



# Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

## REGULAR BOARD MEETING AGENDA

Guam Ancestral Lands Commission Conference Room, Anigua  
January 17, 2007; 4pm

*Felix P. Camacho*  
Governor of Guam

*Michael W. Cruz, M.D.*  
Lieutenant Governor of Guam

### Commission Members

*Delfin R. Damian, Jr.*  
Chairman

*Annie R. Perez*  
Commissioner

*David J. Matanane*  
Commissioner

*Oscar A. Calvo*  
Commissioner

*(Vacant)*  
Commissioner

*Michael C. James*  
Acting Administrative Director

- I. CALL TO ORDER – 4:25pm
  - **Present: Chairman Delfin Damian, Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo, Legal Counsel Ike Aguigui, Acting Administrative Director Michael James & Joseph Borja (Former Acting Administrative Director).**
- II. APPROVAL OF MINUTES (November 22, 2006 & December 20, 2006)
  - **Minutes Approved.**
- III. OLD BUSINESS
  1. Ypao Point status
    - **Commission to review/reopen negotiations for development of Ypao Point;**
    - **Survey of Ypao Point on-going;**
    - **Chairman to submit letter to Speaker re: status of Ypao Point Task Force;**
    - **Legal Counsel to review P.L. 25-179.**
- IV. NEW BUSINESS
  1. I Famagu'on-ta Services
    - **Item not addressed; representatives not present.**
- V. ADVISORY / ADMINISTRATIVE MATTERS
  1. USDA program
    - **Director to meet w/USDA in late January on program update.**
  2. Audit report status
    - **Director to meet w/staff on the 7 recommendations cited by the Auditor if completed; Report on status to be submitted to the Auditor.**
  3. Lot 5412, Mangilao
    - **Recommendation to terminate ISC license;**
    - **Guam Outdoor Shooting Range interested in licensing area;**
    - **Hawaiian Rock Products & GPA to work out property issues.**
  4. GEPA letter of violation
    - **Staff to review matter on possible violation of lease & will submit report to the Commission at the next meeting.**

5. Siren warning system
  - **Staff will make recommendations on possible areas.**
6. Duenas, Bordallo & Associates billing / FHB account
  - **Billing to be paid by DOA;**
  - **Chairman to transmit letter to Speaker re: regaining control of funds;**
  - **Director to look at other financial institutions that will provide better returns on the Commission's funds at FHB.**
7. Subdivision report
  - **Easement is now cleared and opened in Yigo (Jose Torres issue);**
  - **Commission to consider opening up access road in Lot 7150, Yigo;**
  - **Commission still waiting on proposed plan for the subdivision in Lot 7022, Yigo from Surveyor Frank Castro;**
  - **MOTION PASSED to transfer \$30,000 for the survey revolving fund.**
8. George Toves Deed
  - **Language in deed to be corrected.**
9. Acceptance of Acting Administrative Director
  - **MOTION PASSED to accept the temporary assignment of Michael James as the Acting Administrative Director effective December 26, 2006.**
- VI. PUBLIC COMMENTS – **None.**
- VII. EXECUTIVE SESSION – **Yes.**
- VIII. ADJOURNMENT – **7:20pm.**





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Commissioner

*Michael C. James*  
Acting Administrative Director

## COMMISSION MEETING MINUTES

### Guam Ancestral Lands Commission Conference Room, Anigua January 17, 2007; 4:25pm – 7:20pm

#### I. CALL TO ORDER

Meeting was called to order at 4:25pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo, Legal Counsel Ike Aguigui, Acting Administrative Director Michael James and former interim Acting Director Joseph Borja.

#### II. APPROVAL OF MINUTES (November 22, 2006 & December 20, 2006)

Commissioner Calvo moved to approve the minutes of November 22, 2006 and December 20, 2006 subject to corrections. Commissioner Matanane seconded the motion. There were no objections, **MOTION PASSED.**

#### III. OLD BUSINESS

##### 1. Ypao Point Status

Chairman Damian commented that the Commission did table any discussion on the Ypao status once the last rounds of negotiations closed. We are looking at reviewing and revisiting the Ypao Point negotiations to open up for interested parties. We will get some feedback from Joseph Borja who has been with this project since its conception.

