



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

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 400 Fax: 649-5383

COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning
Thursday, January 16, 2020, 1:00 p.m. – 4:30 p.m.

Public Notice: The Guam Daily Post on January 9, 2020 and January 14, 2020

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Arlene P. Bordallo
Commissioner

(Vacant)
Commissioner

Jack E. Hattig III
Administrative Director

CALL TO ORDER

Acting Chairman Austin Duenas: ****inaudible**** one, for those of you joining us today, you're not confused. I am not Pika Fejeran. Unfortunately, she was not able to join us today. She did ask me to proceed with the meeting but I wanted to ask the commissioners if they had any objections with me running the meeting today.

Commissioner Amanda Santos: You're okay.

Acting Chairman A. Duenas: Thank you, before we begin let's all rise to recite the Inefresi.

ALL: Reciting the Inefresi

Acting Chairman A. Duenas: Biba CHamoru!

ALL: BIBA!

ROLL CALL

Acting Chairman A. Duenas: Pika Fejeran is not here with us today, Tan Amanda?

Commissioner A. Santos: Present.

Acting Chairman A. Duenas: Commissioner Bordallo?

Commissioner Arlene Bordallo: Here.

Acting Chairman A. Duenas: Commissioner Cruz is not with us and then of course our legal counsel is not with us as well and then we have Administrative Director?

Administrative Director Jack Hattig, III: Esta gue yu. (Here I am)

APPROVAL OF MINUTES

Acting Chairman A. Duenas: So, in order we have our approval of minutes. I do apologize I wasn't here for the last couple of meetings and I know we were waiting on my review. I have no objections to it, unfortunately though as the Chair I'm unable to make any motions so if you guys have any issues or want to make a motion to approve, we can do so now.

Commissioner A. Bordallo: Tan Amanda, since you were here ****inaudible****?

Commissioner A. Santos: The minutes for what date?

Acting Chairman A. Duenas: We have July eighteenth and then August fifteen.

Commissioner A. Santos: I approve the minutes for July 18, 2019.

Acting Chairman A. Duenas: We have a motion.

Commissioner A. Bordallo: I second it.

Acting Chairman A. Duenas: Seconded...discussion?

All Commissioners: None

Acting Chairman A. Duenas: All in favor?

Rev. 8/13/2019

All Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it, and August fifteenth?

Administrative Director J. Hattig, III: In the August fifteenth minutes we do have a lessee and it's noted there that in actuality when we reviewed the minutes a vote was never called for. For the motion to approve a lease for Mr. Donny J. Tainatongo; it is referenced in here if you'd like to review the minutes of that section of the minutes, you can but it's my recommendation that a motion is made to call for the vote for Donny J. Tainatongo and then once that motion is made and passed, we vote to approve the minutes subject to correction and that would be the only correction is that that vote be called.

Acting Chairman A. Duenas: So, then we'd have to do the motion first to approve for Mr. Tainatongo.

Administrative Director J. Hattig, III: Yes, for Mr. Tainatongo but as you can see in the minutes the full discussion of the minutes of August, Mr. Tainatongo it was the intent of the Board at that point to make the motion. The motion was made it was just the vote was never called for; so that's all and it's highlighted on page twenty-two of the August minutes. It's all highlighted for you so if you'd like to take a few moments to just review that.

Acting Chairman A. Duenas: Sure. Okay, I see so a motion was made but we just never voted on.

Administrative Director J. Hattig, III: Right, there was discussion right after the motion and then as you can see there was never any call for the vote.

Acting Chairman A. Duenas: Okay, so right now we are just making sure we rectify what we had done in August fifteenth.

Administrative Director J. Hattig, III: Yes.

Acting Chairman A. Duenas: Okay. Any comments.

All Commissioners: None.

Acting Chairman A. Duenas: Any motions?

Administrative Director J. Hattig, III: Motion to call for the vote on Donny Tainatongo.

Commissioner A. Santos: I move that Donny Tainatongo is going to be approved for today's agenda.

Acting Chairman A. Duenas: And this is for the Lot 505-15, Malessio?

Commissioner A. Santos: Yes, sir.

Commissioner A. Bordallo: I second it.

Acting Chairman A. Duenas: Any comments?

All Commissioners: None.

Acting Chairman A. Duenas: All in favor?

All Commissioners: Aye.

Acting Chairman A. Duenas: Okay, the ayes have it.

Administrative Director J. Hattig, III: And next Mr. Chairman would just be the motion to approve the minutes subject to correction today.

Acting Chairman A. Duenas: If I can get a motion for that.

Commissioner A. Santos: I second that the minutes will be approved for today.

Multiple Responses: August.

Acting Chairman A. Duenas: For August fifteenth minutes okay. Can I get a second?

Commissioner A. Bordallo: I second it.

Acting Chairman A. Duenas: Okay, any discussion?

All Commissioners: None.

Acting Chairman A. Duenas: All in favor?

All Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. Okay, so we are also going to move onto Old Business but we are currently lacking our Legal Counsel so we're going to...if I could just get a motion to table our Commercial Leasing as well as our Request for DPW and GPA? That's item number two and number three and so we do not have Legal Counsel for that. If I can have a motion for that?

Commissioner A. Bordallo: ****inaudible**** commercial leasing.

Administrative Director J. Hattig, III: Old Business Items numbers two and three.

Commissioner A. Bordallo: two and three? and the request for ****inaudible****. I make a motion to table Old Business number two and three, Commercial Leasing and Requests from various Government of Guam agencies.

Acting Chairman A. Duenas: So, we have a motion. Tan Amanda would like to second that motion?

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Any discussion?

All Commissioners: None.

Acting Chairman A. Duenas: All in favor?

All Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. So, we'll table that for our next meeting.

Okay, so I want to jump into our Switch and Transfer Leases under Old Business; sorry, I know we already discussed Donny J. Tainatongo so the first person we have is Kimberly Bersamin or Derrick Kowalski.

OLD BUSINESS:

1. Agriculture and Residential

a. Switched and Transferred Lease List

Derreck Kowalski/Kimberly Kowalski Bersamin-

Acting Chairman A. Duenas: If you could just state your name.

Mr. Derrick Kowalski: Derrick Sablan Kowalski.

Ms. Kimberly Bersamin: and Kimberly Sablan Kowalski Bersamin.

Acting Chairman A. Duenas: Great, thank you so much for joining us today. So, what brings you here today?

Ms. K. Bersamin: Basically, I just wanted to thank the Board for doing their due diligence to try and rectify the problem that has occurred with the past situation with Barrigada Heights. We basically want to come before you to try to rectify it. We did our part listening to the staff with their guidance, we even surveyed, paid thousands of dollars to survey the property only to find out we fell into this situation with the AG's and although I would have liked to pursue and let the court decide but you know that's throwing good money ****inaudible**** so I thought thank you for trying to hear us out today and so it's always been my intention to sacrifice my spot so my brother could ****inaudible**** and I respectfully request the Commission to ****inaudible**** to rectify and make it ****inaudible**** thank you for taking care of families I know each family has

a different circumstance. My brother is a disabled vet being under the care of the Veterans Affairs as well as being on the verge of being homeless ****inaudible****.

