



Kumision Inangokkon Tano' CHamoru *(CHamoru Land Trust Commission)*

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Commissioner

Arlene P. Bordallo
Commissioner

(Vacant)
Commissioner

Alice Taijeron
Administrative Director

CLTC BOARD OF COMMISSIONERS MEETING

CLTC Conference Room

2nd Floor, Suite 223, ITC Building, Tamuning, Guam

Thursday, August 17, 2023 at 1:00PM

Public Notice: *The Guam Daily Post* on August 10, 2023 and August 15, 2023 Government of Guam Public Notice Portal, CLTC's Facebook Page, and on CLTC's website at <https://dlim.guam.gov/chamoru-land-trust-commission/>

ROLL CALL

Acting Chairwoman calls out roll call. AD Taijeron, Commissioner D. Herrera, Commissioner E. Garrido, AAG K. Finney and members of the CLTC Team were present.

Acting Chair A. Bordallo: Today's date is August 17, 2023, Thursday it is now 1:03 in the afternoon. This meeting is now called to order, would you please stand up so we can say the Inefresi.

All: reciting the Inefresi

Acting Chair A. Bordallo: Roll Call, Starting with Mr. Dave Herrera

Commissioner Herrera: Guigi Yu

Acting Chair A. Bordallo: Earl J. Garrido

Commissioner Garrido: Guigi hu

Acting Chair A. Bordallo: Alice Taijeron

AD Taijeron: Guigi Yu

Acting Chair A. Bordallo: Kristan Finney

Attorney Kristan Finney: here

Acting Chair A. Bordallo: Joseph B. Cruz

Joseph B. Cruz: here

Acting Chair A. Bordallo: and other employees.

AD Taijeron: Madam chair, the minutes for the July 13, 2023, is still being prepared, we lost our AA to another agency and was incomplete, my apologies for

Rev. 02/20/2023

that, it will be, as a matter-of-fact Ms. Cathy Cabrera is transcribing and it should be ready by the next meeting, she's almost done.

Acting Chair A. Bordallo: Ok, now old business. Number 1 is lot 7161-R1 Yigo

AD Taijeron: So, madam chair, and commissioners at the last meeting the commissioners made a decision to move forward and prepare a request for proposal for lot 7161-R1, Yigo. Currently our PC4, Mr. Joseph Cruz is working on that, putting that together that takes a little bit of time. It's here under old business and should there be any other discussing that the commissioners needed to have, so, at present we are currently working on an RFP for that property and also doing other research that may be needed. That's per the instructions from our commissioners from the last meeting.

Acting Chair A. Bordallo: Commissioners, have any comments?

Commissioner Garrido: Yes, I just want to know what is our status on the Guam raceway park

AD Taijeron: Status as in, So, as in can we lock it up? Or

Commissioner Garrido: Yes, can we lock it up

Attorney Finney: That's, I'll just say that is still in limbo. That's the only thing I can say at this time.

AD Taijeron: however, while it's under legal review given the boards decision, we are to continue to move along with it until we can get legal's our attorney general response.

Acting Chair A. Bordallo: how soon can the RFP be written up and published?

AD Taijeron: That takes a little bit of time because it also requires research. It is being prepared and as soon as legal gives us guidance and if they say move forward, we can publish it. I've asked Joey to ensure it's ready to go the minute we get instructions that we're ok to move forward with an RFP. So, it doesn't sit any longer than it has to. So, writing it may take a few months, it could take a few weeks but he's working on it. And now, it's really waiting for legal's response in regards to the next steps.

Acting Chair A. Bordallo: you know, we have people on the public that are here concerned about the raceway park. So...

Commissioner Garrido: What type of a timeline are you looking at?

Attorney Finney: I really can't speak to that, I, there's additional investigations that's going on and then I think that the timeline depends on the results of those additional investigations. So, I really can't say more right now other just that it is under legal review. It's at the deputy...(inaudible)

AD Taijeron: Is that so there's always going to be a discussion that we're constantly trying to get an update, unless the commissioners say otherwise.

Acting Chair A. Bordallo: Any more comments?

Commissioner Herrera: Madam chair, If I may ask? I see the Guam raceway representatives are here, just to confirm that there are still occupying the property so we can hear from the president of the Guam raceway here, maybe we can hear their...

AD Taijeron: Say, you are going to have Guam raceway come to the table and comment.

Commissioner Herrera: Correct, because right now there still occupying the property right basically they're still maintaining the property control because, I understand from the last meeting we had it was for, to prevent and damages to the property so, but we still have our own legal representative to give us some legal guidance about the occupancy because, say may I ask madam chair for your permission, if you can acknowledge

AD Taijeron: commissioner that is within your authority, so if that's the case we can have them

Acting Chair A. Bordallo: we can just open it to a make their comments and their concerns, that's it

AD Taijeron: ok so if we have the members of the Guam racing federation, you can step forward, take a seat please speak into the mic, introduce yourself and your position and your affiliation with the Guam raceway federation for the record.

Joey Crisostomo GRF: Hafa Adai everyone, my name is Joey Crisostomo, and I am a board member of the Guam racing federation.

Jeffery Jones GRF: Good afternoon, Jeffery Jones also a board of Guam racing federation.

Cris Nelson GA: Cris Nelson, Guam Adventures, we are licensed sub tenants under CLTC and Guam racing federation

Commissioner Herrera: Buenas Dias, so you may comment.

Joey Crisostomo GRF: First I want to ask if the CHamoru land trust commission if they received a letter from our board member on August 2nd, Wednesday, August 2nd, it was emailed to the CHamoru land trust. Anybody receives that, no

AD Taijeron: I don't recall

Joey Crisostomo GRF: Ok, I'm going to leave copies but I'd like to read it, it kind of answers a lot of questions. It says, Hafa Adai chairperson Bordallo and director Taijeron, on behalf of the Guam racing federation I would like to thank you for

conducting a meeting on July 13, 2023 to discuss the 120 days extension letter that GRF submitted to the CHamoru land trust. GRFs new board members attended the meeting, the GRF board listened to the commissioners' concerns, held a meeting to address the cltc's concerns and we have acted to address them. That GRF has notified all known users of the Guam international raceway park to refrain from all activities at the raceway, until the GRF can resolved the concerns raised from the meeting, notification was sent to Guam Adventures, Gear Mac, GCF, GCC and other Guam International raceway user groups. The facility is locked, and at the CLTC's convenience we can provide another set of keys to the locks, I believe you have a set already, prior. As we speak, there are currently no public spaces available for safe drag racing, drifting, auto cross or motor cross. Also, the assets of the GIR and CLTC are at risk and currently being pilfered as demonstrated by missing copper wire used to light the raceway. Vegetation has beginning to consume the facility as well, additionally, there's was a large water leak that was found when we were securing the facility, we have since turned off the GWA main power. This will only get worse without any activity to monitor the facility, deter the thief, and volunteer maintenance activity to control vegetation. Thief and lack of volunteer maintenance threatens to deteriorate not only the work and effort exercise to build the raceway, but also Guam tax payer dollars spent to build it. The CLTC has an opportunity and authority to immediately address both concerns of the racing community and the deterioration of its own assets. The CLTC support has been resounding and consistence at every public meeting. The GRF board, all whom attended the legislative public hearing has heard loud and clear what the CLTC expects from its tenants and the sticking points that lead to fail negotiations of a lease as provided by public law 34-142. GRF feels strongly that these issues can be resolved between us, that GRF respectfully asked the CLTC to rescind the current eviction notice and reinstate negotiations with the GRF per public law 34-142. The new board members of the racing federation commit to negotiating in good faith and working toward an agreement that addresses both parties' concerns and the CLTC mission. At the CLTC's convenience as was recommended in the previous meeting, we can set up a meeting between GRF legal counsel and the CLTC legal counsel. Our legal counsel has agreed to that meeting. During both the legislative hearing and the CLTC meeting, the support for the racing community and activities were overwhelming and we are very grateful for your continued support and on that, I'm going to get away from the letter a little bit, when you look at racing in general, I'm been a racer since I was eleven, since 1971 and the government and the people have been trying to find a racing facility since then. Governor Ricky Bordallo was a proponent of racing the activities getting people off the streets they even held at legal drag race on Marine Drive in Anigua one year and you look at from their governor Gutierrez you know looked for property we've had governor Calvo, that everyone looking to make it work and you have been able to make it work for us since 1998 when that license agreement was signed when that license agreement was signed and the current state of that property there was no value to the CHamoru land Trust. That property at that time had zero value and to the point where in the lease agreement dated June 1st 1998, it says Lot number 7161-R1 Yigo, whereas the portion of the property requested by licensee is undevelopable developable for other commercial, agriculture or residential use and this was signed by them director Joe Borja at the time and so you know looking back these last two months after the public hearing and the hearing we had here last month

you know it just brought back a lot of thoughts and what's really happened behind us for many many years with many officials and so forth and on behalf of the board we strongly feel we can make things happen in the right direction both for the benefit of the CHamoru land trust and the benefit of the community. The property right now the way it's done the way it's been done since the 20 years with the Guam racing Federation it's developed into a nice piece and the CHamoru land trusts owns that right now right and so 20 years ago the value was Zero pretty much right undevelopable and now you look at what we've put in there imagine what another 50 years will do where in 50 years and what CHamoru land trust will be saying wow this is even it's worth a lot it's worth millions more you know in 50 years and what you're doing for the community is, is even greater it's hard to put a dollar value to that from the drag racing to the drifting to the autocross and the motor the Motocross so many things go on in that race track that you you've affected a lot of people's lives in a positive way by opening this up over the last 20 years you really have it and this is you know it's gone through probably five directors and so many more board members but and you won't have a big part in in our lives and my life's particularly you know with my racing career you know where it got me today in business and in life a lot of that I attribute to racing and the CHamoru land trust can smile and say we really did help we're really helping our Island and go back to all the previous Governors wanting to find a solution, the CHamoru land trust did find that solution and made it work, although we are at an impasse I know we can sit at this table and make it work from the numbers to whatever points that come up we can make it work and I think you know that's something that the people would like to see so I'll make a copy of this letter and then I'll let Jeff comment a little bit more to it.

Jeffrey Jones GRF: I think that the Guam race Federation is just hoping we can go get back to the table I know that in the past meeting it said we had no more relationship between the CHamoru land trust and the Guam racing Federation but I think the least, the cancellation of license was rescinded once before so we're asking you to consider the rescinding it again and going back to a month a month lease or license until we can negotiate a long term lease. I think that land trust still has the authority under the legislation to negotiate with GRF. I think that's still on the table so I hate to see a whole RFP start a process, we heard from today we don't know how long it's going to take, when there's actually a solution already to the CHamoru land trust on this property

Acting Chair A. Bordallo: Well, Joey when the last meeting we had, you said your lawyer and our lawyers get together and hash it out.

Joey Crisostomo GRF: Ok we can set that up next if you like.

AD Taijeron: To be clear, the commissioners have been instructed me to work together attorneys to meet with Guam racing federation.

Acting Chair A. Bordallo: Yes, to see what their concern is and your concerns are, so we can come to, because the law says the Guam Raceway is supposed to be.

Attorney Finney: We can, I guess we can meet, I can meet with, who is your attorney?

Joey Crisostomo GRF: Randy Cunliffe.

Attorney Finney: Ok

Commissioner Herrera: Madam chair, may I iridate what Mr. Crisostomo was saying. Back in 1993 we had 620 acres that was reserved for the speedway it was at lot 298 and that was himself. We understand about the value, look at the map up here and map over here that one with green circle. Some may say that the Property lot 7161 was to no value to no one but it's a multimillion-dollar property based on the hard coral that's situated underneath that ground and even currently within we have a bill that on the table for Fadian to be quarried because of the material that's located in that circular map of there so we may have to use the value of the property. We may not be able to plant any bananas or Taro but the value of the coral right now is about wholesale at 3 dollars a cubic yard, multimillion dollars of cubic yard under that property because of the sea level to the top of that property is about 540 feet and the master plan was to chop it down to 520 ft to configure the Grand Prix, the drag strip, the drift and the motor cross, so of course we some of us don't see the value but some of us see the value beneath the vegetation and the ground and we have about 500 ft from the top where the Smith Bridge and Hawaiian Rock, all the way down to the (inaudible) and right now they demand for quorum to finish the construction, that the department of defense project at camp Blaz, Andersen and Naval Base is in high demand and right now at that position we can say, the property value back in 98 was no value but some of us see the projection of the growth in Guam and the region that we're In now with China, Korea and Taiwan. So, some say, minus no value but to the others that see the value that are projecting the development of commerce around Guam and the department of defense strategic plans, the value is tremendous.

Joey Crisostomo GRF: Yes

Commissioner Herrera: It is Tremendous

Joey Crisostomo GRF: To get it where it's at now commissioner, it's about 15 million the value of that property there still needs to be some more grading done to get that drag strip and so forth of which the previous agreement stated 50/50 on the sale of the rock again we're up to negotiation on a new on a new agreement there could you know that could be changed those numbers could be changed to get the, to get the future drag strip there will be more grading cutting down I think another 40 feet.

Commissioner Herrera: another 45 feet to get it down.

Joey Crisostomo GRF: to get it down to where we want the NHRA certified drag strip and that will be a lot of rock for sale then, you know available with that to do the drags, moving further on to the Grand Prix, the road Grand Prix again there will be excess Rock available and where the good point now to you know to make it work you know and so that it's a win-win for the CHamoru land trust, the CHamoru

land trust has received around 3.6 million dollars from Guam racing Federation for the sale of the rock 50/50 right and so there's other things we can look at moving forward wouldn't you agree Jeff on something like that .

Commission Herrera: What Madam chair was saying, with the Fadian it's not 50/50 it was 100 percent to the trust so as business men, which would you choose the 50/50 contract or the 100 percent profit margin.

Joey Crisostomo GRF: You know

Commissioner Herrera: So, you know we're being transparent here. We have about 8,000 constituents that are waiting and you know most of our constituents are on the poverty level.

Joey Crisostomo GRF: Yes, you need money to build the infrastructure to the home to the properties for the land for the landless right

Commissioner Herrera: So, we're looking Fidian you know, our scope is there. I don't know about we're trying to move over to 7161

Joey Crisostomo GRF: But if you look what 7161 is providing other than just the dollar amount, I can't put a value on that yeah drag racing enthusiasts especially them, they're out there every week and you know there it keeps them off the streets, you go to people's homes and in their garage, you can have 6 guys working on their truck, working on their car.

Commissioner Herrera: and you know to add to that, there up at tank farm, grading red dirt and all the red dirt is down at the beach so I see where you're going with this so, you know we want to grow the land trusts.

Joey Crisostomo GRF: We looked at the property too, also commissioner that you brought up earlier in the South that's in the Santa Rita area, the Apra heights area, the 600 acres, that is a perfect property for motor cross and mountain biking, hiking we're looking at we're going to look at developing it for that but that is not the answer for the drag racing or the Grand Prix and you wouldn't be able to build a drag strip on that property that was deed from Parks and Rec.

Commissioner Hererra: Correct

Joey Crisostomo GRF: again, with the way Race Park is providing our Island and our community which was a concern back in the 70s, when we got the file from Henry and started going through everything but you know yeah Eddie

Commissioner Herrera: 800 pages

Joey Crisostomo GRF: you know Senator Eddie Duenas and 96 or 97 went to Macaw or Malaysia to a Grand Prix, came back and man Guam needs this Grand Prix. It's great for our people the tourism and I was asked by the previous chairman, on a side note if we needed a Grand Prix, You know could we take that Grand Prix course out and I told him, you know if you were looking forward we want to keep that Grand Prix to be able to attract a whole new source of income

you know and also a sport or over the island racing has gotten really, really big and if we can have a Formula 3 race track here as part of a circuit in Japan or Asia it's going to bring and it'll bring a lot to our Island

Commissioner Herrera: We did the configuration on the property of the 250 acres and we configured that the drag, strip and the motor cross was occupying basically 44 acres, that's another configuration that we can work, and if the Grand Prix is not possible, then again, as the Chairman was saying Ms. madam chair is for our attorneys to sit down and, because we have the oversight from the legislature as you know from the last legislative hearing that some of the authorities not from our side also that we have to confer with our legal and the Guam Legislature. That's some of the restrictions we have so that's it madam chair

Joey Crisostomo GRF: So, what we would like to see, if possible, maybe if it takes legal but you know looking at rescinding the eviction notice, the cltc announced it right and rescinded it once and announced it again it can be rescinded it happened even after the even after the date.

Commissioner Herrera: And to just update that Madam chair, we did that for the past board and chairman on the committee on land was trying to get confirmation if we have full authority to do that. So, we have to get our legal consuls on the table so they can discuss the

Jeffrey Jones GRF: we can get a, month to month, then at least we can in there and do work and protect the assets it wouldn't be a long-term commitment from cltc, it would just be a short-term commitment so that the racing Federation and all the different organizations can get in there and protect the work that's already been done.

Commissioner Herrera: That's about 8 million, 7 million dollars from the tax.

Joey Crisostomo GRF: From the tax, yes yeah.

Commissioner Herrera: I agree, we just have to get our consensus with our legal consuls.

Jeffrey Jones GRF: Understood

Commissioner Garrido: I think the thing that is in direct issue right now is, terms, okay so let's say if we like to wipe the slate clean and I would like for you to gain my vote I would like to see a master plan detail master plan I want to see a financial statement and I want a feasibility study provided and those are the three things okay the master plan, a feasibility study and a financial statement for the Guam raceway park. Because since the get go there really wasn't anything provided to CLTC concerning those areas except for a not really in detail master plan but there was a plan that was submitted and then, if you can provide that we can start talking terms. I'm speaking for myself okay I have one vote. And tell me the value for the Grand Prix for the island and for participants. I mean if I'm in the circuit in Japan, what would entice me to come here for a little tiny Grand Prix. My costs are going to exceed what I would receive from participating, do you

understand what we're coming from because I just saw and an advertisement maybe a month ago for Japan had their Grand Prix. I mean we can't just depend on that. The Grand Prix was born in Europe and those are big purses for them over there you know, what will entice someone from Europe to come here for a Grand Prix but are we able to give them a million-dollar purse.

Jeffrey Jones GRF: I think it would be a Formula 3, Not Formula 1. The formula 3 so, drivers that are trying to get the Formula One and once they get on the circuit then Guam becomes part of the circuit, they can gain points and so if it's The points but if you look at the formula, they fly all over the world for these races.

Commissioner Garrido: I know they do but they also get rewarded if they win

Jeffrey Jones GRF: sure, they would have to be part of the circuit, the purse would be something that the organization.

Commissioner Garrido: That's what I'm looking what would an initiative be.

Joey Crisostomo GRF: The points from being a part of the circuit.

Commissioner Garrido: as compared to what you guys' existing footprint is, in existence now.

Jeffrey Jones GRF: Extra land you mean, extra space. Do you remember what that was.

Joey Crisostomo GRF: As far as land size, I can't

Commissioner Garrido: you can give us an enhanced master plan, like I said maybe we can sit down and start talking terms but other than that right now, a lot of water has passed under the bridge, I don't know if we can reroute the river.

Jeffrey Jones GRF: I think, the legislation specifies it, negotiations is to include Guam raceway park right

Joey Crisostomo GRF: Yes

Commissioner Garrido: back then, it gave the raceway first right refusal.

Acting chair A. Bordallo: Want to hear a comment from

Acting chair A. Bordallo: want to hear a comment from

Attorney Finney: Well, I just want to point out to remind you the commission is constrained by the laws that are out there that you know the government. I just want to make that clear so you know, let's hear your proposal but you still to, it has to follow...

Commissioner Garrido: I hope it's understood that we can sit negotiate and go forward from there, if we

Joey Crisostomo GRF: in the meantime, if we can move to a month to month so that we can start taking care of the property again and keeping enthusiasts off the roads.

Attorney Finney: So, the difference now is, you said before this, the eviction can be rescinded or moved out but thing is now we are already passed all of that and the time for the month to month is already terminated. You can't extend something that's not existing.

Jeffrey Jones GRF: I think a rescind was done previously, there's no reason why you can't rescind a decision but you may

Commissioner Garrido: but the previous one was done within the time line.

Jeffrey Jones GRF: I think it was already, it was already, the raceway was already evicted, once and then it was rescinded and was given 90-day lease right.

Commissioner Garrido: It was a 30 day then in order to accommodate the smoking wheels, we extended it. But it was not terminated, it was still in that time line.

Jeffrey Jones GRF: something for the attorneys to talk about, I think. Get out of their lane

Commissioner Garrido: at least there's some sort of momentum.

Jeffrey Jones GRF: Yes

Joey Crisostomo GRF: and to answer the commissioner's first question, but yet we didn't we it is locked up, Guam adventures is not doing any business there no one no one's doing anything in there right now at this time

Jeffrey Jones GRF: after your last meeting, Joey was here and we reorganized GRF and we heeded the comments of CLTC and we took action, to accommodate and to protect the assets and at the same time to lock it up so that no activities are going on.

Commissioner Herrera: and you know in addition to that right, the Smith bridge was small, the last time we were there we saw the tracks it was Smith bridge going on the backroad, you know the artery on the back. So that's another

Joey Crisostomo GRF: That's close though, there not doing that any more either.

Commissioner Garrido: can we see the agreement between Guam raceway park and Smith bridge that allowed them to do that.

Joey Crisostomo GRF: I haven't seen that agreement.

Jeffrey Jones GRF: we're still going through all the paperwork that we have.

Commissioner Herrera: you guys were board members from the very beginning.

Jeffrey Jones GRF: No

Commissioner Herrera: Oh who? Because that's about 800 pages of documents. When we went through it, we're saying, you know it's amazing that it was about 20 years of transactions. The vice president and treasurer and secretary didn't see that kind of documentation.

Jeffrey Jones GRF: alright

Commissioner Herrera: and it's a nonprofit operation so, the question is, where's the profit? If we make 2.6 million or 3 million so the Federation made 2.3 or 3 million so that's a revenue for the....

Jeffrey Jones GRF: I don't know, I think most of that went to the development of the track, from what I understand.

Commissioner Herrera: and that's what we're trying to reveal from the audit

Joey Crisostomo GRF: I want to comment, OPA had this...

Commissioner Garrido: one of the citations also that was issued to the Guam raceway park was from Department of Agriculture because the raceway destroyed some lime stone forest plants, fadang trees, and they were given just a very slight slap on the hand and they were instructed to repair the area...was it done?

Joey Crisostomo GRF: Yes it was done and in fact the Grand Prix Court a lot of that is preserved properly, so we can't make the course go through it so it'll give it a good a good visual effect during the race you'll see the you know if you put a drone up there you're going to be able to see the ocean the beauty of the ocean and the greenery all of that because that's all been preserved and there's areas here that are marked off, not to touch.

Commissioner Garrido: We don't have any documentation that it was complied.

Commissioner Herrera: In addition to that damage, it was the short cut that was also was damaged the 50 foot maybe quarter mile

Commissioner Garrido: also with GEDA, there was supposed to be the overseers but apparently, they didn't get enough reports to justify the grant for the tax grid. All of these citations so it can be audited.

Joey Crisostomo GRF: there's a lot of things we're going through right now. So, we're going to do two things. One, we got. Backwards and we got to continue to keep looking forward and see how we can best work with cltc and the property yeah okay.

Commissioner Herrera: so, maybe madam chairman as soon as we talk to legal counsel, we can fast track it for maybe by next week.

Jeffrey Jones GRF: Sounds good

Commissioner Herrera: we still have one week to do a public notification if we're going to have another meeting or...

AD Taijeron: we could do a recess

Acting chair A. Bordallo: you'll have to recess

Commissioner Herrera: Ok

AD Taijeron: do a recess

Commissioner Herrera: These are the experts in here. I'm just a mechanic

AD Taijeron: Just recess until

Commissioner Garrido: like I said, what you're willing to offer

Jeffrey Jones GRF: ok I appreciate that

Commissioner Garrido: I can't make any promises

Jeffrey Jones GRF: understood

Commissioner Garrido: and then We have to support each other

Jeffrey Jones GRF: That's right.

AD Taijeron: was there anything else?

Commissioner Herrera: we wish everybody luck, it's Ford against Dodge.

Jeffrey Jones GRF: it's Ford against Ferrari

Commissioner Herrera: be careful with Tesla, because the plan is around and it does 6 seconds and it doesn't make noise

Jeffrey Jones GRF: That's right, quiet

Commissioner Garrido: Former director Borja is was just his opinion at that time, there was no appraisal or any type of assessment done

Joey Crisostomo GRF: we understand, there is value I was just reading it I was just reading what was on the licensing.

Commission Garrido: we being on an island, land is very limited it, so even if I have a ditch on my property, that still has value.

Jeffrey Jones GRF: I think the value definitely is there and it's been enhanced also because of the work that the Raceway and stuff

Joey Crisostomo GRF: so yeah

Commission Herrera: Ok so madam chair so I guess

Acting chair A. Bordallo: yeah, adjust to make a note to receive the letter.

Joey Crisostomo GRF: Ok

Acting chair A. Bordallo: that's why we invite you to talk.

Joey Crisostomo GRF: thank you thank you

Cris Nelson Guam Adventures: If I could just really quick say something, thanks for your time again today and thanks for considering this in our case we have 14 employees that really want to get back to work and share the same with tourists... sorry my name is Cris Nelson, Guam adventures. If it's allowed or if it's possible under Guam racing federation we would, I know RFP take a long time up to a year sometimes for the but in the meantime if we could we're allowed to protect the property and pay rent in that time frame while maybe the RFP is being prepared or going on if Guam raceway federation

Joey Crisostomo GRF: or allowed the month to month

Cris Nelson Guam Adventures: Yes, with the 30-day termination clause or something, the money would go to the CHamoru land trust while if the RFP takes a year that's protectional property and also some income that, otherwise we look at the property being damaged and then then maybe some expense that you'll have to hire security or things like this to take care of the property so

Commissioner Herrera: Thank you Cris, and how many units do you have? How many quad runners right is what your running

Joey Crisostomo GRF: Quad runners, yeah

Commissioner Herrera: How many units do you have?

Cris Nelson Guam Adventures: we have, it's always a moving number

Commissioner Herrera: Generally, you average, 5, 10

Cris Nelson Guam Adventures: we have about 10 or 15

Commissioner Herrera: I see, and the tour goes all the way over the cliff line, 500 feet cliff line over view

Cris Nelson Guam Adventures: yeah, we just kind of do a one-way kind of loop

Commissioner Herrera: I see

Cris Nelson Guam Adventures: around the property and we specialize in small groups so it's usually 4, 5 vehicles is the, with the leader in front and then a follower in the back so people are not going independently, always in a group. When I look back to minutes in 2013 when we came in front of the board, All the questions and the plans and everything all of the 10 years that we've been there we have all those things have we've done what we said we were going to do at the time and we worked really hard at it and we got a really good safety record no insurance, no insurance claims in the 10 years which you know our team really focuses on safety so

Commissioner Herrera: So, perhaps you may want to make an application directly, you see the lot 289, the 620 acres at Apra and perhaps you may be able to use a part of that because your operation is not a drag or a drift, it's basically, it almost like a trail tour, and the configuration over at that location, at cross island, your view is basically either Fena lake or Orote Point, you know what I'm saying right sir. That 620 acres, lot 289 you might want a directly or submit an application to make a proposal on your own if you like because right now you're under the sub lessee.

Cris Nelson Guam Adventures: right

Joey Crisostomo GRF: with the Guam racing federation, right

Commissioner Herrera: It's not to take away business from the group but in the meantime, a backup for the second back up.

Commissioner Garrido: That's where you through a longer process than you were to negotiate with the Guam raceway.

Cris Nelson Guam Adventures: No, we want to be under the Guam raceway.

Commissioner Garrido: They don't have a lease or a license right now

Joey Crisostomo GRF: we'll have our legal meet and then try to speed up another table.

Jeffrey Jones GRF: Thank you for your time

Commissioner Garrido: you're welcome

Joey Crisostomo GRF: yes, Thank you

Acting chair A. Bordallo: we'll go into new business now.

AD Taijeron: Thank you madam chair, on the new business our first item for some information and discussion with the commissions is the Guam international country club so the legal was encompassed in our previous meeting, The representative of the Guam International Country Club came to the table and were discussing the solar farm proposal and I was instructed to meet with them we met I believe it was August 10th just last week just sometime last week I met with Mr. Yohei, Mr.

Tang, secretary and their Consultant Mr. Carlos Camacho, they provided in your packets we have the a it's a presentation on the solar farm right, they're proposal for a solar farm. at our meeting I asked a point like specifically what it is that they needed from the cltc and they are seeking cltc's support to turn the current Municipal Golf Course into a solar farm

Acting chair A. Bordallo: Complete, the whole thing

AD Taijeron: The area yes as a solar farm, part of their presentation indicated that it would be ideal and that it is already it has connections direct connections to GPA's line if I'm not mistaken right. so, they provided in the presentation it provided pictures of an idea with regard to how it is that the cltc will be able to manage and or make money by creating an endowment fund Corpus Etc. moving forward CLT for whatever it means, in short list. So, this is here for discussion to representatives from GICC are here should you have any specific questions.

Commissioner Garrido: I don't know if the mandate will allow us to transition from a municipality, golf course to a solar farm.

AD Taijeron: you are correct commissioner Garrido, the municipal golf course was created through legislation and if I recall correctly at our meeting the GICC team has gone before the legislature some members of the legislature and they are discussing this and they were told to come to the cltc to seek our support for this project so should something need to be changed potentially it would have to go through legislation, so the initial for them is to meet with cltc and get support for this project. I think it's a huge decision for the commissioners

Commission Garrido: Yes, it is

AD Taijeron: It's here for information, if you like we can, I'll do my best to answer any questions that you may have but you may need a little bit of time to absorb it and potentially meet with the, we can set up a meeting so they can give you, they can present it to you.

Commissioner Garrido: That sounds good

AD Taijeron: If you had any questions, right

Commissioner Garrido: That sounds good

Commissioner Herrera: We have representatives here, we may, madam chair if you like

AD Taijeron: I leave it to the commissioners

Commissioner Herrera: If you have any...

Commissioner Garrido: can we have Mr. Yohei, Mr. Camacho come up to the table.

AD Taijeron: Please state your name and the company Affiliation with the Guam international country club and this project.

Yohei Keokei GICC: My name is Yohei Keokei from Guam international country club as general manager.

Carlos Camacho GIAA: I'm Carlos Camacho, I'm their Financial Consultant.

Yohei GICC: I just want to explain about back ground and key points of this proposal, you may have read this and maybe we can go, if you like more specific information, we try our best to answer,

AD Taijeron: madam chair may I ask, in the interest of time because of our legal counsel does need to leave to another, for a meeting with EPA

Acting chair A. Bordallo: the presentation should be for a different time.

AD Taijeron: if there's a specific question that they need to be prepared for that we can present it based on my meetings with them this is going to require the Commissioners to review and get your questions down because it's because it is very lengthy and even just going through the numbers and asking questions of them it was quite daunting, right. Just quickly state why and this project and then maybe we will setup a briefing

Commissioner Herrera: Ok, a briefing ok with me

AD Taijeron: briefing, if it's ok with the commissioners

Acting chair A. Bordallo: Yes

AD Taijeron: It gives you a little more time to review the presentation.

Yohei GICC: Thank you for affording us the time to present our proposal for the Utilization of lot 10122 - 12 currently operating as Golf Course under the leasehold agreement between the CHamoru land trust and Guam International Country Club Inc. The pandemic has significantly impacted our Golf Course business in the effects of typhoon Mawar have other compounded our challenges we are currently facing financial difficulties as well as the operational of possibles. This is precisely why do we have been actively seeking opportunities to recapitalize the funds but utilizing this lot, we aim to fulfill our payment obligations to cltc. Our intention is to repurpose the lot for a purpose that can contribute positively to our community and the environment simultaneously we believe that this endeavor and labor will also provide much needed financial support to cltc enabling them to enhance land use for the benefit of the people of Guam. GICC kindly seeks the possibility to repurpose a lot for a solar farm and establish an endowment fund for cltc. key point, 1. GICC will make all future rent payments in advance using to net present value calculation method to be determined by cltc's designated Economist or specialist, the MPV net value calculation Net Present Value sorry calculation method is why did use the various investment scenarios including endowment fund operations using this method we anticipate an upfront payment ranging from a minimum of 7 million to 9 million dollars which will serve as your endowment fund.

2. The dividends generating from the operation of the endowment fund will yield significantly higher income compared to the existing rent, this is increased income can Empower cltc to better serve the communities needs and optimize land usage. 3. cltc will retain the principal amount as its Capital fund. 4. we understand the critical needs for the current funding and we will continue to pay the rent due from the lease until the endowment fund is funded in full. this will make cltc a Perpetual additional source of funding. 5. the solar farm is widely recognized as environmental friendly and giving our location above the northern aquifer with multiple Wells controlled by GWA because even more people crucial for us to prioritize this motion, converting this lot into a solar farm with significantly eradicate environmentalist compared to the operation of golf course, in conclusion we firmly believe that the employment in this proposal can bring upon a truly transformative contribution by securing cltc's future funding while simultaneously safeguarding our environment for the well-being of all of Guam business, we urge anticipate collaboration with you, our community and Island leaders as well as the Guam power authority to realize this vital project. our commitment to pursue pursuing this opportunity is Resolute and we earnestly seek the support of cltc for members thank you very much.

Commissioner Garrido: how many years are you anticipating?

Carlos Camacho GICC: If you look at our presentation, we're just adding an additional 17 so we can have the

Commissioner Garrido: additional what?

Carlos Camacho GICC: 17 years from the existing lease

Commissioner Garrido: so, when does the existing lease expire?

Yohei GICC: January 2039

Carlos Camacho GICC: 39. Of course, subject to legislative approval because you still need to go the legislative for that, still got 15 members that have to make a decision.

Commissioner Garrido: and what about the zoning

Carlos Camacho GICC: Well, that's a whole process after you get the set control for the solar farm you still got to go to the land use commission to get approval, and Zoning solar Farms, that we put here an example which is down in the Inarajan and in Marbo those are agricultural zone.

