



# 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  
3<sup>rd</sup> Flr. ITC Building, Tamuning  
Thursday, February 19, 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. January 15, 2015
- IV. PUBLIC COMMENTS
- V. OLD BUSINESS
  1. Commercial Rules and Regs
- VI. NEW BUSINESS
  1. George Toves - Land Transfer
  2. Foster Care - Lot Exchange
  3. Glenna Pitpit – Agricultural Lease
  4. Fujita Property Ground Lease
  5. Simplicia Techaira Garrido – Request to relinquish lease back to CLTC and reimbursement for improvements
- VII. DIRECTOR'S REPORT
  1. Revenue collection report for the month of January 2015
- VIII. EXECUTIVE SESSION
- IX. ADJOURNMENT





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## COMMISSION MEETING MINUTES Department of Land Management Conference Room 3<sup>rd</sup> Flr, ITC Building, Tamuning

Thursday, February 19, 2015; 1:15pm – 3:20pm

### I. CALL TO ORDER

Meeting was called to order at 1:15pm by Chairman David Matanane.

### II. ROLL CALL

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

### III. APPROVAL OF MINUTES – January 15, 2015

Commissioner Pascual Sablan moved to approve the minutes of January 15, 2015 subject to corrections. Vice-Chairman Joseph Cruz seconded the motion. There were no objections, **MOTION PASSED.**

### IV. PUBLIC COMMENTS

**1. Patricia Eustaquio** – My name is Patricia Cruz Eustaquio I'm here on behalf of my brother Michael C. Eustaquio regarding his pending lease of the property. He left this morning back to San Francisco because he has to go to work and he had asked me to come here on his behalf. He was here the other day and what they told him that the question of his lease is that Mr. Mafnas had approved his lease or the property and apparently he got Mr. Monte Mafnas had approved it and there were other people before him he's just like one month shy. So he had asked me to come here and I guess just talk on his behalf about his lease. I have all the receipts the surveyor he had paid for that. There's also a lot that is already designated for him.

**Chairman David Matanane** – What is your brother's name again?

**Patricia Eustaquio** – Michael C. Eustaquio.

**Chairman David Matanane** – And he has a lease?

**Patricia Eustaquio** – No not yet.

**Chairman David Matanane** – You have a copy?

**Patricia Eustaquio** – He doesn't have the lease yet.

**Chairman David Matanane** – You said it's been approved.

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**Patricia Eustaquio** – Mr. Monte Mafnas had already approved it but because he doesn't live here on island he only comes out here like once or twice a year.

**Administrative Director Michael Borja** – So has he come out to speak to anybody within the Chamorro Land Trust?

**Patricia Eustaquio** – Yes he was just here the other day but he had to leave this morning.

**Administrative Director Michael Borja** – So what are you trying to accomplish today?

**Patricia Eustaquio** – Because they said the property that's designated for him is in question because you know he's one month shy from I guess there's other people before him. Mr. Mafnas had approved it only because he lives off-island and he can't be coming here all the time.

**Chairman David Matanane** – Has he seen anybody in (interrupted).

**Patricia Eustaquio** – Yes.

**Chairman David Matanane** – Do you know the name?

**Administrative Director Michael Borja** – Margarita Borja.

**Patricia Eustaquio** – He spoke to Lorraine and then several people like last year.

**Chairman David Matanane** – When was this? Last year?

**Patricia Eustaquio** – Last year because every time he comes out he comes here to follow up on the property.

**Margarita Borja (DLM)** – He's a 1996 applicant. I believe January 24, 1996. Am I correct?

**Patricia Eustaquio** – I believe so.

**Margarita Borja (DLM)** – What had happened I just of kind of pulled the folder because they brought it to my attention that his time and date wasn't up and he had gone through the process. What had happened was we issued him a survey authorization sometime last year.

**Administrative Director Michael Borja** – Was the survey completed?

**Margarita Borja (DLM)** – The survey is completed, the map is done and we're now at the stage of issuing him a lease. When I looked further into it I found out that the applicant was a 1996 applicant. According to the Land Agents the reason behind him being pushed up was because of a prior approval by Monte. So I'm not sure about that but I know we did sign off on his survey authorization last year.



**Chairman David Matanane** – But the surveys are here. It's already been recorded?

**Margarita Borja (DLM)** – The survey has been done the map has been recorded the next step is for issuance of a lease. I believe the reason why they came was because they wanted a lease issued and we kind of found the problem.

**Chairman David Matanane** – You know ma'am not to say that we're trying to brush it away but since your brother just left today or yesterday and he had seen somebody I think it will be best to let it go through its course and if you have any other questions you can come in and see Mr. Borja here.

**Patricia Eustaquio** – He did give me I have the power of attorney.

**Chairman David Matanane** – That's fine and that's even better.

**Patricia Eustaquio** – He just asked me to come over here. So with going through its course you guys will just call me or is the lease going to be done?

**Chairman David Matanane** – That's why I'm referring you to Mr. Borja so he can look into it and of course Mr. Borja will be the one to (inaudible).

**Administrative Director Michael Borja** – Well just to give you Commissioners a background we're trying to do our best to ensure within every means we can to keep with the sign up list and to maintain its integrity and not be jumping. We're not even beyond December 1995. Now the bulk of our applicants happened during that period. This person is January 1996 so you know it's not going to be too long before we get to that but we're still not there. Now on a case by case basis we're going to look at these things. In this specific case he had been granted authorization by a previous Director. They went out and expended their own funds to do the survey. The survey is completed and recorded. I don't know any of the details of this. Is it agriculture or residential?

**Patricia Eustaquio** – I really don't know I'm sorry.

**Vice-Chairman Joseph Cruz** – What's the lot area?

**Margarita Borja (DLM)** – It's mixed it's in 5402.

**Chairman David Matanane** – Don't get me wrong I'm not trying to brush you off but you know we're in the blind here because not all of the details are here. I would suggest that you would see Mr. Borja and then probably by the next meeting if time allows it or if you found anything that's pertaining to the lease agreement then you can bring it up to us.

**Administrative Director Michael Borja** – When we get this kinds of out of the ordinary cases like I'm going to present today later on I'm going to bring it to the Commission for their information and if necessary for their approval or disapproval. This will most likely be one of those because I'm absolutely stern about the fact that we maintain the integrity of the

list and that's what we've been doing with a lot of these. All the land agents should know I go through these things pretty close to determine whether or not there's not some foul play going on in any way within these stuffs. Not to say that there was foul play here but it's just that special consideration had been granted by the previous Director and I have to look at that. If it wasn't concluded in his time it's a situation that means it's my decision.

**Chairman David Matanane** – All the more that's why I'm asking we'll table it until we get the things all straightened out I guess. Like I said we're going to have to go through our checklist to make sure that everything goes smoothly. And maybe some more talking would ease it up Mr. Borja do you think so?

**Administrative Director Michael Borja** – Well I need to get through (interrupted).

**Chairman David Matanane** – Look into the records.

**Administrative Director Michael Borja** – I will look into it.

**Chairman David Matanane** – Actually we don't have the records right here with us.

**Patricia Eustaquio** – I have a copy of the map and all his receipts.

**Administrative Director Michael Borja** – Okay bring that forward (interrupted).

**Chairman David Matanane** – But we would like to see our records too as far as the agent that is taking care of it.

**Patricia Eustaquio** – Alright okay thank you.

**Chairman David Matanane** – Thank you very much Mrs. Eustaquio.

**Administrative Director Michael Borja** – Please get in contact with Margarita Borja okay so we can make an arrangement to see me.

**Patricia Eustaquio** – Okay.

**Administrative Director Michael Borja** – Thank you.

## **V. OLD BUSINESS**

### **1. Commercial Rules and Regs**

**Administrative Director Michael Borja** – It's still being reviewed by the Attorney General. They are not moving in the speed of light these days because of the changeover up stairs but I'm expecting them to be returning it back with some possible comments that we need to make I don't know what to a point extent it is. When they review the other package that has to accompany this whole process to the Legislature they were very well impressed with the package. They found it all in order but there's some comments on the text. I did also receive written comments from Senator Tom Ada who is the Committee Chairman and we

have already addressed his comments. There will be minor changes that will be made but they make no substantial change to anything at all they're just some additional wording to add here and there. Most of his comments that he made we're going to respond in a letter to him to let him know why we're doing what we're doing. Some of them were just questions as to why we're doing what we're doing so that's pretty set to go. Once I get the comments back from the Attorney General's Office we'll go over it and if there's any kind of specific changes they want us to make that doesn't change the meaning and the intent of anything then we'll press on with it and get it transmitted to the Legislature.

**Chairman David Matanane** – Yeah he's really adamant on the last time we saw him.

**Vice-Chairman Joseph Cruz** – Can we get an electronic copy through email so that whatever we're sending in we'll be reviewing.

**Administrative Director Michael Borja** – Oh yeah I'll do that in fact I'll send you the electronic copy of the (interrupted).

**Vice-Chairman Joseph Cruz** – The finished product that's going to be sent out.

**Administrative Director Michael Borja** – The finished rules and regs. Right now the modified one with the Land Committee input that's being reviewed by Kristan she wanted to see it first to determine whether or not we have to send it upstairs again. So if the Attorney General gives us a letter saying concurred with these changes then we're good. I think what I'm hearing is they're sending it down to us for some corrections then they'll sign off after that's done. So I'll send you that. But when we send it back up it will be also with the Land Committee's suggestions. They were pretty good. Some of them improves the clarity of the meaning. So that's where we are on that. I'm trying to move things as fast as I can but it's not it's out of my hands upstairs.

## **VI. NEW BUSINESS**

### **1. George Toves – Land Transfer**

**Administrative Director Michael Borja** – George Toves is not a Chamorro Land Trust recipient. George Toves is a private landowner whose property had to be taken for the purpose of improving Okkodo High School. What's occurring inside this property is the military utility easement. That utility easement is the problem that he's got because technically he can't build on top of this utility easement. We believe there's nothing in this easement at all it's just a line on the map for future use. Now because it belongs to the Navy (interrupted).

