second for that one?

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay. Another second, Tan Amanda. Further discussion?

Commissioner Techaira: None

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay.

Commissioner Techaira: A motion was here, I just didn't see it.

Chairwoman Pika Fejeran: It's okay... that's okay... alright, so Ms. Bertha Benavente Aldon um... is back in line with her application date of 2009 um... however, her husband, Norman Castro Aldon whose application is December 2nd. 1995 he is.... his lease has been approved. I believe they are currently occupying, is that right? Okay. Alright. Thank you.

Chairwoman Pika Fejeran: Next is a David Concepcion Babauta. Alright so this applicant is from December 2nd 1995, application in number 406, the lease that was prepared was for Lot 6, Block 2, Tract 1722 in Mangilao. Okay, um he is a priority 1 because this is a residential lease. Okay... I have no comments on this... um... this gentleman um... standing right there in line really... and now just needs Commission approval for the lease.

Commissioner Techaira: Oh so we're just going through the list?

Chairwoman Pika Fejeran: Mhmm.

Commissioner Techaira: Okay.

Chairwoman Pika Fejeran: Ah sorry... just a question because it's... the lease would be dated today?

Legal Counsel Toft: Yes.

Chairwoman Pika Fejeran: Okay. And a survey has been completed?

Land Agent II Jhoana Bragg: Pending

Chairwoman Pika Fejeran: Pending survey?

Land Agent II Jhoana Bragg: Yes.

Chairwoman Pika Fejeran: Okay. Okay... so this gentleman like many others on our list has been waiting since 1995, was only serviced in 2002 and even since then it's been 17 years to finally get him towards this lease. Okay.

Commissioner Techaira: Motion to approve lease for David Concepcion Babauta for Lot 6, Block 2, Tract 1722 Mangilao.

Chairwoman Pika Fejeran: Motion made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Any further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay, ayes have it. So the lease is approved.

Chairwoman Pika Fejeran: Next is a Augusto S. Castro. Is this you again Jhoana? You're presenting for us? Okay let's see... this applicant is also from December 2nd 1995, worked with the Land Trust Staff since 1997, 2003, the residential lease was prepared but I guess declined that first award, found another property and then a lease was prepared for Lot 15, Block 6NEW, Tract 1022, Dededo. He is priority 1 applicant, ah...okay... I have no questions for this one.

Commissioner Techaira: So recruit the list?

Chairwoman Pika Fejeran: If you'd like to make the motion.

Commissioner Techaira: Motion to approve lease for Augusto S. Castro for Lot 15, Block 6NEW, Tract 1022, Dededo.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay motion made and seconded. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it.

Chairwoman Pika Fejeran: Next is a Keith Lujan Camacho. Oh yeah... sorry. This is a December 5th 1995 applicant priority 1 for a residential lease. The lease was prepared in 2017 um... it was for Lot 7160-132 in Yigo, containing an area 2021 ± square meters. Okay....

Commissioner Techaira: Motion to approve lease for Keith Lujan Camacho, Lot 7160-32, Yigo.

Land Agent I Tina Jocson: Is it 32 or 132?

Commissioner Techaira: It says, 7160-32

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Yes.

Commissioner Techaira: Is that not it?

Chairwoman Pika Fejeran: Ah that is... no let me check. It says 132 on the lease

Land Administrator Margarita Borja: That's correct.

Chairwoman Pika Fejeran: 132? Okay so let's...

Commissioner Techaira: Motion to approve lease for Keith Lujan Camacho for Lot 7160-132, Yigo.

Chairwoman Pika Fejeran: Okay motion made.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Second it by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Thank you.

Chairwoman Pika Fejeran: Next is a Doreen Benett Cruz. Um... Ms. Cruz is a December 4th applicant. December 4th 1995 applicant um...

Commissioner Techaira: I don't have it.

Legal Counsel Toft: It's on the back side of Keith Camacho.

Chairwoman Pika Fejeran: Oh it's on the back of Mr. Camacho. Oh no, this is a new one.

Commissioner Techaira: Oh okay... on the other side of the new packet?

Chairwoman Pika Fejeran: Yeah, it's on the new packet. It looks like it's been surveyed? Is that right?

Legal Counsel Toft: Yes it was surveyed.

Chairwoman Pika Fejeran: Alright so the...this applicant has paid...Fourteen Hundred dollars (\$1,400) to get the property surveyed. Oh hi... sorry Ms. Cruz, thank you for coming today, did you have any comments to share with us? Okay...well you spent...definitely invested in the property and um... you got it surveyed and um, unfortunately, actions were taken without Commissions knowledge um because... let me see, it looks like here... you even signed the lease, it was signed and everything um... but then not executed I guess...good everything looks in order.

Chairwoman Pika Fejeran: Okay you are the original, I see in your file that you did want to transfer the application but, um...it was never transferred right? So you're the original applicant? Okay.

Commissioner Techaira: Motion to approve lease for Doreen Benett Cruz for lot L 10123-3-13, Dededo.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay motion made and seconded. Further discussion?

Commissioners: No

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay... Ms. Cruz than you for your patience, your lease has been approved. It will be dated for today... ah...for today? We'll issue you a new lease, since you paid for your survey...

Land Agent II Jhoana Bragg: The lease is going to reflect her survey description.

Chairwoman Pika Fejeran: Okay... okay yes...yes... Okay.

Commissioner Santos: Is she occupying it right now?

Chairwoman Pika Fejeran: Ms. Cruz are you occupying the property?

Ms. Cruz: Not yet.

Chairwoman Pika Fejeran: No not yet, but you plan to build a home?

Ms. Cruz: Yes.

Land Agent II Jhoana Bragg: So she would um...upon (inaudible) building she would come back before the Board.

Chairwoman Pika Fejeran: With building plans, mhmm... also just to let you know and you can talk further with your land agent, um... Guam Housing Corporation provides um... provides loans for our CLTC applicants or our lease holders so you can go to Guam Housing to see if you qualify for one of their loans to build a home for you and your family. Alright, thank you Ms. Cruz.

Chairwoman Pika Fejeran: Okay the next um...Marilyn A. Duenas. The lease was signed, okay... the property has been schemed but no survey yet. Um...Marilyn A. Duenas is a December 2nd 1995 applicant priority 1 this is for a residential lease. Um...so this is Tract 10121, Block 10, Lot 5-1 in Yigo for 2023 square meters subject to survey.

Land Agent II Jhoana Bragg: She's the original applicant

Chairwoman Pika Fejeran: And she's the original applicant?

Land Agent II Jhoana Bragg: Yes

Chairwoman Pika Fejeran: Okay. Alright I no other questions. Um wait we don't have quorum.

Legal Counsel Toft: (inaudible) have quorum.

Chairwoman Pika Fejeran: Okay let's wait for Ms. Techaira to return when we have....

Chairwoman Pika Fejeran: Okay let's um... going to switch gears while we're waiting for quorum. We'll look at this Survey and Infrastructure Staff Report. Um... I think it was at the last meeting, I asked that we start planning um...how to use the funds that we currently have in our Survey and Infrastructure fund um the estimated available funding is Two Hundred Thousand dollars (\$200,000). Um... it looks like GWA has given us an estimated cost to install main water line is One Hundred dollars (\$100) per foot. GPA estimated cost per power pole is between Three Thousand (\$3,000) to Five Thousand dollars (\$5,000). Price depends on type of power line. Okay... We're provided two options, if the Land Trust decides to install a main water line in a specific tract and

property we'll have enough funds to install a main water line with about 2000 feet. If we do power poles, we can install about 40 power poles.

Staff recommends that do due to the limited amount of financial resources and the duty to determine the most equitable distribution of funds, it is recommended that the Board considers expending available financial resources on the clearing of easements to allow constituents access to property. Furthermore the positive impact will affect the greater number of constituents rather than relatively low number of constituents. Okay... um so this is a great start. It's a very good start, um...get us... um if you can give us a more detailed report about um...what the clearing and grading to allow access um...how much clearing can it get? Who will be doing it? Etc....um...and then at the same time, I don't wanna ah... I want to have all options available for us. Um...Two Hundred Thousand dollars (\$200,000) is not going to go too far but it will go far to some... you know um...

Commissioner Santos: Some

Commissioner Techaira: But...well I think that's (inaudible) even if it's one that's based properly.

Chairwoman Pika Fejeran: Well yeah, right. So um I just want to have all options here. I'd also like to get more details from the staff that knows of um...families that are living on our property that need either the access or um...infrastructure.

Commissioner Santos: Water

Chairwoman Pika Fejeran: Yeah, power and water. I know there was a gentleman at the meeting Mr. Rosario that came before us, said he has to haul in water for his family. Um... you know, where are the properties of people currently residing that don't have the infrastructure and how much would it cost if we were to install infrastructure? Same for the access. Okay...so...thank you for this um...preliminary report, let's kind a get um... again, I'd like information on the clearing and grading, what is it? Clearing of easements, what are we talking about there now that we know how much it is for GPA and GWA. Um...how much, how far, where and then also I'd like to know, again, for our current lessees who needs the power and water infrastructure? Okay?

Commissioner Santos: Inaudible

Commissioner Techaira: So the survey infrastructure is done?

Chairwoman Pika Fejeran: Yes, it was just preliminary.

Commissioner Techaira: Okay I thought it was going to be ah (inaudible)

Chairwoman Pika Fejeran: Yeah, no.

Chairwoman Pika Fejeran: Okay so going back to our Pre-Moratorium Lease list, we were looking at Marilyn A. Duenas while you were out, Ms. Techaira. Um...

Commissioner Techaira: So we're just going to approve the lease?

Chairwoman Pika Fejeran: Mhm... yeah...yeah... it's been over a year.

Commissioner Techaira: So she just needs a lease addendum or...

Legal Counsel Toft: Well first you need to approve the lease issuance.

Chairwoman Pika Fejeran: Lease issuance, subject to survey.

Land Agent II Jhoana Bragg: (inaudible) sorry, that's a new lease.

Chairwoman Pika Fejeran: New lease. Okay.

Commissioner Techaira: Okay. Motion to approve lease subject to survey for Marilyn A. Duenas, Lot T10121, B 10, L5-1, Yigo.

***note:** lot description was read as Lot T10121 instead of Tract 10121 – verified and confirmed with audio.

Chairwoman Pika Fejeran: Motion made

Commissioner Santos: I second it

Chairwoman Pika Fejeran: Motion made and seconded. Further discussion?

Commissioners: No

Chairwoman Pika Fejeran: Okay. Thank you. Ah... lease is approved for Ms. Duenas. Alright ah...next is Cherylynn Tudela Eay. I guess there was a lease prepared for her...ah...I'd like to table this because it involves a switch, a transfer of application rights, she was on our Null and Void list. She was... yes she was.

Land Administrator Margarita Borja: I think, Chelsea was.

Chairwoman Pika Fejeran: Oh, this a different? Ohhh...so is there a relationship with Glenn?

Land Administrator Margarita Borja: Yes there is.

Chairwoman Pika Fejeran: You know, I don't have any declaration of staff relationships for any of these.

Land Agent II Glenn Eay: Yes. I did submit it for both of them.

Chairwoman Pika Fejeran: You did? Okay. Ah... I see. Sorry about that. Cherylynn and then Chelsea. So... I don't see um... the declaration in her file. You submitted one though?

Land Agent II Glenn Eay: I submitted last week.

Chairwoman Pika Fejeran: So it's not in her file. What is your relation?

Land Agent II Glenn Eay: My daughter.

Chairwoman Pika Fejeran: She's your daughter?

Land Agent II Glenn Eay: Yeah.

Chairwoman Pika Fejeran: Oh okay. So what happened here? There was ah... the original applicant is a Isaias Tenorio Eay, December 6, 1995.

Land Agent II Glenn Eay: That's my brother.

Chairwoman Pika Fejeran: That's your brother? Okay. Ah... residential applicant was priority 1, okay. In 2018 there was a request to transfer application rights from Isaias Tenorio Eay to Cherylnn Tudela Eay which was approved by Mr. Camacho, Deputy...former Deputy Director and then a lease issued after that um... transfer of application rights. However, since we know the Attorney General ruled that um...that transfer of application rights was not in accordance of with the public law, therefore the lease is Null and Void.

Land Agent II Jhoana Bragg: So there is a recommendation and the recommendation is for Cherylnn Tudela Eay to relinquish the application back to Isaias Eay and um... to approve Mr. Isaias the lease for Lot 16, Block 3REM, Tract 100C.

Chairwoman Pika Fejeran: Okay.

Land Agent II Jhoana Bragg: So everything will be diverted back to the original applicant.

Chairwoman Pika Fejeran: Okay. And um... kind of like the last one we just did, where we made a motion to revert the applicants, right?

Legal Counsel Toft: Yes

Chairwoman Pika Fejeran: Revert the applicants back to their original application date and time. Has Mr. um... Eay come in and said that he wants this lease?

Land Agent II Jhoana Bragg: Um... he had... he had...mention that he'd want it back to him.

Chairwoman Pika Fejeran: Okay.

Land Agent II Jhoana Bragg: As original applicant. Did you want something in writing from the um...

Chairwoman Pika Fejeran: Yeah, I mean have we, I mean has he been interviewed and he's still a priority 1?

Land Agent II Jhoana Bragg: Umm....

Chairwoman Pika Fejeran: That would be my... my... question. So I think if we can... I mean we have to right, put them back in line with a motion but then before we issue a lease we have to re-interview him just make sure that he's still priority 1. Right?

Commissioner Techaira: So (inaudible)

Legal Counsel Toft: Well (inaudible) do the motion to revert their spots in line just to (inaudible).

Chairwoman Pika Fejeran: Okay... okay.

Commissioner Techaira: Okay. Motion to... motion to have Cherylynn Tudela Eay revert her application back to Isaias Eay.

Chairwoman Pika Fejeran: Okay motion made.

Commissioner Techaira: For Lot 16, Block

Chairwoman Pika Fejeran: Just application

Commissioner Techaira: Oh okay.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay ah... the motion just for clarity is to um... motion to

Commissioner Santos: Revert

Chairwoman Pika Fejeran: Right, revert the application date and time of December 6, 1995, application number 1467, revert it back to the original applicant who is Isaias Tenorio Eay. Okay um... further discussion?

Commissioners: No

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay. So the motion was made and carries... so um... yeah, there's nothing in the file that indicates Mr. Eay would like his property and or even that he's priority 1.