Joseph Borja commented that several months ago the Commission approved a license to the Inadahen I Kutturán Guahan which was signed about the 3<sup>rd</sup> week of December. That is basically a closed issue as long as they maintain the terms of the license. Department of Land Management has not yet completed the survey of the property. The license allowed them 8 acres to include the 8 existing buildings. When we looked at the map of the property Ypao Point is actually made up of 3 separate lots. Dept. of Land Management recommended to the Land Trust and to the cultural group that it would be better to consolidate 2 of the lots and then cut out the 8 acre parcel. The reason for that is that if we give them a license as the way the property is the area immediately in front of the buildings to the cliff line is a separate lot. What would happen is theoretically later on the Commission could license out that property and cut off that access area to the buildings if we don't include that portion in the lot. Mr. James and I are working to get that survey done. I know that the field work has been done and they are now doing the mapping which should take maybe two or three weeks before the final map is approved



for that particular license. That of course is very important because Ypao Point is made up of about 48 acres. There is an additional 7 acres on the bottom. The property is not only on the top portion but there is also some land on the bottom of the cliff and behind the Hilton. We want to include that as being part of Ypao Point and that will make it 55 acres. But the lot that we are working with now is 48 acres minus the 8 acres that was licensed so Ypao Point at least as of today has about 40 acres that is under the purview of the Land Trust not licensed out that is available. I would recommend that the Commission review P.L. 25-179 which is the creation of the Ypao Point Task Force and then move forward from there. We will provide a copy of that to Legal Counsel. That public law will dictate how you proceed further having already declined one presentation on it. Also not as a warning but just as a note that the Ypao Point Task Force was created by the Legislature and the Legislature still has the prerogative of reviewing that law and possibly doing something else on Ypao Point if the Commission does not act on it. What I would recommend is for Legal Counsel to review that and come back with recommendations for the Commission. Ypao Point is actually under that Task Force although owned by the Chamorro Land Trust Commission. It is the Task Force who is to process the request for licensing or leasing that particular Chamorro Land Trust property and again the Commission may want to review and see what they would want on it. It is I believe one of only two properties that the Chamorro Land Trust Commission has where the use of the property is dictated by public law. I don't think that you would have to wait for another meeting to receive that recommendation from Legal Counsel.

Chairman Damian commented that we did transmit a letter to Speaker Forbes regarding the Task Force and the issue of whether the Task Force would need to reconvene under its present membership or a new membership be reconvened based on the last negotiations with the other companies. We can make a copy of that available for Legal Counsel.

Commissioner Matanane commented that he remembers that when we were negotiating to have someone develop the property we were offering 48 acres.

Joseph Borja commented yes it was 48 acres but since then Land Management has registered two other lots on the bottom, mapped it out and subsequently turned over to the Land Trust. The bottom line is that it is the Commission that will make the decision whether to accept the proposal, the Task Force is merely part of the processing but not the final decision maker whether the land is to be leased out or not.

Commissioner Calvo commented that you stated earlier that it will go back to the Legislature for final approval.

Joseph Borja commented that if the Commission doesn't do anything with it this year or the next couple of years the Legislature by law could still take that property out and do something with it.

Commissioner Matanane commented that we don't need to have another Task Force formulated.

Joseph Borja commented that Legal Counsel will advise on that. The Task Force is made up of nine members which are the Director of CLTC who is the chairman, Administrator of GEDCA, 2 GEDCA Board members, 1 appointee from the Speaker, 1 appointee from the



Governor, 2 CLTC Board members and the ninth member to be elected by the 8 members. Traditionally and normally the ninth member is the Mayor of Tamuning but it is not specific.

Commissioner Calvo inquired on who calls these members to reorganize them back to meet.

Joseph Borja commented that he believes it will be the Chairman who is the Director of the Chamorro Land Trust Commission.

Commissioner Matanane commented that we don't need to formulate another Task Force because they have already done what they are supposed to do and submitted it over to the Land Trust.

Joseph Borja commented that the membership is specific. The two members that may be new are the Governor and the Speaker's appointee. We'll follow through on the letter that was originally sent to the Speaker.

