



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

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 815

**Lourdes A. Leon Guerrero**  
Governor

**Joshua F. Tenorio**  
Lieutenant Governor

### Commission Members

**John F. Reyes, Jr.**  
Chairman

**Austin J. Duenas**  
Commissioner

**Arlene P. Bordallo**  
Commissioner

**Angela T. Santos**  
Commissioner

**Vacant**  
Commissioner

**Jack E. Hattig III**  
Administrative Director

**COMMISSION MEETING MINUTES**  
CHamoru Land Trust Conference Room  
Suite 223, 2<sup>nd</sup> Floor, ITC Building  
590 S. Marine Corp Drive, Tamuning, Guam  
Thursday, February 18, 2021; 1:11 p.m. – 3:47 p.m.

Public Notice: The *Pacific Daily News* on February 11, 2021 and February 16, 2021

**Chairman John Reyes, Jr.:** Before we call the meeting to order, would you mind leading us again with the Inefresi Commissioner Santos?

**Commissioner Angela Santos:** Hunggan.

**All:** Reciting the Inefresi.

**Chairman J. Reyes, Jr.:** Si Yu'os Ma'åse'.

**Commissioner A. Santos:** Hågu mas.

**Chairman J. Reyes, Jr.:** I call this CHamoru Land Trust Commission meeting to order. The time is 1:11 p.m. Public notices have gone out on the Pacific Daily News on February 11, 2021 and February 16, 2021, notices were also posted on the CHamoru Land Trust Commission website at the [dlm.guam.gov](http://dlm.guam.gov) and the Attorney General's website, [oagguam.org](http://oagguam.org) and on the CHamoru Land Trust Facebook page. As a reminder, this meeting is also being recorded, audio and visual with our partnership KGTF and is also being Facebook livestreamed Facebook page. I will do roll call now.

### **Roll Call:**

**Chairman J. Reyes, Jr.:** Myself, Commissioner John Reyes, present. Commissioner Austin Duenas.

**Commissioner Austin Duenas:** Present.

**Chairman J. Reyes, Jr.:** Commissioner Arlene Bordallo.

**Commissioner Arlene Bordallo:** I'm here.

**Chairman J. Reyes, Jr.:** Commissioner Santos.

**Commissioner A. Santos:** Esta gue yu.

**Chairman J. Reyes, Jr.:** Si Yu'os Ma'åse'. Director Hattig.

**Administrative Director Jack Hattig, III:** Present.

**Chairman J. Reyes, Jr.:** Attorney Nicolas Toft.

**Legal Counsel Nicolas Toft:** Present.

**Chairman J. Reyes, Jr.:** Thank you. Attorney Toft, just to confirm we do have a quorum?

**Legal Counsel N. Toft:** Yes.

**Chairman J. Reyes, Jr.:** And we will begin with our first item on the agenda will be the approval of our minutes. I'd like to thank all our Commission members for your presence today. We do have two, three, four, five, six, seven, eight, nine minutes to approve here which leads us all the way up to the December 28, 2020 meeting and all the way back from 2 November 2019 have two sections for those meetings for continuance. So, let me open the floor for any comments or feedbacks for those minutes

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or any changes that need to be \*inaudible\* and I do have a couple but I'll give it to our Commissioners first. Anyone like to begin?

**Commissioner A. Santos:** Should we have Austin since he was present during those meeting dates?

**Chairman J. Reyes, Jr.:** Yeah. Sure. To your point Commissioner Santos thank you we can begin with November 21, 2019 meeting and that has two sets of minutes one that was on for the meeting on November 21<sup>st</sup> and then the continuance I believe was on December 13; is that correct?

**Administrative Director J. Hattig, III:** Yes, sir.

**Chairman J. Reyes, Jr.:** Okay.

**Commissioner A. Duenas:** Mr. Chairman for these particular minutes I don't have any changes but this inaudible something that will come up for a lot of the meeting minutes that we have. It seems like we still continue to have some of the audio issues for a lot of these minutes for these transcripts that it feels like some of the really important information is being left out. So, if I can just ask the Administrative Director what continues to be the challenge in recording these meeting minutes?

**Administrative Director J. Hattig, III:** Yes, sir commissioner I think one of our major challenges is our equipment that we're working with currently right now. We have a recorder that was purchased and it's \*inaudible\* top of the line but we're working with it right now. It's a device that we had that we continue to use and then also we draw from the minutes from KGTF our partners when they produce the audio for the video broadcast, we also take from those and we try to do our very best but sometimes the audio does, either you can hear static when the person speaks or there are times where other people are speaking over other people and we can't go back and we listen to it and we listen to it but we can't go back to ascertain exactly what was said so in the interest of transparency we indicate the word inaudible if it was in fact inaudible. My only concern here would be if any of the motions that were made during that particular time were inaudible then perhaps those motions might need to be corrected. I'm not sure, maybe the Legal Counsel can help us in terms of but in my review of the minutes, and I did not see anything at least that was presently concerning with regards to the motions and the actions. Yes, I admit that the discussions are somewhat difficult, if you're just reading up on the minutes, they are very difficult if you have a lot of inaudible comments in there but that's just, like I said, it's the desired it's kind of like the affect of our equipment at this point. That's it.

**Commissioner A. Duenas:** I mean we can't really go back and try and make an inaudible recording audible so I do appreciate all the work that you guys are, the team has been doing to put these together. So, Mr. Chairman I don't have any particular motions or changes I have for these meeting minutes. I just want to make a motion that the team goes through it again just to verify for any grammatical errors before we do get it published.

**Administrative Director J. Hattig, III:** Sorry Mr. Chairman you're still muted.

**Chairman J. Reyes, Jr.:** Sorry about that. That's we're we become inaudible. I apologize.

**All:** Laughing.

**Chairman J. Reyes, Jr.:** So, Commissioner Duenas thank you for that. What I also wanted to add was Director Hattig is working with the Office of Technology to also get

us an enhanced Google meet so that we can record it on the Google meet side and that would probably give us a better opportunity to have clear recording since we're meeting on the medium. But we did also, one thing for the future minutes we did, we started recording on Facebook live, that's another...if it's a critical item we can also refer now to three places, recorder, KGTF and Facebook live recordings. Okay. So, for the meeting minutes of November 21, 2019 with the continuance on December 13, 2019 can I get a motion to approve the minutes subject to grammatical errors and corrections?  
**Commissioner A. Duenas:** Motion to approve November 21, 2019 meeting minutes as well as December 13, 2019 minutes subject to any changes for grammatical errors or corrections.

**Chairman J. Reyes, Jr.:** May I get a second?

**Commissioner A. Santos:** I second that motion.

**Chairman J. Reyes, Jr.:** Thank you Commissioner Santos. Any objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Hearing none. The motion passes for the meeting minutes of November 21 and continuance of December 13<sup>th</sup> 2019. Thank you very much. Moving onto the next minutes is the December 19, 2019.

**Commissioner A. Duenas:** Yeah, so same thing for December 19 I didn't see anything that looked out of place again. If we could just have the team look over it just verify for any grammatical errors and things like that. So, I'll just go ahead and move forward if there's no questions with a motion; does anyone have any questions regarding December 19 meeting minutes.

**All Commissioners:** None.

**Commissioner A. Duenas:** So, motion to approve December 19, 2019 meeting minutes subject to any corrections of grammatical errors.

**Commissioner A. Bordallo:** I second it.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Any objections?

**Commissioner A. Santos:** None.

**Chairman J. Reyes, Jr.:** Hearing none. Motion passes for the minutes of December 19, 2019. Okay the next one on the agenda is January 16 and the January 16<sup>th</sup> meeting minutes also has a continuance I believe on January 30<sup>th</sup> is that correct?

**Administrative Director J. Hattig, III:** Yes, sir.

**Chairman J. Reyes, Jr.:** Okay. Commissioner Duenas?

**Commissioner A. Duenas:** So just kind of \*inaudible\* other meeting minutes that we have done. Motion to approve meeting minutes for January 16<sup>th</sup> and January 30<sup>th</sup> the meeting minutes subject to any corrections for any grammatical errors.

**Chairman J. Reyes, Jr.:** Yeah, I do want to point out that on the January 16<sup>th</sup> meeting minutes the date is labeled Thursday, January 1, 2020 and that should be corrected to January 16<sup>th</sup> 2020. That's the one thing I want to point out. So, Commissioners can we go ahead and proceed with that motion.

**Administrative Director J. Hattig, III:** Thank you, sir. Done already.

**Commissioner A. Bordallo:** I second.

**Chairman J. Reyes, Jr.:** Any objections?

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Alright so thank you very much. So, we've approved the January 16<sup>th</sup> meeting minutes with the continuance on January 30<sup>th</sup>. Okay, next up on the meeting minutes is the February 20 meeting minutes.

**Commissioner A. Duenas:** I don't have any particular questions for the February 20, 2020 meeting minutes. I know this is was like right before we got affected by the pandemic. If none, I'll motion to approve February 20, 2020 meeting minutes subject to any grammatical errors, corrections for grammatical errors.

**Commissioner A. Bordallo:** I second.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Any objections?

**Commissioner A. Santos:** None.

**Chairman J. Reyes, Jr.:** Alright, hearing none, motion passes the approval of February 20, 2020 meeting minutes. Thank you very much. Okay, next up is our May 21, 2020, meeting minutes?

**Commissioner A. Duenas:** Motion to approve May 21, 2020 meeting minutes subject to any correction for grammatical errors.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Duenas. May I get a second?

**Commissioner A. Santos:** I second that motion.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Santos. Any objections?

**All Commissioners:** No.

**Chairman J. Reyes, Jr.:** Okay, hearing none, motion passes to approve the May 21<sup>st</sup> 2020 meeting minutes. Next up, we have the July 9<sup>th</sup> 2020 meeting minutes and I did have a... I just want to point out as well, in the first paragraph we did have the dates in regards to when it was called to order so I want to make sure that we can verify that and also the dates of publication so in the actual minutes it's a different date, I just want to point that out that I did find... any other findings on this one?

**Administrative Director J. Hattig, III:** I think Ms. Tina has response, sir.

**Land Agent I Tina Tainatongo:** The meeting minutes are transcribed verbatim so towards the end of the July 9<sup>th</sup> meeting minutes the former Chairwoman made corrections to the dates and the publications, it's towards the end.

**Chairman J. Reyes, Jr.:** Of the meeting minutes?

**Land Agent I T. Tainatongo:** Correct.

**Chairman J. Reyes, Jr.:** Do you have the page number? Okay, I see it.

**Administrative Director J. Hattig, III:** I believe that's page 34 of 36 Mr. Chairman.

**Chairman J. Reyes, Jr.:** Alright, thank you for... I didn't catch that going to \*inaudible\* thank you, Ms. Tina. Any other questions or concerns here?

**Commissioner A. Duenas:** Motion to approve July 9<sup>th</sup> 2020 meeting minutes subject to any grammatical errors changes to or corrections to grammatical errors.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Duenas may I get a second?

