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Commission Members

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Chairwoman

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COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning
Thursday, February 20, 2020, 1:00 p.m. – 5:15 p.m.

Public Notice: The Guam Daily Post on February 13, 2020 and February 18, 2020

Chairwoman Pika Fejeran: Inefresi

All: Reciting the Inefresi

Chairwoman P. Fejeran: Biba CHamoru!

All: Biba!

CALL TO ORDER

Chairwoman P. Fejeran: Okay, I'd like to call this CHamoru Land Trust Commission Meeting to order. I apologize for the late start everybody, public notice for this meeting was provided in the Guam Daily Post on February 13th and February 18th.

ROLL CALL

Chairwoman P. Fejeran: I'm present, Pika Fejeran. Commissioner Amanda Santos.

Commissioner Amanda Santos: Here.

Chairwoman P. Fejeran: Commissioner Austin Duenas.

Commissioner Austin Duenas: Here.

Chairwoman P. Fejeran: Commissioner Arlene Bordallo.

Commissioner Arlene Bordallo: Present.

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft.

Legal Counsel Nicolas Toft: Here

Chairwoman P. Fejeran: And excused absence today is Mr. Joseph Cruz, Commissioner. And I just received notice that Administrative Director Jack Hattig, III will be coming in late today.

OLD BUSINESS

2. Commercial Leasing

a. Global Recycling – Proposed License

Chairwoman P. Fejeran: Under Old Business, we are going to table the Standard Operating Procedure per the Director's request. We'll table it until later this meeting when he shows up. Old Business; Commercial Leasing, we have Global Recycling Inc. This is a proposed license, we briefly visit

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this at the last meeting, the meeting last month. Is there someone to speak on the Director's behalf for this?

Program Coordinator III Joseph Cruz, Jr.: Good afternoon, Madam Chair and Board Members and Attorney Toft. My name is Joey Cruz. The last meeting there was discussions where there was concerns raised about the compliance of zoning issues with Global's activity, the proposed or draft lease that's included in your packet it's highlighted in yellow, item number 13, we made an amendment to the first sentence that will address the concerns about use.

Chairwoman P. Fejeran: The zoning?

Program Coordinator III J. Cruz, Jr.: The zoning.

Chairwoman P. Fejeran: Okay, thank you for clarifying that. So, it's now on the responsibility of Global Recycling to make sure they get (inaudible) on this lease ****inaudible****.

Program Coordinator III J. Cruz, Jr.: Yes, ma'am. Whatever is necessary to operate as a transfer station or recycling center?

Chairwoman P. Fejeran: And Legal Counsel have you reviewed this proposed license agreement?

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: And it conforms to the law and all other requirements?

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: Okay, I do see under number two, let's just go... term one, its going be the term for five years and then they can renew for another five years so it could be up to ten years?

Program Coordinator III J. Cruz, Jr.: By law, the Board can allow up to twenty-one.

Chairwoman P. Fejeran: Oh, up to twenty-one.

Program Coordinator III J. Cruz, Jr.: For a Commercial License.

Chairwoman P. Fejeran: But this one is just five years, I sorry, I mean the first five years and then renew for another five so ten, total?

Program Coordinator III J. Cruz, Jr.: Yes, ma'am.

Chairwoman P. Fejeran: Is there a reason why we're limited to ten only?

Legal Counsel N. Toft: Just in case to give the Board flexibility with what it wants to do. In this case, sometimes we go to the ****inaudible**** leases especially the commercial leases because there's things there that are done such as constructing buildings sort of a massive capital investment property whereas here; it already exist, that's been there for ten, twenty years already so we don't have that kind of the need to kind of need to kind of induce an investment on behalf of the licensor and of course ****inaudible**** also you know there's two of the Commissioners that have expressed ****inaudible**** at some point so we just wanted to give the Board flexibility ****inaudible****.

Chairwoman P. Fejeran: Okay. Thank you, I appreciate that and then I also see for number two, the monthly rental payment is not determined has of yet.

Program Coordinator III J. Cruz, Jr.: Not yet, until two appraisals are conducted.

Chairwoman P. Fejeran: So, the appraisals that will be done that is prior to signing the license?

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Legal Counsel N. Toft: Yes, once the Board approves the form of the agreement then we can have appraisers do appraisals and take the ten percent of the average.

Chairwoman P. Fejeran: Okay. So, right now, it would be ten percent of the Fair Market Value? And then escalates after the first five-year period and then every five-year period after that ****inaudible****. Okay. I know there was also a lot of discussion last time about the in-kind services that we would get from Global Recycling says; number three it says; Lessee shall assist with the cleanup of Land Trust properties identified by the Commission, all expenditures that should arise by the cleanup should be borne by the licensee. I know the issue the last time was, whether they would be able to claim cleanup efforts that they would be getting paid from the Mayors. Right, that was Mr. Commissioner Cruz's concerns and has this section been adjusted in anyway?

Program Coordinator III J. Cruz, Jr.: No ma'am.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: ****Inaudible**** we'll add that section or include verbiage that would release the Mayors of any liability.

Chairwoman P. Fejeran: Okay, for our Land Trust property.

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: Yeah, I think that will allow us to reap the best benefits from it while also not tapping into the funding that the Mayors' took.

Program Coordinator III J. Cruz, Jr.: We'll include that verbiage in there on item number four; where it pertains to the Mayors waste cleanup.

Chairwoman P. Fejeran: Four? Okay. Is there any requirement in here that requires them to hold kind of like a liability insurance?

Program Coordinator III J. Cruz, Jr.: There is.

Chairwoman P. Fejeran: Number 11 says, that the Licensee shall indemnify, defend and hold the Licensor harmless, but I don't see any requirement for insurance.

Program Coordinator III J. Cruz, Jr.: I apologize, there isn't. We'll add that section.

Chairwoman P. Fejeran: Because I mean, oh I don't know...

Legal Counsel N. Toft: Depends on whether the Board wants that or not, I mean, we have the indemnification clause and also ****inaudible**** as far as ****inaudible**** financial protections. So, it'll just be a policy decision by the Board ****Inaudible**** for them to have insurance or not.

Chairwoman P. Fejeran: I know for Sagan Kottura, we do require them to have insurance. I don't know, I almost think that's a standard business best practice for ****inaudible**** especially when they deal with a lot of heavy machinery and heavy equipment and it is our property.

Program Coordinator III J. Cruz, Jr.: Madam Chair, would item 20 suffice for the insurance?

Chairwoman P. Fejeran: Wouldn't it be helpful to just call it out on its own?

Legal Counsel N. Toft: Exclusive.

Chairwoman P. Fejeran: Yeah make it exclusive and then item 20 would stay the same to show that that's how their ****inaudible**** okay, does the Commission have any other comments, questions?

Commissioner A. Duenas: ****Inaudible**** have you ever had a listing of in-kind services that they provide to the Government of Guam?

Program Coordinator III J. Cruz, Jr.: No, they provided an income statement that detailed the type of activity they were doing but not specifically services provided to the Government.

Commissioner A. Duenas: If I'm not mistaken, they provided in-kind services to the Government of Guam ****inaudible****.

Program Coordinator III J. Cruz, Jr.: We can request for it.

Commissioner J. Cruz: If you can, please.

Chairwoman P. Fejeran: Okay, any other comment from the Commission? Okay, does the Commission want to give approval for the amended license agreement based on comments today so that way the staff and legal counsel can move forward with obtaining the appraisals and getting all the final things done to get this license ****inaudible****.

Commissioner A. Duenas: I'm okay with ****inaudible**** so I can make a motion for it.

Chairwoman P. Fejeran: Yeah, okay.

Commissioner A. Duenas: Motion to approve license and agreement pending amendment for the Liability Insurance and in-kind services for Global Recycling Center.

Chairwoman P. Fejeran: Okay, a motion made.

Commissioner A. Bordallo: I second it.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Okay, seconded by Commissioner Bordallo. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: Okay just my notes, the revisions are the insurance requirement and in-kind service.

Program Coordinator III J. Cruz, Jr.: The waiver of liability for the Mayors for the in-kind services.

Chairwoman P. Fejeran: Sorry, say that again.

Program Coordinator III J. Cruz, Jr.: The waiver of liability for the Mayors for in-kind services.

Commissioner A. Duenas: We can add that to the motion.

Chairwoman P. Fejeran: Sorry, the in-kind service, waiver of liability?

Program Coordinator III J. Cruz, Jr.: For the mayors.

Chairwoman P. Fejeran: For the mayors?

Program Coordinator III J. Cruz, Jr.: The concern was whether the mayors had pay but with the waiver of liability, should release them of any liability to Global for any collections made.

Chairwoman P. Fejeran: Oh, okay; for CLTC properties only?

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: Thank you for the clarification. So, the motion is amended to include that clarification. Sorry, I think I need another second. Does anyone want to second the amended motion?

Commissioner A. Bordallo: I second it.

Chairwoman P. Fejeran: Okay, seconded by Commissioner Bordallo. Okay, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Okay, the motion passes. Okay, so the next step will be, you guys come back to us at the time when the appraisals are completed and the license is ready for final approval and signature.

c. Leases expiring in two years

Chairwoman P. Fejeran: Alright, the next item on the agenda is the Hal's Angels and Guam Rugby settlement terms. Did the Director ask to table this until he is here? Alright, so we'll just keep going down. Old Business; Leases expiring in two years.

Program Coordinator III J. Cruz, Jr.: ****Inaudible****.

Chairwoman P. Fejeran: Okay, was that on the desk here for us? So, we have this CHamoru Land Trust Commission Commercial and Cultural Lease listing. It's showing fifteen, fifteen licenses that are expiring or have expired. So, I see two that have already expired; one, September 2018, that's Docomo and the other is August 2019, also Docomo, for those two, are they?

Program Coordinator III J. Cruz, Jr.: Their payments are up to date, we're going to be sending out letters to each company here that has not already submitted a letter of intent to renew regarding the expiration. Just for the Board's information, we received a letter from Johnny Cool Towing and I believe it was Tata Communications informing us of their interest to renew. I'll be consulting with Attorney Toft whether or not the 3395 would apply.

Chairwoman P. Fejeran: So, for instance, the two Docomo licenses that have expired they're still paying monthly payments?

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: So, it's almost like a month to month. Does that need Board approval or that's...?

Legal Counsel N. Toft: No, the holdover just kind of naturally occurred but we should get a new license in place ****inaudible****.

Chairwoman P. Fejeran: So...

Program Coordinator III J. Cruz, Jr.: Then we send our letter of their expiration of their license and if they respond with interest then we'll prepare documents to present to the Board.

Chairwoman P. Fejeran: So, because their license is expired, it wouldn't be considered a renewal?

Legal Counsel N. Toft: New license.

Chairwoman P. Fejeran: It's a completely new license? So, none of these fifteen have licenses that have an option to extend?

Program Coordinator III J. Cruz, Jr.: They're already going to exceed their 21 years or met their 21-year period.

Chairwoman P. Fejeran: Okay, so they've exhausted their ****inaudible****. Okay, thank you. So, again Mr. Cruz, you guys will be sending letters to all of these licensees?

Program Coordinator III J. Cruz, Jr.: Except for the two that have already submitted their letter of interest.

Chairwoman P. Fejeran: You said...

Program Coordinator III J. Cruz, Jr.: Johnny Cool and I believe the other one is Tata Communication.

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

Chairwoman P. Fejeran: Oh, IT&E is also expired, January fourth; there's two for IT&E, at this point I guess I'd like to see how the licenses are based off of, their monthly rate. Are these monthly rates or annual?

Program Coordinator III J. Cruz, Jr.: Monthly.

Chairwoman P. Fejeran: So, I guess I'd like to see what our monthly rates are based out of. Okay?

Program Coordinator III J. Cruz, Jr.: Also, for the Guam Resource Recovery Partners; we're in communication with Attorney Aguigui who is, I guess, is representing Mr. ****inaudible**** Garris but we're waiting for information for the attorney in Hawaii who, I guess, is representing Mr. Garris' estate or... I'm not too sure what his role is in it to determine if they're still going to move forward with their appeal for the termination of their license.

Chairwoman P. Fejeran: ****Inaudible****.

Legal Counsel N. Toft: ****Inaudible****.

Chairwoman P. Fejeran: Oh, okay and then, Mr. Cruz, you mentioned that you're going to be working with Attorney Toft to see if the new Commercial Rules and Regs apply? That's my question also, because these are prior to Commercial Rules and Regs, do we now have to ****inaudible**** declare it as commercial because of the legality of things or will they be considered more of a license like Global Recycling?

Legal Counsel N. Toft: ****Inaudible**** so, I'll look into that.

Chairwoman P. Fejeran: Okay.

Commissioner A. Bordallo: Where is the Guam Resource Recovery Partners?

Legal Counsel N. Toft: That's down in a Santa Rita area, Sumay Payless.

Chairwoman P. Fejeran: Are they currently occupying it?

Legal Counsel N. Toft: This is the Waste Energy Facility that kind of bounces back and forth between the Legislature and the courts ****inaudible****.

Chairwoman P. Fejeran: I assume they haven't or what's the status of all the lease payments?

Program Coordinator III J. Cruz, Jr.: If there was any payment that was made prior to prior to 2015 but as of 2015 to today no ****inaudible**** letters have been sent to Mr. Sablan who was the ****inaudible****.

Chairwoman P. Fejeran: So, Guam ****inaudible**** partners apparently has a large sum due?

Program Coordinator III J. Cruz, Jr.: ****Inaudible**** over two hundred thousand dollars (\$200,000.).

Chairwoman P. Fejeran: Over two hundred thousand dollars (\$200,000.), I guess, do you guys go through and determine the next steps of each of these licenses, if you could also provide the Commission with the history on their activity as our tenant; have they been paying on time, are there amounts due for ****inaudible**** etc....