Land Agent II Jhoana Bragg: We'll get in touch with him so that we can redo um... an interview and then if a letter is umm... we'll have him write a letter indicating what he wants to do, retain the Tract 100C.

Chairwoman Pika Fejeran: Okay. Thank you. Um, when you do the interview and they claim no land ownership, is there anything in our procedures that has the Land Agent verify with Land Management records that they don't hold any property or even Revenue and Tax?

Land Agent II Jhoana Bragg: We utilize the DRT um... tax roll, so we go back on 2017, if there is one for 2018 then utilize that and (inaudible) and of course still ask if they own any land anywhere in the world. That is one of the tools that we do utilize.

Chairwoman Pika Fejeran: Okay...okay... alright so... okay so next is a Peter Cruz Estaquio.

Says um application date December 2nd 1995, it's an application for agricultural property, okay... I guess... the original application is for a residential. Um whose handling this one?

Land Agent II Jhoana Bragg: Ah... Ms. Margarita compiled the Staff Report.

Chairwoman Pika Fejeran: Oh okay. Do you know why he switched from Residential to Agricultural?

Land Administrator Margarita Borja: Is he a priority 2 when he applied? I don't know, did he own land?

Chairwoman Pika Fejeran: No

Land Administrator Margarita Borja: No. In the request, doesn't usually ask but that's usually the reason why they (inaudible)

Chairwoman Pika Fejeran: Okay... alright so there's an Agricultural lease in here, do we know if he's currently occupying?

Land Administrator Margarita Borja: No he's not.

Chairwoman Pika Fejeran: He's not? Um, he's prepared to um... adhere to all the terms to this Agricultural Lease? Is he a bona fide farmer or anything? No? Okay.

Land Agent II Jhoana Bragg: He did survey the property.

Chairwoman Pika Fejeran: Oh he did spend a lot of money to survey the property, okay.

Land Agent II Jhoana Bragg: In 2014 it was requested um... through Land Management?

Chairwoman Pika Fejeran: I don't have any other questions.

Commissioner Techaira: So are we approving a lease?

Chairwoman Pika Fejeran: Um... yeah it would be for the lease. It was one of those leases

Commissioner Techaira: Red mark

Chairwoman Pika Fejeran: Yeah, red marks. Or not even, not signed by the lessee. It wasn't red it just wasn't signed by the lessee.

Land Agent II Jhoana Bragg: We do have some that weren't signed by the lessee and or maybe the Director, but those are the ones that were added because they weren't part of the X's but we did find more so that's we added to it.

Chairwoman Pika Fejeran: Yeah, the non-executed leases that's why it's on our list.

Commissioner Techaira: Motion? Motion to approve lease for Peter Cruz Estaquio, Lot 16, Block 3, Tract 15344, Mangilao.

Chairwoman Pika Fejeran: Motion made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay. Next is a Gloria Borja Flores

Land Agent II Jhoana Bragg: We have a... the POA here.

Chairwoman Pika Fejeran: Okay there's somebody here to speak with us. There's a Power of Attorney?

Land Agent II Jhoana Bragg: I guess I'll do it.

Chairwoman Pika Fejeran: Okay... alright.

Land Agent II Jhoana Bragg: So Ms. Gloria actually she is an original um... she is the original applicant however, at the time they issued her um... something in Tract 1022 however, um... CLTC failed to indicate that there is or there was a house on that lot that they issued to her originally.

Chairwoman Pika Fejeran: Oh so there was somebody occupying...

Land Agent II Jhoana Bragg: There was already a structure on the property and so um... you know, to our findings we did identify that it is a CHamoru Land Trust Lessee also but um that was our recommendation to move her elsewhere due to the issuance of that property which is not at her fault.

Chairwoman Pika Fejeran: Yeah, okay. So that was the termination of that 1022 lease?

Land Agent II Jhoana Bragg: Yeah, yes Ma'am.

Chairwoman Pika Fejeran: Okay and the next property you found for her is what we're looking at today, Lot 7, Block 1, Tract 1722?

Land Agent II Jhoana Bragg: Okay and this is residential, she's priority 1. Okay, sounds like it was one of the, yeah... it has a red mark on it and there's a Power of Attorney for Ms. Gloria and this lease would be subject to survey?

Land Agent II Jhoana Bragg: Yes.

Chairwoman Pika Fejeran: Okay. Okay... so her Power of Attorney is a Mr. Francisco B. Flores?
Okay.

Commissioner Techaira: Okay. Motion to approve lease subject to survey for Ms. Maria Borja Flores, Lot 7, Block 1, Tract 1722, Mangilao.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay motion made and seconded. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Thank you. Okay... so um the next is a Mr. Ernest Joe Borja Garrido. This applicant is a December 2nd 1995 applicant, um... priority 1, 2004 they were finally interviewed. Finally in 2017 the ground lease was prepared... okay but then they declined that first ground lease in 2017 and then they were issued lot 10123-3-25 in Dededo. So the current lease is where? Okay... was there ever a lease issued? No... I see a Notice of Intent to Award.

Land Agent II Jhoana Bragg: There's a Notice of Intent to Award for the 5402 area but he did decline so moving forward to this current lease um... current lot um... 10123-3-25.

Chairwoman Pika Fejeran: Okay. Okay....has that been surveyed?

Land Agent II Jhoana Bragg: Ah... no.

Chairwoman Pika Fejeran: Um... why would this fall under our pre-moratorium lease list? Do we know? Because there is no lease right?

Land Administrator Margarita Borja: Actually, it's indicated there in the Staff Report that, he picked up the lease, I believe and never returned it.

Chairwoman Pika Fejeran: Oh... and never brought it back.... So there was a lease.

Land Administrator Margarita Borja: So there was one issued and signed but took it to have it notarize and never returned it.

Chairwoman Pika Fejeran: Okay that was for the first award?

Land Administrator Margarita Borja: No

Legal Counsel Toft: No the second

Chairwoman Pika Fejeran: The second on? Oh, got it, I see it. Okay, so what do we do here?

Legal Counsel Toft: In any case, I would have the Board review it, either approve or decline (inaudible) at this point.

Chairwoman Pika Fejeran: Okay and we'd issue a new (inaudible) one.

Legal Counsel Toft: Reissue a lease. Yeah, because the original is was done by then Director Borja. So that would still have the problem of not being approve by the Board.

Chairwoman Pika Fejeran: Okay. Got it. Thank you Legal Counsel.

Commissioner Techaira: Motion to approve lease for Mr. Ernest Joe Borja Garrido Lot 10123-3-25, Dededo.

Chairwoman Pika Fejeran: Motion made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: None. All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. Lease is approved. Thank you. Next, is a Herman J.B. Santos? This applicant is also a December 2nd 1995, applicant, priority 1, Agricultural. Hafa Adai Sir. If you could um... state your name for the record.

Herman Santos: Hafa Adai, my name is Herman Santos.

Chairwoman Pika Fejeran: Hi thank you for your patience, as we get to your name finally. Okay so it looks like you have an Agricultural Lease and you're the original applicant?

Herman Santos: Yes I am.

Chairwoman Pika Fejeran: Okay. And you wanted this Agricultural Lease since December 2nd 1995?

Herman Santos: Yes, that's the first one there. There's actually more to it, if you go down more towards the present.

Chairwoman Pika Fejeran: Yeah. So today we are looking at Lot 5382-5-11 in Barrigada?

Herman Santos: Yes.

Chairwoman Pika Fejeran: Let's see what's this?

Commissioner Santos: He's not occupying the land?

Herman Santos: No

Chairwoman Pika Fejeran: Not occupying.

Herman Santos: But it has been surveyed.

Chairwoman Pika: Okay. So you surveyed it? Okay.

Commissioner Santos: (inaudible)

Commissioner Techaira: Oh, you guys are ready?

Commissioner Santos: Yeah

Commissioner Techaira: Okay. Motion to approve lease for Herman J.B. Santos, Lot 5382-5-11, Barrigada.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Motion made and seconded it. Further discussion?

Commissioners: No

Chairwoman Pika Fejeran: None okay. All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay. Ayes have it.

Herman Santos: Thank you

Chairwoman Pika Fejeran: Thank you Mr. Santos. Alright. Okay next is Francisco Rojas Hernandez, alright. Hi Hafa Adai Sir, thank you also for your patience.

Commissioner Santos: Buenas

Chairwoman Pika Fejeran: So Sir, you are a December 4th 1995 applicant?

Francisco Hernandez: Yes Ma'am.

Chairwoman Pika Fejeran: You um...looks like you are pre-occupier and also had a Land Use Permit, under the Arruendo Program.

Francisco Hernandez: Yes Ma'am all the way back to '87.

Chairwoman Pika Fejeran: Wow... okay and so um... with the CHamoru Land Trust now we're just trying to um...get you a valid lease. Is that right?

Francisco Hernandez: Yes Ma'am.

Chairwoman Pika Fejeran: Okay. And the property we're talking about is Lot 3-1, Block 3, Tract 10125 in Dededo?

Francisco Hernandez: Hahasu Drive.

Chairwoman Pika Fejeran: Hahasu Drive okay.

Francisco Hernandez: I even have a house number there.

Chairwoman Pika Fejeran: Oh...

Francisco Hernandez: Ever since ah....'87. I have water, I have telephone, I don't have no power but I didn't apply for it because it's just right across the street.

Chairwoman Pika Fejeran: Oh okay. But um... with the lease, then you can apply for the power.

Francisco: Yeah

Chairwoman Pika Fejeran: Ah... sorry. This is for....this is an Agricultural Lease?

Francisco Hernandez: Yes Ma'am.

Chairwoman Pika Fejeran: And are you.... You're currently farming the property?

Francisco Hernandez: Yes Ma'am. Ever since ever since.

Chairwoman Pika Fejeran: Ever since ever since... okay.

Francisco Hernandez: And I've been paying since '87 to '92 Forty dollars (\$40) a year. So they stopped it at '92, so I wonder what happened to those monies that you know... um...

Land Agent II Jhoana Bragg: Under the Land Use Permit. He was under the Arruendo?

Chairwoman Pika Fejeran: Yeah.

Land Agent II Jhoana Bragg: So that's where that funding went... to Land Management, then CLTC took over.

Chairwoman Pika Fejeran: Okay. So um... okay. The Staff Report, there's a correction to Letter F; it should read April 13, 2018, *Agricultural* Lease not Residential. Okay.

Francisco Hernandez: (inaudible)

Chairwoman Pika Fejeran: Oh I see. So you originally wanted Residential?

Francisco Hernandez: No actually.... See I have a... I have a Agriculture now because they found out that I have a property.... I have my own (inaudible) so they made it to Agriculture.

Chairwoman Pika Fejeran: Okay so do you... do you reside on your private property?

Francisco Hernandez: Yeah in Barrigada. But I go up and I clean... I use to stay in a...

Commissioner Santos: Farming

Francisco Hernandez: Farming area. I use to stay there for five years.

Chairwoman Pika Fejeran: Okay. So it's like your... your ranch where you grow ah... what are you planting there?

Francisco Hernandez: Oh... banana, taro...

Francisco Hernandez: we need avocado.

Francisco Hernandez: Oh I have that one.

Chairwoman Pika Fejeran: Oh yeah? Avocado also?

Francisco Hernandez: Mango

Chairwoman Pika Fejeran: Okay... okay...

Commissioner Techaira: Motion to approve lease for Lot 3-1, Block 3, Tract 10125, Dededo for Mr. Francisco Rojas Hernandez.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Motion made and seconded. And this um... Agricultural Lease. Okay...um further discussion?

Commissioners: No

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. Alright Mr. Hernandez.

Francisco Hernandez: So I'm good to go?

Chairwoman Pika Fejeran: Yes. You are.

Commissioner Santos: Go and enjoy.

Francisco Hernandez: So when do I get the lease?

Land Agent II Jhoana Bragg: I'll contact you (inaudible)

Commissioner Santos: He's next right? Babauta?

Chairwoman Pika Fejeran: Hold on... Okay the next in our packet is a Regine Biscoe Lee.

Commissioner Santos: Biscoe Lee?

Chairwoman Pika Fejeran: Yeah... but I'd like to table this because this is a...

Commissioner Santos: Senator.

Land Agent II Jhoana Bragg: Um...I can seek um the mother, um... Ms. Rosita she did advise that she would like the um... or they both would like to just stay where they were actually the original applicant.

Legal Counsel Toft: Reversion.

Chairwoman Pika Fejeran: Okay so... okay... So this is one where there's a transfer of application rights which is not in accordance with our law so um... we need a motion to...

Commissioner Techaira: Revert it back... to Rosita.

Commissioner Santos: Rosita.

Chairwoman Pika Fejeran: Revert... yes...

Commissioner Techaira: Okay... Motion to revert back the application rights back to Rosita Mahony, fka: Rosita A. Biscoe in accordance with Public Law 23-38; Section 5.8.

Chairwoman Pika Fejeran: Okay motion has been made to revert the application um... back to Rosita Mahony who is formerly known as Rosa A. Biscoe.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay seconded by Tan Amanda. Just to clarify that application date and time is December 4th 1995. It was an Agricultural Application.

Land Agent II Jhoana Bragg: So she would divert back to agricultural as well because I believe um... there was a

Chairwoman Pika Fejeran: Switch

Land Agent II Jhoana Bragg: Oh I'm sorry... it's agriculture, I thought they did a residential but original back to agriculture.

Chairwoman Pika Fejeran: Yes. Okay um... further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye.

Chairwoman Pika Fejeran: Okay ayes have it.

Commissioner Techaira: (inaudible)

Chairwoman Pika Fejeran: Okay so Ms. Rosita A. Bisco now Mahony is back in line December 4th 1995 with her Agricultural application?

Land Agent Jhoana Bragg: Yes and she did um... she did pay for survey on the property so... um is that... is she to retain that property that she surveyed on or that they surveyed on originally?

Chairwoman Pika Fejeran: Is this um... okay so we were...

Legal Counsel Toft: It wouldn't necessarily be retaining because the lease was Null and Void so it's... it will basically be coming in as like next person in line giving that property so um... it may be best just do a fresh Staff Report just based of that application and just... we'll deal with...

Land Agent II Jhoana Bragg: Indicate the...

Legal Counsel Toft: Yeah. We'll deal with switch today then next time deal with the potential lease.

