



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Carmen G. Tajalle
Commissioner

Andrew S. Leon Guerrero
Commissioner

(Vacant)
Commissioner

Jesse G. Garcia
Administrative Director

COMMISSION MEETING MINUTES

2nd Flr. Division of Highways, DPW Compound, Tumon
Thursday, April 15, 2010; 1:25pm - 3:30pm

I. CALL TO ORDER

Meeting was called to order at 1:25pm by Acting Chairman Oscar Calvo.

II. ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Carmen Tajalle, Legal Counsel Delia Lujan and Administrative Director Jesse Garcia. Not present was Commissioner Andrew Leon Guerrero.

III. APPROVAL OF MINUTES (March 18, 2010)

Vice-Chairman Matanane moved to accept the minutes of the previous meeting subject to corrections. Commissioner Tajalle seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. First Lady Joann Camacho - Chairman Calvo, Board members Mr. Matanane and Ms. Tajalle, Administrative Director for Chamorro Land Trust Mr. Garcia, I come before you today to make a request. Back in February early this year myself along with Guam Homeless Coalition partnered with the USDA Farm Services Agency and the local Department of Agriculture and we launched a project known as the People's Garden. The garden served as an educational tool to teach our people how to acquire sustainability while focusing on growing vegetables and fruits and developing other healthy alternatives. As noted by the USDA, the People's Garden will promote better nutrition and emphasize the benefits of community gardening including increased access of affordable, fresh produce. The Salvation Army grounds in Tiyan served as the initial location for the People's Garden which we launched in February with the assistance of various government agencies and non-profit organizations also in partnership with the University of Guam Farming. I'm here today to humbly request the Chamorro Land Trust Commission grant authorization for a period of five years but if you want to make it less I'm okay with that too to the Guam Homeless Coalition and the Guam Hope Foundation and it's community partners to utilize land near the Hagatna Pool for the People's Garden project. The area will be used for local planting fruits and vegetables for local consumption by members of our community, specifically our island's homeless population. Just to be a little bit more specific is basically one of my goals is to really bring the homeless that are in Hagatna into an area by the pool and to set up a garden area along with a tent so that the homeless have a place to stay at the night and basically to teach them how to plant. Through the Department of Agriculture and US

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Federal and local will be there to coach them and teach them how to plant and at the same time I think it's a good way to bring the homeless together that are currently in the different business areas in Agana to one area and from there to teach them how to use and do that with their buy in we can bring in Public Health, Department of Labor, faith based community to come and start dealing with the problems we have with the homeless. I mean with their issues and concerns while they're trying to plant to sustain themselves. The Homeless Coalition along with the Guam Hope Foundation is also going to be partnering with Kamalen who currently feeds the population in Agana dinner nightly so as we grow these fruits and vegetables we're going to give it to Kamalen to cook to help to kind of like pay back even though they don't have to pay for the food. Because I'm going to have the homeless there I plan to partner with the businesses in Agana to find a way to feed them as well as they stay there. I have cots and tents ready to go. We'll be able to analyze what their needs are and hopefully help them progress through life and our community as well. I also plan to approach Guam Waterworks because when you do a project like this we need to have some kind of way to water the plants. So I've briefly spoke to Simon Sanchez but I'm going to be working with the General Manager of GWA on them also partnering with us to give us some water while we pilot this program. It's a pilot program.

Administrative Director Garcia - Also the Agana Mayors is going to be involved to a couple of their meetings so he's actually going to be the one to oversee the project.

Acting Chairman Calvo - Is this one First Lady because I remember a couple of months ago Sylvia Reyes came in, in a sense to that where to put for flowers and things of that nature there around that area and I just want to let you know First Lady that's all wetlands there.

First Lady Camacho - I know what we've taken the initiative to do is we've called the US EPA and we did a site visit to make sure that will not be a stumbling block and so far it's preliminary approved to do the type of planting we want to do.

Acting Chairman Calvo - Okay.

Administrative Director Garcia - It's just for plants it's not for any building or anything.

First Lady Camacho - And this is basically temporary. We plan to put two containers that will be painted nicely so that it doesn't look, it's aesthetically correct and then when we put the tents up. We need to put the tent in the front versus the back as I initially thought because what happens is in case people that are going to be monitoring the homeless there they have to have access if they're too deep in the jungle in the back then it'll be harder for like the police or fire or ambulances to get back there. So it's going to be worked out, I have a proposed sketch that I can share with you that's not final.

Acting Chairman Calvo - You know First Lady on that one when we do that for the homeless there the other side of the equation is if we provided that and I have no problem in helping them I want to help them too I just want to let you know that if it's only for a short period of time to put this program to show case what they can do and so forth and also to find out what's their cause of their problems whether it be physically, mentally and whatever and to get enhanced to get them together.

First Lady Camacho - To give them the help they need.

Acting Chairman Calvo - Yeah and the only thing I'm thinking there is I hope they don't think of it as a permanent structure home.

First Lady Camacho - No, Mr. Chairman this is not intended that's why the containers are put there. I mean there's nothing permanently on the ground even the boulders that we're going to be using to plant those are all removable. I just feel that if I don't try this I mean we have an opportunity actually USDA came to me and said can we try this. It's a lot of work it's a big undertaking but we initially did it I mean if you go up in Tiyan now I have a photo of what we did at Salvation Army and it's working well to sustain themselves on the planting. And we did the second one at Karidat in Mongmong I think that's part of Catholic Social Service and it's going well as well.

Acting Chairman Calvo - I have no objections, I don't know on the other two board members.

First Lady Camacho - You know you can make it where I mean this is a pilot and it's temporary. So we feel if we try it and it works then we can go out for federal grants and other stuff and if we need it to be more permanent of course we'll come back and seek approval or if not find a different type of property to do it.

Vice-Chairman Matanane - First Lady how big is the property you are requesting?

First Lady Camacho - I think if you just allow the Acting Administrator to work with us I don't want to go big. This is the proposed initial but it could get bigger you know depending. If the homeless bite then it's great but that will be a bigger project than what I anticipate.

Acting Chairman Calvo - First Lady I think what we can do on this with all due respect what we'll do is we'll table this and then so the other Board and then with the other Board member that will be back in you know.

First Lady Camacho - Okay.

Acting Chairman Calvo - Okay, I think that's the most logical at this point in time for us to so they can fully understand more on this program.

First Lady Camacho - What type of timeline are you thinking? Your next Board meeting?

Acting Chairman Calvo - Yeah that's...(interrupted).

First Lady Camacho - Okay that will give me enough time too but do you to think do you foresee I mean you know I'm on planning stage I want to be able to move forward.

Acting Chairman Calvo - Yeah I know.

Administrative Director Garcia - I'll work closely.

Acting Chairman Calvo - Okay you work out with the First Lady in whatever we need to encumber to this.

Vice-Chairman Matanane - I would like to make that motion to accept the First Lady's request and have her work with the Director. That's my motion.

Commissioner Tajalle - Seconded the motion.

There were no objections, MOTION PASSED.

Acting Chairman Calvo - Okay.

First Lady Camacho - You know Mr. Chairman we are launching the People's Garden island wide as the Mayors are finding out about it they want to also participate and if this works here my next goal is to find something up in the north in Dededo.

Acting Chairman Calvo - And go to the villages and so forth.

First Lady Camacho - Right, we're going to do one in Tun San Jose when we open it next week or on the 27th.

Acting Chairman Calvo - Okay, well Jess you'll work with the First Lady on that.

Administrative Director Garcia - Okay.

First Lady Camacho - Thank you.

Acting Chairman Calvo - No problem, have a good day.

