



# Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

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

**Eddie Baza Calvo**  
Governor of Guåhan

**Ray Tenorio**  
Lieutenant Governor of Guåhan

**Commission Members**

**Joseph I. Gruz**  
Acting Chairman

**Amanda L.G. Santos**  
Commissioner

**Pascual V.A. Sablan**  
Commissioner

**(Vacant)**  
Commissioner

**(Vacant)**  
Commissioner

**Michael J.B. Borja**  
Administrative Director

## **REGULAR BOARD MEETING AGENDA**

Department of Land Management Conference Room  
3<sup>rd</sup> Floor, ITC Building, Tamuning  
Thursday, February 18, 2016; 1pm

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES**
  1. January 19, 2016 – Public hearing on properties for commercial use
  2. January 21, 2016
- IV. **PUBLIC COMMENTS**
- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
  1. Resolution to approve proposed commercial properties
  2. Liberation Carnival at Oka Point - Mayors Council of Guam
  3. Frank and Mariquita Taitague – application status
- VII. **DIRECTOR'S REPORT**
  1. Revenue collection report for January 2016
- VIII. **ADJOURNMENT**



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**COMMISSION MEETING MINUTES**  
**Department of Land Management Conference Room**  
**3<sup>rd</sup> Flr., ITC Building, Tamuning**  
**Thursday, February 18, 2016; 1:15pm – 3:27pm**

**I. CALL TO ORDER**

Meeting was called to order at 1:15pm by Acting Chairman Joseph Cruz.

**II. ROLL CALL**

Present were Acting Chairman Joseph Cruz, Commissioner Pascual Sablan, Commissioner Amanda Santos, Legal Counsel Kristan Finney and Administrative Director Michael Borja.

**III. APPROVAL OF MINUTES**

1. January 19, 2016 – Public hearing on properties for commercial use
2. January 21, 2016

Commissioner Pascual Sablan moved to approve the minutes of January 19, 2016 and January 21, 2016 subject to corrections.

Commissioner Amanda Santos seconded the motion. There were no objections, **MOTION PASSED.**

**IV. PUBLIC COMMENTS**

**Acting Chairman Joseph Cruz** - I would like to comment on the public comments that the comment should reflect on the items on the agenda and not outside of the agenda.

**Administrative Director Michael Borja** – Public comment period is for anything that is not on the agenda.

**1. Catherine Flores McCollum** – Good afternoon Commissioners of Chamorro Land Trust Commission. My name is Catherine Flores McCollum I'm the Maga'haga of the Nasion Chamoru. I have two letters that I submitted to you and I saw you reading it. I'm sorry I'm not attuned to what the Chair is saying about the items that are to be discussed that are on the agenda. I think everything that I have noted on the two letters submitted by the Nasion Chamoru have the items in our letters. As Maga'Lahi and Maga'haga of the Nasion Chamoru and on behalf of the Tribunal Council, members at large of the Nasion Chamoru and other concerned citizens we would like to convey to you that we maintain our stance against the outright usage of 600 acres for commercial use. While there is a purpose, as you have publicly described, the reasons do not equate the sizeable amount of property you would like to turn into commercial lots. We wanted these lands to be used solely for housing our many displaced indigenous Chamorros as many as 8,000 as the Veteran's Administration has been proclaiming and that we have been hearing

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of 44%. It's not on the letter but I'd just like to bring that across but anyway they still await placement. Already there is a problem around Guam notably sewage, water and power that have yet to be addressed on existing commercial buildings. Our people must line up to individually apply for land and we believe that so too must these commercial business applicants. They may ask for a small amount and see if the Commission can screen each commercial individual's request but to just outright give them randomly 600 acres? This is so ludicrous. This example of land taking equates to the condemnation of property that the military did to us years ago. These lands belong to the people of Guam. Let us not make a fiasco of what we must protect. We hope that you can listen to our plea and decide logically that our indigenous Chamorro folks come first and not a myriad of businessmen who look to Guam as moneymaking projects for their pockets. Also I'd like to point out several bullet points on the second letter.

1. Mike Borja is not Chamorro Land Trust Commission's Boss. Commissioners, you are the Boss of over Mike Borja. He may bring up ideas but his word is not final. Your utmost responsibility is to protect the Trust, its rules and regulations, the history, the indigenous Chamorros, the reasons for its creation.
2. All properties under Chamorro Land Trust Commission should be screened for original land owners. Since Chamorro Land Trust Commission and the Guam Ancestral Lands Commission and the Department of Land Management are under one umbrella the information should be readily available. Once a discovery is made, the Guam Ancestral Lands Commission should be informed and proceedings should follow in the return of these properties to the original landowner or their heirs. The law creating Guam Ancestral Lands Commission encompasses lands under Government of Guam. One of these properties is Oka Point. The original landowner is Frank Perez.
3. Oka Point Carnival. Now why would we want to relocate the carnival to Oka Point? Why fix something that wasn't broken? I believe there is another underlying scheme to open Oka Point where the old hospital used to be as an opportunity to hold it for the impending plans for commercial use. Holding events near Guam Memorial Hospital can infringe the emergency access.
4. Digging for natural minerals? Who will benefit? Is there an environmental impact statement on the matter?
5. What is the total number of acreage available under the Chamorro Land Trust Commission? How much was leased for commercial use? How much money is outstanding especially for property in Santa Rita under the Guam Resource Recovery Partners? Please list accounts receivable and when can we get this information?

These are all the concerns the Nasion Chamoru has and probably we have a lot more on the list that hasn't been brought forth on the table. When can we receive this information sir? Thank you.

**Acting Chairman Joseph Cruz** – Well the information that you're asking we will have to take it up with the Director and then we'll give you call and see how can we relay the information to you.

**Catherine McCollum** – We'll be calling for an update.

**Acting Chairman Joseph Cruz** – You can call Margarita she is the Land Administrator for the Chamorro Land Trust and with the concurrence of the Director.

**Catherine McCollum** – Alright thanks again.

**2. Danny H. Jackson** – Hello Mr. Chairman and Board members of the Chamorro Land Trust. I am Danny Jackson the Maga'Lahi of the Nasion Chamoru. Hello to all those here. Please if I can request before we start this meeting if we can recite the Fanohge Chamorro and the Inifresi. Mr. Chairman and Board members you already heard what Maga'haga and said and what we would like to talk about at this meeting the difference with the paper and what has gone by already. I would like Mr. Chairman and Board members of the Chamorro Land Trust for you to think about all the children who were born in 1990 and are now parents and they need a piece of land. Us who applied for land for our children or our children who applied for land are being told that yes there is a law. The law is saying half an acre for residential and half an acre for agriculture. I don't know who wrote this law but it's a wrong law. I want to tell you yes there are children who got lucky and can buy land and build their house. But there are others who are living at the ranch who have a shack and they have 6 families staying there and they can't fit. Please can you look in your minds and your thoughts how can they survive with a half acre type. If Angel Santos was alive he would make the law clear and say 1 acre for residential and 21 acres for agriculture. You cannot pasture the cow if you only have half an acre of land. If I'm to tie the cow and the land is only a half acre it won't be enough to pasture the cow. Danny Jackson would not be able to move with only half an acre. I'm already old, I know if I die tomorrow I'm not going to take the land. But please don't approve to keep on letting this multi-million dollar investor to get land, this 600 acres. Where did you find this 600 acres and our children who applied you're going to say you cannot give them 1 acre? Half an acre you cannot give them? But when the people come from the outside, Tom, Dick and Harry with their \$100,000 or \$200,000 all of sudden you find. Come on man let's be reasonable. I don't know who wrote the law, I'm not a law maker but I know this is wrong. The Chamorro Land Trust was born by the Nasion Chamoru and yes we have one master and we have other masters who are higher in the Chamorro Land Trust. I don't have a lot of things to say but it hurts me the things that are happening. I'm not saying no or I'm not saying yes but you guys are the ones to fix the Chamorro Land Trust department. Please don't approve and don't give the multi-million dollars this 600 acres that they're asking. Thank you.

**3. Jannica Quintanilla** – Hi good afternoon Board members of the Chamorro Land Trust Commission, its Jannica Quintanilla. Thank you for having us here today I just wanted to read out testimony that we have put together. Dear Chamorro Land Trust Board Members, I am a concerned citizen of Guam, President of the Social Work Student Alliance and currently a resident of Tamuning. Last month the vote on CLTC proposed commercial lots

was delayed. I want to express my concern along with hundreds of constituents that there is still a vote planned for today according to the website agenda. The only public hearing that was available was held in Dededo but there was no other public hearings in the proposed villages. I kindly ask that you reconsider making the decision to approve the proposed commercial properties until further public hearings have been done. I believe that public engagement required by the law is meant to inform and guide the decision making body in moving forward. It is not simply an engagement to meet the requirements of the law. I strongly propose that public hearings should be scheduled in every village with lots that might be affected with ample notice given for these hearings before proceeding with the resolution to approve. I would also like to request that the Commissioners consider alternative financial management tools for the Trust and less environmentally harmful alternatives to grading and quarrying of the limestone cliffs. One example is that one of these lots, Lajuna, is over 400 acres, 12x the size of the Micronesia Mall's 32 acres and is recommended for mineral extraction, quarrying of the finest aggregate on Guam. The Director of Land Management recently announced that the Lajuna property is temporarily on hold pending resolution of a procurement protest by a company who claims to already have a commercial lease with Chamorro Land Trust Commission despite the prior moratorium on commercial leases. On behalf of the Social Work Student Alliance we oppose the Chamorro Land Trust Commission's resolution to approve the proposed commercial properties until public hearings have been conducted in those villages where Chamorro Land Trust Commission has proposed and identified commercial leasing property. Thank you all very much for allowing me to testify and voice our opinions and concerns here today.