Program Coordinator III J. Cruz, Jr.: In regards to a statement from our financial system with QuickBooks, we can ****inaudible**** but we would have captured ****inaudible**** prior to that.

Chairwoman P. Fejeran: Prior to that, okay.

Program Coordinator III J. Cruz, Jr.: But it won't be detailed as ****inaudible****.

Chairwoman P. Fejeran: Right, understood. Okay, yeah that will be helpful I think considering ****inaudible**** when can we expect to have a I guess a ****inaudible**** for this?

Program Coordinator III J. Cruz, Jr.: The next Board meeting.

Legal Counsel N. Toft: Yeah, we can ****inaudible****.

Chairwoman P. Fejeran: Okay and at that meeting we'd also have clear guidance from what our next steps can be legally?

Legal Counsel N. Toft: ****Inaudible****.

Chairwoman P. Fejeran: Okay, thank you. Does the Commission have any other questions? Alright, let's see the next item on the agenda is the Director's Report but I guess we'll leave that for him when he gets here. So, let's get down to Financial Report and I assume that's you, Mr. Cruz.

FINANCIAL REPORT

1. FY21 Budget

Chairwoman P. Fejeran: Okay, I know in our packet we do have our FY21's Budget.

Program Coordinator III J. Cruz, Jr.: Madam Chair, before we go any further...

Chairwoman P. Fejeran: Oh yeah, Mr. Chu.

Program Coordinator III J. Cruz, Jr.: Before we go into the 2021 Budget, I included a projection analysis for FY2020 just so we can an idea of our financial crisis that ****inaudible**** if it all projects out the way ****inaudible****.

Chairwoman P. Fejeran: Really? Is that this one? Did you say, crisis?

Program Coordinator III J. Cruz, Jr.: Well not really a crisis but we'll be short.

All: Laughing.

Commissioner A. Santos: Crisis.

Chairwoman P. Fejeran: Yeah. Okay.

Program Coordinator III J. Cruz, Jr.: Let me just soften it up.

All: Laughing.

Program Coordinator III J. Cruz, Jr.: So, on the bottom of our projection analysis you'll see the foot notes/notes these are all the operational costs that we project that we will be needing for the remainder of the fiscal year; we may have someone retiring that will affect our budget because we didn't budget for that.

Chairwoman P. Fejeran: A retiree?

Program Coordinator III J. Cruz, Jr.: We may.

Chairwoman P. Fejeran: If someone retires, how does that affect our budget?

Program Coordinator III J. Cruz, Jr.: Because we have to payout their leave and depending on your retirement plan, like for the none base; you're allowed up to 320 of annual leave that you have annual leave to be paid out, so if the individual decides to retire before year end, that will be a big expenditure of this year FY2020.

Chairwoman P. Fejeran: I see. And that comes out of our budget not out of some Retirement Fund budget?

Program Coordinator III J. Cruz, Jr.: It comes out of ours, yeah. Aside from that, there are also benefits that are associated with that that need to be paid like Medicare and stuff like that. So, if you go to column M which is the projected lapse and shortfall; those numbers are associated with the various object classes that we have to the far left and if everything like I mentioned does occur that we've noted in our footnotes then we'll be short about eighty-four hundred dollars (\$8400.00.).

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: And everything mentioned in our footnotes is the bare minimum of what we would need for the remainder of the year.

Chairwoman P. Fejeran: What is Active Directory?

Program Coordinator III J. Cruz, Jr.: That is something used when we log onto our system because we're still utilizing Land Management's server or their...

Chairwoman P. Fejeran: What are things that are crossed out in your notes, what does that mean?

Program Coordinator III J. Cruz, Jr.: If they have already been encumbered but we just crossed it out to....

Chairwoman P. Fejeran: To show that it was ****inaudible**** what is the program ****inaudible**** shared expense?

Program Coordinator III J. Cruz, Jr.: For the telephone, so we're still utilizing Department of Land Managements' telephone system, so our prorated share was based on the number of employees or the number of lines or extensions that we use.

Chairwoman P. Fejeran: So, eighty-four hundred (\$8,400.) short. Okay, is this the first year we're projecting we'll be short at the end of the year?

Program Coordinator III J. Cruz, Jr.: Yes, ma'am because this is going to be the first year that we have a retiree that I can remember.

Chairwoman P. Fejeran: Oh, I see.

Commissioner A. Duenas: Has the Director voiced this ****inaudible****?

Program Coordinator III J. Cruz, Jr.: Yes, he is going to... I think we're going to have a meeting with Ms. Duenas... Bertha...I think her name is Bertha, the Chief Fiscal Officer.

Chairwoman P. Fejeran: Oh, at Adelup?

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: Let's say, all of these things do occur, what methods are there for us to stay afloat? Maybe another appropriation?

Program Coordinator III J. Cruz, Jr.: We'll request for another supplemental budget.

Chairwoman P. Fejeran: Supplemental budget appropriation? Is that the only option we have?

Program Coordinator III J. Cruz, Jr.: Yes ma'am, that's the only way for us to expend any money out of the operations fund is through appropriation.

Commissioner A. Bordallo: Do you really keep track of monies (inaudible) in regards to ****inaudible****.

Program Coordinator III J. Cruz, Jr.: Yes ma'am. Our financial system is QuickBooks so we monitor all our daily collections, we report monthly to the legislature and the Governor of our monthly revenues and we also provide the Board with our monthly collections.

Chairwoman P. Fejeran: So, refresh our memories, what monies goes into the Operations Fund?

Program Coordinator III J. Cruz, Jr.: The Operations Fund are any commercial license or lease that was executed prior to October 2015 or December 2015 I think it was... prior to the Enactment of the Creation of the Survey Infrastructure Fund. So, anything after October 2015 forward will be deposited into the Survey Infrastructure Fund. Although, the Survey Infrastructure Fund has restrictions and those restrictions are limited to Land Registration, surveying, mapping ****inaudible**** but there's nothing in the law or in the statutes that will allow us for operational cost.

Chairwoman P. Fejeran: So, of the Commercial Licenses or Leases prior to October 2015 that are going into this fund; are there any that are delinquent or would that even matter because it's only a set amount that's been appropriated for us to spend.

Program Coordinator III J. Cruz, Jr.: To use, yeah. I mean there are some that are delinquent like the GRRP and there are others that are maybe a month or two behind but usually they catch up towards the end of the year. But GRRP is the one commercial license that I mentioned earlier that we haven't received money from in years because the previous Board had terminated the lease and they had exercised their right for an appeal, unfortunately at that time we were not able to secure an attorney ****inaudible**** hearing officer.

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

Chairwoman P. Fejeran: What's our status for the Hearing Officer?

Legal Counsel N. Toft: So, in reviewing the statutes ****inaudible**** by CLTC it looks like it's not quite the same as the Triple A process, there's a specific statute in CHamoru Land Trust created by legislation that has the Board sit as the deciding body so it's going to be... I'm going to ****inaudible**** basically a step by step process for this but the decision looks like it should ****inaudible**** so that

CLTC employees would basically be ****inaudible**** the Board would be the deciding body and then the other side would be given due processes ****inaudible**** to present the case. So, I'll create a standard operating procedure for that and bring it up to the Board so that we are all on the same page as far as how these things are done and what needs to be done as far as step 1 ****inaudible****.

Chairwoman P. Fejeran: Okay, and that SOP is for terminating...

Legal Counsel N. Toft: Termination of Leases, yeah. I mean, I don't think it's... I don't think it discriminates us to whether it's commercial or residential or agriculture ****inaudible****.

Chairwoman P. Fejeran: Alright, termination and then based on that ****inaudible****.

Legal Counsel N. Toft: I don't think we'll need a...

Chairwoman P. Fejeran: You don't think we need a hearing officer?

Legal Counsel N. Toft: ****Inaudible****.

Chairwoman P. Fejeran: Oh, interesting. Okay, yeah that'll be great because that would be a lot more...

Legal Counsel N. Toft: ****Inaudible**** the Board would be ****inaudible**** to listen to termination hearings and that will take up a lot of Board time and cost as well.

Chairwoman P. Fejeran: Thank you for that update. Okay, alright, Mr. Cruz you can continue, I assume you're bring this to us to preface your 2021 budget.

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: Okay, go for it.

Program Coordinator III J. Cruz, Jr.: So, for FY2021, the Commission was issued a budget ceiling of one million two hundred sixty-three thousand six hundred and nine dollars (\$1,263,609.00) although forty-five thousand dollars (\$45,000.) of that budget ceiling appropriations or budget ceiling is coming from the General Fund. Nine hundred five thousand two hundred forty-one (\$905,241.00) in the Operations Fund and Three hundred thirteen thousand three hundred sixty-eight dollars (\$313,368.00) from the Survey & Infrastructure Development Fund. Prior to our receiving our budget ceiling our initial budget call packet we included the appropriation from the Survey & Infrastructure Development Fund only compliment the Operations Fund because we already knew that our budget ceiling from last year would be less this year because of our tracking of our collections. So, in our budget packet, the Budget Digest that says, ****inaudible**** summary under program; it looks something like this.

Chairwoman P. Fejeran: I see Budget Digest.

Program Coordinator III J. Cruz, Jr.: Then it'll say Program.

Chairwoman P. Fejeran: Program 104?

Program Coordinator III J. Cruz, Jr.: Yeah, 104, it's detailed of how we request our appropriations to be divide up.

Chairwoman P. Fejeran: So, this... sorry, I'm just trying to wrap my head around this process, so we submitted our proposed budget and then this is what was returned to us from BBMR?

Program Coordinator III J. Cruz, Jr.: The ceiling, yes.

Chairwoman P. Fejeran: The ceiling?

Program Coordinator III J. Cruz, Jr.: Yeah, they gave us a ceiling. I didn't provide a copy.

Chairwoman P. Fejeran: Oh no, I'm just trying to understand. So, based on that ceiling, that's what this table comes from?

Program Coordinator III J. Cruz, Jr.: This is how we would request for to allocate our appropriations.

Chairwoman P. Fejeran: Oh that's how we request to allocate it, I see.

Program Coordinator III J. Cruz, Jr.: So for total personnel services, we would be spending eight hundred forty-six thousand six hundred forty-three dollars (\$846,643.00), for total operations we would be spending three hundred ninety-nine thousand five hundred thirty-seven dollar (\$399,537.00) and for utilities seventeen thousand four hundred twenty-nine dollars (\$17,429.00).

Chairwoman P. Fejeran: Okay, so for personnel it looks like we have, we're not increasing our FTE?

Program Coordinator III J. Cruz, Jr.: No, at the time that this was created we were given a guideline to follow so for any proposed staffing pattern the FTE's or the positions that we include in that staffing pattering would either be more bodies or FTE's that had a prior approval for recruitment so we...

Chairwoman P. Fejeran: So you weren't able to create like new position to be funded and filled?

Program Coordinator III J. Cruz, Jr.: Not for 2021 but currently we are in the process of creating the new positions, I've been communicating with DOA and they've been able to provide guidance on the steps that we can take.

Chairwoman P. Fejeran: Okay, so this Org. Chart that was included in our packet...

Program Coordinator III J. Cruz, Jr.: It will be updated.

Chairwoman P. Fejeran: So this was our hopeful one?

Program Coordinator III J. Cruz, Jr.: Not necessary, maybe prior to creation for the request of new positions, we'll be adding more or we'll be adding more proposed positions

Chairwoman P. Fejeran: Okay, so this Org. Chart is going to change to match what's existing ****inaudible****?

Program Coordinator III J. Cruz, Jr.: To include with the proposed

Chairwoman P. Fejeran: But that's 2021, wait, this is 2021.

Program Coordinator III J. Cruz, Jr.: This Org. Chart was created prior to us creating of new positions, like Trust Administrator position, we're also looking at a Board Secretary position so that will all be ****inaudible**** in our updated Org. Chart.

Chairwoman P. Fejeran: And then that will also be reflected in the budget digest?

Program Coordinator III J. Cruz, Jr.: No, in our staffing pattern.

Chairwoman P. Fejeran: In our staffing pattern.

Program Coordinator III J. Cruz, Jr.: If they are all approved.

Chairwoman P. Fejeran: If they are all approved? Okay so you have to get it through approval?

Program Coordinator III J. Cruz, Jr.: Through DOA.

Chairwoman P. Fejeran: And will that be done... do you think that could be done in time for this 2021 budget?

Program Coordinator III J. Cruz, Jr.: It may be completed but if we don't display our ability to increase our collection, we may not be able to fund it.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: But it will be there and created until such time we're able to identify funding for the new positions.

Chairwoman P. Fejeran: Okay because I know that staffing is going to be an issue considering the immense amount of the land inventory that the staff has to manage. We're so severely understaffed. You know it's a huge burden so if we can get some more full-time positions to support current operations, that should be priority for us right now.

Program Coordinator III J. Cruz, Jr.: That'll leave us to item number two in our financial report.

Chairwoman P. Fejeran: Item number two? Oh yeah. Okay, sorry going back to the budget digest, I think this is the first time I've seen any appropriation from the General Fund for Land Trust.

Program Coordinator III J. Cruz, Jr.: I believe so, if I remember correctly.

Chairwoman P. Fejeran: I believe it's time that the General Fund ****inaudible**** the government agency that was created you know we just went through this federal law suit claiming that the Land Trust is racist and all of that and as you know the Commission has explained. We're settling the law suit basically showing that this is not a racist program, it's a land restoration program so I think it's only right that the Government of Guam take its part to fund the program and help the program get to where it really needs to be because there's thousands of people that are going to benefit from this program, if we do thing right and you know have the right... stronger team more people to manage it. Okay, so I appreciated that you guys are doing your job but ****inaudible**** General Fund appropriations.