Commissioner Garrido: I know there agricultural but that doesn't mean it's done correctly.

Carlos Camacho GICC: Yeah, we will submit and land use commission will have to bless it or whatever but there's already two large case studies using agriculture Lots. where we again this would be a different presentation because of it's a time, but where we think why we think the diversification is great was in 2022 the Biden

Administration passed the inflation reduction act, that increased the tax credits as you guys know I've done a lot of tax credits on Guam from 22% to 60% so that helps it very financially feasible so that we can have lower solar energy cost.

Commissioner Garrido: and will this be a public, private kosher ownership

Carlos Camacho GICC: no, this well if we sell the tax credits it's under the inflation act, our investors are going to be, they have to own the assets

Commissioner Garrido: but when I talk about the public, private ownership, how much are you going to sell the power to GPA, well how much are you anticipating to sell Power the GPA

Carlos Camacho GICC: well, we have to run a number

Commissioner Garrido: and is there going to be a minimum buy in, meaning, you're saying you can do 60 some megawatts right

Carlos Camacho GICC: Megawatts

Commissioner Garrido: what if GPA doesn't need the 60 megawatts

Carlos Camacho GICC: well based on publish newspaper article their next cycle is over 180 megawatts of need so that's when we, from the first meetings we had we looked at the infrastructure around the area. 1. we looked at the tie grid which was 50 ft away from the lot so competitively we think unlike the other two that was done they spend millions of dollars off site for the infrastructure so we think we have one positive edge. 2. The tax credit just go approved in 2022 for the territorial region so up to 60% so whatever used to be a dollar you can get 60 cents and tax credits so we think by those two variables are cost of goods we go down and I don't think I think our partnership won't invest that much if they don't make it work, competitively.

Commissioner Garrido: and when is this bid supposed to open

Carlos Camacho GICC: that we don't, we just try, we have to prepare for it

Commissioner Garrido: any day

Carlos Camacho GICC: we don't know that we just know that they published, they've been talking about it they've been going to the legislature, they been saying the next, third phase of their renewable energy is this and we just have to look at when the RFP comes out, we'll get ready for it but you're right you have to be competitive and we're trying to be competitive with the two descriptions of what we talked about it

Commissioner Garrido: and I guess I'm thinking more on the electrical side, there going to have to be an enhancement to the infrastructure to get the power from golf course to the island wide distribution system.

Carlos Camacho GICC: and that's why we looked at 50 feet away from that, the grid will be able to accept that capacity

Commissioner Garrido: the grid may be 50 feet away but is the hardware capable

Carlos Camacho GICC: Well, that's the investment their going to do to bring in from the solar farm to the grid. Whatever the electric infrastructure is, unlike marble and Dandan.

Commissioner Garrido: the grid you mean to the sub station

Carlos Camacho GICC: the substation, yes if you look at marble and dandan when they went off site in the rights and way, they spent millions of dollars cutting the utilities

Commissioner Herrera: to interconnect

Carlos Camacho GICC: to interconnect to the next substation

Commissioner Garrido: The dandan, I don't know about marble but the dandan was, they provided an underground transmission line

Carlos Camacho GICC: Yes, that's a long way yes, that's why we think we're going to be competitive.

Commissioner Herrera: cause the plant is right about 50 feet away

Carlos Camacho GICC: 50 feet away

Commissioner Herrera: The Dededo plant right

Carlos Camacho GICC: no, from the highway

Commissioner Herrera: golf course and the plant

Commissioner Garrido: another....

Carlos Camacho GICC: and the other the other thing that we think we got this the properties are the department fees and not us

Commissioner Garrido: basically

Carlos Camacho GICC: basically, is flat yeah. And then we're not worried about clearing and grading and impacting fish and wildlife, endangered snails that may be on undeveloped agricultural property as you may be hearing around town.

Commissioner Garrido: What if it doesn't come, what if the bid never opens up?

Carlos Camacho GICC: Well, as you can tell the lease as they have, they will still contain these but starting with, what was this year we're going to raise from 10 to 12 percent. What year was that?

Commissioner Garrido: Well, I know you're going to do an enhance when you win the bid

Carlos Camacho GICC: Yeah, so, they will continue to contain that until that time when they fully sell the energy.

Commissioner Garrido: It's just questions that I have

Carlos Camacho GICC: No problem, they'll be no gap, they'll be so, until the trigger of the Corpus is fully funded.

Commissioner Garrido: but you know my background, I came from GPA.

Carlos Camacho GICC: Yeah

Commissioner Herrera: That's all we have for now until we meet again, because of the time limitation.

Carlos Camacho GICC: Yes

Commissioner Herrera: but we thank you

AD Taijeron: we can make, maybe have a working session, I'll work with the commissioners on that, we'll go through the presentations, compile our questions if that's ok

Carlos Camacho GICC: In that working session, if you guys can invite GEDA, that your financial advisor cause, there are some parts here about Performa that we've took advantage of, some of this case studies they've done for ancestral lands commission on their investments.

Commissioner Garrido: you might want to also to GPA for their planning engineers to join in on those working sessions, because we don't know what their expectations are either, I don't know....

Carlos Camacho GICC: Actually, I don't, If you don't mind, with all due respect. we try not to invite GPA because we know, we don't want to encourage them that, we're going to wait until the bid comes out, we are going to sharpen our pencils.

Commissioner Garrido: They put out a request already?

Carlos Camacho GICC: No, other than they've been saying their next third phases 180 megawatts but we don't want to tell them about being because we don't want to change put their thoughts to say hey it's not bad

Commissioner Herrera: So, what is GPA producing now? About one

Carlos Camacho GICC: the two, the two it's here, this is on public record. The two that they got is Dandan and

Commissioner Garrido: But these numbers you have, does that include the new generators that their putting up at NCS.

Carlos Camacho GICC: The Ukkudu, no, this is just the renewable solar 2015 master plan they got, that's in their master plan but we're we only just like doing research and say this is what we want to do, all the programs are available so when it's ready we still got to compete if we don't win, we still got to pay the rent as we pay but if we win then, then the Corpus gets funded

Commissioner Herrera: so, the 180 megawatts are the projected demand.

Carlos Camacho GICC: no that's the next phase they're going to put out

Commissioner Herrera: I see, for GPA

Carlos Camacho GICC: Yeah

Commissioner Herrera: Ok

Carlos Camacho GICC: but we don't know, if Marble is going to do a phase 2 in Marble, Dandan can do a phase 2, we just don't know that.

Commissioner Herrera: Do you know the total production that there are producing right now.

Carlos Camacho GICC: Marble is producing...

Commissioner Herrera: Include Marble and the Cabras plants and...

Carlos Camacho GICC: 25 MW for Dandan and 60 MW for marble at the get go, but that's separate from the 180 that they will be seeking.

Commissioner Herrera: I see, this is with the solar

Carlos Camacho GICC: The solar

Commissioner Herrera: and the internal combustion is not included in this one

Carlos Camacho GICC: No, not the Ukkudu plant No

Commissioner Herrera: What about the one in Cabras

Carlos Camacho GICC: No

Commissioner Herrera: No, and Cabras....

Carlos Camacho GICC: This is where there putting to get away from the oil or trying to reduce the oil expenditure, for carbon footprint.

Commissioner Herrera: Ok

Commissioner Garrido: Fossil fuel

Carlos Camacho GICC: Fossil fuel

AD Taijeron: madam chair, I think legal counsel had a comment

Attorney Finney: I just wanted to remind you guys that the whole reason that these guys are on the property is because they were running a municipal golf course and providing that type of service to the community and that's, that's why they're there, that's why the rent is what it is and that's why they're on the property, I just wanted, to make sure that was the...

Acting chair A. Bordallo: the intent

Commissioner Garrido: that's why I was asking about the zoning, because it has to confer with the zoning.

Commissioner Herrera: Because anything we do right has to go through the legislature. So, this is just a preliminary

Attorney Finney: Right, even as far as competing for the right to use the property as a solar farm, I just want to put It out there.

Commissioner Herrera: Ok

Attorney Finney: that the only reason that they're on the property is because they were...

Commissioner Garrido: Yes, that's the original lease. I have no more questions

Commissioner Herrera: Thank you madam chair

Acting chair A. Bordallo: Thank you

Carlos Camacho GICC: Thank you very much

Acting chair A. Bordallo: Next is Ko 'Ko recycling

AD Taijeron: thank you madam chair, as part of your packet you have the letter from the law offices of Cunliffe and Cook, right in reference to the ko 'ko recycling and their proposal in regards the (inaudible) This is the Dededo site operates as Global. The transfer station In Dededo, there, right, that's where Global is right now.

Commissioner Garrido: Right next to the gold course

AD Taijeron: Right, a little before, as soon as

Acting chair A. Bordallo: We have two, we're doing Ko'ko

AD Taijeron: Yes, so ko'ko, Mr. Benny Bello, right. This was prior to me; I believe had some agreement with cltc for a portion of land up in Barrigada Heights. (inaudible) There are other issues that have arisen, and so the attorney has risen oh have written requesting for us to discuss and come up with some agreement with Mr. Bello to cure the debt, if I'm not mistaken that is alleged that we owe them, when I say alleged, because I'm not sure if we owe a debt. What has happened is this letter has come to our attention, is Joey and Dexter our team, has been gathering documents from way back to present, just like what we did with Guam Racing federation, what we're doing with GICC, is having them compile all of this information, board meetings, discussions and I think right now we're at half a binder that is not ready for commissioners review, but you needed to be made aware of this letter received by, as I understand they wanted to meet with us and come up with some sort of agreement. So, this is for your information, if you have any questions, I understand their attorney and Mr. Benevente is here, we also have legal counsel so I don't know if we want to discuss anything at this time, I leave that to legal. If you have questions

Commissioner Garrido: I think we need more background information, that way we can move forward

AD Taijeron: So, this will be in our old business on our next meeting, our team will try to get all of those binders as much information as possible and give that to you to review it and prepare.

Acting chair A. Bordallo: How will you arrive on these numbers?

AD Taijeron: How did I arrive on these numbers?

Acting chair A. Bordallo: Yeah

AD Taijeron: Oh, I believe the information is being compiled, should be able to clarify that

Acting chair A. Bordallo: Yeah, that's what....

Commissioner Garrido: I believe Mr. Cook wants to

Attorney Cook: Just Very brief, very brief

Acting chair A. Bordallo: are you sure?

Attorney Cook: I'm Jeff Cook, Cunliffe and Cook. I represent Ko' ko and I agree the last correspond I got was going to legal counsel and I guess if anything I would ask once legal counsel has gotten all this information from your work you're doing, we could try to meet even before talking about it, so if there's questions that need to be raised once you've got it, we like to try and answer those so that will be our

request so we can try to put this to sleep. I won't get into the fact; we're pretty structured it's not in the wedge yet, it's been, cltc is approved it seems like 4, 5 times over the years, it's question is how to pay it, it hasn't so much as though but how to pay it, and the proposal we're making is basically no money, just give, rent. We go toward the rent but I like to discuss it with Ms. Finney when she's got a chance to review everything, I appreciate it. Ok, thank you

Acting chair A. Bordallo: Next is the Global recycling

AD Taijeron: At our last meeting, it was our commissioners have been asking about these issues right, in regards to Global recycling. Under new business in your packets, we try, a lot of struggle information with regard to Global recycling. But, for your information and a little bit of background I'm hoping we can be able to clarify things, information for the commissioners. The most recent commercial lease agreement dated February 01, 2020, so, that was not signed by Global. it's a blank lease agreement there was no there's no signatures in fix it's never been, we don't need based on our research and we continue to compile information as we've not found anything that's been consummated by the parties involved right so nothing has been made no contract between Global and cltc what follows the proposed February 21, proposed commercial lease agreement are minutes from previous board meetings commission meetings that provides some information with regard to the discussions that potentially lead up to this proposed unsigned lease agreement, the license and I believe prior to these discussions the only thing that we have found that has given global Authority or permission to remain there and operate is a letter, an authorization to occupy letter from a previous director I believe so that's in your packet as well, that's the only thing we have been able to find that give Global authority to be there and then of course I understand that our commissioners went out and took a site visit and there's some pictures there from Global. So, as this point, we are compiling information, it is now with cltc commissioners to determine how or potentially like to proceed and if you have any questions, I would like those questions to be directed to our legal counsel.

Commissioner Garrido: Direct from Global , I did go out there on an on-site visit and the one thing that caught my eye, as you enter the gate toward the left there's this structure And in that area in houseless power Transformers and when I was there it was a little bit rainy so there was like a it was like water in the ground and I was seeing machines from that water and that indicated to me that those transformers were leaking oil into the property and that's adjacent to the golf course. I don't know if they're up to par with the EPA standards, I really don't know but it's a big area that they're occupying and they have a lot of stuff on the site.

AD Taijeron: Thank you commissioner Garrido, one of the, with regards to Global recycling like I said it was brought to our attention where commissioners were asking questions about it, one of the things that we're trying to do is ensure that we have documents, and we don't enter, per say, illegal for me, working with legal counsel, I need to ensure that we're not imposing ourselves I need to make...

Commissioner Garrido: We made our presence known that we were there for site visit and was with there conference, we didn't just go in and

AD Taijeron: No, no question, no question regard to that but to regard to any action to be taken that is concerning to take that there is a structure that has transformers and potential liquid around it

Commissioner Garrido: I know that GPA is moving out of using pcb as part of their transformer coolants but whatever the case, it's oil on the ground, it's still not a good idea.

AD Taijeron: Is there something, anything, for me in my mind I would like to get legal guidance again with regard to how to speak and proceed with global recycling.

Commissioner Garrido: Just to add on to what I was saying, the water lens is very close to the surface there and if you have oil it's going to seep down into the lens, which would contaminate the northern aquifer

Commissioner Herrera: Madam chair

Acting chair A. Bordallo: Yeah

Commissioner Herrera: Director Taijeron, on the first page on that attachment, that letter from exhibit C

AD Taijeron: Yes

Commissioner Herrera: There's a February 1st 2021

AD Taijeron: Yes sir

Commissioner Herrera: So, this letter apparently is addressed to Global, Mr. Chu right, so may I ask legal counsel to kind of interpret what this letter is saying.

Attorney Finney: Which one?

Commissioner Herrera: From exhibit C, the first

Commissioner Garrido: February 1, 2021

Attorney Finney: So, what's your question?

Commissioner Herrera: This one is coming from the cltc director to the president of Global. So, the question is that they have until February 15, 2021, to be there is that what's this letter is saying?

Attorney Finney: It looks like at the time that's what was agreed that they that they could have that conferencing to decide on what was proposed but it looks like that nothing was ever finalized.

Commissioner Herrera: So, I guess our interest here is that, are they occupying the property given the parameters of the CHamoru land trust rules and regulations, that's my question for legal to interpret

Attorney Finney: They've been occupying the property based on this authorization that they, that they got most recently back in 2015 and don't know how long prior to that

Commissioner Herrera: In 2015

Attorney Finney: But there just say we're authorizing continue occupying the property, we don't have like I don't know if it says continued so I don't know where their original authorization was but, there's no there's currently no lease that they have right now

Commissioner Garrido: Or license

Attorney Finney: Well, I mean they have the, it's just this authorization, the commission back at in 2015 said go ahead and continue to be there

Commissioner Herrera: Ok just for the record and I'll make it clear when Mr. Bello, I think came here and did his presentation, and we can check the record if I'm not mistaken maybe August, September, and he mentioned the balance here that what Attorney Cook was saying that he had about 5.6 million dollars in balance for the property next to the tax and revenue and he wanted to occupy the property down at the, where Global is located at and to defer the balance for the rental of that property which is 12 acres, So, and again well go back to the record just to clarify that the original IOU that was owed to Ko'ko was 7.5 million and some documentations were showing that the rental for the property next to tax and revenue was being deducted from that 7 million and it went down to 5.62 million and what Mr. Benny Bello was requesting was kind of defer the rental, I mean the balance of 5.6 by occupying the property where ko'ko is operating, I mean Global's operating and I asked the question and I will go back to record to find out, because I was asking Mr. Bello that if Global is there, operating now and he was to take over and what kind of transitions it's, you know what kind of transition process is he going to go into to continue the operation, we'll check the record again because it's in the record in 2022 between June and November when he came back, just to verify and I'm not sure the attorney has that information and that's what I recall and again you can refer back to the recording I believe you were here, I'm not sure if Benny Bello

Acting chair A. Bordallo: Yes, I don't remember Guahan recycling, I mean him, Global recycling

Commissioner Herrera: Yes, Global recycling

Acting chair A. Bordallo: Taking over

Commissioner Herrera: Yes, it was just Mr. Bello so, I know that I did review back in 2022 between June and July, 96 page documentation of transactions

between Benny Bello and Ko' ko and CHamoru land trust and at that time I requested for the justification that if they, that in fact 7 million dollars' worth of metal was removed from that property that I was requesting for the bill of laden to show and verify that amount of material was loaded so he did produce a bill of laden and it was a shipping document so again as you guys research your files, those documents will be, it's some place in the file because I did remember seeing bill of laden and trans-shipment of metals that were loaded down at the port so again just to repair time. Now the reason why I'm asking about this exhibit B is that if Global is there, Mr. Danny Chu, then what is our liability as landlords, that's my, and what Mr. Garrido was saying that when we did visit the site, we know that there was vehicles and heavy equipment that are being disassembled and the engine, the transmission and differential oils are being drained mostly likely there being stored...but what Mr. Garrido, commissioner Garrido was saying that we say transformers that have been cut open and we have pictures of that and again the topography of that property is from that route Bello Road into the golf course, it's a slope pitch topography maybe 5 to 10 degrees sloping down to the golf course so. That's it madam chair

Acting chair A. Bordallo: Was there anyone there when you guys went?

Commissioner Herrera: We asked for permission from....

Acting chair A. Bordallo: No, but was anyone....

Commissioner Garrido: Was there a tour guide?

Acting chair A. Bordallo: No, I mean people working there....

Commissioner Herrera: Oh yes, it's active, they have maybe 11 20-footer containers being loaded

Acting chair A. Bordallo: loaded up

Commissioner Herrera: Loaded, but since last year when I first came here in April or May, they've been doing that operation for....

Acting chair A. Bordallo: Did you ask whether, who's operating it

Commissioner Herrera: I met the office, I guess it was Mr. Chu at that time so he allowed us to go ahead and look around so, the operation is really, you know it's very busy, they disassemble tractor trailer chassis, cement trucks, automotive vehicles,

Heavy duty anchors, all different kinds of, and they'll bail and inserted into 20 footers or 40 footers and that was last year so, So, that's it, madam chair, that was my question, what the legal authority of their occupancy and what is the chance of our liability.

Acting chair A. Bordallo: Well, we'll have to see who's operating it first

Commissioner Herrera: Yeah, this thing, I think this is a 20-year occupancy here between ko'ko, Global and there was another paving company so

AD Taijeron: So, in our research this far and I've instructed Joey to ensure that we're going through everything that we're not missing anything and it'll be organized these files, take a look at them to identify with a factor any agreement between Global Recycling and cltc.

Commissioner Garrido: Global and any other entity

AD Taijeron: Or any other entity, because my concern is the liability that's a number and of course do the before we take any action, we need to make sure that there was if it was an agreement, and what was stipulated in the agreement and in other words, no agreement what's the best course of action and that would come from our legal counsel

Commissioner Herrera: Ok, thank you ma'am

AD Taijeron: So, we'll wait for legal counsel. Thank you, commissioner Herrera

Acting chair A. Bordallo: The financial report is next

AD Taijeron: Financial report, this is submitted pursuant to law to our Governor and Speaker of the legislature and this is basically a just a revenue collection report. it's fairly straightforward and this is for the month of July. If you have any questions

Commissioner Herrera: Madam chair, on page 1 of this financial report so we'll see as we go down, this account number 3624. This is as of July, account number 3624 cltc operations

AD Taijeron: I'm sorry Mr. Herrera, 3624

Commissioner Herrera: Yeah, is that....

Commissioner Garrido: The first item, cltc operations

Commissioner Herrera: and then, you got it madam

Acting chair A. Bordallo: Yes, it's right here

Commissioner Herrera: the 2nd line is 3669 is for survey and infrastructure, that's 288

AD Taijeron: Two hundred eighty-eight, that's a, if I'm not mistaken in the back, that's interest right in payment in leu of property taxes so that's interest collected off of the current investment in that and that in that account, the current balance in that account.

Commissioner Herrera: and just for information. How Much was invested for that, but that's the profit is 288 of what was earned.

AD Taijeron: Yes, just interest, it's accumulative and the sheet in the back commissioner Herrera, the longer sheet, you go down to payment real property taxes

Commissioner Herrera: 3669

AD Taijeron: Yeah

Commissioner Herrera: In real property taxes

AD Taijeron: Statements

Commissioner Herrera: Ok got it, the then third one is a 3415

AD Taijeron: The loan guaranty fund, yes

Commissioner Herrera: so, this 13924.71, that revenue collected

AD Taijeron: Yes sir, for July

Commissioner Herrera: from the interest

AD Taijeron: Taxes, remitted to cltc

Commissioner Herrera: Ok, just so I can understand this, so, cltc loan guaranty. So we have an account for loan guaranty and that will be under...

AD Taijeron: Account 3415, that's our cltc loan guaranty

Commissioner Herrera: can you respond, can you respond to that?

AD Taijeron: the new account

Commissioner Herrera: can you please respond to that? What is the loan guaranty and who is it for? And where does it come from?

AD Taijeron: You know as a matter of fact, under my agency report I do have a few more numbers and information

Commissioner Herrera: Ok

AD Taijeron: So, this is just a monthly report

Commissioner Herrera: Just so that I understand, is this an endowment fund? debt payment, or was it a

AD Taijeron: No, the loan guarantee fund was created by law and money is collected via the taxes, potential interest would be paid into that fund to be used by the CHamoru land trust commission to guaranty loans from individuals seeking to borrow either from SBA or Guam housing Corporation for any other financial institution that requires a loan guaranty and those would be our CLTC

Commissioner Herrera: Including veterans, VA, Guam Housing

AD Taijeron: So, with the Veterans, what we have, so we don't need to guaranty, because there's an agreement between the veteran's office and cltc, and what's happened and it shows in my report that we have restricted five hundred thousand dollars pursuant with this agreement with veterans' affairs.

Commissioner Herrera: Ok

AD Taijeron: So that way we don't have to provide a loan guaranty for veteran's loans

Commissioner Herrera: Understand and you mentioned SBA

AD Taijeron: SBA, Guam Housing are the two entities that we have at least for having been here I'm not seeing any other requests for loan guaranties outside of SBA and Guam housing Corporation

Commissioner Herrera: So just for the record just to be clear, so we can guaranty loans from SBA

Commissioner Garrido: for SBA

Commissioner Herrera: for SBA

AD Taijeron: We can, yes

Commissioner Herrera: and can we?

AD Taijeron: Can we?

Commissioner Herrera: Do we have?

AD Taijeron: No

Commissioner Herrera: How much do we have? Just for the record

AD Taijeron: We have, we have in the account 1.2 million, however, 1.4 I quote

Commissioner Herrera: And that will be online

AD Taijeron: No, so what we did is we did a break down and it's in the agency report

Commissioner Herrera: Ok, the agency, and that came from the spread sheet. Which?

AD Taijeron: Basically, we just took the accounts that we had and laid it out for the commissioners.

Commissioner Herrera: This spreadsheet

AD Taijeron: Not this spreadsheet, this spreadsheet is just for this month of July

Commissioner Herrera: Ok this month, it's showing loan guaranty

AD Taijeron: Right

Commissioner Herrera: On line number

AD Taijeron: 13,000

Commissioner Herrera: Line number 60, row line 60. Total loan

AD Taijeron: Today we have...

Commissioner Herrera: for October, November

AD Taijeron: Today we have 152

Commissioner Herrera: Right, 152,000.00 on hand or in account

Acting chair A. Bordallo: Year to date

AD Taijeron: What we are in, this is just for July commissioner

Commissioner Herrera: Ok, just for July. 152,000.00?

AD Taijeron: Yeah, is the earnings, what we collected from revenue

Commissioner Herrera: Just so that I can understand. So, so can we increase the earnings or can we increase this loan guaranty account from the legislature to a, for us to request from the legislature to allot us more, at least 5 or 10 million to accommodate the, those that are in serious needs that have been approved by SBA. Because I've been

AD Taijeron: we can request, the amount coming to loan guaranty fund was low, interest taxes and that's how that account grows

Commissioner Herrera: I'm just asking a practical question, how....

AD Taijeron: I'm trying to recall if there's anything else

Commissioner Herrera: How do we loan this out to accommodate our SBA

AD Taijeron: Then that will have to come from the Legislature to appropriate into the home loan guaranty fund

Commissioner Herrera: Ok, so we need to contact madam chair, the committee on land or committee on finance

AD Taijeron: We would have to contact our oversight chairperson the speaker and also the chairperson on the finance of budget which is Senator San Agustin, San Augustin

Commissioner Herrera: Ok, so I like to officially request madam chair if we can start expediting that process, because I know if it's going to the legislature, it's going to take us you know we have to have a public hearing probably, or there going to have to develop a bill to create or is it just to, I'm not sure

AD Taijeron: We're going through the appropriation process right now, so it depends pm what they say on the floor, they can do that.

Commissioner Garrido: Have we completed our budget hearing?

AD Taijeron: I don't think we're going to have a budget hearing, we've gone, we've met with the finance and budget committee prior to Mawar, but because of what's been happening there just concentrating and focusing on the larger agencies. Right, we did get a cut in our budget, a little over 300,000.00 I think it was. So, I don't think we're going to have a budget hearing right, that's the last I heard, so we can write and ask for an appropriation into

Commissioner Herrera: Here's why madam chair if I may add, we have a lot of SBA applicants that are living on CHamoru land trust and are approved for constructing a home, some go up to 200

Commissioner Garrido: 240

Commissioner Herrera: For residential, and it appears we don't have the funds so I'm just trying to see how do we accelerate this to accommodate the folks that are leasing CHamoru land trust that are under the category of serious disaster needs, because the time line is 6 months from when you get approved for an SBA loan. We have 6 months before the loan expires and if our constituents are living under substandard conditions then I believe we may have to put this in the fast-track lane to accelerate because 6 months is very short, and we already burned from July to August

Acting chair A. Bordallo: Did you see this one?

Commissioner Garrido: to make the story shorter, what can we do for these victims of the typhoon that are hour 10

Acting chair A. Bordallo: the first paragraph

Commissioner Garrido: that have already gone through the loan process in suspending our authorization

AD Taijeron: so, shall we conclude financial report, then we'll move on to agency report because it has information regarding the loan guaranty, is that ok madam chair? Ok

Acting chair A. Bordallo: I was just going to show you that

Commissioner Herrera: Ok got it

AD Taijeron: under agency report so we also made available just a little bit of what what's in the law that authorizes the commissioner's right to make this decision this decision with regard to guaranteeing alone is not within my authority as the administrative director, it has to be brought before the Commissioners, it's the commissioners to make that decision. So, in your packet, I'll skip all the other ones and just get to the loan guaranty, there just a little narrative right with regard to the loan guaranty and the numbers that we're working with, it's an explanation, so, if you don't mind, as of September 30th, 2022, CHamorru land trust commissioner has guaranteed a total and this is something the commissions need to be made aware of 16.156843.27, 16 million, 156,843.27 million dollars in original loans provided by SBA and Guam Housing Corporation, that amount has decreased to as of September 30 to 10 million, 10.4 million due to payments on the loan. So, working with Joey, I asked him to look through the ledger right, given the request, and so that the commissioners are aware, I also provided we have, 1, 2, 3, 4, 5, 6 individuals requesting from SBA, actually it's 1, 2, 3, 4 and 2 other individuals have yet to provide documentation indicating the amounts that SBA may have approved or have agreed to pay, and for, I've not included their names for the commissioners, I just included the lot description so your all aware. Now, and that in the longer sheet.

Commissioner Herrera: The lot description is on the long sheet.

AD Taijeron: Yes, the lot description. I didn't include names I only included lot descriptions and the amount so ...

Acting chair A. Bordallo: That's the one I showed you

Commissioner Herrera: Ok. Alright

Acting chair A. Bordallo: The second page

Commissioner Herrera: I see

AD Taijeron: Just an explanation of our account pertinent to our loan guaranty so, receivables we have 540,000.00 dollars receivable, receivables from general fund, we have yet to receive, it's on paper but has not been remitted to cltc. The 33 information there that It's payments of real property from FY 2022 collected between October thru December, we received 693 dollars. Our bank account, we have 356 these are different bank accounts, with a total in the loan guaranty 1.4 million dollars now, that's just on paper, that's less 500 thousand that hasn't been

remitted or received from the general fund and then we have the restriction of 500 thousand dollars for the VA loans right, so that's that leaves us a total cash balance currently at 379 thousand. So, the CHamoru land trust commission guaranty has exceeded its legal authority. We are at 2,663% over what we should have been guarantying.

Commissioner Garrido: Can I ask a question?

AD Taijeron: Yes sir

Commissioner Garrido: Concerns of what you just read.

AD Taijeron: Ok

Commissioner Garrido: Why are we guarantying the difference? They have the VA loan

AD Taijeron: There's no guaranty per say, what it is we've had to, well I guess it is a guaranty because we had to restrict 500 thousand dollars in the event they don't pay back right. Cltc has to absorb that cost, I think a big part of that is, this is leasehold, the property is leasehold, they don't own the property, they own the house on the property. Leasehold has restrictions, and the loan guaranties in the event that they default we take it up, we pay for it, we own it and at that point in time our process is to find the next available person to take over. So, the agreement, I don't, I can't recall when the agreement was made with the VA but in order for cltc lessee who is the VA recipient to get a VA loan for a home to build on cltc property. We needed to restrict a minimum of 500 thousand dollars

Commissioner Herrera: Ok so does SBA

Commissioner Garrido: VA, veterans can depend, on their financing. Can they at least borrow up to 600 thousand dollars, and that's why I'm a little bit concerned why are we guarantying the VA when the VA guaranties their loan

AD Taijeron: That was a

Commissioner Garrido: And with the VA, if the prime interest is 3 then the VA loan is at 4, so they charge 1% higher than a regular home loan

AD Taijeron: I could pull up the agreement to make it available for further review for the commissioners

Commissioner Garrido: You see what I'm saying

AD Taijeron: Yes

Commissioner Garrido: If they're guarantying the loan already, why are we having to guarantying again?

AD Taijeron: Maybe because we're

Commissioner Garrido: Maybe because the leasehold

AD Taijeron: We're the property owners, they only own the home. So, individuals, you and own the home but you can never own the property, it belongs to CHamoru land trust

Commissioner Herrera: Madam chair, the priority right now is we have 6 from SBA

AD Taijeron: Well, we have 1,2,3,4 from SBA who have submitted their documents, so please so the commissioners are aware

Commissioner Herrera: Ok

AD Taijeron: Because, I have to say this commissioner Herrera, is these requests came after our July meeting

Commissioner Herrera: Ok, understand

AD Taijeron: cltc is not sitting on anything, cltc is not giving participants the run around, they have been informed that it is within the authority of the commissioners to make these decisions not us. And so, the names are not being presented, the amounts are being presented and the lot descriptions right so, 4 have submitted SBA documents, in the sheet you'll see real estate repair replacement, so you'll have a total amount that being, that was approved by SBA, let's take a look, take a look at the first example. Request came in on July 17th, it's an SBA loan type. We have 4 SBA and 1 Guam Housing. So, the real estate, the total amount on the SBA document is 240 thousand, however that amount is broken down to real estate repair and replacement, disaster clean up and debris removal, personal property and these are descriptions on the SBA document and other expenses. So, cltc, if they were to guaranty or could guaranty, we would only guaranty the real estate repair and replacement. So, for the first one, we could only guaranty the 192,100.00 dollars, 2nd one 189 etc. We would not guaranty, I would be very concerned if we guaranteed the entire amount and we're guarantying the disaster clean up, the personal property and other expenses. I think if there is a guaranty to be made, it would be only on the real estate repair and replacement of the home or the value of that home so it's broken down

Commissioner Herrera: Not in new construction

AD Taijeron: I'm sorry

Commissioner Herrera: To construct a new home

AD Taijeron: If that's what it stated on SBA agreement to construct a home, if the construction cost 400,000.00 dollars and it's for construction

Commissioner Herrera: SBA's maximum is 200

AD Taijeron: Ok, so if construction is for 200,000.00 and that's all what it's going to be used for then the loan guaranty could be for construction right, but not for personal property

Commissioner Herrera: Understand, so for us to get that thing going and approve the guaranty for home construction, what do we need to do?

AD Taijeron: We need to have money in the loan guaranty fund to be able to guaranty these loan request

Commissioner Herrera: and we don't have money right

AD Taijeron: We do not have the money

Commissioner Herrera: Madam chair my request is to start getting the process to get the money from the legislature, we need to go through legislature or other avenues and do we need to make a motion to get SBA loans approved today or it's already in place right according to what I'm hearing

AD Taijeron: What's in place?

Commissioner Herrera: The SBA loan guaranty

AD Taijeron: No

Commissioner Herrera: It's not in place

AD Taijeron: SBA has indicated to these lessee or people, CHamoru land trust lessees to get as part of their requirement right is the loan guaranty from the land trust commission

Commissioner Herrera: Understand

AD Taijeron: So, if you were to, If you want to approve a loan guaranty regardless if it's SBA or Guam Housing Corporation

Commissioner Herrera: We'll stick with SBA, go ahead

AD Taijeron: But if you're going while would we not guaranty

Commissioner Herrera: So ok with Guam Housing

AD Taijeron: Guam Housing and SBA will be one thing. You would move to approve these amounts as stated by SBA and/or Guam Housing for construction repair, replacement of the home, individuals' home, it would be through a motion to approve it, however maybe legal counsel can weigh in on this. In the law it states, the commissioners cannot approve beyond what it is we are able to pay and we cannot pay the sub lease amounts

Commissioner Herrera: and we cannot pay because we don't have the funds

AD Taijeron: we don't have the funds

Commissioner Herrera: and how do we get the funds

AD Taijeron: Again, we... you're asking that will, the only way to do it would be to, at this point in time, write to the legislature and ask

Commissioner Herrera: Right, so let's get that done

AD Taijeron: We'll write to the legislature and how quickly they move on it

Commissioner Herrera: Right and whatever options, because we have individuals that are under the serious disaster needs and this is a federal program, the SBA program is a federal program to help these individuals, so if these individuals are staying on land trust properties, I think it's our obligation also to provide these individuals the source to build their homes under the federal programs, Guam Housing is doing it, VA is doing it

AD Taijeron: That's their, that's their mission is to provide the financial ...

