



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamocu)

P.O. Box 2950 Hagåtña, Guåhan 96932

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

REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Thursday, April 21, 2016; 1:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 1. March 17, 2016 Meeting
- IV. PUBLIC COMMENTS
- V. OLD BUSINESS
- VI. NEW BUSINESS
 1. Teresita C. Blas – Request for relocation
 2. Sonia Sapla and Marilyn Santos – Application status
 3. Michael Duenas – Loan guaranty request
- VII. DIRECTOR'S REPORT
 1. Revenue collection report for March 2016
- VIII. ADJOURNMENT

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Pascual V.A. Sablan
Chairman

Joseph I. Gruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Gyongyi "Pika" P. Fejeran
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director



Eddie Baza Calvo
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Rev. 4/4/2016

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COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, April 21, 2016; 1pm – 4pm

I. CALL TO ORDER

Meeting was called to order at 1pm by Chairman Pascual Sablan.

II. ROLL CALL

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

III. APPROVAL OF MINUTES – March 17, 2016

Commissioner Amanda Santos moved to approve the minutes of March 17, 2016 subject to corrections. Commissioner Pika Fejeran seconded the motion. There were no objections, **MOTION PASSED.**

IV. PUBLIC COMMENTS

1. Angel Santos – I came this time because there is a problem here with Chamorro Land Trust. The problem is the people from the outside are the ones staying on the Chamorro Land Trust. When they give them the land for them and their family they are not there. It's the people from the outside who are the ones staying on Chamorro Land Trust. That is my complaint today. When I ask them what are they doing there and they say they are just visiting. How can they be visiting when they are the ones staying in the house? If it is true that they are just visiting then maybe I'll keep my mouth shut. But they are the ones staying in the house, them and their families. So that is what I'm complaining about this hour for these people who have a lot sometimes ten different families are living in the Chamorro Land Trust and the owner of the Land Trust is not with them. You people have to do something about it because there's a lot of people in there that are not eligible to occupy the land. When I was working in Pohnpei in 1955 I saw all the trouble that the people from Pohnpei and the people from the outsider. The people from Pohnpei are getting frustrated from the people from the outside because they're acting like they own the land you know. So that's the reason why I'm up here today because of that. Now people say that Chamorro Land Trust is unconstitutional but when they gave the Organic Act it is more unconstitutional because there's no Chamorro born for that and that's the reason why a lot of people think that Chamorro Land Trust is unconstitutional. I don't think so. So you guys need to do something about that because you guys are the boss of Chamorro Land Trust not the people that are staying there. If the people are doing good a job then yes but sometimes they put private property and that's Government land. You're in there for temporary use of that land not to own

the property. So I bring this issue this time because you guys are the Chamorro Land Trust especially Mr. Borja he's the head of the Chamorro Land Trust so we have to look up to him you know. But I cannot say that he's not doing his job because I think he's doing his job but the people are there that's the one that's not him. So maybe my complaint today is okay for you guys.

Chairman Pascual Sablan – Okay Mr. Santos your concern is well noted and I think if I may ask you maybe you can bring that up to Margaret and to Jeff's attention and Mr. Director we would like to have a report maybe next meeting as to what's the (inaudible).

Angel Santos – And another thing Mr. Sablan there's a family up there that are renting the Chamorro Land Trust for \$1,000 a month and this is going on over 20 years. They make more than \$200,000 from that property. I don't know whether that's legal or illegal what they're doing. The owner of this property both the wife and the husband both died and I don't know what's going on in there but I can bring you to that place.

Chairman Pascual Sablan – You know the name right? Talk with the Director and next meeting we'll like to have a report on that.

Angel Santos – Okay.

Chairman Pascual Sablan – Okay, thank you Mr. Santos.

2. Zita Pangelinan, Frances Meno & Jessica Nangauta – I am Zita Pangelinan, President of Haya Foundation. I'm here today because Haya Foundation has been pursuing or Haya Foundation's mission is to promote the wellbeing of our people. We have been focusing for the past 10 years on our traditional healing practices of 4,000 years. Today we are at a point where we may lose this knowledge, this tradition as many of our traditional healers are passing on. We have a group Dr. Tricia Lizama is one of them who's done her PhD and studies in healing. We have been working with her. We've been going out throughout the Marianas for the past 5 years. So we've got a lot of information and things going on. I'm here today based on our last 10 years of work and three amot conferences that we've had island wide and throughout the Marianas. There were resolutions passed by the participants to seek properties from the Chamorro Land Trust. Our issue and one of the issues in terms of the threat to losing and not having our indigenous amot anymore or our healing practice is the loss of the jungles on Guam, the loss of the amot, the loss our medicinal plants. Many of our healers and I'm going to request to come before the next meeting and we will have a real all out presentation to provide all that back up research and data as well as a documentary that we have that gives this whole background on our work. But at the last conference or the first conference there were twenty-one resolutions passed. One of which is again because of the findings with our healers, traditional healers there's a great fear. They have been ousted by the Federal Government in many areas where our amot is located. When they go you know the threat of arrest and then as there's more development the clearing of the properties those medicinal plants are no longer accessible or we can't find them anymore. For the past 3 years we have gone throughout the island

and our efforts just to protect it. In our efforts to just protect it we have collected ID we're creating a registry of the amot. And that's why and how we know that we do have medicinal plants that are already non-existent or we're still searching for it. We have taken those plants just to have some you know to protect it. We have identified over 200 plants and some of those about 50% didn't survive only because we understand that the amot has to be in its natural environment. Our understanding and knowledge is that the plants have to exist in their natural environment and the three types of areas that we would need is a coastal area, a mountainous area and a valley. Those where our natural environments of our amot. So our whole objective is to work on the preserving this and providing, protecting the properties and the environment of which it exists. But we've also been doing a lot of work going out into the public providing educational campaigns, awareness to protect it. We're also having workshops to bring more awareness about what plants are to be protected. And we're so grateful that we do have yo'umties. What were original called, previously called suruhanu, suruhana that really is a Spanish name or word for surgeon. We're going back to our Chamorro word which is yo'umti a healer. We have some healers that are willing to provide workshops and some of the medicinal plants. So we're here today just to request for identification of properties and we did find two so far within the Chamorro Land Trust inventory to be able to look at it and come back to you with a more specific plan, our vision. Our strategy to develop the properties to be able to protect it but foremost to protect our indigenous knowledge to preserve and perpetuate it for the future. We are 10 years of work. We're getting to a point now where we really need to expand. We really need to move the plants that are in pots right now. So this is just our preliminary request and to be included on the agenda. I have forwarded to Mr. Borja our official letter but we weren't sure about our schedule so we're here and we humbly request that at the next meeting Haya Foundation can be included in the meeting and that we will then be prepared to provide a presentation.

(Chamorro translation by CLTC staff Eileen Charguala)

Frances Meno – *There is land that we're asking for so we can plant on the ground because there's a lot that we can find like in Anderson and a lot of people cannot go in but I have the privilege to go in there. There are some plants like pechay and there's some herb medicines for healing. I'm more the healer of if you get sick from our ancestors (taotaomona) and I make medicine for the elderly. It's really hard nowadays to find medicines. So the reason why I'm here is because we work together with Emilio Ayuyu and he knows more of what medicines we have here on our island. He's trying to protect the land because a lot of times they're bulldozing our land for hotels or whatever. Look at Lost Pond they blocked it and its private property. We used to go there to get medicines but when I park my car it gets destroyed. But if we have land that we can plant on with our medicines like Bernice Nelson has but we don't have all the medicines and some of them die. But for us we can heal. We have looked at land but we would like to bring a little of some plants so we can make you guys see.*

Jessica Nangauta – I'm working a lot with Haya. My job is to grow out the plants that we (inaudible) when we go out with the healers. From my experience like in growing the plants it's a little bit difficult to move it from their natural environment where they are usually growing. So hopefully we can obtain some land so that we can then put them in their natural environment. Let the magic of the plant work where we're growing it directly in the

soil in the ground where it belongs and to further preserve for the future you know to keep these plants alive. It's known and proven that these medicine works for babies and mothers and so for us we need your help to obtain some lands so we can further perpetuate this part of our culture.

Zita Pangelinan – We just completed a documentary that is really, really informative and I don't want it to take up the whole of your meeting so I would like you know if you would be interested perhaps 45 minutes prior to the next meeting if anyone is interested in watching it we'd be very happy to show it. It's very recent, we've really worked hard. This is our third documentary but this provides really great background about all that we speak to you about today. So if you wish we can have that available prior to the meeting so you'll have that background.

Chairman Pascual Sablan – You mentioned that you have been communicating with the Director right?

Zita Pangelinan – We sent our official formal letter to Mr. Borja but I was off-island sir so I've just returned.

Chairman Pascual Sablan – I'm pretty sure that Mr. Borja had mentioned to you that in the law there is language there to provide like I think 4,000 square meters of you know for the lagu and haya. You know to have this whatever you call it in Chamorro, amot Chamorro.

Zita Pangelinan – Amot Chamorro, Amot Hatdin Chamorro. Our challenge there with that law is it's very limiting.

Chairman Pascual Sablan – Very what?

Zita Pangelinan – Very limiting. The properties that they speak off is very small and so we will be coming back to you for consideration to give you a scope of the kind of work we're doing and what we wish to put on the property that we're looking at. And our vision, our plans, our business ideas to generate the revenue to make this feasible and possible.

Chairman Pascual Sablan – But you've identified property already on the haya.

Zita Pangelinan – Haya and then on a little northern.

Chairman Pascual Sablan – Yeah but there's one already on the northern. Neslon right?

Zita Pangelinan – But this one is more the coastal area so its right in Mangilao like you know off that ridge. Again that area has a lot of amot we've already gone in there so we've been searching and we've gone into that area to see and there's a lot of amot there.

Administrative Director Michael Borja – Are you aware of any kind of activities similar to this by NOA and the soil conservation folks who have identified lands along the coastal area in the Pagat area where the poachers have been doing good by eradicating the wild pigs

who are eating the seedlings and the young plants? What they're finding is the regeneration of a lot of the rare plants and some of the amot plants that are growing out in that area. Are you familiar with any of that going on?

Zita Pangelinan – Is that Adrian?

Administrative Director Michael Borja - Uh hmm.

Zita Pangelinan – We have been communicating with Bart.

Administrative Director Michael Borja – Their interest is to create conservation easements in certain areas like that so that it's not touched by anybody for commercial use or you know so that the habitat can remain pristine. It sounds like some of the things that you guys are looking at but it also sounds like you're looking for this to be also a very much a commercial venture. So those are the kinds of things that we have to look at as well so that there's a balance there. I mean you know to be profitable so that you can survive is one thing but to be profitable for it to be a business is another thing. So you know if it's a non-profit maybe I think a lot of things can work very easily and can be more amenable to the law. But you're right the law is quite restrictive on the land size. It's just not realistic but if we can try and mix a few things in there where you know it's usually the caretakers of a conservation easement for example so that you can continue to do these things we can discuss this more in detail in the meeting next month and that meeting will be on May 19 okay. So set that on your agenda at 1 o'clock and we'll make sure you're on the agenda.

Zita Pangelinan – We have been communicating with both USDA as well as NOA I mean we have communication with them and so they are aware of our efforts. They are aware and we've been trying to collaborate so I'm not sure how far theirs went.

Administrative Director Michael Borja – And there's going to be some more collaboration as well with actually the military to dedicate other lands as well for conservation purposes. It's actually related to the military build-up in a way because the need to maintain preserves for natural habitats and so there's going to be some kind of things. I don't know what the full discussions are going to be about yet but there is also that effort going on to try and find more conservation areas.

Zita Pangelinan – And in terms of the property in the north with amot farm the difference is that the property we were looking at is more the coastal and that again is a natural environment where you know the sea and that's where and Bernice Nelson is also aware because she knows that some of the amot that she plants can't exist on her farm at this point. We're really nervous, anxious and perhaps what we'll do is also show the listing of amot that we already are having such difficulty finding.

Administrative Director Michael Borja – Yeah because when I was a little kid I had to get dragged with my grandmother to go down into the valley in the jungle to find some special plants I never wanted to drink.

Zita Pangelinan – Speaking of drinking we did bring amot. So if you're interested it's amot it's like a tea it's not very bitter. So we brought some if you wish to partake on it. Thank you.

Chairman Pascual Sablan – I have a question, so you have a formal organization right?

Zita Pangelinan – Haya Foundation, it's a non-profit.

Chairman Pascual Sablan – Okay Haya Foundation. Do you have any documents saying that you're somehow like a spokesman representative or you're the president?

Zita Pangelinan – I have all our corporate documents yes.

Chairman Pascual Sablan – I'd like to see those things.

