



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 435 Fax: 649-5383

REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Thursday, April 16, 2015; 1pm

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

David J. Matanane
Chairman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. March 19, 2015

IV. PUBLIC COMMENTS

V. OLD BUSINESS

1. Ricardo T. Garrido & Daniel Yamamoto – Lease addition
2. GLUC Resolution 2015-02 relative to subdivision map requirements
3. CLTC Rules & Regulations for Commercial Use Status Update

VI. NEW BUSINESS

1. Approval of Loan Guarantee Publication List
2. Sofia Palacios & Glenda Palacios: Lot 10122-39, Dededo
3. Torres et al Agricultural Lease: Lot 10140-4, Dededo
4. Rosemary Muna: Portion of Lot 10154, Yigo (no lease, req utility)

VII. DIRECTOR'S REPORT

1. Revenue collection report for the month of March 2015
2. Authorized signatories on account

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT



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COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr, ITC Building, Tamuning
Thursday, April 16, 2015; 1:05pm – 3:22pm

I. CALL TO ORDER

Meeting was called to order at 1:05pm by Chairman David Matanane.

II. ROLL CALL

Present were Chairman David Matanane, Commissioner Pascual Sablan, Commissioner Amanda Santos, Legal Counsel Kristan Finney and Administrative Director Michael Borja. Not present was Vice-Chairman Joseph Cruz.

III. APPROVAL OF MINUTES (March 19, 2015)

Commissioner Amanda Santos moved to approve the minutes of March 19, 2015 subject to corrections. Commissioner Pascual Sablan seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Glorieto Aganon – Good afternoon everyone my name is Glorieto Fejeran Aganon resident of 172 Mapolo Loop and this is my wife Justina Aganon. If I may I'd like to start from the beginning so that way we're all on track with what transpired here. Back in '79 my parents bought a house in Ghura 505. During those times I try to acquire a permit to farm in the back of those housing and this was run then by the Land Management. I don't know if anyone is aware of this but it was \$10 for an application. Nothing else is given to you but a little piece of paper saying that you paid \$10 that's it. They take your name and your interest and that was it. The gentleman that I spoke to the time that I went down there he said that road is an easement, behind your house is an easement those houses are easement. I said that's fine I understand that but they're not using it now. He said go ahead and use it if you want to however, do not plant any permanent trees there because if they do take that land back they're just going to yank your trees out. I said okay that's fine. So I went further back beyond the easement about 50 feet. So I have a pig pen and behind that I have you may call them gardens. We have photos here to show that we did have. Anyway during all this commotion I think it happened in 1983.

Justina Aganon – '93. Actually to finish off what he was trying to get to you he actually purchased his own home across the street from his parent's home. Our house is at 172 and he purchased that back in 1985. During the time that all of the commotion was going on with Chamorro Land Trust starting to assign the properties behind the housing up there we actually had to go and

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have everybody sign a petition so that we could prove to the Dededo Mayor that we had been farming the land.

Chairman David Matanane – You mentioned something that you bought the property in 1985?

Justina Aganon – His house.

Chairman David Matanane – From whom?

Administrative Director Michael Borja – They bought a house in the GHURA subdivision not in the Government land.

Justina Aganon – Not in that property it's one of the houses on that side of the road on Mapolo Loop that abuts the property in question.

Glorieto Aganon – During all this commotion and all that stuff okay I came to Land Trust and tried to get some solution. Mr. Borja (Joseph Borja) said well I haven't signed leases yet. I said okay well I hope you don't. I hope you look at all these people that are utilizing this property and he said well I haven't signed it yet so I left it at that. So I keep trying to follow up on it and then he says okay you need to prove to me that you are in fact using the property. So I went to the Dededo Mayor's office and the Dededo Mayor said well I can't just sign you a letter you have to prove it to me that you know you are in fact. So I went around the neighborhood the people that lives around there and I got them a signature. So that's what I presented to the Mayor.

Justina Aganon – That's everyone who had been eating out of that garden, free vegetables for years.

Glorieto Aganon – That's how I got the letter from the Mayor. By the time Mr. Borja got the letter he already signed the lease because I was too late.

Commissioner Amanda Santos – Who's the mayor at that time?

Justina Aganon – It was Scott Duenas and we had to wait we were waiting for a few weeks to actually get this letter printed up from the Mayor's office. And I believe it was something in the range of about three days before we got the letter from the Dededo Mayor's Office that they went ahead and they signed that lease to Mr. Tajalle and his father. There are two separate lots of land. One is to Mr. Jose and one to Mr. Joey. We also have pictures of all of the farming that was going on on the property down in the back that they took and gave to a Mr. Jose.

Glorieto Aganon - You know it's a good thing that I was able to take a photo of what was there because what happened when all of this commotion was happening he had a bulldozer down there so I call CLTC to come and please stop this gentleman because he's about to bulldoze all my plants. Two persons came Eileen I think her name is Eileen but

there was two of them one gentleman and one lady. If I see the lady I can tell you who she is. But we stood up there behind my house we're just watching and I'm going I can't believe this is happening.

Administrative Director Michael Borja – This is Wusstig road coming from Marine Drive right here this is the area that was formerly the GHURA housing.

Commissioner Amanda Santos – By NCS?

Administrative Director Michael Borja – No, no, no here's Marine Drive in Dededo, Wusstig Road coming in and then you come across a housing area a little subdivision which was formerly GHURA housing now private homes. The Aganons own two properties Lot number 25 and 23 in the end of this line. This is Chamorro Land Trust properties that are around here. This open area right here was subdivided into two lots which had been or are currently being leased by Mr. Joe A. Tajalle and his father Mr. Joseph Tajalle. The area right here this is the easement that they were talking about that's adjacent to the subdivision and to the Tajalle leased properties. Now what has happened since this map is drawn you can see the outline is that they created a road that cuts through this property here goes around and this connects to F.B. Leon Guerrero and Simon Sanchez High School back in the back right over here. So this area is an easement on the map and the Aganons were farming in this area here which is now been leased to the Tajalles. So the concern they have is they are farming and this is their concern is that their farm is in here that they were talking about was bulldozed away. They have since been awarded this lot here it's a four acre lot from the Chamorro Land Trust. However, the same may be explained of the four acres there's not very much of it that is really suitable land for farming and it's very rocky. But they've planted a lot of trees and if you look at their photographs you'll see that they had a pretty good little farm going on that's quite healthy. So the issue we have here now is trying to keep the easement free. Mr. Joey Tajalle is trying to use up and assume to use full use of this easement area and that's where we have some issues on.

Chairman David Matanane – Can you explain you said you were farming on that piece of property?

Administrative Director Michael Borja – Yeah prior to the CLTC's assignment of properties and before CLTC came into existing back prior to 1994 they were farming back in the back since probably the '70s and '80s. They had cultivated all this property back here cleaned it up and farmed it. From the pictures I've seen it's a pretty healthy looking farm.

Justina Aganon – I'd be happy to share those pictures with all of you I have pictures of all of the crops.

Administrative Director Michael Borja – The issue we currently have is that there's the problem with Mr. Joey Tajalle who is a retired Federal firefighter now residing here and he also owns a home I believe it's lot number (interrupted).

Justina Aganon – 27.

Administrative Director Michael Borja – 27 and I've visited this site there is an encroachment by Mr. Tajalle's GHURA home into his easement area and then he connects it right into these leased properties. So there is some contention going on between neighbors in this area. They're looking for some kind of resolution or solution to try and keep Mr. Tajalle from continuing to bulldoze and to allow them to at least have some semblance of a back yard farm as well. I told two things, come and speak to you Commissioners so that it can be a matter for the record and then I would have to look into what we can do now. It is an easement it still is a designated easement. I explained to them that I can't just take this easement and erase the lines and that it would require legislative approval to do anything. Because what Mr. Tajalle is trying to do is to say that and there's nothing that we can find documented that says that the taking of his property on the edge of his boundary here for the use of a road was going to be exchanged with this easement. He told me that there is a verbal agreement but there is nothing written anywhere that says that. But I told him that I can't just make this land exchange without legislative approval.

Chairman David Matanane – Have you spoken to Mr. Tajalle?

Administrative Director Michael Borja – Yes I did. I went out and actually visited this site not for this reason but for another reason because a person using Wusstig Road had complained that he had put up things on the road along the roadway very close to the edge of the road. And what he had done was he had cut back the jungle and he had kept the grass cut but he had put out tree stumps and whatnot along the edge of the road. So they were complaining that you can't even pull off onto the side of the road if you had to. So I went to go take a look and to see what's going on and he happened to be home and so we talked about what was going on and he gave me his explanation what was happening here and then today I got the Aganons explanation of what had happened on here as well.

Chairman David Matanane – And they have a lease agreement on the other side?

Administrative Director Michael Borja – They have a lease agreement right here on this lot.

Chairman David Matanane – And that's four acres?

Administrative Director Michael Borja – And that's four acres.

Chairman David Matanane – But the Tajalles they have a true lease.

Administrative Director Michael Borja – And they have two, five acre lots.

Chairman David Matanane – Between the two, father and son.

Administrative Director Michael Borja – Father and son. And so what Mr. Aganon was wanting you know I mean his hope was that because he had been farming there he could

have had an opportunity to have leased that and this happened back in about 2004 I think when the Tajalles got the lease.

Chairman David Matanane – When did you get the property on the other side on that four acres?

Glorieto Aganon – After everything was already signed to Mr. Tajalle. So I guess just to (interrupted).

Justina Aganon – It was one of those let's get him to be quiet so that nothing happens kind of thing and they gave us the four acres over there so that we wouldn't say anything about the fact that all of our crops were taken away. There's pictures in that book that will show you where we had put all of the trees on the ground that Mr. Tajalle is now claiming that he was the one that planted them. You can see that there are new saplings in the ground. There is one picture in there where you see a beautiful green lawn going up to a back of a house that is the house at Lot number 25 and all of the debris that was out behind Mr. Tajalle's area and everything has all been bulldozed up into that back area so now it's a complete mess. We can look through that debris from the other house and we can see the kiamito tree where all of the fruits are just falling on the ground that we planted. It's horrible and to have him to be able to come directly up to the back of all of our homes with everything that has transpired in this neighborhood because when they took that ranch away from us they took a substantial amount away from the entire neighborhood. Because I personally used to walk our neighborhood with a wheelbarrow and if people weren't home I would hang bags of vegetables on their doors. Because we didn't do it to commercialize we did it because it was our hobby and it made it us happy to help the people in the neighborhood.