Chairman Damian commented that a question that has been raised was the issue of using that as a medical facility for an organization that is looking for real estate to build. I don't know the name of that organization but I think it is headed by Mr. Sgro. If any of you know anything about it, it would be prudent on our part to go ahead and pick up whatever information we can before any kind of maneuvering takes place. That is still a dynamic issue as far as the community and some people are concerned. We don't want to lose that inventory. It belongs to the Trust and it is a revenue generating real estate that will go back to the Trust to meet its mission and its financial capabilities to provide more services to people who need it.

Commissioner Perez requested from Legal Counsel to make sure that in review of the proposal that it be made clear because the reason why the last company withdrew itself from having any part of Ypao Point development is that they felt that there is some illegal aspect about the Commission itself and about who can lease the property. We don't want to go through the same scenario that happened. That company that was supposed to sign the contract was at his last stage. We want to make sure that it is all taken care of before we could even begin to negotiate again.

Chairman Damian commented that we will be looking forward to executing all of those and to avoid those mistakes that have been made whether political or otherwise. Especially to what the community is bringing in because there has been a lot of input from the community the last time and unfortunately we could not continue anymore input from the community based on the company pulling out of the process.

#### **IV. NEW BUSINESS**

##### **1. I Famagu'on-ta Services**

Chairman Damian commented that the request will not be heard today because the representatives will not be present.



## **V. ADVISORY / ADMINISTRATIVE MATTERS**

Reports made by Joseph Borja.

### **1. USDA Program**

Joseph Borja commented that the Commission previously approved some funds to be deposited for the USDA 502 funds for new homes and USDA 504 for home repair and new construction programs. Funds from these programs were not available between October through December. Now with it being January there will be funds available. This is so that Chamorro Land Trust lessees can apply to USDA to repair their homes or to build new homes. I'll have much more details after we meet with USDA I believe on January 25<sup>th</sup> to give us an update on the program so that we can inform the Chamorro Land Trust lessees that they can start applying for these loans if they are qualified.

### **2. Audit Report Status**

An audit done by the Public Auditor on the Chamorro Land Trust Commission's non-appropriated funds which was the last audit done. Previous Director, Mr. Elliott, had indicated to the Public Auditor that the seven audit recommendations cited by the Auditor were to be addressed no later than May 1, 2006. The Auditor is requesting for documentations that these recommendations have been completed. I will be meeting with staff to find any documentation whether these were completed or not and then I'll present it to the Commission who can make a reply to the Auditor.

### **3. Lot 5412, Mangilao**

The Commission had received a letter from a group called the Guam Outdoor Shooting Range. They are presently running a shooting club in Talofofu and are running out of room for expansion. They are interested in Lot 5412 in Mangilao which is the old Fadian quarry. Just a short background on the entire lot, the Legislature by public law reserved 15 acres for GPA's central distribution office. GPA is proceeding with the plans for that. The property was landlocked and GPA has obtained easements through the property. Two acres was reserved for the Guam Energy Office to build a demonstration energy efficient office. They never did that at the site because there was no infrastructure and that building was built at the DPW compound. Guam Energy Office has no need for that property now therefore those 2 acres reverts back to the Chamorro Land Trust Commission. Another portion of the property was licensed out to the International Shooting Range which was one of the first licenses that the Commission issued. That group has never paid any rent on the property and has never contacted the Commission until I contacted Mr. George Flores last month. Mr. Flores said that he had been trying to contact the Commission and that he had tried to get a couple of meetings with Mr. Elliott but he never did meet with him. My recommendation is to find a way to terminate the license. They've had that license close to 7 to 9 years and they have done nothing to the property other than put a gate up. We have another group of people here who are interested in the property and we'll provide a written summary of the situation with the lot and legal counsel can recommend what to do with that license.

Chairman Damian inquired if this is the area also requested by Hawaiian Rock.

Joseph Borja commented that is the same piece of property that Hawaiian Rock is interested in for quarrying purposes. The property is big enough for Hawaiian Rock's



request as well as this one. However, in Hawaiian Rock's plan to quarry the property they include a portion of the property that is under the jurisdiction of GPA. We've had a meeting with GPA because their portion has already been surveyed. We've instructed GPA and Hawaiian Rock to see if they could work together because GPA also needs some landscaping activities as it is not leveled land. Hawaiian Rock does not have a final license from the Commission only permission to go into the property to determine if the rocks are of quality to them. They've come back and said yes but is interested in a particular area that touches upon GPA's property. On the Chamorro Land Trust side you have three interested parties, Hawaiian Rock, the present lessee and the Guam Outdoor Shooting Range.