Chairwoman Pika Fejeran: Okay. Alright thank you. Okay... the next is um a Frank Joseph Leon Guerrero the applicant is an original applicant December 7th 1995, um... says here, consider a pre-occupier for Tract 1021, Block 2, Lot 2 in Dededo there is no Land Use Permit this is for an Agricultural Lease okay... so let's see...but the preoccupation applies to a different tract than the property that the lease was prepared for? Is that right?

Land Agent II Eileen Chargualaf: Is that Frank Joseph?

Chairwoman Pika Fejeran: Yes.

Land Agent II Eileen Chargualaf: Frank M...

Chairwoman Pika Fejeran: Yeah. Frank Joseph Leon Guerrero yeah...it says, I was just curious as to why... he was the pre-occupier? Okay... what is this? Tract 1021, Block 2, Lot 2 but the lease that was prepared is for a different property. Unless it's the same but just renamed?

Land Agent II Jhoana Bragg: The area was the...

Land Agent II Eileen Chargualaf: Is the 7153 101

Land Agent II Jhoana Bragg: Yeah... the area was re-schemed so the...

Land Agent II Eileen Chargualaf: So it went from Lot to Tract... right? 7152 Tract 1021?

Land Agent II Jhoana Bragg: No the area was schemed because it was a bigger lot than Block 2, Lot 2 so... that big lot they schemed it to accommodate half acres.

Chairwoman Pika Fejeran: Okay... they cut it up? Okay. Oh okay so it is the same property it's just been occupying... okay so there's that Agricultural lease that was prepared. I don't see his original application in here.

Land Agent II Eileen Chargualaf: Terese probably... probably couldn't find it so Terese probably (inaudible) on the database.

Chairwoman Pika Fejeran: That's this one. Okay. He's found to be, he does qualify.... I've never seen this where we don't have a copy of the application. Is that normal?

Land Agent II Jhoana Bragg: Um if in the event um... that we aren't able to locate the original then we would utilize the database information and create a dummy file and then just um...you know... get the information from the database that's on hand.

Chairwoman Pika Fejeran: Mm... okay. Okay... my only question was, why are we awarding property that's not originally occupied by the pre-occupier but it's the same. You confirmed that it's the same.

Land Administrator Margarita Borja: 7150 is now Tract 10121.

Chairwoman Pika Fejeran: He indicated he would... okay and 7150 used to be Block 2, Lot 2? Because it says, pre-occupier Tract 1021, Block 2, Lot 2 in Dededo. So what's 7150?

Land Administrator Margarita Borja: It's (inaudible)

Chairwoman Pika Fejeran: That's Mangilao right?

Land Administrator Margarita Borja: No, Yigo.

Land Agent II Eileen Chargualaf: No, Yigo.

Chairwoman Pika Fejeran: Okay. So where's Tract 1021, Block 2, Lot 2?

Land Agent I John Gumataotao: That's in Dededo.

Chairwoman Pika Fejeran: Okay... alright well... this was one of the... this is an Agriculture Lease that was signed by the Director at the time... not signed by the um...applicant but it's before us now for Commission approval because it was one of those un... not fully executed leases.

Commissioner Techaira: So motion approve lease for Frank Joseph Leon Guerrero Lot 13-R1, Block 10, Tract 10121, Yigo.

Chairwoman Pika Fejeran: Okay motion has been made.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay

Land Agent II Jhoana Bragg: Madam Chair, if possible, we do have some of the constituents here, um if we could possibly um... get to

Chairwoman Pika Fejeran: Get to them?

Land Agent II Jhoana Bragg: Get to the ones that are here?

Chairwoman Pika Fejeran: Yes. And they're the pre-moratorium on (inaudible) oh...okay good.

Land Agent II Jhoana Bragg: There's a Joseph Guzman, you have Mark Torre and...

Chairwoman Pika Fejeran: Okay I found a Mark Anthony Blas Torre... yeah, okay.

Chairwoman Pika Fejeran: Okay so let's jump because we do have the um... the applicant here. Um, we'll go to Mark Anthony Blas Torre. Hafa Adai Sir. Thank you for your patience.

Mark Torre: Thank you.

Chairwoman Pika Fejeran: Okay so you are a December 5th 1995 applicant?

Mark Torre: Yes Ma'am.

Chairwoman Pika Fejeran: And you... okay... so you have a lease that was signed in 2017, you were probably like, yes, I got it finally only to find out that the Director red marked it. We didn't know it

happened at the time. We just found out so... um... now we're just here to review your case and um... if the Commission (inaudible) to approve the lease. Ah... let's see, so this is for Lot 5219-1-13 in Barrigada. This is for an Agricultural Lease?

Mark Torre: Yes Ma'am.

Chairwoman Pika Fejeran: Okay. Um... sorry, was it surveyed?

Mark Torre: No

Chairwoman Pika Fejeran: No... okay so it will be... the lease will be subject to survey?

Mark Torre: Yes Ma'am.

Chairwoman Pika Fejeran: Okay. And are you prepared to um... fulfill all the requirements of your lease?

Mark Torre: Yes

Chairwoman Pika Fejeran: Okay um... so you have um... would you be doing livestock or crops?

Mark Torre: Crops.

Chairwoman Pika Fejeran: Crops. Okay... do you plan to build on the property?

Mark Torre: Yes Ma'am eventually.

Chairwoman Pika Fejeran: You do okay. Um... so just know that if you do plan to build, you'll have to come before the Board again for approval of the building plans. Okay?

Commissioner Techaira: So motion to approve lease subject to survey for Lot 5219-1-13 Barrigada for Mark Anthony Blas Torre.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Motion made and seconded. I just want to clarify so it is...okay our Staff Report says dash 5219-1-7 but it should be dash 13 right?

Commissioner Santos: Dash 13

Chairwoman Pika Fejeran: Okay, your motion is correct. Um... further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. Thank you Mr. Torre.

Mark Torre: Thank you.

Commissioner Techaira: I do not have that.

Chairwoman Pika Fejeran: Then next would be a um... Joseph Guzman. Oh, okay so the one that we have in our um... did we even get it? I don't think we got one. Okay... so they're making copies right now. Okay so Mr. Guzman, they're getting the report for us. He's a December 5th 1995 applicant. Um... this looks like a residential lot... lease for Tract 319-Unit 1, Block 1, Lot 8, in the Municipality of Agat?

Land Agent II Jhoana Bragg: Actually has um...um... um... Mr. Guzman has already um... done the retracement for the survey so they are complete on that part.

Chairwoman Pika Fejeran: Oh okay. So this is one lease that has a red mark from the former Director. Okay... Hi Ma'am, if you could state your name for the record.

Margarita Guzman: Hi. Margarita A. Guzman.

Chairwoman Pika Fejeran: Thank you. And are you here on behalf of Mr. Joseph Toves Guzman?

Margarita Guzman: Yes.

Chairwoman Pika Fejeran: Okay. Thank you for patience as we get to his case. Okay... let's see... so do you have Power of Attorney? Is that...

Margarita Guzman: Yes I do.

Chairwoman Pika Fejeran: Okay so you have Power of Attorney for him... what's his priority?

Land Agent II Jhoana Bragg: A

Chairwoman Pika Fejeran: Priority 1?

Land Agent II Jhoana Bragg: Yes.

Chairwoman Pika Fejeran: Okay so he doesn't not own any land? Okay. Are you currently occupying the property?

Margarita Guzman: No Ma'am.

Chairwoman Pika Fejeran: No, okay but you have plans to build a home?

Margarita Guzman: Yes.

Chairwoman Pika Fejeran: For your...

Margarita Guzman: Yes.

Chairwoman Pika Fejeran: Okay. Have you visited the property?

Margarita Guzman: Yes we do.

Chairwoman Pika Fejeran: Do you have access and infrastructure available?

Land Agent II Jhoana Bragg: Yes it's a subdivision. (Inaudible) this subdivision um... so accessibility to infrastructure that's why um... um... she's issued the quarter... quarter acre.

Chairwoman Pika Fejeran: Ah okay... So that's... okay so only 6,575 square feet. Okay. Alright and the survey was complete so we have a...an appropriate lot property description. Okay.

Land Agent II Jhoana Bragg: The area um... the subdivision was already um... surveyed back in the day and so currently if they are being issued an area that was surveyed back then... then it is just a retracement so that they know their boundaries.

Chairwoman Pika Fejeran: Oh okay. And you already mentioned that has been done already? Okay.

Commissioner Techaira: Motion to approve lease for Joseph Toves Guzman um for Tract 319 Unit 1, Block 1, Lot 8, Agat.

Chairwoman Pika Fejeran: Ah... motion made.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Okay... further discussion?

Commissioners: None

Chairwoman Pika Fejeran: Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay, thank you Mrs. Guzman so your husband's lease has been approved. Okay... who's the next one that is here? Is there anybody else?

Unknown voice from public audience (inaudible)

Chairwoman Pika Fejeran: What's his name?

Land Agent II Eileen Chargualaf: What's your name?

Benny San Agustin Blas: Benny San Agustin Blas.

Chairwoman Pika Fejeran: San Agustin Blas... No okay...

Land Agent II Jhoana Bragg: (inaudible) it's a constituent matter, under public comment.

Chairwoman Pika Fejeran: Oh okay... okay so let's see... um... do we have anyone here for um... Chastity Leon Guerrero Tainatongo or Donny Jay Tainatongo?

Land Administrator Margarita Borja: He wasn't able to come, we did contact him. He wasn't able to come, but they requested that if they could go ahead and...

Chairwoman Pika Fejeran: We can still (inaudible)

Land Administrator Margarita Borja: Yeah

Chairwoman Pika Fejeran: I just want to see who we have left here that is present so we can get to your case. Phillip Blas Santiago? Albert (inaudible) Santiago? Michael Wayne Reyes? If anybody here for these names, let me know. Delores Taitano Quinata? Robert C. Quintanilla? Coleen Grace Quinata?

Commissioner Santos: James Sablan?

Chairwoman Pika Fejeran: Huh... no... Dan August Quichocho? Mary Ruth Phillips? Jesus Quidachay Ninete? Therese Muna? James Santos Mafnas? Cynthia Lujan? James Sablan? Gregory Aguon? John Patrick Aguon? Joseph Perez Babauta? No way? Okay... let's keep going on this then... um... let's look at Chastity Leon Guerrero Tainatongo. The original applicant is Donny Jay Tainatongo, looks like he was... he's a December 4th 1995 applicant but then he relinquished it to his wife Chastity which is not allowed... prohibited um... so looks like this is one where we have to make a motion to revert back the applicants back to their original place in line.

Land Agent II Jhoana Bragg: Yes he did request to um... to go um... to do a divert back.

Chairwoman Pika Fejeran: Okay... okay...

Commissioner Techaira: (Inaudible) from residential to agriculture

Chairwoman Pika Fejeran: Yeah.

Land Agent II Jhoana Bragg: Um... also with Mr. Tainatongo he currently owns property. So a request did... he did request if possible to go from Residential to Agriculture.

Chairwoman Pika Fejeran: Okay.

Commissioner Techaira: (Inaudible)

Chairwoman Pika Fejeran: Yeah... and then we'll take a recess.

Commissioner Techaira: Okay. Motion to revert a lease from Chastity LG Tainatongo

Chairwoman Pika Fejeran: Revert the application.

Commissioner Techaira: Revert the application back to Donny Jay Tainatongo and approve the change of application type from Residential to Agricultural for Lot 505-15 Merizo.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Mmm... sorry can we... can we restate the motion to be only about reverting the applications?

Commissioner Techaira: Okay no problem. Motion to revert the application from Chastity LG Tainatongo back to Donny Jay Tainatongo for Lot 505-15 Merizo.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay motion made and seconded.

Commissioner Techaira: No discussion.

Chairwoman Pika Fejeran: No discussion? Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. So now that their back in their right place in line, he holds his December 4th 1995 application. Um... and I believe we should take the same course of action that we did with um... the last switch that we reverted right? Which was just reverting the applications and then revisit a lease?

Legal Counsel Toft: Yeah in the future

Chairwoman Pika Fejeran: In the future maybe.

Land Agent II Jhoana Bragg: So in this one we named um...the motion was for lot 505-15.

Chairwoman Pika Fejeran: No it was just the....

Land Agent II Jhoana Bragg: It was just to divert.... Revert back.

Commissioner Techaira: Okay so...I'm sorry.

Chairwoman Pika Fejeran: Oh you named it?

Legal Counsel Toft: Yeah she did.

Commissioner Techaira: Yeah, I did it twice.

Chairwoman Pika Fejeran: Can she revised the...

Legal Counsel Toft: No, have to have the...

Chairwoman Pika Fejeran: Seconded or something...

Legal Counsel Toft: Yeah...maybe can take a break now.

Chairwoman Pika Fejeran: Yeah, let's take a ten minute break... we'll be back to pick up at 3:25pm.

Chairwoman Pika Fejeran: Okay, I'd like to call this CHamoru Land Trust Commission meeting back to order. Okay, picking up where we left of it was um... regarding... I think Commissioner Techaira would like to revise her motion.

Commissioner Techaira: Ah... I would like to revise my motion for Chastity Leon Guerrero Tainatongo and the motion shall be, motion to revert...revert um... Chastity LG Tainatongo will revert her application back to Donny Jay Tainatongo.

Chairwoman Pika Fejeran: Okay...motion to revert their applications back to original has been made.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: None. Okay all those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it... motion passes. So now that they are back in their respective original application dates and times um... should the original applicant have interest in a property that was... ah... property that was listed on the lease that was not fully executed, I'd like the staff to prepare a new staff report. Okay? Okay... um... it looks like we've gone through 17 of these Pre-Moratorium leases and made determinations um... that's exactly half of the number that we were looking at getting to today. I'd like to table the remaining Pre-Moratorium leases for next time or maybe even later in this meeting if we can. Um... okay so then I would like to continue on our agenda.

Chairwoman Pika Fejeran: The UOG Hatchery. Do we have somebody that's to present?

Land Agent I Tina Jocson: That would be Glenn.

Chairwoman Pika Fejeran: Okay Mr. Eay, you are...

Land Agent II Eileen Chargualaf: I think that's what he handed to you.

Land Agent II Glenn Eay: That's what I handed to you Madam Chair.

Chairwoman Pika Fejeran: Ah okay. Okay so this is regarding Public Law 76-35; An Act to Correct the Property Boundary of UOG Lot No. 2517-17 to ensure all that all University owned structures are located within the boundaries of UOG.

Commissioner Techaria: I thought there was a major issue with this one.