Chairman David Matanane – Let me ask you what solution would you prefer?

Glorieto Aganon – As I was telling Mr. Borja okay I accepted defeat. Whatever injustice happened to me has happened already I guess we can't correct that anymore. So I'm asking all I'm asking is to tell this gentleman to stop bothering me by trying to encroach behind my house. That is all I got left okay. That's all I got left. At least get him away from me because it's going to come to a part where somebody is going to blow up and something bad is going to happen.

Administrative Director Michael Borja – My proposal to the Aganons is (interrupted).

Chairman David Matanane – I think you, Mr. Borja and Mr. Tajalle has to come together and make it settle.

Administrative Director Michael Borja – Well what I was proposing is that because this easement is Government land and it separates the Tajalle lots from the residential lots what I'm looking at is that it be used as a possible buffer zone between everyone and be a neutral area where the residents on the lots would all have an opportunity to use that

because the Tajalle owns one of this house lot and it you know it has to be equal to everybody.

Chairman David Matanane – We got to come together and come to a definite plan where everybody is agreeable and it is Mr. Borja's prerogative to demand if it involves Chamorro Land Trust. So I'll leave it up to Mr. Borja for him and when you do settle then you can bring it to us. Mr. Borja, would you be amenable to that?

Administrative Director Michael Borja – Sure I'll be working with them.

Chairman David Matanane – So Mr. Aganon I'm not trying to put you away because I think like you're kind of heated up too.

Justina Aganon – It's not so much sir that we're heated up is that it looks like a very big injustice and we know that the way things are right now you can't go back and undo what is done. But you can leave that buffer zone there to prevent there becoming more problems. I mean Sunday morning we had the cops out there because he went into the 50 foot behind our house and took our big steel tank. He had a bulldozer come up there and take it.

Glorieto Aganon – He just took it and brought it to his property.

Justina Aganon – We went out there and we specifically told them do not touch that tank and now it's sitting down in the middle of his lot, yard.

Glorieto Aganon – I went to see the Mayor and I asked the Mayor I said please help me out. I want to solve this peacefully as possible. Just tell the gentleman to just leave me alone stop bothering the neighbor and return my tank, that's it. That's what I told the Mayor.

Chairman David Matanane – I think Mr. Borja can be the mediator on this one and you know come together and Mr. Borja you have to talk to Mr. Tajalle and see where he draws the line too because we don't want anything happening out there.

Glorieto Aganon – The damage is done, the damage is done. I lost the land, I lost it already I accept.

Justina Aganon – This gentleman has gone so far as to we planted a laguana tree at the corner of the back of Lot number 25 and it is just 25 side of where the fence post are between 25 and 26. He had some guys go out there a week or so ago and they actually took a down tree and put it on our side of the laguana that we planted so that he can claim it. Somebody has got to do something.

Commissioner Amanda Santos – Does Tajalle have the land lease under his name?

Administrative Director Michael Borja – Yes he does but not to include this easement.

Commissioner Amanda Santos – So tell him what not to do. Tell him he has no right bothering them.

Administrative Director Michael Borja – I'll also be coordinating with the Mayor.

Chairman David Matanane – Okay Mr. Aganon I appreciate your solution on that.

Glorieto Aganon – Thank you very much for giving us the opportunity so you guys hear our side of the story because apparently every time I talk to somebody they say we talk to Mr. Tajalle already but.

Chairman David Matanane – And we'll follow it up with Mr. Borja and when Mr. Borja has got it into conclusion if it needs to be signed documents like that he can do too fine so we can have a record on it of your complaint and the solutions.

Glorieto Aganon – Yes I mean like I said I accept the defeat. I lost my ranch already I know that but at least you know leave me what's left and tell them to stop bothering me.

Justina Aganon – In the event there wasn't any beneficiary and his dad is gone it would be nice to have our ranch back but you can stop before that house that he built because we have no interest in it only the farmable land.

Chairman David Matanane – Thank you very much.

Glorieto Aganon – Thank you.

Justina Aganon – Thank you very much.

V. OLD BUSINESS

1. Ricardo T. Garrido & Daniel Yamamoto – lease addition

Legal Counsel Kristan Finney – From what I can tell in my review of the statute and the rules it doesn't really look like there's any provision to add any co-applicant or co-lessee or anything. Looking just at the way that the provisions talk about a single applicant and then the way that the property passes in the event that the lessee is deceased and it just doesn't look like there is any provision for adding another person. I know that you guys have been doing that. This is just kind of my initial review of the statute, looks like there is not really any support for continuing that practice.

Chairman David Matanane – That includes what I was thinking about that for this particular case is there's an old lease evidently they have moved themselves to Dededo rather than staying in Umatac and you can't jump the list of row of people that are trying to get a piece of property. I think this gentleman here is trying to be ahead of everybody else right whether he's family or not. But we do have an agreement okay so yeah let's stick to changing that not any of the names of the lease but the location.

Administrative Director Michael Borja – Right well in this case with this specific lease I mean the documentation and the request for changing the location of the site was something that we're working on. But in the process of correcting the location especially if it's a portion of lot they wanted to add another name.

Chairman David Matanane – But you cannot change it if you're putting an addendum to a lease because you're just adding on to that particular lease. So to me we should when we do make a motion we'll say cancel the old lease and this is the new lease now that has been and that's it. The name remains the same between the Chamorro Land Trust and the particular person who was granted that piece of property. That's all I mean you cannot just be adding in like I said if we do this and we do have a precedent on it everybody is going to be jumping in can you add my name in it you know.

Administrative Director Michael Borja – Would you guys like to make a motion on this specific issue so we can then proceed in this kind of the precedence for this?

Commissioner Pascual Sablan – I'd like to make a comment the last time I took a stand that originally Mr. Garrido agreed was assigned in Umatac and then up to Yigo and then when they assign him to Yigo or Dededo Yamamoto comes in to the picture. The stand that I took is that either they provide a language here of you know transferring the assignment and also another provision here paragraph that adding Yamamoto but as you said that will open up Pandora's box. **I'd like to make a motion that approve maybe Director review and approve that the transfer of Mr. Garrido but not inclusive of Daniel Yamamoto.**

Commissioner Amanda Santos – I second it.

There were no objections.

Chairman David Matanane – Okay it's unanimous we have approved that the lease agreement between Ricardo Garrido and the lot number should state the Dededo lot and void the Umatac lease agreement.

2. GLUC Resolution 2015-02 relative to subdivision map requirements

Administrative Director Michael Borja – The Guam Land Use Commission voted in their last meeting to approve a resolution that will allow the Chamorro Land Trust properties to be worked out in subdivisions to review and approval of subdivisions for CLTC. So we've got all the maps prepared as part of this overall tax assessment from before. We've gone out and done subdivision of lots. So the whole process of getting that done is two steps closer because we got the land subdivided in subdivision form and then we'll be getting them approved by the Land Use Commission to be authorized as subdivisions. That would put us also a big step forward in preparation for what I'm hoping to get in budget request which has been approved by the Governor's Office to include in our budget for Fiscal Year 2016 the surveying of all Government CLTC properties. It's going to be a three year project but it's going to be a million dollars over three years and that's to survey the lands so that we can issue out properties without having to deal with this issue of not giving leases because there's no surveys. And also to start creating housing subdivisions, subdivisions

of affordable homes. We will be getting to more detail about that but it's also all tied into the Chamorro Land Trust rules and regulations. So I just wanted to present to you that the Land Use Commission did approve the resolution.

Chairman David Matanane – And we do have set plans for that already.

Administrative Director Michael Borja – Oh yeah we have a number of them that are ready to be forwarded.

3. CLTC Rules & Regulations for commercial use status update

Administrative Director Michael Borja – I am happy to finally report to you that the office of the Attorney General and the madam Attorney General specifically as well and as well as our Assistant Attorney General Kristan Finney and the solicitor of the Attorney General Mr. Carl Espaldon have had an opportunity to review the rules and regulations as we have submitted in January 12. I have here what we had submitted to the Attorney General in January of this year and what I have here you can look at it if you would like but this is the final of what came back. It had a lot of red tapes made on here but, I'm just kidding. But it was some very, very good comments which I have adopted in total. The two primary issues that were brought up that are kind of significant is that we had to delete two subsections concerning assignment of lease and subletting of the property. Just to give you an idea what an assignment is the assignment is if a person had a commercial lease with a big building and the business got sold to another owner the lease can be assigned as well. Subletting, if they built a big building and it had a bunch of rooms to make into stores like a restaurant say it's a hotel with shops they can sublease those to have some tenants.

Chairman David Matanane – And that's the only way that you can sublet.

Administrative Director Michael Borja – Right it was mentioned in our rules and regs however, the law Chapter 75, 21GCA does not specifically talk and permit the assignment or subletting of commercial property. So we had to delete this from the rules and regulations. I've already had communication with Senator Tom Ada the Chairman of the Land Committee that I'll be working with him very, very shortly to produce legislation that will amend the law too and we'll talk about the specifics of the language to have assignments and subletting of commercial properties entered into the law. And depending on how this is moving we'll then have the rules and regulations amended to include language that allows assignments and subletting once that law is passed.

Chairman David Matanane – Only on the specific type of situation where you can sublet but an individual house (interrupted).

Administrative Director Michael Borja – No, no you can't sublet at all.

Chairman David Matanane – That's where I'm coming from where you have to be specific.

Administrative Director Michael Borja – This will be for commercial purposes only. Senator Ada also brought up a concern the way I was defining subletting was what I

described you know they build rooms and they're going to sublease those. But the way it was written in the rules is that I would be as the Administrative Director be granted the approval authority to sublet which meant that a lessee didn't have to come back and go through this entire process just to get someone to rent the space. But the way it read is that let's say this is the piece of property this is the lot and they only used this part and didn't use this part then I say let's well let's sublet it and I can approve it. You know it's open for loose interpretation for others to use the land. So we're going to correct this but that's what had to be deleted. So that's the significant part that's been deleted.

Chairman David Matanane – Which section is that 6.9 or?

Administrative Director Michael Borja – It was the part that comes after terms and conditions of lease and license agreements. It's completely gone in here you're not going to see it in this new one. What I've given you guys to see doesn't even include it in there at all. There's no language at all talking about this at all.

Chairman David Matanane – So you're going to put it in.