Administrative Director Michael Borja – Just kind of fax or email that pdf of whatever your corporate documents are to me or Margarita and we'll just make sure that the Chairman gets a copy.

Zita Pangelinan – Definitely.

Chairman Pascual Sablan – And another thing I'd like to see you people more resourceful than you know like chelon maipe is one doctor. Frances mentioned earlier that you do chelon maipe right? Not all suruhanu, suruhana can do chelon maipe. So in case anything comes up and we're going to turn to you you can always say well go see Gyongyi or Mrs. Santos or Mr. Borja because he's a chelon maipe suruhanu, suruhana you know.

Zita Pangelinan – One of the plans is that at the property we've already been gratefully from Matson Navigation they've given us two containers that we will be retrofitting into an office or a guma yo'umti a healing center. So in the properties that we get we'll be able to say during these hours you know a yo'umti will be there for healing. Our challenge and this is why our work has taken us 10 years our greatest challenge is we still have to maintain that it's very sacred. You know the knowledge has been passed on from generation to generation. This is not a business. What we talk about in terms of creating a business plan is so that we are able to generate funds to pay for the utilities for the water for that. Maybe a side note is that 10 years of work all are done with our passion and no one gets paid a penny. So all our work has been volunteer work. We're here, Jessica takes off from work but none of us are getting paid. So the monies that we're trying to generate is to be able to maintain the properties, maintain the plants, get irrigation systems, pay utilities that kind of stuff. Because all the healers that have been sharing with us is because they have trusted us. But there is a big concern that there are other people out there today who are exploiting and talking about saying that they are healers and charging monies for it. So we are at a cross road where people are you know like a tradition that has been where you honor and you just are grateful and you share that with the yo'umti no one charges a fee but you recognize. Versus now today because of the shortage because of the crisis people are then presenting now self-proclaimed yo'umties charging limits creating a lot of challenges

for us today. So hopefully with the properties we will have a place where you know in every place that we have there'll be a yo'umti station there so that they can come get healed you know for the babies or anyone who seeks help.

Chairman Pascual Sablan – You know one of the sad things since we're in this topic is that a lot of healers you know hasn't died you know and they don't pass down their power. If I'm a healer and you make known to me that for example that lady there is young and she's interested I can pass my power to her you know and maybe you should start looking into those things.

Zita Pangelinan – She's an apprentice so we do have an apprenticeship going.

Chairman Pascual Sablan – Yeah but how about like Frances? I know she got her power from her mom.

Zita Pangelinan – She's passing it on to her.

Chairman Pascual Sablan – But if I don't know anybody you know interested I guess when I kick the bucket it's gone all my power.

Commissioner Amanda Santos – What's her last name, Frances?

Frances Meno – My last name is Meno.

Chairman Pascual Sablan – You see where I'm coming from?

Zita Pangelinan – Yes.

Chairman Pascual Sablan – Another thing I have a privilege to have two books of all these medicines from Saipan, Rota, Tinian. Do you folks have that book?

Zita Pangelinan – We have the book, Jessica is getting it. So this is part of our effort, it's a 730 page book of all the medicinal remedies and the healers. We are working with the CNMI and we will be producing one that will incorporate Guam also. So this features a lot of the healers who we work with throughout the CNMI. So we are working on the production for update because it's all sold out. No one has any more copies available but we will be producing one to include Guam this time so it'll be the Marianas directory of healers.

Chairman Pascual Sablan – And I wonder whether there's a (inaudible) you can apply for federal grant to put those things together.

Zita Pangelinan – I met with National Science Foundation already in January and we are working on a grant to be submitted in August. There's a lot of work sir, we're trying to do it in our sleep. But yeah this is all just volunteer so we're trying to maximize because time is very short. We don't have much time to preserve and perpetuate this amot.

Chairman Pascual Sablan – You have Donald Mendiola’s book?

Zita Pangelinan – Yes and he’s also in the documentary that video that we will show he’s there. So you’ll see quite a few of the healers we have interviewed but the message comes out of all our challenges in moving it forward. And we hope that with our presence today and you know your consideration at the next meeting that we can now move those plans and start implementing and executing the resolutions that were adopted at the prior amot conferences.

Chairman Pascual Sablan – Bottom line is what is your objective appearing before us today?

Zita Pangelinan – To give you a heads up that we are coming to request for property to preserve and protect the natural environments of our amot that we’re having such difficulty finding. And secondly to give you also an idea of what we’re looking for and areas of the properties.

Chairman Pascual Sablan – Maybe you should have one of the Customs and Quarantine’s inspector be one of your members so if you want to bring something in from the other islands he can be the one to clear it you know.

Zita Pangelinan – We have a, yeah.

Chairman Pascual Sablan – Mrs. Santos do you have any questions?

Commissioner Amanda Santos – What area are you planning to plant your medicines?

Zita Pangelinan – There’s two areas there’s one in the mountains in Inarajan and the other one which is coastal is in Mangilao, Taguan. Those are the two so far we have identified because we visited and there’s a lot of amot. Sorry for trespassing but we’re really desperate for amot.

Commissioner Amanda Santos – And make sure the wild pigs don’t come along.

Zita Pangelinan – It’s in its natural environment so it seems to exist so it’s still there. But Mr. Borja we’d appreciate spending, talking about what you’re talking about the military and NOA.

Administrative Director Michael Borja – Because that’s what we’re talking about too I mean there’s certain areas that are beautifully still preserved and it probably should stay that way.

Zita Pangelinan – Yeah.

Administrative Director Michael Borja - And especially after they pointed out the fact that there’s these areas where the amot is still growing. They said that there’s some special

plants that they found that were hard to find and they must have been with some of the animals that's going on because the poachers were actually helping out the process by killing off the wild pigs.

Zita Pangelinan – Mr. Emilio Ayuyu who is our yo'umti he is one of the most renowned yo'umti most knowledgeable about plants. He's on Saipan right now but he'll be back tonight so we're just grateful that we have somebody like that that is most knowledgeable in terms of plant identification. We don't know of anyone else that has that kind of knowledge on Guam so far.

Commissioner Pika Fejeran – I just want to thank you for your time today and all the passion and love that you've done for the last 10 years. I look forward to the next meeting where we can learn more and see what we can do to advance this cause.

Zita Pangelinan – We're really grateful for the time and opportunity.

Chairman Pascual Sablan – Thank you.

Zita Pangelinan – Thank you.

3. John Santos, Maria Chaco

Administrative Director Michael Borja – Mrs. Chaco originally was one of our, I don't have the paperwork here with me, they'd come to see me earlier this week and she was an original lessee for an acre of land down in Agat. The unfortunate thing as they had explained is that she was taken advantage of by her grandson and he had made her sign a release of the lease to be put into his name and has taken over the entire property. We did do a site visit of the property to check to see what was found out there. There are no utilities to this property meaning there's no water, there's no power, there's no sewer. Yet someone is living there and that's the grandson and his family and there is human waste on the property and there is trash around the property. So what the family has asked is that you know if we can assist in some way to kind of help rectify this effort. This was not something that was done for the sake of trying to get more land I don't believe. This is something where a person was taken advantage of. Members of the family are here, Mrs. Chaco along with her son and daughter in law and allow them to speak. I asked them if they could come to the meeting today to just explain what their situation is and that I would still probably need the Commission's authority to try and help resolve this problem. We'll probably have a resolution we can work on.

(Chamorro translation by CLTC staff Eileen Chargualaf)

John Santos – *We came here to see if you can help my mom get back her paper. Her grandson is taking advantage of her. We made sacrifices on this land and she can't have it back. Before the elder died they asked me to come back to help my mom to fix her papers regarding the land. My brother Fred Santos was on the paper but by the time I came back Alfred scared my mom and she had no choice but to sign it to Alfred. When I came back I asked Alfred why is my mom like this and then he showed a paper and said the land is mine you don't have any business, mom doesn't have any business. There are 5 boys who have not passed away yet. This is our mom, we want to help our mom. I believe what was done*

to her is wrong. We're asking if you could take the papers back from Alfred and give it back to my mom. I have a ranch in Umang and there are some areas they are using as a dump. There's an area in front of me, is there any way you can give her that so I can help her start planting again. That's all the old lady wants is to start planting a little like she was doing before.

Administrative Director Michael Borja – So you want the property to be returned back to your mother and then we relocate Alfred. Now when we spoke earlier I had asked if you could come up with some affidavit to mention what had happened. Did you guys do that?

Daughter in law – We have only one here paper that we just did today.

Administrative Director Michael Borja – What I asked for was something in writing that would be an affidavit that would verify you know for them to attest in what had happened so that I can have it for the record to point out what had happened to Mrs. Chaco. Now as you heard and you probably know that the land is soiled. They are using the land for, you know there's trash around there, they're using the bathroom (interrupted).

Commissioner Amanda Santos – But who's occupying the land right now?

Administrative Director Michael Borja – The grandson.

John Santos – *The ranch wasn't like that. My mom could walk and not stumble but now she cannot go to the back because of all the trash.*

Administrative Director Michael Borja – But you grew all the plants there right?

John Santos – Yeah all 5 boys.

Maria Chaco – I'm the mother I tell them to come because they're making money and give it to me. I got 14 kids, I got 13 boys and 1 daughter but my daughter passed away. So my oldest grandson was staying in Santa Ana. I was staying with them before but when the wife said that I'm stealing the can food to eat, no that's my food. I tell them sometimes I walk down on the road. Sometimes I go to the road and walk you know and I was so hungry but it's very lucky the car don't hit me. So my grandson the oldest one go over to him and talk to him to take me back again but no the property is mine on Santa Ana. Just stay there but don't let me know that once Uncle John or Uncle Ben came over and pick up banana or what mango don't stop them because that's ours. All of us that's ours but no because I stole the mango. When they sell the mango not even cigarette or not even can food.

Commissioner Amanda Santos – So how are you going to get him out?

John Santos – *That's why I'm asking if you can relocate my mom and help her to get her paper back from Alfred and then if Alfred wants to apply then it's up to you guys.*

Administrative Director Michael Borja – Well the plan was I had asked them to come in to speak to the Commission to explain the plight that they're in and then next month's agenda Alfred Panabe who is the grandson of Tan Maria will come in to explain why he has done what he has done to the land. I can't go into very much other things except to explain that. He's had that lease for, since what year Margarita? He's had that lease for a number of years already. He has not surveyed the property so therefore he cannot get utility hookups and then he's spoiling the land with litter and human waste.

Margarita Borja (DLM) – 2011.

Administrative Director Michael Borja – So he's had it since 2011 so that's already been 5 years and he hasn't done his part.

Commissioner Amanda Santos – We need to evict him from that place.

Administrative Director Michael Borja – Well that's what we can talk about with him next month. But what my suggestion and recommendation is that based on your concurrence that we proceed to award back the land to Mrs. Chaco but we can only do it at half an acre.

John Santos – Yeah but I don't want him (didn't finish).

Administrative Director Michael Borja – And then we have Alfred be relocated to another site at half an acre or quarter acre depending on what we can find. But half an acre is probably what we can find. Or for you guys to determine whether or not he has defaulted on his agreement because of the conditions in which he has left the land.

Chairman Pascual Sablan – And failure to survey within reasonable time, isn't it?

Administrative Director Michael Borja – Well right he hasn't done any of that.

Chairman Pascual Sablan – In the meantime I think why don't they start working on that affidavit you know to present to us.

Administrative Director Michael Borja – Yeah we'll still need that remember I need that get it notarized okay.

John Santos – He lied to my mother that he already surveyed the land.

Daughter-In-Law – He said he paid you guys \$2,000 to survey the property.

Administrative Director Michael Borja – No you don't pay us.

Maria Chaco – They lied to me I said where's the paper?

Administrative Director Michael Borja – No we don't do the survey it's a private company.

John Santos – They lied to my mother.

Chairman Pascual Sablan – Please one at a time to talk because the minutes here. Listen to the Director because we're trying to help you but you have to follow what he's suggesting to you people okay. So go ahead come up with that affidavit of really what happened okay.

Administrative Director Michael Borja – Explain in the affidavit what it is that's contested and then it needs to be notarized with Mrs. Chaco's signature okay. Next month we'll have a formal discussion with Alfred. We'll be serving him a notice to appear and giving him ample notice of his need to come explain what's going on on the property. But I don't suggest you be here I just don't want to have any kind of (inaudible).

Maria Chaco – But the problem with me when the wife tell him oh your mother is a thief came over and stole all the banana and mango. Who stole it? Nobody stole it I tell them get one bag of banana and go ahead. Even my oldest son is the one who plant all the mango, all the banana everything there. But now when they come over and pick something they get mad.

Chairman Pascual Sablan – Tan Maria listen to the Director and do what he's asking of you to do.

John Santos – Okay.