Program Coordinator III J. Cruz, Jr.: That was awarded to us through BBMR.

Chairwoman P. Fejeran: It was?

Program Coordinator III J. Cruz, Jr.: Or granted.

Chairwoman P. Fejeran: Okay well that's good.

Program Coordinator III J. Cruz, Jr.: And also for FY2021 budget just to inform the Board, we identified to set aside or to allocate some money for surveying and land registration which you can see in our schedule or in BBMR Document 96A, it looks something like this.

Chairwoman P. Fejeran: I guess my question is this, why is registration coming out of Land Trust monies and not the General Fund monies or Land Management monies?

Program Coordinator III J. Cruz, Jr.: Well the cost of registering our property, I guess would fall under the Commission and the reason why we included it in the CHamoru Land Trust Survey and Infrastructure Fund because of the restriction of the fund of what kind of expenditures that could be expended using the fund, land registration was one of the items. But to answer your question, I guess because it's in our inventory the unregistered property that would be registered, we would have to pay fees to Land Management like an

abstracting fee or if there's like no map, we're going to need a land registration map....

Chairwoman P. Fejeran: Okay, I see the Land Registration is about four thousand four hundred two dollars (\$4402.00) and then forty-one thousand fifty-four dollars (\$41,054.00) for Surveying, is this the first time we're putting those two line items in our budget.

Program Coordinator III J. Cruz, Jr.: From what I remember, I believe so.

Chairwoman P. Fejeran: Um...

Program Coordinator III J. Cruz, Jr.: If you look to the right of FY2021 request, you'll see FY2020 so in 2020, we didn't.

Chairwoman P. Fejeran: Zero?

Program Coordinator III J. Cruz, Jr.: Yes.

Chairwoman P. Fejeran: I guess my concern for paying for Land Registration is I don't think that was the intent of setting up the Land Trust by moving it into Land Trust inventory, I don't think that the Government of Guam expected the CHamorru Land Trust to pay for registration of land that should have happened before putting it into land trust inventory; that's one, and two I mean Land Registration should have been ****inaudible**** I wonder if there's something in the enabling legislation that can affix to that ****inaudible****?

Program Coordinator III J. Cruz, Jr.: No.

Chairwoman P. Fejeran: ****Inaudible**** about registering land or nothing...

Program Coordinator III J. Cruz, Jr.: No.

Commissioner A. Bordallo: It's one Government.

Chairwoman P. Fejeran: It's one Government, yeah.

Program Coordinator III J. Cruz, Jr.: Understood.

Chairwoman P. Fejeran: Does Land Management have other Government properties that they have to register?

Legal Counsel N. Toft: All of the unregistered ones I believe are under the control of CLTC. I don't think there is... well they'll either be with CLTC or Ancestral Lands or potentially like Guam Power or other agencies that already has their plan to have it registered by the time they've acquired the land.

Chairwoman P. Fejeran: I don't know if BBMR would go for it but maybe we can move that into the General Fund appropriations for Land Registration

Program Coordinator III J. Cruz, Jr.: I don't know. We can but our issue is or the way that we created our budget was like for instance, the Survey and Infrastructure has a restriction so initially in 2020 if we go back to our Staffing Pattern you'll see all 14 of us are funded under the Operations Fund but for this year because our Operations Fund we were only given a ceiling of Nine hundred five thousand two hundred forty-one (\$905,241.00) just our salaries alone with all fourteen of us is about eight hundred sixty some thousand that I mentioned so that'll leave no money for rental. For rental, we pay about a hundred twenty-four I believe a year, a hundred twenty-four thousand (\$124,000.) so the difference between that is insufficient so what we had to do was we had to move our Engineering Techs from the Operations Fund to the Survey Infrastructure Fund and we were able to justify because they perform the surveys which would free up for our building rental.

Chairwoman P. Fejeran: Okay so ****inaudible****.

Program Coordinator III J. Cruz, Jr.: Thanks.

Chairwoman P. Fejeran: We don't want to mess with that then.

Program Coordinator III J. Cruz, Jr.: (Laughing) please don't.

Chairwoman P. Fejeran: Okay, was there anything else for the 2021 Budget?

Program Coordinator III J. Cruz, Jr.: That's all. I mean, we can go over it but that's going to be in cumbersome take a lot of time.

Chairwoman P. Fejeran: Yeah.

Program Coordinator III J. Cruz, Jr.: I just wanted to highlight the...

Chairwoman P. Fejeran: Yeah, okay. Does the Commission have any questions regarding the budget?

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

Chairwoman P. Fejeran: Yeah. Commissioner Bordallo said where we are going to get that eight thousand ****inaudible**?**

Program Coordinator III J. Cruz, Jr.: Director Hattig is going to be working on that.

Chairwoman P. Fejeran: The Director is working on that.

Program Coordinator III J. Cruz, Jr.: (Laughing) yeah.

Chairwoman P. Fejeran: Okay, got it. We'll work on him when he gets in. Okay, alright so is FY2021 Budget agenda item completed?

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: So now, Recommendation for changes to law for financial solvency. I know this is one that we had on the agenda and I'm eager to really look at it and hopefully have the Commission take some action. I don't know if we have another packet.

Program Coordinator III J. Cruz, Jr.: There is.

Chairwoman P. Fejeran: From last meeting, right?

Program Coordinator III J. Cruz, Jr.: Today they should have given you an updated report.

Chairwoman P. Fejeran: Oh yes, here it is.

Financial Report

2. Recommendations for changes to law for financial solvency

Program Coordinator III J. Cruz, Jr.: So, we've been presenting or we've been mentioning that by FY2026, the Operations Fund... we'll run out of money even with the reduced award or budget ceiling for 2021 it maybe only... instead of us running out of money in January of that year, we'll run out of money in August, so hundred thousand (\$100,000.00) wasn't really much of a difference. We've reviewed current statute and we've consulted with Attorney Toft into our recommendations so to address the concern of the financial stability of the Operations Fund, we made a couple of recommendations. Recommendation one, is to amend section four of Public Law 33-102 to read "deposit the funds into CHamoru Land Trust Fund the Operations Fund", so any fund received shall be deposited into CHamoru Land Trust Fund created by Public Law. B., amend section three subsection 75124 a., to a Public Law 33-90 to read "proceeds to read commercial licenses or leases executed after October 2015 up until FY2020

and to the CHamoru Land Trust Operations Fund thereafter”. This is related to our Commercial Licenses.

Chairwoman P. Fejeran: So the existing law, Public Law 33-90 says it will be deposited into the Survey and Infrastructure Fund or like a whole bunch of different funds but now we’re saying no, that’s going fall until the end of 2020 and after that it’s all going to be funneled back to operations.

Program Coordinator III J. Cruz, Jr.: CHamoru Land Trust Operations Fund and there’s item C, to amend section two subsection 75122b., ****inaudible**** Public Law 33-95 which is the public law that created our Commercial Rules and Regs so that section of the law currently reads; “notwithstanding subsection 75105b of Chapter 75 Title 21 Guam Code Annotated; all income arising out of any lease or license of those properties declared in this subsection shall be credited to and deposited in the CHamoru Land Trust Survey and Infrastructure Fund until 2020 and to the CHamoru Homeland Fund thereafter”. So, we’re requesting to amend that section to read what I read previously so all funds would go into the Operations Fund and then recommendation two, would be to amend statutes that relate to CHamoru Land Trust Survey and Infrastructure Fund which is really just one recommendation to add the verbiage for the administrative and operational financial support of these efforts would allow us to expend money related to operational administrative support. Although either which recommendation the Board should decide to go turning on the faucet to one and closing the faucet to the other will eventually cause the other to run out of money so the funding source will come to a hole.

Chairwoman P. Fejeran: Okay, I appreciate your outcome here if you could just read that for the record.

Program Coordinator III J. Cruz, Jr.: Recommendation one will prevent the CHamoru Land Trust from becoming broke in FY2026. Recommendation one will be a long term solution to ensure that the operations fund will have a reliable revenue source to meet the current operation needs and any future growth; although, recommendation one it will terminate any future revenue sources for the CHamoru Land Trust Survey and Infrastructure Fund. Recommendation two would allow for CLTC to shift and pay for any administrative and operational expenses as a result the financial ****inaudible**** and operational fund will decrease although as current licenses and leases expire, the operation, the CHamoru Land Trust Operations Fund revenue resources will decrease and by FY2038 the Operations Fund is projected to generate about three hundred eighty-eight thousand three hundred fifty seven dollars (\$388,357.00) in the subsequent fiscal year the Operations Fund is projected to generate one hundred thirty-one thousand forty-five dollars (\$131,045.00) and by 2040, the Operations Fund is projected to generate only about three thousand six hundred twelve dollars (\$3,612.00) and it will continue to decrease.

Chairwoman P. Fejeran: Okay but those projections for 2038 – 2040, those don’t include new leases, right? That’s just based on our existing leases?

Program Coordinator III J. Cruz, Jr.: No, because of our current statutes and these projections were done based on cash received of the current leases that we have and their terms and payments.

Chairwoman P. Fejeran: Okay, my question is under your recommendation 1c, you see recommendation 1a, b and c, and it should have all three components.

Program Coordinator III J. Cruz, Jr.: Yes. The recommendation (a) is related to the dollar a year payments for the leases, right now all lease payments are going into the Survey and Infrastructure Fund.

Chairwoman P. Fejeran: Oh so this is for the ninety-nine dollar (\$99.00) a year lease payments.

Program Coordinator III J. Cruz, Jr.: Yes.

Chairwoman P. Fejeran: Okay and b?

Program Coordinator III J. Cruz, Jr.: B and c relate to Commercial licenses or leases executed after October 2015.

Chairwoman P. Fejeran: My question is for c, that's section two subsection 75122b, five, yeah so that would redirect the money...let's see...

Program Coordinator III J. Cruz, Jr.: From the Home Loan Fund into the Operations Fund.

Chairwoman P. Fejeran: Okay, so the Home Loan Fund that's not an active fund right now?

Program Coordinator III J. Cruz, Jr.: Currently, no.

Chairwoman P. Fejeran: But we do have the Loan Guaranty Fund?

Program Coordinator III J. Cruz, Jr.: Loan Guaranty Fund

Chairwoman P. Fejeran: Loan Guaranty Fund is the one where that's our pot of money to ensure that the lending institutions are have the ability to pay should one of their loan holders...

Program Coordinator III J. Cruz, Jr.: Default.

Chairwoman P. Fejeran: Right, default. Okay and the Home Loan Fund is was originally established for what? To be a pot of money to ****inaudible****?

Program Coordinator III J. Cruz, Jr.: To issue the loans.

Chairwoman P. Fejeran: To issue the loans?

Program Coordinator III J. Cruz, Jr.: Yeah at a certain amount.

Chairwoman P. Fejeran: Okay, if we make this change that says it doesn't go into the Home Loan Fund, it goes into the Operations Fund it does the Commission have the ability to move money if we want to from Operations Fund into the Home Loan Fund?

Program Coordinator III J. Cruz, Jr.: No.

Chairwoman P. Fejeran: We wouldn't?

Program Coordinator III J. Cruz, Jr.: It's restricted too. All of CHamoru Land Trust Funds are restricted for a certain purpose.

Chairwoman P. Fejeran: So we would have to identify another funding source if we want to fund the Home Loan Fund?

Program Coordinator III J. Cruz, Jr.: Yes, ma'am.

Chairwoman P. Fejeran: I see.

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

Program Coordinator III J. Cruz, Jr.: Currently the CHamoru Land Trust has one TCD which is part of the Loan Guaranty Fund which we're required to an agreement with I believe the US SBA to put aside at least five thousand dollars (\$5,000.00) which we have already.

Commissioner A. Bordallo: Is it getting interest?

Program Coordinator III J. Cruz, Jr.: The TCD is getting interest but it's very minimal earning interest.

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

Program Coordinator III J. Cruz, Jr.: I don't recall what we are but we are earning interest.

Chairwoman P. Fejeran: Isn't there a large sum of money that was never deposited into our Land Trust Funds and it was ****inaudible**** General Fund money.

Program Coordinator III J. Cruz, Jr.: If I remember correctly it was in FY2017 when we applied the GASB 34 and what that is that any money that was I guess you could say was borrowed from another entity and is not repaid in a certain timeframe and also considering the condition of the economy and at that time GovGuam wasn't doing so well and it was compounded I think it was four years I believe so we had to exercise and record and recognize GASB 34. If we didn't our financial statements wouldn't have been prepared with the different GASB standards and we wouldn't have gotten a clean audit.

Chairwoman P. Fejeran: And that's about six hundred thousand dollars (\$600,000.00)?

Program Coordinator III J. Cruz, Jr.: Yes ma'am. We've already written that off our books.

Chairwoman P. Fejeran: But that doesn't mean we can't still get it back, right? And I know last year we wrote a letter to Adelup requesting that they put our money back in our funds but...

Program Coordinator III J. Cruz, Jr.: It's a permanent transfer out but if God...some type of money drops in our bucket then we can account for it, no problem.

Chairwoman P. Fejeran: If we had that money, would we be in this situation today?

Program Coordinator III J. Cruz, Jr.: What do you...?

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

Chairwoman P. Fejeran: To return it, ask the Legislature.

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

Program Coordinator III J. Cruz, Jr.: You can try but the six hundred some thousand was committed to total three hundred some from Survey & Infrastructure Fund and three hundred some from the Loan Guaranty.

Chairwoman P. Fejeran: Oh, the Loan Guaranty.

Program Coordinator III J. Cruz, Jr.: Yeah, it wasn't from the Operations Fund so we will still be in the same predicament that we are in today.

Chairwoman P. Fejeran: Okay got it but, I still say we go after that money that was Land Trust money that was supposed to be used for Land Trust purposes.