Chairwoman Pika Fejeran: Yeah. There is a major issue with this one. At the last meeting that we had, we instructed the Director to continue his talks to UOG to be sure that the bill is amended to require compensation to the Land Trust for the taking of this property. As it's currently written, the bill does not do that. In fact, the bill... the bill... let me see... okay they do acknowledge that it's CHamoru Land Trust Land um... however, the bill only states that they're just going to correct it, correct the lot boundary.

Commissioner Techaira: So nothing was changed from the last time?

Chairwoman Pika Fejeran: Nothing was changed from the last time. So does the Commission still want to um... move forward with...

Commissioner Techaira: No.

Chairwoman Pika Fejeran: move forward with... well I think before us... I think what we said last time was um... oh, and there's a Public Hearing scheduled for Monday to hear the bill.

Commissioner Santos: Monday?

Chairwoman Pika Fejeran: Mhm. Um so does the Commission want to... at the last meeting we said, if they don't change the bill and it goes to Public Hearing we authorize the Director to prepare testimony in opposition of the bill.

Commissioner Santos: Right

Commissioner Techaira: Yes.

Chairwoman Pika Fejeran: Yes. Okay so we're....

Commissioner Techaira: I remember that.

Chairwoman Pika Fejeran: Okay so we're going to stick with that.

Commissioner Techaira: Yes, I would like to stick with that. You can't really just take something (inaudible) right?

Chairwoman Pika Fejeran: Yeah. Okay so the Commission's position is unchanged. Um... we do not support the bill in its current form. Um...

Commissioner Techaira: (inaudible)

Chairwoman Pika Fejeran: Yeah. Okay so the Commission does not support the bill in its current form um... the Commission um... understands that the UOG Hatchery's facility is in CHamoru Land Trust property um... and we'd like to... I guess have the take, I think it was about a half-acre of Land Trust property but we would have to have um... fair compensation.

Commissioner Santos: That's right. Nothing is free.

Chairwoman Pika Fejeran: Yeah...attached are exhibits hatchery map, so there's a draft resolution here and I think I have to work with the Director to revise it.

Commissioner Techaira: What would we do if there's no money?

Chairwoman Pika Fejeran: Yeah... I think it just has to be (inaudible) the resolution says, we support the bill. It says, approved a motion to support Bill No. 76-35 intent to transfer land to UOG and for the University to bear all cost associated with the land transfer pay ten percent of the fair market value of the land include in the bill a reversionary cost and the University of Guam's Cooperative Extension program provide agriculture training to CLTC employees and agriculture lease holders in perpetuity.

Okay... I do not remember any of this. Who drafted this resolution?

Land Agent Supervisor Matthew Leon Guerrero: There were meetings between UOG and the Director. They were offering this and this is just a draft, well Joey is out today but it's so it's supposed to be amended... they're offering this training...

Chairwoman Pika Fejeran: So this is UOG's offering? Because the way it's written is...

Commission Techaira: The Land Trust said that.

Chairwoman Pika Fejeran: It sounds like the Commission is agreeing with this.

Land Agent Supervisor Matthew Leon Guerrero: Oh no, it's a draft.

Chairwoman Pika Fejeran: Okay it seems like there's a little bit misunderstanding with the Director's negotiations with UOG and our... the Commissions direction... Legal Counsel, do you recall? We said, if the bill is not revised draft a resolution and provide testimony against the bill and the only we would support the bill is if it includes....

Commissioner Techaira: When did this training get in there?

Chairwoman Pika Fejeran: I don't know. Well I guess it... UOG offered it.

Commissioner Techaira: Okay so this is just... their discussion but why is it in this form?

Chairwoman Pika Fejeran: I don't know. I think the Director is little bit um... unclear of how it works. A resolution should only be drafted based on Commission's motion and desires and not anyone else's.

Commissioner Santos: Yeah.

Commissioner Techaira: (inaudible) 10% market (inaudible)

Chairwoman Pika Fejeran: Yeah. I agree.

Commissioner Techaira: What's the training for? I want to know, why do they need training?

Commissioner Santos: They don't need training.

Chairwoman Pika Fejeran: And what does that training entail? And how does that...

Commissioner Techaira: I mean I'm open to knowing... you know... if I could go about it.

Chairwoman Pika Fejeran: So um... obviously I'm not going to sign this resolution as it's drafted. Um there was a recommendation in the staff report that we approve this resolution. Um...

Commissioner Techaira: This seems sketchy because what if you pay ten percent (10%) of fair market value of the land mean? What does that mean? What does that even mean?

Chairwoman Pika Fejeran: Okay so um... can I just have the Commission restate its position? On the bill as it's currently written.
Or I could just pull out my... I could just tell you what we said last time.

Commissioner Techaira: Yes. It's probably just missing some parts because (inaudible) because ten percent (10%) (Inaudible) not less than. (Inaudible) it shouldn't be ten percent (10%)...

Chairwoman Pika Fejeran: It's ten percent (10%) of the...

Commissioner Techaira: Usually... usually but... I mean this is not going through court so that's why... (Inaudible) probate... you know... so why should we... is there any way we cannot have (inaudible)

Chairwoman Pika Fejeran: No she called it... she called it for Monday. But um... the Senator Therese Terlaje called the public hearing, she was not the sponsor of the bill but she has been actively trying to contact me and asking what's our position... um... okay... so what's our position? We do not support the bill in its current form?

Commissioner Santos: Yeah.

Chairwoman Pika Fejeran: Okay. Ah... compensation to the trust?

Commissioner Santos: Yeah

Chairwoman Pika Fejeran: Must be determined

Commissioner Santos: Fair market value

Chairwoman Pika Fejeran: Mhm... Ah... we want the reversionary clause... reversionary clause added.

Commissioner Santos: Yeah

Chairwoman Pika Fejeran: Okay and any all cost for transfer will be borne by UOG.

Commissioner Techaira: It's probably just a (inaudible) there should be more to it... I mean you've seen that language before... there's just more... more... details... it's missing something but because it's missing that, the way it reads is very...

Chairwoman Pika Fejeran: So um... so that kind of has still the compensation?

Commissioner Techaira: Mhm...

Chairwoman Pika Fejeran: Ah... we'll say, compensation to the Trust must be determined and equivalent to?

Commissioner Techaira: The appraised value

Chairwoman Pika Fejeran: Appraised value? Okay. I think if we can prepare resolution and then have the Director present testimony based on these 1,2,3,4 points. Um... I want to ask the Commission... we're not um... I just want to confirm we are not against UOG um... getting the land so that their facility is completely on UOG property however, there has to be just compensation.

Commissioner Santos: Right.

Commissioner Techaira: A half-acre, that's a lot of land.

Chairwoman Pika Fejeran: A half-acre is a lot of land. Okay. Okay thank you.

Commissioner Santos: How much are they going to charge?

Chairwoman Pika Fejeran: Let's see... okay next item on the agenda is Guam Raceway. Did you guys have a Staff Report for this one?

Land Administrator Margarita Borja: Yeah (inaudible)

Chairwoman Pika Fejeran: There is one. Okay... okay... alright. Hi Hafa Adai... if you could just give us a couple minutes. We're going to review the staff report.

Guam Raceway Representative: Could we get a copy? We wanted to ah... the last time we brought our proposed lease and um... we were going to get a report back... Mr. Toft but I don't think we did.

Legal Counsel Toft: We are still kind off discussing with the Director up until yesterday... so...

Chairwoman Pika Fejeran: Is there someone on the staff that can present for this? No?

Land Administrator Margarita: Joey was tasked to present and he's out sick today.

Chairwoman Pika Fejeran: Okay.

Guam Raceway Representative: I spoke with Mr. Castro I mean Mr. Cruz this morning and he said there's a Mr. Glenn Eay that was going to do a presentation.

Land Agent II Glenn Eay: Actually I was just supposed to read the staff report and submit it.

Chairwoman Pika Fejeran: Okay. Yeah could you?

Land Agent II Glenn Eay: I can do that...yeah.

Chairwoman Pika Fejeran: What you gave me is the same as what we have in the packet?

Land Agent II Glenn Eay: Correct

Chairwoman Pika Fejeran: Thank you.

Land Agent II Glenn Eay: Um... Good Afternoon, Board of Commissioners, Madam Chair... I'm here to just read out ah...um... the facts and details on the Guam Racing Federation that was prepared by Joey Cruz ah (inaudible) so he asked me to just read out the staff report, for him...

Okay... number one the facts here location is at Lot No. 7167 – R1 Yigo and lot size is 1,022,012 square meters, there's no lease instrument number n/a, Field description: Raceway Park and Outdoor activities and the issue presented today is non-compliant with Public Law 30-204 – Event Admission, Proposed Lease Terms, Expiration of Resolution No. 2018-06 and the details were provided is; A. No Even Admission payment has been made since March 2018... next one, May 17, 2019 CLTC received GRF's draft Lease Agreement ah... May 23, 2019 CLTC received via email GRF's Draft Legislation and on May 28, 2019 Attorney Nicolas Toft and Joey Cruz met with GRF Representatives to discuss GRF's Proposed Terms and (inaudible) 31st of May 2019, Resolution No. 2018-06 expires and June 4th 2019 CLTC draft response to GRF's draft Lease Agreement forwarded to Director. June 5th 2019 CLTC's draft Commercial Lease forwarded to Attorney Toft for review and last June 5th 2019 Attorney Toft approves CLTC's draft Commercial Lease. And ah... the recommendation here as mention is to seek the board's approval for CLTC's proposed terms of GRF Commercial Lease Agreement.

Um... there's some exhibits that is attached here... you know...as far as the... you know... in regards to a...a letter from the administration, the Director and a...also the lease agreement that was provided by Mr. Joey Cruz and the map and the map location a map of this (inaudible). So this is all I was asked to just present for the board.

Chairwoman Pika Fejeran: Okay. This is...

Guam Raceway Representative: (inaudible) the CLTC (inaudible) Mr. Cruz asked me to give that to you so you can share with (inaudible)

Land Agent II Glenn Eay: Oh okay.

Chairwoman Pika Fejeran: Who's Mr. Cruz? Oh Joey.

Land Agent II Glenn Eay: Joey Cruz... so ah... I just received... this is a revised legislation that a... they're proposing for... this is for the Commission right?

Chairwoman Pika Fejeran: A revised legislation from the current law that was already passed?

Guam Raceway Representative: Yes... it say... a... we had a meeting the other day, Mr. Toft brought up that the... there's two areas of conflict, one, was the extraction of minerals and the definition of that and then the other was the price of the lease at ten percent (10%) of the appraised value goes to where they remain sticking points in the whole thing.

Chairwoman Pika Fejeran: For you guys?

Guam Raceway Representative: For us, yeah...yeah.

Chairwoman Pika Fejeran: Okay.

Guam Raceway Representative: There are things that would make it ah... those two things would make it untenable for us we couldn't continue on at least with those two provisions. We wouldn't be able to financially survive that... (Inaudible) particular um... um... those particular requests in the lease... so...

Chairwoman Pika Fejeran: In the law? Because that was in the law, right?

Guam Raceway Representative: In the law. Yeah. But it wasn't... yeah it was in the law and so ah... we...we...took the (inaudible) had did the original license for the Raceway twenty (20) years ago and he wrote a new lease and in it the... in it he basically left it up the... basically left it up to the legislature to... to approve or disapprove a portion that particular portion and it said, the lease and all its terms and conditions between the CHamoru Land Trust and the Guam Racing Federation a copy of which is impended and incorporated herein by this reference is not withstanding any other provisional (loud noise distraction from audience) by and approved by the Guam Legislature. So that... if that can be passed by the legislature it will... it will cure those two conflicts.

Chairwoman Pika Fejeran: Okay... were you not aware that that was in the law?

Guam Raceway Representative: Yeah we're aware that it's in the law... we had a very unfriendly ah... group that... it was a time sensitive situation but when we went to get the approval to do the fifty (50) year lease, in order to get the fifty (50) year lease approved, these two things were put in the law.... So rather than fighting them at that time, everybody pulled me aside and said, don't fight it, when you come back for your fifty year lease, you can deal with it at that time, at least you have your fifty... at least now, you're in the door. They described this process to me as... as being invited into somebody's house. So rather than going in and asking for dinner and all their money and their first born child, it says, get in the door and then ask for what you need. So basically, they said take this a step at a time... the first, was the permission to take the fifty year lease, the second, would be to not have to deal with those two provisions and then the third, is actually we need to go back to the legislature some point in the future and we need about twenty million dollars (\$20,000,000.00) more to finish this project and so we were granted nine million dollars (\$9,000,000.00) in tax credits in a 1998 actually we didn't get to start using them until 2000 and then that was what we built the drag strip with the um... um... the circle track, the parking lot, the lights all the... everything that's

up there and then in 2007, everything basically stopped because of the firing range and so we haven't built anything since 2007. All we've done is hold our races (inaudible) do our smoking wheels once a year and continue to grade the property to the point that when we do get the money, we would be able to go out and build a track.

Chairwoman Pika Fejeran: So um... okay sorry can you both just state your name for the record.

Henry Simpson: Yes, I'm Henry Simpson, General Manager Guam Racing Federation.

Marie Camacho: Marie Camacho Assistant to Mr. Simpson.

Chairwoman Pika Fejeran: Okay thank you. Um...so it looks like the... I mean... we're... I believe that the current law that's on the books right now um... gave the CHamoru Land Trust and Guam Race...well gave you the first right of refusal and it gave us six months to negotiate a lease.

Henry Simpson: Yes.

Chairwoman Pika Fejeran: And I believe that um... expires this month. The six month expires... so um... Legal Counsel, if we have not reached a... agreed upon lease prior to that six month expiration; what happens?

Legal Counsel Toft: We would continue the month to month tenancy to hold (inaudible) to what we had before.

Chairwoman Pika Fejeran: Okay

Legal Counsel Toft: As far as the current lease goes. As far as future ability to negotiate we'd kind of be back to the um... might have to go back to the legislature again.

Chairwoman Pika Fejeran: So um... okay. So what I'm hearing is... well right now there's um... last year when the original lease expired the Commission agreed to do a month to month lease with the same terms as your expired lease and have you been complying with all of those requirements?

Henry Simpson: Yeah.

Chairwoman Pika Fejeran: I don't think that you have.

Henry Simpson: Yeah.

Chairwoman Pika Fejeran: Have you been providing event admission payments? It looks like the last the one was in... the last payments was in March 2018 and I believe you've held several events.

Henry Simpson: Yeah. I have a check here for the balance of the 2018 I went down to pay it downstairs but they wouldn't accept it. It's got to get a number put on it.