**Commissioner A. Santos:** I second that motion.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Santos. Any objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Hearing none, thank you so much. The Thursday, July 9<sup>th</sup> 2020 meeting minutes have been approved. Thank you. And the last one on our list is the December 28<sup>th</sup> 2020 and that pretty much catches up through aside from the last meeting in January. So, thank you so much Ms. Tina for your help on this and support. Any questions or discussion on the December 28<sup>th</sup> 2020 meeting minutes?

**Chairman J. Reyes, Jr.:** May I get a motion?

**Commissioner A. Santos:** That's the December one?

**Chairman J. Reyes, Jr.:** Ms. Tina, did you have a question?

**Land Agent I T. Tainatongo:** Yes. I believe if I'm not mistaken on those meeting minutes there's an area where a motion was made and the motion that was made read of a staff report that had the wrong public law read. So... it's under Katrina Hodges I believe I don't have the physical packet with me but I believe they need to reread that motion I believe. I think I highlighted in yellow there's a note on there.

**Chairman J. Reyes, Jr.:** Okay, I didn't notice that.

**Land Agent I T. Tainatongo:** Let me just see if I can pull it up really quick but....

**Commissioner A. Santos:** Ti, are you talking about where Commissioner Bordallo spoke.

**Land Agent I. Tainatongo:** Correct. Do you see the notations on there?

**Commissioner A. Santos:** Page 13.

**Chairman J. Reyes, Jr.:** Page 13, got it. Okay.

**Commissioner A. Santos:** If that's the correct one that Tina's talking about.

**Chairman J. Reyes, Jr.:** Got it. Okay.

**Commissioner A. Santos:** About the switch and date for Quichocho and Williams, right?

**Chairman J. Reyes, Jr.:** Okay, so Ms. Tina so the public law is 23-58 and then in the summary and motion, did we have the corrected item?

**Land Agent I T. Tainatongo:** No in the December motion, what was read was out of a staff report and I guess an error on the staff report as well. The public law written or typed out on the staff report was a different law I believe pertaining to....

**Chairman J. Reyes, Jr.:** Okay, so not related to the Land Trust, correct?

**Land Agent I T. Tainatongo:** Correct.

**Chairman J. Reyes, Jr.:** Okay. And do we have- so what is the amended public law that we need to address here to correct these minutes.

**Land Agent I T. Tainatongo:** I believe its 23-58....? One moment, let me see if I can pull it up.

**Chairman J. Reyes, Jr.:** So, the edits that you have here, Ms. Tina is the correct public law?

**Land Agent I T. Tainatongo:** No, no, no it's not. The minutes are typed verbatim so I just indicated that note. So, whoever has that staff report needs to amend their staff report and have it reread with Commissioner Bordallo.

**Administrative Director J. Hattig, III:** Mr. Chairman, the correct public law is 23-38.

**Chairman J. Reyes, Jr.:** Got it.

**Land Agent II Eileen Chargualaf:** By the way to add on to that it's Public Law 23-38 and it's under 5.8.

**Chairman J. Reyes, Jr.:** Okay, 23-38 section 5.8.

**Land Agent II E. Chargualaf:** That's correct.

**Chairman J. Reyes, Jr.:** So, Ms. Tina, would this also have to correct the summary and motion that's been signed?

**Land Agent I T. Tainatongo:** No.

**Administrative Director J. Hattig, III:** Mr. Chairman could we ask the legal counsel for some advice here on how to correct the motion in the minutes?

**Chairman J. Reyes, Jr.:** Yes, I was just about to say...Mr. Toft, could you help us out here?

**Legal Counsel N. Toft:** Yes, so there's two things. If the motion was made incorrectly that's one thing if it's a typo that's totally different. So, if the motion was made with an incorrect reference, we would just need to at this meeting at some point go over that motion again redo it correctly and do a correction but if it's just typographical when we just alter that with the minutes itself.

**Chairman J. Reyes, Jr.:** Okay, do we need a motion for that?

**Legal Counsel N. Toft:** Yes.

**Chairman J. Reyes, Jr.:** Okay so it's just the referenced of the wrong public law within the minutes and it's not a part of the resolution. Okay so let's go ahead and amend that and let's get a motion to amend the meeting minutes that references public law 23-58 section 5.8 to the correct public law, Public Law 23-38 section 5.8.

**Commissioner A. Santos:** So, would it just be amending the meeting minutes to state the correct \*inaudible\* reference?

**Chairman J. Reyes, Jr.:** Yes ma'am.

**Commissioner A. Santos:** I make a motion to correct in the December 28<sup>th</sup> meeting minutes on page 13 made by Commissioner Bordallo stating Public Law 23-58 section 5.8 to change, amend to change to the correct law reference which is 23-38.

**Chairman J. Reyes, Jr.:** Thank you. May I get a second?

**Commissioner A. Duenas:** I second that motion.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Duenas. Any objections?

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Hearing none, motion passes to correct the public law stated 23-58 to 23-38 section 5.8. Thank you very much. Any other items on these meeting minutes.

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Okay, so may I get a motion to approve?

**Commissioner A. Santos:** I make a motion to approve the meeting minutes for December 28, 2020.

**Commissioner A. Bordallo:** I second.

**Chairman J. Reyes, Jr.:** Thank you Commissioner Santos and Commissioner Bordallo. Any objections?

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Hearing none, the motion passes the meeting minutes for Monday, December 28, 2020 has been approved. Okay, thank you so much Commissioners, that gets us up to date with the previous meeting minutes to be put forth for approval. Okay now moving forward Director Hattig.

**Administrative Director J. Hattig, III:** Yes, we're about to move into Constituent Matters Mr. Chairman but if I could if I may request for a topic on the agenda to be moved up for discussion prior because it directly affects the discussions that are going to occur under Constituent Matters.

**Chairman J. Reyes, Jr.:** And which one will that be?

**Administrative Director J. Hattig, III:** There's a section on the Director's Report that I sent to the Commission and it talks directly about the qualifications of applicants and constituents in regards to Public Law 35-112 the new qualifications so I'd like to bring that up for discussion with the Commissions' approval since we have the legal counsel here.

**Chairman J. Reyes, Jr.:** Okay but are these going to be in reference to the lists, the request to get the written guidance?



**Administrative Director J. Hattig, III:** Yes, we're going to address that. My point here Mr. Chairman is that the Commission will not be able to rule on some of the items presented today without clarification of that guidance request right now.

**Chairman J. Reyes, Jr.:** But I feel... Director Hattig, I just want to also maybe as we go through the Constituent Matters anything relevant to the new eligibility that we, because we don't have that written guidance yet that we table the discussions on that matter.

**Legal Counsel N. Toft:** What we could do, let's do a conditional approval if we go through the applications and everything is in line except the qualifications itself, we could do an approval subject to qualification of the new rules.

**Chairman J. Reyes, Jr.:** Well, that's a good topic for discussion Commissioners. I want to get your guys' thoughts on this so with the new public law in regards to eligibility there are a few in Constituent Matters that is going to primarily be for us to make a decision to take action but it's also going to be based on the new eligibility not the old eligibility prior to 2021, January 1, 2020. So, would you guys want to go through that discussion on the eligibility criteria's or would you like to go through the Constituent Matters and for the ones that are not or related or need to have guidance of the new eligibility we table those until we get to that subject area in the agenda or we have the discussion move it up to the agenda item, have the discussion now and then we can work through it and make those decisions if we can or to Attorney Toft's point we then make it conditional subject to eligibility so I want to open that for you guys discussion as well. What I don't want to do is we are going to \*inaudible\* subject to interpretation or we're going to be subjected to putting a condition out there and then it will potentially hinder us further in making decisions but I just want to put it out there for discussion prior to rearranging the agenda because I did take note of that Director in regards to those items that are going to require eligibility with the new eligibility requirements. Commissioners, any additional thoughts on that?

**Commissioner A. Santos:** I know for... well I'm not too sure about the other Commissioners where they stand with the knowledge of eligibility right now. Maybe we can get the... I have my notes from my meeting with the Director right in front of me with right so with eligibility, I don't know how the comfortable the other two feel. I don't want to put conditions on anything, I want to, that's why we're here if we're going to discuss this let's tackle it on. Let's give them the lease let's solidify this so they can proceed with whatever the constituent or the applicants decided or whatever situation they're in. That's how I feel.

**Chairman J. Reyes, Jr.:** Commissioner Bordallo any comments or feedback?

**Commissioner A. Bordallo:** Yeah, my concern is most of these applicants applied in 1995 so you know the law passed just recently, how can you penalize or for these people have applied before.

**Chairman J. Reyes, Jr.:** Yeah and some of that if a lease was already issued they won't be subjected to the new eligibility requirements however there are some that is like a I believe it's called a switch and transfer, is that the accurate term where it's a switch and transfer and now the new potential applicant is going to have to because there is no lease in place they will have to qualify under the new eligibility requirements under the new law and so that's where it's going to get a little, again going through these staff reports of what we have in our plates this afternoon it gets a little bit complicated trying to make those decisions and making sure that we're guided and making sure that we're following the law.

So, definitely Commissioner Bordallo some of them are the easy ones prior to 2021 but then there's going to be a couple of three that we'll have to address the new eligibility requirements and to make that decision.

**Commissioner A. Bordallo:** We should go first for the ones that were before 2021, we should discuss that now and then go into the law where we know who's eligible who are, what the law says about eligibility of the person that's how I feel.

**Chairman J. Reyes, Jr.:** Okay thank you Commissioner Bordallo. Commissioner Duenas, any thoughts there?

**Commissioner A. Duenas:** Yeah, I'm actually aligned with Commissioner Bordallo I think the ones that we can actually do something about let's do it especially since we have those individuals here. The ones that's a little blurry for us, we can tackle that as we go through the law moving forward or if we have to table one of the cases but for those that are here taking the time out of today to be here, we can do something about their issues or their constituent matters let's take care of those individuals.

**Chairman J. Reyes, Jr.:** So, Commissioner Hattig, given that that's how were going to proceed. We'll take the ones that we can tackle and then we'll likely table the eligibility for the 2021 requirements.

**Administrative Director J. Hattig, III:** Yes, sir.

**Chairman J. Reyes, Jr.:** So, we're going to go ahead and now move onto the agenda items for Constituent Matters. I'm going to lean on our land agents so that we can tackle on the ones that we can discuss and talk through that would not require eligibility requirements for the new law for 2021. So, Director Hattig.

**Administrative Director J. Hattig, III:** Yes. Thank you, sir. If I could shepherd these individually through the Commission discussion today because a number of these requests if you pull up my director's briefing that was attached to the packet it does explain the requests the order of the requests. So, some requests will be able to entertained and then some requests according to discuss is prior would probably not be able to be entertained today. So, we'll see how we can move through each of the constituents that way.

**Chairman J. Reyes, Jr.:** Yeah, that's kind of how the Commission would like to proceed. So, I'll turn it over to you sir.

### **Constituent Matters**

**Lori Renee Cepeda**

**Administrative Director J. Hattig, III:** Okay so we have the first one with Ms. Lori Renee Cepeda and Ms. Lori Renee is currently I believe, let me see if she is still on the call. She may or may not be on the call. Oh, there she is.... Ms. Eileen Chargualaf Land Agent II will be presenting.