**Acting Chairman Joseph Cruz – Thank you.**

**4. Luke Duenas –** Buenas and Hafa Adai, I am the individual with my conversation with the Director earlier who called me a soft skinned individual. Other than that I am a social work student who promotes social justice, human dignity and work and I'm a proud native of this island of Guam. I encourage and request that you have the whole island's input on the commercial leasing of our island. And for how much acreage and money is being put on the table is to be last to consider. Are there ancestral remains, ancestral artifacts in the areas that are proposed? I'd like to feel that more places with Dededo, Santa Rita, Mangilao have those community members have their input. Because the extracting of minerals how you so called put it in the paper sir is not just a digging of a hole. But if you look at Hawaiian Rock and the google image of our island the east coast of our island is already being teared up. And when you think of this as not as a Chamorro or non-Chamorro it's about the preservation of our island and our environment. What left are we going to leave for my children and their children after that? So just think of the island as a whole that will benefit the future. We're only borrowing the land from our children we did not inherit it from our ancestors we are only borrowing it. Like my ancestors before me I protect and defend the ocean and the land and so will my children and their children. That's all I got to say thank you.

**V. OLD BUSINESS – None.**

## **VI. NEW BUSINESS**

### **1. Resolution to approve proposed commercial properties**

**Commissioner Pascual Sablan** – Can you ask Mr. Borja to explain once more and again it's going to be over and over as to really what's the intent of the so called commercial properties? Because I was led to believe that when they say, see the word commercial that they're going to do some commercial not necessarily you know commercial. And what is the purpose what is the intent of us having these properties leased out because we're trying to bring in revenue so we can address those people that applied 20 years ago and we haven't done anything because we don't have that resources to you know survey the property and give it out.

**Acting Chairman Joseph Cruz** – So your concern is for the Director to (interrupted).

**Commissioner Pascual Sablan** – I would like to ask the Director that maybe he can explain in more detail as to what is really the intent of the commercial. When we say commercial properties the mentality of the people is that commercial everything commercial.

**Acting Chairman Joseph Cruz** – The question is that member Mr. Sablan is asking the Director to elaborate on the uses of commercial intent on the lots that are being listed as commercial lease. That's one concern that Mr. Sablan is asking.

**Commissioner Pascual Sablan** – I would like to also ask the public when you people are making a recommendation as to how can we bring in revenue or suggesting there's another way of bringing in revenue to do all these things in order for us to you know to give out land to those applicants under Chamorro Land Trust. What do you have in mind that we can bring in revenue besides leasing out these properties? I would like to know that. If we were to go to the Legislature I don't think the Legislature would just out right give us money you know.

**Luke Duenas** – Excuse me sir, you already have people who are leasing commercial property and in 2011 you guys stated they owe 1.5 million dollars worth of delinquent payments. Have you not learned from the past? Instead of commercial leasing more land bring justice to those who are not even paying. And the property value from back then has tripled if not even quadruple to now. So that's the solution that you have is have more regulations on the people who are currently paying.

**Acting Chairman Joseph Cruz** – We understand your comments and I appreciate your remarks but Mr. Sablan is asking for options on what the Director is proposing as an alternative for this lease.

**Luke Duenas** – The Director should recognize that the past audit in 1999 (interrupted).

**Acting Chairman Joseph Cruz** – Well let him answer it.

**Luke Duenas** – If you can face me Mr. Director Borja that's a sign of respect in our island and just right there he's very disrespectful of not even facing a citizen, a tax paying citizen, a Chamorro of this land. But what it is in the audit of 1999 they already pulled out everything all the flaws. What has been fixed? 16 years and you keep wanting to give more land. The 8,000 people and you say there are no funds. You're already getting revenue from the income that they're already paying rent and why is not nothing?

**Acting Chairman Joseph Cruz** – I'm sorry but you're repeating yourself we understand (interrupted).

**Luke Duenas** – And you're repeating yourself, please excuse me I don't like talking like this to my elders but this is for the people and you're repeating yourself you keep masking this with no funds, no funds. Have you seen the homeless people in the Chamorro Land Trust areas?

**Acting Chairman Joseph Cruz** – I'm sorry but yes we learn from our previous we were not the members at the time.

**Luke Duenas** – But there's articles and minutes and recordings that you can pull from the past.

**Commissioner Amanda Santos** – There is one that started out everything they mess everything up not Mike Borja.

**Luke Duenas** – Okay excuse me.

**Commissioner Amanda Santos** - You better trace back to the old Director. You seem that you're blaming us. I'm sorry to say that according to your speech or what. We find errors and people are bribing other people for land to get votes. I was so disgusted when I hear those comments at the public hearing. Don't blame us please.

**Luke Duenas** – But is what you guys can do now that can make a difference today. You sitting here is what you can make the difference today.

**Acting Chairman Joseph Cruz** – Give us a chance, give us a chance.

**Luke Duenas** – Yes but today is the day that you guys can make everything right.

**Acting Chairman Joseph Cruz** – Let us discuss what we're discussing and give us a chance to work with the Director.

**Luke Duenas** – Alright thank you.

**Commissioner Pascual Sablan** – I just want to mention something I think Senator Nelson here, McCollum, Jackson and other people can vouch that my brother and I came before the Chamorro Land Trust was established. We're the first people that start standing up



facing, challenging the federal government especially the military okay and we know how close the land to our heart. We know how valuable our land and I think if anybody to defend the Chamorro Land Trust this is the guy here. And I just came in a little bit over a year and I'm still in a learning process and we're doing our very best. I can assure each and every one of you out there okay. But believe me if you have any suggestion any ideas that can bring in revenue so we can go out there and survey the property and give it out let us know. Believe me let us know how can we bring those revenue in. I think what's causing all this confusion is the word commercial and I would like to ask the Director and speaking of the Director he never throw his weight on us. In fact that's the reason why we're here because you know you come forward for example we're the ones making the decision the final decision not him. It's us okay. So let's clarify those things and trust me I'm there to protect the Chamorro Land Trust.

**Commissioner Amanda Santos** – We're going to right the wrong doing of the past Directors.

**Commissioner Pascual Sablan** – Hafa Adai Mrs. McCollum?

**Catherine McCollum** – I notice that you were asking the Director for an answer and I'm still waiting for that answer.

**Commissioner Pascual Sablan** – Oh okay, Mr. Director would you be kind enough to; he just don't come out and volunteer we ask him.

**Catherine McCollum** – Of course yeah that's what you do as a Commissioner.

**Commissioner Pascual Sablan** – Mr. Director will you please elaborate more on why that we're using the word or maybe this is the confusing word commercial?

**Administrative Director Michael Borja** – The Chapter 75, Title 21 description of the Chamorro Land Trust Commission specifically deals with agriculture and residential uses which there is also rules and regs for that use. It also gives the provision to allow for commercial activity once rules and regulations are promulgated. Those rules and regulations had been promulgated under Public Law 33-95 just passed last November. In order for the Chamorro Land Trust Commission to enter into any commercial activity it needs to have those rules and regulations in place and they are. The rules and regulations spell out exactly how we're supposed to identify lands or what we have to do to identify lands for commercial use. Now just because it's identified for commercial use doesn't necessarily mean it's intended to give to some business entity for the full purpose of using it for commercial purposes. It's also intended for what we would hope to be able to do and that's to have a commercial agreement with somebody to create a housing subdivision for example. Where the infrastructure could be completely built for that tract of land to include very affordable homes and that applicants who are both eligible for a loan can then purchase these homes from this subdivision. And that is specifically what we're trying to do in many of these cases in trying to get some of these lands to be used for commercial purposes. We're not taking the entire inventory we're limited by law to I think 9% of



whatever the inventory is. We're in no way even trying to reach that maximum limit. Now the lands that have been identified we can go item by item again if you wish but the law also specifically says that unsolicited request for use of land can also be entertained by the Commissioners and in some of these cases there were people who had solicited the opportunity to use some of these lands for some other kind of commercial purpose. So we have to do our due diligence to bring it up, go through a public hearing, reviewed and approved by the Commissioners by resolution, submit it to the Guam Legislature. Just as a reminder to everyone present only the Guam Legislature has the full authority for any and all Government lands including Chamorro Land Trust. They have the final approval on it all. We can't even begin to have an RFP on any of these properties until the Legislature has had the final approval on the properties before we can even begin the process to develop an RFP which will then identify what the full use of our land would be and what the conditions would be required and all that. But the law also specifies how the rental structure of the license or the lease agreement would be, how it would be in effect. So in order to even use land to have someone commercially develop a housing subdivision for our CLTC applicants we have to have a commercial lease to begin that in order to enter into a commercial agreement.

**Catherine McCollum** – I think the question and I'm curious about the answer to this gentleman's question I know that prior to this Commission some of the properties already went for commercial leasing. One of them is the Holiday Resort Hotel. And I remember Angel Santos mentioning that they were waiting for money to be collected for the Chamorro Land Trust on that particular lot and business. So I was wondering whether you have any information and the gentleman that was asking a question earlier has a legitimate question and it's in a lot of our minds because we know that some of the properties did go out for commercial leasing but what is the final outcome of that? What is the money collected from that or is there any money coming in from that? And if so then I believe that if there is some money that's supposed to be coming and they're not paying then we need to close them down and go to another commercial businessman that's willing to pay.