2. Benny Chiguina - My name is Benny A. Chiguina from Umatac in the South. I've been farming for over 35 years and I got some comment regarding the document I got it here. This is the certified map that I picked up March 25th year 2009 and it was certified by Paul Santos the chief engineer. This is what I'm after with this guy, this is my deceased brother, oldest brother and he bought the property and you can see what this guy's doing. He encroached, this is my property Lot 2. Correction he encroached my Dad's property Lot 3 and he lives on Lot 4 so you can see the encroachment that that guy did and he violated the easement of the highway the new highway from Agat Umatac road, you can see the map. The Chamorro Land Trust easement it says right here I, Benny Chiguina, I'm making this brief statement, testimony and witness to Mr. Roque Aguon he's one of the official Chamorro Land Trust that came down to my farm and he asked me to witness and go out to Mr. Peredo's front yard and so he can tell us what he's going to say regarding the Chamorro Land Trust easement and we both acknowledged. In the morning of, Mesa was working, I was in my farm especially I approached Mr. Aguon and I asked to witness his conversation with Mr. Peredo. I stopped my work to assist Mr. Aguon and proceed to Mr. Peredo's property and regarding Mr. Peredos and Mr. Aguon informed Mr. Peredo that the Chamorro Land Trust easement is between Lot 4 and Lot 5 and we both acknowledged. Somehow within a week later Mr. Peredo brought down a dump truck with dirt and back fill his Lot 4 and Lot 5 and his place is so high. The person in Lot 5 has her boundary right there on Mr. Peredo's yard so my comment is on the Tract 3241 from Lot 1 all the way down to the right shoulder as you're coming down to Umatac everybody that cut off by the new Agat Umatac road widening of the road it's going to be starting the widening from Lot 3, Lot 4 all the way down to whatever. So they're starting the widening of the road so Mr. Peredo he built a

fence, a cement fence, concrete, out two feet away from the main highway. So Paul Santos the chief engineer called me out that your neighbor violated the easement of the highway. So you can see the encroachment right here on my property. On the Chamorro Land Trust he violated the Chamorro Land Trust because Mr. Aguon instructed him not to build any cement permanent cement fence but he built a fence. So he went down from his property before his property like I said used to be my oldest brother. From 929 it went down to 836 square meters, from 929. So anyway my property from in other words my Dad's property from Lot 3 from 1,060 to 1,031 square meters that's how much they block. My Lot 2 from 1,031 to 994 so you can see the drop of all the people that live on the right hand shoulder as you go down to Umatac. So what this guy did he's the guy that don't listen to the Chamorro Land Trust he don't care he's the guy that don't care so nobody's above the law. So when you violate it you must be prosecuted you know. Okay I'll show you this map, this is his place, I took a picture on this. He zigzag, he wants to take so much Chamorro land he's not a Chamorro. He wants to take a portion of the Chamorro Land Trust, he's the guy that don't care. I've been farming like I said for over 35 years, I've been a good neighbor. I've been giving these guys star apple, banana the whole nine yards, eggplant, tapioca, I plant those things for so many years now I'm a disable. Back in the 90s I can run up and down the hill but I got thousand, thousand (inaudible) back there and here on Guam we got so much typhoon and it tore me down so you can't expect 10 years compared right now. So you know I'm ready to go to Hawaii for my knee surgery. So you can see that picture of what that guy did he violated even the back portion of his house he put a cement straight and then he zigzag. He made some storage and he messed some of my banana trees you know on the back. On the back of his house I got bananas to the max.

Administrative Director Garcia - Mr. Chairman, Tuesday I sent the agents down to meet with Mr. Chiguina so they have an inspection report that's due to be presented. As soon as we get that then I guess we can probably table it for the next meeting and put him on the agenda.

Acting Chairman Calvo - Okay alright so we'll wait for that report and then whatever comes out on that report it'll be on the next agenda. So we're going to wait for the report from the land agents and then whatever Jess finds out in those details.

Benny Chiguina - This map I'm not lying on this map you can see the people that certified this map.

Acting Chairman Calvo - And you're right because even Mr. Paul Santos has alluded and told you that he had encroached.

Benny Chiguina - Right, I'm going to the court with this guy.

Acting Chairman Calvo - I think what we have to do Mr. Chiguina is just we're going to table it out and once we got all the, Mr. Garcia will get a hold of you on the issue.

Benny Chiguina - Let me give you a short scenario. My banana tree the leaf is hanging in to his yard and he went down to the Mayor of Umatac and he asked the Mayor of Umatac what should I do with those banana leaves so the Mayor told him get the longest machete you got and cut the leaves don't cut the tree, but he did. What he did he got up on his ladder and jumped over the fence and the no trespassing is just looking at him. So he

started chopping down the banana, that's how bad this guy. But I've been watching his house as a good neighbor. He went back to Philippine for one month, I watched his house okay as a good neighbor. He promised me he's going to bring back and send me machete. You know I need machete as a farmer not knife we don't use knife. So anyway when he came back he showed me his machete, hey Ben I got seven machetes I brought back. So I was waiting for him to give me one, I'm ashamed, I'm the guy that he promised, I'm more ashamed than him that he promised me. So my wife said this guy is no good, he's selfish. So every time I walk back in the back where's the machete you promised me man. I wasted my time even though I want to pay my bills in Agana most of the time I stood back to watch his house. We got some young boys that like to steal something you know so I watched this guy's house to make sure nobody sabotage. When he came back, he lied.

Administrative Director Garcia - We'll table it for the next meeting. I'll get the report from the agents and then we'll schedule it and we'll call you for the next meeting okay.

Benny Chiguina - Yeah.

Acting Chairman Calvo - That's the least we can do at this point in time Mr. Chiguina okay now that we heard your stories to that issue. Thank you.

3. Ramon Torres - Good Afternoon everybody, my name is Ramon Aguon Torres, I'm a retired GPA employee. The reason why I'm here is because I was reading the paper but what I read in the paper government meeting which is today and it's going to be held here. Is this meeting for Public Works and Chamorro Land Trust or for Chamorro Land Trust meeting?

Administrative Director Garcia - It's a regular Chamorro Land Trust Board meeting, our monthly meeting.

Ramon Torres - So Public Works is out of this...(interrupted).

Administrative Director Garcia - No.

Ramon Torres - The reason why I ask because I have two problems here one for Public Works and the other one for Chamorro Land Trust. Two weeks ago I stopped by Public Works and I encountered people asking them about a road named Arrendo Road in Yigo because I was told that that road is a public road and the only place that I can verify this is Public Works by my chance now today to get it from the meeting that's what my assumption. Is there anybody here knows that Arrendo Road whether it's a private road access or is it Chamorro Land?

Administrative Director Garcia - We would need to research that Mr. Torres. I would have to research it, I would have to pull the files, I can't tell you right now.

Ramon Torres - Okay. I would say this road is going up to Anderson on the left hand side there's a water tank so there's a road that goes in there it goes all the way and come out on Emsley Road and again that road is very I would say is necessary due to the fact that some time ago there's alert at Anderson and the people that were staying in Agafa Gumas cannot go through because there's only one road but there's a benefit for this if this road is

maintained properly. If something happened again the people living in Agafa Gumas can use the road go in Arrendo Road all the way. Right now the condition of the road is very bad. I cannot go to my arrendo because I only have a car and the path and everything you know the car is too shallow. So that's one thing that I wanted to ask Mr. Chairman, Chamorro Land Trust and members would it be possible for you to check it out whether this road is your road or Public Works and if it's Public Works if there's any sense that this road can be properly maintained or how do I go about to? Because I myself I have an arrendo there being which when it's raining I cannot go, I have to walk, yes I can go but I have to walk. So this is the reason why I'm here not knowing what this actually meeting for but I read in the paper.

Acting Chairman Calvo - Okay Mr. Torres you know from what you're saying Mr. Garcia had already stated that he would look into that road issue. Now as far as whether it be Public Works is in responsible that would be Public Works to answer that if it is really Public Works access. But at this point in time we'll go ahead and check whether that road is really under the Chamorro Land Trust. So right now it will be what Mr. Garcia just stated that he would look into it and see if it falls on the Chamorro Land and if it does then okay and if it doesn't then it belongs to Public Works then it will have to be dealt with Public Works and I can't tell you what Public Works is going to do about that. They'd be the one to answer that question sir.

Ramon Torres - I have a map showing actually the road but the lot and assuming where the road starts and ended.

Acting Chairman Calvo - But like I said Mr. Torres you just got to understand that there's two here two sides so we got to know what Public Works decision and of course our side. Our side we will look into that issue what Mr. Garcia stated. On the Public Works side I can't speak for them.

Ramon Torres - How will I know then?

Acting Chairman Calvo - What we're going to do is once Mr. Garcia puts that and then we'll table it out and then he'll get together I guess with Public Works for that matter and identify the problem. Okay?

Administrative Director Garcia - I'm the Acting Director of Public Works today but I won't be able to give you an answer until I review all the maps.