Commissioner A. Bordallo: Well you know the Port Authority has ****inaudible**** in the past has given Government of Guam two million dollars (\$2,000,000.00) for infrastructure so if you could try to get some money from you know the autonomous agency for infrastructure that's where the Legislature can help us instead of us spending money for infrastructure. ****Inaudible**.**

Chairwoman P. Fejeran: I like that idea. I like all the ideas. Alright I think maybe we need to reopen that request but I believe regarding that six hundred thousand I

think at a previous meeting the Director said he would follow up on that so I'm going to put that on the Director's to do list. So now going back to the recommendations, the purpose is to keep the CHamoru Land Trust fund funded so that we could stay in operations, right? Recommendation one, well actually if we look at recommendation two allowing us to use some Land Trust Survey & Infrastructure fund for administration operational and financial support although that does I don't know, for me it looks like it's a good option but I also know the Survey & Infrastructure Fund was established with very tight restrictions so that it would only be used for these purposes, for the Survey and Infrastructure purposes. I'm kind of hesitant about changing that now. I think recommendation 1a, the ninety-nine dollar (\$99.00) lease payments I think that makes sense to be deposited into our Operations Fund, I know it's just pennies right compared to what we need and then b, what are the Commercial lease and licenses executed after 2015, October 2015 up to FY2020? What is that amount because that one will still go to Survey and Infrastructure, right?

Program Coordinator III J. Cruz, Jr.: Yes. If I'm not mistaken it's only about twelve thousand dollars (\$12,000.00) annually, a little over twelve thousand but if the... because GEDA has already published some of our commercial properties if that was executed prior to September 30, 2020, that would also be included.

Chairwoman P. Fejeran: Okay. That's wishing. I don't know... considering how things move really through government, I don't see that happening. So that would mean ****inaudible**** stays this way, that would mean twelve thousand (\$12,000.00) is deposited annually to Survey and Infrastructure Fund?

Program Coordinator III J. Cruz, Jr.: For the next fifteen twenty years but just remember that's there's escalations so that would increase.

Chairwoman P. Fejeran: But that's also pennies, right? The Survey and Infrastructure fund can also get money from the sale of bull cart trails.

Program Coordinator III J. Cruz, Jr.: Bull cart trails and that wasn't mentioned in our recommendation just to leave it as is. So there's some sort of funds coming from somewhere. But also the CHamoru Land Trust Fund we can always put in for instance for survey as a line item like ****inaudible**** budget form 96A we can put for surveying and we can allocate request... request to allocate this much money.

Chairwoman P. Fejeran: Okay so we can allocate still even though the money is not in the Survey and Infrastructure Fund, we have in Operations Fund, we can still allocate ****inaudible****.

Program Coordinator III J. Cruz, Jr.: Yes, but if something should arise that's unforeseen then we might have to allocate that money from surveying to the issue that it arose so that's only difference.

Chairwoman P. Fejeran: Okay, alright and then C, C is just funneling the money from the Land Trust Operations Fund and not from the Home Loan Fund, right. Okay. Sorry going back to recommendation number two, if that is added for the Administration Operations and Financial Support of those efforts if that language is added, I think you explained previously that the Land Trust Survey & Infrastructure Fund can be spent by the Commission.

Program Coordinator III J. Cruz, Jr.: We don't need an appropriation.

Chairwoman P. Fejeran: We don't need an appropriation?

Program Coordinator III J. Cruz, Jr.: Yes, through resolution.

Chairwoman P. Fejeran: If we had this sentence in the Land Trust Survey and Infrastructure Law then we could probably say; okay, we know we're going to have a shortfall of probably a thousand for 2020, okay we want to move a thousand from the Survey and Infrastructure Fund into Operations ****inaudible****.

Program Coordinator III J. Cruz, Jr.: Not necessarily move but you can through resolution expend it and then we'll just create an object clause ****inaudible**** appropriation and then we can spend it that way.

Commissioner A. Bordallo: Or just increase your budget by ****inaudible****.

Program Coordinator III J. Cruz, Jr.: That's the direction we're leaning in because we're going to have to request for supplemental if everything should occur as we identify.

Chairwoman P. Fejeran: Well I guess going back to weighing the differences between one and two. Recommendation one is that it would essentially close of the funding for Survey and Infrastructure Fund, right? It would close the tab and make all the funds that would have gone to Survey and Infrastructure for the Home Loan Fund and put in Operations, right?

Program Coordinator III J. Cruz, Jr.: Yes.

Chairwoman P. Fejeran: Whereas, recommendation two will allow the Commission to pull some of the money as needed.

Program Coordinator III J. Cruz, Jr.: To use, yes for these purposes.

Chairwoman P. Fejeran: For those purposes. Okay.

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

Chairwoman P. Fejeran: The total budget for 2020?

Program Coordinator III J. Cruz, Jr.: Was one million forty-three thousand dollars (\$1,043,000.00).

Chairwoman P. Fejeran: You know, perhaps I don't know... does the Commission feel comfortable moving forward with either one of these recommendations? Or perhaps, what the Commission could do is say, we have these two options on the table and we can work with our chairperson for land at the Legislature and kind of work through and determine together what would be the best option, what do you think?

Commissioner A. Duenas: ****Inaudible****.

Chairwoman P. Fejeran: Before we decide? Okay...okay. Yeah, let's do that then. I think I would be a lot more comfortable hearing from you know, Therese Terlaje, you know she has a lot of wealth of knowledge and history about each of these funds.

Commissioner A. Bordallo: Too much restriction.

Chairwoman P. Fejeran: Yeah, there's a lot of restrictions but I have say those restrictions were put in place for good reason and I don't want to say let's change it without really understanding why.

Commissioner A. Bordallo: Well you know, as time goes through ****inaudible**** and expenses change ****inaudible****.

Chairwoman P. Fejeran: Okay so... oh now, it's on my, to do list?

All: (Laughing)

Chairwoman P. Fejeran: Okay great. Well you know, I'll work with the Director and I'll work with Mr. Cruz but yeah, I'm hoping we can actually get this going

because the sooner it would be resolved our pending financial instability the better, right.

Program Coordinator III J. Cruz, Jr.: It'll also provide justification for all our potential growth as far as recruitment and other stuff like that. So we have to display our financial ability to pay for it.

Chairwoman P. Fejeran: Okay. So... Alright, so we'll talk with our counterparts at the Legislature.

Program Coordinator III J. Cruz, Jr.: Madam Chair, before we wrap up; Financial Report number two, if I may, can I request the Board to consider making a motion and passing a motion to change the signatory cards to bank accounts to Bank of Guam; so the first one would be, to change the signatory card for Account No. 2501-002274 and the second one would be for Account No. 0401-437964 and these all relate to our Loan Guaranty Fund the TCD and the savings account.

Commissioner A. Duenas: ****Inaudible**** changing the signatory?

Program Coordinator III J. Cruz, Jr.: Yes because currently it's Chairwoman Fejeran and former Director Michael Borja so if we could change it to Chairwoman and current Administrative Director Hattig.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: We're going through an audit so they really wouldn't ****inaudible**** information because of the signatory cards are not updated.

Commissioner A. Bordallo: So moved.

Chairwoman P. Fejeran: A motion made.

Commissioner A. Duenas: I second it.

Chairwoman P. Fejeran: Seconded it by Commissioner Duenas. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have. Okay motion passes. Than you. Okay, thank you Mr. Cruz.

Program Coordinator III J. Cruz, Jr.: I have the Resolution and everything already.

Chairwoman P. Fejeran: I have my signature. Alright, okay I'll call a ten minute recess.

RECESS

Chairwoman P. Fejeran: Okay, I'd like to call this Land Trust Commission Meeting back to order the time is 2:39 p.m.

New Business

1. Agricultural and Residential Leasing

Jesus P. Concepcion

Chairwoman P. Fejeran: Alright, moving onto New Business; Agricultural and Residential Leasing, we'll start with the case of Mr. Jesus Concepcion. We have in

our packets a staff report, if I could have one of the Land Agents come forward to provide ****inaudible****. Hi Hafa Adai, if you guys could state your name for the record.

Nadine Concepcion Reyes: Hi Good afternoon ma'am, my name is Nadine Concepcion Reyes and this is my mother Narcisa Concepcion.

Land Agent I John Gumataotao: John Gumataotao, Land Agent CHamoru Land Trust.

Chairwoman P. Fejeran: Alright, Mr. Gumataotao do you want to lead us through this?

Land Agent I J. Gumataotao: Sure. The original applicant Mr. Jesus P. Concepcion was deceased and Mr. Concepcion designated the wife as the beneficiary of his application however, under the current rules and regulations Ms. Concepcion would not otherwise qualify for this application or CHamoru Land Trust so she in turn re-designated her daughter Nadine as the primary beneficiary.

Chairwoman P. Fejeran: Okay so this is a pretty straight forward... a deceased applicant who designate a beneficiary who's decided won't take it and passed it on to Ms. Nadine Reyes?

Ms. N. Reyes: Yes, ma'am.

Chairwoman P. Fejeran: Okay, I'm seeing here that there's a portion of Lot 480 in Agat that's been assigned to Mr. Concepcion's application?

Land Agent I J. Gumataotao: Correct.

Chairwoman P. Fejeran: Is there a current lease?

Land Agent I J. Gumataotao: No, there isn't.

Chairwoman P. Fejeran: No lease?

Land Agent I J. Gumataotao: It was kind of like in the process but then you know, time went by and then he passed away so...

Chairwoman P. Fejeran: I see, okay. So is... and Mr. Concepcion was a December 4, 1995 applicant?

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: Okay. So in cases like this, the Commission can approve assignment of beneficiary of rights, right? So Mrs. Concepcion and Mrs. Reyes, are you aware of the Lot 480 in Agat that was assigned to Mr. Concepcion?

Mrs. N. Concepcion: I'm aware of that but we were there to clean and somebody came and claimed it so that's why we talk to the guy that gave us and he says, oh, I'm sorry already somebody... he don't know that somebody got that land already.

Chairwoman P. Fejeran: Oh, so it sounds like you have to start from scratch for them to find them a new property?

Land Agent I J. Gumataotao: Okay so there's some property that the sister has a lease on the other side or the end part of Lot 480 so we just need to scheme it out and show her the lot if she wants to accept it and if not we can find an available lot once we start processing date and time.

Chairwoman P. Fejeran: Okay. So this is an application right? Beneficiary application rights not having to do with a lease?

Land Agent I J. Gumataotao: Yes. Correct.

Chairwoman P. Fejeran: I don't have any questions. Does the Commission have any questions?

All Commissioners: No response.

Chairwoman P. Fejeran: Sorry, I'm looking here at the chronology, why is there a... under f who is the beneficiary designation?

Land Agent I J. Gumataotao: That's her. What I did was I just had her process all her documents so that in the event we do award a lease everything is already in place. She designated her son as her beneficiary.

Chairwoman P. Fejeran: Okay because she applied separately? She filled out an application form?

Land Agent I J. Gumataotao: Correct.

Chairwoman P. Fejeran: And she did a designation for her own application?

Ms. N. Reyes: Yes.

Land Agent I J. Gumataotao: Correct.

Chairwoman P. Fejeran: So now we're just saying okay we're going to take her application form move it over as her beneficiary for her father's?

Land Agent I J. Gumataotao: Correct.

Chairwoman P. Fejeran: Okay, got it.

Commissioner A. Bordallo: **Inaudible**.

Chairwoman P. Fejeran: Commissioner Bordallo's question is why Mrs. Narcisa Concepcion unqualified?

Land Agent I J. Gumataotao: Because under the current or the Rules and Regulation, the law states that an applicant must be a native inhabitant of the Island of Guam on or before 1950 and Ms. Reyes was born in Northern Marianas.

Chairwoman P. Fejeran: **Inaudible** born in Saipan, how did you get your U.S. Citizenship?

Mrs. N. Concepcion: After I get married with my husband.

Chairwoman P. Fejeran: Oh okay. So she didn't get her U.S. Citizenship with the passage and authority of the Organic Act.

Commissioner A. Bordallo: **Inaudible** Mr. Concepcion was born here on island?

Ms. N. Reyes: Yes.

Chairwoman P. Fejeran: And because he was his daughter qualifies as his descendant.

Commissioner A. Duenas: So the request today is to designate Mrs. Concepcion-Reyes as the beneficiary to the application for the deceased?

Land Agent I J. Gumataotao: Correct.

Commissioner A. Duenas: Mrs. Concepcion-Reyes also has an application that has been submitted?

Land Agent I J. Gumataotao: No, this item f that shows on there is for her. Whenever a beneficiary comes in, we have them apply or resubmit an application for that particular...

Chairwoman P. Fejeran: Date and time.

Land Agent I J. Gumataotao: Correct.

Commissioner A. Duenas: Letter c, says CLTC Application dated April 6, 2018, is this what you're referring too?

Land Agent I J. Gumataotao: Yes. If you notice there it says; a Letter of Relinquishment, originally it was in April ninth that she submitted it and then we

had her not really retracted but fill out another one to be specific as to the application.

Chairwoman P. Fejeran: ****Inaudible**** 2018 they were doing these relinquishments and beneficiaries administratively and were not bringing it to the Commission for approval so now they're bringing it to us for the approval.

Commissioner A. Duenas: Oh okay. I have no other questions.

Chairwoman P. Fejeran: You have no other questions?

Commissioner A. Duenas: None.

Chairwoman P. Fejeran: Okay.

Commissioner A. Duenas: Motion to designate Mrs. Nadine Yvette Concepcion-Reyes to be the beneficiary to the application for Mr. Jesus Perez Concepcion.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner A. Bordallo: I second it.

Chairwoman P. Fejeran: Motion seconded any further questions?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Motion passes.

Ms. N. Reyes: Thank you, ma'am. I appreciate it.