**Acting Chairman Joseph Cruz** – Ma'am I understand your questions, I understand your issues but we're deviating from Item number 1 of creating a commercial listing. Understand that that relates to the funding of the intent of this commercial lease.

**Catherine McCollum** – But the problem here is that the question has always been diverted. We never get a true answer as to how much money is really coming in from all these other commercial lots that are already being leased from the Chamorro Land Trust and yet you're trying to reintroduce more properties that are going to go to commercial leasing. But yet we haven't answered the question from the beginning of what happened to those properties that are under Chamorro Land Trust that needs to be answered as to how much money is in the coffers of the Chamorro Land Trust from these areas that have been already leased out. That's all, it's a simple question. I don't know why anybody doesn't answer that question.

**Administrative Director Michael Borja** – Ma'am that question the answer to that is publically available and it's provided on a monthly basis to the Guam Legislature who then

puts it as well on their website. We will probably be putting it on our website here very shortly. We're still trying to build up our website. But the Guam Legislature and the Office of Public Accountability all receive these on a monthly basis and they do post it on their website. So it's not that we're not being transparent.

**Catherine McCollum** – So it's something that you cannot have and I think (interrupted).

**Administrative Director Michael Borja** – If you would like that copy we can make copies of it for you.

**Catherine McCollum** – I believe those things should be readily available to the public when they come here and they ask that question.

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

**Catherine McCollum** – No it's not readily available I'm sorry but it's not readily available here sir. And I think it should be as part of this public that this gentleman had asked and I'm asking. I think those questions need to be here to just CYA you know what I'm saying. I guess I'm going to have to check the website for that information. Thank you.

**Commissioner Amanda Santos** – Give them the answer Mike.

**Acting Chairman Joseph Cruz** – Are you done with your concern with the Director? We're discussing your Item 1. We lost track from the public comment. So are you satisfied with his response?

**Commissioner Pascual Sablan** – Well the Director will be answering as other people come, has questions. So there's one guy back there Mr. Rivera.

**Ken Rivera** – My name is Ken Rivera I'm a member of the Nasion Chamoru. I know Mr. Sablan has mentioned about the revenue we're looking for revenue. We have accounts receivable, millions of dollars, looking for revenue when we have those receivables. One of my question is do we have a good control of how to handle the receivables? How come we can't collect? I mean if I was leasing my house and the tenant doesn't pay me I just have to get rid of them. Yeah I mean do we have control on that? Does anybody have a better control of trying to collect the receivables?

**Acting Chairman Joseph Cruz** – Mr. Borja will answer you.

**Administrative Director Michael Borja** – Some of the information that was mentioned earlier today if you want to quote a 1999 audit it's very, very outdated. There are more recent audits in there and the receivables are not that large. The one that is, yes there is action to be taken. But like a government employee I can't just fire a person. There's an administrative adjudication law that has to take effect and it's equally in effect for things like government contracts. And so that is a process that's being undertaken but the process is quite lengthy just as it would be if I wanted to terminate a bad employee that is a classified

employee. So it's not an overnight thing where you can just take a tenant and kick them out because they failed to make their rent. There is a really strict process laid out by the law that we have to also follow because they do have their rights as well and that's the process we're undergoing right now. So we're working on those kinds of things but the most recent audit reports and also all our other financial listings are published in the websites of the appropriate agencies that are given that. Both the Guam Legislature and Public Auditor receive those on a monthly basis so it's there and it's more detailed. But we are audited so you're asking are we accountable, are we being monitored? Yes (interrupted).

**Ken Rivera** – I know but I think we should have a better control and not let the delinquent build up for a year, 2 years, 6 months or whatever. I think we should go out and try and figure out how to collect them. If they can't pay then get somebody else that can pay.

**Administrative Director Michael Borja** – And that's what we're trying to do but as I said there is a process that we have to follow in order to do that otherwise we will set ourselves up for a legal failure and it will come back at us and we'll be liable for even more costs. So there is that process that we're having to follow and I take the advice of legal counsel on all these matters. As in trying to terminate a classified employee there are extreme steps you have to take because that employee like a contract they have rights too and those are things that we have to follow. Otherwise they'll be overturned and then we're liable for any back charges.

**Ken Rivera** – So maybe we need to have a better contract so that you can collect. You know if I was running a business just like the Guam Memorial Hospital if the accounts receivable is too high and you can't collect how can you pay your bills? How can we pay for the survey and infrastructure for the Land Trust if you don't have money? And those are money that we can invest on those. We just have to have a better control on the accounts receivables by how long it is. I mean I can see make it 2, 3 months behind but more than that should be taken into consideration. That's all I wanted to say in this. Thank you very much.

**Acting Chairman Joseph Cruz** – Thank you sir. Here is my concern about the listing. My concern about the proposed listing is I want to ask several questions regarding establishing those parcels to be on the list and is Chapter 29 applicable to commercial lease.

**Administrative Director Michael Borja** – I'm sorry what's Chapter 29?

**Acting Chairman Joseph Cruz** – Chapter 29 is a Title under Title 21 with registration act. Does the property have to be registered?

**Administrative Director Michael Borja** – Yes the property has to be registered.

**Acting Chairman Joseph Cruz** – Well this listing consists of two parcels that are considered unregistered.

**Administrative Director Michael Borja** – Correct and I noted that. So those could be if you do not want to use them but (interrupted).

**Acting Chairman Joseph Cruz** – I do not want to establish any listing that would hamper or create precedent of anything. Now the other one is did we review Public Law 33-95 for the pros and cons that Chamorro Land Trust would encumber? Do you see any problems that we'll be facing when we start using, apply Public Law 33-95?

**Administrative Director Michael Borja** – I still don't understand your question.

**Acting Chairman Joseph Cruz** – Well do we have guidelines as to how to apply this public law? For example how did we establish a list of 14 lots today at Chamorro Land Trust that we're saying is available? How did those parcels become available for commercial lease?

**Administrative Director Michael Borja** – The committee within the Chamorro Land Trust we looked over what available lands there were that were most likely in places near roadways, (interrupted).

**Acting Chairman Joseph Cruz** – And may I ask who are the committees?

**Administrative Director Michael Borja** – Margarita, Marvin; the chief planner, the chief surveyor and the land administrator as well as me and we also had present with us a person from GEDA to understand what there might be available as well that they would know. Because in the end the law also sets up that GEDA is a partner in this whole process.

**Acting Chairman Joseph Cruz** – Okay so here's my problem with this resolution. Going to the item the one in Dededo where it mentions recommendation. I know it's a tentative or whatnot but once we recommend the potential use of this is that it's being used now as a metal scrap facility. The recommendation is authorize for commercial use for the purpose of engaging a commercial lease to legitimize current occupants.

**Administrative Director Michael Borja** – Exactly and that is an example of the use of Chamorro Land Trust property by previous administrations for the purpose of in this case putting significant amount of typhoon metal waste.

**Acting Chairman Joseph Cruz** – That's 20 years ago.

**Administrative Director Michael Borja** – Exactly and nothing has occurred because each and every time they have come forth many of the existing leases that Chamorro Land Trust has was created by law. They're all created by law. They weren't creations of the Chamorro Land Trust.

**Acting Chairman Joseph Cruz** – This wasn't created by law.

**Administrative Director Michael Borja** – This was not created by law but they were granted the use of that property to (inaudible) and now they're there.

**Acting Chairman Joseph Cruz** – With what provision?

**Administrative Director Michael Borja** - I don't know sir there was no provision.

**Acting Chairman Joseph Cruz** – So I feel that this lot should be out because if we're going to penalize an individual coming in here with one acre subdividing their lot and intended to give it to their children we cancel them and reduce their acreage to a half acre.

**Administrative Director Michael Borja** – But my point here is they were given prior use by some other administration because it served the public good. They still exist there.

**Acting Chairman Joseph Cruz** – I feel that we could have done better than this than just to put this out on the market like this. I mean we're advertising it right now because it's on record it's on review.

**Administrative Director Michael Borja** – And we should have done what?

**Acting Chairman Joseph Cruz** – What did the department do to at least collect something or anything?

**Administrative Director Michael Borja** – We cannot. We have no authority to collect or anything there's no agreement with them.

**Acting Chairman Joseph Cruz** – So that's not right. Even if we don't have authority they're still benefiting from Chamorro Land Trust.

**Administrative Director Michael Borja** – Exactly but I could not engage into any commercial agreement with them because (interrupted).

**Acting Chairman Joseph Cruz** – Can we remove them?

**Administrative Director Michael Borja** – We can give them notice to remove.

**Acting Chairman Joseph Cruz** – Have we done that?

**Administrative Director Michael Borja** – No we have not.

**Acting Chairman Joseph Cruz** – 20 years?

**Administrative Director Michael Borja** – It has not been done.

**Josephine Jackson** – So give it us and we'll do it. Can you give the Nasion Chamoru at least the eviction paper and we'll do it?

