



Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor of Guam

Commission Members

Michael J.B. Borja
Acting Chairman

David J. Matanane
Vice-Chairman

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 651 Fax: 649-5383

REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room
3rd Flr. ITC Building, Tamuning
Thursday, December 20, 2012; 1pm

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 1. November 15, 2012
 2. December 6, 2012
- IV. PUBLIC COMMENTS
- V. OLD BUSINESS
 1. Approval of Okkodo Resolution
 2. Feliciano Layao and Jesus Quintanilla Eviction Notice
- VI. NEW BUSINESS
 1. Ignacio F. Santos - Request to provide public access easement
 2. Land Exchange on Oka Point with Del Carmen and Sauget
 3. John Rios – Request to lease portion of Lot 7150, Yigo for an antennae site – Tabled till January Board mtg.
- VII. DIRECTOR'S REPORT
 1. Designation of Lot 328, Inarajan for farm, educational, medicinal and holistic purposes
 2. Payment of all future off island travel and per diem cost
- VIII. EXECUTIVE SESSION
- IX. ADJOURNMENT



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COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning

Thursday, November 15, 2012; 1:03pm – 2:56pm

I. CALL TO ORDER

Meeting was called to order at 1:03pm by Acting Chairman Michael Borja.

II. ROLL CALL

Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos, Acting Commissioner Oscar Calvo and Administrative Director Monte Mafnas.

III. APPROVAL OF MINUTES (October 18, 2012)

Vice-Chairman David Matanane moved to approve the minutes of October 18, 2012. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Virginia Tainatongo – Virginia Tainatongo in Dededo residing on Lot 10171. I'm here because as I remember I was here in front of you guys in the month of September in regards to the land issue that I have and after the survey there's a problem because of my neighbor that was there. As I mentioned Mr. Bert Jacosalem. I remember I was told that I can go ahead and break down the shack and proceed with the cleaning up. What had happened was after that weekend my boy went and started cutting the..(interrupted).

Acting Chairman Michael Borja – Which weekend?

Virginia Tainatongo – In September.

Acting Chairman Michael Borja – After the meeting with us last month?

Virginia Tainatongo – Yes. What had happened was my son went and started cutting next to the shack because I don't know if he was informed but I know Mr. Mike Santos the neighbor down further mentioned to him that the Board approved of me that I can proceed with the cleanup. So what had happened was my son started cutting the grass with his machete on the side of the shack he heard a noise. So he put back, thank God that he has a shield, he put back the machete and knocked on the shack because he heard a noise and Mr. Jacosalem came out and he said I thought you were supposed to move out. My boy said I need to let my mom know that you stay here. It's a matter of minutes then all of a sudden my neighbor called me and said Mr.

Rev. 09/21/2012

Jacosalem called the cops so when the cops came there I said I have proof, everything, legal documents. I got the lease, I got the map and the only thing that I didn't have was the letter of eviction. So that was what I was following up on the Chamorro Land Trust for the letter of eviction. But the cop said I need to talk to one of the Chamorro Land Trust people or the Board Commission or my son was going to be arrested because he said that my son threatened him and I said my son is not violent. He showed you the spot where he was cutting and it was a matter of seconds because I was in the back kitchen. I told the cop I said I don't know, I know the office is closed but I finally found Mr. Matanane's phone number in the phone and that's when Mr. Matanane talked to the police officer and he was told I got the land and the best thing for the proper procedure is to do the eviction letter. But from the time being I know I'm trying to be very patient because I put hold on my plants and I've been reading on the newspaper of what's going on with the Chamorro Land Trust. I am not saying that the Chamorro Land Trust are bad. They are good because they're doing all the enforcement, the proper procedures now because there's a lot of squatters and everything. Mr. Jacosalem doesn't have any paper. He was never my neighbor and I indicated that when I came here. He was never my neighbor. He was like in violation because that was his pare that was staying next to me. It was the Duenas family and there are a lot of incidents there. I mentioned in regards to the marijuana plants that was there. I was told to go to internal affairs because of the cop that told me, I was trying to let him know in regards to the marijuana plants. He didn't inquire where is the plants. What he told me was oh, you are not using it, it's good for you and it kind of bothered me and I will never forget that because that was the long weekend for the Liberation. I didn't even know why he was there. He just told me to try to get along with the neighbors because it's a long weekend and I said I didn't do nothing. The only thing is what I mentioned, I guess maybe he heard it wrong. I said if he was evicted the best thing for me is just to backhoe the shack because there's a lot of rats.

Acting Chairman Michael Borja – Well Mrs. Tainatongo that individual was supposed to come and meet with us in September when you came forth also. But through one reason or another he did not show and he came last month instead. We had a long discussion with him. He presented a lot of the things that had been mentioned to us and our findings to him to which most of them he denied including his herbal plants as I called it. The Commission took note of his situation. He had nothing to present that legally showed that he was properly situated on that land and so we gave him 90 days.

Virginia Tainatongo – Well you know before that meeting remember when you questioned Mr. Mafnas, they gave him 90 days.

Acting Chairman Michael Borja – Yes and then we had unfortunately..(interrupted).

Virginia Tainatongo – Another 90 days?

Acting Chairman Michael Borja – Well we had a long separation between Board meetings here to act on anything because we hadn't met at all during that long period of time due to a lack of quorum. So just to stay fair while we've been presenting it to others the Board had

not given him any 90 days I think the Land Trust had tried to work something out with him and he still hadn't shown any..(interrupted).

Virginia Tainatongo – I have a paper here I signed it, I had it notarized that he was given 90 days.

Acting Chairman Michael Borja – But the Commission Board, the Commissioners here had not been able to act on that because we had not been able to meet for over six months and it was during that period of time. We're not giving him additional time because we are trying to give him more time for no good reason. We're trying to just do our due diligence to make sure that he has all the reason to be able to come forward with the proper documentation to show that he should be on this land. Now we're doing it in the interest of you as well okay so that everything is all in proper order. We don't want to be held liable later on and then this thing just doesn't end. If he's not there under the proper conditions then he's not going to be there and in 90 days if he can't show proof or has not done anything towards it because he hasn't done since that last time we'll take that into consideration as well. So we appreciate you coming forward Mrs. Tainatongo. We're not here to try and delay any longer. I know it is being delayed I mean its come this long I mean how many years has it been already and that's very unfortunate. But we're not trying to do this to delay it for you. We're trying to do this like we've done with other past issues that has come forward to us to give them the proper amount of time to come up with a workable solution so that we can move forward with this. If he doesn't want to cooperate then we can't do anything for him and that's what we're giving him some time to do. But it's not probably going to be on this piece of land it may be somewhere else since it's already been allocated.

Administrative Director Monte Mafnas – Mrs. Tainatongo thank you very much for your time. I do want to impress upon you a couple of points. Number one, a man by the name of Arnold David has filed a complaint against CLTC because we never gave him a house on CLTC. We don't issue out houses, our mandates are residential and agricultural lease but we're going through the process of being investigated.

Virginia Tainatongo – I know because he mentioned to me in regards to when this thing was happening he has said a lot of things about the Chamorro Land Trust and he said that he's with Mr. Davis that the Chamorro Land Trust is being investigated by the Department of Justice. And I told him I said I don't care what you do but the thing about it is that's the good of the Chamorro Land Trust because now they're pinpointing on all the problem issues that there's squatters in there, there's people that don't have legal documents and they just come in there. My main point here is I paid for the land survey and I wanted to go to Guam Housing but everything is on hold. I already registered for the survey I got the thing. I can't do nothing until after another 90 days? You know he was given 90 days, I paid \$15 to have these papers notarized. You know Mr. Mafnas like I mentioned to Tammy Bamba from the Governor's Office it was really bad for me when my husband passed away, he's a veteran too, when my husband passed away I had to go to Chamorro Land Trust and at that time the Acting Director was Mr. Garcia and when I went there to have it transferred to my name so that I can transfer the utilities to my name because they told me I had to have the lease it's not no more with that letter of authorization. So it really hurts me and

that's why I'm here to speak up because what had happened was I had that lease taken up and go out to have it notarized, came back and then when I was following up on when am I going to get that lease it so happened that the new administration came in then they had to redo another lease and then I had to go and have it notarized again and bring it back. So everything I did is like I'm doubling up. That's why now I'm kind of upset because if I'm going to be charged with the property tax I wasn't on that lot. I paid for the survey so why am I going to be paying for somebody that doesn't have any documents and I know that he knows that he just went in there because he was never my neighbor until just 2008 when that Duenas family came in and they were telling me that they wanted to apply but Mr. Jacosalem kept on saying that he couldn't find the paper.

Administrative Director Monte Mafnas – I laud and applaud you for doing all the right things. I respect all your due diligence. I personally want to help you go through the loan process by meeting with the President of Guam Housing. I personally will go with you to talk to the Real Property Division but the second point I want to interject is the point that a certain vial has filed a discrimination suit against Chamorro Land Trust which is totally unfair. But because of the judicial concern we must make sure it's fail proof, bullet proof that what we do is to conform. We're compelled to conform to the law. The Attorney General told us that they have to provide us legal opinion to that effect so we're doing the right things. Please bear with us. You had that application since 1995 what we've done in such a short time you should be thankful of. He, Mr. Jacosalem would suffer his own consequence because the burden of proof lies upon him to correct the deficiencies. But again I salute you and I thank you and I want to work with you to resolve okay. The Board has to do the judicial right thing at this point in time.

Virginia Tainatongo – Please Board I'm asking, I'm asking you to base yourself on what I am telling you guys because I have plans with my kids.

Acting Chairman Michael Borja – Right and after your meeting a couple of months ago we understood where you're coming from and we understood what you have gone through. You've done everything that you were supposed to do and we've taken that into consideration compared to the other individual who has not even gone that far.

Virginia Tainatongo – You Board members might not know what I'm going through. My concern is my safety because people come knocking at night doing like this if you don't pay. Something is going to happen. I've got grandkids when they start banging on the wall, I've got grandkids what if somebody just flash bullet. Thank you Mr. Calvo you know I talked to Senator Pangelinan that that's the reason why you guys need to appoint Board members because there's nothing to back them up. I only know of Mr. Matanane being confirmed and I have issues and I told him before the election but nothing has happened.

Acting Commissioner Oscar Calvo – The election is over but that's okay and I'm still back on the Board. We did discuss this issue the last time with the Board and we are really taking very cautiously on this issue for your safety. From what I gathered from this guy he does not have what it takes because he's only basing himself that he was given a house

number back then by Public Works which is really bogus to me okay. So the Board gave him the opportunity to..(interrupted).

Virginia Tainatongo – That house number belongs to Mr. Mike Santos. The reason why I found out because the person like I said the family that stayed next to me it's still pending from the AG's Office. One of the sons got my granddaughter pregnant and the son is 19 years old. What had happened was when they started communicating with the police report and everything it's showing 259 Kalamasa and when Mr. Mike Santos was talking to me I said I'm just curious what's your house number? He had the same house number.

Acting Chairman Michael Borja – Well that's why we're asking him to provide all the proper documentation otherwise he's going to be formally removed. It also gives him the time because we try to be compassionate with those who have been on some lands for long periods of time that shouldn't be here to allow them to move on. We don't want to misplace an individual and then they're immediately into the street. We're going to give them that time to find an alternate place to live if it has to be that situation and that's why we've given him that 90 days. Mrs. Tainatongo we are on your side on this okay. We are trying to do our best to get this moving forth. You have your documentations all in order. Mr. Mafnas mentioned that he will be personally assisting you when it comes to that point because you have done the right thing. You are like a model applicant. You've done what we've asked you to do.

Virginia Tainatongo – The thing about it is I've got health issues and when that thing happens sometimes I can't sleep. I sleep 3, 4 o'clock because that guy comes 2, 3, 4 o'clock that's when all those circus thing is happening. I'm very glad I had to ask my daughter if she can move in with me because I get scared. I even had to block, that barricade of pallet that I put there somebody broke it down. So I am scare that they might come over peeping tom because my house is semi-concrete and it's low that somebody can just come and peek in. So that was my concern aside from all those yelling 2, 3 o'clock in the morning I can't call the cops because I don't want to be, I don't want somebody is going to hold a vengeance against me.

Acting Commissioner Oscar Calvo – And that's why Mrs. Tainatongo that we need to go that proper way because once we give him that eviction notice he has no business to be there at all. Yes you got a point there, you don't want to be calling and when the cops, the only obstacle thing these guys are going to say is its Mrs. Tainatongo that called. So once we get all that out of the way then once Mr. Monte and the Board gives him that eviction I know that another 90 days is another 90 days and that's a lot. But we need to really like what Mr. Chairman said we need to really clarify this once and for all and because I know it's a burden on your part and you have done the right thing what you needed to have done. As far as I'm concerned and the Board you know we're all the behind you. You got my support.

Acting Chairman Michael Borja – In fact it's 60 more days from today. By January we're going to be discussing this issue.

Acting Commissioner Oscar Calvo – And if he doesn't show up with the proper documents he's out no ifs or buts. I don't care what he says.