Administrative Director Michael Borja – No we can't put it until we change the law. So that's what I said I'm going to do is I'm going to go in and change the law. If you want to see the changes that were made and suggested this is what they are right here. So this afternoon after this meeting the documentation is sitting on my desk waiting to be delivered to the Attorney General's Office for them to go in and the Attorney General told me that this is approved to form with the changes. So I'll give them the document with all the modifications and changes made and then await their final stamp with the approved to form. And that's all that's necessary before I then forward it to the Governor to be transmitted to the Legislature. You won't believe how many inquiries I've gotten this week without anyone knowing that I had already visited the AG my phone and my emails have been going crazy saying what's the status on the rules and the timing was just I don't know was kind of interesting.

Chairman David Matanane – Very good thank you.

Commissioner Pascual Sablan – Thank you Mr. Borja.

VI. NEW BUSINESS

1. Approval of Loan Guarantee publication list

Administrative Director Michael Borja – I explained to you in the previous meeting about the issue of the Chamorro Land Trust loan guarantee program. In that program we had approximately 150 people who had been given a loan guaranty for their house loans and in most of these cases in 78% of these people they were for disaster relief loans which had significant problems as noted by the Office of the Public Auditor in their 2013 audit report released in August. They pointed out the significant problems we were having with this. So since that time we have gone through and we've reviewed the whole situation come up as we discussed in the last meeting a policy which will be my next rules and regulations that we have to put in place to get this program into compliance. What I have here in your

package is a listing. We have gone out in two separate attempts to contact every one of these people on our listing. We didn't have a good success rate with just the simple mailings so my agents and staff have gone out and made physical contact at every lot where these people are supposed to be at. In some cases we've had success. But these people have provided nothing to us. Either we have been unable to contact them or in contacting them they have not provided us with the documentation that we need to determine the status of their loans. So we are looking to take this and put this as a publication in the newspaper on two separate occasions to get adequate notice to the public that they need to come forward and report to us so we can get all the information that we need to understand what the status of their loan is. Individuals who are in default or people we cannot get a hold off then we'll be coming to the Commissioners for the approval to remove ourselves as guarantors.

Chairman David Matanane – You're going to do this as form?

Administrative Director Michael Borja – Pretty close. This is what it's going to most likely look like. You know almost like what you see when the banks start putting notices and we've got it down to a size that doesn't necessarily have to be a full page. I don't want to pay for a full page ad but we're going to get something. So I just need your approval for me to go ahead and put out this publication twice. I may probably do it in two different publications both the Pacific Daily News and Marianas Variety.

Legal Counsel Kristan Finney – I have two questions, the first one is have you considered publishing the list without the mailing addresses and just the list of names?

Administrative Director Michael Borja – Well what I think should be done is it should be a list of names with the lot number then. With the specific lot number that they have that we have on file. So if you want to change that we can change that.

Legal Counsel Kristan Finney – The other question I have is it says here that failure to contact may lead to cessation of the loan guaranty and is that part of their contract?

Administrative Director Michael Borja – Well then can we review that together? I need to have some finality to this because we're at a point where we have no clue what the balance of their loans are and it puts us in a financial liability problem with the whole program. We have to fund this loan guaranty and these are potential liabilities. In fact these people like I told we're down to a 10 million dollar amount which is still well above what we should be. That's down from 13 million dollars. I was hoping that by contacting and getting information from everyone we would know that we'd be down to like 7 or 8 million or even lower than that. What we're finding is that there are some people who are absolutely and they have admitted that they're in default and there are some people who never really took the loan so there is no guaranty because there is no loan. There are some people who we will be withdrawing because of failure to do anything. It will mean that they're going to lose their land too. We have one specific person who received a loan guaranty and instead of rebuilding their home on Chamorro Land Trust property they rebuilt their home on their private property adjacent to their Chamorro Land Trust property.

Chairman David Matanane – And that's a no, no.

Administrative Director Michael Borja – And that's a no, no so we will be withdrawing our guaranty on that loan because it's not on our land. There were no controls and that's the reason why in the heat of a typhoon you know post typhoon relief I mean there's a lot of things going on. People are trying to get a roof back over their head and I can understand that but we also have to have, there were no controls over doing that. So we've placed some temporary controls just in case it happens again.

Commissioner Pascual Sablan – What happens to that then? Are we going to let him keep the Chamorro Land Trust property?

Administrative Director Michael Borja – Well that's you know we'll have to go back and review the language because they could lose it. There's going to be people who are going to lose it because we've gone and some of the properties the lot has nothing on it or has a remnant of a building with no roof and there was a loan guaranty.

Chairman David Matanane – That's the question there where did the money go?

Administrative Director Michael Borja – They went to Disneyland.

Commissioner Pascual Sablan – There's an intention you know.

Chairman David Matanane – Of course and that's where we're coming from. That's why Mike I think is saying that we're going to have to clear those things because it's still hanging over our heads where we still think that our payables are too high.

Administrative Director Michael Borja – This is going to be the start of some enforcement activity that we're going to be doing okay. If they're not in compliance and they've done something malicious like building not on our land and taking our guaranty you know that's but they'll be on a case by case basis okay. We'll review it internally and then we'll present them to you individually because they'll be given a chance to appeal to you.

Chairman David Matanane – Would you and Ms. Finney get together and see what's the appropriate way of advertising it?

Administrative Director Michael Borja – We will. I'll adjust the date as well so that there's really some ample time given.

Chairman David Matanane – At any time I think the two Commissioners here would love to try and get this thing over with so we can have a really good inventory of those that are good loan guaranties.

Administrative Director Michael Borja – If we come up with the appropriate language you have no problem with me publishing it?

Commissioner Pascual Sablan – No.

Commissioner Amanda Santos – No.

Chairman David Matanane – No, no problem.

Chairman David Matanane – We're going to be limited of not publicizing what they owe.

Administrative Director Michael Borja – No I try to keep that stuff private.

Chairman David Matanane – That's the only language that we don't want to see.

Administrative Director Michael Borja – No, no I'm not going give that.

Chairman David Matanane – But anything else like Ms. Finney was questioning that if we get the right address but evidently this is not the right address because they are not reacting to it.

Administrative Director Michael Borja – We'll change it to the lot.

Chairman David Matanane – Okay and then they would probably realize that oh, oh. Alright I don't think any of the Commissioners here would have any problem with that.

Administrative Director Michael Borja – Okay thank you very much.

Chairman David Matanane – Neither do I.

2. Sofia Palacios & Glenda Palacios: Lot 10122-39, Dededo

Administrative Director Michael Borja – In our last meeting we had an individual come up under Public Comments Mr. Vincent Aguon to discuss some issues he had in his adjacent property that we were talking about. The adjacent property the individuals that have either use or claim to the property are Sofia Palacios and Glenda Palacios.

Matthew Leon Guerrero (DLM) – We went out as instructed we conducted a site inspection. Our land agent Jeff Aguon and Mr. Borja I believe went out to this inspection to validate the claim of Mr. Aguon. They did find the debris and all that that was brought up by Mr. Aguon. In our staff report we found that Sofia Palacios was living on the site as well as another family. Throughout our review we found that Sofia Palacios doesn't qualify under the CLTC program. She has yet to prove her qualifications to show that she meets the qualification as a Chamorro to lease CLTC property. That was brought up to her and she requested that we transfer her application to her grandson. But because she does not qualify we're recommending disapproval of the request and to have Ms. Sofia be issued a notice to vacate. Now Glenda Palacios is the individual that was offered the property but through research again and our site inspection we found that Glenda Palacios doesn't reside on Guam. There's photos there of authorization that she had given an individual to occupy the property without coming to the Commission getting permission from the

Commission. In her case we're recommending that she be given a notice to vacate as well, notice to vacate to the family that she authorized to live there and a termination of her application. She wasn't awarded a lease yet but she was given a Notice of Intent to Award a survey authorization but she's not residing on island and as I mentioned authorizing another family to live on the property without having the Commission approve that.

Chairman David Matanane – Have you met with Sofia or Glenda?

Sofia Palacios – I'm Sofia. I'm the wife of Mr. Jose Palacios married now to Glenda Palacios so that's my ex-husband's wife now. I've been there since 1984 I have my Mayor's certification. I plant all those like the mangoes it's almost like the fruits are coming out. The debris and everything I'm still doing it I'm still there and I'm still cleaning it.

Chairman David Matanane – And you are?

Sofia Palacios – Sofia Santos Palacios.

Commissioner Amanda Santos – What village are you in?

Sofia Palacios – In Dededo.

Chairman David Matanane – And you mentioned that you were married to who?

Sofia Palacios – Jose Palacios.

Administrative Director Michael Borja – Formerly.

Sofia Palacios – Formerly.

Chairman David Matanane – And now its Glenda's husband now.

Sofia Palacios – My ex-husband and I didn't even know that they transferred the land under her name and I've been there since 1984. I have my paper here from the Mayor's Office and I'm still living there.

Chairman David Matanane – But ma'am according to what I'm reading here there's no land I mean you guys weren't qualified.

Administrative Director Michael Borja – Jose Palacios was qualified. The lease originally was intended for (interrupted).

Matthew Leon Guerrero (DLM) – Jose Palacios held a Land Use Permit to the property but no lease.

Sofia Palacios – Yeah he has one in Astumbo he got that land lease and I didn't know he can qualify because you know we're divorced that you can get the one from the Land Trust

but I didn't know about that. So he has the one in Astumbo land lease under his name and he took the one where I'm staying and transferred it to the wife now.

Chairman David Matanane – The reason why you guys came up to the picture is there was a complaint from Mr. Aguon right and your report here is stating that none of you are qualified for any Chamorro Land Trust property. Now where's Jose Palacios coming in?

Sofia Palacios – He's in I don't know but he's in Florida.

Administrative Director Michael Borja – He doesn't live on island.

Chairman David Matanane – And we don't have a Chamorro Land Trust lease with him.

Sofia Palacios – Yeah for him nothing he didn't apply. Me I applied.

Chairman David Matanane – So it's moot, it's moot. Ma'am I guess to me I don't want to entertain anything that's not supposed to be on Chamorro Land Trust property. I mean I know your plight ma'am but you don't have a lease with us.

Sofia Palacios – I only have my application and I paid for my application. I waited for two years.

Chairman David Matanane – Ma'am yes but right now we're talking about you vacating a place where Chamorro Land Trust property is at right? Isn't this the situation? You're occupying a piece of property for Chamorro Land Trust?