**Vice-Chairman Joseph Cruz** – Isn't this the gas line?

**Administrative Director Michael Borja** – No he's adjacent to the gas line itself. He abuts Route 3 and the gas line that's where his property is located at. So what he has asked is for us to do whatever we can to help him out with the Navy as well. We've already been in discussion for quite a while to move the line to be on the edge of the property that's right next to the fuel pipeline.

**Chairman David Matanane** – What’s that retaining wall there?

**Administrative Director Michael Borja** – That’s up against the Route 3. Now what he wants to do is that the width of this utility easement again is still not useable space even though the Government gave him area for area this is not really truly useable area. So what he is asking is once we determine the amount of space that utility easement uses up that we exchange for that exact amount of space on this parcel B property right next to it and that’s Chamorro Land Trust lot as well. Now what our intent is that line has to move on his property that military communication easement line it will also move onto parcel B as well. Now there’s a number of things that have to occur and Mr. Toves he has been fully informed by not only me but Marvin Aguilar our Chief Planner as well as his representative who’s helping him out on this matter former Governor Joe Ada. You’ll see there’s a copy of the letter which I addressed to him telling him and outlining a number of things that we’ll assist him with in all of this and that’s to help him in getting that utility easement moved to the proposed area number one. Number two, to try and work with you and the Legislature to get the additional land to be transferred to him. Now the other letters that are in here in his frustration in all of this he has been working for a number of years with Senator Ben Pangelinan, he sent a letter off to the Admiral and to the Congresswoman. The Congresswoman in return sent a letter to the Admiral and the Admiral in turn answered this letter and responded. One of the very last letters is addressed to a Ms. Irene Cruz a realtor who was working on behalf of trying to assist him. The Navy listed a number of issues that they would concur with moving the utility easement if he took care of all these items and bearing the responsibility for surveying, bearing the responsibility of doing an environmental assessment, etc. and in that letter he signed and he acknowledged and agreed to the terms. So Mr. Toves understood what he got himself into in the cost side of the house when he got the map he also signed it. So he’s put his name to a number of documents that basically states that he concurs with what he’s been given. But nevertheless we’re going to try and see what we can do to help him out in this matter. They’re trying to do something commercially out here and with this military utility easement cutting right through the lengthwise of his property he can’t build anything on there.

**Chairman David Matanane** – This property itself is Chamorro Land Trust?

**Administrative Director Michael Borja** – It used to be Chamorro Land Trust. It had been deeded over to the Legislature in a land transfer from Public Law 28-68.

**Vice-Chairman Joseph Cruz** – Parcel A and B?

**Administrative Director Michael Borja** – No just parcel A.

**Chairman David Matanane** – So who owns the property?

**Administrative Director Michael Borja** – Mr. George Toves because they took his land. They took his land right here that was going to be used for Okkodo High School.

**Chairman David Matanane** – How much land was he given?

**Administrative Director Michael Borja** – It was an area for area I believe.

**Chairman David Matanane** – Okay how much of that?

**Administrative Director Michael Borja** – I don't know.

**Chairman David Matanane** – When all is said and done did he gain any or did he lose?

**Administrative Director Michael Borja** – No, no it's even it was even but the problem that turns out is that he's got this military utility easement that goes through the entire length of his property. His property is oblong right it's a rectangle and it goes through the length of the property right down the center so he can't do anything on this property at all. So he's been deeded over property from Chamorro Land Trust that's basically unviable for commercial purposes or whatever purpose he wants to use it for.

**Chairman David Matanane** – I understand but when the Legislature deeded it over to him he agreed because of his property but why would he accept that if he didn't know that land?

**Administrative Director Michael Borja** – You know that's why I tell a lot of people let the buyer beware right. That's why I'm coming to you guys.

**Vice-Chairman Joseph Cruz** – New Business George Toves Land Transfer, he's relocating an existing easement and in lieu of that we're giving him portion of parcel B?

**Administrative Director Michael Borja** – Parcel B to make up for the part of the utility easement that he's (interrupted).

**Vice-Chairman Joseph Cruz** – But we're not taking the easement.

**Administrative Director Michael Borja** – We can't take the easement the easement still has to cut through this property some place.

**Vice-Chairman Joseph Cruz** – No but based on the proposal by the Navy he's moving it towards the eastern part of the lot.

**Administrative Director Michael Borja** – Correct.

**Vice-Chairman Joseph Cruz** – Parallel with the gas line.

**Administrative Director Michael Borja** – But still inside his lot.

**Vice-Chairman Joseph Cruz** – True. So we're compensating him for relocating it?

**Administrative Director Michael Borja** – No, no, no sir. That's still his issue. What he's asking is that area of property that makes up this military utility easement which you can't



do anything on let's say it's 100 square meters that we on the portion of parcel B we cut out 100 square meters and move his line over.

**Vice-Chairman Joseph Cruz** – I don't see the value of that. In a sense we're compensating him for moving it because he acquired the property through an exchange because of the entrance of Okkodo High School. He accepted that alignment with that easement. Now if we're creating an easement that's a different story of giving him another area. But you're retaining the easement within the lot you're just relocating it.

**Administrative Director Michael Borja** – Well we're not relocating the easement. We're eventually going to ask that the easement be relocated to the edge of his property still inside his property. But because he can't do anything on that piece of property technically he can't do anything on there except you know drive over it. So he's just saying whatever that amount of space that is there offset it over on parcel B.

**Vice-Chairman Joseph Cruz** – I don't agree with that.

**Administrative Director Michael Borja** – Okay.

**Commissioner Pascual Sablan** – We're opening here a can of worms because in that case I'll line up too because I own a property further up right across McDonalds and that pipeline they told us it's perpetual easement and we're still paying real estate taxes you know. So if we're going to do that (interrupted).

**Chairman David Matanane** – In the first place we were never involved.

**Administrative Director Michael Borja** – Correct.

**Chairman David Matanane** – That's what gets me is that after everything is done we're going to untangle their mess.

**Vice-Chairman Joseph Cruz** – And then there's a law on the code that says if an easement was created through the private property these people are eligible to do a land exchange but in this case we're just relocating an existing alignment and compensating that for an area on parcel B.

**Chairman David Matanane** – It's no longer Chamorro Land Trust property.

**Vice-Chairman Joseph Cruz** – When the Legislature agreed to give Mr. Toves this property it was designated as such and the easement is there.

**Chairman David Matanane** – They did all the transaction and then we're getting involved on this let them fix their mess. I'm sorry to say that they're just giving us a headache.

**Vice-Chairman Joseph Cruz** – And then with parcel B I know it's 3,900 square meters and it's not different than his lot which is narrow. It's going to be reducing an area of parcel B so

what are we going to use if it's less than, we'd just probably use it as a buffer. It's a substandard size for development.

**Administrative Director Michael Borja** – It's about all most 4,000 square meters.

**Chairman David Matanane** – I can understand where you're coming from but we don't want to get (inaudible).

**Administrative Director Michael Borja** – Okay well I just needed to bring it to your attention because I told him I'd discuss this.

**Chairman David Matanane** – But we don't want to be now if anything goes wrong here which we need to study it a little bit more but for me I don't think we should entertain it because it's not involving us. They took Chamorro Land Trust they exchanged it who did the exchanging it's not us.

**Administrative Director Michael Borja** – So if the Legislature decides they want to do then the Legislature can do it.

**Chairman David Matanane** – They did it the first time so why are we going to come into the picture?

**Vice-Chairman Joseph Cruz** – On top of the realigning he still owns the property as fee simple but it's an easement right that the easement is there. If we turn around and gave him a portion of this parcel B we're going to give it to them in fee simple not as an easement so we're going to be losing Chamorro Land Trust property.

**Administrative Director Michael Borja** – Exactly you are.

**Chairman David Matanane** – That's why I asked is he gaining. We're not gaining.

**Administrative Director Michael Borja** – We're not gaining anything. And we had asked a couple of things to have this utility easement to be actually placed outside of the property we're still working on that on the Route 3 side. They will not allow it to be on the outside of the property on the fuel pipeline side because right there it abuts the fuel pipeline easements. So you got the two different kinds of utility easements coming through here in which the fuel pipeline is active and nothing can go on that easement.

**Chairman David Matanane** – It's not even public utility easement it's the Navy easement.

**Vice-Chairman Joseph Cruz** – Roughly the Navy easement is about 200 square meters, 10 feet by 200 feet.

**Chairman David Matanane** – And what has the Navy have to say about that? Nothing?

**Administrative Director Michael Borja** – Oh no they're working to try and move it but I actually wanted to make this my own test and tell the Navy put it on the Route 3 side where all other utilities go. Why does it have to cut through people's personal property?

**Chairman David Matanane** – And who's going to be deeded after the fact after you remove that?

**Administrative Director Michael Borja** – Well if we remove it and it does get located on the outside of the private property then his lot is whole. He can use everything he was given. But their comment was they didn't want this easement to be up alongside the road in case it gets dug up in the future. My argument back to them is if you look at the bigger map the road curves to the right as you go north and the easement does ride on the Route 3 easement right of way. So their argument was not good but you would think GovGuam would slow these guys. We're working with an individual I think you're familiar of this that's over in the land side of NAVFAC he used to be in Land Management many years ago Dan Guerrero. So we've got a contact there that's trying to help us out but as I told this individual and his representative once you fire a letter off to the Congresswoman you see there's a letter from the Admiral and if there was little workable solutions that were being attempted they kind of you know the book gets closed.

**Vice-Chairman Joseph Cruz** – You know this sketch that the Navy says this is an abandoned easement that's laying on parcel A and B.

**Administrative Director Michael Borja** – Yes.

**Vice-Chairman Joseph Cruz** – It's an abandoned.

**Administrative Director Michael Borja** – Nothing is on it but they do not want to (interrupted).

**Vice-Chairman Joseph Cruz** – Because if you look at the map closely there's parcel R/W1 that is considered as a proposed new location of 15 feet wide MU-T-10 which is the military communication line and the one that we're discussing is the old alignment under Document 38544. So if they can verify that this alignment is now being relocated along Route 3 because that's the same usage.

**Administrative Director Michael Borja** – Yeah you're right.

**Vice-Chairman Joseph Cruz** – So all they need to do Mr. Toves has to come in and say request for deletion of easement based on this document.

