



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

Felix P. Camacho
Governor of Guam

Kaleo S. Moylan
Lieutenant Governor of Guam

Thomas A. Elliott
Administrative Director

Commission Members

Delfin R. Damian, Jr.
Chairman

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Cayo
Commissioner

REGULAR BOARD MEETING AGENDA Guam Ancestral Lands Commission Conference Room, Anigua June 14, 2006; 4pm

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES (April 26, 2006)
- III. NEW BUSINESS
 - A. Licenses – New & Renewal
 - B. Space Rental Negotiations
 - C. Rosario Pangelinan Camacho request for reimbursement
 - D. *BBMR mtg.*
- IV. OLD BUSINESS
 - A. John E. Finona – Update
 - B. Adacao School Site Relocation – Status Update
 - Applicant moving expenses
 - Survey
 - Improvements
 - C. VA/GHC applicants seeking loan assistance - date & time not up
 - D. Geographic Information Systems (GIS) Update
 - E. Proposals for Legal Services / Legal Counsel
 - F. *Finance committee*
- V. ADVISORY
 - A. MOU between CLTC & Dept. of Agriculture
 - Registration of farmers
 - Farming progress assessment & enforcement
 - B. Financial Report – May 2006
- VI. PUBLIC COMMENTS
- VII. EXECUTIVE SESSION
- VIII. NEXT MEETING DATE
- IX. ADJOURNMENT



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COMMISSION MEETING MINUTES Guam Ancestral Lands Commission Conference Room, Anigua June 14, 2006

I. CALL TO ORDER

Meeting was called to order at 4:15pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo and Administrative Director Thomas Elliott.

Chairman Damian commented that there will be two additions on the agenda which will be Item D, BBMR report under New Business and Item F, Finance Committee Update under Old Business.

Chairman Damain informed the public that due to time constraints, public comments will be limited to 4 minutes per individual.

II. APPROVAL OF MINUTES (April 26, 2006)

Commissioner Matanane made a motion to approve the minutes of April 26, 2006 subject to corrections. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

III. NEW BUSINESS

A. Licenses – New & Renewal

1.A Choice Phone, LLC dba IConnect

The Administrative Director commented that this is in regards to land in Malojloj. Choice Phone proposes a tower on Lot 360-2-4 which consists of approximately 471 square meters. The survey along with site development and management plan, the real estate appraisal and the draft of the license agreement have all been completed. The applicant is an existing licensee. The monthly license fee based on the market value of the property is \$190 per month or \$2,280 per year. The Administrative Director recommends approval.

1.B Choice Phone, LLC dba IConnect

The Administrative Director commented that there is a proposed tower on Lot 278-6, Umatac consisting of 929 square meters. The survey, the site development and management plan, the draft license agreement and the real estate appraisal have been completed. The applicant is an existing

licensee. The monthly license fee for this area is \$374.76 per month or \$4,497.12 per year. The Administrative Director recommends approval.

Chairman Damian inquired if the real estate appraisals were paid by the company themselves.

The Administrative Director commented yes.

Commissioner Matanane inquired on how much are they paying per square meter on the lot in Malojloj which consists of 471 square meters.

The Administrative Director commented that we do have those calculations and that it is based on 12% of the market value based on the real estate appraisal per year.

The Administrative Director commented that the market value for Lot 360-2-4 was estimated at \$19,000 for 471 square meters.

Commissioner Matanane inquired on how long is the lease for.

The Administrative Director commented that it is a license agreement and the term of the lease is for 5 years.

Commissioner Calvo inquired if that is at no interest cost.

Chairman Damian commented at flat rate.

The Administrative Director commented yes.

The Administrative Director commented that there is an option to extend in the draft license agreement for 3 successive additional periods of 5 years each.

Commissioner Calvo commented that even in the options agreement, if they did that, it would fall in the next lease agreement and that itself will change. You would not use the same concept of what they originally had signed off. The amounts will not go down but rather up.

Chairman Damian commented that an option available is that we can amortize the interest rates. We can go into a license agreement with them however that the contract is reviewed or we can amortize the increase during the five years. We start with 12 and after the 3rd year or 2nd year we can go as high as 14%.

The Administrative Director commented that there will be rental adjustments at the end of the 5 year period which would require another appraisal or perhaps a renegotiation of the rent at a higher rate.

Chairman Damian commented that we need to make sure to have that language in the license agreement so that the Trust has the mechanism to review.

Commissioner Calvo inquired if we really have to go for 5 years. Can we give them the option of 3 years?

The Administrative Director commented that he believes that would be at the Board's discretion.

Commissioner Calvo commented that he would rather go that route because we don't know who would participate on the tower.

Chairman Damian commented that we can exercise that authority of the Commissioners and review those after the 2nd or 2½ years so that the language says that it cannot go any less of what it is now. Should there be a depreciation or what ever when we renegotiate, it cannot go any less that what had already been entered to contract.

Chairman Damian inquired if the Commission would like to do this on a case by case basis or make it a standard policy for the commercial licensing because it is usually 5 years, that's the standard amount of time and we have the prerogative to review.

Commissioner Matanane commented that the market value is a good point on calculating the amount for the lease but we don't want to be criticized on giving only 4cents per square meter for example. I want to make sure that we base ourselves on the market value at 12%.

Commissioner Matanane inquired on where did the 12% come from.

The Administrative Director commented that has been historically the rate that has been applied to licenses for antennae sites.

Commissioner Matanane inquired if it is promulgated in public law.

The Administrative Director commented no and that it is a matter of policy. It's a board discretion item. Certainly whatever calculation we make with respect to the price per square meter is not really a reliable reflection of the value of the property because the value is based on market research and we base our estimates on the value of the property.

Commissioner Matanane inquired if we are stagnant on the 12%.

Chairman Damian commented no and that it is subject to change.

Commissioner Matanane commented that if they are really willing to lease it, we can always bring up the 12% and then go from there. We can make it a standard policy of not only 12%.

The Administrative Director commented that in the private market the lease rates for properties ranges from 8% to as high as 14%. We're leading towards the higher rate.

Chairman Damian commented that it is the prerogative of the Commission to set those interest rates.

Commissioner Matanane commented so right now it is standard policy which brings it to about 40cents per square meter.

Commissioner Calvo inquired if that is within reason.

The Administrative Director commented that you are going to calculate out the rate per square meter that can be misleading. It is more prudent to base the lease amount on a market rate that is recognized in the private sector. The market rates fluctuate and you also have to take into consideration the location of the property.

Commissioner Calvo commented that he would like to have the option to review the license at least within the 3rd year of the 5 years.

Chairman Damian commented that if that is the pleasure of this Commission and it feels that it is in the best interest of the Trust to exercise that prerogative so be it. We will entertain a motion and put that in as part of the negotiation with IConnect that the licensing be reviewed after the 3rd year or 2½ years.

Commissioner Perez commented that if we revisit it at 2½ years and there is really not much that they are doing with it then we can say that we will not renew the license.

Commissioner Calvo commented that it would be a losing part on our behalf where we could be generating funds if they are non-productive.