Ramon Torres - That's Chamorro Land Trust this is the problem with Public Works the project is Gayinero Road in Yigo. This is number 2, my lot is indicate with this and Gayinero Road is and there is a project now that is supposed to go building the road widening so my problem here actually it's not my problem because ever since 63 my house was built there and my property is almost to the road. And even since 63 up till now my property is being used as a sidewalk because my corner lot is about a foot or 18 inches from the black top so actually there's no way that the people that are walking can walk on the road because it's on that, they have to walk on the side and I have been living like this for a long time. But now is the time that I wake up and I start asking and they say oh Mr. Torres you're not going to be affected because the road is going to be widening from this

monument. Yes sir I'm not going to be affected but isn't a road a black top have a four feet actually side walk adjacent to the road?

Acting Chairman Calvo - You know Mr. Torres I can understand where you're coming from but what you're bringing here is really Public Works it has nothing to do with the Chamorro Land. I think your problem you would have to deal with Public Works because we really can't give you any answers to what you're asking right now you know. It has to really come from them okay.

Ramon Torres - Going back to my question how would I know that you will be checking on this problem whether it falls on Chamorro Land Trust or Public Works?

Administrative Director Garcia - On the next meeting we'll get the information. What is your telephone number?

Ramon Torres - 653-5247. If you need any assistance for any reason that I can help you give me a call.

Administrative Director Garcia - I met with your surveyor about a month a month and a half ago.

Ramon Torres - The surveyors are still working on it and this is again another reason that I am pushing this because I thought it falls on the Trust because Chamorro Land Trust is surveying it for me and my question is why is it that the road is inside and my lot is there said Mr. Torres but I don't know.

Administrative Director Garcia - Okay so for the next board meeting we'll call you on where the Board meeting's going to be at.

Acting Chairman Calvo - That problem would need to be clarified with Public Works because they know more about the roads not to respectfully to say to you that the Chamorro Land Trust doesn't deal with the roads that Public Works.

Ramon Torres - So in other words Mr. Chairman you don't know but can you find out?

Acting Chairman Calvo - We are going to find out Mr. Torres yes.

Ramon Torres - Most of the people that are staying up there are telling me that the road is supposed to fall under the Trust.

Acting Chairman Calvo - And we will find that about okay.

Ramon Torres - Thank You.

4. Michael Dilley - Good Afternoon Chairman and members of the Board, my name is Michael E. Dilley I'm the field operations director for Choice Phone. About two weeks ago we received a letter requesting our presence at the CLTC for going over some of our licensing issues. We met up with James Diaz I believe and he had requested that we try to record our documents our licenses that we have. I made an attempt to that and I have

since forwarded the letter to both the Board and the Director. We have a couple of issues that are on the table technically but they have letters on them they are sitting with the Chamorro Land Trust at this time. We've done as much as what we can do from our side so we'll wait for the Board and the Director to come forward on how to best resolve these issues so we can move together for the future. Thank you.

Administrative Director Garcia - Okay I met with Land Management and they told me you went down there, you cannot record any document if it's not an original document without a notary. So we'll work the details out on that okay.

Michael Dilley - Good enough thank you.

5. Edward Cruz

Administrative Director Garcia - I would like to have Eddie Cruz come up and I'll explain some issues that we discussed with Senator Pangelinan. I met with Senator Pangelinan earlier this week regarding Eddie Cruz and Catalina Mesa issue up in the Mangilao lot in Tai. They want us to resolve the issue with the way it was handled. How did Catalina Mesa acquire that piece of property when Mr. Cruz had an acre lot and then they reduced him down to a half acre and then down to a quarter acre? So they wanted us to find out why did their lot get reduced.

Acting Chairman Calvo - Okay the only thing I can do with that Jess right now is to do a survey or check on Mesa on how did they acquire that piece of property for right now for us to give because I got to know how it came about and you know and how it happened.

Administrative Director Garcia - Because that's the question that Mr. Cruz is...(interrupted).

Edward Cruz - May I interrupt Mr. Chairman.

Acting Chairman Calvo - Go ahead sir.

Edward Cruz - Thank you ladies and gentlemen, my wife Josephine, myself Edward I. Cruz first of all we owned this property thirty years ago. How this came into matter through Land Management arrendo now what happened here the Mesa's were given a property. They were given a property from Pagachao Agat up to Pagat Mangilao up to Yigo and then over to Mangilao twice. I would like to ask the committee how often and how many times are these people entitled to get a property with the Chamorro Land Trust? Can anybody answer me please?

Vice-Chairman Matanane - It's supposed to be only one time.

Edward Cruz - One time. So special people get five lands and there's fifteen hundred people out there that are applying for Chamorro Land Trust and are still waiting, some of them even passed away. My son who got hurt in Iraq he just came back he applied and up till now already ten years ago he doesn't got a land. Mesa applied, five properties, she got five properties and every time she change it she gets another land. To top it off that property we're talking about, Mr. Garcia you personally knew it and the Chamorro Land

Trust people knew about it. Mr. Matanane knew about it that this property that Mesa is sitting on right now was fixed, F, I, X, fixed.

Acting Chairman Calvo - Not on this Board.

Edward Cruz - Well excuse me Mr. Chairman, I don't know whether it's this Board or whatever Board.

Acting Chairman Calvo - I just want to clarify that with you.

Edward Cruz - Okay but I'm telling you the truth because this is what I hear from everybody and when I speak I speak for myself and I have the right to speak okay. So here's the situation here the Mesa family they have a property about a quarter of a mile from where I am. Mr. Garcia saw the property Mr. Chairman and for what reason that a member of the Chamorro Land Trust to go over there and told Mesa to move into our property and they said that if anybody ask you guys what you're doing on that property just tell them we've been here for the longest. We've been here, we've been farming, we've been staying that's what the people from Chamorro Land Trust would tell these new people that came in. My God thirty years we stayed there, my youngest son who is forty now who is still in the military.

Josephine Cruz - The oldest son is going to be forty this year.

Edward Cruz - Our oldest right okay my second son and all our three sons are serving in the service and we were using this property for farming because that is what was given to us for arrendo under Land Management. All of a sudden we went off-island because our son was deployed to Iraq we went to see our son off, we came back all these people are on our property already and they don't belong to that property Mr. Chairman. Mr. Garcia knew about it and then Mr. Garcia came up with another staff from the Chamorro Land Trust they measured the property and Mr. Garcia will testify right now that they took our property and they built a house on our property with SBA. Now doesn't the bank run a PTR? You people know what a PTR stands for, preliminary title report. But they went ahead and accepted it and then they fix a lease agreement, two of them fixed immediately. Tell me how in the world this is going to happen. They gave her property in Pagachao, she doesn't want it. They gave her a property in Pagat with Governor Ada's signature here and she was not happy. They gave it for arrendo, they don't like it. They got a property in Yigo, they don't like it. They saw my property which is cleaned because we maintain it. I used to pasture cows there. We used to have over ten cows, ten goats, sixty pigs and all kinds of vegetables and that's how we survived with an income of three twenty-five an hour and to feed four mouths. We had to sell our vegetables, we had to sell our pigs to have enough on our table and to have enough to feed our family and how dare this person to just go over there and just move in because they won't kick you out. Move in because the property is not yet surveyed. This property was given to us 1 acre. And for your information everybody in this committee I would like to ask, my property they cut it twenty feet because we gave the government twenty feet so they can build the infrastructure for road, water, power and sewer. So the people from Public Works came by its Mr. Terlaje, that person died already rest his soul and I said Mr. Terlaje we're giving you twenty feet my neighbor's giving you twenty feet so you can open out the road what do we get in return? He said oh behind you is the government land twenty feet is yours in the back and then that twenty feet in the back

shortened the land more on the back by the government land. How can anybody give a property that is less than hundred by hundred? You know to build a house with no sewer you got to have a septic tank and leaching field. And you know we've been here since last year in June and we brought this subject up and we were promised that it's going to be straightened out. It shows real clear on these papers here that the Mesas don't have any business on this property. But because somebody at the Chamorro Land Trust sir allowed these people to stay in that property and they had a property, Mr. Garcia will testify and we'll even bring all you people up to that property and we'll show you. And to top it off the people who have been passing on our property on a bull cart trail is our property there's no place else to pass. The main road is up by Tarusan that's across Mr. Matanane's house, that's where the road down is but the Government neglect to open that road they don't have a road so I had to give twenty feet of my property and twenty feet from Mr. Merfalen so we can make a road for everybody to walk to go in and this is the case. Why is it taking this long for this committee and for this agency to remove this individual from our property? It shows real clear here on the paper that no one is supposed to be on that property Mr. Chairman. My God my kids all grew from there they were probably farming since they were four years old and six years old. They all grew up, they went to school, they went and joined the service to protect us for freedom and people that are crooks. And my son, our son is getting hit and killed and hurt in the Guard. You and I were in the service and we know this Mr. Chairman. That we don't want this kind of thing that we sweat our blood and tears for a country that we're fighting for freedom and in turn we got in this kind of predicament where we are the victim and the people that have been, you know this is too much.