Virginia Tainatongo – That's when Mr. Santos went and approached him because he has a friend down at One Stop and he said why is it that you're asking down there at One Stop to give you my house number? He denied it. You know that guy can make us all look so bad. He's a good actor. He cries you know like when Mr. Mafnas told him to go over to me and apologize he did.

Acting Commissioner Oscar Calvo – Like what the Chairman said you know he showed but it didn't impress me at all last week, what he said at the last Board meeting. But I think this Board itself has the full support to you and I know we're asking you another 60 days of this time but at the end result I think it would be better that you got this property.

Virginia Tainatongo – I got a question like what Tammy Bamba said at the Governor's Office why 90 days? I can imagine you know for eviction its 30 days and Mrs. Tainatongo that's your concern you need to bring it up.

Administrative Director Monte Mafnas – As I mentioned earlier we want to make sure that our notice of eviction or relocation is in compliance. Now it could be 30 days, it could be 60 but we took it to 90 to make sure that that's it this is his last hoorah. That it complies with whatever regulation is needed for the Attorney General's Office so that's what we're going to do.

Virginia Tainatongo – I hope I can reach that month. I haven't slept, I'm telling you guys.

Acting Commissioner Oscar Calvo – And you know the one thing I'll do for you when that day comes I'll personally deliver that myself to that guy. That's how much I'll go.

Virginia Tainatongo – I really fear Mr. Calvo, I really fear for my..(interrupted).

Acting Commissioner Oscar Calvo – I'll deliver that eviction notice to him personally myself if that's what it takes.

Virginia Tainatongo – I can't even let my grandkids go out.

Acting Chairman Michael Borja – That's a shame I kind of think that maybe perhaps it becomes a point which you are fearing for your safety or there is a disturbance of peace you know you should give the police a call so at least there's pattern on it. Because if you walk in here on January when we're going to talk to this guy and say I have six reports to the police on disturbance or whatever it was I mean that's not going to look very..(interrupted).

Virginia Tainatongo – The family that was staying there that he made stay there that family that stayed there it's like every month, police, police.

Acting Commissioner Oscar Calvo – The reality to this Mr. Chairman because remember when I even asked him because he said he was never there he was always attending to him mom okay so I think in all honesty I think we should you know that he has to be there for that matter. Because the people that's there right now we can actually evict them. We can actually evict them the people that is there right now because he's not the so-called property owner of that. So we can take action to that Mr. Chairman.

Virginia Tainatongo – You know the family that stayed there like I said I mind my business I only wave and smile at my other neighbors. I don't really talk. But the thing about it is that neighbor that was staying next to me you know he's in violation he's like he was subleasing the place because according to the Duenas family he has a bad attitude. And he gave them attitude because the deal is every month on the first of the month the Duenas family will buy him food with their food stamp and give it to him. When he doesn't do that he comes over and start racking up and I didn't know like I said the only person that I saw there when we first moved in was when I saw that Mr. Layao. He was there cleaning up that place. It was a shack, it was very small shack and then they kept on..(interrupted).

Acting Chairman Michael Borja – Well it will be an agenda item for us to discuss specifically on January 17th so you just put that on your calendar that's two months from today.

Virginia Tainatongo – You know my kids wanted to have their Christmas there but the thing about is how many times we have functions and it's like I've never had this violent thing with my family and it scares me because everybody has to stop because of the arguments and the yelling and that was my main concern. So I'm pleading with you guys if you guys can lessen that month please.

Acting Chairman Michael Borja – Well we'll probably do a follow up with him definitely next month to remind him of the upcoming meeting to let us know where he is at.

Virginia Tainatongo – That guy may say that I'm exaggerating too much but you people don't know how I am here.

Administrative Director Monte Mafnas – Mrs. Tainatongo would a visit from me and one of the Commissioners and together with our land agents would that appease, would that make you restful at night? Would that help? Or you want us to bring the cops?

Virginia Tainatongo – He's not there in the day time. He comes there, people come there 2, 3 o'clock because when I'm making doughnuts or something because I can't sleep..(interrupted).

Acting Chairman Michael Borja – Are they still there in the morning or sleeping?

Virginia Tainatongo – Nobody.

Acting Chairman Michael Borja – Maybe perhaps we might just arrange to come and visit.

Virginia Tainatongo – I know my Doctor told me what is wrong? You retired because of your health now what's wrong you are not stressed? But I can't let my family Doctor know what is going on it's really bothering me because I treasure the family and I don't want nothing to happen. I've experienced a lot of violence from them. Not only from Mr. Jacosalem when he moved in. You know when the Duenas family moved out I was like a big relief but when he started fixing the shack and then all those commotions even Mr. Mike Santos he's in a rush to get that guy out because the son is not staying with him he's staying with Mr. Jacosalem in the middle of the night.

Acting Chairman Michael Borja – Well I think what we'll do is we'll make an arrangement and be in contact with you to come out at a certain time within the next month to have a visit so we could see it for ourselves too the whole situation alright.

Virginia Tainatongo – I'm going to go with what is decided but the only thing is if you guys are going to wait until something happens.

Acting Chairman Michael Borja – I hope nothing happens.

Virginia Tainatongo – That's what I'm hoping because I really feel for my kids and my grandkids. I can't even make them go on that side I always have to tell them. But if you guys take a picture, I took a picture of it I just can't do the driving that's why I can only drive certain distance but the thing about it is if I took that picture and I show you guys of how that lot is it's so filthy. That's a lot of cleaning up to do, a lot of big grass. I even called EPA over there because what they did is they dig down I don't know if its 5 or 7 feet down and trash was in there and then he's going to say that it's my trash when I never step, just to look at that place makes me sick. And even Mr. Mafnas I don't know if you remember you told me that I can clean the back side right?

Administrative Director Monte Mafnas – Right.

Virginia Tainatongo – So I told my son and my son-in-law to make it safe for you guys try and open it up so what we did is Mr. Mike Santos offered that when he's evicted he's going to help me with the clean up because there's a lot of junks. What we did was we kind of opened that and I even talk nice to Mr. Jacosalem because he was bringing in people and I told him I said excuse me I know that the Board gave you months there but the thing about it is I just don't want you to be bringing back anybody because right now that's my land so the furthest that you can go is only the shack there in the front. But I was authorized that I can do the cleaning in the back. You know I know that Mr. Santos has his back outside restroom there too on my lot but he asked nicely and he said to give him time to relocate that.

Administrative Director Monte Mafnas – Mrs. Tainatongo when we directed you and enabled you to clean we meant clean the vegetation. He said that you were breaking down his shack. There's a difference there.

Virginia Tainatongo – We didn't break no shack.

Administrative Director Monte Mafnas – Well obviously for the record he lied again. But that's what he told the cops and the cops came because you were breaking down his shack.

Virginia Tainatongo – What had happened was when the Board decided my boy took the machete and started cutting the grass just right next to me.

Acting Chairman Michael Borja – Well we're going to come out and visit and we'll coordinate that with you so you're there when we come on out. So Mr. Mafnas will be in touch with you later on and we'll be coming on out to take a look.

Virginia Tainatongo - You know my son-in-law has a brother cop and this is my concern because there was a lab there that's being done further down to where that other small shack is that's really dangerous.

Acting Chairman Michael Borja – What? A lab?

Virginia Tainatongo – I don't know if they're doing drugs. That guy is not there in the morning he's there from 1 o'clock to 4 o'clock in the morning.

Acting Chairman Michael Borja – You know that's something too that needs to be brought up if there's concerns.

Virginia Tainatongo – But I don't want to call the cops because eventually he's going to know who did that.

Acting Chairman Michael Borja – We'll be taking a look because if it's all Chamorro Land Trust property with respect to the individuals who were allowed to be there but we'll take a look. We'll come to your property and take a look around.

Administrative Director Monte Mafnas – Please be advised we don't condone such activities we condemn and we want to enforce the law. So if your son-in-law has facts present it. We need written reports, we need written complaints, we cannot work with allegedly this allegedly that. Help us help you okay.

Acting Chairman Michael Borja – I need to just cut this because we do have others on the agenda that we need to speak with but if you have any other specific issues you would like to discuss you know Mr. Mafnas's office is always open.

Virginia Tainatongo – You know there's the shack the one where he stays what about the shack that the Duenas family..(interrupted).

Acting Chairman Michael Borja – Let's look at all that when we come down.

Virginia Tainatongo – So I don't touch that?

Administrative Director Monte Mafnas – Well you have 60 more days the clock has started.

Virginia Tainatongo – You know the cleaning on the back what you told me.

Administrative Director Monte Mafnas – Vegetation not break down his palace.

Acting Chairman Michael Borja – Okay we'll take a look and we can go over more detail on that stuff when we get out there okay.

V. OLD BUSINESS

1. Tamuning Mart status

Mr. Yu – What this subject of my, what is that Tamuning Mart?

Administrative Director Monte Mafnas – Yes. Why you have plenty?

Mr. Yu – No I don't know that's what I say.

Administrative Director Monte Mafnas – That's why I'm asking you. Where else are you taking Chamorro Land Trust property?

Mr. Yu – I don't know but before John Cruz he take care everything but not here, I cannot say what my plans some like that. He talk always he can do, he says sign, sign I did. But one gentleman come in he say making for kimchee factory I make him for almost in sign factory up to still not yet.

Acting Commissioner Oscar Calvo – But Mr. Yu when this thing was opened it was strictly for vegetable stand.

Mr. Yu – Yes.

Acting Commissioner Oscar Calvo – I've been in there not once or twice you may have pots pans and maybe one or two cabbage sitting there and that's the reason that you've been brought here. Whatever business you have cited with other business people I think they should know better and you should come to the Chamorro Land Trust. I know that this piece of property the First Lady was used on the name on this and she said she has never gave you guys authorization.

Mr. Yu – I don't know sir.

Acting Commissioner Oscar Calvo – I don't know the story to that. Like what Mr. Matanane said on the last that thousand dollars that's basically for breaking the rules and regs for that matter.

Vice-Chairman David Matanane – And for how many years.

Acting Chairman Oscar Calvo – You don't have a lease.

Mr. Yu – That's what I said the John Cruz he make it for me paperwork.

Administrative Director Monte Mafnas – Mr. Yu have you paid any rent?

Mr. Yu – No. One time John told me one thousand dollars.

Administrative Director Monte Mafnas – That's a deposit but you never came back to pay rent.

Mr. Yu – Yes.

Administrative Director Monte Mafnas – That's not very nice Mr. Yu.

Mr. Yu – I know, he take care all my paperwork but I say I cannot say you know.

Administrative Director Monte Mafnas – You're a very smart guy. You're very smart you make deposit and you never come back. You know what you're doing, you make kimchee, you have a factory, you make money right? So you cannot use property and don't pay. You cannot nobody can.

Mr. Yu – I know what I say I cannot make a kimchee factory so almost already but I cannot for water leaking.

Administrative Director Monte Mafnas – This was a long time and you never pay. How come? You don't want to pay?

Mr. Yu – I don't know nobody ask.

Administrative Director Monte Mafnas – Me too I don't know why that's why we're asking you why?

Mr. Yu – I don't know John Cruz told me sign, sign, sign, that's all.

Vice-Chairman David Matanane – Who is Mr. John Cruz?

Acting Commissioner Oscar Calvo – Remember that guy that came in?

Administrative Director Monte Mafnas – Is Mr. Cruz your partner?

Mr. Yu – Yeah he's working over here too.

Administrative Director Monte Mafnas – You know he didn't say he's your partner. He said he talk for you but you know how to talk you're a smart man.

Mr. Yu – I don't know.

Administrative Director Monte Mafnas – And where is Mr. Cruz now?

Mr. Yu – Now he is sick and he's Texas now.

Vice-Chairman David Matanane – Was he the one who told you to go ahead and occupy the property? Who told you to occupy the property?

Mr. Yu – The first time..(interrupted).

Vice-Chairman David Matanane – No, no I'm asking you who told you to go ahead and establish yourself there?

Mr. Yu – John and..(interrupted).

Vice-Chairman David Matanane – John Cruz?

Mr. Yu – Yes. John do, John go to talk to somebody then he make..(interrupted).

Vice-Chairman David Matanane – Who is that somebody?

Mr. Yu – I don't know somebody say then they give all drawing and this sign, sign.

Vice-Chairman David Matanane – I believe you know that somebody. I believe you know that somebody because you know that John Cruz doesn't own the property right? You understand that?

Mr. Yu – Yes I think so.

Vice-Chairman David Matanane – I'm asking you, do you know who gave you the authorization to go ahead and occupy the property?

Mr. Yu – That's what I say John he told me..(interrupted).

Vice-Chairman David Matanane – You're not answering my question sir.

Acting Commissioner Oscar Calvo – How did you get in there first? Were you the original owner back then? Since day one right?

Mr. Yu – No, no maybe I have a paperwork in..(interrupted).

Vice-Chairman David Matanane – How long have you been there Mr. Yu?

Mr. Yu – Maybe 3 years.

Acting Commissioner Oscar Calvo – No longer than that.

Vice-Chairman David Matanane – Mr. Yu, who is that person that told you to go ahead and occupy the property?