**Acting Chairman Joseph Cruz** – Excuse me, excuse me you had your time okay. So I feel that we should revisit creating a commercial lease with a standard application to interpret the law, interpret what the Department has set in place to guide us by getting input from EPA, Public Works, utility agencies Waterworks. Because if we have that Lajuna in place right now is Waterworks willing to come up with a sewer alignment? Where are we going to sewer those lots? This is not a win-win situation for Chamorro Land Trust that's how I feel. You make the move because I'm not voting for a list. I don't understand I constantly ask for an abstract, I constantly ask for a staff report. A lot of these are just your say. I work for the government and I don't appreciate looking at this like a rubber stamp. I don't. Everything in here could have been done better.

**Commissioner Pascual Sablan** – Yeah but as Mr. Borja said that this all happened in the previous we could say and we just have that, wait, wait (interrupted).

**Acting Chairman Joseph Cruz** – I understand that.

**Commissioner Pascual Sablan** – We just had the commercial lease rules and regulations approved.

**Acting Chairman Joseph Cruz** – Well we can approve the guidelines. We can approve that but once we start identifying parcels to be on that list I would like to know what are those parcels. What are the pros and cons? Where is it getting us?

**Commissioner Pascual Sablan** – Now that we have the commercial what do you call that commercial (interrupted).

**Acting Chairman Joseph Cruz** – Guidelines.

**Commissioner Pascual Sablan** – Yeah, we can call them in as Mr. Borja said and say hey listen.

**Acting Chairman Joseph Cruz** – That's your opinion. You can make a motion to go ahead but I am uncomfortable creating a list at this point without guidelines of how we came about identifying 11 last month and 14 this month.

**Commissioner Pascual Sablan** – What 11?

**Acting Chairman Joseph Cruz** – Because we took out a couple of lots and then we add 2 more lots.

**Administrative Director Michael Borja** – No we didn't add anything nothing has changed. We removed 2 from 14 we have 12.

**Acting Chairman Joseph Cruz** – Immaterial of how many lots we removed it's the concept that I'm not comfortable with and that's my opinion.

**Commissioner Pascual Sablan** – Let's look at what's the advantage and disadvantage. If we were for example to (interrupted).

**Acting Chairman Joseph Cruz** – That's why I was asking the Director earlier if the Department reviewed the public law on the constrains and the positive of this public law when we start creating this commercial list.

**Commissioner Pascual Sablan** – But by taking it out now what good would it do to Chamorro Land Trust?

**Acting Chairman Joseph Cruz** – Hey I'm satisfied with putting my hand and say yes and that's what you need from me.

**Commissioner Pascual Sablan** – By doing that then that means we cannot talk to them anymore because it's not (interrupted).

**Acting Chairman Joseph Cruz** – Who is them?

**Commissioner Pascual Sablan** – Whoever is operating the (didn't finish).

**Acting Chairman Joseph Cruz** – Yes we can. Nothing is stopping the Director to go out and issue a trespassing sign. Nothing. Because I hate to see our people getting shafted, excuse my language but I was so hurt or so sad that we had to cut off a 2 acre to a quarter acre because of lack of understanding of the lease. She didn't do it intentionally. But here we're proposing I might say an elephant, it's huge.

**Commissioner Pascual Sablan** – I need more time to (interrupted).

**Acting Chairman Joseph Cruz** – Well let's table the list and let's go down to Item number 2.

**Commissioner Pascual Sablan** – Item number what?

**Acting Chairman Joseph Cruz** - Are we entertaining the Liberation?

**Commissioner Pascual Sablan** – No it's already out right Mr. Director?

**Administrative Director Michael Borja** – Well you can ask if there is anyone from the Mayor's Council. I see there's a Mayor here. I don't know if there's anyone from the Mayor's Council that's here.

**Acting Chairman Joseph Cruz** – So are we done with Item 1?

**Commissioner Pascual Sablan** – Do we have more speakers out there?

**Ted Nelson** - Are you going to table Item 1?



**Acting Chairman Joseph Cruz** – No we haven't come across that yet we haven't made any motion.

**Ted Nelson** – I am suggesting that you table that item on the agenda for a further date. I believe that there could be a lot of problems in this leasing of property. You have zoning laws and all these other agencies involved. What's wrong with you folks asking this Legislature for appropriation to survey the Chamorro Land Trust? That is the only way that we can accommodate the 9,000 applicants. Why can't we, you members of the Board, pass a resolution asking the Legislature to appropriate funding for the survey for the residential and agriculture leases? I don't see why we can't do that. The Senators should respond to this crisis. 9,000 applicants have been waiting for what 10 years, 20 years. And we're going to allow some people to take the rocks not minerals for another 5 years? This is absurd it's not going to happen Mr. Chairman. The Senators should not be afraid but the request has to come from you the Board members telling them giving them the starting back the history of the purpose, objective of why we should allow Chamorros, landless, young couple to immediately lease properties you know for residential or for agricultural. Most likely agricultural would be the best part here because you don't need to worry about subdivision Mr. Chairman. But to delay to use these commercial leases it's just going to delay another 5 years. It would take another 5 years members before those guys are going to get the mineral. They're not getting gold or copper, coral their getting out rocks, gravel. And if we're going to allow them our Chamorros our young people, our young couple that are staying in extended homes that are renting Israel apartment and all these others. They need the opportunity to have a land. Give our children the land and we can do it. Try, or they can't or they don't want Ada or BJ or the Legislature to (inaudible) to appropriate. Check Paul Santos to survey how much money he needs to hire a crew. Hire a crew, people to go and survey agricultural leases. Delay the subdivision because you have to comply with subdivision law. Of the 9,000 applicants I'm pretty sure if you ask them whether they like a half acre land by next week to move in build a little shack and to farm just to have a piece of their own. Most of us Chamorros started out with this. Do you remember the arrendo? For years back in the beginning the Chamorros were issued the arrendo. I think most of you your parents had to get an arrendo to move in to stay to build, to farm, cultivate the land in order to survive and live on this island. Don't delay this land distribution for this commercial lease or for Lajuna. It's got to be done now. Do it before election. I'm pretty sure that if the Senators would know that what they'll be doing will benefit our 9,000 Chamorros you'll get the money. I am positive you will get the money. It's an injustice for people to wait 10 years. There is land that exists. Who is it benefiting? No one. You guys have the power, you guys can do it. Think about the sacrifice that Angel Santos and the Chamoru Nation did for the land to give it to our children. I'm pretty sure that if you can make agriculture lots available ask for the appropriation. You will have people moving in. Give our children the land please. Table Item 1. And please take the initiative take the guts and transfer this problem to the legislature. There's no reason to deny the 9,000 a piece of the rock. If we do that Mr. Chairman what we did it could be done, it could be done. Look at As Lucas Subdivision, look at Pigua Subdivision, Umatac Subdivision, Ija Subdivision we didn't wait for bonding, the Government did it. They all had the same philosophy all the Senators at that time, Gutierrez, Tanaka, Brooks. That's how to open the land and give it to our children. The only way to really honor Angel Santos is to

fulfill his dream of land for the Chamorros. Give the land and it could be done Mr. Chairman. And I'm pretty sure that the people back here can lobby with the Senators and ask for 1 million dollars appropriation for Paul Santos to survey and Paul can do it. And this way it will put an end to injustice. This way our children can have land. That's all they need a place to move in. I know that you guys are young and you didn't see what we did the older folks right after the war where most of our parents, ancestors headed up to the boonies and the Government gave us the opportunity to survive. 10 years ago or 20 years ago Angel Santos came out and fought to get all this land. Give our children the land please. Think about the married couples, the young couples who cannot stay in the \$800, \$1,000 rental. Give our children land from Chamorro Land Trust from Yigo all the way down so they can build. The Director can work with Martin Benavente. They don't have to build a \$250,000 home they don't need it they can have shack, \$25,000. I think Mike, David Camacho, Martin Benavente can help all the landless and the homeless children who want to move in. It could be done at a low, low cost. They don't need to build a mansion. They don't need a subdivision because it'll be more costly. Please this is a lifetime opportunity. If you look back and I have to keep repeating how did we establish As Lucas? How did we give the Pigua Subdivision, Ija, Umatac? And we did it because the bosses were working together. You guys now look at the Governor and the Legislature to work together like how Gutierrez and Tanaka did back then. I give a big thank you and to the Director for publishing the land for the landless thank you for that. Please do whatever you have to do to have these people either the parents (inaudible) come in and pay and get those lands for the landless. It's a lifetime opportunity. They're not going to get any more land for \$2,500. That's what we did and there's about I think a couple hundreds. Waive the interest, give it to the parents, the spouse, the children to pay the lots and give them the land. It is the thing to do that's what Angel Santos wants us and I'm pretty sure that's why these people are waiting. You can't touch it and if they die like the one in Umatac it needs to be probate (inaudible). It will cost probably 10% of the value for the land. Give it please. Give out the land because if we don't do this we're denying the Chamorros, our children. We're fighting for our kids. We're fighting for the (inaudible). We're fighting for the proud Chamorros to have that and the only way to have it is to give it to them. Mr. Chairman, members of the Board, please work with the Director. We got David Camacho, we got Mr. Borja, we got Martin, Paul Santos that can make this a reality and that will resolve many of our problems. But make it an issue that we are addressing. You guys declare an emergency.

**Commissioner Pascual Sablan** – Senator let me ask this question if we only have 10 Senators down town like you I think we'll solve most of the problem. I know you, you are a champion. All these documents in front of me they're recommending not to approve the proposed commercial list property. You recommending for us to approve.