Commissioner Matanane made a motion to include the language on the license agreement for IConnect relative to revisiting the license agreement on its progress within 2½ years of the contract start date. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

2. Layao Enterprises

The Administrative Director informed the Commission that Mr. Layao is a widower of a qualified Chamorro Land Trust applicant. Unfortunately after her passing the question arose if Mr. Layao is qualified to lease Land Trust properties. The office has determined that he is not qualified. Given the fact that there had been substantial farming activities on the Layao property, we decided to see if there are other options available to Mr. Layao. Mr. Layao is a bona fide farmer and he has USDA financial assistance pending. His site development and management plan has been completed and approved by USDA. Certainly he does have the knowledge and expertise to do what he needs to do with the property. He is currently located on Lot 6, Tract 1112 in Dededo consisting of 5 acres. The survey is completed and we are waiting for a real estate appraisal. Mr. Layao is a Land

Use Permit preoccupant although not qualified under Land Trust rules. Upon approval, the monthly license fee is set at \$50 per month or \$600 per year. This is estimated based on the last recorded USDA/Land Use Permit at \$60 per acre per year.

Chairman Damian inquired if there are other family members eligible to continue the lease.

The Administrative Director commented that we did not go that route and we were approached by other interested individuals who are interested in helping Mr. Layao continue his farming activities. Mr. Layao is truly interested in pursuing a commercial farming license.

Commissioner Perez inquired if the surrounding area is basically for farming.

The Administrative Director commented that the surrounding area is essentially for agricultural use.

Chairman Damian commented that because of his ineligibility to participate in our programs the only recourse is for that land to be returned back to the Trust inventory. If he does want to continue on under a commercial license which does not subject him to any of the rules and regulations specific to Chamorro recipients then what we also have to look at is our there people waiting who are next in line under the agricultural program.

Commissioner Matanane commented that he had seen some pictures of Mr. Layao's property and that he has some piggery.

Commissioner Matanane commented that he has no problems of Mr. Layao going into the commercial license since he has already put up a lot of effort on the property.

Chairman Damian inquired if he is subject to the first come first served rule under the commercial.

The Administrative Director commented no.

Commissioner Matanane inquired on how many years is Mr. Layao requesting for under the commercial license.

The Administrative Director commented that he is requesting for as many years as the Commission would allow him. Obviously, the commercial license limit is for 21 years.

Commissioner Matanane requested that the license agreement be reviewed in increment basis.

Commissioner Perez commented that 21 years is long and inquired if it could be evaluated every 5 years.

Commissioner Calvo inquired if it is already policy that the leases be reviewed.

Chairman Damian inquired if the clause is included would the Commission tend to approve for the 21 years subject to the stipulation of the revisiting 5 year clause.

Commissioner Matanane recommended that in any license that a clause be included stating that the Chamorro Land Trust Commission has the purview to review the license every 5 years.

Chairman Damian commented that the Commission will entertain a motion at the end of the leases discussion so that the motion does blanket all of the leases hence forth.

Commissioner Calvo commented that 21 years is a long time. If we go for 5 years subject to review before the 5 years is up and if there is no improvement then we will give them notice that there is not going to be a renewal.

Commissioner Calvo commented that he doesn't want the stipulation of the 21 years and would rather just go with the 5 year concept.

Commissioner Perez commented that it should be in the policy for lease.

Chairman Damian commented that we will address that issue once we make a determination then this will blanket and affect all other leases.

Commissioner Calvo commented that this should not be included only in the business license and wants this policy enforced for residential and farming.

The Administrative Director commented that there is a standard clause in our license agreement that for any reason or upon inspection that they have not or are not doing what their intended to do on the license agreement then of course we do...(did not finish sentence)

Commissioner Perez inquired if that also includes residential.

The Administrative Director commented that is a separate part and yes there is a clause in the lease agreement. With the residential and agricultural leases there is a requirement that they must develop the property within 3 years assuming that there are utilities and infrastructure in the area to service the development of those properties.

Chairman Damian commented that he will entertain a motion for a 5 year renewal not to exceed 21 years for Layao Enterprises.

Commissioner Matanane made a motion for a 5 year renewal not to exceed 21 years for Layao Enterprises. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.

Chairman Damian instructed the Administrative Director to make it known that this is not on a case by case basis but rather the Commission is going to make it a policy regarding the issue.

3. Municipal Planning Council of Dededo

The Administrative Director commented that the municipal planning council of Dededo would like to license the 120 foot buffer strip which sits on the south side of Harmon Loop road close to the flea market. There is an approved map of the property and the area is approximately 490 square meters. No real estate appraisal was conducted on the property because the Dededo Mayor made a proposal for a flea market customer parking. They made an initial offer of \$500 per square meter for 5 years and subsequent negotiations resulted in \$1,000 per square meter for 5 years. The potential license fee would be \$1,000 per month or \$12,000 per year strictly for parking.

Chairman Damian commented that there is no appraisal and that is standard operating procedures for many of the licenses.

The Administrative Director commented that he is fairly confident that if we were to require the council to get an appraisal then the appraised value would indicate an amount lower than what has been offered.

Commissioner Matanane made a motion to approve the license request for parking only to the Dededo Municipal Planning Council. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

4. Parks Retail Market

The Administrative Director commented that this is somewhat of a difficult case for us because Tract 1021, Dededo originally started as two basic lots. The western lot was registered land whereas the eastern lot was unregistered land. At some point in the past those two large lots were consolidated into one lot creating a lot of confusion for us in terms of identifying which lots were registered lands and which were not. Mr. Park came to us requesting for a commercial license on Tract 1021. He had submitted a business plan and paid for a real estate appraisal. The Commission had drafted a license agreement based on everything that we had determined and we did determine that the land is registered. This particular property which is only 1 acre is well within the registered portion of the property. We recommend the approval subject to the additional condition that the property be reappraised after 3 years. Particularly in this case we will require Mr. Park to pursue a zone change to commercial use to achieve the highest residual value. Upon this happening then we can have the property reappraised and the value will increase.

Commissioner Matanane commented that 1 acre is quite a substantial piece of property and is he only planning for a retail market?

The Administrative Director commented that it is a retail market with some room in the back to place storage containers and space for parking.

The Administrative Director commented that this brings up a legal opinion that we had requested some time ago regarding the issuance of licenses to non-lessees of Chamorro Land Trust properties. The Attorney General issued an informational memorandum, they did not call it a legal opinion and they indicated in summary that there are two sections in

the law that seem to contradict each other. One section says that licenses to non eligible persons are not permitted. If the Land Trust was to issue a commercial license it must be to someone who is currently a lessee of the Chamorro Land Trust. The other section of the law say that in the management of any retained available lands not required for leasing under this section the Commission may lease or license such lands to the general public. Any lease or license made under this shall comply with conditions of another subsection of the law. There is no clear conclusion in the memorandum from the Office of the Attorney General as to what we can and can not do.

Chairman Damian commented that the Commission can table this subject to the review of legal counsel. If we entertain this and approve it right now we are subject to legal action.

The Administrative Director commented that he believes that the Chairman is right on getting clarification on the issue regarding licensees who are non-Chamorros or non-lessees of the Commission. Once we get beyond that he would certainly recommend approval of this request subject to the review of legal counsel.

Commissioner Matanane inquired if he is already operating on the property.

The Administrative Director commented no however he has committed expenses to the project with respect to the appraisal, mapping and business plan for the property.

Chairman Damian tabled the request for the next meeting subject to legal counsel's review.