Acting Chairman A. Duenas: Well thank you for joining us today. I know Barrigada... well actually since I started here, we had some sort of plight issue affecting CHamoru Land Trust but we do thank you for joining us today. Did you have some comments to make?

Land Agent II Jhoana Casem: So, based on the recommendation on number four, based on Public Law 23-38 Section 5.8 the action of doing a switch of date and time is not applicable therefore it is our recommendation to revert both Kimberly Kowalski Bersamin and Derrick Sablan Kowalski back to their original place in line.

Acting Chairman A. Duenas: Mr. Kowalski, are you also an applicant?

Mr. D. Kowalski: Yes.

Acting Chairman A. Duenas: And when did you apply?

Land Agent II J. Casem: June 10, 2014.

Administrative Director J. Hattig, III: Is that the date on the application?

Land Agent II J. Casem: That's the date of Mr. Kowalski's application. Ms. Kimberly's date is December 2, 1995.

Acting Chairman A. Duenas: Yeah, this is really just hot topic for us and you know we want to make sure did what was right and I know it's been, I started in 2018 so it's almost two years this issues have been sitting; so at this time it looks like the most we can do as a Board is if the commissioners decide to make a motion is we would have to revert it of course back to you and in that form you can work with the members of the CLTC to add him as a beneficiary and then see what steps we can take next, if possible.

Administrative Director J. Hattig, III: Mr. Chairman thank you. We've had an opportunity to review the case of course at length and it would be a further recommendation that upon issuance of the lease to Ms. Bersamin that if an emergency exists according to the Rules and Regulation then the Commission can entertain a transfer of said lease and that is the hope also today that they're going to present their case for an emergency as Ms. Bersamin has indicated in her opening remarks that Mr. Kowalski is a veteran and he also has submitted some documentation to the agency that confirms that he's receiving treatment because of his veteran status under his veteran status and also she indicated today that he's on the verge of being homeless because the area that her currently resides he is in danger of being removed; is that correct?

Ms. K. Bersamin: Yes.

Administrative Director J. Hattig, III: Okay and so I'd like for them to make that declaration though but if I could, since they're already here I give them that opportunity to further explain, is that okay?

Acting Chairman A. Duenas: Sorry, before we go on; did Legal Counsel mention anything that if we did revert this that she would be a priority one or a priority two?

Land Agent II J. Casem: In the case of Ms. Bersamin she would be a priority two because she is a private home owner; therefore, if we are to issue a lease to Ms. Bersamin we would request for a change of application type from residential to agriculture and then we could do the issuance of the lease because the survey has been completed on the property.

Acting Chairman A. Duenas: Okay.

Ms. K. Bersamin: Basically, the situation is true, he has been staying at a relative, a close family member but that's always been the understanding that it's only going to be

temporary but by the grace of God, the circumstance of them kicking him out is still present today and so as soon as we completed the survey. We were all ready to make efforts to get the power, get the water, get him off and again by the grace of god, he's right on the verge and it's only a matter of time and so I'm hoping we can rectify it based on the Director's recommendation.

Acting Chairman A. Duenas: Okay. Any questions from the commissioners?

Administrative Director J. Hattig, III: If I may Mr. Chairman, do you currently have an opportunity to provide a home on the property if you were to be issued a lease?

Ms. K. Bersamin: You're looking at me helping him again? No, with respect to his needs and so I think the property is perfect with his situation he uses it until he dies and then it goes back to ****inaudible****.

Administrative Director J. Hattig, III: I wanted to ask simply because the suggestion was brought up about the change in application type. Are you both aware in the requirements of an agricultural lease in what has to be done? I mean, I just want to make you aware that should you request for an agricultural lease, you would have to comply with the agricultural requirements.

Ms. K. Bersamin: It's basically just the planting right and stuff?

Administrative Director J. Hattig, III: Yeah...

Ms. K. Bersamin: Yeah, we'll be in compliance if this thing goes through.

Commissioner A. Santos: And requirements?

Administrative Director J. Hattig, III: Well they're going to make efforts obviously to be in compliance, she's saying. So, I just want you to be aware, both of you especially that that's a very important requirement if the commission decides to entertain any requests.

Commissioner A. Santos: You need a farm plan too.

Administrative Director J. Hattig, III: Right, one of the requirements is a farm plan and we will work with you; obviously the staff will work with you to ascertain the farm plan so that you can submit it but I just want to make sure that you guys understand that there are a little bit different requirements with an agricultural lease and so please be aware before you enter into any kind of commitment before that happens.

Ms. K. Bersamin: Thank you.

Commissioner A. Santos: So, when do you think we can give them their land? Now?

Administrative Director J. Hattig, III: From what I understand the property has already been surveyed. So, should be... is there any question about that about the lot?

Land Agent II J. Casem: No, however you would have to terminate the current lease; terminate of lease for Mr. Derrick and then a request of change of application type from residential to agriculture for Ms. Kimberly and then the request for a conditional lease pending the farm plan for the current lot right now, 5382N-8.

Administrative Director J. Hattig, III: And then the declaration of an emergency, I don't know how you want to define that Mr. Chairman if you're satisfied with the explanation of the declaration of the emergency because then we would require a motion to transfer the lease or once it's issued to Ms. Kimberly to immediately transfer the lease because the declaration has been established as per the commission though, right and to immediately transfer the lease to Mr. Kowalski so that we can take care of all of this underneath the same breath pretty much.

Commissioner A. Santos: Are they going to reside on the place?

Administrative Director J. Hattig, III: Sir, feel free, you can answer.

Mr. D. Kowalski: Yes, I'm going to reside on the place.

Commissioner Bordallo: Okay, I want to make a motion to terminate the residential lease for 5382N-8, Barrigada for Derrick Sablan Kowalski.

Acting Chairman A. Duenas: We have a motion to terminate the lease.

Commissioner Santos: I second it.

Acting Chairman A. Duenas: Seconded by Tan Amanda. Discussion?

Commissioners: None.

Acting Chairman A. Duenas: None, okay, all in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Okay, ayes have it. Do we have any follow up motion?

Commissioner Bordallo: A motion to give Kimberly Kowalski Bersamin an agricultural lease.

Acting Chairman A. Duenas: Don't we need to change the application from residential first to agricultural?

Administrative Director J. Hattig, III: That's correct, we need a motion to do that first.

Commissioner Bordallo: It's already terminated?

Administrative Director J. Hattig, III: Mr. Kowalski's lease is terminated but Mrs. Bersamin's application is still a residential so we need a motion to change it first.

Commissioner Bordallo: Okay. Motion to terminate.

Administrative Director J. Hattig, III: Motion to change Kimberly Bersamin's application from residential to agriculture.

Commissioner Bordallo: Motion to change Kimberly Kowalski Bersamin's from a residential to agriculture lease.

Acting Chairman A. Duenas: It's for the application.