Sofia Palacios – Yes sir.

Chairman David Matanane – What lot is that and where?

Sofia Palacios – 287B Nevermind Road. When I built the house there in 19 something like '80 something I have a permit. My dad got a permit even for my septic tank.

Chairman David Matanane – It's under your name ma'am?

Sofia Palacios – I don't know if it's under my name.

Chairman David Matanane – What's your former husband's (interrupted).

Sofia Palacios – Jose Villanueva Palacios.

Chairman David Matanane – Do we have anything on record?

Matthew Leon Guerrero (DLM) – Mr. Chairman, Jose Palacios was a Land Use Permittee that's how he was able to obtain that piece of property. Jose Palacios was married to her at the time they divorced. In that divorce decree it's attached to our staff report there. The

decree stated that he gets the CLTC property the Government property and their private residence. So since the date of that decree Ms. Sofia Palacios should have vacated that property since then. Now Glenda Palacios comes in after being Jose's new wife she gets the Notice of Intent to Award, survey authorization to conduct the survey on the piece of property that Jose Palacios was occupying as a land use permit. Now because they're no longer on island and with what we found in our site inspection that's our recommendation that the Notice of Intent to Award that survey authorization that was awarded to Glenda to be terminated because of what's going on the piece of property at this time and they're not here on island too.

Chairman David Matanane – And you're occupying that piece of property.

Sofia Palacios – Yes sir.

Chairman David Matanane – Not Glenda right?

Sofia Palacios – Not Glenda. I'm still doing everything there planting and I'm cleaning all the trash and I'm trying to break all the houses down because there are three houses there. Their families are staying there no bathroom, no shower.

Administrative Director Michael Borja – Mr. Commissioner if I may add that Ms. Sofia Palacios is the former wife of Jose Palacios and she had been living there for a long time and had raised her family there. Glenda Palacios the current wife of Jose has since been awarding others the opportunity to live on this land and these are the people who have been living in a section of the building that she lives in and on another place on the property that is very substandard. There are no utilities on the property. There is no water, no power, no septic facilities for flushing. That's the concern that was made in the complaint last month and that's the problem that we have now. So while she is the one that was living there originally other people have suddenly been introduced into the property by an individual who is not residing on the island and is giving authorization for others not knowing whether or not she's probably collecting rent from these people we don't have any idea. But she's granting them use to basically sublet to others. What do you mean by this last page about award to occupants? What did you include this for?

Matthew Leon Guerrero (DLM) – This is the preoccupying law.

Administrative Director Michael Borja – The preoccupying law?

Matthew Leon Guerrero (DLM) – Yeah.

Administrative Director Michael Borja – So in the very bottom part it says notwithstanding the provisions of this section the Commission shall not serve eviction notices to individuals who presently reside and have continuously reside on Chamorro homelands prior to July 12, 1995 and who qualify under the Act. And the Act is considered the Chamorro Land Trust Act. So the issue is Ms. Sofia Palacios has not been able to

show qualification and that the qualification may have probably been through Mr. Palacios I'm not sure. I don't know what his qualification was at the time either.

Chairman David Matanane – And neither does Mr. Palacios have a lease with us?

Margarita Borja (DLM) – His wife is Glenda she's the one that we're trying to issue a lease on.

Administrative Director Michael Borja – But she doesn't have a lease there is no lease. There is no lease.

Chairman David Matanane – Where is Mr. Palacios?

Sofia Palacios – In Florida a long time.

Administrative Director Michael Borja – They reside off-island they don't even reside here.

Margarita Borja (DLM) – We received an email from Glenda responding to the letter and she indicated there that if you would allow her to respond in maybe May or June your next meeting. She'll be on island she'll respond to the discrepancies.

Chairman David Matanane – I guess we're going to have to give that opportunity for them to come before us.

Administrative Director Michael Borja – What I recommend though Commissioners is that for the interim if we're going to leave this for the interim I think that the issue is Ms. Sofia Palacios has been there this entire time that we continue to grant her the use of her part. But all others that have been granted to use by Glenda Palacios who have no other authority to use it that they need to be removed immediately. Especially in the fact that they're using facilities I mean they don't have the facilities now. I think you're living there alone ma'am?

Sofia Palacios – Yes.

Chairman David Matanane – See the problem is that it's already here that she doesn't qualify.

Sofia Palacios – I'm going to get my qualification. I will get it by the Roberto or the Borja family. I'm still searching for that sir at the University. I'm still searching for that.

Commissioner Pascual Sablan – But how about Mr. Palacios does he have any lease with the Chamorro Land Trust Commission?

Sofia Palacios – Nothing.

Commissioner Pascual Sablan – So how can Glenda come into the picture?

Sofia Palacios – That's what I'm saying that's my main concern.

Administrative Director Michael Borja – Well he had use of this property he was granted land use rights right?

Matthew Leon Guerrero (DLM) – Land use permit.

Administrative Director Michael Borja – And Glenda as the spouse is the one working on trying to become a lessee. Is she qualified? She has the qualifications.

Margarita Borja (DLM) – She's a 1995 applicant and she's qualified. So her date and time came up and Land Trust issued her that property where Jose Palacios was residing (interrupted).

Administrative Director Michael Borja – We issued her a notice that she was going to receive and to be perceived with the process to get the survey and all that other stuff. She took and then at the time they were granting people the authority to get utilities right.

Matthew Leon Guerrero (DLM) – Yeah.

Administrative Director Michael Borja – So she used that as the permission she needed to occupy and has not since concluded anything towards getting her lease completed but has instead then granted others. So that's a matter we need to take up with her when she comes and we need to deal with that at that time. But at the same time we need to make a final determination as to the outcome of even Ms. Sofia Palacios so it's really kind of important that you move forward.

Chairman David Matanane – She says that she has documentation that will make her qualify.

Sofia Palacios – I will try to find that.

Commissioner Amanda Santos – Who's the beneficiary? Sofia she's the beneficiary from Jose?

Administrative Director Michael Borja – She's the ex-wife. Glenda is the current wife.

Commissioner Pascual Sablan – I think there's two things here Mr. Director. One is we have to eliminate Mr. Palacios and Glenda Palacios from that property. Then just probably entertain her.

Chairman David Matanane – But she doesn't qualify and she's going to get documents.

Administrative Director Michael Borja – Glenda has an application since 1995 and qualifies. Sofia has an application but she doesn't yet have proven her qualification.

Commissioner Pascual Sablan – I think that's where she comes in in that grandfather in because she's been there for the longest time.

Administrative Director Michael Borja – Right but that's where it says in here but you have to also qualify. I'm going to have an issue on this in the future because I agree with you I'm just going to say that I think that there are certain people who have occupied the lands well before the onset of the Chamorro Land Trust Act for generations. Now suddenly they're going to be put into a case where we might have to evict and I don't think that that's totally right because these people have been there. I mean they're not only grandfathered because they should be grandfathered because they've been living there for a long time but you have now multiple generations of families living on that land. It's really not in our interest I think to start telling people to move out of their homes especially when there are well established homes in there now. I've had this kind of discussion with Senators as well because I don't think the full intent of this was to go out right and start kicking people off of lands that have been living there for years and years and years prior to the Chamorro Land Trust even for those who are not Chamorro and who don't qualify under this Act. So you know I understand we need to have some semblance of empathy but I think for right now the act in which Glenda Palacios has been allowing others to move in is not correct. And while she's been residing there the entire time anyway she has certain documentation she needs to provide and we can probably go through this with Glenda and we need to communicate to her that she needs to do this next month.

Commissioner Amanda Santos – She's the one farming and Glenda is the one rounding up people to come and enter the place.

Chairman David Matanane – So do you think you can get your documents in order (interrupted).

Sofia Palacios – Yes I will try my best and I will turn it in as soon as possible.

Chairman David Matanane – And please when you do have your please come in and see Mr. Borja.

Administrative Director Michael Borja – Or Margarita or Matt please. They can work with you.

Chairman David Matanane – So we'll see if Glenda does come over next month we should invite her. Send her an email or (interrupted).

Administrative Director Michael Borja – But we should notify her in this notification we'll send through the Director's email and we'll notify her that she needs to be present and she needs to instruct those she's given permission to vacate. We'll give her a notice to vacate.

Sofia Palacios – No because according to her when she called and I talked to her she said as soon as she gets here everybody is going to be homeless. What do you mean? Only Land Trust would tell me to vacate that place not you. So that's what I told her.

Administrative Director Michael Borja – But those people that she's permitting are (interrupted).

Sofia Palacios – I know they're only like doing the bucket or honestly it's so gross.

Chairman David Matanane – All right thank you very much.

Sofia Palacios – Thank you.

3. Torres et al Agricultural lease: Lot 10140-4, Dededo

Administrative Director Michael Borja – We have in this case with the Torres et al family there is a lease that is out and the original lease was for Lourdes Salas Torres. Mrs. Lourdes Torres since passed away. Her husband is not qualified to be a Land Trust lessee. There is a home on the property and it needs to go under the beneficiary. I don't know, who was named as the beneficiary on the document?

Margarita Borja (DLM) – Billy and Gerald Torres.

Administrative Director Michael Borja – Billy and Gerald Torres were listed but the father had then since asked that Geraldine the other daughter could be listed as well. In this agricultural lease which makes up a property of half and acre they're asking that all three can be listed. So the issue that we had earlier on this agenda of the Garrido/Yamamoto case of multiple names on the lease this one falls in the same case. I held back from signing this lease because the issue is we have three separate people and if we had to hold anyone accountable you know there really should be only one. I also had a prior concern but I found it to be no longer valid that they originally had a home loan guaranty from the Chamorro Land Trust but that guaranty is no longer necessary because the loan has been fully paid. If it had not been then I would have a (interrupted).

Guillermo Torres – Can I just clarify something sir?

Administrative Director Michael Borja – Sir can you just wait until I'm finished instructing then you will be called forward and then you can talk okay.

Commissioner Amanda Santos – Yeah wait for your turn.

Administrative Director Michael Borja – So that's the issue that we have now is that the lease has come before us with three names of the children of the deceased Mrs. Torres. They want to all be listed on a single property. The additional problem I have is it's only half an acre. They're only allowed to have one single unit home on the property and so we're looking to you know have three people so I don't know how that would be working out. You

have too many people on one lease and it goes back to the same legal opinion, legal statements that were made earlier. I present you to the individuals who are here.