Mr. Yu – I think for first time before Felix Camacho's wife Joanne and I think Tamuning Mayor and at that time so, so, so like that John Cruz they talk to each other. I never thinking first time building like this.

Vice-Chairman David Matanane – When is the first time?

Mr. Yu – Maybe 3 or 4 years ago. I have all these thing in my office when they start so, so , so like that.

Vice-Chairman David Matanane – They gave you papers Mr. Yu that you can occupy the property? They gave you papers saying yeah Mr. Yu you can build your stand there?

Mr. Yu – I have some drawings you know picture I have.

Acting Commissioner Oscar Calvo – No but what Mr. Matanane is saying you have some papers stating that the Mayor and the First Lady..(interrupted).

Mr. Yu – I don't know I don't think so that.

Acting Commissioner Oscar Calvo – Well then how can you say you have papers? All you have is you said you have pictures of the building.

Mr. Yu – I don't know.

Acting Commissioner Oscar Calvo – So what you know?

Mr. Yu – I know for house building.

Acting Commissioner Oscar Calvo – That's fine but you can't build the house without the lot. Before you build anything you got to have a lot.

Mr. Yu – I have some papers.

Vice-Chairman David Matanane – Can I ask you Mr. Yu, are you paying any rent?

Mr. Yu – No, one time one thousand dollars.

Vice-Chairman David Matanane – Only one time? Where? Who? That was recent but back then are you paying anybody rent?

Mr. Yu – No.

Vice-Chairman David Matanane – Nobody?

Mr. Yu – No.

Vice-Chairman David Matanane – Wow.

Mr. Yu – I cannot say exactly my mind and John he can take care so and so like this.

Vice-Chairman David Matanane – Do you do any business with the school right next door?

Mr. Yu – No. Before I be to your office you say you ask me kimchee so, so before yeah one year I saw him but I don't know where is the gentleman he said he has some picture and so, so like that's all.

Administrative Director Monte Mafnas – You know Mr. Yu we have been very helpful we did anything we can to help you but it stops now. You cannot keep continue this kind of relationship, it's bad. You gain anything we gain nothing that's bad so it has to stop.

Mr. Yu – Now they say somebody wants to make a kimchee factory I finished the design almost and the water we cannot, leaking place like that now.

Acting Commissioner Oscar Calvo – Mr. Yu even if you want to build a kimchee factory or whatever in the first place you can't just say move in. You got to get to the Chamorro Land Trust and ask permission. You got to present that which you haven't done. You just make people come in there and put in, build a kimchee or whatever or tofu factory or whatever. This is not I don't want to sound discrimination but this is not different like in China or Korea or whatever. You just like what Mr. Monte is saying you got to pay because you know you've been sitting and making money.

Mr. Yu – That's all I say somebody say you pay using like this I pay.

Acting Commissioner Oscar Calvo – Then if somebody told you that why don't you come and pay?

Acting Chairman Michael Borja – Mr. Mafnas, is it true we do not have a license agreement?

Administrative Director Monte Mafnas – No license agreement, no lease agreement, no authorization, nothing no documentations whatsoever.

Acting Chairman Michael Borja – So Mr. Yu based on that there is no documentation for any lease and it is our property and we can do certain commercial leases because this is not agricultural this is not residential but the process hasn't even begun to do this lease. Therefore, I think we've gone through this since January of this year to talk about this

process. In February we lifted a moratorium on issuing leases. Now Mr. Mafnas where do we stand on the rules and regulations?

Administrative Director Monte Mafnas – As soon as we get our Attorney on board physically he is able to assist us to quantify all the rules and regs.

Acting Chairman Michael Borja – But is there any issues regarding this situation?

Administrative Director Monte Mafnas – I would like to make sure that we strengthen the provisions of the license so that we have more teeth in the event that collection is needed.

Acting Chairman Michael Borja – When you tell us we don't have any kind of existing lease or any application really there's no..(interrupted).

Administrative Director Monte Mafnas – Actually Mr. Chairman it's a self-imposed moratorium by the Board itself.

Vice-Chairman David Matanane – We have I think two meetings ago, three meetings ago when I put a motion that we go back to the original and that was the day that..(interrupted).

Administrative Director Monte Mafnas – Please be advised Mr. Chairman as the Vice-Chairman mentioned we have submitted the rules and regs to the Legislature three times and they said that they were going to assist us and to no avail.

Vice-Chairman David Matanane – Now to settle with this I would like make a motion to give him a letter saying to vacate the place within 30 days.

Acting Chairman Michael Borja – 90.

Administrative Director Monte Mafnas – Just to be safe.

Vice-Chairman David Matanane – Okay, alright then I move that the Executive Director will give him an eviction notice because of the fact that he doesn't have any documentations stating that he can do business with Chamorro Land Trust within 90 days.

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – Do you understand what we're doing Mr. Yu? Because there is no lease or application we basically cannot allow you to stay there. The motion on the floor which has been seconded and soon we'll find it it's approved that we're going to have to have you vacate the premises within 90 days. Like we've done in the past with other individuals we've given them the opportunity of 90 days in order to be able to move, we're giving you ample time to move. If you have any other issues concerning this I suggest you speak with Mr. Mafnas outside of this meeting and work with him. So the motion on the floor is to instruct the Chamorro Land Trust to issue an eviction to Mr.

Yu's vegetable stand located between LBJ Elementary School and the GTA site near St. Anthony's Church to be within 90 days from today. The motion has been seconded and there has been no disagreements so the motion has passed.

Mr. Yu – I want to meet to you for your office couple days then we can talk. If no possible what are you going to do?

Administrative Director Monte Mafnas – You have been there too long we cannot do this no more. If you want to stay you have to pay.

Mr. Yu – I see yeah sure.

Acting Chairman Michael Borja – When we have an agreement.

Acting Commissioner Oscar Calvo – Mr. Chairman I don't know whether this is going to do anything good and I think just for the record if there was an agreement to come down backlash everything back he has to pay from the time he was there occupied that place everything with the lease with the amount of money.

Vice-Chairman David Matanane – But he still has to go through the process.

Acting Commissioner Oscar Calvo – Yeah he still has to go through the process but if he's willing to contain it to that issue I think it's only fair and feeling that all those months that he's been sitting pretty.

Mr. Yu – Thank you very much.

VI. NEW BUSINESS

1. Resolution approving and authorizing the execution of a ground lease and release and the taking of related actions

Karl Pangelinan (GEDA Administrator) – I just want to provide a brief background what the team is here today and I'm just clocking in full support of this project is the Okkodo Expansion Project up at the High School. Now it's officially called the Okkodo Expansion Project but it's not just an expansion. There is going to be an expansion of the overall capacity at the school from 1200 to 2000 but there's a lot more to that. They're going to be addressing a lot of safety issues and the team will go into detail with signalization. They are also adding a lot of different elements.

Acting Chairman Michael Borja – Signalization out on the highway?

Karl Pangelinan – Right, it's a very dangerous spot right now Mr. Chair. Additionally they are going to be doing some stuff to the sport facilities. They are going to be adding a culinary and the team will go into detail. What I wanted to talk about is of course as the Guam Central Financial Manager all financings go through GEDA. We have worked a number of different projects and I'm very excited about this one for a lot of different reasons. Besides the obvious in which we'll get a much needed expansion in that area. GEDA has

been pushing the buy local initiative. The total project size for this is going to be a little north of 24 million dollars and I'm very proud to say that they were able to obtain the financing of all of that money through local banks. This is not something that we had to go out to the States to float a bond. There are three local banks that are going to be participating. From an authorization standpoint this thing came out through the Legislature with a bunch of different tweaks and amendments to make the financing happen. It's been approved by the Governor's Office, it's been supported by the GDOE Board of Directors and most recently at the last GEDA Board meeting we went ahead and approved the resolution. So Rick is going to talk about what the actual CLTC action, the specific CLTC action that is going to be required. I think it's just a simple transaction to really dot some of the i's and cross some the t's for the actual financing project.

Rick Inman – I'm Chairman of the Board for Guam Education Financing Foundation or GEFF as we call ourselves. We've got a presentation I think everybody has a copy of it. What I want to do initially is if you'll turn to the sheet that has the aerial view I can describe what we're doing. Back in 2006 the Chamorro Land Trust leased under a ground lease to Guam Education Financing Foundation the land for Liguán Elementary, Adacao Elementary, Astumbo Middle School and Okkodo High School. The Okkodo site is 64 total acres. The original design of Okkodo was for 1,200 students and when they opened in 2008 there was about 1,500 students so it was overcrowded from the start and a lot of demand for schools up north. So with the help of Guam Department of Education we undertook a study to determine exactly what the problematic needs were and designed that in to this plan right now. The original transaction was financed with bonds as Karl has mentioned and it included all 64 acres. We're going to finance this with the local banks now so we've got to take the 4 acre side that this expansion is going to go on and carve it out if you will from the 64 acres. So we'll have one side which is 60 and one side which is 4. What we're asking Chamorro Land Trust to do is GEFF is going to give back the 4 acres and then we're asking you to ground lease it for the same terms and conditions back to GEFF II which is a new entity that's going to build the expansion which will be financed from the banks.

Acting Chairman Michael Borja – Is that lot you're talking about the 4 acres of land has that been separated out specifically and has its own lot numbers?

Rick Inman – It's surveyed in here and I included a copy of the survey. I don't think we have obtained the lot number for it and I think we're just going to use..(interrupted).

Acting Commissioner Oscar Calvo – I think this was a basic lot back then.

Administrative Director Monte Mafnas – In order to bifurcate the property Mr. Inman we need two different lot numbers. The lot numbers run with the land. So it's not going to be the same it could be dash REM for the second lot. The intent is to bifurcate the property correct?

Rick Inman – Correct. We've discussed it with the attorneys for GovGuam, thought we could do it with just a legal description instead of having to go through Land Management.

Administrative Director Monte Mafnas – Attorneys are smart but so is my surveyor.

Acting Chairman Michael Borja – If you're looking to finance on this separate piece of property wouldn't it have to be identified legally as a separate lot? I mean I don't have any objections to what you're trying to do and what the intent of this is all about and what the overall objective is about. I don't have any problems I solely support this kind of idea but I think just to make sure that we're all doing this properly. Chamorro Land Trust is also part now of Land Management so it helps us out in that way because we're all under the same roof but to be able to specifically identify that lot that we're talking about would be to carve it out, identify it as a lot number and then we make the reversals to both leases. You know the one that's going to say the original one now excludes this piece of property and the new one now includes this piece of property so that you can use that for your financing purposes. I just think even the banks maybe would probably be asking the same type of questions.

Rick Inman – The banks are fine they're comfortable with just the legal descriptions.

Administrative Director Monte Mafnas – That's what we're trying to achieve is to formally known as now known as to perfect the lot number and the area and the instrument necessary to move forward.

Rick Inman – We've got no issues with that except the timing involved.

Acting Commissioner Oscar Calvo – The only problem that I have if you do that and Mr. Chairman is because you need to be basically carve that out because if the bank which is kind of really strange why the bank normally to finance something in that statute they will more or less want some sort of collateral to this piece of property. But in this case you're talking about the entire 64 lots but you basically want to cut only 4 lots out of there but it's still being incorporated within that same lot. So you have to identify that 4 lots and divide it and give it another would it be lot...(interrupted).

Acting Chairman Michael Borja – Well I think even if there was legal description it would have to be probably legally described as this surveyed point to that surveyed point.

Administrative Director Monte Mafnas – You have to do that Mr. Inman otherwise it's the color of the title. Now you don't want to have that, you want to have a perfect marketable title and that's what necessitates to effectuate a perfect marketable title. So we can work expediently with you no doubt.

Vice-Chairman David Matanane – Mr. Inman what's the difference between GEFF I and GEFF II?

Rick Inman – It's a newly formed entity made up of the same people that were on the original.

Vice-Chairman David Matanane – Why is that?

Rick Inman – In order to effect the financing the first GEFF I because of the bond documents require we couldn't do anything, all we could do was build the four schools and that was it. So we had to form another entity GEFF II to add the expansion.

Vice-Chairman David Matanane – So it is another entity?

Rick Inman – Yes.

Vice-Chairman David Matanane – Comprised of the same people.

Rick Inman – The same people.

Administrative Director Monte Mafnas – With the blessing of GEDA of course.

Karl Pangelinan – Our bond counsel helped draft the resolution that's in front of you. They also helped with the lease documents.

Vice-Chairman David Matanane – So GEFF II is asking for an additional bond?

Rick Inman – We're actually borrowing the 24 million from the three local banks.

Vice-Chairman David Matanane – And GEFF I holds a bond already?

Rick Inman – That's what was used to build the existing school.

Karl Pangelinan – The original batch of four schools.

Vice-Chairman David Matanane – But doesn't the bond comprise of all the 64 acres?

Rick Inman – It is.

Acting Commissioner Oscar Calvo – Won't that affect the bond issue on that?

Vice-Chairman David Matanane – That's where I'm coming from.

Jamie Wilson – I financed the original four schools in terms of selling the bonds and we underwrote the issue. What Mr. Inman had talked about was all of that collateral at the moment is secured in those bonds and so what we've been able to do was secure a release or the idea is to secure a release of those 4 acres that he's talking about from the original security of those bonds, build this project and make this new project as the security for the new financing which the banks would basically acquire or purchase.