Chairwoman Pika Fejeran: Oh okay. Joey will probably be the best one to deal with that. So what is that payment for?

Henry Simpson: That payment is for Smoking wheels and two of the... and two shows that they have up there, the ten percent of the rent they paid us.

Chairwoman Pika Fejeran: Okay good so you're giving us now payment...

Henry Simpson: Yes... yes...

Chairwoman Pika Fejeran: Okay so that was for up to the end of 2018 would bring you current. And are you current with your lease payments?

Henry Simpson: Yes.

Chairwoman Pika Fejeran: Okay that's my number one concern because you know...any landlord would like to keep tenants that are good tenants and if we're constantly having to chase after you for payments that are due to us, to me, that's not a good tenant and I will just urge you to keep current with all of your lease payments and um event admission payments so that we don't have any standing to say you're a bad tenant. Right?
So for the month to month lease, when did that expire? Was it a one year or is it just in perpetuity?

Legal Counsel Toft: Last year, we had done a one year. We had done a resolution to extend the lease for a year, so that expired May 31st of this year.

Chairwoman Pika Fejeran: Okay

Legal Counsel Toft: So we're currently in the month to month hold over at this time.

Chairwoman Pika Fejeran: Oh we are? So we're on a month to month right now? We don't need anything um... we don't need any motion or resolution from the Commission at this point to allow them the continued use of the property? As long as their lease payments are current?

Legal Counsel Toft: I would just say to at least maybe extend it another three months while we try and work with this and if... just kind of keep on the calendar (inaudible) this is an important issue.

Chairwoman Pika Fejeran: So I just want to make sure that um... knowing that we don't have a lease today, that you would... am I right that the lease terms based on the current law um... you would not agree to sign the lease? Right?

Henry Simpson: Right. We could but....

Chairwoman Pika Fejeran: Okay, right... it would not make no sense for you and I totally understand that. What I want to make sure is that I understand, okay, the lease terms that we built out of the current law are not um... are not... acceptable for Guam Raceway Federation um... which is fine, you have that right... you know...um... but in the meantime... you know we don't want the property to go fallow um... we believe your continued occupancy there provides a very good service for our island, gets all of the street racers off our roads to keep us safe, there's definitely a lot of community support in like a lot of...a big community built around... for that racetrack. So what I want to make sure is that um...understand that we don't have a lease, a new lease that is acceptable for you. Um... and...

Henry Simpson: Actually, I have one I'd like to propose. It's the same one I gave...

Chairwoman Pika Fejeran: But we wouldn't be able to approve that one because it's not in accordance of the law that's written, is that right?

Legal Counsel Toft: The current law, yeah.

Chairwoman Pika Fejeran: The current law, we can't deviate from the current law.... so what I'd like to do today with the Commission is acknowledge we don't have a lease, a new lease... for the property and a... maybe allow continued occupancy and a month to month lease... maybe for the next six months to allow ample time for all of us to reach an agreement for a new lease.

Henry Simpson: Okay.

Chairwoman Pika Fejeran: And I understand that you would like to go back to the legislature and get a new law that is more ah...um... in line and acceptable for you.

Henry Simpson: Yeah so would the Commission speak in favor of this bill should we get it put before the legislature?

Chairwoman Pika Fejeran: I think we can um.... now that we have copies, we can look at it and um... ah... um... take it under advisement.

Commissioner Techaira: I think we have this one already right?

Chairwoman Pika Fejeran: No

Mary Camacho: If you look at the lower left hand corner.

Commissioner Techaira: oh that's the (inaudible)

Mary Camacho: Yeah

Chairwoman Pika Fejeran: Um... I think... ah... maybe at another meeting the Commission can look at this again and to determine if we support or...

Henry Simpson: So um...

Chairwoman Pika Fejeran: I'm sorry Mr. Simpson, um... I just want to make sure the Commission is clear we're um... I think it's important that we allow their continued occupancy by ah... by authorizing a month to month lease as based on the...

Legal Counsel Toft: Previous lease

Chairwoman Pika Fejeran: Previous lease

Henry Simpson: Since these things take time, we would like to go ahead and get this introduced. So um... then you guys can come up with your position on it, while we're doing that...

Chairwoman Pika Fejeran: Yeah. Right. Mhm.

Henry Simpson: Okay so we're going to go ahead and... and... try and get this bill passed and I think the only conditions... the only two differences that we have are those two differences. Right?

Legal Counsel Toft: Yeah. We agree substantially on all of the other terms.

Henry Simpson: So if the legislature will...will pass this, it says, those two things are... moved basically. It's basically... it's basically... the way they explained it to me is basically rewriting our enabling law to get what we... we... need to continue on.

Chairwoman Pika Fejeran: Okay, it looks like this proposed...this draft legislation that you are going to ask the Senator to... it looks like um... the lease terms and conditions would be incorporated with this...

Henry Simpson: Yes and that lease is the one that presented.

Chairwoman Pika Fejeran: Okay... I think um... whatever lease is going to be attached to this has to come out of this Commission and not drafted by you... you know what I'm saying.

Henry Simpson: What's drafted was drafted by Attorney Cunliff and Nick has it.

Chairwoman Pika Fejeran: Yup, like I said, whatever lease... it's a CHamoru Land Trust lease that should be drafted by the CHamoru Land Trust, drafted and approved by the CHamoru Land Trust and then incorporated....

Henry Simpson: But approve it because it's contrary to law.

Chairwoman Pika Fejeran: Right.

Henry Simpson: So I can't, I can't put it with the bill...

Chairwoman Pika Fejeran: Right

Henry Simpson: Because then it won't change the law...

Chairwoman Pika Fejeran: Agree. I don't think you'd be able to put it with the bill. Just like this last bill that was approved, right... it said, okay um...work together negotiate a lease and then execute the lease based on those terms.

Henry Simpson: Yeah based on those terms right? So the people that did that say go ahead and swallow those terms for now and change them with your lease when it comes time for the lease. That was my marching orders from the legislature.

Chairwoman Pika Fejeran: Okay I don't know about that process, all I know is the Commission... whatever the lease the Commission approves has to be in line with existing legislation so until that existing legislation has changed the Commission can't approve the lease. Which is what... We are in the same understanding right?

Henry Simpson: Yup... well this changes that legislation so... by that, this lease... the lease and the one that... that... that changes those two things, that lease and all those terms and conditions are hereby not withstanding any other provisional law approved by the Guam Legislature... then it changes those two things.

Chairwoman Pika Fejeran: Okay so I get it's not going to be solved overnight, it takes time... I would ah... again, I would like whatever lease is being proposed comes out of the Commission so ah... ah...
Nick you share... have we shared this with them yet? No right?

Legal Counsel Toft: Yeah.

Chairwoman Pika Fejeran: Oh you have.

Legal Counsel Toft: Yeah well it's substantially the same thing as we shared before... it's... it's kind of ah...

Henry Simpson: Catch 22

Legal Counsel Toft: Yeah... we kind of have a Catch 22 where we disagree on the... the ability of the Commission to ah... prepare a lease that is ah... in violation of the previous law the 3324-34 or sorry 342-34...um with this... I mean they're kind of hanging their head on this... not withstanding any other provisional law... provision in their law but it's kind of...chicken and egg thing... I guess... (Inaudible) they believe that we can create a lease that ah... that doesn't follow this and that this new bill will allow it versus... I'm (inaudible) that we don't have the ability to prepare that lease because of this law. So we have that disagreement at the outset so...

Chairwoman Pika Fejeran: I would... I mean does the Commission... I mean I think that whatever lease we are going to be proposing has to be based on existing legislation... otherwise, what is the legislation for if we could do whatever we want and have second legislation come in and...

Henry Simpson: And fix it. Well that's the way told me to (inaudible)

Chairwoman Pika Fejeran: Okay.

Henry Simpson: When we were... when we went before Senator Ada um... last time... you know... it's kind of a... a...hard spot too because your Oversight Chairman, Senator Terlaje has a real dislike for this racetrack and the project and so she was one who put those two things in there and so she said you know... let's get this passed and we'll change...

Chairwoman Pika Fejeran: Sort the discussion.... Right... so I mean again, I don't think that the Commission is prepared today to approve any lease even this one that is presented, the Commission hasn't even had time to review the lease prepared by Legal Counsel... okay so...

Henry Simpson: All the Commissioners have to sit down and

Chairwoman Pika Fejeran: Yeah... no... we just got this today... or we just received this today ourselves... so um... I just want to reiterate right now what the Commission can do is provide the month to month um... I would propose maybe six months for this month to month hoping within the six months we get everything settled. Um... and then... um... I guess within the six months we will... you will have to figure out a way to get new legislation introduced um... to get the terms that are favorable for you.

Henry Simpson: Yeah... what we wanted to do with it and get the lease approved all at the same time and

Chairwoman Pika Fejeran: Like I said, we can't approve the lease if it's not... if it doesn't conform with the current law... existing legislation.

Henry Simpson: Could we use that lease to change the law?

Chairwoman Pika Fejeran: I don't think so...

Henry Simpson: Then it becomes... then it becomes...

Chairwoman Pika Fejeran: I mean... let's um... let's um explore that if you want to explore that, you can... um...

Henry Simpson: That's what I was told that by... by attaching that lease to this piece of legislation it changes the law... so this now becomes the law. Nick doesn't necessarily agree with that, but I think... I think the... others have told me that it would work very well like that... and then it should be passed and we got enough support for it so...

Chairwoman Pika Fejeran: Well my understanding is the law allows you first rights of refusal right... especially this six month timeline... sounds like... I don't know, are you refusing the lease and then do we now have to go out and solicit... I'm... I'm... that's so... I don't want to go down that road um... if you're saying that um...

Henry Simpson: We can't accept it the way it is... so if you think somebody else wants it that would pay more money for it and wants to run it and could do it some other way, I'd be happy.

This is a nonprofit group of volunteers we don't have any paid people out there and so um I've been doing it for over twenty years. I am actually at the age where I need to pass it on to these younger guys but I can't pass it on like this because it would fail and they couldn't pay the rent and they couldn't keep the lights open, they couldn't protect the place and so as this is written if it follows the detail of the law would fail. If you have somebody else that would take that over and run it and invest up their time and effort and have a racetrack, that would be wonderful... ah...I'd be happy for that. Basically, that's all we're doing... is we want to have a good racetrack for the island.

Chairwoman Pika Fejeran: Okay. I just wanted to confirm um... with Legal Counsel that um... the six month period even though it expires, are we still allowed to um... we're still allowed to issue

them a month to month lease since there is no new lease issued and we're allowed to continue to negotiations with them.

Legal Counsel Toft: I believe we can do the six month extension, I'm not sure whether the negotiation possibility extends passed June... at that point we may need legislative authorization again.

Chairwoman Pika Fejeran: For what?

Legal Counsel Toft: For a new lease.

Chairwoman Pika Fejeran: Because no lease has been prepared within that period?

Legal Counsel Toft: Right

Chairwoman Pika Fejeran: Okay. So um... I guess we'll... we'll have to talk with ah... I guess maybe can you look into that to determine if... if in fact we have to um... go back to the legislature and say six months is over no lease has been issued.

Legal Counsel Toft: Yeah I can check into it

Chairwoman Pika Fejeran: Okay... so I would just need um... does the Commission want to do a month to month lease extension for six months?

Commissioner Santos: six months

Commissioner Techaira: Yes

Chairwoman Pika Fejeran: Okay. I need a motion.

Commissioner Techaira: Motion to allow Guam Racing Federation continued occupancy based on previous lease terms on a month to month basis for six months.

Chairwoman Pika Fejeran: Okay thank you. Motion made.

Commissioner Santos: I second it

Chairwoman Pika Fejeran: Seconded by Tan Amanda.

Legal Counsel Toft: (inaudible) if we could also clarify so that would begin June 1st and extend to December 1st.

Chairwoman Pika Fejeran: Okay.

Legal Counsel Toft: Yeah, June 1st thru December 1st.

Chairwoman Pika Fejeran: June 1st thru December 1st 2019.

Commissioner Techaira: Want me to restate it?

Chairwoman Pika Fejeran: Nah...um... further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. Okay... so we'll have our Legal Counsel look more into it... I mean of course, I know you guys will also on your end. Um... this is not the end of it right.

Henry Simpson: I'm afraid it maybe because I don't think it'll get out... if... if... this has to be dealt with then Senator Terlaje's ah...ah... group since she's the Chairman of the... she's the Oversight Chairman right? Um... it'll get stuck in there and it's not going to go forward. So...

Chairwoman Pika Fejeran: We'll see...we'll see what happens now that the sixth month period is over, what are the next steps, since we were not able to come to a lease. Um...

Henry Simpson: I thought we had more time.

Chairwoman Pika Fejeran: No...

Henry Simpson: June something...

Chairwoman Pika Fejeran: I would urge you Mr. Simpson keep up with your lease payments and those event admission payments. Keep current so that we can maintain that you are a good tenant that we want to work with.

Henry Simpson: Pay you guys 2.6 million dollars over the last 20 years.

Chairwoman Pika Fejeran: For a million square meters... we are

Henry Simpson: A million square meters of (inaudible) hole that is crown lands for a good reason nobody wanted it. We didn't even really want to go there because there's no dirt. So it's only by accident that the ground... that the coral became of some value and we were able to carve a track out of that.

Chairwoman Pika Fejeran: Yeah... I hope that we can continue the mission for the Guam Raceway Federation but we just you know...we have to be very deliberate and careful and make sure that... what I have to make sure that the Commission is doing is right and in accordance with the laws and in the best interest of the Land Trust as a whole. Okay? Thank you for being here today.

Henry Simpson: You're welcome. Thank you.

Chairwoman Pika Fejeran: Um... I'm sorry that went a little late for Public Comment but we can start our Public Comments now. I have ah... Joseph T. Cruz. No not here?

Land Administrator Margarita Borja: (inaudible)

Chairwoman Pika Fejeran: Um... Taralyn Santos okay yeay... got to you finally. Thank you for your patience. If you could state your name for the record.

Taralyn Santos: Okay... my name is Taralyn Santos, um...

Taralyn Santos: Should I move this up?

Chairwoman Pika Fejeran: Sure

Taralyn Santos: My name is Taralyn Santos

Chairwoman Pika Fejeran: How can we help you?

Land Agent I Tina Jocson: I'm sorry, is it Teralyn or Taralyn?