Chairwoman P. Fejeran: Okay, thank you for your time. Alright, are there any other individuals that we have staff reports for that are here? And for disclosure...

Remedios Natividad Aguero

Commissioner A. Bordallo: Remedios

Chairwoman P. Fejeran: Okay, we have Remedios Natividad Aguero. Hi, Hafa Adai! Thank you for your patience you sat through this long meeting. If you all could just state your name for the record.

Remedios Natividad Aguero: I'm Remedios Aguero.

Unknown: Martin ****inaudible****.

Ms. R. Aguero: This is my common law.

Chairwoman P. Fejeran: Okay.

Land Agent II Jhoana Casem: Okay so today we have before you Ms. Remedios Natividad Aguero she is coming before you for a request of a lease issuance. She actually went through the survey process prior unfortunately the surveyor that she did hire once upon a time, his license was revoked. Therefore, the continuance of the survey wasn't completed so there was somewhat of a map in file but because of his incomplete submission to Land Management we weren't able to process her but she does understand that we would have to go through a survey possibly and upon completion of a survey then she would be issued a lease.

Chairwoman P. Fejeran: Okay. So, Ms. Aguero is a December 4, 1995 applicant priority one, this is for a residential lease and this is for Tract 10125, Block 13, Lot 17 in Dededo for one half acre. Okay and they're before us today requesting for approval for a lease based on the history of the work that ****inaudible****. You know our lessees are really at the mercy of... I mean our applicants are really at the mercy of these surveyors and I'm sorry you went through that and this is all the way back since 2005 ****inaudible**** try to get this done.

Commissioner A. Bordallo: **Inaudible**.

Administrative Director Jack Hattig, III: **Inaudible** part of the request is to issue a survey authorization so that a new surveyor can be contacted, of course a licensed professional surveyor.

Chairwoman P. Fejeran: **Inaudible** I don't have any questions.

Commissioner A. Bordallo: **Inaudible**.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Administrative Director J. Hattig, III: **Inaudible** if I could just request for the lot description be included in the motion for administrative **inaudible**.

Commissioner Bordallo: That's on Track 10125, Block 18, Lot 17, Dededo 2,020± square meters.

Chairwoman P. Fejeran: Motion amended.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Okay, motion passes. Is there anybody else?

Land Agent II J. Casem: We do have one but she's waiting for her husband. Can I go ahead and present Mr. Samiliano, he's unable to make it.

Chairwoman P. Fejeran: Okay.

Anthony Cruz Samiliano, Jr.

Land Agent II J. Casem: So Anthony Cruz Samiliano Jr., Mr. Samiliano is requesting for a residential lease issuance he has already completed a survey for Lot 5382N-10 Barrigada with a surveyor information of 169FY2017. He is a December second 1995 applicant so he was part... he wasn't part of the pre-moratorium I don't know why he wasn't a part of that but he did complete all the requirements to be issued a lease.

Chairwoman P. Fejeran: Okay. Alright. This is for a residential lease, he is a December second applicant, and survey is completed?

Land Agent II J. Casem: Yes, ma'am.

Chairwoman P. Fejeran: You know he's done everything on his part **inaudible** now it's being brought to the Commission for approval.

Commissioner A. Duenas: Motion to approve a lease for Mr. Anthony Cruz Samiliano Jr. for Lot 5382N-10, Barrigada.

Commissioner A. Bordallo: Seconded.

Chairwoman P. Fejeran: Motion made and seconded. Sorry, further discussion?

Legal Counsel N. Toft: Is it 10 or nine? Because under the facts it says dash ten but under the chronology it says dash nine.

Administrative Director J. Hattig, III: **Inaudible** scheme done for that, right?

Land Agent II J. Casem: Yes, sir.

Administrative Director J. Hattig, III: Yeah, that was one of the things I noted when I reviewed the report was the request was for dash 10 but the previous showing was for dash nine so that's why ****inaudible**** everything in the chronology was shown for a different lot.

Commissioner A. Duenas: Alright, I'll amend my motion to 5382N-9.

Chairwoman P. Fejeran: Okay, motion amended.

Commissioner A. Bordallo: Seconded.

Chairwoman P. Fejeran: Seconded by Commissioner Bordallo. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have, motion passes. Alright, thank you that was nice and fast. Is there anybody else?

Land Agent II J. Casem: We can...

Enrique Santos Agustin

Enrique Santos Agustin: Excuse me we weren't called... Agustin...

Land Agent II J. Casem: Agustin? Enrique Agustin, who has the...

Chairwoman P. Fejeran: Where is that? I don't see it in here.

Legal Counsel N. Toft: That was the add-on.

Administrative Director J. Hattig, III: That was the add-on, yeah.

Chairwoman P. Fejeran: Okay, Enrique Santos Agustin.

Land Agent II J. Casem: Ms. Lydia is actually the one presenting but she's not here, she's downstairs.

Administrative Director J. Hattig, III: Okay, can I have a copy of the Staff Report and I'll present the staff report for ****inaudible**** okay, thank you. So, that's okay, we'll move on. So, we have a request for termination from Mr. Enrique Santos Agustin. He's a December 4, 1995 applicant, original application type was agricultural. List under the findings, Mr. Agustin stated that he and his wife are getting older and there are a lot of work to do, the debris that was on the property prior to receiving the lease, utilities would be too costly to be brought into the area, cost of fencing is expensive and they indicated through a notarized letter that they are going to be relocating to the U.S. Mainland so the request would be to approve the termination based on the submission of the letter dated on October 16, 2019.

Chairwoman P. Fejeran: Hafa Adai ma'am, thanks for joining us, I appreciate your patience, if you can state your name for the record.

Cynthia Hold Agustin: Cynthia Hold Agustin.

Chairwoman P. Fejeran: Okay. We don't get very many lease termination request in here.

Mrs. C. Agustin: It wasn't even in the lease, that option for the lessee to... and we do realize that there's no refund on the survey and everything we paid the whole ninety-nine years in advance but that's all good. It was quite an honor to get the property in the beginning. It was my husband who lined up many, many years ago and he was quite excited so we rushed into it before we realized all the different permits including our archeology cook, I guess you pronounce archeology and

also if you're going to use machinery to clean the property and there are telephone poles and what not on the property so it just became very overwhelming at our age.

Chairwoman P. Fejeran: Well I'm sorry that it didn't work out and I understand your position and we just want to do the right thing.

Mrs. C. Agustin: Yeah, we wanted to do the right thing and somebody was talking about waiting seven years or so and I didn't understand that at all. So we don't have any in the family that wants to pick up on it so appreciate your consideration in wanting to clear our name.

Chairwoman P. Fejeran: Okay. Okay. So the seven years that I guess they mentioned was let's see here your lease was recorded in 2017 so then in 2024 you would have the right to transfer it to anyone else that would qualify under the program. I understand that you're willing to let it go now and move on.

Mrs. C. Agustin: Right.

Chairwoman P. Fejeran: Okay, I don't have any questions. I think the Director mentioned this but since Mr. Agustin is not here there is going to be a notarized letter or there is a letter.

Administrative Director J. Hattig, III: Right, there is a letter well according to the report was submitted in October ****inaudible****.

Mrs. C. Agustin: Right behind the water pump, yeah. That's a good place.

Administrative Director J. Hattig, III: ****Inaudible**** may say that if this goes through ****inaudible**** that this would make that property available for lease ****inaudible**** it's already surveyed and ****inaudible**** but as Ms. Agustin indicated there were items that were put there subsequent prior to the lease and so now we'd be responsible for taking all those things out obviously making it ****inaudible****. The debris, no, it wasn't theirs.

Commissioner A. Santos: Is there infrastructure?

Administrative Director J. Hattig, III: Not currently. No, not within a hundred feet.

Commissioner A. Duenas: ****Inaudible**** was notarized?

Mrs. C. Agustin: Oh, here's your notarized...

Administrative Director J. Hattig, III: Could we make a copy of it.

Mrs. C. Agustin: And then, if I may add when we looked at it about a month ago, I guess the neighboring lot owner were doing some work, they shoved more debris on the property. They just pushed up a mountain of stuff so good luck, much cleaning to do.

Administrative Director J. Hattig, III: We don't see a notary ma'am on the one you submitted.

Mrs. C. Agustin: No, that's my copy.

Administrative Director J. Hattig, III: Oh, okay.

Mrs. C. Agustin: So it's in your file somewhere.

Administrative Director J. Hattig, III: The copy that we have ma'am is exactly the copy that you gave us.

Mrs. C. Agustin: Oh I'm saying....

Administrative Director J. Hattig, III: And it doesn't have a notarized....

Mrs. C. Agustin: Oh...you need it notarized.

Administrative Director J. Hattig, III: Right, that's what we were asking if...

Mrs. C. Agustin: Oh, okay, I'm looking at the lease. Sorry. So what would have to happen here?

Chairwoman P. Fejeran: Actually she has...

Mrs. C. Agustin: I have Power of Attorney.

Chairwoman P. Fejeran: She has Power of Attorney so since she has Power of Attorney she's appearing before us, okay.

Commissioner A. Bordallo: Do you have an account with Bank of Guam?

Mrs. C. Agustin: Huh?

Commissioner A. Bordallo: If you have an account with Bank of Guam, they can notarize.

Mrs. C. Agustin: Oh, they don't need it since I have Power of Attorney.

Commissioner A. Duenas: It's not often that we get to do this so, again it's ****inaudible**** to us but ****inaudible**** motion to terminate lease for Enrique Santos Agustin for Tract 10316, Block 11, Lot 23 in Dededo.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Further Discussion?

All Commissioners: None.

Land Agent I Tina Tainatongo: I'm sorry, can you just specify what type of lease.

Commissioner A. Duenas: Agriculture.

Chairwoman P. Fejeran: An agriculture lease.

Commissioner A. Duenas: I'll amend my motion to Agriculture Lease.

Chairwoman P. Fejeran: Motion amended.

Commissioner A. Bordallo: I second it

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded.

Chairwoman P. Fejeran: Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Motion passes. The lease will be terminated.

Mrs. C. Agustin: Thank you.

Chairwoman P. Fejeran: Okay, next one.

Administrative Director J. Hattig, III: We have one more ma'am.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig: I'm sorry, two.

Chairwoman P. Fejeran: Hafa Adai, if you could state your names for the record.

Vincent J. San Nicolas

Marilyn San Nicolas: Good afternoon, my name is Marilyn San Nicolas, I'm here on behalf of my husband, Vincent J. San Nicolas. He's ****inaudible**** with me...sorry.

Land Agent II J. Casem: So I did meet with Mr. San Nicolas a while back and he is requesting a relocation. Mr. San Nicolas has actually gone through two different lots that he surveyed on his own. So with the first one the Trust actually put him on

a private property and then the second one we put him on the Umatac area unfortunately on this area they are unable to build which is why you know they want to move forward with an area that they can build. So a request for relocation from Lot 278-18 in Umatac to Tract 10121 Block 8 Lot 1-13 in Yigo and they do understand that the cost for survey would be incurred by them however, we did advise them that when they are ready to fulfill that to let us know so they do have a lease for the 278 and that would be an addendum once we do a transfer to the new lot.

Administrative Director J. Hattig, III: Just to give context the previous map was a CLTC in-house approved map that's the reason why it wasn't ... by Ventura, our Ventura, it's on the chronology that was for the previous lot 278 and at this time if you look at 278 its terrain is challenging so they wouldn't be able to... they would have to do a lot of ground work in order for them to build a residence on there so the recommendation was to relocate instead.

Chairwoman P. Fejeran: And Mr. San Nicolas has been in touch with you?

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Okay and did you say Ms. Marilyn?

Mrs. M. San Nicolas: Yes ma'am.

Chairwoman P. Fejeran: And you're just here to represent him?

Mrs. M. San Nicolas: Yes.

Chairwoman P. Fejeran: Okay so this will just be a relocation and an addendum to the existing lease.

Commissioner A. Duenas: Motion to relocate Vincent John San Nicolas from Lot 278 in Umatac to Tract 10121, Block 8, Lot 1-3 in Yigo this is for a residential lease.

Land Agent II J. Casem: 13.

Administrative Director J. Hattig, III: It's dash 13.

Commissioner A. Duenas: I'm sorry, dash 13.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner Santos: I second it.

Chairwoman P. Fejeran: Seconded it. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: Okay, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it, motion passes. So we approve the relocation. Okay. Hi hafa adai can you both please state your names for the record.

Jesse Taisipic

Jesse Taisipic: I'm Jess Taisipic.

Land Agent I John Gumataotao: I'm John Gumataotao, Land Agent for CHamor Land Trust. So with Mr. Taisipic he was issued a ground lease for a lot up in Yigo on unregistered land. It was for an agricultural lease of one acre. Mr. Taisipic is trying to get a reduction in acreage from one acre to half acre provided that we and also convert his agricultural lease to residential for a property down in Pagachao. Under consideration are properties that were returned to the Trust

under the Land for the Landless program. I haven't yet, certified whether or not the lot is available or for the Land for the Landless so we just need to secure a relocation authorization and also approval for the reduction in acreage.
Chairwoman P. Fejeran: So a lot hasn't yet been identified.

Land Agent I J. Gumataotao: No.

Administrative Director J. Hattig, III: This is the lot for the Land for the Landless the Commission wanted to specifically approve the SOP first before we start issuing these Land for the Landless lots so we wanted to bring it for authorization first before the Commission ****inaudible**** the satisfactory.

Chairwoman P. Fejeran: Okay so an approval for relocation, lot to be determined?

Administrative Director J. Hattig, III: Correct.

Chairwoman P. Fejeran: And reduction of property size from one acre to one half acre?

Land Agent I J. Gumataotao: Correct.

