



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

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## **CLTC BOARD OF COMMISSIONERS MEETING**

CLTC Conference Room  
Suite 223, ITC Building, Tamuning, Guam  
**Thursday, October 19, 2023 at 1:00PM**

*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

*John T. Burch*  
Acting Administrative Director

Public Notice: The *Guam Daily Post* on October 12, 2023, and October 17, 2023

## **MEETING MINUTES**

**ROLL CALL by Acting Chairperson A. Bordallo:** Good afternoon, this is the CHamoru Land Trust commission board meeting of October 19, 2023, Thursday at 1:06 in the afternoon taking place here at Tamuning, Guam. Public notice was on Guam Daily Post on October 12, 2023 and October 17, 2023, Gov't of Guam public notice portal CHamoru Land Trust page and website <https://dlm.chamorulandtrustcommission> this meeting is now called to order. There is a quorum, I would like to start out the Inifresi.

**Reciting the Inefresi:** All

**Acting Chairperson A. Bordallo:** Approval of the minutes of August 30, 2023. Roll call

**Commissioner D. Herrera:** Guiyi-yu madam Chair si Dabid na'an hu

**Commissioner E. Garrido:** Guiyi hu si Earl Garrido

**AAD John Burch:** We're going around

**Attorney K. Finney:** Kristen Finney

**Joey Cruz, CLTC:** Joey Cruz

**Acting Chairperson A. Bordallo:** Correspondence

**Commissioner D. Herrera:** Madam, may I make a motion to a, just because of the interest in time I know our director will be getting back to the legislature

**AAD John Burch:** Yes, at least for the introductions

**Acting Chairperson A. Bordallo:** Go ahead

**AAD John Burch:** Hello everyone, I'm John Burch, I'm detailed here by the acting Governor to be the acting administrator for the CHamoru Land Trust commission, I'm still the director, executive director for the Guam Ancestral Lands Commission and while we have similar work from the Guam Ancestral Lands Commission as they do here at CLTC, the big difference is that there we do mostly deal with commercial leases and here we deal mostly with residential and agricultural leases so the Governor see fit give me collateral duties here, I've been at the Guam Ancestral land Commission for about over 3 years prior to that I was acting director for Department

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of Parks and Recreation. In the 80's I was with GovGuam again, cabinet of Ricky Bordallo, I was special assistant deputy director of Energy and director of youth affairs so being with the Government of Guam is not new to me. I've been with private sector for a while and I guess you'll probably hear more about that later on, so I'm here today and of course I got notice I was the acting director about 5 o'clock yesterday with that meeting at the Governor's office, I got handed a notice that I'll be here today and when I walked in I introduced myself early to the staff, they gave me a 3 inch binder full of material to read.

I was told yesterday that we have a public hearing at the legislature concerning Ypao Point, some people refer it to Sat'pon Point but it's really Ypao and so I prepared to go there and not necessarily to be here for this meeting. I'll be here for a long as possible before I ask to be excused to represent CLTC at the legislature, I prepared my testimony, I hope you've read through it to see that it's aligned with CLTC, I believe it's a, what we do at ancestral lands and here at CLTC is pretty close except our clientele is different, we deal with ancestral owners that returning property and or leasing property for commercial use to build up the land bank, here it's quite different but it's still dealing with leases, still dealing with people and also trying to get loan guarantees so at least they can build their homes and I didn't see that we have investment policy statement here but I did create one for ancestral lands, perhaps we can bring it down here so we can invest whatever funds we have here and to earn as much interest as possible, I'm running on the average of 5 to 8% interest rate on any funds that ancestral lands have fund hoping to bring that here too so, we'll talk on those things later, I plan to really get in depth on what the information that we have here, I see that we have a lot people here for the loan guarantee and I see people here for the raceway track and I also see my vice Chair here, we might run away with me down there to save Ypao Point. I don't want to see them take it away from CLTC that where we raise money to fund the activities here which could include the loan guarantees. That's basically who I am in a nutshell, there are other issues that are coming up and I know other people are expecting, we'll move along with that I just wish I was given at least a week or more notice, but again a couple of hours. I'll be here for the time being hopefully they can get through most of the issues today and if not, I expect to talk in work sessions with some of the commissioners about a lot of things I would like to work through and help out the commission, if there is any questions that you have I am open for discussion if not we can move forward with the agenda.

**Acting Chairperson A. Bordallo:** Ok, thank you Director Burch, welcome to CHamoru Land Trust. Approval of the minutes of regular board meeting of August 30, 2023. Any discussion? Motion to accept minutes?

**Commissioner D. Herrera:** Standby for Commissioner E. Garrido

**Commissioner E. Garrido:** I'm good

**Acting Chairperson A. Bordallo:** Motion to accept the minutes?

**Commissioner D. Herrera:** Madam Chair I would like to make a motion to approve the minutes for the regular board meeting on August 30, 2023

**Commissioner E. Garrido:** I second

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido: Aye!**

**Acting Chairperson A. Bordallo:** Motion carried. Correspondence?

**Joey Cruz, CLTC:** The correspondence section just details the full disclosure what correspondences received by the commission so, the first one we received a concern from the Department for Public Health regarding cannabis for an event that was held in September 30, 2023 at Sagan Koturan CHamoru, the commission did prepare a statement a letter and did provide it to Mr. Unpingco who's the president I believe or the director of SKC provided the violations of federal and local laws regarding cannabis activities on public property so, that cannabis event, the event happened but not the cannabis activities. The second item we received an email on September 25<sup>th</sup> from the Office Joe San Agustin regarding the Guam Country Club, the Guam International Country Club. The second email we received September 26, 2023 from Guam Waterworks regarding the potential grant opportunity tank and water line in Agat, Umatac and the fourth email we received on September 26, 2023 was from Joey Crisostomo regarding progress on the license agreement.

**Acting Chairperson A. Bordallo:** Any questions? Correspondence from this or...

**Commissioner D. Herrera:** Madam Chair, may I reference to number 4, correspondence D received on September 26, 2023, from the Office of Senator Joe San Agustin, and that's from the Guam International Country Club.

**Acting Chairperson A. Bordallo:** Yes, go ahead.

**Commissioner D. Herrera:** I know I just received this so I'm not sure

**Acting Chairperson A. Bordallo:** This is a different letter

**Commissioner D. Herrera:** Oh, okay. So if...Mr. Cruz can you kind of expunge a little on Section B?

**Joey Cruz, CLTC:** The correspondence we received was addressed to Chairperson Bordallo and Senator San Agustin was requesting the position on CHamoru Land Trust on the draft legislation, more specifically the draft legislation it was in regards to an act to amend the CHamoru Land Trust lease agreement with the Guam International Country Club. So, current law allows for the property that GICC sits on for a municipal golf course. GICC would like to amend that usage to also include a solar farm activity. So, a response was prepared on behalf of the Chairwoman, the Acting Chairwoman and we have not prepared a position statement for the board yet.

**Commissioner D. Hererrera:** Ok. Thank you.

**Acting Chairperson A. Bordallo:** We'll take your comments at the end.

**Van Shelly (public):** Ok, I was going to ask the decision; or when is the right time...*(inaudible)*. Thank you.

**Acting Chairperson A. Bordallo:** Ok, thank you. Make your comments later on the public comments.

**Commissioner D. Herrera:** This regarding the GCIC?

**Acting Chairperson A. Bordallo:** Yes.

**Commissioner D. Herrera:** Then again madam chair, on Section 4.5, E or D; the email received on September 26, 2023 from Mr. Joey Crisostomo regarding the progress on the license agreement. I understand from the last meeting we had I believe that or attorney was supposed to give an update from

**Attorney K. Finney:** I did meet with them; I think we discussed this at the last meeting.

**Commission Herrera:** Any new update?

**Attorney K. Finney:** I didn't meet with them after that only the one time to hear out what their proposal was but there hasn't been any movement after that, there proposing to license the property and to license it while trying to work out some kind of lease agreement but I think that opportunity to take that path already passed when the timeline that gave them that right of first refusal and the time frame to negotiate a lease agreement had already expired so, my recommendation to you guys at this point would be to that you would put it out for bid.

**Commissioner D. Herrera:** Joey, you have anything?

**Acting Chairperson A. Bordallo:** Director? Herrera, you have anything to say?

**AAD John Burch:** I'm reading other areas here. This is on the solar farm; I'd like to read it further before I can speak on it. I just received this packet a couple of hours ago.

**Attorney K. Finney:** This is actually on the raceway.

**AAD John Burch:** Ok, right, on the raceway, ok that one there.

**Commissioner D. Herrera:** They gave us a proposal on a preliminary.

**AAD John Burch:** It's a preliminary or to have a temporary lease about 2 years or so.

**Commissioner D. Herrera:** Right. Yes.

**AAD John Burch:** Sorry, I was reading this and not the other stuff.

**Commissioner D. Herrera:** It's okay.

**Attorney K. Finney:** So, I haven't, obviously Mr. Burch has jump come on board and I haven't had to discuss that with him and see if there's any different direction that he...

**AAD John Burch:** This is one of the reasons why I was detailed here was for the raceway track. The Lt. Governor and Governor would like to see the raceway track open. We're having problems out there, to be honest with you, full disclosure back in the mid 80's when Ricky Bordallo was Governor I was a cabinet member then too, we had issues with people racing their vehicle on various roads and side roads on the island and because of that we had a lot of accidents occur and for the issue of

public safety, during that period there was group called the drag racing association of Guam, which I was a member of, it's a D-R-A-G, Al Poblete was our leader, I was the person with the Governor's cabinet and we set up the races on marine drive for a quarter mile strip from the boat basin up to the old dairy queen, snow white whatever it was named, today it's KFC and we placed speed bumps and humps on the side roads, some still exist like the bumps going up to two lovers point to discourage these races, today we're having these same races that are occurring down by Polaris, in Malojloj going towards the DanDan area there the dump, up north in the back streets again in route 15 so, these things are going to reoccur if we don't get these people an outlet for their sport and the thing is today the cars we have out there are not faster, we have super cars that people have invested in and no place to run them so of course, there going to get involved in their sport, even if it's temporary opening of a year or two years, I was just going through this rather quickly it's the first time I'm seeing this license agreement, it has I believe a two year license but based on the procurement laws on Guam it requires perhaps an RFP and if it is open to a non-profit organization, I don't know how many non-profits organizations that are out there that deal with this but I'd like us to move forward with something like this put on the side for further discussion and maybe a special meeting to move forward on this one particular issue, I was detailed here for various reasons and perhaps it's because of the successes we've had at ancestral lands and getting through major hurdles and get back and bite up decades previous and this is one that has to be taken cared of because not only we're talking about sport but the safety of people travelling our roads, we don't want to get back to the 1980's and 70's where we have people racing on the back streets and causing accidents or perhaps killing people and that's why back then there started this movement, when I was a drag racer on marine drive putting those races on, of course Simpson was with the off roaders we worked together, we were separate organizations but when Bordallo lost the elections of course the drag racers died out, I wasn't there, Governor Bordallo wasn't around to support the sport but it was carried through and it was because of what went on with public safety that this thing did occur and that's why the legislature went out of their way to designate property for them, specific property, moving them up north where it's at today, so that's a short history and I was a part of that history, I was there when it was occurring, I never worked with Mr. Simpson or the racing federation we had our own group which is D-R-A-G, Drag racing association of Guam and the big deal was called "Hafa Gat'chong, it's legal" we had it on marine drive, twice a month, we closed down the whole road

**Commissioner D. Herrera:** Marine Corp drive, boat basin.

**AAD John Burch:** Yes, remember that, heading south, those were fun times, I enjoyed those times, I was in my twenties, I'm a bit older today but we still have the same problem of safety out there so, that's what it's for, it may have carried off to another direction, but there's still people out there that have these machines out there a bit more powerful than the 80's and I hate to see it get out in the back streets there not meant for those roads but we do have a tract up there that is available, I like to go over, legal will find in what way we can expedite it because it's been shut down for a while and perhaps for good reason, I don't know what went on with the quarrying and over grading, double grading of the property up there and if that were the case of course that has to stop but the way I look at this it doesn't include any of that in fact they're proposing to provide a thousand dollars I believe monthly or 10% of the gross, I would thought I would see net but 10% of gross is good, I mean, you'll always have something coming in and it is a big sport but full disclosures that I'm an enthusiast too, not as active as I was when I was young but I still have my cars and my motorcycles and I'm still involved so, I'd like to see this move forward and of

course one of the reasons I'm detailed here is for that purpose and other purposes too, of course to get the loan guarantees through perhaps set up some kind of policy or like what I did with ancestral lands for investments so we can grow these funds and of course the other one is the junk vehicles that we have out there on various CHamoru Land Trust properties. Pretty much that my marching orders from my bosses down town, so I'd us to move forward on this and perhaps since I just received this and haven't talked to legal about it yet, in fact it's the first time hearing me say this, that we set up a special meeting and as soon as possible and get through it real quick, I'm a quick study when it comes to these things, my record with ancestral lands and what I did there, when I arrived there, when the Governor sent me there, there was no ancestral lands pretty much no office not even a Chair to sit on, one employee and maybe two board members, it's up and running and a fully-fledged organization and seems like we've been heavily involved with locating land and property for the hospital or medical complex and this is another task I've been given now so, if the board would consider it I would recommend to setting up a special meeting for this and advise the raceway federation all those people involved and we sit down and try to get something good and I'm seeing it as something good for the community, not just for the people up there that running the raceway, not just for the raceway federation but to invite other people that are involved with this as a hobby; has something they do as a living, there's all kinds of people involved even my children, my son and even my grandchildren inherited into the off roading and racing ones, I just like to see them do it in a safe and controlled, I don't want to see them in the back roads like we did in the 60's, 70's and 80's and if you remember going back to those days they were some real significant and tragic losses because of what occurred and that's why this whole thing had pushed forward during those times even after Ricky Bordallo lost the election and then died, it continued to move forward and that's why we have it up there today and I think we should move forward and get it going again, so commissioners?

**Commissioner E. Garrido:** In all fairness to the acting administrator, he does need time to sit down and read through the documents and the... with that being said he also needs to analyze the people's report on findings, which I hope she'll get in writing and I say I would like to motion that we reschedule this portion of the correspondence to give the acting director time to read.

**Commissioner D. Herrera:** Yes perhaps, because the association is here, can we maybe have a minute or two for them to speak because I know we have full agenda for the loan guarantee or we'll reschedule for a meeting with the raceway, our attorney and our director

**Commissioner E. Garrido:** That is my motion.

**Commissioner D. Herrera:** Ok, so I'll second the motion madam Chair

**Acting Chairperson A. Bordallo:** All in favor??

**Commissioner E. Garrido:** Aye!

**Commissioner D. Herrera:** Aye!

**AAD John Burch:** Thank you.

**Acting Chairperson A. Bordallo:** Mr. Cruz, on the agenda?

**Joey Cruz, CLTC:** The administrator director's report. So, the first item the public hearing on Bill 16-37, we did provide all testimony at that public hearing. In a nutshell, our concerns were we wanted to ensure the bill did not restrict the potential revenue generated to just 6 million dollars. Our second concern was that the successful should obtain performance and payment bonds for the project. Our third concern was that CLTC disagreed that CLTC should be liable for the expenses incurred by the awardee and our next concern was that the successful bidder should be required to obtain a topographical survey and commencement after the project; and then our last concern was that to remove the section that reads into the CHamoru Homeland Fund thereafter and that's in regards where the money would be deposited to after a certain period, we want it to stay in the CHamoru Land Trust survey and infrastructure fund which was created for the purposes of installing infrastructure, land registration and to specific expenditures. So, that's in relation to item A; item B, in your binder, you'll find Bill 177-37 establishing; it's an act to amend subsection §75A112H of Chapter 75, Division 2, Title 21GCA relative to establishing the aggregate amount insured by the CHamoru Land Commission for the beneficiary loan guarantee fund.

So, on page 2, section 2, the information underlined that's the amendment that they're proposing and it reads, for the aggregate amount of building costs only up to 25% of the loan for each lessee or licensee. So this bill would only authorize the commission to only guarantee 25% of the lessee or licensee loan.

**Commissioner E. Garrido:** Wasn't Bill 16-37 postponed, the hearing?

**Joey Cruz, CLTC:** That was the second hearing that was going to be held by the Speaker

**Commissioner E. Garrido:** That was supposed to be Monday right?

**Joey Cruz, CLTC:** We received information that it was being postponed so, there was a hearing held by Senator Joe San Agustin, who is the author of the bill, which was last week I believe or the week before

**Commissioner E. Garrido:** The scheduled hearing was supposed to be this past Monday, right?

**Joey Cruz, CLTC:** From the Speaker's Office

**Commissioner E. Garrido:** Yes

**Joey Cruz, CLTC:** So, she was holding a second a public hearing on that bill but she had postponed that public hearing

**Commissioner E. Garrido:** What is the actual status then on that bill? Do you know?

**Joey Cruz, CLTC:** I don't know at this time. On the third item under the administrative director's report in your packet you will find a letter, a board appointment letter. The Governor has submitted the packet of Mr. Jeffrey John P. Ibanez to be a board member of the CHamoru Land Trust Commission. We have not received a confirmation hearing date yet.

**Commission Herrera:** Madam Chair, I would like to request a clarification on this section 75A101H. I remember back about 4 meetings ago, we were starting on this loan guarantee challenges and at that time we had three hundred thousand

(\$300,000.00) in that account and again we had 6 or 7 constituents that had loan guarantees, so, I understand during that time when I motion to approve the loan guarantee. Our legal counsel cant noted this part for the laws on page 23, section 75A108H, mentioned shall the aggregate amount assured by the commission exceed the ability of the CHamoru loan guarantee fund to reasonably provided security for the loan authorize. It's on page 23.

So, my question on this one is a I understand the loan guarantee from the small business administration from way back in 2000, we did an audit here from the last 100 applicants from the small business administration, about 20% went in default and 19 went in foreclosure and we have not claimed that loss of property and home for the CHamoru Land Trust so my point here is that when we were researching on the amount on percentage our challenge there at that time was that our question did the small business administration want a dollar for dollar match or is a percentage of 25% match with the aggregate amount or can we go down to 1% or 2%, I just want to request from our legal counsel because in a nutshell here the CHamoru Land Trust doesn't have an restriction in percentage in the loan guarantee it's just said reasonable amount, there's no percentage and based on the audit that we did out of the 100 homes, all of them had a loan guarantee and I remembered at that time we only had 300 thousand in the kitty, in the bank so, if we had 300 thousand in the bank and then we had 10.4 million dollars in aggregate or 10.4 million dollars in loan and we only had 300 thousand to secure the loan and SBA never came back and said CHamoru Land Trusts you're supposed to be covering the loan as collateral at least 50% or 80% there was no percentage established with the small business, when I went through our law 75a 108 this also was kind of big so, I know from the last meeting we approved to go 20% when we got 4 million from Adelup, the million from the legislature and what appropriated about 1.6, we have about 1.8 million in the bank and we decided to cover 20% but if I file a lawsuit and say wait a minute what if I just put 5% would that survive the litigation in court, my point here is why would we want to lock up 6 million dollars in the bank earning an interest of 0.1% we're locking it up for 30 years, 6 million bucks, could we go back, I'm not saying for us to change what we did last meeting but 5 million dollars is a lot of money that we can, what the director mentioned here, we invest for more gain and profit for the CHamoru Land Trust. My question to legal counsel is can you please help me clarify this language and where is the percentage here and are we required to secure the small business administration loan on a one to one or 25-75, 60-40, or 50-50 that's just my request

**Attorney K. Finney:** That's kind of what you guys talked about at the last meeting when you came up with the, right

**Commissioner D. Herrera:** The 20

**Attorney K. Finney:** You're right, it doesn't say any particular amount and it say what's reasonable and so what's reasonable is really going to depend on what your circumstances are at the time

**Commissioner D. Herrera:** And at that time when we had 300k and people were knocking on our door 3 months ago, 4 months ago and today, right now we have another storm coming and a lot of them still living under tents but we're here now, fast forward we have about 27, 28.

**Joey Cruz, CLTC:** 27

**Commissioner D. Herrera:** 27, we have 27 constituents and we're going to vet them today, there's the 27, how many files do we have ready for vetting



**Joey Cruz, CLTC:** 12

**Commissioner D. Herrera:** We have twelve (12) so, I thank the staff here that worked super hard to get the twelve (12) files, they went through the whole process in vetting each applicant, some have 230k, 100k up to 240k is the maximum Mr. Cruz

**Joey Cruz, CLTC:** I believe for SBA

**Commissioner D. Herrera:** For SBA, I know we have one for Guam Housing. So, with that being said because time is of the essence here because Mr. Burch just for clarity from our legal counsel only percentage, SBA does it require a percentage or a one to one, chapter 21 CHamoru Land Trust does not require also a percentage or one to one, so, this bill was proffered by our good senator Joe San Agustin, apparently there were monitoring our situation here since 3 months ago and it's a blessing that they come up with a formula to cover up to 25 that means we can go zero percent, we can go 1% up to 25% based on this bill the language

**Attorney K. Finney:** That's a different, I mean how much of the loan guarantee is a different issue from whether or not you have enough in the bank to assure

**Commissioner D. Herrera:** You're right!

**Attorney K. Finney:** I just wanted to point that out

**Commissioner D. Herrera:** We had 300k and 10.4 million, I know Mr. Delfin was here, you recall and there was another one here. We had a very active and of course in good faith to help our constituents but I didn't get the vote and we had 5.6 million right, that's it madam Chair thank you so much

**Acting Chairperson A. Bordallo:** I'm not worried

**Commissioner D. Herrera:** Neither am I when we had 300k, neither am I when we had 300 and our constituents living

**Acting Chairperson A. Bordallo:** You know why, 10.4 million is a default of 18% of that and the law that there is trying to push for 25%

**Commissioner D. Herrera:** Up to

**Acting Chairperson A. Bordallo:** Yes, up to

**Commissioner D. Herrera:** Could be 1, could be zero, could be just a note

**Acting Chairperson A. Bordallo:** and then SBA hasn't really called on the loan

**Commissioner D. Herrera:** although they had a letter to pay in full when I checked, when I audited the 20% here on this very table the US treasury was given the leverage to make the claim and SBA did something, I don't know if all 19 had those letters that requires the 100% coverage from 2002, 3,4,5,6 up until last year from Paka, Pongsona. Thank you, madam Chair.