Chairman Pascual Sablan – Submit it in and then it'll be presented to us then we'll make a decision okay.

John Santos – Okay.

Commissioner Amanda Santos – *And if they keep causing trouble report to us or call the police.*

Chairman Pascual Sablan – Thank you Tan Maria.

V. OLD BUSINESS – None.

VI. NEW BUSINESS

1. Teresita C. Blas – Request for relocation

John Gumataotao (CLTC) – My name is John Gumataotao, I'm a land agent with Chamorro Land Trust. Just to go over some historical facts with regard to the property that Mrs. Blas currently resides in. In 1997 her husband Jose Blas was issued a residential lease for a portion of property which was under in 1994 under the jurisdiction of Department of Land Management and put into their inventory but somehow was allocated to the Mayor of Yigo. When we found out that this property is under the Yigo jurisdiction it was taken out of Land Management's inventory so we have to try and relocate Mrs. Blas who actually paid for a survey of that particular property.

Administrative Director Michael Borja – The situation is that they were improperly placed on a piece of land that had two problems. It didn't belong to CLTC and it was unregistered. As a result she really technically cannot be there but she had already built a minor facility there. So we have to relocate her and this is quite similar to well it would be a relocation of something like we did, we had in that one oversight hearing on the Taitano family in Yigo. But in this case this was an error made a long time ago that has to be corrected in order for her to get any of the utilities. We do have some people that are on unregistered properties up in that area but they belong to CLTC and those you know we're not looking to move any of them but in this case she's out there by herself.

John Gumataotao (CLTC) – We kind of don't want to set any precedence for you know the department or the Commission assume you know like the responsibility to pay for relocation cost but on Mrs. Blas' case when she gets here she'll explain her situation now where it's become a matter of her safety to continue to live in that area. So what we tried to do is relocate here to an area called Sagan Linahyan which is already a surveyed property. There's water and power available within the surrounding lot. She's not asking for relocation cost of her structure she just wants the Department to consider relocation cost of utilities and also the retracement of this land. This is Mrs. Blas. So from what I understand is Guam Power Authority allocated no relocation cost as far as the power is concerned but the water is of concern because it's a high amount and also the survey cost.

Administrative Director Michael Borja – So what the reason for this being on the agenda as well is there will be money that needs to be expended and we have to pay for doing this. I just wanted to let you know we don't know the exact details of how much this is going to cost. It will be quite similar to some of the cost we may have already had to spend on the Taitano move but the CLTC does have money that can be used for this. So I just need to get the approval from the Commissioners to work on the relocation of this client.

Chairman Pascual Sablan – Who's the gentleman sitting beside you?

John Gumataotao (CLTC) – No this is Mrs. Blas.

Chairman Pascual Sablan – Oh I'm sorry. What this thing reminds me when you say she's going to handle the demolish of both the structure the container and all those things. It reminds me of my sister-in-law that she had a container behind her house and she was selling it for \$500 and when I called the people to remove it it's going to cost her \$1,500 and it's all dilapidated, rusty and everything. I think would the Yigo Mayor allow you to leave that thing behind?

Teresita Blas – Well I don't have anything to pull that out and I don't have the money to pay for it. I'm only going to breakdown the one bedroom that I'm using and build a shack on that land that they're going to give me today or whenever.

Chairman Pascual Sablan – I'm curious to know how much did it cost you to connect the power?

Teresita Blas – Oh I don't know I forgot. I don't know how much I did pay for it it's been a long time.

Administrative Director Michael Borja – It's since 1997. They got the lease in 1997 so it's a while back.

Chairman Pascual Sablan – Do we have any idea as to how much we're talking about to hook the power in Sagan Linahyan?

John Gumataotao (CLTC) – For power cost I believe there isn't going to be any relocation cost. So GPA is willing to cover any cost if there was a cost associated with her relocation. So as far as hooking up the power it's not going to cost anything. It's the water and sewer hookup. I have pictures of her container. We did a site inspection about a week ago and found that the container is not fit to move. Like she said if we lift it up it'll probably just collapse. So her main concern is just getting the relocation cost of utilities to her new location.

Administrative Director Michael Borja – But the law does state that if we have to relocate anyone it is our responsibility to rebuild their home. So we have to look at that kind of expense as well and if it was to be something similar you know we will probably be able to find a comparable container home that can be placed on the premises that is already outfitted to be a home.

Commissioner Amanda Santos – Who is John Blas because I know a John Blas that's giving people Land Trust land that is not even registered.

Administrative Director Michael Borja – No this is not him, her husband is Jose.

Chairman Pascual Sablan – Do you have any question Pika?

Commissioner Pika Fejeran – I just want to make sure I understand correctly so looking at the staff report the land was transferred to CLTC right in February 94 and then in May 94 it was transferred out of our inventory to the municipality of Yigo. But that never got in play in our system so we still gave a lease to her husband 3 years later and we're just now finding about it because of her new application since the death of her husband. Is that what compelled us to do the research and find out that you were not supposed to be on that land? It's not CLTC?

John Gumataotao (CLTC) – Part of our SOP is when an applicant wants to lease Government land we try to find an available lot for them. So in the past we would have to certify that that lot is available for lease and then request for a survey authorization. It was during the survey authorization part that we caught the fact that she's actually on property that we technically cannot lease because it's not under our control. So in order for us to try and accommodate her we looked elsewhere but at the same time she was having some safety issues you know with other people around the area. So you know at night she was telling me that she doesn't stay there at night because somebody tried to break into her

house and it's just her there. So for the past like about maybe a month or so we've been in contact trying to find her you know a best place and more immediate concerns for her so that she can you know go to this new area and start to live on it but all these other issues are coming up.

Commissioner Pika Fejeran – Mrs. Blas you do you want to move. Am I understanding that correctly? You want to be relocated?

Teresita Blas – Yes.

Chairman Pascual Sablan – John I think you've done your homework good right?

John Gumataotao (CLTC) – I hope so.

Chairman Pascual Sablan – Okay how far is the nearest water and sewer?

John Gumataotao (CLTC) – For the new location it's within 100 feet. If you're familiar with Sagan Linahyan it's a subdivision that was created many years ago so the Chamorro Land Trust has inventory of lands within a specific block that the water and power just run right around the entire block. She requested also closest to the nearest hospital which is the new Guam Regional Medical Center.

Chairman Pascual Sablan – So okay Mr. Director.

Administrative Director Michael Borja – I just need if you can give a motion just to allow us to proceed with the relocation and to pick up on the expenses that we're required to do by law.

Chairman Pascual Sablan – Okay the Chair is ready to hear a motion. Who wants to make the motion?

Commissioner Pika Fejeran – Motion to move forward with the relocation and the cost associated for Mrs. Blas.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Okay motion was made by Pika and seconded by Mrs. Santos. Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Okay the ayes have it.

Administrative Director Michael Borja – So we'll be working with you Mrs. Blas on getting you relocated and helping to fix the area for you and we may even look at the replacement container so we need to go and check on that as well.

Teresita Blas – That will be nice because I'm all alone right now with no help at all.

Administrative Director Michael Borja – Yeah something that's livable okay.

Teresita Blas – Okay thank you.

Chairman Pascual Sablan – She stated her name.

Administrative Director Michael Borja – Her name is Teresita Blas.

Chairman Pascual Sablan – Teresita Blas thank you.

Teresita Blas – Thank you.

Administrative Director Michael Borja – You know in that area Sagan Linahan we are also building some model homes that are on Chamorro Land Trust properties but are being in conjunction with Guam Housing and there was one contractor unfortunately he ended up pulling out from the process but their specialty was making metal buildings. And a good example would be one that would accommodate a person like Mrs. Blas that would be a one bedroom suite kind of set up. It would have everything the kitchen, the bathroom and all that and all you do is you plop it down and they're typhoon rated as well. And you just do the hook up of the utilities and it's ready to go.

Commissioner Amanda Santos – So how much is that?

Administrative Director Michael Borja – And it was very affordable it's like \$17,000.

Commissioner Amanda Santos – Oh that's nice. Metal?

Administrative Director Michael Borja – It was made out of metal but it's insulated so it's not a hot box.

Commissioner Pika Fejeran – Would we be updated at the next meeting on the progress and process as stated?

Administrative Director Michael Borja – Sure because I had asked if they could give you know an itemization of what the cost would be and we'll have some idea based on what we had to do with Mr. Taitano. But everyone is different you know there's always difference in specifics on it.

Chairman Pascual Sablan – On Mr. Taitano are you going to deduct the amount of water that he tapped on the neighbor?

Administrative Director Michael Borja – No that's something he has to work on but they've been very cooperative on those kinds of things. They took care of a lot of costs that were associated with those.

2. Sonia Sapla and Marilyn Santos – Application status

Margarita Borja (DLM) – They're not here.

Chairman Pascual Sablan – They're not here?

Administrative Director Michael Borja – And what was the issue here?

Margarita Borja (DLM) – A request to umm (interrupted).

Administrative Director Michael Borja – Relocate?

Margarita Borja (DLM) – Actually to be given the property up in Barrigada Heights for farming that their father used to farm.

Chairman Pascual Sablan – You know I was reading this Mr. Director and I don't know whether as you know I'm a new member of this Commission but I believe if it's not in the SOP I think we can apply as the old saying three strikes you're out.

Administrative Director Michael Borja – Is this the one where the family disputes?

Chairman Pascual Sablan – Yes.

Administrative Director Michael Borja – Yeah this is you know as one of my land agents told me please don't put family members as neighbors anymore because we end up having to play referee and this is definitely one of them. It's a really sad kind of situation because they yell, scream and bark and then we accommodate them and then all of a sudden they want back and it's like we've already taken that land and subdivided everything. Because here I think they wanted 5 acres but now they were asking for 1. Did they have 5?

Margarita Borja (DLM) – The dad had 5 he basically had two leases. Two agriculture leases for two different lots so what had happened was we gave him the property the one lease where they were farming on and the other portion was this portion that they're coming in to request.

Administrative Director Michael Borja – And see so we're playing around having to deal with constituents who already had leases and then they suddenly want to change and then they're barking about it and it takes up the agents time of having to go and deal with these. As opposed to new clients who are just trying to get their foot in the door and these people their foot has been in the door and they're wiggling it hard. So them not being here I don't know if you want to discuss it.

Chairman Pascual Sablan – I'd like to take action on this since it's on the agenda.

Administrative Director Michael Borja – Okay.

Chairman Pascual Sablan – Mrs. Santos have you read this?

Commissioner Amanda Santos – No.

Chairman Pascual Sablan – Okay see what happened (interrupted).

Commissioner Pika Fejeran – I'm still trying to understand what happened.

Chairman Pascual Sablan – Maybe the Director or Mrs. Borja can, they were given or shown or offered T9, Block F, Lot 19 and 20 in Barrigada. Then they don't like it because of family dispute. Then they were shown and in fact the surveyor ready to survey already the property in Inarajan, Lot 8-33-21. Then they were shown Lot 5382 North in Barrigada that's the third then now they want to go back to the original. This is already three strikes so I would you know like to tell these people to go to the back of the line and line up again.

Administrative Director Michael Borja – That's your prerogative and they're not here to defend themselves, they knew they were supposed to be here.

Chairman Pascual Sablan – They knew?

Administrative Director Michael Borja – That's why they're on the agenda.

Chairman Pascual Sablan – So you want to belabor the argument or Commissioner Santos and Pika?

Commissioner Amanda Santos – If they don't agree on one so don't give them at all.

Chairman Pascual Sablan – We're already going to give three.

Administrative Director Michael Borja – Well I mean they want to go to Inarajan because they want to get as far away from the other siblings. Were they up at Ija?

Margarita Borja (DLM) – They were originally in Barrigada Heights.

Administrative Director Michael Borja – And then they were going to be put in Ija?

Margarita Borja (DLM) – They wanted to be away from the sister who inherited the property from the dad.

Commissioner Pika Fejeran – And this is the property that was first residential then changed to agriculture.

Margarita Borja (DLM) – No it was always when it was issued the first time to the dad it was an agricultural lease.

Commissioner Pika Fejeran – Oh okay.

Commissioner Amanda Santos – Is the dad still alive?

Margarita Borja (DLM) – No he passed away and it went to the daughter.

Commissioner Pika Fejeran – Okay and this is Sonia.

Margarita Borja (DLM) – No.

Commissioner Pika Fejeran – Then Marilyn.

Margarita Borja (DLM) – No another one.

Administrative Director Michael Borja – Another one and they're all mad at her.

Commissioner Pika Fejeran – They're all mad at the other who inherited the land from the dad.