5.A/5.B IT&E Overseas, Inc.

The Administrative Director commented that they are an existing licensee proposing a tower on a portion of Lot 7151-R5 in Yigo consisting of 232 square meters. They are also proposing a tower on a portion of Lot 5219-3 in Barrigada consisting of 232 square meters. They have commissioned a survey. Their site development and management plan has been completed. The survey has to be completed before the real estate appraisal can be done. The draft license agreement is completed. The monthly fees based on the previous rates is \$109.15 per month or \$1,309.80 per year which applies for each lot.

Commissioner Matanane inquired on what were the previous fees.

The Administrative Director commented that the amounts stated are also the previous fees.

Chairman Damian inquired if these are based on historical data and not on a most current appraisal.

The Administrative Director commented yes.

Chairman Damian commented that the Commission would like to see the appraisal value.

Commissioner Calvo commented that we should wait on a decision pending the appraisal value.

Chairman Damian inquired from the Administrative Director if the lease tenure on this and is still within the 5 year plan.

The Administrative Director commented yes it would be. Our standard antennae license agreement does it in 5 year increments not to exceed a maximum of 21 years.

Commissioner Calvo inquired if there are other companies piggy backing on this tower also.

The Administrative Director commented possibly and probably and in that event there is also a clause in the license agreement that indicates that if they do execute an agreement to have another company piggy back on their tower they would have to give us 40% of that revenue.

Commissioners tabled the request pending the appraisal of the properties and the inclusion of the sublease clause on the license agreement.

6. Bernard Watson

The Administrative Director commented that Bernard Watson is a bona fide commercial farmer. He is requesting an additional 10 acres adjoining his existing lot which is Lot 7151, Yigo. The survey and the site development and management plan is completed and also approved by USDA. He has applied for financial assistance with USDA. The draft license has been completed and he is an existing preoccupant and CLTC agricultural lease client. The monthly license fee would be \$100 per month or \$1,200 per year. This estimate is based on the last recorded USDA Land Use Permit which was capped at \$60 per acre per year.

Commissioner Calvo inquired on how many acres he currently has.

The Administrative Director commented that he has 20 acres.

Commissioner Calvo inquired if all 20 acres are being farmed.

The Administrative Director commented that he does not have the information at this point.

Chairman Damian inquired if he already has a plan in place regarding the utilization of the current 20 acres.

The Administrative Director commented that it is a requirement for a commercial farming license.

The Administrative Director suggested that the Commission table this request until he conducts a review of the file to make sure all the documents are in order.

Commissioners agreed to table the request.

Chairman Damian commented that he will entertain a motion as part of the policy of the Trust to review the long term leases with the clause to revisit for renegotiation and reappraisal for each of the licensees. The time will be determined by the Commissioners themselves because we cannot set a policy that its every 5 years because every one of these are different. We can make it a policy that the Commission reserves the right to renegotiate.

Commissioner Matanane made a motion for a clause to be included in all leases and licenses that the Commission has the right to revisit each for renegotiation. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

Chairman Damian commented that this will be on a case by case basis subject to the review of the Commissioners

B. Space Rental Negotiations

The Administrative Director informed the Commissioners that the Land Trust requires additional office space to accommodate additional staff that we are hoping to bring on in the near future particularly as we move forward with plans on implementing a GIS system.

The Administrative Director has been working with a local realtor who has identified approximately 5,000 square feet in the old Community First Credit Union building right next to Flamingo Restaurant in Agana. Each floor is approximately 2,500 square feet and is currently under renovation. There were some significant roof damage from a past typhoon. The Chamorro Land Trust is currently paying \$1.29 per square feet at its existing location and certainly the space is rather tight. Another thing that we must consider is that we have 8 filing cabinets at Dept. of Land Management containing Land Use Permit files which needs to be move to our office or somewhere before the end of the month as Dept. of Land Management will be starting their moving process.

The Administrative Director believes that the Commission should issue a RFP for commercial space within the Agana area and to consider no less than 3,000 square feet and ideally 5,000 square feet.

Chairman Damian inquired on the going rate per square meter.

The Administrative Director commented that the range in Agana is about \$1.40 per square foot to as high as \$2.10 per square foot.

The Administrative Director commented that they are initially asking for \$2 per square foot but believes that if we offered \$1.50 per square foot they might accept it.

Chairman Damian inquired if the informational sheet provided includes two floors.

The Administrative Director commented yes.

Commissioner Calvo commented that his only concern is with the handicap. We can always set the bottom floor to register but we still have to think about the employee's health and the endangerment of them slipping down from the second floor.

Chairman Damian inquired if the building is ADA compliant.

Commissioner Perez commented that the building should have an elevator.

Commissioner Calvo commented that if they do are they going to make it functional?

The Administrative Director commented that he had visited the building a couple of times and did not see an elevator.

Commissioner Matanane commented that the condition of the building indicates that it is fair and inquired if the owner is going to make it operable?

The Administrative Director commented that the renovations are on going and they are certainly going to put in a new typhoon proof metal roof and there is also an opportunity for the Land Trust to go in and indicate what our preferences are such as floor tiles and interior paints, etc.

Commissioner Calvo commented that the maintenance portion is important and the landlord should be responsible.

Chairman Damian commented that he believes those are standard languages in the RFP and applauds the Director for looking ahead at what is available out in the market. There is very little left out there and many of the Government agencies are moving and are trying to centralize in Agana and part of Project Hagatna and the restoration of Hagatna is moving a lot of the Government agencies. We do have to send out an RFP and hopefully we would get something back.

Commissioner Calvo requested that the Administrative Director re-verify if there is an elevator.

Commissioner Perez commented to check if there is accessibility for the disabled.

The Administrative Director commented that they had submitted a rough sketch of the floor plan and no where on that plan does it indicate an elevator.

Chairman Damian commented that we need to look at the statute regarding second floor accessibility and that he doesn't know if the ADA requirements are subject to the entire building.

Commissioner Perez commented that if we go with this then there should be an availability of an office space on the first floor to meet with the clients.

Chairman Damian instructed the Director to continue looking for office space and that we would need to put out an RFP as soon as possible.

C. Rosario Pangelinan Camacho – request for reimbursement

The Administrative Director informed the Commission that Ms. Camacho had requested that she relinquish her lease agreement. She does not have any beneficiaries and we had informed her that the transfer of her lease is subject to the Commission's approval. The law is very clear in terms of lessees who want to give their lease. In this case she had submitted a letter requesting to terminate her lease and is requesting reimbursement of her survey fees.

Commissioner Matanane inquired if she is going to provide us with the map.

The Administrative Director commented that we have the map in file.

The Administrative Director commented that Ms. Camacho applied on September 5, 2000 and commenced occupancy on August 29, 2003 according to her affidavit.

Commissioner Perez commented that we are not terminating her and she is the one that wants to be terminated. If they were awarded the property one of the stipulations is that they would need to have the place surveyed. The applicant gets it surveyed and if they are now coming back to relinquish the property then that is at their own discretion. The Commission is not asking them to leave so there is no reason why the Commission should be subject to reimburse the money back.

Commissioner Calvo inquired on how many years is her lease.

The Administrative Director commented that it is standard for 99 years.