Acting Commissioner Oscar Calvo – And the bond people are okay with that Mr. Pangelinan?

Karl Pangelinan – Yes.

Acting Commission Oscar Calvo – It will not jeopardize the first bond? Because what I'm thinking here is because it's already been bonded by the whole lot and everything so we're initially just talking for 4 acres of property within that and the only thing is does the bank know that this is under a bond?

Jamie Wilson – Oh yes.

Karl Pangelinan – Yes absolutely.

Acting Commission Oscar Calvo – Because the 24 million dollars that's local bank that's good I'm glad that it's all going to be funded by the local banks whether it be First Hawaiian, Bank of Guam or whatever. But knowing that there is a because the bond has first priority to this more priority than what the bank would.

Jamie Wilson – And that's why we're wanting to carve it out. We will have all the appropriate approvals to do what we're talking about I mean from the existing bond. You know as the underwriter of that bond I have the same concern.

Administrative Director Monte Mafnas – Please be advised we want to be expedient and provide a solution we're not the stumbling block. We're not the impediment here.

Rick Inman – I appreciate that. What do you think the timing would be on getting a lot number assigned?

Acting Chairman Michael Borja – What is your timeline?

Karl Pangelinan – We're looking at December for closing.

Administrative Director Monte Mafnas – We can do that.

Karl Pangelinan – What we're proposing is we have a draft resolution in front of you the final terms of course would be included within the final bank documents but we'd like for your review and approval of the draft resolution that can help us accomplish the financing to get to the final loan document.

Administrative Director Monte Mafnas – Again, we're not the impediment, we're the solution. So the quicker you guys provide us the map the quicker we can bifurcate the property.

Jamie Wilson – That was our only issue really just to be able to do this expeditiously so if we can get your assistance in that regard that would be great.

Administrative Director Monte Mafnas – No problem, give me the map we'll work on it.

Rick Inman – We'll get that to you very quickly.

Administrative Director Monte Mafnas – We have a great team here at the Department of Land Management.

Acting Chairman Michael Borja – Do we need to do a motion or anything here?

Administrative Director Monte Mafnas – Yes.

Acting Chairman Michael Borja – Because we still have this resolution and this draft contract.

Acting Commissioner Oscar Calvo – I think before we do that Mike..(interrupted).

Acting Chairman Michael Borja – Well we can't move to approve this yet I haven't read it but at least we need to..(interrupted).

Vice-Chairman David Matanane – We need to get the schematics in it.

Acting Commissioner Oscar Calvo – Yeah in the meantime while they're getting their survey done whatever needs to be done.

Administrative Director Monte Mafnas – Maybe expediently moved subject to these conditions that we get the map.

Karl Pangelinan – And that's what we're requesting a conditional from the draft..(interrupted).

Administrative Director Monte Mafnas – And the Board's Counsel approves it.

Acting Chairman Michael Borja – That would basically be the motion to move forward with getting this thing identified as quick as possible to assist GEDA and GEFF II and GEFF I to identify the lot so that we can proceed with the documentations that's required. What we should too is let's all review these documents if we have any questions lets email it back and lets try and get a final document for approval. Is next month in our next month's meeting too late?

Acting Commissioner Oscar Calvo – What's your closing date?

Rick Inman – December 12.

Acting Chairman Michael Borja – Is this something that we can take up in an executive meeting? Or because we have to vote on a motion we have to have a special meeting.

Administrative Director Monte Mafnas – Exactly to approve the minutes. So 12 is your drop dead deadline?

Karl Pangelinan – Well because of the construction schedule we're trying to get in and there's also some liquidated damage for protection you know like the issue that we had with JFK the Government and we've been working very closely with DPW to ensure that we don't have this problem. This organization actually was a good example of a lease leaseback. Be had a little hiccup with the last one but I'm very confident in their abilities to get this done. But from a timing perspective the December closing is crucial so that we can meet the school opening for School Year 14/15.

Administrative Director Monte Mafnas – I applaud that and I like the idea that you strengthen your lease probably to include the late fees and some fees and subject to unlawful detainer if necessary. Our next December board meeting is scheduled for the 20th, we have to meet before that.

Acting Chairman Michael Borja – I'm looking at probably I don't know how December 6 looks it's a Thursday which I think is 3 weeks from today. We'll still have a regular convened meeting on the third Thursday of next month but then have this special meeting on the 6th with all the documentations because we're going to be voting on a motion on the lease and a resolution.

Administrative Director Monte Mafnas – You guys are okay with that right?

Karl Pangelinan, Rick Inman – Yes, thank you.

Acting Chairman Michael Borja – So the direction is let's review the lease, let's review the resolution and if there's any issues let's communicate it directly to Monte as quickly as possible.

Acting Commissioner Oscar Calvo – On this design program I notice here this is going to be part of the additional 24 rooms and the Special Ed class 4 and down the line and upper labs and all so this will be incorporated all in there.

Rick Inman – Some of it is not on the 4 acres which is improvement of the track and that's one of the reasons why the original bond holders they're getting a little something by giving up the 4 acres.

Acting Chairman Michael Borja – The school is increasing the amount of science and math capacity for students.

Karl Pangelinan – Right.

Administrative Director Monte Mafnas – We have a monetary concern gentlemen, since its GEF II, GEF I paid one dollar so it is okay that we raise the fees exponentially to the amount of two dollars? Do you have objection to that?

Karl Pangelinan – It will double the lease.

Rick Inman – I want to just personally thank all you gentlemen and the lady for moving quickly on all this and scheduling a special meeting and going out of your way because I think it's a good project for the people of Guam and the students of Okkodo.

Acting Chairman Michael Borja – Absolutely I think this is a great project what you guys have done. It's a great model for the island and all it takes is looking at the schools and you know that we've got some good facilities for the kids. I greatly appreciate the increase in the math and science sections that the schools are concentrating on these days because you know that's the future.

Administrative Director Monte Mafnas – And the safety factor of the signal lights. The safety of the kids are very important and really this is living synergistically. It's a win-win for everyone.

Acting Chairman Michael Borja – Is this new school going to incorporate much in the way of being environmentally friendly and all that? Is it going to be doing a lot of things where..(interrupted).

Acting Commissioner Oscar Calvo – They say they always hit it up there man. It needs security up there really bad.

Rick Inman – Well we've installed cameras.

Acting Commissioner Oscar Calvo – Okay. I know that school has been hit last year alone I think 5 days in a row if I'm not mistaken.

Jamie Wilson – That's helped actually.

Karl Pangelinan – So we'll follow up with Monte Mafnas and thank you very much.

VII. DIRECTOR'S REPORT

1. Monthly report for October 2012

Administrative Director Monte Mafnas – Again I thank each and every Commissioner for their precious time, for the month of October we assisted 530 walk-ins, 490 telephone calls.

Acting Chairman Michael Borja – What are these people primarily coming in for the walk-ins and telephone calls? Status updates?

Administrative Director Monte Mafnas – Complaints, complaints, complaints.

Acting Chairman Michael Borja – How then do we act on these complaints? Like Mrs. Tainatongo she's afraid to call the police on action that went on her property which she

deems to possibly threatening and illegal. How else are you going to document these issues if it's not called in and a lot of these complaints are probably on their neighbors right?

Administrative Director Monte Mafnas – Exactly or not getting their leases and we're working on it. They have to understand that there's 10 employees of CLTC add with the 3 from Ancestral and we have a grand total of 56 employees. We have over 10,000 applicants demanding their leases starting with the 4,000 some of 1995 by passed listing. So we're chipping away, we've signed over a thousand documents that means we have helped a thousand people because every document is a person needing this, needing that for whatever reason. So we do our due diligence to the best of our ability. The complaints are always going to be there. We have problems, we're not a perfect team but in consideration of the discrepancy of number of employees versus the huge task of helping everybody is just a difficult exercise daily. But we do our best to appease the applicants and unfortunately there are always going to be some that are not good people as was mentioned today and other meetings I mean they're just the type of people that want more, more, more and more. They don't want to spend anything whatsoever but demand the Government give them more, more, more. So it's a laborious and difficult exercise but Land Management is like 27% capacity. Land Management itself used to have 150 employees. So even collectively with CLTC and Ancestral we only have 56 which is up 27% of what it used to be. It's a voluminous and humungous task to try and help people but we do our best and it's really working and getting well. So we've given 22 survey authorizations, 6 utility authorizations and we have executed 9 leases. Now I would like to sign 900 leases, I'd like to sign 90 leases but we have to work and clearly define all the lots number two. Number one, we have to make sure that the applicant is quantified that all the criterion of record is met. So just because you filed an application doesn't necessary mean we've completed the exercise. There's a lot of people that have not paid a fee either.

Acting Chairman Michael Borja – It seems like there's a number of them that think a letter of intent is the complete and final documents.

Administrative Director Monte Mafnas – And that's not the case. We have collected for the month of October in the amount of \$55,133.58. I'm sure this is not only going to appease the Board but would definitely please Commissioner Matanane.

GICC

Acting Commissioner Oscar Calvo – Monte, how are we doing with the golf course?

Administrative Director Monte Mafnas – They've fallen behind in the amount of almost \$400,000.

Acting Chairman Michael Borja – When was the last time they paid?

Administrative Director Monte Mafnas – I think actually October but not as per our agreement. So we've sent a demand billing in that amount. I'm going to forward that with a letter together with the Attorney to start laying the ground work for termination.

Acting Commissioner Oscar Calvo – And their lease agreement if I'm not mistaken should have been over last year August or this year.

Administrative Director Monte Mafnas – That's right and they failed to adhere to their promissory note.

Acting Commissioner Oscar Calvo – Yeah and that was one of the conditions that I stated back then.

Administrative Director Monte Mafnas – But in the meantime we got to work with them and try and get some money because the lease does not expire until 2014 anyway. And this is going to be the busy season for golf so that may enable them to catch up and be current but they have not identified the real property tax in the amount of \$185,000.

Acting Chairman Michael Borja – They haven't paid their property tax?

Administrative Director Monte Mafnas – No and I billed them for that. It is my thinking that they would owe at least \$400,000 and I informed the management then a year ago we would have that. We would not, this Board will not extend your lease even if you owe a dime. Everything has to be paid in full before any extension will be considered. But please be advised that I had master planned that land at this point in time to include hopefully a small Government satellite building, a school wherein kids can walk to and from school, employees can walk to and from affordable apartments because not everybody can afford a house, affordable homes, Veterans homes in some of those beautifully landscaped holes, a community center within the confines of the clubhouse to include schools such as GED to enable dropouts to get passed, blue collar trade schools whereas experts, journeymen can conduct apprenticeship program, a health center, a mom and pop store, video store, laundromat and a sports complex. And most of all an income stream for Chamorro Land Trust abutting, contiguous to Ysengsong Road and Batullo Street. So I'm preparing that package.

Acting Chairman Michael Borja – That property goes all the way up to Ysengsong?

Administrative Director Monte Mafnas – Oh yeah that's 200 back and forth. It contains an area of 200 acres which is 800,000 square meters.

Acting Commissioner Oscar Calvo – And that also Monte the junk car there in Dededo.

Administrative Director Monte Mafnas – You got to understand that there's 13 acres that's being leased to JR Mateo and of course Global Recycling Center within a period of 3 years so they've been current but eventually they will be relocated out in Yigo.

Acting Commissioner Oscar Calvo – How is that coming along by the way?

Administrative Director Monte Mafnas – We have a verbal understanding at this point in time with Guam Raceway Federation they have identified the site within their lease and not

to reduce the amount of their lease payment. They are going to accommodate us in two points. One is the M1 solid waste removal and 15 to 30 acres for federal EPA concern in the event there's a storm that's going to be a temporary dumping site.

Vice-Chairman David Matanane – But I understand they are running a bingo game up there.

Administrative Director Monte Mafnas – Yes they are. They got burned big time by the first, second bingo nonprofit organization. They never made any money, the bingo people made all the money then took off. Also pursuant to the in-kind consideration I'm working with IBC Marianas to extend Ija Road subdivision up to almost a mile about 4,000 plus feet. So we're getting the cost estimates, topographical map, identifying where the lot is for temporary staging area.

GPA

Vice-Chairman David Matanane – On that GPA we were discussing it because I read it in the paper that they are ready to build. I just wondered how did that transaction is news to me. We were discussing it on a previous meeting a couple of years back where there's some monetary that's supposed to go to Chamorro Land Trust so what happened? I am out of the lube.

Administrative Director Monte Mafnas – Pursuant to the law, it's law now. That bill has been codified into law number one. We are tasked to relocate I think 4 families.

Acting Chairman Michael Borja – What is this GTA's what?

Vice-Chairman David Matanane – GPA they're going to build their own building.

Administrative Director Monte Mafnas – So we've done that exercise, we identified the area and they are going to pay for the map. Number two, pursuant to the law they owe us in the amount of \$894,000 in real taxes. I don't know what that is. But it's specified, annotated, documented in real taxes.