Margarita Borja (DLM) – Yes so what it is originally in Barrigada Heights there were two 5 acre parcels. The dad for some reason had a lease for both. We came in and said wait a minute you know you can only have one agricultural lease. So we went ahead and we issued, we decided to issue them a lease on the parcel that they were farming on which was adjacent to the property that they are requesting. So when we got the parcel back, when we got the parcel back the other parcel we went ahead (interrupted).

Commissioner Pika Fejeran – Okay so we let them keep the one 5 acres for agricultural, we took the other one back.

Margarita Borja (DLM) – Yes we took this one back and we subdivided it into residential lots. They're coming back and they're wanting back the 5 acre portion which we had already subdivided into half acre lots.

Administrative Director Michael Borja – So that we can add more people in there.

Margarita Borja (DLM) – Right.

Commissioner Pika Fejeran – So they don't have lease.

Margarita Borja (DLM) – They don't they're still searching for a piece of property. So we've shown them several parcels.

Administrative Director Michael Borja – And today you know with the law changed I mean its half acres for agricultural unless you get legislative approval I mean you need legislative approval for anything larger.

Commissioner Pika Fejeran – So the original 5 acre owned by the third sisters that's not even in discussion right now.

Margarita Borja (DLM) – It can't be because she's already surveyed she's just waiting (interrupted).

Commissioner Pika Fejeran – Okay so she's okay with that and these are new applicants coming in?

Margarita Borja (DLM) – No these are all 1995, they're all 1995 applicants. So they've been trying to you know.

Commissioner Pika Fejeran – I see okay so they were up next in line and we're trying to find property for them to go to.

Margarita Borja (DLM) – So they're wanting now they don't want to entertain any other properties except for this.

Administrative Director Michael Borja – But it's too late we've taken it and subdivided it. I mean now we can put 10 people on that lot as you can see as opposed to just one.

Commissioner Pika Fejeran – And they want it for agriculture.

Administrative Director Michael Borja – But if you look at the father's land that 5 acre there's no agriculture going on in there. I don't even think they have the right number of trees. You know either you're actively farming or you're planting trees and the tree (interrupted).

Commissioner Amanda Santos – How many trees per acre?

Administrative Director Michael Borja – The law says you got to have so many trees per acre per year up to a certain amount. So you know every year you keep planting trees. And that's not an active (inaudible). In this area just to let you know this is on the top of the hill in Barrigada Heights way on the top. The radio antennas are right over here, these houses in this subdivision are larger than the houses in Barrigada Heights and then there's this water tank. This right over here is where we're going to put where we a while back we gave the land to Public Health for the building of the foster care home. But down the hill on this side over here it faces out into the east and you look at the, these guys are looking towards the Airport and these guys here are looking directly out to the ocean. There are some homesteads down here that are Chamorro Land Trust and there's this one man I think he's now since deceased but he did a bang up job. He's a model of what an agricultural lot should look like with the trees and he's planted all these trees it's all done. But what we've done now in most cases is we've taken the lands and done this thing so that we can fit more people into there because they're not farming. Their idea of agricultural is really just to get more property but they're not farming. So if they're not going to actively farm we just give them a lot of land so we can fit more people in and get more people a lease.

Chairman Pascual Sablan – So this is the area or this one here?

Administrative Director Michael Borja – This is where the father's land is the 5 acres and this is the 5 acres that if you look at it it's been subdivided. This is 5 acres subdivided into 10 half acres. That's the land that they want back but that's the land if they want it back it's going to be at a half acre.

Chairman Pascual Sablan – Do we have a lease from the father a complete lease and everything?

Margarita Borja (DLM) – No we took it back.

Chairman Pascual Sablan – Oh took it back from the father?

Administrative Director Michael Borja – The father had two 5 acre leases.

Chairman Pascual Sablan – Oh okay good.

Administrative Director Michael Borja – We assigned him to just one and then the other one we gave it to the daughter but then she got mad at the sister and said get me out of here.

Chairman Pascual Sablan – Family feud huh?

Administrative Director Michael Borja – Right and you know I mean that's (interrupted).

Commissioner Pika Fejeran – So Sonia or Marilyn was given this second 5 acre lot?

Margarita Borja (DLM) – She was never given anything. She was just farming with the father. She was like a partner with the father on the property that we gave the sister.

Commissioner Pika Fejeran – Oh okay.

Chairman Pascual Sablan – Then they were given in Inarajan then they were shown another place in Barrigada and they still don't want so strike three. Are we still going to be accommodating them?

Commissioner Amanda Santos – You just don't give them any at all.

Administrative Director Michael Borja – You know I visited Ija last week and talked to a couple of farmers up there who are on CLTC land and I tell you you know it's a different world up there and it is gorgeous. And these farmers are young and passionate about their farming and they've been doing it since they were boys and they're brothers. I'll be working with them on the properties because they're actively farming down there and they've got a good thing going. They just need to make sure that they can still be able to use some land because originally they're the grandsons of Alfred Flores (Davey Crocket) from Inarajan.

So they've been farming on this but in those hills there's a totally different Guam it's beautiful over there. But you know I can see why they're concerned because yeah it can get rugged in some of those areas but there was this one guy who was the original Ija subdivision (interrupted).

Commissioner Amanda Santos – Can they plant mango up there?

Administrative Director Michael Borja – You probably can but you know they have the rarest they have these, there's two palm trees I've never ever seen in my whole life here on Guam. Their trunk is like this big and their leaves don't come out regular the leaves come out looking like a tree and they're about 100 feet tall. They're very rare in fact when we were drawing out the subdivision up there Department of Agriculture asked us to take the designated roadway and reroute it around the tree just because those trees are rare. I've never seen it anywhere here on Guam. I've never seen that kind of tree here it is different. Yeah I should have taken a picture.

Chairman Pascual Sablan – Okay let's get back to this issue.

Commissioner Pika Fejeran – I have a question I see letter I. on the staff report she signed the first decline of the lot in Barrigada.

Chairman Pascual Sablan – Where are you?

Commissioner Pika Fejeran – I'm sorry I'm on page 2 letter I.

Administrative Director Michael Borja – The one under Sonia.

Commissioner Pika Fejeran – Yes number 2, I, she signed the first decline and that's for the original lot that we were offering her right and then we showed her another lot.

Chairman Pascual Sablan – No the first one I believe it was on Sonia, look at page 1 they were asked whether they want you know to be placed where the father was farming this one here.

Commissioner Pika Fejeran – 8-33-21. Yeah so she doesn't want 8-33-21 because it's (didn't finish).

Chairman Pascual Sablan – No, no, no first they were asked for this lot here in Barrigada, then they don't want because all the family you know feud then they were shown Inarajan. In fact they were given authorization to survey Lot 8-33-21.

Commissioner Pika Fejeran – Oh okay and that's the one that we were talking about.

Chairman Pascual Sablan – That's second already. Then on the second page they were shown Lot 5382 North and they don't want it again. Then they decided that they're going to accept the first offer after the third offer they decided to go back to the first offer.

Margarita Borja (DLM) – They were never offered the Lot 19 and 20.

Chairman Pascual Sablan – What?

Margarita Borja (DLM) – They were never offered Lot 19 and 20. They're just coming back now. They wanted to be away from the sister. So they were never offered the lot the 19 and 20 that you're saying. The first lot that they were offered was in Inarajan.

Administrative Director Michael Borja – But they want the 5 acres.

Margarita Borja (DLM) – They want to go back they want to go back to now. The request is to go back to Barrigada Heights.

Administrative Director Michael Borja – And get the full 5 acres.

Margarita Borja (DLM) – I think that they're aware that they're only going to get an acre.

Administrative Director Michael Borja – An acre?

Margarita Borja (DLM) - Yeah if any.

Administrative Director Michael Borja – Not even it's been subdivided into half.

Margarita Borja (DLM) – No but initially what they were promised was an acre.

Administrative Director Michael Borja – But they've been bouncing all over the place. They never executed the lease right?

Margarita Borja (DLM) – No.

Administrative Director Michael Borja – It's one thing if they had an executed lease for an acre and we're replacing like Mrs. Blas. But in this case the lease never was executed and today the law says nothing more than half an acre without legislative approval. So there's no way they can go for an acre.

Margarita Borja (DLM) – And they also questioned you know and it's always been questioned about the decline. So I think what we need to do is we just need to define when do we draw the line on the decline. We were, Mr. Camacho had mentioned that if you were to be shown a lot, physically shown a piece of property and you don't accept it it's considered a decline. But we were questioned we were asked but where is the law that says that you know. And in the law I believe it's on Public Law 23-38 its section 5.6 it says an applicant who is awarded a lot shall be able to decline lots in two different villages. After declining a third award an applicant's name shall be removed from the waiting list. So it's still kind of, what is an award?

Administrative Director Michael Borja – Well what we're doing is we're making them sign the declines a document that says that they have declined.

Margarita Borja (DLM) – So are we saying that showing a property is an award? Is that an intent to award or is it a lease that we call an award?

Administrative Director Michael Borja – No.

Commissioner Pika Fejeran – No I think it's an attempt, if it's an award (interrupted).

Margarita Borja (DLM) – So that's what we need to define because we're being questioned you know. Someone says when you show a property you know that's (didn't finish).

Administrative Director Michael Borja – Kristan do you have any comments?

Legal Counsel Kristan Finney – No not at this time.

Margarita Borja (DLM) – Section 5.6c that's where I'm pulling this from on Public Law 23-38.

Commissioner Pika Fejeran – I do see that she did sign the first decline but it looks like I don't know if I'm just misreading it Lot 8-33-21.

Margarita Borja (DLM) – That's for Sonia.

Commissioner Pika Fejeran – Where is that one?

Margarita Borja (DLM) – In Inarajan.

Commissioner Pika Fejeran – That's Inarajan right but then it also goes on to say in that same line decline of Lot 8-33-21 for Lot 5382 North which sounds like it's. Okay so she's declining Inarajan for Barrigada.

Margarita Borja (DLM) – To be shown a lot in Barrigada, lower Barrigada. Not the upper, not this lot.

Commissioner Pika Fejeran – Okay so there were two in Barrigada. So then so she said no I don't want Inarajan I want lower Barrigada.

Administrative Director Michael Borja – Well first she didn't want this then we showed her Inarajan. She didn't want that now she's back to this, it's in lower Barrigada. So upper Barrigada, to Inarajan, to lower Barrigada and now so she's really like the Chairman said this is the fourth time.

Commissioner Amanda Santos – So they don't want to go for the third one?

Commissioner Pika Fejeran – Is there yeah is there another decline thing she signed or it was just a verbal?

Administrative Director Michael Borja – No I don't think, no but it's just the constant having to go through this whole process. You know we try to work with every client you know and in most cases there's not this kind of issue. But this one you should give them the benefit of the doubt but you know.

Chairman Pascual Sablan – We have over 10,000 people waiting so we cannot just keeping on playing you know where it looks like we're accommodating, we're serving them on a silver platter. So now we're, I share your concern you know but let us not play semantic on that technicality of declining and all those things. They were already shown and let the record speak now that this Commission is going to make a decision as to are we going to keep on doing it?

Legal Counsel Kristan Finney – The question you were raising was what does it mean when they're awarded a lot. She says what the rules says is that if they are awarded a lot then they can decline it and so that's the question I guess I would have back to you guys is because it's not defined but what does it mean. At what point is the lot awarded. Is it like as you say is it when you show someone the lot or is there some way that you designate that (interrupted).

Administrative Director Michael Borja – Did we give them a survey authorization of all these other lots? Like Inarajan.

Margarita Borja (DLM) – We only gave them for Inarajan. They did contract a surveyor. The surveyor went out there and as he was surveying the property he noticed that there were deep crevices. So they stopped the survey, they contacted us, we went out there. We felt that the property is developable. We told them that if you were to give this up we would still be able to issue this property out to somebody. I guess they want flat land. So the property is developable according to the staff that went out there.

Administrative Director Michael Borja – For a farmer I'd want that kind of crevice because it keeps the rift raft out from ripping off your waterlines. And yeah it is there are certain areas up there where you know its red dirt. Water has to go where water wants to go so you have to transit around a lot of these kinds of things. I tell you these guys were driving two wheeled drive trucks in getting around up and down the hills. I was in a four by four going oh my gosh don't get stuck in that hole because we're not going to get out of here.

Chairman Pascual Sablan – You know I heard a lot of complaints where CLTC clients were awarded contract then after they survey and they have to go and record that at Land Management. The survey is specifically noted down that the lot number they have to make an addendum to record that and they complain because why that they have to pay all those things. So why now that we have to award them or sign lease with them then for them to decline then we're going to say okay strike one because you decline after you sign the

lease. I believe once you're shown and then you decline then you know I think that should count. Any more questions Pika?

Commissioner Pika Fejeran – You know there's been a lot of back and forth with these sisters I don't want I guess set a precedence.

Chairman Pascual Sablan – Should I remind you that there's 10,000 people waiting out there to be shown land?