**Administrative Director Michael Borja** – You can see that the Navy didn't even sign off on their own map. This map was created by Mr. Toves signed off by Monte Mafnas and the Navy was supposed to sign off on it. The Navy never signed off on it because this proposed area the proposal was to put the utility easement on Route 3 right of way and the



Navy doesn't concur. They want it on the inside of the property but we're going to go back and try to get them to (interrupted).

**Chairman David Matanane** – It's stipulated here.

**Administrative Director Michael Borja** – Yeah it says that they'll work together to try and do this but you see this has been about four years ago.

**Chairman David Matanane** – So let's not add in anything.

**Administrative Director Michael Borja** – Okay I just brought it to your attention so if that's the case then (interrupted).

**Chairman David Matanane** – If there's anything else that please do if anything comes through but as far as right now I don't think we should put our two cents in there.

**Administrative Director Michael Borja** – Alright thank you very much.

## **2. Foster Care – Lot Exchange**

**Administrative Director Michael Borja** – We have already gone through this process once before many months ago many years ago and in the legislative process the Legislature permitted the land transfer of property for Public Health to use in a foster care facility but they've determined that the land that we agreed upon over in Tamuning in Oka Point behind Perezville was unacceptable and the legislation said find us another lot. So it required us to come up with another lot and what we have come up with which you'll see in my transmittal letter it also states that we have to give the Legislature the information on where we want to do it. So the three lots that we have suggested are on top of the hill on Barrigada Heights. All the other lots all surrounding out here is all Chamorro Land Trust which actually goes down the hill we have agricultural assignments already. The three lots we've looked at are along this road, the one that we selected and the one that is most preferred is called Tract 9, Block F, Lot 14. It's approximately 2½ acres of land which is suitable for the needs that they have currently for the size of facility that they need to build to house the number of children that they need to house. So I come before you to just seek your approval because I do need to get the Commission's approval on this before we can submit it to the Legislature as an acceptable piece of property.

**Chairman David Matanane** – On this particular lot where is it located right at the edge of Barrigada Heights?

**Administrative Director Michael Borja** – If you come up the road the side of Barrigada Heights that's by Commercial Tire the south side and you go up that road and keep on going it comes to a dead end right here where this turns into gravel. When you go in here you have big antennae farms up here. So that's the facility and it's out of the way from everybody. There's nothing built across the street from it because that is also antennas. The path of the aircraft are further up they're not over this whole area at all. So I present to you the request for Tract 9, Block F, Lot 14 to be approved by the Chamorro Land Trust

Commission for completing the transfer of property and submitting the information to the Legislature for final approval.

**Chairman David Matanane** – Where is this other one the T9, B (interrupted).

**Administrative Director Michael Borja** – That goes all the way in if you go drove up this other route this is a whole new housing subdivision in fact when this picture was taken I think there's even more homes that are being built around this area. There's a whole another new subdivision of homes being built up here. So this goes all the way around there's really no; this right of way that's drawn on the map while it's on the map it's really not there and then it begins to slope down a little bit in this area.

**Chairman David Matanane** – Have we given any other Chamorro Land Trust recipient on this particular area?

**Administrative Director Michael Borja** – Down below you can see there are homes down there. I went and inspected it and one of these guys back here is a great model for an agricultural lot. What he's done out there I'm very impressed. On this end you'd have to go actually go down around over here before you can even see the ocean side but from up here you don't see anything. If you're on top of the hill it's being blocked from quite a bit of view until you get to the back.

**Chairman David Matanane** – Well it's up to the Commissioners. Do you prefer a specific one here?

**Administrative Director Michael Borja** – The one that is preferred is this very first one the Lot 14.

**Vice-Chairman Joseph Cruz** – So what's going to happen with this Public Law 32-226?

**Administrative Director Michael Borja** – The law already allows the transfer.

**Vice-Chairman Joseph Cruz** – Because this is designated for Public Health.

**Administrative Director Michael Borja** – Yes Public Health had reserved piece of property in Chalan Pago that they can't use. We did two land transfers already for the lands they had there. One of this was to do the mosquito lab. We transferred the property to northern Public Health facility so they can build the mosquito lab which is under construction right now. That one was done a while back. The only other hold up was this piece of property for the Foster Care Home. The Foster Care Home originally the site selected was originally over behind Perezville.

**Vice-Chairman Joseph Cruz** – So Public Health does not need this Lot Number 3470?

**Administrative Director Michael Borja** – That lot that's in Chalan Pago is not usable for the facilities they need to build.

**Vice-Chairman Joseph Cruz** – So are we planning to remove Public Health out of this property?

**Administrative Director Michael Borja** – Oh yes that's the whole intent. They are going to be trading out their reserved lands for these transfers that's what this bill did. They had reserved lands in Chalan Pago that 10 acres right and we've taken all that 10 acres back to Chamorro Land Trust to trade out I think 2 acres (interrupted).

**Vice-Chairman Joseph Cruz** – So this is the second development that Public Health is requesting. Lot 3470 is not (interrupted).

**Administrative Director Michael Borja** – It's a rolling, it's very steep terrain.

**Vice-Chairman Joseph Cruz** – How long ago was that that they request for that first?

**Administrative Director Michael Borja** – This goes back almost two years ago. When I was a Commissioner we had discussed this. In fact it goes back to I think 2012.

**Vice-Chairman Joseph Cruz** – So every time Public Health comes in they'll use this as a leverage that they can't use it?

**Administrative Director Michael Borja** – No they're done with it the land is done. There's a lot of land in Public Law 22-18 which the Government agencies reserved for their use right. Some of them when they come to needing the land that specific piece of property that they had may not be usable to their purposes so they ask is there a suitable trade.

**Vice-Chairman Joseph Cruz** – Have they done any development studies as to how 3470 is not acceptable? Is it because of accessibility, because of infrastructure?

**Administrative Director Michael Borja** – Because it's very hilly. It's best suited for agriculture.

**Vice-Chairman Joseph Cruz** – I would recommend to remove this then from their reservation.

**Administrative Director Michael Borja** – It is.

**Vice-Chairman Joseph Cruz** – Is it removed?

**Administrative Director Michael Borja** – Yes. It's already been done. This law this is a Public Law it's not a bill anymore. What I gave you here is a Public Law that authorizes this land exchange to occur. The law is done. All they're saying in this law now is that we reject the lot in Tamuning and they want us to identify another lot.

**Vice-Chairman Joseph Cruz** – I understand that this law swap 3470 with 5173 correct?



**Administrative Director Michael Borja** – The intent was to swap it with 5173 but they rejected it in this law. They said do not pick this land find something else. They said except that the selected lot shall not include Lot 5173.

**Vice-Chairman Joseph Cruz** – Yeah I understand that but nothing in this law saying that 3470 is going back to Chamorro Land Trust and not made available for Public Health. It's telling us that it's not practical to develop but Public Health can still turn around and say they own that under the reservation.

**Administrative Director Michael Borja** – Right here Section 2, is to exchange real property reserved for Public Health as described as. This does the exchange.

**Vice-Chairman Joseph Cruz** – What are we exchanging 5173 or 3470?

**Administrative Director Michael Borja** – We're taking a portion of 3470 the remaining portion of 3470 that they still have reserved and finding something else to give them that is not 5173. The original bill said 5173. They're saying now you can do this transfer but we don't want 5173 find something else.

**Vice-Chairman Joseph Cruz** – Not even 3470?

**Administrative Director Michael Borja** – No they're saying transfer out of 3470. It had already been determined by other previous law as well that said that that land was not suitable to build a public use facility.

**Vice-Chairman Joseph Cruz** – I understand all that but what I want to understand is does Public Health have an authority over 3470 based on the land reservation that was passed back in (interrupted).

**Administrative Director Michael Borja** – No sir this deletes it all.

**Vice-Chairman Joseph Cruz** – So we're swapping now 117 acres to 1 hectare in Barrigada Heights?

**Administrative Director Michael Borja** – No not 117 acres. 3470 is 117 acres big of which 10 of those was reserved for Public Health. A portion of 3470 that's what it was.

**Vice-Chairman Joseph Cruz** – Okay it wasn't too clear on the acreage of what was being transferred out of this Public Law that's why I'm asking. The basic lot was mentioned in the Public Law with that acreage and the set 3470 was mentioned to replace that with Barrigada Heights with 1 hectare.

**Administrative Director Michael Borja** – No the law 22-18 said that the size of this lot is one thing but what they had reserved is just this now.

**Vice-Chairman Joseph Cruz** – I understand but where I'm getting at is this Public Law didn't mention how much Public Health owns at 3470. That's my concern.

**Administrative Director Michael Borja** – It does describe it in the very first paragraph Section 1 that the property in Ordot-Chalan Pago is (interrupted).

**Vice-Chairman Joseph Cruz** – Is 10 acres and then they were given 4,129 square meters which is 1 acre in Tamuning now we're giving him 10,000 square meters up in Barrigada it's 1 hectare.

**Administrative Director Michael Borja** – 2½ acres.

**Vice-Chairman Joseph Cruz** – So we're swapping 1 acre to 2½ acres up in (interrupted).

**Administrative Director Michael Borja** – No, no, no they don't have 1 acre left they have 4 acres left.

**Vice-Chairman Joseph Cruz** – Of?

**Administrative Director Michael Borja** – In 3470.

**Vice-Chairman Joseph Cruz** – No what I'm getting at is 5173 is 4,000 square meters.

**Administrative Director Michael Borja** – Yeah but you're not just going to wipe out 5173. There we were going to give 1 acre and get back 4. Here we're going to take back still the 4 and they're going to get 2½ .

**Vice-Chairman Joseph Cruz** – As long as we get 3470 back to the Chamorro Land Trust.

**Administrative Director Michael Borja** – We are and it was discussed as well when we went in to the information briefing.

**Chairman David Matanane** – When was this law passed.

**Administrative Director Michael Borja** – This was passed in December of 2014.

**Chairman David Matanane** – The 91 days is already over right?

**Administrative Director Michael Borja** – No it's not. This was signed into law December 29<sup>th</sup> I think.

**Chairman David Matanane** – On November?

**Administrative Director Michael Borja** – December 29.

**Member of the Public** - So 3470 you're giving back to the Land Trust 107 acres you said something about 10 acres only that you need of 3470 right?