**Chairman J. Reyes, Jr.:** Okay and then for the record Ms. Cepeda can we have you state your name please? \*Inaudible\* Ms. Cepeda I can't hear you. Can you hear us still?

**Land Agent II E. Chargualaf:** Can't hear her.

**Chairman J. Reyes, Jr.:** Ms. Eileen maybe try \*inaudible\* okay, can everyone still hear me because I'm getting some feedback.

**Land Agent II E. Chargualaf:** Yes. Earlier you were off we couldn't hear you. Ms. Cepeda can you hear because we can't hear you if you're speaking.



**Chairman J. Reyes, Jr.:** Okay, let's try and do this. Ms. Eileen if you can try calling her on the phone just to see if maybe she can log out and then log back in.

**Land Agent II E. Chargualaf:** Yes, I'll do that sir.

**Chairman J. Reyes, Jr.:** But if we can move to the next one Director Hattig and then if any of you can just help Ms. Cepeda get back on the meeting.

**Administrative Director J. Hattig, III:** Ms. Eileen can you also please ask Ms. Lydia to log in. Oh, there she is I see her. Sorry.

**Land Agent I Lydia Taleu:** I'm here.

**Administrative Director J. Hattig, III:** Thank you. While we're waiting, we'll go ahead and begin the report for Ms. Katrina Borja Hodges and Ms. Hodges appeared before the Board as you recall last month I believe and the Board did adjudicate her request however there is another matter that we are entertaining and that's the request to transfer applications. So, as you recall I'll bring up the motion summary from January's meeting in reference to what we did for Mrs. Hodges. So, for January's meeting the Commission, was it January or December. I think it was in December.

**Land Agent I L. Taleu:** It was in December sir.

**Administrative Director J. Hattig, III:** Oh, thank you. My apologies. The immediate minutes that we just finished approving so Ms. Hodges came before the Board and the request to terminate the lease that she had received because of a transfer from her husband who was not eligible so they terminated the motion was to terminate the residential lease and...

**Land Agent I L. Taleu:** No, it was an agriculture sir. First, they approved to change the application rights over to agriculture and then they said to terminate the lease and wait and they approved the right of entry for it.

**Administrative Director J. Hattig, III:** Ms. Lydia I have the order here in the motion summary here. First one, was terminate the residential lease and then it went back because now there's no lease right, now it's only an application so the Commission approved the request to change the application type from residential to agricultural and then they granted a right of entry for Lot 5219-1-11, that's what we did in December but now we have the matter of Ms. Hodges transfer I mean Mr. Hodges transfer of his application to Mrs. Hodges so that is what is on the request. Now, I think we need some clarification here from the Legal Counsel because there was some discussion about transfers of applications but that's the first request is for Mr. Hodges to transfer his application rights to Mrs. Hodges and if that is done then Mrs. Hodges would have Mr. Hodges date and time and then she would be eligible to request for an issuance lease since Mr. Hodges original date and time was in December of 1995 and Mrs. Hodges original application is January of 1996 so that's, we had requested for this information in the written request for guidance of the legal counsel. This is the situation where the gentleman was not qualified neither did the previous rules nor is, he desiring to qualify in the new rules so that is the purpose for the notarized request to transfer his application to his wife. So that is the crux of the discussion and that was one of the points brought up with our request for written guidance.

**Chairman J. Reyes, Jr.:** Okay.

**Administrative Director J. Hattig, III:** I'm sorry sir just one more thing. This is a switch and transfer lease list case so in our letter to the legal counsel we specifically identified situations where we would need to remedy the null and void action that was in the Attorney General's opinion so in our efforts as an agency to correct to adjudicate this, this

is what the end result of that research is and is presented before the Board for discussion.  
**Chairman J. Reyes, Jr.:** Okay. So, let me just clarify really quick on this one for the Commissioners. In December we approved for the change of application type from residential to agricultural.

**Administrative Director J. Hattig, III:** Correct. Yes.

**Chairman J. Reyes, Jr.:** And then we approved to terminate the lease for Lot 5219-1-11.

**Administrative Director J. Hattig, III:** Actually, we terminated the lease first Mr.

Chairman and then once we terminated the lease and then we changed the application.

**Chairman J. Reyes, Jr.:** Okay in order and then we issued the right of entry?

**Administrative Director J. Hattig, III:** Correct.

**Chairman J. Reyes, Jr.:** Now the situation at hand is about the application, should the application had been addressed first prior to what we did in December?

**Administrative Director J. Hattig, III:** What the recommendation was the termination of lease that is the action that's needed because the transfer was initially approved by the Administrative Director at that time and that's the reason for its nullification because the Board did not, to my knowledge anyway and the Legal Counsel can come in at any time right here in terms of the application because we had a separate discussion about that whether it was allowable or not by law and so explaining why we had come to the termination the termination is the end result we had to terminate that lease because the transfer approved by the Administrative Director at that time so the proper course of action in our estimation was to terminate the lease and that's what we did and then the application itself for Mrs. Hodges is a 1996 application so we addressed that in the December meeting, we changed that application type from residential to agricultural and then we simply issued a right of entry because she had surveyed the property already and it would be and the Commission I believe felt that it would be unfair for her to have surrendered a survey property already that it was not her fault that her lease was approved as a result of a transfer that was not legal according to the Attorney General's opinion. So that's what we did, we left Mr. Hodges application alone, we changed Ms. Katrina's application which was January of '96 to an agricultural application and then we issued a right of entry and told her that when her date and time is up that's when we come back and consider the lease issuance for her. Right now, it's a different situation. Right now, Mr. Hodges had attempted to transfer the application in the beginning now that's we're entertaining right now is the legality of that transfer.

**Chairman J. Reyes, Jr.:** Okay. Attorney Toft, could you add some insight here.

**Legal Counsel N. Toft:** So, what I would recommend is because the AG's opinion and Public Law 23-38 Section 5.8 don't allow that type of transfer while the spouse is living, while the original applicant is still alive and we haven't had any subsequent legislation change that yet. What I think we had done and what I thought the sort of \*inaudible\* going forward was that in changing Katrina Hodges' application type to an agriculture or agricultural lease will help her to help her to sort of allowed to be serviced a little more quickly as far as she obtained a residential one. So, I don't think we have the legal authority to transfer application rights while the original applicant is still alive until such time that the law is amended. So, what I think would be before the Board then is the agricultural lease under Katrina Hodges application for that same property.

**Chairman J. Reyes, Jr.:** Yeah, because I did some reading on this and the 5.8 there's nothing that allows for the transfer if they are not deceased. So, I'm definitely not

comfortable in making any decisions on the application transfer. Commission members, any questions? We \*inaudible\* follow the order and now we're at this juncture of the applications.

**Commissioner A. Bordallo:** We'll take the recommendation of our attorney.

**Chairman J. Reyes, Jr.:** Do you have something sir? Director Hattig?

**Administrative Director J. Hattig, III:** Thank you. So, what I'm gathering right now is that my staff for the staff purposes for direction, we are not going to prepare anymore requests for transfers of applications from this point on. At least right now.

**Chairman J. Reyes, Jr.:** If they are not deceased. That's the line as it stands, if they are not deceased switch and transfer.

**Legal Counsel N. Toft:** Correct.

**Administrative Director J. Hattig:** And that would affect a couple more like I said, that will affect a couple of more people that are on our list for today. So, without that written guidance that's the reason why they're appearing before the Commission is because we didn't have any written guidance on whether we could. We are simply as the Commissioners right to act on behalf of the constituent so that's why we bring these matters up before the Commission for discussion so if that were to be a question asked of; well why if we can't transfer them then why are we bringing them up before the Commission well we try to work with the constituent and whatever request they put forward we try to run it through our Legal Counsel as best we can but ultimately we let the Commission decide what can and cannot be done based on the recommendation right the legal guidance. So, if I could just say for the record Mr. Chairman that should the Commission address the issue of amending this particular section many of our 1995 applicants are no longer able to fulfil any of the requirements of their lease unfortunately for many reasons at least that's what we're encountering. So, we would work together with the Commission to find out how these applications can be saved otherwise we would end up terminating a lot of applications for people that have waited 25 years. So, I think that the discussion can be front loaded if possible because the Commission did approve the agency to work with the first 20 residential and the first 20 agricultural applicants who applied in 1995 so in our attempt to address the situation this is the end result this is what has come about and so that's why it's imperative that the Commissioners act accordingly and see what we can do to possibly save these applications because many of them are coming forward and in the spirit of our CHamoru values they are passing this along this is the only thing they have in some cases the only they have to give to their children or their relatives right their family members is this application. So, in the spirit of that our culture I would definitely recommend that we want to sit the agency wants to sit down with the Commission and help to see how we can save all these applications. Thank you.

**Land Agent I L. Taleu:** Can I just make a comment really quick?

**Chairman J. Reyes, Jr.:** Yes, Ms. Taleu.

**Land Agent I L. Taleu:** Okay. The staff report that is presented in today's meeting is actually not the staff report that I submitted to Mr. Hattig. In my staff report, I did not make a request for the transfer of application rights, the transfer of the application or the transfer of application rights. What I'm requesting for was the reversion of date and time back to the original applicant until such time that he can qualify for the program because at the time Mr. Hodges couldn't get verification on his grandmother's birthday but after speaking with Mrs. Hodges, I explained that they could go to MARC Micronesia Area

Research Center and get further research on that on whether or not they would qualify. The good news is Mrs. Hodges is able to qualify under 75A because she is a decedent of somebody whose property was taken away by the US Government. So, good news for her bad news for her ancestor. However, I just want to make a mention that on February 4<sup>th</sup> I had met with the Director in his office for 30 to 44 minutes discussing this very issue and my whole point was I did not want to present an option of transferring the application rights over to Mrs. Hodges simply because I didn't see a way to do it under the law and my concern was that if we go ahead with this in 10 years this might come back to bite us because then we'll be issued another null and void list of leases that we need to undo which would make it what the third, fourth time, how many times do we need to drag these people before the Board to settle this issue. Our applicants are relying on us to guide using the law and that is what I tried to do. I understand Mr. Hattig's point he is trying to save the applicant. However, I am not comfortable and he had coerced me into making the change, I did not want to do it but I felt I had no choice because he forced me to act the request to transfer the application rights over to him despite what the law says, despite the opinion of the former Attorney General. Please don't misunderstand me, Mr. Hattig has done a lot of good for this agency but for this issue, I really did not like it. I felt he was asking me to violate the law that went against my morale code and the whole point of me working for CHamoru Land Trust is to help the applicants to guide them to have them get their leases legally and we must follow the law, to go against it is what got us in the trouble that we're in now which is why we now have to go back and fix all the problems that we have. So please understand that my report presented is not what I originally submitted to Mr. Hattig after my February 4<sup>th</sup> meeting.