Acting Chairman Calvo - I can't give you an answer right off right now here either so what I will do is make a follow up on this myself personally okay. I'm going to tell the legal counsel on how we're going to work on this.

Josephine Cruz - All we're asking is the one that they said point fifty (.50) of an acre at least give us that back.

Edward Cruz - And why is it that we got one acre and we were cut down to point fifty (.50) and then we were cut down to point twenty-five (.25)? What is this?

Acting Chairman Calvo - I got to go back you got to understand too we're just Board members here okay and yes I know, Jesse has refrained himself to some point because of conflict so we have to look at it in another ultimate way on how we're going to really resolve this issue. I don't want and I'm going to see how I'm going to resolve this issue. One way or the other way I will resolve this issue.

Edward Cruz -Excuse me Mr. Chairman you know the thing here when we saw that there is a conflict of interest with Mr. Garcia's part it's not on the property of ours. That property that you guys are talking about is Pagat, Mangilao and this property when they got it from Governor Ada is right here. And this was already twenty years we've been in Mangilao and she got the property twenty years after and this property that Mr. Garcia is talking about is Pagat, Mangilao not my property in Tai, Mangilao. Because I remember this back last year in June when you told me you got to be excused because he was the agent for Land Management but that is a different property Mr. Chairman. The property that Mr. Garcia is saying that he is the inspector it is not that property it's property in Pagat, Mangilao. Here is

all the documents and that person who gave this property the individual who gave my property away signed this and we've been staying in this property for the past thirty years which is the truth. How in the world ten years ago Mesa went in? And this inspector this is the inspector's report Mr. Chairman, it's Mr. Alan Quan, Jeffery Aguon, they came by and to the best of my recollection even Ms. Chargualaf came to our property and they saw that we have a lot of crops, name it, string beans, wing beans, taro, dagu everything on top of that I got over a hundred chicken and then on top of that I got over ten cows and you know what the Mesas did and remember they surveyed it that they said they surveyed the property that's a bunch of lies and I'll tell you that. They got into our property they cut down our banana trees, they cut down my sour sap, they cut down my sugar cane and they stepped on all my plants, sweet potatoes. They came in there because we were off island and they took the opportunity and said go, go, go they're not home, don't worry because if they come back and say anything just tell them we've been here. Three people that my wife caught and...(interrupted).

Josephine Cruz - They came around trying to start all over to clean it up so they can farm.

Edward Cruz - And they said they've been staying there for five years. My God man my kids all grew up we grew up from that property and there was hardly anybody on that land on that property lucky it was ten people on that property that we're talking about in Tai, Mangilao, Sabanan Magas. Now we have over two hundred people and to top it off the people that are passing are on my land.

Josephine Cruz - And they still encroach into our property.

Edward Cruz - How can Chamorro Land Trust honest and I saw a lot of signatures here Chamorro Land Trust authorized Ms. Mesa to build go ahead and build a house, Chamorro Land Trust authorized SBA to go ahead and approve the loan. Did they really go out and do a PTR report? Or did anybody ever go out and did an inspection as the inspection report said? I even asked Ms. Chargualaf, I asked Ms. Nededog, I asked Mr. Balbino, did they ever come by? No. Do you know where's the place? No. Did you do the report? Yes. How can you do a report and you're not there? What is this? And then to top it off five properties were given and there's over fifteen hundred people that applied for the past ten and my kids are one of these people. And I know a lot of people that died and never got a Chamorro land and this individual got five properties in less than one year and two years. You think the people out there on the road, is that on face me over here, because those people really happy that they found out fifteen other people are waiting and this individual got five land in less than two years. And every time oh I don't like this give me another one, oh I don't want this. You know what they like you might as well give them the Government House. Give them the land the land of the people and the house of the people because may be they will be very and little do people know they have a big land in Tiyan. They were given a land for arrendo, you know what everybody, does everybody know what arrendo land for is? For planting for farming. These people don't even can tell the difference between corn tortillas and string beans or wing beans. They don't even know how and I could testify to that because I know these people. We know these people very, very, very well. You know Mr. Chairman I respect everybody in this department or this office right now but when it comes to this point my son got hurt, I just came back, my son almost got killed in Iraq. My son grew up in this property and I was holding this property so if my son come out of the service they got a property already. But no because that people up there got it

and they were given because go in and stay. Their property is already in there so pulled those people out of my property and put them where they're supposed to be. My God they have a land in there but when they went in there they don't want it because there's tangantangan. There's a lot of tangantangan trees.

Josephine Cruz - At least the point fifty of an acre we're supposed to get because we're under the Chamorro Land Trust..(interrupted).

Edward Cruz - We're supposed to get one acre and there's no investigator there is no inspector ever came by. And if the inspector came by inspect the place and then interview the neighbors. Do you know if anybody is staying here? Have you seen anybody? That's what they should do don't just say go in and stay.

Josephine Cruz - They won't chase you out.

Edward Cruz - How many people have I heard of this? I'm a victim right now with my family and every time I look at these people I get PTSD, I get nightmares, I get flashback. I'm at the verge of just attacking these people and just blow them up man. Enough is enough. I almost died in Vietnam, for what Mr. Chairman.

Acting Chairman Calvo - You know we can discuss all this right now but right now I think like I said earlier we need to you know really figure this out one way or the other way and that's the only thing I can tell you Eddie. Because you know you and I have the same thing in life okay. So I'm just saying right now I'll figure a way to get this done okay. All I'm asking...(interrupted).

Edward Cruz - Let me ask you one thing Mr. Chairman what is the timetable?

Acting Chairman Calvo - I got to check with my legal counsel and then once we get everything...(interrupted).

Edward Cruz - I'm sorry sir we met with the legal counsel and not only that we met with her we met with Mr. Lujan.

Acting Chairman Calvo - I'm going to see how we can rectify this.

Edward Cruz - It's very easy it doesn't take a rocket scientist.

Acting Chairman Calvo - Eddie it's not that you got to understand I can't just go up there...(interrupted).

Edward Cruz - Understand what?

Acting Chairman Calvo - I got to find out the details.

Edward Cruz - So people can go into my property and say get out because it's mine.

Acting Chairman Calvo - No Eddie I'm not saying.

Edward Cruz - When Mesa stayed in the property they never owned the property Mr. Calvo. It is the document that you gave them there.

Acting Chairman Calvo - I know and I'm going to get to the bottom of this Ed. I understand Ed, I understand that.

Edward Cruz - You told me that nine months ago. Good thing I didn't die or lucky thing none of my kids died this was nine; June, July, August, September, October, November, December, January, February, March, April, eleven months ago and nothing was settled and we're going to meet with the legal counsel again? We met up with legal...(interrupted).

Acting Chairman Calvo - And what do you want me to do?

Edward Cruz - Well it's very simple, it's right here that they lied, they have a property right in...(interrupted).

Acting Chairman Calvo - And I'm going to make Jesse, I'm going to follow through this.

Edward Cruz - But can you give me a timetable?

Acting Chairman Calvo - I don't want to tell you tomorrow. I don't want to tell you next week.

Edward Cruz - No, no, no be reasonable. You give me ten months, eleven months already, what more do you want? I mean the paper it's real clear over here that they have no business on this property.

Vice-Chairman Matanae - Ed, calm down, you have already talked to Senator Pangelinan and Mr. Garcia.

Edward Cruz - Yes.

Vice-Chairman Matanane - And all you're asking is point five zero.