Commissioner Bordallo: For the application.

Acting Chairman A. Duenas: So, we have a motion to change.

Commissioner Santos: I second that.

Acting Chairman A. Duenas: Okay seconded. Any discussion?

Commissioners: None.

Acting Chairman A. Duenas: Okay, all in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: The ayes have it. Any follow up motion?

Administrative Director J. Hattig, III: That requires a motion too, so your motion that you mentioned earlier, you can say that now.

Commissioner Bordallo: Okay, I make a motion to issue an agriculture lease to Kimberly Kowalski Bersamin.

Acting Chairman A. Duenas: Okay, we have a motion.

Commissioner Santos: I second it.

Acting Chairman A. Duenas: Seconded by Tan Amanda, any discussion?

Administrative Director J. Hattig, III: That would be for Lot 5382N-8 in Barrigada.

Acting Chairman A. Duenas: Okay, great so any discussion?

Commissioners: Nothing.

Acting Chairman A. Duenas: All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Okay, the ayes have it. So now the question is, whether or not we feel that an emergency is...

Administrative Director J. Hattig, III: Correct.

Acting Chairman A. Duenas: So that we would be able to transfer, the thing is, normally we'd be able to transfer if she had held the lease for seven years, correct?

Administrative Director J. Hattig: That's correct.

Acting Chairman A. Duenas: In this case, she just got the lease so she doesn't meet that criteria, so now, the question is; Mr. Kowalski is a risk of being homeless, does that fulfill the requirement of the emergency or for us to make the decision to transfer?

I'm sorry, did Legal Counsel echo the same sentiments that this sound, that this is...?

Administrative Director J. Hattig, III: It's the Commissions'... I didn't see the Legal Counsel's remarks on this because I know that he emailed the Commission the remarks but he agreed with our recommendation with regards to everybody on the agenda for today. So, I took that to be the concurrence by the Legal Counsel that as long as the Board recognizes or certifies that an emergency exists under the law it has the purview and the authority to make such decisions.

Acting Chairman A. Duenas: Does the Commission feel that this reason fulfills the requirement as an emergency?

Commissioner Bordallo: ****Inaudible**** table that until we get the Legal Counsel's ****inaudible****.

Acting Chairman A. Duenas: Okay and then we'll need a motion, Director for tabling this?

Administrative Director J. Hattig, III: No, the Commission in my opinion doesn't need a motion to table it can simply instruct that the request be made at the next available opportunity so that we have the Legal Counsel present to provide a resolute opinion.

Okay, so basically what that translates into is you have the lease, the agricultural lease and at this time, the Commission is going to undertake your request at the next available meeting when the Legal Counsel is present so the staff is going to contact you to make sure that you're available for that meeting. Do you understand?

Mrs. K. Bersamin: Yes.

Commissioner A. Santos: With a farm plan.

Land Agent II J. Casem: I think that A.) should be based on a motion because you would be reverting them back in line so that's my recommendation on 4A.

Administrative Director J. Hattig, III: And again I think this is something for the Legal Counsel to also opine onto because if the Attorney General held that the lease is void and the switch never occurred then he should have something to say about whether a motion is needed under that recommendation and I only say this because in the past sometimes reversionary motions aren't made sometimes it's held as an illegal action or an action that wasn't allowed under the law and then simply your motion to terminate the lease solves that particular issue because the lease was terminated so there really isn't any more switch so that's why I think it would be a good thing to entertain that recommendation although a sound one from Ms. Bragg. I think it's a sound recommendation but the Legal Counsel at that time should be able to weigh in on whether a reversion is needed.

Acting Chairman A. Duenas: So, I'll just ask Mr. Kowalski if you could kindly join us at the next meeting when we have our Legal Counsel present so that we can discuss this

a little bit further but for now the agricultural lease has been issued, work with the staff to make sure the you do start submitting the required documents including the farm plan which is essential in having this type of lease but for now at lease we do have a lease in place. Do you have any other concerns or questions?

Mrs. K. Bersamin: No, just waiting for that consideration on trying to rectify ****inaudible**** I mean it is what it is ****inaudible**** so we'll just wait for Legal Counsel.

Ronald Sarmiento Remotigue/Ronald James Remotigue-

Acting Chairman A. Duenas: Right. Thank you for joining us. And then we have Ronald Remotigue, got to forgive me if I mispronounce that.

Administrative Director J. Hattig, III: Remotigue.

Acting Chairman A. Duenas: Hafa Adai, if I could just have you state your name for the record.

Mr. Ronald J. Remotigue: Good afternoon Sir, Ma'am, my name is Ronald Remotigue I'm just here to rectify some issues on ****inaudible**** in the past. My mom is also back here ****inaudible**** actually years back in ****inaudible**** so she's here with me ****inaudible**** but since his passing at the beginning of the application, my mom first applied for the land and my father passed so it went to my mother so my mom now has some conditions with her health, serious conditions since the past to the present and so now the land is deeded to me, the land right now has been surveyed, it's been... we've been following all the steps and guidance that the department has been letting us know what to do to get the proper documents, to get it surveyed, get everything done that needs to be done so we got all the documents and Jhoana has been working very closely with me and I thank her very much for hanging on.

Acting Chairman A. Duenas: Do we have the file for this? So, the application for your mom, that is still in existence or has that been terminated? Do we know?

Land Agent II J. Casem: So we're actually coming in as a request for beneficiary designation so Ms. Remotigue was actually the named benefactor to Mr. Ronald Sarmiento Remotigue and she requested from the Trust to name Mr. Ronald James to be the takeover so there was no lease issued to her so here we're just requesting the commission to name Mr. Ronald James Remotigue as the benefactor to the original applicant based on the submission of documents in file so based on the Director's recommendations. We have the motion to name Mr. Remotigue as the benefactor to Mr. Ronald Sarmiento Remotigue and then it would do a termination of his current lease then grant a residential lease for him on Tract 11405, Block 12, Lot 2 in the Municipality of Dededo because there was no Board approval of the beneficiary transfer that is why we have Mr. Ronald James here today.

Acting Chairman A. Duenas: Okay. Is there a lease issued?

Land Agent II J. Casem: A lease was already issued to him but because the steps prior which is the naming of the beneficiary it was just something that was done administratively where a request to transfer, that was just approved the Director no Board approval.

Acting Chairman A. Duenas: Okay, got it. So, at this point we're just looking to...

Land Agent II J. Casem: To do the...

Acting Chairman A. Duenas: Approve the beneficiary?

Land Agent II J. Casem: Yes, and then the issuances, the termination and then a reissuance.

Acting Chairman A. Duenas: The termination of the lease would...?

Land Agent II J. Casem: Well it fulfills...well actually we wouldn't need to terminate, I'm sorry if you would just grant the motions for him as a designated beneficiary then I believe we can go ahead and do so with that and he would continue on the current lease right now.