Vice-Chairman David Matanane – We want to find out really how if Chamorro Land Trust doesn't get anything out of that just transferring the property then I think GPA is making their own money, we're supposed to be making our money so we're not just going to be sitting down and okay just go ahead and use it. I want to see the you know if the law passed that's Chamorro Land Trust's case. I mean in lieu of taxes what I understand is real property taxes.

Administrative Director Monte Mafnas – I echo the concern of Commissioner Matanane and I agree with him however GWA is a very sensitive issue pursuant to the consent decree and after the consent is a demand to..(interrupted).

Vice-Chairman David Matanane – Not GWA, GPA.

Administrative Director Monte Mafnas – They're together on the building, they're together on this. Prior to anything happening they had the wish list of 1996 giving I think 8 years to..(interrupted).

Acting Commissioner Oscar Calvo – But that expired.

Administrative Director Monte Mafnas – So it's a questionable transaction but the fact is they're getting 15 acres. The fact is they got the working drawing. The fact is they're going to build. Now what we got to work on is how we can get our payment in all fairness.

Acting Commissioner Oscar Calvo – That was Senator Tom Ada's bill. That was I think if I'm not mistaken a year ago or last year that bill passed because I remember when they came to the Board prior to you coming in they were demanding and I told them you know you can't just I mean I'm giving you a piece of property for 15 acres for nothing and Chamorro Land Trust is not going to get nothing? That's cannot. But being Senator down there they made that move. I think we should really honestly pursue this issue and also this is where also the Chairman of the Chamorro Land Trust Ben Pangelinan sat back and doing nothing about this.

Administrative Director Monte Mafnas – No he had his own bill which I liked because he wanted GPA to pay for waterlines and power poles.

Acting Commissioner Oscar Calvo – Right.

Administrative Director Monte Mafnas – That would have been the better settlement for our people.

Acting Commissioner Oscar Calvo – I think we need to go back to that scope of work.

Administrative Director Monte Mafnas – I suggest strongly that we wait until our Counsel comes on board and address all these sensitive issues appertaining to CLTC.

Vice-Chairman David Matanane – I think we can put a credit here and if we need any power that's going into Chamorro Land Trust we'll offset it. You know you wash, you owe us that amount, stipulate that that we want that kind of arraignment. Because we don't just give out land for what I mean we were fighting on that a few years ago and I say hey man we just can't do that.

Acting Chairman Michael Borja – And that being the lease so let's say if the fair market value of that piece of property was going to be what would be paid in rental at \$15,000 a month let's say it was.

Vice-Chairman David Matanane – We will off-set it with our infrastructure so we can you know. They are the ones providing the power..(interrupted).

Acting Commissioner Oscar Calvo – And we were willing to go that way in that direction Mike I intentionally offered that agreement and I sat with Mr. Benavente and the Director back then and I offered that. I told him I'm willing to compromise. This is what their attitude was to have that incentive 15 years, remember that Dave? I said we're supposed to be getting after 15 years we're going to be getting a pension back? I said you got to be crazy. Because they're saying they want to put the infrastructure. I'm for to put the infrastructure but let's share the same cost. If its \$100,000 put out your \$50,000 we'll put out our \$50,000.

Vice-Chairman David Matanane – You think that's bad enough some people are for CLTC they're charging nine hundred some thousand or two hundred some thousand for a 6 inch pipe and Mr. Benavente was on the meeting and I said so after this you're saying that you guys are going to condemn the easement now portion because you have the right to go in there and we give to you just free and we pay for the pipe and we're giving you customers? Said yeah. I said go and stick it where it didn't shine. No really we argued in the meeting.

Administrative Director Monte Mafnas – Mr. Chairman the Commissioners concern is very adequately said, we're only looking for fairness.

Acting Commissioner Oscar Calvo – Yeah that's all we want.

Vice-Chairman David Matanane – And if you don't pay you know stipulate the amount we will off-set when we do have some infrastructure problems.

Acting Commissioner Oscar Calvo – Because at the end of the day Mr. Chairman is okay if we give a piece of property to Tun Maria and Tun Jose okay but a lot of them say I can't get water, I can't get power for that matter so in essence to that what we're telling GPA and water agency I said look Tun Maria and Tun Juan is going to be hook up there okay and even if Tun Maria was to move away that waterline will always be making money no matter how you look at it. So there's never a loss to them. But it's a great loss for us because you know and to compromise I mean it's like it's bad enough I know like I said just to run a half an acre piece of property they demand you to run maybe a 2 to 3 to 6 inches of pipe.

Administrative Director Monte Mafnas – It's 6 inches at a thousand dollars a linear foot. So the closest one is usually a thousand feet so that exercise equates to over \$100,000 which includes a 6 inch and a fire hydrant. But again I just want to impress on the Commissioners that this consent decree has gone forward known as stipulated order so that's why they don't give a hoot about us. They don't want to default. If GWA defaults the whole island suffers. And guess what, guess who they are going to blame? Us, CLTC. They're looking for anyway to get any help. They're saying you got to give me this, give me that. Why I say this because I've met with John Benavente twice, Martin Rouse once, Sam Taylor I think their attorney and their chief engineer and their rights of way guys, they're just oblivious to our concern. So they're just blatantly going to do what they want to do. Now we have given them land, all the wells, all the easements, all the property they own came from either Chamorro Land Trust or Department of Land Management. But again they're callous to our

concerns but we'll continue vigorously to demand fairness. A stipulated order is a sensitive thing.

Vice-Chairman David Matanane – When Robert Cruz comes in have him look into it. Have them clearly indicated whether are we going to lose it or whatever. We'll have our attorney look into it and see if maybe even demand at the Legislature to see where can we get at least a credit so we can build our infrastructure.

Lot 7128-REM, Yigo

Administrative Director Monte Mafnas – And we're building them customer base every time we subdivide, everything we build, subdivide lots and we will build our own subdivision. By the way also we presented the final map for Lot No. 7128-REM for a 100 plus subdivided lots subdivision in Yigo and 4 acres for commercial use as our income stream to assist us in the infrastructure. That's going before the GLUC on the 28th of this month.

USDA MOU

Acting Commissioner Oscar Calvo – Isn't that part of the USDA loan?

Administrative Director Monte Mafnas – We have not executed the memorandum of understanding with USDA at this point in time and I think a lot of that was pursuant to the election. Now that the election is over I think we should be getting that in the early first part of the year. It's taken 17, 18 almost 20 years to get to this point in time what's another several months? Again I'm proud to say that only the Calvo Administration had this thing done. It has never been approved from the federal point of view.

Veteran's Housing

Acting Commissioner Oscar Calvo – One last course on this very important matter to me is what are we looking on that Veterans condo?

Administrative Director Monte Mafnas – I've explored the viability and cost to build a vertical condominium and it appears that anything over the 5th floor is exuberant. It's just overwhelmingly expensive.

Acting Commissioner Oscar Calvo – Even 3 floors for start.

Administrative Director Monte Mafnas – Or we can go 4 because Veterans are in good health right?

Acting Commissioner Oscar Calvo – The only reason why because when I attended the signing of the proclamation for the Veteran's day down at the Governor's Office and that was one of the things that was brought by the veterans and in fact it was really brought that on the Governor was you know and it was mentioned and I did tell him we have something in that line to build for the veterans and I think the Governor is pretty much excited on that. And also there's another one for the women which the Legislature really kind of shut it down too.

Administrative Director Monte Mafnas – Veteran Alicia Terlaje had mentioned that she wants to do a coalition of veterans. They've identified a site in Yona that's CLTC property and they also have containers there that they want to use. So going back to the condominium it appears that we will build either a 3 or 4 story condominium. I started the dialogue with Coretech, they have this project called Tower 70 and I'm hoping that I can work a tax credit for them to donate their building plans to us. All those building plans are extremely expensive because they're based on fees of 6 to 8 percent of your total cost. So I'm working very closely with them and seeking how we can reduce the price for our beneficiaries of the Trust.

Younex

Administrative Director Monte Mafnas – By the way Commissioners as soon as we get our Counsel we should get a \$100,000 from Younex.

Acting Commissioner Oscar Calvo – I'm glad you brought that up where do we stand on that one?

Administrative Director Monte Mafnas – We need the Attorney to write, you know she specifically wanted an attorney I told her I can draft one up but she wants an attorney, very cleverly.

Acting Commissioner Oscar Calvo – And we're still going to get the fence then.

Administrative Director Monte Mafnas – Yeah.

2. Reorganization No. 9

Administrative Director Monte Mafnas – Reorganization No. 9 it's clear and official now it's one Department of Land Management and it's really gelled correctly, it's meshed well. Like for example in the event one of the Board Secretaries are unable they can each multi-task and take on that. Our researchers, land administrators can each help CLTC, Ancestral and Land Management. Land Management is giving us their land agents to assist CLTC in the lot showings. We used the survey guys to make sure that points are made, easements are defined and that's one exercise too I've done with the master planning of the subdivision lots we've subdivided. And we'll complete over 100 lots by the way and putting meets and bounds, descriptions, course of bearings so that those easements are clearly defined and the lots have master planned in rhyme and reason for accessibility and it's done the correct way.

Layao Enterprises/Jesus Quintanilla

Administrative Director Monte Mafnas – I do want to request from the Commissioners that because Layao filed a discrimination clause, because Deputy Attorney General Pat Mason told me to stop until he gets his legal opinion, I have not served Layao Enterprises and I do want to serve Jesus Quintanilla. But when I serve the notice of eviction to those two guys I formally request signatures from each and every one of you Commissioners to enforce and show them that this is the Board's decision. Terese our Board Secretary prepared the lease, the survey authorization and utility application. Well he picked up in January after

one month of waiting the lease, did not pick up the survey authorization because it said one acre. So the guy is just another bad guy. The Layao license contained an area of 5 acres but he didn't want to..(interrupted).

Acting Commissioner Oscar Calvo – Yeah but we made it understanding..(interrupted).

Administrative Director Monte Mafnas – That it's only 1.

Acting Commissioner Oscar Calvo – Because he was going to give up..(interrupted).

Acting Chairman Michael Borja – And he's agreeable to it.

Acting Commissioner Oscar Calvo – Yeah he agreed to that and he was going to give up the one in Yigo because he had one.

Administrative Director Monte Mafnas – And he did that part but he cleverly not done anything since January of this year. It is now November so that's why I want to give him an eviction.

Acting Chairman Michael Borja – So what's the status on the Attorney General's Office on determining whether or not there was a..(interrupted).

Administrative Director Monte Mafnas – I have to find out. But anyway Jesus Quintanilla cleverly and deviously went before the CLTC team and had a stamp or two stamps of his request for Freedom of Information Act now that's a sensitive issue. No one has seen it but he has the stamp and he twice fired against me asking me if I'm above the law. Now I know the sensitivity of the FOIA but if I don't have it in front of me how can I respond to something that I don't know of.

Acting Commissioner Oscar Calvo – How did you get that information?

Administrative Director Monte Mafnas – He's the one telling me that he has FOIA. He's very devious this guy.

Acting Commissioner Oscar Calvo – So get a copy of it.

Administrative Director Monte Mafnas – He doesn't want to give me a copy. I told him give me a copy so we can respond.

Acting Chairman Michael Borja – But now he's going to the Attorney General's Office saying they're not responding to my Freedom of Information so he's going to have to provide them with a copy too right?

Administrative Director Monte Mafnas – And if this FOIA request is for Layao he has no business to do that unless he has a written power of attorney notarized then he can't. But as a person asking for another person's social security for example you can't do that. So I

don't know if he's asking FOIA, Freedom of Information Act for himself or for Layao. I feel it's for Layao. So this guy is gone on the attack about me saying that I think I'm above the law which is never going to happen.

Acting Chairman Michael Borja – He seemed like he was so cooperative.

Administrative Director Monte Mafnas – Exactly he's like on bended knees oh, please help me, help me and it was my idea to help him. And now it's a 180 degree he keeps attacking me all the time, unbelievable.

Acting Commissioner Oscar Calvo – He agreed to that so that's our base.

Administrative Director Monte Mafnas – We did prepare him a lease. When I presented to the Board his request in November the Board did not grant a motion or denied the presentation. Did not confirm or deny. But I took it upon myself I requested Terese to prepare the lease, the survey authorization and the utility and he did not do anything. Actually we have the authority because we own the land to cut off his power, to cut off his water. So I want this activity, I want to litigate against Layao. I want to show all the illegal squatters that we mean business. It is time to flex our muscle. He's filed twice against us at the AG's Office. That's why we can't touch him beside we did not have a quorum for a long period of time.

Acting Chairman Michael Borja – If he filed the Attorney General's Office is just telling us don't act on it until we come up but there's no restraining order on this.

Administrative Director Monte Mafnas – No, no, no but that's why when we get the Counsel I want to memorialize it and then have the Board sign it and then serve him notice with GPD to clearly have a system in place against all illegal squatters. It is time for us to start evicting. I don't like to do it but we got to do it.

Acting Chairman Michael Borja – What kind of law enforcement back up can we have?

Administrative Director Monte Mafnas – Oh already the Chief of Police and the two Commanders already told us.