**Acting Chairperson A. Bordallo:** 100%

**Commissioner D. Herrera:** Pay, but see out of that foreclosure right, none of them have been evicted some are still staying in the home

**Acting Chairperson A. Bordallo:** we haven't researched that

**Commissioner D. Herrera:** I have done several, I have visited some of the homes

**Acting Chairperson A. Bordallo:** and some are still there

**Commissioner D. Herrera:** some are still there, some are abandoned and my point here is to be user friendly and at the same time be responsible for not only to secure the loan for our constituent, if we have another storm the formula that we kind of computed, 5.6 million at 5% we can go up to 112 million aggregates, but right now we have 10.4 in the books and we have about 2.4 that are to be computed, 4.9 and that was just the building. Ok, madam Chair.

**Acting Chairperson A. Bordallo:** Mr. Garrido?

**Commissioner E. Garrido:** I'd like to make a statement. First of all, I'm cognoscente of the fact that we have victims from Mawar, so I have something to say about that. First of all, I would like to express my deepest concerns to the victims of Typhoon Mawar and commend the resilience and strength during such a challenging time. It's heartening to know about the collaborative efforts between CHamor Land Trust Commission, the Governor and the Legislature to provide support to individuals. Implementation of the loan guarantee clause for typhoon relief victims from the Small Business Administration is a critical step towards assuring those who have been impacted by the typhoon. This measure will help financial assistance with stability to businesses struggling to recover after the aftermath. I extend my appreciation to the Land Trust, the Governor and the Legislature for the joint efforts in approving and funding the loan guarantee is to such collaborative and initiative that communities can come together and rebuild after natural disasters. Please know that my thoughts and efforts is with the displaced victims of typhoon Mawar and I hope the loan guarantee, I just want to support who contributed to the recovery for their future. I also understand a lot of these victims are still displaced, if not displaced they're sitting, they're squatting on their lots because they're afraid of losing their property; theft is rampant right now. So, I'm here today to help approve the applications that are up to standard for the loan guarantee. Again, I appeal to the victims, they just have to be patience because we have to make some stuff come to be able to service the loans. **The 20% was decided on the last board meeting because of the prior history of defaults ok, although we've only been served once where we have to pay it off, there are still others that are floating that we may or may not see within the next year, but I am comfortable with the 20%.** That's all I have to say. Shall we continue?

**Commissioner D. Herrera:** Yes.

**Someone from the audience:** You have to second.

**Commissioner D. Herrera:** Oh, second the motion. I am in favor of that motion.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**ALL:** Aye!

**Acting Chairperson A. Bordallo:** Motion passed.

**Commissioner D. Herrera:** Let's roll.

**Joey Cruz, CLTC:** So that's it for the administrative director report. We move now to the old business which is the loan guarantee request.

**Acting Chairperson A. Bordallo:** Are these constituents? Where would you like to start into?

**Joey Cruz, CLTC:** We provided you with a new listing today. The initial listing that was published for the special meeting had some errors in terms of the order. The new listing you have today which is the corrected version October 19, 2023; we ask that we go in this order of how the lessees are named because this is the order of when we received the request. On the agenda you will see that one to six is in the correct order but one to seven, one is in the correct order, number two should be Mr. Jonathan Samiliano, number three should Mr. Ted Cruz, number four should be Ms. Shirley Gagan, number five should be Mr. Philbert Flores, number 6 should be Ms. Bernice Nelson, number seven Ms. Clarissa Tudela, number eight Mr. Jose Quinata, number 9 Ms. Joleen Limas, number 10 Ms. Joann Cruz, number eleven Ms. Anita Cruz, number 12 Mr. Joaquin Manglona. Today we have 12, the staff have prepared 12, 12 staff reports to present the first 12 requests. So, we can start off with Mr. Delfin, Eric Delfin. Could you just sign in; Mr. Delfin is present.

So, Mr. Delfin is here today, like we have mentioned. He is requesting for a loan guarantee. In addition to that the loan guarantee, and Kristan can we also include the approval to build?

**Attorney K. Finney:** Uh huh.

#### **LOAN GUARANTEE: ERIC DELFIN**

**Joey Cruz, CLTC:** In addition to the loan guarantee request, Mr. Delfin would also like approval to build.

**Acting Chairperson A. Bordallo:** Is everything is in the correct order?

**Joey Cruz, CLTC:** We'll get to that. Based on the staff report prepared by the staff, Mr. Delfin was issued a notice of violation from the Department of Public Works for not obtaining a back fill permit. Mr. Delfin has two residential applications. Mr. Delfin application for December 29, 1995 was paid on September 12, 2017 through the approval of former Deputy Director David Camacho. And those are the only two issues that we...

**Attorney K. Finney:** This is the back filling?

**Joey Cruz, CLTC:** Yes, these are the two issues surrounding his lease. One is that he back filled without acquiring the proper permitting and two, he was approved by the former deputy director to pay for his 1995 application in September 12, 2017.

**Commissioner E. Garrido:** And his time and date?

**Joey Cruz, CLTC:** And his time and date. Currently we're only on December 2, 1995 at 8:07AM. Mr. Delfin's application is on December 29, 1995 at 2:20PM.

**Commissioner D. Herrera:** Can I get a...defer my...

**Attorney K. Finney:** So, yeah, can I just respond? If the chair can you allow me to say something first. I did receive your email requesting; you know you sent me an email requesting that I provide a written opinion on these, correct?

**Commissioner D. Herrera:** In a nutshell because of the amount of people we have.

**Attorney K. Finney:**

So, I just wanted to clarify that only the AG can issue an AG opinion and I just want to, I just wanted to tell you because you did email me and you said can I get an opinion on this and I just wanted to clarify because you asked for an AG opinion, only the AG can issue an AG opinion, so I'm just an assistant attorney right, so I don't have any authority to speak for or issue out an opinion, so I just wanted to make that very clear so that you wouldn't think that I didn't respond to your email or why I didn't give an opinion, because I'm not authorized, only the AG. I just wanted to make that clear, I can make recommendations yes, I can advise you just to clarify that but, as far as this particular issue here, the outstanding notice of violation I think is a concern and is something that I would recommend be resolved prior to guys guaranteeing the loan because if you're going to guarantee the loan, you'll want to make sure that everything is in compliance right? So that's just my...

**Commissioner D. Herrera:** So, we have one violation on this report?

**Attorney K. Finney:** Yeah, and as far as I can see in the documentation that I've seen in the file it's not yet resolved so I would recommend that you have that resolved prior to approving the loan guarantee.

**Acting Chairperson A. Bordallo:** Mr. Delfin?

**Eric Delfin:** Can I say something? The last time I was here, you should have the document there. That violation was administrative and what was said on there if you read the violation is there was a remarks thing there; what's my course of action?

Commissioner D. Herrera: Time and Date.

Eric Delfin: Did you read that? What I was supposed to do? Shouldn't that corrective action be mentioned?

**Attorney K. Finney:** Right, but what I didn't see from DPW that acknowledges that it's resolved

**Eric Delfin:** So, this is what happened since then, I gave you guys a copy I since sought their recommendation of engineering for the back fill survey and I've been moving forward with getting the building permit and everything is in line with DPW

**Attorney K. Finney:** So, do you have you some documentation?

**Eric Delfin:** My contractor has it and I can go get a copy of it and I can bring it, but you actually have a copy of my contract with my engineering services which that's what it says that's where it says on the violation, it says seek engineering services.

**Commissioner D. Herrera:** I was asking about number 1, the time and date, that was my question.

**Attorney K. Finney:** oh, about the time and date

**Eric Delfin:** That's the administrative end and it's already been taken care of, I need to move forward with my business and building permit process so, I still think your holding that back from me and I can have Mr. Trinidad call you and see and let you know that it's moving forward, I have all the clearances, fire, water to put in the water

**Commissioner D. Herrera:** is this about the application date right, those are ok

**Attorney K. Finney:** so, if everything is in compliance, I know that there's outstanding questions in the time and date but at this case there's no issue, you're talking about that related opinion in 2018, there's no, I mean it's part of the ratified list and there was not switching issues and I don't think would identify

**Eric Delfin:** My question to that also when I was brought in, I asked if you have records that I paid or did not pay. They didn't have any

**Attorney K. Finney:** sorry if I could just finish. What I'm trying to say is I don't see any other issues there's no allegations that CLTC that's part of switching, this wasn't part of the ones identified needing to have some action to terminate or this wasn't part of any of those listings

**Commissioner D. Herrera:** I don't have a problem with that, all I was asking is that we're still in December 2<sup>nd</sup> number 6, this one is December 29. I just trying to get verification

**Attorney K. Finney:** What I understand and like I said that's still an outstanding issue overall that the commission is looking at cause a lot of the leases that you have are not necessary all in line, this is not one of the one identified as having any kind of issues with switching or jumping ahead, I think there was more of a, I'm not sure how the commission is moving forward on processing these but I don't see a particular issue just with this one that isn't part of the overall issue that the commission have been dealing with on how to proceed with all of those files, not exactly in line but I know at some point the commission had deemed that, when I said that many years ago when I said the commission had deemed that everything in December of 95 was equivalent but I don't know but there's no particular issue with this files other than that notice of violation and the back fill issue

**AAD John Burch:** Mr. Delfin, I think what legal is saying is did you get a document, do you have a document showing that this has been cleared out and that you're working on it now. Do you have that available?

**Eric Delfin:** Yes, you should have a copy. The last time I was here you guys made a copy of my letter.

**AAD John Burch:** I don't see it in this file

**Eric Delfin:** I'm not sure why you don't have it sir, I have a letter

**AAD John Burch:** but it might get held up, if you do have that document, if not, can you provide it? Before the end of this meeting, have somebody fax it or email it over

**Eric Delfin:** Sure

**AAD John Burch:** that's what legal is saying, it's because of this

**Eric Delfin:** I did provide a copy of the letter from Efren Santos is the engineer

**Joey Cruz, CLTC:** We should have a copy in the file

**Attorney K. Finney:** There's something from the contractor but there's nothing from DPW

**Eric Delfin:** That's what I'm asking, you're saying there's a violation here at CHamoru Land Trust but that's a DPW administrative action so I gave them and it's moving forward with them

**Attorney K. Finney:** So, they should say something that says that DPW has cleared that

**Eric Delfin:** And all I'm asking from this body is if I had a violation then what's my violation because DPW gave me a notice of violation. You never gave me any documents saying what I need to do; you just said somebody just said it.

**Attorney K. Finney:** Right, so what I'm advising the commission is...

**Eric Delfin:** Now I have to go get it.

**Attorney K. Finney:** ...before proceeding, before approving is to make sure that there's no outstanding violations.

**Eric Delfin:** I can get that from there at building permits so I'll go get that and can probably bring that in tomorrow. But the letter, my contract with Mr. Efren Santos, you should have a copy

**AAD John Burch:** But you understand what Attorney K. Finney is saying?

**Eric Delfin:** Yes, yes.

**AAD John Burch:** ok, I guess you can get that information. I don't think anyone here wants to see it get delay or anything unless it's the board's decision to move forward and take your word for it, Attorney K. Finney is advising to make sure that you do show proof of it

**Eric Delfin:** thank you sir, you have a copy of my notice of violation Mr. Burch

**Attorney K. Finney:** it's here

**AAD John Burch:** I have that in the file

**Eric Delfin:** it just says there in the bottom on the recommended action of the violation. I gave that to them.

**Attorney K. Finney:** So then DPW should have given you something to say ok, you're clear now and this is all that's needed and that you're ok, something from DPW.

**Eric Delfin:** Okay, okay, I'll go and get that from them

**AAD John Burch:** And I think that's all you're going to need

**Commissioner E. Garrido:** I'd like clarification from our attorney. (inaudible) I know since the conception of CHamoru Land Trust, time and date have been a factor that we have to adhere to. Is that correct?

**Attorney K. Finney:** that's under your rules

**Commissioner E. Garrido:** yes, and that's what Commissioner D. Herrera is asking about time and date

**Attorney K. Finney:** Right, so what I'm saying is that there's an understanding larger issue like you said regarding the time and date and yet from the beginning of CHamoru Land Trust things have moved forward with different interpretations maybe if you want to say of what time and date actually mean? What I'm saying, I'm not trying to give you an definitive answer and that's what you're looking for but I'm not giving that on this time and date right here I'm just saying there's no particular issue, it's not out of line with how you guys have processed the other application, it's not one of these in the list where there was in the files where the AG had said have problems that the board has to have a hearing and hear each of them. This isn't one that identified like that.

**Commissioner E. Garrido:** How critical is time and date for our charter?

**Attorney K. Finney:** That's a bigger question, I think that and again it appears it's been resolved in different ways throughout the history of the CHamoru Land Trust but I wouldn't recommend that you treat this particular file in a different way as in other files just based on what I've seen

**AAD John Burch:** I see the commission has a different action that you can take. One is that you can disapprove the request the other is you can approve it based on fact or you can approve pending the receipt of the document that Mr. Delfin said he can provide. The decision is still based on the board's decision but those are your alternatives that I think you have before you

**Commissioner E. Garrido:** But my question I guess, nothing against you Mr. Delfin, but CLTC in the past has committed a lot of violations on its own. At what point do we start standing up for the right and the straight and narrow. I mean, we are a young board, okay, we haven't been sitting here 3 or 4 years or anything like that. We're just a little bit over a year and I know this tenant has already put time and money into his property, but like I said at what point to we start following our law?

**Attorney K. Finney:** So, if you're going to look at time and date which comes out of your rules and regs right, it's not in the GCA? Am I correct?

**Commissioner D. Herrera:** It's not an act, it's a rule

**Joey Cruz, CLTC:** I think so

**Attorney K. Finney:** Then I would tell you that I don't think any of these files are next in line or whatever. I think that all of these if you're wanting to say let's just proceed with you know, and put everything aside and just process through the file based on time and date then everything is going to stay and put aside, and you're going to delay on everything while you go back

**Commissioner E. Garrido:** Ok, would that also severe of an infraction is this time and date. Is this something that would turn around and bite us on our behind a month, 2 months, a year from now?

**Attorney K. Finney:** I'm trying to think how to answer that question, because there's maybe you know different ways that you can look at it so I don't, I think it just needs further review but, again if you're going to hold everything up because of time and date then I would say all of this should be put aside and then at your next meeting you should start looking at the files based on the time and date but if that's what I guess that's within what the commission can do but I think they should be all treated the same. You shouldn't treat one person, oh it's not your time and date and someone else that you say oh that's ok. But I would say regardless of the time and date this person already has a lease

**Commissioner E. Garrido:** that's what I'm saying he already has a lease, he's already been occupying the property, and he's made improvement to the property. My question is outside of that realm how critical is time and date because I'm looking into the future, I'm not looking at the here and now, there's a lot of misappropriated actions that's was done before today. I certainly don't want to penalize Mr. Delfin for being where he's at today, like I said he put in time and money and he should not be penalized something that was outside of control

**Attorney K. Finney:** So, I would also point you to the 2018 ratified list, so, what happened with that list is basically anything that was within the commission's authority to approve that had happened prior, they approved it in that listing. That's why I say there's more than one way to look at it right, so one way to look at it is that decision was already made and this is part of that ratified listing, but you know...

**Commissioner E. Garrido:** See, it's things like this that I try to squeeze commitment out of you in prior meetings, let's say, case study, everything. We approve Mr. Delfin here and now 6 months later something happens and cannot go forward with his project

**Attorney K. Finney:** And they say it's because of time and date?

**Commissioner E. Garrido:** Well, whatever it is, something happens and he can't move forward anymore and he may want to sue us internally. That's what I want to try and avoid.

**Attorney K. Finney:** So, as you have asked me before about hypotheticals and I cannot give you commitments on hypotheticals because I don't know, so you know. So, we have to look at the facts that are before us

**Commissioner E. Garrido:** But like I said I don't want to stand in Mr. Delfin's way because he already has a lease, he's put money and time on his property. But in the back of my head, time and date.

**Attorney K. Finney:** What I'm looking here, I see that you have a lease and the commission and I see that the commission has approved the lease and I don't see anything from my review that would say that the lease itself is not a valid lease, although I'm acknowledging that time and date of issue is out there and it's something you'll have to resolve, but from my recommendation looking at this, the issue I see that needs to be resolved before you would want to commit the money that you have in



your fund is to guarantee that loan would be that current unresolved violation so, it would seem that needs to come into compliance and you know other than that unless you want to again, put aside everything because you want to focus on that time and date.

**Commissioner D. Herrera:** That was last month that I requested for preliminary opinion memo from your office.

**Attorney K. Finney:** And that's what I told you, I cannot provide you an opinion memo

**Commissioner D. Herrera:** I understand, maybe up your line?

**Attorney K. Finney:** Then that would have to be a formal request from the director to the AG to say I need an opinion on this and then only again that the AG can provide that.

**Commissioner D. Herrera:** Ok

**AAD John Burch:** Only the AG's opinion signed by the attorney general himself carries the weight of Guam, the AAG and the others working at the AG's office, there opinion is simply their legal opinion, not the AG's opinion.

**Attorney K. Finney:** Right, based on my research and my review of this, it doesn't have

**Commissioner D. Herrera:** And I did ask Alice and yourself through the channels officially

**Attorney K. Finney:** And I'm not aware that any request was made to the AG for an opinion regarding the time and date if that's what you're asking but what I did try to do based on your email and make sure that I came in here to review as many of these files as I could prior to this meeting so that I could advise you on the particular files and again does nowhere near the same of what you're requesting

**Commissioner D. Herrera:** Thank you director

**AAD John Burch:** And Joey can I ask, how are these people place on the list as number one, number two, what did the staff use here?

**Joey Cruz, CLTC:** In the order it was received

**AAD John Burch:** In the order it was received, so, it goes back to I believe then on what Attorney Finney is saying is that the only thing standing in the way is the notice of violation for approval and the board can't vote on approval pending received of documents showing that this violation was resolved or denied approval or approved outright, see these are the three options again. I recommend approved pending received of the staff receiving notice and that's way it's covered pending Attorney K. Finney's concern and we don't have another board on this particular document or client here. All you have to do Mr. Delfin you said you can get this document saying that this is clear

**Eric Delfin:** I'll get over there

**AAD John Burch:** DPW, you'll have to receive it from there, approve pending receipt of document

**Commissioner E. Garrido:** I second

**Commissioner D. Herrera:** I would like to make a motion madam Chair; I know the two requests from Mr. Delfin was to approval to build and the approval for the SBA loan guarantee

**Eric Delfin:** No, it's Guam Housing Corporation

**Commissioner D. Herrera:** Guam Housing, you're not under the disaster

**Eric Delfin:** no sir, this is something also, I went right after the meeting and asked if they can infuse money into the budget for the loan guarantee and that's what they did and that's why we're all here because they were able to put some money in there. And you guys went down there and I thank you all.

**Commissioner E. Garrido:** Based on the recommendation from our acting director and our attorney I move that we vote on Mr. Delfin's request for the loan guarantee and to build on the property.

**Commissioner D. Herrera:** I second the motion

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Commissioner D. Herrera:** Congratulations

**Eric Delfin:** Thank you

**Audience Member:** So it's a conditional approval right?

**Commissioner D. Herrera:** Right, right!

**AAD John Burch:** You'll get us that document right, based on that condition?

**Eric Delfin:** Yes sir!

**Commissioner E. Garrido:** Mr. Delfin, good luck!

**Eric Delfin:** Thank you

**Acting Chairperson A. Bordallo:** Break time. (*Intermission 1:26:45, returned at 1:42:25*)

### **SBA LOAN GUARANTEE: JONATHAN BLAS SAMILIANO**

**Joey Cruz, CLTC:** Next we have Jonathan Blas Samiliano.

**Acting Chairperson A. Bordallo:** Did he come in?

**Joey Cruz, CLTC:** Mr. Jonathan is not present. The only issues surrounding well Mr. Jonathan Samiliano request is for a loan guarantee, approval for clearing and grading and approval to build. The only issues surrounding Mr. Samiliano's lease award is his date and time. His original application date and time is December 4, 1995 at 12:36PM based on the staff report.

**Acting Chairperson A. Bordallo:** Any comments?

**Commission Herrera:** Property surveyed?

**Joey Cruz, CLTC:** Yes, there's a survey map.

**Commissioner D. Herrera:** I would like to make a motion madam Chair to approve the applicant, Jonathan Blas Samiliano for SBA loan guarantee, approval for clearing and grading and approval to build.

**Commissioner E. Garrido:** I second the motion

**Acting Chairperson A. Bordallo:** Any discussion? All in favor?

**Commissioner E. Garrido:** Aye!

**Commissioner D. Herrera:** Aye!

**Acting Chairperson A. Bordallo:** All in favor? Motion carried. Thank you.

### **SBA LOAN GUARANTEE: TED ROY CRUZ (NOT PRESENT)**

**Joey Cruz, CLTC:** Our next lessee is Mr. Ted Cruz. His request is for a loan guarantee, survey authorization and authorization to build. The issues surrounding Mr. Ted Cruz award is his date and time which is December 9, 1997 at 1:41PM. Mr. Cruz original application was an agriculture but he requested to change application type; now his application type and lease award was based on his residential application.