Administrative Director J. Hattig, III: I think Mr. Chairman and members of the Commission it was important for us to make sure that the Board approved the transfer, the proper transfer of the lease because it was not properly transferred so your action today by naming Mr. Ronald James as the benefactor to Mr. Ronald Sarmiento Remotigue would correct that deficiency that occurred and then it would allow Mr. Ronald James to continue...right, Jhoana? To continue on its current lease?

Land Agent II J. Casem: Yes.

Acting Chairman A. Duenas: Does the Commission have any questions?

Commissioner A. Santos: No.

Commissioner A. Bordallo: I have a question. You have two lots ****inaudible**** which one?

Acting Chairman A. Duenas: So, you're referring to the pre-occupier, correct?

Commissioner A. Bordallo: ****Inaudible****

Land Agent II J. Casem: Upon completion of survey, the whole parcel was renamed. So once upon a time it was Lot 10120 and then when the parcel was surveyed each of the lots were named and that comes from Land Management.

Acting Chairman A. Duenas: Any other questions?

Commissioner A. Bordallo: Motion to name Ronald James Remotigue as the benefactor to Ronald Sarmiento Remotigue.

Acting Chairman A. Duenas: Okay, so we have a motion.

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Seconded by Tan Amanda. Any discussion?

Commissioners: Nothing.

Acting Chairman A. Duenas: All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. So, we just need to make sure that we start getting his documents ready, make sure that everything is in line so that we don't have to have Mr. Remotigue reaching to us with additional issues so let's just make sure that we cover it all in this one so he could be the rightful ****inaudible****. So now we have Christopher James Fejeran.

Christopher James Fejeran-

Administrative Director J. Hattig: We'll go ahead and have Jhoana present ****inaudible****.

Acting Chairman A. Duenas: If we could just have Mr. Fejeran state his name for the record.

Christopher J. Fejeran: Hafa Adai and good afternoon, Christopher J. Fejeran.

Acting Chairman A. Duenas: Good afternoon.

Land Agent II J. Casem: Okay, before you we have Mr. Christopher James Fejeran. Based in our findings, October 17, 2016 a letter of relinquishment of application rights from the original benefactor, Ms. Josephine Rosario to Christopher James Fejeran, this was based on Section 5.8 naming of a common law wife is ineligible, therefore in January 4, 2017 the takeover of application rights to Mr. Christopher James Fejeran was approved by Deputy Director David Camacho so in this case as well we're requesting the board to name Mr. Christopher James Fejeran as the beneficiary of Robert J. Fejeran.

Acting Chairman A. Duenas: So, I have here on the Director's recommendation to terminate residential lease, instrument number 913202, is that different from...sorry, can I get more information?

Administrative Director J. Hattig, III: Well I think what's happening, sir is that we're seeing that by naming the correct beneficiary in actuality the lease is still valid it's just the prior practice of getting to lease wasn't done correctly. The lease needs to be held as valid but the prior practice is what caused it to be invalid so if we correct and fix the prior practice then we're correcting and fixing the lease without terminating the lease.

Acting Chairman A. Duenas: So, we're looking at terminating, we would terminate residential lease instrument number 913202 and then naming Mr. Fejeran as the beneficiary?

Administrative Director J. Hattig, III: Well in a similar case where just had Mr. Remotigue, you corrected it already by just naming him officially as the beneficiary because that practice was done administratively and was not allowed so now, we're correcting prior practice and so in order to validate the lease. Because once he's named the benefactor he's legally entitled to the lease in the proper way, he's named as the benefactor in the proper way according to the law.

Acting Chairman A. Duenas: And Legal Counsel said that this was sufficient enough?

Administrative Director J. Hattig, III: Again, I point to the Legal Counsel's comments that all of the issues that were reviewed under the switch and transfer provided for today's agenda were concurred by the Legal Counsel.

Acting Chairman A. Duenas: Okay, do you have any questions from the commissioners or discussions? How long have you and your family been staying on this property?

Mr. C. Fejeran: We had it since ****inaudible**** I think we didn't proceed further because of this issue of the beneficiary.

Acting Chairman A. Duenas: Understood.

Commissioner A. Bordallo: It's just to change the beneficiary from ****inaudible****.

Administrative Director J. Hattig, III: Well he was already issued the lease.

Commissioner A. Bordallo: Oh, he was?

Administrative Director J. Hattig, III: Yeah but the problem was he was named the beneficiary without Board approval and according to the law he needed to have Board approval because the previous beneficiary was ineligible. You're not allowed to name your common law. It has to be spouse, child, widows or widowers of the brothers and sisters or nieces and nephews according to the section here, 5.8a so that process wasn't done correctly so by correcting now that should make it whole, we have no need to terminate the lease because the designation of the benefactor is by law now.

Commissioner A. Bordallo: So, this property was not surveyed?

Land Agent II J. Casem: Pending survey.

Commissioner A. Bordallo: Is it in the process?

LA II J. Casem: Well because at that time things were on hold therefore at that time when Mr. Fejeran did sign ****inaudible**** a lease the Director back then had all of the leases recorded, so there is a recorded lease in file pending the completion of survey on his end.

Commissioner A. Bordallo: So, Mr. Fejeran will you (inaudible) get it surveyed?

Mr. C. Fejeran: Yes, Ma'am as soon as I'm able too.

Acting Chairman A. Duenas: Any other questions?

Commissioner A. Bordallo: I make a motion that Christopher James Fejeran is recognized as the beneficiary of Robert J. Fejeran and the lease still exists.

Acting Chairman A. Duenas: I have a motion.

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Seconded by Tan Amanda. Any discussion?

Commissioners: None.

Acting Chairman A. Duenas: All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. Okay, so same thing with him, make sure the documents are all in order so you know he doesn't come back to us with any issues, make sure that ****inaudible****.

Administrative Director J. Hattig, III: When you're ready to survey, you can come in and we'll issue you a survey authorization so that you can go and get it surveyed when you're ready. Okay?

Mr. C. Fejeran: Once again, thank you very much for your time.

Acting Chairman A. Duenas: So next we have...

Administrative Director J. Hattig, III: Actually, we don't even have ****inaudible**** right in the...

Acting Chairman A. Duenas: Is Eugene Acfalle a part of New Business or...

Administrative Director J. Hattig, III: That's a part of... let me see... is Eugene Acfalle now or is that later? Is that Switch and Transfer? The only other one is...because I think Christopher is the last one that we have on the.... Yeah, that's it for the Switch and Transfer Mr. Chairman, we're done.

Acting Chairman A. Duenas: As we went ahead, we did table Commercial Leasing and Request... I'm sorry we have the Proposed Standard Operating Procedure, we can just discuss that, this has already been approved.

Administrative Director J. Hattig, III: Well no, this is the highlighted in yellow, that this is the proposed because where we left off on the last meeting, we left off after Part II which was qualification, we made changes and they're all highlighted for you in yellow so all the changes that the commission had recommended at the last meeting were incorporated into the standard operating procedure that you see today, the draft. So, you can see what recommendations are made and then I also make notes as you want to review from the beginning, I made notes on some of the discussion items that were made during that time.