Commissioner Calvo commented that this is where we need legal counsel's opinion and he hates to say yes on this issue. I want to be sure that if we do this we don't have people knocking on our doors saying that they are terminating their lease can they have their money back.

Chairman Damian commented that he agrees with Commissioner Perez. These are start up costs that wasn't presented to you when they signed the lease. There has also been some history on the property for about 3 years. I am under the opinion that a reimbursement is not in order at this time.

Commissioner Perez inquired if anyone has checked on what the property looks like now. This is an agricultural lease and what have they done on the property?

The Administrative Director commented that he has not had a site inspection done on the property.

Commissioner Perez commented that if we begin to reimburse anybody who decides that they want to terminate we are going to end up reimbursing everybody that knocks on that door.

Commissioner Calvo commented that the lease is for 99 years and what if the person comes in within 50 years and says that he wants to terminate or he comes in on the 98th year?

Chairman Damian commented that it seems that we are all in agreement on this. Is there any reason why we want legal counsel to review this? I think it is pretty cut and dry.

Commissioner Perez commented that she can understand if we terminated her.

Chairman Damian commented that it is the decision from this Board that a reimbursement not be made to Ms. Rosario Camacho.

D. BBMR Meeting

The Administrative Director informed the Commission that a meeting was held at BBMR this morning with regards to reimbursing the General Fund. They are requesting that the Chamorro Land Trust Commission reimburse the General Fund for Fiscal Year 2006 beginning October to the current date. We have put together an amount that addresses that specific time period. The amount is approximately \$339,312.12.

Chairman Damian commented that there had been some changes in the law and that all receivables are to be deposited into the Department of Administration. This was a budget law that went into effect in 2005 and should have been initiated in 2005. We are asking for a break down information because our Acting ASO, James, will need to have the request in order. What happens here is when we write a check to reimburse the General Fund via DOA that we do break down the amounts and the various categories that have been assigned to the Trust. We are going to still meet again with the Department of Administration in order to make sure that all the accounts are in their right categories. For instance, that the amounts that are being charged us are detailed and that's standard operating procedures. We are going to comply with the law. As a matter of fact we may have to close the account at First Hawaiian Bank if I'm not mistaken.

The Administrative Director commented that any moneys generated from any of our activities must be deposited to the Chamorro Land Trust operations fund. BBMR in coordination with Department of Administration will establish an account for that purpose and from then on we can no longer deposit anymore funds into the First Hawaiian Bank account. Of course as we go along that account will be depleted through the payments of rent, vehicle repairs and other things of that nature.

Chairman Damian commented that it is a phase out process as far as the account is concerned.

Commissioner Matanane commented that the Board itself should be absolved because we are the Trustee of the Chamorro Land Trust and if it's indicating that DOA will have the discretion of making the disbursement then fine so why do we have to be on board then? The reimbursement statement that you guys stated, what reimbursement? If the lessee pays at DOA we have not received any figures as to how much they have received and they should give us a receipt stating that this particular lessee has paid their \$99 or whatever amount that's supposed to go the Chamorro Land Trust.

Chairman Damian commented that is the information that we must have from DOA. We need that information before we can actually start closing the account.

Commissioner Matanane commented that if there is a change in the law he would like to get a copy of it. For the past reimbursement that we did to DOA we had received a billing and it stated for community services. I don't believe we have any programs to do community service. We have to give them an account but they have not yet given us an account.

Chairman Damian commented that one of the mechanism that is in place for us to get that information is the working of James and BBMR. Prior to us sending any kind of check to DOA we must have supporting documents in a specific detailed break down and not a general amount. It must break down into all the categories with the supporting documents including receipts on a monthly basis.

Chairman Damian commented that this went through the finance committee and that is how the mechanics came into play with respect to the budget. We will get a change to meet with them and air out some of the concerns to make sure that if that is the case we are absolved of any of our duties regarding the protection of Trust money. Until the funds run out whatever is in balance, we're still entrusted and I want to make sure that the law does stipulate it in black and white once the Trust is depleted that we are no longer held responsible for mismanagement of funds that we have no direct access to.

IV. OLD BUSINESS

A. John E. Finona - update

The Administrative Director commented that the Board had previously considered this case where Mr. Finona had been displaced by placement of a different applicant. Mr. Finona was shown a different area at a portion of Lot 7150, Yigo. He was actually farming on Lot 7153 and all the while was under the misconception that he was on Lot 7150. In the past board decision was that we honor the lease agreement which indicates Lot 7150 since Lot 7153 is an unregistered parcel. The land agents are currently in the process of placing him on Lot 7150 however at a different location from his prior area.

Commissioner Calvo inquired if he is agreeable to that.

The Administrative Director commented that we had presented two options and he will be making a decision on which option to take.

B. Adacao School Site Relocation – Status Update

The Administrative Director commented that the Commission had sent several notices to the residents in that particular area. The Mayor of Mangilao had also attempted to communicate with the residents. At this point we do have some questions that keep coming with respect to reimbursement for the improvements and who will be surveying the properties that we will be moving them to. The survey portion of that is not so much of an issue as is the question about the improvements. In one particular case there is a semi-concrete house within that area and the individual would like to know how to re-coup the investment for that portion of their improvements. Essentially that is the only stumbling block to final clearing of all the occupants of the area.

Chairman Damian commented that the options available are to make a supplemental request to the legislature to cover the cost based on data we receive from the lessees or we could take a look at what's available within our own budget or have the lessee absorbed the amount which is never a good option but it has to be brought out that it is an option. I believe we will need to look at the legislature to be able to locate the necessary funding to offset the cost of these lessees moving. I don't think that it is the responsibility of the Land Trust to pick up the tab from moving the lessees. Certainly it is not the responsibility of the lessee to absorb the cost as well. What we have here is we will need to write to the governor and the legislature to request the amount needed. That amount can only be brought to the attention of the Commission once we find out feedback from the lessees on what the cost is per lessee.

Chairman Damian instructed the Director to meet relative to feedback on cost of relocation.

Chairman Damian commented that there are some things available to the Commission that are in kind that would greatly reduce the amount that we need to move our lessees to other areas. For instance the Department of Education could be part of the team on relocating with flatbeds and that sort of things to be used as in kind contributions. Maybe DPW can also help in that respect. If we coordinate with other agencies that are going to benefit from the building of the schools I think that we can reduce the amount that we are going to request from the legislature. I can assure you that the legislature is going to want to see what kind of help are we going to be able to be assisting because if we are going to outright and say that we need xx millions of dollars with no help from any agency or private enterprise we're going to have a very difficult time with the legislature.

Commissioner Perez commented that out of 13 occupants there are 7 that are not in contact with.

The Administrative Director commented that they have not contacted the office nor reported in to the office to allow us to begin processing them. We have submitted notices that we have sent to them including the Mayor who has also tried to help out in that regard with

submitting letters to the occupants. There were also several site visits by the Chamorro Land Trust staff.

Commissioner Perez commented that her concern is that those 7 who needs to visit the office or who are not on island, it's going to cause prolonging of whatever the project is. If this is what's going to happen I don't know if the legislature is going to be more than happy to accommodate them as far as paying for what ever they need to be compensated for their expense if they are not even making any effort to come to see the Commission to start negotiating where they are going to be moved to. I think that if there are some people who are reluctant to make an effort I think we need to have someone follow up on this and make sure that we are not going to be put on hold because these few individuals who have not responded. Those that responded indicated positively of the move but those that have no response that's going to be a problem for the Commission and to the school site also.