**Attorney K. Finney:** Also, there's another, just to note that the lease that he has for some reason it is not recorded.

**Commissioner E. Garrido:** The agriculture lease?

**Attorney K. Finney:** It's the residential lease that he has, but it's not recorded so, I just wanted to bring that to your attention, I don't know if you that needs to be recorded.

**Commissioner E. Garrido:** Is Mr. Cruz here?

**Audience Member:** It's conditional.

**Joey Cruz, CLTC:** Mr. Cruz is not present.

**Acting Chairperson A. Bordallo:** Any comments from staff?

**Joey Cruz, CLTC:** If the current lease is not recorded, as soon as the survey is completed, an addendum will be executed and we can reference the lease as an exhibit so, we can record everything together.

**Commissioner D. Herrera:** And our staff can do that or the applicant?

**Joey Cruz, CLTC:** The applicant will be the one to record the document

**Attorney K. Finney:** Also it's not surveyed right?

**Joey Cruz, CLTC:** Yes, they're requesting for survey authorization also.

**Commissioner D. Herrera:** So, it's not survey and it's a part of that property or

**Joey Cruz, CLTC:** It's a portion of...

**Commissioner D. Herrera:** Any EUD or plan unit development on that? This is located in...

**Joey Cruz, CLTC:** 5402 formally known as 5402 in Mangilao.

**Land Agent, J. Casem:** Behind GPA substation.

**Commissioner D. Herrera:** Behind GPA substation, they got road in that area

**Commissioner E. Garrido:** Joey, you listed him as a pre-occupier.

**Joey Cruz, CLTC:** The staff report.

**Commissioner E. Garrido:** How did he get to occupy the property?

**Land Agent, J. Casem:** His family has been staying there. They're one of the older families that have been there.

**Commissioner D. Herrera:** Under arendu land use permit; he has a land use permit.

**Land Agent, J. Casem CLTC:** No, not him.

**Commissioner D. Herrera:** The family?

**Land Agent, J. Casem CLTC:** Yes.

**Commissioner D. Herrera:** and the LUP was active?

**Land Agent, J. Casem CLTC:** The parents, he was there before the 95's, so he's considered a preoccupier.

**Commissioner D. Herrera:** so, you know how it's subdivided or if there not subdivided their perimeter or...

**Land Agent, J. Casem:** Sorry, this computer doesn't have the ARC.

**Commissioner D. Herrera:** Ok, can Glenn put it up here, I mean Pierce? I don't know if the house is included based on the configuration of the subdivision or is it closer to the...

**Joey Cruz, CLTC:** I believe his residence or his prior to the storm would comply with the setback requirements because they developed, they tabletop subdivision master plan so, this was renamed, it went from the basic lot of 5402 to a tract, so they tract it out.

**Commissioner D. Herrera:** Ok, and there should be a map.

**Joey, CLTC:** There is a subdivision master plan for this area.

**Commissioner D. Herrera:** Pierce is going to put it up or can you. So, the setback is ok Joey, did you guys' check? Or verify?

**Joey Cruz, CLTC:** Well, he's going to construct so, he's going to have to get the permits and route to the proper agencies.

**Commissioner D. Herrera:** Ok, and the subdivision map is recorded and or

**Joey Cruz, CLTC:** And the master plan is recorded

**Commissioner D. Herrera:** This is not a tabletop

**Joey Cruz, CLTC:** It's a tabletop, it's what the surveyor will reference

**Commissioner D. Herrera:** The actual, the markers are not on the actual property yet

**Joey Cruz, CLTC:** No

**Commissioner D. Herrera:** That's when we run into problems

**Joey Cruz, CLTC:** So, I believe when he goes to the permitting process, he's going to need to provide a map so, I guess the first task will be to get it surveyed

**Commissioner D. Herrera:** and the home is going to be completed demolished or relocated that home, it's got to be repositioned

**Land Agent, J. Casem:** You're going to have to wait until he submits his building plans

**Commissioner D. Herrera:** Okay.

**Land Agent, J. Casem:** But I believe it's an improvement to the now existing

**Commissioner E. Garrido:** It shows that he switched from agriculture to residential, is that correct?

**Joey Cruz, CLTC:** Yes, he switched application type

**Commissioner E. Garrido:** How big is the property?

**Joey Cruz, CLTC:** It should be only a half-acre lot

**Commissioner D. Herrera:** that place doesn't have a sewer

**Joey Cruz, CLTC:** No

**Commissioner D. Herrera:** Ok madam, we did make the motion right. You're still going to try to put it up, just for reference just to make sure.

**Acting Chairperson A. Bordallo:** A motion to approve Ted Cruz

**Joey Cruz, CLTC:** Madam Chair before you proceed any further only because on our spreadsheet, we have two total. One for just for a real estate repair replacement and the grand total that includes the cleanup and personal property and other expenses. If you just also include the total for the loan guarantee that the board is approving

**Commissioner D. Herrera:** 192, 192

**Joey Cruz, CLTC:** For Mr. Cruz \$192,100.00

**Commissioner D. Herrera:** and you want us to approve both the demolition and both

**Joey Cruz, CLTC:** no, just to make mention of what's the total you're approving

**Acting Chairperson A. Bordallo:** \$192,100.00

**Joey Cruz, CLTC:** that's for the real estate repair and replacement

**Commissioner E. Garrido:** it is the \$192,100.00

**Joey Cruz, CLTC:** Yes, if that's what the board is approving and you need to go back and amend your previous tow approvals just so that's there's consistency

**Commissioner E. Garrido:** I would like to make a motion to approve Ted Roy Cruz's request for survey authorization, written approval of building and SBA loan guarantee for the amount of \$192,100.00 dollars for real estate repair and replacement.

**Commissioner D. Herrera:** I second the motion

**Acting Chairperson A. Bordallo:** No discussion

**Commissioner D. Herrera:** No discussion

**Acting Chairperson A. Bordallo:** Conditional.

**Commissioner E. Garrido:** Yeah

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner E. Garrido:** Aye!

**Commissioner D. Herrera:** Aye!

**Acting Chairperson A. Bordallo:** Motion carried. Going back to Samiliano, the amount guarantee we approved should be \$196,000 on real estate repair and replacement.

**Joey Cruz, CLTC:** to amend

**Commissioner D. Herrera:** Ok, so make a motion. Madam chair, make a motion to amend, Jonathan Blas Samiliano for the SBA loan guarantee up to \$196,000.00 dollars, approval on clearing and grading and the approval to build.

**Commissioner E. Garrido:** Second.

**Acting Chairperson A. Bordallo:** clearing and grading

**Commissioner D. Herrera:** Yes, according to the land agents the home is to be completely demolished

**Joey Cruz, CLTC:** That was part of his request

**Commissioner D. Herrera:** Demolition, clearing and grading and then reconfiguration on the grading plan

**Joey Cruz, CLTC:** Don't forget the approval to build, so Mr. Similiano's request was for the loan guarantee and approval for clearing and grading and approval to build

**Acting Chairperson A. Bordallo:** Which amounts to?

**Commissioner D. Herrera:** \$196,000.00

**Joey Cruz, CLTC:** The guarantee is just for the \$196,000.00

**Acting Chairperson A. Bordallo:** Ok. Motion, take a vote, just for clarification.

**Commissioner D. Herrera:** We'll go back to Mr. Delfin

**Joey Cruz, CLTC:** Yes

**Commissioner D. Herrera:** Is to amend?

**Joey Cruz, CLTC:** Yes

**Commissioner D. Herrera:** Madam Chair I would like to make an amendment to the applicant Eric John Naputi Delfin to approve the SBA loan guarantee up to \$320,000.00 dollars and approve to build

**Acting Chairperson A. Bordallo:** it's a Guam Housing

**Commissioner E. Garrido:** Yeah, it's a Guam Housing loan

**Acting Chairperson A. Bordallo:** it's not an SBA loan

**Commissioner D. Herrera:** I'd like to rephrase that; applicant lessee's request would be a Guam Housing Corporation loan guarantee up to 320,000 dollars and approval to build

**Acting Chairperson A. Bordallo:** Mr. Garrido?

**Commissioner E. Garrido:** I second

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner E. Garrido:** Aye!

**Commissioner D. Herrera:** Aye!

**Acting Chairperson A. Bordallo:** Next we have is Shirley Pangilinan Gagan

**Joey Cruz, CLTC:** Ms. Gagan are you present?

**Acting Chairperson A. Bordallo:** Yes, she's here

**Joey Cruz, CLTC:** Ms. Gagan request for a loan guarantee, the only issue surrounding her lease award is her date and time of December 4, 1995 at 9:30am, please note that Ms. Gagan was present at the regular scheduled board meeting on September 21, 2023 and at time the commissioners approved Ms. Gagan to build

**Commissioner D. Herrera:** I would like to make a motion madam chair to approve the applicant Shirley Pangelinan Gagan for the SBA loan guarantee of \$193,600.00 dollars.

**Commissioner E. Garrido:** I second the motion

**Acting Chairperson A. Bordallo:** Any discussion? All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye! Have you found a contractor?

**Shirley Gagan:** I know one

**Commissioner D. Herrera:** Okay, okay. Congratulations! It's hard to find one.

**Shirley Gagan:** I have to write back to SBA to let them know that it's been approved

**Commissioner D. Herrera:** And the document should be...

**Joey Cruz, CLTC:** We'll prepare it and have Mr. Burch sign

**Acting Chairperson A. Bordallo:** Next is Philbert John Flores

### **SBA LOAN GUARANTEE: PHILBERT JOHN FLORES (NOT PRESENT)**

**Joey Cruz, CLTC:** Mr. Flores is not present. Mr. Flores' request is a survey authorization, written approval to build and a loan guarantee. The only issue surrounding his lease award is the application date and time on December 15, 1997 at 11:17AM and also Mr. Flores lease is for 2 acres

**Commissioner D. Herrera:** Is it residential?

**Joey Cruz, CLTC:** and also Mr. Flores currently has multiple leases



**Commissioner D. Herrera:** no survey yet?

**Attorney K. Finney:** So, the issue that I see with this one is that there is more than one lease that's they have with him and so they need to resolve that

**Commissioner D. Herrera:** surrender one?

**Attorney K. Finney:** we highly recommend that be resolved before you...

**Commissioner D. Herrera:** Both leases are agriculture?

**Joey Cruz, CLTC:** They're both agriculture leases. One is on Lot 7150 and the other lease that's recorded is on 7153

**Commissioner D. Herrera:** Which one does he want to build on? 7150 do we have the map

**Land Agent, J. Casem:** 7153 is unregistered

**Joey Cruz, CLTC:** 7153 is unregistered. So, Mr. Flores may not be able to complete his survey because the property is unregistered

**Commissioner D. Herrera:** Is that where he wants to build, is that where he has a damaged home?

**Joey Cruz, CLTC:** that's where his lease is and where he is

**Commissioner D. Herrera:** and this is located on

**Joey Cruz, CLTC:** Yigo, 7153

**Commissioner D. Herrera:** This is Route 15

**Land Agent, G. Eay:** Mataguac area

**Commissioner D. Herrera:** Mataguac, we have a map.

**Land Agent, G. Eay:** by the water tank before Andersen gate

**Commissioner D. Herrera:** I see, and it's unregistered, unsurveyed?

**Joey Cruz, CLTC:** So, Mr. Flores may not be able to complete a survey because it's not registered

**Commissioner E. Garrido:** So, he has two, 2-acre lots?

**Joey Cruz, CLTC:** Currently, he has two, 2-acre leases but he's occupying and utilizing 7153, the initial lease was never terminated

**Commissioner E. Garrido:** his lease is for agriculture?

**Joey Cruz, CLTC:** both leases, yes

**Commissioner E. Garrido:** And has he started his farm?

**Joey Cruz, CLTC:** Based on the...no.

**Commissioner E. Garrido:** He is an agriculture lease?

**Joey Cruz, CLTC:** But not more than two acres

**Commissioner D. Herrera:** There are structures there? Which one is the two acres here, the one with the red line

**Land Agent, J. Dayday, CLTC:** yes

**Commissioner D. Herrera:** which is the first 2 acres?

**Joey Cruz, CLTC:** 7150

**Commissioner D. Herrera:** Where's 7150, route 15?

**Joey Cruz, CLTC:** it's also in Yigo

**Commissioner D. Herrera:** he selected this one?

**Joey Cruz, CLTC:** he's currently utilizing 7153

**Commissioner D. Herrera:** and the limit is half an acre?

**Joey Cruz, CLTC:** Based on, I believe after December 98' the law had distinguish based on your lease award anything below, half acre and below is considered subsistence anything greater is considered commercial

**Commissioner E. Garrido:** So, he's a commercial farmer? This is commercial property based on this?

**Joey Cruz, CLTC:** he's supposed to be and years later I believe the 33-78 requires anything awarded over a half an acre requires legislative approval but his lease was awarded prior to that law so it predates it, it's ok, but he's not complying with activity, the required activity with agriculture.

**Commissioner D. Herrera:** agriculture

**Joey Cruz, CLTC:** normally, prior to authorizing anybody with an agriculture lease to build they must comply with the lease terms of farming two thirds of the property so, based on the staff report it doesn't make mention that he's in compliance with the two thirds requirement yet

**Commissioner E. Garrido:** (inaudible)

**Joey Cruz, CLTC:** July 13, 2012 he recorded his lease. Prior to that there was a survey authorization given for 7150 so, in 2012

**Commissioner E. Garrido:** Mr. Flores is not with us today?

**Joey Cruz, CLTC:** No.

**Commissioner D. Herrera:** This is 2-acres so, we need to cut it down for residential?

**Joey Cruz, CLTC:** We should afford him at least the opportunity to correct his...

**Commissioner D. Herrera:** Agriculture?

**Joey Cruz, CLTC:** This but the board can also table it and bring it back and do further review.

**Commissioner D. Herrera:** And this lot is unregistered?

**Joey Cruz, CLTC:** It's unregistered

**Commissioner D. Herrera:** Ohhhh...and all these is CHamoru Land Trust?

**Joey Cruz, CLTC:** Yes

**Commissioner D. Herrera:** And there's no map here?

**Joey Cruz, CLTC:** There's maybe a master plan

**Acting Chairperson A. Bordallo:** Sa hafa adai!?

**Commissioner D. Herrera:** No, it's just because you; as the density increases right, then the issue of a neighbor going to another neighbor and then you have a squabble between a brother and a sister and then, do we have the map?

**Audience Member:** Squatters.

**Commissioner D. Herrera:** I mean, you know?

**Acting Chairperson A. Bordallo:** Mr. Eay, you're very familiar. You have anything to say?

**Commissioner D. Herrera:** You know honestly, because it's another issue

**Audience Members:** *(multiple discussions in the background)*

**Commissioner E. Garrido:** Madam Chair may I make a suggestion?

**Acting Chairperson A. Bordallo:** To table it

**Commissioner E. Garrido:** In the matter of Philbert Flores, his request for survey authorization, approval to building permit and SBA loan guarantee, I move that we table this until a later date, until we resolve the issues surrounding this particular case.

**Commissioner D. Herrera:** I have a question, still in the area, home is livable?

**Land Agent, J. Casem:** During the site inspection, he wasn't home

**Commissioner D. Herrera:** The home's damaged

**Land Agent, J. Casem:** Yes

**Commissioner D. Herrera:** The home's damaged, nobody's home.

**Acting Land Agent Supervisor, Glenn Eay, CLTC:** When we went there for the site inspection there was nobody home but there were two home structures on the lot. There were two structures right there, so he just violated the rules already with that one structure. At the time of the visit, nobody was home but you can see that one of the homes was damaged which was the roof tin structure which lost their roof.

**Commissioner D. Herrera:** No farm activity?

**Acting Land Agent Supervisor, Glenn Eay, CLTC:** Zero. Zero activity.

**Commissioner D. Herrera:** Any animals?

**Acting Land Agent Supervisor, Glenn Eay, CLTC:** Yes, I saw one chicken. No farming activity because one of the requirements prior to building dwelling is to farm at least two thirds (2/3) of the property. The fact that I only see one mango tree there, it's obvious that he's not compliant with the farming activity required.

**Acting Chairperson A. Bordallo:** building permit

**Land Agent, G. Eay:** I don't see any building permit in the folder right now. That's one of the things I was hoping he would come in and request in that

**Commissioner D. Herrera:** Have you spoke to...? He is living in an apartment now temporarily from FEMA

**Acting Land Agent Supervisor, Glenn Eay, CLTC:** Well, one of the homes is living, we don't know if they're staying in, which one because there's two building there. Two single family dwellings

**Land Agent, G. Eay:** Separate houses

**Acting Chairperson A. Bordallo:** When was the last contact you had?

**Land Agent, G. Eay:** There was no contact but a site inspection was conducted last week

**Jessica, CLTC:** When he requested for the loan guarantee

**Acting Chairperson A. Bordallo:** he came by

**Jessica, CLTC:** yes

**Acting Chairperson A. Bordallo:** no phone numbers to call

**Land Agent II, J. Dayday, CLTC:** he didn't respond to our calls, he never answered or returned our call

**Commissioner E. Garrido:** Madam Chair, I still have my motion on the table

**Acting Chairperson A. Bordallo:** Sure, that was discussion

**Commissioner D. Herrera:** I second the motion and we'll make contact

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Joey Cruz, CLTC:** For sure when his case is presented, we'll have a site inspection report to accompany the staff report

**Commissioner D. Herrera:** Just concerned that you might be living under a temporary tent

**Acting Chairperson A. Bordallo:** Next one is Bernice Tudela Nelson

*(multiple conversations in the background - inaudible)*

**SBA LOAN GUARANTEE: BERNICE TUDELA NELSON (PRESENT)**

**Joey Cruz, CLTC:** Ms. Nelson is present today. Ms. Nelson's request is for a loan guarantee and an authorization to survey. Issues surrounding Ms. Nelson lease award first is her application date and time of November 29, 1996 at 3:41PM also based on the documents we have on our records Ms. Nelson does not qualify for the CHamoru Land Trust commission program but Ms. Nelson brought some documents with her for us to determine her eligibility. Also Ms. Nelson changed her application type from residential to agriculture which was approved by the former administrative director Mr. Monte Mafnas.

**Commissioner E. Garrido:** How big is the property?

**Bernice Nelson:** 3-acres

**Joey Cruz, CLTC:** Based on previous survey authorizations that was issued by the previous director Mr. Tom Elliot it says not more than half an acre

**Joey Cruz, CLTC:** Where's Ms. Nelson's file?

**Commissioner D. Herrera:** Mr. Cruz, you were mentioning the qualifications for 12-226, 35-112. Mostly likely it would be 12-226

**Joey Cruz, CLTC:** Does not qualify under 21GCA, Chapter 75. We're basing it as a native CHamoru. Because Ms. Nelson's lease was awarded prior to the 35-112 which was the settlement agreement, Ms. Nelson based on the native CHamoru definition does not meet the requirements, does not make her eligible based on what we have in file, although Ms. Nelson has provided some documents and it's being reviewed

**Bernice Nelson:** and I paid to have a surveyor

**Joey Cruz, CLTC:** Also, Ms. Nelson's lease reads, not more than 3-acres subject to survey, it can go from anywhere half to three.

**Commissioner D. Herrera:** We'll verify with the qualifications, generally, the qualification based on the organic act 1898

**Acting Chairperson A. Bordallo:** She has record dated back

**Bernice Nelson:** *(inaudible)* I went to the church

**Commissioner D. Herrera:** Can you help us in this process?

**Attorney K. Finney:** I haven't reviewed those documents

**Joey Cruz, CLTC:** If possible, based on what was just provided by Ms. Nelson, if we can table this and we can bring it back so we can allow the staff to conduct their further research

**Commissioner D. Herrera:** Okay.

**Joey Cruz, CLTC:** I believe that if not mistaken just a few days ago we discovered through google the CNMI registry, it conflicts with what was provided by Ms. Nelson versus on what the CNMI registry is reporting so we just need to do a little more research prior to

**Bernice Nelson:** And I'll get some more, mother and father born in Saipan but my grandfather and great grandfather is born here

**Commissioner D. Herrera:** Your grandpa and grandma was born here

**Bernice Nelson:** My father's father was born here and my great grandfather was born here and it showed in the certificate that he was born here

**Commissioner D. Herrera:** Mom and dad was born in

**Bernice Nelson:** In Saipan

**Commissioner D. Herrera:** And they became US, the rule is you become US from here from your grandpa and grandma

**Bernice Nelson:** I became US by myself

**Commissioner D. Herrera:** because you have connection. The organic act in 1950

**Bernice Nelson:** before the organic act. I was here since 1961 I went to school

**Joey Cruz, CLTC:** So, if we could request to table this and allow us to conduct further research, we are being provided other documents so we need to check and verify. Based on what we have in file now, Ms. Nelson doesn't qualify for the program but she has submitted some documents

**Commissioner E. Garrido:** Based on the recommendation by Mr. Cruz, for the applicant Ms. Bernice Tudela Nelson a request for SBA loan guarantee and authorization to survey but because of some discrepancies we're trying to work through I would propose that we table this at a later time

**Commissioner D. Herrera:** I second the motion madam Chair

**Acting Chairperson A. Bordallo:** 1:30 is the time

*(Multiple conversations)*

**Bernice Nelson:** It's signed by the church.

**Commissioner D. Herrera:** si yu'us ma'asi Ms. Nelson

**Bernice Nelson:** So, I'm still there for a while or what?

**Commissioner D. Herrera:** siempre ma le'kui todū I documentu yan ma leku'hi ya ma atan naian na mafanagun si nana biha yan si tatan bihu yan si nanamu yan si nanamu siempre ma (we have to look at the documents to see when your grandma, grandpa, and parents were born.)