Acting chair A. Bordallo: funding

AD Taijeron: funding for that

Commissioner Herrera: And then it's going to be built on CHamoru land trust

Acting chair A. Bordallo: Why does SBA want CHamoru land trust to guaranty the loan?

AD Taijeron: So, I actually been putting a call to SBA trying to meet with them to find out why they would need CHamoru land trust to guaranty? why couldn't their home be collateralized? why couldn't they use the home as collateral and their guaranty?

Commissioner Garrido: Good point

AD Taijeron: That why, CHamoru land trust basically owns the land, that's it, and we did have a discussion with FEMA immediately after the storm, I do not want the commissioners to think that we did not act on this, we had a meeting with FEMA and SBA, and we had, legal counsel was present. We had discussions with regard to the many issues that we would face as cltc. 1. With regard to letters of occupancy, cltc cannot, cannot.

Commissioner Herrera: Legal service did that so that's covered

AD Taijeron: Right

Commissioner Herrera: so, move forward

AD Taijeron: with regard to SBA loans and or Guam Housing loans, the loan guaranty, it the law it states that we may, we don't have to, we may, we don't have to. Why are they requesting for it?

Acting chair A. Bordallo: Let's say, I myself go to SBA because my house got destroyed. What? I would be the person to borrow, are they going to secure or mortgage my property?

AD Taijeron: My understand

Acting chair A. Bordallo: Do they? Do they?

AD Taijeron: If it's over 25,000.00 dollars then you would have to put up collateral

Acting chair A. Bordallo: Ok

AD Taijeron: for SBA to give you a loan, this is you as an individual not a cltc lessee, so and this is actually for anybody, is 25,000.00 or over if I'm not mistaken, they're requesting for collateral to secure a guaranty on that loan

Acting chair A. Bordallo: Ok

Commissioner Herrera: so, I had an SBA approved loan back in, after Pamela but it was on a private property so the lien was the title of the property, after it was paid it was covered so if we parallel a private property or a property on land trust, of course they want to have secure, not only the land, the home but where the home is situated and if it's on lot 1 then that lot 1 would be a held as collateral so, but you know this is a disaster program, this is not a got to the drag strip and race, this is a need. It's a need

Commissioner Garrido: Couldn't the guaranty be based of the term of the remaining lease and the other question I have is. I know that cltc owns the title fee simple to the property, but the leasehold is awarded to the tenants of the property so they have 50 years remaining, could that be their collateral and should they default, SBA with whatever entity is covering SBA for their loan guaranties, do they sell it out in the market, ok like we have a mortgage, Bank of Guam doesn't keep a mortgage, they'll sell it out

Attorney Finney: I think that's the problem is that, if someone defaults on their loan and they're a lessee, they can't, I mean, because it's not even like the private lease, it has this long-term lease they might be able to step in but because there are rules on how you can transfer a lease and you know, you can't, they wouldn't be able to just come in an foreclose on the property. So, understand, that what, at least not in the usual way and I think that's what the problem is and that's why they would want CHamoru land trust to

Commissioner Garrido: Don't we already have an agreement in place such as what you're saying with Guam Housing. Where they foreclose, they foreclose on the building itself.

AD Taijeron: Yes, but

Commissioner Garrido: Could we propose to SBA that they adopt that, because this is a typhoon emergency

Commissioner Herrera: That's the template they want to use right at Guam Housing template and VA

Attorney Finney: so...

Commissioner Garrido: and do we have to have that money in a trust, to be locked up

Attorney Finney: so actually, so that's what the problem is, is that the law says you can guaranty these loans up to a certain amount and

Commissioner Herrera: to a certain amount

Attorney Finney: and what I'm hearing is your past that amount you can guaranty and so, that's where your issue is, not that you, you don't have the

Commissioner Herrera: Funding

Attorney Finney: Yeah, you don't have the bank account

Commissioner Herrera: So, what we're saying to load the funding or increase the fundings, the fundings is only 3 million, 2 million then we'll up the funding because we have like 3,000.00 occupants of CHamoru land trust that are living on land trust properties now and then how many do we have of that 3,000.00, how many have been approved by SBA? And....

AD Taijeron: So far only 6 or 4

Commissioner Herrera: so far, right, right, so far and there still processing now because remember you have to go to the FEMA process and if FEMA denies you, I guess we're in the meeting with FEMA and SBA so the methodologies of the process you go to FEMA for grant, and if you could qualify for a Small business administration, and you qualify for the mortgage then you get a mortgage, but if the mortgage is on land trust property or private it changes the configuration of the contract so what we're saying is that are we done of the process of the serious disaster needs, No we're still being processed, inspectors are still going out there, validating FEMA recipients that have applied

Commissioner Garrido: and still others

Commissioner Herrera: Yes, so what I'm saying, we have to consider, we have 3,000.00 lessees on Land trust, 3, of the 3 do we have 2%, 5%, we don't know, we can ask but so far, we got 6 or 3,000.00. How many more are living under substandard homes that have not come up or maybe they don't know the process so, I'm not pointing a finger that you guys are holding the scale down, I'm just

saying this is a moving operation, it's growing because the process to address serious disaster need is not done so

Commissioner Herrera: Do I have to make a motion? To make this legal or is it already in place

AD Taijeron: Is what in Place?

Commissioner Herrera: The SBA guaranty and the Guam Housing guaranty

AD Taijeron: No, the commissioners need to motion

Commissioner Herrera: So, we haven't guaranteed any Guam Housing yet, from the past since we were born in 1995

AD Taijeron: There's been guarantees, over, we have now. CHamoru land trust commission has guaranteed over 10 million dollars

Commissioner Herrera: But how many of the 10 million, how many homes, how many applicants

AD Taijeron: Joey, give us the number of applicants

Joey Cruz, cltc: a rough number is 120

Commissioner Herrera: 120 under the Guam Housing guaranty

AD Taijeron: and SBA

Commissioner Herrera: and SBA, so we've done

AD Taijeron: Yes, we have

Commissioner Herrera: So, let's follow that template and get the process going because it's already in place right

AD Taijeron: Ok

Commissioner Herrera: Do we need to make a new motion because it's already in place

AD Taijeron: I just need to clarify

Commissioner Herrera: Please

AD Taijeron: You want, you are instructing me

Commissioner Herrera: No, I'm asking the chair

AD Taijeron: No, no, first of all to officially request for additional appropriations for a home loan guaranty

Commissioner Herrera: Yes, because your report is that we don't have enough in the pocket

AD Taijeron: We don't have, Correct.

Commissioner Herrera: Right, so how do we fill the pocket

AD Taijeron: I just want to be clear, so I'm going to request from the Legislature funding for home loan guaranty

Commissioner Herrera: Correct

AD Taijeron: and we will request for whatever amount that is presented, that is needed for those that have presented their documents and then

Commissioner Herrera: stretch it another 50%, because we don't know right

AD Taijeron: Correct

Commissioner Herrera: Remember we have 3,000 on the lot, do we know all the 3,000 because we can go out, I can volunteer to go out and interview how many, if we need an exact dollar to the cent.

AD Taijeron: That will have to be presented to the legislature and then justified, but I will work on that and I will write to the legislature now.

Commissioner Herrera: Please

Commissioner Garrido: Do we, I go back to my previous question. Do we need to have money locked up in a trust? Or guaranty, or do we just need working capital. Not everybody is going to default at the same time.

Commissioner Herrera: The finance committee would iron that out

AD Taijeron: We just need the money in the bank to able to guarantee that...

Commissioner Garrido: How much money are we thinking?

AD Taijeron: That's what I was asking is right now we are requesting X amount, we only have these individuals but we don't know how many more people are going to come so we need to, we'll increase it by 50% as an estimate, we'll ask the legislature to keep it open in the event we need to

Commissioner Herrera: You don't have to be proactive right maybe we can put it in the media, you know one, two or three times, those that are living on land trust properties and if they have any issues with FEMA or SBA or you have an approved loan, please visit the office or call

Acting chair A. Bordallo: I don't know but when you're guarantying something, you don't have the money right now it's when you fail to pay

Commissioner Herrera: Correct

Acting chair A. Bordallo: Then you have to help them pay the loan

Commissioner Herrera: When you default

Acting chair A. Bordallo: Yeah

Commissioner Hererra: After you default

AD Taijeron: So, that's up to the commissioners

Acting chair A. Bordallo: and then another, Guam Housing corporation can be the guarantors for these SBA loans, so they will take the property in case the customer does not pay SBA, that's government land that Guam Housing would actually own under them and they can turn around and refinance that house if they fail

AD Taijeron: So, have a discussion with Guam Housing to guaranty with FEMA

Commissioner Garrido: Yes

Acting chair A. Bordallo: Yeah

AD Taijeron: Now, before you make your motion Mr. Herrera, commissioners, please I'm just going to state for the record. The CHamoru land trust, and I understand that we, you're saying we don't have to have the money in the bank to guarantee, what we're saying is all of this were to come and be called today, we will have no money to pay anything

Commissioner Herrera: No money to pay anything, go ahead, I'm sorry

AD Taijeron: We don't have any money to pay, we don't have 10 million dollars to foot the 10 million dollars to pay the guaranty. The CHamoru land trust commission is 2,663% over what it is able to pay, 2,663, I'm just saying that, further, the commissioners and I understand, I understand the plight of individuals who have experienced, I understand ...

Acting chair A. Bordallo: May I say something?

AD Taijeron: Ok

Commissioner Herrera: Yes

Acting chair A. Bordallo: As directors or commissioners of this commission

Commissioner Herrera: body

Acting chair A. Bordallo: We better make sure you're insured because a customer fails, and CHamoru land trust fails, we're going to get sued, even individually

Commissioner Herrera: I understand

Acting chair A. Bordallo: Are you ready for that? Cause I'm not

Commissioner Herrera: I understand and that's why we're going to get it through the legislative process, they're going to overhaul the details

AD Taijeron: I'm not guaranteeing how the legislative is going to response, I'm going to talk to them, I'm going to talk to the speaker, we will write to them and ask them and ask them and let them know what the situation is but that's going on them

Commissioner Herrera: Right

AD Taijeron: I can't speak to how they react

Commissioner Herrera: That's where the funding is coming from, I understand

AD Taijeron: Before we get there

Acting chair A. Bordallo: Just go and ask permission from the legislature, we're not going to vote on it, just ask

AD Taijeron: Oh ok, Mr. Herrera, commissioner Herrera was getting ready to make a motion, and I just want to remind the commissioners that the law states, this is 75a 103, section b. In no event shall the aggregate amount insured by the commission exceed the ability of the CHamoru loan guaranty fund to reasonability provide security for the loans authorized.

Commissioner Herrera: and that's page eleven

AD Taijeron: Page 23. And no event, attorney. That's what our attorney is here for, am I misunderstanding this where it says at in event shall the aggregate amount, based on this information

Commissioner Herrera: assured by the commission

AD Taijeron: I believe the CHamoru land trust commission has exceeded

Acting chair A. Bordallo: Legal counsel, what's your

Attorney Finney: I don't have the benefit of having all the information that you have out, if you have exceeded the ability to you know to provide security for the loan authorized, it doesn't seem like you can continue to guaranty loans until you have that resolved

Commissioner Herrera: That will be done by the legislature for us to take

Commissioner Garrido: It would go through the legislature and just want to throw a little something in the mix also, because we mentioned it earlier is Guam Housing Corporation. If they can guaranty the loan, they already have the template, they already have the procedure for guaranteeing loans for recipients right, use that same and apply it to SBA. They would guaranty the loan but also, we should require that a mortgage insurance be taken out by the recipients.

Acting chair A. Bordallo: That's right

AD Taijeron: Well for Guam Housing I believe they have that option. No No

Commissioner Garrido: We could talk to them

AD Taijeron: So, we want Guam Housing take on the liability of the guaranty

Commissioner Herrera: But directory you mentioned that SBA is the one that's asking for....

AD Taijeron: Yes, I reviewed the documents right, and in part of that document it states what their requesting and I don't have forbade is cltc, the CHamoru land commission guarantees loan authorization. It says guaranty, here, prior to disbursement of loan funds in excess of 25,000.00 dollars, borrower is to provide a guaranty from the government of Guam CHamoru land trust commission, satisfactory to SBA

Commissioner Herrera: Satisfactory to SBA, so we got to knock on SBA door and can we get Guam Housing instead of

Commissioner Garrido: but we need Guam Housing cooperation on it we cannot just say make Guam Housing, we need to approach Guam Housing

AD Taijeron: I can ask Guam Housing and

Commissioner Garrido: at the same also let's prepare to request additional funds for loan guaranty from the legislature

Commissioner Herrera: Yes, thank you

Commissioner Garrido: we don't need a motion for that, we can just ask ...

AD Taijeron: we don't need a motion to request for the funds, I will write a letter, call the speaker, call our chair and ...

Commissioner Garrido: just emphasize that this is an emergency

Commissioner Herrera: we need to go down and lobby to the speaker, you know, individually we can.....

Commissioner Garrido: she represents cltc so she can

Commissioner Herrera: what about individuals out there sweating under the ranch or under the sun

Commissioner Garrido: She going to go out to the legislature to start

Commissioner Herrera: The families are

Commissioner Garrido: My heart breaks for those people but right now we're caught between a very difficult situation but we want to work what would have happened, work to the best of our ability to cover those victims, it would be faster if Guam Housing says yes and accept the responsibilities, to guaranty the loans and it would be even better if the legislature says we'll increase your budget for the loan guaranty and I don't think we need to have, I don't know ok I'm saying I don't think we need to have that we have 5 million dollars outstanding on loans that we need to have 5 million dollars locked up in the bank not being able to work.

Acting chair A. Bordallo: Right

Commissioner Garrido: Not all 5-million-dollar participants are going to default all at the same time

Acting chair A. Bordallo: Unless it's a trend, you know not to pay back

Commissioner Herrera: Ok

AD Taijeron: So

Commissioner Garrido: we could a hundred applicants in next month saying they got approved by SBA but they need our guaranty

AD Taijeron: So, I will call Guam Housing and I will write a letter ...

Commissioner Garrido: to the speaker

AD Taijeron: to the speaker and the appropriations chairperson in regards to that, I don't think there is a motion that needs to be made in regard to that

Commissioner Herrera: Ok, thank you

AD Taijeron: Now, what is needed at this point in time and I know we have individuals here who have been seeking, who are seeking loan guarantees from the commission. That is the motion that needs to be made, if we are going to guaranty, I cannot take action, the actions needs to come from the commissioners to motion to guaranty, provide a guaranty for these individuals, that being said I read, are current situation, and I need the commission to make that determination.

Commission Herrera: but director, the ones that are coming up are not in the new business, so will that, our motion will be legal, official

AD Taijeron: It's under agency report right so...

Commissioner Herrera: I'm just asking

AD Taijeron: We're discussing it, there's no names mentioned, it's just lot descriptions. The commissioners can motion to approve the request for loan guarantees

Acting chair A. Bordallo: to seek

Commissioner Herrera: to seek

Acting chair A. Bordallo: to seek loan guarantees

AD Taijeron: to seek loan guarantees

Acting chair A. Bordallo: Yeah. To seek it from Guam Housing

Commissioner Herrera: or the legislature

AD Taijeron: No, you have to approve, the big buster loan guaranty, these individuals are requesting for a loan guaranty, Right

Acting chair A. Bordallo: you just said we don't have enough to do it

AD Taijeron: Yes, but I want to be clear that these individuals are seeking, are requesting for a loan guaranty from the CHamoru land trust commission. If you are going to, what needs to happen is a motion that needs to be made to accept this and approve the loan guaranty, that's what the commissioners need to do, however I did mention, we don't have the finances and I did read the law, I leave it to the commissioners

Commissioner Herrera: we're going to work on the financing right with the Guam Housing and the legislature

AD Taijeron: I am going to, Yes

Commissioner Herrera: this is only seven, so we're going to make a motion for the seven. What if another seven comes in within a week, do we have to meet again and make another motion

AD Taijeron: No, you can motion in general, I'll request for loan guarantees. Commissioner Herrera, legal counsel, I would caution, the law states we cannot, the commissioners cannot, but if you want to do it, if that's what you're going to do it

Commissioner Herrera: If we cannot, then

Acting chair A. Bordallo: then we're not going to do it

Commissioner Herrera: it's not going to be legal right, there no

Acting chair A. Bordallo: What comes first?

Commissioner Garrido: I would suggest that we try and reach out to the speaker, reach out to Guam Housing before the next meeting date

Commissioner Herrera: What comes first, the funds or

Commissioner Garrido: either we get additional funds for the loan guaranty or we get Guam Housing to guaranty the loans based on the existing setup we have with them, that's what I'm saying they might be issues with Guam Housing but then again both will have to accept.

Commissioner Herrera: they have to accept right, we can ask

AD Taijeron: I will approach both

Commissioner Garrido: and then we'll vote on this later

Commissioner Herrera: after the funds are here

Commissioner Garrido: but do we know what direction we're going to be allowed to take, but please

Commissioner Herrera: you're the banker

Commissioner Garrido: focus on trying to resolve this because we have tenants out there that are in dire need on safe and proper housing

AD Taijeron: I will call the legislature and write to me and will work with Guam Housing, and the guaranty. I cannot speak to them in regards on what it is they want to do or can do right, on either side but the approach will be made and discussion had

Commissioner Herrera: could we have done this when you guys met with the SBA officials and the FEMA back then in June

AD Taijeron: could we have done guarantees

Commissioner Herrera: well, projecting that it was a disaster and projecting that we had Pamela, Paka, Pongsongna right and we had SBA disaster loan

Commissioner Garrido: maybe even FEMA, is FEMA willing to guaranty the loan

AD Taijeron: No

Acting chair A. Bordallo: if they were rejected from SBA

AD Taijeron: first of all, it wasn't after our meeting, could we have done this, no, because we still didn't have the money. The commissioners need to approve the

loan guaranty and it could not have been done even if we met, all the requests, the requests that we received so far came in after July. Even in July, if we're saying oh we can anticipate that we going to have to guaranty loans, we can't do it because we don't have the money

Commissioner Herrera: let's say we have another typhoon next month and we were preplanning and we have reserved funds, that in the event we have another typhoon next year, next 2 years, that rainy day fund. That just in case and it'll be earning interest for the trusts, on standby in the event there another disaster declaration from the President of the United States and we get into the serious disaster need category then we have our ducks in order, we have our cash in order, in recipients that comes in with the SBA approved loans, remember we only have 6-months window

AD Taijeron: I understand

Commissioner Herrera: and the sooner that they get the homes constructed, then the sooner they're into a safe, sanitary and safe condition home. That's being proactive, I'm projecting contingency plans in the event, because we'll have another typhoon, it's just when. We know that's it's going to come, thank you madam chair

Commissioner Garrido: Instead of a direct appropriation, the CHamoru land trust. Could the legislature set up a revolving fund specific for this purpose? It's not going to be use unless a tenant defaults right. You know, the money stays in the general fund they'll guaranty the loan but after our review, that way they'll be no coming directly to us in CHamoru land trust but we'll be empowered to guaranty the loans through the general fund. That an idea so we can move forward

Acting chair A. Bordallo: Very good, that's good

Commissioner Garrido: because I know I would be miserable if I was living out under a tarp

Commissioner Herrera: and then if you have children and elderly, this is a serious subject really

AD Taijeron: I understand, I understand commissioner

Commissioner Herrera: I know you have compassion for that director

AD Taijeron: I didn't write the law and our funding I'll leave it to the legislature

Commissioner Garrido: Yes please

Commissioner Herrera: we're going to go down and lobby

Commissioner Garrido: If you want, we can join you down there

AD Taijeron: I will let you know as soon as the meeting is over, we'll call the speaker's office and see if we can schedule a meeting and ...

Commissioner Herrera: Thank you so much

Commissioner Garrido: I'll stand by your side when we go down to talk to the legislature for approved funding, doesn't have to be approved for us but at least for the general fund, for guarantying the loan.

Acting chair A. Bordallo: Yeah

Commissioner Garrido: but we will still insist also that they take mortgage insurance out

AD Taijeron: The lessees

Commissioner Garrido: Yeah

Acting chair A. Bordallo: Yeah

Commissioner Herrera: No, that's required

Commissioner Garrido: I'm surprised that SBA is not requiring that

Commissioner Herrera: Yes

AD Taijeron: I have to read it again in its entirety I didn't see that, mortgage insurance

Commissioner Herrera: Ok so, what's our next

AD Taijeron: Agency report, we have Guam waterworks is requesting right of entry onto cltc property which has 3 wells located on the property. The purpose of entry is to able to monitor water quality into the wells and function and maintain the water area, so, in your packet you have 3 maps, first map is lot 10125-R10 Dededo, description is on your lower left hand corner, it's just a little dot. These wells don't take up a whole lot of land area, the largest I've seen so far is the 16 x 16 and it's just like the previous, they just need the board, the commissioners to approve right of entry to inspect. We have Bobbie Cruz, land agent 3 from GWA if you have any specific questions regarding the request for entry

Acting chair A. Bordallo: Which one is that?

AD Taijeron: Which one? This one. Track 10125, the first one and this is in Dededo, this one right here

Commissioner Herrera: this one here

AD Taijeron: That's a different map commissioner

Bobby Cruz, GWA: So, this is, hi my name is Bobbi Cruz from GWA, the monitoring wells that, for the occupant

Acting chair A. Bordallo: Guam waterworks

AD Taijeron: Guam Waterworks Authority. The first lot right, the second one. 16 x16. This is like the Adacao project when the crew came to request right of entry into that area. Commissioners?

Commissioner Herrera: Ok got it. So, just for the first map or 10125-R10 and R9

AD Taijeron: and lot T100C, lot 32-9, all in Dededo

Commissioner Herrera: Ok so just the motion to approve

AD Taijeron: Right of entry

Acting chair A. Bordallo: How long is the process for them to go in and out

Bobbie Cruz, GWA: Monitoring the aquafer we got the water quality data along with USGS, which is UOG

AD Taijeron: as long as the wells are there

Attorney Finney: what have you been doing, you know prior

Bobbie Cruz, GWA: Government of Guam constructed these wells, monitoring wells for a while, it's just old practice. Government facility

Attorney Finney: So, then you discovered that you didn't actually

Bobbie Cruz, GWA: me coming in, yes. So, we rehabilitated, some are on school properties or DOE properties, contractors did go and coordinate with the superintendent to have access to the properties, pretty much secured, all of these we small structure, through a small grant the property is secured all the way down to the aquafer

Commissioner Garrido: How many of these potential wells do you have that ownership to?

Bobbie Cruz, GWA: Well, as of right now that was the argument was, it was government of Guam property, through the federal grant they required that we have the ownership or easement and we had a list that stated federal and Government of Guam which is cltc or land management. So, I believe we only have 2 that under GWA, because at one point in time it was a deep well

Commissioner Garrido: How many wells?

Bobbie Cruz, GWA: for GWA or all

Commissioner Garrido: Island wide

Bobbie Cruz, GWA: Well as of right now we've only rehabilitated 10. So, 2 GWA, 3 was cltc 6 was land management, Government of Guam and 1 was federal property

Commissioner Garrido: there's no wells that is being utilized that you guys don't have title to

Bobbie Cruz, GWA: Theres quite a few, it's case by case

Commissioner Garrido: Private property

Bobbie Cruz, GWA: case by case, we haven't gotten ...

Commissioner Garrido: you have a lot

Bobbie Cruz, GWA: No, case by case, so as we see what has ownership and go through the process

Commissioner Garrido: because the reason I bring this up, a year ago

Bobbie Cruz, GWA: yes, and that's with legal counsel right now

Commissioner Garrido: Yes

Bobbie Cruz, GWA: So

Commissioner Garrido: I never got feedback from you

Bobbie Cruz, GWA: because it's, the last I spoke it was with legal counsel so we're pending a response

Commissioner Garrido: We're selling that property

Bobbie Cruz, GWA: I've given her the information that you provided

Commissioner Garrido: alright, I'm sorry I took it off track but sorry. I just wanted to know how many well are in private hands or private land rather

Bobbie Cruz, GWA: we're going through as with land surveyed like the project we're doing so

Commissioner Garrido: Ok well like I said I just wanted to find a number, do you know

Bobbie Cruz, GWA: not off the bat, 1

AD Taijeron: Commissioner Herrera, just to clarification, these are in Dededo not Adacao

Commissioner Herrera: Oh

AD Taijeron: One is at the GHURA area

Commissioner Garrido: Is the area fenced in?

Bobbie Cruz, GWA: the monitoring ones?

Commissioner Garrido: No, the area where the wells are situated in, are they inaccessible?

Bobbie Cruz, GWA: No, they're accessible, the ones that are not fully is the DOE, the school properties but we right of entry for those

Commissioner Garrido: No but it's accessible even though it's in the DOE compound

Bobbie Cruz, GWA: Yes, I'm saying it's inaccessible because it's gated that so that's the only reason would you like to coordinate

Commissioner Garrido: don't you have a water well also at the country club right

Bobbie Cruz, GWA: we have multiple, no, those are deep wells but one we're requesting are monitoring wells. But yeah, we have multiple about 6

Commissioner Garrido: Ok

Commissioner Herrera: Dededo know not Adacao.

AD Taijeron: Correct

Commissioner Herrera: Ok, we'll make a motion, madam chair I like to make a motion for the Guam Waterworks Authority to have rights of entry into CHamoru land trust property lot 10125-R10 Dededo well size 16 x16 and then the second lot would be 10122-R9 also in Dededo and lot T100 C, B4L32-9 also in Dededo

Acting chair A. Bordallo: Are they all the same size?

Commissioner Herrera: 6 x 6

Commissioner Garrido: 16 x 16, 4 x 4, and 6 x 6

Commissioner Herrera: Do I need to specify that?

Acting chair A. Bordallo: Yeah

Commissioner Herrera: Ok, to be reiterate

Acting chair A. Bordallo: It could be the whole lot you know

Commissioner Herrera: Ok, alright, I apologize madam chair, so lot 101

Commissioner Garrido: Actually, this is just to access it

Acting chair A. Bordallo: Yeah

Commissioner Garrido: rather than to

Commissioner Herrera: again, lot 10125-R10, Dededo, the well size is 16 x 16 concrete pad that's 16ft by 16ft. and lot 10122-R9 in Dededo, well size 4ft by 4ft concrete pad and lot T100C B4L32-9 in Dededo, well size 6ft by 6ft concrete pad, that's the 3 lots madam chair

Acting chair A. Bordallo: Motion

Commissioner Garrido: I second it

Acting chair A. Bordallo: all in favor say Aye

Commissioner Herrera: Aye madam chair

Commissioner Garrido: 300ft so the water lens over 300 foot

Commissioner Herrera: Right up there is the map for the water lens so

Commissioner Garrido: are they contaminated already

Bobbie Cruz, GWA: No

Commissioner Garrido: I seconded that ...

Acting chair A. Bordallo: Yes

Commissioner Herrera: Ok

Bobbie Cruz, GWA: Thank you for your time

Commissioner Herrera: Next, thank you have a good day

AD Tajeron: I'll respond to the email. Thank you, commissioners, what we have before you on the last agency report is, this is at the request of commissioner Garrido and Commissioner Herrera. So, the first thing we have is properties currently being leased or licensed and projected revenue that the sheet ok

Commissioner Herrera: Ok

AD Tajeron: So, we did not indicate the names of the businesses, we indicated the lot numbers, alright, this is just for information. We can provide the more detailed list of names at a later time if you wanted it, yes sir. Are you looking at this one?

Commissioner Garrido: Where does it fall in here, at this one

AD Taijeron: That list sir is properties that are available for commercial use

Commissioner Garrido: Isn't that like commercial use, the property right now

AD Taijeron: Fidian?

Commissioner Garrido: the one that. (inaudible)

AD Taijeron: Fidian, we don't own Fidian

Joey Cruz, cltc: The listing that you see there is the listing of properties for commercial use that have already been prepared and designate for commercial use, public law 2395. So Fidian is going through a bill so that's not going to need us to designate and declare

Commissioner Garrido: I just wondered where on the island is that actually

Joey Cruz, cltc: Next to GPA, GPA Harmon

AD Taijeron: Mangilao

Commissioner Garrido: looking in, is it on the right, behind

AD Taijeron: It's to the right

Commissioner Garrido: to the right

AD Taijeron: closer to former Perez area, I think it's closer to the Perez side. I get it but this is at the request of the commissioner Garrido, commissioner Herrera

Commissioner Herrera: Thank you

AD Taijeron: You have to, we have the properties available for commercial leasing that this sheet and there's also pictures of where the properties are located and attached to it and the larger sheet are the properties that are currently being leased and the revenue generated from those properties. Information

Acting chair A. Bordallo: Since we're talking about properties, what about the one that the was supposed to get funding from the feds for the infrastructure.

AD Taijeron: Is that 1023 Dededo

Acting chair A. Bordallo: I don't know which

AD Taijeron: 1021, Track 1021. My understanding the last conversation that was had with that was with USDA. One of the challenges from if I'm not mistaken if I recall that conversation, who will take on the liability to pay? For the infrastructure,

is it the lessee? Is it going to be CHamoru land trust? That was, the conversation ended, there was nothing since then with regard to 1021, in addition to that, the, at the time discussions were had

Acting chair A. Bordallo: I thought the feds are going to do the funding

AD Taijeron: Well, somebody got to pay it back, so they needed to determine who is going to pay

Acting chair A. Bordallo: not a grant

AD Taijeron: No, it's a loan. Right, at the time I think the estimate was 50 million dollars, that has probably close to doubled given the current cost

Commissioner Garrido: Where is this property located?

AD Taijeron: 1021 is behind a

Joey Cruz, cltc: right side of swamp road

Acting chair A. Bordallo: where?

AD Taijeron: Swamp Road,

Acting chair A. Bordallo: Swamp Road

Commissioner Garrido: to the right side

AD Taijeron: to the right side

Commissioner Garrido: so, going into Swamp Road, turn left into Swamp Road from Yseng-song

Joey Cruz, cltc: you pass it along Yseng-song

Jhoana Casem, cltc: Chalan Koda

Joey Cruz, cltc: Chalan Koda

Commissioner Garrido: ok I'm going in, I'm going in

Jhoana Casem, cltc: 1022, left hand right after

Commissioner Garrido: I'm going in Ypao Ypao, I turn left into swamp road

Joey Cruz, cltc: No, no you pass swamp road, you keep going maybe about a 1,000 ft on the left, I'm sorry

AD Taijeron: 1022

Commissioner Garrido: before the quarry

Joey Cruz, cltc: before

AD Taijeron: So, discussions have not picked up again, we have not continued discussions on that, the issue there who going to on the liability on the cost. And could our lessees or individuals, applicants, or lessees be afforded

Commissioner Garrido: unless GWA wants to step up to put in the water

AD Taijeron: Well, we actually had discussions with GWA given Adacao, they're looking at coming in and placing or building other, in that area so we did bring up, the idea of them helping to put in infrastructure in exchange

Commissioner Garrido: In exchange for right of entry

AD Taijeron: right of entry, yes, we did, we approached the conversation, it's there, we put it on the table, there is something that can be done, especially if they need water

Commissioner Garrido: General public

AD Taijeron: 1022

Acting chair A. Bordallo: 1022

AD Taijeron: 1022

Acting chair A. Bordallo: is there anything else

AD Taijeron: That was it, madam chair, we covered everything that was on the agency report. Nothing else, public comments

Commissioner Garrido: Anybody wants to speak, yes

AD Taijeron: Please come forward, state your name and

Jose Chargualaf Quinata: Buenas yan hafa adai

Eric Delfin: Commissioner Herrera, thank you for the time

Commissioner Herrera: Ha'yi na'anmu ya

Eric Delfin: Si Eric Delfin

Commissioner Herrera: Eric Delfin

Eric Delfin: Delfin sir

(Mr. Jose Quinata going around the table shaking everyone's hand)

Jose Chargualaf Quinata: Buenas yan hafa adai

Acting chair A. Bordallo: Buenas

Jose Chargualaf Quinata: Madam chair, Mrs. Bordallo, Arlene Bordallo, commissioners David Herrera, Earl Garrido, legal counsel

AD Taijeron: Kristan Finney

Jose Chargualaf Quinata: Kristan Finney, and madam director for the cltc. Estague na hu taitai I letratu I inefresi, magof hu sa etigue na ta sa'sagan put I tanota I CHamoru land trust i minagahet, i CHamoru land trust un kumprendi na

Acting chair A. Bordallo: dispenda sa'gan I na'anmu

Jose Chargualaf Quinata: guahu si Jose Chagualaf Quinata, matu yu magi bihu faisen ham'yu ni ayudun miyu. I tano na hu sagayi gi CHamoru land trust, tano I isla. Estigue na hu soda mo'na na yuaha dididi problema, I tano ni ma na'yi hu I lot number na ma nahiyu, dinanche I lot number na ma naihu, dues pues siya ha mo'na otu ga'na'an I lot.