The Administrative Director commented that he had the land agents visit the site on a weekly basis and takes note of the Commission's concerns because he is also concerned that once ground breaking starts then the rest of these individuals who have refused to respond will be running to the office or perhaps to the Governor's office for some sort of relief.

Chairman Damian commented that there are a few steps to protect the Trust and to be able to communicate with the lessees who have not responded. We need to document each time that the land agents are up there to meet with these people. There should be a last known address on the lessee's file and send registered mail that must be signed off as being delivered and if that is returned then I think that we have done everything within reason. Certainly the news is nothing new, it's out there. Should they not respond and we cannot wait any longer and they try to maneuver any legal action we have all the documents necessary to show that we did everything we could to get in touch with them.

Commissioner Perez commented that she doesn't want any future legal action against the Commission because that could be the trend that they're heading for that they are not going to respond and then let the Commission, let the school do some action and then they'll go and do some legal action on behalf of the Commission even if we didn't do it.

Chairman Damian commented that it is the feeling of this Commission that the lessee should not be responsible for any moving expenses and we will show that in a letter to the legislature when we request for supplemental funding.

C. VA/GHC applicants seeking loan assistance – date & time not up

The Administrative Director commented that this is an issue that has come up although not often enough but at some point in the not too distant future I believe this issue is going to come up more frequently than it has been. Particularly with respect those of our applicants who have applied through the Guam Housing Corporation for home loans. As you well know there are some programs that are available that would allow our Chamorro Land Trust lessees to participate in home loan programs. More recently there were a couple of Veteran's Administration applicants submitted through Guam Housing Corporation and they

had received pre-approval for their loans however they have not received their leases from the Land Trust only because their date and time are not up yet. This is not necessarily a problem at this point but I think it's going to be a problem when several of them start coming in.

Commissioner Matanane commented that I think they are trying to circumvent the procedures of the Chamorro Land Trust Commission. I don't see any problem for us because if they went there and they haven't received their property how can they approve it really.

Commissioner Perez commented that she does not understand how Guam Housing can approve someone to borrow and they don't have a property in front of them.

Commissioner Calvo commented that is the procedure for any bank they ask what is the collateral.

Commissioner Calvo commented that they can pre-approve a person but that does not necessarily say that you are approved.

Chairman Damian informed the Administrative Director that if the numbers start to go up and there's starting to be a trend then there are some solution to that such as public education on the Trust and especially the Guam Housing to let them know and send a letter of concern. Because this is a political time of the year certainly the legislature can step in for instance to change the law to reflect changes in the law and move the VA people up the ladder for whatever reason. If there is a growing trend then we would need to revisit the Guam Housing people because they may be sending some wrong signals.

Commissioner Perez requested the Administrative Director to start making a list of applicants so that we could match if they had applied for the Land Trust.

Commissioner Matanane inquired if Guam Housing had submitted any letter indicating that this particular person is applying.

The Administrative Director commented that there has been one letter from Guam Housing asking what their status is in terms of processing.

Chairman Damian commented that as long as we stick to what is already in place to safeguard any types of abuse or to make sure that we follow procedure.

Commissioner Perez commented that in that same line the Commission might want to look at those who were already issued and if there is no indication of establishing a house then that is something that you could look into and see those who were already issued but if they have all the utilities in place and they still haven't built what is the problem?. There are some people who want to build but there is no road. I was approached by some people who were issued property and they don't have access to get into their property. Those are

some concerns that we need to look at and address that if we are going issue property is it accessible?

D. Geographic Information Systems (GIS) Update

The Administrative Director commented that we are still waiting for a quotation on a system from a company named ESRI who are the premiere group who manufactures the software and they can configure it to some extent to fit our needs. The Director has been meeting with personnel at Bureau of Planning also regarding the planning stages for taking some of the data or as much of the data that they can possibly provide us only as it relates to Land Trust properties. They have quite a few maps and some overlays however at least with that they would be able to provide a basis for us to begin our program and then we can begin to move forward from there.

Chairman Damian commented that GIS is going to become a government wide system and aside from the Land Trust the latest government agency to step in with respect to GIS is Guam Waterworks Authority. It is critical for us as well because you can see how the GIS mapping system complements what Waterworks is doing and what we are doing. Right now we are in the process to be able to meet with the technology person and the executive branch regarding GIS implementation. We're breaking ground here because we are actually moving GIS to where it is now and I've been able to obtain GIS publications and there is a great deal of information available. We've made our assessment, we know what we need which is office space, software, hardware and training. We have requested to additional personnel not only for GIS but also in response to the finance committee's concerns regarding the public auditor's report of the Trust. One of the first steps that we are going to be looking at after we meet with the technology person for GovGuam is to look at and we've already done that with Mr. Elliott and Bureau of Planning, we know what we can get from Land Management and we will be meeting with Guam Waterworks to look at what kind of implementation stages they are in right now. We are on our last stage of assessment. The next would be the actual implementation of acquiring the funding.

Commissioner Matanane inquired if we have come to a certain type of plan as to when we deal with the GIS would other departments also augment our pursuit to get that implemented.

Chairman Damian commented yes that is the reason of meeting with the technology people. The software we are getting will allow us to network.

Commissioner Matanane commented that as we are trying to pursue and pave the trail on this particular item it comes to play again as to everything we need some financial aspect to pursue that GIS system. If we are abiding by the law and we are transferring it over to DOA then we have to request for that.

Chairman Damian commented that is an issue we are going to be covering when we have our meeting with the Finance Committee. During our meeting with BBMR I believe the first set of complying with the law starts with the July numbers. I believe the requirements of the new budget law takes place for us in July.

E. Proposals for Legal Services / Legal Counsel

The Administrative Director commented that we had three submissions in response to our RFP for legal counsel services. The Director has not reviewed any of the packages and felt that it is prudent to bring it to the Board for review.

Chairman Damian informed the Commissioners that if they find something that they are particularly concerned about and has not been addressed in any of the proposals we would need to make that known because there is time to make some changes. Even if we make a decision on which legal counsel there is time to make addendums which is perfectly legal with the RFP. Once we make a decision it doesn't mean that there can be no more changes on it.

Chairman Damian commented that time is of the essence and requested a time frame from the Commissioners on how much time they would need to review the proposals.

Commission members agreed till the end of the month.

F. Finance Committee Update

Chairman Damian commented that we did meet with the finance committee during the budget session. A great deal of concerns were raised regarding the feedback from the public auditor's report. As you are well aware about 90% of the issues that were raised by the public auditor's report occurred prior to us stepping in. What the finance committee under Senator Calvo has requested is to sit down and begin to address corrections on those areas prior to us stepping in. We have done that and we are going to have copies available for you on what we have done to correct those issues. I have to tell you through all the hard work the finance committee did keep their word and provided us all the assistance that we needed to correct the public auditor's report. Tom & I worked well past 5 o'clock to meet those deadlines. With respect to the finance committee we have addressed all of the issues. There are some things that we need to do between now and the close of the fiscal year that must be done in order to safeguard the integrity of the funds and the operations. One of them being the breaking down of the accounting side of the Trust. The finance committee has recommended highly that certain responsibilities be broken down in the business side of things. We have made a request for more personnel in order to meet those requirements. Should we not be able to get some assigned employees or personnel who are going to be able to assist us with that then we are going to make a supplemental addition to hire more employees. At this point it is a temporary assignment of employees to the Trust in order to break down the responsibilities of the accounting side. Should that not become a reality for us then we are ready to move to hire 3 more personnel full time.