Commissioner Pika Fejeran – So what would we be offering here? What is still on the table for her I guess is my question because right now she's kind of leading the discussion right. Like no we want this but is there still property available for her?

Margarita Borja (DLM) – There are other properties that we were going to show her after they indicated that they didn't want the lower Barrigada. But they just said no I don't want to speak anybody unless it's regarding (didn't finish).

Commissioner Pika Fejeran – The upper okay.

Margarita Borja (DLM) – So I just, Mr. Borja said bring them to the Board, let the Board decide you know. But we do have other properties that we can show them.

Commissioner Pika Fejeran – I would say I think to be fair I don't think we should cut them off I think we should say I'm sorry but the lot you requested is not available other than for residential with those conditions. If you're not okay with that then maybe get back in line. But I also don't want to spend countless hours of the staff having to keep offering to go around you know.

Administrative Director Michael Borja – Or you can say that the Commissioners have you know you have determined that you will give these people one final opportunity on a piece of offer and if they're looking to come back up here they can have; have all these been assigned? They've all been assigned already see so you snooze you lose. Because I mean who would turn down this? If you've been up there I mean it's crazy a half acre lot on the upside of Barrigada Heights. It's not a bad place. Water pressure can be a problem even though you got a water tank right next to you.

Commissioner Pika Fejeran – Okay I would feel comfortable giving them, telling them you know enough is enough. We'll let you look at one more property and if you're unsatisfied you know I'm sorry we can't, we have other people waiting in line that are ready and eager to sign leases.

Administrative Director Michael Borja – This is the last offer and then you go to the end of the list.

Chairman Pascual Sablan – So what's the time frame? Because whatever decision you make you cannot you know I guess we have to go along with you because there's only

three of us and it takes three to make a motion move. So do you think Margaret we can by the next meeting we can have something?

Administrative Director Michael Borja – Well I mean all you have to do is just let us work on it and give them what you guys have decided to do. What your decision has been on this.

Chairman Pascual Sablan – That's why I'm asking what's the time frame? We show them for example next week another place and if they decline that's it.

Margarita Borja (DLM) – That's where we need to define what an award is first and then from there because basically we've shown them properties. We've asked Marilyn to sign the decline and she has questioned this on you know where is it in the law that says that if you show me a property that I have to decline it. Sonia on the other hand has come in and signed it. She signed the decline. So this would be Marilyn's first decline, both them will be their first.

Commissioner Pika Fejeran – So since it is two people will they be getting two leases?

Margarita Borja (DLM) – Yeah.

Commissioner Pika Fejeran – Oh I see.

Margarita Borja (DLM) – Two separate applications, agriculture.

Commissioner Amanda Santos – Are they really farmers?

Margarita Borja (DLM) – According to them they are.

Administrative Director Michael Borja – Are they bonafide?

Margarita Borja (DLM) – I would think so. She was supplying, she does herbs, she's supplying (interrupted).

Administrative Director Michael Borja – Then why did they run away from here?

Commissioner Pika Fejeran – Well it's to go down to us and now we're trying to pick up the pieces right? It sounds like they're, if they're both going to get two leases why is like everything like co-mingled like one is speaking for another?

Margarita Borja (DLM) – Yeah Sonia has been off-island for the longest time, she's now relocated back to Guam.

Commissioner Pika Fejeran – Okay.

Margarita Borja (DLM) – Marilyn has been you know the brother Ignacio Guerrero had power of attorney of Sonia but they've all been on the same like you know they're taking this together.

Commissioner Pika Fejeran – Okay and did they want to be co-located, the leases?

Margarita Borja (DLM) – Oh yes they want to be next to each other.

Commissioner Pika Fejeran – I see okay and there's enough room in lower Barrigada for them.

Margarita Borja (DLM) – We've already reserved two 1 acre parcels for them so they didn't want that.

Commissioner Pika Fejeran – But they haven't signed a decline for that right?

Margarita Borja (DLM) – No.

Commissioner Pika Fejeran – It just says here they were not satisfied and then they sent an email. Okay I move to reoffer them the lower Barrigada lot and (interrupted).

Commissioner Amanda Santos – If they refuse?

Commissioner Pika Fejeran – If they refuse that will be their third decline even though there's two of them they both declined along the way right? They declined Inarajan.

Margarita Borja (DLM) – So if they decline the Barrigada lot that will be their second.

Commissioner Pika Fejeran – Oh their second decline.

Chairman Pascual Sablan – I think we're being restricted to offer them the lower Barrigada Heights. How about if they can offer them someplace else?

Commissioner Pika Fejeran – Well I think we need to get their second decline on that lower Barrigada lot before we move forward with the third property offer.

Chairman Pascual Sablan – Before what?

Commissioner Pika Fejeran – Before we move forward with offering them a third property.

Chairman Pascual Sablan – Again? After they refuse the lower Barrigada we're going to offer them (interrupted).

Commissioner Pika Fejeran – No that would be the second.

Administrative Director Michael Borja – They haven't refused it yet.

Commissioner Pika Fejeran – They haven't formally declined it.

Chairman Pascual Sablan – Because they didn't sign?

Administrative Director Michael Borja – So the Commission should have said this is your second offer and take it.

Legal Counsel Kristan Finney – The rules says after they declined a third award then you remove their name.

Administrative Director Michael Borja – Oh you remove their name. So we have to start counting so this would be the second. So then if they don't want it then they got to sign the decline before we even entertain them for a third.

Chairman Pascual Sablan – But does the rule says you have to sign?

Administrative Director Michael Borja – Well but it's good to have it in writing.

Chairman Pascual Sablan – It's good to have but you know we're here to make decision too. If they refuse to sign (interrupted).

Administrative Director Michael Borja – Oh because you wanted to find what their declines are even whether they wanted to sign or not.

Chairman Pascual Sablan – Yeah so you want to add that on your motion?

Commissioner Pika Fejeran – Okay.

Commissioner Amanda Santos – And what is the timeframe?

Administrative Director Michael Borja – No we don't have to have a timeframe.

Commissioner Pika Fejeran – Not necessary?

Administrative Director Michael Borja – No don't give us a timeframe no.

Margarita Borja (DLM) – So I just need to be clear on something, is showing a property a decline? I need to know. Are we going to take it as a decline? The showing of a property?

Chairman Pascual Sablan – Yes.

Margarita Borja (DLM) – Because the way we're, where we're leading to is that and I just need to be sure that (interrupted).

Administrative Director Michael Borja – Because before you even show them you're already having an interview with them ask them where they want to go, showing them

places on the, show them the available things on the maps and then you go out there with them.

Chairman Pascual Sablan – And if they decline and they refuse to decline that's a decline okay.

Commissioner Pika Fejeran – Well if they refuse to decline then we're stuck because we can't look elsewhere (interrupted).

Chairman Pascual Sablan – No if they refuse to sign.

Commissioner Pika Fejeran – Exactly if they refuse to decline then all we know is they're still thinking about it at least.

Administrative Director Michael Borja – We can just make it a matter of record. No if they say no we don't want that and I don't want to sign it we just make it a matter of record or a memo for record saying that they objected to it.

Chairman Pascual Sablan – Yes please.

Legal Counsel Kristan Finney – Is that why you guys are talking about a timeframe if it's not accepted within a certain amount of time (inaudible).

Administrative Director Michael Borja – Well no they wanted to set a limitation on how soon that they would be shown the next lot but I don't think we need to be put a timeframe.

Chairman Pascual Sablan – No, no, yeah but I think the concern is what is a decline. Does the person or the clientele have to sign? Once they refuse that is already strike one and all you have to do is note it on the diary. Okay so that will also become a policy.

Administrative Director Michael Borja – We also note it if you remember each applicant's folder on the left side there's a whole diary so yeah we can even note it there.

Margarita Borja (DLM) – Or basically what we can do is we can still print out the decline and then if they refuse we'll just indicate there on the decline applicant refuses to decline. Have them if they want to initial it you know.

Commissioner Pika Fejeran – Well I think when they refuse to sign then we tell them well we can't show you another property if you're not letting go of this one. Then they're at a stalemate.

Administrative Director Michael Borja – Yeah and that could be a condition before you show them anything else tell us that you don't want this so that I can open it back up.

Margarita Borja (DLM) – Since we're on the topic I just want you to know that there have been cases or a lot of cases where we issued applicants a lease they come in and want to

decline that property that we had issued them a lease on. Are we going to accept that? The question is they were issued a lease do they still have that option of declining that property three more times after they've been issued the lease.

Chairman Pascual Sablan – Bring them before this Commission.

Margarita Borja (DLM) – So whenever there's a lease issued and they want to decline they have to come before the Board?

Administrative Director Michael Borja – See and the consideration that should be noted as well is that they may even say but I already surveyed the first place what you're going to make me survey a second one now?

Margarita Borja (DLM) – That's their choice right?

Administrative Director Michael Borja – But that was their choice not ours and you have a recorded document already so you know.

Chairman Pascual Sablan – And we should not be held accountable for the first survey cost.

Commissioner Pika Fejeran – I assume that before that lease was issued you were out there and you showed them the property and they said yes and so we moved forward and created the lease.

Administrative Director Michael Borja – And they got it surveyed and they got the lease done.

Margarita Borja (DLM) – They come back and say I don't like my neighbor or I'm working down south. Can you give a lot down, I'm teaching you know at another school and can you give me a lot in Agat? So just to let you know.

Chairman Pascual Sablan – Yeah but what do you do accommodate them? Throw them to us.

Administrative Director Michael Borja – No that's why we are bringing some of these to you guys.

Chairman Pascual Sablan – Thank you.

Administrative Director Michael Borja – And that's why there's another thing I need to talk about that is not on the agenda but I'll bring it up in the Director's report because it's things I need guidance from you guys to proceed.

Commissioner Pika Fejeran – I guess I'll make a motion for this particular case we again offer them the lower Barrigada lots and if they decline have them sign the declination paper,

I don't know if that's the word, but that they decline and then also letting them know that if you decline this lot we'll show you one more lot and then our time with you is exhausted per this public law. Right?

Chairman Pascual Sablan – Wait I'm lost. If they decline the lower the Barrigada we're going to show them again another one? Is that what you're saying?

Commissioner Pika Fejeran – That would only be the second time they declined. They were never offered the original 5 acres that had been taken from their father.

Chairman Pascual Sablan – Where is 5382 North? Is that north Barrigada?

Margarita Borja (DLM) – Right next to the Korean Church if you're going up on North Sabana on the left.

Chairman Pascual Sablan – They were shown already.

Commissioner Amanda Santos – They don't like it cause it's rough.

Chairman Pascual Sablan - They were shown already the lower Barrigada and if you want we can go back again and offer them but if they decline that would be the third.

Commissioner Pika Fejeran – That would be the second.

Chairman Pascual Sablan – No because they already declined Inarajan then they were shown lower Barrigada now they want up to this area.

Commissioner Pika Fejeran – If they want to go up to that area that's a moot point all the lots have been taken already.

Chairman Pascual Sablan – Exactly. So okay Inarajan, then they were shown lower Barrigada now we're going to show them again or let them know that this will be the third.

Commissioner Pika Fejeran – That would be the second. We just need them to sign the paper that says no I really don't want that lot because it's only been verbal and an email. Yeah verbal and an email that they want to go elsewhere.

Administrative Director Michael Borja – Well that would be to me a confirmation of a decline.

Chairman Pascual Sablan – That would be the third. Look at further down m. on January 28th applicant was shown the vicinity and was not satisfied with the area due to accessibility of the lot okay. So that would already the second.

Commissioner Pika Fejeran – Okay that would be the second. But that was just verbal right? I think in order for us to be safe to just have them sign that they really don't want it.

Chairman Pascual Sablan - I appreciate where you're coming from but it looks like we have to reinvent the wheel if we're going through that route. That would be the third if we were to show them and they refuse the lower Barrigada and we just finished too discussing decline not necessarily they have to sign. If they say no then no that's it. I want to hear your point.

Commissioner Pika Fejeran – Well from my understanding they've only been offered two locations right?

Chairman Pascual Sablan – Okay good two but if they were to go ahead and say here's the lower Barrigada.

Commissioner Pika Fejeran – The lower Barrigada was the second.

Chairman Pascual Sablan – Yeah but if you're showing them again okay. And if they say no in fact it says right here and if they say no then that's it. That will be the third time.

Commissioner Amanda Santos – When they say no so make them sign.

Chairman Pascual Sablan – If they refuse to sign we just finished too discussing it at length that not necessarily that they have to sign.

Margarita Borja (DLM) – Maybe what it is is it's just a reconsideration to go back to the 5382 because they haven't declined it yet. They haven't declined the 5382. All they mentioned was through email was we don't want it. But what she's saying is we're just going to have them reconsider to go back just to look at the lot one more time the lower that's what she's mentioning. And if they don't want it then we'll because it seems like unless you're going to take the email as a decline.