Matte yu ma'yi kao dinanche I lot number na gaigu hu yan I na'an'hu enao na guigi I lot number. Hu ga'gao giya hamyu, manaluhu yan mananhu, guella yan guella, gi Espiritu n abanda, fan ayuda. You understand, oh ok, I, as a 1st responder, I work for GPA as a lineman, we restore power during the IWPS during the disaster declaration of Mawar, I am very humble to the people of Guam to return back the power, I am very devoted to Guam Power Authority, as you all know my presence to retore their power back, I would like to thank my wife, always pray for me that I be safe on the restoration not knowing we're going to this disaster storm, I was hoping that everything is going to be ok in my place. This the first time ever, madam chair, Mrs. Bordallo, madam director Alice Taijeron. This is the first time I ever experience this, my place is lost and my family here to ask your blessing, your honorable support and consideration that I've been helped by SBA, the money is only, it's in the bank, I'm asking for your honorable support in providing me and my family because right now we're living in a uncomfortable situation right now, I know that when it rains, it's very very hard to really get up in the middle of the night and make sure it doesn't collapse into our living quarters. With me asking, cltc, madam chair director Alice, madam chair Mrs. Bordallo, and all the commissioners and legal counsel and staff and management, I'm asking for your support, and please consider me, my situation. I need your help, the money is in the bank, I will not default the payment although we just have to go by the law, I know that I am not the only one that's been bothered by this issue but on behalf of my family and the other constituents that are facing this issue, I am looking to please consider us, help us. I am asking for your blessing and support, I will not default any payment however I am sitting on CHamoru land trust property and right now I am just lost, not having a solid roof over my head.

Commissioner Herrera: Ok, so your name is here

Jose Chargualaf Quinata: again, it's really hard for me to get back on track, but with the help of the cltc, madam chair, Ms. Arlene Bordallo, madam director,

administrative Alice Taijeron and all the commissioners Mr. Dave Herrera and legal counsel Kristan Finney and management and staff. I want to rebuild my life to shelter my family and with faith and with support and with the help of cltc I am going to be happy with my family that the cltc has approved and granted me the blessing to restart my life and build a new home to shelter my family in Lew of not experiencing another storm. As we build from the SBA funds that is now in the bank, I am asking cltc to please consider and help me out, I've been losing hours, I've been taking leave because of these issues that I'm going through back and forth with SBA and CHamoru land trust, that you please correct my name on the lot that I'm assigned to, because I never knew that the lot that I'm sitting is assigned to me but it's a different name

Commissioner Garrido: So, you're saying the name on your lot is not your name

Jose Chargualaf Quinata: Yeah, It's not on my name

Commissioner Garrido: Is that what's stopping you from building?

Jose Chargualaf Quinata: I just want to rectify, put it back into my name as Jose Chargualaf Quinata, that I am sitting in that right lot number, sitting on that number and it's not in my actual name.

Commissioner Garrido: How many years have you been occupying?

Jose Chargualaf Quinata: We've been there for, since 2002. We were just working back and forth because it just an abandon grassy area

Commissioner Garrido: so, you've been there 20 plus years

Jose Chargualaf Quinata: I just need your support

AD Taijeron: Thank you Mr. Chargualaf, commissioners, In response to Mr. Chargualaf's requests there's two items, correct. Is he's requesting a loan guaranty from the CHamoru land trust commission. You heard our discussion earlier, the commissioners cannot do anything, I'm going to the legislature, they may come with me and we're going to ask for funding to support us, for them to be able to approve loan guarantees. In regards to your situation, it was brought to my attention this week and what I did was, I already assigned it to an individual, we're looking into this situation, you are in the correct lot is to my understanding, there's a lot of research that needs to be done so this land agent is on top of it, we've identified that he is in the right lot, the issue is, I think it's a few lots further down, there's somebody else there, it's just somebody else name that assigned to that for tax purposes if I'm not mistaken, but we are looking into that issue and one of the processes we are going to a part of the process or the process is we're going to reach out to the agency that may need to correct it I'll let you know what you need to do on your part or reach out to the agency that needs to correct it and if it requires board approval will bring it before the board but I'm not sure all the needs is for us to be able to reach out to the Department of Revenue Taxation and say here is the supporting documents please change the name and correct this but I've already spoken to the land agent and she is on top of that and we are preparing,

that was just brought to my attention this week. So, we are on top of it, we're working on it

Commissioner Herrera: so, water, power has no inter ...

AD Taijeron: No, so if an individual needs an, we're not requesting to need authorization, correct, so utility authorizations for water and power, that should usually, our land agents know already and I've instructed, that goes quickly if there's a request for that, bring it in, we review the file ok, prepare the letter, I sign off on it and we give it the individual who needs it, for Mr. Chargualaf's case he's ok with water and power, changing the name and the loan guaranty request. If I understand that

Commissioner Herrera: so, the tax payment, if I own the land right and Mr. Chargualaf is paying for my land, how is that, doesn't it reflect me that I'm not paying my taxes for cltc

AD Taijeron: Yes, it would reflect that you're not paying, I don't know what is happening in regard to payments from Mr. Quinata. I have to reach out, we're going to reach out to the Department of Revenue and Taxation, I just, we're just finding this out as individuals come in and we're having to make these corrections as they occur, hey DRT please correct his person I've had a discussion with our staff and that have shared back in like it was 2015, there was a master plan that was issued

Commissioner Herrera: For this area

AD Taijeron: Dededo, it was the Dededo subdivision master plan or agricultural master plan, I have to get the specifics, and there was a mix up with how it was done back in 2015 and just assigning people on to Lots now that's all here say that's just based on my discussions after having been asked about what was happening with regard to wrong names with the team. so that's another issue that we're trying to correct, some names were put on a certain lot but they're actually on another lot so those are things that we need to correct and we won't know unless it's brought to our attention at this point, so with Mr. Quinata's case, we are following up, we are, the land agent is preparing Communications to both to you and the agency that we think it needs to correct them to getting his name on the lot.

Commissioner Herrera: Is there a file showing his name, on the file.

AD Taijeron: Yes, he's on the correct lot, it's just for tax purposes

Commissioner Herrera: on the file

AD Taijeron: I believe if I recall the conversation correctly, they have someone else's name.

Commissioner Herrera: Ok

Jose Chargualaf Quinata: I'm just concerned that you have to evict the place with a lot I mean the name is not under you know, although the lot number is under my name, assigned lot but my name is not there

AD Taijeron: We're working to address it

Jose Chargualaf Quinata: Ok, furthermore, I really appreciate that this the support from you guys as I mentioned the loan that hasn't been approved for me to build the loan the money is in the bank already, although I cannot make a move because I do not have that loan guarantee and agreement I'm just trying to be ahead we were looking for a construction to deal with and start a plan so I can shelter, so I don't have to experience this in the upcoming Mother Nature. Madam chair Arlene Bordallo, madam administrative director Alice Taijeron and all the commissioners and legal counsel, Mr. David Herrera and Mr. Earl Garrido and Kristan Finney and all the management and staff. I would like to ask for your blessing and give me that support so I can start moving and not living under a canopy

AD Taijeron: Commissioners may I just say, you know Mr. Chargualaf, we understand, honestly, we understand and appreciate the situation, that many of our lessees have experienced in result of the storm and the devastation. The commissioners are bound by law, after this meeting I will make a call to our speaker even before I compose the letter, say hey look this is what's happening and this is what we need. At this point in time the Commissioners cannot approve to provide a loan guarantee, they cannot, they cannot it's against the law we don't have the funding to approve it they can't do it that would be contrary to law and that would be a big mistake for them, but we will move we will make the call and I will make the call and see what the legislature can do to assist you on it

Jose Chargualaf Quinata: I was hoping that from the past storm that I was listening on that, if, this is the first time like I said, I was been through a disaster issue but back them during Paka time, Pamela time, Pongsongna, I don't know if the law is not, you know

AD Taijeron: the law is there

Jose Chargualaf Quinata: Everybody, everybody got their loans, everybody built without any loan guaranty. I know every four years the administration changes so

AD Taijeron: The laws been there

Commissioner Garrido: I think the problem we're encountering now Joe, is the federal government changed the critique for the federal disaster loans, They added in this loan guaranty which was not being was not required before and that's what's hurting our island people who are like in your position but, you heard our director, she'll call the speaker of the house, tell the speaker what the situation is and ask for some sort of remedy because this is a emergency situation, we're dealing also with sanitation and living conditions, I don't know the extent of your devastation at your home site but ...

Jose Chargualaf Quinata: Total loss

Commissioner Garrido: That's what I'm saying, this is something new, to my knowledge they were not loan guarantees before for disaster appropriations. You have to also keep in mind that in the mainland, USA they've been having a lot of devastations also with hurricanes and unusual weather so FEMA is stretched out already as it is, right now Hawaii, Maui is undergoing this really bad fire going on the island of Maui in Hawaii. She knows the direction that we need to go with, we've told her what she needs or what we would like her to do which is talk to the speaker, try and talk with GHURA, I mean Guam Housing and with the speaker either to give us the appropriation to guaranty the loans or to guaranty under the general funds that way they don't have to appropriate the money to us. The director won't let you down

Commissioner Herrera: and I will be visiting the speaker's office as a private individual, as a private individual

Commissioner Garrido: as you heard earlier, I said I was willing to go with her to talk to the speaker, I'm pretty sure commissioner Herrera will do the same thing

Commissioner Herrera: you can go as a private individual

Commissioner Garrido: Yeah, but you can go as a group also

Commissioner Herrera: also, you can do both, and your welcome to join us, If you can join us it would be great

Jose Chargualaf Quinata: I would like to be called and informed and

Commissioner Herrera: Our director is going to do the point of contact, and who knows the speaker might be listening right now, she monitors our broadcast. Right, madam chair, she might be on the ball already getting but that's it madam chair, thank you so much Mr. Quinata

Commissioner Garrido: Madam chair, Can I ask for a 3-minute break?

Acting chair A. Bordallo: 5 minutes

Commissioner Herrera: We got one more, oh. We have one more constituent, are you in the same

Eric Delfin: No

AD Taijeron: Mr. Delfin might be a little longer

Acting chair A. Bordallo: 5 minutes

Recess at 2:53 pm, 5 minutes
Meeting resumed at 3:07 pm

Acting chair A. Bordallo: we can resume the meeting

AD Taijeron: Please state your name, we are on public comments and so we have someone on the table, state your name

Eric Delfin: Hafa adai, my name is Eric John Naputi Delfin, I'm here today seeking your approval, the commission's approval, madam chair Arlene Bordallo, chair, I mean commissioner Dave Herrera, commissioner Earl Garrido and director, Alice Taijeron. It's been a long tedious process that I've been applying as a citizen of Guam and receiving land in 2018 as a 95 applicant and then going through the process of getting all my paper works together and now, I'm at the point I'm seeking what you guys were talking earlier about the loan guaranty cause I've been approved with Guam Housing, at times when I came here

AD Taijeron: he's number 7 on the list

Commissioner Herrera: Ok

Eric Delfin: I came here last year, I was, previously had a loan guaranty last but because of Covid, or 2020, Covid came and everything was slowly being processed everywhere, it took a long time so my loan pre-approval with Guam Housing expired so I had to do the process again, so last year I applied again and it went over to this year that I got pre-approved and I came down here with my pre-approval letter from Guam Housing stating that I needed a loan guaranty at that time and I don't know the process and when I came down here, like everywhere else you go to the bank, you go to somewhere, they give you specific requirements, you need this, you submit this, even if your applying for a loan, so, when came so what's the process. The only thing I read in the lease agreement. Before you construct, you need to provide all the documents but other than that, I came here and gave this pre-approval note from Guam Housing and they told me No, no it's only pre-approval, we can't give you a loan guaranty. I went and told them that, they worked on it, I had to provide more documents, I got the approval and came back and did it again, still waiting for my loan guaranty. I gave that letter to you, that's dated May 18th. I attended that meeting, the board meeting and I gave it, I didn't speak at the meeting, I should have maybe because I left in June for an operation on my left shoulder and now, I'm back. I even came here weeks ago and I'm still not on the agenda but they put it on the agency issues so I'm here today to request please, I need that loan guaranty so I can proceed with the house construction with Guam Housing, I'm even, I'll just let you know also SBA visited me because of the property and there's a lot of debris and stuff, they're asking do you need cleanup efforts or stuff you know, I didn't even apply for that yet

Commissioner Herrera: and you have an existing wood and tin home

Eric Delfin: No, I didn't have anything, I'm still, I was trying clearing and grading, everything and going through the process of the building permits and all that.

Commissioner Herrera: Ok

AD Taijeron: So just for the commissioners, we can't guaranty pre-approvals, pre-approvals are not the actual, may not be the actual amounts, it could be more or less, so that's one of the reasons is commissioners cannot guaranty pre-approvals. What they can guaranty should there be funding available is what is approved.

Eric Delfin: Yeah, and I do have that

AD Taijeron: Yes, we just received that, so the approval letter

Commissioner Herrera: and that's just for the home construction right

AD Taijeron: Yeah, for his home

Eric Delfin: This is actually, when I left

Commissioner Herrera: 2020

Eric Delfin: But I wasn't here to receive it, to get it action

Commissioner Herrera: 320 right

Eric Delfin: it was 350 but I had to scale it down because of my housing cost, it only cost me 320 to build so I had to go back again and get that denial letter from the bank, go back to Guam Housing, it a long process, it's no easy task, you know I'm glad I learned a lot of things along the way, I'm still learning, there's a lot or requirements now for people building houses you got to pay for your contractors to attend EPA classes or they have to do it themselves, but you have to pay for that, I didn't know. I gave that back in May

Commissioner Herrera: and your, 6% is your rate

Eric Delfin: Yes sir, I'm was going to avail to the VA, but that process is even longer and even now, the VA is just opening in Hawaii, because they're working from home, working from different states so it's really hard to engage

Commissioner Herrera: VA is 3

Eric Delfin: Yes, I'm

Commissioner Herrera: SBA is 2

Eric Delfin: They even have a letter now that national native American land like that, like they do for the Indians, I want that done for the CHamoru land trust lessees as well

Commissioner Herrera: and your closing cost is 22

Eric Delfin: as estimated

Commissioner Herrera: maybe more, maybe less

Eric Delfin: Yes sir

Commissioner Herrera: so, you have to come up with the cash

Eric Delfin: Yes sir

Commissioner Herrera: The SBA, no need closing

Eric Delfin: I didn't apply for SBA

Commissioner Herrera: but if it was an SBA

Eric Delfin: Yeah, I didn't apply

Commissioner Herrera: Ok, wow that's, Ok, so

Eric Delfin: I'm just excited and like I said in my letter. I just want to avail to the possibility of building and owning my own home for me and my family

Commissioner Herrera: Congratulations

Eric Delfin: That's all I ask

Commissioner Herrera: So, you already kind of heard our director what's our process to start going to the legislature

Eric Delfin: Is there any money now that guarantees that Guam Housing loans and not at all, am I that number thousand in the year, or how many have you built this year.

Commissioner Herrera: Right, that was the questions that I've been asking

Eric Delfin: Does is really require like you said, money and number in the bank or is it, the speaker will say, don't worry I guarantee it, this body will guarantee it, this government I don't know

AD Taijeron: Regardless, if there's no money or not the law binds their hands because they cannot approve, in no event shall the assure by the commission exceed the ability of the CHamoru loan guaranty to reasonability provide security for the loans authorized so, right now there's 10, 10 million dollars in outstanding loan that we have guaranteed, we don't have the ability, whether they call it all at one time or not, we don't have the ability to provide security for that, so really

Eric Delfin: So, you've been doing it since way back 8 million, 7 million

AD Taijeron: based on the numbers there it's been

Eric Delfin: you just kept adding your debt.

Commission Herrera: Apparently that's what been happening, we're going to work on this with the legislature as of today

Eric Delfin: I'm just wondering why is it just today, as of today. No notification out, you didn't put anything out on media, you're not going to the process. I came here 3 weeks ago, you could of told me that, but you know I'm here today because I wasn't told that and it's a

AD Taijeron: Your request Mr. Delfin

Eric Delfin: No, there's a specific portion there, it says land trust personnel will extend information to the lessee to provide the best possible information to make sure whatever you need to do on your property is appropriate, I was never given that guidance

AD Taijeron: They were informed that the Commissioners have the authority

Commissioner Herrera: I apologize

Eric Delfin: and each time I came down here it's another, I need this, and I came a long time ago, and I was never put on the commission's agenda, I was never, I came, Jessica Dayday told me I needed an approved not pre-approved because you guys cannot, I said where's that in writing

Commissioner Herrera: Yes, that was part of my question about

Eric Delfin: There is nothing in writing sir that tells and individual, an applicant what the requirements are you know, I'm not trying to tell you to do your job but tell me so I can know, provide and the information and the documents and the required documents because everything is needed, you cannot just go out and buy a car if you don't have any money, you can't just go there, I'll give you back tomorrow

Commissioner Herrera: you need the funds

Eric Delfin: so, I'm asking today, why am I being singled out, I'm the only here asking, was anybody here last week, last month asking, I was actually here in May if you look at the letter and even before hand but I was always turned away because I needed this, needed that

Commissioner Herrera: Well now we finally kind of, that's why I was asking about earlier what's the balance, what do we need, how we need to expand and this is the answer we got now is we don't have the funding so my point is that ok, you probably heard our communication here because

Eric Delfin: Yeah, so in essence you're saying you never had the funding but you just keep on

Acting chair A. Bordallo: You know Mr. Delfin, this letter that you sent to us, they received on May 18th and the typhoon happened May 24, in this meeting now that we learned that SBA needed a guarantor form for people staying on CHamoru land trust properties

Eric Delfin: Oh yes that's different that's federal assistance that's something coming up, this is our government, Guam Housing that's providing for our government-on-Government land, aren't we all together trying to help

Acting chair A. Bordallo: Yeah, this is why we asked a Ms. Taijeron to check with Guam Housing about using our property but there are the ones to guaranty our loan because we don't have the funding right now

AD Taijeron: You know madam chair and commissioners, we don't have the funding, I think we've haven't had the funding for a quite some time, this law has been in existence and I brought it to your attention, my job is to protect the commission, to protect the agency, to protect our beneficiaries, so financially we don't have it, we haven't had since 10 million dollars back right, the law does state, you may, it doesn't say we have to or you shall, it says you may, you may guarantee, you don't have to, as we discussed earlier right, I will call the speaker, I will call senator San Agustin, and I know Mr. Delfin is upset but when he came in here, there are many issues with his file that we discovered that required legal and you don't want me to go into it right now that required legal guidance. I will be willing to share that with everybody but it's another one of those issues that I was told well, I can't take certain actions, that's the last thing I want to do but there were many issues, now with regard to not informed this has to go before the board, I will take responsibility for that, the team was made aware and I will stand by Ms. Jessica that she's informing the constituents that she works with that this is board authority ok. There a many other issues which caused the delay for your request, if you want, I can get into it now, you really don't want

Eric Delfin: I really do want to know because what issues do I have

AD Taijeron: Ok

Eric Delfin: I was not made aware of anything

AD Taijeron: Because a lot of these things, you will be made aware when it's brought to our attention, So, it could have been, it happened before but nothing was done but I am here today, my job is also to protect everyone right, so, one of the issues we continue to see was your date and time was December 29, 1995. So, you were issued a lease that not to have been issued one, when you came in you started to back fill, there were citations from DPW, we had to take a look at that, we had to go out and inspect, the biggest thing is the lease, how Mr. Delfin got a lease, I don't know, I wasn't here. So, date and time is December 29, CHamoru land trust is December 2nd 8:07 am. December 29 right or December 9th

Commissioner Herrera: and what was the hour on December 29

AD Taijeron: 1995

Eric Delfin: 4:20 pm

Commissioner Herrera: 4:20

AD Taijeron: We're on December 2nd 1995 but he's on December 29, 1995

Eric Delfin: 29

AD Taijeron: The other issue is which is what required legal counsel is to look over is, he had 2 applications and he was allowed to pay the application late, the law stated, I believe the law stated you have x amount of days to pay but he paid for the applications years in advance

Commissioner Herrera: when we say 2 applications, you applied twice

AD Taijeron: Yes, 2 applications

Eric Delfin: when I was called in 2018, I was completely unaware that I have

Commissioner Herrera: and you applied again

Eric Delfin: applied again

Commissioner Herrera: 2018

Eric Delfin: but that I had one previously, they told me and you know, I remember back then because I was in the military and I came back to Guam and at that time when it was open, I applied and you had to pay

Commissioner Herrera: in December 29

Eric Delfin: They said I had to pay, I had to pay because I was in the Marine corp. I didn't get out until 1996 and then you know 2018 which is how many years later, 23 years later

Commissioner Herrera: so, the first time ...

Eric Delfin: now they make me pay again, and I told them you got my receipt, I don't have my receipt so no record of payment so I made the payment then, so now it's my fault

AD Taijeron: I didn't say it's your fault Mr. Delfin

Eric Delfin: No, you're saying that was the wrong thing I paid it at this time

AD Taijeron: There were issues with the file which required us to seek legal guidance along the way before anything could be done right, in addition to his loan

guaranty in his letter, he's requesting for approval to move forward to build, right, which is required on the lease so I'm just saying the delay was caused by many of these issues that were found, the staff are instructed to do their due diligence and these are a lot of issues that kept coming before us, constantly we're calling legal counsel, we need your guidance, how can we proceed

Eric Delfin: here is my, one, notice of violation from DPW, when I was clearing, I have my clearing and grading, I didn't know at the time we can't backfill and till you do all the permit, and I was in the process of permitting so they called me and I came in on that day and to tell me to stop. And What does it say sir there on my what I need to do

Commissioner Herrera: plan, changes, acquire (inaudible)

Eric Delfin: Right, oh I have a contract with Efren Santos doing that, he's in the process of finalizing that because he has many jobs, so he has to do the topical survey to include to my building permit, Mr. at DPW, Trinidad

Commissioner Herrera: Pete

Eric Delfin: Pete Trinidad, you're good

Commissioner Herrera: so, backfilling is on a river

Eric Delfin: No, what it is sir, the property is like this, there's a road and it slopes down a little so I was just back filling to make it

Commissioner Herrera: you applied twice; you applied in December 29 first

Eric Delfin: Yes

Commissioner Herrera: Then you applied on

Eric Delfin: 2009

Commissioner Herrera: 2009

Eric Delfin: I didn't know, one could have been agriculture, one could be residential right

Commissioner Herrera: Ok

AD Taijeron: so, all those issues were identified with regard with his back filling, that was addressed we're beyond that right

Commissioner Herrera: right

AD Taijeron: it the other issues that caused the delay for us to review to seek legal guidance

Commissioner Herrera: Ok

AD Taijeron: with regard to, he was issued a lease without the date and time, well before

Commissioner Herrera: issued before date and time

AD Taijeron: he was issued a lease; his date and time is December 29 right which is contrary to law so that's something we're trying to work out with legal counsel but ...

Eric Delfin: I printed your listing sir, you have over 500 in 1996, over 300 in 1997, about a 100 something in 2011, do you want me to go on, but you're telling me in 95

Commissioner Herrera: of applicant, oh I see

Eric Delfin: of an applicant that was given in 95, but what about those hundreds over 1995

Commissioner Herrera: that were given leases yeah

AD Taijeron: they were given leases that was contrary to law before their date and time

Eric Delfin: but they're not her today, I'm here today, now

AD Taijeron: Mr. Delfin

Eric Delfin: stop this, I'm just, it's just frustrating because this is not just something you snap your fingers and get all this documents, you got to work to get this stuff. You got to pay, you got to do a lot of research and make sure, it's not an easy task, I'm not saying, man, I'm just saying where's my wrong that I did, tell me, man all I've been trying to do is do the right thing, do the correct thing, comply with everything. I'm a law enforcement officer sir, I'm in 31 years, that's means commitment ok

Commissioner Herrera: you're not here to scam

Eric Delfin: and I'm retired military so that's commitment, so my commitment to this, my commitment to the loan is far beyond what anybody is thinking, I'm here to stay and here to live on Guam

Commissioner Herrera: she's our boss, so

Eric Delfin: all I'm asking please, let me move forward and, I ran into, I've spoken to the Lieutenant Governor, I'm not going to lie to you, I went through it, like you said go to the speaker, I went to the speaker but their busy with the budget sir, their busy with everything, you know I get into fights with my wife because I'm here saying and you guys are saying the same thing, CHamoru land trust land, is

CHamoru land trust land, love the land, I don't own the land but I own the building, but I was telling my wife but I'm going to build it going to be our house, yes sooner or later the Governor is going to remit the land to the people, you know when that day comes that day comes

Commissioner Herrera: it's 99 years so

Eric Delfin: I already paid that sir, I paid my application fee, I paid my 99 dollars, I have the receipt and everything so, all I'm asking is please sir I already have, they just called me last night 5 o'clock right before 5, Ms. Suzy Mae Santos up at Guam Housing, reminded me that there's a board meeting today and please, and you're not on the agenda and I said I know, so you know she's asking me what's the status and I don't know man

Commissioner Herrera: Ok

Eric Delfin: I don't know the reasons I have that I don't have but I'm trying my best

Commissioner Herrera: it's a good thing you were here when we're discussing the loan process, step number 1 right after the meeting, because of the now we know the bank is empty we're going to request the funds to load up the piggy bank for the guaranty

Eric Delfin: But is that what we need to do sir or is that something administrative, government I don't know

AD Taijeron: Not administrative, the commissioner needs to make that, with regard to loan guaranty

Eric Delfin: Make that call right now sir, I'm here

Commissioner Herrera: but make that clear director, the commissioners can approve the guaranty because according

AD Taijeron: The commissioners, it's within the authority, it's not an administrative function. I do not have the authority to approve a loan guaranty, the commissioners have the authority to approve the loans and loan guarantees right, you may

Eric Delfin: Can I check about that? What I mean about the administrative, I'm talking about the loan guaranty from the government in the dollar amount. Is it administrative or is it just something you put on paper or do you have to put money in the bank, just like the VA, I can give you the VA loan certificate, they guaranty the first 25,000.00 and then over, they put in words, I don't know what loan guaranty or

Commissioner Herrera: VA

Eric Delfin: Land trust

AD Taijeron: I can ask for further legal interpretation of the law that indicates that

Commissioner Herrera: That's page 23

AD Taijeron: page 23, in no event shall be aggregate amount assured by the commission exceed the ability of the CHamoru loan guaranty fund to reasonably provide security for the loan authorized

Commissioner Herrera: so, the loan guaranty fund that we have now, you mentioned the numbers right

AD Taijeron: Yeah, we do not have 10 million dollars

Eric Delfin: you don't have 10 million

AD Taijeron: we don't actually

Commissioner Herrera: No but he, his is only 320 thousand not 10 million, and I understand, we're trying to be practical here right, your loan is 320 thousand dollars right

Eric Delfin: Approved by Guam Housing, Government of Guam

Commissioner Herrera: and for CHamoru land trust to guaranty your loan we got to have 320, am I still in line

AD Taijeron: Imagine at least three hundred twenty

Commissioner Herrera: Yeah, this is what Mr. Delfin's, 320 right from Guam Housing

Eric Delfin: Yes

Commissioner Herrera: So, just to make this very practical right, we don't have 320 in the loan guaranty funds account that we have. Am I on line madam chair?

AD Taijeron: I just read that thing

Commissioner Herrera: We want to help you and

AD Taijeron: So, we have

Commissioner Herrera: 320 is Mr. Delfin's approve

AD Taijeron: Total cash in the bank is three hundred, that's less, 379,152.67

Commissioner Herrera: 379

AD Taijeron: 379

Commissioner Herrera: for the loan guaranty

AD Taijeron: for the Loan guaranty fund

Commissioner Herrera: So, would do suffice to cover this, I mean

AD Taijeron: Mathematically, yes, he's requesting for 320, there's 379

Commissioner Herrera: you're catching the number right

AD Taijeron: So, yes

Commissioner Herrera: so, if we approve, we can use that amount to cover, to guaranty Mr. Delfin's

AD Taijeron: Yes, but you also have Mr. Quinata who requested and there's several others in here from SBA who is requesting that exceeds, if you total it up it exceeds the 379 so

Commissioner Herrera: and we cannot approve it by itemization, in other words

AD Taijeron: I mean based on the cash you can approve his loan guaranty

Commissioner Herrera: and that would

AD Taijeron: but we still, the commission, the CHamoru land trust commission is still
2, 663 ways over its ...

Commissioner Herrera: for the guaranty

Acting chair A. Bordallo: exceeds the guaranty fund right

AD Taijeron: exceeds the ...

Commissioner Herrera: and this is why we're seeking the legislature, you're catching the flow right

Eric Delfin: Yes sir

Commissioner Herrera: I'm pretty sure you understand what we're saying here so

Acting chair A. Bordallo: We have to be responsible

Commissioner Herrera: Yeah, so we're saying because there's are 7 others from SBA is from Guam Housing so most likely if we approve the 320 for Mr. Delfin, we're treating the others disparity because we have to approve the others, but again because, I'm not sure if you're living under the canopy for now but you know the other SBA

Eric Delfin: I'm renting though now sir; I rather pay what I own

Commissioner Herrera: Yes, I understand, it's just the other conditions the SBA, they're house was completely blown and that's why they're here because they're under the emergency recovery and that's why they got the SBA loan at 2% at 900 a month for 30 years, I don't know if your 320 was 900 a month

Eric Delfin: No, it's more than that

Commissioner Herrera: so, you see the benefit they have under the disaster and they don't have to pay the closing costs, your estimated to pay 20k

Eric Delfin: That I think you can move with the legislature to come up with that funding

Commissioner Herrera: So, why, I don't want to make an excuse I only got here last year, April so I'm catching on with the loan guaranty mechanism. Of course, my mind is saying let's put 20 million in the loan guaranty, all of the above, VA, Guam Housing, SBA and other loan guaranty requirement, even rainy-day funds so, but your issue is not what we're facing, your issue is to get the home, to start the ground breaking and start pouring the foundation

Eric Delfin: Yes sir

Commissioner Herrera: I feel for you and I can see your folder, that's not just one month work, and then now understanding that it was, wait a minute it was December 29, 1995 and the first people who got on line was December 5th

Eric Delfin: December 2nd

Commissioner Herrera: December 2nd, and December 2nd, myself, CHamoru nation was sleeping in the mud in front of Adelup to get this program going, we did that. We protested there for 3 months in the mud, being spat at, CHamoru flags were being torn, being hit with tangatangan but we're saying we want the CHamoru land trust that the husband, the husband Paul Bordallo, so we're here to help you we're not here to block you so just a short history and because you're a marine and you understand the historical perspective

Erin Delfin: I know everybody

Commissioner Herrera: so, we want to help you, yes, but we don't have the money, and we don't have the money then Ms. Taijeron is ready right after we adjourn, that's she's going to knock on the door and I invited that last couple and you can join us because I'm going to go down there and knock as a private individual

Erin Delfin: I going to go down there sir, maybe I'm not, if the road you're going to bring me down, you know it's a ...

Commissioner Herrera: because they have the key for the safe and I

Eric Delfin: Me and my family is heartbroken but what can I do, that's your answer but you know, you pay 10 million, your 10 million in the hole. How many homes are that back, 100 people, you approve 100 people and now I'm the one that has to suffer.

There's 7

Commissioner Herrera: right

Eric Delfin: That's not right

Commissioner Herrera: of course, again when the husband did the signing

Eric Delfin: if 10 million you were in the hole, that was like 10-15 years ago, I don't know how long you've been here

AD Taijeron: 6 months

Eric Delfin: so, in the last 6 months you never ask for money, not even in the budget, you didn't ask to cover the loan guaranty

Commissioner Herrera: Well, you know I'm looking, no only the guaranty was in my radar last month, let me share with you ...

Commissioner Garrido: The typhoon that we just

Eric Delfin: But my question is the loan guaranty was not an item in your budget to fund with dollar sign in

AD Taijeron: No, that's not in our budget

Eric Delfin: So, you were never going to ask for it, whether I came today or came last week

Commissioner Herrera: but this one is opening up

Eric Delfin: That's what I mean, where's the fairness in that, you were never going to ask for money from this time after October 1st so, even somebody got approve again in October you're still going to turn them away, so we're going to keep on working hard on this. You said you worked so hard to get this, now you're here now you're telling me this, so where's your hard work, what did your hard work do

Commissioner Herrera: let me share something with you, I sleep in the car right now, my house is fully blown, so

Eric Delfin: No but see your hard work is

Commissioner Herrera: let's not get into that

Eric Delfin: No, your hard work, no, it should have paid off for the people, that's what I'm saying sir

Commissioner Herrera: I understand, yeah. I sleep in the car because my whole home is blown away

Eric Delfin: I sleep at my house

Commissioner Herrera: yeah, ok we want to help you and if you're blaming me because check the account

Eric Delfin: No, I'm not blaming you, that's not what I said

Commissioner Herrera: we're going to get the account the straight, let's get that straight Mr. Delfin

Commissioner Garrido: I'm just kind of surprised that Guam Housing is requiring us to guaranty their loan

Eric Delfin: That's my question to them because that's the question they asked me, why do they need it, I don't know they gave me this paper, I'm just here giving it to you, I don't know

Commissioner Herrera: No, we're going to work with the legislature and

Eric Delfin: What is, I mean, how come the answer I'm not sure

Commissioner Garrido: those are questions that need to be funneled through Guam Housing, SBA, and any federal types of programs that are been catered to disasters

Eric Delfin: Yes sir

Commissioner Herrera: I know your not a disaster right, your Guam Housing is not a disaster, right I understand

Eric Delfin: like I said, SBA did because of the property, debris and they asked me about cleanup and litigations stuff but let me see, I didn't even ask that yet, I'm thinking no, because it's not something that's even in the language of the CHamoru land trust lessee

Commissioner Herrera: and you know getting back to the SBA right this last it had 240 thousand so he had a disaster cleanup and your only asking to guaranty the home so he was given 8,000 for the cleanup then given 40 thousand for personal effects so I'm understanding the loan guaranty is only for 192, you know so and the last person that was here, you know he's got a family and 4, 5 children and he sleeps under a canopy, good cause he's got a canopy so but we understand he's a lineman, the guy works before, during and after the storm but each individual, but I take your case very seriously, if you have any problem with the backfill or you came in one day or 2 days. Right now, my focus you have a

loan that was approved for 320, and you need a loan guaranty, my focus is that, if these guys want to bring up the attorneys to stop the process, my focus is to get you the guaranty

Eric Delfin: Thank you sir

Commissioner Herrera: Right after this I'll be down at the legislature believe me because you, and this other individual that were under the disaster program needs a home for their children, for the elderly. You and I we can sleep under the mango tree, no problem, right we can sleep, no, you're a marine so

Eric Delfin: I'm a marine, I sleep with your eyes closed

Commissioner Herrera: Correct so, I feel for you and I really want to go down to the legislature

Eric Delfin: Thank you for your time, commissioner Herrera, commissioner Garrido

Commissioner Garrido: We'll try to resolve this expeditiously as we can, I don't know how fast the wheels will turn at the legislature or Guam Housing, like you said I'm surprised it's a Guam Housing loan and they want us to guaranty their loan

Commissioner Herrera: just to let you know we don't get paid to do this; I don't get paid. People here get 100 and some k, we don't get a penny.