Chairman Damian commented that the finance committee was happy and we did address every single item of the audit even though we were not responsible.

Commissioner Matanane commended the Chairman and the Administrative Director on doing a good job on that.

Chairman Damian commented that other laws were cited by the finance committee and one of them being the revolving fund. As you know Senator Lou Leon Guerrero introduced a bill to have a revolving fund for the Land Trust so that our lessees who do not have the financial monetary issues to be disbursed to them the law stipulates that we could have a revolving fund which means that we can amortize the amount of the survey for a 12 month period and once that is paid that money remains ready for the next individual. As you know no money was ever put in to the account. One of the thing that was raised was taking a look at our own funding source within the Trust to be able to implement that. I mentioned that one of the things is unavailable to the committee is how much can we afford because generally the surveys are running from \$1,400 to \$1,800. I leave that up to this committee to take a look and review the budget and find out how much of that can be put into the revolving fund because this is something that we can do as the Commission based on the law.

Commissioner Matanane commented that he believes back in 2004 in the budget bill there was seven hundred some thousand dollars strictly for surveys.

Chairman Damian commented that was not the revolving fund and thinks that has been taken out.

Chairman Damian commented that this item will be put on the next meeting agenda relative to how much the Commission can make available in order for our lessees to access money to get their property surveyed.

V. ADVISORY

A. MOU between CLTC & Dept. of Agriculture

The Administrative Director commented that due to difficulty in the Land Trust being able to police or monitor the farming activities and all the other activities on our lands we initiated contact with the Department of Agriculture to essentially throw around some ideas of what we can and can not do and perhaps if we worked in collaboration. After the meeting with Director Paul Bassler we decided to draft a Memorandum of Understanding that would allow this collaboration between the Dept. of Agriculture and the Chamorro Land Trust Commission. Essentially the draft is still being worked on but the essential items in the draft includes responsibilities by both agencies. Particularly with respect to Department of Agriculture they would provide agricultural data and other information that will enhance the farming efforts of CLTC farmers. Another plus for the Commission would be that Dept. of Agriculture will register and/or certify CLTC applicants as bona fide farmers and assist farmers with putting together farm plans. The Dept. of Agriculture will provide continuing assistance and consultation to CLTC farmers in the areas of agricultural methods and remediation. Agriculture will provide enforcement assistance to CLTC informing our clients of possible breach in lease terms and conditions with respect to lot usage and misuse of CLTC lands. Because of the lack of adequate staffing that we have, they just stumbled on properties that were leased for one acre two years ago and there was only a small corner that was cleared and nothing else was done since then. On cases like this we address this on a case by case basis as we accidentally stumble on it. We don't have the staff to

monitor all these areas. With the help of Dept. of Agriculture because they've got field people who are out on a daily basis, providing help to farmers they would be able to do the same with our lessees and at the same time identify those people who are not complying with the terms and conditions of the lease agreement particularly with respect to agricultural use. The memorandum of understanding will set forth these guidelines under which both parties will work together for the benefit of all. This is part of Dept. of Agriculture's mandate to promote the agricultural industry and it just fits right in with our mandates as well to lease agricultural lands. As part of the pre-approval process for individuals who are applying for agricultural leases this Commission can actually require that any request for one acre or more they must go to Dept. of Agriculture and they must avail themselves of all the information they possibly can. They must register as bona fide farmers. We're also trying to tie in as I had reported in a previous board meeting last year that we were also working with the University of Guam Cooperative Extension Service. They also have some valuable information and have access to grants that these farmers can take advantage of. So tying in UOG, Department of Agriculture and Chamorro Land Trust together, I believe we can increase our independence of produce from outside our island.

Commissioner Perez commented that also the products that they produce out in their gardens will increase so that they would be more in a standard farming capacity rather than very minimal farming because they don't have accessibility of correct farming.

Commissioner Perez commented that she thinks this is a good move where education is taking place on how to promote farming.

The Administrative Director commented that we have people requesting for farming acreage only because we find out later that it's because they get a larger piece of property and more often than not they end up not using the entire property. They essentially end up banking the lots for their family's future use or for their beneficiaries and the like. I believe that if the Chamorro Land Trust Commission takes this road and works with Dept. of Agriculture and the UOG Cooperative Extension Service I believe it would benefit everyone involved and also reduce the drain on our inventory as far as unused agricultural lands are concerned.

Commissioner Calvo commented that it's not fair for he or she who says that they are farming but then you see 10 acres of land just sitting raw and nothing's being done where another person can actually be farming that. I would want to do that and once we get our legal counsel to go back history wise and we have to get these people.

Commissioner Perez inquired if there is a possibility to get an inventory of farm lands that we have already executed and of that how many are really truly farming. You can't tell me that you are farming if you just have a house, one banana and one coconut and you say you are farming. I want to see the potential real farming.

Commissioner Matanane requested that the residential leases and commercial licenses be included also.

The Administrative Director commented that this will take some time due to the limited availability but as I try to emphasize here this Memorandum of Understanding will help us identify this through Dept. of Agriculture.

Commissioner Perez commented that she knows that it is going to be a lot of work to do and time constraints but at least have a ball field figure stating this is how many lessees and when they go out and investigate a little bit of what's going on out there. You're the one leasing and you would want to know that whatever property you're renting out is being used properly.

Commissioner Matanane requested for a listing from 2003 to now on how many leases were issued out.

Commissioner Perez requested to include if they are paying lessees. Are they current in their payments? Those are important because we have some people who are still in line waiting and if they are not going to pay their fees then we'll terminate them and get somebody who is willing to do what they want to do and how they are going to improve that property.

Chairman Damian instructed the Director to start the inventory of the farming applicants first.

B. Financial Report – May 2006

Provided to the Commission were the May 2006 First Hawaiian Bank account statement along with the statement of appropriated funds for the Commission's review.

Chairman Damian commented that no matter how you twist and turn this they can not get away from meeting with the Chamorro Land Trust on the operations funds with BBMR and DOA.

Chairman Damian informed the Commissioners to make note of any concerns they may have on the account for when the time comes to meet with DOA.

VI. PUBLIC COMMENTS

Chairman Damian reminded the public that because of time constraints the Commission is limiting the public comments to 4 minutes each.

Debbie Quinata (Magahaga of Nasion Chamorro) – I do have a couple of questions that I would like to look at because I was trying to figure out if I was day dreaming or I was not at a meeting that we had at the legislature, a round table that we had with Speaker Mark Forbes about the GIS and speaking with the GWA people and the folks up at Bureau of Planning and all those other guys. Did this not get discussed Mr. Elliott when we all met at the legislature?

Administrative Director – I don't know, I'm not sure if I was there at that particular discussion.

Debbie Quinata – You mean 6 months ago when we were at the round table with Speaker Forbes and many other people when they brought in the woman from Bureau of Planning, when they brought in Joe Borja and they even gave us an overview of the GIS system that they have up.