Commissioner Calvo commented that they have held the license for about 9 years and it is their responsibility to make payment. They may come back and say that they still have the lease agreement and we can ultimately say that if they want to retain that property then they would have to back pay. I want to make sure that is clarified if we do send them a letter. I think it is only fair because the property was just sitting there and it could have been making money to benefit the Trust.

Chairman Damian commented that he doesn't remember the exact date but that particular parcel has been under discussion by this Commission. I believe the Commission did overwhelmingly support to remove and terminate that lease. I'm not sure why that has not taken place whether there has been an in-activity from the Administrative Director's side or some other legal action has taken place that has made it difficult for us to move on that direction. One of the options available is to wait to find out what kind of process and negotiations takes place between GPA and Hawaiian Rock. If there is still a problem with that particular parcel we can go back as the Commission and move to terminate that third party so that we can move on with this new company or work with what GPA and Hawaiian Rock has to offer.

Commissioner Matanane suggested that the Commission send a certified letter to the shooting range giving them a timeframe to respond and if they don't then we can terminate the license.

Legal Counsel Ike Aguigui commented that the only concern he has is if the Commission had made a formal vote on what action to take and my question is are you reconsidering that now or is that your direction? If you have already voted to terminate then I don't see any problem.

Joseph Borja commented that staff can research the records because I believe Mr. Elliott and Mr. Flores were trying to meet.

#### **4. GEPA letter of violation**

The Commission had received a copy of a letter from GEPA to a Mr. Ignacio Cruz who supposedly has a lease with Chamorro Land Trust Commission in Dededo and it seems from a field inspection that Mr. Cruz may be subleasing the property to a Chinese gentleman name Su Wen Cohm. The reason why GEPA is involved in this is because there has been some serious violations concerning pesticides over the aquifer and in general the sanitary condition of the property. There is trash all over the place. We received this letter about a week ago and we haven't had a chance yet to do a field inspection. Mr. Cruz has been cited by GEPA and he has to appear at a hearing and we



will certainly be attending that. This is serious not only because of the pesticides but also that Mr. Cruz is subleasing the property which is not allowed in the terms of the lease. A status report will be provided to Legal Counsel and the Commission at the next meeting.

#### **5. Request for property for siren warning system**

Recently they have had several tsunami warnings and one of the things that the Office of Homeland Security and Civil Defense is lacking is the siren warning system. The Office of Homeland Security is proposing to put sirens around the island to provide adequate warnings. There are about 15 locations that they are looking at and they are asking the Chamorro Land Trust Commission for a couple of areas in Merizo, Inarajan and Talofofo to put up these sirens. Basically, it involves putting up a power pole and the siren on top of it and the connection to the power source for it. They have not come back with specific locations and Land Management and staff will be working on that to make recommendations.

Commissioner Calvo commented that he believes the best and ideal place to put these sirens are at the Commissioner's office in every village.

Joseph Borja commented that in Inarajan the Mayor's office is not a good location because it is up high where it should be down in the village area. When we make a recommendation it may not be Chamorro Land Trust property.

Commissioner Calvo commented that he has no problem with that because it is for the safety of the island.