**Administrative Director Michael Borja** – Lot 3470 has a certain amount of land that it makes up of which only 10 acres of that was reserved for Public Health.

**Member of the Public** – 117 all total.

**Administrative Director Michael Borja** – No. The lot consists of 117 acres. Public Health's portion of that is only 10 acres.

**Member of the Public** - And that's the one that you want the 10 acres of Public Health.

**Administrative Director Michael Borja** – We're taking back the 10 acres that's reserved for Public Health in exchange of these lots.

**Member of the Public** – And the rest the remainder will go back to Land Trust.

**Administrative Director Michael Borja** – Correct.

**Member of the Public** – Okay and that will have to go through the procedure that the Senators put out.

**Administrative Director Michael Borja** – No sir we're done. The Legislature already passed a bill the Governor already signed it into law that makes the transfer occur. All the Legislature now has instructed us to do is to determine the land to use regardless all they want to know is what's the land that's going to be used. It has to be any piece of property except for the one we had originally designated in Tamuning.

**Member of the Public** – So the remainder 107 is open to the public.

**Administrative Director Michael Borja** – No sir there's no 117 acres total.

**Member of the Public** – The 107.

**Administrative Director Michael Borja** – That was part all part of reserved for other people's use. Public Law 22-18 took that big chunk of land and they portioned it out to different departments as part of the reserve.

**Chairman David Matanane** – I think if you read this Mike on the law itself 91 days is not yet over.

**Administrative Director Michael Borja** – We have to submit our request before then.

**Chairman David Matanane** – Not necessarily because on page 3 of this particular law it says reject or accept by resolution of the Legislature (interrupted).



**Administrative Director Michael Borja** – We cannot use the land until 91 days after we have submitted it alright because they have 90 days in which to act on it. On the 91<sup>st</sup> day if they don't act it's approved. So we don't really have 90 days. We're trying to get it done as quickly as possible because this was already supposed to have been a done deal and we're not even acting as quickly as possible. Quickly as possible this would have been on the agenda last month.

**Chairman David Matanane** – It says here also it shall deem approved in the event a rejection by the Legislature, the Chamorro Land Trust Commission may submit a different selection subject to legislative rejection. There's still another rejection. They might reject the one that we're trying (interrupted).

**Administrative Director Michael Borja** – Correct they have 90 days to act on it or to accept or reject and if they don't do anything in 90 days on the 91<sup>st</sup> day it's done. We haven't given them the information yet.

**Chairman David Matanane** – For that piece of property.

**Administrative Director Michael Borja** – Exactly that's why I'm coming to you I need a motion from the Commissioners to allow that piece of property to be selected.

**Chairman David Matanane** – And they still got to after they reject that then it will still (interrupted).

**Administrative Director Michael Borja** – What do you mean after they reject it? Why would they want to reject it? They want to know what they need to do to move on.

**Chairman David Matanane** – There's a listing already the Barrigada Heights piece of property what it says here. You're exchanging it, Chalan Pago to Barrigada Heights.

**Administrative Director Michael Borja** – The draft that I prepared and the resolution I'm proposing for the Legislature to use would be for the purpose of approving the lot in Barrigada Heights.

**Vice-Chairman Joseph Cruz** – Where is this 5173, is this next to the old hospital?

**Administrative Director Michael Borja** – Oka Point.

**Vice-Chairman Joseph Cruz** – Which portion of that?

**Administrative Director Michael Borja** – On the edge closest to the hospital. Behind Healing Hearts.

**Vice-Chairman Joseph Cruz** – So this is too small for them?

**Administrative Director Michael Borja** – No that was soundly rejected as a possibility by the Legislature that's why they even wrote it into the law they do not want that land to be used.

**Vice-Chairman Joseph Cruz** – I don't understand. You have the hospital next to that the institutions are always over there.

**Administrative Director Michael Borja** – My point exactly and we're beyond that. That's what we had been arguing but that's what they turned down and it was through the action of some residents. But that's what the system is for.

**Vice-Chairman Joseph Cruz** – These are all prime lots that we're looking at real prime.

**Chairman David Matanane** – They deserve a bigger lot huh?

**Administrative Director Michael Borja** – Well that lot yeah because of the type of thing that they're going to build you have to have a certain size. I think they can only house a maximum of I believe 18 and it has to be a single floor facility so it has to be a certain size.

**Vice-Chairman Joseph Cruz** – Do you have another site?

**Administrative Director Michael Borja** – Just those three.

**Vice-Chairman Joseph Cruz** – No, aside from Barrigada. Do you have any other villages that you can propose?

**Administrative Director Michael Borja** – Just those three that's the only things we've proposed for the Foster Care and Public Health people. We've looked around in other places to find something that would be just as suitable that would be within easy access to get down to facilities that they needed whether down to the hospital or whatever and other places we have are in the out reaches.

**Vice-Chairman Joseph Cruz** – Who recommended the 5173 the Tamuning lot?

**Administrative Director Michael Borja** – That was done way previously. That was brought on back since 2011 I think but it's been in debate for a number of years.

**Vice-Chairman Joseph Cruz** – I would agree with the Barrigada Heights but not the whole area since they have an acre for the Tamuning lot that they rejected. I would recommend to just give them an acre up in Barrigada Heights instead of 10,000 square meters.

**Administrative Director Michael Borja** – But they didn't take the (interrupted).

**Vice-Chairman Joseph Cruz** – No, no because of the plan that they rejected this 29 and they didn't reject it because of the lot area. So instead of giving them the whole acreage of 2½ acres just give them 1 acre.

**Administrative Director Michael Borja** – From what I see and what their requirements are because it's more than just that facility there are some other facilities they need to build.

**Vice-Chairman Joseph Cruz** – Do they have a concept?

**Administrative Director Michael Borja** – There's a concept yes and they're mandated by particular laws that grant the money to build these facilities on how they have to build these things.

**Vice-Chairman Joseph Cruz** – Before I make my vote I would like to see how their conceptual design fit into the 10,000 square meters versus the 4,000 square meters. Approving it is no problem I just want to see what we're giving out.

**Administrative Director Michael Borja** – Okay well I think I can get you that information but I would still like the motion to go because I do need to move on this thing. I really do, it is an issue that's been long standing. So I would ask that you guys at least place the motion on the floor and then give it a vote. If you don't want to vote on it now so be it. But I do ask that you vote for it. I can get you that information there is a concept that they have for this.

**Vice-Chairman Joseph Cruz** – To me the way I feel about this case now is like they're selective. You have a site up in Tamuning and they're rejecting because (interrupted).

**Administrative Director Michael Borja** – No Public Health didn't reject this. It was rejected by outside folks who approached the Legislature not to accept this.

**Vice-Chairman Joseph Cruz** – But was there a public hearing on it?

**Administrative Director Michael Borja** – Yes there was.

**Vice-Chairman Joseph Cruz** – And that's the public hearing that rejected this site?

**Administrative Director Michael Borja** – No the public hearing didn't reject. It came on the floor. It happened behind the scenes and when the vote came on the floor they rejected it. There were public hearings I can tell you. There were a lot of public hearings. There was a regular public hearing at the Legislature. There was a regular public hearing at the Municipal Planning Council two times in Tamuning and then it went before the floor with what we thought we had the support. The Tamuning Municipal Planning Council accepted it. They gave us their approval but when it reached the floor there was some backroom arguments and discussions. It altered the bill to delete that as a site and to come up with something else.

**Chairman David Matanane** – Maybe it's not a proper place to put children there.

**Administrative Director Michael Borja** – All I ask is if you can place a motion on the floor to approve Tract 9, Block F, Lot 14 in Barrigada as an acceptable facility for the lot to be used for Public Law 32-226 the Foster Care Home.

**Vice-Chairman Joseph Cruz** – I move to approve the request for Public Health on Lot 14, Tract 9, Block F with the condition of a reduced area.

**Commissioner Amanda Santos** – I second it.

**Administrative Director Michael Borja** – Commissioners during this discussion period I do ask that we please allow that the area be maintained as the complete area that is shown on this specific lot at 10,000 square meters and I will show you the conceptual plan for what they have for this. If the space that's required is not only to allow because this facility actually has to be secured to prevent any harm to children and to prevent from outside entities coming in as well. And to have social facilities that are going to be built on the front side to deal with the counseling services that become necessary in this particular kind of situation. I can show you they have all kinds of conceptual plans that are being designed not only by Public Health but to be funded in fact even by the GHURA folks.

**Commissioner Pascual Sablan** – I vividly remember the Director of Public Health that he was very unhappy of what the Legislature did giving him another lot. Do you know about that?

**Administrative Director Michael Borja** – We were unhappy that the process was you know it turned kind of hostile in there and personal.

**Commissioner Pascual Sablan** – Does he have objections to this?

**Administrative Director Michael Borja** – No this site was reviewed by GHURA, Public Health, the Foster Care people and Land Management.

**Chairman David Matanane** – There's a motion on the floor we already seconded it. Any more? Well we are discussing it now.

**Administrative Director Michael Borja** – The motion is at a reduced size.

**Chairman David Matanane** – That's why I am reemphasizing there is a motion on the floor but we're not discussing the main point where you're reducing it.

**Administrative Director Michael Borja** – I did I was discussing it I ask that you reconsider that it be at the size that we're recommending.

**Chairman David Matanane** – You are asking for a reconsideration.

**Administrative Director Michael Borja** – I'm asking that that specific part of the motion not be (interrupted).

**Chairman David Matanane** – Would you yield to that Mr. Cruz?

**Vice-Chairman Joseph Cruz** – The reason why I put a reduced condition is that they had acreage in Chalan Pago that was reserved for Public Health then they went to an acre in Oka Point now we're giving them 2½ acres. I hate to support a project that I don't see the footprint of what the lot is being used for. That's why I'm asking is there any conceptual design or plan for us to say that the facilities being built requires 1 acre, 2 acres, 3 acres or 10 acres. They had 10 acres in Chalan Pago correct?

**Administrative Director Michael Borja** – Yes.

**Vice-Chairman Joseph Cruz** – That they made reservation.

**Administrative Director Michael Borja** – Yes.

**Vice-Chairman Joseph Cruz** – And they were given 1 acre in Tamuning and for whatever reason that they refused now we're giving them 2½ acres.