Administrative Director – Are you talking about Vangie?

Debbie Quinata – Yes, I am.

Administrative Director – Yes I recall that.

Debbie Quinata – I'm kind of wondering why this is all so new and improved? I'm very confused about that and I still am. The other question I have is that when we had this round table there was also the discussion about arrendo lands that were supposed to be reverted to the Chamorro Land Trust. Has that ever been followed up on?

Administrative Director – Arrendo lands you mean lands that were formerly under the Land Use Permit systems?

Debbie Quinata – Under the arrendo program over at Department of Agriculture. When we had Joe Torres there at another round table, the same group, there was a discussion of lands where people would die and since there is no provision for inheritance or passing down to another member of the family, in those arrendo leases the understanding was that the lands would be reverted back to Chamorro Land Trust. This was something where there was quite a bit of land and in fact the land where they had that man who was using all the pesticide up there, that particular piece of property falls right into that category where the original person leasing it died and somebody else took it over and then subleased it and the land belongs to the Chamorro Land Trust in all honesty.

Administrative Director – My understanding is whatever leases expired with Department of Agriculture then the lands covered under those leases should revert back to the Chamorro Land Trust.

Debbie Quinata – Automatically and from that particular round table that we had I do believe that the understanding was that you would aggressively go after those lands although Mr. Torres did have some reservations. I'm just kind of wondering if all of that was just put on the back burner. We are seeing abuses of these lands now. I'm concerned about the conditions of those lands up there now. If we have such high contents of pesticides on the leaves of those trees and the plants I'm worried about what's on the ground. This is something that we truly need to look at and I'm hoping that we can. This issue with the finance committee we will lobby the good Senator Calvo and also the Speaker to have a reconsideration of this because we look at that and see that it will raid the funds and there is no Trust. I think we need to ensure that there is a Trust although

some of that is still quite questionable. That's a very important issue. The other thing is I'm concerned about and please believe me when I say that I have the most regard for everyone of our Mayors in this community, but I'm a little concerned about this parking property that is being requested by Mayor Savares because it's frontage property if I'm not mistaken. It's Marine Drive property, it has a very high yield value. We were looking at all of these commercial leases all over the place and apparently we need more than we need housing, why are we going to allow this? As much as we love Melissa and the community of Dededo I think we lost that one property that was then deeded to them where they have the flea market. The fact that they need parking I can understand that there's businesses there, people with private property that are actually making a living there, giving property up that's prime property right when we need the financing the most, it really needs to be reconsidered. I know that you guys already made that decision I think. I don't know if you voted on it, I thought you did. That's a very big problem because I'll tell you if we're looking for money to enable these homeowners, these land lesser, I think that's where you're going to find quite a bit of it if we quit giving up all of our lands. Prime lands out of the niceness of our hearts because the niceness that we would like to kind of see as the people who were camping down in Adelup was that our families would be given the opportunity to survive on their own homelands. We are very, very concerned about that. I will tell you Commissioners that we have a lot of respect and regard for all of you. We do of course, I'm sure you've heard me question some decisions but that of course can neither be here or there. I don't think the Commission going to Palau was questionable. I want to make that very clear, I think it was very important for you guys to go and interact with those folks. It was other things that we were concerned with and I just wanted to make that very clear. I didn't want to throw everybody in that same category as we were so adamantly speaking about. We've given our promise, I have this talk show, I have people calling and I promised them that we will ask when are we going to get back on track with giving people lots and how can we help you guys do that? That's the reason I am here today. Thank You.

Chairman Damian - We welcome all your comments and it's on record. We have taken steps to try and expedite that process of making lands available for our lessees, for our people who qualify under this program. One of the things we are doing now is asking for 3 more personnel to be able to move the process along quicker.

Debbie Quinata – Can I be disrespectful and just another thing I still have to ask this and I have to ask this of Tom, if we don't have enough people to go out and know what's going on our lands, the inventories, if we don't have enough people to process the paperwork and all of this, I'm still trying to figure out what the land agents do? This is not a question that I alone wonder. You guys have quite a few employees and we kind of like to know what they do for a living?

Administrative Director – We have 5 land agents.

Debbie Quinata – Yeah, that's 5 men or women. You've got 5 bodies.

Administrative Director – Debbie as you well know we've got 3,000 lessees, we've got close to 10,000 applicants that we're trying to process, that we're trying to push through the

mill and it's just a bottleneck. Not only do we have to do that we are also inundated with people coming in asking for this, that and the other thing to be corrected. This is on a daily basis, it's on a daily basis. I am also handling land agent work because I've got my people swamped.

Debbie Quinata – I'll tell you it doesn't look very good for the Trust when we have a situation up at a very visible, probably our prime of properties that I'm almost willing to say now that we should turn in to another hospital. Where we have that situation going up there in the middle of our island and nobody was aware that it was turning into a new and improved Ordot dump. That we really have to question because I'll tell you anytime we try to come in to Chamorro Land Trust it's a very difficult process and it just seems Tom that even after a year there is only so much land on this island and we can't figure out why your guys don't know what's going on. How much time would they possibly need? That's a very real question.

Commissioner Calvo - The hospital point property is a big chunk of property and we only have very little people and yes it was being used as a dumping site and it makes me sick to my stomach. You know we are limited with man power, what do you expect us to do out there? Go have our guys stay out there 24 hours, 7 days a week? That really bothers me because our people, Mr. Elliott, are trying so hard. They're doing more that what they are being asked for. I know it's frustrating for you guys and it frustrates me too. You guys just have to be a little bit more patient because we are getting there now. I know that you want answers but by the way we are doing that and we are answering the solutions as we go along. When I got into this, it's a mess and like what Ms. Perez said we are the clean up committee. We are doing things the right way. This Commission since we've been in here we've been giving property by the date and time. Nobody here was given property who applied in 2006.

Debbie Quinata – Oscar you guys said that you haven't given out any property. The only property that we are aware that has gone out in a report that we ended up with at KUAM was commercial leases.

Commissioner Calvo – No you are not listening to me, I said that we haven't given out properties. What has been in the past that's been given out and these are issues and we're trying to resolve this problem. If we want to help each other then let's dialogue the right way but not to bombard us. We're trying to do our jobs here. Honestly, truthfully I'm tired of that because I'm for one who hates when someone tells me that we are being paid under the table. I am proud to be a Chamorro and when people tell me that I'm not Chamorro.

Debbie Quinata – Let me tell you people, there's a lot, our people, and you guys better look at your own employees because it would not be the first time that there are people in Chamorro Land Trust who are looking for ways to make money. Just because you're a proud Chamorro and I'm a proud Chamorro and we're all Chamorros not every Chamorro is honest. I've got to tell you that you guys need to look at your employees.

Chairman Damian - We have gone into Executive Session twice to address some of those very issues. We have knowledge of it and we have started the process of addressing those issues.

Commissioner Matanane - As you know that they are having problem with Cyfed and we don't have to go through that particular mess.

Debbie Quinata – No we don't but we do like to make sure that every dime that is spent by this Commission for employees and everything else is accounted for because I'll tell you our people need lands.

Commissioner Matanane - DOA will be accountable for the moneys now.