#### **6. Duenas, Bordallo & Associates billing / FHB Account**

A couple of years ago the Chamorro Land Trust Commission contracted with Duenas and Bordallo to begin the subdivision and the infrastructure planning on Tract 1022 in Dededo. The work is already done but they have not been paid. This project was completed in September 2005 and the invoice is going on two years. This was supposed to be paid by an appropriation from the legislature but in terms of cash disbursement in paying it has been in a low priority. My concern is that if DOA finally pays this bill the plan may not be good anymore because it has been two years since it has been drawn up. I'm requesting the Commission to consider paying this from the First Hawaiian Bank account because this will open up approximately 400 residential lots that we can begin leasing out to qualified applicants. The Department of Land Management and the Guam Land Use Commission because of Public Law 28-126 is now getting tighter on the creation of subdivisions because of the Gill Baza situation. Developers will no longer be able to create a subdivision and submitting a map without putting in the infrastructure to the properties. That goes to all the developers in which the Chamorro Land Trust Commission is a developer when we go in and create subdivisions we would be required to put in the basic infrastructure in order for leases to be given out. The first one that would probably be affected by that would probably be the subdivision that we are creating to take care of those people in the Adacao area. We'd like to see if we can get this paid. There is still enough money in the account to pay this. In terms of money to develop these situations the Legislature had approved and appropriated \$250,000 to the Commission to begin a survey revolving fund where applicants who cannot afford to pay surveys can come in and have surveys done by the Commission and then they pay back in installments. However that account was set up by



DOA and has a one year life span. For what ever reason the Commission did not use that \$250,000 and that fund had since been closed.

Chairman Damian commented that the money had never been deposited into that account and that it was only an appropriation and it died because there was no money.

Joseph Borja commented that if the Commission wishes to create more subdivisions it may be that we would have to come up with the money to put in the infrastructure.

Commissioner Calvo commented that aside from the feasibility study is that to provide also for the infrastructure?

Joseph Borja commented not to provide for the infrastructure. The \$57,000 is for the plan.

Commissioner Calvo commented so it is like a map showing how it is to be broken down.

Joseph Borja commented that is correct.

Commissioner Calvo commented so that the course of the work hasn't really been done.

Joseph Borja commented that survey, the breaking up and putting in has yet to come.

Commissioner Calvo inquired if the \$57,000 is more for a consultant's fee.

Joseph Borja commented that it is to develop a master plan, subdivision layout and infrastructure requirements.

Commissioner Matanane commented that since it's a legislative appropriate billing and we have the Land Trust depositing all the money to DOA could we send the billing over to DOA and let them pay it?

Joseph Borja commented that as of October he had sent a letter to the Director of DOA to facilitate payment on it but I haven't received a response nor has it been paid.

Commissioner Matanane commented that in essence we have \$845,083.19 in the First Hawaiian Bank account and it will no longer be increasing.

Joseph Borja commented that it will no longer be increasing and would recommend that the Commission request the Legislature to get it back.

Commissioner Matanane commented that he read the law concerning the transfer of funds and commented to Legal Counsel at the last meeting that we are no longer a Trust since we no longer have the Trust fund. Is this against the Chamorro Land Trust Commission Act that the funds should be maintained by the Trust? Are we still a Trust?

Legal Counsel Ike Aguigui commented I think as stated in the last meeting I think you do have a good point. I think the reason why there was some legislative policy that was enacted is because of some issues from what my understanding that were raised in the audit and that is why certain of the authority of those funds were taken away from the



Commission. But I think it is something that the Commission needs to probably address once it has addressed the concerns of the legislature that you've regained control over those funds. After all the Commission is a Trust and you are trustees for property and also the revenues that arise from those properties. Your duty under the law is to apply those for the benefit of those who are defined as Chamorros. For you to be stripped of that authority to handle the funding that derives from those properties is a concern that the Commission should probably address with the Legislature.

Commissioner Calvo commented that I think it would be appropriate for us to set up a meeting with the Speaker to clarify what the Commission is.

Chairman Damian commented that he will transmit a letter to the Speaker requesting for a meeting by Monday. I cannot believe how BBMR is not previewed to this situation here. This is an accounting process that also needs blessing by BBMR. I'm not sure if BBMR is not knowledgeable about this and that it is probably money going back to the Executive Branch via BBMR using the audit as justification for that. The audit was requested by this very Commission.

Commissioner Matanane commented that the funds are being deposited to DOA and it should be more than enough to pay for this \$57,000 billing.

Commissioner Calvo commented that when the legislature made that appropriation where were they looking at getting the sources?

Chairman Damian commented that sometimes the money has been identified and then reprogrammed or it was really a political move because it was the right thing to come with based on the political climate of the time whether or not the funding was there.

Joseph Borja commented that in addition to that and maybe as a good sign to the Legislature the Commission should seriously consider moving its money out of First Hawaiian Bank. Right now we have a balance of \$845,083.19 in First Hawaiian Bank that is only accruing \$21.57 in interest.