**Ted Nelson** – No.

**Commissioner Pascual Sablan** – No?

**Ted Nelson** – Tell the Senators (inaudible) the 9,000 Chamorros the children are waiting for this land. Ask them to declare an emergency to appropriate 1.5 million for the Director of the Chamorro Land Trust. If Lieutenant Governor Tenorio can call a special meeting to

increase the retro-active \$40,000 then why can't they do this for the 9,000 children? I'm appealing, please.

**Commissioner Pascual Sablan** – Senator as I said I know you you're a champion when it comes to these things but you know we have humungous problem before us. Not only that we need revenue to do all these things the problem again here that if we for example the Chamorro Land Trust Commission people go out with the perspective lessee and they see the place okay, they don't like the place they say oh I'll let you know in one month's time. Or they never come back or they'll say when are you going to have it surveyed? Oh I don't like this because no power and no water. Those are the problems and I don't blame this guy you know wearing four hats.

**Ted Nelson** – Mr. Sablan I'm saying forget about the leases. I'm suggesting that you pass a resolution that this body ask Wonpat to call a special session to appropriate 1.5 million for the survey of agriculture lots for the Chamorro Land Trust. And then Mike let David and Paul work together and that's one way we can eliminate all this otherwise we'll be here for another 10 years. You'll be gone, I'll be gone, you'll be gone. The Legislature they're afraid. Why are they afraid to appropriate for you guys?

**Commissioner Pascual Sablan** – Because Dave Davis.

**Ted Nelson** – Assist our children please. I like the philosophy of Mr. Mike Borja, I like the philosophy of Mr. David Camacho they are for our people and they are for them but we got to do this. It's in your hands, it's all up to you now. You might wait another 5 or 10 years.

**Commissioner Pascual Sablan** – We want to give it out it's just that we need help.

**Ted Nelson** – The help is there at the Legislature.

**Commissioner Pascual Sablan** - Do you think 3 of us have more voice than those people out there?

**Ted Nelson** – Give a resolution, have it approved, documented and submit it to the legislature (inaudible) a bill, I don't see why we can't do it. I know I'm a Democrat but you can do it, ask Wonpat. Like I said Mr. Sablan I have to keep on repeating if Lieutenant Governor Tenorio can call a special session for the 40,000 back pay I don't see why Senator Wonpat or even Governor Calvo can't call a special session to appropriate 1.5 million for our children for the 9,000 children (inaudible) out there. Please it's up in your hands now. I'm pretty sure the kids are waiting for the land. Open the agriculture, open (inaudible), give the land for our children to stay. Not to rent apartments. If the kids are growing up in apartments you're going to have more problems. Give them a piece of the rock. There is something that has to be done. If I was there I would establish 2 subdivisions and we didn't go no bonding, we didn't go through a hassle but we work together. Work together with the Governor, work together with Legislature and we have established 5 subdivisions which probably cost if you're going to subdivide those millions and millions. But we did it, there's a (inaudible) but it could be done. We did it. Now all you

got to do is do not be afraid of the Senators. They're running for re-election Pascual. You ask them, you tell them what you want. Speaker Wonpat, BJ, Rory, McCreadie, you tell them. The land for the landless is done, Merizo is done, Talofoto is done, Inarajan. But what about our children in Mangilao, Yigo, Barrigada, Hagatna, there's none? We need to give the land. That could be done. The lots that we gave those lands for the landless properties are worth \$50,000, \$60,000 now and we sold it for \$2,500. Give it to them. Please, thank you Mr. Chairman and members of the Committee, Mr. Borja. Thank you for this opportunity.

**Legal Counsel Kristan Finney** – I just want to point out one thing before you move off of this and that's the lot that's currently being used as a zoo. I just want it brought to your attention because the lease has expired. Without going through this process you're not going to be able to entertain any renewal. So I just wanted to let you know.

**Commissioner Pascual Sablan** – Some of these lease have expired?

**Legal Counsel Kristan Finney** – Yeah.

**Administrative Director Michael Borja** – It was a lease that was created by a public law some time ago and then it's just one of those Land Management leases that falls under the Chamorro Land Trust just by default because of the creation. But when it was reaching its separation date it's seeking over and over and over for renewal but we could not maintain it because we did not have any rules and regulations because it would not be allowed. In this case the only way to even try to continue them is to go through this process when we have to get the approval of the use of the land so you can enter into, continue on down the rest of the process to work towards a renewal of their lease. It's a half portion of land but that's the kind of dilemma we got put into that was not within our control.

**Acting Chairman Joseph Cruz** – So the law that created this lease (didn't finish).

**Administrative Director Michael Borja** – The terms of the lease has expired with no more options to renew.

**Acting Chairman Joseph Cruz** – And that's in the law.

**Administrative Director Michael Borja** – Yeah.

**Acting Chairman Joseph Cruz** – This is why a summary of it would be to our benefit if we were to make any decision.

**Commissioner Pascual Sablan** – I think it's incumbent upon us to inform the public that you know. I just want to mention something Mr. Chairman.

**Acting Chairman Joseph Cruz** – Wait, wait I need to understand first whether is there any other lot similar to this out of the 14 list or what are the constraints that we are going to be impacting if we don't decide the list today?

**Administrative Director Michael Borja** – Well you have another lot in here that is being used for commercial purposes right now granted by a previous administration and they're not paying anything. And again in order to even be able to enter into any kind of negotiations or even set it up for the RFP so we can get potential uses of it we can't even proceed with an RFP without the approval of the property. The law is real specific I can't even engage in any kind of RFP activity until that has been approved by the Legislature. So some of these lands like I said are being asked for only because there already has been existing use on it that needs to be legitimized with a contract or someone has made a request to use the property for some other purpose some other commercial activity. Some of these commercial activities are not anything that is earth shattering and some of them are for alternative energy solutions like solar panels.

**Acting Chairman Joseph Cruz** – So let me ask this on this particular lot if we were to renew the lease agreement with this individual are we going to be retaining the same rate that was?

**Administrative Director Michael Borja** – No.

**Legal Counsel Kristan Finney** – You won't be able to renew the lease you would have to put it out for an RFP but you won't be able to do that until you approve. I'm not saying you have to I mean these are all separate resolutions.

**Acting Chairman Joseph Cruz** – Yes but that being said even if we put this on the list before they can renew it it's already expired, correct?

**Legal Counsel Kristan Finney** – You won't be able to entertain any other renegotiation or anything.

**Acting Chairman Joseph Cruz** – All I ask or my concern with the listing is like for example this item here I don't know the whole background of it about the situation being a public law now we're entertaining it because I have no reference to it and I'm creating a list. So if next week or next month you have that listing justifying or providing me if they want providing me a review of before the lease how we create the lease and how are we going to entertain the lease. Because I'm pretty sure we cannot lease those lots that are unregistered that are in here.

**Administrative Director Michael Borja** – No but the reason I was asking that you're right you cannot but reason I'm asking is then have it available as we go into the land registration process that is one of the lots that we're trying to get registered already. I don't know how that one out of everything around it has already been registered that one never did. Nevertheless it is you know the intent is not to ever use it for anything but if we already have it in the books that it's available for commercial use then at some point in the future after it's been registered. That's why in bold we said this land is unregistered just so that we can be sure that we're not going to use it until it is registered. If you don't want to give approval until it's registered then that is (interrupted).

**Acting Chairman Joseph Cruz** – No my only concern about the list is I do not know the background of it. If I get the background of it then I can make a decision if we're putting it on the list or not.

**Administrative Director Michael Borja** – Okay.

**Acting Chairman Joseph Cruz** – Right now I don't have the background of the situation of this item number 4 or the one in Dededo which is because we have item number 4 with a mandate to execute the lease. We only have an administrative decision to occupy the land but there's no official agreement and they're still using the property without compensation.

**Legal Counsel Kristan Finney** – Right and you wouldn't be able to get to even be able to negotiate an agreement until (interrupted).

**Acting Chairman Joseph Cruz** – Yeah but if I see the parcel being addressed on the list right now I don't feel comfortable having that recycling in front of a golf course and a residential area. I don't want I mean I will object to that parcel being on a commercial lease.

**Legal Counsel Kristan Finney** – Okay (inaudible).

**Acting Chairman Joseph Cruz** – No this is for my information to put a list together for the Chamorro Land Trust. I would like to understand the lot being leased or being put on the list (inaudible). Right now I don't understand any of the parcels as to the highest and best use and I need to know that before I can put it on a commercial list.

**Administrative Director Michael Borja** – But the point is we can't even entertain how we want to eventually make it totally usable (interrupted).

**Acting Chairman Joseph Cruz** – I understand that for you to tell me my decision I would like to understand the lot further.

**Commissioner Pascual Sablan** – This is I think the whole misunderstanding we're using the word commercial but it could be for (interrupted).

**Acting Chairman Joseph Cruz** – Don't get me wrong okay I'm only concerned about creating the list. Give me something to make my decision with. Right now I don't have anything.

**Commissioner Pascual Sablan** – So I think what you need is just a synopsis of every (interrupted).

**Acting Chairman Joseph Cruz** – Or what is the criteria that the Department is using to come with this list?

**Commissioner Pascual Sablan** – So a synopsis would satisfy you hopefully that it says here currently being used as a zoo established by public law and the current lease has expired. Maybe if they're kind enough maybe they can use a (interrupted).

**Acting Chairman Joseph Cruz** – Now, now being that that's on the list right and it expired what are on those properties for the last years that were being used? Is it fully improved or is just a buffer or is it just a because for me that's my take. I'm not convinced with the justification of this listing.