Taralyn Santos: Taralyn

Land Agent I Tina Jocson: T-A- R- A?

Taralyn Santos: Is it on? Test... Okay so my name is Taralyn Santos...um I know I was supposed be ah... so I'm...I'm I don't know if I should say it, (inaudible) of CLT or not...um... I'm (inaudible) to come and attend this Commission Board meeting because I was issued a letter that my current lease is known to be Null and Void by the AG's Office. So I don't know if that's something that you want to entertain right now but I do want to bring it up in front of you um because I did spend a lot of money already and I don't think that it was right that I did go through the right process and now they're telling me that it's no longer going to be mine. Sorry.

Chairwoman Pika Fejeran: I'm sorry Ms. Santos no I'm sorry... I'm sorry too. Thank you for coming I know that um... it's been... I'm sorry, I'm going to get emotional just looking at you. Um... so you are not the original applicant?

Taralyn Santos: Um no. My father.

Chairwoman Pika Fejeran: Your father, okay and he... he relinquished his application rights to you?

Taralyn Santos: Um he's actually been deceased since 2001.

Chairwoman Pika Fejeran: Oh okay. Um.... so why did she get a Null and Void letter?

Commissioner Santos: They don't know why.

Chairwoman Pika Fejeran: So what happened last year was the AG found that um... applicants were allowed, it was an administrative practice um...to applicant's were allowed to relinquish their application rights to someone else while they were still waiting.

Taralyn Santos: Right.

Chairwoman Pika Fejeran: Um did that happened in your case? Did your...

Land Agent Supervisor Matt Leon Guerrero: When her father passed away it was still in the application status.

Chairwoman Pika Fejeran: Okay.

Land Agent Supervisor Matt Leon Guerrero: And her mother, relinquished it over to her.

Chairwoman Pika Fejeran: Okay so the mother was the beneficiary?

Land Agent Supervisor Matt Leon Guerrero: I believe he didn't leave a beneficiary so his wife said, I want to give it to my daughter, we did that, we issued her the survey authorization, I believe she surveyed she got a lease and it became one of those that became Null and Void.

Chairwoman Pika Fejeran: Right. Okay. Okay this ah... one that the Commission can address and handle. Um... her father, this is um... Roland Victor Santos?

Commissioner Santos: Yeah he passed away.

Chairwoman Pika Fejeran: Okay. He was the original applicant who has since passed away....I just want to check...okay... so when an applicant passes away and they have not designated a beneficiary then the Commission can pass it on...designate one for them. And it sounds like on the administrative level the staff was going to allow his wife to take over the application but then um... his wife said, I don't want it give it to my daughter. Is that right? Is that what happened? And there was no lease at that time? Okay and so that was allowed at the time, they had all the paperwork here and then um...um... she ends up getting a lease um... but because the Commission never made that designation for the beneficiary um... it was considered one of those transfers that were Null and Void... is that right Nick?

Legal Counsel Toft: I'm not sure why it was on the Null and Void list but I would have to look at the (inaudible)

Chairwoman Pika Fejeran: It was because the um... there was no beneficiary named or even if there was a beneficiary named, that beneficiary relinquished their rights to someone else. And I know if there was another case that we heard, someone that was identified as Null and Void

Commissioner Santos: I believe we can.

Chairwoman Pika Fejeran: Yeah...um...so I believe we can. So here it is...the... her mother, in 2014, says gave an affidavit she's the surviving spouse of Roland Victor Santos request that the Commission ah... authorization to transfer property given to Roland Victor Santos under the 99 Year Lease Program to Taralyn V. Santos. Wait... so it doesn't look like there was property but maybe what she meant was the application?

Commissioner Techaira: (Inaudible)

Commissioner Santos: Does the mother relinquish that?

Chairwoman Pika Fejeran: Yeah so that was 2014. 2017 was when we contacted you and told you there's property available here's your survey authorization

Taralyn Santos: Yes. That's correct.

Chairwoman Pika Fejeran: And you went out and got it surveyed....

Taralyn Santos: Yes.

Chairwoman Pika Fejeran: Paid for it...

Taralyn Santos: Yes paid everything.

Chairwoman Pika Fejeran: Have you built on the property yet?

Taralyn Santos: I'm not able to...um since I actually got the lease signed, recorded everything that's when the AG came in said Null and Void.

Chairwoman Pika Fejeran: Null and Void

Commissioner Santos: Oh my god.

Chairwoman Pika Fejeran: Okay. Okay...

Taralyn Santos: You could just imagine the rollercoaster I went through.

Chairwoman Pika Fejeran: Sorry it was um... it was ah... news to all of us you know. I'm really sorry you went through this and I hope that we can resolve it today. So just to recap, right? Her father was the original applicant, passed away um... the application would have gone to her mother but she requested to transfer the application rights from herself as the surviving spouse to the daughter and um... we roped that kind of ah... transfer of application rights in with the Null and Void. Um...I believe that we did do it in the last meeting. Um... the Commission does have the authority in cases where the applicant has passed away to designate the beneficiary. Um... to basically confirm that Ms. Um.... Ms. Taralyn Santos takes over his application rights and then we would issue her a new lease.

Legal Counsel Toft: Yeah. What I would do, is do it in...

Chairwoman Pika Fejeran: Two motions.

Legal Counsel Toft: Two motions, one would be to designate her as the successor to the application rights pursuant to 5.8 and then another motion to award the lease to her.

Chairwoman Pika Fejeran: Okay.

Legal Counsel Toft: And then just issue a special lease on it. Because the AG (inaudible) may say we're not able to ah... fix the old lease so we'd have to ah... issue a new one.

Chairwoman Pika Fejeran: So ah... the father's name is Roland Victor Santos his application date is December 5th 1995. Um Roland Victor Santos

Commissioner Techaira: And the second one would be to ah....

Chairwoman Pika Fejeran: Would be to issue a new Residential Lease for Lot 5382-5-17, Barrigada.

Commissioner Techaira: So for Lot 5382-5-17, Barrigada?

Chairwoman Pika Fejeran: Yes

Land Administrator Margarita Borja: So we would do a termination lease.

Chairwoman Pika Fejeran: Oh do we need a termination of the.... No because it's ah... Null and Void

Legal Counsel Toft: No because it's Null and Void so...

Chairwoman Pika Fejeran: This residential is Null and Void.

Land Administrator Margarita Borja: So it's recorded. So how are we going to...? Null and Void the recorded lease.

Legal Counsel Toft: I don't think you Null and Void the recordation you just do another one.

Land Administrator Margarita Borja: So is there going to be an Addendum or is going to be a new lease?

Legal Counsel Toft and Chairwoman Pika Fejeran: New lease.

Land Administrator Margarita Borja: So she'll have two leases recorded one with a different term and

Chairwoman Pika Fejeran: Yeah and the new one with a new term.

Land Administrator Margarita Borja: (inaudible)

Chairwoman Pika Fejeran: Yeah so the old one that is already recorded, the AG has said is Null and Void so it's not even in existence right?

Legal Counsel Toft: Right

Commissioner Santos: Disregard that.

Land Agent Supervisor Matt Leon Guerrero: We're going to need to terminate that lease because if she decides to go to Guam Housing

Chairwoman Pika Fejeran: We can't terminate it if it's nonexistent.

Land Agent Supervisor Matt Leon Guerrero: For record purposes because if she tries to get a loan, title companies are going to pick that up and she's got two leases it's going to cloud it so there needs to be a connection for records from this lease now to the lease she's going to get today. Either an addendum to this lease or a termination of that lease then a reissuance of the new lease.

Legal Counsel Toft: Termination

Chairwoman Pika Fejeran: Termination okay. Um and then the ah...ah...instrument number where the termination lease is 917392

Commissioner Techaira: So motion designate Taralyn Santos as the successor for Roland Victor Santos, Application dated December 5th 1995.

Chairwoman Pika Fejeran: Okay motion made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. Motion passes.

Commissioner Techaira: Motion to terminate lease under instrument number 917392

Chairwoman Pika Fejeran: Okay a motion to terminate lease under instrument number 917392 has been made.

Chairwoman Pika Fejeran: I need a second.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay um... just for clarification this termination is for, um...I guess Land Management purposes right. Um further discussion? All those in favor?

Commissioners: None. Aye.

Chairwoman Pika Fejeran: Um okay. Ayes have it.

Commissioner Techaira: Third Motion um... motion to issue lease for Lot 5382-5-17, Barrigada to Taralyn Santos.

Chairwoman Pika Fejeran: Motion made

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Second it by Tan Amanda. All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Ayes have it. Okay alright Ms. Santos thank you for coming and waiting. Now you're going to... you're going to have the lease. The staff will prepare it, they'll let you know when it's ready and then I'm so sorry that you went through that.

Commissioner Santos: Sorry for the misunderstanding.

Taralyn Santos: Thank you.

Chairwoman Pika Fejeran: Okay. Biba!

Audience: Clapping!

Chairwoman Pika Fejeran: Okay next public comment, Joe E. Cruz. Okay I have a Joe Cruz and a Donna Cruz.

Unknown member: And a Nicolas Cruz

Chairwoman Pika Fejeran: And a Nicolas Cruz okay got you. Hafa Adai welcome, thank you for waiting... all day for this. Sorry. If you could all state your name for the record and then tell us how we could...

Nicolas Cruz: My name is Nicolas Cruz

Joe Cruz: My name is Joe Cruz

Donna Cruz: Donna Cruz

Chairwoman Pika Fejeran: Hi thank you for coming.

Nicolas Cruz: We are all brothers and sisters

Donna Cruz: We are all here to see if um... my brother Joe and Nicolas Cruz can they relinquish their names and put the land under my name, Donna Cruz.

Chairwoman Pika Fejeran: So ah... you each have a lease with us?

Donna Cruz: They're under the... well my dad Nicolas Cruz and Teresita Cruz they both ah... deceased so they put them under their beneficiary.

Chairwoman Pika Fejeran: Okay.

Commissioner Santos: So the land is under Arruendo?

Chairwoman Pika Fejeran: Yes...yes.

Land Agent II Glenn Eay: Good Afternoon Madam Chair, um a couple of weeks ago um... Joseph and Nicolas and Donna came over to the office and they came into to the office for the purpose of relinquishing their rights... they're both beneficiaries from their mom Teresita Cruz who is deceased and they want to relinquish their rights over to their sister Donna. So in doing so... we prepared a... a... relinquishment letter and it was notarized and because at the time I went and inspected the property ah... six acre property ah... and they're known to be farmers at this time. And when I went up there they were farming...long term trees and everything and they were held back several years because ah...inaccessible access to their property. The neighbor's in the front blocked them off for a long time. So the reason I went up there was to find out hey... cease and desist... you know talk to those individuals but what happen was they were able to discuss with the individual and they gave them keys to enter their property just to control... the reason why they closed off the access was because people were dumping and it's junk place as well and I verified that. So... but they're still going there actively farming, planting about eighteen calamansi trees and so forth...

Donna Cruz: Mango trees.

Land Agent II Glenn Eay: Mango trees... and stuff like that and I go great... you know, continue your farming. The only issue you know... upon investigating more, my findings show that subject lot that was leased to the mom is located on unregistered property and you know... they still want to continue to remain there and farm and you know... do more... plant more trees and fruits... they want to carry the tradition from their parents. So...we're here today, I told them, I said you know you're probably going to have to... because it's unregistered property we going to have some issues.

Chairwoman Pika Fejeran: Yeah.

Land Agent II Glenn Eay: And they want to you know... ah...possibly get some authorization for and all (inaudible) water and power and continue their farming and all that stuff. And I asked if they want to go ahead and appear before the board and state their case and this is where we are today.

Chairwoman Pika Fejeran: Okay thanks Glenn. Um can I see the file? So this is also not the first time we've had leases issued for unregistered property um... oh okay... I think it's pretty valid because they're both here saying they want to relinquish the right. Okay. Yeah, let's be sure to add that in here. So this lease for Lot 8-1, Block 4, Tract 1021 in Dededo containing an area of six acres since 2005 the lease was signed so... what do we do Legal Counsel? Do we issue a...well first does the Commission want approve the designation of Ms. Donna as the beneficiary to her mother's lease?

Commissioner Techaira: Mhmm.

Legal Counsel Toft: (inaudible)

Chairwoman Pika Fejeran: Okay. Um...

Commissioner Techaira: What's her mom's name?

Chairwoman Pika Fejeran: Teresita C. Cruz and the lease is for... oh no, we're just going to do the designation of beneficiary.

Commissioner Techaira: Okay and then?

Chairwoman Pika Fejeran: And then what can we do because there is an existing lease, would there be an addendum?

Legal Counsel Toft: I think the addendum would be the easiest because we can't do a new lease.

Chairwoman Pika Fejeran: Right

Legal Counsel Toft: So do an addendum and then (inaudible)

Commissioner Techaira: Okay so we're just doing beneficiary?

Legal Counsel Toft: That would be the first part and then the second one would be to do an addendum to the lease.

Chairwoman Pika Fejeran: And the addendum would be um...

Legal Counsel Toft: If the first motion passes.

Chairwoman Pika Fejeran: And then the addendum would be... right. If the first motion passes then the addendum would be so that the lease is add ended to be in Ms. Donna Cruz's name. Um Ms. Cruz have you submitted an application or....

Donna Cruz: Yes

Land Agent I Tina Jocson: Yes she did.

Chairwoman Pika Fejeran: She did... she has her own.

Land Agent I Tina Jocson: She did an application and then the two bothers did a relinquishment.

Chairwoman Pika Fejeran: Okay I just wanted to make sure... well that's her mom and she qualifies so we're okay.

Commissioner Techaira: Motion to approve Donna Cruz as a beneficiary of Teresita Cruz

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay. Motion made and seconded. Further discussion?

Commissioners: None

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay motion passes. So thank you Joe and Nicolas for relinquishing for Donna.

Commissioner Santos: So the boys are not going to get the land?

Chairwoman Pika Fejeran: Yes this is the type of family I love to have appear before us.

Cruz Brothers: We'll be helping out at the ranch too.

Donna Cruz: I'm planning to build. Would I be able to build my house on that land?

Chairwoman Pika Fejeran: Yeah. So this is agricultural and you're allowed to have one structure.

Donna Cruz: Okay. What about the... infrastructure?

Chairwoman Pika Fejeran: Is there....

Land Agent II Glenn Eay: Well this (inaudible) if you wanted to plant you know or to build a home... you still have to work a little bit more on your compliance (inaudible) getting two thirds of your property.