**Administrative Director Michael Borja** – But we're still taking 4 the remaining 4 acres. So the exchange in area is 4 acres for 2½.

**Vice-Chairman Joseph Cruz** – And that's up in Chalan Pago.

**Administrative Director Michael Borja** – Yes.

**Vice-Chairman Joseph Cruz** – As far as acreage is concerned I understand we're taking back 4 acres that is not usable versus losing 2½ acres that is prime lot in Barrigada. I understand that. All I want to see is the layout of what this facility requires in acreage before I can put my support on it.

**Administrative Director Michael Borja** – But I tell you Mr. Commissioner I can provide you that information. It's not something that is being asked for because there's no plans whatsoever.

**Vice-Chairman Joseph Cruz** – I understand that but I'm approving it with a condition of reduced area until I see the layout simple as that.

**Chairman David Matanane** – Would you reconsider your motion inclusive of that reconsideration?

**Vice-Chairman Joseph Cruz** – Yes.

**Chairman David Matanane** – So your motion is there will be attached reconsideration when you see the (interrupted).



**Vice-Chairman Joseph Cruz** – I move to approve the request of Public Health on Tract 9, Block F, Lot 14 subject to the acreage requirement of the facility that is to be built.

**Chairman David Matanane** – And subject also to the documentation of the reduce (interrupted).

**Vice-Chairman Joseph Cruz** – Because if they need additional acreage are they going to come back and ask us for the next lot up that we proposed three parcels? That's why I'm saying I'll support that with the footprint of the design.

**Administrative Director Michael Borja** – Okay and the footprint could grow and you're right because the needs are really super great folks. I can't under estimate and tell you the story of the foster facilities. They don't have the facilities they need for the overwhelming requirements and the vast majority of foster children are Chamorro.

**Vice-Chairman Joseph Cruz** – I understand that. I understand that very clear but for me I'll put my opinion out if we're dealing with prime lot. I have no problem with agriculture lot, residential lot but for prime lot I would have to (interrupted).

**Administrative Director Michael Borja** – Well this is an agricultural lot.

**Vice-Chairman Joseph Cruz** – But location is prime.

**Administrative Director Michael Borja** – Well the location is it has no view up there.

**Commissioner Pascual Sablan** – I guess Joe covered everything.

**Administrative Director Michael Borja** – You have antennas in front of you I don't know it's not like it's really that prime.

**Commissioner Pascual Sablan** – I think he covered everything.

**Administrative Director Michael Borja** – Okay I mean I will get you the full blue prints.

**Chairman David Matanane** – It's already seconded it. Show of hands (interrupted).

**Administrative Director Michael Borja** – So wait repeat the motion then so I can understand it.

**Member of the Public** – How big is this foster home?

**Administrative Director Michael Borja** – The foster facility is limited in size and it can only accommodate I believe only 18 children by law. It has to be a single story facility because it has to be able to deal with children who may have disability. It's just the requirements established by law that states these kinds of things and this is the kind of stuff that they're working with. So it has to be spread out plus you have to have enclosures to not only

protect the children from the elements but to protect the children from outside entities that may harm them. This is a very, very emotional time. Parents you know whose children are taken away for sad reasons tend to become extremely hostile in trying to retrieve their children in these kinds of cases.

**Member of the Public** – I was just reading two days ago about foster homes in the newspaper in the PDN and the Governor already set aside some money for the foster children (interrupted).

**Chairman David Matanane** – We need to go ahead and take the motion so show of hands (interrupted).

**Administrative Director Michael Borja** – I am sorry I need to hear the motion I didn't hear that.

**Vice-Chairman Joseph Cruz moved to approve the request of Public Health on Lot 14, Block F, Tract 9 subject to the footprint of the conceptual plan. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.**

### **3. Glenna Pitpit – Agricultural Lease**

**Administrative Director Michael Borja** – This is an agricultural lease that I wanted to bring to your attention. On this specific case we have an agricultural lease that I do support in signing it. The reason I bring it to your attention is because and I will do this as these things come to me is because it involves an immediate family member who is an employee of the Department of Land Management. So I just want to let you know that this is going on. The only odd thing that comes up in this whole specific case is that the individual assumed her mother's position in line and that's the only thing. The mother's original application was for December of 1995 the mother ended up getting married to one of our employees in the year 2000. Technically they should not be allowed to go for two properties so she gave the position in line to her daughter. That's the only thing and everything is within reason. She's a qualified applicant but I just wanted to bring that to your attention whenever I have employees or their immediate families coming forward for application approvals.

**Commissioner Pascual Sablan** – I'm sorry I'm lost. Can you repeat again what you said?

**Administrative Director Michael Borja** – When I have an application for Chamorro Land Trust property whether it's agricultural or residential and it involves an individual who's either an employee of Land Management or their immediate family member I'll just bring it to your attention.

**Commissioner Pascual Sablan** – Oh.

**Administrative Director Michael Borja** – Okay so there doesn't appear to be any improprieties going on. Some of these could have happened in the past like we heard earlier from a previous public comment that she wants us to jump ahead. You know a

previous Director had given some approval but I try to avoid that completely and try to make sure that this is in every way that we maintain the integrity of the list of what people signed up for.

**Chairman David Matanane** – And your recommendation Mr. Borja?

**Administrative Director Michael Borja** – So this one their application has been up so the only thing that was holding it up is a signature on that one.

**Chairman David Matanane** – And your recommendation Mr. Borja?

**Administrative Director Michael Borja** – Is to sign it.

**Chairman David Matanane** – You need a motion right?

**Administrative Director Michael Borja** – No I don't need a motion. I'm just letting you know.

#### **4. Fujita Property Ground Lease**

**Administrative Director Michael Borja** – I wanted to bring this to your attention and we have Mr. Lars Hellmont from Fujita Property. Fujita Property is the ITC Building. In the issue I have here and I'm still pending the Attorney General's review on this before I can act on it, in 2011 Monte Mafnas on page 2 had entered into an agreement with the ITC property to allow the use of some space in the building and in lieu of increased payments for rent or whatever that the lease would be extended beyond its current term for another 50 years. Now the current term for this lease expires in the year 2061. What this would have done is added the term of the ground lease to extend to the year 2111. Now I had to review back before I did this because I needed to make sure that I had the authority to do this. Number one, was there any motions made by the Commissioners to approve this? Number two, is there authority to be able to enter into such an agreement? What you have here is in the December 15, 2011 Board meeting in the minutes Monte Mafnas brings up the fact that he is trying to engage in this process where there's an extension of 50 years on the ground lease for another 5,100 square feet and he talks about some amounts. In the continuing pages of these minutes in the discussions that occurred in nowhere at all up to the conclusion of this discussion which was of course actually the last bit of stuff to discuss there was no motion. And the only thing that came out in the end was that the Acting Chairman Oscar Calvo said okay I'm good to that and support to that. To which Monte Mafnas responded thank you so as soon as we get that I'll need your concurrences. So there was no motion to do this. In the next month's meeting Monte brought up the fact that he's still waiting for some documents for us to approve. So there was nothing else beyond that. As much as I've been trying to get the Attorney General's review of the rules and regs to get done as quickly as possible I've had to ask our attorney to review this and because she's an assistant attorney general she has to go through her processes. I need something as soon as possible but I'm probably not going to get any input from her until tomorrow at the earliest. What I'm asking is is there any authority for someone to enter into this. I have a copy of the actual leases that this building has with GEDA up to the year 2061 and you'll

know in the lease and in the addendum to the lease that there's a whole host of signatures that includes the Attorney General and the Governor and that's the process that we have to go through on this. So to extend it for another 50 years there's some other issues that may be involved as far as procurement goes and that's what I'm waiting to hear from the Attorney General. Was there authority to enter into these kinds of negotiations in the first place? And that's what I have to wait on. Now Mr. Hellmont is here and you want to have any comments to say sir I mean you can have floor. But I bring this to your attention only to inform you if you want to make a motion to do this you may make a motion but I don't know if we have the authority yet to act on this. Now full disclosure I was a Commissioner on the Commission at the time my name is listed on the minutes and I think so was the Chairman we were Commissioners at the time so I had to review the minutes and like I said I couldn't find a motion that occurred. There was no motion made that's why it's important that we get these motions that they're clear because what's said today may not be pertinent for another few years or even twenty years from now. But we need to be clear on these things. So I bring this to your attention just to let you know that I'm kind of unable to act on this process so I'm just letting you know about it.

**Chairman David Matanane** – Does this have to be done right away Mr. Borja?

**Administrative Director Michael Borja** – No.

**Commissioner Pascual Sablan** – I'd like to make a motion to table this and let us digest it.

**Administrative Director Michael Borja** – There is a lot of reading in here but what my point here and I just gave you just a portion of the actual original contract that showed the terms of the lease that brings it to the year 2061.

**Chairman David Matanane** – But Mr. Borja you made your memo this memo was made when? February 6, 2015, on the back it's the letter that Monte Mafnas made January 6, 2012, on the last paragraph it expires 2015 February. So what are we saying? Are we trying to renew?

**Administrative Director Michael Borja** – No what my understanding here is there was a period of 3 years in which the rent was going to be abated or in some way in return there was going to be an additional 50 year added on to the ground lease.

**Chairman David Matanane** – Understood but it in itself it's self-explanatory here on the last paragraph it's stating that the lease is going to expire February 2015.

**Administrative Director Michael Borja** – No, no, no the lease is not expiring in 2015. The period of time in which there's going to be this abatement of rent, utilities and common area expenses is over a three year period which terminates at the end of this month. Now if in fact you know that something had been done in this case we may have to go back I don't know what's going to happen and we reconcile whatever those costs were and if we have to become obligated to that that's an issue we have to tackle. If you look you'll see that in

January 19, 2012 in our meeting after this letter was done Monte was telling us that there's this process that's going to occur and he acted on it before he told us.

**Vice-Chairman Joseph Cruz** – I think we need to discuss this further. Whatever Mr. Monte negotiated I think we need to discuss it further because the minutes you're showing us the subject is building rent it has nothing to do with the lease.