Chairman Pascual Sablan – I'll take it as a decline.

Administrative Director Michael Borja – I'll take it as a decline.

Commissioner Pika Fejeran – So we move on to a third property.

Administrative Director Michael Borja – We move to the third one so this next showing will be the last and final.

Chairman Pascual Sablan – Okay?

Commissioner Pika Fejeran – Okay.

Chairman Pascual Sablan – So you agree with me?

Commissioner Pika Fejeran – Agree sir. Okay so I'll make the motion to offer Ms. Sonia and Marilyn a third property and this will be our final offer.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – On your motion also if they still refuse then that would be the third.

Commissioner Pika Fejeran – Yes sir.

Chairman Pascual Sablan – And that will be the standing rules from here on.

Commissioner Pika Fejeran – Yes sir.

Chairman Pascual Sablan – Okay that the recipient don't have to sign. Motion, second, discussion now. What happen to why that what's his name where's Ignacio if you go back to Sonia on j. unknown applicant contact our office that's Sonia right?

Margarita Borja (DLM) – Sonia was off-island and her brother Ignacio Guerrero Jr. was the POA so he was the one that was taking care of (didn't finish).

Commissioner Pika Fejeran – The matters.

Margarita Borja (DLM) – Yeah here.

Commissioner Pika Fejeran – Sorry what does POA stand for?

Chairman Pascual Sablan – Power of attorney.

Commissioner Pika Fejeran – Oh power of attorney.

Chairman Pascual Sablan – Okay so finish with discussion?

Commissioner Pika Fejeran – I think maybe Ms. Margarita brought up another point and Mr. Borja that there's also people with leases that are wanting to move and all of that so what's happening now and maybe just refer them to the Commission.

Administrative Director Michael Borja – Yeah.

Commissioner Pika Fejeran – Okay.

Chairman Pascual Sablan – Okay a motion was made and was seconded. Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

There were no objections, MOTION PASSED.

(Commission took a break: 2:44pm-2:59pm)

3. Michael Duenas – Loan guaranty request

Administrative Director Michael Borja – You have the staff report in front of you and as you see this is just another typical one of the loan guaranties that have gone through the Guam Housing Corporation. They also are CLTC lessees and part of the process for getting a loan because they have to go through Guam Housing because its CLTC property is for us to do a loan guaranty. I recommend that we concur with approving their loan guaranty for the amount of \$147,000. They are building with a contractor that has already been used by Guam Housing Corporation and the contractor actually built the first model home in Sagan Lintahyan. My understanding is that there's a number of folks that are using them because you know it is an affordable home. You can look at the housing and look at the quality. So they're here before you because it requires Commission approval.

Chairman Pascual Sablan – I was looking at this \$147,000 divided by 1,064 square feet an example \$138 per square foot. The last time I built a house it was about 12, 15 years ago and it's only about \$80 - \$90. Are you using heavy material here?

Michael Duenas – I'm not sure what the contractors are using at the moment. I know it's on the contract.

Chairman Pascual Sablan – When I say heavy material, all expensive material.

Michael Duenas – Actually no just what he built the house on up at Sagan Lintahyan practically the same thing.

Therese Duenas – It's actually according to him the contractor it's affordable materials but there are some add-ons to the structure besides what you see at Sagan Lintahyan.

Chairman Pascual Sablan – Extensions another one if I (inaudible).

Therese Duenas – Add-ons, yes sir referring to the storage for one. I know the demo house doesn't include a storage which we decided to add-on. And instead of the normal windows that they have just the French grid it's the same material but it has the French grid on it instead of the plain window that you see on the plan there.

Administrative Director Michael Borja – And your house will have a carport too.

Michael Duenas – Yes.

Therese Duenas – Yes 400 square feet carport, 1,064 square feet living area.

Administrative Director Michael Borja – He's not going to tile the carport is he?

Michael Duenas – No.

Administrative Director Michael Borja – Did you see that?

Michael Duenas – Yeah I saw the one up at (interrupted).

Administrative Director Michael Borja – I don't get it.

Therese Duenas – Yeah I don't get it either.

Administrative Director Michael Borja – It's going to crack.

Michael Duenas – Yeah exactly.

Administrative Director Michael Borja – I think it was just for show you know that they tiled the carport with this really nice big square foot a (interrupted).

Michael Duenas – As for our carport no it's just going to be cemented.

Commissioner Amanda Santos – How many bedrooms is this?

Michael Duenas – Three bedroom.

Commissioner Pika Fejeran – One of my questions is for the contract with the Guam Housing Corp are these normal terms with other loans that we've guaranteed?

Administrative Director Michael Borja – Yeah I mean Guam Housing they don't have a rep here but they have in the past they come, they have to deal with CLTC clients just because regular banks will not provide loans to CLTC leases. But yeah this is not abnormal. And then this I know you're new, one of the things that we had done and there's still the rules and regulations for the loan guaranty program pending approval process. The original concept was to only allow an approval of a loan guaranty based on the number of people in the household. And during the development of that the rules Guam Housing highly recommended that that be taken away. Because you know in one specific case we had a single individual who wanted to build a home for himself and under those rules we can only guaranty it for I think something for like \$75,000. And he said all I can build is a one bedroom or even a one room house and then every time I get married or have a child then I have to expand the house? What Guam Housing also said is the best thing to do is to always ensure it's at least three bedrooms. That way it's a home that in the event that a foreclosure might have to occur and that we have to take the house back because we have to assume the loan we have to find a buyer for the house and a buyer would most likely be looking for that kind of house. Trying to find someone to buy a one bedroom could be a greater challenge than to find someone who wants to move into a three bedroom and a three bedroom is the standard around on Guam. So this is not anything that's normally high. There are some in the system where people have come in with you know \$250,000 loan guaranties. But you know they have been vetted they had to be qualified for the loan anyway. Our default rate is none existent practically. The law does give us guidelines on exactly what to do in the event of a default and the loan guaranty will cover for the monthly

payments until we can find a person to buy the house. And the cost of that home will be inclusive of any cost we had to put so we can replenish back the loan guaranty fund.

Chairman Pascual Sablan – Someone has to educate me looking at page 2, late payment, can you charge more than the prevailing percentage on the market? It says here 24%.

Administrative Director Michael Borja – On the contract?

Chairman Pascual Sablan – Yeah.

Administrative Director Michael Borja – Well I mean that's between them and Guam Housing Corp it's not between us.

Margarita Borja (DLM) – No I think that's with the contractor.

Administrative Director Michael Borja – Oh the contractor?

Chairman Pascual Sablan – Do you know this contractor personally?

Michael Duenas – Actually we met up with him a couple of times already, not personally no.

Chairman Pascual Sablan – They would mandate you to post or Guam Housing would mandate them to post a performance bond right?

Therese Duenas – Performance bond?

Chairman Pascual Sablan – Yeah in other words for the contractor to buy a performance bond to guaranty that for example they belly up in the midway you know half way then that performance bond would come in and find another contractor to finish the project based on all the plans. A performance bond.

Michael Duenas – Actually none of that was brought up to our attention.

Chairman Pascual Sablan – That's why I'm asking you whether you know this contractor personally because this might be a surprise to you folks but you can also demand them to add on a payment bond. Because if you don't have the payment bond and for example the contractor failed to and this is not going to be an additional cost on your part. If you have a payment bond and the contractor failed to pay the supplier or the employees then the payment bond will kick in again and protect you people.

Michael Duenas – Okay but wouldn't that fall under Guam Housing and the contractors?

Administrative Director Michael Borja – That's a good question I'm not sure. With Guam Housing did they review this contract?

Michael Duenas – They did right?

Therese Duenas – Yes and Ms. Emily Torres actually referred us to this contractor. She is actually the one that we're working with. She's working on our application, she's on leave as of today. It will be Mary Guerrero the loan administrator while she's away.

Chairman Pascual Sablan – Look into that.

Administrative Director Michael Borja – I'll look into that too. I'll talk with Mary and with Martin Benavente about the payment bond.

Chairman Pascual Sablan – My golly per square foot it went up so high. I guess I have to update myself on the prevailing market.

Michael Duenas – Yeah I think way back it was that amount.

Administrative Director Michael Borja – Unfortunately the cost is not probably going to go back down once the military construction begins. It will be even more difficult to find a more affordable contractor.

Chairman Pascual Sablan – That's for (inaudible) me to ask if they're using heavy they call it heavy material, expensive material you know.

Michael Duenas – Actually no and the thing is it's affordable.

Therese Duenas – It's pretty standard material.

Commissioner Pika Fejeran – My page 3 is cut off maybe it's just a copy error. Can we get that page?

Margarita Borja (DLM) – That was provided by the applicants.

Administrative Director Michael Borja – Page 3 is cut off.

Margarita Borja (DLM) – Do you guys have your contractor's affidavit?

Therese Duenas – We don't have any documentation on us right now.

Margarita Borja (DLM) – This is what was provided to us they're going to go ahead and provide this page if you need it.

Commissioner Pika Fejeran – I move to approve the loan guaranty request pending a completed package.

Chairman Pascual Sablan – So what was your motion?

Commissioner Pika Fejeran – I move to approve their loan guaranty pending a complete packet for our records.

Administrative Director Michael Borja – So once we receive the full page 3 then we'll sign off on the loan guaranty.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Discussion? Okay so what else? Those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran - Aye. Congratulations it's very exciting.

There were no objections, MOTION PASSED.

Michael Duenas – Thank you I appreciate it.

Administrative Director Michael Borja – Get us a copy of that okay on page 3.

Michael Duenas – As soon as tomorrow.

Administrative Director Michael Borja – Yeah as soon as you can okay.

Michael Duenas – We'll look through our own copy and if we don't see it we can get with the contractor. Thank you appreciate it.

VII. DIRECTOR'S REPORT

1. Revenue collection report for March 2016

Chairman Pascual Sablan – My question here Mr. Director on this on March 16 revenue collection report down at March 17 on this second column or whatever you call that, commercial lease, it's showing that Agfayan it's showing that we collected \$3,500 and on this other sheet it says it's a collection of \$3,500 or aging only.

Administrative Director Michael Borja – Oh that is because there's an aging there because that's past debt that they're paying. They're paying more than \$3,500. They're paying what is the amount Margarita do you recall? It's around \$4,000 some. They're paying off a debt. This goes back several years when they came to the Commission and they were going to be evicted because of back pay and then there was a resolution to the situation and what we came up with is they will be permitted to pay. And they're not the only ones it's the same thing that's going on with Guam Broadcast Partners and the same thing is happening with them. They came in and the Commission approved that they be allowed to pay off that over a course of time. It's just so happened because I was looking at that too that it's coincidental that it's now down to \$3,500 which is the same amount that they would pay with their monthly requirement is. Yeah they're paying \$3,500 a month right now.

Chairman Pascual Sablan – Now land lease, how come we're still collecting \$20, \$79, \$12, \$20? I thought we're going to collect \$99? Are these the old account?

Administrative Director Michael Borja – Those may be what balances are or those may be what we received. They got a year to pay it off. So some of them are coming in just to make small payments or whatever that's what the deal is.

Chairman Pascual Sablan – But the new ones from here on up front \$99 right?

Administrative Director Michael Borja – Well the law gives them one year to pay off the \$99.

Chairman Pascual Sablan – Oh one year.

Administrative Director Michael Borja – And then all these other things, CLT-Sale of Gov't, what those are are the land for the landless properties the recent public law that said we need to collect on all those land for the landless. It has nothing to do with CLTC except for the fact that the monies we receive will go in to the Chamorro Land Trust infrastructure and survey fund and that's what that is and that's what the itemization is of all the people.

Chairman Pascual Sablan – How do they end up there's a couple of them like they have two different lots?

Administrative Director Michael Borja – No they're just making multiple payments. You can see their account number right behind their name that's what the thing in parenthesis means. IJA, Pigua, Umatac.

Chairman Pascual Sablan – The account number is all the same but if you look at for example Roy C. Cruz and the very last Joleen Siguenza account number.

Administrative Director Michael Borja – No the account number is what's in parenthesis after the name. That other column there is the receipt number the payment receipt number.

Chairman Pascual Sablan – Oh I'm sorry, I'm getting misled by the same account number and if you go down they're all the same.

Administrative Director Michael Borja – Oh account number, account name that's where it's being assigned to. That's the account that the money is being assigned to. We have different accounts with the Chamorro Land Trust and we actually set it up with Department of Administration. We account for every one of those accounts and we put it into the system. So that's where it went to, that's what the account name means.

Chairman Pascual Sablan – The last time you mentioned there's over 100 of them that failed to come in and satisfy this.