Commissioner Santos: You have power and water?

Donna Cruz: No there's now power.

Donna Cruz: Yes.

Commissioner Santos: She also needs power and water.

Lang Agent II Glenn Eay: Can you do that?

Donna Cruz: Yes.

Chairwoman Pika Fejeran: Well all we've done is just designate you as your mother's beneficiary so um... right now the lease is still under your mother's name.

Donna Cruz: Mhmm

Chairwoman Pika Fejeran: So if we could get a motion for the addendum.

Commissioner Techaira: Motion to issue addendum to change to have lease change to Ms. Donna Cruz's name.

Commissioner Santos: I second it.

Chairwoman Pika Fejeran: Okay motion made and seconded. Further discussion?

Commissioners: No

Chairwoman Pika Fejeran: All those in favor?

Commissioners: Aye

Chairwoman Pika Fejeran: Okay ayes have it. Okay so we'll prepare a lease so that now it's in your name. And then, so your other question was about building a home and getting infrastructure?

Donna Cruz: Yes

Chairwoman Pika Fejeran: So how do you access the property now?

Donna Cruz: Ah... we just made our own road to the back... so we actually had to move all the junks.

Commissioner Santos: Where's the place at?

Donna Cruz: It's in um... Dededo... Piga Dededo?

Land Agent I John Gumataotao: Yeah, off Chalan Kodda

Land Agent II Glenn Eay: Oh yeah...Chalan Kodda... this is the property you're seeing right now but right now it's cleared all the way up to here and I've seen some evidence of long term trees and continuous planting around the area.

Chairwoman Pika Fejeran: Okay

Land Agent II Glenn Eay: So this is maybe a couple of years ago so currently it's different from what you're seeing right now in the aerial and it's all from Chalan Kodda.

Commissioner Santos: Where's that at?

Land Agent II Glenn Eay: Ah if you go into Ysengsong C&H Farm make a right turn and that takes you all the way down to this property. This is um... Ysengsong Road right here, make a right turn here, there's a dead end here, make a right turn go straight down. So where there was access before was right here, there's a chain-link gate here so they had to swing around and go through the neighbor's yard to get access to their property. Right now they have a set of keys now they can have direct access.

Chairwoman Pika Fejeran: Mhmm... I mean unfortunately um... well we have Two Hundred Thousand Dollars (\$200,000.) that we can use for infrastructure um... but we're still trying to develop a plan as to how that money can best be used. Um... so until we kind of get that plan going we can't do anything to install the infrastructure. I think the best thing for you to do is to continue to plant on the property um...right to become in compliance with the lease. Right? You have to farm two thirds of the property. So are you intending to have this be your primary residence?

Donna Cruz: Yes. I planning to build my house and farm and raise animals at the same time.

Chairwoman Pika Fejeran: Okay well one of the things that we're doing is um... is what we're going to be doing is reaching out to the utility agencies GPA GWA to see what projects they have planned so I'm hoping we can find out that they're planning to install infrastructure in your area but you know we're going to get to that so... but it's in your name now...so... thank you for coming. Thank you all three of you.

Okay next on Public Comment, I have the Mercado's. Did you all want to present at the same time? Okay, okay... Isauro, John and Matilde Mercado. Buenas and Si Yu'us Ma'ase' for your patience.

Unknown Mercado: Buenas Todus Hamyu Board Commission and Chair.

Matilde Mercado: I'm getting old already

Chairwoman Pika Fejeran: Well if you have two men taking care of you let us all be that lucky.

Matilde Mercado: Yes I'm lucky I got two sons. I got five sons but the rest are over there in the states but here only two. I'm glad they're here with me.

Chairwoman Pika Fejeran: Thank you for waiting.

Matilde Mercado: I'm came here just to ask you guys if you could please help me with the land that I have before it's already approved and what do you call that they let us get out and they told us that we have to wait. I don't know. We are one of the ah...what do you call that?

Commissioner Santos: Is that land Arruendo?

Isauro Mercado: This is Matilde Castro Mercado, our mother, I'm the son Isauro this is my brother John. She has asked us to show up and talk on her behalf, I currently have a Power of Attorney to speak on her behalf and ah...1995 she applied and we were privileged and honored to receive a land, if I may, I Tanota in 2016 only to be heartbroken as my mom would put it. When these findings led to the Null and Void situation with (inaudible)

Commissioner Santos: Barrigada Heights?

Isauro Mercado: No we're actually in Dededo. So um...all that being said and I'm sure you heard enough emotional testaments and so forth...my mom um...she recently had a stroke and she's a farmer she's originally from Talofoto. I myself, I take after them. I'm into the land and so forth...and we were really into it, we cleared it up, we surveyed it um...was taking care of the land and improved on it and then the letter came and that's where we're at.

Chairwoman Pika Fejeran: Okay. So...um I see the lease here. I'm just trying to go back in all of this. Who is Lola Wusstig Agero?

Isauro Mercado: Lola is our Auntie. She relinquished... I believe you might have a letter of relinquishment there. Her place in line if I may or application so that we may take over for medical reasons and we went through the process and um um... here we are.

Chairwoman Pika Fejeran: Okay I think I mentioned earlier it was an administrative practice since 1997 to allow these types of transfer of application rights to occur. Um and then the Attorney General gave the opinion last year that the only time the application right can be transferred is upon the death of the applicant. So Agero is still alive?

Isauro Mercado: Yes Ma'am.

Chairwoman Pika Fejeran: So that was the main finding um...you know... it was a practice for 22 years...or 21 years before anyone ever said anything and it was the Attorney General coming down very hard on the Trust. It's not your fault, right. It was an administrative practice that was practice for years and years and so I want to make this right. Um... you've been through enough and you know you did everything asked of you right to get to this lease. And I want to get to a resolution so originally the Commission felt like um it was not within our power to rectify the situation and we needed legislative authorization um...the legislature hasn't moved on it so what I'd like is for the Commission is to...

Commissioner Santos: You know what I suggest? I suggest that she apply for another land, piece of land...because she enjoys farming.

Commissioner Techaira: She has one.

Commissioner Santos: It's possible.

Chairwoman Pika Fejeran: What about um...ah... what I want to do is I want to be able as a Commission to resolve these issues and um...the first thing would be to... because it was a relinquishment.

Commissioner Santos: Forget about that land and make her apply for another lot.

Chairwoman Pika Fejeran: But um...

Commissioner Santos: She's already too old to start...

Chairwoman Pika Fejeran: So you're... so um... Mrs. Mercado applied in 2014? Is that right?

Isauro Mercado: No I believe she applied in 1995 or 1996 if I'm not mistaken.

Chairwoman Pika Fejeran: No? Okay.

Isauro Mercado: In 2014 she may have been called upon... I don't know. I know that in 2016 is when we were... she was awarded the property.

Chairwoman Pika Fejeran: Okay. Okay... do we have um...? Mrs. Mercado's information about her application? I don't see her application in here.

Land Administrator Margarita Borja: It probably went into Ms. Lola Agero's file because they switched.

Chairwoman Pika Fejeran: Can we pull that one real quick?

Commissioner Santos: Where do you live?

Isauro Mercado: We live in Dededo but she's living (inaudible)

Matilde Mercado: I'm renting a place right now that's why I really need to have a piece of land.

Commissioner Santos: We can find a piece of land for you

Matilde Mercado: Thank you

Chairwoman Pika Fejeran: If we can... I mean the first thing would be to say okay that relinquishment of that application reverts back so whatever her original application date and time is we would revert it back. Right? And then can the Commission issue a new lease?

Legal Counsel Toft: You could I mean the Commission just has to follow the rules so um...

Land Agent I John Gumataotao: Any ah... relation to...

Commissioner Santos: Are you related to Aguero?

Matilde Mercado: She's (inaudible)

Isauro Mercado: We're related on the Pablo side going down the family tree line... we're Pablo Castro. Ms. Chair, don't be... don't be ah confused because ah...when I first looked at that file, my mom brought me into this... I was kind of dismayed myself. So if you could clarify it for us please?

Chairwoman Pika Ferjeran: Yes...yes... so what we're trying to do now is try to find out what is the original application that your mom filed because in the records it's obvious that Ms. Wusstig Agero relinquished her date and time application to your mom so um... that is what the Attorney General found to be not allowed, Null and Void. So like others that had come before us today, the Commission has made the motion to revert them both back to their original place in line. Um...and we just want to find out what that place was for her. Oh yeah, there's two. Oh there.

Land Administrator Margarita Borja: She took over the application rights.

Chairwoman Pika Fejeran: Oh so she didn't....and that was in 2014? Did she apply in 1995? No okay... never applied.

Isauro Mercado: According to my mom she applied back in the day....she doesn't really recall

Matilde Mercado: When they open the CHamoru Land Trust

Commissioner Santos: In 1995

Matilde Mercado: In 1995 I applied and I'm on the waiting list.

Chairwoman Pika Fejeran: Did you go by a different name on your application? Maybe that's why there's two entries here.

Commissioner Santos: Do you...do you remember Angel Santos

Matilde Mercado: Yes he's the one that marry...

Land Administrator Margarita Borja: (inaudible)

Chairwoman Pika Fejeran: In 2006?

Land Administrator Margarita Borja: Is her application

Chairwoman Pika Fejeran: Well in 2006 was when the lease was issued...no? Hold on...ah...sorry, 2016.

Land Administrator Margarita Borja: So Lola's information should be in there.

Chairwoman Pika Fejeran: Yeah, it's here. Okay...

Isauro Mercado: You know she must have previously because we had to relinquish her place in line but before any of this developed so that day, I can't answer to you... I don't know what that date was.

Land Agent I John Gumataotao: Just trying to get rid of the columns that we don't need so we can compare the two. The yellow one is the active because it has the lease and it was a transfer of application rights. She has a residential application dated in 2006.

Isauro Mercado: Whatever the record states.

Land Administrator Margarita Borja: (inaudible) Residential and Agriculture

Commissioner Techaira: So she did apply in '95 back in the day for somebody else?

Land Agent I John Gumataotao: No

Chairwoman Pika Fejeran: No '06... what the records show... that '95 date is from um... Lola Agero. Do an emergency transfer? What? No way...

Land Administrator Margarita Borja: Revert it back for emergency and get a lease....

Chairwoman Pika Fejeran: Yeah...but that's if Ms. Agero is good for that. We'll see what Legal Counsel says. Can we do it as um... so what Legal Counsel's review of it um... it's not like that last

one where the applicant, the original applicant has passed away and we can designate them as the beneficiary...um... can... I'm... I'm sorry you guys are here before us so I hope you don't mind that we're just going to talk it out I guess amongst the Commission to kind of find out if there's something we can do because you are one of many cases that are left unresolved. Um...can... I mean can... I don't understand how we as a Commission don't have the authority to issue a lease to an applicant.

Legal Counsel Toft: I mean we have the authority to issue a lease to an applicant the problem is, that we have to follow the Rules and Regs and order of the application.

Chairwoman Pika Fejeran: But none of the leases that we just issued today, follow the Rules and Regs because guarantee we skipped somebody. We...

Legal Counsel Toft: When we revert it back the theory behind that is that person who is in that original place in line, their number is up... so versus the situation here, where with the reversion it would go to a... to Lola Agero who... because she's still alive... because even if she signed a lease, there's still the seven year waiting period before she could transfer a lease and that we don't have any kind of (inaudible) to work with the rules.

Chairwoman Pika Fejeran: So if we revert them back, Ms. Agero is back in '95 from our records Ms. Mercado is in 2006... yeah... the existing lease is Null and Void. Can the Commission say, okay understanding the history...everything that happened administratively, can the Commission decide to issue a lease to the 2006 applicant? I think we can because, yes, because the Commission acknowledges that we understand that they're 2006 but, again, none of the leases we issued today were in accordance with the Rules and Regs. Right? We're saying it's in the right order because their 1995 but if you would just look at it, we're skipping people in 1995 for those lessees. So whether they're in '95 or 2006, I think we're making an exception in this case knowing that we were allowing this administratively for 21 years and we know moving forward those switches or transfers can't happen but for these very limited cases where it went through and leases were issued, does the Commission have the power to issue them in their original place in line?

Legal Counsel Toft: I think it could but it would be subject to change and that's my concern, is that with the other leases we have legally a defensible position as far as ah... our actions (inaudible) in one case, where the (inaudible) designate a successor and a successor takes the lease or takes the application versus here, we don't have that kind of fall back on basically sort of (inaudible) saying that because of Commission error this incident happened and we're trying to make it right but we don't really have a legal way to stand on in doing so... I mean we can issue it and they can get a lease but if anyone challenges it... (Inaudible) don't know if we could successfully defend it.

Commissioner Santos: So what can you do for her?

Chairwoman Pika Fejeran: Yeah Nick...

Isauro Mercado: We won't challenge it.

Chairwoman Pika Fejeran: Well we won't challenge it either.

Isauro Mercado: Well what you're saying here is that based... another scenario would be for (inaudible) for Auntie Lola to pass away and relinquish that application to us and then we would be right in... (Inaudible) heaven forbid that that happens. But since that's not going to happen, then we have to come up (inaudible)

Commissioner Santos: Or put her as beneficiary.

Legal Counsel Toft: Yeah, that maybe one of the potential avenues is to have Lola name her as the beneficiary and... in the meantime, we're still (inaudible) to get the legislature to move on these voided leases to try to do some kind of corrective action on them because it's been deemed out of our hands for these types of situations.

Commissioner Santos: Maybe Agero doesn't need the land.

John Mercado: Obviously that's why she relinquished it.

Commissioner Santos: She died?

John Mercado: She's still alive I mean heaven forbid, we don't wish that upon anyone in any case. But then even if we do that and we make her beneficiary, we're back to square one where there's a waiting game.

Isauro Mercado: Just give us direction. We'll do what's necessary.

Chairwoman Pika Fejeran: Okay. Well perhaps we can have like further discussion Legal Counsel on this. I don't think that we're ready today to do that. What I don't want to do is set a precedence that the Commission has not fully really explored the implications... you know, as he mentioned if we were to do this, the lease could be challenged and all of that so...

Matilde Mercado: The problem here, I had the land surveyed already. I spent two thousand some for that. And what do I get? Nothing. I got so many plants to put on but... they let me get out.

Isauro Mercado: Yeah, she's kind of in a dire predicament right now. She's currently living at Iron Wood which is a gated community and she's got tons of plants... and there's a guideline provision in Iron Wood that you can't place these plants on the ground. She has... she's notorious over there, she has the most beautiful yard in Iron Wood but at the same token, it's against their guidelines and they gave her three months one year ago to remove those plants.