Guillermo Torres – I just want to ask if there is any prejudicial something here that's going on because (interrupted).

Administrative Director Michael Borja – State your name for the record.

Guillermo Torres – My name is Guillermo A. Torres. I understand that at any point in time that you're not born here on Guam you're not qualified for the land lease program. I understand that under Angel Santos what he did is before when I got this land I got land under Land Management. When I take this land under Land Management in 1983, '84, '85 I was paying \$40 every year for that land. Now I turn it around when Angel Santos create this land program that anybody that is born here on Guam from the 1950 backwards going back you know I understand that are qualified for the land here on Guam in the Land Trust program. That's what I understand about this situation. Now in my case is it doesn't matter whether you marry in church, you marry in anywhere you marry but I married my wife I put all my things here I even retired here in Government of Guam okay. I put all my things here I even when I met my wife she got two kids not belong to her. I raised that two kids by myself and then later on we have our own kids and then you know this is what's going on from there. Because I was renting at GHURA housing it cost me like \$500 back in 1982, '83, I mean '86 when I was renting there I went and I get this land from Land Management. I asked I'm going to raise pig and chicken. Okay and due to the fact that my neighbors are complaining of the smell of the pigs and you know the smell of whatever it is you know because what I was raising. So I stop doing that okay. Now you guys telling me that I'm not qualified for that I understand okay because I wasn't born here I'm born in Saipan, CNMI. Now whatever it is now I just ask to put in my daughter since my wife cannot write doesn't know how to read, doesn't know how to write and when she was doing this I think in 2008 I think when that thing she was doing about the Land Trust and what happened is she just put the two sons name. She didn't include my daughter I don't know if she don't know the spelling of my daughter's name or whatever it is okay. So the only thing I'm asking is you know if you can't put my name there she's my wife, that's my wife okay. Bless her soul I don't know where she is now but whatever it is you know I know that that house that I paid off already that's \$83,000. Now all the things that I did there on that land it cost me if I'm going to total everything up \$150,000. Now everything that I do that and everything that I'm going to plant I was planting a lot of coconut trees and everything and then there's this beetle-beetle something going and eating all those coconuts and I removed all those trees because there's something that's wrong there. The beetle is eating it up and it's not nice to look at a tree anymore. Now when I paid this off and we came back here and I was asking to add in my daughter's name okay. Before my wife died she appointed her to give her because she was I think almost 8 months when she was bedridden and my daughter is the only one that's really helping her okay. That's the reason why my wife gave my daughter the house. Now in regards to that to add in my daughter because I want the three of them for that particular land to be there because if I die tomorrow I'm not going to take that land I'm not going to take my house and bury it with me over at Memorial Park okay. What I want I want a protection and for sure that if I'm dead tomorrow I know that all my kids are

protected and they have their own rights whatever that they're going to do and they can do it. For instance now my daughter cannot go to Guam Power or Waterworks Authority due to the fact that it's under my wife's name. So that's the reason why I want to include my daughter's name there so she'll have the right if any complaint that needs to be accounted for she can complain because she got the rights to do that. That's all I want to put her everything under her name. That's all that's all I'm asking it's very simple. I'm not asking for anything else. I just want my kids to be protected and everything and if I die tomorrow like I said I'll be with my wife in Memorial Park and you know they're all right. That's all nothing else.

Commissioner Amanda Santos – Is this land under Land Trust or is it under the arrendo?

Administrative Director Michael Borja – No he got it under the arrendo.

Guillermo Torres – Arrendo program and then when the Land Trust Commission kick in then we go to that includes now under Land Trust.

Chairman David Matanane – Do you have any documents on that sir?

Guillermo Torres – Which one?

Chairman David Matanane – From Chamorro Land Trust.

Guillermo Torres – My wife yes they got everything.

Margarita Borja (DLM) – The wife has a lease and surveyed it and done everything. She passed away the beneficiaries were Billy and Gerald and now they're coming in requesting to add Geraldine. It was approved by Mr. Camacho to include Geraldine. We prepared the lease it went out, got it notarized, returned it and it's now here for approval.

Chairman David Matanane – For approval. Is it for approval? But it's already been approved by Mr. Camacho.

Administrative Director Michael Borja – No, no, no to be signed. I didn't sign the lease because there are three names on the lease and it's the same issue as the Garrido/Yamamoto.

Chairman David Matanane – You can understand that at any time that you pass away and the three kids are on hand and I hope and pray that all three kids will be amenable to each other and hopefully there's no infighting. That's a stickler for us.

Guillermo Torres – I understand where you're coming from.

Chairman David Matanane – For me you understand where I'm coming from. We're not going to be here or maybe the three kids (interrupted).

Guillermo Torres – Actually the reason why I built the house is because if one of my kids want to you know maybe get a container and put it on the side and then when the typhoon comes she can run inside to that full concrete house that they built. That's what I want them to do to help each other. I don't want them to fight.

Chairman David Matanane – I understand but right now who's staying at the house?

Guillermo Torres – Me and my daughter and this guy (referring to son Gerald).

Commissioner Amanda Santos – What place is that in, Dededo?

Guillermo Torres – Lot Number 10140-4, Dededo. The house is fully paid now already.

Administrative Director Michael Borja – I want to commend them on that. Like I mentioned before they are a home loan guaranty recipient and they paid off their loan. So they were good in that aspect.

Commissioner Pascual Sablan – Where's your wife now?

Gerald Torres – She's in Guam Memorial Park she's dead.

Commissioner Pascual Sablan – You're not qualified for the Chamorro Land Trust right? How can you pass something down that you don't own. In other words you're not qualified for the Chamorro Land Trust.

Gerald Torres – He's not the one that passed it down it was my mom.

Guillermo Torres – It was them that's passing it down now. It's the two that they got the name in from my wife.

Administrative Director Michael Borja – The original lease is with the wife.

Commissioner Pascual Sablan – Geraldine?

Guillermo Torres – No Billy and Gerald.

Administrative Director Michael Borja – The original lease is with his wife Lourdes. She passed they're the beneficiary.

Chairman David Matanane – And the two you're the beneficiary right?

Guillermo Torres – Yes the one that's putting in the sister's name.

Chairman David Matanane – Now those two can have the beneficiary for the first (interrupted).

Guillermo Torres – Already everything is there we give you already.

Chairman David Matanane – So what's the problem?

Margarita Borja (DLM) – The two beneficiaries are requesting to add the sister in to the lease.

Chairman David Matanane – Oh of course now these two can have the beneficiary for the third one which has already been done. So she's included in there right?

Administrative Director Michael Borja – Well but the lease has been designed at their request to have all three names.

Guillermo Torres – To make it easy and simple sir just give me \$150,000 back and take back your land that's all if you want.

Chairman David Matanane – Now we're trying to solve this Mr. Guillermo please hold on. The two kids already have the name on the property right. The two kids plus your sister put it as beneficiary so all three of them are in that particular, that's all okay.

Commissioner Pascual Sablan – Wait a minute Mr. Chairman this is only a half acre and there's three people here. What are we doing?

Chairman David Matanane – But they wanted it this way.

Administrative Director Michael Borja – But you just finished denying two names on a previous lease and even though they're related on the Yamamoto/Garrido case you did not allow for two names on the same lease.

Chairman David Matanane – They're cousins rather than brothers and sisters. It's a direct line.

Administrative Director Michael Borja – But as the Attorney had mentioned there's no provision within the law to have multiple names on the lease. Because the issues would be if all three of them have children and they can equally all name a beneficiary we're talking you know the names getting longer and longer and longer on the lease and I don't have any one particular person that can be affected. I can understand what they're doing here. If they would like to add Ms. Geraldine Siguenza to be the name on the lease because she was the one that was the intended receiver of the home from the mother you know I don't have a problem if you guys want to agree that she wasn't included originally as the beneficiary but they would like her name to be on the lease if it's on the lease alone. My point is unless you overrule me I would rather only one name per lease and to keep them all clean like that so we don't encounter future problems. I just want to point out to you from the things I've been seeing families have come to us to ask us to have adjoining properties when they have an opportunity to have lands issued to them and we've turned out to become referees. We can't do that.

Chairman David Matanane – Is there a limited beneficiary?

Legal Counsel Kristan Finney – It appears to me and this is again I'm just saying from my initial review of this issue it looks like the intention was to have one person on the lease and one beneficiary. That way you don't end up like and Mr. Borja said with I mean once you get down a couple of generations if you have multiple people who can designate multiple beneficiaries that can explode very quickly and then you have one structure on the property who's going to live there. I think that the intention on the statute as I read it appears to be just one. Just a single name on the lease and a single beneficiary. There's nothing to stop the other people in the family from also applying for their own lease but it looks like there's just supposed to be one.

Chairman David Matanane – Okay let me ask you this then, Mrs. passed away right she's the one that's designating the beneficiary right? Who did she put down as beneficiary?

Guillermo Torres – Both of them.

Administrative Director Michael Borja – The two sons.

Chairman David Matanane – So it does have two on that.

Administrative Director Michael Borja – Yes there's two sons and as Mr. Torres had mentioned that when she was probably doing this she failed to include the daughter.

Chairman David Matanane – I don't want to distort the wishes of the Mrs. okay. Who are we suppose to say okay I need to add Mrs. or I need to put somebody else here where she didn't even indicate that. You understand where I'm coming from?

Guillermo Torres – No actually I was there when she was still under bedridden and she was the one she told her and I got a witness there's a witness to tell her that she's going to be on the house. The house belongs to her.

Chairman David Matanane – But still you know legally that can be satisfied there.

Guillermo Torres – So the two that are legally they sign a paper already putting their sister in there too to make it all three of them. That's it that's all, that's all I ask very simple. It's not hard.

Chairman David Matanane – And it was added in because Mr. Camacho already approved of it correct?

Commissioner Pascual Sablan – I will not support that. Who's your parent's? Henry or Glenn?

Guillermo Torres – Henry Torres the former Election Commission is my brother.

Commissioner Pascual Sablan - Okay I know his family. Anyways going back was the wife qualified?

Administrative Director Michael Borja – She’s the lessee.

Guillermo Torres – Yes she was born in 1944.

Guillermo Torres – Regardless amigo, you’re my cababayan in fact you’re my nephew okay. I’m a Saipanese too.

Guillermo Torres – My wife was born here in 1944. January 29, 1944 amigo. My wife born here on Guam she’s not a Saipanese. I am a Saipanese and if you’re saying you’re Saipanese whatever it is.