Administrative Director Michael Borja – About 300.

Chairman Pascual Sablan – 300 so have you bring that up to the Senators and (interrupted).

Administrative Director Michael Borja – Oh yeah we're going you know what I'm going to try and do is find a way (interrupted).

Chairman Pascual Sablan – After election.

Administrative Director Michael Borja – After the election no I don't know but this is like real soon. What I'm going to try and do because I already talked to a few Senators is on the land for the landless there's no discretionary power that I have to extend the payment period. It's only set at 60 days nothing but that. What I'm requesting and what one of the Senators agreed with too is that we do it up for a year. I'm kind of tinkering on the waiver of the interest payments because that could be a can of worms I don't think I want to tackle. It may mean refunding people for lots and lots of money. But the law sets an interest amount but there's no discretion on the payment period. So if there's anything that we can do to help these people it's just to extend. The original land for the landless law always talked about interest, always said there has to be interest for unpaid amounts. So that's probably something I don't want to mess with. The new law reduced the interest amount. So what I would want to do is probably just give discretionary authority to go extend the period. For example let's say a person says I have a hardship well you know prove it. Show me the last three years of your tax returns and if they come in and it's proven that you know it's going to be difficult for them then fine. But if they come in with a tax return of an income that's six digits then you know that's not a good argument.

Chairman Pascual Sablan – For the past 20 years they cannot afford to pay \$10?

Administrative Director Michael Borja – Oh exactly I mean that's yeah. But you know give them again the benefit of the doubt and of course some of the letters that I've received because I had to give them notice that they're in default they had to write back and request an appeal. I then wrote to them saying and the only remedy even the law says the only default remedy you have is you got to pay within 60 days from receipt of that letter.

Chairman Pascual Sablan – Which you did already right you sent out that letter?

Administrative Director Michael Borja – Uh huh that's why they're coming in and paying. A lot of them are paying it off I mean you know it's still a good deal. But there are some that are saying hey look you know we had this family catastrophe that occurred three years ago. Well you know you had seventeen years to do it anyway. But my point here is this is still kind of you know the intent of the law was to give people land for those who had no land. Many of them had issues with money as well anyways. His mother gave him ten years you know just give them one final opportunity to now. For the ones who didn't respond to anything we're going to out and do one last check to make sure nobody is living on that land and then it becomes noticed. And we'll probably even put it in some kind of I don't know if we can do it for a matter of record for Land Management recording to say the deal was in default and they no longer have the land and now it belongs to CLTC. That's what the law

says to do. So we stand to get back quite a bit of property. As you recall some of these properties were put on, they built the infrastructure. Many of them they built the infrastructure.

Chairman Pascual Sablan – It's more marketable if we can have it back and we can sell it.

Administrative Director Michael Borja – No we don't sell it we can't sell it we can only lease it out.

Chairman Pascual Sablan – Lease it.

Administrative Director Michael Borja – There's some really nice lands out there. I went and took a look at them and some of the complaints I've heard were just like you've got to be kidding me. You're complaining about a hill on your lot but if you just cut it down you got an ocean view of Ipan you know. Or you're on top of Talofofu and there's no neighbor because it just drops down.

Commissioner Amanda Santos – It's a farm land?

Administrative Director Michael Borja – No, no they're all meant for residential.

Chairman Pascual Sablan – Are you taking any medication to soften your heart?

Administrative Director Michael Borja – Soften my heart? It's very soft already I've been humbled significantly. I really have.

Chairman Pascual Sablan – The thing is we're the ones being criticized that we're not doing our job because we're not taking (interrupted).

Administrative Director Michael Borja – Hard action?

Chairman Pascual Sablan – Yeah.

Administrative Director Michael Borja – You know.

Chairman Pascual Sablan – When I say we including you.

Administrative Director Michael Borja – Oh I know but when I get the Senators one on one I see many different ones I tell them you know this is the issue. You can't be like that for people's land you know. But when the people want to be crazy about the issue like the ones we just talked about on the multiple declines or the ones who don't want to respond to the notices you know I can't go grab them by the hand anymore. But the people who have asked and yes please we want to keep the land then you know let me, we got to work with them you know. The Government is about helping people. In this case they were fortunate to have this offer and this is the absolute last opportunity to you know keep what they want.

Chairman Pascual Sablan – I suggest that each one you take this home and read it over and over it says para bai hu protehi yan hu difende I henengge, I kottura, I lengguahi, I aire, I hanom yan I tano' Chamoru. So we have to protect our land.

Administrative Director Michael Borja – We are protecting our land but the song we just finished singing you know it's also to you know make sure that the people do have the land that was made available for them. I got cussed out yesterday you should have seen it, it was really terrible.

Commissioner Amanda Santos – I thought you don't know Chamorro.

Administrative Director Michael Borja – Oh I can't speak Tan Amanda but I know when you're saying you know nasty words.

Commissioner Amanda Santos – You got cussed out by who?

Administrative Director Michael Borja – Oh you know.

Commissioner Amanda Santos – Chamorros?

Administrative Director Michael Borja – A land rich person who wants some more land.

Chairman Pascual Sablan – I'm waiting for that thing to come one day or to be called out and believe me I'm ready. Okay anymore questions on the revenue?

2. Audit report

Administrative Director Michael Borja – Our audit report will be complete and released I think the first Friday in May. Right now you know there will be a couple of hits okay. One of the ones that we didn't know is going to be a hit and it was brought to my attention as well by you know Senator Cruz is that during the course of Fiscal Year 2015 approximately \$85,000 of CLTC money was used in order to pay for DLM rent. Again this comes in lieu of the finances of Land Management. Now is that fully justifiable? Well there are expenses that CLTC didn't claim against DLM for the services it does I mean DLM rather didn't claim on services like all the surveying it had to do on the CLTC properties. In 2015 we did a massive 89 different subdivisions which we had to go out there and create you know check the properties, do the maps. So the services were provided but anyway as far as the accounting would show there is that and that probably will be about the worse one that there is but it's fully justifiable. I'm working very hard to make sure that that doesn't happen. I've expressed that concern to all the powers that be that deal with the budget of the Government and BBMR and explained to them that that's a no, no. That will not happen again and that I will take the hit and the hit is not going to be something I would like because I'm going to have to face that same criticism from the Senators and it's justifiable criticism. But in the process of having to go do this it was our expectation that the monies would have been paid back into the account but it did not happen. So we're watching this very closely and this year it hasn't happened to date okay.

Chairman Pascual Sablan – So Chamorro Land Trust is not going to pay rent?

Administrative Director Michael Borja – No, well we can say we're going to withhold rent for a period of time. But in technicality if I took Land Management and said hey you know we're really all under one umbrella although the funds are meant to be separate but the people who did the work in Land Management for CLTC those expenses were not itemized and said here let's move this expense of doing all the work for CLTC and charge it to them. In kind services were done and that would be greater than what the amount of that money would have been anyway. But you know we don't do that we don't itemize out what the different tasking were.

Chairman Pascual Sablan – Cost allocation, you're not doing any cost allocation to CLTC?

Administrative Director Michael Borja – From Land Management?

Chairman Pascual Sablan – Uh huh.

Administrative Director Michael Borja – No we don't we're not.

Chairman Pascual Sablan – Keep it that way Mr. Director.

Administrative Director Michael Borja – Cost allocation?

Chairman Pascual Sablan – No don't do any cost allocation we need the money.

Administrative Director Michael Borja – No, no well but CLTC could be paying yeah could be paying for the services as well but yeah we're not doing it.

3. Agfayan, Inc.

Administrative Director Michael Borja – I need to bring this one subject up with you guys it has to do with Agfayan. Agfayan Inc. is a commercial license not a lease but a license that was done. Agfayan Inc. is a preexisting license agreement that was done back in 2005. It's just one of the ones that has tickled me since I was a Commissioner and you saw they even had some issues in back payments. But to this day they've been a good payer, they've been trying to exercise the license as it was intended. Now here's a couple of things number one, it should never have been called a license because it's not a license it's really a lease. Number two, the intention of it too was for him to be able have sub-vendors or sub-accounts but that technically is not permitted under the law and not until the rules and regs have been enacted. Now we have rules and regs that have been enacted that gives the ability to have subleases. But because this is a preexisting license agreement it's going to be really tough to kind of melt that into the system and comply with the commercial rules and regs as we have it. Although my intent was to try and find a way for him to be able to have the sublicensing part of it or subleasing in order to comply with what the intent of his original has been. What you have here are two different pages of this stuff one is just the agreement correction that needs to be done and a fact sheet. The fact sheet explains everything of what is going at that activity. What I'm asking for is to permit

vendor activity as conceptually intended which means for him to have some kind of subleasing authority. We stopped him. His people his vendors came in with business licenses and we have not approved it because technically he doesn't have that authority. He thought that just because the commercial rules and regs was enacted that had subleasing, sublicensing authority that he could automatically assume that but he cannot because his master agreement doesn't give him that authority. The second thing we need to do and it has to be done concurrently is to also go in and get legislation to correct this agreement. Now this agreement is in its 10th year out of 21 so it's not like we can see this thing go way it's existing. We got to fix it so it's in compliance with what everything is but the only way to get some of it into compliance is actually to do it through legislation. Have the Legislature give us the authority to do certain things. The number one thing to do is to convert it from a license to a lease and to permit the subleasing of the facilities not the land. We're not going to deviate from that and collect the participation rent because we're not getting any of that from them okay. So those certain elements of the commercial rules and regs will come into play but what we need to do is to be able to give him what they were originally intended to do but to make it right because he doesn't have any authority to do subleasing although that was what the intention of that agreement was. And it's kind of loose in the way it's described in that agreement it's you know it was sort of intended for that purpose. Now we've gone through and we've done site inspections to determine what's going on over there. We've brought up a couple of concerns. Nothing is over anything major. What I want to do is restrict some of the activities that's going on like for example if you're going to sublease it has to be a building part that you're subleasing, a room or you know something in there not the land. He's got a used car thing going on that is not his but I guess somebody is paying him to park used cars there to sell. I told him I don't like that it's not part of the agreement you've got to remove that. This thing will have more meat to define exactly what he's allowed to and not allowed to be doing on the property so we put some beef into it. There is historically to let you know he does have significant legislative support. He has buddies who have come forward in the past to speak on his behalf and I'm not doing this because I have had any kind of pressure although after our discussions I got a letter from his lawyer followed by a phone call from the Senator one of the Senators. I keep telling him why you going to talk we just finished talking we told you we're going to help you on this matter why are you paying for a lawyer it's so damn expensive you know. Let's work this thing out like we should be doing. So I got a Senator who is willing to assist in this matter as well for the legislation. As much as I think that land probably could have been done and used for something a little bit better the issue is he's in the 10th year of 21 years with an option to extend for another 21 after that. You know we still got to move unless you want to fight and say this is illegal you know that's kind of like an uphill battle to try and do something that's going to be counter productive. Now this property has some limitations. What most people didn't understand, what he didn't even know until he got the land is that there's a significantly wide utility easement that cuts right through the lot and underneath it is the major sewer lines that connect you know Tumon to Dededo to the waste treatment plant. So there's some limitations on the property. So the size of the property might be one thing but how he can use that total property is another. But he's made a good faith effort to get his finances back in order in paying properly and he's been doing that for a number of years already so we have not had to call him in for anything. I was hoping he'd be here I told him to be here but he's not. But it's not like he's

shy not to come in but he did have a discussion with me I think Tuesday on this thing. So what I'm asking for is just that I can get you guys by motion to just agree for the interim allow him to continue so we can sign off on the business licenses allow for him to have his tenants businesses to continue but we go into immediate pursuit of legislation to correct the agreement to come into compliance with the law and with the rules and regulations.

Commissioner Pika Fejeran – Because it was a preexisting license agreement was that through legislation back in 2005?

Administrative Director Michael Borja – No it wasn't through legislation and you know (interrupted).

Commissioner Pika Fejeran – How did this?

Administrative Director Michael Borja – Because special things happened during special time periods and I'm being facetious but I'm being serious. There's a number of things that happened that we have to live with but we have to correct as well. We have a whole community of people living on residential leases on unregistered land for example. How did that happen? Well it was done intentionally by the people back then. Can I kick them all out and say no, no, no, no? Well technically I guess I can but realistically that's crazy because there are houses on those places. What we have to do is work with the situation that we're given and correct the problem and (interrupted).

Commissioner Amanda Santos – And then sell it?