Acting Chairman Michael Borja – But I mean we can't execute a termination of their lease and notice to vacate and have it, the Marshalls of the Court execute them?

Administrative Director Monte Mafnas – I don't know about the Marshalls. Maybe to litigate, when we file then we can ask the court Marshall but we will at least have a paper trail of our eviction done correctly, executed.

Acting Chairman Michael Borja – I guess this would be a question to the Attorney if there is a way for us to execute that eviction notice through the court and then have the Marshalls serve notice.

Administrative Director Monte Mafnas – My intention is first we serve it from the CLTC and GPD and then file in court.

Acting Chairman Michael Borja – Oh no use the strong arm of the Government..(interrupted).

Administrative Director Monte Mafnas – Then go straight to court then.

Acting Chairman Michael Borja – Yeah and have them execute. The Marshalls of the Court I've seen them go and close down a business because of a failure to pay and so you can go to the court to make them make judgment on an eviction and then make them do the job of serving notice and then it's all really formally legal. I think they can do that. That's something we can look at that way it's definitely fully legal. Then we are going to start looking at let's say squatters who are from other islands because then it has to be and with a cc copy to their respective Consuls.

Administrative Director Monte Mafnas – Correct I like that.

Acting Commissioner Oscar Calvo – Actually I'm glad you brought that and Dave remember this we did when we were starting to do that eviction notice back then one of the things that we did with the Attorney General and of course the Police has helped us on that a great deal and basically the AG's would be the one to really because then the person that receives that okay as long as the AG's has an approval stating that this legitimate document is already an eviction notice and presented back to the AG that is the binding against him. Now if chooses to challenge it then that's when we go to the court system.

Vice-Chairman David Matanane – You know if it wasn't that you're mentioning about Marshalls that serve and close down business, Revenue and Tax they are deputized Marshalls but not the court itself. Unless there's cases that the Judge has to make that decision.

Acting Chairman Michael Borja – It would be the same thing like doing a restraining order.

Administrative Director Monte Mafnas – But I want to attack it double pronged concurrently that way we have paper trail that way we can support our claim that's what I'm thinking. I'm not the lawyer but as soon as the lawyer comes in.

Acting Commissioner Oscar Calvo – When is he going to be in?

Administrative Director Monte Mafnas – I'm just waiting for the documentation. It's at the AG's now for final signatory.

Acting Commissioner Oscar Calvo – Since last month?

* Administrative Director ^{Monte Mafnas} ~~Oscar Calvo~~ – The AGs are overwhelmed. They represent from the Executive Branch 40 departments so I guess they're overwhelmed.

VIII. EXECUTIVE SESSION – None.

IX. ADJOURNMENT

Vice-Chairman David Matanane moved to adjourn the meeting.

Commissioner Amanda Santos seconded the motion.

Meeting adjourned at 2:56pm.

Transcribed by: Teresa Topasna: *Teresa Topasna* Date completed: November 28, 2012

Approved by Board motion in meeting of: *Dec. 20, 2012*

Administrative Director, Monte Mafnas: *Monte Mafnas*

Date: *12-20-12*

Chairman (Acting), Michael Borja: *Michael Borja*

Date: *DEC 20, 2012*

** with correction on page 34.*



Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Michael J. B. Borja
Acting Chairman

David J. Matanane
Vice-Chairman

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

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SPECIAL BOARD MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, December 6, 2012; 1:10pm – 2:13pm

I. CALL TO ORDER

Meeting was called to order at 1:10pm by Acting Chairman Michael Borja.

II. ROLL CALL

Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos, Acting Commissioner Oscar Calvo and Administrative Director Monte Mafnas.

III. OLD BUSINESS

1. Resolution approving and authorizing the execution of a ground lease and release and the taking of related actions

Acting Chairman Michael Borja – The purpose of this Special Board meeting is to discuss the matter brought forth in our last meeting concerning a resolution to change the land for the Okkodo High School project because they are going to be doing an expansion to the school. I think it was with the Guam Education Financing Foundation II. Now the resolution that we were given last week this is the resolution that we were asked to look at. (Acting Chairman read resolution)

The resolution by the Board of the Chamorro Land Trust approving and authorizing the execution of a ground lease and release and the taking of related actions.

WHEREAS, the land on which the Project will be constructed is unimproved and will be released from the leases entered into with respect to a prior lease-leaseback financing of Okkodo High School pursuant to a Release of Site for Additional Improvements (the "Release of Site");

WHEREAS, the base rental payable by the Government pursuant to the Leases will be assigned to a trustee (the "Trustee") that will in turn issue certificates of participation (the "Certificates") in such base rental payments pursuant to a trust agreement (the "Trust Agreement"), and the proceeds of the Certificates will finance the Project;

WHEREAS, the obligation of the Government to pay rental pursuant to the Leases will be subject to annual appropriation by the Guam Legislature;

WHEREAS, pursuant to Section 50103(k) of Title 12 of the Guam Code Annotated, agencies and instrumentalities of the Government shall issue

Rev. 09/21/2012

bonds, certificates of participation and other obligations only by means of and through the agency of the Guam Economic Development Authority (“GEDA”), and the Governor of Guam has requested that GEDA approve the sale of the Certificates;

WHEREAS, it is necessary and desirable for the Chamorro Land Trust Commission (the “Commission”), as owner of the real estate parcel that is the location of the Project (the “Site”), to enter into the Release of Site for the purpose of releasing the Site from the prior leases and a Ground Lease for the purpose of leasing the Site to Guam Education Financing Foundation II, Inc. (the “Ground Lessee”), which will in turn sublease the Site and lease the Project to the Department of Education, Government of Guam (the “Lessee”) pursuant to a Facility Lease, substantially final proposed forms of each of which have been presented to this Board of the Chamorro Land Trust Commission (this “Board”);

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Chamorro Land Trust Commission as follows:

Section 1. The form of the Ground Lease presented to this meeting to be executed and delivered by the Administrative Director of the Commission or the [identify other authorized officers], or the designee of any of them (each an “Authorized Signatory” and collectively, the “Authorized Signatories”), is hereby approved, with such additions, changes and modifications as this Board may approve upon consultation with legal counsel, such approval to be conclusively evidenced by the execution and delivery of such Ground Lease.

Section 2. The form of the Release presented to this meeting to be executed by any Authorized Signatory is hereby approved, with such additions, changes and modifications as this Board may approve upon consultation with legal counsel, such approval to be conclusively evidenced by the execution and delivery of such Release.

Section 3. The Authorized Signatories, acting individually or collectively, are hereby authorized and directed to do any and all things and to execute and deliver any and all documents, certificates, consents or other instruments which they may deem necessary or advisable in order to consummate the execution and delivery of the Ground Lease and the Release, and otherwise to effectuate the purposes of this resolution, including, but not limited to, the execution and delivery of such related or ancillary documents or certificates as may be necessary or desirable to clarify title to the Site or otherwise consummate the transactions described herein and in the Ground Lease and the Release, upon consultation with legal counsel (approval thereof to be conclusively evidenced by the execution and delivery thereof).

Section 4. All actions heretofore taken by the officers, representatives or agents of the Commission in connection with the Ground Lease or the Release of Site are hereby ratified, confirmed and approved.

Section 5. This resolution shall take effect from and after its adoption.

Acting Chairman Michael Borja – Have we had any kind of legal advice on all of these documents?

Administrative Director Monte Mafnas – Mr. Chairman unfortunately no, but this is basically the same template of the original Okkodo High School, Astumbo Elementary, Adacao Elementary so this is the just an expansion of the existing site.

Vice-Chairman David Matanane – May I Mr. Chairman hear me out this is my take on it. Since we have already an approved lease the original lease all I'm asking is an addendum to the original lease specifying the lot number that has to be released and remember that we're talking about the 2 not the 1. Have the 1 been informed in business aspect if GEFF 1 is not involved in here now? And 2 is asking to make another lease in part of the first lease. So the only way that I would confirm to it is put an addendum and specify as a matter of fact the first lease has specified the lot number and all that. The resolution doesn't specify anything it's just a release which would violate the first lease. There's nothing specific in this resolution and if we are going to this route remember that the Chamorro Land Trust is losing because on all those lots we have only one dollar. We are going into this second lessee Chamorro Land Trust is not going to sit back and say okay. I understand where the Chairman is coming when we were talking but Chamorro Land Trust is separate. Not mentioning it's the lessor, the lessee now it's incorporated that the lessee is supposed to sublease to the lessee. So these two have their own lease together right? It's not specified in here as to how much and what not and what specific area. As far as we're concerned we're the lessor which we only say okay you can use our property and just give me a dollar and you can use it for 30 years, 40 years or what matter. But by going into this second lease it endangers the first lease because I was looking over the first lease and the second lease some of the items are left out. Right now everything is in order right? All the buildings are up and all this now if we release that GEFF 1 is going to say hey wait a minute. My take in it is to make an addendum to the first lease and of course specifying what we're trying to do here. Like I said if we do have an addendum I as a member and to protect the interest of Chamorro Land Trust would ask for some token some consideration not a dollar. We're losing out on this and we could have use this property if they're not, they have already stated a lot not the square meters but the entire lot then why are we releasing that from the entire lot? They need to specify that only this particular square meters where you built, they are leasing the whole lot which is what square meters are those? What is left there? Because it didn't specify whether only the use of a particular square meters which the buildings are up already.

Acting Chairman Michael Borja – Well did we not receive that information already? Did they identify the coordinates of the piece of property that they want to identify?

Administrative Director Monte Mafnas – We're finalizing the map as we speak.

Acting Chairman Michael Borja – Right because that's supposed to be the attachment to this exhibit A.

Vice-Chairman David Matanane – I believe GEFF 1 has to release it to them because we already leased it the whole lot there.

Acting Chairman Michael Borja – Well that's what this is pretty much saying.

Vice-Chairman David Matanane – But inclusive of Chamorro Land Trust.

Acting Commissioner Oscar Calvo – That was one of the reasons why when we had that Board meeting last time that we because in the beginning they wanted just to incorporate it into that one lot and remember I said that we wanted to identify that piece of property that way it will not at the same token it will not endanger also the others. Not only that also the bonding issue which Mr. Pangelinan had stated that it will not endanger.

Vice-Chairman David Matanane – But it has to be in writing.

Acting Chairman Michael Borja – It was also one of the requirements that Land Management requires in order to certify these kinds of things that the land be specifically identified so they're providing that information. They've done it and it was going to be part of the exhibit.

Acting Commissioner Oscar Calvo – But it's not in the existing.

Acting Chairman Michael Borja – It's not in this exhibit because all we're doing is if we approve this resolution is to direct the Administrative Director to move forward with this process to do this. GEDA and the Governor of Guam together are part of this whole package in coordinating the bonds for the island to build the school. I respectfully object to Mr. Matanane's suggestion that we look at charging this finance the Guam Education Financing Foundation 2 significantly more amount in the cost of the lease because the purpose of the Chamorro Land Trust Commission is to provide lands for the people and for the needs of the people whether it's for farming for housing and in this case it's for a public school. It's something that is for the benefit of all the people of the island. Any kind of additional charges to this corporation who is it's a lease to own kind of project is only going to fall back on us again as the people where the cost of this lease would be part of the cost of construction and part of the cost of what we have to get on the bond and what we have to pay back for. I kind of think if it was in a different situation where it was a for profit organization that was leasing our lands then there will be a different situation there but in this case I think because it's for public use.

Vice-Chairman David Matanane – Understood Mr. Chairman but we're talking about another party. We're not talking about the GEF 1 which is in control of that piece of property already. If whatever they decide we allowed them to go ahead and build. The school is up already, the buildings are up and they're tactic here is saying that they're going to increase. All of a sudden now that we're going to take from 1 and give it to 2?

Acting Chairman Michael Borja – They're going to take the original amount of land that was given for the building of the school and now they're going to add to the existing school on the same overall property but in order to be able to bond it properly they need to specifically identify that other piece of property out of it as well as create a different organization internally and that's what they've done for their own bond market and that's what it's about.

Vice-Chairman David Matanane – But when we gave the lease to GEF 1 we gave them the whole lot and it doesn't specify whether it's a portion or not. It's the whole lot right?

Now its incumbent upon 1 and 2 to since Government of Guam is already a sub-lessee of the sublease why are they creating another 2 where they're one and the same? All I'm asking is look at it closer and then we don't have to deal with another party.

Acting Chairman Michael Borja – In all aspects they're the same people.

Vice-Chairman David Matanane – Legally they're two separate because 1 and 2 are incorporated.

Acting Chairman Michael Borja – But really that was established for the purpose of the bonding.

- * Vice-Chairman David Matanane – Even if you change the name you're still a separate individual because a corporation is ~~not~~ an individual. So all I'm saying is but 1 has to release that.

Acting Chairman Michael Borja – And that's what it is, that's what we're doing here is the execution of the release. That's what this resolution is about. We're asking to release.

Vice-Chairman David Matanane – But the resolution is not specific.

Acting Chairman Michael Borja – And then to lease it back. It's not specific to give the full details because the full details will come in this lease. It has to be coordinated with the Administrative Director through all the other appropriate agencies and in this case even Land Management to come up with the specifics because this lease is not even completed.