**Administrative Director Michael Borja** – It does discuss in the beginning (interrupted).

**Vice-Chairman Joseph Cruz** – As far as the building rent I think he negotiated part of the lease but there were no motions for that.

**Administrative Director Michael Borja** – That's my point there was no motion.

**Vice-Chairman Joseph Cruz** – So we're not going to treat it like a subject for discussion on what lease or what are we considering on this 50 year term. I think we should let the original lease work with and then put everything on the plate and then we discuss it like what is the tenant and what is the landlord's situation at this point with the building rent and the lease is separate from that.

**Lars Hellmont** – My name is Lars Hellmont I'm one of the guys that owns this building the Fujita Property Guam and I hope that you are happy as tenants. What transpired in regards to this transaction was that in 2011 it started with Executive Order 2011-01 which was to reduce the cost of leases for the Government agencies and at that time we agreed with Department of Land Management to reduce their rent by approximately \$11,000 a month. But at the same time we also told them because DLM needed the space we told them you can stay in the same space as long as you have 90 days notice to vacate for the 7<sup>th</sup> floor and part of the 3<sup>rd</sup> floor. Then in December 2011 Chamorro Land Trust needed a new location and because of a combination of Chamorro Land Trust and Department of Land Management they needed to be close to each other and at that time we had suggested and we were talking to Mr. Mafnas if there was and of course also we understand there is constraints on Governmental agencies paying rent etc. and we understand that. So we came up with this idea to trade. So we were going to give Chamorro Land Trust/DLM still a very good rental package for the next three years and at the same time offsetting that was our right to get five options to lease after Chamorro Land Trust gets the land back that's under the building from GEDA. Chamorro Land Trust will in 2061 own the land and at that time then they have the right to trade the leases on behalf of Chamorro Land Trust and DLM really. So that was the overall thinking was Chamorro Land Trust/DLM could save some money in the short term because that was the Governor's wishes and the Legislature. So we came up with this plan and we were told that it was approved and we assumed to this day that we have this 50 year extension but that's only really five 10 year options that continue every 10 years it goes up by 10%. So in 2021 it goes up again by 10% and then it will continue on to Chamorro Land Trust ownership to go up by the same amount of money. So there is not like any other benefit to the extension of the lease it's only giving us the option to exercise another five 10 year options.



**Chairman David Matanane** – So the only difference is it's in 10 year increments rather than the whole 50.

**Lars Hellmont** – Yes.

**Chairman David Matanane** – Well we would like to kind of look more into it sir. I'm not doubting what you have said.

**Lars Hellmont** – No, no it's just it's a time sensitive matter because in many ways when we go to the bank and borrow money when we borrow money to do air conditioning, we paint the building we do all of these things you know it does help us to have that. And the appraisals everybody assumed including the appraisal that we have options to extend to 2111.

**Chairman David Matanane** – But don't blame us.

**Lars Hellmont** – No, no, no.

**Chairman David Matanane** – Okay I appreciate that sir.

**Lars Hellmont** – Thank you.

**Administrative Director Michael Borja** – And that's the reason why because there was no motion that was formally performed and (interrupted).

**Chairman David Matanane** – And in that we got down right to it then we can probably act on it right away.

**Administrative Director Michael Borja** – Also at the time there was no attorney specifically assigned to Land Management and to Chamorro Land Trust that was there to be able to discuss these things. And with the procurement rules I mean just the issues we're going through and having to halt some ongoing contracts that were ready to be fully finalized because of the Chamorro Land Trust rules and regs for example it's taken quite a bit of spotlight on these kinds of activities. So I had to bring in our attorney and like I said the process of this review is not as swift as I wanted to it to be and I was hoping to have something done before today but they weren't able to do that.

**Chairman David Matanane** – Okay I appreciate that sir and good to meet you.

**Lars Hellmont** – Thank you very much yes very nice meeting you.

**Chairman David Matanane** – So we can put this and then probably we'll discuss it a little bit more.

**Administrative Director Michael Borja** – Sure.

**Commissioner Pascual Sablan** – Did he purchase Fujita or he's one of the owners?

**Administrative Director Michael Borja** – One of the owners of the building.

**5. Simplicia Techaira Garrido – Request to relinquish lease back to CLTC and reimbursement for improvements**

**Margarita Borja (DLM)** – I received a call from the applicant's authorized representative sometime last week inquiring on the procedure on relinquishing the lease back to the Trust with a repayment of improvements on the property. I afforded her the opportunity to transfer it at least the lease to one of her children, grandchildren because she executed a lease in 2004 and the seven years is up. So she's allowed to transfer it. They don't want to transfer it to any of their children. There is a fully concrete home located on the property. We went out and took a picture of the house. We weren't able to determine how many bedrooms there is and the contact numbers we have on file is no longer so we weren't able to get any more information on it. So she mentioned at the time it cost them \$40,000. It's a self-constructed home. We don't have a loan guaranty on it. So all she's asking is either to get her \$40,000 back or I'm not sure how the Trust is going to do it. She understands that it has been several years so the house may have depreciated. She doesn't know whether the Trust will get an appraisal done or what. So she wants to relinquish it back. She's not here today I'm not sure why.

**Chairman David Matanane** – And she's asking for \$40,000?

**Margarita Borja (DLM)** – Well she pulled that number out. She just said at least \$40,000 but (interrupted).

**Chairman David Matanane** – That's the amount that she spent.

**Margarita Borja (DLM)** – Spent to build the home.

**Chairman David Matanane** – But it has been several years.

**Margarita Borja (DLM)** – Yes.

**Member of the Public** – Is there a mortgage on this property?

**Margarita Borja (DLM)** – No.

**Administrative Director Michael Borja** – The law allows us in the case of default that if we get the land back especially if there's a loan guaranty that is done on it that we would look for the next available eligible and qualified applicant. And that doesn't have to be someone that's waiting in place it can even go back to someone who already has a lease but hasn't even used their property that is willing to take over. In some cases the payments, in this case to buy. That would probably be the process we go through if the applicant no longer wants it they want to relinquish their lease we would just have to go through that process. Now what we would do is we would have to get an appraisal that's going to cost us some

money to do the appraisal and the law states that any cost that we incur is put into the price of the place if someone buys it. Now let's say the appraisal comes out greater than what they want that would mean you know which ever is (interrupted).

**Chairman David Matanane** – Higher.

**Administrative Director Michael Borja** – If they only want 40 and it's really worth 65 then we'd probably sell it for 40. We're not here to make a profit we're here to just to not be holding on to assets like this.

**Vice-Chairman Joseph Cruz** – What's the reason for relinquishment?

**Margarita Borja (DLM)** – Relocation.

**Commissioner Pascual Sablan** – What's the dimension of the house?

**Margarita Borja (DLM)** – We're not sure there wasn't anybody at the site.

**Commissioner Pascual Sablan** – No but you can measure from outside.

**Matthew Leon Guerrero (DLM)** – If nobody is there sir we don't want the land agents to be walking around those houses.

**Commissioner Pascual Sablan** – Aren't you people entitled for inspection?

**Administrative Director Michael Borja** – When we give notice.

**Margarita Borja (DLM)** – There was nobody at the site.

**Administrative Director Michael Borja** – This is much as we'll do is take pictures like when we were doing the surveying areas for the land valuation we can go out and put a GPS marker on the house and take a picture and then try to find someone. If we can't find anyone we're not going to go looking through windows. There's a right to privacy and quiet use of the property.

**Commissioner Pascual Sablan** – But nobody is home so you can be taking the measurement.

**Vice-Chairman Joseph Cruz** – Anything outside the house any further improvement?

**Margarita Borja (DLM)** – No.

**Administrative Director Michael Borja** – Is this another house in the back that we can see in the corner?

**Margarita Borja (DLM)** – That's not part of the property it's a wooden structure on the golf course because right behind her house is the golf course the Guam Municipal Golf. This is along Battulo on the left hand side.

**Commissioner Pascual Sablan** – Where do you go into this house through Chalan Maganiti in?

**Margarita Borja (DLM)** – Battulo Road coming off of Route 1 past the transfer station the Dededo transfer station.

**Vice-Chairman Joseph Cruz** – I think the burden of proof should be the owner to get an appraisal because she's the one asking to relinquish it not for us to hire an appraiser.

**Administrative Director Michael Borja** – But if they abandon the place and they're giving us the right we have no other just like we had one that was abandoned on us (interrupted).

**Vice-Chairman Joseph Cruz** – If we had somebody else to take over but for us to pay the improvement I think it's (interrupted).

**Administrative Director Michael Borja** – No but what would happen like I said if we end up having to do the appraisal to determine the fair market value for the place to sell we would include that as part of the cost for purchasing the home and that's what the law allows us to do.

**Member of the Public** – Was there a recent property appraisal assessment that was done back in September? Could we use that as a means to value?

**Administrative Director Michael Borja** – Those weren't appraisals sir those were assessments they're different.

**Member of the Public** – Assessment?

**Administrative Director Michael Borja** – For tax purposes. If you guys don't have any suggestions then we will proceed in trying to identify someone to take over and make this available. We'll do our best to try and find the owners so we can get access and get more detail into the facility. But in this case you know this is an issue right where we had a family who is not in good graces with their other members and so they don't want anybody to have anything.

**Vice-Chairman Joseph Cruz** – Are they paying tax on this building?

**Margarita Borja (DLM)** – They could be it should have been assessed already.

**Chairman David Matanane** – But it's not mortgaged.

**Margarita Borja (DLM)** – There's no loan guaranty.

**Administrative Director Michael Borja** – We don't have a guaranty on it but they don't have any other kind of loan here.

**Vice-Chairman Joseph Cruz** – Another thing if you were to inherit this and give it to another tenant you're going to have to have an engineer come in and certify the sound of this building. Why wasn't it financed? Because if it's self-construction we don't know what kind of workers did the house that's liabilities.

**Administrative Director Michael Borja** – Or we sell it as is they take the responsibility.

**Chairman David Matanane** – Or we're going to have tear it down.

**Vice-Chairman Joseph Cruz** – We just don't want to be liable.

**Administrative Director Michael Borja** – No we don't and I'm particularly careful about these things. Just looking at this place it doesn't look like someone poured their own concrete.