Administrative Director J. Hattig, III: The Land for the Landless lots are quarter acre for residential also would be to change the type of application from agricultural to residential to meet that... to satisfy that.

Chairwoman P. Fejeran: So three requests then? There's a request for relocation; lot to be determined, a reduction from one to half acre, and then a change of application type from agricultural to residential. Okay, so Mr. Taisipic is a December second 1995 applicant, priority one for residential.

Commissioner A. Duenas: Are we converting the application or the lease?
****Inaudible****.

Chairwoman P. Fejeran: ****Inaudible**** it's an agricultural lease.

Commissioner A. Duenas: ****Inaudible****.

Commissioner A. Bordallo: I have a question. ****Inaudible**** Michelle Santos, common-law- spouse, there's no common-law ****inaudible****.

Administrative Director J. Hattig, III: Yes, we're aware. We're working with the lessee to ****inaudible**** his beneficiary designation to ****inaudible**** beneficiary.
****Inaudible****.

Commissioner A. Duenas: Alright, okay. I guess I'm just trying to find out if we're converting the application, is there a relocation authorization needed if we're just changing the application?

Legal Counsel N. Toft: I think...you can just change the application type and then as a result of that the location would need to be changed as well.

Administrative Director J. Hattig, III: If we change the application type the ground lease is an agricultural lease in nature and I have to bring that up because it doesn't say agricultural lease it says, ground lease but we interpret that to be agricultural in nature so would the board need to make that motion to change the lease, the actual lease type together with the application type? Or separately or ****inaudible**** combination thereof.

Commissioner A. Bordallo: ****Inaudible**** Land for the Landless ****inaudible****.

Administrative Director J. Hattig, III: Okay, but will the Commission be able to give a determination at this time as to whether or not we could show him a property on Land for the Landless or are we still prohibited from doing so until such time the SOP is approved ****inaudible****?

Commissioner A. Bordallo: **Inaudible**.

Chairwoman P. Fejeran: Commissioner Bordallo requested we **inaudible**.

Administrative Director J. Hattig, III: So it's okay for us to look at the Land for the Landless inventory is what I'm asking? That's okay, I mean I have your permission to be specific about it?

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

Administrative Director J. Hattig, III: If we give them somewhere else he could maintain the one acre **inaudible** because there's no... the Land for the Landless is specifically quarter acre.

Chairwoman P. Fejeran: **Inaudible** switching to residential you can't get a one acre.

Administrative Director J. Hattig, III: Right that's why **inaudible**.

Chairwoman P. Fejeran: My question is, his agricultural lease dated December nine, 2003 is not recorded? **Inaudible**.

Legal Counsel N. Toft: As far as the lease, **inaudible** it doesn't really have that much of an effect because I think the procedure would be to change the type of application and to authorize a survey authorization on the new proposed lot and to switch the lease through a termination of the old lease and a creation of a new lease.

Chairwoman P. Fejeran: I almost think we would have to terminate the agricultural lease and then switch his application to residential?

Legal Counsel N. Toft: I think the CHamoru Land Trust would make it so that it's a continuous **inaudible** have it set up and then have a termination and then a recreation of a new lease on the same day so that there's no break in **inaudible**.

Administrative Director J. Hattig, III: Time and dates.

Legal Counsel N. Toft: Right.

Chairwoman P. Fejeran: But can we change his application type to residential even though he has an existing agricultural lease?

Legal Counsel N. Toft: Yes, because the actual lease is already an agricultural lease but the application would be **inaudible** in perspective...

Chairwoman P. Fejeran: Residential.

Commissioner A. Duenas: So I'll make a motion for application change for Jesse Lee Taisipic from agricultural to residential.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion seconded. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Okay, ayes have. Motion passes. And then would we need another motion.

Legal Counsel N. Toft: Let's see, you'll need two other motions, one to authorize a survey authorization on a new proposed lot for residential to be determined by the CHamoru Land Trust employees as far as the location.

Commissioner Duenas: Motion to issue a survey authorization to Mr. Jesse Lee Taisipic for lot to be determined by the CHamoru Land Trust staff.

Chairwoman P. Fejeran: Motion made.
Commissioner Santos: I second it.
Chairwoman P. Fejeran: Seconded it by Tan Amanda. Further discussion?
All Commissioners: None.
Chairwoman P. Fejeran: All those in favor?
All Commissioners: Aye.
Chairwoman P. Fejeran: Alright, motion passes.
Legal Counsel N. Toft: And the third would be for, I would just have it be an authorization for the Director to terminate the agricultural lease and approve the residential lease once the lot has been determined and surveyed.
Commissioner A. Duenas: So moved.
Chairwoman P. Fejeran: So moved, motion made.
Administrative Director J. Hattig, III: I just want to make sure that on the...
Chairwoman P. Fejeran: Authorization for the Director?
Administrative Director J. Hattig, III: Terminate the...
Legal Counsel N. Toft: terminate the agricultural lease and approve the residential lease, termination of the lot and completion of the survey.
Chairwoman P. Fejeran: Alright, motion made.
Commissioner Santos: I second it.
Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?
All Commissioners: None.
Chairwoman P. Fejeran: All those in favor?
All Commissioners: Aye.
Chairwoman P. Fejeran: Motion passes.
Land Agent I J. Gumataotao: So just in Mr. Taisipic's good faith to get a reduction in acreage from one acre to half acre does that give the Trust or the employee of the Land Trust the ability to identify a property within the Land for the Landless ****inaudible****?
Administrative Director J. Hattig, III: Yes.
Chairwoman P. Fejeran: Yes.
Land Agent I J. Gumataotao: Okay, thank you.

Kori Matthew Moen Manibusan

Administrative Director J. Hattig, III: So, now we have Kori Matthew Moen Manibusan.
Chairwoman P. Fejeran: Kori Matthew Moen Manibusan.
Administrative Director J. Hattig, III: This is the Power of Attorney here.
Chairwoman P. Fejeran: Oh, okay. Alright, if you could state your name for the record please.
Nicole Manibusan: Nicole Manibusan.
Land Agent I Lorraine Nededog: Lorraine Nededog, Land Agent.
Chairwoman P. Fejeran: Okay, alright. So, Ms. Nicole you have Power of Attorney for your father Mr. Kori Matthew.
Administrative Director J. Hattig, III: No, that's the bother.
Land Agent I L. Nededog: No that's the brother. The father's deceased.

Administrative Director J. Hattig, III: The brother assumed the application rights upon the death of the father.

Chairwoman P. Fejeran: Okay, so the original applicant was a Michael Hernandez Manibusan who is your father?

Ms. N. Manibusan: Yes.

Chairwoman P. Fejeran: And your father passed away and Kori became the beneficiary and now Ms. Nicole has Power of Attorney for Kori?

Administrative Director J. Hattig, III: Yes. Mr. Kori Manibusan submitted a notarized letter of relinquishment on April 18, 2018, to relinquish his application rights to his sister who happens to be the POA.

Chairwoman P. Fejeran: Oh, okay.

Administrative Director J. Hattig, III: The POA was recorded or her application was submitted in May of 2018 as well. So, because Mr. Kori Manibusan cannot name his sister as a beneficiary under the current five point eight that's why the relinquishment was submitted and then for Commission consideration.

Chairwoman P. Fejeran: Okay so the Commission can make that designation?

Administrative Director J. Hattig, III: We don't have that authority so we're bringing it before the Commission ****inaudible****.

Chairwoman P. Fejeran: So the Commission has the power Legal Counsel to designate Ms. Nicole as the beneficiary?

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: To take over her father's application?

Legal Counsel N. Toft: Yes.

Administrative Director J. Hattig, III: Also, I couldn't do it pursuant to Resolution 2019-03 because a lease wasn't issued, this is only application status.

Chairwoman P. Fejeran: Right, okay. This is pretty straight forward.

Commissioner A. Duenas: Motion to transfer the application rights from Kori Matthew Manibusan to Ms. Nicole Manibusan.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner A. Bordallo: I second it.

Chairwoman P. Fejeran: Seconded it by Commissioner Bordallo. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: Okay, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. So motion passes and Ms. Nicole you're now the designated beneficiary and now the applicant holder.

Administrative Director J. Hattig, III: So when your date and time is up, we'll contact you and then we'll start the lot award and issuance process.

Ms. N. Manibusan: Okay, thank you.

Administrative Director J. Hattig, III: I have an Aisha Diaz but she's not here.

Chairwoman P. Fejeran: I have a request to move ****inaudible**** back up to 3:30p.m; is that right? Move up...

Legal Counsel N. Toft: Yeah, they're not back here yet but if you want to ****inaudible**** one other than you can move to that.

Chairwoman P. Fejeran: Okay.

Land Agent I J. Gumataotao: ****Inaudible**** but I don't have the staff report.
Chairwoman P. Fejeran: I don't think we need to hear comment though, just put it on the next agenda.

Administrative Director J. Hattig, III: I don't think you need to vote to put it in on the agenda.

Chairwoman P. Fejeran: Yeah, I don't think we need to vote to put it on the agenda. Did ****inaudible**** still want to ****inaudible****?

Land Agent I J. Gumataotao: ****Inaudible****.

Chairwoman P. Fejeran: Hold on, are there others on the public comment? We're not doing public comment until 4pm. I know we do want to get to the Guam Rugby and Hal's Angels settlement terms but it's my understanding that not all parties are present.

Commissioner A. Bordallo: We're just waiting for our Legal Counsel.

Administrative Director J. Hattig, III: If you want to take a look at ****inaudible****?

Chairwoman P. Fejeran: We haven't looked at the SOP, I believe you asked us to table it. Should we tackle that?

Administrative Director J. Hattig, III: It depends on how long ****inaudible****. There is Ms. Diaz...there is a proposal from GTA Teleguam if you want to hear that, that's under new business.

Chairwoman P. Fejeran: Yeah, let's hear that.

Administrative Director J. Hattig, III: Mr. Tydingco.

Chairwoman P. Fejeran: Do we have something in our packet.

Administrative Director J. Hattig, III: Mr. Tydingco said he was going to submit documents for his presentation.

Chairwoman P. Fejeran: Okay.

NEW BUSINESS

3a. GTA TeleGuam – new cabling station

GTA TeleGuam Executive Vice President Daniel Tydingco: Hafa Adai and Good afternoon Madam Chairwoman, Commissioners Bordallo, Santos and Duenas and the CHamoru Land Trust Commissioners and Staff. On behalf of Teleguam Holdings dba: GTA, I'm Daniel Tydingco, Executive Vice President. I want to thank the administrators and staff for coordinating the opportunity to come before you today. ****Inaudible**** appearance before the Land Trust in 2016 ****inaudible**** for submerge land license agreement in Piti, I return today to respectfully request your favorable consideration for submerge lands license in the Alupang area. As a locally operated company that has been serving our island community for over 60 years, GTA has been involved and growing in the ****inaudible**** region. Part of that growth has been with help of the CLTC as a good lessor to GTA for the past sixteen years. I believe that we are probably the largest paying lessee for the Land Trust at this point. Many of our facilities and buildings are situated throughout on CLTC property; formerly as the Government owned and operated Guam Telephone Authority now as the privately owned entity for the past sixteen years, GTA has compelled and committed to the remain ahead and the ever-changing telecommunications landscape not only here but also regionally and internationally. We're designated the incoming local exchange carrier by both

the Federal Communication Commission and the Guam Public Utilities Commission unless we have public complications to serve as the carrier of last resort and we're also the critical infrastructure for the island. That being said, its incumbent upon us to make significant investments to make sure our obligations are fulfilled and that all of our customers, residential customers, island business, the Government of Guam and Federal Government are served well with state of the art telecommunications services and products. The telecommunications industry is critical to the **inaudible** development of our island and in line with the Governor's platform for economic development in Guam and in the region, we're making additional investments on island that we're looking to expand our telecommunication services and capabilities for the residents for local commerce and local federal and government sectors. We're looking to **inaudible** more high capacity communications connectivity **inaudible** in Guam, the region and the world for present and future needs. As the CLTC has **inaudible** authority for submerge lands around our island and currently has authority to grant licenses to twenty-one year term, similar to what CLTC previously granted and authorized GTA in Piti back in 2016, we're looking to a favorable consideration for a submarine license agreement in Alupang channel and reef lands area. We've been working with the Tamuning Mayor to apprise her of the project as well as the Mendiola Claros family; the few family members that are here, Mrs. Elizabeth Claros, her daughter Jennifer and her son Paul and **inaudible** be potentially be our landlord alongside with you guys if we're granted license, a submarine license, you'll be our landlords on the terrestrial side. So we're looking at their property ultimately to cite decide wherever any of our landing equipment may be erected or be placed. There will still be very many regulatory requirements concerning, permitting, licenses, clearances etc...for us to meet and adhere to before proceeding with this endeavor of course the key and crucial component in before receiving the submarine lease with the CLTC, the new sub cable will improve physical capacity of telecom connectivity between Guam and the world and also to **inaudible** diversity **inaudible** redundancy **inaudible** people will remain connected during natural catastrophes and emergency conditions. **Inaudible** competing with outside customers for more data is driving this investment, to date there are over four hundred submarine cables trenching over seven hundred miles **inaudible** in connecting the world. Rather than **inaudible** the satellite communication which is extremely costly, submarine cables are more economical **inaudible** carry more than ninety percent (90%) data transmissions for the entire world. We're proud to ensure our island remains connected with this cable investment. On behalf of GTA, we look forward to your favorable consideration **inaudible** to this request and thank you for your time and attention.

Chairwoman P. Fejeran: Thank you, Mr. Tydingco. Okay, so yeah, I think I was here when we approved the last submerged lands lease for GTA. Do you have the square footage you need and the exact area?