**Chairman J. Reyes, Jr.:** Okay, thank you very much Ms. Taleu for that clarification.

**Director Hattig.**

**Legal Counsel N. Toft:** If I could chime in really quickly. Just so we're clear, when we're doing these types of, going over the 102 list what we refer to what the Null and Void the transfer of application rights; the goal isn't to try to kind of shove the AG's opinion on it. The goal is to find alternate remedies. The transfer or application rights was the method of getting from point A to point B to where we want to be and helping out the families. That tool is not available to us so what we're doing is trying to analyze it and see if there are alternate methods that are legal and sellable to the Board to try and get these through and get them to where they kind of should be in the \*inaudible\*.

**Chairman J. Reyes, Jr.:** Okay. Thank you. Director Hattig, Ms. Eileen, yes?

**Land Agent II E. Chargualaf:** I got Lori back on. I got Lori Cepeda back on.

**Chairman J. Reyes, Jr.:** Okay thank you Ms. Eileen. Okay, so Director Hattig, what do we have here before us as the Commission? Do we have before us the Commission what's in the packet or do we have before us of what Ms. Taleu has corrected or stated?

**Administrative Director J. Hattig, III:** I met with Lydia, Ms. Taleu February 4<sup>th</sup> we had discussed this at great length and I had communicated to her that we have to, despite right, what we also believe and that's very important and I do acknowledge what she believes and it is her right to speak and make sure that she is clarified but I did discuss with her. I said, to provide all the options available for our applicants even though we sometimes disagree with how to proceed and how to go forward as long as we provide those options clearly and transparently and if Ms. Taleu did disagree then she was also encouraged to also say that she does disagree. So, I recall saying that she has every opportunity to say that

and I think she has expressed that today but I believe that what we put forward out of the report would be an option that the Commission should consider it's not the only option as Ms. Lydia did say before but it is a viable option that should be considered especially since we're entertaining a possible change in the law because of the qualifications, specifically as a result of the 1995 list. So again, if I had misrepresented myself, I want to apologize to the Commission and to Ms. Taleu directly that if I had made it seem like I forced her to change it, I did not. I took the report that was submitted and I made my recommendations on there and I will state for today that those are my recommendations and not necessarily the recommendations of Ms. Taleu who had generated the report all the way up until the recommendations. So we did meet like I said and we did discuss this at length and she did present me with her disagreement but I also said that I think that this is an option that should be presented to the Commission and if we were able to do it then so be it but if we were not able to do it and it looks like Mr. Toft, Attorney Toft has already opined that we are not able to do it then at least we know right so now moving forward, I asked the question, so we're not going to be developing any staff reports right now for transfer of applications or application rights because we don't have any legal footing to do so but I'm glad that Lydia brought it up. Thank you, Ms. Taleu, again and I hope that we can get this issue and the many other issues resolved for the applicants in this situation.

**Chairman J. Reyes, Jr.:** Director Hattig there's a couple in regards to the transfer of application on here so, here's what I want to make sure as well; as the Commission reads these staff reports, it is my understanding and I'm not going to speak for the rest of our Commissioners that these are the staff reports from the staff and has not been edited because it's a staff report, it's my understanding. However, I want to make sure that we're clear that if there are any changes those are or these recommendations or these changes, we're informed of because again, it's my understanding and how I read these; this is the staff report from the land agents that's working the case but if, as you just stated that these recommendations are yours parse and not necessarily Ms. Taleu's so then is that same approach across all the staff reports that we have in front of us today?

**Administrative Director J. Hattig, III:** I do meet with every land agent before I put the, before we recommend the staff report to be placed on the agenda so there is a...

**Chairman J. Reyes, Jr.:** But did Ms. Taleu agree or did she sign off that these are the recommendations to be brought forth?

**Administrative Director J. Hattig:** I don't believe we have a mechanism for signing of on it, sir, not that I'm aware.

**Chairman J. Reyes, Jr.:** Again, when I read these, these are a staff report from the staff and everything here written is from by the staff however that's not the case in this particular one, correct?

**Administrative Director J. Hattig:** Up until the recommendations portion it is written by the staff and then I meet with the individual land agent and we go over what the recommendations could be and she did mention in her meeting with me that she had her recommendations but I also wanted to make this recommendation to find out whether or not we could do the transfer or not but if that's something that needs to be corrected sir then we will make the corrections then.

**Chairman J. Reyes, Jr.:** It just doesn't seem that when I receive this as a staff report it's not necessarily the staff's report. It's not the land agent's report from up to the point...

**Administrative Director J. Hattig, III:** They do the research from the first point until the recommendation and then we talk together on what the recommendations should be.

**Chairman J. Reyes, Jr.:** Then it should be indicated here that the recommendations are from the Director and not necessarily the land agent because again it's a kind of a misrepresentation in the sense that again, I'm reading this as everything on here is from the staff and this is news to me that there's in addition to what you would like for us to consider from your perspective as well. It needs to be comprehensive because it's confusing and then now Ms. Taleu is sharing that these are not her recommendations parse. So, I just want to be clear on that because what I don't want is for the Commission to make decisions and the land agent doesn't stand by it parse.

**Administrative Director J. Hattig, III:** Okay.

**Chairman J. Reyes, Jr.:** You know if it's not necessarily the recommendations. So, we have before us, sorry, Commission members any additional thoughts or comments to what we have before us in regards to this.

**Commissioner A. Bordallo:** With the staff report it should be written by the staff and the manager or the Director Hattig should have a separate report giving his recommendations.

**Administrative Director J. Hattig, III:** Okay.

**Commissioner A. Bordallo:** So, there's, and we can look at it in terms of two decisions and one decision we would recommend.

**Chairman J. Reyes, Jr.:** Yeah, we could action on, agree. So, Director let's please and all the land agents for those that are on the line please let's work together with the Director if there are initial recommendations and then the Director has his additional recommendations, I want it all listed out and tagged on whose recommendations are which so that we can have all the recommendations are which so that we can have all the information in front of us to make a decision. The circumstance here in my, I just don't want anything to be misrepresented and then the Commission would not have the right information to make a decision or to action and yes, to your point we are here to serve our constituents. We are not trying to have any road blocks here but we also have to work within the law and unless the law is changed, unless there's, and I do appreciate in the spirit of thinking outside the box and looking for other options but if there are things that are really truly in the confines of the law that can't necessarily...we can't really work in the spirit of it then it's that black and white and we need to proceed and not bring it up for discussion in that sense until the law changes. So, if we could, land agents there's a lot of hard work that goes through this and in collaboration with the Director to bring this forth to the Board so that we can make a decision so I appreciate your guys' time on that. Any additional comments from our Commissioners?

**Commissioner A. Santos:** I second the moods of Saina Arlene. I agree with what she suggested, Director, you have your suggestions for your report and that is very, I mean we'll take that into consideration and what just and I'll be quite honest what got me was her word, coerced. That doesn't sit well with me. I just want to state that. The integrity of this program is everything to me, if they have their own opinion and how the situation should be handled let them be the one because they're the ones taking on that constituent, they're the ones taking on that applicant, they're the ones taking on.... they are the beneficiaries of this program; this is why the program exists. That's all. I don't want to say right now, I can go on right now but I shouldn't.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Santos. Commissioner Duenas?



**Commissioner A. Duenas:** I don't think much more needs to be said especially on this particular topic I think it's very clear what we're hearing. Sorry, if I could just clarify Mr. Chair with the Director, how many of the recommendations on the rest of these staff reports are coming from the land agents and not from yourself?

**Administrative Director J. Hattig, III:** Well, depending on each report and what comes up, the recommendations are based on the discussions that we have. So, I don't have a land agent supervisor at this point that can do this so I'm the direct supervisor of all the land agents. So, we've been meeting like this and we've been discussing and there have been very few instances where recommendations are not in sync necessarily with myself or the land agent and again like I said, if that was not made clear then I apologize that it wasn't made clear and stand behind my land agents and what they believe and I support their opportunity to say so in front of the Commission so...

**Chairman J. Reyes, Jr.:** Okay. So, let's do this, the time right now is 2:17 p.m. I just want to do a quick ten-minute recess to kind of take a look at couple of things and I will figure out how we will proceed from here. Alright, 2:17 p.m. we'll be back on at 2:27 p.m. thank you very much.

**RECESS: 2:17 p.m. - 2:27p.m.**

**Chairman J. Reyes, Jr.:** Okay everybody its 2:27 p.m. I see Commissioner Duenas, Commissioner Bordallo, and Commissioner Santos. Thank you very much. I just want to get back this meeting into session the time is 2:27 p.m. I just had to take a few minutes to think of what our next steps are here in our agenda and I've made a decision that we are going to table all the Constituent Matters that we have today. First and foremost, I would like to apologize to our constituents that we have here online that have taken their time out to join us. However, I feel that I need to go back to the Director and the land agents to make sure that these staff reports are complete and concise and ensuring that it is documented accordingly but I apologize that we have to table these constituent matters that we here on our plates today. I want to make sure that we have as a Commission have all the information and the accurate information to be able to make a decision and again with your best interest. So, with that said, we are going to table all Constituent Matters for today. I can take any questions at this time. Any questions, I can take any questions at this time. Okay, I sincerely apologize that we've wasted your time but I have to prudently make this decision to be able to move forward and we will diligently work on these matters to be able to continue.

**Land Agent II E. Chargualaf:** I have a question.

**Chairman J. Reyes, Jr.:** Yes, Ms. Eileen?

**Land Agent II E. Chargualaf:** Yeah, just to add on, on the topic that we were discussion earlier that there were two letters from the Attorney General's office dated May 11 and July 12 in regards to following the law.

**Chairman J. Reyes, Jr.:** Thank you, Ms. Eileen. With that said, if there are no questions, we are going to move on to the next agenda item. Again, for the constituents on the line, I apologize you can drop off but we will continue our Board meeting. Okay, we have some old business to tackle here; Commission members any questions or Comments before we proceed to the next agenda items.

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Alright, we have before us on the next agenda item under Old Business in regards to Lot 5412 in Mangilao

**Old Business**

**Lot 5412, Mangilao**

**Chairman J. Reyes, Jr.:** Director Hattig, can I punt that over to you just too kind of brief us on this item?

**Administrative Director J. Hattig, III:** Yes sir, with regards to this particular... there was a proposal before the Commission to develop the property to prepare the property for a residential subdivision a possible residential subdivision and not withstanding any unsolicited proposals that may have come in for the property, the topic of discussion would be whether, what would the Commission like done with this particular property if in the event they would like to do something with it. The attachment in the packet is an aerial map of the approximate area and if I could just point it out, it would be adjacent to the Gloria Nelson GPA/GWA headquarters building in Mangilao. So, this particular property previously was a quarry and now we have a proposal I believe it was in either in December or January to develop that into a residential subdivision using the site preparation request instead of a commercial lease license but I believe as a result of the discussions with the Legal Counsel that perhaps any and all activity on this area for the development will bring us into Public Law 33-95 which is the Commercial Rules and Regulations for the Trust. The purpose of today's discussion is to find out what the Commission feels about that particular lot given that they heard an unsolicited proposal for the preparation and really the recommendation for that came from the agency to do it for an RFP for site prep not for the issuance of a license or a lease.