**Vice-Chairman Joseph Cruz** – Don't be fooled by the aesthetics.

**Commissioner Amanda Santos** – How big is the land?

**Margarita Borja (DLM)** – Its 1,000 square meters a little bit over a quarter acre.

**Administrative Director Michael Borja** – Okay so that's just to bring you up on that.

## **VII. DIRECTOR'S REPORT**

### **1. Revenue collection report for the month of January 2015**

**Administrative Director Michael Borja** – The two biggest issues that we have on the aging report is the Guam Municipal Golf Course and GRRP. They are the two biggest ones that owe us the greatest amount of money. We have been working with these guys over the course of time to stay current. I enlightened you a bit on GRRP's discussions we had in December and it has really led to nothing since then except for his threat of holding us in default in the comments made by a Commissioner at the time at a public hearing. Because we can't seem to get these guys to budge at all I really do need to go and pursue the next step in the whole process and declare them default on their lease terms and to begin the legal procedures to terminate their leases. Now when it comes to the issue of the Guam Municipal Golf Course that will be significant. That's going to require a lot of issues on our side to be able to settle because there's going to have to be some accounting done. There's going to be major assets that will be acquired and we have to be able to valuate all of that kind of stuff. I'm hoping that just through that process that will get them to jump start but I have no other recourse. Simple calls, simple letters, simple mailings of certified mail doesn't seem to be doing the action. I just have to begin the process to go through the legal proceedings.

**Chairman David Matanane** – Do we have any plans or suggestions?



**Administrative Director Michael Borja** – What I was hoping to have done in the case of the Municipal Golf Course is to see they're trying to sell their company to assign their lease and that way their operations continue to stay in business and payments can come forth. We're not getting any payments. What's going to end up happening is if we terminate their lease then we have to go through the process of the commercial rules and regulations because if its stipulated then that's what we have to do. So there's a whole procurement issue we have to go through in finding someone to use it. I have a feeling that if we went through that process we would find some takers because what's going on is that the potential investors that want to go look at that golf course are turned off by the asking price that these guys have been wanting to get. They think they can get it cheaper. We can't assign that lease to anyone else we'd have to restart.

**Chairman David Matanane** – Nor them.

**Administrative Director Michael Borja** – No they can assign with our approval they have in the past.

**Chairman David Matanane** – They have?

**Administrative Director Michael Borja** – Yes that's whole new different owners.

**Chairman David Matanane** – So there's already a precedent on it.

**Administrative Director Michael Borja** – No, no, no it's not a precedence you're allowed to especially for commercial. In the commercial rules and regs you will be allowed because of the amount of value. Companies change ownership all the time it doesn't mean that the business is going to change.

**Chairman David Matanane** – So that's the reason why the Chairman Mr. Ada wants you do it right away.

**Administrative Director Michael Borja** – Do what right away?

**Chairman David Matanane** – The commercial rules and regs.

**Administrative Director Michael Borja** – Right and you know of course I can't even do anything until the rules and regs. But if for example we did go through the default process I would begin even though the rules are regs are not adopted I would go through the process to begin drafting up all the procurement process so we can be ready and once the rules are passed then we can enact those procurements and start soliciting for possible bids.

**Vice-Chairman Joseph Cruz** – So both of them are about three months behind?

**Administrative Director Michael Borja** – No, no, sir the GRRP is coming up on two years.

**Chairman David Matanane** – These are another piece of property that was given over to GEDA. Was it given over to GEDA the specified lands that were sent over to GEDA?

**Administrative Director Michael Borja** – These properties no. The golf course was actually in the law. The law permitted the golf course it's not really through a whole process in the lease and I might be able to skip through something because it's written in the law specifically for us to do this. What the law requires us to do for commercial leases whether it's with the rules and regs or not the rules and regs is not requiring the law requires us to get duly authorized legislation that allows to lease property. The duly enacted legislation for the golf course is done it's in the law. So we don't have to go through that process we just have to go through the process of the procurement and we issuing out a notice that we want people to solicit if they want to take over the property. Hopefully that will get us going but we'll have assets there so that's going to be money in the pocket. It will probably now pay off what they owe us.

**Vice-Chairman Joseph Cruz** – Is there any lien on this golf course from the tenant?

**Administrative Director Michael Borja** – They can't have a lien on the land. They all know because I was actually called by a federal agency about some possible liens.

**Vice-Chairman Joseph Cruz** – And they're up to par on their tax.

**Administrative Director Michael Borja** – I don't think so. They were not once upon a time they may not be again. They got up to date but I don't know exactly where they are standing on that.

**Chairman David Matanane** – What worries me is that as soon as we close them down all the asset could be you know jeopardized.

**Administrative Director Michael Borja** – Well you know they've got buildings. The problem of leaving a golf course dormant for a couple of months is that the tangantangan will grow pretty fast. And do I have the money to go pay for groundkeepers? That's a lot of money. We may have to look at some outside the box kind of solutions that maybe we get someone to help manage the place for the interim. I don't know if that's permissible I mean we'd have to go through this whole commercial thing just to get someone to temporarily operate something. So our hands are kind of tied in this but this is sliding away from getting out of control here now.

**Chairman David Matanane** – It would be good if we talk to our attorney Ms. Finney.

**Administrative Director Michael Borja** – Oh yes she's well aware. We'll get on this like I said she's absent today for a judicial (interrupted).

**Vice-Chairman Joseph Cruz** – You know on that package that we're sending in for our commercial lease do we have provision in that guideline to cover our existing commercial

like for example the golf course if we terminate the tenant right now what kind of leverage do we have to sell the new owner to prevent having the golf course sit for so many months.

**Administrative Director Michael Borja** – There is no provisions for that. When you terminate a lease you have to go start all over again.

**Vice-Chairman Joseph Cruz** – So do we have something in our department like for example do a memorandum of understanding with Parks and Recreation or do a memorandum with (interrupted).

**Administrative Director Michael Borja** – Well that's something I can look at yes. I kind of addressed it to Parks and Recs now has a new Deputy they haven't had a Deputy in a while he knows golf real well.

**Chairman David Matanane** – Similar to a memorandum of understanding with UOG remember when we had that agricultural (inaudible).

**Administrative Director Michael Borja** – Right we can probably enter into an MOU with them to do something like this that might be an aspect just so it doesn't deteriorate and that would probably be something we can do. But can they man something like this you know we'll see I mean it's up to them they definitely would want some of the proceeds to help pay for the activities because they can't pay for it at all. But yes I'll look into that because I don't want it go dormant plus we have to definitely secure it up because it does have some dangerous areas in there the ponds. I think unfortunately early on at the start a child died in one of those ponds.

**Chairman David Matanane** – But I understand that they fenced it didn't they.

**Vice-Chairman Joseph Cruz** – No not the exterior.

**Administrative Director Michael Borja** – But you still have ponds you know. So those are the two things that I needed to bring your attention to to move forward on those.

**Chairman David Matanane** – What about Guam Broadcasting Partners?

**Administrative Director Michael Borja** – No this was the one that even though it shows a sizeable amount past due they did come to us many years ago and we agreed to put them on a payment plan. So they have been keeping that up.

**Chairman David Matanane** – But they're 90 days.

**Administrative Director Michael Borja** – No, no that's the old amount. They went through a restructuring in their corporation where Mr. Sorensen was here to speak to us about that and so that's what they're paying down. They're paying current and paying down.

**Chairman David Matanane** – Is this the old one?

**Administrative Director Michael Borja** – They're paying that down but they became so delinquent and so they asked for it to be you know not to be forgiven but to be paid at a slower rate. It'll be paid down but we'll address that to them as well.

**Chairman David Matanane** – We don't want it to aggravate more. Is this inclusive with the antennas?

**Administrative Director Michael Borja** – Yeah that's what this is yeah. The properties that they're using for that kind of stuff.

**Chairman David Matanane** – Have we figured an average income?

**Administrative Director Michael Borja** – Well I'm hoping to have a major income source here coming soon the commercial rules.

**Chairman David Matanane** – What is your average?

**Administrative Director Michael Borja** – My average of what?

**Chairman David Matanane** – Of the total income we have a record of or a year already?

**Administrative Director Michael Borja** – Well you know what I'm going to get you a lot more detailed information as soon as we get it all put into our accounting software system which we're trying to get started up right now.

**Chairman David Matanane** – I'm kind of lazy pulling out old folders.

**Administrative Director Michael Borja** – No, no, no we're going to have a financial statement that's a true financial statement but the software package in this is you know we've got it loaded up in the computers. We're trying to work it's issues out and get the charts of accounts put in and everything loaded up because what we're going to end having to do too is not only having a breakdown of commercial lease but we're going to have a breakdown also on the agricultural and residential leases. They're not going to show an income of very much at all but they're in the system to show so we know if there are balances due on anybody. Now a couple of things what I had requested in the budget and what I discussed with the Chairman and is in our budget for the upcoming 2016 calendar year is the (interrupted).

**Chairman David Matanane** – Do you need for us to go into Executive Session?

**Administrative Director Michael Borja** – No, no, not necessarily because Executive Session actually is kind of reserved really for personnel issues and stuff like that.

**Chairman David Matanane** – Because I'm going to question you on the budget itself and how many personnel we have in CLTC and what's their you know.

**Administrative Director Michael Borja** – Oh you are I better go get the budget then.

**Chairman David Matanane** – Next time around. I will go to Executive Session next time around.

**Administrative Director Michael Borja** – I'm just going to give you a highlight here I did request and the Governor's Office has allowed me to place this request to the Legislature for \$850,000 amount. Of which \$500,000 is for land registration which is all CLTC properties and \$350,000 is for land surveys so we survey out the properties that we have because (interrupted).