**Bernice Nelson:** si nana'hu yan si ta'tahu mafangun Saipan, todū I famaguon-hu ma fanagun Guam (my mom and dad were born in Saipan, but my children were born on Guam)

**Commissioner D. Herrera:** ha'gu ma fanguen Guam (you were born on Guam?)

**Bernice Nelson:** No, Saipan lao I great grandfather (no Saipan, but my great grandfather)

**Commissioner E. Garrido:** taotao chalan kanoa hao

**Bernice Nelson:** San Vicente

**Commissioner D. Herrera:** siempre ma depedina anai lekmu

**Bernice Nelson:** SBA too, to fix my house; pues yoku my amot farm

**Commissioner D. Herrera:** se'su yu ma'mahan amot gua'hu mu asa'gua I lahi'mu. *(inaudible) 2:25:14...more things were said, need more translation.*

*(Multiple conversations in the background)*

### **SBA LOAN GUARANTEE: CLARISSA TUDELA (PRESENT)**

**Joey Cruz, CLTC:** Clarissa Tudela? Present we have Clarissa Tudela; Clarissa Tudela's request is for a loan guarantee and approval to build. The issues surrounding her lease award is her application date and time at December 2, 1995 at 10:14AM. Clarissa Tudela has had multiple leases awarded to her and unfortunately, I believe there's a total of three leases awarded to her and the first two although she declined the municipal award, the leases were not terminated and that's another issue of not terminating the first two leases.

**Commissioner D. Herrera:** And she's on the third lease.

**Bordallo:** What's the lot?

**Joey Cruz, CLTC:** She's currently occupying the third lease, which is Lot 5402-R5NEW-14-10, Mangilao

**Attorney K. Finney:** Is that the one that was recorded?

**Joey Cruz, CLTC:** It doesn't make mention.

**Commissioner E. Garrido:** Is this a half-acre lot?

*(\*\*Multiple conversations in the background – audience members\*\*)*

**Joey Cruz, CLTC:** It should be. So, that's the request of Clarissa Tudela surrounding her lease award.

**Commissioner E. Garrido:** So, there were two prior leases? They were agricultural or residential?

**Joey Cruz, CLTC:** Residential. Residential, because the first lease award was Tract 9210; it was a residential tract. The next is Lot 1022. I'm sorry, corrected it's Lot 10164.

**Commissioner E. Garrido:** And that's agricultural?

**Joey Cruz, CLTC:** Yes, that's correct

**Acting Chairperson A. Bordallo:** We have to cancel that?

**Joey Cruz, CLTC:** We should terminate the first two

**Acting Chairperson A. Bordallo:** Yes, so, lot...

**Land Agent, J. Casem:** That's the most recent one versus the first ones; so, it's the first lease she has to terminate.

**Commissioner E. Garrido:** So, are you currently occupying that? That's the 5402-R5NEW-14-10? And that's the half acre lot?

**Clarissa Tudela:** Yes, I was told by the staff because we talked about it. They had mentioned concerning the other two lands.

**Commissioner D. Herrera:** Oh yeah, that's an issue.

**Commissioner E. Garrido:** Are you still occupying the property?

**Tudela:** Yes.

**Commissioner E. Garrido:** The roof is gone?

**Clarissa Tudela:** Yeah.

**Commissioner E. Garrido:** No, I'm looking at the picture so I can't tell if the roof is gone.

**Joey Cruz, CLTC:** We're requesting for the file. So, there's a concern with the first lease was awarded back in 97' and then another lease was awarded, our concern is



Clarissa Tudela may have; what should have happened was from the first lease an amendment or addendum should have been executed so that her initial lease date award of 1997 carries forward so, we just need to confirm if her the third lease, so the third lease, the lease date starts at 2015, so between 1997 and 2015 it just resetted her lease date instead of issuing a first lease declining it and not terminating it and issuing another one with a new lease date and issuing another one

**Commissioner D. Herrera:** The second was on 2015?

**Commissioner E. Garrido:** Can this be corrected administratively?

**Joey Cruz, CLTC:** No, this has to be a board decision

**Attorney K. Finney:** Yeah right, if the commission approves it, it sounds like what you probably want to do is terminate the earlier leases and then amend the current one to have the original date

**Joey Cruz, CLTC:** Lease date, if it's legally possible

**Commissioner D. Herrera:** So, the lease would be a start date of...

**Joey Cruz, CLTC:** Of 1997

**Commissioner D. Herrera:** Oh 1997

**Joey Cruz, CLTC:** But how would it work? *(speaking with Legal Counsel)*

**Commissioner D. Herrera:** I have a question. *(inaudible)*

**Clarissa Tudela:** I believe that was issued in 95?

**Joey Cruz, CLTC:** 97'. So, that's the concern is the years in between.

**Commissioner D. Herrera:** 97', and the second one was in 2002 and then the third lease?

**Joey Cruz, CLTC:** 2015

**Commissioner D. Herrera:** So, the clock starts on 2015? When it was...

**Joey Cruz, CLTC:** Based on the lease now, the third lease that's when the clock starts in 2015 but the clock should have, when it started in 97' it should have carried forward

**Commissioner D. Herrera:** according to 75; I'm just checking according to the law

**Attorney K. Finney:** Well, that's because, when the original lease was signed but also, I'm just looking through it, the chronology on the report and the first lease was a Residential and then third lease it says it's Agriculture

**Commissioner D. Herrera:** The 2015?

**Attorney K. Finney:** Yes. Is that correct?

**Joey Cruz, CLTC:** Yeah, yeah, and then the change of application type also.

**Commissioner D. Herrera:** The 2000 lease was also residential?

**Attorney K. Finney:** I can't tell from this

**Commissioner D. Herrera:** Ok, I guess we're trying to determine, when does...

**Joey Cruz, CLTC:** The second lease was also agriculture, so that's another issue with the application, the switch of application type

**Acting Chairperson A. Bordallo:** Well, why?

**Commissioner D. Herrera:** The lease was ratified in 2015 and she stayed there in 2015, she's still there now.

**Joey Cruz, CLTC:** Yes.

**Commissioner D. Herrera:** Are you neighbors with the other R5-14A?

**Clarissa Tudela:** Yes.

**Commissioner D. Herrera:** I'm saying that because there's a new CIP for the water. Yeah, they're going to have a new water sewer. Remember the last capital improvement project? For that area.

**Joey Cruz, CLTC:** Yeah. The Adacao area.

**Commissioner D. Herrera:** For 54, so you can tie into the sewer in that area

**Commissioner E. Garrido:** Within 200 feet.

**Joey Cruz, CLTC:** Yes, the sewer is going to run along the easement throughout Adacao.

**Commissioner D. Herrera:** I see.

**Joey Cruz, CLTC:** So, where Adacao Elementary right behind and across the street where the former tent city, it's going to run in that area.

**Commissioner D. Herrera:** Right, and the tent city side or opposite side?

**(\*\*\*Multiple conversations in the background – audience members\*\*\*)**

**Commissioner E. Garrido:** Going toward Route 15

**Joey Cruz, CLTC:** Are you right behind Adacao School

**Clarissa Tudela:** We're on the same side of Adacao School Elementary but going further down

**Joey Cruz, CLTC:** So, she's... *(inaudible)*

**Commissioner D. Herrera:** *(inaudible)*

**Clarissa Tudela:** Across Adacao Street... *(inaudible)*

**Commissioner D. Herrera:** Alright so, we have to decide when the clock start on the first, second or third lease, right?

**Attorney K. Finney:** When she first signed the lease; the current one should have reflected that.

**Commissioner D. Herrera:** From the first one?

**Attorney K. Finney:** Really that first lease probably should have been amended, to reflect her lot change.

**Joey Cruz, CLTC:** The initial lease, her lot change

**Commissioner E. Garrido:** Showing in 2015

**Joey Cruz, CLTC:** The third lease. So, it's almost like her lease date started 2015 when it should have started in 97' initially when it was executed.

**Acting Chairperson A. Bordallo:** So, it's supposed to be on the first lease; was is it still residential?

**Commissioner E. Garrido:** The first lease.

**Acting Chairperson A. Bordallo:** Is it still Residential?

**Joey Cruz, CLTC:** It's Agriculture now.

**Acting Chairperson A. Bordallo:** I know but, do we want it to be Residential? This lot 5402, you want that to be Residential?

**Joey Cruz, CLTC:** The previous Administrator had requested her change of application type from Residential to Agriculture. It's up to the board how they want to proceed with this. Currently, she has an Agriculture Lease but internally the change of application type is silent in the law so, we apply the concept of switch of application date and time, it's silent also. Every issue that we make mention of prior to presenting the request of the constituent, we're doing that for full disclosure and to ensure and to validate that the staff has done their report thoroughly and has went through the GAC the GAR everything available legally.

**Commissioner D. Herrera:** Okay, so the A zones starts at 2002, I mean the agriculture.

**Joey Cruz, CLTC:** Her application. So, in 97' her first lease was for residential. In the lease awarded to her in 2002 was an Agriculture lease and the lease now is also an Agriculture lease.

**Commissioner E. Garrido:** Joey, can this restoration be fixed internally, when I say fixed, I don't mean just grant it, is there something we can work with.

**Joey Cruz, CLTC:** I don't think so, and Kristen can.

**Attorney K. Finney:** When you say situation, the situation with the multiple leases could be resolved by everybody agree that that's what you want to be done.

**Commissioner E. Garrido:** And also, the zoning?

**Attorney K. Finney:** I believe, I'm not certain on you, how the commission has approached those switching of application types but the previous ones that you approved had switched, so, that's going to be an issue; it wasn't the other one right.

**Commissioner D. Herrera:** It's not the switch

**Attorney K. Finney:** I mean, I say that word switch and I know people red flag, what, I'm switching; I'm not talking about switching places in line, I'm just saying that the application type, it was a residential application and it's an agriculture lease but you guys were talking of what it should be but, I'm not sure that you asked your lessee

**Acting Chairperson A. Bordallo:** Can't you write a lease agreement where it states whereas this happened, whereas this happened, and whereas this happened.

**Attorney K. Finney:** Yes, that can be fixed but again I don't know if you've asked the lessee what she is farming on the property or what type does she want

**Acting Chairperson A. Bordallo:** That should be on the lease itself, you know?

**Clarissa Tudela:** Would it be more difficult to just because it's an agriculture lease, would it make it more difficult to switch it to a residential?

**Commissioner E. Garrido:** Your initial lease was for residential.

**Clarissa Tudela:** Yeah, it was, it was given to me.

**Commissioner E. Garrido:** And then you changed it for Agricultural?

**Clarissa Tudela:** Well yeah, because according to the director back then, he just kind of like saw that my dad was in an agriculture land because he took my land and whatever I was on was an agriculture land.

**Joey Cruz, CLTC:** Most of our property is Agriculture maybe 80%, maybe even 90% of CLTC properties are agriculture. So, even Tract 9210 where there is 100% Residential Leases, that's zoned Agriculture, so the zoning is really not the issue.

**Commissioner D. Herrera:** So, when do we start the clock?

**Attorney K. Finney:** But, as far as residential or agriculture, how is the property is being used, right? So, that's the...it's really not a zoning issue.

**Commissioner E. Garrido:** As far as Agriculture, it says that you have to farm.

**Joey Cruz, CLTC:** Two thirds (2/3).

**Acting Chairperson A. Bordallo:** Just how many plants you need to plant down to meet agriculture?

**Commissioner E. Garrido:** That can be answered by Department of Agriculture

**Acting Chairperson A. Bordallo:** Yes, because there is a thing called

**Clarissa Tudela:** Can we just go in as residential? I mean...

**Commissioner D. Herrera:** Agriculture is ok, we just trying to determine when to start are you going to start?

**Joey Cruz, CLTC:** When is the lease date, when do we start?

**Commissioner D. Herrera:** Because if we start back in 2002, right?

**Joey Cruz, CLTC:** 97'

**Commissioner D. Herrera:** 97 to now, that's 15 years, right?! That's one generation already, do we want to...

**Attorney K. Finney:** That's when the original lease was signed, so what should of happened most likely is that when there was a change in the property that we should've; the existing lease probably should have been amended

**Commissioner E. Garrido:** Probably, probably, it should have, it should have followed.

**Attorney K. Finney:** But instead, a new lease was executed and so, right now...

**Commissioner D. Herrera:** The clock starts

**Attorney K. Finney:** Well, it's not about that, it's like with the other applicant here that had a lease on two different pieces of property and that's what the issue is. You want to resolve that like you say which lot are you going to build on and just to make it very clear there should only be one lease.

**Commissioner D. Herrera:** So, she is on Lot 5402-R5NEW, correct

**Clarissa Tudela:** Yeah.

**Commissioner D. Herrera:** That's where you want to build? What do we need to do counsel?

**Attorney K. Finney:** So, you would need to terminate the other leases, again, I'm assuming you're going to agree to that right? So, she would need to come in to sign something that we're agreeing to terminate the other leases and then to amend the current lease.

**Clarissa Tudela:** We already signed with the staff.

**Commissioner D. Herrera:** You already eliminated the two leases?

**Land Agent, J. Dayday:** I discussed it with her and we were going to bring it before the board

**Attorney K. Finney:** So, your agreeable to that?

**Clarissa Tudela:** Yes!

**Commissioner D. Herrera:** To terminate the first two?

**Clarissa Tudela:** Yes!

**Attorney K. Finney:** And then to amend the current one right, to reflect the terms?

**Acting Chairperson A. Bordallo:** Finney? You work on it, the paper...

**Attorney K. Finney:** And I'll assist with the paperwork. Right.

**Commissioner E. Garrido:** With that being said, I propose that we table this at a later date so we can make the proper adjustments. I don't want to use the word fix anymore, make the proper adjustments so we can accommodate the legal.

**Commissioner D. Herrera:** But the adjustments are only administrative, right?

**Commissioner E. Garrido:** The paperwork. Yes.

**Attorney K. Finney:** You could approve it, subject to...

Commissioner D. Herrera: Right, right.

*(\*\*\*Multiple conversations between Commission and Audience members\*\*\*)*

**Commissioner E. Garrido:** I would like to wait until we get the green light from the CLTC staff because they are the ones doing the work.

**Audience Member:** That's right.

**Attorney K. Finney:** The staff is going to do the work.

**Commissioner E. Garrido:** I don't want to give false hope to Ms. Tudela to say conditional approval because if we find another snag or something I would prefer that we clean it up and then bring her back in.

**Mr. Tudela:** What happened was the other director in 97', since my father-in-law was staying there in Stampa Road, he said why don't you just turn in that land there in Yigo and put it over there and then when we survey...

**Commissioner E. Garrido:** But that's paper work we have to correct

**Mr. Tudela:** So, when we did it, we can't survey so, we asked to be moved, so that's how we got there.

**Commissioner E. Garrido:** But then, on the record side, it doesn't show like that, it just showed that she was issued three leases, so you got to terminate the other two and try to incorporate the original lease to your new one.

**Mr. Tudela:** So, the one we signed two weeks ago in the folder was just like a sketch for the property?

**Joey Cruz, CLTC:** Adacao

**Attorney K. Finney:** Just so know that you could approve it subject to the termination and the amendment of the lease, or you could as you say and I'm not sure if there are any other issues this is the only one that I'm aware of

**Commissioner D. Herrera:** Let's table the first one in lieu of the documents from DPW

**Attorney K. Finney:** No, you approved it.

**Commissioner D. Herrera:** Approve it, I'm sorry

**Attorney K. Finney:** So, it wasn't tabled, so he doesn't have to come back, they just need to comply and then needs approval to move forward.

**Commissioner D. Herrera:** Our case here is just to fix the two to terminate leases.

**Attorney K. Finney:** So, if you table it, she's going to have to come back and go back to decide on it again, just so you know.

**Commissioner E. Garrido:** So, your recommendation is to do a conditional approval?

**Attorney K. Finney:** Um, it's up to you guys. I don't see an issue with that.

**Joey Cruz, CLTC:** We can prepare all that with the assistance of Attorney K. Finney, all the documents needed to correct

**Commissioner D. Herrera:** The 97' and 2002.

**Attorney K. Finney:** I do recommend that be fixed, like you're going to approve the loan guarantee that it will be subject to that need to be corrected

**Joey Cruz, CLTC:** We just need to get on record Ms. Tudela that you agree to your lease term of the lease start date of your last lease of January 23, 1997 instead of August 25, 2015.

**Clarissa Tudela:** Yes.

**Joey Cruz, CLTC:** She agrees.

**Acting Chairperson A. Bordallo:** So, you work on it.

**Attorney K. Finney:** Okay.

**Joey Cruz, CLTC:** We'll work on it together.

**(\*\*\*Multiple conversations in the background\*\*\*)**

**Commissioner D. Herrera:** I would like to make a motion madam Chair to...

**Acting Chairperson A. Bordallo:** Which one?

**Attorney K. Finney:** Oh wait, hold on I'm sorry. I guess I said I wasn't aware of any other issue and there is another issue of the, so after 7 years after survey they're supposed to start paying taxes on the property

**Commissioner D. Herrera:** If they survey the property themselves

**Attorney K. Finney:** Right. So that's the other issue to make sure that it's current on the taxes, so do you know is it.

**Clarissa Tudela:** I was visited already and I did go to revenue and tax. I was visited by an inspector, so he'll be starting it up; so, I should be receiving.

**Attorney K. Finney:** So, you want to make sure then that it's subject to that also.

**Joey Cruz, CLTC:** If your lease date starts in 97, you're going to be assessed from 7 years after 97' forward, just so you know 2004 forward you're going to start paying real property taxes.

**Clarissa Tudela:** What does that mean? I'm not familiarized with that.

**Joey Cruz, CLTC:** We don't know what the rate is going to be but once the document is finalized, executed and everybody signs and recorded, DRT will pick that up and it'll show that your lease date changed from 2015 to 1997.

**Clarissa Tudela:** But it also shows the lease date of 1997, right, so?

**Joey Cruz, CLTC:** Yes, you're going to be assessed from 2004 forward, so you may have errors in that.

**Land Agent, G. Eay:** So, with the current lease and past lease, they're going to have to find out which lot with real property will be assessed to make sure.

**Commissioner D. Herrera:** because there's three lots

**Land Agent, G. Eay:** Exactly! If you go there now, they're probably thinking your 1997 but are they looking at 2015?

**Attorney K. Finney:** So, they just want to make sure it's the property you're actually on and the one that you have, and you've been occupying that one

**Joey Cruz, CLTC:** We'll make sure it states the property description

**Commissioner D. Herrera:** So, the tax starts on property number three?

**Attorney K. Finney:** That's where she's being occupying

**Commissioner D. Herrera:** In 97'

**Land Agent, G. Eay:** Starts in 97, when the clock starts on, when the property starts being assessed.

**Joey Cruz, CLTC:** 2004 forward.

**Land Agent, G. Eay:** Correct.



**Clarissa Tudela:** Okay.

**Commissioner E. Garrido:** How long have you been on that property?

**Clarissa Tudela:** Just 2015. I was in another property before that.

**Attorney K. Finney:** It says here pre-occupier.

**Clarissa Tudela:** But I was on unregistered land, that's the reason why I moved out

**Commissioner E. Garrido:** You're going to have to agree to accept the responsibility of the property taxes

**Clarissa Tudela:** I don't have to agree? I have to agree?

**Commissioner E. Garrido:** I said you're going to have to agree to accept the responsibility of the property taxes because your time starts in 97'

**Commissioner D. Herrera:** 2004

**Joey Cruz, CLTC:** She'll start being assessed.

**Attorney K. Finney:** Which is how; it should have been reflected like that from the beginning

**Joey Cruz, CLTC:** From the first one.

**Acting Chairperson A. Bordallo:** 15 years?

**Attorney K. Finney:** Correct, original lease was signed in 1997.

**Joey Cruz, CLTC:** So, do you agree to your lease date changing to January 1997 and the responsibility for paying the real property taxes that will be assessed on you or your lease property from 2004 to present?

**Commissioner E. Garrido:** Prior to 2015, who was paying the property taxes on that land?

**Joey Cruz, CLTC:** I'm not too sure?

**Commissioner E. Garrido:** CLTC?

**Joey Cruz, CLTC:** CLTC has not paid for any real property taxes

**Commissioner E. Garrido:** But it should have been the responsibility of CLTC?

**Attorney K. Finney:** But nobody else was occupying that property, right? You didn't come there and someone was there?

**Mr. Tudela:** No, we were staying at an unregistered land in Stampa Road in Dededo and there was no property tax there.

**Clarissa Tudela:** We were not informed.

**Mr. Tudela:** The former director gave us, swamped with Dededo and get it surveyed.

**Commissioner E. Garrido:** The question is are you willing to accept the responsibility of property taxes commencing on 2004 which is a 7-year gap?

**Clarissa Tudela:** Yes.

**Commissioner E. Garrido:** You get a 7-year discount from the beginning.

**Acting Chairperson A. Bordallo:** Well, when you looked at it, they weren't paying taxes before and they were occupying the land, so it's justified to say 1997 to 2015, it's justified to collect.

**Commissioner E. Garrido:** You can work that out with real estate property taxes because they'll be the one that would tell you, but what I'm saying is, to help you in your quest to work on your property, your initial lease with 1997. You get a 7-year grace period on paying property taxes and that brings you up to 2004. Are you willing to assume the responsibility from 2004 to the present?