Acting Chairman A. Duenas: Okay, the notes are like the rationale?

Administrative Director J. Hattig, III: Right. Right. I think if you look at the notary requirements Part B, I believe it's on the third page, I made notes there and it's underneath, it's bold and underlined and anything in yellow is in addition and anything with a strikethrough is a deletion based on the conversation.

Acting Chairman A. Duenas: So, this has not been approved?

Administrative Director J. Hattig, III: No. No, we stopped at Part II which was qualifications. Actually, we went into Part III because I made notes for Part III and that was the last thing we discussed, we moved onto the agenda.

Acting Chairman A. Duenas: Okay. So, I hate making people wait, I know that this is Old Business and this needs to be discussed but would the Commission be okay if we table this for later, whether it be in the next meeting or later on today? I would like to get to everyone that has joined us today who are here at the moment. So, if there's any issues... are we okay with that?

Commissioners: Yeah.

Acting Chairman A. Duenas: Okay, so we'll go ahead and table this for now and let's go ahead and jump into New Business. So, we have Agriculture and Residential Leasing and about six constituent matters, first one I have is Eugene SN Acfalle.

NEW BUSINESS:

- 1. Agriculture and Residential Leasing**
 - a. Constituent Matters**

Acting Chairman A. Duenas: Do we have Eugene here today?

Land Agent II J. Casem: We have Javier.

Acting Chairman A. Duenas: Let's go ahead and take care of the ones that are here. So, the next one I have is Gloria Flores. Is she here today? No? Johnny Mafnas Hattori, he's not here?

Land Agent II J. Casem: ****Inaudible****

Raymond C. Garrido-

Acting Chairman A. Duenas: Okay, understood. Raymond Garrido?

Land Agent II J. Casem: Yes.

Acting Chairman A. Duenas: Hafa Adai, thank you for joining us, if you could please state your name for the record.

Raymond Garrido: My name is Raymond Garrido.

Acting Chairman A. Duenas: Hello and what brings you here today?

Mr. R. Garrido: I'm trying to get my loan through Guam Housing on the CLTC land.

Administrative Director J. Hattig, III: We have Ms. Jessica who is going to present for Mr. Garrido.

Land Agent I Jessica Dayday: He is requesting for a loan guaranty from Guam Housing but I wanted to ask if we can do the request for a building permit authorization first. We receive the building plans later on so that's why it was not put on the staff report but I wanted to do the building permit, first and then do the loan guaranty.

Acting Chairman A. Duenas: Okay. This is in Mangilao?

Land Agent I J. Dayday: Yes.

Acting Chairman A. Duenas: So, we're doing two things. We're looking to accomplish two things today, which is the building permit and then the loan guaranty?

Land Agent I J. Dayday: Correct. I just didn't want to do the building permit in another meeting because I didn't want them to wait and they already extended. They

already requested for an extension from Guam Housing so that's why I wanted to do a request for the building permit authorization first.

Acting Chairman A. Duenas: Looks like we've done everything we need to do. We're not missing any documents, right?

Mr. R. Garrido: Yes.

Acting Chairman A. Duenas: Does the Commission have any questions for Mr. Garrido?

Commissioners: None.

Acting Chairman A. Duenas: So, I do see you are December seventh 1995 applicant, you did everything on your end that you needed to do so we're just trying to move forward to do what the CHamoru Land Trust was designed to do, right? So, we have two motions if the Commissioners feel...which is to provide building permit authorization as well as the Guam Housing Loan Guaranty.

Commissioner A. Bordallo: Okay the first one would be the... I move to make a motion to allow Raymond C. Garrido to obtain a building permit on Lot 2, Tract 15344, Mangilao.

Acting Chairman A. Duenas: And this is for the building permit authorization, okay? So, we have a motion.

Commissioner A. Santos: I second that.

Acting Chairman A. Duenas: Okay, second by Tan Amanda. Any discussion?

Commissioners: None.

Acting Chairman A. Duenas: All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: The ayes have it.

Commissioner A. Bordallo: I move to make a motion the CHamoru Land Trust Commission to give approval a guaranty to Mr. Raymond C. Garrido to obtain a loan with Guam Housing Corporation for the amount of One Hundred Ninety Thousand dollars (\$190,000.00).

Acting Chairman A. Duenas: This is for the approval for the loan guaranty, we have a motion.

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Any discussion?

Commissioners: None.

Acting Chairman A. Duenas: None, okay. All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: The ayes have it. So, we'll work with you to make sure you've got everything you need so again you don't have to come here again like she said, you already got the extension from Guam Housing. You know our goal is to not leave anyone in the ****inaudible**** as much as I know in the past it's happened so we'll make sure the team works with you to get everything that you need.

Mr. R. Garrido: Thank you, everyone.

Acting Chairman A. Duenas: The next one we have is Jose Pangelinan Santos, is Jose here with us today? No, okay, we have...that looks like that's the last one.

Administrative Director J. Hattig, III: If we can go ahead and entertain, Mr. Chairman those that... the staff is ready with staff reports on everybody so...

Acting Chairman A. Duenas: Yeah, sure.

Eugene S.N. Acfalle-

Administrative Director J. Hattig: We'll go with Mr. Acfalle at the beginning again, we'll go down, Eugene Acfalle.

Land Agent II J. Casem: So it's actually, the file is still under the brother, Mr. Javier Acfalle however it was approved for takeover of the brother based on 7.5 so before you today, we're requesting for the relocation from Tract 1022, Dededo to Tract 10316, Block 14, Lot 7-2, Dededo containing an area of 1900 square meters and then that is also to approve a residential lease upon conclusion of survey for Mr. Eugene San Nicolas Acfalle for Tract 10316, Block 14, Lot 7-2, Dededo.

Acting Chairman A. Duenas: I'm sorry, has this already been surveyed?

Land Agent II J. Casem: No, it's pending.

Acting Chairman A. Duenas: Okay. Does the Commission feel okay with moving forward on any of these without the presence of Mr. Acfalle?

Land Agent II J. Casem: He was here at the last meeting; however, we weren't able to entertain the request so hopefully we can go ahead and pursue with this.

Acting Chairman A. Duenas: Okay. So, we would be... if the board decides to make a motion to provide a lease, it would be pending a survey?

Land Agent II J. Casem: Yes, and also the approval of the relocation from the current lease that he holds to this new area.

Administrative Director J. Hattig, III: So, this Tract 1022 is a really problematic tract and anytime we get a chance to ****inaudible**** relocate someone in this tract, we should take that opportunity because as it says in the findings that the consolidation and the parceling of the subdivision there has caused a lot of people to be out of place. So, moving them out would be an opportunity for us to find them a better location, number one that isn't problematic because of this subdivision and the current way that it's set up. So, the subdivision is one and then you have people that are already there that are in conflict with the subdivision and so that's the reason why this 1022 is...

Acting Chairman A. Duenas: ****Inaudible****

Administrative Director J. Hattig, III: Yeah, it's a major one as you can see where the easement is supposed to be, right and then you can see where the actual roads are right that people have... over the past few years, right, over the decades have created their own roads or have put in their own... so an opportunity to take Mr. Acfalle and put him in a better place so that we can fix up this subdivision, right, is a good opportunity.