**Commissioner Pascual Sablan** – I guess not matter how much I try to convince you it looks like maybe a synopsis would satisfy you when it says the currently the present lot is vacant, open land right? Like this one now 04 it's being used as a zoo. And maybe it says established by public law maybe as I said if they're kind enough maybe they can put in the public law number to make it more of you know and the currently lease expired.

**Acting Chairman Joseph Cruz** – No that's immaterial of what you dress it up with. I just want to know what the lot is and what value does it have for me to decide that it's a positive for a commercial lease.

**Commissioner Pascual Sablan** – Well everything is here on the value and everything.

**Acting Chairman Joseph Cruz** – And that's your opinion.

**Commissioner Pascual Sablan** – Tax assessed value. What's the value of this Mike the zoo one?

**Administrative Director Michael Borja** – There was no tax appraisal in fact in order to come up with the final rental value the fair market value (inaudible).

**Acting Chairman Joseph Cruz** – Do you have anything questions?

**Commissioner Amanda Santos** – For the commercial?

**Acting Chairman Joseph Cruz** – Yes, have you read the public hearing?

**Commissioner Amanda Santos** – Not (inaudible) I (inaudible) agree on all that they say.

**Acting Chairman Joseph Cruz** – On the testimonies?

**Commissioner Amanda Santos** – Yes.

**Acting Chairman Joseph Cruz** – Okay so you make the motion.

**Administrative Director Michael Borja** – Well I would think that you know that might be premature.



**Commissioner Pascual Sablan – Premature?**

**Administrative Director Michael Borja –** I mean it's obvious you need to have unanimous decision in order to pass (inaudible).

**Commissioner Pascual Sablan –** That's true as I said no matter how much I tried or kick him under the table you know he already made up his mind.

**Acting Chairman Joseph Cruz –** You can kick all you want.

**Administrative Director Michael Borja –** He has a bad knee.

**Commissioner Pascual Sablan –** I'm sorry?

**Administrative Director Michael Borja –** He has a bad knee.

**Commissioner Pascual Sablan –** Oh yeah that's true Joe.

**Acting Chairman Joseph Cruz –** It's on Amanda's side.

**Administrative Director Michael Borja –** All I ask is that you know if you can just spell it out in detail in writing exactly what you want to see so we can work from (interrupted).

**Acting Chairman Joseph Cruz –** I will, I will (interrupted).

**Administrative Director Michael Borja –** I need specific type of guidance that you want to see.

**Acting Chairman Joseph Cruz –** I would also ask if the three of us can meet and be on the same page.

**Administrative Director Michael Borja –** That's what I would discuss, that's what I would like.

**Commissioner Amanda Santos –** We can make a comment on what those people have to in their testimony?

**Acting Chairman Joseph Cruz –** Yeah.

**Commissioner Pascual Sablan –** Well they're asking us not to approve so we will table, that means we don't approve.

**Acting Chairman Joseph Cruz –** Let's hear your side.

**Commissioner Amanda Santos –** I understand the public's opinion and sentiment on all these commercial leases that were not; you don't approve every commercial lease here.

We're not the one approving the commercial lease it has to go to the Legislature for approval. And like I said I think I jump into conclusion earlier because I think most of you are blaming us that we did the wrong thing. We need to correct the wrong doing of the past Directors and Commissioners because some of them are giving out lands that are never registered and they give to people that can vote for them. So that's what's bugging me. So if you want a fast act process in getting your land go out and check all the illegal squatters and we need to get them out of the Chamorro Land Trust so we could give the Chamorros the land. We went around so many times and I come to a place where there's illegal squatters. Some Chamorros are subleasing the land and they're getting money in their own pockets. Some are back in the States and they get \$1,000 a month from the Chamorro Land Trust and I see some Chinese and so many outsiders squatting in their place and they receive money from those Chinese people, farmers especially. That is what is bugging me. For more than 20 years I observe them.

**Catherine McCollum** – Tan Amanda, I am Maga'haga for Nasion, I am telling you that you are all the Commissioners of the Chamorro Trust. You guys have the power. You have the power to tell him he needs to do his job! I can't believe I've been sitting here listening to you like he is telling you what to do but actually you need to tell him I want a list of why these things are before us and they shouldn't be. If they're not registered they need to be registered. Are they zoned for commercial lot? Does the Commission have to do that? But he's not doing his job. I'm sorry but as a Commission you need to be prepared, your workers need to be prepared to make a presentation to you. And he could have told me in the end that Mrs. McCollum my revenue collection report is down on the bottom, Director's Report. He could have just referred that to me and I would have shut my mouth and sat down and waited for this thing. But I'm really surprised that this Commission feels that they have no power. But you have every power to kick those people out that don't belong there. Find out why are these people on using, having a business on Chamorro Land Trust property and if they're not paying kick them out. And they're not even Chamorro what the heck are they doing there? I can't believe you have the audacity to tell the Commission that there's nothing you can do. You can do something because they're going to tell you what to do. I'm sick and tired, the Nasion Chamoru helped open this Commission up. Now let's see some movement here and some back bone because I'm sick and tired of sitting over here as Maga'haga and listening to all the bs that needs to go around this table. Our people are looking for answers and damn we deserve answers and you're sitting there as (interrupted).

**Acting Chairman Joseph Cruz** – Ma'am, ma'am.

**Catherine McCollum** – Sir this is a public hearing I'm (interrupted).

**Acting Chairman Joseph Cruz** – This is my meeting.

**Catherine McCollum** – I don't think this is legal right now.

**Acting Chairman Joseph Cruz** – This is my meeting if you're not comfortable or not (interrupted).

**Catherine McCollum** – I am done.

**Acting Chairman Joseph Cruz** – Okay thank you. So I'm throwing out Item 1 to you guys.

**Commissioner Pascual Sablan** – She make a motion to table the proposed commercial properties right?

**Commissioner Amanda Santos** - Yeah I make a motion.

**Commissioner Pascual Sablan** – To table.

**Commissioner Amanda Santos** – To table.

**Commissioner Pascual Sablan** – I second.

**Acting Chairman Joseph Cruz** – So you're tabling, I mean.

**Commissioner Amanda Santos** – I made a motion.

**Acting Chairman Joseph Cruz** – A motion has been made to table Item 1 on the New Business and second by Mr. Sablan so Item 1 is tabled at this time.

## **2. Liberation Carnival at Oka Point – Mayors Council of Guam**

**Mayor Gogue** – My name is Mayor Gogue I'm the Mayor of the District of Ordot/Chalan Pago. I noticed on the agenda under New Business is the Liberation Day Carnival and the use of Oka Point for this year's liberation. However, I didn't come here prepared to discuss that item. Generally speaking the Executive Director and the officers of the Mayors Council which I'm not one of the elected officers of the council and of course the Liberation Day Foundation that was created by the Mayors Council to handle the events are generally the ones who are representative of their intent. So I would recommend without that arm of our leadership there that you might want to table that agenda item as well as for (interrupted).

**Acting Chairman Joseph Cruz** – Well since you're not here for the agenda we would table it.

**Administrative Director Michael Borja** – Let me just add what prompted this. When the Mayors Council announced that they wanted to use Oka Point I sent them a letter asking them to come to this meeting to discuss and present their request and to bring with them a resolution from the Tamuning Municipal Planning Council that would approve that the Council's agreement to use that property in their community. I haven't received any formal response from the Mayors Council of Guam that they wanted to stop this although I've heard in the media that they have. But I did receive a resolution from the Tamuning Municipal Planning Council that I gave each one of you and it was dated on the 4<sup>th</sup> of February and in it they affirmed their opposition to any request in regard to relocating the Liberation Day Carnival to Oka Point.

**Mayor Gogue** – I see where the Director is going towards if in fact the Tamuning MPC is recommending the disapproval and the representatives that would obviously address this matter regarding the carnival aren't here to indicate whether or not they're intending to continue to pursue Oka Point for the Liberation Day Carnival that maybe the Commissioners may also want to consider just disapproving it based on the resolution that Tamuning Municipal Planning Council has adopted. That's the other option. I didn't come here I didn't realize it was on the agenda and I didn't actually come here for that particular item. That's all I'm saying.

**Acting Chairman Joseph Cruz** – Thank you.

**Administrative Director Michael Borja** – I don't think we need to act on Item No. 2 just leave it at that we've received note you know not enough information.

**Commissioner Pascual Sablan** – So table that.

**Administrative Director Michael Borja** – No I wouldn't do that, it's moot.

### **3. Frank and Mariquita Taitague – Application status**

**Administrative Director Michael Borja** – We have a staff report on Mrs. Taitague and the issue here is that Mrs. Taitague is a very avid, certified bona fide farmer of the village of Talofof. She is the former Director of the Department of Agriculture. She's actively farming throughout areas in Talofof and one of the things that she would like to do to continue her planting and you can't just continue to plant on the same piece of property you have to kind of move around. She wanted to seek not a license or a lease but just the authorization to use I think a half acre of property in lands in Talofof that are still considered to be unregistered. We provided a copy of a law that states any available lands no lease or license could be issued until it's registered under the provisions of Chapter 21 the land title law. You also have a copy of the map of the area which it is showing. I told her if she's willing she can come and speak before you. The intent is not to issue a license or a lease but she just wants to be able to while the land is not being used for anything just to kind of use it as part of her farming activity as she transitions from lot to lot each year.