**Clarissa Tudela:** Yes.

**Commissioner E. Garrido:** Even though you didn't occupy until 2015

**Clarissa Tudela:** I will.

**Attorney K. Finney:** They were occupying a different property.

**Commissioner E. Garrido:** Yeah. They didn't get in that property until 2015

**Attorney K. Finney:** And the property they were occupying prior to that...

**Mr. Tudela:** was under my father-in-law, her dad so, he was paying the property tax

**Clarissa Tudela:** But we can resolve that with revenue and tax, they should have record, but we were also given a 7-year grace period?

**Commissioner E. Garrido:** You see where I'm going with this?

**Attorney K. Finney:** And there's a 2002 lease

**Jessica, CLTC:** That's the one she was occupying prior to Adacao in 2015. The lease that's in 2002 is for Lot 10164 in Stampa Road, that where she was occupying, that's where she was a pre-occupier and then because it was unregistered

**Attorney K. Finney:** And so, there was no taxes were paid on that property but it should have started in 2004?

**Jessica, CLTC:** Correct, on the second lease.

**Attorney K. Finney:** So, instead of trying to go back and pay the property tax on the other property and on this one, it would just be assessed on this one?

**Joey Cruz, CLTC:** Be one.

**Commissioner E. Garrido:** That's something that she would have to work out with property division up at Rev and Tax, not with us, just as long as she commits to being responsible.

**Clarissa Tudela:** Yes.

**Land Agent, G. Eay:** It's stipulated on the lease anyway.

**Commissioner D. Herrera:** Anyway, it's only dollar (\$1.00) a year

**Clarissa Tudela:** Fighting hard.

**Commissioner D. Herrera:** \$200,000 structure but dollar a year, but the tax it's only \$52.00 a year; \$20.00 first installment...

**(\*\*\*Multiple conversations in the background\*\*\*)**

**Commissioner E. Garrido:** I would like to propose that the applicant Clarissa Ignacio Quidachay Tudela application for an SBA loan guarantee and approval to build on Lot 5402-R5NEW-14-10 in Mangilao be approved conditionally of her collaboration with CHamoru Land Trust to address the concerns that have shown up in the staff report and she has consented to be responsible although it's already in the lease she will be responsible for property taxes starting from 2004 on forward.

**Joey Cruz, CLTC:** The amount?

**Commissioner E. Garrido:** The amount is \$189,400 dollars for the loan guarantee.

**Commissioner D. Herrera:** I second the motion madam Chair.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Acting Chairperson A. Bordallo:** Motion carried.

**Commissioner D. Herrera:** Congratulations [2:57:13]

**(\*\*\*Multiple conversations in the background\*\*\*)**

### **SBA LOAN GUARANTEE: JOSE CHARGUALAF QUINATA**

**Acting Chairperson A. Bordallo:** Jose Chargualaf Quinata.

**Joey Cruz, CLTC:** Mr. Quinata is not present today.

**Commissioner D. Herrera:** He's doing power outage.

**Commissioner E. Garrido:** I reached out to Mr. Quinata and he got called out to an emergency outage down in Inarajan.

**Joey Cruz, CLTC:** Mr. Quinata is not present today although his request is for a loan guarantee, the issue surrounding Mr. Quinata lease award is his application date and time of December 2, 1995 at 9:57AM. His change of application type from Agriculture to Residential and that's all.

**Commissioner D. Herrera:** Just one request right?

**Joey Cruz, CLTC:** Just for a loan guarantee.

**Commissioner D. Herrera:** Madam Chair I would like to make a motion to approve the SBA loan guarantee

**Joey Cruz, CLTC:** Can we just include a request for a request to build because eventually he's going to have to come back, wait, we can do that later, he didn't submit his blueprint, just the loan guarantee, I apologize.

**Commissioner D. Herrera:** I would like to make a motion to approve the lessee Jose Chargualaf Quinata for an SBA loan guarantee for \$192,000.00 dollars and the condition to...

**Joey Cruz, CLTC:** No need sir.

**Commissioner D. Herrera:** Okay.

**Commissioner E. Garrido:** I second.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Acting Chairperson A. Bordallo:** Motion carried. Next in line.

### **SBA LOAN GUARANTEE: JOLEEN LIMES**

**Joey Cruz, CLTC:** Ms. Joleen Limes, \$192,000.00.

**Acting Chairperson A. Bordallo:** Joleen Renee T. Blas Limes

**Joey Cruz, CLTC:** Ms. Limes is not present today although her request is for a loan guarantee and an approval to make improvements to existing structure, approval to build. The only issue surrounding Ms. Limes' lease award is the application date and time of September 20, 1996 at 11:51AM. That's all the staff report has made mention. Based on the staff report it's in order.

**Commissioner E. Garrido:** Any blueprints for the improvements?

**Joey Cruz, CLTC:** No, nothing was submitted so, she would come back again for approval to build.

**Commissioner E. Garrido:** Because she's asking here to make improvements; Joleen Renee Limes.

**Joey Cruz, CLTC:** Did she submit blueprints?

**Land Agent, Jessica Dayday:** No.

**Joey Cruz, CLTC:** So just for the loan guarantee request.

**Commissioner D. Herrera:** I would like to make a motion Madam Chair for the applicant Ms. Joleen Renee T. Blas Limes to be approved for an SBA loan guarantee up to \$183,400.00 dollars.

**Acting Chairperson A. Bordallo:** The approval to make improvements

**Commissioner D. Herrera:** And also, the approval to make improvements to the existing structure, pending the approval...

**Commissioner E. Garrido:** *(inaudible)*

**Joey Cruz, CLTC:** There's no pending.

**Commissioner E. Garrido:** No pending?

**Joey Cruz, CLTC:** No. When she's ready to build she'll submit her blueprints and then we'll bring her back to the board.

**Commissioner E. Garrido:** So, we'll omit the home improvements?

**Joey Cruz, CLTC:** Yes, just for the loan guarantee.

**Commissioner D. Herrera:** Alright, okay. I would like to make a motion to approval the SBA loan guarantee for Ms. Joleen Renee T. Blas Limes for the SBA loan guarantee of \$183,400.00 dollars.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Acting Chairperson A. Bordallo:** No discussion.

**Commissioner D. Herrera:** No discussion Madam Chair.

**Acting Chairperson A. Bordallo:** Okay. We're up to a...

### **SBA LOAN GUARANTEE: JOANN CRUZ**

**Joey Cruz, CLTC:** Number 10.

**Acting Chairperson A. Bordallo:** Joann Blas Cruz

**Joey Cruz, CLTC:** Ms. Cruz are you present? Ms. Cruz is not present although Ms. Cruz is requesting for a loan guarantee and a survey authorization. The only issue

surrounding Ms. Cruz lease award is her application date and time of December 2, 1995 at 3:56PM, and...

**Commissioner E. Garrido:** Isn't she asking to update her successor?

**Joey Cruz, CLTC:** Yes, but we did not provide the...

**Commissioner E. Garrido:** So, we're only looking at the survey and the SBA loan?

**Joey Cruz, CLTC:** Yes, yes.

**Commissioner D. Herrera:** 10122-R18, Ysengsong?

**Land Agent, J. Dayday:** Batullo.

**Joey Cruz, CLTC:** The lease is also not recorded but as soon as the survey is complete the addendum, we can attach the original lease as an exhibit.

**Commissioner D. Herrera:** This is on the east side of the golf course?

**Land Agent, J. Dayday:** Across.

**Commissioner D. Herrera:** Right across the golf course?

**Land Agent, J. Dayday:** Literally right across the golf course; the little pink house.

**Commissioner D. Herrera:** So, that's a subdivided area, registered, because that's a *(inaudible)* property, you know.

**Commissioner E. Garrido:** Is it next to the new house across the golf course?

**(Multiple conversations)**

**Joey Cruz, CLTC:** Wait, hang on. I just read that...

**Commissioner D. Herrera:** Do we have the map? We have the map, right?

**Joey Cruz, CLTC:** We can disregard the survey authorization; there's an inhouse approved map

**Attorney K. Finney:** So, how come the lease is not recorded then?

**Joey Cruz, CLTC:** I don't know. Jho?

**Land Agent, J. Dayday:** I'm sorry but we have to verify that one because on the map, I believe that's their family, Ms. Joann Cruz is not on the in-house map but the area is on the map, but her name wasn't put as part of survey.

**Land Agent, G. Eay:** Not part of survey.

**Land Agent, J. Dayday:** But that area itself is surveyed, so I guess she just has to do a retracement, right? Retracement?

**Joey Cruz, CLTC:** We'll just stick with the survey authorization, just in case.

**Commissioner E. Garrido:** We'll just include it and exclude the update of the successor?

**Joey Cruz, CLTC:** We're not going to address that at this point because we didn't provide the necessary documents.

**Commissioner D. Herrera:** Okay. Just SBA?

**Joey Cruz, CLTC:** The loan guarantee and survey authorization. Just in the event she has to get it surveyed.

**Commissioner D. Herrera:** And this is a December 2, 1995?

**Joey Cruz, CLTC:** Yeah.

**Commissioner E. Garrido:** You want to do it, or I'll do it? Madam Chair?

**Acting Chairperson A. Bordallo:** Go ahead!

**Commissioner E. Garrido:** I'd like to put in a formal request from Joann S. Cruz. She is requesting an SBA loan guarantee and a survey authorization for a portion of Lot 10122-R18 containing a quarter acre for the amount of \$200,000 dollars.

**Commissioner D. Herrera:** I second the motion

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

#### **CONSTITUENT MATTERS: ANITA A. CRUZ (NOT PRESENT)**

**Acting Chairperson A. Bordallo:** Next is Anita Cruz.

**Joey Cruz, CLTC:** Ms. Cruz are you present? Ms. Cruz is not present.

**Commissioner E. Garrido:** Is that the same as Lot number 7066?

**Land Agent, J. Dayday:** 7066.

**Commissioner E. Garrido:** Anita A. Cruz?

**Commissioner D. Herrera:** R-14

**Acting Chairperson A. Bordallo:** Yes.

**Joey Cruz, CLTC:** Ms. Cruz's request today is for a loan guarantee. The issues surrounding Ms. Cruz lease award is her date and time which is December 7, 1995 at 1:27PM. Ms. Cruz is also part of the audit case findings in which Ms. Cruz was awarded a two-acre agriculture lease which was not approved by the legislature. I believe it was PL33-78 that required anything awarded over half and acre requires the

approval of the Guam Legislature. What else? And then there's a switch of application type, her original application type was residential and she switched to agriculture. Those are the issues surrounding Ms. Cruz's lease award.

So, what happens is every year we go through an independent financial audit, the auditors select a number of samples from our lease listings, so this was selected for review and the auditors at that time had determined that this lease award was contrary or in violation of the public law that required I think it was 33-78 that required the Guam Legislature to approve any lease award over half an acre.

But although the commission had heard the concern on May 20, 2021 and retained the two-acre lease that was initially awarded to Atanasio Cruz which now have been transferred to Ms. Anita Cruz.

**Attorney K. Finney:** What's this mean, addendum lease unrecorded? What does that mean?

**Joey Cruz, CLTC:** Unrecorded lease? I don't know.

**Attorney K. Finney:** I think we need to clarify that...

**Joey Cruz, CLTC:** And the lease is recorded.

Commissioner D. Herrera: A Dededo lease?

**Attorney K. Finney:** I'm just looking at the lots here and I don't understand what that means.

**Joey Cruz, CLTC:** I think that could have been incorrectly placed. It's an addendum to the lease maybe but we'll correct the verbiage.

**Attorney K. Finney:** Oh, but that addendum is not recorded?

**Joey Cruz, CLTC:** What's that Jhoana?

**Commissioner E. Garrido:** Is there a requirement that this be approved by the legislature?

**Joey Cruz, CLTC:** Well, if any leases, any agriculture leases that were awarded post the enactment of 33-78, that's over half an acre, the requirement is the legislature needs to approve it.

**Commissioner E. Garrido:** And there's no approval for this?

**Joey Cruz, CLTC:** No.

**Land Agent, G. Eay:** It was approved administratively but not through the legislature. After December 1998 should have been approved by the legislature. In this case the lease was awarded 2002, so that's why the auditor found it contrary to law.

**Commissioner E. Garrido:** Who's responsibility to take this to the legislature?

**Joey Cruz, CLTC:** There's a process that we have to take. I don't know the process off hand but there is a process.

**Commissioner E. Garrido:** Is this something that can be worked on and corrected?



**Joey Cruz, CLTC:** I believe so, it's just up to the legislature to approve it or not.

**Commissioner E. Garrido:** So, we still have to go the legislature?

**Audience Member, R. Laguana:** Resolution and or recommendation.

**Land Agent, G. Eay:** So, right now, I'm currently working with Ms. Anita Cruz in reference to reduction of acreage, so I had one of our planners upstairs reconfigure the property and he was able to put the property to two parcels, the two-acre parcel so, whereas Ms. Anita Cruz will keep one acre and then there will be two half acres available for other applicants. That was my recommendation at the time with the audit because of residential is allowed up to one acre leasing, so that's why I recommended to keep it at 1-acre.

**Joey Cruz, CLTC:** But she's going to maintain her agriculture because there's also a switch of application type?

**Land Agent, G. Eay:** Yeah, we have to determine whether the application goes to the original application or to the current application of where there was a switch of application type from residential to agriculture and by hearing in the past approval it was ok. If it's ok, we're going to leave it at Agriculture, then the property will still have to go from 1-acre to half acre (1/2) but if deemed it residential, then we can leave it at one acre. So, that's something that we have to discuss further because if the board, the commissioners leave it at Ag it has to be reduced to half acre (1/2) and right now there's a structure there and other improvements. As far as farming activity, but not two-thirds (2/3) but keep it within the proximity where they're actively farming and where the homesteads at.

**Commissioner E. Garrido:** Mr. Cruz, is this something we can rectify?

**Joey Cruz, CLTC:** We can, but...

**Commissioner E. Garrido:** So, you're asking for more time or what is your recommendation?

**Joey Cruz, CLTC:** We would request that we table it and allow us to conduct further research to try to find a way to resolve Ms. Cruz's issue with the 2-acre award and the audit concern of not complying with 33-78, I believe that's the law.

**Acting Chairperson A. Bordallo:** What was the date of the Public Law 33-78?

**Joey Cruz, CLTC:** I don't know

**Land Agent, G. Eay:** That was December 1998.

**Joey Cruz, CLTC:** No, no, it's further than that.

**Land Agent, G. Eay:** Or is it's after that?

**Joey Cruz, CLTC:** 2013

**Land Agent, G. Eay:** So, there's one prior to that in 98' where residential and agriculture properties are either used for subsistent farming or commercial farming, there's a law prior to that back in December 98'.

**Commissioner E. Garrido:** Is the dwelling still livable?

**Land Agent, G. Eay:** Yes, yes. I'm not sure if the photos are there.

**Commissioner E. Garrido:** Well, I don't know if there's a before and after.

**Land Agent, G. Eay:** Recent photos I took were just last week.

**Commissioner E. Garrido:** So, the temporary house is still intact?

**Land Agent, G. Eay:** Yes, still intact.

**Acting Chairperson A. Bordallo:** Want to table it? Want to table it?

**Commissioner E. Garrido:** Yes!

**Land Agent, G. Eay:** Several weeks ago, I had a discussion with Ms. Cruz that we're going to have to go before the board and discuss the possibility of reduction of acreage only to find out this Monday I just learned she had hired a surveyor and they had completed the map. I already instructed her not to look for a surveyor until this thing is resolved but she went ahead and hired a surveyor and the only way I found out was from upstairs because the map was submitted to survey division.

**Commissioner D. Herrera:** For two acres.

**Land Agent, G. Eay:** Yeah, so you know, for two acres so, they put a stop on that, they're not going to move forward with the approval until we resolve this issue.

**Commissioner D. Herrera:** What's the size of an acre? Five thousand-four per acre?

**Joey Cruz, CLTC:** 4,048 I think.

**Commissioner E. Garrido:** What an acre?

**Land Agent, G. Eay:** Two (2) acres is over 8,000 square meters.

**Commissioner E. Garrido:** One acre is 4046±, four thousand forty-six square meters?

**Commissioner D. Herrera:** Does she have 4045 to pass?

**Joey Cruz, CLTC:** It's over half, still not.

**Commissioner D. Herrera:** Oh, over half?

**Acting Chairperson A. Bordallo:** Motion to table?

**Commissioner E. Garrido:** I'd like to make a motion. On behalf of Anita A. Cruz her request for an SBA loan guarantee; I propose that we put a hold on this until a later date because of the conditions involved in her application until we can resolve it, if it's

the two acres it may take longer because they need to go through the legislative process for approval.

**Commissioner D. Herrera:** I second the motion.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Acting Chairperson A. Bordallo:** No discussion. Next is Joaquin Taienao Manglona.

**CONSTITUENT MATTERS: JOAQUIN TAIENAO MANGLONA (NOT PRESENT)**

**Joey Cruz, CLTC:** Mr. Manglona are you present? Mr. Manglona's not present. There's an issue.

**Attorney K. Finney:** There's an issue with this one that the, I guess, we just need to resolve because SBA had approved his loan but they also they recorded a document that said he's disqualified for future assistance because he had a previous SBA loan.

**Commissioner D. Herrera:** Oh, this is that case.

**Attorney K. Finney:** And so actually what had happened in this case was there was a claim made against the government to pay the loan but we figured out that the claim wasn't actually valid and so it ended up getting dismissed.

**Commissioner D. Herrera:** From SBA?

**Attorney K. Finney:** Right. And it wasn't from SBA, the loan was sold to somebody else and that buyer of the loan filed a complaint against the government to pay it. It was resolved but aside from all that there's that document that was filed that said he was disqualified.

**Commissioner D. Herrera:** But his original loan was assumed?

**Attorney K. Finney:** Yeah.

**Commissioner D. Herrera:** Therefore, he doesn't have fault?

**Attorney K. Finney:** Yeah, it was resolved and the whole thing was paid off but there's still that. So, there was a...; do you have a copy of that from his file?

**Joey Cruz, CLTC:** A letter from McCully and James; civil complaint.

**Attorney K. Finney:** Can you show them the disqualification from SBA. See there, it says there, the lease is not recorded but they did record this document, it's file at, recorded at Land Management.

**Commissioner D. Herrera:** Where's the property at?

**Land Agent, J. Dayday:** Piti.

**Commissioner D. Herrera:** In Piti, right across the cemetery?

**Attorney K. Finney:** The document that was filed because it says that he's disqualified for any future assistance.

**Acting Chairperson A. Bordallo:** So, he failed to pay? He was in default?

**Attorney K. Finney:** He was, but that was resolved but that's not the issue, the issue is this document that was filed. Is that the only one that was filed? The disqualification?

**Commissioner E. Garrido:** This was filed 98'.

**Attorney K. Finney:** But it says for any future, is that the reason they're filing it...

**Commissioner E. Garrido:** Why did SBA approve the loan?

**Attorney K. Finney:** Right, right, so maybe, they're good with it now but the document is still there and so, I just, you know; that needs to be reconciled and I'm not sure how because it's something that SBA would have to do; not something the commission has to do.

**Joey Cruz, CLTC:** Like a release or something.

**Acting Chairperson A. Bordallo:** Can I see?

**Commissioner E. Garrido:** I'm looking at the picture submitted; is that an SBA loan for an extension? Cuz he's got a concrete house and roof here in the picture.

**Commissioner D. Herrera:** It's almost half a million.

**Commissioner E. Garrido:** \$94,000.00.

**Commissioner D. Herrera:** Oh, I thought...

**Joey Cruz, CLTC:** It says repairs or maybe a garage.

**(\*\*Multiple conversations between commissioners, inaudible\*\*)**

**Joey Cruz, CLTC:** If you want, we can table it because this is a concrete structure. If it's just for a garage or an extension, Mr. Manglona can go to Guam Housing which doesn't require a loan guarantee just like an example of Ms. Vikki Sablan Calvo or Calvo Sablan.

**Commissioner D. Herrera:** The garage?

**Joey Cruz, CLTC:** She was not given a loan guarantee for her garage.

**Commissioner D. Herrera:** Oh yeah?

**Joey Cruz, CLTC:** And she was awarded a loan with Guam Housing. If you want, we can conduct another site inspection and further investigate, it's up to you guys.

**(\*\*Multiple conversations in the background\*\*)**

**Commissioner E. Garrido:** I mean no insurance is going to cover a tin roof.

**Joey Cruz, CLTC:** Also, if Mr. Manglona still have a current loan guarantee we would advise not to issue a second loan guarantee as it defeats the purpose of first dwelling and that's the same way we applied Ms. Vikki Calvo Sablan.

**Commissioner E. Garrido:** I'm not sure if he has enough coverage with his original permanent structure to cover the cost of his extension of whatever it is he wants to do but you know SBA is 2% right?

**Acting Chairperson A. Bordallo:** We're up to number 12.

**Joey Cruz, CLTC:** Yes 12, but we haven't decided the status of 12.

**Acting Chairperson A. Bordallo:** You want to table it?

**Commissioner E. Garrido:** I would like to table it.

**Acting Chairperson A. Bordallo:** Okay.

**Commissioner E. Garrido:** I would like to make a motion on behalf of Joaquin T. Manglona, his request of SBA administrative guarantee loan, that we table this until whatever date pending further investigation of the red flags that were noted by our staff on the report.

**Commissioner D. Herrera:** I second the motion.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Commissioner E. Garrido:** Chairwoman, may I call for a 10-minute recess?