Acting Chairman A. Duenas: Okay.

Commissioner A. Santos: It's a good idea.

Acting Chairman A. Duenas: Do we have any questions from the board?

Commissioner A. Bordallo: So, what do we do first?

Land Agent II J. Casem: I'm sorry?

Administrative Director J. Hattig, III: What action is needed first?

Land Agent II J. Casem: Oh, the A). Motion to approve relocation.

Administrative Director J. Hattig, III: And Mr. Acfalle is okay with the lot that we're about to transfer him too, right?

Land Agent II J. Casem: Yes, he's actually already been shown the area. So, we're just pending the Board's approval.

Commissioner A. Bordallo: Okay. I would like to make a motion to approve the relocation of Eugene San Nicolas Acfalle from Tract 1022, Block 13, Lot 10, Dededo to Tract 10316, Block 14, Lot 7-2, Dededo containing an area of 1900 square meters.

Acting Chairman A. Duenas: We have a motion.

Commissioner Santos: I second it.

Acting Chairman A. Duenas: Do we have any discussion?

Commissioners: None.

Acting Chairman A. Duenas: All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. Okay, so we just approved the relocation of Eugene San Nicolas Acfalle.

Land Agent I T. Tainatongo: I'm sorry, can you just repeat the description of the new location?

Acting Chairman A. Duenas: The new location is, Tract 10316, Block 14, Lot 7-2, Dededo. Okay, so the next one would be to motion and issue a residential lease upon the completion of a survey.

Commissioner A. Bordallo: I would like to make a motion to issue a residential lease upon completion of survey to Eugene San Nicolas Acfalle for Tract 10316, Block 14, L7-2 in the Municipality of Dededo containing 1900 square meters.

Acting Chairman A. Duenas: Okay so we have a motion to issue a residential lease upon completion of a survey.

Commissioner A. Santos: And I second it.

Acting Chairman A. Duenas: Seconded by Tan Amanda, any discussion? All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: The ayes have it. Are we ready to discuss Johnny Hattori?

Gloria Borja Flores-

Administrative Director J. Hattig, III: The next one your list, is that Gloria Flores Mr. Chairman?

Acting Chairman A. Duenas: It might be ****inaudible****.

Administrative Director J. Hattig, III: I was just going to go in order that way...

Acting Chairman A. Duenas: Yeah, let's just go in order. I can see that Ms. Gloria Borja Flores is a December second 1995 applicant, application number 238.

Administrative Director J. Hattig, III: And we have Ms. Jhoana here to present the facts.

Acting Chairman A. Duenas: Whenever she's ready.

Land Agent II J. Casem: Okay, so Ms. Gloria Borja Flores is actually one of our pre-moratoriums, however, she's requesting or the POA is requesting for a relocation from the previously approved due to the adjacent neighbors, so the POA is requesting to move from a different area within the same parcel area so that is a request for a conditional residential lease on Tract 1722, Block 3, Lot 4, Mangilao containing an area of 1866 square meters.

Acting Chairman A. Duenas: So, we're having a difficult time with the neighbor pretty much, is what it is?

Land Agent II J. Casem: Yes, I believe they've gone there and this area has been occupied by current occupants so I believe they've gone out there and displeased with the... I guess the neighbors are not very pleased with a new person coming in so to avoid conflict, they're requesting to be placed in a different area to just avoid the conflict that may arise further.

Administrative Director J. Hattig, III: If I may, Mr. Chairman also 1722 also has a history or this particular section also has a history of irregularity also so we're trying to ascertain this particular area, this lot to make sure that those who have surveyed are not in conflict with those who are occupying currently in the area so that's I think what you're having here. You're having disputes over occupation versus those who have surveyed. I did issue a survey authorization for this property so that they could find the meets and bounds so that we can properly place them into an area that is recognized and that they won't have any conflict with their neighbors also.

Commissioner A. Bordallo: Is that usually the case?

Administrative Director J. Hattig, III: There are some instances where surveys are submitted prior to other surveys and so there's a question as to where the actual boundary is, so sometime neighbors get into that dispute and they inform us and we go out and we do the GPS and we do the site inspection to determine exactly what happens and ****inaudible**** the survey maps that were of the area, a part of that are so that's what we do to resolve the conflict. But often times there are conflicts that we cannot resolve and that's why the request was put forward for the relocation, safety purposes.

Acting Chairman A. Duenas: Where is the ****inaudible****?

Multiple conversations

Administrative Director J. Hattig, III: It's not far from... like the question was, it's not far from where they currently...?

Land Agent II J. Casem: No, it's just the ineligible occupants that have been preoccupying.

Commissioner A. Bordallo: Do we have to cancel out the first lease?

Land Agent II J. Casem: Well the first lease was... they never completed it because they want out there also to just get the feel of it so this is basically a new lease to the applicant.

Acting Chairman A. Duenas: We're just moving from Lot 7 to Lot 4, right?

Land Agent II J. Casem: It's further in the beginning of the road, yeah.

Acting Chairman A. Duenas: Any other questions ****inaudible**** Board?

Administrative Director J. Hattig, III: The pre-moratorium is just to give some context to Commissioner Bordallo, right and prior to the issuance of the moratorium on leases because of whatever happened in the past, there were some leases that were never executed, either they were signed by the director and not signed by the lessee or signed...or vice versa where the lessee signed it but not the director so that's why the lease was never consummated at the time. So, in order to make that proper, I cannot sign for the past so that's why we're requesting that you approve the lease now so that I can sign and that the lessee can sign.

Commissioner A. Bordallo: Okay, I would like to make a motion to grant a conditional residential lease for Gloria Borja Flores upon the completion of the survey for Tract 1722, Block 3, Lot 4, Mangilao containing an area of 1866 square meters based on the scheme number 107-04 ****inaudible****.

Acting Chairman A. Duenas: We have a motion.

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Seconded by Tan Amanda. Any discussion?

Commissioners: No.

Acting Chairman A. Duenas: Okay, all in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. Okay, and the last one will be Mr. Hattori?

Administrative Director J. Hattig, III: Correct.

Commissioner A. Bordallo: So, ****inaudible**** before on Ms. Flores, ****inaudible**** back on the first one?

Land Agent II J. Casem: Oh, we would do a decline prior to the issuance of this one.

Administrative Director J. Hattig, III: I don't see a copy of the staff report here so do you want to provide a copy.

Johnny Mafnas Hattori-

Acting Chairman A. Duenas: So, we'll move to Johnny Hattori?

Administrative Director J. Hattig, III: Yes. Jess, you're presenting?