Vice-Chairman David Matanane – I understand, maybe I'm not an attorney Mr. Chairman but you know we have already a good lease that is working and now we're saying we're going to take 1 a portion of that piece of property and we're going to re-lease it to somebody else. As far as I'm concerned you're violating the lease.

Acting Commissioner Oscar Calvo – One of the reason why I stipulated that in that board meeting last month because remember this is money that's going to be funded by the local bank and everything and what they originally wanted in the beginning was to use that entire map and I didn't like that for one simple reason at the time because it's going to be held under the local bank whoever the bank it whether it Bank of Guam or somebody. They would have you know at any given time default of the payment or whatever the bank itself would have title to that piece of property and that's why I explained to them that I don't want I want that portion cut out basically because it's still within the same it's still all the same concept. But if they default in their payment in the future whatever okay then the bank does not have to take the entire but only that particular four acres of lot. And that was the reason why I simply said that in our board meeting and that was their and they totally agreed I mean not that they agreed but they agreed to that degree because that was my reason there was if I you know if the bank itself of course if they see that whole lot and if they default guess what either you pay me whatever the amount that was being taken at the time.

Vice-Chairman David Matanane – That’s where I’m coming from Mr. Chairman. That’s true we can but what I’m saying is you already have to be specific on this new one because we’re talking to two different individuals. We’re not talking to the same individuals as they say they are but hey it’s an incorporated it’s two different individuals they can call it three or whatever you know. But that portion that is responsible or we have a lease to is 1 so 1 has to release that because we will violate our own lease agreement by going in there and trying to maneuver it. It’s all fine and dandy and I appreciate you know that the buildings are up its going well but Mr. Chairman I’m kind of leery about you know us breaking the lease. I don’t like the idea of the lessor and lessee then you include the one that’s supposed to the lessee leasing it to a sub-lessee all in one package because we don’t know what is the arrangement between the lessee and the sub-lessee. You know it’s not in here. Now here you are they’re asking the lessor which is the principle owner which Chamorro Land Trust owner and yeah we’re going to sit back and they do it and then by coming in to take action on the lease we are breaking the lease as far as I’m concerned. I’m not an attorney but to me if it’s me with somebody else..(interrupted).

Acting Chairman Michael Borja – Well that’s what they already have. They already have one of the documents that they submitted to us for review which is something that’s signed by actually original certificate trustee, the insurer, the Governor, the Department of Education and the Chamorro Land Trust Commission Administrative Director and that is to release a portion of the site of the original site from the original lease for the purpose of modifications and improvements. So there is actually three documents here of which we are acting on one. One is the resolution for us to agree to this to occur.

Vice-Chairman David Matanane – Agree by who?

Acting Chairman Michael Borja - To agree that the Administrative Director to proceed with fulfilling the requirements that are needed for the additional release of the first lease.

Vice-Chairman David Matanane – But we’re talking about the 2, GEF, but they have to agree with the original lessee the GEF 1 not 2. Make an addendum for this particular lease and specify that particular lot where Okkodo and even this one here is spelled Okkodo and the other here the original is Ukudu. So I don’t know which one but my take is you still stick to the original and nothing change except for the change that we are doing.

Acting Chairman Michael Borja – Well that’s what this would be. This release would be part of the original document.

Vice-Chairman David Matanane – I’m looking at the original lease and the new lease here there’s some items that were left out. To me this is working all we need to do is make an addendum.

Acting Chairman Michael Borja – That’s what this is this is almost like this is an addendum.

Vice-Chairman David Matanane – But it’s a release sir, that’s a release.

Acting Chairman Michael Borja – A release of a portion of land that is specifically part of the original ground lease the original lease.

Vice-Chairman David Matanane – But we cannot release that unless 1 here agrees to it.

Acting Commissioner Oscar Calvo – I think what Dave is basically saying if we can get that and be some sort of a letter from 1.

Acting Chairman Michael Borja – That's what this is.

Vice-Chairman David Matanane – No that's 2.

Acting Chairman Michael Borja – No this is 1, the original people have to sign this and that includes the original certificate trustee. The original people are signing the release of that portion of the land and that's what this document is about and then this is the new lease to talk about the new specific piece of the original property that is going to have the additional construction put on to the school and then the resolution specifically is for us just to say proceed Mr. Administrative Director.

Administrative Director Monte Mafnas – Right. I would like to begin by stating that in the spirit of one Government this is because of public necessity, public convenience and public taking. That's why we're building the schools, that's why we're expanding the schools because of the needs of the people right. And number two, the ground lease is in effect but all these documentations were prepared by their (GEDA) legal counsel and it clearly defines that Chamorro Land Trust is the owner, Government of Guam is the owner in fee simple. It clearly defines that the departments involved is GEDA, Administration and of course GEFF 1. So everything is annotated properly and ensured that it's legal, it's a working document and we can go before the Board, the bond and to go through the banking regulations to ensure that it is legal and viable and will enable the loan to be booked and granted. So all the necessary due diligence have been taken by GEDA. Now because it's an expansion it's now the foundation would be GEFF 2. So I laud and applaud Commissioner Matanane's concern because 1 it a corporation totally different from 2 although they may be the same principles but it's two different corporations. But it's a non-profit organization that has the same purpose. Obviously this is beyond me and I'm saying that because they're trying to effectuate the expansion they need this documentation that was prepared by their attorney to adhere to all the legal ramifications needed. And to effectuate this expeditiously it was via resolution form. It does address the release and it does address the ground lease. So in my opinion Mr. Chairman and Commissioners, GEDA has done their due diligence. GEDA has two law firms that represent them. We don't have our attorney at this point in time but I'm willing to say that it's not only bullet proof it is done correctly. All these documentations are to protect not only the Government of Guam everyone who is signing and the end result is for public necessity for the schools for the kids for our kids. So I'm just saying that I respect Commissioner Matanane's tenacity about different corporations but the terms and conditions are addressed and adhered.

Acting Chairman Michael Borja – Were GEDA and GEF 1 advised of this meeting?

Administrative Director Monte Mafnas – Yes.

Acting Chairman Michael Borja – So while we're going through this you said they provided you with the map already.

Administrative Director Monte Mafnas – Yes, I didn't see it yet but according to Peter they already got it all approved already because I don't sign the map, that map those maps are signed by Chief Cadastre Surveyor Paul Santos and they did not give me a copy.

Vice-Chairman David Matanane – This one here the statement but this statement is saying GEF 1 is assigning it. 1 is assigning but specify in the resolution that they have already you know that GEF 1 is releasing it because they are the principle lessees.

Administrative Director Monte Mafnas – But they are assigning, simultaneously everything is moving forward to effectuate..(interrupted).

Vice-Chairman David Matanane – Make the specification in the original lease. That's where I'm coming from let's make it right, I don't know whether this thing will jingle it up. But as specified in the original lease which is Okkodo with tract number and all that. Specify that and GEF 1 is releasing or subleasing it to GEF 2 to us to inform us and then we can accommodate them. You understand Mr. Chairman where I'm coming from because right now we have a good working lease already which is 1 now. Now they would have to explain to us 1 has to explain to us and be specific according to our lease agreement the first one and if they want to sublease it to somebody else that's fine. Why are we involved?

Acting Chairman Michael Borja – Because the lease specifically says they can't sublease.

Vice-Chairman David Matanane – We're going into a new lease with 2 which is two different. Right now we have one with 1 and GEF 1 wants to give it to 2. That's not our part that's their part. We already accommodated them with this the original lease. Now if they want to make information to us the lessor just inform the lessor because we already gave them that lease.

Acting Chairman Michael Borja – But the lease specifically says that they are not allowed to sublease and so they can't sublease to their other new entity. So basically what they're doing is they're saying GEF 1 is saying I release this square off and this portion out and then here's the new lease that GEF 2 says we take this piece of property to continue the construction of the school under pretty much the same requirements of the part that they can't sublease so it's all been established out.

Vice-Chairman David Matanane – But did the corporation then stipulate it? GEF 1 write us and saying they are subleasing it.

Acting Chairman Michael Borja – They are not subleasing it.

Vice-Chairman David Matanane – Then we're going to a new agreement.

Acting Chairman Michael Borja – That's exactly what it is.

Vice-Chairman David Matanane – All I'm saying this new agreement we will not accept for one dollar.

Acting Chairman Michael Borja – Well okay but that's what could be determined here but I still don't agree with a having to change that amount from a dollar to anything..(interrupted).

Vice-Chairman David Matanane – Because we're going to do a new lease.

Administrative Director Monte Mafnas – A hundred percent increase it by a hundred percent.

Acting Chairman Michael Borja – To two dollars?

Administrative Director Monte Mafnas – Two dollars right.

Vice-Chairman David Matanane – Here's is where I'm coming from Mr. Chairman we got to be careful because GEF 1 has to give us a notification that this is what they are trying to do because we have a good lease with them already.

Acting Chairman Michael Borja – Well they have by coming to our meeting specifically. They've provided the documentation saying this is what their intent is to do and then this is what it is. When it gets signed out it's the announcement that they're releasing and then this is the other one that says we're taking.

Vice-Chairman David Matanane – I would be more comfortable by having the corporate 1 write us a letter giving those information in letter form and signed by the President of the corporation because this exert is and not to violate any other lease the original lease.

Acting Chairman Michael Borja – Well that's what this release of additional improvements is and they all are signing it. I mean it's not just the GEF 1 principles who are signing it's all their financiers that are signing it as well because they have to because it's part of a bond. So that's why you have on the first page you have the GEF 1 folks, Wells Fargo..(interrupted).

Vice-Chairman David Matanane – But the release is not specific as to which part of the lease should be released.

Acting Chairman Michael Borja – Well that's what this can be worked on this is still a draft. You would have to attach an exhibit saying this is the piece of property that is being taken out and that's what we told them in the meeting last time that they need to..(interrupted).

Vice-Chairman David Matanane – So it's still in draft form.

Acting Chairman Michael Borja – It's still in draft and yes and I agree.

Vice-Chairman David Matanane – What I'm looking at then wouldn't it be easier just to make an addendum with them because it's one and the same? Why incorporate yet another entity?

Acting Chairman Michael Borja – I don't know whether an addendum would work because there's all these other parties that are involved in the financing of it that have to be part of the signatory to release that piece of property because it was an original part of the financing and so for financial reasons they have to do..(interrupted).

Administrative Director Monte Mafnas – The addendum is not as complete as a release and then enter into a new lease agreement.

Acting Chairman Michael Borja – But I think what we can say here is let's say in a motion to approve this resolution that there be other things specifically required for it and that would be that..(interrupted).

Vice-Chairman David Matanane – GEFF 1 is releasing Okkodo.

Administrative Director Monte Mafnas – As stipulated on the resolution, right here it says to release.

Vice-Chairman David Matanane – Whole or in part?

Administrative Director Monte Mafnas – Whole.

Acting Chairman Michael Borja – The original requirement for the school is complete but now there has been a desire to expand the school and that becomes a totally separate financial bond.

Vice-Chairman David Matanane – I'm so advance so all I'm saying is then 1 could say you go check 2 because we already handed it over to them because you have released it to them you have struck up another lease.

Administrative Director Monte Mafnas – I appreciate your concern you know..(interrupted).

Vice-Chairman David Matanane – All I'm saying is I'm concerned right now because it's still in draft form and I'm airing out my you know because I've been going over it so many times I even came down here to get a copy of the original. So you know I've been

sleepless nights trying to figure out what I even wrote on the back who is the lessor here and who is the lessee.

Administrative Director Monte Mafnas – We are the lessor we are the Government of Guam we are the lessor.

Vice-Chairman David Matanane – Yes I understand who's the lessor and we're giving it for a dollar.

Acting Commissioner Oscar Calvo – I think we'll opt that to two bucks. But that's why basically Mr. Chairman that's why I really brought that intention because on the financing issue on the local portion. Because at any given time that the default of that payment what is to stop the local bank and say you know what even though there is and Dave's portion there is to really making sure because if anything was to happen then the other big portion of the property would be clear. And I made that statement clear actually with them that day I don't know if we have that we should have that in the minutes.

Vice-Chairman David Matanane – Back then Mr. Chairman we went over this we even came in twice to just battle it out and you know trying to make it into a good lease which is a good lease but now I'm kind of leery that it might violate the first lease.

Acting Chairman Michael Borja – It won't because the financing company organization of the Government of Guam is GEDA and they are the ones that are behind all of this as well and to ensure that there is no violation of their bond agreement because the last thing they need to do is do something stupid like that and take the bond ratings to sever.

Vice-Chairman David Matanane – I understand Mr. Chairman but we are troubled with the lessee. In any case let's say the Government of Guam didn't pay and we're the lessor of the lease and everything goes well in there the lessee says you violated our contract. You know anything can happen I'm not assuming things Mr. Chairman but I'm really concerned because now we're going in there to dissect this one here to go into a new one which I'm kind of leery.

Acting Chairman Michael Borja – Whether or not the Government of Guam can pay for its bonds is way beyond our (inaudible) and our responsibilities. What are some of the specifics though that we need to have to ensure that it is dealt with in the release of the land and in the new lease of the new land?