Edward Cruz - Point fifty.

Vice-Chairman Matanane - Is that possible?

Administrative Director Garcia - It's possible but they...(interrupted).

Vice-Chairman Matanane - All they're asking is point five zero.

Josephine Cruz - The one that they gave us after it went to Chamorro Land Trust because if it's before Chamorro Land Trust and it's under Land Management it's the whole acre.

Vice-Chairman Matanane - Is it possible or do you need time to look at it Jess?

Administrative Director Garcia - We need to get the survey out there to point out the half acre.

Legal Counsel Lujan - But this is the half acre that the Mesas are on that you want returned. This is not just a half acre anywhere.

Josephine Cruz - No this is where Land Management gave us and then when Chamorro Land Trust came in they gave us half an acre, point five zero, so we're satisfied with the point five zero to be given back to us because if we go through that the other way it's going to take the other house which is under SBA.

Vice-Chairman Matanane - He's asking for a timeframe, Jess.

Administrative Director Garcia - I don't know, Oscar you're going to have to request Land Management to go out there and mark the half acre.

Acting Chairman Calvo - We'll do that I'll talk to Land Management.

Vice-Chairman Matanane - So ten, thirty days what do you think?

Administrative Director Garcia - April 30, give him till April 30.

Vice-Chairman Matanane - Till the end of the month Ed and see Mr. Garcia.

Edward Cruz - Okay, I'm happy and I hope I get a result within thirty days. It's just that it really hurts put your feet in my shoes, staying in there for the past thirty-five years your kids grew up there they went and fight the war, they spill their blood in the country for freedom and this what my kids going to get? Put yourself if you have a family...(interrupted).

Acting Chairman Calvo - Eddie I understand where you're coming from okay, alright and we'll get with Land Management tomorrow.

Edward Cruz - Because you know what bothers me it's right next door to me and they're throwing trash and I reported this.

Josephine Cruz - They keep saying when my kids clean the yard hey don't clean over here because the rocks and all the stuff is coming over to us and they tell our kids when we're gone. And when they pass to the other side to go to their family inside they zoom their car all the way in.

Edward Cruz - And I could block that road, it's my own road.

Josephine Cruz - Yeah, we could block it.

Edward Cruz - But you know we're not like that, we're not that kind of people, we're understanding people. Who is patient enough to give twenty feet of their land away?

Acting Chairman Calvo - But Ed I just want to clarify something to you before we go any further okay I just want to make sure that it wasn't that Board that it's not this Board that did that okay and we're going to resolve it.

Edward Cruz - I know.

Josephine Cruz - It's the agent.

Edward Cruz - I never said it's this Board.

Acting Chairman Calvo - No, no but I just want to make sure, I just want to make sure for the record.

Edward Cruz - I know I understand.

Josephine Cruz - For the record it was the agents of the Land Trust.

Bob Barber - We've been hearing stories like this and what we need is someone who's willing, who got a letter, someone to fill out to the AG's office, we need the name of the agent that gave the Mesa's the land. That agent violated their right because if they have one acre they were never supposed to be reduced if they were under the Land Use Permit when the Land Trust came in. The law stated that they have the right to occupy till their turn came up. Any land agent that came in to their land and told someone else they can have it violated the law that we know. We have problems with land agents and what we need to do is get people like this to document it so we can start civil action against the land agents.

Acting Chairman Calvo - Okay no problem Bob.

Edward Cruz - Sir, I'm sorry Mr. Chairman, I heard about you I know you and Ms. Joanne Brown the former Senator and you know who the person is. Thank you, I'm sorry I shouted this way because I felt enough is enough. It really hurt me when I got called up that my son got hurt in Iraq and we have a situation here, put yourself in my shoes if you people like it. I don't think so, what parents in their right mind would even enjoy that. Thank you.

V. NEW BUSINESS

1. Smithbridge - Proposed property exchange for portion of Lot 7163, Yigo.

Administrative Director Garcia - Smithbridge is here today to present a proposal that they have, they're adjacent to Chamorro Land Trust property up in Yigo.

Steve Radonich - Good Afternoon Chairman, members of the Board, ladies and gentlemen my name is Steve Radonich. I represent Smithbridge Guam Inc and we're here to discuss our proposal to Chamorro Land Trust to acquire some land that is a part of 7163 in Yigo. It runs adjacent to our lot which is the former Sammy Rock quarry. The proposal in essence of what we would like to put forward is to swap some land of equal value that the land that would be suitable and sanctioned by Chamorro Land Trust as suitable land and then do a deal on the price value to swap the land over. We essentially look at to lease the property from Chamorro Land Trust and to mine it, it's not in the best interest of Chamorro Land Trust more than likely it's left with a hole in the ground that is useless to anyone. So the way we look at it if properties that are sanctioned and suitable to Chamorro Land Trust then we go forward and do a transaction where we purchase the property do whatever development is needed whether it be farming land or whether it be for residential housing or commercial, we bring it up to a property that is usable and at that point it is handed over to

Chamorro Land Trust in exchange for a section of the property in the back of the Smithbridge quarry or part of Lot 7163.

Administrative Director Garcia - They came in to see me and I told them to write their letter of interest in what they want to do, it would have to be up to the Commission. It looks like whatever the request they're asking here it would have to go to the legislature for approval for the swap if it's approved and that's what they would like to request the board.

Acting Chairman Calvo - Well as you know right now Jess we're working that rules so right and it's going to be under the legislature no matter how we look at this issue anyway. So it'll be premature for us to say to you right now yes so what we can do is we'll go ahead and take your application and make sure and then maybe on the next meeting you know we'll table it out at the same time. Because this thing is it's government land that still has to be especially when we're going to do a land exchange we can't do a land exchange okay. That has to go to the legislature no matter what even though knowingly it belongs to the Chamorro Land Trust it's unfortunate but we still have to go to the legislature and they'll be the one to say okay. Whether it be value for value, dollar for dollar for that matter they'll be the ones to determine that okay. So that's the least that we can tell you at this point in time.

Administrative Director Garcia - They understand it's just that they want to make...(interrupted).

Acting Chairman Calvo - Yeah make it more official yeah and that's fine and that's good okay.

Steve Radonich - The reason to speak today is to put our idea forward so people can look at it and mull it over and I think it's a good win-win situation for us and for Chamorro Land Trust.

Acting Chairman Calvo - See it'll be a win-win situation but we also still have to go for a hearing for this in the legislature and we have one of the Senators that handle the land commission here is you know will be I guess he will forward it to his boss on the issues to Senator Ben Pangelinan and then you know then I guess from there on the legislature calls back for us okay.

Steve Radonich - So where do we need to go from here? What can we do from here to try to move this forward or to get through legislature if that is what is required?

Acting Chairman Calvo - That's where it's going to end up at the legislature okay because they're the one that can make that land exchange okay. They'll be the one to determine whether it's feasible whatever you know. So the legislature will be the one to decide because you're talking for a big amount of property you're not talking just a small portion of property.

Steve Radonich - The portion of property we're actually referring to is approximately twenty acres of I think a four hundred acre lot.

Acting Chairman Calvo - Yeah so and see since the Chamorro Land Trust is government property so we just have to got to be a lot okay.

Steve Radonich - Okay.

Unknown speaker - Would there be any particular type of properties that are most suitable for the Land Trust needs in your priorities that you have whether it be land lots for individual leases or agriculture land would there be something that would be in more..(interrupted).

Acting Chairman Calvo - See that depends you know I can't honestly give you. You know it could may be be a residential it could be for an agricultural depending on what the land and you got to look at the land value and so forth and all that okay. Ultimately if the legislature decides to make that swap whatever then you know and we have to go to our inventory and whatever we need to make changes okay. Just remember though that when you do that you have to out to the private okay.

Steve Radonich - Thank you very much.

Administrative Director Garcia - We'll be calling you guys if anything comes up.

Steve Radonich - Okay.

VI. PENDING BUSINESS

1. J&G Inc - Purchase of Old De La Corte Street and Alley Lot in Agana

Administrative Director Garcia - They submitted the two appraisals that were required and I guess this was together with the Calvo's request. Calvo still hasn't submitted I guess the appraisal.