Land Agent I J. Dayday: Yes. So, Mr. Hattori... Johnny Mafnas Hattori he's a pre-occupier, he was occupying Lot 5402 in Pâgat, Mangilao however, when he met his wife, he relocated himself to his in-law's property which is in Swamp Rd. Lot 1145 in Dededo in ****inaudible**** he's requesting for an issuance of a lease an agriculture lease. When we went to do a site inspection, there's already a house there. There's a house that's built. There was no farming done, there's no plants or anything but there is a home and it does have power and water and so he's just requesting for a lease. His date and time are December 18, 1995 but he is a pre-occupier however, relocated himself to another area. There is a Mayor's Certification in his file as well and also a letter from the Community Outreach from the Governor's Office, I believe in 1986.

Acting Chairman A. Duenas: Okay.

Commissioner A. Bordallo: Is that normally the norm, you can move yourself?

Administrative Director J. Hattig, III: We've experienced a lot of different situations and scenarios over the course of the many years and some applicants have decided that even though they were pre-occupying the circumstances of their lives changed and with that life change comes the physical... I guess, the relocation of themselves so it's not uncommon. This particular situation might be rare but it's not necessarily uncommon.

Acting Chairman A. Duenas: That's make sure that this James Mafnas is not related to...

Administrative Director J. Hattig, III: Oh no, that's... we'll get to that one.

Acting Chairman A. Duenas: Okay.

Commissioner A. Bordallo: So, who was staying in 864 ****inaudible****?

Land Agent I J. Dayday: His mother in law.

Commissioner A. Bordallo: Does she have a lease with CHamoru Land Trust?

Land Agent I J. Dayday: She was only a part of the Arriendo Program and when it switched to CHamoru Land Trust she wasn't eligible so she vacated the property.

Administrative Director J. Hattig, III: So now it's Mr. Hattori's intent to move back to move back to Pâgat?

Land Agent I J. Dayday: No, he wants to stay there.

Administrative Director J. Hattig: No, he wants to stay there and be issued a lease there?

Land Agent I J. Dayday: Yes, when I spoke with him, he was mentioning that he would come in to our office and he's been requesting for a lease he's been requesting to do a survey on the property but he did build a structure.

Administrative Director J. Hattig, III: I guess my only concern is that he does qualify as a pre-occupier but not for the property that he currently wants to go to. That's my concern and although, I've been reviewing this and making recommendations it's ultimately the Board's decision to tell you the truth but this would be like I said, a rare, a rare occurrence that you claim pre-occupier for a specific lot but you're requesting for a lease in another lot. I don't know how the Legal Counsel might opine or I don't know how the Commission might feel about it.

Commissioner A. Bordallo: I would like to table this.

Acting Chairman A. Duenas: Yeah, I think it would be better to table this, again, as a pre-occupier he's entitled but I don't know if he's necessarily entitled to land that he didn't pre-occupy.

Administrative Director J. Hattig, III: Right, that he's not currently occupying or pre-occupied.

Acting Chairman A. Duenas: So, we'll table this one and we'll speak with Legal Counsel, maybe we can have him on the next agenda under old business.

Administrative Director J. Hattig, III: Okay. Okay, Jess? We're going to review this a later time, there's going to be no action yet.

Land Agent I J. Dayday: Okay anyway he's off island, he had to leave off island.

Administrative Director J. Hattig, III: We'll do Mr. Mafnas first, Mr. Chairman.

James Santos Mafnas-

Land Agent II J. Casem: So, with Mr. James Santos Mafnas, we are requesting to amend the July 18, 2019 motion based on the completion of survey. So based on the findings, requesting for a agricultural lease issuance for James Santos Mafnas for Tract 100C Block 3REM Lot 8-R1 containing an area of 2218 square meters, reflecting 260FY18 recorded with DLM under instrument no. 932592.

Acting Chairman A. Duenas: What was the original motion that we made?

Land Agent II J. Casem: The original motion was made on the Tract 100C Block 3REM Lot 3 Dededo.

Acting Chairman A. Duenas: Oh, so it's just a wrong designation?

Land Agent II J. Casem: No, this location, the old parcel area was just based on the scheme so when they come into survey then Survey Division will rename the lot so it's just to reflect the survey description.

Acting Chairman A. Duenas: Any questions?

Administrative Director J. Hattig, III: This is also to prevent an addendum, right? We don't really need to...

Land Agent II J. Casem: He was also a part of the pre-moratorium and because we caught the mistake of the... it wasn't issued yet, so now we just have to reprint the lease to reflect the correct description.

Acting Chairman A. Duenas: Okay. So, it would definitely be best if we get the correction so we don't have Mr. Mafnas have to come back to us.

Administrative Director J. Hattig, III: Yes, right and it also prevents... well we can't issue an addendum for something that was never consummated.

Commissioner A. Bordallo: I move to amend the July 18, 2019's CLTC Board meeting to approve agriculture lease issuance to James Santos Mafnas for Tract 100C Block3 Remainder Lot 8-R1 in Dededo containing an area of 2218 square meters reflecting 260 Fiscal Year 2018 recorded at the Land Management under instrument number 932592.

Acting Chairman A. Duenas: And that's the instrument number 932592, okay, so we have a motion.

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Second by Tan Amanda. Any discussion?

Commissioners: No.

Acting Chairman A. Duenas: All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: The ayes have it. Okay, so that will finish it for our New Business, Agriculture & Residential Leasing.

Land Agent II J. Casem: We have one more, Sir.

Jose Pangelinan Santos-

Administrative Director J. Hattig: Yeah, we just have Jose Pangelinan Santos.

Acting Chairman A. Duenas: ****Inaudible**** okay, great. And Jose is not with us, right?

Land Agent II J. Casem: I'm sorry?

Acting Chairman A. Duenas: Jose is not here today?

Land Agent II J. Casem: No. So, for Mr. Jose Pangelinan Santos he is requesting for a conditional agricultural lease, he has been a pre-occupier and also a Land Use permittee for Lot 10171-63. Mr. Santos has been farming on this property since 1967 and a Mayor's Verification has been submitted to indicate his pre-occupancy. The staff has gone out in November 7th and conducted a site inspection and also a GPS and has concluded that he is farming on a one acre. So, we are requesting for a conditional agricultural lease for Mr. Jose Pangelinan Santos upon completion of a survey and submission of a farm plan on Lot 10171-63 in the Municipality of Dededo for one acre.

Acting Chairman A. Duenas: So, he's already farming?

Land Agent II J. Casem: Okay. So even though he's an applicant from 2007, he is a pre-occupier, LUP No. 1851. Any questions from the Board?

Commissioner A. Bordallo: ****Inaudible**** GPS?

Acting Chairman A. Duenas: GPS formed?

Land Agent II J. Casem: Yes. He's also already been schemed out on the Master Plan for an acre so he has continued to utilize the property.

Commissioner A. Bordallo: Why conditional?

Land Agent II J. Casem: Because he hasn't submitted a farm plan yet and also it hasn't been surveyed.

Commissioner A. Bordallo: Okay. I move a conditional agricultural lease for Mr. Jose Pangelinan Santos upon completion of a survey plus a submission of a farm plan on Lot 10171-63 in Municipality of Dededo for one acre.

Acting Chairman A. Duenas: Okay, so we have a motion.