**Chairman J. Reyes, Jr.:** So, Commissioners, I wanted this to come on to the agenda just for some discussion. So, we have this property in Mangilao next to the GPA/GWA offices and there are some interests in it. As Director Hattig mentioned there are a couple of things that it could be used for after it has been cleared but again, along with that clearing it's going to involve mineral extractions, there's an opportunity to have those mineral extractions as well. Now, this is something that we can look at it in couple of ways. We can look at it from a commercial lease stand point. We can look at it at 40 units or preparing it for residential leases going forward we can look at it as revenues for the agency from the commercial and the mineral extraction stand point so I just wanted to bring this up for you guys to ponder. There's no action necessarily being taken here but I think this is something that we really need to consider as we have options in regards to Lot 5412; so, I just want it to put it on here for something that if you guys want or have any question you want to ask our legal counsel or the director and maybe we can have those discussions and figure out what we can do and prepare for our next meeting. **Commissioner A. Duenas:** Mr. Chair, if I could just clarify. I feel like there was a presentation like this that happened before, same discussion with someone wanting to do some sort of improvement in this land. I can't figure out what was the company that wanted to do it. I feel like there was a reason why we weren't able to do anything specific so if I could ask the staff if they could look into this. I know it was when Pika was still the Chairwoman and it was before the pandemic a company did come before the Board asking

to do something. So, if I can just ask the staff and create a report on how the conversation went or if we could just get the copy meeting minutes for that particular topic.

**Chairman J. Reyes, Jr.:** Sure. There is some additional information that we can probably \*inaudible\* Director Hattig would you be \*inaudible\*?

**Administrative Director J. Hattig, III:** With regard to a specific proposal, yes, Commissioner Duenas you are right. Actually, Hawaiian Rock Products came to us with a letter requesting for an opportunity for mass clearing and grading of this site and their rationale was the preparation for a possible residential subdivision or maybe even if we were going to use it for a government building. I mean yes, you are correct but I don't recall whether or not we were able to do anything in terms of granting it because it fell within the Commercial Rules and Regulations, we you would... if we were going to be doing this, we would first have to declare it to be commercial, we would have to have public hearing first before on the matter before we declare it and then that's the process for the 33-95. So, I think at that proposal state where it was pretty much and then when the pandemic hit, we were not able to address a lot of things and then now that we're coming out of the easing of some of the restrictions and the PCOR then we are now able to address the issue. The issue was at that time was requesting for a commercial lease or license but now the question was whether we were going to develop it as part of a site preparation instead of issuing the lease or license.

**Commissioner A. Duenas:** Thank you.

**Chairman J. Reyes, Jr.:** So, there are a few options here Commissioners but I think we need to.... I just wanted to make sure that we brought that up and if there's anything that we need to do the first step is to designate the land and determine whether or not it's commercial or residential. If there's any other questions or clarifications you'd like to bring up if not it's just something to think about and what we can do is we can try and see what we can progress with in our next Commission meeting that will give us a little more to think about or maybe take an initial step or action. Any other questions on this topic?

**Commissioner A. Santos:** I do want to ask the Director if he's seen the tract and what he thinks or where he thinks the best way to go is residential or agricultural.

**Administrative Director J. Hattig, III:** Thank you, Commissioner Santos, yes, I've been to the tract to the area out there it is directly adjacent to the like I said, to the GWA/GPA building plus also we do have some lessees that are currently in that area that have already received leases and the Mayor of Mangilao has helped to open up together with DPW some of the easements there to the left-hand side of the property. So, it can be a residential site it can be done in phases. We can go all the way to the escarpment which is the cliff line where we can possibly put with GPA/GWA's help obviously some infrastructure right would be put in there seeing as how their building is right next to it so it does have a lot of advantages, I think at this point to put a residential subdivision in there plus it used to be a quarry so it probably would not be best to put an agricultural subdivision in there if there was a quarry done in that particular area. So, that's my initial assessment just based on my visits to the property.

**Commissioner A. Santos:** Okay, thank you Director.

**Chairman J. Reyes, Jr.:** Any other questions?

**Commissioner A. Bordallo:** I have a question. The land out there, there are certain areas that was... most of the land in that area is residential or agricultural but the thing I'm concern about is, is there any historic artifacts in that area?

**Administrative Director J. Hattig, III:** Commissioner Bordallo, we would have to engage in definitely a study of some sort if we were going to try to discover that we're not in the agency that would probably handle that. We would probably work with the State Historic Preservation office to see what kind of assessments are done. Also, it would... right now, I think it would be very difficult also to do assessments because they are costly, they are costly especially if the area is large, if the tract that we're asking for an assessment is very large so we would have to discuss that because currently right now in our budget we don't have the funding to enter into that kind of assessment right now. We would have to probably reach out to our partners at the Guam EPA, the State Historic Preservation Office and the Guam Department of Agriculture and the UOG Cooperative Prevention Group to help us out.

**Commissioner A. Bordallo:** I think that would be the first thing to do before we go into giving out RFPs and you know... know the place and what's in there and that's important first before we start clearing the land and digging up because a lot of times when people start clearing the land and they find something historic they don't say anything. So that's the direction I would go and recommend.

**Chairman J. Reyes, Jr.:** There's also going to be some of the forestry site making sure that there's anything.... plants and trees on...

**Commissioner A. Bordallo:** Yeah, of course there are some plants that are already extinct in certain areas.

**Chairman J. Reyes, Jr.:** So definitely Commissioner Bordallo, those are some of those things that even prior to putting out an RFP or committing an RFP they'll be some of these parameters that we draw around that will include these stipulations that you will have to get all these clearings, I'm sorry, clearances and when you're doing these clearings at any point you will have to alert whatever agency or whatever department to come out if you either discovered artifact or come across an indigenous tree or plant or endangered tree or plant. That's why I wanted to bring this on to our discussions to make sure that we have some of our thoughts from the commissioners so that the Director can take this back and then we can figure out what we can do for our next steps. It's just more that if we have this property and it's something that could potentially be a source of revenue for the Agency that we really and truly need.

**Administrative Director J. Hattig, III:** So maybe Mr. Chairman something similar to what we're doing to Lot 7153 I think something to that effect where the staff would provide you or I would provide you, the Commission with a report on the tract on the proposed tract. Would that be something that we could do?

**Chairman J. Reyes, Jr.:** Yeah, I mean definitely we can start, what would be something that the commissioners can take a look at and have some discussions around and figure out how we can move forward.

**Administrative Director J. Hattig, III:** Okay we'll prepare similar report so that we can present what we have found out and we will also work on trying to set up a mechanism so that we can do these studies or these assessments for the historical preservation and also the forestry plants and all the other environmental perhaps assessments that would be needed for the Commission to determine whether it could move forward on a particular project or whether it should move forward on a particular project for a particular lot or tract.

**Chairman J. Reyes, Jr.:** Okay thank you. Any other thoughts or comments on this?

## Delegation of Authority from the Commission to the Administrative Director

**Chairman J. Reyes, Jr.:** Next item on the addenda is the Delegation of Authority from the Commission to the Administrative Director. In light of our discussions earlier, I'm going to table these discussions for the Board. Next up is our New Business however, Director Hattig can you check, I see some of these comments coming up on the screen.

**Administrative Director J. Hattig, III:** Yes, sir. Mr. Salas is still here and he is requesting to still be heard by the Commission and his is related to a constituent matter Mr. Gamboa.

**Chairman J. Reyes, Jr.:** Yes. Mr. Salas, can you hear me, sir?

**Mr. George Salas:** Yeah.

**Chairman J. Reyes, Jr.:** Mr. Salas, I do apologize. In light of the discussion that had just transpired that I did not anticipate, I've tabled... I've decided along with the Commissioners to just table all the Constituent Matters today. I ask for your understanding Sir this was not...

**Mr. G. Salas:** No, I'm going to go further than this. This is too much already.

**Chairman J. Reyes, Jr.:** Sir, I did not anticipate or to have this hiccup on the road in regards to Constituent Matters as you have probably heard the conversations from our land agent. However, Sir I did make sure and followed up with the land agent and things and they've come to a decision and recommendations. However, the discussion that had transpired earlier I'm not comfortable in moving forward in any of the constituent issues and I apologize. I did not anticipate or have this hiccup but I want to make sure that we are doing things \*inaudible\* on behalf of our constituents but also that we take the matter at hand and it's \*inaudible\* concise and it's accurate.

**Commissioner A. Santos:** I have a question, will the effect anything going forward with his issue or his situation?

**Chairman J. Reyes, Jr.:** No, I can comfortable say no that will not affect because I personally Mr. Salas I personally followed with the land agent met face to face they did what they needed to do I asked for your understanding given just what had transpired today.

**Mr. G. Salas:** You asked for my understanding last meeting too, 30 days.

**Chairman J. Reyes, Jr.:** Yes, and I can give you the assurance sir that the land agent did everything that they needed to do and I'm comfortable with what they presented and moving on forward with the recommendations however I still need to go back because of what had just transpired earlier with what one of our land agents had shared with us and I want to make sure again that we're doing this prudently not only for not only your case but all the other cases that we have in hand and Mr. Salas to Commissioner Santos's point, that nothing changes in light of what the discussions I had with Jessica and the work that she's done to make sure that it was within compliance of what we had requested as the Board but however, I still need to have discussion with each of the land agents and...

**Mr. G. Salas:** \*Inaudible\* or has her report changed too?

**Chairman J. Reyes, Jr.:** I don't have the facts for that and that's what I need to find out.

**Mr. G. Salas:** That's what I'm saying, you asked for 30 days so you can have all the facts now I'm going to sit here again and I just borrowed money to do survey. I've been taking time off from work.... this is too much already.

**Chairman J. Reyes, Jr.:** I completely understand sir.

**Commissioner A. Santos:** Mr. Chair, if I can interject, we can have two meetings in one month. If I could propose that instead of making him wait another whole month, you know what I mean?

**Chairman J. Reyes, Jr.:** Yes. I think we can. As long as we follow...

**Mr. G. Salas:** I'm not going \*inaudible\* to go to sit out for another meeting and wasting my time again. This is already going on two years and another 30 days. I'm going to go beyond this. I'm going to go to the media and I'm going to go to the Governor, this is enough already. You asked for 30 days, I gave you and now you're still sitting there telling me that you don't have all the facts yet.

**Chairman J. Reyes, Jr.:** Sir let me just clarify. Ms. Jessica...

**Mr. G. Salas:** I already got ...\*\*... by Mr. Quan a few years back, wasted money there too and now I'm doing it again.

**Chairman J. Reyes, Jr.:** Sir let me I just want to clarify. Ms. Jessica did her, she completed her end of her responsibility. What had just transpired...

**Mr. G. Salas:** Yeah, I'm aware of what she did.

**Chairman J. Reyes, Jr.:** Yeah, and I asked her to make sure she keeps in contact with you that if we couldn't meet it but she did however sir given what had just transpired in the last 30 minutes I'm not comfortable to proceed with any constituent matters and I need to speak with each individual land agent to ensure that we act in each of these cases prudently.

**Mr. G. Salas:** Well, she's there right now on the meet on the stuff.

**Chairman J. Reyes, Jr.:** Yeah, but I haven't had the one and one time I need to talk to each individual.

**Mr. G. Salas:** \*Inaudible\* I gave you 30 days to have that done. This is ridiculous. You guys are playing monopoly chess, chess whatever you want to call \*inaudible\* but it's all B.S.