**Audience Member:** Sh\*t.

**Acting Chairperson A. Bordallo:** Who said that?

**Audience Member #1:** Call for adjournment.

**Audience Member #2:** Just table it all. If it needs to go, it needs to go.

**Acting Chairperson A. Bordallo:** Is there anyone here for new business

**Joey Cruz, CLTC:** For the new business, that's only for the additional loan guarantee for letter A. For letter B constituents matters there are some, I think Alicia Mendoza, via Google Meet and Ms. Reng...

**Attorney K. Finney:** Also, there is public comments that wanted to wait.

**Joey Cruz, CLTC:** For the raceway, so, if you want to take a break, we can but for B constituents matters there are a couple that are present.

**Commissioner E. Garrido:** So, we can hear B first then we can go on break.

**Joey Cruz, CLTC:** Alicia Mendoza, via Google Meet, Alicia Mendoza, via Google Meet?

**Audience Member #2:** I'm here for correspondence B.

**Dexter Tan, CLTC:** She's online. Yeah, she's here.

**Audience Member #2:** Mr. Garrido may need to use the restroom.

**Commissioner E. Garrido:** Pardon?

**Audience Member #2:** It's about you needing the restroom.

### **CONSTITUENT MATTERS: ALICIA HUALDE MENDOZA (PRESENT ONLINE)**

**Joey Cruz, CLTC:** Alicia Mendoza, via Google Meet you there, can you hear us?

**Land Agent, J. Casem:** Her daughter is also online. Ms. Rita, Rita-Rose. Ms. Rita and Ms. Alicia are together.

**Joey Cruz, CLTC:** Ms. Rita? Is she there? Can you hear us?

**Land Agent, J. Dayday:** She's on mute.

**Dexter Tan, CLTC:** She has to unmute herself.

**Land Agent, J. Dayday:** Yeah, can you let her know.

**Audience Member #2:** You have your audio off?

**Dexter Tan, CLTC:** On her side.

**Audience Member #2:** Can you text her? Send her a message.

**Jessica, CLTC:** There's the daughter.

**Audience Member #2:** She's not reading her text.

**Joey Cruz, CLTC:** Alice Elaine Cruz Toves Hualde Mendoza's request today is to transfer her lease to her daughter Rita-Rose Hualde Gilbert. The issue surrounding Alicia Mendoza, via Google Meet lease is her application date and time of December 5, 1996, the switch of her application type from residential to agriculture and also her residential, her agriculture lease was not fully completed or consummated but her residential lease is and it wasn't ratified. So, currently Alicia Mendoza, via Google Meet has a lease that has not fully consummated although...can I see the file?

Alicia Mendoza, via Google Meet's agriculture lease has not been signed by Alicia Mendoza, via Google Meet although she does have a residential lease that has not

been terminated nor has it been ratified but has been signed by all parties so, I don't know how the board want to approach this and maybe Kristen can...

**Commissioner D. Herrera:** So, there's a lease?

**Joey Cruz, CLTC:** She was initially awarded a residential lease that she constructed a home with a loan guarantee which she paid off

**Commissioner D. Herrera:** On this block and lot?

**Joey Cruz, CLTC:** On Lot 10125-R11 just for a quarter acre. Then Alicia Mendoza, via Google Meet...

**Alicia Mendoza, via Google Meet:** Can you hear me? Standby. Appointment.

**Joey Cruz, CLTC:** Just as long as you can hear us, but we can hear you.

**Alicia Mendoza, via Google Meet:** Yes.

**Joey Cruz, CLTC:** So, then later Alicia Mendoza, via Google Meet changed her application type from residential to agriculture but unfortunately that agriculture lease was not signed by Alicia Mendoza, via Google Meet or Ms. Hualde at the time.

**Attorney K. Finney:** So, does she have a current lease?

**Joey Cruz, CLTC:** Based on transfer of application type, no, she has a lease but it's not fully consummated.

**Attorney K. Finney:** So, she does have a signed lease?

**Joey Cruz, CLTC:** A residential which is the first lease.

**Attorney K. Finney:** She wants to change it to agriculture?

**Joey Cruz, CLTC:** And that's what effectuated the printing and preparation of the agricultural lease.

**Commissioner E. Garrido:** So, she's going from residential lease to agricultural?

**Joey Cruz, CLTC:** Yes.

**Attorney K. Finney:** But she also wants to transfer?

**Joey Cruz, CLTC:** To her daughter.

**Attorney K. Finney:** So, she doesn't want to transfer her current lease, she wants to sign the lease then transfer it?

**Joey Cruz, CLTC:** Her request is just to transfer her lease to her daughter Rita-Rose.

**Attorney K. Finney:** Is she occupying the property that's on the lease that she signed?

**Joey Cruz, CLTC:** The 101...the initial lease, they both haven't been surveyed, it still reads a portion of 10125-R11. There's an in-house map that wasn't referenced in the lease.

**Attorney K. Finney:** And she's occupying that property?

**Joey Cruz, CLTC:** Yes.

**Attorney K. Finney:** But she wants to change to a different property?

**Joey Cruz, CLTC:** She wants to transfer her lease to her daughter.

**Attorney K. Finney:** And change to a different property?

**Joey Cruz, CLTC:** No, that's not...

**Commissioner E. Garrido:** She wants to give up her lease?

**Attorney K. Finney:** There's something here about a relocation report. That happened before?

**Joey Cruz, CLTC:** Was this property description through the subdivision master plan?

**Land Agent, J. Casem:** She's in her property already, there's a in-house map, so the request is to ratify the lease to residential and relocate her to the current place that she's at right now based on the in-house map.

**Joey Cruz, CLTC:** Where she at now?

**Land Agent, J. Casem:** The same place.

**Attorney K. Finney:** So, she had the SBA loan that says here that was paid in full. Where was that house built?

**Land Agent, J. Casem:** The same place, the same house.

**Attorney K. Finney:** Where she is right now?

**Land Agent, J. Casem:** Yes.

**Joey Cruz, CLTC:** So, there's no relocation?

**Land Agent, J. Casem:** You're going to request to relocate from that time where her lease states

**Joey Cruz, CLTC:** 10125-R11

**Land Agent, J. Casem:** To that lot that describes on the in-house map, which is the same lot because her lease says a portion of

**Joey Cruz, CLTC:** Yes, so it's just an addendum to correct the property description, not a relocation.

**Land Agent, J. Casem:** Yes. Yes.



**Joey Cruz, CLTC:** So, there's no relocation.

**Commissioner E. Garrido:** Is there an increase in acreage?

**Joey Cruz, CLTC:** There is because the initial lease was a quarter acre, there's no sewer in the area so it won't be EPA requirements.

**Commissioner E. Garrido:** So, she's asking for additional quarter acre?

**Joey Cruz, CLTC:** No, based on the...

**Attorney K. Finney:** She must already have that because she constructed a home.

**Commissioner E. Garrido:** She has a quarter acre.

**Attorney K. Finney:** No, she's occupying a half-acre, right?

**Land Agent, J. Casem:** Her original is a quarter but due to no sewage Land Trust allowed her to survey for a half-acre (1/2), so she's on a half-acre (1/2) currently.

**Attorney K. Finney:** So, her lease needs to be amended to reflect her, the actual size of her lot and the current property description.

**Commissioner E. Garrido:** But she's asking for additional acreage also?

**Attorney K. Finney:** No, she already built a house, she had a SBA loan.

**Joey Cruz, CLTC:** It's additional because it goes from quarter to half to meet requirements of EPA

**Commissioner E. Garrido:** Okay.

**Attorney K. Finney:** And she paid the loan, the loan is paid.

**Joey Cruz, CLTC:** Can the lessee sign an unsigned lease? It was notarized.

**Attorney K. Finney:** It looks like we need to correct that lease, right?

**Joey Cruz, CLTC:** The first to amend it yeah, but it's not signed though.

**Attorney K. Finney:** Right, but it needs to be, she can't just sign what's in there because it's not right.

**Joey Cruz, CLTC:** It's no correct. Could we prepare an amendment and then have her sign it and record this as an exhibit?

**Attorney K. Finney:** She's the one who switched from residential to agriculture?

**Joey Cruz, CLTC:** Does she want to maintain her agriculture?

**Land Agent, J. Casem:** We discussed that is to reverted back to residential.

**Joey Cruz, CLTC:** So that's what she wants?

**Attorney K. Finney:** Her application is residential. Her current lease is for residential, it just needs to have an updated description, right?

**Land Agent, J. Casem:** Yes.

**Joey Cruz, CLTC:** And lot size.

**Attorney K. Finney:** It's also the lease is not recorded. It has an updated description and also to correct the lot size but then also she wants to transfer it to her daughter.

**Land Agent, J. Casem:** The transfer can be done with the administrative director.

**Joey Cruz, CLTC:** Because it's seven years if the lease is ratified.

**Land Agent, J. Casem:** Yes.

**Attorney K. Finney:** So, what the commission could consider doing is approving her to have a half-acre (1/2) and again, she had an SBA loan and she paid it off and she constructed a house on that lot already, you could consider approving an amended lease.

**Joey Cruz, CLTC:** Ratifying the original lease and then approving the increase in acreage.

**Commissioner E. Garrido:** But she never signed the initial lease?

**Joey Cruz, CLTC:** The initial one is signed.

**Attorney K. Finney:** I guess there was an agriculture lease for some reason that was prepared but not signed.

**Commissioner D. Herrera:** That's where the house was built and she paid off SBA loan.

**Joey Cruz, CLTC:** Yeah, the residential and agriculture lease is for the same lot where the house is on.

**Commissioner D. Herrera:** And she has a separate leaching field, no sewer?

**Joey Cruz, CLTC:** Septic, yeah.

**Commissioner D. Herrera:** On the quarter acre?

**Joey Cruz, CLTC:** Half.

**Commissioner D. Herrera:** Half-acre, originally half?

**Joey Cruz, CLTC:** Originally quarter.

**Commissioner D. Herrera:** She built a home on the quarter acre

**Attorney K. Finney:** No, she built a home on the half-acre lot

**Joey Cruz, CLTC:** Which she doesn't have, but she has a survey

**Commissioner D. Herrera:** The sewer water was saying the Guam Waterworks

**Land Agent, G. Eay:** It would've gone through the permitting system.

**Commissioner D. Herrera:** How did she build a home that under SBA and SBA requires a bonded contractor? And the bonded contractor shall follow...

**Attorney K. Finney:** Obviously, the commission approved that

**Commissioner D. Herrera:** Yeah, but, but, the regulatory agencies would have caught that so and this is on Lot 10125-R11. What's the road?

**Land Agent, G. Eay:** Swamp Road.

**Acting Chairperson A. Bordallo:** So, what you have to do is attach the original lease that was signed to the other lease to increase?

**Attorney K. Finney:** No, just to prepare an amendment.

**Acting Chairperson A. Bordallo:** Just to show...

**Joey Cruz, CLTC:** But we also have to revert back, revert back from agriculture to residential, ratify her residential lease and approve the acreage increase and property description based on the in-house map.

**Commissioner D. Herrera:** Isn't that the area the former land for the landless that were all quarter acres?

**Joey Cruz, CLTC:** No, I think that's 1022.

**Commissioner D. Herrera:** San Agustin side?

**Joey Cruz, CLTC:** No, pass swamp road on the left.

**Commissioner D. Herrera:** Ok got it, not within Swamp Road, not the former land for the landless.

**Joey Cruz, CLTC:** Adjacent to Swamp Road.

**Commissioner D. Herrera:** Okay, understand. There's a lot of water pumps. Okay.

**Joey Cruz, CLTC:** Conditional, or...

**Commissioner D. Herrera:** Administratively.

**Commissioner E. Garrido:** So, now are we also looking at the transfer to daughter?

**Joey Cruz, CLTC:** That's her request. So, you can approve based on...

**Commissioner E. Garrido:** We can't transfer to daughter because her lease is not correct, based on the amendment.

**Joey Cruz, CLTC:** Conditionally approve it.

**Commissioner D. Herrera:** Question on the daughter, they have to be qualified under 35-112 now?

**Joey Cruz, CLTC:** Yes.

**Commissioner D. Herrera:** And that's confirmed?

**Attorney K. Finney:** The staff did that and says she's...

**Joey Cruz, CLTC:** So, the previous director Ms. Camacho through the authority granted by the board has reviewed and has determined she ineligible beneficiary based on the new law.

**Commissioner E. Garrido:** She's ineligible?

**Joey Cruz, CLTC:** She's an eligible.

**Commissioner E. Garrido:** Eligible.

**Commissioner D. Herrera:** The original lessee also has to be within the 35-112?

**Joey Cruz, CLTC:** No, because of prior.

**Commissioner D. Herrera:** Okay understand. Thank you.

**Commissioner E. Garrido:** Why does she want to transfer to her daughter?

**Joey Cruz, CLTC:** Oh, I don't know, there.

**Alicia Mendoza, via Google Meet:** Yes.

**Commissioner E. Garrido:** Why?

**Alicia Mendoza, via Google Meet:** Yes. Yes.

**Commissioner E. Garrido:** Why?

**Alicia Mendoza, via Google Meet:** I've been having a lot of medical. Okay, can you hear me? Okay, great. I've been having a lot of medicals and my daughter takes care of me, the house, she takes care of everything for me so, I'm heading home in about 30 minutes, I just came out of my appointments and I'm only just, my daughter's with me and I did get married in the past with Mendoza which changed my name and my daughter. I lived at my house for so long so, she's always been there with me, my daughter, so I pick her to transfer and take care of everything.

**Commissioner E. Garrido:** You want to transfer or you want her to be named as your beneficiary?

**Alicia Mendoza, via Google Meet:** Transfer. She's well and strong, transfer to her and take care of everything.

**(\*\*\*Multiple conversations in the background\*\*\*)**

**Commissioner E. Garrido:** Is that within our realm?

**Joey Cruz, CLTC:** To transfer the lease? You can because she held it for over seven (7) years.

**Commissioner D. Herrera:** How about the probate? No, right?

**Commissioner E. Garrido:** No, no, no, never mind. Just getting ready to get matters settled.

**Acting Chairperson, A. Bordallo:** Ok, go ahead.

**Joey Cruz, CLTC:** But just remember you need to ratify the first lease.

**Audience Member, R. Laguana:** Ratify the first lease and then amend the second.

**Commissioner E. Garrido:** I recommend that first of all we amend the current acreage and the original lease and then we allow the transfer of lease to the daughter Rita Gilbert.

**Joey Cruz, CLTC:** You need to ratify the first lease first and then you go in amending the area size.

**Commissioner E. Garrido:** Okay.

**Acting Chairperson A. Bordallo:** From residential to agriculture.

**Joey Cruz, CLTC:** You have to switch back first so switch back first.

**Attorney K. Finney:** Why do they have to switch?

**Joey Cruz, CLTC:** Because she wanted to change from agriculture to residential.

**Audience Member, R. Laguana:** But how did she do that? It's agriculture.

*(\*\*\*Multiple conversations from the audience and commission\*\*\*)*

**Commissioner E. Garrido:** But she didn't meet the size requirement? Do we need to actually say switch back or we'll just amend the terms and condition of the original lease.

**Acting Chairperson A. Bordallo:** Ratify the first lease.

**Joey Cruz, CLTC:** That's fine.

**Commissioner E. Garrido:** You want the word ratified?

**Joey Cruz, CLTC:** Have to.

**Commissioner E. Garrido:** Let's amend; I move to amend the original conditions of the lease with ratifications and approve the transfer of the lease to her daughter, Rita Gilbert.

**Joey Cruz, CLTC:** Her residential lease

**Commissioner E. Garrido:** Is it a residential lease or agriculture?

**Joey Cruz, CLTC:** Residential.

**Commissioner E. Garrido:** Ok, Lot 10125-R11 a residential lot in Dededo, Guam

**Commissioner D. Herrera:** I second the motion.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Commissioner E. Garrido:** Congratulations!

**Alicia Mendoza, via Google Meet:** Thank you everyone!

**Commissioner E. Garrido:** It's a work in progress.

**Acting Chairperson A. Bordallo:** Is that clear?

**Land Agent, J. Dayday:** We'll call you (advising Ms. Mendoza over the Google Meet)

**Alicia Mendoza, via Google Meet:** Okay, bye.

**Joey Cruz, CLTC:** Mr. Delfin is finished we can move to Ms. Bernie Ranque, I believe Ms. Ranque

**Acting Chairperson A. Bordallo:** Can I just say something? Eric Nauta Delfin brought this in (Chairwoman holding a document in her hand), from Public Works.

**Audience Member, R. Laguana:** It was already approved anyways.

**Acting Chairperson A. Bordallo:** Yes, I know.

**Audience Member, R. Laguana:** Just put it in file, I guess.

**CONSTITUENT MATTERS: BERNIE RANQUE (NOT PRESENT; POA: JANELLE CRUZ)**

**Acting Chairperson A. Bordallo:** Now Bernie Ranque.

**Janelle Cruz:** I'm her daughter

**Joey Cruz, CLTC:** Does she have authorization?

**Land Agent, J. Dayday:** She does.

**Joey Cruz, CLTC:** So, sitting in for Ms. Bernie Ranque is her daughter Janelle Cruz. (Joey Cruz to J. Dayday) That one says she's not able to work. I know but it says to her employer.

**Janelle Cruz:** Oh, I have another one that says...*(inaudible)*. For her retirement, yeah. It just states the diagnosis, showing her illness.

**Joey Cruz, CLTC:** Today, Ms. Ranque is requesting to transfer her residential lease to her daughter Janelle Cruz, pursuant to 18 GAR. The issues surrounding Ms. Ranque's lease is her date and time December 2, 1995 at 1:55PM.

That's all that's listed on the staff report. Ms. Ranque has not held the lease for seven years. Pursuant to 18 GAR, Chapter 6A, subsection 128, request to transfers will be consider for approval only if the lessee for such lease for a period of at least seven years, unless the commission in it's considered opinion finds the emergency exists that makes the transfer imperative. Ms. Ranque has provided a doctor's verification that she is ill and based on that she is requesting that the commission consider and approve her residential lease transfer to her daughter Janelle Cruz. Also, the previous director Ms. Alice Tajeron has already qualified Ms. Janelle Cruz as an eligible beneficiary for the program.

**Commissioner D. Herrera:** Confirmed?

**Joey Cruz, CLTC:** Yes.

**Commissioner E. Garrido:** Because she's the daughter.

**Joey Cruz, CLTC:** You qualify under the 35-112, so different qualifications.

**Commissioner E. Garrido:** How many years have the lease been held?

**Joey Cruz, CLTC:** 6 years.

**Commissioner D. Herrera:** One more year.

**Joey Cruz, CLTC:** Yes.

**Commissioner E. Garrido:** And you said Alice qualified her?

**Joey Cruz, CLTC:** Ms. Janelle has qualified her as an individual beneficiary.

**Commissioner E. Garrido:** To be the heir?

**Joey Cruz, CLTC:** No, no, to determine her eligibility status for the program.

**Commissioner E. Garrido:** So that's still a year missing?

**Joey Cruz, CLTC:** Yes, but based on the GAR the board can consider the emergency transfer based on the emergency.

**Commissioner E. Garrido:** Is your mom still on island?

**Janelle Cruz:** She will be leaving soon. She's just waiting on retirement, she retired. She needs to be cleared by two more doctors before she can medically retire.

**Commissioner E. Garrido:** Your recommendation Mr. Cruz?

**Joey Cruz, CLTC:** Based on the information provided and it's in the board's authority, we see nothing wrong with it.

**Commissioner E. Garrido:** And legal?

**Attorney K. Finney:** I don't see any issues with it. It looks like the situation justifies the consideration of the transfer.

**Commissioner E. Garrido:** Any further discussions, questions?

**Commissioner D. Herrera:** Give your mom our regards.

**Janelle Cruz:** I appreciate that. Thank you, sir.

**Commissioner D. Herrera:** I would like to make a motion for the request for transfer to residential to **Janelle Leann Cruz Cruz** on lot description Lot 25, Block 11, Tract 10316 in Dededo, containing an area of 2,051± square meters.

**Commissioner E. Garrido:** I second.

**Acting Chairperson A. Bordallo:** All in favor, say Aye!

**Commissioner D. Herrera:** Aye!

**Commissioner E. Garrido:** Aye!

**Janelle Cruz:** Thank you everybody!

**Joey Cruz, CLTC:** Make a motion for a break. 10 minutes?

**(\*\*\*Multiple Conversations – 10-minute break\*\*\*)**

**Acting Chairperson A. Bordallo:** Back in session, we're going back to correspondence 4. Mr. Van Shelly has comments to make for public comment.

## **PUBLIC COMMENTS**

**Van Shelly:** Thank you all for staying past 5 o'clock. Thank you everyone. Yes, my name is Van Shelly. I'm the President and CEO of Nissan Guam but I'm not here representing Nissan today, I'm here as a business member in the community and I'm here because I believe the envelope that you received from Senator San Agustin's Office is a proposal of a Bill Number 179-37 which I only learned from Senator San Agustin yesterday to convert the Guam International Country Club Golf course into a solar farm and I'm here to ask you to reject that bill.

I see that GICC is here, so I'm unafraid to say in their presence that they have not maintained this golf course as far as I know they have two functional lawn mowers working and it's the reason why they don't have the revenue to pay the rent. I understand they are in severe arrears with their contract with the CHamoru Land Trust of course to pay rent. Myself, along with a number of other members in the business community would like the opportunity to invest in this golf course and keep it functional for the people of Guam. For those of you who don't know my history, I was one of the



founders of the Guam junior golf academy and the junior golf league, both of those and we. Back in the 90's had probably as many as 300 junior golfers playing and that was within this golf course when they had a true venue where they could play, where they could practice. But I was the founders of both of those and I've been an advocate for the junior golf community and now the senior golf community and golfers as they are. The former superintendent of Leo Palace resort and presently the superintendent of Andersen Air Force base Mr. Russell Young who GICC had contracted on temporary bases over numerous occasions to help them maintain the golf course is in full support with me. He will be retiring from Andersen Air Force Base as a superintendent and is ready and willing to come on board to help us resurrect this golf course and make it genuine golf course for the community so, I guess all I need to tell is I've asked through Russell numerous times to meet with me that never happened.