Commissioner A. Santos: And I second that.

Acting Chairman A. Duenas: Second by Tan Amanda. Any discussion?

Commissioners: No.

Acting Chairman A. Duenas: Those in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it. Thank you. Okay.

Administrative Director J. Hattig: That's the last one, Mr. Chairman under Constituent Matters under New Business.

Acting Chairman A. Duenas: Okay so the item we have is Commercial Leasing. I know we have two members from GEDA joining us today. Can you join us up here?

NEW BUSINESS

2. Commercial Leasing

a. GEDA

Acting Chairman A. Duenas: Hafa Adai Gentlemen, if I could please state your name for the record.

Larry Toves: Hafa Adai Mr. Chairman, Hafa Adai commissioners, Administrative Director, my name is Larry Toves I'm the Real Property Manager for Guam Economic Development Authority and with me here is my Assistant Manager Mr. ****inaudible**** Mendiola and I have the rest of my staff in the back, Mr. ****inaudible**** Cruz Mr. Tony Arriola and Mrs. Joann Cruz. We're here before the Commission today to ****inaudible**** regarding the status of the... if you recall it on the December nineteenth meeting, Chairwoman Pika Fejeran along with some Commission members had some concerns with the draft RFP's requesting for proposals that we are preparing for the Commission to issue and ****inaudible**** some of those comments were just typographical errors but there were some other comments that required us to make some changes to the draft RFP's; so we did that based on the comments provided and we submitted the changes along with the revised RFP's to the Commission's office on January second. We just need the Commission to approve those changes and satisfactory and if the Commission, ****inaudible**** the Chairwoman or anybody else in the Commission to ****inaudible**** we can go ahead and pursue to finalize the RFP's. There are three properties that you're aware that ****inaudible**** with intent to put out for commercial leasing; those lots are again, ****inaudible**** we recently did some site inspections on those properties as recent as yesterday so we ****inaudible**** come across some issues for example the parcel is located behind East West Rental and Nissan Motors in Upper Tumon. During our site inspection, we noticed that there was quite a lot of activity happening on the lot. I know that's a part of GWA's construction near the water tank and so I know if I recall there is ****inaudible**** of the property as a staging ****inaudible**** but based on ****inaudible**** inspection it looks like that they're using more than what is authorized to use and so, ****inaudible**** we've reached out to Mr. Miguel Bordallo at GWA so we're going to do another site inspection hopefully with their planners and engineers to come to an understanding as to what ****inaudible****. We

did also notice in our recent inspection that all the property... if you look at area that is heavily vegetated towards the center it seems as a unofficial ponding basin or wet land if you will; so that could ****inaudible**** upon developing in that area but again, we'll provide the Commission with all the details and we'll be working with Guam EPA on this as well and all the other regulatory agencies that is as we go through the process of procuring this piece for lease and development. ****Inaudible**** I'm hopeful that we can ****inaudible****. The other property that we are also working on is the property that we cleared across from PROA in Tumon; it's a vacant lot and ****inaudible**** so that should be fairly easy to put out for leasing. And the third property is the property up in Yigo, adjacent to the Yigo gym and I'm glad that the Mayor is here because we actually spoke with him early on during the process just to get his support and also as a courtesy to let him know that, this is what the Commission plans to do with the property is to RFP them; so, we're working towards ****inaudible**** so these three properties, once the Commission approves and the changes that we made today are okay then we'll go ahead and start to issue out the public notices and start the procurement process and as we mentioned in the last meeting we like to have a least a staff or a Commission member if desired to be on the evaluation team.

Acting Chairman A. Duenas: Okay.

Mr. L. Toves: Okay, that's pretty much it.

Acting Chairman A. Duenas: Thank you for joining us today, I know we've been working on this for a while now and I know that the Legal Counsel did send an email just giving us feedback on all the changes that were made that we're looking at today and he said that everything is pretty sound; did the Board have any questions?

Commissioners: No.

Administrative Director J. Hattig, III: I just want to make sure that once the Board approves, you need the Chairwoman to sign, right?

Mr. L. Toves: Yes. Okay.

Acting Chairman A. Duenas: Any motion to approve what we're looking at today?

Commissioner A. Bordallo: Do you want to go lot by lot or the whole thing?

Administrative Director J. Hattig, III: I think it's advisable to... we approved the DON's in one whole motion so I don't see a problem in approving the RFP's in one whole motion. As long as we include the lot numbers that are identified in the motion. So as long as you include the lot numbers in your motion, we shouldn't have a problem.

Mr. L. Toves: Just for clarity, in regards to the notices, it will be separate notices.

Commissioner A. Bordallo: ****Inaudible**** I would like to make a motion to approve the request for proposals that Guam Economic Development will put out that includes all the revised amendments on Lot 5075-REM-A NEW-R1, Tamuning, Tract 11.

Administrative Director J. Hattig, III: That's 111.

Commissioner A. Bordallo: Oh, I'm sorry, that's 111, Lot 12, Tumon and Lot 7054-R8, Yigo.

Acting Chairman A. Duenas: So, have a motion.

Commissioner A. Santos: And I approve that motion.

Acting Chairman A. Duenas: Seconded by Tan Amanda, any discussion?

Commissioners: None.

Acting Chairman A. Duenas: All those in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: Ayes have it.

Mr. L. Toves: Si Yu'us Ma'âse'.

Administrative Director J. Hattig, III: Thank you, good job.

Acting Chairman A. Duenas: Do we have any ****inaudible**** or anyone else that we need to get too?

Administrative Director J. Hattig, III: No, we don't have anything else, Mr. Chairman. We needed a request from the Chairwoman to stand in recess so if the Commission would like to proceed, we just need the announcement of when ****inaudible**** members ****inaudible**** is going to be here.

Commissioner A. Bordallo: Well how many days do you need to publish?

Administrative Director J. Hattig, III: Well according... I spoke with the Legal Counsel and he said, if we stand in recess, we just need to make the announcement in the meeting of when that date is going to be. Is there any objection to the...?

Acting Chairman A. Duenas: I would suggest if everyone is okay with it, next week Thursday, the twenty-third at 1:00 p.m.

Commissioner A. Santos: The date?

Acting Chairman A. Duenas: That is the twenty-third?

Commissioner A. Bordallo: We're going into recess.

Acting Chairman A. Duenas: That's a motion to go into recess?

Commissioner A. Bordallo: Yes, motion to go into recess and would like to have the next meeting on the twenty-third of January at 1pm.

Acting Chairman A. Duenas: So, we have a motion.

Commissioner A. Santos: I second it.

Acting Chairman A. Duenas: Second by Tan Amanda. All in favor?

Commissioners: Aye.

Acting Chairman A. Duenas: The ayes have it, we stand in recess. Thank you.

Transcribed by: Tina Tainatongo, Land Agent I: _____

Approved by motion in meeting of: _____

Jack Hattig III, Administrative Director: _____ **Date:** _____

G. Pika Fejeran, Chairwoman: _____ **Date:** _____