**Mariquita Taitague** – Good afternoon thank you very much for entertaining me. Afternoon I'm Mrs. Taitague, I'm a big time farmer here on Guam. People have an open heart they let me use their property for the longest time. I think I'm one of the first applicants, one of the first applicant for Chamorro Land Trust several years ago a decade since this was in inception. I have been applying for the land because like I said people with an open heart they always let me use their property like Mr. Israel he has a huge property up in Windward Hills. So I've been farming his land for the longest time and Goodwind Company. But it's time you know they have to do something with their property too. So that's why I'm coming to you for you if there's any way I can be given some land so I can farm. I cater to the school cafeteria you know our children at the schools they need fresh fruits and vegetables definitely instead of getting importation it's not as fresh than we can produced here on Guam. At the same time our people on Guam cater to all the bases, the Commissary. Like I said land is getting to be you know I can't be using all the properties that I'm using right

now because people have come to a point that they need their properties. So that's why I'm seeking your guidance or direction if you have any property that I can be given so that I can continue my farming activities I would appreciate very much.

**Administrative Director Michael Borja** – As Mrs. Taitague mentioned she is an applicant for Chamorro Land Trust one of the first ones. She is eligible to be receiving an agricultural lease but there just isn't the type of land available in that area that can accommodate her for this. But again she's just asking if we can allow her to farm the land while it's still not being used and just getting approval, permission.

**Mariquita Taitague** – There's a property I was looking at you know there's no infrastructure or anything like that. That's beside the point. If I can just maybe give me the permission to you know but it has to be a point where it's legal and I don't want to just go in there without any authorization or anything because I could be you know (interrupted).

**Acting Chairman Joseph Cruz** – So you're not assigned any lease under 1295 and 1172?

**Mariquita Taitague** – Nothing. I was one of the first applicants of the Chamorro Land Trust that was a decade ago I guess. My husband and I applied for you know 10 acres or 20 acres because we need big land when you're farming.

**Acting Chairman Joseph Cruz** – So this acreage here of 420,000 how much acreage are you requesting to occupy?

**Mariquita Taitague** – I think 10 acres requested isn't that what the law said for agriculture?

**Administrative Director Michael Borja** – It goes up to 20 acres but this is not registered property.

**Mariquita Taitague** – Yeah the one that I was looking at is just a small piece of property you know. Just maybe some bananas in there for the meantime.

**Acting Chairman Joseph Cruz** – Do we have an alternative site?

**Administrative Director Michael Borja** – No alternatives right? Yeah it's pretty scarce in that area for any kind of large lots. We have a lot of unregistered properties and there's even some private unregistered properties.

**Acting Chairman Joseph Cruz** – But the lease for that 1295 and 1172 what is the restriction on the acreage?

**Administrative Director Michael Borja** – Oh no, no she doesn't have any leases yet that's her sequence number for her application. She's eligible to receive a lease anytime like now.

**Acting Chairman Joseph Cruz** – How much acreage are we looking at if we were to qualify on the application?

**Administrative Director Michael Borja** – The law currently only allows half an acre for subsistence agricultural. Anything above that is considered commercial agriculture. In the past we have asked that they submit a farm plan for lots larger than that but in order for us to give any approval it will ultimately require Legislative approval. So if we did it the Legislature would then be the final approving authority for any lease above a half acre, any agricultural lease above a half acre.

**Acting Chairman Joseph Cruz** – Do we have an existing lease similar to this or authorization similar to this request? Do we have anybody out there that is authorized to use unregistered land or is this the first one?

**Administrative Director Michael Borja** - Oh no do we have leases that are on unregistered land? A ton, all done prior with houses and everything and that was done a long, long time ago. But right now we're just letting you also know that because it's unregistered we're not supposed to give any licenses or leases on those properties and that's why this large tract of land is not available. But what Mrs. Taitague wants to do is just be able to have access to it just to farm while it's not being used.

**Acting Chairman Joseph Cruz** – Do we have any squatters out of this 400 acres?

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

**Matthew Leon Guerrero (DLM)** – There is no sir. Department of Ag did lease some of those unregistered properties in Talofoto with their long term leases.

**Acting Chairman Joseph Cruz** – But that's under the Agriculture jurisdiction. But there's still no (inaudible) in this 400 acres.

**Matthew Leon Guerrero (DLM)** – I'm not sure. On the opposite sites of that area because Talofoto has got a few unregistered lots but there's a few farmers there that have leases with the Department of Agriculture under their long term lease program. So there are some people that are utilizing unregistered property with authorization outside of Land Trust.

**Legal Counsel Kristan Finney** – I believe this is one of the properties I've identified as being a priority to get registered.

**Administrative Director Michael Borja** – And we're still well over a year before it's registered.

**Commissioner Pascual Sablan** – Mr. Chairman I make a motion that we table this because I want some documents from what's the name of the gentleman here?

**Acting Chairman Joseph Cruz** – Matthew.

**Commissioner Pascual Sablan** – Okay provide us some documents the one you just referenced.

**Administrative Director Michael Borja** – The Department of Agriculture?

**Commissioner Pascual Sablan** – Yeah.

**Administrative Director Michael Borja** – That's an aged old, that was done many years ago. What has happened in those cases when those have expired they become part of the Chamorro Land Trust lessee which they're automatically given a lease. But if it's on unregistered land that's the dilemma we're not allowed to continue their lease on that same property. May I suggest that Mrs. Taitague you put together a farm plan that would allow the use of up to 20 acres so we can go through the process.

**Mariquita Taitague** – Yes I can provide that.

**Administrative Director Michael Borja** – Right I know you can do a farm plan. We would have to go and ultimately seek and obtain legislative approval for agricultural leases that are larger and in the meantime we're going to try and find something, we're trying to get this land registered but it's going to take us at least a year. That's how long they are because it's a legal process and because of the number of people that would need to be served that are adjacent to this property they now have to be served notice. Anyway we have to go through that legal process and I don't want to say you got to wait a year but I don't know. We're going to try and find some other alternatives. But I would like to ask if you can move on a large agricultural lease we have to like I said get legislative approval but the Commissioners need to approve it and with a farm plan that will help on the long shot too.

**Mariquita Taitague** – I've waited so long so I'll wait another year.

**Administrative Director Michael Borja** – I know but it's unfortunate because there's not very much available in Talofof. If you're interested in being able to farm in some other location then we might be able to seek someplace else but I know all your equipment is in the area and that would be more difficult to move tractors and whatnot right.

**Mariquita Taitague** – Yeah. In fact you know the government the federal government used to give me property just permission over here where the weather ball up behind there in Barrigada they gave me those properties but then of course when the talk of the build-up came up then they didn't want to renew. It's just an authorization to use the land. When the talk of the build-up came about then they didn't want to give me authorization to farm again there. So like I say Guam needs more farmers so we can provide the people of Guam for healthy food.

**Administrative Director Michael Borja** – Can we be allowed to just allow her to enter into the land to farm only and no permanent structures?

**Legal Counsel Kristan Finney** – Then that's a license.



**Administrative Director Michael Borja** – That’s a license, okay.

**Commissioner Pascual Sablan** – Well I know that they’re farming. Is that the same place one time I saw you?

**Mariquita Taitague** – Israel land that’s the one I’m using right now.

**Commissioner Pascual Sablan** – Going up to Talofoto on the right hand side. I think

**Mariquita Taitague** – Taki Bihu area.

**Commissioner Pascual Sablan** – Yeah I think, I met your husband there anyway you’re farming there now.

**Mariquita Taitague** – With the property that we’re talking about now, no. I’m farming now yes on Israel land. He gave us authorization to use their land for the longest time that’s why I’m not really pushing. But now that you know we overused the property and then at the same time it comes to a point that they need their property back without being you know farmed. So I have to push myself to get another property. If the Chamorro Land Trust can give me so that I can you know make a (inaudible) land to farm.

**Commissioner Pascual Sablan** – But actually all you’re asking is to continue on the present location that you’re farming.

**Mariquita Taitague** – No to give me authorization to go into that government land.

**Administrative Director Michael Borja** - We’re going to try and work something here afterwards okay and we’ll work with you on this.

**Mariquita Taitague** – Okay but in the meantime you want me to provide a farm plan.

**Administrative Director Michael Borja** – Do a farm plan because that’s what we require for anybody who is coming in for a commercial agricultural lease and that would be considered in a definition of the law commercial agriculture just because it’s greater than half an acre. You I know need just half an acre for the cucumbers.

**Mariquita Taitague** – Because the schools next week they want about 1800 pounds of cucumber.

**Administrative Director Michael Borja** – One thing I did learn from you too I mean you know the land can only be used one season and you have to alternate it so that’s the problem (interrupted).

**Mariquita Taitague** – And the bible say to put it in you know idle for a year or so.

**Administrative Director Michael Borja** – Okay we'll get back in touch Mrs. Taitague okay. We'll figure something out but do the farm plan and that will help out.