Mr. D. Tydingco: We'll we have the general area. Again, it's still going to require surveying by particular institutes out there. We're probably looking at similar to what we had previously in 2016 that was afforded to us by the CLTC, I think it was either six or eight foot wide **inaudible** in the Piti Channels so similar. We're going to do something like that, either six foot or eight foot **inaudible** the length,

I'm not quite sure but I think I may have that. The length may be a little bit longer, I think it's probably... well it's a little over a quarter mile but that's what we're looking at.

Chairwoman P. Fejeran: Okay, can you show us where the Claros' is ****inaudible**** just so we can have a...

Commissioner A. Bordallo: This is it, right?

Mr. D. Tydingco: Well I have...

Commissioner A. Bordallo: This is their lot and this is all primarily in the family area.

Commissioner A. Duenas: Madam Chair, before we continue, I just want to go ahead and recuse myself ****inaudible**** direct conflict as I currently work for Docomo Pacific; the direct competitor so I will go ahead and excuse myself for the discussion.

Chairwoman P. Fejeran: Okay, thank you Commissioner Duenas. We still have three Commissioners so we still have a quorum?

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: Alright. So it sounds like this is just a very preliminary request, there's nothing solid you requested at this time. Does the Commission have any questions?

Commissioner A. Bordallo: None.

Chairwoman P. Fejeran: None?

Administrative Director J. Hattig, III: The intent was just to do the introduction presentation just to reiterate that it has been done before in 2016 and we're really going to replicate or reproduce that particular document but if there were any immediate concerns that the Commission has, this is the opportunity to have Mr. Tydingco address that at this point but the proposal in its entirety was submitted. I have negotiations at this point with discussions I had with him and he did give me a proposed timeline and so we'll be working out that proposed timeline and then you'll be getting the notification via the agenda as soon as he's ready and the Commission is ready to hear it.

Chairwoman P. Fejeran: I believe that the last ****inaudible**** for GTA, there were two appraisals done to the property to assess the value of the land to determine the lease fee. I expect that to also be done as you mentioned, you kind of also be just mirroring the steps that were taken in 2016?

Administrative Director J. Hattig, III: Yes.

Mr. D. Tydingco: Right, I think the appraisal previously was ****inaudible**** because this is kind of different, the complexion is kind of different, I think the appraisal that was done previously were for the public lands that were in the Piti area. This is going to be private property where the cable will land at. So the authority will be for, the request for consideration would be for CLTC to by the virtue of your authority will be for oversight of submerged lands to grant... well it's the same thing, I'm looking at the last lease a six foot wide by five hundred sixty foot section of the reef land in the area.

Chairwoman P. Fejeran: I believe that was appraised and its value was assessed.

Mr. D. Tydingco: Oh, you mean in the water, the submerged site?

Chairwoman P. Fejeran: Right, for the land trust property, you would need the appraisals done so that we could assess the ****inaudible**** for the property.

Mr. D. Tydingco: Sure, that's understandable.

Chairwoman P. Fejeran: Because you are paying rent for that Piti submerged lands, right?

Mr. D. Tydingco: Yes.

Chairwoman P. Fejeran: So it would just be the same thing.

Mr. D. Tydingco: And we agreed to, if I'm not mistaken, last time the basis on the template was the existing submerged license that the Commission may have presently with another license holder, I think Tata Communications which is about the same thing...was about five thousand dollars (\$5,000.), right?

Chairwoman P. Fejeran: Yeah, that sounds ****inaudible****.

Mr. D. Tydingco: The difference being is I don't think that one had escalator so we exceeded to go ahead and conform with escalators for the benefit to the Commission ****inaudible****.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: We'll go ahead and take a look at it and the 2016 license, like I said; that's our jump point, that's our start point.

Chairwoman P. Fejeran: Right. And like you mentioned, there's a lot of other regulatory requirements and environmental assessments, is that right?

Mr. D. Tydingco: That's correct. We still have to work with the Army Corps ****inaudible**** Preservation Office, Seashore Protection Commission and a whole other list entities.

Chairwoman P. Fejeran: Okay. Thank you, Mr. Tydingco I don't think the Commission has any other questions but I appreciate you coming in presenting so that we kind of have a heads up for what's to come.

Mr. D. Tydingco: Okay, so I'm just trying to gather with what direction going forward here for GTA because we're looking to get all of the clearances and all of the studies done probably ****inaudible**** several months so ****inaudible**** with the request... I guess the Commission is asking us to come back...

Administrative Director J. Hattig, III: With the actual numbers, the actual data, the actual hard information as to exactly what you need or where's it going to be... all of the proposal narrative with your...you know, put your proposal together so that the Commission can consider exactly the five W's that...Who, What, When, Where, How.

Mr. D. Tydingco: Got it.

Administrative Director J. Hattig, III: We'll work together. I'll be in contact with you and then we'll put together your proposal and hopefully by... if you can do it by the next meeting then they could have a better indication of what your request would be.

Mr. D. Tydingco: Sure. Any other questions?

Commissioner A. Bordallo: Your presentation was very good.

Mr. D. Tydingco: Thank you very much Commissioner Bordallo. It brings me joy to be here because my part of the first CHamoru Land Trust Commission so makes me proud to come out before this body. Thank you very much.

Administrative Director J. Hattig, III: We have another request from Department of Agriculture.

OLD BUSINESS

2b. Hal's Angels/Guam Rugby Club – Settlement Terms

Chairwoman P. Fejeran: I'd like to go back to that Hal's Angels but before we call them up I just kind of wanted to bring up to the Commission's attention, this Proposed Settlement Agreement that was drafted. Does this proposed settlement agreement incorporate my comments?

Administrative Director J. Hattig, III: No, not yet because you said that you wanted to discuss with the Commission and that those concerns were... so it ...

Chairwoman P. Fejeran: Has this been shared with the parties?

Administrative Director J. Hattig, III: No.

Chairwoman P. Fejeran: Okay, but it's my understanding that...

Legal Counsel N. Toft: There may have reached a compromise.

Chairwoman P. Fejeran: They may have reached a compromise?

Administrative Director J. Hattig, III: I received a call from one of the representative's right before the meeting like right before 1:00 p.m., and she indicated to me that they did reach a compromise like right about 12:30 p.m. this afternoon.

Chairwoman P. Fejeran: Well I'd love to hear that they've figured it out for themselves. Is representatives from Hal's and Rugby want to join us?

This section of the meeting produced inaudible recordings.

Chairwoman P. Fejeran: This looks very promising, I don't want to get my hopes up so I guess... you know, I think the Commission was ready to make the decisions for you guys... look at you sitting all together, ****inaudible**** take a picture. Where is the news outlet? ****Inaudible**** okay, thank you guys, if you can state your name for the record.

Hal's Angels Legal Counsel Jacqueline Terlaje: Good Afternoon, Madam Chairwoman. Jacqueline Terlaje on behalf of Hal's Angels. I'm here with Mr. Ivan Shiroma who is obviously seated with Guam Rugby.

Guam Rugby Club Legal Counsel Genevieve Rapadas: Good Afternoon Madam Chair, Commissioners; Genevieve Rapadas, Legal Counsel for Guam Rugby Club and I'll have these gentlemen introduce themselves.

Unknown: Good afternoon, ****inaudible**** President of Guam Rugby Club.

Unknown: Good afternoon, ****inaudible**** Vice President of Guam Rugby Club.

Chairwoman P. Fejeran: Hello everybody.

Ms. J. Terlaje: Madam Chairwoman, may I ****inaudible**** I wanted to take a little bit of your time to kind of give you a chronology of the back ground so that the Commission would understand ****inaudible****.

Chairwoman P. Fejeran: You know, I don't know how much of help that would be, I think the Commission is very well familiar of the chronology and the decision that the Commission has taken and the actions that the clubs has taken are ****inaudible**** I mean it's up to the Commission, do you want to hear the chronology or do you want to jump in to the compromise to see if it's agreeable for the Commission. Is that okay?

Commissioner A. Duenas: Compromise.

Chairwoman P. Fejeran: Yeah, I appreciate you wanting to present that but let's get right to the point.

Ms. J. Terlaje: Not a problem Madam Chair. So, I'll jump straight in to what compromised both Guam Rugby Club and Hal's Angels have reached. First, I want to say, that this compromise was reached with the efforts of the administration by our Magahaga Leon Guerrero and the assistance of the Executive Director Hattig who was extremely supportive in assisting us in trying to reach a mutual compromise and so we come today you know as a joined group ****inaudible**** to request your approval and support in confirming the terms of ****inaudible**** reached as parties and of course ****inaudible****. Essentially what we have agreed to are these; that both GRC and Hal's agree with assistance of the Government of Guam and the Department of Public Works to construct a ****inaudible**** road public access and utilities rights of right of way which found running between Lot 10057 B5 and Lot 10057-NEW7, these are the two pieces of property that ****inaudible**** licensed to our new entities. Both GRC and Hal's are agreeing that the construction of the public access and utilities rights shall be completed within a one year term and no later than two years from the execution of these agreements. Hal's is agreeing to forfeit the small portion of its licensed property ****inaudible**** installation of this public access and right of way to run parallel to the existing easement or right of way ****inaudible**** and GRC is in turn is also agreeing to forfeit a small portion of its license property for installation of public right of way to run between its licensed property and Hal's licensed property. GRC and Hal's agreed that the proposed public access and right of way is subject to the Department of Land Management approval for the placement of that particular right of way and for agreeing to cooperate in the event that feasibility is not there. So essentially, if you're looking at the map, what we've agreed to do ****inaudible****.

Administrative Director J. Hattig, III: Yeah, I only have my proposed map so you can submit whatever you have there.

Ms. J. Terlaje: So we're providing you what the parties ****inaudible**** agreed upon. If you notice, there's color coatings on this particular map so essentially we agreed that the yellow zone will create this new ****inaudible**** access easement ****inaudible**** two properties and so essentially it'll run between both GRC and Hals and if you see, there's a portion taken from Hal's licensed property from what's known as Lot NEW7 and Lot NEW5 ****inaudible**** from the map that's in front of you, it looks like it can be from the southern portion of the Rugby property. So, within the gray and yellow lines, do you see that? Any question about where the placement of public access would be? So, essentially what GRC and Hal's have agreed to is that the CLTC and Department of Land Management will be ****inaudible**** authorized to move forward notwithstanding the current licenses that ****inaudible**** that takes into account this new public access to accommodate the necessary access for both pieces of property. Hal's has agreed also in the interim which he will provide temporary access of his licensed property to GRC during the interim of the construction of the public access which shall include the following conditions so we basically worked out how we can work together today during the process of construction. Hal's shall provide to GRC access to its property for GRC to maintain its licensed property; GRC shall have a license to utilize the Hal's parking lot as shown on the map, if you notice, the ****inaudible**** areas that we

there, and this will ****inaudible**** both utilize the public parking, emergency and official vehicles to move during construction. GRC agrees to diligently assure that after every practice and game that the gate is closed ****inaudible**** and to remove all debris ****inaudible**** rubbish followed by all GRC games and practices within 48 hours discovery of any debris, trash and or rubbish followed by any GRC games or practices. GRC is also agreeing to ****inaudible**** removal of trash and rubbish, in consideration of Hal's granting this temporary licensing during construction period onto its parking lot, GRC is agreeing to contribute the reasonable machinery, manpower and fill of quantity and material necessary to repair the Hal's parking lot caused by damage from usage, GRC is acknowledges and repairs during the raining season ****inaudible****. The parties have agreed that the temporary access granted by Hal's to GRC shall expire upon the completion of the easement ****inaudible**** or in two years from the execution of agreement, whichever comes first so essentially we are anticipating that this will be done within that two year ****inaudible**** both parties are agreeing to table the issues of joint parking until ****inaudible**** but will cooperate to each have a mutual agreement satisfactory to both parties. GRC and Hal's are providing formal notice ****inaudible**** to the CLTC of their request to ****inaudible**** their license agreement within the CLTC as of today's date which is no more than sixty (60) days prior to the expiration of their current licenses as required by the licenses. So if the Commission takes a look ****inaudible**** from the Hal's license and then the GRC's licenses; we're both required to give notice to this Commission that ****inaudible**** extend for an additional twenty-one (21) years ****inaudible**** notices, they are joint ****inaudible**** today. GRC and Hal's are now jointly requesting the renewal of those licenses in consideration of the terms that ****inaudible**** reached ****inaudible**** approval of their licenses to run from the expiration. So for example, Hal's expiration runs on July thirty-first 2022, we're asking that this part of the ****inaudible**** with both GRC and with this Commission ****inaudible**** an extensive contribution that both parties and CLTC are being ****inaudible**** so at this time; Madam Chair, GRC and Hal's extends our Dangkulu na Si Yu'us Ma'åse' for the collaboration of this body, Director, Magahaga, and this Administration for the improvement and development of these sporting programs which we believe serve our people, both entities are truly grateful for what this Commission has sought to reach ****inaudible**** for us and we are ****inaudible**** happy to report that we were able to reach a compromise and ****inaudible**** as part of ****inaudible****.

Chairwoman P. Fejeran: Thank you. Attorney Rapadas, do you have anything to add?

Ms. G. Rapadas: I agree. I know you guys have been here for a while now so...

Chairwoman P. Fejeran: I guess that kind of sums up all of the settlement agreement terms that we were looking at. If I could just ask for the construction of this public access road; that would also be the utilities easement that would be brought in?

Ms. J. Terlaje: That's correct, this is a public access right of way so it will be for access plus utilities.

Chairwoman P. Fejeran: So have you also discussed and agreed to the timeline for the removal of existing utilities that goes right through the middle of ****inaudible****.

Ms. J. Terlaje: Right now we're taking it as is until such time as the public access is being installed and so as part of the installation of both the ****inaudible**** that ****inaudible**** line will be relocated because it prevents the double construction period.