Debbie Quinata – What we are going to try to do is change that sir and prior to that transfer we would like to have an accountability of everything.

Commissioner Matanane - I hope that the public auditor would do a financial audit.

Debbie Quinata – I thought they already did that?

Chairman Damian - That was for 1999 to 2004.

Debbie Quinata – Well maybe that is what we need to request. I will tell you and it's not that we don't trust you Mr. Matanane don't take this personally. It's a fact, we're talking because as classified employees of the Trust.

Cherylden Calara – I had some questions in regards to Chamorro Land Trust, I know that my application was just new and when I did apply and the person who helped me the land agent, he was looking into this name that I asked because the person who lived there before was Nicomedes Espiritu. When he was asking for the file, there wasn't any file on that name. He even asked for Mary Espiritu there was no name also. All of a sudden like I said, there are two names in one file, how can that be? If you're applying for yourself and your brother, how come there are two names in one file? That I would like to know.

Administrative Director – I'm familiar with this case but the only way Cherylden there will be two names in one file was if the initial applicant had either passed away and the beneficiary took over the lease or the application rights. The only other case that I could think of that could possibly happen was if they were essentially partners to the same lease agreement.

Cherylden Calara – Why was he authorized, this person that's off island, why was he authorized to have his portion surveyed?

Administrative Director – Probably because he has a local individual who holds the power of attorney for him.

Cherylden Calara - Well I didn't know that you can leave the island and have someone do a power of attorney if you're not there?

Administrative Director – Fortunately that is possible.

Chairman Damian - I hope that we answered your questions if not you can discuss it more in detail with Tom during our regular working hours.

Cherylden Calara – Yes, I do need help.

Robert Leon Guerrero Benavente (Spokesman for Chamorro Nation) – First of all I want to congratulate you guys for doing such a wonderful job and I thank you for the Governor to build schools in the Chamorro Land Trust for Chamorro people only. Thank you very much. Because Chamorro land actually what I see in the title, Chamorro Land Trust, so I thank you for the Governor to make that decision to build 5 schools for Chamorros only. If that's the case, I don't know, is that the case? Is it?

Chairman Damian - The schools are built for any students not just Chamorros.

Commissioner Perez - I hope it's not just for Chamorros.

Robert Benavente – Wait a minute, I thought that we are entertaining Chamorro Land Trust. If that's the case because we're not talking public land, am I right or wrong? Is there any public law stating that the Government should take any kind of, I know that there's a public law out there floating that would prohibit GovGuam to utilize Chamorro Land Trust. I have it at my house, that's why I'm congratulating the Governor and you guys in that tremendous job that you guys are supporting. The bottom of my heart and that will clarify that out. Now probably if we go to court for this then I have to. It stipulates already by law that not one government agency should utilize Chamorro Land Trust. It's a very different identity and I appreciate from the Governor, thank you. I would like to make a suggestion you know I love to work with the Commission and I'm not being a wise ass believe me, I love to support and help the Commission on this Chamorro Land Trust. Reasons why because prices are going up and I know you guys understand where I'm coming from. Materials are going up rapidly and to me I guess it's a lot faster if we work together as a team. As far as your land agents concern I would like to make a suggestion, if they're really out there and I hope this is on the record because I'm going to talk to the Chairman on the Committee for Chamorro Land Trust to make a suggestion to put out minutes of all the land agents of where they are at and what job description they are doing. That won't hold you guys as Commission and I don't want excuses from the land agents that they said they've been there the whole day which you guys would be at fault with us or with the community. I'm looking to try to help one another but if there are land agents out there, I'd like to utilize them, we'd love to utilize them on the limits. I want them to put down where they're at, si Tan Rosa's house, spend about a couple of hours then come back. To me the accountability would be starting and the minutes also. I don't know if you guys agree with me and also that goes along with the Commission. I would recommend that to the Speaker and to the Committee of the Chamorro Land Trust. The other thing, we should have waited,

instead of in a hurry to build the school if, I know nothing is going to stop it. We should have waited until the military establishes themselves here because we are not the ones who are opening the doors to Guam and to monopolize the population on this island. I know Tom, you don't have 3 dozen Chamorro kids in your house every year. I know that for a fact. What are we looking at? We are looking at people who are migrating to the island. Let's negotiate with the federal government to reassure that they would build up the schools that we need in this island but remember that if they are going to build the school, they better have leases to the military because they are the ones that really are opening the doors. To me, an example, I open your door and I put everybody in your room and you're going to say we have to build another room. You don't have any financial backing that up, how are you going to get your financial? By contractor building the school and then we turn back and pay the contractor? I don't see the concept in that situation. I hope that you guys are more aware and wiser in making the decision as Commissioners. I really support what you guys are doing. Like I said we didn't go 6 months protesting and put this bill into law for the Chamorro people. Your hearts in it and I understand that but lets work together. If there's anything that has to be brainstormed call us we will work with you. We will give you support instead of being criticized out there by the public because the Chamorro Nation is there. That's all I have to say thank you.

Vicente Garrido (Fa'et, Magalahi Nasion Chamorro) – Earlier the Magahaga was questioning you people about the frustration that is happening with the Chamorro Land Trust. I'm really kind of disturbed and I have to defend my Magahaga. You know when she's asking questions it's not that she's getting mad but I don't like to see disrespectful on my Magahaga from you people. She's not bombarding questions to you guys she was just asking you in a respectful manner about what is going on. That is what I am saying, this for sure, we have come here to meet and respect one another so lets do the respect and all get along with one another. We understand that you have a lot of problems but us also we are searching because there are problems of the people of the lands and they are not being helped. There are many Chamorros that I have met, you are correct that they have been waiting for a long time, until now they are still not surveyed. There's even one here standing within this building that he wants to build a house but earlier he was told by one of you that there's no money. But then how can you guys help this guy who wants to build his house tomorrow? I understand that the finance committee from the legislature said that they now want to take all the Trust funds, all the rental lease money to the general fund and they are going to take care of it. Is that making you guys powerless regarding financial help so you can help my people who wants to build their house or survey their property so that they can know where they stand and not encroach on another property? This thing has been on going and I understand but I cannot wait for another how many years more that they have to wait? Are we going to wait for the next typhoon or the next earthquake or what? My people want to build a house and they need help. Sometimes they have financial problems and I know that the Chamorro Land Trust Commission can help them pay monthly payments in return for reimbursement for the people who have to spend for surveying. You guys have to do something and help my people. We have to respect one another, that is the only way. If we don't respect one another we cannot work together. We cannot get along but I respect all of you. Like you said you are doing your work so please help my people, the people of the land, the ones who want to build their homes. Can you

tell the Senators at this time that you need money because we cannot just be waiting. I have heard from people that there is a law for the arrendo but I understand it that once the Chamorro Land Trust takes the property they have priority on that land and I have heard that they have been evicted and given to somebody else. I say that is not correct. If they can evict that person so why are the outsiders still there in the Chamorro Land Trust and they're still there and have not been evicted. There's nothing more for me to say. So it is up to you guys now to carry on and get along and move forward.

Robert Benavente – Just one more comment, when I heard about putting the funds over to the general fund I disagree with that one-hundred percent. Whenever you guys are going to that situation let us know and we'll try to support you. Thank you.

IX. ADJOURNMENT

Meeting was adjourned at 7:32pm.

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