**Mariquita Taitague** – Okay I think at one point I did send in a farm plan.

**Administrative Director Michael Borja** – Okay we'll check your folder too.

**Mariquita Taitague** – Yes okay but anyway I'll update that thing.

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

**Mariquita Taitague** – Okay thank you.

**Acting Chairman Joseph Cruz** – Thank you.

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

### **1. Revenue collection report for January 2016**

**Administrative Director Michael Borja** – On the revenue collections what you're seeing here on this listing is application fees, people coming in and then you also have rentals that have been paid up. You also looking down on the very bottom you have a lot of this money coming in CLT sale of government land that is the land for the landless program that we've been reaching out and to date you can see there's roughly \$20,000. The law said that any money collected goes into a special survey and infrastructure fund. If everybody that we identified paid everything it would be pretty close to \$800,000. So this was based on just mailings but we're getting a lot, lot more now ever since we had this publication. The thing here as Senator Nelson pointed out this was a great opportunity for many people to come in and while I have to be very empathetic and sympathetic to the people that are coming in the law gives me very, very little maneuver room on it. I can't extend the payment program beyond what the law allows that's 60 days from when I say okay I accept your appeal and I can't waive any interest. So that's unfortunate. The law did reduce the interest rate from 6 to 4.5% but nevertheless people have been coming in and making payments. That's a good thing and we've already been issuing out deeds. Now on the receivables on the back side of your aging summary the one that still by far and we don't think we're going to be able to resolve this except through going through a hearing process and that's the Guam Resource Recovery Partners. At \$4400 a month they're now at \$120,000. Guam Broadcast Partners the reason they're large it has a huge overage they are actually current but there was prior arrangements several years ago to work that thing down. Also on the same with Agfayan Inc., there was an agreement on how much they're going to pay each month that works that down. But the golf course is current basically as of this (inaudible) they are current. We did receive a payment in January for GTA Teleguam and that was for the annual payment for all the leased lands that they occupy since they bought out GTA and that only began in calendar year 2015. So 2016 is the second year's payment and they paid in the beginning of the year and that's \$351,900.

## **2. Guam Waterworks Authority**

**Administrative Director Michael Borja** - Lastly there is going to be a meeting that I'm trying to set up between Guam Waterworks and Senator Ada as the Land Chairman of the Legislature and in that meeting what our purpose is is to discuss the Guam Waterworks needs for additional land around existing water tanks. And other major infrastructure projects that they have to do by court decree and the clean water act. As you read last week their bond sale went through so they have the money now to move forward. The one first project that they need work on that's important to them is the one by Nissan where the water tank is. As I mentioned to you before that's a million dollar tank and the footprint it sits on in today's requirement is inadequate. So I pointed it out in the map in fact if you look on this stuff here it was part of a land we were going to use for commercial use. But there is a need, let me find the page number for this.

**Acting Chairman Joseph Cruz** – Its page 3.

**Administrative Director Michael Borja** – And so where that parking lot is next to the tower if you took that line that runs along East West Business Rental and draw it across it comes to about I think 1.1/1.3 acres of land and they need to begin immediately the use of that property.

**Acting Chairman Joseph Cruz** – 1.3 is what they need?

**Administrative Director Michael Borja** – Yeah 1.3 acres that's about 3.3 acres so they need about 1.3 in there. What I need to get from you guys is a concurrence that you agree that they need to use this land. What we don't have yet available is how will they compensate for it. Now the assessed value of this whole lot is roughly a million dollars. This is 40% of the land so that's \$440,000. So do they do it in a land exchange, do they do it in a land purchase, do they do it in a lease, do they do it in some kind of (interrupted).

**Commissioner Pascual Sablan** – In-kind.

**Administrative Director Michael Borja** - In-kind. One of the in-kinds that they're thinking of doing is \$400,000 won't get you squat for infrastructure. You can't lay a pipeline to anything that's going to really, really help. But what they're looking to do is that maybe use that money to pay for surveying of all our properties that's one thing. But this isn't the only piece of land that's going to be used. So the devil is still in the details it has to be done by (inaudible) and the best interest of the CLTC is going to be looked out for not only by me but even by the Legislature and they understand too. So it's not a land that they can just (inaudible) pay and they know that but how to be compensated for the use of this land. And they're looking for places in Astumbo, Santa Rita, Mt. Santa Rosa, Latte Heights, here and then there are even some more potential down the road. There's some other areas where they're going to be installing more water wells. Not only that there's also little slivers here and there as they have taken and looked at all their water pumps and sewer treatment plants and things like that. If they have encroached on any properties they need to do something about that too. So those would be issues that need to be worked out but it's something that's still downstream a couple of months at least, at least in developing the

legislation and getting it through the approval process. But what they really need to do is they've provided a sketch already of what the property is that they need, they know the points but what they would like to do is just get some kind of approval to begin moving on this piece of property to begin the development of the new water tower replacement. Because that water tower it reached in its term.

**Acting Chairman Joseph Cruz** – So the 1.3 that they need are they going to dictate how the lot is going to be parceled or are we going to give them how?

**Administrative Director Michael Borja** – They've already identified how they want the lot parceled. Like I said it's pretty much going to be a rectangle. You take that line going from Marine Drive to that parking lot adjacent to the East West Center and just continue straight ahead to the other side.

**Acting Chairman Joseph Cruz** – How's the accessibility to that?

**Administrative Director Michael Borja** – They will come in from their existing place going to that water tower.

**Acting Chairman Joseph Cruz** – So they're going to consolidate at the same time?

**Administrative Director Michael Borja** – Umm yeah probably will so that it's all just one tract of land for their use. They're going to deal with all the details of the surveying it's their job they know that.

**Acting Chairman Joseph Cruz** – Are they going to survey the subject lot or the whole lot?

**Administrative Director Michael Borja** – Well they have to subdivide it.

**Acting Chairman Joseph Cruz** – Yeah but sometimes the subdivision says not part of survey.

**Administrative Director Michael Borja** – Oh no they know because in some other cases they're actually going to be needing to take away land that's already been leased out to someone or who has already paid for the survey to be done on his property so they're going to redo all this.

**Acting Chairman Joseph Cruz** – How much of this service that they're providing involve the topography of the lot?

**Administrative Director Michael Borja** – They've already looked at that. We've already allowed them to go in and clear to see what it looks like. They like it a lot.

**Acting Chairman Joseph Cruz** – Only on the portion that they need.

**Administrative Director Michael Borja** – Only on the portion they need. In fact the portion that they're taking is an old quarry and they like that because it's already a ponding basin.

**Acting Chairman Joseph Cruz** – We can hitch a ride on addressing the topography of the remainder so we can know what the situation of (interrupted).

**Administrative Director Michael Borja** – Have them to fill it and make it flat yeah sure.

**Acting Chairman Joseph Cruz** – No not fill but at least we know what's the condition of it now.

**Administrative Director Michael Borja** – Okay well that's what they needed to do. They went in to do a topography and a geology assessment to determine if it is suitable for a large you know 1 million gallon tank to sit on top. So they've done that they've asked us if they could just go in and we gave them that permission. I gave them that permission because they weren't going to do anything else. In fact there's a lot of junk. They had to clear out a lot of junk.

**Acting Chairman Joseph Cruz** – Is that going to be an issue if we put this in the listing?

**Administrative Director Michael Borja** – Downstream I mean if they subdivide it out that yeah (interrupted).

**Acting Chairman Joseph Cruz** – No the one that they're going to acquire being that we're proposing to put it in a commercial list.

**Administrative Director Michael Borja** – Well the lot's whole but if we you know right now it's not a done deal that's why I still have it on the list. Now next month things could definitely be different if they move ahead with the subdivision of the lot. But all this it requires two different boards to approve because their Board of Director's is having to look at what is the acceptable means of compensation that they can do. One of the ideas that they had proposed although it's not been approved and I don't know where it is as far as the scheme of things is they were looking to buy a piece of property elsewhere. They only needed 2 acres but the lot is 40 acres. The owner said no I'm not selling you 2 I'm selling you 40 and it's at a very, very good price. We looked at it and it would be perfect for the Chamorro Land Trust because it's accessible to infrastructure and a main road way and all that and it would be great for either housing or agriculture up in that area. That would be a bank of land which they can continue to transfer from when they start to use properties elsewhere. But that's just one thought. So your inventory of land will not diminish. Would you guys like to give any motion to allow for me to proceed with GWA to parcel out this piece of property and to continue working towards the legislation needed to transfer that piece of property over to them based on compensation to be yet to be determined?

**Acting Chairman Joseph Cruz** – But would that fault your, are you going to add that into the agenda? I mean it's not here.

**Administrative Director Michael Borja** – No I think you can do a motion here. I don't think we have any other kind of set rules like the Land Use Commission does where it has to be on the agenda. This is actually you know a real need for people on Guam I mean you have to have water. If you turn down the activity of allowing for water storage facilities on the island for people it's a life (inaudible).

**Commissioner Pascual Sablan** – Then go ahead but come back and keep us up to date.

**Administrative Director Michael Borja** – Okay well then if a resolution is required for moving forward I'll have that for the next agenda.

**Commissioner Pascual Sablan** – Okay.

**Administrative Director Michael Borja** – No objections?

**Commissioner Pascual Sablan** – No. You have objections Mrs. Santos? You have any objections?

**Commissioner Amanda Santos** – No.

**Acting Chairman Joseph Cruz** – What's your motion?

**Commissioner Pascual Sablan** – Already it's finished.

**VIII. AJDOURNMENT**

Commissioner Pascual Sablan moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 3:27pm.

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

Approved by Board motion in meeting of: *March 17, 2016*

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

Date: *3/17/16*

~~Joseph I. Cruz, Acting Chairman:~~ *[Signature]*

Date: *3/17/16*

*PASCUAL SABLAN*