Chairwoman Pika Fejeran: Well there's some lessees that are in your situation they um... they were given the letter Null and Void but they're actually living already on the property and the Commission has made it very clear that we're not kicking anybody out.

John Mercado: That's what Director Hattig explained to us.

Chairwoman Pika Fejeran: So we're not kicking anybody out that's using the property that was leased to them that was declared Null and Void. Does that make sense? So unless, anybody else out there is telling you don't do anything on your property...we're not saying that.

John Mercado: So you saying that, you recommend we still do stuff on the property? That's what is holding us back. We don't want to go in there and do anymore and then all of a sudden it'll be a waste of our time and effort.

Chairwoman Pika Fejeran: I mean the Commission is trying every possible avenue and way to maintain you on that property and we're not kicking anybody out and you've already invested a substantial amount of money so it's up to you if you want to continue or...

Commissioner Santos: Already the applicant relinquish that... just leave it she doesn't want it. Can she come in apply under her name?

John Mercado: The transfer of application was approved, notarized and all of that... so where...

Isauro Mercado: Can you give us a time line you know um... based on her age not on mine.

Chairwoman Pika Fejeran: Well I wanted this to be resolve last year...so um... you know um... we don't have another meeting this month. Our next meeting is July 18th. I'm hoping we can have some offline discussions with our Legal Counsel to really find a way to address this also including our Legislative Oversight Chair, Therese Terlaje. What I'd like is for the three of us and the Director to sit a table and hash this out a way that we're protecting you.

Isauro Mercado: Would it be possible to reconvene then, July 18? Is that too early? When I see you guys again and you know hopefully get some resolution to this.

Chairwoman Pika Fejeran: We can ah...we can...

Isaurao Mercado: Thank you all. Thank you for seeing us on the whim already but mom's voice needed to be heard today. Si Yu'us Ma'ase.

Chairwoman Pika Fejeran: We'll work on it.

Matilde Mercado: What are you talking about? We can still go in the land and plant something. I don't care if they kick me out. I got so many plants.

Commissioner Santos: We're not saying you cannot, we're trying to make it legal.

Matilde Mercado: Because I don't want anybody to kick me out when I already did everything. I tried to make the place nice and then they said, I'm sorry you have to get out of this place. I'm not going to leave...I don't care if they tell me to go. This land us ours.

Speaking the CHamoru language: Have consideration on me because of my age. I don't want to go and nobody better tell me to leave.

Like I said, what is going to happen to the one I already paid to the surveyor? The land is surveyed already.

Chairwoman Pika Fejeran: Thank you for coming.

Matilde Mercado: Either you find me a land where I can go and there is an access to go in because this land that we got now, there's no access to go in. We're passing through somebody's and that somebody in front of us blocked their road that nobody can come in.

Isauro Mercado: What was that again? She's willing to settle for any beach front property and we'll call it even.

All: laughing

Isauro Mercado: Ms. Dayday has all our phone numbers

Matilde Mercado: If you have anything that is good for us, please give me call. I will be happy to hear it from you guys and I thank you all so much.

Chairwoman Pika Fejeran: I have one more for Public Comment, Gloria Castro. She's not here right? Did you sir, did you want to provide comments.

Commissioner Santos: What is his name?

Chairwoman Pika Fejeran: Please state your name for the record.

Good Afternoon Board Members and Madam Chair... Um my other half again left to Alaska and then now I'm bringing them back because they don't like it back there so what I'm trying to do is get water and power to my property and I'm having a hard time.

Chairwoman Pika Fejeran: I'm sorry can you state your name for the record.

Benny San Agustin Blas: Oh I'm sorry, Benny San Agustin Blas and I had Barrett Plumbing go ahead and do an estimate and it came out to be umm (inaudible) thousand some and I told Barrett Plumbing I'm not able to pay for that, I can't do that right now and the power pole is going to cost me Six thousand and (inaudible) Six hundred some dollars for water meter. I have all the documents.

Chairwoman Pika Fejeran: So you have a current lease with the Land Trust?

Benny San Agustin Blas: Yes. I have a lease there.

Chairwoman Pika Fejeran: Is a residential lease?

Benny San Agustin Blas: Residential lease

Chairwoman Pika Fejeran: And you have not developed it yet, because there's no infrastructure.

Benny San Agustin Blas: I had surveyed it already and (inaudible)

Commissioner Santos: Where's the place at?

Benny San Agustin Blas: Chalan Natibu, Ysengsong.

Commissioner Santos: Ysengsong oh. Dededo?

Benny San Agustin Blas: Chalan Natibu Ysengsong yes Dededo. And (inaudible) or not and as soon as possible if I can get help to get the utilities in I could move in right away.

Chairwoman Pika Fejeran: So you're ready to build on the property?

Benny San Agustin Blas: Yes.

Chairwoman Pika Fejeran: Have you been prequalified for a home loan.

Benny San Agustin Blas: No...what I did was got a loan through Bank of Guam so I'm just waiting now.

Chairwoman Pika Fejeran: Oh a personal loan?

Benny San Agustin Blas: Yes, I just found out I'm supposed to go through Guam Housing Corporation.

Chairwoman Pika Fejeran: For a home loan right?

Benny San Agustin Blas: Yes for a home loan. I just found that out.

Chairwoman Pika Fejeran: Okay okay... well I guess I would... I think installing infrastructure for you is not likely to happen in the time frame that you're looking at so perhaps you could... you would be interested in requesting to move to another property that does have infrastructure.

Commissioner Santos: Did you have it surveyed already?

Benny San Agustin Blas: Yes. I had it surveyed already. There's a waterline going into Natibu but it's only...

Commissioner Techaira: Well why is Barrett giving the estimate? It should be like GWA Guam Waterworks. Barrett is like for plumbing.

Benny San Agustin Blas: They have no funds for it. GWA can just come out and just do a (inaudible) water installation and...

Commissioner Techaira: Barrett plumbing is not a...

Commissioner Santos: No funds but they get pay raise.

Benny San Agustin Blas: Yeah I'm going to bring that up to Governor, I'm going to see her next week. I didn't know they had a Board meeting for this until I went in to see the Governor. I know she's back.

Land Agent Supervisor Matt Leon Guerrero: They require that. He's probably going through the new building process because he's in there GWA will not...

Chairwoman Pika Fejeran: Oh so they have to hire private to connect to the GWA line.

Land Agent Supervisor Matt Leon Guerrero: The last meeting that they had with us, they were talking about GWA just starting this construction crew to do this because everything is outsourced.

Commissioner Techaira: When did they do this?

Land Agent Supervisor Matt Leon Guerrero: It's been several years. So we have one that was in this situation, built her house on CLTC property did her loan guarantee several years ago and only now she's able to come up with that Thirty Thousand Dollars (\$30,000.) to run that waterline to her property which is Marsha Taitano. It's just now they started the construction, several years when she came to the Commission for her loan guarantee, she too was in that situation. She has to hire a private company to run from that end of the line that you're talking about to wherever you're at.

Chairwoman Pika Fejeran: What you can do now that you're on record, but get with your land agent and put in a request, say, hey I'm ready to build I need infrastructure here and um...we'll take that into consideration because we have Two Hundred Thousand Dollars (\$200,000.) to spend on surveys or infrastructure and we're trying to figure out what best way to use it. Otherwise, I think your other option would be...

Benny San Agustin Blas: I think I applied for utilities like three times already, they have records.

Chairwoman Pika Fejeran: Utility Authorization?

Benny San Agustin Blas: Yes.

Chairwoman Pika Fejeran: But that's if there's...it's already right there.

Benny San Agustin Blas: Yes and we're still going through the same process... you know, there's no funding and I here you saying there's funding now.

Chairwoman Pika Fejeran: There's funding now, so put the request in with your land agent right. And um... we'll take it into consideration when we're looking at how best to use that very little bit of money right? But if there's ten other lessees (inaudible) that can benefit that kind of investment and you're all ready to build and that's something we can consider. The other alternative is to request to be transferred somewhere else that does have infrastructure available.

Commissioner Santos: He had the land surveyed already.

Benny San Agustin Blas: (inaudible) and surveyed the property. For instance, if I were to move where they have utilities power pole and water, I still have to pay for a surveyor again. I don't want to go through that, I went through a lot already. I'm just going to stay where I'm at. It's been more than ten years since I've been waiting for water.

Chairwoman Pika Fejeran: Okay. Sorry Mr. Blas but um...talk to your land agent and they'll make sure that your property is on the list of properties that is ah...needing infrastructure as soon as possible.

Benny San Agustin Blas: Okay thank you.

Chairwoman Pika Fejeran: Thank you for your patience.

Commissioner Santos: Thank you. God bless you.

Benny San Agustin Blas: Thank you

Chairwoman Pika Fejeran: Okay. Public Comment complete. Um... I just want to acknowledge the Land for the Landless update... um just for our reference, there's 164 lots... um that are available for disposition and it sounds like you guys are still working on Land for the Landless to determine which one has access and infrastructure.

Land Agent Supervisor Matt Leon Guerrero: Yeah but majority of the subdivision has been identified it's the Ija Subdivision that needs to be validated but the others, most of those lots on the others have infrastructure.

Chairwoman Pika Fejeran: Okay yeah great so...

Land Agent Supervisor Matt Leon Guerrero: It's Ija that they would have to validate. (Inaudible) In the land administration side (inaudible) the termination, there's some people that are living on it some people that have contracts... that's what we're working on, on the Land Management side. For CLTC this is what we have, 164.

Chairwoman Pika Fejeran: Can we um...determine a next meeting the next Land for the Landless report if you can determine which... how many lots in each subdivision we have that currently have access to infrastructure.

Land Agent Supervisor Matt Leon Guerrero: Yeah that can be done. (Inaudible) need to revert ten lots back, those lots were actually paid off but were transferred.

Chairwoman Pika Fejeran: Okay well we definitely don't want to lease that.

Land Agent Supervisor Matt Leon Guerrero: Yeah and it should have been transferred to begin with.

Chairwoman Pika Fejeran: Okay.

Land Agent Supervisor Matt Leon Guerrero: So the staff will be working on going out as soon as they could...all these reports... I just got back from leave so there's all these reports that they need to prepare for these meetings so none of them have been going out to do these assessments. Now not having meetings till... so we may have a little more time in our hands to go and validate and we'll start with the Ija Subdivision.

Chairwoman Pika Fejeran: Okay. I just want to...um...reiterate that before we get to any leasing we have to have standard operating procedures in place and approved by the Commission as to how we're going about leasing these...

Land Agent Supervisor Matt Leon Guerrero: As of today, 164 of the Land for the Landless lots are good to go, are ready to be issued.

Chairwoman Pika Fejeran: So ah...Financial Report, I think we can table that until next time. Um Commissioner Comments. I have one, I wanted to share and updated priorities for 2019 but I can just share that via email with the Director but it's basically um... actually I'll just get it on record so that we have for July 18th. I want to get an update on our lease here at ITC building, I know the Director had been pursuing a new lease so I need an update there. I also um...want an update on our second priority which is to improve the transparency of the Trust, I want to find out where are we with our website, um... livestreaming, the posting of our PBS recording and social media...okay these are all the things we've talked about this year, I need an update. Um... resolving the Null and Void leases, I'm hoping we can set up a meeting um...with Legal Counsel before July 18th. Are you on island the first week of July?

Legal Counsel Toft: Yeah.

Chairwoman Pika Fejeran: You are okay so let's kind of aim for that and I'll work with Therese.

Commissioner Techaira: The next meeting is July 18th.

Chairwoman Pika Fejeran: Yes.

Commissioner Techaira: I leave Guam on the 15th.

Chairwoman Pika Fejeran: I think this is your last meeting. Hold on, before we get to that...but um...preparing for leasing, we need to have Standard Operating Procedures in accordance with the Public Law presented to the Commission for approval um...before we get to leasing I also want have prepared customer based resources and references for our lessees... customers um... generating revenue, I also want an update with what's going on with GEDA and the MOU okay.

Land Agent I Tina Jocson: I'm sorry, GEDA and the MOU?

Chairwoman Pika Fejeran: Yeah. I got an email from the Director I think when I asked about it and he told me that there's... they haven't finalized the engagement letter that's been months I don't know why is that taking so long and then he also mentioned preparing a new MOU. I don't know why we would need a new MOU. Also just to put it on record and I talk to some of you...um... during the break about it but when the Commission is presented with leases for approval...umm if there's no... if the applicant, if there's no relationship with the staff then obviously there's no declaration of staff relationship right that will be in the file but the Commission has to know that out of all the leases we're looking at, they've been reviewed by the staff and there's nothing to declare in terms of relationship. Okay? I don't want us to assume that ah... there's no relationship because there's no declaration. I don't want us to assume and then come back later and then, oh, I forgot to send that one to the staff and it comes and bites us. So it protects all of us, it protects the

staff that says, yes we looked at it, there's no relation and then it protects the Commission that we are doing our due diligence to make sure that policy is followed. Okay? Otherwise, thank you guys. You guys have really been kind of flying and you guys are doing a really good job and I can imagine it's been difficult without the Director but we're a team right?

Land Agent II Glenn Eay: Go team!

Chairwoman Pika Fejeran: Go team go!

Land Agent I Tina Jocson: Madam Chair, did you want to bring up regarding listing the names on the agenda?

Chairwoman Pika Fejeran: Oh yeah. Um Legal Counsel we were in preparing this report we were kind of going back and forth... do we want ah... like under Constituent Matters, do we have to list names with the Constituent to comply with open government or is this catch all constituent matters sufficient.

Legal Counsel Toft: I think catch all is sufficient

Chairwoman Pika Fejeran: Okay. So we'll just stick to that. Okay I just want to make sure that the resolution for Bill 76-35 is revised. I think the Director's leave ends today? Is he back tomorrow or is he back Monday? I think Monday, because he's going to have to present testimony against that bill. I'm not going to be able to present the testimony.

Commissioner Santos: Pika's gonna pay you time in a half. Over time...

Chairwoman Pika Fejeran: Comp time right. You guys can do comp time?

Land Administrator Margarita Borja: Comp time.

Chairwoman Pika Fejeran: I'll give the Director a call. And then we'll see the Director's report tomorrow right?

Commissioner Techaira: Motion to adjourn

Chairwoman Pika Fejeran: We are adjourn. Thank you!