**Chairman J. Reyes, Jr.:** I apologize, Sir but I did not expect what transpired in the last 30 minutes.

**Mr. G. Salas:** This is ridicules how you guys are doing this super-ridiculous and what I heard earlier what was going on with somebody's else stuff you guys should be embarrassed right now.

**Chairman J. Reyes, Jr.:** Mr. Salas I apologize but we're going to proceed and continue, okay. I asked Ms. Jessica as well for your phone number and she can give you mine as well and we can speak after this meeting. Thank you, sir.

## **New Business**

### **Bill No. 36-36 (COR)**

**Chairman J. Reyes, Jr.:** Okay. Let's move onto the New Business of Bill 36. I'm going to kick off then I'm going to pass it to the Director. 36-36 is a bill that has been put forth from the Legislature by Senator San Agustin in regards to the GTA submerged lands lease. Now going to those meeting minutes since February, GTA had come before the Commission and discussions in May and I believe it was halted in July. Senator San Agustin put forth this legislation what I did in however in addition to that was some of the language there was in negotiations with the Governor it also stated Guam Ancestral Land account and I think you guys have the bill in front of you so a lot of those things there



wasn't accurate nor did I agree with and so I did have a meeting with the Governor because the \*inaudible\* date that it was negotiated with the Governor and she had agreed that it will be negotiated with the CHamoru Land Trust. So I just wanted to bring that up in the discussion that that bill is going to be, there will be some public hearings \*inaudible\* public hearings shortly and Director Hattig will be submitting along with the support with our Legal Counsel amendments to ensure that some of those items are addressed and not part of the bill and making sure that the Land Trust with the support of the Governor, the Governor's Office because it does mention that the initial bill said negotiations with the Governor that they will support our amendments. So that's going to be coming, I'm not sure when but I'm also still waiting on a draft of those amendments for review. So, I'm going to ask Director Hattig for any updates.

**Administrative Director J. Hattig, III:** As usual sir I'd like to keep the updates and the Commission in real time so that's why my report was sent to you just yesterday so that you can have the most up to date information. Just to reiterate that we do have the public hearings that are set forth for the proposal of the declaration of submerged lands to be for agricultural, aquacultural, or commercial use so that is the only thing that's relative right now to Bill 36-36 is that it is related so that we can already designate that area to be commercial but should this bill pass before that then for this particular piece of legislation that would not apply, the public hearing would not apply in that particular situation. **Chairman J. Reyes, Jr.:** And so just for the Commission to know is this will be a one-off and not necessarily passing a law of sorts it's just for this particular lease, for the GTA submerge land and we are as a Commission we would prove to start those \*inaudible\* public hearings in regards to designating all submerged lands so we are taking those necessary steps and then as either unsolicited or we send out proposals out there for a particular submerge land we can entertain it. So again, Commissioner Duenas, Commissioner Bordallo you've been \*inaudible\* you've been some of these meetings and it's been a while for GTA so this law will kind of \*inaudible\* so just wanted to bring that up to the Commission, any questions? No, okay. Thank you very much. We'll go ahead and move on to the next item on the agenda, our Financial Report and I believe Director Hattig, Joey will be presenting?

### **Financial Report**

**Administrative Director J. Hattig, III:** I think Joey might be having the same issue as I did prior.

**Chairman J. Reyes, Jr.:** Alright, we'll give him a couple of minutes. Mr. Cruz, we can see you can you hear us sir?

**Program Coordinator III Joey Cruz:** Yes, sir. For CLTC's Monthly Revenue Collection Report that has not been completed yet. We are still pending some bank statements but as soon as we get that we will complete it and send it to the proper agencies and share it with the Board. The status of our FY2020 Financial Audit, we are about in the final stages, we're going to respond to some inquiries regarding certain constituents that were pulled for the audit so you know we were given a budget ceiling of \$1,120,573.00 (one million one hundred twenty thousand five hundred seventy-three dollars) for FY2022 our budget request has been completed and submitted to BBMR on February 11, 2021 which is a day before the dead line and from our budget ceiling the CHamoru Land Trust Operations

Fund \$1,027,749.00 (one million twenty-seven thousand seven hundred forty-nine dollars) the CHamoru Land Trust Survey & Infrastructure Development Fund will \$92,824.00 (ninety-two thousand eight hundred twenty-four dollars). The details of our budget submittal, we'll scan it and share it with the Board. Although, there's no real drastic changes to anything other than that our budget did decrease by \*inaudible\* hundred thousand from the FY2021 so there were some things that we had to forego or that we desire to procure in 2022 that we had to forego so for example in FY2021 we did budget for survey cost I believe about fifty thousand in 2022 that amount decreased not substantial that's just an example of what we had to decrease.

**Chairman J. Reyes, Jr.:** And sir, you said, it was a hundred thousand decrease from 2021 to 2022?

**Program Coordinator III J. Cruz:** Yes, about a hundred thousand.

**Chairman J. Reyes, Jr.:** Okay. Anything else sir?

**Program Coordinator III J. Cruz:** Also, we are targeting to have our FY2020 Financial Audit completed by March 15 I believe, sometime in the second week of March. **Chairman**

**J. Reyes, Jr.:** Okay. So far so good?

**Program Coordinator III J. Cruz:** Yes, sir.

**Chairman J. Reyes, Jr.:** Okay. Any questions for Joey Commissioners? Okay. Thank you, Joey. Alright, let's move on to the next item on the agenda, Director's Report

### **Director's Report**

**Administrative Director J. Hattig, III:** Thank you Mr. Chairman I did send the Director's Report to the Commissioners 24 hours ago and again it to keep every Commissioner updated in real time by the time that we get to our meeting so I'll go ahead and start. Office Operations, in anticipation of the announcement of the change in PCORs we're going to be continuing to implement our COVID-19 protocols here in the office to make sure that our staff and our constituents are safe. With regards to Agricultural and Residential leasing, I think both topics were already discussed today. Number one, was the request for delegation for authority for some of administrative approvals and the second is the written request for legal guidance in terms of the qualifications and what the agency is working right now in terms of how to put those things together. We recommended exactly what you had done today Mr. Chairman. We recommend that there be a stay in all requests or anything that requires qualification at this point; we could not entertain without the written guidance because we don't want to like you said before. We want to have the best information in front us when we make the decision. We want to make sure that every angle is looked at, we want to make sure that every person's opinion is also put forth so with the staff's help we had written that we request for legal guidance and I think once that comes, we'll be able to have a document that we can use at this point so that we can move forward with the requests that come from our constituents so that's with regards to Residential and Agricultural leasing. For Commercial Leasing, Global Recycling has reengaged with us as a result of the letter that we sent to them. We have also sent them our choice of appraiser and we are going to; we're still scheduling the site visit to the property in Chalan Batulo in Dededo so that's very good news on the front for Global Recycling. With regards to the Guam Racing Federation, I know that the Commission is still reviewing the terms of the license or the lease or the long term, the proposed legislation that was sent to the

Commission so we have just one thing to report and we have, it has come to our attention that the rate per cubic foot for the aggregate that is created from the clearing and grading was adjusted by the lessee without our knowledge so we are needing to bring in and again, Joey can clarify here as to what had transpired and how we came to that conclusion but we are intending to have the Guam Racing Federation come before the Commission and explain obviously, that's our recommendation is they should come before the Commission and explain that change. So, Joey can you explain that a little further?

**Chairman J. Reyes, Jr.:** Can you elaborate on that, please?

**Program Coordinator III J. Cruz:** What it is, is Global when they submit their payments for the royalty fees...

**Administrative Director J. Hattig, III:** You mean Guam Racing, right, Joey?

**Program Coordinator III J. Cruz:** Yeah, Guam Racing, sorry. The quarry report or the truck report is attached to it so when we were viewing the reports initially the approved rate by the Board was a \$1.50 per cubic yard with a 50/50 split but on the September 2019 report Smithbridge was paying \$1.75 a cubic yard which .75 went to Guam Racing and \$1.00 to CHamoru Land Trust and then that was consistent for a few months and then it increased to \$2.00 per cubic yard and our concern is that because the Board was not informed of the change nor approved the changed nor approved the split because of the change it may be a concern, especially a concern with the audit, our financial audit only because the Board wasn't aware nor did the Board ran any approval for the change in rates and stuff of that nature.

**Chairman J. Reyes, Jr.:** seventy-five cents (.75)?

**Program Coordinator III J. Cruz:** \$1.50 from the last Board meeting we had related to the rate approval. It was a \$1.50.

**Commissioner A. Santos:** Do you remember that meeting date, Joey?

**Program Coordinator III J. Cruz:** \*inaudible\* September 2019 that rate increased to \$1.75. No but we can get the date and we can get approved minutes that reflects the rate of \$1.50 and then after \$1.75 it went up to \$2.00.

**Chairman J. Reyes, Jr.:** Now, if you can, the split, the split is still 50/50?

**Program Coordinator III J. Cruz:** Yes, sir. Okay, from September to May 2020 the rate was \$1.75 from June to present the rate is \$2.00.

**Chairman J. Reyes, Jr.:** So, the split is still the same \*inaudible\*?

**Program Coordinator III J. Cruz:** Yes, still 50/50.

**Chairman J. Reyes, Jr.:** Okay.

**Program Coordinator III J. Cruz:** Sir, can I make a statement? When it was a \$1.75 the Trust was getting a \$1.00 per cubic yard and Guam Raceway was getting 75 cents, when the rate increased to \$2.00 then CHamoru Land Trust \$1.00 and Guam Raceway \$1.00.

**Chairman J. Reyes, Jr.:** Okay. So, we weren't informed of these changes, the increase, right?

**Program Coordinator III J. Cruz:** No.

**Chairman J. Reyes, Jr.:** We're finding it in \*inaudible\*.

**Program Coordinator III J. Cruz:** Yes, sir.

**Chairman J. Reyes, Jr.:** So, Director Hattig what is our, sorry, now that we have those figures, what is it that- what is our next steps in this?

**Administrative Director J. Hattig:** I think Sir Joey's concern was the audit. There was the concern of the audit. I expressed my concern that, what are we doing to mitigate this?

To make sure if any changes occur in the rate and it's my knowledge like I said that anything that changes the lessee or the licensee is supposed to inform the Agency. So, I've gone over with Joey now we should keep more tabs with Guam Racing Federation so perhaps a monthly meeting of some kind between the agency and the lessee or licensee just to make sure that any and all changes that come about are informed. Often times even if we tell a commercial lessee or licensee that you should engage with us, sometimes they don't. So, what can we do here at the Agency to ensure that they do and that was one of the things I brought up to Joey is let's have a monthly meeting now with Guam Racing Federation to make sure that anything especially going into discussions of a longer time license or lease that are on the horizon we should be meeting with them to make sure that everything is done according to? Right now, the month-to-month lease or license which was agreed upon by Commission when the original term expired. So just to satisfy the audit finding right that we are doing a mitigation like this is what we are doing to mitigate that. **Chairman J. Reyes, Jr.:** Have you guys spoken to Guam Racing Federation to this point after you discovered the changes in \*inaudible\*.