Commissioner Pascual Sablan – Okay just answer the question okay.

Guillermo Torres – Are you qualified to have Land Trust here? Can I ask you that?

Commissioner Pascual Sablan – Yes.

Guillermo Torres – How?

Commissioner Pascual Sablan – My mother was born and raised on Guam.

Guillermo Torres – Okay that’s good. Good for you.

Commissioner Pascual Sablan – That’s enough. I will not there’s only three of us here I will not entertain this further. Give it to whoever the wife put as beneficiary and stick with it.

Billy Torres - So with all the money that we’ve spent with all these documentation being notarized are we going to get reimbursed for it?

Chairman David Matanane – Nothing is taken away from you guys.

Billy Torres – The reason why too we’re trying to put our sister in is because they’re having problems with the power and water bills and she cannot do nothing with it even with my mom’s death certificate. That’s why too we’re trying to put her name involved in it.

Commissioner Amanda Santos – Are you three staying at the same house.

Billy Torres – They’re the ones staying there I’m not staying there I have my own place I’m renting right now.

Commissioner Amanda Santos – Okay I thought you’re going to fight over the house.

Gerald Torres – That’s the reason why we came up with an agreement to have all three of us so she can do all the power, the water whatever needs to be done the utilities. Because they assigned it all to her already.

Commissioner Amanda Santos – Because she’s staying with your dad there.

Gerald Torres - Yes. So that’s all we’re trying to do is because we’re having issues with the power and the water she can’t do anything about it.

Chairman David Matanane – But you know it’s already been approved. Mr. Borja, Dave already approved of it that her name is going to be included.

Administrative Director Michael Borja – But I disagree. Dave gave them the approval and I disagree. I’m the signor.

Guillermo Torres – So since you disagree can I ask you something can you pay me \$150,000 and take back your land?

Administrative Director Michael Borja – If you would like to terminate the lease we can do that (interrupted).

Guillermo Torres – But you have to pay me because of what I built there I did everything there.

Administrative Director Michael Borja – Well there’s a process in that but it’s not what you think it should be.

Guillermo Torres – So I can get another land and buy it for my kids.

Administrative Director Michael Borja – Okay well you know we’re trying to work this all out.

Guillermo Torres – Yeah very simple man you know it’s very simple.

Commissioner Amanda Santos – You can give up the house sell it. Sell it don’t return it to us.

Guillermo Torres – That’s all I ask because of my daughter.

Administrative Director Michael Borja – Then she can be sole name on the lease if the other two beneficiaries agree.

Guillermo Torres – Already they agree though.

Administrative Director Michael Borja – So then she’s the only name on the lease.

Guillermo Torres – What’s that?

Administrative Director Michael Borja – That she will be the only name on the lease.

Guillermo Torres – Okay whatever. Whatever that your rules and regulations here I’ll agree with you guys. I’ll agree with you guys. Hey if you guys are willing to help me I thank you too.

Administrative Director Michael Borja – No, no we were going to try and help you. Our purpose is not to throw you you know to make it difficult but (interrupted).

Commissioner Amanda Santos – So put her name on the lease instead of the boys.

Administrative Director Michael Borja – Sir I just want to let you know that many of the issues that we’re dealing with that are problems arose a while back because of things that were done that were not really within the guidelines of the law and we’re trying to make all those corrections. What we’re not going to leave as a legacy is for others to have to deal with some issue 20 years from now, 50 years from now as problems arise on these kinds of things so we’re going to try and work this out. If the identified beneficiaries Gerald and Billy Torres are willing to allow their sister Geraldine Siguenza to be the sole name on the lease then we’ll do that. We’ll make arrangements because I know you guys also had these signed notarized documents and then we’ll call you in at a certain time to come on in so we can get it all notarized with you without any additional costs and we’ll get that taken care of okay. That’s my only issue because we are trying to as our Legal Counsel states we’re trying to assure that you know as the intent of the law is that there’s one name per lease and one beneficiary per lease. Back in the day when you guys did sign up I mean people were signing things up in a number of ways and we’re trying to correct some of those things as we move along. I apologize that I have overruled my Deputy Director on what he has allowed you to proceed in but I need to stick with what is as close to and exactly what the law will permit me to do.

Guillermo Torres – I apologize too for whatever you know.

Administrative Director Michael Borja – No, no, no I want to work with you guys. I don’t want you guys to lose and step out of the house. But I want to get this done as quickly as possible so that you know if you need me because I understand the utility companies are becoming even more strict. They’re not going to accept things that don’t have an absolute lease but if there is something that we can help out in that regard in getting a letter so you can go and get some stuff changed out in the process you know we’ll do that. The final document is not going to be completed until it’s signed by the Governor and we’ll be scheduling one here shortly because we try to do it every month and get that all taken care of. Once it’s all recorded you’ve got a good clean document ready to go and it’s good to go okay.

Gerald Torres – And it’ll be only her name on that lease.

Administrative Director Michael Borja – Only her name but you guys got to all make sure that there is an agreement to that.

Gerald Torres – Okay if we do agree with only her name on the lease can my brother and I go apply for another land?

Administrative Director Michael Borja – Yeah. That's the point have you guys applied already? You guys have applications in already? Because you do have the opportunity.

Guillermo Torres – Sir I'm very sorry, I'm very sorry to you Mr. Sablan. I'm sorry. But anyway good we come to an understanding and that's the situation.

Gerald Torres – As long as we can qualify for a different land.

Administrative Director Michael Borja – No you guys do qualify and you know what if you have any other members of the family who are 18 and older you're all eligible because you're descendants of your mother who is eligible right. So I encourage you to please sign up. Now I'm not exactly sure how long it's going to be before you can get the land but if you heard us earlier you know with subdivision development I'm trying to get this done quick. Because I got too many people who have been sitting, we're still only in 1995. You guys got in quicker because you guys already pre-existed. You were there prior to the creation of the Land Trust. Like I said Mr. Torres I have an issue with telling people who may not be qualified applicants but were present and using the land prior to the Land Trust that there shouldn't be a reason why you shouldn't be eligible.

Guillermo Torres – That I understand because if your father and mother born here on Guam I understand the situation.

Administrative Director Michael Borja – No but I think you should be eligible because you were there before the Land Trust began under conditions in which you engaged with Land Management.

Guillermo Torres – I'll abide by your rules man thank you.

Administrative Director Michael Borja – But yes and that's what I have to live by for the time being. Like I told you some of the biggest projects I had you know I had to step back because I had to make sure it's within the guidelines of the law and at the time it wasn't. And so I had to be patient on that respect even though I want to move forward as fast as I can. So we'll get that done. Ms. Siguenza can you please make sure that my staff has a good contact information for you your phone number and everything so that when I get this document redone we can call you in at a certain time to get together with a notary. So we can get this all done together and as soon as possible so that we can make sure it's in the batch for the next signing with the Governor. If we need to move any faster and you really need that I'll expedite it to the Governor's Office to see if I can get it signed without all the ceremony if you need that.

Gerald Torres – Is there a letter that she can get for at least the power to transfer to her name? Something so they can transfer all the utilities to her name.

Margarita Borja (DLM) – We could provide it but I know GPA now is requiring that lease.

Administrative Director Michael Borja – Have you been disconnected?

Geraldine Siguenza – No it's under my mom's name.

Administrative Director Michael Borja – You're just trying to change the billing.

Geraldine Siguenza – Yeah.

Administrative Director Michael Borja – Okay so there's not an emergency right now right. So we can try and proceed normally. But if you need to like I said after we get it signed if you need to I can get it up to the Governor's Office to get the Governor or the Lieutenant Governor if he's the Acting to sign it as soon as possible but if it's not we can still wait for the (interrupted).

Geraldine Siguenza – Well I did receive an update of doing an update of the names so I cannot it's pretty much needed. They sent me a letter well it's under my mom's name right now to do an update that's about it.

Billy Torres – I just wanted to find out if there is any other paperwork that I need to sign only because I work for the military and I really have a hard time taking off.

Administrative Director Michael Borja – To sign for?

Billy Torres – Any documents that I need to sign.

Administrative Director Michael Borja – To sign up to be an applicant?

Billy Torres – No for her to become.

Matthew Leon Guerrero (DLM) – Just a letter transferring his interest to his sister.

Administrative Director Michael Borja – Do we have a form that does that?

Matthew Leon Guerrero (DLM) – Just a simple notarized letter.

Administrative Director Michael Borja – An affidavit from both of them to say we transfer our beneficiary interest to our sister.

Billy Torres – Only because I really have hard time taking off. I'm not even supposed to be here. They said the meeting was at 1 o'clock and I ran away.

Legal Counsel Kristan Finney – Do you guys have a sample of that?

Matthew Leon Guerrero (DLM) – Whatever they turn in.

Administrative Director Michael Borja – Just type up a letter saying listed as beneficiary under Lourdes Torres that I transfer my beneficiary rights to my sister Geraldine.

Billy Torres – So I'll just do up a letter and just sign it. Do I have to get it notarized too as well?

Administrative Director Michael Borja – It's best to be notarized.

Billy Torres – Okay.

Guillermo Torres – Okay thank you very much. Mr. Sablan I'm sorry again okay I'm very truly sorry man. Thank you very much for you guys.

Chairman David Matanane – Good luck guys thanks.

Commissioner Pascual Sablan – Why is that the original lease is Residential and then it goes to Agriculture?

Administrative Director Michael Borja – How come the original lease is showing as Residential?

Margarita Borja (DLM) – Because when she applied initially for Residential and then she came in and made a change from Residential to Agriculture.

Administrative Director Michael Borja – Oh so it's a different lot?

Margarita Borja (DLM) – No same lot.

Administrative Director Michael Borja – So she just changed it from Residential.

Margarita Borja (DLM) – Type of application to an Agriculture.

Commissioner Pascual Sablan – Yeah but they already built a house a \$150,000 house.

Margarita Borja (DLM) - \$80,000.

Commissioner Pascual Sablan – How can you and they're allowed only one unit? Why allow Residential to Agriculture when there's a house already built?

Administrative Director Michael Borja – You can have a house on an Agriculture.

Commissioner Pascual Sablan – But why go from Residential to Agriculture?

Commissioner Amanda Santos – They want to plant.

Commissioner Pascual Sablan – You still can plant on the Residential.

Administrative Director Michael Borja – Is there a restriction difference?