AD Taijeron: It's not enough

Commissioner Garrido: What?

Commissioner Herrera: you know this is a trust program, you know thank you for time, again as I mentioned right after this if you want to join me down at the legislature, today or tomorrow, lobbying is what we call it so

Eric Delfin: They're doing budgets

Commissioner Herrera: Yeah, people need help, people need the roof, you need the home

Eric Delfin: Yes

Commissioner Garrido: call me if you're going down

AD Taijeron: I'll call the speaker

Acting chair A. Bordallo: Thank you for coming in and giving us the information and your concern

Eric Delfin: Thank you

AD Taijeron: So

Acting chair A. Bordallo: Do you want to resume?

AD Taijeron: I think you should, if you want to pickup this discussion so there is no, it's recessed till

Acting chair A. Bordallo: Yes, how much time does the lawyer need to get things leased

AD Taijeron: With regard to what, the thing that we're going to do, you want to discuss the loan guaranty

Acting chair A. Bordallo: Yeah

AD Taijeron: you want to be able keep that in the agenda rather than waiting for September is recess, because that's still on the agenda, the loan guaranty

Commissioner Herrera: Oh, recess for us, Oh not ...

AD Taijeron: recess for us

Commissioner Garrido: we're not ending

AD Taijeron: you don't adjourn, it's recess because a letter and a phone call and a visit to the speaker needs to be made. I imagine, you can recess maybe until, what we can do the last week of August, the 28th, 29th 30th to the 31st, it gives, at least 1 week

Commissioner Herrera: We have to do a 1-week advertisement

AD Taijeron: Not for a recess

Commissioner Herrera: Ok

Acting chair A. Bordallo: No, it's already been up

AD Taijeron: we will advertise that we are recessing but if you adjourn that will be different, we need to, I think 10 days prior to, so we will advertise until a certain date and time which allows you to keep the same agenda, and you want to discuss the loan guaranty and pursuant of what or may occur with the legislature. So

Commissioner Garrido: and hopefully by then also we'll have the minutes

AD Taijeron: Cathy Cabrera is almost done with the minutes

Commissioner Garrido: we'll go through it when we come back from recess

AD Taijeron: I think that may allowable, I have to look into that

Commissioner Herrera: Which one

Joey Cruz, cltc: I don't think so, the agenda's been published

Commissioner Garrido: we're just recessing

Joey Cruz, cltc: but it wasn't in the agenda for today

Acting chair A. Bordallo: it was

Joey Cruz, cltc: it was

AD Taijeron: No, it was indicated that it wasn't ready.

Commissioner Garrido: the minutes

AD Taijeron: the minutes from the last meeting right

Commissioner Herrera: the second page

AD Taijeron: we indicated that it wasn't ready for today's meeting so once Cathy's done, we can give it to you for review but we cannot discuss it until our next meeting

Commissioner Herrera: So, we're going on public comments, or we can

AD Taijeron: agency report, the loan guaranty because we covered everything else. Now

Commissioner Garrido: financial report

AD Taijeron: No, the agency report because we had loan guaranty

Commissioner Herrera: Number 7

AD Taijeron: Loan guaranty, under agency report because that was the discussion

Commissioner Herrera: because I have you know we keep talking because we don't have the money so remember we some staff that we were supposed to hire I think last year

AD Taijeron: so, we had, and that was a part of my agency report

Commissioner Herrera: so, we can discuss that on our next

AD Taijeron: what would you like

Commissioner Herrera: because we lost Tina rose right and then are we hire or are we going to hire

AD Taijeron: we're trying to hire

Commissioner Herrera: and where's the money going to come from to hire

AD Taijeron: That's already budgeted for

Commissioner Herrera: budgeted for

AD Taijeron: the 2 positions, PC 1 and PC 2 have already been budgeted for, it's with DOA, we've asked them for the list, they've informed us that they've have been back logged

Commissioner Herrera: so, we got 2

AD Taijeron: PC 1

Commissioner Herrera: PC 1

AD Taijeron: and a PC 2

Commissioner Herrera: and PC 2

AD Taijeron: for the next budget cycle, we're just waiting for DOA to give us a list, that just closed those positions, just closed 3 weeks ago, about 3 weeks ago

Commissioner Herrera: So, this would be enough staffing for us to get some lease going out after

AD Taijeron: Yes, it's going to help but it's not enough, we will have the administrative assistant position open

Commissioner Herrera: Tina rose's

AD Taijeron: Yes, that's going to be open but we have to take a look at our budget, based on the right now, the cuts that were made, we made, we won't have enough money to budget for, I was talking to Joey, maybe 2 more land agents

Commission Herrera: which is a PC 2

AD Taijeron: Land agent is different

Acting chair A. Bordallo: let it just wait until the end of September then you hire October 1st

Commissioner Herrera: do we get to interview these people to understand if they know public law 35-112

AD Taijeron: No

Commissioner Herrera: so, they understand land use permit, how can we hire them for land agents if they don't understand the rules and regulations of public law

AD Taijeron: it depends if we're hiring land agents 1 or 2, those questions will come up and is composed by the team, Mr. Herrera, respectfully that operational right, it will not be your governance

Commissioner Herrera: Oh

AD Taijeron: the commission is governance, we would interview them, like I don't interview, we identify Joey and some other individuals, we create questions and we then make that determination

Commissioner Herrera: I think our governance is only for the administrative director

AD Taijeron: the cltc

Commissioner Herrera: have the authority to hire the administrative director

Acting chair A. Bordallo: we don't micro manage

Commissioner Herrera: No, but we, because we don't have any money right and because if we don't help

AD Taijeron: we don't have money in the loan guaranty fund

Commissioner Herrera: you see

AD Taijeron: but not something that been requested in the budget

Commissioner Herrera: we don't micro manage right but if we did not go out and do our due diligence, Guam raceway could have continued what they've been doing, all the other could have been doing for the past 20 years so sometimes we have to pitch in, it's not like we're micro managing, sometimes our land agents need help. You know really, we're losing millions of dollars, millions of dollars.

AD Taijeron: Yes, Mr. Herrera, I understand that

Commissioner Herrera: I'm not blaming you or anything, us as a whole, as a team, where not even getting a cent from Global, why? Since when? How could that have happened? That's it, madam chair I apologize

AD Taijeron: Did you want me to respond to that, I just want to say that I understand we're losing a lot of money, when I look at these issues, I discuss it, I am floored by the type of decisions that was made previously that has gotten us to this place so, I cannot speak or respond to the decisions that were made previously

Commissioner Herrera: I agree

AD Taijeron: I can only respond to what we're going to be doing moving forward, we are moving forward on the commercial side and we're trying to move forward on the residential and agricultural side given that the tasks that our team, I have now a team of 8 I think it is, 8 or 9. Average of 15 to 20 constituents minimum and it's complicated every day, I'm not justifying anything but moving forward

Commissioner Herrera: wait, you said every land agent is attending 15 to 20 constituents

AD Taijeron: at a minimum, right, so what I'm doing is everybody has a case assignment, I'm tracking that, land agent has so, so and so, what is it? The process is, I know I've been asked at one point in time, what is the process? So, this is what happens, many times we won't know until it is brought to our attention

Commissioner Herrera: Oh good

AD Taijeron: when the constituent comes in, the issue is brought to their attention, the land would come, we'll discuss it, alright, this requires a site visit, once that's done, they provide their staff report, the staff report comes to me, we discuss it, they make the recommendation and then we move, alright. I don't think this has been done previously but for record purposes and to show that they are working and cltc is trying to do what they can, is they are supposed to conduct, supposed to do their due diligence, they follow up and follow thru, and take a look at everything and every detail because the devil is in the detail. One, they will communicate with the individual, they will write to individual constituent, itemizing, indicating what the issues are and what it is they can do to fix it. If this issue requires us to reach out to another agency, or to, wherever, that's also done, is we will reach out, for example Mr. Quinata, we're going to reach out, land agent is on it, we're going to reach out to Department of Revenue and Taxation and say hey, here's the addendum, please change this, he is on the correct lot. That's just an easy, fairly easy issue

Commissioner Herrera: is there a intake form, intake as they come in, preliminary assessment

AD Taijeron: they sign in, and what happens is, the intake form is based on their staff report, they indicate the discussions with a, not the staff report, it's another sheet

Commissioner Herrera: Got it

AD Taijeron: we call it an intake sheet, yes, it's an intake sheet and it indicates what the issue is and what was discussed and then who has it, is this going to the administrative director for her review and discussion. Every day, there's something new to discuss with our land agents, every day we are putting out fires, trying to address these constituents as quickly as we can.

Commissioner Herrera: so, this staff report we can see, as you give us the staff report when they're on the agenda

AD Taijeron: Yes, if they're on the agenda, yes and I apologize for on the last meeting, basically there was 2, 3 that really didn't need to come to the board but for transparency purposes I brought to the board is mostly for informational right, but as I indicated moving forward, staff reports will always, will be made available to the commissioners

Commissioner Herrera: Thank you for that

AD Taijeron: when a constituent comes before for whatever request is needed and needs your attention

Commissioner Herrera: See for example, Mr. Delfin. We didn't know the background, remember he just came in for Guam Housing, and he mentioned, but if we had the staff report on Mr. Delfin and he was in the agenda he would be addressed ahead of time for his case, it's good that you

AD Taijeron: So, his name, I purposely did not issue these requests with the names

Commissioner Herrera: That's ok

AD Taijeron: I didn't know to protect their identities, regard to Mr. Delfin, his request was just received and it's was on the agenda but the first one because you don't have to approve, in general you could approve up to whatever 10 million dollars, here, this is what we do, loan guaranty approved, there is going to be staff reports made available to the commissioners for every, and I am working with the team, everybody is tripling up on our responsibilities given the loss of Tina, to ensure that you get your packets in advance, especially if it's a complicated issue with the constituent

Commissioner Herrera: I see that, didn't we have the strategic plan, cause that's not the strategic plan that we were using before is that when the constituents come in you have the preliminary assessment of what they have, if you go to the secondary and the thirdary of what is required

AD Taijeron: with regard to ...

Commissioner Herrera: you know whatever the constituent's problem is, the findings and the solutions of recommended, remember we had that before on a spreadsheet. A week before, before we come to the table, we kind of understand each individual's back ground and what your findings are and what your recommendations are, it was kind of

AD Taijeron: a summary of the staff report, is that was it is

Commissioner Herrera: you know when I got here in April that was kind of spoiled because every day, I would know his back ground based on the interview on the staff report, so now it's like who's this constituent, what's going on so you know you mentioned that you're going to include the staff report

AD Taijeron: I will include the staff report, there's, I've only brought 4 people to them, I believe 2 of them that need to come to the board for transparency

Commissioner Herrera: right

AD Taijeron: before the board, I take responsibility for that, that's my oversight, that part of the process is staff reports will be made available and if possible, we will try an summarize it especially if the staff report long for the commissioners

Commissioner Herrera: It's ok even if it's long, if it's in detail, we'll cradle to grave, we're good, at least I'm good

AD Taijeron: I informed the team, the devil is in the detail

Commissioner Herrera: you're exactly right

AD Taijeron: so, moving forward that will be made available if a case is going to come, with regard with these individuals like I said they were purposely not included so you could

Commissioner Garrido: their ID

AD Taijeron: their names, right, their names, so there will be no biased in the event we knew somebody so it's just basically what their asking otherwise I would have prepared a staff report. Mr. Delfin brought it up, the reason for his delay are all these issues that came about that we needed to go out site inspect, then seek legal guidance on it

Commissioner Herrera: including that back fill or

AD Taijeron: back fill, yes, he is taking care of that, that's beyond our, right there's the other issue that we needed to address and needed legal on it

Commissioner Herrera: he was not on the first come first serve according to the date

AD Taijeron: No sir

Commissioner Herrera: so, do we remake that,

Acting chair A. Bordallo: he's one of the 102

AD Taijeron: No

Acting chair A. Bordallo: No

AD Taijeron: No

Commissioner Herrera: No, right, in 2018 right, he got his lease in 2018

AD Taijeron: I think so

Acting chair A. Bordallo: Yeah

AD Taijeron: so, what I'm finding is there a lot of these things this coming up, the staff, we have been, we seek legal guidance when these issues arise

Commissioner Herrera: and then remember right, was he qualified under 35112 the settlement agreement, I don't know

AD Taijeron: he doesn't need to because he already has a lease

Commissioner Herrera: right, I understand that but

AD Taijeron: he didn't need to qualify

Commissioner Herrera: and then he puts a beneficiary, that beneficiary needs to qualify

AD Taijeron: qualify, under 75a

Commissioner Herrera: and if the beneficiary doesn't qualify, what happens to his Guam Housing loan of 320

AD Taijeron: if the CHamoru land trust guarantees that loan, in the event he defaults or he passes and there's no beneficiary, the CHamoru land trust has the option to take the loan and then identify the next qualified individual, you also have the authority, the commissioner do to identify a beneficiary in the event a beneficiary is not named on the lease

Commissioner Herrera: Ok, so we motion to recess

AD Taijeron: to recess until, you need to determine the date, let's, maybe the last week the 28th, September 1st only because this is one week and they can, the legislature time to discuss it and lobby all of them, so if you want there's

Commissioner Garrido: could I get you to have legal look into that MOU between CHamoru land trust and Guam Housing, because I don't remember seeing anything

Commissioner Herrera: That would be SBA also

Commissioner Garrido: No, we have a separate, just recently with Guam Housing, they will require us to guaranty their Guam Housing loan

AD Taijeron: I'll take a look at that, I don't think individuals who are not first homeowners, cltc and lessees, I'll take a look at it again and I'll have legal look at it

Commissioner Garrido: I'm just surprised they're requiring us to guaranty his loan and there the lending institution

Acting chair A. Bordallo: I don't understand that too, that's what I say, it's government land so it's government loan, they should handle

Commissioner Garrido: Mr. Delfin wouldn't be in this position if they guaranteed it, he would be already building his house

Acting chair A. Bordallo: right

Commissioner Herrera: that's on the legislature right, director, that was a requirement that they get a loan guaranty

Commissioner Garrido: not from the legislature

Commissioner Herrera: so, who

AD Taijeron: Under the law (inaudible)

Acting chair A. Bordallo: it was just a

Commissioner Herrera: internal

Acting chair A. Bordallo: between agencies

AD Taijeron: the law states, you may, you may guaranty the loan, you don't shall, you don't have to right

Commissioner Herrera: well, the thing if we don't guaranty, what happens to them, their loan expires right, so no home

AD Taijeron: they would have to go to another financial institutions, yes

Commissioner Herrera: but see the SBA benefit is that there's no closing cost and if you got to Bank of Guam, Delfin is a 20k so how do we help those

Acting chair A. Bordallo: well, they could get turned down even with SBA if you can't guaranty, they can go to Guam Housing and borrow

AD Taijeron: Guam Housing could potentially

Commissioner Herrera: but his percentage was 6, 6 percent and SBA was at 2 percent and his closing cost is 20k. some people don't have 20 thousand, you may have 20 thousand in your back pocket but a lot of people don't have

AD Taijeron: I don't actually

Commissioner Herrera: No, No honestly. Ok so

AD Taijeron: decide on the date

Commissioner Herrera: on the 31st of August

AD Taijeron: you want the 31st

Commissioner Herrera: of August

AD Taijeron: at 1pm

Acting chair A. Bordallo: Yes

Commissioner Herrera: it's a Thursday, madam chair made the

AD Taijeron: motion to recess until August 31, 1pm

Acting chair A. Bordallo: Motion

Commissioner Garrido: 31st falls on what day again

AD Taijeron: it's a Thursday

Commissioner Herrera: Thursday, I'm going to make a motion

Acting chair A. Bordallo: Earl you're going to be around, oh my god, let me just check if I'm going

Commissioner Herrera: Ireland

Acting chair A. Bordallo: dispensa-yu

Commissioner Garrido: she's traveling the world now

Commissioner Herrera: last week she was in Ireland

AD Taijeron: I can't even take the flight from Guam to Hawaii, so exhausting

Commissioner Herrera: about to Saipan

AD Taijeron: I love that, wish I could go, it's so expensive

Commissioner Garrido: Where did you go?

AD Taijeron: I took my nieces to Japan

Commissioner Garrido: Oh yeah, Where?

AD Taijeron: Just to Disneyland, Disney Sea

Commissioner Garrido: Oh ok

AD Taijeron: 11 year and 6-year-old and my sister, we all sister's trip

Commissioner Herrera: See the lot that we (inaudible)

Acting chair A. Bordallo: Am I going to be off on the 31st of August? To resume the board meeting, what time though? Ok, because I'm trying to schedule a meeting. When are you leaving? Ok I'll make it the 30th, thanks (phone conversation) The 30th

Commissioner Herrera: the 30th, Wednesday

Acting chair A. Bordallo: is that ok?

AD Taijeron: at what time?

Acting chair A. Bordallo: same time

AD Taijeron: 1 o'clock, recess until Wednesday, August 30th at 1pm here at the cltc, conference room, that'll be your motion

Commissioner Herrera: Madam chair I would like to make a motion to recess our meeting to Wednesday, August 30th at 1pm

Commissioner Garrido: I second

AD Taijeron: you can also, the next board meeting will be the 21st. say next meeting Thursday September 21, 2023 so we also just prepare at that recess meeting we'll adjourn until September 21

Commissioner Herrera: ok

Acting chair A. Bordallo: but I don't have to say that now

AD Taijeron: Just recess

Acting chair A. Bordallo: Second

Commissioner Garrido: I second

Acting chair A. Bordallo: all in favor say aye

Commissioner Herrera: aye, aye

Acting chair A. Bordallo: Thank you

AD Taijeron: we recess till August 30th

Acting chair A. Bordallo: we cannot get paid twice that's why

Commissioner Herrera: I don't get paid

Acting chair A. Bordallo: Yeah

Commissioner Herrera: I'm a classified, I'm a classified employer

Acting chair A. Bordallo: you're working now

Commissioner Herrera: Ya

Acting chair A. Bordallo: which government

Commissioner Herrera: at the Airport

Acting chair A. Bordallo: oh really

Commissioner Herrera: Holy cow, no pay

Commissioner Garrido: Guam Housing requiring us to guaranty their loan

Meeting recessed to Thursday, August 30th at 1pm CLTC, Conference room



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CLTC BOARD OF COMMISSIONERS MEETING

CLTC Conference Room

2nd Floor, Suite 223, ITC Building, Tamuning, Guam

Thursday, August 17, 2023 at 1:00PM

Resumption Meeting – August 30, 2023

Public Notice: *The Guam Daily Post* on August 10, 2023 and August 15, 2023
Government of Guam Public Notice Portal, CLTC's Facebook Page, and on CLTC's
website at <https://dltm.guam.gov/chamoru-land-trust-commission/>

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

Arlene P. Bordallo
Acting Chairwoman

David B. Herrera
Commissioner

Earl J. Garrido
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Alice Taijeron
Administrative Director

RESUMPTION MEETING MINUTES FROM AUGUST 17, 2023 MEETING

Acting chair A. Bordallo: Good Afternoon

Commissioner Herrera: Good afternoon, madam chair

Acting chair A. Bordallo: this is the commission, the CHamoru land commission, meeting that was published with Guam daily post, August 24, 2023. The meeting of August 17, 2023. This meeting is now called to order. The agenda, we left off on number 7, the agency report. Just give that to Ms. Alice Taijeron, the administrator.

AD Taijeron: Sorry madam chair, would you like me to ...

Acting chair A. Bordallo: Yes

AD Taijeron: so, at the last me we recessed so it would give some time to address the current situation with regard to loan guaranty. At the meeting the commissioners instructed me to do three things, to approach our legislative oversight chair person and request for an appropriation and or funding assistance in some way, just as a point of background information, currently there is 10.4 million loan guaranties outstanding, there's a lot that states the loan guaranty fund should not exceed, it should have a reasonable amount to be able to secure that loan, those loan guaranties. And right now, what we have cash at hand to be able to adjust that is 350,000.00 estimate, so I'm just rounding. So, after our August 17th meeting, I called our legislative oversight chair person immediately after the meeting, I called the office, there in the middle of budget hearings and so our oversight chairperson speaker Therese Terlaje called me back the next day, we had a short discussion and I think everyone is aware that she was able to appropriate a million dollars for the home loan guaranty. So, I'm thankful for the 1 million dollars however that still falls short of reasonably guaranteeing to current outstanding exposure absorbed by the cltc responsible for. Further, the 1 million dollars is not money in the bank, we just need to wait for the bill to be passed and these are just issued and concerns that I want to bring forth to the commission. We have

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money appropriated, it's probably not enough, it's not enough and furthermore the amount will only secure approximately 50% of the current request for loan guarantees. As I mentioned on our last meeting that I presented what we had received thus far, since then, we have been receiving more requests, I'll provide a printout for the commissioners as we move forward on this. So that's on the legislative side. I was instructed to speak with Guam Housing Corporation to find some sort of solution to address the current situation. Joey Cruz, our PC 4 and I met with Guam Housing Corporation leadership, president Edith Pangelinan, loan administrator, Ms. Mary Guerrero and executive assistant Ms. Patti Kier. We thought it was a good meeting, we discussed the current issue that CLTC is faced with, the financial inability to guaranty loans and asked if there was some way that loan request from cltc lessee from Guam Housing Corporation could be made without a guaranty. In that discussion the loan administrator indicated one of the things they could do is strengthen their underwriting requirements and or processes. One example that she provided was maybe request for a cosigner not a co-borrower but a cosigner because the co-borrower would have to be eligible for CHamoru land trust, an eligible co-signer for CHamoru land trust and that will be a challenge, so that's one of the things she mentioned. In our discussion the loan administrator sounded optimistic however, any changes to their underwriting policies will have to go before the board so she did mention these discussions will have to take place at the board level, she seemed optimistic about it that the board would not, hopefully the board approves the changes that they propose to make, CLTC would not need to guaranty loans from Guam Housing, so that will be best. I also asked could the homes being built by through this loan be used as collateral as opposed to the property, and that's another suggestion that they will bring and discuss with the board. So, just guaranty, they could just collateralize the home and not the property and then we still have the agreement whereby, and it is in our own law that how CLTC could cure a default is we would identify the next person eligible or qualify to on the loan, so we're working on that and I apologize it's kind of warm in here and I'm having a asthma situation. I have asthma so, it's really hot. With regard I asked about the current GHC applicant on our list and the loan administrator said send him to us, send the applicant to them and they will work with it. There's no guarantee that they're not going to request for a loan guaranty but they're going to work with it to see if there's something that can be worked out, and of course if there's not going to be a loan guaranty required from cltc that again will have to go to the board. It sounded; it was really a good conversation with Guam Housing, very please right. Now, I asked about our current SBA applicants, and they said send them, GHC said send them to us. We will work with them to regard to preapprovals and are trying to get them qualify for a mortgage loan, and that'll be under them, and that will be an option that SBA applicants have. I understand there could be other issues but Guam Housing said send them to us, we'll work with them, so that is an option. So, that was a, that's my update with regard to my meetings and conversations with Guam Housing. The commissioners also instructed me to meet with and or to speak with SBA, just yesterday we were able to finally connect with the supervisory attorney advisor for SBA who oversees Guam SBA requests. What I did was I asked her, just point blank, if CLTC cannot guaranty and SBA loan, would the individual requesting for this loan guaranty be denied, the answer is yes. So, if CLTC

does not approve SBA loan guaranty request, the applicant will be denied by SBA. SBA needs the guaranty as a condition of approval, there building on land, they want some sort of guaranty that there could, if there's a default there going to be paid back. I asked if SBA can use the home as collateral, where the home is built, could you use that as collateral. The attorney indicated that's something that could be discussed, there's no agreement to it however she would need to bring to her supervisors, her higher up so it's out there, it not something. I further asked if SBA would consider an MOU between CLTC and Guam Housing much like a currently exist with the VA, whereby we would restrict a certain amount of funds in with the loan guaranty we would restrict funds to cover financial needs and she said she was not familiar with that, I'm going to send her a copy of the MOU we have with VA, she'll be happy to take a look at that and bring it up with management and discuss it, it's going to be an ongoing dialog with SBA at this point in time. I mean do the commissioners have any questions, there's quite a few things that have occurred prior to. So, if, that's where we are with the legislature, Guam Housing and SBA. I'm very optimistic with Guam Housing, I'm hoping, there's no confirmation but they were, they felt good about it that they won't need to guaranty Guam Housing loans moving forward so I'm hoping that the board will, and I'll reach out to the board members as well and answer any questions that they may have, with regard to SBA it's an ongoing dialog but they are open to collateralizing the, they have to get approval from higher up and to maybe have a MOU or by we only restrict a certain amount of money and we don't have to guaranty. Now

Commissioner Garrido: when you say restrict the funds, does that mean it's going to be put into a trust?

AD Taijeron: it's already in the home loan guaranty fund and it is not touched. It is not touched, it is restricted, we can't touch it at all unless SBA calls, so that's the way it would work

Commissioner Garrido: Are they requiring a one to one, loan guaranty?

AD Taijeron: Yes, well thank you for that, I completely forgot to bring that up. I did ask what other, what are other, I indicated that our commissioners need to determine what is reasonable. And I asked what other places, what are they doing because we charge research industry standards. It varies and I just assume the entire, in Hawaii I understand they guaranty 50%, only 50%. In American Samoa it's very different, she's trying to get more information, lands there belong to chiefs I believe, that's what she mentioned so it's very different. I apologize I didn't have time to call CNMI but the CNMI has money, even the government borrows from their land trusts.

Acting chair A. Bordallo: Is that the Hawaiian land trusts?

AD Taijeron: I believe so yes, they guaranty no more than 50% for the most. I asked if there is some sort of agreement that she could share with, it's with Hawaii, I'll reach out and see if there's more information. Industry standards, there's, I checked with bankers, someone said the security to risk ratio that they use is anywhere from 70 to 80%.

Commissioner Garrido: (inaudible)

AD Taijeron: 70 to 80% secured risk is the remaining balance. We tried to get as much information so the commissioners can make a better determination.

Commissioner Garrido: SBA doesn't have a template like that

AD Taijeron: The, a, no, there's not information with regard to any, what's their security ration

Acting chair A. Bordallo: You know, because Guam Housing asked for cosigners, the CHamoru land trusts, we have the beneficiaries, we should include the beneficiaries in the loan because if that person that has the land trusts passes away it continues, it's passed down

AD Taijeron: I can make that suggestion to Guam Housing right that in their underwriting that they can include the beneficiaries to that, that's something they would have to take up

Commissioner Garrido: Could it be a condemnation if the beneficiary and the cosigner

AD Taijeron: Ok so that's going to be for their underwriting, underwriting terms, agreements and policies. They, when they, they didn't mention co-borrower because the co-borrower has the right to the asset, is responsible and also has the right to that asset because the CHamoru land trust requirements indicate that you need to be eligible and or qualified that's something, that was mentioned to them, that's something they have to take a look at and we have to work on ironing that out with them. A cosigner is responsible for the payment but doesn't have rights to the asset. So, the loan administrator seems to be comfortable with a cosigner. Now, something that we probably have to think about fore more, if we indicate or ask them to include a designated successor, it's not a beneficiary, a successor to that lease we may run into problems so I would prefer that, I will continue discussions with them and they figure out, do what they need to do to strengthen their underwriting processes and policies but they're well aware.

Acting chair A. Bordallo: I'm sorry I didn't introduce, roll call

AD Taijeron: you're going to do a roll call

Acting chair A. Bordallo: Just for the record.

AD Taijeron: for the record

Acting chair A. Bordallo: Mr. Herrera

Commissioner Herrera: Gui'gi yu

Acting chair A. Bordallo: Mr. Earl Garrido

Commissioner Garrido: Este ki yu

Acting chair A. Bordallo: Ms. Finney

Attorney Finney: (inaudible)

Acting chair A. Bordallo: Ms. Taijeron

AD Taijeron: Gui'gi yu, si yu'us ma'ase

Acting chair A. Bordallo: Ms. Bordallo, I am here

Commissioner Herrera: Gua'ha questiona

Acting chair A. Bordallo: yeah

Commissioner Herrera: a mente' I directot na sina I Guam Housing na tungi man gai'yi gi SBA. My question is that, Guam Housing is willing to entertain the Small Business Administration applicants that have been approved.

AD Taijeron: Correct, they are willing to entertain

Commissioner Herrera: Understand so, Guam Housing charges 6%

AD Taijeron: Right now, I believe 6%, I'm sorry commissioner can we just speak, move the mic closer, we're finding that it's difficult to pick up, yes for our commission

Commissioner Herrera: just to clarify, you mentioned you met with Guam Housing and Guam Housing is willing to entertain the SBA applicants that have been preapproved, however the Guam Housing charges 6%, Small Business Administration charges 2% so I understand the legislature approved the 1 million dollars and we 350 thousand on hand and I think the other fundings due to the CHamoru land trust

AD Taijeron: Yes

Commissioner Herrera: Those are fundings that have been extracted from the land trusts

AD Taijeron: 600 thousand dollars

Commissioner Herrera: 600 thousand, so, my question

AD Taijeron: So, in 2017 the previous administration had taken out 600 thousand dollars, there was financial issues and so that money has yet to be remitted to, it was taken out of the home loan guaranty fund. 600 thousand is just a rounding up

Commissioner Herrera: so, understanding that we have 600 thousand that is, to be remitted to land trust

AD Taijeron: we're hoping

Commissioner Herrera: Hoping

AD Taijeron: Yes

Commissioner Herrera: and then we have 350 in account

Commissioner Garrido: so that will be about 1 million

Commissioner Herrera: then we have another million coming in from the appropriation that was approved last week, the 1 million that was introduced on the floor

AD Taijeron: So, it was introduced on the floor passed as an amendment

Commissioner Herrera: right

AD Taijeron: Bill still has to pass

Commissioner Herrera: yes

Acting chair A. Bordallo: so, it's a bill

AD Taijeron: it's in the budget bill

Commissioner Herrera: It's been approved unanimously during the session

AD Taijeron: the amendment was approved

Commissioner Herrera: Yes, yes, most likely it would be approved, so if it's approved, most likely we'll have 2 million dollars on hand. 350, 600, 1 mil. So, we have 7 applicants now from SBA that we list

AD Taijeron: No, actually we have more

Commissioner Herrera: oh yeah, ok but anyway just to make it simple madam chair

Acting chair A. Bordallo: for the first batch

Commissioner Herrera: right yeah, we understand the first nine items was 240 thousand, but for the assessment of the home was 192 so the 5th column. My point here, how soon more or less that we may receive the 1 million, so I know the SBA recipients have 6 months. Then again, it can be extended, you know just verify. 6 months, we have 2 months have passed, so we have approximately 4 months. I really would like our constituents from the CHamoru

land trust to engage with the SBA and contract because of the percentage, the low percentage of 2% versus 6. Hopefully that we can secure that amount, and if you do negotiate that, if we can secure the loan from the SBA not on the one-to-one basis but maybe 50% or 75% security that would be possible or a MOU of that issue in lieu of the loan guaranty. If SBA accepts the MOU indicating the successorship of qualified successors

AD Taijeron: No, so you're asking, the MOU that I mentioned would be to restrict a certain amount of money

Commissioner Herrera: Ok

AD Taijeron: in lieu of loan guarantees that required by SBA, so that's something that will be brought to management, their management to discuss

Commissioner Garrido: to discuss the MOU

AD Taijeron: MOU, yes, so I'm sending them the copy of the MOU that we have with the Veterans

Commissioner Garrido: Yes

AD Taijeron: so, they can take a look at it and then determine what it is best, it's not a guaranty but it's part of our discussion, I brought it to their attention and I asked them is this something that they would consider, I mean that will help us a lot in lieu of loan guarantees being required would have set funds set aside and restricted.

Commissioner Garrido: Ok

AD Taijeron: much like the VA

Commissioner Garrido: and did they kind of give us a timeline

AD Taijeron: No sir, SBA

Commissioner Garrido: Yeah

AD Taijeron: No, it's ongoing, the attorney that I spoke with is going to do her best to get as much information back to us asap.

Commissioner Herrera: Because I know you mentioned that the 7 that we need to secure from last time now there's more

AD Taijeron: Yes sir, ok so

Commissioner Herrera: we have 8 now or ...

AD Taijeron: Dex, go ahead and pass it out. We have, this one here. So, we currently have, this list that coming to you is the updated loan guaranty. If you

recall I mentioned on our last meeting that those were just loan request that come in at the time prior to our meeting, these are loan requests that could have come in prior to our meeting, as a matter of fact I think, we just got one at 12 o'clock this afternoon and so we broken it down with regard to the amounts that are being requested so, there's a total or 16 loan guaranty requests, one for GHC. Total amount including GHC is 2.7 million dollars, this is not including the amount of one individual whom we're still pending documents

Commissioner Herrera: so, about 240

AD Taijeron: 2.7 less, less the Guam Housing one, subtract that it's 2.4

Commissioner Herrera: and we're anticipating having on hand about 2 mil

AD Taijeron: about 2 million, yes. With regard to inquiry sir or question about how soon we can get that million, I can't say. That requires them to pass it and get it to the front of Adelup for signature. And with regard to the 600 thousand remittances, cltc has been trying for years getting that remitted from DOA so I can't say how soon.