Acting Chairman Calvo - It would have to go to the legislature for the final, any land exchange or anything to be sold has to go to the legislature okay. I know that road that goes behind there that was approved back then but we did state that it has to go to the legislature now. On this I don't know where the Senators stand on that I can't honestly say to you.

Mark Ruth - So it needs an endorsement of the Chamorro Land Trust and then we can take it to any Senator I guess we would take to who we choose or do you spearhead that course?

Administrative Director Garcia - Actually I guess the Board what we need to do is we need to request our Chair, Senator Pangelinan's office to inform him that we have received the appraisal reports and what the values are and to authorize I guess the purchase of the lot, the road, the alley.

Acting Chairman Calvo - See what you can do with that, follow up on that one.

Administrative Director Garcia - We just need I guess the Board to...(interrupted).

Vice-Chairman Matanane - It needs to go to the legislature.

Acting Chairman Calvo - It needs to go the legislature. Now if the legislature approves it it's their discretion.

Administrative Director Garcia - So I guess Mark what they're pretty much saying is the Board sanction the authorization to sell the lots they were waiting for the appraisal, we got the appraisal reports I guess you just need a Senator to introduce the bill to authorize the sale.

Mark Ruth - Okay, we thought there would be some kind of ...(interrupted).

Acting Chairman Calvo - I think Senator Ben Pangelinan was aware of that because at that time it was with Joe Borja that was you know but yeah that thing it would have to be brought to the legislature like I said.

Mark Ruth - So do we kind of go on our own?

Administrative Director Garcia - Do we need to write a letter to the Senators saying that we received the appraisal reports?

Acting Chairman Calvo - Yeah that we got the appraisals already.

Mark Ruth - Anything more?

Acting Chairman Calvo - No that's it.

Mark Ruth - Thank you very much.

2. Alicia Pinaula - Estoppel & Consent Certificate

Legal Counsel Lujan - The reason I requested that this matter be placed on the agenda is because the Commission had requested that my office provide legal services on the issue of Ms. Pinaula's request for the Commission to execute an estoppel and consent certificate. And there's an issue that arose in my reviewing of the certificate and duly note a cursory review of the matter and it's my understanding this certificate was prepared by GHURA and my office represents GHURA and the Commission and so for me to continue to, for me to provide legal services I would have to disclose the potential of conflict of interest that arises from the representation of both the Commission and GHURA. It's my understanding that Ms. Pinaula has entered or is entering into an agreement with or arrangement with GHURA and it's for that reason that the certificate was prepared by GHURA. I spoke briefly with GHURA and from my discussions with GHURA it's my understanding that no rights or powers of the Commission would be or the Commission would not be adversely affected by my representing the Commission regarding this arrangement and the request to execute the estoppel and consent certificate. So at this time I don't believe that there is a potential conflict of interest that prevents me from serving as counsel to the Commission on this matter. In the event that the Commission authorizes me to serve as counsel in this matter and an actual conflict arises, an actual conflict of interest arises between GHURA and the Commission then I would be required, my office would be required to withdraw from representing the Commission or GHURA on the issue of Ms. Pinaula and her request. At this time I don't believe that there is an actual conflict because as I stated earlier the Commission's power to select lessees in the event that Ms. Pinaula defaults in her arrangement with GHURA would not be infringed upon. The Commission would retain, it's my understanding at this time that the Commission would retain the power of selection that it's powered under statute. So the Commission has the option of waiving any potential

conflict of interest and the Commission does not waive actually it only waives the potential conflict of interest which would allow me to serve in this matter. I would encourage the Commission to seek independent legal advice to investigate whether or not it should waive the potential conflict of interest or not. If the Commission decides to not waive the conflict of interest then that would require the Commission if it thought it needed it to seek alternate legal counsel on this issue.

Acting Chairman Calvo - Okay.

Vice-Chairman Matanane - I don't think there's any conflict of interest between GHURA and this Commission.

Legal Counsel Lujan - Well the only reason why there could have been a potential is because the Commission and GHURA at some point their interest may conflict and I'm not fully aware of the arrangement that Ms. Pinaula has. At this point I wouldn't be because then I would have investigated without having the disclose, the waiver by the Commission. So at this early stage it's my understanding that there is no conflict but in the event that there would be one I would be required to withdraw.

Vice-Chairman Matanane - But then my thinking is that Ms. Pinaula with this Board, this Commission is requesting for some certain some agreement from the Commission which is not pertaining to a GHURA area. So whatever GHURA has played a legal contract or legal aspect with Ms. Pinaula it's up to them and so as the Commission itself which would not be involved with GHURA.

Legal Counsel Lujan - Well it's my understanding that and I'm not fully aware of the situation Ms. Pinaula is better suited in explaining that or someone from GHURA at this point I'm not. But from my discussion it's my understanding that Ms. Pinaula is going to receive a grant from GHURA which would allow her to build a house on Chamorro Land Trust land and so the estoppel and consent certificate if executed by the Commission it would honor, this is the Commission I believe honoring the arrangement between Ms. Pinaula and GHURA.

Vice-Chairman Matanane - And that conflicts with the laws of the Chamorro Land Trust where if you put a mortgage on Chamorro Land Trust property it becomes the owner or interest of that piece of property.

Legal Counsel Lujan - Well that may be so but I have not been able to review that without the consent from the Commission for me to review that.

Vice-Chairman Matanane - It is against the Chamorro Land Trust Act that we cannot to the Chamorro Land Trust to mortgage.

Administrative Director Garcia - Dave this would be like the USDA, I mean...(interrupted).

Vice-Chairman Matanane - I understand where she's coming from where she's getting a loan or she's getting a grant and this would have to be lien against the piece of property which belongs to Chamorro Land Trust. I understand where she's coming from but if GHURA doesn't want to if they want a hold of that property because they are giving her a loan okay so in essence we have to divorce ourselves from that piece of property and it

becomes the owner of GHURA or whoever is giving her the money to build the house. It's a mortgage thing, right?

Legal Counsel Lujan - It's my understanding should Ms. Pinaula default then should there be a default then ...(interrupted).

Vice-Chairman Matanane - But she's not borrowing from Chamorro Land Trust we're guarantying.

Legal Counsel Lujan - It's my understanding that should there be a default then GHURA would allow, GHURA would defer to the Commission's selection of a new lessee to take over. So that was my understanding.

Acting Chairman Calvo - In other words we'll still have control over that piece of property now if Ms. Pinaula defaults on that piece of property or on her loan for that grant for that matter that the Chamorro Land Trust would be quote me if I'm wrong on this is the Chamorro Land Trust since we're the landlord basically and you know she's just...(interrupted).

Vice-Chairman Matanane - She's after the lease the lease only.

Acting Chairman Calvo - Yeah so we just wanted to clarify that the money that she's getting from GHURA that the Chamorro Land Trust would not be responsible for that particular you know. I think this is what the Board here is trying to really fully understand is if she defaults the payment for that reason that they're not going to come back to the Chamorro Land Trust and say this property you know you granted this piece of property over to us and we have stake hold to this piece of property. We want to make sure that the language itself is clear by GHURA that in any given time and I told you this that at any given time that the property is defaulted for whatever reason like I said that the Chamorro Land Trust would assume and take with that thing. We're not going to be sent a bill and say you owe, you still have a balance of five thousand dollars or a thousand for that matter okay. So that language itself has to be incorporated into the GHURA's contract with you stipulating that at any default that the Chamorro Land Trust is not going to be responsible and the property would still be maintained by the Chamorro Land Trust and this is what Dave is...(interrupted).

Vice-Chairman Matanane - If there's such a foreclosure should happen what is their stand, GHURA? Are they going to take the property?

Legal Counsel Lujan - It's my understanding that whoever would take over would be selected by the Commission.

Vice-Chairman Matanane - I would like to see that mortgage agreement.

Administrative Director Garcia - That's what she's going to be working on.

Legal Counsel Lujan - See I have not seen the mortgage agreement because I haven't been authorized by the Commission to investigate the matter.

Vice-Chairman Matanane - So all you need is an authorization?

Legal Counsel Lujan - I can't investigate it without the Commission's approval.

Vice-Chairman Matanane - If it's on a motion basis I would like to make a motion to authorize our legal counsel to investigate the mortgage document or what documents that GHURA and Ms. Pinaula and that's my motion.

Commissioner Tajalle - I second that.