I'm prepared to sign a NDA agreement with them if they still desire to allow us to have the information we need to do the due diligence to find out exactly what kind of investment we would need to put that golf course back in shape but, you know Russell off the bat told me it's about half a million dollars in machinery just to get it up and running and I have no idea about the conditions of the facilities but I can tell you that I am absolutely certain that's it's underutilized, it hasn't been maintained, and that's the reason it's not working. And there are numbers of us in the business community that would love to see that golf course work for the people of Guam.

So, my first request for you is to please reject this proposal to turn this golf course to a solar farm. It would be a huge mistake in my view for all the people of Guam and then second since I'm only getting it on hearsay but I understand they've been in arrears for years. I would believe they're in violation of their lease, so I guess it could be terminated at any time, I'm not sure but I'll sign an NDA agreement with them to get the information that we need to go in and find out how much capital we need to invest. We're taking a wild guess it's at least a couple million just to get started. With myself and members of the business community are willing to give that a serious look and come back to you and tell you we want to make this golf course functional for the people of Guam again and make it work, make it a professional resort, driving range etc., functional use of facilities, all again for the people of Guam.

For me personally and specifically for the junior golfers that would love a place to call home, and make golf affordable for this community and that's why I only found out yesterday from Senator San Agustin that this bill is being proposed because I've been trying for several months to meet with these folks and it hadn't happened and that's when I realized that I had to come here even though it was on short notice. Senator San Agustin did tell me over the phone yesterday that if all of you reject this proposal he will withdraw the bill immediately because he would also prefer GICC remain as a golf course for the people of Guam. So that's pretty much what I need to say to all of you, any questions you might have been what I'm here for is to keep that golf course and make it work for the people of Guam.

**Commissioner D. Herrera:** You said junior...oh wait go ahead, you first. You established the Junior Golf?

**Van Shelly:** I was one of the founders of the Guam junior golf league and Guam junior golf academy, both of them, I go all the way back to Gus Gogue and Bill Reyes, and...

**Commissioner D. Herrera:** Lisa Stone is one of your...

**Van Shelly:** Lisa Stone, yes, Alex Ko. We had a number, again you know what I've been here 45 years, both of my kids are born and raised here, their Father Duenas kids, when I think about sports on Guam, golf is one of a few sports that our kids can play year round, you don't have to be 6'5", 300 pounds to get a scholarship, we had a

number get scholarships, off the top of my head I can tell you already, that Erin Sholey, Alex Ko and my own son played professionally as a result of what we managed to do in junior golfing getting scholarships for these children. My son played on tour for two and a half years. If you walk in the Phoenix Center and turn left, the corner is trophy cases dedicated to my son and that's not just me bragging about it, I'm just saying these are the kind of things that could happen when in fact we had a facility and made it affordable to make these kids do that and that's what I hope to accomplish.

**Commissioner D. Herrera:** If the facility comes to its maximum condition, the prices will still be the same in your projection?

**Van Shelly:** In our position as far as I'm concerned, locals will have priority over tee times, locals will have priority on rates, I'm not interested; I don't believe we should resell this golf course or lease it to a Japanese or Korean company. I'd like to see this stay within the Guam hands. The local people that have been around and make this a true local public golf course for Guam. I would hate to see it, get this lease get sold or transferred to an off-island corporation.

**Commissioner D. Herrera:** The juniors also get the same rates when they play? I mean, if the junior playing golf

**Van Shelly:** I can't speak to their rates today.

**Commissioner D. Herrera:** When you control it, when you manage it?

**Van Shelly:** When I control it, again I would like to make the rates as low as possible.

**Commissioner D. Herrera:** Oh, I see.

**Van Shelly:** And again, right now; I was also on the Guam national golfers federation, I was on that board for years and back in the early 90's when all the golf courses were being built, I regret that we didn't make part of the GEDA requirements mandatory rates for juniors. That was never there and I feel that was one of the huge mistakes we made because there is really no consideration for them and let's face it Guam is not exactly a cheap sport to play and to make it affordable will make it a true goal.

**Commissioner D. Herrera:** And if GEDA would have implemented that back then?

**Van Shelly:** If GEDA made part of their GEDA tax addition it would have had to be but we didn't do that.

**Commissioner D. Herrera:** If you see the golf courses now it about 20 years.

**Van Shelly:** There hasn't been any golf courses built.

**Commissioner D. Herrera:** But if the kids were to play now in Talofofu or Mangilao.

**Van Shelly:** There is no junior rates.

**Commissioner D. Herrera:** No, they have to pay the regular now which is about \$150, \$300.

**Van Shelly:** No, local rates are about \$50 to \$60 dollars and there's twilight, you play late for reduced rates. I think the GICC rates, what are you guys charging now, \$29 or

something dollars, think \$29, there charging that because no one is playing, place in not being maintained.

**Commissioner D. Herrera:** Wow. It takes a lot of money to maintain, you know 1-million square meters or about.

**Van Shelly:** It is but you have to have the play on the golf course, you want to have people want to play there and your have-to-have physical use of the driving range then you have to have full use of the facilities. I mean, there's very nice facilities there that are completely underutilized. I don't know what kind of condition there are in now but because I don't think they've been maintained like everything else but all I'm suggesting is there's a number of us in the business community that would like to serious look and what it's going to take to put that golf course back in condition to make the Guam golfing community want to play there, to give the juniors a place like a play site and a true training site for the people of Guam. It's not working now and if it was working, they wouldn't be that much in arrears in their rent.

**Commissioner D. Herrera:** Just talking about size, the million square meters, in fact we were just mentioning that earlier there's a lot of property that's about the same size but it's not a golf course, the Guam raceway.

**Van Shelly:** Similar argument having a place for the people of Guam.

**Commissioner D. Herrera:** Yeah, but if you look at the topography, it has already been planted out. I'm just kind of thinking, where the Mangilao golf course, same size, a million square meter would fit a golf course 18 hole?

**Van Shelly:** Yeah, but it would truly a serious expense to have to build. You already have a built golf course. GICC is already done, the expense is already there, most of the structure is already in place it's just getting it back in shape so people can come and play it.

**Commissioner D. Herrera:** I was just thinking of putting a golf course on top of coral. You're going to have to put top soil there. We got millions of square meters in Agat, Umatac, Merizo but I was just thinking outside the box. With ocean view or you know but again like you said the facilities is there.

**Van Shelly:** The expense is already been done, it's actually a very, very nice layout.

**Commissioner D. Herrera:** I've never been there. I mean, I'm local but I've never been in that golf course.

**Van Shelly:** I used to play there all the time but gave up because they weren't maintaining it.

**Commissioner D. Herrera:** But we went to Global; you know that recycling right next door, we went there and when we look right behind there, we see a nice golf course; that we see landscape, that's just my five-sense sir. Mr. Shelly, right?

**Van Shelly:** Well, I'd love to work with him about taking over the lease, but with a number of us in the business community that are willing to look but I got to be able to sit down with him, we got to have what it would cost to put the facility back in shape and it's including the building, the land and the golf course. It's a considerable amount of money but we believe that it's a very worthwhile project that we believe that it can

succeed and we would like the opportunity to do that. Turn that beautiful golf course into a solar farm, I'm sorry that would just be one of the saddest days on Guam that I've experienced in my 45 years here.

**Commissioner D. Herrera:** And to get the facilities and grounds out to that level is about 2-million dollars (\$2,000,000.00).

**Van Shelly:** We don't know. Russell Young was the one who gave me that number. He probably looked at it at a minimum. We were looking at a couple million dollars to put it back in shape.

**Commissioner D. Herrera:** Okay.

**Van Shelly:** We won't know until we go in there to do our due diligence but with the interim meeting like Senator San Agustin said that if this commission rejects this proposed bill he will withdraw immediately from the legislature.

**Commissioner D. Herrera:** I see. The reason why I mentioned Global is because there's nine (9) water pumps wells within the area, what we discovered, he's a retired GPA, what was that big metal transformer.

**Commissioner E. Garrido:** Transformer.

**Commissioner D. Herrera:** They're assembly transformers and I don't know what kind of liquid is in.

**Van Shelly:** I'm familiar with the restrictions being on top of the water lens.

**Commissioner D. Herrera:** Yeah, but over at Global, we're saying oh my goodness, by the golf course, Global and then a housing area so, like Commissioner E. Garrido said we're basically, this is our first or second year here and we have a former EPA attorney right here.

**Attorney K. Finney:** Not former.

**Joey Cruz, CLTC:** Current. Still.

**Commissioner D. Herrera:** She's an expert here but you can see the mapping.

**Attorney K. Finney:** There's currently a law that you know that place is supposed to be a golf course.

**Commissioner D. Herrera:** I understand, just thinking out of the box, you know?

**Van Shelly:** It is public law that the land is designed as a golf course. I'm just here to ask you to reject the proposal for a solar panel and then hopefully either they want to get back into maintaining the golf course in the manner it should be maintained with the proper equipment and keep it the way it's supposed to be or go ahead and let go the lease and get someone else that can actually make it work and keep it in the professional course that it should be.

**Commissioner D. Herrera:** You two willing to work together as co-partners or totally separate? I'm just thinking outside the box, the benefit here is for the juniors.

**Attorney K. Finney:** I don't think they've had any discussions.

**Commissioner D. Herrera:** We're just brainstorming.

**Van Shelly:** There's been none, at this point in time, I would probably say, it's not a working solution

**Commissioner D. Herrera:** To be co-sponsors?

**Van Shelly:** Yeah, but I'm not going to rule anything out at this time because my interest generally is just to get that golf course back in the kind of shape it should be in so they can get the reservations and revenue to make it work and I believe it can be done, and it can be done in manner that works with this commission and works with the people running the golf course and owning the golf course.

**Commissioner D. Herrera:** And the monthly rental, you're ok with that?

**Van Shelly:** I'm familiar with it. I'm sure once we do our due diligence and look at the kind of investment we have, I wouldn't rule out the fact that maybe the rent structure should be adjusted based on revenue, maybe because you can actually get more money, rather than paying base rent plus, I mean there's nothing we won't look at as long as we look at it and it's feasible and the numbers work.

**Commissioner D. Herrera:** I see.

**Attorney K. Finney:** So, they have a current, not these guys, but GICC has a current lease for the golf course and in that lease, they have to maintain as a golf course, there's a law that says that they can lease to them for that purpose. So, this new bill will kind of step in and say never mind that lease, you turn this into a solar farm and so what he's saying he's here to not let that happen, to say there was a reason that there was this law that lets it be a golf course and to consider.

**Commissioner D. Herrera:** I see. I haven't really read the details of the bill but I guess talking about of this, how many more years, 13 more years.

**Attorney K. Finney:** It was recently renewed.

**Joey Cruz, CLTC:** It's about 13 or 14.

**Van Shelly:** I don't know, but whether or not they're in compliance with the agreement but I don't believe they are.

**Joey Cruz, CLTC:** But the board authorized the payment plan, so currently they're in compliance

**Commissioner D. Herrera:** Remember we're still in training wheels here. He's a realtor, she's a banker and I was a land agent before and to be on the board following this but anyway Mr. Shelly thank you so much and I love Nissan.

**Van Shelly:** And I hope you reject this proposal.

**Commissioner E. Garrido:** I don't like Nissan.

**Van Shelly:** You don't like Nissan?

**Commissioner E. Garrido:** I like Infiniti. *(laughter in the audience)*

**Van Shelly:** Well, thank you everybody. I appreciate the time, so I hope you will reject this and hopefully see you again for the proposal for a new golf course.

**Joey Cruz, CLTC:** Anymore public comments?

**Audience Member, Ron Laguana:** Yes.

**Yohei Keoki:** Hi, hello my name is Yohei Keoki, General Manager of Guam International Country Club. First of all, Mr. Shelly, thank you so much for your proposal and the first time I heard about it, I didn't know you wanted to meet me, it's the first time. First of all, for the record I would like to say that we are not in default. We still have arrears but we made arrangements with the board. Thank you to the commissioners that we are, our obligations is to pay the rest of arrears by 2026, January, that was our promise. And by March most of all of our arrears we had was during the Covid time. Now, there were times we were closed, no tourists and we suffered financially and arrears went up to \$899,000.00 dollars but now within 7 months we went down to less than \$600,000.00 dollars, so we have been paying. Our monthly rent plus arrears and then we are planning everything off as soon as possible before 2026, January.

I've been working for Guam International Country Club as a general manager for 12 years and then I have been working with golf course management for over 12 golf courses and the situation with Guam golf courses, we have 6 golf courses now and then we all depend on tourism. For the population of Guam, recommend residences, actually 7 golf courses including the Air Force golf course. It's way too much for the number of residents compared to the number of golf courses and including the base. Most golf courses depending on the tourists even though we are a municipal golf course, we also are depending on that tourist as well, 50% of revenue comes from tourist and 50% is from local market. And the expense of the golf course is huge and because this is a tropical island weather, you need to mow the grass every day. The machinery, fuels, maintenance crew, fertilizers, chemicals, herbicides it all adds up. It will cost more than the \$1-million-dollar for expenditure just to run the golf course, just to open the golf course.

So, so, Mr. Shelly brought up about the fixture of the golf course; two million (\$2,000,000.00) to fix our golf course. There's no way we can fix our golf course with two million dollars (\$2,000,000.00) because as he said and indicated Mr. Russell who took our golf course maintenance a couple months for us. Technically he couldn't fix it because we didn't have enough machineries, we don't have enough chemicals and in order to, most important is water. Water is the most important factor to maintain golf course because we need a lot of water to water the greens and the fairways, tee ground. We need a lot of water!

Our liners of lake is totally broken. To fix the liners of the lake will cost more than two million dollars (\$2,000,000.00). Our irrigation system is broken. Our two pumps are broken; we are manually watering the greens right now, more than two years now. To fix the two pumps and the irrigation system going around all the courses will cost more than more than two million dollars (\$2,000,000.00), and because of Typhoon Mawar, our clubhouse is pretty much damaged. We have a lot of water leaks and to fix the clubhouse will cost another more than one million dollars (\$1,000,000.00). If you want to open a restaurant, you'll need probably another half million dollar for that equipment in the restaurant.

So, in order to fix the golf course in a decent shape, maybe they have the fund, maybe they can get the six million (\$6M) in fund, but how about expenditure? Every year

expenditure without the tourism. Tourism can be useful in 2012, we had 1.2 million tourists. Right now, in 2022, two hundred-thousand-dollar (200,000) tourist. That's a significant drop and the Japanese, mainly it was Japanese tourists playing golf but now based on the number of declining tourists significantly, there's no way that we can sustain a golf course business right now. If they come back, I maybe but five other golf courses are also suffering for financially, so, I understand Mr. Shelly's ideas and plans, me too. I would love, I love my golf course, the layout is nice as Mr. Shelly said but reality wise if you want to run a golf course business and pay, make an obligation to CHamoru Land Trust our rent, it's very difficult I can say. I mean, maybe they have magic to do this right way but for me, this as I said 50% or more other golf courses more than 70% have to depend on tourism market because they charge almost three (3) times more than the local price. Also us, we charge one hundred ninety (\$190) dollars for tourist but we only charge less than thirty (\$30) dollars for local. And just maintaining the golf cart, the battery, the tires pop every day, the costs is so much high and that's my comment toward Mr. Shelly's speech. Yes, thank you.

**Carlos Camacho:** Well, if I can add in the last several meetings, yes, I've been an advocate on the first use of the property to solar panels. But before we did all that, we did our due diligence also like I mentioned in our last presentation, to make it financially feasible first of all who is the benefactor that we keep mentioning the people of Guam. Well, on the solar panel approach to be financing a utility scale approach so the benefactor would be the people of Guam benefiting less the fossil fuels. We've seen the proven fact from the Dan Dan field and the Marbo field. That's why when we look at this, we had a little bumpy ride on the financial situation. We met with you guys here, it was the creative minds here that said what can we do to the first five, do we do a farm plan or a housing project or something to minimize any environmental impact? Well, we looked at those three categories and we realized that we strategically solar close to the grid as I mentioned and realized as we stated we got the infrastructure that was already built by the golf course ownership that was already cleared so we can see the topography and so we can see what we can yield in megawatts we can build. And we're not impacting the community by developing because I'm in the housing business developing hundreds and hundreds of houses there to cause traffic and chaos which with other lands elsewhere in CHamoru Land Trusts that we can develop for housing like in Yigo, or Umang in Agat and all that places that needs the financial resources. At the end, look at the mission of CHamoru Land Trust on it's cover. The key word is commercial and I've seen the process through your, looking at your other properties, we're trying to diversify as way to get the cash flow. We're trying to find a diversified way to get the cash flow so sustainable, so you guys can have the cash flow as a commission to meet your goals and your mission, to fulfill housing opportunity or development for other properties for people have been waiting since 1995. I keep hearing 1995. oday we're in 2023 and you guys have all the land base. Remember, Guam is one third federal, on third Government and one third private. You guys are the one third government. A lot of the lands don't have the infrastructures and you guys can't increase to help these families, but then we're short with cash flow, you guys need to be creative on how to get this cash flow, we're trying to be creative on how to sustain this cash flow and if you look at the solar panel approach, we're looking at our net present value on pre-paying the lease in advance. A lot of you have asked, how do you get this attractive, knock on wood, fortunately the 2022 Congress passed the inflation reduction act that provides a 50% tax credit for these type of scale investment.

**Van Shelly:** That's not true.

**Carlos Camacho:** That wasn't available but that's available so we can become competitive, and when you're competitive, hopefully then at that point, we don't know if GPA is going to buy this power or not, right? We're preparing on getting any type of zoning for any kind on development, getting it ready just in case we're doing it, so, we're doing all our due diligence, the highest and best yield. In this particular case the bills that come before you will say, two-part bill. One bill is to convert the golf course to a solar farm and the attorney is right, the law says it's for a golf course but you need legislative approval if you're going to make amendment or change and this is why we're going through the proper transparent process through the legislature.

If that happens you guys choose your MIA to get it appraised, to get it a present value and the range is set to nine million (9M) using 4% rate of return. By coincidence I didn't know that Mr. Burch would be here acting director. By coincidence he mentioned today that through their Ancestral Lands Commission investment their getting a 5 to 8 percent return. I only used a 4% model when I present when I presented this to you guys, that's just to sustain the same rent that we're paying but if they got through ancestral lands the 8%, you'll be doubling the rent on what you're getting presently in cash flow which then would help other missions and goals and developing your other piece or your other pieces of property or other to do list that your guys need to do for many years. Now why do we have the endowment funds, this is important. These two bills are tied together from the net present value to the paid rent it'll go to the endowment fund that is blocked and touched only by the commission members, not by the Governor or the legislature and that's seven hundred ninety-two (\$792,000) whatever that number appraised comes to, stays at that number, stays there and gets reinvested through the vehicle that you guys choose with your advice through GEDA or whoever is your financial advisor and like I said I'm glad that ancestral lands had a case study and their investment on return is 5% to 8%, you guys can do your numbers from that point. That will be sustained and here's a goody, after 30 years you have infrastructure in place and it continues, you guys can roll over because the plans can be changed and redo this same solar program all over again. On a straight line, on a straight line, red, it ends and goes back to zero. Then it goes back out on to a market bid, so it just weighs out. I do, I feel for the golfers and all that, but it's different if we didn't have any golf courses on Guam. There are 5 to 7 golf courses and maybe what we can offer, I'm glad mentioned some key, it's never too late, we can apply QC to these golfers to apply, they don't some helps to stabilize their cash flow too. If you have your local rate for junior golf, we'll apply a QC for your qualifying certificate.

**Acting Chairperson A. Bordallo:** Can I just say something?

**Attorney K. Finney:** I have a question and I guess my question is if GICC didn't want to continue to maintain a golf course, why wouldn't you guys just decide terminate the lease and decide what you want to do with the property like use it for residential or put it out for a bid, why would just convert this lease to something? I'm just closing that question.

**Commissioner D. Herrera:** What was that question again?

**Attorney K. Finney:** So, if you didn't want to; So, they have a lease for a golf course and they didn't want to continue it as a golf course why would you then terminate the lease and then put the property out for a bid or use it for residential, you know whatever, the commission would determine. Why would you want to just convert their existing lease to something different instead of putting it out?

**Acting Chairperson A. Bordallo:** There's a law about having it being a golf course.



**Attorney K. Finney:** I'm just saying that if they didn't want to continue that, that would be...

**Commissioner E. Garrido:** Who is they?

**Attorney K. Finney:** The lessee. If they didn't want to continue to maintain it as a golf course

**Acting Chairperson A. Bordallo:** They would have to end it.

**Attorney K. Finney:** Because what they're asking to is to convert it, why would the commission, I'm just posing a question.

**Carlos Camacho:** With all due respect, Attorney K. Finney, we have 15 other minds that going to make that final decision, a policy decision.

**Attorney K. Finney:** Sure. Sure.

**Carlos Camacho:** They can still vote it down, if they vote it down, we can still retain our fourteen (14) year lease.

**Attorney K. Finney:** I'm just asking, I'm just point that out for the commission. Why would you support converting that rather than if they didn't want to maintain it as a golf course rather than ok, if you guys want to convert it something else then ok, why wouldn't you just put it out for a bid?