Commissioner Herrera: so, we have until December, January deadline for SBA

AD Taijeron: for 6 months

Commissioner Herrera: and you can, can you check on the extension, how many months can we extend

AD Taijeron: I can work with; I'll work with SBA and see if there's an extension given the current circumstances with cltc

Commissioner Herrera: 15 SBA and 1 Guam Housing

AD Taijeron: Yes

Commissioner Herrera: So, we don't have a problem with Guam Housing right because

AD Taijeron: I think we're going to be ok with Guam Housing

Commissioner Herrera: Guam Housing, so got about

AD Taijeron: it comes out to be about 2.4 mil

Commissioner Herrera: so most likely we going to be having more as they, SBA gets the other applicants

AD Taijeron: I anticipate

Commission Herrera: Yeah

Acting chair A. Bordallo: I just have a question on the so-called reserve for the loan guaranty

AD Taijeron: restricted funds

Acting chair A. Bordallo: Yeah

AD Taijeron: It may not be reported in the financials but it is discussed in our NDNA, for the audit reports, and I can verify that with Joey, but if not being reported in the financials, if "m not mistaken it has to do with (inaudible)

Acting chair A. Bordallo: Can I also ask? How many of our loan guaranty that were, our constituents that got the loan and default

AD Taijeron: thank you ma'am, that leads me to my next point. So, only made known to me last week was a list of SBA charge off

Commissioner Garrido: SBA

AD Taijeron: Charge off, SBA loan, they charge it off to the US Treasury. What does that mean? I asked the attorney from SBA, I have an idea but I want to clarify, what does that mean, basically, Treasury will act to some degree as a collector right, so, the charge up, there's about 20 individuals with SBA loans charged off to the Treasury. The minimum amount of the charge off with the information provided to us is 1.1 million dollars, this is 1.1 million dollars in balance, principal balance due. It does not take into account penalties, interest or fees which is not made known to us by Treasury or SBA, right now it's at 1.1 million dollars, so, I 'm going to have Dexter provide a sheet provide a sheet like this to you. So, this sheet contains all the outstanding, restrictions of the loan guaranty, the amounts, when the loan was signed and in red, you have the ones defaulted, and the amounts. And you have yellow, I think there's potentially one green who filed for bankruptcy right, and speaking with SBA they will follow bankruptcy rules however we are not released from our obligation as guarantors. In yellow we have cltc paid loan (inaudible) that's a loan that was defaulted by a lessee and cltc paid it in full right. I was just made aware that the individual, the last time cltc went to investigate and check, the individual is still living there, there's been no payment or repayment to cltc, actually there has been no action that was told to me on that ok. This is a list that we divided to SBA loan guaranty and Guam Housing, it comes out to a little over 7 million I think in loan guarantees for SBA and 3 for Guam Housing. So, that's all broken down in this sheet provided to you.

Commissioner Garrido: Can we go back to this other sheet

AD Taijeron: Yes, these are just, this is current

Commissioner Garrido: I don't know if it's our responsibility, let's say the second one here, ok, they were given one for 240 thousand, SBA, the first SBA loan

AD Taijeron: the total amount is 240, we broke it down to real estate, disaster plan and this information is based on the loan agreement that was provided by SBA

Commissioner Garrido: my concern is, I'm not disputing the real estate portion

AD Taijeron: Correct

Commissioner Garrido: Maybe we can assert on behalf of our people, why, like this clean, disaster clean up and debris removal expenses, normally FEMA gives you the money to do that and it's really outside our realm, I question why SBA is loaning money for our tenants for clean up and removal, and the personal property, this stuff is usually covered by FEMA, they give you the money to do that. In actuality in my mind, I'm seeing that this first tenant is SBA loan should only be 192.

Commissioner Herrera: so that's all we're covering 192

AD Taijeron: Yeah

Commissioner Garrido: No, I'm saying the tenants has, are being forced to borrow 240

Commissioner Herrera: that would be the tenant's prerogative right, but our responsibility is to cover the construction of the home

AD Taijeron: Yes, so with regard to the numbers I'm providing, I'm only calculating the real estate repair replacement, we are not guaranteeing and I do not recommend that we guaranty anything outside of repair, replacement of structure right

Commissioner Garrido: I agree with that, my point is I think our tenants are taken a little bit of a ride here because, SBA is stacking on these things that normally FEMA gives you.

AD Taijeron: Mr., I mean, I think, FEMA will give you a certain amount

Commissioner Herrera: 700 for personal belonging and 40,000 for grant repair, repair, but it's a grant up to 40

AD Taijeron: So, this is actually, between, I don't know that the tenant, the individuals are being taken for a ride by SBA, I think this is something that if, I don't know the individuals would apply with regard to their needs and SBA will take it up with them. But for us, what we would guaranty is just real estate and repair and I also make a note of that because on our research with these files, previous commissions have guaranteed other items outside of, and I had the team put everything down, it's all there for you, but cltc responsibility is only for the structure, repair and replacement of structure.

Acting chair A. Bordallo: I have a question on the tenants of CHamoru land trust that were closed and written off by SBA, what has cltc done to recover and take over the property.

AD Taijeron: Ok, to my understanding, those who have defaulted in the past is in the past. Cltc has not done anything to address these defaults, today, this was just made known to me last week. I have, I am working with our PC to follow up, investigate, site visits, what ever is needed for us to cure this. Now, we are in precarious situation because this is already with the Treasury. A minimum of 1.1 million dollars, I don't know what else will be charged or assessed, the best I can do at this point in time is find out exactly where this is at and what can we do. We will be held liable for this, so we can take the next steps with regard to what's provided to us in law, identify the next person, I met with the team yesterday, they're working on the 1995 list, we're trying to move forward, create a list, get people prequalified in the event they can take over, actually commissioner Bordallo, where this is at already is collection, so, this is going to being due and payable by CHamoru land trusts right. What we can do if there's nobody that can take over the lease, we can actually take the lease away from the lessee. We can remove them from the property, that is our right, per law. Now, I'm also providing just so that you understand the seriousness of this and where cltc is at today, is I'm going to provide a copy of a letter that we found in one of the files where loans defaulted and Dexter will pass out to you and I just want to bring to your attention the language that is used sent to CHamoru land trust by the SBA when their going to collect. I think it's part of your packet here, it's the first letter right. So, this already at Treasury, I imagine, actually it's at collection stage, I asked the attorney from SBA, is it a point of collection, she can't say, cannot speak of the processes of the Treasury, so, we would have to, find a way to take that up with a

Commissioner Herrera: madam director, the green highlight, the ones filed bankruptcy

AD Taijeron: Yes, I think they should only be one there

Commissioner Herrera: Yes, so when they file bankruptcy, that means the property goes back to the trust and the home

AD Taijeron: I'm not sure, so, I don't know bankruptcy, I do know that SBA indicated that they would follow the bankruptcy rules and the laws. What I've instructed our PC 4 to do is to prepare a letter to our federal courts and to make it as a part of our process is to every month or every quarter, because we're not notified, we haven't received any notice, if there's any cltc lessee who filed bankruptcy, so it's part of our process to try and stay on top of that is try to write to them at least on a quarterly bases to ask, if there have been any CHamoru land trust lessee filing bankruptcies so we can prepare. I don't know what the, what their agreement would be

Commissioner Herrera: so, this one was 20 years ago, 2003 and you're saying we're checking on the property, the physical condition

AD Taijeron: no, with regard to anything here, I can almost guarantee that nothing has been done previous with regard to any of these individuals on this outstanding loan guaranty. So, what we did, we pulled the files, the list has been created and the team has been instructed is, we need to move forward and address these issues

Commissioner Herrera: the next red item, charge of, that means that Land trust has paid that off

AD Taijeron: No sir, these are the, this is 1.1 mil principal balance due that SBA sent to the US Treasury. You're going to see under a, there's a few that's not under SBA but if I understand correctly SBA also sells their mortgages so those are company's that mortgages were sold to, some of them are in default

Attorney Finney: Do you know, the date of the last time it was paid, like do you know how old (inaudible)

AD Taijeron: my understanding, it's still active, we just received everybody in red here, there information was just received in January of this year

Commissioner Garrido: I guess her question is

AD Taijeron: I think it's specific, charge off case but this came from

Commissioner Garrido: when was the last paid payment and how long was the arrears accrued?

Attorney Finney: and if it's these one that are not charged off, are they current? Or you don't have that information on how many

AD Taijeron: the ones that aren't highlighted

Attorney Finney: Yes, that aren't highlighted. So, we don't know, like the charge off (inaudible)

AD Taijeron: for now, they are current

Attorney Finney: ok

AD Taijeron: the ones that not highlighted are current.

Commissioner Garrido: based on what date

AD Taijeron: I'll get the date. But this is current as of January 2023, but there's still actively charged off to the Treasury

Acting chair A. Bordallo: do they, SBA record how much just like this letter is written to us.

AD Taijeron: yes, they will report how much is due, how much they're going to collect. We just redacted some information here; I don't know why the amount was redacted.

Attorney Finney: it's there

AD Taijeron: No, the amount is right there, it's indicated on the first paragraph, but this a, whatever was redacted was personal information

Acting chair A. Bordallo: How soon is the legislature going to give us the money or the administration? What does it (inaudible)

AD Taijeron: I think there still a budget hearing, as soon as they pass the bill. The Governor has up to 10 days to sign, so 10 days from the time they pass the bill

Acting chair A. Bordallo: August right

AD Taijeron: August, end of fiscal year is September 30th

Acting chair A. Bordallo: before September 30th

Commissioner Garrido: since there's an outstanding due to cltc, the admin. Could you do a follow up letter to admin as to when we can receive those funds because we need it for these issues and also for our typhoon tenants that are seeking SBA loans, we need to clean up what has happened in the past but at the same time we need to service our current tenants. I mean, it's not, 600 thousand is just most of what we need overall for our loan guaranty, but if SBA can give us like 70% guaranty instead of 100% that will alleviate some of our liability also. You know like our commercial banks, when you apply for a home loan for something, they have that 70 to 80 percent will be person borrowing the money has to meet as far as the ability to pay back, so since we're guaranteeing it can they give us that same type of projection for our guaranty.

AD Taijeron: I think I covered everything regard to the loan

Commissioner Garrido: do we have anything outstanding from GEDA that they owe us

AD Taijeron: Not aware of any. So, I've been asked why haven't these things haven't been reported, why are we just hearing about this now, why? What happened? I can only answer to what I've been discovering since the month I've been here and I've indicated already to the team most especially with regard to our finances is these things, I need to made aware as soon as it comes in because, as judiciaries, commissioners and myself basically certify if funds are available, we have a responsibility to the beneficiaries, we cannot make decision that may ultimately impact the assets that belong to the beneficiaries. So, I can't answer why these things were never made known previously, I can only say moving forward, be assured you will be made aware commissioners, you will be made aware

Acting chair A. Bordallo: I very much appreciate your report Ms. Taijeron

AD Taijeron: I always said is, my honest, my directive is to ensure you are protected, this agency is protected and our beneficiaries are protected. You've seen by the information that I provided that there's been a lot of things done previously that we need to clean up and I'll provide as much information so that the commissioners can make the best possible decision.

Acting chair A. Bordallo: recovery of our loans

AD Taijeron: Yes

Acting chair A. Bordallo: Our properties, they can't pay it then we can make use of it

AD Taijeron: Yes, that's in reference not just to residential, agricultural but it's also on commercial, I instructed the staff, I want a list of everybody who is in default and we will write letters to collect rightfully so, that is the language

Commissioner Garrido: My question was a what is, have we gone to our budget hearing with the legislature

AD Taijeron: So, we had a budget meeting with the chairman of finances, ways and means right, Senator Joe San Agustin, we met with his staff, his team, we've gone through the budget with them. What was discussed was the budget that the board approved, we got cut, I believe we weren't approved, we asked for an extra 300 thousand for legal fees, I explained I anticipate potentially getting, having very active legal situation with cltc. I don't think they cut any more, we're not going to have an actual budget hearing

Commissioner Garrido: Yeah, but based on what we know now that we are responsible for, we ask for an amended budget for the loan guaranty

AD Taijeron: even the ...

Commissioner Garrido: it could be locked into the general fund to cover our tenants who have loan guaranty for, they don't have to actually give us the money just as long as the general fund guarantee availability of the funds should they need, like this case right here where we have quite a few, 18% of their loans are in default and then also if you indicate to him that we have also, we have cltc tenants going through that process applying for loans to rectify their situations which is caused by the typhoon. I guess I want to try to get everything we can get to, for cltc to cover past liabilities and our upcoming liabilities. Like I said they don't have to actually give us the money but it they can put it in a restricted fund in the general fund that we can syphon from in the event of foreclosures. I think they'll have heartburn if we ask them to give it to cltc, because this dates back to 2003, this didn't just occur on our watch.

Commissioner Herrera: madam director, just for education, I think we have a summary for 94 SBA, 94 SBA applicants that are here, and we have 44 of the Guam Housing but on the back right other than the vets, we have mortgage limited and (inaudible) I'm just trying, what are these admins

AD Taijeron: So, these mortgages, they were formally SBA mortgages sold to these mortgage companies and their banks

Commissioner Herrera: so now it's SBANBA

AD Taijeron: No not the ... Ok can you a ...

Commissioner Herrera: all the way in the back

Commissioner Garrido: there not listed as SBA loans

AD Taijeron: so originally, they were SBA loans and SBA if I'm not mistaken, did sell their mortgages at that time. I'm sorry, can you tell which page?

Commissioner Herrera: Page 10, 2 to 3 pages from the back in, 10, 9, 8. We have 12 pages so on the last page

AD Taijeron: Oh, MGC mortgage, that's the bank name, I'm sorry, but this was formally a SBA mortgage. What we'll do is get an update as to, but those that are not highlighted are current

Commissioner Herrera: ok

AD Taijeron: they're good with their ...

Commissioner Herrera: This is good data, thank you

Acting chair A. Bordallo: So, commissioners

Commissioner Herrera: Yes

Acting chair A. Bordallo: what will be comfortable as far as asking the legislature the millions that we make

Commissioner Herrera: I say 5 million for now

Commissioner Garrido: No, let's just cover, outstanding new liabilities and hopefully everybody else in this area here may base, because we're tapped out right now right

Commissioner Herrera: well, the urgent constituents now that are waiting to have been approved

Acting chair A. Bordallo: But this is the time to ask what you can

Commissioner Garrido: Yeah, we're going to ask the lump sum and if they

Acting chair A. Bordallo: then it's up to them how they handle it

Commissioner Garrido: 50% at least we have that, instead of just asking for that and then getting only, and that revolving fund

Commissioner Herrera: do we have to motion for that

Acting chair A. Bordallo: Yes, we have to

Commissioner Garrido: a restricted revolving fund

Acting chair A. Bordallo: let the legislature make that decision for the people of Guam

Commissioner Herrera: my focus was basically, the constituents

Acting chair A. Bordallo: but it's right, it's needed now

Commissioner Herrera: alright so I'll make a motion madam chair is request for 10 million dollars from the Guam Legislature

Commissioner Garrido: but why motion, you have an actual tally of what was read already, all the highlights, do you have an actual tally

Acting chair A. Bordallo: 2.2

AD Taijeron: that's about, just a minimum, it's only a minimum because it's just principal balance due, based on the information provided to us, 1.1 mil

Commissioner Garrido: 1.1

AD Taijeron: 1.1 million dollars, that's just principal, it's not taking, we don't have any information about fees, interests, penalties at this point

Acting chair A. Bordallo: we have to replenish what we already reserved

AD Taijeron: I'm sorry, what did we reserve

Acting chair A. Bordallo: our reserve is (inaudible) right

AD Taijeron: no, we have 10.4 million in loan guarantees

Acting chair A. Bordallo: that we used up already

Commissioner Garrido: ok let's ask for 10.4 million but to include our new SBA loans that are pending the guaranty

AD Taijeron: 10.4 that's approximately

Commissioner Garrido: whatever it is we tally from this and this is still a rising number, it hasn't maxed out right

Acting chair A. Bordallo: Because this is for the whole year, you know the budget, it's up to the legislature to give us, what they think is reasonable to them.

AD Taijeron: madam chair

Acting chair A. Bordallo: if you don't mind if I asked, people are waiting, they don't have whole (inaudible)

AD Taijeron: so, for the commissioners, 10.4 which is outstanding and 2.4 which is current, we were looking at 12.8, that's the ask from the legislature and at present, is this is what the commissioners deem as reasonable to address

Commissioner Garrido: 12.8

AD Taijeron: 12.8

Commissioner Garrido: ok, we have the data to backup why, 12.8

AD Taijeron: Yes, it's all the information that's been provided

Commissioner Garrido: Ok, like the chairperson said these people are living in the dirt because their homes were destroyed so we need to turn in and help them, so they can begin construction on their homes, I know it's a daunting task because

AD Taijeron: No, I will prepare the letter, I will reach out to the legislature

Commissioner Garrido: like I said, I really feel remorse for their living conditions so I want to try and do whatever I can to help, lift them out at where they're at right now

Commissioner Herrera: Ok, making a motion to request for 12.8 million from the Guam legislature madam chair

Commissioner Garrido: to augment our budget for loan guaranty

Acting chair A. Bordallo: all in favor

Commissioner Garrido: aye

Acting chair A. Bordallo: thank you Alice

AD Taijeron: you're welcome

Commissioner Garrido: this is very good

AD Taijeron: thank you sir, we're still trying

Commissioner Garrido: we're not finished

AD Taijeron: no, we're not, I mean, it's just been a lot being discovered that we're finding out so

Acting chair A. Bordallo: Yes, we support you

AD Taijeron: while we're requesting for this, we still have the issue of individuals seeking loan guaranty. So, I'll reach out to SBA and see if there's anything more that can be done with regard to at least extending the requirement given the current situation that's one. Two, I understand the interest rate at Guam Housing is a little more but it is an option, they have an option to go and try to prequalify there, and I'm optimistic, I'm hopeful that the Guam Housing board will approve the strengthening of their underwriting requirements and then moving forward cltc will not have to guaranty Guam Housing loans, technically we don't have to, the law states we may, doesn't say we shall but in partnership, so, I will prepare informational sheet announcement to individuals seeking loan guaranties, we're working with SBA, to see what they have to say and what they can do, and in the meantime, get there option is, in the meantime while we're waiting for that, they can go and work with Guam Housing.

Commissioner Garrido: I have another question

AD Taijeron: yes sir

Commissioner Garrido: should it be directed to attorney Finney. What recourse will we have on these foreclosures, bankruptcies, because the land belongs to cltc, the mortgage is on building and if the original person who borrows the money and its successor are not able to make good on the loan. Where is our position, what are we able to do

Attorney Finney: There's a procedure that's filled out in the law, we can take a look at that and follow that process

Commissioner Garrido: can you give us a report on that and give us alternatives also for the event of foreclosures because if it's commercial bank they foreclose they keep the house and the land and we go out and announce the bankruptcies and then bid it out

AD Taijeron: with regard to the Chargualaf's, so we do have a process in place where we can identify qualified individuals to assume the loan, the next person in line

Commissioner Garrido: yeah, but they're allowed to name one successor right

AD Taijeron: yes, so they can name one successor but it doesn't have to be a successor to take over, if that successor doesn't want or can't financially take on that liability you move to the next person until you get somebody

Commissioner Garrido: do they provide us a family tree so like that so we can pick and choose

Attorney Finney: the next person that you're going to lease

AD Taijeron: the next person that we lease to

Commissioner Garrido: ok, still not clear of what you just said, I take out the loan, I may lose my beneficiary, I default on it and he's not able to recover either, who's next

AD Taijeron: so, let's say, correct, we're reviewing this and our team is trying to put this together already is to have a list of individuals so that's way something like this happens they move to the next person so, let's say your person number 10, you default, Mr. Herrera is your successor, not beneficiary because you're the beneficiary, he's the successor according to the law, he can't take over right, Ms. Finney is next in line, she's informed hey, we have this defaulted mortgage, can you afford it? You know, get prequalified or whatever the case may be, she's not eligible to do it. Mr. Tan is next, yes, we can run the numbers he's eligible, he can do it then he can assume the

Commissioner Garrido: then that will be done with conjunction with the financial institution right

AD Taijeron: how do mean in conjunction?

Commissioner Garrido: like a bank

AD Taijeron: so, the loan guaranty is what SBA needs to do and Guam Housing what normally should be happening is they should notify us

Commissioner Garrido: how do we qualify the next person in line, the next person in line, we don't have to ability to do that

AD Taijeron: we do not have the capacity for that, so that will be done through SBA or Guam Housing

AD Taijeron: Yes sir

Commissioner Herrera: you can assume, so you just assume, determine the condition of the loan, that's the plus

AD Taijeron: well, the next individual will financially take on, assume that loan

Commissioner Herrera: right, same percentage, same criteria, you just assume it

AD Taijeron: the question is how do we make that person eligible, so, working with Guam Housing that's one way to do it, is they can go to Guam Housing get prequalified and yes, this person and assume the mortgage of 180 thousand

dollars, so he will be next in line. So that's the list that we're, that's supposed to have been created, to be able to address this which it has not

Commissioner Garrido: do we have a procedure in place to transfer the lease

AD Taijeron: yes, there in law, in law, there is the process and goes before the board

Commissioner Herrera: wait madam chair you were saying about the loan, assuming the loan

Acting chair A. Bordallo: yes, assuming the loan, not necessarily the same rates and amounts, depends what the balance is

Commissioner Herrera: Financing is an option

Acting chair A. Bordallo: Yeah, if that person qualifies

Commissioner Garrido: so, can an outside person jump in and assume the loan

AD Taijeron: No

Commissioner Garrido: it has to be blood rite

AD Taijeron: it has to be an eligible, qualified cltc beneficiary or successor, that's why for Guam Housing there not going to use coborrowers, there going to use cosigners in the event there's an issue with regard with the successor.

Commissioner Garrido: so, I just want to make it clear. We will follow the family tree blood line for someone to assume the loan

AD Taijeron: No

Commissioner Garrido: so, I as an outsider, can go in and request to buy the loan

AD Taijeron: No, when you speak of the family tree, the blood line, that's the new requirement under 75a for an applicant to be eligible, become eligible so any applications for leases not approved prior to January 1, 2021. These individuals will now need to come in and or

Attorney Finney: Sorry, I think he's just asking when you made your beneficiary to your lease, it has to be a certain

Commissioner Garrido: yeah, your only allowed through your

Attorney Finney: I think that's what he's talking about

AD Taijeron: Not beneficiaries, they're called successors

Attorney Finney: the person that you named

AD Taijeron: yes, the law states, your children, spouse

Commissioner Garrido: the first successor after I default is not able to cure that loan, where do we go from there

AD Taijeron: to the next person in line

Attorney Finney: so, you when you say the next person in line, he's asking does that mean next person he would name as successor

AD Taijeron: No

Attorney Finney: he just wanted to clarify; it could be any eligible

Commissioner Garrido: a grand

AD Taijeron: your only allowed to name one successor

Commissioner Garrido: so, what do we do when we exhaust that

AD Taijeron: so that one successor can't take on the loan, well that will be a legal question. Can that successor name somebody else, is that what you're asking

Attorney Finney: he's just saying if there's a default, is it going to stay in the family or is it going to go

Commissioner Garrido: someone who from the outside can jump in and buy that loan

AD Taijeron: No, they can't get anybody from the outside

Attorney Finney: when he says outside, he's saying outside of the family, and when you're saying outside, all the eligible beneficiaries

AD Taijeron: anybody outside as in not qualified, ok no they can't, you have to be qualified but if you're saying just to regard the family line, so that's a legal issue that needs to be addressed because if the first successor can't do it, that first successor need, that successor have named another successor

Attorney Finney: I'm even necessarily sure that, I haven't really reviewed that exactly what happens but I'm not sure

Commissioner Garrido: Can you give us a report on that please

Attorney Finney: Yeah, I don't know if it even has to go to successors

Commissioner Garrido: but you understand what I'm saying right

Attorney Finney: I think it just goes to the next eligible

AD Taijeron: eligible qualifier

Attorney Finney: so, I don't think it would have to stay within the family, if he defaults, it just goes back to the land trust and they can resell

Commissioner Garrido: But the land trust still has to bail out the money because it's a bankruptcy

Attorney Finney: there going to lease it out to someone who going to pay

Commissioner Garrido: that person who's going to pay is that going to be in that initial bloodline or an outsider can jump in

Attorney Finney: could be any eligible beneficiary that can

Commissioner Garrido: on our cltc list, that's my concern

Commissioner Herrera: could be number 6

Commissioner Garrido: could be number 50

Commissioner Herrera: or 7, first come, first serve

AD Taijeron: Well, 6, 7, 8, 9, 10 can't do it, we move on the next one

Commissioner Garrido: (inaudible)

Attorney Finney: Yeah, I haven't look, I was trying to look

Commissioner Garrido: remember I asked, can you do a report on that?

AD Taijeron: sure

Acting chair A. Bordallo: what's lost is lost

Commissioner Garrido: Huh

Acting chair A. Bordallo: what's lost is lost, so, what's next

AD Taijeron: should we get, should we asked with regard to SBA loans guarantees is the commissions position at this point in time, cannot guaranty any loans, we are not guaranteeing any loans until we can get financial assistance from the legislature

Attorney Finney: is that what we're

Commission Garrido: are the minutes completed yet

AD Taijeron: the minutes from last week have been completed, however, we, at the discussion during the meeting it was decided that is going to be taken up in the next meeting, so, we didn't make it available today because of that discussion but I can get it to everybody in advance, Cathy has actually, she worked on it immediately, and the minutes from this meeting will be done

Commissioner Garrido: another point I want to bring up, has the auditor completed the report

AD Taijeron: they are near completing with regard to the (inaudible) I would say yes, they should be near completion, we received requests to send them some documents, we did. So, they should be near completed and that will be made public

Commissioner Garrido: Ok

AD Taijeron: Commissioners I did want to bring up, I know in our last meeting we indicated that we would hold a working session for the GICC to present on their solar farm proposal, that would require work, would require notice right, so the next meeting is actually, and by law we have to hold our meetings on every Thursday at 1pm. So, our next meeting is September 21st, would the commission be amendable just holding the work sessions there, would that be allowable? Kristan? At that meeting you'll be allowed to answer questions, we can focus on that, address what ever is needed, you've gotten their handouts

Commissioner Herrera: we had the handout and we explained the first 2 pages but we want to kind of finish off, make them finish off what they have and then we'll interact on the work session, more details

Acting chair A. Bordallo: if there's an additional result

AD Taijeron: so, at the work sessions, you cannot make decisions, you cannot, you won't be able to make decisions or

Commissioner Garrido: it's just a discussion

Commissioner Herrera: and it's not in the agenda right

Attorney Finney: you're talking about doing this at the meeting right

AD Taijeron: so, I'm proposing because our next meeting is September 21st, and we have to notice a work session, and at that work session, what would be the purpose of the work session? Just basic discussion on it right, with that being said is, it would probably be safer to have that work session during the open meeting instead of having 2 meetings, so, your work session is actually going to be during that meeting, it's open, it meets the requirements for public participation and public notice

Commissioner Herrera: and then we can make motion on the loan guaranty. Because today we cannot make any decision on the loan guaranty for the home loan because it was not in the agenda

AD Taijeron: it's part of the agency report

Acting chair A. Bordallo: it is

Commissioner Herrera: ok

Acting chair A. Bordallo: it was part of the agency report

Commissioner Herrera: ok, on the agency, our motion was legal, our motion. See the agenda

Attorney Finney: the motion that you guys made to seek additional funds, yeah, I don't see any issue with that, but I think what you're asking about, if your asking making motions for particular applicants

Commissioner Herrera: Yes

Attorney Finney: and you're saying there's nothing here that would notify people that's the decision that you'll be making

Commission Herrera: Because if you look council, old business and new business, that there was no subject for

Attorney Finney: loan guaranty

Commissioner Herrera: correct, the motion that we made was not in the agenda so, would that be in compliance

Attorney Finney: it was

Acting chair A. Bordallo: it was discussed in the agency report, Ms. Taijeron presented a list of people that wanted to guaranty

AD Taijeron: I presented a list of amounts that were being requested, I didn't indicate names and, was there a particular motion that we're looking, we were seeking sir

Commissioner Garrido: you're talking about the motion today right

Commissioner Herrera: right, the motion for the 10 point

Commissioner Garrido: 12.4

Acting chair A. Bordallo: we have to have the money first, they can approve it

AD Taijeron: so that motion for me to write to the legislature to request for that is acceptable, there shouldn't be an issue with it, basically

Attorney Finney: it came out on what you discussed on the agency report

Acting chair A. Bordallo: that's right

Attorney Finney: and the financial report

Commissioner Garrido: and you also came in on the public comment

Commissioner Herrera: remember the last meeting when we requested for 1 million or we requested to make contact with the chair

AD Taijeron: Yes, which I did

Commissioner Herrera: which you did and you bargained for you know

AD Taijeron: she, I asked for 8 million

Commissioner Herrera: better than zero million. Ok, so

Acting chair A. Bordallo: Director, is there anything else to report?

Commissioner Garrido: I think we discussed what was needed to be discussed today and moving forward on public comments, maybe you might want to have comments from the public

Acting chair A. Bordallo: public comments

Commissioner Herrera: number 8, number 8

Commissioner Garrido: public comments number 8

Acting chair A. Bordallo: we can't make a decision to do the guaranty

Commissioner Herrera: maybe just to hear

Acting chair A. Bordallo: we went through the list

AD Taijeron: I don't have anything else; the recess was to provide updates with the loan guaranty situation with SBA and everything else

Commissioner Garrido: and Guam Housing

AD Taijeron: and Guam Housing yes, so I reported all that

Acting chair A. Bordallo: with the public comments we have people come before public comments on our last meeting

AD Taijeron: yes, we did, that's the prerogative of the commissioners if you would seek public comments and then we move on to commission and comments

Commissioner Garrido: ok

Acting chair A. Bordallo: so, if your more comfortable at the public comments

Commissioner Herrera: yes, madam chair

Acting chair A. Bordallo: we'll limit the time

Commissioner Herrera: yeah

AD Taijeron: so, if you have public comments, you can come forward, please sign and state your name for the record

Commissioner Herrera: we'll give 5 minutes

AD Taijeron: if there's no public comments

Commissioner Herrera: sagan ha I na'an'mu (state your name)

Acting chair A. Bordallo: have a seat

Commissioner Herrera: sa I tiempo, si yu'us ma'ase,(because of time, thank you) saga ha I na'an (just your name)

Jose C. Quinata: My name is Jose C. Quinata, C stands for Chargualaf, madam chair, commissioner Arlene Bordallo, madam Alice Taijeron, madam assistance attorney general, commissioner Earl Garrido and commissioner David Herrera. I am here for the 2nd time, I heard the conversation, when Mr. Earl said, why can't we start all over again the madam chair commissioner Arlene said, some are living under canopies, I am one of them, I believe there's another storm coming again, and as a first responder, we are getting prepared so I'm looking forward, I need you guys help because I've been going back and forth from SBA to cltc office, I proceed to 2nd floor. Going back to SBA, also inquiring is there another alternative where you can help me out, although they did help me out with the loan which is sitting in the bank, but I could have returned the money. I don't want to touch the money, but every time it rains, I could not sleep good because my foundation is getting flooded and I'm worried, where I'm sitting at might just collapse, I don't want to harm my family, so on behalf of my family I need the help of cltc. Madam, commissioner Arlene, madam administrative director Alice Taijeron, assistant attorney general Kristan Finney, commissioner Earl Garrido and commissioner David Herrera and all the staff of cltc. I am looking forward we can help, not only me but other constituents, madam chair commissioner Arlene saying, they are sleeping in uncomfortable sleeping quarters. I know it's mother nature, we cannot help it but this the first time I ever experience this because if I do not have any disaster in my area I will not be here, I will not be here, I'm just asking, I keep going back and forth, going to revenue and tax, CHamoru land trust because I'm having

issues about, not blaming this present cltc right now, what transpired, what I'm hearing that there's a miscalculation on property tax and names and I just, like when commissioner Earl was saying, let's start all over. Madam commissioner Arlene Bordallo, we need help and that's why I'm here to testify to see if you guys can help me out because I've been going to SBA, I've been calling SBA and when I visit them, it worries me a lot because there saying they'll be leaving the island and I got a few months to deal with, the money is in the bank but I do not want to touch it. I was even talking to my family to returning the money back because I don't want to deal with it because SBA loan is in the bank, it's approved but the land I'm sitting on is on CHamoru land trust. Last thing, please help me, not only I, not only I as a Guamanian CHamoru raised here in the beautiful island of Guam. We need help, we need help, help me out, hopefully this will be my last meeting and will sure would like to attend this meeting because it's kind of interesting. Know the law, to know what's going on and pass on to people that really need help what they have to go through and madam, administrator Alice Taijeron, I need your help. I can cry, I am not ashamed to make tears fall down my eyes but put yourself in my shoe because as a first responder during the storm and after the storm we were out there helping restore power to the people of Guam while my family is in a disastrous cleaning up the damages from the typhoon Mawar. And here I am now suffering the consequences that I am hurting right now. Madam administrator Alice Taijeron, put yourself in my shoe, help me out, madam commissioner Arlene Bordallo, commissioner David Herrera, Commissioner Earl and also assistant attorney general Kristan Finney, I said my peace and I say it again, the lord above is you got all this guiding to help, help the needy ones, our ancestors are the Guello and Guella, your children are watching us spiritually to help the people of Guam, this is our island, we live in one island, one culture. We need help.