Administrative Director Monte Mafnas – Number one this was a template and a law that was passed in 2008 to build four schools and to allow GEF to build it, Liguán, Adacao, Astumbo and Okkodo. In the year 2010 the 31st Legislature passed a law, codified into law an amount of 2.9 million to expand Okkodo for a capacity of 1200 students to 2000 students. So GEF undertook the evaluation, took this to GEDA so we're actually just following the law that was passed and codified at the Legislature and approved by the Government of Guam. So the players are all the same. CLTC is still the owner in fee simple the same as Government of Guam and GEDA is the financing partner, DOE is

responsible, DOA and the terms and conditions are the same as GEF 1. The only difference here is the expansion of the building, the lot numbers are the same, the municipality is the same and ask to increase rent to two dollars.

Acting Chairman Michael Borja – So in this new change then the release documents needs to specifically state with an exhibit what that piece of property is that's being released and that exact same document needs to be included in the ground lease that shows what that specific property is for this new lease.

Administrative Director Monte Mafnas – All these terms and conditions are set in stone so that financing is afforded.

Acting Chairman Michael Borja – Correct and that's the way I see it as well. So we go back to this resolution which basically is as Commissioners of the Chamorro Land Trust Commission and our fiduciary responsibilities is to ensure that we're looking after the Land Trust and the protection that we agree with this resolution or not agree with this resolution. Now resolutions in themselves are not normally extremely specific because resolutions are not totally binding they're a direction in which we're telling someone to proceed with. So the details that you would normally see in a lease are not in there either but it's a direction for our Administrative Director to proceed with moving on with the release of that property and then to lease it back again under the new corporation for the purpose of expanding Okkodo High School.

Administrative Director Monte Mafnas – And to quantify it quantitatively the Attorney General of Guam will sign off together with the Governor of Guam. So this is a law that has been codified and passed.

Vice-Chairman David Matanane – I understand but maybe we can also put it in the resolution as this is only for the improvement of the Okkodo. A specific part that we need in that resolution. You know so they know where we're coming from and we're giving them the authority to go ahead and sublease it.

Acting Chairman Michael Borja – Well I can see that it doesn't specifically state well it says for the Okkodo High School so that's the general part of what we're talking about is the Okkodo High School. There's not really going to be giving Mr. Mafnas the ability to go and release itsy bitsy bits of property to..(interrupted).

Vice-Chairman David Matanane – Whereas Mr. Chairman that GEF 1 agrees to portion off that piece of property and lease it to GEF 2.

Acting Chairman Michael Borja – And they are.

Vice-Chairman David Matanane – Just put it in the resolution I believe so we can identify that we knew about it.

Administrative Director Monte Mafnas – In addition to that Commissioner Matanane they modernized not only all the documentations but also the survey map.

Vice-Chairman David Matanane – But you have the survey map?

Administrative Director Monte Mafnas – Yeah right here.

Vice-Chairman David Matanane – No I'm fine now.

Administrative Director Monte Mafnas – And the Administrator will be here in about 10 to 15 minutes.

Vice-Chairman David Matanane – All I wanted is to make it into a detail so we all really understand.

Acting Chairman Michael Borja – I think pretty much this resolution can go as it is. But the motion can be on the floor that we want to be assured that there will be an exhibit in both the release and the new lease and that GEF 2 provides in writing that they are releasing that piece of property, they desire to release that piece of property so that construction can begin under the GEF 2. And that would be the direction for the Administrative Director to bring this to a close.

(Commission took a break from 1:55pm to 2:05pm)

Acting Chairman Michael Borja – In our discussions earlier we have Mr. Karl Pangelinan from the Guam Economic Development Authority here now so are there any specific questions that we have for Mr. Pangelinan that we need to clarify in this matter? Basically what we have before us is a resolution, a release of property and a new lease for that piece of property that's going to be leased by the new entity called Guam Education Financing Foundation II.

Vice-Chairman David Matanane – Everything is fine Mr. Chairman. Mr. Pangelinan I would like to ask a question on the resolution since you guys prepared the resolution we would like to have also on the resolution indicating that this particular release or new lease that's coming up would be in part on the resolution and also in the new agreement that lease one would not be hindered by this. We need from GEF 1 agreeing that they are willing to release that particular portion and to this thing people will be leasing that particular property and specified in land maps and put the lot number. Those we need so we're actually trying to put a disclaimer on the lessor themselves saying that any part that lessee and sub-lessee you know that the lessor is covered on that. Anything that you guys have worked together shouldn't hinder that particular lease and the upcoming new lease.

Karl Pangelinan (GEDA) – Correct.

Vice-Chairman David Matanane – And also a release of that. The main thing is that we need 1 all the corporate entity or board members authorizing the release.

Administrative Director Monte Mafnas – May I make a suggestion that have GEF 1 to sign off concurrently with GEF 2.

Vice-Chairman David Matanane – Very good.

Administrative Director Monte Mafnas – Would that be acceptable?

Vice-Chairman David Matanane – That would be acceptable because they know what's going on because right now they are not.

Administrative Director Monte Mafnas – And it will become an annotated document.

Karl Pangelinan (GEDA) – Mr. Vice-Chairman that's a very reasonable request and something that I can make of both entities and we'll be able to furnish that.

Vice-Chairman David Matanane – And that will be good yes as long as we specify and you know we won't hinder the first lease it's all going well and it's flourishing and you know we don't want to hinder it.

Karl Pangelinan (GEDA) – Okay we're probably doing the banks a favor.

Acting Commissioner Oscar Calvo – And also especially on the bond issue that's the reason why you know I think the bond company would not you know at least not to worry with the because we're out of that one they'll still be maintaining that one.

Karl Pangelinan (GEDA) – There's a clear delineation.

Acting Commissioner Oscar Calvo – But I don't the yeah to affect that in that way it's clear tone both sides of the financial company the local and the Okkodo that was leased out I mean for the bond issue. So that solves the financing issue is totally different and because when you state that it is a local financing and I just don't want that like I said earlier that..(interrupted).

Karl Pangelinan (GEDA) – We don't need anything to be cloudy.

Acting Commissioner Oscar Calvo – Exactly.

Vice-Chairman David Matanane – Who's the trustee for the first one?

Karl Pangelinan (GEDA) – The trustee for the first one I believe was Wells Fargo.

Acting Commissioner Oscar Calvo – Wells Fargo is not here no more.

Acting Chairman Michael Borja – No in the states.

Karl Pangelinan (GEDA) – Nationwide.

Vice-Chairman David Matanane – The second also is still Wells Fargo?

Karl Pangelinan (GEDA) – I believe so, I'm not too sure who the trustee was selected but I can get that information to you.

Vice-Chairman David Matanane – I believe I read that.

Karl Pangelinan (GEDA) – Wells Fargo nationally is arguably the largest trustee company nationally.

Vice-Chairman David Matanane – It's a part of some local entity here too.

Karl Pangelinan (GEDA) – No they don't have any.

Administrative Director Monte Mafnas – They don't have any office or activity on Guam.

Karl Pangelinan (GEDA) – I believe there's maybe like a local depository but remember the GEF 2 structure is going to be completely separate. GEF 1 was a traditional bond more of the traditional bond structure where this one it's looking like local banks are going to be lending.

Acting Chairman Michael Borja – Any other discussions on the matter or any other questions for Mr. Pangelinan?

Acting Commissioner Oscar Calvo – I have no.

Acting Chairman Michael Borja – Is there a motion on the floor to adopt this resolution to approve and authorize the execution of a ground lease and release and the taking of related actions? Is there a motion?

Vice-Chairman David Matanane – Motion that what Mr. Chairman had mentioned and also with the inclusion of that particular exhibit of land maps, disclaimer for the lessor on the resolution itself and a letter from the GEF 1 agreeing to that release if they make that release from the original and it will not hinder any part of the old lease which is the current lease.

Acting Chairman Michael Borja – Okay so let me just repeat that. The motion is to approve the resolution and also to include in this resolution an exhibit of the land map of the piece of properties that are in affect for this resolution and a letter from GEF 1 saying that they want to release this portion of the land to GEF 2 for our record. So that's the motion. Do I have a second?

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – Okay I'm going to take a roll call vote just so we can have it for the record. Mrs. Santos do you agree, how do you vote?

Commissioner Amanda Santos – Yes, I do.

Acting Chairman Michael Borja – You vote aye. Mr. Matanane?

Vice-Chairman David Matanane – Aye.

Acting Chairman Michael Borja – I vote aye and Mr. Calvo?

Acting Commissioner Oscar Calvo – Aye.

Acting Chairman Michael Borja – So we have 4 ayes in favor. There are no noes. All, its unanimous vote.

Acting Commissioner Oscar Calvo – Thank you.

Vice-Chairman David Matanane – Thank you Mr. Pangelinan.

Karl Pangelinan (GEDA) – Thank you very much.

Acting Chairman Michael Borja – There being no other further business on our agenda is there anything that someone wants to bring up on any matter?

Layao & Quintanilla eviction notice

Administrative Director Monte Mafnas – Yes today we'll be officially giving notice to Layao Enterprises Mr. Feliciano Layao and Mr. Jesus Quintanilla to vacate Lot 6, Tract 1112, municipality of Dededo, Guam.

Commissioner Amanda Santos – To vacate.

Administrative Director Monte Mafnas – Yes notice to vacate with thirty day notice on or before the 10th.

Commissioner Amanda Santos – It's about time.

Administrative Director Monte Mafnas – Yes.

Acting Chairman Michael Borja – Thank you very much everyone.

IV. ADJOURNMENT

Meeting adjourned at 2:13pm.

Transcribed by: Teresa Topasna: *Teresa Topasna* Date completed: December 11, 2012

Approved by Board motion in meeting of: *Dec. 20, 2012*

Administrative Director, Monte Mafnas: *Monte Mafnas*

Date: *12-20-12*

Chairman (Acting), Michael Borja: *Michael Borja*

Date: *DEC 20, 2012*

**With correction on page 5.
6*

IGNACIO F. SANTOS

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December 11, 2012

Monte Mafnas, Director

Chamorro Land Trust

Hagatna, Guam

Subject: Request to Provide Public Access Easement

Dear Sir,

Pursuant to discussions that was held a few months back at a round table meeting with various government representatives and the Mayor of Yigo to mitigate potential increases to traffic circulation, water and wastewater issues within the Mataguak, Yigo area. This meeting was to identify and initiate corrective measures that would that would benefit all development in the area.

Therefore, in order to provide for a responsible comprehensive planning that would benefit the end-users of Mataguak, attached is a sketch showing the necessary road improvements that would be needed to benefit the area.

SongSong Hills Subdivision Development Group has also agreed to the funding of the physical improvements needed to develop the public access road. We feel that the development to area will greatly enhance the aesthetics of the area as well as benefit the area.

I request your attention on the enclosures and look forward on presenting this request before the Commissioners of the Chamorro Land Trust.

Si Yūs Mañse,



IGNACIO F. SANTOS

Principal in Charge

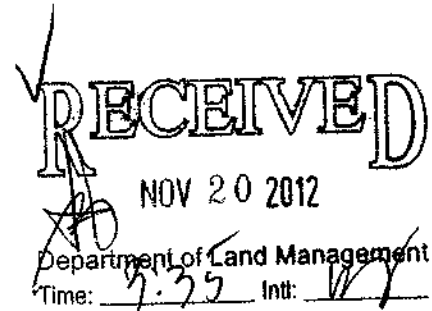


GUAM WATERWORKS AUTHORITY
ATURIDAT KINALAMTEN HANOM GUAHAN
578 North Marine Corps Drive, Tamuning, GU 96913
Phone: (671) 647-7681 Fax: (671) 646-2335

November 20, 2012

VIA HAND AND ELECTRONIC DELIVERY

Monte Mafnas
Director of the Department of Land Management
590 S. Marine Corps Drive
Suite 733, ITC Building
Tamuning, Guam
e-mail: dmdir@dml.guam.gov



Dear Monte,

As you know, GWA is seeking to build a new water tank on Chalan Villagomez adjacent to Latte Heights that will serve much of Northern and Central Guam. Construction of this tank is also required to comply with the United States Order for Preliminary Relief in the United States District Court of Guam Civil Case No. 02-00035. In order for GWA to fully construct the water tank, GWA needs to obtain access to and ownership of lot No. 5380-12 as contained in the attached Land Survey Map. GWA is also seeking to have the attached Land Survey Map recorded at the Guam Department of Land Management. Lot 5380-12 is for all intents and purposes too steep to build any home on and will be used by GWA for a drainage basin, construction of a support wall to prevent the slope from collapsing and also to put a line connecting the new tank to existing water lines. GWA is seeking formal approval for this request and it will take whatever reasonable steps are necessary in support of this request. A quick response would be appreciated as the court deadline is an issue.

Sincerely,


John Benavente
GM Consolidated Utility Services

Attachment: Land Survey Map created by TG Engineers

cc: Martin Roush, GWA General Manager
Sam Taylor, GWA Legal Counsel
Thomas Cruz, GWA Chief Engineer