**Commissioner E. Garrido:** We did not agree to convert it to a solar farm. The discussion we had was initially, they gave us a proposal to convert into a solar farm and they were aware that we could not do it here, they would have to go before the legislature to get approval to amend their existing footprint of activities and that would allow that, the reason why they were allowed to do so is because the previous board gave them an extension to pay down their debt.

**Attorney K. Finney:** I'm just posing that question because you guys would consider right whether you support this bill or not, and I'm saying if the current lessee didn't want to continue this property to operate this golf course, there are other things the commission might consider including putting it out for a bid and put it out as a RFP. Maybe somebody else would wants to bid on that. I'm just quoting they do have the current lease and all that but just so you know, the legislature introduces this bill and you're right, they can decide on that.

**Commissioner E. Garrido:** At their request.

**Attorney K. Finney:** But, not at your request, right? But you guys would consider whether or not you support the bill or not.

**Commissioner E. Garrido:** We're bound to them because the previous board allowed them, gave them the ability to pay down their arrears over time.

**Attorney K. Finney:** Yes but, considering they were continuing to operate a municipal golf course. *(inaudible discussion between Finney and Garrido)*

**Commissioner E. Garrido:** Yes, right. Any changes that are made to the current agreement they've been at the fore front before the legislature and only the legislature can make that change.

**Attorney K. Finney:** Right, but they also look to you guys to...

**Commissioner E. Garrido:** I don't know why their asking to change the entire composition of the agreement that they have; to wipeout the golf course but they just mentioned if they don't win the bid, then they would continue on as a golf course but there's still that agreement between CLTC and the golf course. Given them a grace period to pay off their rent.

**Attorney K. Finney:** Well, I'm just saying that there are other things the commission could consider that you might support.

**Commissioner E. Garrido:** Wouldn't that be a violation with our agreement with them to pay back their debt?

**Attorney K. Finney:** I'm just pointing out if they didn't want to continue to operate as a golf course, there are other things they could do, yes, you gave them an extension to pay off the debt but that was considering that they were going to continue their lease obligations and right now that includes maintaining that property as a golf course. So, again, I'm just pointing that out.

**Commissioner D. Herrera:** You may recall the last meeting we had, with the former administrative director recommended it be converted to a subdivision, planning development, you know...

**Attorney K. Finney:** She was suggesting that, and again if it wasn't maintained as a golf course. For that whole purpose of their lease, they are paying money to the commission but it's not just paying money to the commission however they want to, it's for them to be maintaining the golf course. So that's the current state of the law is and I understand their trying to, the only reason why they're on that property is because of that.

**Commissioner E. Garrido:** When we voted, what, in the beginning of summer and think it was, when they first came in before us, this board.

**Joey Cruz, CLTC:** I think so.

**Commissioner D. Herrera:** Right after Mawar.

**Commissioner E. Garrido:** We had discussed what was on the table, which was the arrears, former administrator very strongly recommended that we evict them.

**Attorney K. Finney:** Based on the arrears.

**Commissioner E. Garrido:** Based on the arrears, not based on what they're doing there but, it was based on their arrears but the previous board went into a promissory agreement with the golf course to pay up those arrears and there was, they had an agreement in place prior board and to the prior administrator. I don't see how we can just void that agreement.

**Attorney K. Finney:** No, that's not what I mean. What I mean if they don't want to continue under their lease.

**Yohei Keoki:** We never said we don't want to continue; we want to continue as municipal golf course but it is a solar, we just want to try, and to serve the community and if the legislature doesn't pass, we will continue as a golf course, maybe we will talk with Mr. Shelly, I don't know. We just want to make this opportunity if it is possible because I think this is the opportunity to make solar. One it's good for the environment because if we're going to renovated the golf course, we're going to use a lot of chemicals, fertilizers in order to make our greens, fairways, tees. Right now, it's natural grass. We don't use any chemicals on the fairways tees only on the greens. We rarely use, we never use chemicals that we're not allowed to use but if you're going to renovate to next level golf course, like Mangilao golf course we need to use a lot of chemicals and fertilizers. Without using fertilizers and chemicals you cannot make it a decent golf course. Solar you don't need. Like Mr. Camacho said this endowment fund will benefit the community and the interest rate you are going to receive will be almost three times more than getting our rent. Just that, I think that, I would like to emphasize here.

**Commissioner D. Herrera:** I would like to visit the facility and we can make an arrangement.

**Yohei Keoki:** Sure, sure.

**Commissioner D. Herrera:** You know when you get over there, finish Global and we want to kinda transition there.

**Yohei Keoki:** Yes, even though we are not in good shape, we are still a playable golf course

**Commissioner D. Herrera:** I would like to see the nine water wells. That's my response.

**Yohei Keoki:** Yes, yes.

**Acting Chairperson A. Bordallo:** Well, I don't understand why is it we've been buildups of, what do you call that, solar farms and our power has gone up? I don't understand that! I really don't understand it! And then I'm suffering from paying my bill.

**Audience Member, Ron Laguana:** It takes time, it takes time.

**Acting Chairperson A. Bordallo:** How come?

**Audience Member, Van Shelly:** It's okay for me to comment?

**Commissioner E. Garrido:** Are you finish? Anyone else?

**Commissioner D. Herrera:** Still on public comments, so...

**Audience Member, Ron Laguana:** Me.

**Acting Chairperson A. Bordallo:** Can we give opportunity to the others?

**Yohei Keoki:** Okay, thank you.

**Commissioner D. Herrera:** Please make a schedule and let us know when we can come.

**Ron Laguana:** Buenas, Ron Laguana yu, ya elekyo na I malagona I taotao hun suteni yan un nae Chansa para un enyuda it taotao-ta I CLTC ya ha sagan ya eyu na binena lao attan ha pago na maput mona I turista pues na guaha este I solar sa enayuda guaha planun niha esta make'ke maolek siha lao kalan tin a-nahong nai lao agun un nai Chansa ti pot esta na ta guiyi ta fan addagao guine lao I legistura utemu para lao man ga'ga'gao I taotao na ma na'i gu Chansa para u chagi hu'matsa ta'lo yu I ake'le'na I debina nai si I solar panel. Eyu un sa'sagan para hu ha inasuta hu sa'gani si John Benvente put este I solar panel ta'le'le hit lao ti ma pabet-cha hit nai, na mai'maila na tiemp tumunuk siempre I kandit, magahet fihu ha yu kobla lao I supoti I solar panel para ta nai Chansa poi sustaine had yu fatinas salape eyu na salape inao yu'da para chalan sa'gan ta'ke yan hanom todou eyu sa este ba'ba'bamona gi golf nai atan ta'lo pao fan gusta mas meggai po atlek'la yu kao fan matto ta'lo I turista ti ta tun'gnu ta nai Chansa sa mattu ha ta'lo este para I legistura lao un benididisi di'di'di bonitu na ma'se e sa bonitu ya yu supotu yu mao'lek'na ni po lai'lai'lai ha yu ya ta'ya, sigaha este si benenu hagas ha yu disepreba este I golf course sa macho'cho pa'pa todou it benenu ya mampos meggai lokku na golf course ya'hu ta'lei megahit yi planu ya I legistura la'mon la nai di'di'di na animu I pro'mu esti siha ya ta nai ma espi'pi'ha esta po fan apa'si ha a'atan mona esta na commission kep'lei po fan ayuda tao'tao po fan hatsa Yu'ma man ga salape infrastructure sina ta na halom. Hu le'i I live in the morning atan ha I Chansa eyu ta ba'ba I inisuta ta ba'ba eyu ya I publico sa I legistura utimo ni este ti para umbanda ha ta hu'hu gnot lao ma ga'ga' gao esti sihi ta na'hi suputi yagin sina koa mafotmi hamyo eyu ha ma ga'ga'gao esti siha. Kalan maolek I dia para gua'hu ta cha'cha'gi na I option na fungi gi reservation kao para ti guine otru para solar panel para gu'ma siha elekmu nai ya hafa na planu un ba'ba'ba I oportunitat ma'me yan en dadagao hamyo yan I legistura hamyo pa'go daggao hu'yun I publico yan un bedi'di'si este siha ma sa'sa gan lao hamyo eyu na gai'gu hu bai hu suputi sa ta'ta' lai'lai ka ya ta suputi este I uni siete nuibe di'si ti ta na yi Chansa ya ta lie ta nai Chansa ta nai lugat si yu'us ma'asi

*[Summary: Mr. Laguana is in support of the solar farm project. He's requesting the commission to give GCIC a chance to get things together, pay their debt that is owed and carry out a good deed for the people of CHamoru Land Trust.]*

**Acting Chairperson A. Bordallo:** Si Yu'us Ma'asi. (Thank you) Mr. Shelly?

**Van Shelly:** I have one additional comment. I don't know if he's in favor or if he's against, but I hope he spoke in favor of the golf course.

**Commissioner E. Garrido:** It depends what's your understanding of.

**Van Shelly:** I just want to make one comment to Yohei comments what he says about tourism is absolutely true and I understand why the golf course suffered, the difference that I want to make and hope all of you understand is the Guam municipal golf course was never built for tourism. It was built to support the Guam golfers, the junior golfers, the Guam senior golfers, the Guam community. Now, with no tourism here now CCP, you mentioned CCP in your conversation even though I speak CHamoru. CCP now, you can't make a reservation if you don't book several weeks in advance. Now, they are not based on tourism, they are based getting local golfers to play because that's the single nicest golf course to play now, and so what I can say now is when tourism recovers which is supposed to be back in recovery next year, the local golfer will be right back where they were before. As a member of the senior golf association, as a

group we can't get a tee time at Mangilao or at Talofofo or at one of those golf courses because they full of people that don't pay hundred ninety (\$190) dollars, you know rather than the fifty (\$50) or sixty (\$60) dollars to play at local rate, so those golf course gets traffic now because the tourist aren't here but when those tourists come back who gets kicked out, us, the guys paying the sixty (\$60) dollar rate not the guys paying the one hundred eighty (\$180) or two hundred dollar (\$200) dollar rate.

**Yohei Keoki:** That's not true. Not true.

**Van Shelly:** It is true. I will say to you that this golf course was built as a municipal golf course to support the local people of Guam and I would ask you to understand that other golf courses being built for tourism to have nothing to do with keeping the Guam municipal golf course as public golf course for the people of Guam.

**Commissioner D. Herrera:** Good information there. On the local golfers currently, you were mentioning that the other golf courses I believe there are six.

**Van Shelly:** There's Leo Palace, Mangilao, Talo'fo'fo, CCP and Andersen. But you to have privileges to get on that golf course, so exclude that one. Oh, and then there's Starts.

**Commissioner D. Herrera:** Oh, so there's five. Six (6) would be the municipal? And you know the booking, you mentioned sir, kind of booked through the week, throughout the week?

**Van Shelly:** Well, when tourism is here.

**Commissioner D. Herrera:** Oh, when tourism is here.

**Van Shelly:** When tourism is here, the locals have; the tourist is going to get the priority for tee times.

**Commissioner D. Herrera:** I see, on the other five?

**Van Shelly:** Yes, and you know for me, I actually made a recommendation to the people negotiating with the bases that they picked the 6 billion dollars (\$6,000,000,000.00) in Japan offered to buy Starts because I understand it's for sale, and I said, what better golf course, a golf course for your military since you close Nimitz right across the street but those additional military people are also coming that are going to be additional golfer that want to play.

**Commissioner D. Herrera:** And the six billion (6,000,000,000) you were mentioning was to build...

**Van Shelly:** Yeah, it was money to be used in any manner and I spoke to a number of them and you should make this pitch but I understand it's in escrow, Starts Golf Course; I understand it's in escrow with the Koreans buying.

**Commissioner D. Herrera:** Why they on sale?

**Yohei Keoki:** Why they for sale? Because they're not making money, most of them are not making money, he is right CCP.

**Commissioner D. Herrera:** Take my money in my research, we have 5 or 6 and I'm concerned that local golfers and you know if the rate is just \$60 bucks over the \$190.

**Van Shelly:** Who's going to get the reservations, makes sense.

**Commissioner D. Herrera:** So, you know as I mentioned I'd like to visit the course and then invite our members.

**Van Shelly:** And I also did say, like I said we like to do our due diligence at a minimum we were looking it would take a couple million to make it work. I didn't say it would take a couple million to make it work. We need to get in there and see it and get an opinion on everything before I can get back to you and say here's what we can do and here's how we expect to do it.

**Commissioner D. Herrera:** Just in my case I would like to go in and see because I've seen it through the air, I like to walk the property because we counted 7 or 8 water wells.

**Van Shelly:** Whether they do it or I do it with additional business community members, all I want to see is the golf course restored to its previous condition so all of us want to play there and we want to support that golf course. They told us the Guam senior golf association not to come.

**Yohei Keoki:** What! That's not true!

**Van Shelly:** That's a 100% true, they were told don't book your tee time because the course is not in great condition. I promise you that's a 100% true.

**Yohei Keoki:** Yeah, we tell the truth, we tell the truth.

**Commissioner D. Herrera:** What the profile of senior golf course on island with the population of one hundred sixty (160), the senior golf association for example three hundred (300).

**Van Shelly:** Was. When we had a function and we had Nimitz golf course which was basically the public golf course if you will, the Navy golf course before they closed it.

**Commissioner D. Herrera:** In Barrigada.

**Van Shelly:** That was the home.

**Commissioner D. Herrera:** It's closed?

**Acting Chairperson A. Bordallo:** It's closed.

**Van Shelly:** That was basically Guam's public golf course and that's the whole reason Gus Gogue came to this organization to build the municipal golf course because the Guam truly didn't have

**Commissioner D. Herrera:** Okay, and then we're building up the junior?

**Van Shelly:** I would love to build it back up.

**Commissioner D. Herrera:** And that will start in middle school, high school?

**Van Shelly:** Yes.

**Commissioner D. Herrera:** Right.

**Van Shelly:** As young as 6 years old, depending on the maturity level.

**Commissioner D. Herrera:** This is very healthy. Having competition like what we see today, it healthy, it's very productive. We can hear on the alternative and...

**Van Shelly:** Anything we can to keep kids occupied and golf is a year-round something they can do and something we can do and working to make it affordable for them.

**Commissioner D. Herrera:** And of course, you may understand what our challenges are in infrastructure and we haven't built a home development in the Land Trust yet but we're working you know we have about eleven thousand (11,000) acres of property and that's why I was inviting you to the beautiful south.

**Van Shelly:** I understand.

**Acting Chairperson A. Bordallo:** Okay, it's time to go home.

**Commissioner D. Herrera:** But no, this is very good.

**Van Shelly:** Thank you very much for your time.

**Commissioner D. Herrera:** Thank you for coming. I know you're a busy man, you know.

**Van Shelly:** That's okay, this is worth it.

*(\*\*\*Multiple conversations in the background – inaudible\*\*\*)*

**Joey Cruz, CLTC:** So, someone want to make a motion?

**Audience Member, Ron Laguana:** Hafa mon? Nation para consideration.

**Joey Cruz, CLTC:** We finished public comment; no legal counsel discussion or action. Anyone have any announcements? No?

**Acting Chairperson A. Bordallo:** None for now.

**Joey Cruz, CLTC:** Would you guys agree the next meeting is Thursday, November 16 at 1PM?

**Acting Chairperson A. Bordallo:** Yeah.

**Commissioner D. Herrera:** I thought we're going to have a working meeting for a couple of constituents.

**Joey Cruz, CLTC:** For the raceway?

**Commissioner D. Herrera:** No

**Dexter Tan, CLTC:** The continuation of the loan guarantee.

**Commissioner E. Garrido:** The loan guarantee

**Commissioner D. Herrera:** There's still, we have 3 or 4, we haven't done all the twenty (20)

**Joey Cruz, CLTC:** 15. There's fifteen (15) more.

**Commissioner D. Herrera:** So, for the fifteen (15), I guess we have to

**Acting Chairperson A. Bordallo:** We have to be ready

**Commissioner D. Herrera:** To do a preliminary succession meeting, because I understand the timeline and we also understand the urgency to the other fifteen (15) to get their construction going with their homes.

**Acting Chairperson A. Bordallo:** I think we should give them at least a couple weeks to work on it.

**Commissioner D. Herrera:** Yes, I understand also the urgency for the family to start

**Acting Chairperson A. Bordallo:** It takes time for them to get through all those

**Joey Cruz, CLTC:** Do you have a proposed special meeting date just so we can consult with Director Burch. We still have to consult Mr. Burch.

**Commissioner D. Herrera:** How many files can we process? Not pushing the thing but just I'm preplanning.

**Joey Cruz, CLTC:** There's fifteen (15) that hasn't been presented yet that's on the list, we anticipate a little bit more coming in

**Commissioner D. Herrera:** With the fifteen (15)

**Joey Cruz, CLTC:** But you guys can come up with a tentative date if you guys are insisting on having a special meeting

**Acting Chairperson A. Bordallo:** The special meeting, you need enough time to take care of all that 17

**Joey Cruz, CLTC:** We're going to need some time and to meet the requirements again

**Acting Chairperson A. Bordallo:** Remember what you have to do?

**Commissioner D. Herrera:** Thursday right, so we advertise; based on the clients?

**Joey Cruz, CLTC:** Kinda done already

**Land Agent, J. Dayday:** You have the last ones, the four.

**Joey Cruz, CLTC:** The last four?



**Acting Chairperson A. Bordallo:** No but the whole list. We're talking about the whole list.

**Land Agent, J. Dayday:** You just need to go and visit their property and...

**Acting Chairperson A. Bordallo:** That's what I'm saying. Will 10 days do it?

**Audience Member, Ron Laguana:** Yeah. Displaced, no?

**Commissioner D. Herrera:** Remember these are typhoon victims, you know that's why we've been having three succession meetings

**Commissioner E. Garrido:** Well, well, a lot of the discussions we had today, a lot of those people that we had oversight on today are living under tarps.

**Commissioner D. Herrera:** Correct, yeah!

**Commissioner E. Garrido:** I sympathize with their situations so whatever you guys can pump out we're willing put our time up to hear those

**Joey Cruz, CLTC:** November 2<sup>nd</sup>??

**Commissioner E. Garrido:** Come up with 15, whatever you guys can process.

**Commissioner D. Herrera:** Because you know the sooner we get them, the sooner...

**Commissioner E. Garrido:** As soon as you can and at the earliest time possible.

**Joey Cruz, CLTC:** November 1<sup>st</sup>?

**Commissioner D. Herrera:** You know, again, next week, maybe the media.

**Acting Chairperson A. Bordallo:** How about October 30<sup>th</sup>, do you meet the requirements?

**Commissioner E. Garrido:** For October 30?

**Joey Cruz, CLTC:** We have to get it out by the 23<sup>rd</sup>.

**Acting Chairperson A. Bordallo:** Okay, Monday.

**Joey Cruz, CLTC:** Just for disclosure because we have two meetings in October, the board cannot be paid more than a hundred dollars in stipends so that's only two meetings, the third meeting will be...

**Commissioner E. Garrido:** I understand that and I'm willing to go past because these people came.

**Commissioner D. Herrera:** These are people with no homes. I'm good.

**Acting Chairperson A. Bordallo:** Work for free now

**Joey Cruz, CLTC:** If it happens in the month if October, the 30<sup>th</sup>...

**Commissioner E. Garrido:** Even if it's just 5 cases for us to hear that day

**Joey Cruz, CLTC:** How about...

**Commissioner D. Herrera:** Cuz right now, it's Thursday right, if we advertise on the 23<sup>rd</sup> you're saying right Joey?

**Joey Cruz, CLTC:** It might be the 30<sup>th</sup>.

**Commissioner D. Herrera:** We do the media on the 23<sup>rd</sup>. One, two, three, four, right; 30<sup>th</sup> or the 31<sup>st</sup>. Monday, Tuesday. Your call and you know, let Director Burch.

**Joey Cruz, CLTC:** So, you guys are deciding on the 30<sup>th</sup> or 31<sup>st</sup>?

**Commissioner E. Garrido:** Whichever you can work with.

**Joey Cruz, CLTC:** The 31<sup>st</sup> will be good.

**Acting Chairperson A. Bordallo:** Not Halloween, the first then.

**Commissioner D. Herrera:** 30 or 31<sup>st</sup>, I'm open madam Chair.

**Joey Cruz, CLTC:** The 30<sup>th</sup> is fine?

**Acting Chairperson A. Bordallo:** You don't want to be on the street on 31.

**Joey Cruz, CLTC:** So, 30?

**Commissioner D. Herrera:** Ok 30, we're good at 30.

**Attorney K. Finney:** I can't confirm that but I can be here if it's possible.

**Commissioner D. Herrera:** Even zoom.

**Attorney K. Finney:** Understood. What time?

**Joey Cruz, CLTC:** One or two.

**Acting Chairperson A. Bordallo:** One.

**Joey Cruz, CLTC:** We'll let Mr. Burch know.

**Commissioner D. Herrera:** Nothing left to open on their presentation, no?

**(\*\*\*Multiple conversations in the background – inaudible\*\*\*)**

**Joey Cruz, CLTC:** So, just for clarification the special meeting is just for the loan guarantee, the old business?

**Acting Chairperson A. Bordallo:** Yeah, yeah.

**Commissioner D. Herrera:** Ok so we're good on the 30th?

**Commissioner E. Garrido:** Yes, that's ok.

**Commissioner D. Herrera:** I make a motion to adjourn Madam Chair.

**Acting Chairperson A. Bordallo:** Make motion to adjourn and to have a special meeting on October 30<sup>th</sup>. Adjourn.

**(\*\*\* MEETING ENDED – NOTHING FOLLOWS \*\*\*)**