Acting Chairman Calvo - Alright.

Alicia Pinaula - First of all what is the problem here on the estoppel on number two, lessor hereby consents to the mortgage executed in favor of the lender and covenants and warrants that it will attorn. Meaning as you were mentioning that if I forfeit or you know something happens I don't make the payments but this is a grant okay where it's not the same as a mortgage okay but the thing is it's almost like a mortgage but it's a grant okay. Now the word attorn yes it's saying here if something happens I do not make the payment or whatever, the condition, I forfeit the condition that it gives GHURA all the legal rights including the land so that the language is supposed to work where the Chamorro Land Trust has legal rights to the land even as you were mentioning okay. But take this into consideration that there's like a fear factor between GHURA and Chamorro Land Trust.

Vice-Chairman Matanane - No we don't fear about it we're allowing our attorney to go ahead and take a look at the mortgage document or what documents and she'll apprise us of what the documents are because if you do finalize those things and we're not aware of it I don't know. But we are allowing our attorney to go ahead and take a look at all the documents before it's signed, sealed and delivered.

Acting Chairman Calvo - It's almost like if you own the piece of property yourself and I own it okay so all we're saying here in the Chamorro Land Trust, the land, GHURA has to and I made this clear to Mr. Camacho that he has to clear that. That word attorn means that they're going to be holding that and they can't.

Alicia Pinaula - The land the house.

Vice-Chairman Matanane - Its the Chamorro Land Trust property you cannot mortgage because it's not your land. It is not the same as if it's yours where you can actually mortgage it. That is where I'm coming from. This is where we'll give this and take a look at the documents and how okay.

Alicia Pinaula - Okay but rest assured please that you know I've worked this far for my children to have a home and I'm not going to forfeit anything. We're going to live there through fifteen years and so forth whatever. I've gone since 1980 and got this house...(interrupted).

Acting Chairman Calvo - I don't doubt, Ms. Pinaula I do not doubt for a minute that you'll be there but the legal aspect to that is the land, is land of the Chamorros okay. We have to protect that interest part okay. That's all we're doing here is we're protecting the interest of the Chamorro Land Trust.

Alicia Pinaula - That's true, I understand.

Acting Chairman Calvo - I'm not saying that I know you'll make full payment and restitution whatever it takes, I'm not, we're not disputing that. I'm just saying because of the conflict of that part is that the property being you know, we're the owner you're the borrower from another agency to a bank okay. So any bank if you default something of course they want it so all I'm saying is we advised the legal counsel to go and check for that okay.

Alicia Pinaula - I thought that everything is done the language and everything else, okay.

Acting Chairman Calvo - I'm sorry Ms. Pinaula but this is an issue that is..(interrupted).

Administrative Director Garcia - It's one step closer to what you want.

Acting Chairman Calvo - Yeah you're getting to there.

Vice-Chairman Matanane - Besides that I think this is the first time that we have encountered this particular.

Alicia Pinaula - I thought it was you know maybe a little different but you know it's like Guam Housing, Joe Borja signed for other people's houses to be built and Ms. Delia Lujan I'm sorry if I insulted you in anyway but can you please tell me when we can maybe the language just to give me the duration of this...(interrupted).

Acting Chairman Calvo - I think that will be more fitting to be discussed with you not I don't think so to here because that's dealing with another legal counsel.

Legal Counsel Lujan - I can't give a timeline at this point but it's being reviewed.

Alicia Pinaula - Okay well I really appreciate what you're doing and also the Commission. Am I going to come back to the next board meeting?

Acting Chairman Calvo - Well we already granted the legal counsel to check into the issue okay and whatever she has found and everything because the language I've already made it clear what the board had initially want is that language there that if any default or anything okay the Chamorro Land Trust is not going to be responsible and we'll retain that piece of property. That's what I want in there okay that if you default I don't want GHURA coming and saying you still have a balance whether it be one dollar...(interrupted).

Alicia Pinaula - Yeah I understand that. Another issue citation okay. I have come up with the septic tank and all that but I found out that I do not have a septic tank. I do have a sketch here and thank you for these materials the farm plan development training the workshop and everything else it's been a blessing. It's really great I've learned a lot and there's a lot of great information in here and I encourage other agriculture lessees to attend the workshop at UOG with Mr. Bob Barber. Anyways but I really because I was told that if I do have a citation that this estoppel will not be signed so this is what I've learned you know to draft up a plan which is incomplete and I still have the plan to write down what I'm planning to do on the lot and I'm hoping to bring this in. And as for the septic tank I do not have a septic tank but it's a holding tank okay. And I will be checking with Mr. Jesse Garcia

for further notice if you know if I have any further citation also I have documents here from EPA about the metal debris. Okay it's right here already signed and checked and you know from EPA just to show you.

Acting Chairman Calvo - Ms. Pinaula all that citation and everything there that's good but I think that would be a better served and to meet with Jess on that issue right now okay.

Administrative Director Garcia - As far as the citation affecting your septic tank and leaching field that's why you're going to be getting that grant to come in to compliance.

Alicia Pinaula - Yes, yes that's one of the purpose for it too because way back in 1997 the people helping people the government did it you know so.

Administrative Director Garcia - That's what will happen when you get that loan you will take care of that part of the citation.

Alicia Pinaula - Yes okay thank you.

3. Block 24, Hagatna

Administrative Director Garcia - Okay this is what went on in the Block 24 in Agana, we signed off on the exchange and according to the Attorney General's Office they returned the document because they're saying Chamorro Land Trust does not have the authority to do the exchange it will have to be the department and then it will go to the legislature for the exchange. Back in 2006 meeting there was a resolution authorizing the sale of the lot in Agana the only thing is the lot number was wrong so we need to just go and have the Commission correct the resolution and then I think everything will go forward on the Land Management building.

Acting Chairman Calvo - Is this lot number right now right?

Administrative Director Garcia - No it's wrong we just got to amend it.

Commissioner Tajalle - Is it a typo?

Joe Cruz (DLM) - It should read NEWR6 instead of R4 with the current map that we have it changes to R6 and that's just to correct the resolution.

Administrative Director Garcia - So once we correct this resolution then they can.

Vice-Chairman Matanane - And we have the authority to...(interrupted).

Administrative Director Garcia - No and then Land Management will take care of signing all the deeds, the documents it won't be Chamorro Land Trust anymore. It'll just be Land Management to take care of it.

Joe Cruz (DLM) - Under Title 21, section 75105 the definition of department is Land Management under Chamorro Land Trust so in order for the deed to be finalized Land Management has to execute the deed of exchange and the deed of conveyance but subject to Chamorro Land Trust granting the transfer.

Administrative Director Garcia - The resolution.

Vice-Chairman Matanane - Only the resolution.

Administrative Director Garcia - So we'll just redo this resolution.

Joe Cruz (DLM) - No the resolution is two different issues, the resolution is to correct the new building lot number. The mandates that require the disposition of the parcel, Chamorro Land Trust has to give us the authority to execute the deed of exchange.

Vice-Chairman Matanane - And we do have the authority to exchange it?

Administrative Director Garcia - It's Land Management.

Vice-Chairman Matanane - Okay so it still has to go to the legislature right?

Joe Cruz (DLM) - After it's been transferred to Land Management, Land Management will work with the legislature.

Vice-Chairman Matanane - You know it's simple as writing up another resolution and getting that thing corrected. I move to correct the resolution that was promulgated by the...(interrupted).

Legal Counsel Lujan - I just have a question, do we know what Lot number 14NEW-R4 is? I mean I'm just curious how the discrepancy arose and what documents were...(interrupted).

Paul Santos (DLM) - My name is Paul Santos, chief surveyor, what happened here is there have been several surveys and resurveys on this particular lot and throughout the history of the survey lot numbers changed so that first lot number was actually correct and it wasn't a typo error. It's just that we did a reversion take because we came back and that survey expanded to include some portions here that's why we have now an R6.

Acting Chairman Calvo - So that as it changes Paul when the first original map was made it was...(interrupted).

Paul Santos (DLM) - It's like a basic lot and then you consolidate now it's a new...(interrupted).

Acting Chairman Calvo - Yeah basic lot, consolidate that's when it's broken down.

Paul Santos (DLM) - That's right and so essentially that's what it was it was just surveys and resurveys.