**Program Coordinator III J. Cruz:** I sent an email to Mr. Simpson.

**Chairman J. Reyes, Jr.:** Okay. Any question regarding...

**Administrative Director J. Hattig, III:** Sir, I wanted to amend one portion of that with regards to my report; it indicates there that that is the only one that we are currently aware of. The charge of the royalties is the engineering fees for all of the process I guess the collection and the processing of the aggregate is being charged towards Guam Racing Federation's portion of the royalties. It's not being charged to the CLTC's portion, so I just wanted to amend that, if you got the report it probably states two things but that should be amended that the engineering fees and other processing fees that any of the companies are processing or taking the aggregate \*inaudible\* of the royalties and not ours.

**Chairman J. Reyes, Jr.:** It's not ours.

**Administrative Director J. Hattig, III:** Right, it's coming from their cut not ours.

**Chairman J. Reyes, Jr.:** Okay keep up posted please.

**Administrative Director J. Hattig, III:** Okay. And with regards to Johnny Cool Towing, Joey, could just do a small briefing on your last communication with them?

**Program Coordinator III J. Cruz:** We have engaged with Mr. Johnny Cool already we had informed him of CLTC's choice of appraiser. We created a list alphabetically and we're going down by appraisers how we distinguish which \*inaudible\* the appraiser just so there's some kind of accountability and no favoritism in our choices. So initially we had chosen CR Cochran appraisers but unfortunately, they don't do appraisals on commercial or M1 zones and then our next choice was Captain and Associates unfortunately Mr. Johnny Cool is unable to get ahold of them so now our third choice is Cornerstone Valuation Guam Inc. and Mr. Johnny Cool has not reported any difficulties getting in touch with them. So that's CLTC appraisal choice.

**Chairman J. Reyes, Jr.:** Alright, sounds good.

**Administrative Director J. Hattig, III:** And once we conclude the appraisals then we can come back and give the Commission the amount that was discussed in the previous meeting for the license.

**Chairman J. Reyes, Jr.:** Okay.

**Administrative Director J. Hattig:** Moving on to Bill 36-36 it was already discussed. So, you already have the updated information about it and then the submerge lands

designation; we had to adjust the public hearing dates so again my report will be amended, number 1C will be amended to be 27 February from 1pm to 4pm and 2<sup>nd</sup> of March from 4pm to 7pm. We have the POs for both announcements to the newspapers. The one for the 27<sup>th</sup> went out today from what I understand so we should see it on Monday's news paper and then we are logistically preparing for those two public hearings, so that's the update on the public hearing.

**Chairman J. Reyes, Jr.:** Will these notifications be posted as well on the Attorney General, the Land Trust or CLTC website and on Facebook?

**Administrative Director J. Hattig, III:** Yes, sir they will.

**Chairman J. Reyes, Jr.:** Alright.

**Commissioner A. Santos:** Mr. Chair, may I just ask just to repeat February 27 from 4pm to 7pm?

**Land Agent I T. Tainatongo:** From 1pm to 4pm.

**Chairman J. Reyes, Jr.:** Yes, and then the second one because we didn't meet the time line is March 2<sup>nd</sup> I believe, Director Hattig?

**Administrative Director J. Hattig, III:** I'm sorry sir can you repeat that?

**Chairman J. Reyes, Jr.:** March 2<sup>nd</sup>?

**Administrative Director J. Hattig, III:** Yes, March 2<sup>nd</sup>.

**Commissioner A. Santos:** And Director, is that in the evening time?

**Administrative Director J. Hattig, III:** It is scheduled from 4pm to 7pm on March 2<sup>nd</sup>.

**Commissioner A. Santos:** Okay. And the February 27<sup>th</sup> is also from 4pm to 7pm?

**Administrative Director J. Hattig:** No, the Saturday one February 27<sup>th</sup> that one is from 1pm to 4pm.

**Chairman J. Reyes, Jr.:** Sorry go back. If we can just, so the February 27<sup>th</sup> is 1pm to 4pm and that's on a Saturday and then March 2<sup>nd</sup> is...

**Administrative Director J. Hattig:** Yes, and March 2<sup>nd</sup> the weekday is from 4pm to 7pm in consideration to those that work.

**Chairman J. Reyes, Jr.:** February 27 is a Saturday.

**Administrative Director J. Hattig, III:** Correct, February 27 is a Saturday that's why we're having it in the afternoon.

**Commissioner A. Santos:** Okay. May I ask what it is that's needed from the Commission?

**Administrative Director J. Hattig, III:** Not really anything Commissioner Santos again we're just going to be present to solicit testimony on the proposed resolution to declare all the submerge land to be agricultural, aquacultural, or commercial use.

**Commissioner A. Santos:** Okay. We should be present, correct?

**Administrative Director J. Hattig, III:** Well, I just have a concern as far as the Open Government Law is concerned and maybe our Legal Counsel can enlighten us about the commissioners being present at that particular event since it's not a meeting of the CLTC.

**Commissioner A. Santos:** Okay, if you don't mind.

**Legal Counsel N. Toft:** As long we're not making it to make policy decisions for the CLTC at that meeting than it's accepted.

**Commissioner A. Santos:** Thank you so much.

**Administrative Director J. Hattig, III:** We'll send the link to all the commissioners. Commissioner Santos, to make sure that you guys have all the links for the public hearing.

**Commissioner A. Santos:** Thank you so much Director I appreciate that because March 2<sup>nd</sup> we do also have our training as well.

**Administrative Director J. Hattig, III:** Correct that's in the morning.

**Commissioner A. Santos:** Okay great thank you.

**Administrative Director J. Hattig, III:** Okay so moving on from the submerge lands, we talked about or the next one is Lot 5173 and that's Oka Point. Oka/Ypao Point, so we have had meeting with our Oka Point Committee now and the third meeting was held just yesterday and we had heard a presentation from the Legal Counsel on the legal encumbrances and we had some discussion as to providing a legal technical description for the property so we're in the midst of putting together a draft report at this point and I think it would be premature for us to discuss any other points with regards to this until the committee has finalized its report and then we can present it to the Commission on the March meeting and then we can have discussion at that point but there was reports already from GEDA and the Department of Land Management and they provided the historical background with regards to the property and they also clarified some of the activity that is going on the property right now such as the Sagan Kotturan CHamoru and also the Naftan Minaiñata Shrine that is also within the Oka Point Property. So, my report is just to say that we have met and we have had presentations from the various committee members and that we are putting together a draft report. Our next meeting is scheduled for next week Wednesday for the discussion on that draft report.

**Commissioner A. Santos:** Director, I have a quick question, when you say committee who does that entail? Consist of?

**Administrative Director J. Hattig, III:** The Oka Point Committee that was established was myself, representative of the three divisions within the CLTC that's Land Admin is Ms. Eileen Chargualaf, and Administrative Services is Mr. Joey Cruz and Survey is Mr. Pierce Castro also members are Mr. Diego Mendiola from GEDA and Director Joe Borja from Department of Land Management and our Legal Counsel, Nick Toft.

**Commissioner A. Santos:** Okay, thank you.

**Administrative Director J. Hattig, III:** Okay moving onto the next one was Lot 5412 in Mangilao but you already kind of discussed it already Mr. Chairman in terms of what we might want to do and how we proceed and the agency will be getting together a report on the lot so that we can provide that to the Commission. The next one is Tract 10123 in Yigo and this is the lot right across the Yigo Gym and GAIN. So we actually have two items that this lot is related to; the first one was the affordable housing initiative which we had received an unsolicited proposal for the creation for low mortgage homes; however, the Commission had tabled that particular presentation and then what I have to report is Guam Housing Corporation, we gave them our applicant listing and they are currently going through that listing and seeing if they can contact all of our applicants and see if they can pre-qualify for the low income mortgage home loan program from Guam Housing Corporation. It's the hope that the CLTC together with Guam Housing can identify, Guam Housing would identify a number of people of our applicants that are ready to be pre-qualified for mortgage loan and then we would identify a subdivision that we could possibly place these individuals in together so that the process will fit together a lot better and then we were also going to entertain the utility issue which is in the next part of my report but hopefully that's what we're planning to do is pair up folks that are ready to be qualified for homes and the actual subdivision so that we can match it up nicely instead of



what's going on right now which is really dependent on what we have in our inventory this is where we'll place you so this is the streamlining of that particular aspect and then the second thing with regard to 10123 is the basic utility initiative. So, the Agency through the support of the Governor, we met with the Governor and we are working on trying to submit or what is the process to submit for a USDA water and waste disposal program grant and loan. So, we had discussion with the USDA this past week and we had acknowledge that this process is going to be longer than we can anticipate because of the two reports that need to be done before the application can be submitted. The first one is an environmental report and the second one is a professional engineering report, we had met with the Governor's Deputy Chief of Staff and the USDA to layout the timeline for that so that's what we're currently trying to do and then we'll present it to the Commission that timeline, as soon as that timeline is available. We just got it 48 hours ago and we're trying to put that together. So, I do have that to report that the water and waste disposal program is something that the USDA has put out for underserved trust areas so the Severely Underserved Trust Areas, SUTA. We are in consultation with our working group the working group that the Governor had established to see what we can do to put the infrastructure the water and the wastewater into a CLTC parcel so that we can maximize the potential for leasing. If we are able to put water and wastewater then we can cut our lots down to a quarter acre or maybe even 100X100 so we would maximize the potential for leases in that particular lot. So, we're working with USDA, the Department of Land Management, GEDA and Guam Housing Corporation on what we need to do to submit for the grant and the financing options. And I did believe I did inform the Chairman of what had transpired in our meeting with the Governor and what the Governor would like to see and now we're bringing it into the Commission letting the Commission know that this project is currently being researched and the Commission will be brought up to speed. It is possible that the Commission may have to designate a lot in order for us to submit the grant application but we haven't gotten to that point I think at this point right now. I did discuss it with the Legal Counsel in terms of designating this because as you're aware 10123 was designated to be commercial so he had indicated that we can by resolution we can simply designate it as residential instead of commercial without any legislative action needed. So, we're setting all these parts up and we're setting up the initial planning phase for how to submit the grant. Joey and I will undergo I think it's authentication for us to get on to the USDA's grant application site so that we can actually do the technical inputs that are necessary while we're working with the USDA officials at this point on how to do that. We have our DUNS numbers so that we can submit the grant application and we submitted our renewal for our SAMS number also so those are the requirements that were brought by USDA other than the professional engineering report and the environmental report. So, I think that's it. One thing that was discussed, was the potential MOA/MOU with GWA in terms of what happens if we are, first of all, I'm sorry, let me back track. We sent the enabling legislation to USDA to see whether the CLTC is authorized to operate, own and operate a wastewater and a water system so that is a major piece that we're expecting USDA to get back to us on because if we're able to do it then we can apply for the grant. But if we're not able to do it then perhaps we need to enter into the MOA/MOU so that we can procure the grant monies and then once it's constructed then we can turn it over via MOA/MOU to the water authority who does have the technical expertise to run such a facility. So that's something I report to the Commission today that progress is being made

and discussions are happening and reports are being generated for the commissioners. So that takes care of 10123. If you have any questions, I'll move onto 11405.