Chairman Damian commented that once again this Commission did task the Administrative Director to find another banking institution that would provide us a bigger return on that amount of money and I suspect that has not materialized which is why we are still with First Hawaiian Bank. I will ask the Commission members to go ahead and task our Acting Administrative Director to go ahead and begin looking for what institution can offer us a better return on that money. It sounds to me that this is the second or third time that we have addressed the issue.

Commissioner Matanane commented that we had directed the former Director to set some money in a TCD and inquired in the status.

Joseph Borja commented not from this amount, not that he knows of.

Chairman Damian commented that the record will state that we have asked and inquired for I believe it was 90 or 120 days.



## **7. Subdivision Report**

Joseph Borja commented that the Commission staff did engage in trying to open the easement not only for Jose Torres in Yigo but for other landowners in that area. When the Commission made its first try it did not get a clearing permit and they were cited by GEPA. By that time the Commission had already incurred approximately \$1,300 in clearing. When I came in Mr. Torres inquired on the situation and since then what we have done is got a clearing permit and that easement is now open. Land Agent Supervisor Eileen Chargualaf is putting together a list of all the people who have leases in the area and will be giving letters informing them the easement is now open. That easement was surveyed by Land Management and the Commission will pay for the heavy equipment that cleared the access so that the subdivision could be opened.

### **Lot 7150, Yigo**

The other subdivision that the Commission opened is in Lot 7150, Yigo near Chalan Emsley. So far there are about 125 lots in this subdivision. They have been surveyed and mapped out but for the inner part of the subdivision there is actually no access road that is physically opened. The Commission may want to consider opening up that access road in that area. When access roads are opened up by the Commission where they should be it really saves the Commission a lot of problems. If you don't put the road where it is supposed to be people start passing over other people's lot.

### **Lot 7022, Yigo**

Previously a contract was awarded to Surveyor Frank Castro for a subdivision across the street from FBLG in Yigo. The area has infrastructure close by because of the GHURA subdivision and the school. So far Mr. Castro has not yet come back to the Commission with his proposed plan. We were going to use this subdivision for those who were issued leases on unregistered property. The subdivision is going to consist of about 40 to 50 lots but 8 will be for those who were awarded unregistered property.

### **Adacao**

The other subdivision that we are working on that has gone on further as opposed to the subdivisions on Lot 7150 and Lot 7022 is the subdivision in Adacao (school site). There were 13 people who were claiming that they occupied the property legally. We have since found out that approximately 11 are really qualified to be in that area. Dept. of Land Management has created a subdivision across the street for the people occupying the school site area. We would like to implement the revolving fund on this. The Commission pays the survey and then these lessees sign a promissory note to pay back the Commission monthly. The Commission will probably be required to put the infrastructure in this area because of the Gill Baza situation. The easements had been cleared. There are 2 existing SBA houses in the area and there are also some pre-existing houses and those lots will be leased out to them. We had to open up the roads first and then Land Management will come in to put all the points. We have enough lots to take care of the people on the school site plus to some more in. It would open up about 26 lots. All of the survey work is being done by Land Management and will be sending a request for transfer of funds from the Commission to cover the cost of the survey. It is a lot cheaper than going private and a lot cheaper for these clients to survey it themselves. With the survey revolving fund the Commission can put at least \$30,000 in there to begin the seed money to pay for the survey. When we present this subdivision to Guam Waterworks we can identify what kind of infrastructure is needed which is similar to what Duenas, Bordallo & Associates is



doing privately under the \$57,000 contract for Tract 1022. Land Management doesn't really want to get into this because we would be taking work away from the private system but this was an urgent project because of the relocation of the people on the school site. The work is almost done.

Commissioner Calvo inquired in what are looking at in terms of money.

Joseph Borja commented that in terms of money for the survey and planning we are looking at approximately \$30,000.

Commissioner Calvo commented that he has no problem with appropriating that money.

Commissioner Matanane congratulated Mr. Borja on the project and that the money that he is suggesting is really feasible.

Joseph Borja commented that even if you appropriate the money it will come back from the clients themselves.