Acting Chairman Calvo - So that particular lot would have become to be an R6.

Paul Santos (DLM) - At this point in time yes.

Legal Counsel Lujan - Then this is the same size?

Paul Santos (DLM) - Yeah it's the same size.

Legal Counsel Lujan - And same exact lot.

Paul Santos (DLM) - Right.

Legal Counsel Lujan - Is it still 14NEW? It looks like 1NEW now.

Paul Santos (DLM) - It's 1NEW now because we incorporated the lots here that's what happened.

Legal Counsel Lujan - Okay so it would be 1 space NEW or just 1NEW?

Paul Santos (DLM) - Lot 1space NEW space NEW I mean Lot 1NEW-R6 Block 24.

Legal Counsel Lujan - Do we know if the Commission took any actions to reserve the formerly named 14NEW-R4? I'm just curious to see whether or not there's going to be if it's a symbol overlap just to make sure that it's not two separate reservations for, I just want to make sure.

Acting Chairman Calvo - I don't think so because when we did this this is only on the lot behind on Salas down in Agana. That's really just, how many feet is that?

Legal Counsel Lujan - Four thousand seven hundred fourteen square meters?

Acting Chairman Calvo - Yeah.

Legal Counsel Lujan - Okay.

Administrative Director Garcia - Okay so you basically want the transfer.

Acting Chairman Calvo - Basically what do you want us to do, transfer?

Joe Cruz (DLM) - We need the transfer.

Vice-Chairman Matanane - What's the size of that lot again? She was mentioning four thousand some square meters.

Legal Counsel Lujan - Did I read it right?

Joe Cruz (DLM) - The two lots are NEW3 which is 106.

Administrative Director Garcia - Transferring it to Land Management.

Acting Chairman Calvo - This is the same one that we've been talking about in the first time right?

Joe Cruz (DLM) - Yes.

Acting Chairman Calvo - That setback or whatever that is.

Joe Cruz (DLM) - Yes. Right next to the Lujan that's the same site.

Administrative Director Garcia - We'll work with Land Administration to get the proper area size.

Legal Counsel Lujan - Okay.

Vice-Chairman Matanane - And which lot are we in exchange for that?

Joe Cruz (DLM) - The one within is 317 which is in the middle of the Lot NEWR6.

Vice-Chairman Matanane - How many square meters is that?

Joe Cruz (DLM) - That's 106 also area for area.

Acting Chairman Calvo - So that R6 is..(interrupted).

Joe Cruz (DLM) - It's where the new building is going to sit on and that's being addressed with the resolution that we want to correct the lot number.

Vice-Chairman Matanane - Is it the same square meters?

Acting Chairman Calvo - No.

Joe Cruz (DLM) - No this is a different parcel. This is the fractional lot that belong to the Salas which is part of the new lot line and we're giving 106 square meters on this side which is 103 or 106 square meters right.

Acting Chairman Calvo - They just want to make sure so they'll have a full square.

Joe Cruz (DLM) - So the transfer is strictly for that 106 square meters for the Salas.

Acting Chairman Calvo - Actually this is where our new building is going to be at it's our building really.

Administrative Director Garcia - So all I need is for the Commission the members to authorize me to prepare the document.

Acting Chairman Calvo - Go ahead and prepare it for just for that one.

Vice-Chairman Matanane - Is it proper for an addendum on this particular resolution.

Legal Counsel Lujan - I believe this resolution it approved it to reserve it and then now they're asking for it to be approved to be transferred but I guess maybe it should be subject to the new lot description being the same as what was reserved.

Vice-Chairman Matanane - An addendum wouldn't be proper subject to a new resolution?

Legal Counsel Lujan - No you need a new resolution because this is just a resolution, you need one to transfer.

Vice-Chairman Matanane - I believe how fast the Director can work with this and go at it with a resolution and setting in the proper lot numbers and what not so in the next meeting will be more appropriate to get it approved right?

Legal Counsel Lujan - Not unless you want to table it.

Administrative Director Garcia - There's timing that needs to be done because they're just waiting to sign off on the..(interrupted).

Vice-Chairman Matanane - Well how soon can you get it done?

Administrative Director Garcia - Would you guys be able to wait for the next board meeting?

George Tydingco (DLM) - This is kind of urgent for ourselves because we already we have a proposer to give us the loan for the construction of the new building and all this is tied to with a 30 to 60 day time frame and so we need to kind of act on this really quickly. I just want the Commission to know that we're also working with a short time frame here.

Vice-Chairman Matanane - How short? I mean within a month?

George Tydingco (DLM) - Well 30 to 60 days.

Vice-Chairman Matanane - Well you know we'll still be having a meeting about a month, once a month, if we can get this done properly by the next board meeting I believe we'll be able to hear it and by you mentioning that Department of Land Management is trying to get a loan.

George Tydingco (DLM) - Yes that's correct.

Vice-Chairman Matanane - With Chamorro Land Trust?

George Tydingco (DLM) - That's correct, there is a law that authorizes the department together with the Chamorro Land Trust, Ancestral Land and Hagatna Redevelopment Authority and Revitalization. We don't know how soon the legislature is going to act on this.

Administrative Director Garcia - I think because maybe because this is an urgent issue with the thing maybe we can recess and come back to it.

Acting Chairman Calvo - Yeah we can do that. Why don't we do that.

Vice-Chairman Matanane - By the end of the month.

Administrative Director Garcia - But before we recess can we hear...(interrupted).

Acting Chairman Calvo - Yeah why don't we just recess on that and then get all the...(interrupted).

Vice-Chairman Matanane - And then we'll still come back and entertain it.

Acting Chairman Calvo - Yeah that way you don't have to wait for a period of one month for that.

Bob Barber (UOG) - In this case you can write a supporting letter to the legislature but actually under current law the legislature makes this decision. This is by direct statute for the legislature. So really they need to see the legislature as soon as possible because they're the ones who really make the decision. As a comment just as an outside party I would post it if you give them the land that they don't charge you rent at a future date.

Acting Chairman Calvo - Oh no. It's our building.

Joe Cruz (DLM) - The building is covering our land resources.

Vice-Chairman Matanane - It's ours and we are borrowing the money together.

Bob Barber (UOG) - Well the law does state that once the legislature does is if they are no longer Land Trust land it's public lands but under the current law it will be the legislature that will be doing under the 75107d.

Acting Chairman Calvo - Actually what we're going to need here is to also just kind of do the resolution and everything and do that right the way it's supposed to be. So we'll just take a recess on that and that way you know we'll do that.

4. Proposed Rules and Regulations

Legal Counsel Lujan - Regarding the review of the draft bill that was submitted for public hearing previously and this is partly regarding the commercial leasing ability of the Commission, I've submitted to the Commission members a draft of the bill for your review. What it does is it makes certain modifications to the existing law regarding the Commission.

Administrative Director Garcia - Excuse me Legal Counsel can I just request that we invite Bob Barber up.

Legal Counsel Lujan - Yes Dr. Bob Barber has been advising regarding the draft and I was stating this is the modification of certain portions of 21GCA, Chapter 75 which is the enabling legislation for the Commission as well as other relevant provisions in the GCA, the Guam Code Annotate. And it also adds to the Paul Bordallo Rules and Regulations regarding commercial leasing. So you were provided it today and I expect that you'll need more time to review it.

Acting Chairman Calvo - I think what we as the Board because I certainly myself need to review this more and look into it and I think what we should do is just recess on this thing and then we'll come back and whatever you think we have to give you time the two of you and of course the other Board member coming in to give ample time to read on and whatever you think we need to make adjustment then we'll you know but as far as I think we'll just take a recess on this for now. Would that be fine with you Board?

Vice-Chairman Matanane - Subject to the call of the Director or the Chair?

Acting Chairman Calvo - Subject to the Chair, okay.

Vice-Chairman Matanane - Alright.

Acting Chairman Calvo - So this is not an adjourn it's just a recess okay.

Meeting recessed at 3:30pm.

Transcribed by: Teresa T. Topasna: 
Date completed: May 6, 2010

Approved by Board motion in meeting of: May 20, 2010

Administrative Director, Jesse G. Garcia: 
Date: May 20, 2010

Chairman (Acting), Oscar Calvo: 
Date: May 20, 2010