**Chairman J. Reyes, Jr.:** I just want to add to the commissioners, I just want to kind of read that in Director Hattig's report. So, there's a lot of moving parts to this, we're barely scratching surface of all the things that are needed and the requirements for this but it will also give us an opportunity from a grants perspective and what are those that can kind of help us put some of that infrastructure up there or wherever we designate. So just things to look forward too and some progress along the way to expand some of our residential.

**Commissioner A. Bordallo:** What's the square meters?

**Administrative Director J. Hattig, III:** If I can get that information to you Commissioner Bordallo, I don't have that information off hand but let me ask my survey persons that are on the call. Mr. Melvin are you able to give us through ARC/GIS and kind of answer to Commissioner Bordallo's question?

**Engineering Technician II Melvin Javier:** \*Inaudible\*.

**Administrative Director J. Hattig, III:** Okay, we'll get the information to you Commissioner Bordallo. I apologize that we don't have the acreage for Tract 10123 right now.

**Chairman J. Reyes, Jr.:** Yeah, and Melvin if you can still hear us, if you can pull that up or find it before we adjourn and you can share that with the Commissioners.

**Engineering Technician II M. Javier:** Yes, sir.

**Chairman J. Reyes, Jr.:** Director Hattig.

**Administrative Director J. Hattig:** Okay. 11405 in Dededo is the lot that is adjacent to the Dededo Coral Pit. So, I know that Commissioner Duenas will probably recall but the Department of Public Works had originally come to the Trust with a proposal to relocate several lessees who are adjacent to the coral pit because of the proximity of those properties to the coral pit itself and the buffer strip was to be created for the protection of our lessees and anyone that would be in that area. So, originally DPW was willing to help relocate these individuals if they had container homes or none-concrete structures and so we had originally talked about that and then DPW had pulled back its request. They had stated that they're going to pull back their request and again the minutes can be provided to the Commissioners but this is just a briefing. So recently, we were contacted by DPW on the issue again and Ms. Eileen and Mr. Glenn attended a meeting at DPW to represent us so I would like for them to if Mr. Glenn and Ms. Eileen can provide a report to the Commission on what was discussed at that meeting.

**Land Agent II E. Chargualaf:** So when we met with Deputy Director Jesse Garcia and we still meet with the survey crew because if we're able to move, adjust the boundary lines, what we're trying to avoid here is relocating the lessees that are there already or the land use permittee that's been living there to relocate them because if we're going to relocate them it's going to cost us of course so we're trying to alleviate relocating because of the Relocation Law and we need to work with survey, we need to sit down with survey and see if they can adjust the boundaries so that we'll get it closer to the easement because there is a buffer there on DPW's, there's a fence line on the edge of the coral pit currently but I think we need to, for the safety and the liability with our lessees that are there or the LUPs that are there it's a government liability if we don't add an additional buffer. Somebody had died already and I believe the federal came into DPW and informed them that they still need to adjust that boundary line and Glenn you can chime in also.

**Land Agent II Glenn Eay:** Yes, like Ms. Eileen had mentioned and we discussed at DPW yesterday was particularly on creating a buffer for the Dededo coral pit and the CHamoru Land Trust property, particularly on the property adjacent to the coral pit which involves seven of our lessees. So we just reiterated yesterday that their interest is not to take over the property or to transfer the property over to them it's just for safety purposes is to relocate them and so that we can set up a buffer, my understanding with the buffer they were trying to created was some sort of berm between the Trust and their existing fence line and it's part of, like I said, it's just for safety purposes only and its highly recommended because the coral pit is considered a mining place where there's deep excavation, like Ms. Eileen mentioned that there was already one fatality there several years ago about four years ago and we just want to make sure that we mitigate this for the safety of our constituents that's all.

**Chairman J. Reyes, Jr.:** So, given the, sorry just a question and a follow up to that, if the decision is a berm, is that still going to be enough to ensure that there won't be a risk still for both our lessees and for the safety. Is a berm enough?

**Land Agent II G. Eay:** Well \*inaudible\* brought it up because that crossed into mind, when kids see a berm they see it as a playground we can go play and stuff like that but when you put a fence line an additional fence line on our side where we constrict the lessees to lessees to cross over to the other side we set forth boundaries like a buffer more less, it shows them this is their limit and please don't go over the first because if you go over the first there's another one so there's a reason for putting two fences out there that's just my recommendation, to put up another fence but who is going to put it up that's another issue.

**Chairman J. Reyes, Jr.:** Yes, that was going to be my next question is who is going to bear the cost of erecting these fences.

**Land Agent II G. Eay:** Yeah, that hasn't been mentioned but that's probably something that maybe I'm not sure maybe our side because it's our property, sir? Maybe we might consider that.

**Land Agent II E. Chargualaf:** Can I also add on that Mr. Garcia did mention that if we did need help relocating our lessees then DPW is willing to help us but still it's going cost us because I believe that there's three concrete structures out there and with the Relocation Act, you must build same structure and same sides and we did that when we relocated lessees when we built the schools and also with GPA building in Fadian.

**Land Agent II G. Eay:** Also, as part of the discussion when he meant assisting like the Director mentioned was to maybe with the container homes, we can assist with their heavy equipment transporting it to the property and if there's any easement needed to be open then can assist us there in that part too. So, its win-win more less for both agencies helping each other.

**Chairman J. Reyes, Jr.:** Pardon my ignorance but is this DPW's quarry?

**Land Agent II G. Eay:** Yes, this is their quarry it's right across, if you're familiarized, Dededo Middle School right across that area.

**Chairman J. Reyes, Jr.:** But this is DPW's coral pit?

**Land Agent II G. Eay:** Yes, that's their quarry, correct.

**Chairman J. Reyes, Jr.:** Do they currently have any fencing up today?

**Land Agent II E. Chargualaf:** Yes, they do.

**Chairman J. Reyes, Jr.:** And then we would just need to add another layer of protection in that sense?

**Land Agent II G. Eay:** Just as a suggestion because like I said a berm is not really safe, I don't think so.

**Chairman J. Reyes, Jr.:** Okay, thank you for that. Any questions from our Commissioners?

**Commissioner A. Bordallo:** No. I recommend to put up a fence.

**Chairman J. Reyes, Jr.:** Yeah, I think so. Director Hattig or Ms. Eileen or Mr. Glenn what is our next steps here?

**Land Agent II E. Chargualaf:** Let's work with survey first to adjust the boundaries before we even decide where the fence line is going to be?

**Chairman J. Reyes, Jr.:** Okay before we even take action we need to figure out where the boundaries are?

**Land Agent II E. Chargualaf:** That's correct, sir.

**Chairman J. Reyes, Jr.:** Okay well thanks for the update please keep us posted and I look forward to hearing additional progress or not or if it's at a standpoint at our next meeting.

**Commissioner A. Bordallo:** Mr. Chairman, can you ask them to get a quotation from a fencing company just to see how much it would cost?

**Chairman J. Reyes, Jr.:** Yes, I think it's worth some of that diligence to get an estimate or even a rough figure, is that what you're asking?

**Commissioner A. Bordallo:** Yes, a quotation.

**Chairman J. Reyes, Jr.:** Okay. Director Hattig I'll punt that to you and work with the team and figure out what's our approach to getting that estimate or even just a ball park figure of what we're looking to potentially would need then.

**Administrative Director J. Hattig, III:** Yes, sir sure. I just want to finish out by saying that another thing that we could do too, is where adjusting the boundaries is perhaps maybe discuss with Legal Counsel a waiver a liability a legal document that lessees would probably be asked to sign a document that's something that could be discussed. Especially because there are two concrete structures there and we're not entirely sure like Ms. Eileen mentioned the Relocation Act if we can afford to break down those things or to compensate the lessee for the building that he or she may have built already.

**Chairman J. Reyes, Jr.:** Yes understood. Let's move to the next step and start getting closer in figuring out what we need to do.

**Administrative Director J. Hattig, III:** Okay. I'm closing out here sir so the Survey Division is continuing to work with constituents on survey maps and they're helping with requests for the reopening of easements and they're also still working with the waterworks authority on reviewing and editing maps for well sites and pump stations and they continue to develop schemes for our properties so that we can make sure that the surveyors have some of the important information that they need before they begin their surveys. Finally, the financial report as you heard from Joey is those are the three things that were reported back and that's it I don't have anything else from my Director's Report, sir.

**Chairman J. Reyes, Jr.:** Okay. Commissioners, any questions?

**Commissioner A. Bordallo:** None for me.

#### **Commissioner's Comments**

**Chairman J. Reyes, Jr.:** Okay, thank you very much Director Hattig. Now we're wrapping up with Commissioners Comments and kind of for us to discuss. I wanted to start before we wrap up on this. So, Director Hattig, I'm fairly disappointed in what transpired today. I want to advise our commissioners that I will setting up some one-on- one meetings with our land agents and I know that there's a fine line between administrative and governance when it comes to Board but I also want to make sure that I'm doing my part in ensuring that the information that we have to make decisions and I want to make sure that we have that conversation in dialogue open dialogue with our land agents as well as of course, the Director. So, I just wanted to bridge that gap and I do sincerely apologize to our constituents that were on the line and having to table all the constituent matter for our next meeting. I will be calling directly Mr. Salas as soon as we adjourn so I will be taking that step as well and Mr. Hattig, I will call you immediately after. Commissioners, any other questions or thoughts?

**Commissioner A. Santos:** None, Mr. Chair.

**Commissioner A. Bordallo:** None for me, Mr. Chair.

**Chairman J. Reyes, Jr.:** Commissioner Duenas?

**Commissioner A. Duenas:** Nothing in addition to what you had said. I do want to echo those comments, which was very disappointing of what happened earlier today. I don't think I've ever experienced that before and when Mr. Salas said that we should embarrassed, I am very embarrassed of what happened today. I think that it's extremely important Mr. Hattig that you are aligned with your staff so that when we have these meetings, we don't have these issues moving forward.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Duenas. Okay, with that said, any other questions before we adjourn?

**Commissioner A. Bordallo:** No, we just have to be more diplomatic.

**Chairman J. Reyes, Jr.:** Yes. Yes, Mr. Javier?

**Engineering Technician II. M. Javier:** Okay on the total area that you guys were asking for on Tract 10123, the total area is 112,976 square meters or 27.92 acres.

**Chairman J. Reyes, Jr.:** Thank you so much.

**Commissioner A. Bordallo:** Thank you.

**Chairman J. Reyes, Jr.:** Okay, with that said, may I get a motion to adjourn?

**Commissioner A. Bordallo:** So moved.

**Chairman J. Reyes, Jr.:** A second?

**Commissioner A. Santos:** I second the motion.

**Chairman J. Reyes, Jr.:** Thank you very much Commissioner Santos. Everyone, thank you so much for your time today, I look forward to meeting with each and every one of you. Have a great evening.

**Adjourned:** 3:47 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: April 29, 2021

Jack Hattig, Administrative Director



Date:

30 Apr 2021