AD Taijeron: Mr. Quinata, just so that I am clear you've asked for my help. I understand that there's 2 issues that you have come to cltc for and I want to be sure that these are the 2 items that your requesting assistance for. The first is for cltc to approve your loan guaranty. Is that your first request? Is that your first request? With regard us helping you, me helping you. You are seeking cltc commissioners to approve your loan guaranty

Jose C. Quinata: Yes, madam administrator Alice Taijeron

AD Taijeron: I want to be sure I understand what it is your asking for

Jose C. Quinata: because I went back to SBA and this is what they did, advised me to do. Go down to CHamoru land trust and ask them why they cannot guaranty, why cltc cannot provide a loan guaranty

AD Taijeron: Ok

Jose C. Quinata: like I said earlier I've going back and forth from here to GCC and yes there are giving little by little, the staff from SBA that are helping me out here are leaving the island already. So, I have to start all over with a new staff from SBA

AD Taijeron: I will prepare a response to SBA indicating why it is we can't provide a loan guaranty, but I'm also instructed by the commissioners to reach out to SBA if there's anything that can be done extending with regard extending the date, the time, the time frame for that. I will address that Mr. Quinata. In addition to, you've heard the discussions with our commissioners, they are unable at this point of time, we have a fiduciary responsibility to all our beneficiaries and for them to make a decision could financially jeopardize the cltc would be neglectable, if I'm using that correctly but that's one but their doing their best, I will do my best and I will try to respond to your request from SBA for your request. The second is what is your 2nd request that you need help with

Jose C. Quinata: it's just the loan guaranty and the agreement and already the name change has been rectified already

AD Taijeron: so, the issue is with DRT right, we are aware, the commissioners are aware. Mr. Quinata is in the right place, the right lot number, if I'm not mistaken it was the master plan that was used, he is in the right place however, there's a different individual whose name is on the tax roll. So, we are seeking DRT assistance to make that correction already, correct, is that the other issue, yes, so we are working on a letter to DRT, I will make a phone call the director saying and this has been a ongoing problem, this has been years past, if I'm not mistaken this is the faster that cltc has moved to try an address this issue, to get something happening in that respect so we are working on that, we are addressing your issue, you come in this office, we are working on it right now, it's not sitting, it hasn't fallen in the waste line so that's being addressed as we speak

Jose C. Quinata: madam administrator Alice Taijeron, if you don't mind, how long will it take?

AD Taijeron: let me see, how long would what take? The letter, maybe by the end of the week, now, so, just so your aware, we just can't write the letter, I have the staff conduct their due diligence, so there's a lot of research with regard to your case, and it also involves another individual so all of that had to be worked out simultaneously so we're doing, making another mistake regarding this other individual but we are working on it, with regard to the letter I am working closely with the land agent on this letter, she has been on top of it, so, give me till the end of the week, you will get a call back from me or the land agent telling you as she has done communicating with you where we are right, so that's the process, is we need to work with DRT, DRT needs to make this correction, I want it on record that we are requesting for this correction and that's where we are with that

Jose C. Quinata: madam administrator Alice Taijeron, I just a call from one of your staff, land agent, that they are going to come out and do a GPS, Global positioning, my respond, I appreciate a call back but I was hoping that you know, it has nothing to do with, but then I found out there come out to do a global positioning GPS, my question in response is what about the document I

have from the map, survey map CHamoru land trust has in file so they're response is there going to update it to their file, I'm wondering the map that I have and the survey map that I have is not legit, I mean

AD Taijeron: no one saying it isn't legit

Jose C. Quinata: I mean, I rather evict the place and go elsewhere then, look I'm freaking out, I'm going though all this concerns I mean. The map that was turned to cltc, the map that I have and the lot that you stipulated, the lot that I have is sitting under the lot I'm assigned but although the name is not under the lot I am sitting

AD Taijeron: just to clarify and that was brought to my attention, the CHamoru land trust land agents are not certified GPS, they're not plotting points, part of their responsibility and what they need to do is actually conduct, go out there and, with regard to points, they're going to take pictures, they're plotting, they're not plotting points, they're just going to identify anything that may be on the property, trying to identify where it is, it's going up to the surveyor and then their going to plot the points. So, part of their inspection is ok, well this building is here, it shouldn't be, is that on Mr. Quinata's property or is it on the other person's property, they need to make sure and so the survey department upstairs at DLM will be making those actual plots. Our team goes out, it's part of their job Mr. Quinata is to ensure our lessees are in compliance not to say that your not, it's part of their job to go out there and to make sure that the lessees are not encroaching onto other properties, that's what land agents are going to do, as a matter of fact I just approve their request for a site visit, that's really what they're going to do, there going come back and they have to update, they have to update the file with pictures, descriptions of the property. What they need to do, should have been doing, it should have been done

Commissioner Garrido: if you heard in our meeting tonight, cltc request from the legislature for 12.4 million dollars to cover the loan guaranty. I do not know if I'm speaking out of place but I would encourage you to go down to the legislature also and to convince them that it's necessary for the people of Guam. We're in a position where we're being asked to guaranty the loan but we don't have the funds to do it. So, Senator Joe San Agustin is the chairperson for budgeting right

AD Taijeron: and finance

Commissioner Garrido: our letter from our meeting tonight is going to him asking to amend our budget to include the money to move forward to guarantying the loan for SBA. And your one of those recipients. There is, we are one voice, but when we have people who are directly affected because of the typhoon, come forward and state your position, the more people the more power we have and the more willing they will be to allocate the money. That's my suggestion, but I know you living on very harsh conditions because of the typhoon, and that's why I've been speaking up to try and see what we can do and so has this entire board has been working toward (inaudible) we have your situation on our agenda and we try to do our best to try and get you in the right path.

Jose C. Quinata: so, the money that SBA gave me that's in the bank, I'll just wait for

Commissioner Garrido: like I said we've instructed our director to write a letter to request an amendment to increase the cltc budget that will be focused just on the loan guaranty, now if you want to help speed up the process, I as a private citizen will go down there and talk to the senators that will have oversight on this, it would help

Jose C. Quinata: I was surprised when I believe the media was touring the area and found me on the side of the road, ask to take a picture of my place. I refused just to put it out as to how we live after the storm, I refused that request from the media, for some reason he was in that area and I guess they were looking for somebody and happened to see me clearing out our damages and he asked permission to take picture of the damage the disaster storm hit my place, I didn't have time for that, I just wanted to clear all the debris that the damage, that typhoon Mawar have done to my place so it'll be a different story if I do have that media interview me but I did not

Commissioner Garrido: I would like to plead to you to please understand, the legislature holds the purse strings for the government and if they don't allocate that money for us, we need your help as much as you need ours to get this in motion

Commissioner Herrera: may I, back in August 17, we requested the director to send a letter to the speaker and she did, she contacted the speaker, the speaker presented the motion to get about 500 thousand in the beginning right, for the loan guaranty, they made a motion and they approved 1 million, just to clarify back in August 17, the director did contact the legislature, the legislature made a motion and they made an agreement to provide 1 million dollars, their mindset at that time was basically 7 constituents, or 7 applicants that were in the SBA listing that included you and 7 others. So then as the days went by, new discoveries that there were 20 others that SBA loans that were guaranteed back as far back as 2003 according to this spreadsheet. I guess to make it fair clear, the 1 million that was requested at that time, so you see even with the 1 million and they're having a problem with allocating that now we're asking for 12.8, 12.4, 12.8. I understand that you deferred all the issues from 20 years ago could be allocated or addressed. Because the meeting we had last week was to address the 7 that we had, or 8

AD Taijeron: well actually commissioner Herrera, I have to respectfully say that when this was presented the first few, I indicated that there's more to come

Commissioner Herrera: Yeah, understand

Commissioner Garrido: and there's still more that need help

AD Taijeron: and I didn't ask a million, I asked for more

Commissioner Herrera: ok, so, just to make it clear, the money is the first thing shall we say. Not sufficient and not in our control. I know we're supposed to have I think 350 thousand in, I don't know if that's a physical amount that's available or

AD Taijeron: yes, it is

Commissioner Herrera: 350 is not enough to cover 2 homes, maybe 1, so we're going from 7 preliminary applicants, 6 or 7 from SBA and Guam Housing and now we have a multiple list, and this is new to me, the hole is getting bigger in the red so, we're going to keep trying because that's the process so. I understand the director met with Guam Housing, Guam Housing has the same program, if you guys were to go to Guam Housing that's another option it's just, they charge 6% versus 2%. Now with Guam Housing they don't have to have to have the physical amount of money, MOU would suffice

AD Taijeron: with regard to loan guaranty

Commissioner Herrera: with Guam Housing

AD Taijeron: if our discussion passes with the board, we don't have to guaranty Guam Housing

Commissioner Herrera: right, ok right, that means you don't have a, a cash amount to back it up

AD Taijeron: we don't have to guaranty it

Commissioner Herrera: it's just the percentage is 6% versus the 2. So, because you already prequalified from SBA, I'm pretty sure you prequalify from Guam Housing, would that be, Guam Housing, you're the director so, if you were preapproved and the Small Business Administration and your income and the ratio is within that means you qualify to obligate a 30-year loan at 2%

AD Taijeron: the requirement would be different, potentially different so I'm not going to answer for Guam Housing but it's worth a shot and we send out letters, I didn't want to do it prior to, these individuals saying at this point in time, your other option is to go to Guam Housing. Guam Housing has indicated send them to us, and they'll do what they can to help

Commissioner Herrera: that's one option or get the 10 million into the land trusts and that will suffice just to make it clear to the constituent. Would that be online madam

AD Taijeron: the issue and your concern is we do not have the financial capability to address any potential liabilities that would come as a result of these loan guaranty. We're seeking assistance from the legislature in the meantime, SBA applicants have the option to go to Guam Housing Corporation. I cannot speak whether an individual is going to be approved or not but the team that was here said they will do everything they can to assist.

Acting chair A. Bordallo: They have that option

AD Taijeron: That is an option

Acting chair A. Bordallo: So, we are doing our best

Jose C. Quinata: the last thing I heard, Guam Housing, lessee and cltc be a lessee to help us (inaudible) with the issue we're going through and would like to attend the legislature meeting. It was aired out the legislature has appropriated the funds to help cltc constituents with the loan guaranty

Commissioner Garrido: the way it works Joe is a, the agency request money for their budget, it has to go before the legislature, the legislature will either approve or disapprove, they can strike out what ever they want, alright or they can include what ever they want to the budget, but that's the process. Comes from us, goes to the legislature, from the legislature it goes to the governor for her approval. That's what I said the legislature controls the purse strings for the government. But we're working hard for you

Jose C. Quinata: Thank you

Commissioner Garrido: it's not just you, we're working for all those people in need because of the disaster. You taking an active approach by showing up

Jose C. Quinata: I just want to say, thank you so much.

Acting chair A. Bordallo: you're welcome

Jose C. Quinata: madam commissioner Arlene Bordallo, madam administrator Alice Taijeron, madam assistance attorney general Kristan Finney, commissioner Earl Garrido and commissioner David Herrera, Herrera right and all the staff of cltc. Thank you very much. I'll be looking forward for commercial port

AD Taijeron: we're going to get DRT and stamp receive the letter and make you a copy. We're going to provide that to you

Jose C. Quinata: pretty soon I'm going to have assigned parking lot here

Commissioner Herrera: Thank you sir

Jose C. Quinata: Thank you so much

(Mr. Quinata circling shaking hands)

AD Taijeron: Sir, can we just get a 5-minute break. We're going to get a sign in sheet, madam chair

Acting chair A. Bordallo: Recess for 5 minutes

(Recess 5 minutes)

Acting chair A. Bordallo: Back in session, public comments, your name sir

Tony E. Cruz: my name is Tony E. Cruz, from Guam ok

Commissioner Herrera: si yu'us ma'ase

Tony E. Cruz: Tao tao Guam hu, mafan'gon Guam Hu, ma pok'sai hu Guam. Ani matu magi guine pot pa'pet kao sina ma preba hao, lao sina giyen ham'yu gi pa'pet. Ti'hu tu'nu na guaha public hearing guine. Anno hu siente, ensigidas na matto hu sa bula pru'blema guine giya tanota, sa ola, ti hu suksuk ni uno giya ham'yo. Ti elek'lek hu ham'yo chu'mogui esti sihi, sa gua'ha mu'ta'ta'hi na tiempo mu la'chi ya esta si'ya du'mankulo ta'ki ya'ga kalan chet'not ginen I manamko right. Ola mo'hon ya ta fak'mao'leg esti na problema, I hope you correct this problem, because if you don't the puchetos, the kids behind our tail is going to be the one to suffer, ten times more than right now, ten times more and I guarantee, my research of what I see since I was growing up. I heard from you guys about Mr. Quinata, saying about the legislature. I don't see why the 15 cannot cooperate with you guys, I don't give a darn if Democrat or Republican, what we need is to stand together and unite and help the people, because a lot people, megai CHamoru gi'huyun man'ma desi'si pago ya, I don't want you guys to feel pity to me when I tell you why is this. I sleep on a garage, no roof on my main house, a big open space, no window, no door. I check my body and a chair that was given to me like a recliner to sleep. I don't expect people to feel sorry to me. Because it's my job to do my work and if I want to sleep at a better place, good. I have to do it, I don't expect one of you guys to do it but all of the jobs that people needs that you hold in here, let's get together and fight it. Ta ma'mu'yi lai yan I congressu hafa, usunhu usunhu I ilei'I I probleman tanota, ma'ma'lao yu yi tao tao man hu'yun. I'm ashamed from the people outside talking, in fact I went to zero down, I wish that guy is here, you know what his response to me when I was telling them about the problems and he was telling me about the problems and try to help them, he said Tony, we're not CHamoru Tony, we're not from Guam, we're from Pohnpei. But I do vote, my kids are here for 20 years and I'm a US now, but the way they're treating us like we're not CHamoru and I'm not from here. I'm from Pohnpei but my kids, I'm ashamed when he told me that, what worries me is for him to go and contact his governor, legislature, senators back there and say hey guess what their treating us Pohnpei an please I send you guys the picture of zero down, and I'll still guarantee 100% now, that when you go up to that place nothing have been done, I sent SBA, FEMA red cross, go up there and see what those people going through and it hurts my heart, it hurts me because they're human beings ga'chong para'hu ha yan gu'a. I'm a human just like the other. Man taotao hit gi hu'lu tano yan debi ma respeta, ku man kules ya'nui na taotao ok, estigue na taiyuien hu, let's get together and forget about those things and unite ga'chong sa man CHamoru hit tao'tao Guam hit, ya ta fa'nui esti man taotao san hu'yong na ma gai hinnasso hit. We're high educated people, let's show them that we

can do our job. Sa esti'gue na matte you ma'gi sa esti na pappet. Ahi ti elek'lek hu ma'lache ham'yo, sa gua'ha la'che nihi yi congressu ti ma sa Democrat hao pat Republican pat ha'yi. Danku'lu n ani lache, we're sitting down for the people of Guam. Manutu'gui hit para I taotao guine giya tanota Guam ola mo'hon congressu ma na para enao sihi na babariyas Stop that bullshit, because this is a serious problem in our island, one day might be more worse, Ponapean, Chuuk, Yap, Palau, Chuukese whatever. We cannot communicate, poom, poom, poom huh I'll tell you where I live and you can go out there now, same place as (inaudible) and this is Swamp Road (inaudible) sometimes I cannot, this is the road, two car lane. Lanya pura kareta I cannot pass, that is public road, I asked the mayor what are you guys going to do about this problem. I asked police officer what you guys going to do about this problem, nothing respond, that is good. That don't take care of that problem up to now, they stole the back of the government of Guam, same people. Did they do something, nothing, I'll take care of you don't forget election time, this is true man, let's stop this bullshit man, that's why this thing is rising, getting worse and worse this problem. Those senators, those governors, I don't care who, let's start now and take care of this problem, it become more worse lai, man na'ma'se I famagu'onta our kids, our future leaders. They say one day you're going to be governor or senator for what, doctor but I was supporting that kid, no bunch of lies. Let's stop that we're hurting ourselves, we're hurting ourself man, because I see problem, you can take me anywhere and you could ask me, what is the major problem here in this island, I'm not lying lai, like I said I don't expect my brother, sister, mother, father but there not home, not here right now. I don't expect my brother and sister that's still around to hey Tony, don't worry brot, if I need I'll call you brot I'll stand on my two feet fi'no Bodayo bi'hi to'gi dos patashu sa manihu patashu maihu ka'ni hu, ma'nai'hu dos mata'hu bai hu chu'gui ma'nu si'na.bai hu la'la mao'lek. Esti pa'go na tiempo para I contractor, you know that, a lot of these people cannot afford, I say go shop around, look at those prices at the store, do we have senator to stop price gouging, do we have those people to do it, if you don't do it we're going to fire you. During my time, if I don't do my job my boss going to get on my ass. To'ka hao ku'mu tumanlahalom hao hi 3:30 Ton, there's still paying those small people man, but they don't see the big people that could do a lot of things, they forget about the small people just like right now where we're going through, it's hard my friend but I'm not going to give up the battle, understand that there's a way and there's a will to change this to turn this around and help a lot of people that needs help, give them a chance, some people they convicted, punished, they said they will never do it again, why? I learned my lesson, because I need to learn and what I did was wrong, let's do it. Lanya, I don't like to be helped, I don't mind to be helped but tell me directly, don't do it under the table and I'm going hurt people or you going to get hurt if they found out, things that we're not doing right. I don't want it; I don't need it cause I'm standing on my two feet. My hand, my brain, my eyes and my ears. I want to do it, I want to show people that let's do it man, just like young generation, we have to teach them. Want to learn, go out there and do it. When I say do it, do it, you don't know, come to me and I'll go out there and help you, I'll show you how to do it so you could learn. Lanya my dad was the one who taught me this thing you know and that's my philosophy ok. Estigue I hineggon ku, na un sa'gan I congressu, hafa na si'gi ha kine'tra. It's good for you people, what the plan for the people out there, the CHamoru.

Hafa nai ga'chong senator, what, what you want us to do ga'chong, we're doing this for the people, we don't want them to think we're behind because you're doing nothing, so help us and we help you and we all help what's good. Honestly, I'm praying now because what I saw is not really good, it's not really good. Esta, you all know about Hawaii, there's not much money for FEMA and SBA to help them and that's is to the ground, disaster, and the first thing they're going to hear "hafa" nothing, what are you guys doing, can you see the problem, nothing, wipe out by the fire, what you guys going to do about it. Are you going to blame the governor, blame the senator, let's all blame who's not doing their job and get them out, get them out. You did the problem; you all look like we want to get killed. They want to kill us sa lanya si pedro, hu pu'no hao punte' teru sa tu cho'cho gue it cho'cho mu ya estigue na ma'desi'dis yu. There a time that can come, that time can come and honestly, it said in the Bible, that time will come, let's all help the people ga'chong, let's hold hand, hold hand each other and be strong I say, we're going to do it as a team, team work, as brother and sister, let's do it and let's show other people or other nation that we're doing this for our island, we're doing it. Lanya mama'lao'hu adai, when the Red Cross shut down, I used to help red cross, and only 2 weeks they shut down, hafa ga'chong, how long we don't have typhoon, where's the money ga'chong that's been, let's get together put. I know one old man, he showed me a paper that he signed at his work every payday holding money to the red cross, when the time comes, that guy right now, you should see his house, only tent, no roof, no wall. I could see all you people and I'm not blaming. Ti hu lek'lek'hu ha'go, ha'go, ha'go, na para yan ta cho'gue I che'chu gi dinanche na dinanche' ma'cho'gue'na sa dinanche todou man ma'guf hit I tano, Lanya, si Mr. Cruz na mao'lek bidana, atan na I am'ko, atan ha, atan ha, mai'la ta ayuda, Layna, confutmia ta bota ya ta na fatachong ga'chong, man malefna lai. Gua'hu pafa y aba sayan ha. I swear to the Bible and to the Lord, I never see government of Guam where I live, I never seen one up to now.

Commissioner Herrera: Swamp Road na ya'gui (swamp road is where you're at)

Tony E. Cruz: Swamp Road, south gladiola

Commissioner Herrera: fi'nu y lot 101-25 na gai'yi hao, south gladiola

Tony E. Cruz: I even know there's a lot there man, that a person died

Commissioner Herrera: ya ti ma so'da

Tony E. Cruz: ti ma apa'pasi I surveyor. I know a lot of problem man, why we doing this

Commissioner Herrera: pues esti sinot na man gao'gao'hao put esti I loan guaranty para I SBA (sir, are you asking for loan guaranty for SBA)

Tony E. Cruz: ahe, man gao'gao'hu papet para I loan, esta ma preba'hu

Commissioner Herrera: pues para'hu ha

Commissioner Garrido: pues para'hu na dos

Commissioner Herrera: mao'lek hun nah un sagan ta fan dan'ha sa yan I
legislatura para ma hu'gnok hafa mas

Tony E. Cruz: prublema ya ta ga'gao yi salappe

Commissioner Garrido: ya'hu bi hu le'hui gi pa'pa

Tony E. Cruz: uno ha lai na prublema, ma gang hu ni security

Commissioner Herrera: ahe, kuentos I respetu nai

Tony E. Cruz: Huggan nai bihu sa'gan ha esti che'lu, gua'ha na taotao

Commissioner Garrido: ta'ya gua'ha

Tony E. Cruz: bai respeta umbre, para elek'ku, ha'go, ha'go

Commissioner Herrera: mao'lek na bonito

Tony E. Cruz: ti ga'hu y unai, mugga ma punta, ha'go puneteru, na'ggna ya ta
asoda ya hu dung dung hao, I don't like that

Commissioner Herrera: hafa na tai nga'ga agu'pa, pa'go ha

Tony E. Cruz: dinanche' ha, fanmakta ga'chong

Commissioner Herrera: hu'hui na

Tony E. Cruz: sa'ha'fa ya ma'kumprede sinente taotao, kumprendi sinente-ku,
sinente-ku, sinente-ku todos ham'yo bai hu ekongna ham'yo sa eguha na sina
ma fakmao'lek prublema

Commissioner Herrera: pues gai'gi hai I telephon-mi na sina ta agang hao.
Pues bai faisen I resputu nu, kao mattu hao unbrai ha, para mafatuhai pa'go
prumet or lamegai nai

Tony E. Cruz: lamegai pot egu'ha I papet

Commissioner Herrera: kuato brai n matto hao

Tony E. Cruz: (inaudible)

Commissioner Herrera: atan-ha no

Tony E. Cruz: lao gu'hui lai, humalum, humugung hu, maggai na u fa'fa'na I taotao. I face a lot to people out there, and try to make them understand and that we need to correct this problem

Commissioner Herrera: para bai hu fai'sen hao

Tony E. Cruz: I even spoke to Republican, I don't care who, we're friends

Commissioner Herrera: pues na sais brain a matto ha, gua-ha na mai'eli yan I directok

Tony E. Cruz: ta-ya, ta-ya

Commissioner Herrera: have you heard about this case, he came here 6 times

AD Taijeron: No

Tony E. Cruz: in fact, I found out that I even try an ask today, can I go in there, they say that I couldn't because it's a semi concrete and I want to put roof because they want me to put a roof

Commissioner Herrera: esta ma pre'bai hao gi SBA

Tony E. Cruz: lao, they approve me for 220 thousand

Commissioner Herrera: 220

Tony E. Cruz: gua'hu nai, mun'ga ma presu, mun'ga ma chu'lu guma'hu sa egu'ha guina'ha hu'

Commissioner Herrera: gaigi hao lot 4, lot 6, Cruz, pues sais brai na mattao hao ya ta'ya na ma'lei hu

Tony E. Cruz: ta-ya, gesti I dirante este na sakkan ta-ya

Commissioner Herrera: yan I sais brai hayi lei mu

Tony E. Cruz: taotao miyu, secretariat

Commissioner Herrera: bai na claru, just to make it clear, he came 6 times and I was trying to make it clear, did you ever hear of his case of the 6 times that you were here

AD Taijeron: No, this is the first time I've met Mr. Cruz, we can verify he's been here, I don't think he's on the list

Commissioner Herrera: he just mentioned that he, to verify, lot 4, block 5 track 101-25 and because he mentioned that he was approved for 220k. dos sientos buente mit pesos no

Tony E. Cruz: Two hundred twenty

Commissioner Herrera: esta-gua na gai'gi hao guine, un saggan ni SBA munga lai enao dos sientos buente

Tony E. Cruz: ti hu na si'na lai, pup'bli hu

Commissioner Herrera: utut papa

Tony E. Cruz: I sweat every day, my hand, my feet my, all over my body

Commissioner Herrera: mao'lek na'an'mu gi SBA sa my pre'bai hao dos sentos mit

Tony E. Cruz: mu'nga ya bai tang-tang ya eyu na tano hu sa'sa'ng bai hu na'l it fama'guon'hu taigue sa ti hu apa-si

Commissioner Herrera: dinanche' hao, eyi gue si senora Alice naman gao'gao salappe para yagin enao dos sientos bente mit, ti'sina ma apase otro mes na sakkan pat dues anos na tiempo, sina I SBA ha chu'le I salappe gi land trust ya ha ap'pasi I dibi-mu, un tuno ha I collateral

Tony E. Cruz: esta nai, ma planu ma cho'gue

Commissioner Herrera: right

Tony E. Cruz: pu ma chu'lei I tano yan I gi'ma nai pai collateral, eyu-ha lu'hun'hun nai I scared, as a 73 years old man, who know the minute I walk out of here, that's it. Get in my car, that's it or home that's it

Commissioner Herrera: I loan guaranty, loan guaranty taiguenu yagin saka'su

Tony E. Cruz: the only way I could take, I have to surrender something and that's the only thing they want the land

Commissioner Herrera: loan guaranty

Tony E. Cruz: yeah

Commissioner Herrera: si yu'us ma'asi

Tony E. Cruz: na matte yu ma'gi para I pappet

Commissioner Herrera: tai manu na un tun'gu na gua'ha pa'go meeting

Tony E. Cruz: tatman ha gi hallway, ekwa ha'yi yu na taotao, elekna man'naigui sa man gai'yi gi meeting, elekhu oh yeah

Commissioner Herrera: si yu'us maasi na mattu hao, sina mattu hao todū I tiempo

Tony E. Cruz: gua-hu na, eguaha na laision, mak'kat

Commissioner Herrera: pues esta

Tony E. Cruz: in English, guaha na hu sang'ni SBA I running like a chicken without a head.

Commissioner Herrera: sias mes'sis I SBA ma sagang I ta pa chulu I loan guaranty sina ta amend yagin matte I sais mes'sis ta chagi, ta fan dan'nga Ta fa dakdak I lamasa I congressu

Tony E. Cruz: congressu

Commissioner Herrera: pot fabot sa meggai man ma sa'sa'pit

Tony E. Cruz: meggai, meggai, bula I taita-ku meggai

Commissioner Herrera: pues ok ta nai' esta sihi I pumalu ta'lei kalan pare-hu ha na galaidi na , si yu'us ma'ase

Commissioner Garrido: nisita tan fan dannai todū ta falak I congressu

Tony E. Cruz: ki ora enao

Commissioner Garrido: debi u kuentos guihi, hago yan si Mr. Quinata un kuentos gui na ma tun'go na ti ham'yi ha esta na estoria na estorian todū

Commissioner Herrera: puet enao na familian galaidi hao no, pues ham'yu yan tata-bihu mamati'tinas I la'remeta

Tony E. Cruz: hunggan

Commissioner Herrera: la'rementa ma lansi, si yu'us ma'asi ya ta na famgientos I pumalu

Tony E. Cruz: danku'lu na si yu'us ma'asi hamyo todo, Thank you

AD Taijeron: munga mannao

Tony E. Cruz: fatachong ha, attenda ha I, Garrido hu

Commissioner Herrera: Galaidi hu lok'kue pulu ta kuentos talo, hagat Estigue si senator Paul hu chumugui I land less, estigue saina,

(Multiple conversations)

Acting chair A. Bordallo: ta'ya galaidi

Commissioner Garrido: fattu papa gi congressu fino CHamoru ha

Tony E. Cruz: kumu gua'ha ti maanao yu kumentos yagin para I minaleg todus
Para I tanota

Commissioner Herrera: tai'mano I bida-mu munga ma sagan (inaudible)

Tony E. Cruz: study this, study that, study (inaudible) palakpakpak en tuno
enaon na palabras

Commissioner Herrera: sagan ta'lo

Tony E. Cruz: study this, study that study di malana, (inaudible)

(Multiple conversations)

Commissioner Herrera: esta, ok, kumbida enao I finon'mu sa kalan ma'ma'lao

Tony E. Cruz: don't be shame, speak up, CHamoru hao

Commissioner Herrera: state your name on the microphone, have a seat

Shirley Gagan: my name is Shirley Gagan

Commissioner Herrera: Shirley Gagan

Shirley Gagan: my name is Shirley Gagan, I am here because, right when I'm almost done with the clearances of all the place that we provided, all of a sudden Covid came so it pushed my papers back. My last step was my encroachment, which is right of way but when I was trying to go back to DPW to get a permit, there was one document holding me back and it's coming from here CHamoru land trust, it's an authorization letter to get you know to build so I've been waiting to be called for fair hearing but nothing has come up. I've been coming in and out of this office to follow up, still no word, finally now when I got this SBA loan because of the disaster that happened, I didn't have no structure, it's only a shed, my kids are actually not living, how do I say, living in the streets, I'll be honest. I cannot put water and power which I just got the power and water authorization recently but when I went to apply, I made an appointment, so I haven't gone back to public works to check if I have the permit to apply for the water, when they gave me, it was different director's name so I couldn't apply until we waited for the new director to come in

Commissioner Herrera: at DPW

Shirley Gagan: yes

Commissioner Herrera: so, your SBA approved

Shirley Gagan: I was approved for 200

Commissioner Herrera: here in Mangilao, ok ma'am

Commissioner Garrido: did you go through the procedures in applying for a permit

Shirley Gagan: yes, I did, it's only waiting for the authorization letter

Commissioner Garrido: so, you went GPA, GWA, Agriculture

Shirley Gagan: I did all the clearances

Commissioner Garrido: you did all that

Shirley Gagan: all of that, the last step was the encroaching, trying to get a house number, I couldn't. this is a new policy with the authorization letter that came up, I never heard of that before, that's when (inaudible)

Commissioner Herrera: ok, and you came here how many times

Shirley Gagan: couple of times

Commissioner Herrera: have you ever met our director

Shirley Gagan: at the time I spoke to Joseph Cruz

Commissioner Herrera: Joseph Cruz

Shirley Gagan: Joe Cruz, Eay has been trying to help me out but I haven't heard anything

Commissioner Herrera: maybe Joey or Joseph

Shirley Gagan: they probably have to wait on the attorney general, I don't know what it has to do with

Commissioner Herrera: but you're not on SBA approved from the disaster

Shirley Gagan: SBA approved from the disaster, even that I can't move forward

Commissioner Garrido: when did you get SBA approval, just recently

Shirley Gagan: July 20

Commissioner Garrido: and they didn't tell you, you need the

Shirley Gagan: yes, I have the policy here

Commissioner Garrido: I mean the loan guaranty from cltc

Shirley Gagan: oh God, I didn't know

Commissioner Garrido: because that's what prior people were testifying

Shirley Gagan: that's what I'm trying to get here

Commissioner Garrido: ok

Shirley Gagan: what is that, I'm sorry

Commissioner Herrera: loan guaranty

Shirley Gagan: loan guaranty

Commissioner Herrera: SBA will require that, safety

AD Taijeron: so. Ms. Gagan is actually on the list

Commissioner Herrera: Oh ok

AD Taijeron: she the one individual we're pending documents with regard to the break down of how much is needed

Shirley Gagan: this is it right here

AD Taijeron: right, so she's the only one we were waiting for so that's one. You picked up an authorization on August 14th that's to allow you to hook up water and power, so you're ok with that

Shirley Gagan: I have it but I can't do it, I need a permit

Acting chair A. Bordallo: permit to build

Commissioner Herrera: oh yeah, the contractor

Shirley Gagan: for the water and power also

AD Taijeron: ok, so that's on utilities. What Chamoru land trust provides is authorization, we call it utility authorization so we'll sign off on it, the land agent will take a look at the file and it's there nothing that's too bad we'll sign off a UT authorization giving the lessee authorization for water and power. It's also on the letter that states approval is really dependent on the utility because they have their different requirements, we're just saying it's ok, their a lessee, there a lessee they can apply for water and power. That's our responsibility, that's has been provided, with regard to the permit it's a first I've heard, I'm not, not from cltc, we don't issue permits for water and power

Shirley Gagan: No, not from here

AD Taijeron: ok

Shirley Gagan: it's from public works

AD Taijeron: with regard to, I'm not aware and you can share this with the commissioners in a little bit is are you also seeking approval from the commissioners to build

Shirley Gagan: yeah, whatever documents that's needed

AD Taijeron: to build, so, that process is you would submit and the land agent who is assigned to that should be in touch, the process is to write to the individual, in addition to calling and/or email, formalize it to let them know it's a letter of guidance, let them know if your seeking to build you need approval from the commissioners and you would indicate what it is that you need to do, basically bring this in, bring this in, we're asking that they provide per law the plans and all that at least 6 weeks prior because there's also staff reports that goes to the commissioners with that for your approval right, so, I will speak to the land agent that was assigned and follow up if that's what your seeking approval to build .