Commissioner Perez commented that she thinks that the clients would also be happy about it because it is a feasible fund that they can pay.

Commissioner Calvo inquired on what is the timeframe for these people to start moving in, would it be 2 or 3 months?

Joseph Borja commented that it would probably be sooner than that. What I would ask right now is if the Commission could approve a \$30,000 transfer of fund to Dept. of Land Management for the work and before the people are awarded the lease we can have the promissory note to pay back for the survey of about \$100 per month which will be paid back in less than a year.

Commissioner Perez commented that is a very good move and I wish that all of the Land Trust property would be dealt with in this very same manner so that we would never have problems with clients coming back saying that someone is intruding into their property.

Commissioner Calvo inquired if the applicants are aware that they would have to sign off on that.

Joseph Borja commented yes and they were happy with that because that saves them the trouble of doing it themselves.

Commissioner Calvo inquired if we would still have to put in the road and the water.

Joseph Borja commented that with the road we can put in a compact gravel road it doesn't have to be a paved road. We will be meeting with Guam Waterworks on the water lines as they require a 6 inch waterline and fire hydrants. There are water pumps in the area so the source of water is not a problem but rather the distribution.

**Commissioner Matanane made a motion to transfer \$30,000 for the survey revolving fund. Commissioner Perez seconded the motion.**



Chairman Damian inquired if we have the language and the mechanisms in place to do the revolving fund.

Joseph Borja commented that Dept. of Land Management has a sample and will provide that to legal counsel for his review.

**There were no objections to the motion, MOTION PASSED.**

#### **8. George Toves deed**

Joseph Borja commented that the processing of the new schools has basically been done by Land Management. One of the unique situations that we have in the Ukudo (new school site) area is that the Commission needed access to Route 3. There was a private landowner between Route 3 and the Chamorro Land Trust Commission property who was willing to do a land exchange and reconfigure the lots so that access can be given and still make the private landowner, Mr. George Toves have a usable lot. This is an administrative mistake that when we drafted the deed we did not have Legal Counsel review it first before the signatures. We did meet with Legal Counsel and there were a couple of issues that he noted which was the language of the deed of exchange which said basically that the Government of Guam quitclaims his interest on this lot, the private landowner quitclaims his interest on this lot which was really incorrect language because at the time of signing the Government had no interest in that lot along with the private landowner. The language has to be changed. It is not a situation where the deal is no good but rather it just has to be done correctly. The second issue was with the map that was provided to Legal Counsel. The law says area for area and legal counsel wanted to make sure of the calculations. Upon reviewing the documents there was a difference of approximately 38 square meters I believe. We have researched it and when ever you see a map sometimes there are two areas one is what is called a recorded area and the other is call the computed area. Recorded area is what is on the deed, the computed area is when the survey actually goes out and surveys the property and adds the numbers. It doesn't always match but it is acceptable if there is a plus or minus tend on it. In this case it was acceptable. We went ahead and whatever lot size Mr. Toves had in the computed that is what we used. I can confirm to Legal Counsel that the land exchange is actually one for one. That issue is not an issue anymore. It is not a serious situation in that it negates the whole deal but there has been some delay for Mr. Toves. We'll try to get the deed out to Mr. Toves as soon as possible.

**VI. PUBLIC COMMENTS - None.**

**VII. EXECUTIVE SESSION – Yes.**

#### **Acceptance of Acting Administrative Director**

**Commissioner Matanane made a motion to add an additional item on the agenda which is the personnel issue of Michael James as the Acting Administrative Director. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.**



Chairman Damian commented that we are doing this for approval of <sup>bringing</sup> bringing in Michael James as the Acting Administrative Director of the Chamorro Land Trust Commission. The official date would be December 26, 2006.

**Commissioner Calvo moved to accept the temporary assignment of Michael James as the Acting Administrative Director for the Commission as of December 26, 2006 subject to change by the Board. Commissioner Matanane seconded the motion.**


Chairman Damian welcomed Mr. James for filling the position.

**There were no objections, MOTION PASSED.**

**VIII. ADJOURNMENT**

Meeting adjourned at 7:20pm.

Transcribed By:



TERESA T. TOPASNA

WPSII, DLM

Date: 1/30/07