Matthew Leon Guerrero (DLM) – On the Agricultural lease they need to be farming 2/3rd prior to being allowed to build their house. But most of our properties are zoned agricultural anyway. You know the lease may be for residential purposes until we start redoing our subdivision developments but at this time most of lots that we are leasing out are legally zoned agricultural.

Commissioner Pascual Sablan – I think we should be more cognizant of the law of allowing these other individuals coming in. Anyway I was ready not to support it if we were to include the (didn't finished).

Chairman David Matanane – No but I think Mr. Borja has the top hand where there is only one. It's already been done.

Commissioner Pascual Sablan – I'm just making my position known too that I'm not going to be intimidate by your strong (interrupted).

Chairman David Matanane – I know. So Mr. Borja that is taken care of.

Administrative Director Michael Borja – Okay we'll have it changed, we'll have the application changed and we'll get together with them to coordinate the time and get it notarized.

Commissioner Pascual Sablan – How come it says that the problem is transferring the power from her mother to them and there's a language here that says that water and power not immediately available on the property.

Administrative Director Michael Borja – That's just standard language you put on the lease.

Commissioner Pascual Sablan – Even though there's power already?

Margarita Borja (DLM) – Does it say may? Does it say may not be available?

Commissioner Pascual Sablan – I thought this was all reviewed by the Deputy Director?

Administrative Director Michael Borja – But we just use standard language are not immediately available.

4. Rosemary Muna: Portion of Lot 10154, Yigo (no lease, req utility)

Rosemary Muna – My name is Rosemary Muna. I'm here to get a utilities application because my water got disconnected and they need an updated one.

Chairman David Matanane – Disconnected, has there been any utilities in your property?

Rosemary Muna – Yes.

Chairman David Matanane – It was disconnected.

Rosemary Muna – My water got disconnected and the only thing I have is since 2011 so they need the updated one to reconnect it.

Margarita Borja (DLM) – Who is David Muna though? I just wasn't sure who David Muna was.

Rosemary Muna – My dad's first cousin my Uncle.

Margarita Borja (DLM) – Okay he was occupying under a Land Use Permit?

Rosemary Muna – Yes.

Margarita Borja (DLM) – Rosemary is occupying property under David Muna who was a Land Use Permittee under Land Management. She applied in 2005 under a Residential application indicating that she was a pre-occupier under Land Use Permit number 712 in Agafa Gumas. Ms. Muna was issued a utility authorization by CLTC in 2005, February 2011 and October 1, 2013. She came in and requested for utilities then right. So since then been disconnected since 2013. So she's here today to request for utilities. I kind of just want to make a note that this property that she's occupying is unregistered property and is also not in the inventory of the Land Trust. Its Government of Guam property but we're claimants. It's going through the process of land registration right now well was. It's just one of those cases that are waiting. Public Law 22-157 authorizes Land Management Director to issue authorizations for utilities also for properties still under the jurisdiction of the Department. So in that area I know that CLTC has issued several occupants there and Land Management Director has also issued utilities. So I'm not sure if the Trust wants to still move forward in issuing the utilities to Ms. Muna.

Administrative Director Michael Borja – My issue here is again the utility companies as the Torres family noted are becoming more strict about the issue of authorization of utilities to areas that have no leases. Because they do have bonding issues they need to make sure they're connecting utilities to properties that are being properly authorized to use whether private or public. We can't issue a lease because it's not registered. It's one of these catch 22s that we're stuck in the middle of. The public law as Margarita Borja mentioned does allow the Director of Land Management to go ahead and give out these authorizations but you know my authorization is kind of tepid if it's not backed up by a lease because the land is unregistered. How did they come about to be occupying this again?

Margarita Borja (DLM) – Her Uncle was a Land Use Permittee.

Administrative Director Michael Borja – I bring it to your attention because these are the kinds of stuff that we're having issues with. You may see some others that will be coming about because people are going to be asking to get these utility authorizations despite the fact after many times of being told to get their lease done they haven't gotten their survey done in order to get their lease. And so we're going to encounter these kinds of problems with people who should have completed their survey already but for financial reason mostly they haven't completed it therefore we can't do a lease.

Chairman David Matanane – On this particular lot it looks here Public Law 22-157 allow that for the water, power service provided to pursuant to Public Law 22-157?

Margarita Borja (DLM) – Yes.

Chairman David Matanane – Whose name was it under the water before it was disconnected?

Rosemary Muna – My Uncle David then it was transferred to me.

Chairman David Matanane – Why was it terminated?

Rosemary Muna – He passed away. Oh I didn't have a job at the time.

Administrative Director Michael Borja – Do we have beneficiaries allowed on those kinds of lands?

Margarita Borja (DLM) – I don't even think he even applied. He never applied.

Chairman David Matanane – But what was the condition why was it terminated? Was there any billings?

Rosemary Muna – Yes I was being billed but I didn't have (interrupted).

Chairman David Matanane – I'm trying to understand this okay.

Rosemary Muna – I'm trying to tell you.

Chairman David Matanane – If we're tied to this particular public law where it authorizes it (interrupted).

Legal Counsel Kristan Finney – I have a couple of questions just to clarify before you guys go any further. If it's Chamorro Land Trust property you couldn't issue a lease right now because it's not registered is that right?

Administrative Director Michael Borja – That is correct.

Legal Counsel Kristan Finney – But before we even get there you're saying it's not actually in the inventory of Chamorro Land Trust so then the Commission doesn't really have authority over it because it's not Chamorro Land Trust property.

Margarita Borja (DLM) – But because the Trust had issued two authorizations before is why she's coming back to get reissued another utility authorization. That's the only reason why she's coming back to the Trust.

Legal Counsel Kristan Finney – So that's why she's here.

Margarita Borja (DLM) – Yeah.

Legal Counsel Kristan Finney – But really who has authority to issue this will just be Department of Land Management because it's not in the Chamorro Land Trust inventory. I haven't looked at it but I'm just trying to follow what you're saying.

Commissioner Pascual Sablan – Yeah but in the same token to what you just said in fact I have here a document that I'm going to give you later on that the Director of Land Management signed it the Governor, the Lieutenant Governor has signed it transferring Government land to the Chamorro Land Trust.

Legal Counsel Kristan Finney – But not this piece.

Commissioner Pascual Sablan – So that makes the Commission you know get involved. The reason why I think Mr. Director the reason why the utilities are now very concerned because before all you have to is go and apply and they will hook you up. But later on they found out that those squatters would just move out without paying their power and the power company is the one losing out here you know.

Administrative Director Michael Borja – And that's the issue that's why they need to have leases. I mean you know even if you're a renter of an apartment they're not going to hook up your apartment until you present a lease. It's the same way I mean if you buy a house it's the same thing they're not going to present it to you until you can show that you own the home. It's probably not under the Chamorro Land Trust then you're saying it's not really for discussion item for this Commission.

Chairman David Matanane – What does 22-157 state?

Administrative Director Michael Borja – The Administrative Director or the Director of Land Management shall approve all requests for extension of power. And then it just comes down to you know will the utility company honor my letter solely without a lease. I've got to go back to my original question when her Uncle obtained the land is it transferrable? I mean did they have a system for that kind of process for land use to be able to transfer the land? The land use was it intended to build something on there too or was it just to use the land for farming?

Margarita Borja (DLM) – Year to year.

Administrative Director Michael Borja – Year to year so does she have authorization to be on the land to be able to try and hook up power and water?

Margarita Borja (DLM) – Were you ever able to provide us with documentation from the Mayor to state that you've been there prior to 1995? You did? You were able to get that?

Rosemary Muna – No.

Margarita Borja (DLM) – How did you get on the property? Who authorized you?

Rosemary Muna – I went to Chamorro Land Trust that was located down in Anigua when it was there and then I talked to them about it and because there was no beneficiary and I was already living there they gave me the application.

Margarita Borja (DLM) – No beneficiary right?

Rosemary Muna – My Uncle didn't have no beneficiary.

Margarita Borja (DLM) – He applied? David?

Rosemary Muna – Yeah he's been occupying that land since way past 1995.

Chairman David Matanane – Are you the beneficiary of David?

Rosemary Muna – No. Nobody.

Administrative Director Michael Borja – See that's my point.

Chairman David Matanane – Has it ever been probated?

Administrative Director Michael Borja – How can it be probated it doesn't belong to him? He just had a land use permit which is not necessarily something to be allowed to be used to pass along like that.

Margarita Borja (DLM) – I need to verify to see. I didn't check further. I wasn't sure who David was so now she's saying that David did not have a beneficiary named so I don't know if he does. He is an applicant. So I'm not sure how she (interrupted).

Chairman David Matanane – She got onto that land.

Margarita Borja (DLM) – Yeah.

Administrative Director Michael Borja – He should have been he applied to convert it over to a CLTC lease but it never was concluded probably for a number of reasons because

it wasn't registered property. But since it was not concluded is a beneficiary even permitted? We need to look at that okay. Ma'am we're going to try and help you out in whatever way we can but the problem we have here is that legally you may not be allowed to even use the land. But we have to figure that one out because there was never anything that was legally documented for the purpose of your Uncle to use the land. I mean he was allowed as a land permit holder but he never concluded a CLTC lease and if he's still alive what we would have probably have done was to transfer him to some place where he will be legally authorized to use and get a lease. Is there a building on this land?

Rosemary Muna – Yeah he built a home.

Administrative Director Michael Borja – What kind of home?

Rosemary Muna – Wood and tin.

Administrative Director Michael Borja – So that's where this problem is at is that we're in a quandary because there may not be any legal authorization for you to use this land number one because the application was not even under you. There's no beneficiary to even identify you although you might have been living on the property after he passed away and you've been doing this for a number of years.

Chairman David Matanane – On the chrono E, October 1, 2013, what happened to that approval?

Administrative Director Michael Borja – They want it updated.

Chairman David Matanane – Oh they want an update. But has it been reconnected at that point in time?

Margarita Borja (DLM) – No.

Rosemary Muna – Never gave me one.

Chairman David Matanane – You were never connected in 2013?

Rosemary Muna – Yeah the water has never been connected since I applied.

Chairman David Matanane – When was the water disconnected?

Rosemary Muna – 2013.

Chairman David Matanane – 2013 and you got an approval in 2013.

Administrative Director Michael Borja – But they didn't honor it.

Rosemary Muna – Nobody called me or anything.

Chairman David Matanane – But the chrono here is telling us that it's been approved based on that Public Law 22-157. Are we reading something that's not already in that particular?