Administrative Director Michael Borja – Well no we're not going to sell it we're going to let them stay but we have to go out and get the land registered and then do their lease. Just like I have a number of leases that are not recorded. You know if you're going to give authorization to use land for 99 years you want it recorded. So we're going through the process of getting leases recorded when we have an opportunity. Just like what came up with Mrs. Blas something came up where she came forward and said I need to do something. So we do our due diligence to find out what's the deal with the property. What are the problems we have that we need to correct while you're here so we can do it all together. So you'll see a number of cases I think you might have seen one of them or two of them the other day where we have addendums that have as an exhibit the actual original lease that was never recorded. So now we record the whole document and someone somewhere someplace now has a legal document so that it can be called up. But in this case no it was something that was done up. So the question is you know how many of these commercial leases do we have well this is like one of the fluke ones you know. Actually when I went through the whole process there's a section in Guam Code Annotated the part that says who can get licenses and leases and for people like telecommunication companies it's written into the law they're authorized. Well this was an example of somebody taking the liberal definition taking the definition and applying it very, very, very liberally. Like it said you can have a market store you know. So that's how they used this and would I do that today for something, no, no. It has to be in compliance with something else. So this one you know it got through the system and we were almost ready to kill it

when they were in default but they came clean on their default through a negotiation. But in that meeting just to let you know in walked two Senators and in walked his lawyer you know. I'm going this is going to be an interesting discussion. But that's where this thing is at and I just ask that we can try and move to make; he wants to do this you know make the corrections. I told him you can't have it all you know we're going to get something out of it. But what we're going to get out of it too is the ability to tap into the participation rent. The current rule say that there's a 7 year exemption I think it's 7 years but I'm not going to allow that exemption if you do this by a separate legislation. It has to begin immediately since it's already been ongoing for a number years, 10 years. But you know we can make this whole agreement a lot stronger and more enforceable because it was written really weird it's full of whereas. It's a really nice thing if it was a resolution you know not like a lease.

Chairman Pascual Sablan – That was prepared by an attorney, whereas, whereas.

Administrative Director Michael Borja – And so when they came back and they said well see the intent of it says this under these whereas. I said well those whereas are just simply that. It's not what it says in the body of the language.

Chairman Pascual Sablan – So what would happen after we have special legislation enacted to correct all these things or address all the problems here I thought the commercial lease is going to be based on 9% or 10%?

Administrative Director Michael Borja – Well see that's what we can talk about as well. I recommend that we just move, stick with what we got for his current lease but maybe add in something so that there's the increment levels are higher for the remainder of this 21 years. Should he go into the next 21 years an option then he has to comply with the full on commercial rules and regulations requirements and that's to have it based on the appraised value.

Chairman Pascual Sablan – And also Mr. Director what would happen if he keep on building a building here? He's making a fortune out of the Government land. Are we entitled for some kind of income?

Administrative Director Michael Borja – Well that's my point he's subleasing it out to people and we're not getting a share of it and the rules and regs allows us to get a participation of the percentage of that. I think it's pretty general, it's negotiable on what that amount could be.

Legal Counsel Kristan Finney – But they don't allow you to renegotiate something that's existing. I'm just saying even if you wanted to say you know hey let's renegotiate what I have you wouldn't be able to do that.

Administrative Director Michael Borja – There's no provision in the rules to do that right?

Legal Counsel Kristan Finney – Right.

Administrative Director Michael Borja – Yeah see that's why I have to go through legislation to get the specifics changed within this agreement because we can't just redo the agreement for the sake of redoing the agreement because it's a pre-existing agreement. But it's a bad one it's bad in many ways. It's a license not a lease.

Chairman Pascual Sablan – Maybe we should look at it maybe on that special legislation we should also put in things that we want you know to see happen or (interrupted).

Administrative Director Michael Borja – Oh yes.

Commissioner Pascual Sablan - You know on other commercial.

Administrative Director Michael Borja – Oh no not on other commercial things. I got to stick to just this specific issue because it deals with land well I don't know maybe put a rider in to change parts of the Chamorro Land Trust rules and regs. I don't want to take that, see that could be dangerous because it is an election year and this was such a hot issue in the first place. I don't even want to tackle with that I want to preserve it as it is and you know we have to live with what we got for the time being because of the political climate that we have. So you know in an election year and right now the election season is hot (inaudible) you got to you know I have to be very careful about the kinds of legislation I go for. This one is not you know they just did the one for Cushing Zoo and just to give you a background on that one the Cushing Zoo was created by a public law. The use of the land was given by public law. So it was something completely different and unique and we could not renegotiate or give her a new lease because we didn't have the rules and regs in place. Once the rules and regs came into place it was originally written so we could do something to help that specific lease but it got taken out. So if we applied the process of the rules and regs to her it would have been really whacked out. She would have been paying \$20,000 a month probably on rent alone and the process was long. So the only real fix there was to create a public law to just deal with that case specifically and they did. It's probably going to pass unanimously with all 15 Senators as sponsors of this bill when it happens in this session. It had a pretty good public hearing and I thought the Chairman was going to be a hard ball on it but his heart was beating the most. So and that's good for them you know because it's providing a service that's really like the amot folks. See they're a totally different kind of group of people and how do you help them out when you have certain limitations in the law. That's where we have to try and figure out how we can do something like that.

Chairman Pascual Sablan – Do we have any protection that would prohibit a client or should I say like for this example to request for rezoning without clearing it from us?

Administrative Director Michael Borja – Well you know it's too late it's already zoned commercial, it's legislatively zoned commercial. Well you know what I did Mr. Chairman is that we're about ready to sign a MOA I'm going to sign it out actually out tomorrow with Rev and Tax and that's with the sharing of property information. We give them property changes information they give us the tax rolls. And in that process what we are finding, what we discovered is that when the Land Use Commission changes the zone it is recorded

it becomes a recorded document and then Rev and Tax gets that information. So they now know that this land got rezoned to commercial so let's change the taxes on it. But if it's done by legislation it doesn't get recorded. Even Rev and Tax doesn't know the change occurred. So what we did is we went back 3 years and I told them to go back 10 and get all the legislation. Oh my God about two legislatures ago they went crazy and they were just bill after bill after bill after bill changing the zone. So what we are doing is taking all those public laws and we're going to attach an affidavit on it to say a zone change by legislation and then we're going to record it so that it is for the record so that if someone buys that property in the future they'll know that this property is zoned something. And Rev and Tax will have it for the record too that this property should be taxed at a higher rate because it got rezoned. So we're going to try and cover, that's called an escape assessment right? So we're going to try and cover those kinds of things to help out. Likewise with this you know I mean if the Senator changes and allows something to be commercially rezoned I mean that's not my preference. There's been maybe one or two in the last since I've been in office and those only happened by the legislature and after I concurred because the vetting had already been done. But that kind of spot zoning oh my God when I went back and I just found there's a cluster of them in one historical list of public laws. And it was really shocking to see how they had done this because you know it's like here's one for you, here's one for you. So you want to try and do some master planning. How do you master plan when it gets out of hand and the Legislature is allowed to just go out and zone, zone, zone, zone? It just whacks out the whole plan. So tomorrow is going to be a real interesting one or next week they're going to have issues nothing to do with CLTC but you know they had an Executive Order that allowed telecommunication towers to be built then you come back and ask for the height variance. Well people got ticked off because one just built in Barrigada. We had the public hearing for it for the height variance after it got built and the people were ticked. They're going what the heck is this thing doing here? Why are you asking us after it's done? So we killed and had the Executive Order rescinded and gave a 90 day grace period. But you know if you're the company that built this thing and now you got to come before the Commission for approval for the height and the rooms full of people that are screaming and yelling about this you know what do you do? Say no to the guy? You know they assumed it's always just been a rubber stamp process. If you say no to them because the residents have screamed bloody murder, safety, you know health all that kind of stuff you know you're going to tell the company to take it down. I don't have the draft of the legislation but you know I'll definitely it's something that we have to work out.

Commissioner Pika Fejeran – Can I move to table this for maybe a working session because I'd like to see the original license agreement and you know moving forward just to make sure that whatever decision is made is you know in the interest of the CLTC's mission and then also for the (inaudible).

Administrative Director Michael Borja – Okay I was just to going to see if the (inaudible) was here but yeah sure.

Chairman Pascual Sablan – But at the meantime or you want to see that first before you cast your (interrupted).

Commissioner Pika Fejeran – Yeah I think I mean this is like you said it's a fluke right it's a risk that for me personally I'm not comfortable making a decision on this one today.

Administrative Director Michael Borja – Okay.

Commissioner Pika Fejeran – Maybe just a working session or I can get (interrupted).

Administrative Director Michael Borja – Okay well I'll try and arrange for something in the next week or so okay.

Commissioner Pika Fejeran – Chairman what would you prefer?

Chairman Pascual Sablan – One thing under Robert Rules that we apply here if you don't vote I have no right to ask you why you didn't support okay. But if Joe's here and a motion is made and we voted we outvote you. But since we're three you're somehow in a stalemate.

Commissioner Pika Fejeran – Excuse me I maybe just wanted discussion. I just wanted a discussion about this topic.

Chairman Pascual Sablan – Yeah I think the Director said okay but maybe we should ask him to make that thing available something this week or early next week so maybe on our next meeting because we need to take action on this so we can continue to (interrupted).

Administrative Director Michael Borja – Yeah well the issue here is that you know we're hitting up on May these people need to get their business licenses renewed for this calendar year because then they got to renew it again in June anyway and they want to just move on. Because basically he's lost a couple of tenants and that's the only thing. That's the reason why I'm just asking there's nothing I mean you can halt it at any time but you know even the agreement I'm not going to go forth with the legislation without your concurrence. So even in drafting the legislation it's just a matter of coming up with something that both parties can concur with but it's still subject to your approval because I know that in the language in my testimony for the bill the question is going to be asked do you guys concur and I would have to answer yes. They have a motion that they agree with this legislation this draft legislation. So that would probably be an exhibit to the bill because I can't go forth with legislation without you guy's concurrence.

Chairman Pascual Sablan – You want to reconsider and give the benefit of the doubt to the Director?

Commissioner Pika Fejeran – So what would the motion be for today? Maybe I'm just unclear about that.

Administrative Director Michael Borja – The motion would be to permit Agfayan Inc. to continue with its vendor activity and to begin the creation of legislation to correct the agreement to meet commercial rules and regulations by converting a license to a lease and

to permit subleasing of the facilities with participation rent and other activities that might be necessary. But I mean that would be what I would say for the motion is basically what I'm asking for in the purpose. But you know and then you can also say and that the draft legislation needs the approval of the Commission before it's submitted to the legislature.

Legal Counsel Kristan Finney – Are you asking them to approve, you said to permit vendor activity as conceptually intended like whatever is existing there now?

Administrative Director Michael Borja – Right that the existing business we can sign off on their business license so they can continue to legally operate because that's what they've been doing for 10 years but we've halted it. That's to show you that we believe that there's not a reason for us to allow it but under the terms that we've discussed. I've had a discussion with Peter San Nicolas is that you know where we stand and this is what we need to do. But his argument is well I'm a business too (interrupted).

Commissioner Amanda Santos – So what is the status, San Nicolas?

Administrative Director Michael Borja – What do you mean what's the status?

Commissioner Amanda Santos – San Nicolas in the flea market.

Administrative Director Michael Borja – No, no we're working on fixing his agreement because it's not a good agreement and try to bring it into compliance with the law and the rules. So that's all I'm asking for is for the sake of the existing businesses that are there that we can press on but in the meantime we have to do this draft. And let's say that it's only good for up to the end of this year. If we can't come to an agreement on a change on the license agreement that he agrees to our draft legislation he's out of luck you know. And that would be a good thing to have anyway because come next year if we don't have something done he's going to be out of luck and we're not going to sign off on his business licenses for his vendors.

Commissioner Pika Fejeran – Is there another motion?

Chairman Pascual Sablan – What's your motion?

Commissioner Pika Fejeran – Are you allowed to make motions?

Chairman Pascual Sablan – No.

Commissioner Pika Fejeran – Oh you're not.

Commissioner Amanda Santos – Only us.

Commissioner Pika Fejeran – I see.

Administrative Director Michael Borja – The person that sits on that seat in every Commission meeting makes the motions.

Commissioner Pika Fejeran – Really?

Administrative Director Michael Borja – Seriously.

Commissioner Amanda Santos – Make the motion.

Commissioner Pika Fejeran – I make the motion to permit vendor activity, the pending business licenses as conceptually intended and then to have a working session to work on this legislation.

Commissioner Amanda Santos – And I second it.

Chairman Pascual Sablan – Okay those in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Ayes have it.

VIII. ADJOURNMENT

Commissioner Amanda Santos moved to adjourn the meeting. Commissioner Pika Fejeran seconded the motion. Meeting adjourned at 4:00pm.

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

Approved by Board motion in meeting of: *May 19, 2016*

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

Date: *5/19/16*

Pascual Sablan, Chairman: *Pascual Sablan*

Date: *5/19/16*