**Chairman David Matanane** – Like I said if you need help on that I think Mr. Cruz here knows (inaudible).

**Administrative Director Michael Borja** – The idea here is that if we issued out leases with lands that we surveyed I'm also going to have a law put into effect before the 2016 budget comes out that states that the leaseholder does not get the 7 year exemption on paying their property taxes. The funding for all of this is really now starting to come in from the property taxes we're receiving from these lands. I can't make more money if I don't give out more land. I can't give out more land if I don't survey it. So you know you've got to make a small investment to start getting the bigger returns but that's where we are on this. But on top of that as well we are also we were fortunate enough we hired, two new people finally got through the process for our survey division. But we have on the line up to have more land agents that we are going to have some funding for and that's going to help us a whole lot more as we try to get to the point where we can actually do more of the compliance and enforcement process that everybody is asking us to do including the auditor. It's really super difficult to do that. Lastly I think we've got probably 3/4<sup>th</sup> I would guess probably maybe between 100 and 120 of our 150 loan guaranty program people. We've touched base with them, simple mailing didn't work. We're going out and hand delivering them the letters and finding where they're at and talking with them and we're starting to get more and more feedback on their loans. We're discovering some stuff too like some never took the loan, it's all paid off or some they disappeared we can't find them and no house exists so it's things that we're looking for right now.

**Chairman David Matanane** – So you're inventory on the guaranty will be reduced.

**Administrative Director Michael Borja** – Yes hopefully. Originally it was what 15 million and we're down to about 12. It's moving along. My hope was we can see it at 8 that is where I think it should be by now. So we're real peculiar and particular about doing these things right now until this thing is well under control but it's not an easy process because what we're finding is sometimes these people are (inaudible). But we're trying to also tell them I think the guys are telling them we're not here to evict you. You might be delinquent but we need to know that you need to know that you need to come in so we can talk about that. In some cases some of these people are innocently delinquent because like I said before the process that had occurred which their loans got sold five times and they got lost in the shuffle. So that's not a good thing so in the future our loan guaranties are going to

actually have big bold print on the front pretty much the same thing that the Veteran's Administration says that nothing can happen to this loan and we don't authorize it to be resold something like that. That's something we can put on so that it's flagged you know a bank officer looks at it and says you can't sell me this one it says it can't be sold without our knowledge.

**Commissioner Pascual Sablan** – Many years ago the Chamorro Land Trust put out half a million or three quarter of a million dollars and they hired a surveyor to do a lot of surveys and partition all those big chunk of properties. Have all those properties that have been surveyed given out?

**Chairman David Matanane** – We never got the money.

**Administrative Director Michael Borja** – No, no we didn't survey any properties. I don't know what properties would have been surveyed.

**Commissioner Pascual Sablan** – This is something about 10, 12 years ago a surveyor was contracted to go out and survey big chunks of Chamorro Land Trust properties and he did and I even have a copy and I don't know what happened whether all those properties that has been surveyed given out.

**Administrative Director Michael Borja** – I think a lot of the surveys might have been for registration.

**Commissioner Amanda Santos** – Or political gain also.

**Commissioner Pascual Sablan** – No, no, this is partitioning Mr. Director by lot, everything cut up.

**Administrative Director Michael Borja** – Do you guys know anything about that?

**Margarita Borja (DLM)** – No.

**Commissioner Pascual Sablan** – No, so I'll bring in my copy then.

**Administrative Director Michael Borja** – Sure and we can take a look at that. There might have been we do have a lot of properties that got divided up but they weren't for individual properties for individual lots.

**Chairman David Matanane** – The client took it upon themselves to go ahead and have it surveyed. If I remember correctly it was about \$780,000 from the legislature but we never got the money.

**Commissioner Pascual Sablan** – No a contract was put out by the Chamorro Land Trust to this particular surveyor.

**Chairman David Matanane** – With whom?

**Administrative Director Michael Borja** – Well bring in the stuff and we can look at it.

**Commissioner Pascual Sablan** – Another thing you know I think this is what's holding back the process you know if an applicant for example is ready to be assigned property they took this applicant out they show him and says no I don't like that then three, four, six months still that applicant hasn't come back or Chamorro Land Trust have not contacted the applicant and say then where else do they want, where can we put you. I think we shouldn't be asking that from the applicant just say hey, here's an available land make a choice we'll give you one week.

**Administrative Director Michael Borja** – Is that how we're doing it now we're giving them an idea of where they want to go? We are giving them some ideas now. What's happened is that we're still getting people coming in I think we entertained a person already I mean this person you know you need an all-terrain vehicle with tracks to get to the property that she was assigned. It's not a suitable location to have been assigned anyway. It's best for grazing cattle probably but not for a house. There are some of those that are out there and they're coming in saying really you gave me this property but I can't use it for anything.

**Vice-Chairman Joseph Cruz** – Public Health is one of them.

**Administrative Director Michael Borja** – Public Health is one of them and there are grazing cows out there. Okay anything else? I appreciate your support and one last thing we're hoping to fill the vacancies they're working on it right now.

**Trini Torres** – Excuse me may I please have a copy of those papers that you're discussing and I'd like to know what happened to the \$800,000 that I asked the Legislature to appropriate for surveying the land so it could be distributed out and the Governor added \$200,000 to make it 1 million?

**Administrative Director Michael Borja** – The \$800,000 that you did ask I recall that because I was really happy that you did they didn't appropriate it. Nothing was appropriated for that purpose.

**Trini Torres** – Not up to now?

**Administrative Director Michael Borja** – No ma'am. So what has been done is I have asked for \$350,000 to be appropriated and what I'm hoping to do is to ask for that same amount for three years so I can get to that million dollars. I don't think I can get enough work to be done for the \$800,000 in one year. I want to be able to get it over a course of three years and if I can but I'm going to get some of it done. We have asked for that. Now in addition there's monies I've asked to register lands most of that money unfortunately has to go through the expensive process of publicizing the notices. But there will be some surveying done as well but that's just to survey the boundaries of the tracts of land not to survey individual lots. That will help us out in establishing the boundaries that we can begin



to start using because there's some very, very hungry lawyers out there right now in registering private properties that have been trying to take. In one case they were quite successful in getting Government lands but the Attorney General's Office has been working very hard to prevent that altogether.

**Trini Torres** – Yes wasn't there a law or the policy that any Government land should really be transferred over to Chamorro Land Trust (interrupted).

**Administrative Director Michael Borja** – Oh yes they all are I'm sorry I'm using that interchanging.

**Trini Torres** – So how can they steal land?

**Administrative Director Michael Borja** – Because it hasn't been registered.

**Trini Torres** – So maybe we have to just concentrate on that and register all the land and put it on Chamorro Land Trust.

**Administrative Director Michael Borja** – It is under the purview and under the control of Chamorro Land Trust but until it is registered you can't even use it. I can't use it to assign leases, I can't use it to build anything but it means it's up for grabs. If somebody on the other side of the line said oh my grandfather told me that the land went to that tree over there when you know 60 years ago that tree was really over there and that's what's going on. That's how some of these are being described. In this one case that got turned down and denied they originally were only paying taxes for 6 hectares but they were claiming 23 and the Government said no you don't get the extra 23. But the lawyer's argument is who says it's yours. So those are the kinds of things we're fighting and the Attorney General's lawyers are fighting it very well for us. But in the meantime we do need to register the properties so that we don't have any more of these kinds of issues coming up. Most of the unregistered properties are down towards the south. We're working on that. The Governor even said yes we'll do a million but we're trying to get there. The budget had already been done before they made those commitments but that's why I'm asking 350 now 350 for the next two more years and that comes out to over a million.

**Member of the Public** – I know maybe you guys have this but do you have a list of Chamorro Land Trust per village for instance if you have those. Like do you have anything in the south, central, north? Do you have those listings so I can have a copy of that? Could I get it?

**Chairman David Matanane** – You can see Mr. Borja on that yes.

**Trini Torres** – Yes by village please we have to know the lots or you know the areas. You know what when companies or institutions, organizations even non-profits they're asking for Chamorro Land Trust this is not for them. It's not for them to decide what land they should be given or to just go ahead and say we claim this much land from the Chamorro Land

Trust. That is not the purpose of Chamorro Land Trust I mean that was not the way the law was written.

**Administrative Director Michael Borja** – To do what?

**Trini Torres** – Like the Foster Care I mean we want this lot, we want this, we don't want this. How is that possible?

**Administrative Director Michael Borja** – No ma'am before the Chamorro Land Trust Act was formulized the Legislature asked all the agencies to submit a list of land uses and how much property they think they need for future use and then they had to certify and verify what they needed. They couldn't just go in and say I need a thousand acres and then don't say why they need it. So this Public Law 22-18 was created that had pages and pages and pages of land that's reserved for the use by different agencies. Some have been already finished some have not. Waterworks for example has the most needs for lands for potential water use and water wells with the intent that if it's not needed it's returned back. We're going to be holding them up to task and saying now is the time just tell me what you need and give it back because you've got too much on hold. Plus the fact that Waterworks have existing water well systems with generators and fuel tanks that encroach into private property. Some of that land they're going to lose in land transfer I'm going to take it out of the reserves.

**Trini Torres** – That's right that's good.

**Administrative Director Michael Borja** – Because that's not right for them and I got one coming up here real soon but you know when I tell the people when they say Waterworks is encroaching on us I say well you know unfortunately they did but it wasn't because it was for somebody's personal benefit it was for the general welfare of the island. Yes most likely you will get a land transfer but you've got to understand why it was done. Most of these generators and power fuel tanks were established in preparation for storms and after what had happened in storms so that the water wells never shut down during a storm or they're recovered real quick after a storm. So there were reasons why they did this and they did it really fast and didn't think where they were putting it to make sure they weren't encroaching on private land but those have to be settled. Waterworks is doing a complete survey of all their properties and they're showing if they're encroaching somewhere so they're going to take care of the problem. But we're going to help make sure that the lands that they have to trade for comes out of their reserve listing.

**Trini Torres** – That's right I'm glad you're doing that you have to be strict about land.

**Administrative Director Michael Borja** – We are Ms. Torres okay.

**VIII. EXECUTIVE SESSION** – None.

**IX. ADJOURNMENT**

Vice-Chairman Joseph Cruz moved to adjourn the meeting. Commissioner Pascual Sablan seconded the motion. Meeting adjourned at 3:20pm.

Transcribed by: Teresa Topasna: *Teresa Topasna*

**Approved by Board motion in meeting of:** March 19, 2015

Michael J.B. Borja, Administrative Director: *MJB*

David Matanane, Chairman: *DM*

Date: 3/19/15

Date: 3/19/15