Administrative Director Michael Borja – Well you know Commissioners let me take a look because number one it's really now not a Commission issue it's a Land Management issue. But in Land Management we have to also determine whether or not there is true right to usage of the property.

Chairman David Matanane – So I think you better be dealing with Mr. Borja because he's the Director of Land Management. As far as CLTC has nothing to do with that.

Administrative Director Michael Borja – Margarita make sure we got good contact information for her so we can get in touch with her to sort this thing out. We're going to look into this and try and find out what we can and cannot do and then get back to you as soon as possible okay. My letter is no good if it doesn't have the backing that they want. I also have to be careful that I'm not just issuing these things out like phony money where you know if one is truly is correct and is presented they will probably not want to honor it because all the previous ones were you know were invalid. So that's my point here and that's the reason why like I said they're becoming more strict and not honoring even our authorizations because they have no backing. So please bear with us and I apologize for this but thank you for your patience. Just make sure that we've got all your updated information so we can contact you.

Rosemary Muna – Okay.

Chairman David Matanane – Plus Margaret Borja here is suggesting that it be approved based on 22-157.

Administrative Director Michael Borja – Well it does but that's if I can issue the land.

Commissioner Pascual Sablan – All these things that have been approved by, isn't that making us look (didn't finish).

Administrative Director Michael Borja – Well yeah I mean that's my point. I'm just being a little bit more strict about things. You can ask the staff I mean there are a number of applications I slip back down. These ones that come down to you these ones that we're talking about I want you guys to understand that there's some issues. You set the guidance and I got the backing to understand how I need to proceed.

VII. DIRECTOR'S REPORT

1. Revenue collection report for the month of March 2015

Administrative Director Michael Borja – You have the financial stuff in front of you. I'm going to give you this letter I met with Yohei Koike the General Manager of the Guam International Country Club this morning. If you look at the back side you'll see that he owes us over \$131,000. The good news is he could make a payment today and he understands

where he stands on where it's at but he is concluding a deal to get a Korean tour company to come in and (interrupted).

Commissioner Amanda Santos – Take over.

Administrative Director Michael Borja – Well not take over but he's going to get a \$500,000 payment on getting them in. He's asked me to please give him until the end of May to make a payment because once that money comes in. Now if that thing doesn't close the Korean tour company President is going to be here I think this week or next week to take a look at the facilities but they pretty much they like it. I asked him what's going on and why the Japanese consumer golf market has gone down and I was real surprised that the Koreans now are the ones who are the biggest golfers in this region not the Japanese. And the Japanese population is diminishing its shrinking real fast. In fact it's shrinking so fast they don't even have enough laborers to do the work, agricultural work all kinds of work in Japan itself. They're looking for immigrants from the Philippines and Indonesia to assist in a lot of the work that they need to have done there because they don't have a population to be able to do it anymore. But the Koreans have now become the biggest golfers in the region. And so now they're going to Japan to golf in Japan. It used to be the Japanese were coming to Guam because they can get tee times and it was cheaper. So it's not that way anymore they're actually bringing in tourist to golf in Japan as well. So that's the issue and this is where we stand on this thing. When the Land Trust commercial rules and regs pass then it will give us the opportunity to then make more solid decisions on what we can do and want to do with the golf course okay. While this is not bringing in a current income they're hoping that they can pay up and then we'll be okay. But if not we'll have to then proceed and I told him that. I said you are leaving me in no position at all but to declare you in default because you are and we're going to have to do a default remedy to resolve this thing. It will mean that I'm going to terminate your lease and seize your assets. He understands they understand that because I've mentioned it to him every time.

Chairman David Matanane – Who's this WMJ Inc. dba Guam Home Center where is this at?

Commissioner Pascual Sablan – Guam Home Center that's up in Dededo.

Administrative Director Michael Borja – That's the one up there behind the Mobil right? Off Ysengsong the Guam Home Center WMJ.

Matthew Leon Guerrero (DLM) – Along Marine Drive after.

Commissioner Pascual Sablan – That's the new hardware store.

Administrative Director Michael Borja – It's just the parking lot area that's what they're leasing? Do you know what part of this is?

Matthew Leon Guerrero (DLM) – I believe it's the entire area.

Administrative Director Michael Borja – The entire area okay.

Commissioner Pascual Sablan – But going back Mr. Director don't you think that if we were to shove some kind of notice to the Guam Municipal Course we'll have more leverage that should the Korean comes in (interrupted).

Administrative Director Michael Borja – Well this is what's happened, they have been entertaining buyers. I have been asked by potential investors what the possibility is I said go see them they're trying to sell. The investors believe that this existing company is asking too much money and are willing to wait if we put this company into default and seize it and then proceed with the process of bidding for the use of the property instead. So that's where it stands. They're not interested in engaging in a purchase if they think the price is too high. They're willing to wait. Now if that's done what's going to happen if I shut them down today for example well let's say the rules and regs just got adopted it will take me a while to get that thing going to come to a conclusion because I'm going to have to put out a solicitation request for people who are interested, I'll go through a negotiation process then an approval process. The language of the law says that even once we've selected a company through the proper procurement solicitation process I need to get the Legislature's approval on the final contract. I got to get their approval to do it beforehand and then they get to give the final ratification of the contract so it's a long process. In the meantime I may have to spend money to have someone cut the grass if it's intended to be used as a golf course otherwise it won't be long for the tangantangan and the vines to take over.

Commissioner Pascual Sablan – Yes I understand all those things but I'm just thinking that maybe when the time comes if we at least serve them something.

Administrative Director Michael Borja – We have served them they've been given notice of the default and also in record they know that he signed this thing in the back. He knows he's received this that he knows what his payment status is as well.

Chairman David Matanane – Please settle the overdue account immediately that's (inaudible) right.

Administrative Director Michael Borja – And so we've had this discussion and I told him that if he didn't come and talk to me today I would be asking to do a termination contract.

Commissioner Pascual Sablan – He's expecting you to respond to him, your consideration of our request.

Administrative Director Michael Borja – Yes I initialed it off I responded to him verbally we're going to wait. I mean I recommend we wait. If I wait until the end of May by that time my rules are adopted I can now proceed we can start moving forward on a number of things.

Commissioner Pascual Sablan – Check CoreTech they've been buying things.

Administrative Director Michael Borja – Well you know the thing you guys should think about is do we want to continue to proceed in using that as a golf course or do we want to use it for something else. Let me tell you what the biggest interest in that land is, alternative energy farm. Whether it's solar or wind because it's right next to the substation. Have you guys driven to Malojloj and seen the nastiness of the road condition because of the solar farm that they're building down in (inaudible) they're connecting that to the substation in Talofofu which is by the Fire Department which is clear across the other side of the village. But you can see how far they have to go to connect to a substation and that's the reason why that property is; people have been coming asking about it because it's right next door to the substation right there up by Marine Drive in Dededo. And it doesn't take them very much cost to connect to that because that's the problem with all these alternative energy they have to connect to the grid some place and the best place to go to is the substation. So we have to think about what we want to do with those things and I'll give you guys the recommendation but again it's the highest and best use. We'll use GEDA to help us determine who's the best fish and try and pick somewhere. I'm not in the business of seeking out investment but GEDA and the Governor have been doing quite a bit of it. There's a lot of interest that they're getting for developers to come to Guam. Korea is the new financial market in this region. China is too but there are a lot of Government restrictions with China because of national issues.

Commissioner Pascual Sablan – What's happening in our areas is like China they've been buying or investing on the FSM and in Saipan and then they're coming into Guam too.

Administrative Director Michael Borja – But even in places like the other islands it's giving them an ample access into their economic waters for fishing, their ports for military purposes. So there are those kinds of issues that transpired. China is projecting into the region politically and militarily but not just this region all over the world. If you have a very precious metal or minerals they're going to be there because they want that stuff. They don't come in because they're nice people they got something in mind I mean so does the United States. But that's the issue this whole area is moving so fast economically.

Chairman David Matanane – So we do have an average Mike?

Administrative Director Michael Borja – Average of what? Our income? Well you know I'm hoping that my income stream is going to jump extremely fast once this rules and regs go into place and I conclude that Lajuna Point project because that's going to be a significant amount of income. I don't know where we stand on this it's been kind of mothballed while these rules are (interrupted).

Chairman David Matanane – What's holding it up?

Administrative Director Michael Borja – The rules because we're not allowed to engage since its commercial. That will help out in our income. The other guy which I am going to want to proceed with in issuing a termination of lease even though he has made some threats to us is GRRP. They're going nowhere they're doing nothing. He's making no effort to take calls or respond. So you know I don't care we'll just have to come to it when it

happens and just end it all so we can go and try to find some other. It's a major political issue too so you know it's more than just us.

2. Authorized signatories on account

Administrative Director Michael Borja – This is the money that we have in trust that's designed for us to have; we don't even do anything it's just we've been authorized to touch the account but it's what we have in reserve what was put in initially the \$500,000 and it's grown to like \$512,000.

Chairman David Matanane – The interest.

Administrative Director Michael Borja – Yeah with interest, \$12,000 in interest. But hopefully monies will begin to start flowing into there from well I got to verify how it's going to happen but from the property taxes. This is what is the backing for the home loan guaranties. See if I got 12 million dollars in loan guaranties and only \$500,000 encumbered it's (inaudible). It's supposed to be a percentage and \$500,000 is supposed to be good for I think 10 million. So you know we're pretty close to what we're supposed to do but if we get income and it goes into this then we can give more loan guaranties.

Chairman David Matanane – We got to expand that loan guaranty.

Administrative Director Michael Borja – But there's a hope to use most of this money to do things like infrastructure development too. Okay so that's all there is.

Chairman David Matanane – Well do you have your operational account?

Administrative Director Michael Borja – No we don't have an operational account. We don't need a checking account there is a; you know we have a fund for the Chamorro Land Trust for purchases budget that's it. Okay.

VIII. EXECUTIVE SESSION – None.

IX. ADJOURNMENT

Commissioner Amanda Santos moved to adjourn the meeting. Commissioner Pascual Sablan seconded the motion. Meeting adjourned at 3:22pm.

Transcribed by: Teresa Topasna, WPSII: *Teresa Topasna*

Approved by Board motion in meeting of: *May 21, 2015*

Michael J.B. Borja, Administrative Director: *[Signature]*

David Matanane, Chairman: *[Signature]*

Date: *5/21/15*
Date: *5/21/15*