Shirley Gagan: yes, under SBA loan

Commissioner Herrera: she's an SBA applicant

AD Taijeron: So, you got the UT authorization, you need an approval to build, I will have a land agent work with you on that, with regard to the loan guaranty we just went through that process is I'm going to prepare a letter, somewhat of a general letter to our participants letting them know why we can't, and to SBA why we can't approve or provide loan guaranty at this point in time

Commissioner Herrera: because it's going to require that also, so we're one step ahead for your request

Shirley Gagan: I'm very new to everything so

Commissioner Garrido: my understanding ok, since you're going to build a permanent structure, GPA and GWA will need to see your proposed building or proposed home, they'll want to check it to see if it meets safety standards so that's the permit you need to get, in order to that from the utilities you have to show them your plans, your building plan. The utility authorization will come, after you built, I mean after or in process of building your home. Cltc authorizes you to apply for power and water on your behalf ok

Shirley Gagan: yes

Commissioner Garrido: to build the structure you need to go to water and power and show them your building plans, let them review and if it meets safety standards and if it does meet safety standards, they will give you a stamp on the permit. Normally at that phase you have to go to public health, agriculture

Shirley Gagan: already everything is complete, it's the authorization letter that I needed to turn in

Commissioner Garrido: so, you have an existing building permit already

Shirley Gagan: It was about to be

Commissioner Garrido: you have a building plan

Shirley Gagan: yes, I have the building permit, I mean, blue print everything

Commissioner Garrido: and you didn't take it to GPA and GWA

Shirley Gagan: yes, but I was told I had to get an authorization from here

Commissioner Garrido: the UT will do that

Shirley Gagan: no, not the utilities, was to build a house

Commissioner Garrido: you have to get that from public works

AD Taijeron: no, she needs to come before the commission and get approval from the commission to build, so it's basically the commission will take a look at her file, we'll provide staff report and she has to provide plans and the commission will make that determination, approval to build

Shirley Gagan: what do you mean commission

AD Taijeron: these are our commissioners

I

Shirley Gagan: to get the authorization

Commissioner Herrera: she has all the plans; she got the 7 checklists from the permit but she didn't get the checklist from here which is good

Commissioner Garrido: provide all the paperwork you have so that cltc

Shirley Gagan: I have submitted here, the only thing I didn't submit is this

Commissioner Garrido: do they have a copy of your blue print, do we have a copy of your blue print

Shirley Gagan: yes, it was on a thumb drive, they have it in file, I even have a copy here

AD Taijeron: I will assign another land agent, put her on next meeting

Commissioner Herrera: where's the one she has

Shirley Gagan: I sent that all to him

Commissioner Herrera: and you sent it on February, last 2022

Shirley Gagan: I had to do another revised because it looks like a duplex house which is wasn't supposed to be

Commissioner Herrera: ok which is good cause now, you haven't built it yet because if you did build the agency find out that you didn't come to the process, cease and desist

Shirley Gagan: I was supposed to turn this in to them

Commissioner Herrera: oh ok

Shirley Gagan: this is only stating how much percentage on the 1st, 2nd, 3rd, 4th and 5th

Commissioner Garrido: building permit. Do you have a copy of the building permit where each agency put their stamp on it

Shirley Gagan: yes, did you need to see that

Commissioner Garrido: well

Commissioner Herrera: it's required right

Shirley Gagan: they saw it with me, we both

Commissioner Garrido: wake up so we know that's it already been, we asked everything

Shirley Gagan: yes, we did

AD Taijeron: these documents here, there's potential issues with the file so, we'll make that known to the commissioners

Commissioner Herrera: ok, thank you

Shirley Gagan: can I know what is that issue

AD Taijeron: so, we had to review it, basically, the date and time of your application however, and we will take this up with legal, a lease was over the issue. So, her date and time is December 4, 1995, lease was issued outside the date and time, because we're still on December 2nd

Commissioner Herrera: That's her file

AD Taijeron: This is her file

Commissioner Herrera: Oh ok

AD Taijeron: so, the lease was issued and signed 2015, signed September 22nd 2015 she, it was signed, it was notarized, she signed it, and the governor at the time signed. And that's the issue, one of the issues, that needs to be taken up with legal counsel.

Commissioner Herrera: ok

AD Taijeron: so, we can bring it before the board on September

Commissioner Herrera: put it on the agenda

AD Taijeron: put it on the agenda, a staff report will be prepared and, in that staff, report the issues will be indicated and it'll have to be

Shirley Gagan: who I follow

AD Taijeron: do we have your contact number

Shirley Gagan: yes

AD Taijeron: you will get a phone call by mid-morning tomorrow by a land agent, Mr. Eay isn't in today, I will have a conversation with Mr. Eay and another land agent and we'll Madam chair, I think there's

(Public comment, no name stated at this time)

(Name not stated yet): Director and chair and board of commissions, I sat here just to see if I can public comment so I can provide a courtesy on a, a least we can schedule a work session on the proposal we submitted with (inaudible) thank you for that, but, in the meantime I just want to courtesy respect, if you guys still have a process of the public hearing process, looking at the policy because that was written by the legislature, timing issue, there's a timing issue and you guys still have the opportunity to make sure what in there, what we presented, the benefits for you guys, for the cltc will be there in regards to format, but that's still a process, more comment process so I just wanted to give a courtesy respect, I'm not jumping the gun, I'm just trying to find timing, working with the legislature on policy based on the presentation that you have which you guys want more clarity on September 21, and you get more clarity when you do have a public comment process with a sponsor on the bill on the sessions, I mean legislature hall. So, that's ok that's the reason I want to make public comment, so think I'm circumventing you guys in trying to jump, there still a process where you guys can still comment and make changes and do that.

AD Taijeron: I just need to clarify, my understand, the bill has already been introduced

(?): not yet

AD Taijeron: there's no public hearing

(?) no, not yet, we just want to make sure we put everything in a timing matter

AD Taijeron: and you're looking, you're seeking board buy in sooner than later, is there a time frame

(?) No, because, due to public intake process hopefully you guys will do further comments and either you guys put up it comes out and I hope based on the first phase we have more clarity that will be a, I hate to use the word, win, win but hopefully it would be a good product for the sustainable resource but we can discuss that with more clarity on September 21. Oh, that's the date September 21

AD Taijeron: yes

Attorney Finney: Question? You saying that you're trying to get a bill introduced before you come to the board

(?) well, I'm trying to get the bill based with this concept represented and of course we still got this public hearing process for when you have it, you guys can come in and comment oh, I don't like section 2, section 3 this is the way I want it, this is the way I want it, you know two that process that open public policy, it's not frontality you still have 15 that will make their own amendments

Attorney Finney: But but I'm just trying to understand what you're talking about

(?) I'm just trying to, because it takes a little bit, by the time you get this introduced to each senator it will get allocated to a particular chairperson to oversee that then you got the scheduling roll and all kind of stuff that has to go through the process, you guys seen that in other past bills

Attorney Finney: are we talking, which property are we talking about

(?) GICC

Attorney Finney: so, we're talking about the golf course

(?) Yes

Attorney Finney: your bill is to do something different with the golf course

(?) I just want to give a courtesy, we're going to start working on concept and I know how to write the bill, I mean, who ever the sponsor are they will because they'll have the same presentation and try to put down the theory or the concept for this

Commissioner Garrido: I'm thinking that, before we get to that stage that we have a conference discussion with the board before we go to the legislature, at least parallel on our path so, we'll start that process on the 21st I guess it will be on the agenda right

AD Taijeron: yes

Commissioner Garrido: so, you can come in and do more detail explaining on your proposed planning and stuff like that and you can hear our feedback to your proposals and that's when we'll start intergrading what you have and what we would like to see in it and when we complete that, that's when you go to, I'm not saying you shouldn't try to reach out to the legislature because that's another different ballgame but if your able to provide of what we think, we should have, with your proposal, then we can go down to the legislature at certain point in time and maybe walk hand in hand right

(?) hopefully that's the goal, I just to say, I want to start discussion, at least, they may be calling you guys directly, they maybe, whoever the senators may be calling, have you heard about this because we have a little work session, I just don't want to be caught off guard

Commissioner Garrido: it's going to be in the agenda, so, and it has been on the agenda

Acting chair A. Bordallo: Mr. Camacho, can you tell me how long is the lease for a GICC

Mr. Camacho: right now, there's 17 years left

Acting chair A. Bordallo: 17 years

Mr. Camacho: and, in the proposal we're going to need up to 2055 for the solar scenario to work, you'll see that presentation with clarity on September 21

Commissioner Garrido: The Japanese company, they should be prepared

Mr. Camacho: oh yeah

Acting chair A. Bordallo: ok

Mr. Camacho: I would like to do another public comment since finances is my background, if I could in regards to SBA, VA and all the programs' you guys are administrating. Director, I know you had two hats you wore before, Guam Housing to here, historically, in 2005 I worked on an MOU with the USDA, which was signed by CHamoru land trust and Guam Housing Corporation and all they needed was a half a million-dollar trust fund account which at that time you guys put up the half a million, and that's what opened up the funding program. Now, the reason I say this was the half a million is not which you guys are trying to research on SBA, the dollar for dollar 70% or 50%, this half a million is exactly what you described a good faith effort on the government of Guam to show that we are providing a source, that will never meet the demand, as you guys described earlier, SBA 2%, which is you guys still trying to figure out the 50-70% ratio or alternative Guam Housing 6% ratio. The deal with USDA that you guys had previously, the only reason why it was halted was the Dave Davies lawsuit which we fought with Mr. Phillips, Therese Terlaje at that time, you guys know what the result was, we did a settlement and cltc won the

case and now we're back in play. So, that 2005 amendment is already in Washington right now begin reviewed, to see if regenerate it, if it's regenerated, legislative policy for the half million to put that in account but that's not to me to speak that's for the other players if you guys want to ask them, so where's the status on that one. I can provide the existing MOU that was signed and if that happens, that opens up a 3rd option for financing, their interest rates are from 1% up to, today's floor rate is 3.75% so now they do have an alternative. To the SBA, if you guys could get the 12.4 or 12.48 million legislative appropriations to match that ratio or to 6% Guam Housing or 1-3 if the MOU is finally adopted again, which it's already at Washington, office of, their attorney is being review, that will be announce with their director and USDA is willing to do a presentation

Commissioner Garrido: is that the insular affairs?

Mr. Camacho: USDA, US Department of Agriculture, so, that was assigned in 2005, so, that's a 3rd option for your constituency so that half a million, I'll you an example like the Marshall islands that we did, they did, they gave up 12 millions dollars in loans in their history for half million dollar guaranty so it wasn't a dollar for dollar match, so, there's an opportunity there to expand the financial resources to your constituency, yes in the event the legislature doesn't have ..

Commissioner Garrido: I would be interested in seeing that MOU

Mr. Camacho: I will provide it to the director

Acting chair A. Bordallo: yes

Mr. Camacho: that was in 2005 and I can speak for USDA but they're willing to come and do a presentation

Commissioner Garrido: If we show them

Mr. Camacho: Huh

Commissioner Garrido: if we show SBA that is something proven in the past by the feds, they might go ahead and adopt it

Mr. Camacho: you'll never know because the director mentioned there's a VA MOU

Commissioner Garrido: whatever we can do to service our tenants

Mr. Camacho: I'll just provide that, I'll leave it up to you guys to, you guys can contact them directly to find out the status

Commissioner Garrido: ok

Mr. Camacho: I'm working with congressional office Madeleine Bordallo, she's the liaison office the governor, she's following up the MOU that they held off after that lawsuit, whether their trying to read, but that's a

Commissioner Garrido: I appreciate that though, it's something to look at

Mr. Camacho: I just wanted to share that as I sat down listening to all your different solutions and you guys trying to find a solution and I just wanted to, maybe you guys already know about it, I don't know, I just wanted to bring it up, I'll email that MOU to the director

Acting chair A. Bordallo: ok

Mr. Camacho: that's it for me, see you guys' September 21

Commissioner Garrido: thank you

Mr. Camacho: thank you very much, director, thank you

Jeff Rios: I just want to make sure the racing federation is on the agenda. I'll make it really quick; I know you guys must be tired. Hafa adai, madam chair, commissioner Herrera

Acting chair A. Bordallo: introduce yourself

Jeff Rios: Jeff Rios with the Guam racing federation, Attorney Finney and Director. Hafa Adai, Just wanted to confirm that we're on the agenda for the 21st I'm hoping, I know that we were supposedly going to be back on after recess, I think on what was, what I recall two weeks ago, was that would be a meeting so I'm happy, so happy that attorney Finney and Maggie do have an appointment I guess a meeting scheduled for tomorrow, so, I guess my next question is just, is it possible with the open government law to get a meeting shortly after that maybe a special meeting request, to late so might as well put it in for the next meeting so we are confirmed though for the 21st

AD Taijeron: We'll if the commissioners want to put you on the agenda, we'll put you in the agenda

Acting chair A. Bordallo: hopefully the lawyers have come to at least

AD Taijeron: The meeting, we just received confirmation today from the attorney Cunliffe office and there's a meeting set up for tomorrow,

Jeff Rios: That's awesome

AD Taijeron: so that's already been done, we'll make sure ...

Jeff Rios: I just want to share I drove by the track yesterday and I, it's pretty bad

Commissioner Herrera: from the vegetation

Jeff Rios: I couldn't see the motor cross track from the road and there a lot of trash by the road, I'm probably going to pick that up because it's right outside the gate.

Commissioner Herrera: illegal dumping

Jeff Rios: yes, there's illegal dumping and the gate is damaged, I don't know if that's from the storm but a you know it's ok, I'm not going inside I'm just going to pick up because I feel like it, somebody sees a little bit of trash there, there just going to keep on dumping more trash there, but that's it

Commissioner Herrera: their pat lock is still there right

Jess Rios: it's still locked sir it's just the gate that's broken

Commissioner Herrera: I see, and the lock is under you guys right

AD Taijeron: we have the keys to the lock

Jess Rios, I'm just going to be in the outside, just going to get the trash, no big deal, but thank you just make it quick; I know you guys are busy so we'll see you guys' next week. Thank you, have a good day

Commissioner Herrera: ok thank you

AD Taijeron: we just received correspondence via email today, right Dex it was just today. We have been following up just to get the meeting if you want, we can provide the correspondence, we will also make it available on the next meeting, because it came in after

Commissioner Garrido: Correspondence for the meeting

AD Taijeron: I'm sorry

Commissioner Garrido: The correspondence is set up for the meeting

AD Taijeron: I believe it is, yes. We'll provide it on the next meeting

Acting chair A. Bordallo: is that with the Guam raceway

AD Taijeron: the Guam racing federation, their attorney and our attorney, tomorrow

Commissioner Herrera: are we query to that meeting

AD Taijeron: it's probably

Commissioner Herrera: or is it top secret, confidential, classified

Acting chair A. Bordallo: that's the lawyers discussion

Commissioner Herrera: ok

AD Taijeron: It's probably better that it's just between the attorneys, I'm even going to ask if I should be there, I need to be there

Commissioner Herrera: remember for the last 20 some years, that's what been happening, the commission has been put on the side until the last minute. Maybe this question that I have, is the attorney here representing the director or the board, I'm not sure.

Acting chair A. Bordallo: the raceway

Commissioner Garrido: who do you represent, the commission or the board

Commissioner Herrera: because the Guam Visitors Bureau has that kind of struggle right, they has an attorney and their trying to see if the attorney is representing the director or the board

Attorney Finney: the attorney general of Guam provides legal services to the commission

Commissioner Herrera: to the commission

Attorney Finney: right

Commissioner Herrera: and the director

Attorney Finney: well, not like personally to the director

Commissioner Garrido: to the agency

Commissioner Herrera: because I'm learning a lot here when madam chair was saying to be careful for us commissioners because we could be personally liable, personally liable

Commissioner Garrido: Is the AG going step in on our behalf when something comes up, where we going to be sued as our capacity as commissioners

Attorney Finney: I'm not really sure

Commissioner Garrido: can you find out

Attorney Finney: the question that you're asking, if you're asking about a hypothetical situation, I can't

Commissioner Garrido: I don't think, it may be probable with our aggressiveness, will the AG be representing us if we're sued because we're board member

Attorney Finney: it really depends on what the whole circumstances, if you do something on your own personal capacity or it exceeds your authority as a board member then, no but if you're acting as a commission I just, I can't, I would say if you do something

Commissioner Garrido: I know if I go over the line and step outside into the red area, but I should be responsible for my own actions but if it's something that was discussed in this forum and later on, we get sued

Attorney Finney: there's so many, you know it's hard to answer your question on a hypothetical but if

Commissioner Garrido: can you get a direction from the AG

Attorney Finney: if you have a issue that you want addressed or say there's a problem that, you know you can bring it to our attention

Commissioner Garrido: I know you understand what we're trying to put on table there, if we're doing our due diligence and we're doing what we should be doing as described by the law, but yet, nothing will stop somebody wanting to sue somebody else

Attorney Finney: yeah, and it depends how that lawsuit looks and what actions you're accused of

Commissioner Garrido: that's what I mean, if we're on the straight and narrow and we get sued, frivolously right, is the AG going to step in for us

Acting chair A. Bordallo: she can't answer that

Attorney Finney: it depends on how on what your accused on having done

Commissioner Garrido: that's what I said if we're on the straight and narrow, but yet somebody out of spite wants to sue us to try to get us to comply to get what they want

Attorney Finney: I'm here right now to advise you if you have an issue that you would like to discuss or if you think that somebody

Acting chair A. Bordallo: Ms. Finney, one example is like these people that want to guaranty, us to guaranty their loan and we don't meet their dateline to approve the guaranty, can they sue us

Attorney Finney: so, I guess I would say like you said anybody can sue anybody for anything right

Commissioner Garrido: because you wore the wrong-colored shirt

Attorney Finney: would you rather be sued for following the law or would you rather be sued by not following the law

Commissioner Garrido: the sued, my question is not being sued, it's our defense

Attorney Finney: right

Commissioner Garrido: will the AG defend us?

Acting chair A. Bordallo: they should

Commissioner Garrido: for following the law, I'm putting you on the spot, I need to know to

Attorney Finney: I can't really, I can't make a guarantee on about, I don't have enough money in the bank to guaranty, but if you're asking about hypothetical situation, I can't really answer that if you can a situation or concerns about, we can discuss it

Commissioner Garrido: because when we start reviewing like the possibility that we could be sued like Guam raceway

Attorney Finney: you know

Commissioner Garrido: I mean, if they have standing, that will be determined in court

Attorney Finney: and if that happens, we can take a look at it and we'll see, you know I'm here to advise the commission and you know have issues we can discuss them and I'll say again my advice to you is to follow the law

Acting chair A. Bordallo: what I can say to is if CHamoru land trust was autonomous

Commissioner Garrido: we still couldn't hire our own attorneys

Acting chair A. Bordallo: Yes, you could

Commissioner Garrido: No, they took away GPA and GWA

Attorney Finney: No, it depends

Commissioner Herrera: I'm at the Airport and we have our own attorneys

Attorney Finney: it depends on what the law says, as far as I know you guys, the laws says that you have legal representation from the attorney general and you know they assigned me to be here at this meeting to advise you, so if you

have issues, you can bring them up and we can discuss them but, as far as hypnotically did something wrong, I don't

Commissioner Garrido: we didn't do anything wrong

Attorney Finney: you didn't do anything wrong but somebody sues you, again it depends on what that looks like and what your accused on doing, I just can't, I'm here to advise you though if you have an issue

Acting chair A. Bordallo: we just have to make sure we have insurance
Commissioner Herrera: what insurance

Acting chair A. Bordallo: personal

Commissioner Herrera: so, question, can we contact you directly or do we have to channel our question to the director

Attorney Finney: well, I can't

Commissioner Herrera: we have question based on the 75

Attorney Finney: I can't advise the commission outside of a meeting that a, public meeting

Acting chair A. Bordallo: she can talk to lawyers

Attorney Finney: you can raise your issues, but if I'm going to be advising you

Acting chair A. Bordallo: (inaudible)

Commissioner Herrera: yeah, because 35-112 doesn't survey, there's a lot interconnecting change from 35-112 from the original 12-226

Acting chair A. Bordallo: 12-226

Commissioner Herrera: the CHamoru land trust

Attorney Finney: the original

Acting chair A. Bordallo: original loan

Commissioner Herrera: and 2238

Attorney Finney: and so, you have questions about that

Commissioner Herrera: Plenty, plenty, plenty, plenty

AD Taijeron: so, I've been working with Dexter on the, organizing the agenda, and on that agenda, we're going to add legal, so if you have questions for legal, you can address there, that will be the avenue for you

Attorney Finney: So, we can put that on

Acting chair A. Bordallo: for now, it's just public comments

AD Taijeron: I'm putting it on the agenda for you to be able to ask

Commissioner Herrera: I'm just a freshman here, so, I have a lot to ask and have a lot to learn, especially with the legal liability according to 75a

Attorney Finney: ok

Commissioner Herrera: that's it, I'll pass this down, this is the start up funds for CHamoru land trust

Attorney Finney: this is something that you're going to the agenda right

Commissioner Herrera: yes, please

AD Taijeron: what is it

Commissioner Herrera: the startup fund is 500 thousand, so, I'm not sure if that's enough because I understand we're burning about a million a year. We're burning a million a year and the startup fund is 500 thousand so

Acting chair A. Bordallo: you see that, number 39

Commissioner Herrera: right

Acting chair A. Bordallo: where's number 40

Commissioner Herrera: right here

Acting chair A. Bordallo: it pertains to the golf course

Commissioner Herrera: correct, correct, title the golf course to the commission, so, and then have been, and then the start up funds, 500 thousand is not enough if we're burning a million a year, this should be amended and then. I just trying to understand this one and I really need to decipher it, going legal counsel so I don't step on my thumb. We're supposed to follow this by law

AD Taijeron: I think it's a carryover from 75

Commissioner Herrera: right, it's a carryover but you see they inserted a

Commissioner Garrido: director, that last tenant we spoke, is she on residential or agricultural. I remember her mention something like a duplex, if it's a duplex it should be on agricultural for the zoning

AD Taijeron: I think it's a residential lease, it's a residential lease

Commissioner Garrido: residential, she can't build a duplex if residential unless it's a (inaudible)

(Multiple conversations going on)

Acting chair A. Bordallo: the legislature the one right

Commissioner Garrido: I don't know how they determine that if (inaudible) allowed to build a duplex on agricultural but not on a R1

Commissioner Garrido: that's the law, I don't want to change it, that's too big a fight

Attorney Finney: we're still on our meeting

AD Taijeron: commissioners, you know we're still in our meeting right, we haven't adjourned

Commissioner Herrera: yes, and I have one question, again, I'm a freshman here so, we have 1/3 of property on Guam, the chairperson was saying we have the different parameter when we were an autonomous agency versus a line agency, so, in my heart, mind and spirit, I really would like for us as a group to accelerate the movement for the CHamoru land trust to get autonomous or self sufficient right, how do we do that, I'm asking around, well of course

Acting chair, A Bordallo: and then Mr. Camacho here know how to get the money

Commissioner Herrera: right, so, year after year 75.85.95 2005 now it's almost 2025 and we're still milking from the main cow, the general fund right, could we not get into the kind of transitional mode and enhance what we're doing an create cash flow for our land trust commission, in my thought, absolutely, billions of dollars that are flowing to the coffers on Guam, it may not be billions before 10 years but right now, you guys already know right from the regional concept that we have on Guam with the issues from Japan, Korea, China, even the demand for coral. You cannot buy coral when you go Smith bridge or Hawaiian rock because the demand is so high. We we're looking at value of the cost, it was dollar a cubic remember now it's up to 3. So, why is the price of coral per cubic yard going up because the demand is so high and if you're in construction and I understand construction, the demand again, are being funded to the department of defense, do we have property, that's why I brought over those maps up here

Acting chair, A. Bordallo: all I can say is the real estate tax money, some of that money should go the CHamoru land trust

Commissioner Herrera: Senator Therese said that on the presentation right the amount of taxes being paid for CHamoru land trust has not been remitted from Department of Tax to here

AD Taijeron: DOA

Commissioner Herrera: DOA right, so, what are we doing with that? Do we just sit back and you know twiddle our thumb, I'm sorry, I'm saying with this amount of real estate that we have, if you guys cannot take that kind of language then you don't belong in the kitchen, because the commerce on Guam, the tax flow is high and we're

Acting chair A. Bordallo: well, the legislature is the one that make the laws

Commissioner Herrera: yes, but we need to prove to them that we know how to create a (inaudible)

Acting chair A. Bordallo: if you have land, you can make money out of it

Commissioner Herrera: we got land, we got 1/3rd. we have 1/3rd of the island

Commissioner Garrido: can you prepare a synopsis of what it would take for us to get an autonomous or semi-autonomous

Acting chair A. Bordallo: very good

Attorney Finney: can I do that?

Commissioner Garrido: yeah, because you know the law, that means our director is already building a block

Acting chair A. Bordallo: you know what, the legislature has this

Commissioner Garrido: the legislature has to approve it but we need to know what will it take for us to go down that path

AD Taijeron: the biggest thing is at least of what I'm familiar with is we need to show financial independence, we need to be able generate our own funds

Commissioner Herrera: (inaudible)

AD Taijeron: there's some bills introduce, its now law, with regard to collecting for submerged lands, that's great, things like that but cltc would have to show that is financially solemn. Now, with regard, just coming cltc could make money, I'm trying to assessed the laws that prevent us from making money, coming in here, I'm not just focusing on one commercial, my entire attention is fabricated on potential 5 different, 10 different situations right. It's collecting from people who owe, so, why and I'm going to say it. Cltc is in a position that it is today because of the actions and inactions that were taken and not taken previously, for as long as I'm going to be here, I am taking many and as much action that we can within the parameters of the law guided by our legal counsel and our commissioners. One, to collect on what is due to the commission, whether it be commercial. I'm taking action on lessees on what is due to the commission, enforcement, considering the many challenges before us, the team is doing

their best, we are working to address these issues to the best of our ability so, that's what we're doing. With regard to autonomy, we need to show our financial solace.

Acting chair A. Bordallo: do you have

AD Taijeron: We also need to set in place financials so we're able to monitor and watch, those things have not been in place

Commissioner Garrido: cltc has had setbacks

AD Taijeron: huge

Commissioner Garrido: like I said, the sins of our founders, we need to move forward, we need to start doing things right for the people of Guam and our biggest setback, I'll say it on record, our biggest setback is the legislature because they throw things at us when we have nothing to do with and they're not even rich structures when they do that, they give preferred rates. If we go autonomous or semi-autonomous, they would be able to do that so easily

Commissioner Herrera: may I add to that

Acting chair A. Bordallo: they have a law that

Commissioner Garrido: that's my voice

Acting chair A. Bordallo: yes

Commissioner Garrido: you were about to say something

Acting chair A. Bordallo: we have a law with things that can be done, she has all things that

Commissioner Garrido: yes, we could a lot

Acting chair A. Bordallo: even has a collection department, someone to go out there and get the money

Commissioner Herrera: and I was going to add to that, the 2 or 3 constituents that came here right, I asked the question right, you came here 5 times, 6 times, have you seen the director, no, so I understand, I was an employee here when we started the land trust and for each employee here right, for each employee to have 5, 10, 15 cases and you only have, 10 land agents, maybe less

AD Taijeron: 5

Commissioner Herrera: 5 now, so, we lost 3. We lost Tina Rose, we only have Lydia, Jhoana

AD Taijeron: Jessica, Eileen and Glenn

Commissioner Herrera: Jessica, so, 5. So, each 5 have 10 or 20 on their head, 10 cases, I can figure out why it was difficult for them to pass to you because, most likely their inundated, because each case has maybe simple, maybe complex, maybe multi-complex and if we don't study right the one I was just mentioning, it's good these guys are experts in this ones, the land agents, 22-38 is the rules and regs, 1535-112, 12-35112 right, we're asking questions here right, you know that was since senator Bordallo time, even us, if we don't study what the amendments are, we're going to be missing the boat. Do we need maybe 5 more land agents to spread out the load from each. If there's only 5 land agents and we got 20 cases per land agents, so you got 5, 10, 15, 20, 25 cases, out of the 25 cases again from simple to complex and I understand your responsibility is humungous, because you see how emotional the people are. Some come almost crying, some come yelling so, that's just one, two of the 3,000 lessees that are out there, let's do an audit right, a random audit just to, so out of 2 if you have 3,000, how many of the 3,000 are in this situation. Do we care? Do we feel? Have you ever lived under a tent and mosquitoes biting you and when it rains, you get soaking wet with the rain, one here mentioned there was a flood and that's why they call it swamp road because it gets swampy. Do we feel them? Or are we desensitized, I got AC, I got water heater, dryer, washer, AC, high tech devices. I know when former senator Paul Bordallo, and the governor signed it into law, remember we had to go protest in Adelup to get this thing implemented, it was difficult but here we are today fast forward, there's a lot of progress but in my feeling we could do more, it's like we're saying really right, you want us to go one more mile, one more push up, take another hour, 2 hours, 3 hours, 4 hours to focus on these cases, it takes time, every case here takes time and time requires concentration and reading and researching. Do you put in 8 hours here when you come in 8 to 5, I don't know, can we measure, sure we can. We can measure the productivity per case, can do if you understand the concept inside the activity. So, if 5 land agents, do we have enough, is that sufficient for us, you know every since we started here, have we ever issued a lease, at least one lease, I don't know, I don't think so, have we?

AD Taijeron: not since I've been here

Commissioner Herrera: not since I've been here too and we're stuck on number 5, number 6

Commissioner Garrido: we're stuck on Number 6

Commissioner Herrera: right so, we're stuck on number 6 so, the point here right is how we do it way back, you come to me, agent has a problem, you give me 3 resolutions, you don't just come to me and tell you got a problem with this, the family. Come with the problem, you come up with 3 to 5 solutions so we can work together, we want to be fluid, and dynamic and we want to reciprocate, what can we do, it needs to be amended the law, then we'll contact the legislature and amend it because the law is make by man and it can be modified by man and it can be implemented by man so, that's it madam chair, thank you

AD Taijeron: I just need to clarify Commissioner Herrera was there something, I want to assure the commissioners that we, I have found and what has been happening is a lack of follow up and follow through with regard to cases, I have instituted a process by which every land agent is to be held accountable, every land agent, we track the cases, they provide updates every Friday by 1pm, I take a look at that then I will ask what and you are right, when I speak with our land agents, what is the solution, what are we going to do and insure that solution is supported by the Guam code annotated or the GAR or public law, because the public law more often than not has already been codified so we go to the GCA, we go to the GAR, if's there something in the public law that hasn't been codified, then we will make mention of that but, do we need more land agents? Yes, we do, yes, we do

Commissioner Herrera: qualified land agent

AD Taijeron: qualified land agents so, we are again faced with the situation of funding, issues with DOA, I'm still waiting for our list, I'm not twiddling my thumbs, I am writing, I am calling, I am following up. Joey Cruz is basically in my office and we're trying to discuss ways to do that, we need more land agents, we need more people, I am working on it, I've sought, we're looking, nobody wants to work but our land agents, I will stand and support them, they have come to know, they are working as quickly as they can, they are. I brought that to their attention, time management. If you are not at your desk, your allowed two 15 minutes break, 1 hour for lunch right, run to the bathroom for a little bit, if I come out 3 times and I'm looking for you and you're not there within a half hour span, you're not managing your time and you're not doing your work. This team has a lot, they've been through a lot, their frustrated and they are tired and so, there are going to be changes, one of the things is the ability on our agenda for our commissioners is to ask legal questions and legal clarifications because that is the thing that has been holding this team back in addition, the question with regard to, the biggest question which has held this team back is the application of date and time. You have, I'm going to say it, transparency, I have not held anything back, if there's something that was not made clear it's probably an oversight on my part and I will always take responsibility but I will make that correction, it will start coming out, it will be brought to this board much like this whole loan guaranty situation, for years it has been swept under the rug, swept under the rug, I can only bring to the board what has been shared with me and trust me I told the staff, I want to know everything, especially if it is something that occurred that was contrary to law, that is going to go before the board, that is going to our attorney general because that's not good for us, things are going to start coming out, the biggest challenge we have now is the application of date and time to every file, that is what held back this agency for years, I have come to understand and see that application of that part of the law or the, that part of the law and the attorney general from 2018 opinion and guidance was the date and time, has potentially been misunderstood so, we are going that to the board, everything that has not been done and needs to be done so, I'm glad you brought that up because it's going to be a very bumpy ride. It's going to be very difficult moving forward and we're going to need our attorney to guide us every step of the way, this is a

whirlwind of issues, this agency, what I've discovered, the staff has shared with me

Commissioner Herrera: I got a question, if I'm one of your land agents, I clock in at 8, I get the question, when I come here right just go do a site visits, I come here with eyes situated 360 degrees, so, if I'm one of your land agent, I clock in at 8 and you mention that's my chair, you see me at 8, then 9 and I'm gone, you see me at 11 then I'm gone, then you see me at 2, then I'm gone so, maybe the question is what kind of metric do you have to make sure the individual, you know what I mean, kind of motion productivity, assessment of a metric system, so, if you don't see me there and I'm doing a field inspection, of course you should know right, say hey boss, I'm heading out

AD Taijeron: they actually have to email me to get approval before they do a site inspection

Commissioner Herrera: yeah, email you, I'm right here next to you so, I'm just saying, do you clock in here, is there an electronic clock, you know, I don't know, maybe there is maybe there's not but productivity, quality productivity, do we have it, I don't know but when I say twiddling the thumb, I wasn't saying to you, we were discussing that the 500 thousand that was allotted here, that was 1975, 1995 what we're saying is that when we see a problem, we got to knock on the legislature and say hey we need to amend this 500 thousand, you know we're burning a million a year. That 500 thousand allotment is obsolete, the documents I gave you, so if it's made by man, we're going to tell the group to please amend this we're inflation rate has increased, 500 thousand back in 1995 may sound sufficient amount but five thousand now is like five dollars considering the overhead, rental, how much do we burn for rental here and you know your salary, sick leave, annual leave, it's a difficult, this is a dynamic agency to run

Commissioner Garrido: I think also timing is crucial, since we're at the mercy of the legislature, next year is an election year so we want everything done, we have to do it this year because they know that there trying to sway us through the next election.

Commissioner Herrera: so that's it

Acting chair A. Bordallo: yeah, anymore comments

Commissioner Garrido: yeah, I move to adjourn

Acting chair A. Bordallo: thank you

AD Taijeron: September 21, Thursday September 21, 2023 at 1pm

Acting chair A. Bordallo: yes

AD Taijeron: Thursday, September 21, 2023

Commissioner Garrido: I move to adjourn to Thursday, September 21st at 1pm

Acting chair A. Bordallo: so be it

Commissioner Herrera: I second the motion

AD Taijeron: Thank you

Commissioner Herrera: thank you all

Commissioner Garrido: that's a long meeting today

Acting chair A. Bordallo: what is the time

AD Taijeron: 4:40, adjournment at 4:40pm