Chairwoman P. Fejeran: Okay, so the relocation of existing utilities will come... or will occur upon completion of the new public access?

Ms. J. Terlaje: It will be a part of the construction. It will ****inaudible****.

Administrative Director J. Hattig, III: Yeah, they're going to run it concurrent to the construction of the ****inaudible****.

Chairwoman P. Fejeran: Sorry, so the new utilities will running concurrent to the construction of the ****inaudible****.

Administrative Director J. Hattig, III: That's the hope, right? That's what you're saying right?

Chairwoman P. Fejeran: My question was, the existing utilities on Hal's is the deleted easement? ****Inaudible****.

Ms. J. Terlaje: Madam Chairwoman that was an issue that ****inaudible**** I think we both thought that we would further reach agreement on a later date, we had anticipated because that was an issue that was raised about its removal ****inaudible**** the GRC was asking for additional time for it; we wanted to give it ****inaudible**** but we're almost there terms of that particular ****inaudible**** so we anticipate that when we finalize that ****inaudible****.

Chairwoman P. Fejeran: Okay, I would like to see that addressed in black and white so that both parties are... so that it's clear what those ****inaudible**** are. So just to reiterate, existing utilities removal will agreed upon and included in the final agreement.

Ms. J. Terlaje: We will address the issue ****inaudible****.

Chairwoman P. Fejeran: I guess, my next question would be about the ****inaudible**** I see green line, yellow line and then a blue line...

Unknown: The green and the yellow lines, the wide yellow lines those were preliminary ****inaudible****.

Ms. J. Terlaje: The green was yeah, preliminary we were ****inaudible**** the turnaround in that zone originally so today we're adding ****inaudible**** so that's why ****inaudible**** referenced to that yellow.

Chairwoman P. Fejeran: This yellow, so we're not, you haven't, so you're not talking about the ****inaudible**** line. We're just looking at the yellow ****inaudible****.

Ms. J. Terlaje: We're looking at the yellows. So ****inaudible**** essentially a public right of way through the yellows so it's more than an L shape ****inaudible****.

Administrative Director J. Hattig, III: What we solved Commissioners is the blue line was the original proposal for a public access and easement by the scheme that the agency provided, that's the blue line. The blue line that's circling the entire Hal's property, that's what we envisioned to be the easement and then the green line was a proposal from Hal's an amended proposal and then the yellow is what they've come to terms with. It's just a progression of the different proposals of where the lines ****inaudible****.

Ms. J. Terlaje: So we assume Madam Chairwoman that the blue lines ****inaudible**** the boundary points for the Hal's licensed property and essentially what the parties have agreed to is that each party is forfeiting a portion of their

licensed property to ****inaudible**** public access so that way each party is essentially giving up their portions.

Chairwoman P. Fejeran: What is the little ****inaudible**** where the line is on the left corner? I don't think I've seen that on other maps ****inaudible****.

Ms. J. Terlaje: Yes, this was the anticipated ****inaudible**** so the R7 Lot is also under the administration of the CLTC so as the Commission is aware, this entire area was originally one lot and so over the years there has been subdivisions and so what we're proposing is because the CLTC is the owner of the R7 as well that it is possible to take a portion of R7 in order to accommodate the public access.

Chairwoman P. Fejeran: Where the gray... so part of the access will take from R7 and then that also ****inaudible**** into Hal's property into R7 on this ****inaudible****.

Ms. J. Terlaje: Not at all. So that becomes a part of the access, so this portion, depending on the ****inaudible**** of the drawing by DLM then that portion becomes a part of the access way.

Chairwoman P. Fejeran: Okay.

Ms. J. Terlaje: But it would be completely within DLM and the CLTC's discretion to determine whether or not they should move the property it's a matter of determination of a surveyor or whether the property line should be moved to accommodate the subdivision.

Ms. G. Rapadas: So this proposal right now on the top is simply a proposal ****inaudible**** for the survey and visibility the only thing I want to add is ****inaudible**** has some concerns about it because of the EPA requirements and the drainage ****inaudible**** so we have... I believe we reached an agreement as to all the major terms and this shouldn't be an issue once we get ****inaudible**** and what we agreed to cooperatively in the event whatever proposals ****inaudible****.

Administrative Director J. Hattig, III: Madam Chair, I'd like to see if we can produce a scheme so that you can better understand, I'm not saying that this is not great work, this is but I have two engineer techs. that would be willing to work with both of you to clean this up and scheme this up correctly the way it should be done, taking into consideration the R7 and the forfeiture of both properties under Hal's and Guam Rugby, similar to this settlement agreement that I sent to you is the scheme would be provided to ****inaudible**** exactly how it would look ****inaudible**** survey was done.

Chairwoman P. Fejeran: Yeah I think that would be good. I'm really happy that you guys sat down together and worked this out you know this is not far from what discussed months and months ago so I'm glad that we're back here and it looks like that both parties have come to an agreement and a compromise and a way forward that we can hopefully within the next... what I'm hoping for is to get the map done and to get the settlement agreement terms drafted up formally so that it's something that we can have and I don't know if this will be like an amendment to both of their licenses.

Administrative Director J. Hattig, III: I would defer that to Legal Counsel. Nick, do you think that an amendment is required or...

Legal Counsel N. Toft: I think we just use the agreement as a basis for the license ****inaudible**** incorporate within that ****inaudible****.

Chairwoman P. Fejeran: Okay. I'm mean I am relieved because I know that there's a lot of rugby players that has not been able to get out on that field and I

also know that you both sides had a lot of concerns but I'm just very thankful that you guys were able to work this out amongst each other. I think that speaks volumes for both of the clubs and I'm sorry it took this long but ****inaudible**** so let's move forward so if you could work with the Director and the staff to really get the map completed and then also for us to have documented the settlement agreement and all the other terms that we discussed today.

Administrative Director J. Hattig, III: Do you have a copy Attorney Terlaje of what you were reading from are you prepared to submit that today or not yet?

Ms. J. Terlaje: I'll email you ****inaudible**** this has scratches.

Administrative Director J. Hattig, III: So that's what the Chairwoman is talking about, is as soon as you officially give us your terms we can definitely make it happen and then ****inaudible**** map, tomorrow, we can meet tomorrow; my engineers are available so we can immediately do the scheme and have it prepared, the faster you get us the terms the faster we can move forward in that agreement but I think we require a motion from the Board, is that something that is necessary?

Legal Counsel N. Toft: Probably require a motion. Yes.

Administrative Director J. Hattig, III: Okay, that's why I want to make clear that we don't have to wait for the next meeting in other words, right. So ****inaudible**** all here agree that a settlement has been reached and that we're working out the details and the documentation once submitted will be transmitted to the Agency so that we can enact it.

Ms. J. Terlaje: So that's essentially what we're asking from the Commission today, is are you going to approve this compromise that we've reached because what we like is to submit the documentation, get the necessary signatures and start public access ****inaudible**** so if we can kindly request that is possible that the Commission approve the provisional terms that we've reached as we said subject to the written form so that way when we do present all the documents Mr. Hattig, Mr. Hattig will have the authority to present it for the necessary signatures without further ****inaudible****.

Administrative Director J. Hattig, III: If I could, I would like to find out if our Surveying Division would like to find out who's going to be responsible for the survey, the actual full blown survey once we get the scheme done and what is the... have parties agreed on a proposal of whose going to take care of that?

Ms. J. Terlaje: That is definitely already ****inaudible**** so ****inaudible****.

Chairwoman P. Fejeran: Commissioner Bordallo brought up a memorandum of understanding based on the settlement terms.

Ms. J. Terlaje: Memorandum of Understanding?

Commissioner A. Bordallo: Between us and you two.

Ms. J. Terlaje: Oh, what we were proposing to do... I'm sorry, I just wanted to make sure I understood the question properly... was we intended to reduce the agreement to writing ****inaudible**** signatories to that agreement would be GRC, Hal's and the CLTC and the CLTC will approve the terms ****inaudible****.

Chairwoman P. Fejeran: Would that be considered a memorandum of understanding?

Ms. J. Terlaje: We call it an agreement of ****inaudible**** they all mean that ****inaudible**** a contract of ****inaudible****.

Legal Counsel N. Toft: So I think it would be good to have the board make a motion to agree to that settlement agreement ****inaudible****.

Chairwoman P. Fejeran: Okay, another question I have is if the Commission makes a motion and it passes I imagine the agreement would take some time to be prepared and signed and then all the finer details worked out like getting the survey done so that we know exactly how things are going and in the interim have the parties discussed access?

Ms. J. Terlaje: Madam Chair, the parties are eager to get this moving, we anticipate that the finalized written agreement will ****inaudible**** so this is the reason why we're asking the Board to expedite the approval and to ensure that we don't become ****inaudible**** any further to the development of this public access. We believe that this public access is a benefit to all of our community, we think that this is something that ****inaudible**** and we are in support of that.

Chairwoman P. Fejeran: Okay. Does our legal counsel have any issues or concerns with this way forward?

Legal Counsel N. Toft: No, it's perfectly fine, a way forward; like I said, this is an agreement between parties with the existing license that we have and when the time comes for the renewal we can incorporate all the maps and that agreement into the two licenses when the time comes and then hopefully its smooth sailing moving forward.

Chairwoman P. Fejeran: But that won't be for another couple of years, right? 2022.

Legal Counsel N. Toft: I believe we do need to work on Guam Rugby Club sooner than Hal's as far as the timeline goes. But like I said, the settlement agreement will ****inaudible**** the bridge for that ****inaudible**** so that everyone is all on the same page.

Chairwoman P. Fejeran: I think maybe if... I understand you wanted to get like the Commission approval at this point but I think ****inaudible**** for each of those terms I mean I don't know how the Commission feels, I think it's definitely a way forward but because we don't have something concrete in paper that we can really ****inaudible**** I ****inaudible**** give our approval knowing that somethings are going to be changing along the way what ****inaudible**** summarized what the terms would be verbally and then...

Legal Counsel N. Toft: ****Inaudible****.

Chairwoman P. Fejeran: Okay, does the Commission want to go over, repeat some of those points just so that we're all clear on what the ****inaudible****. Okay, so I have the ****inaudible**** term of the agreement would be the ****inaudible**** coral based road, public access and utilities to be constructed within one (1) year no later than two (2) years to generally follow the yellow line shown on this map and with that new public access with utilities easement it's understood that Hals' Angels would forfeit a small portion of their property and Guam Rugby Club will also forfeit a small portion of their property. During construction of this new public access utilities way, Hal's Angels will grant temporary access to Guam Rugby Club to use the deleted easement, existing parking to be used as joint parking and Guam Rugby Club commits to closing the gate after every event, removing all trash and rubbish. Guam Rugby Club also commits to contribute materials and equipment machinery to fix and maintain the current parking lot on Hal's Angels

property and the temporary access will expire upon completion of the new public access utilities easement up to two years from the signing of the agreement. The agreement also includes a commitment from the CHamoru Land Trust Commission to renew their licenses at the end of the current term and the agreement would also include a provision that the existing utilities and the deleted easement, the removal will be agreed upon and addressed in the final agreement between both parties. Did I miss anything?

Ms. J. Terlaje: Just a technical point Madam Chair that DLM approval is subject to ****inaudible**** essentially we're agreeing to DLM and to the Board CLTC resub dividing for the purpose of installing ****inaudible**** the public access.

Chairwoman P. Fejeran: Okay. And incorporated in also would be incorporated in the agreement ****inaudible**** surveys and the final recorded map.

Ms. J. Terlaje: Yes, that will also be addressed.

Chairwoman P. Fejeran: I think this is to stand forth of their final agreement. That's their intent is to get the approval today so they don't have to wait another month and come back.

Commissioner A. Bordallo: So moved.

Chairwoman P. Fejeran: Okay a motion has been made.

Commissioner A. Duenas: Seconded.

Chairwoman P. Fejeran: Okay, Mr. Duenas second the motion. Further discussion?

Commissioner A. Duenas: ****Inaudible**** slightly different with the stated motion.

Chairwoman P. Fejeran: So what Commissioner Duenas is asking for is should any of these terms be changed or amended that it be re-presented for Commission approval. For instance if your feasibility when you get out there it makes you kind of like you would have to redraw this in a materially different way you would come back to get our approval. Right is that....

Commissioner A. Duenas: Yeah.

Chairwoman P. Fejeran: That would be my concern to that you know, we're giving our blessing on something that is not on black and white. So the motion would now be amended to include that caveat that Commission approval is not... how do you say that...

Legal Counsel N. Toft: Any additional material ****inaudible****.

Chairwoman P. Fejeran: Okay, so the motion... Commissioner Bordallo would like to amend her motion to include the statement that any material changes to any of the terms of the agreement would require Board review and approval.

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

Chairwoman P. Fejeran: Okay, motion has been amended. Seconded by Commissioner Duenas. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Okay ayes have it, motion passes.

All parties: Thank you.

3b. Department of Agriculture – land transfer

Chairwoman P. Fejeran: Okay, moving on; let's move to Department of Ag.
Department of Agriculture Deputy Director Adrian Cruz: We know you're tired so we'll make it fast.

Chairwoman P. Fejeran: Okay, Hafa Adai, can you please state your name for the record?

Deputy Director A. Cruz: (Introduction spoken in the CHamoru language) Good afternoon to all of you, I am Adrian Cruz the Deputy Director for Department of Agriculture.

Jerry Gutierrez: Jerry Gutierrez, Aquatic Wildlife Resources, Department of Agriculture.

Jane (unknown last name): Hafa Adai, Aquatic Wildlife and Resources.

Chairwoman P. Fejeran: Hi, thank you for joining us. If you would just give us a few minutes.

Deputy Director A. Cruz: Sure.

Chairwoman P. Fejeran: Ah yes, I remember some representatives came a few years ago mentioning this but nothing ever came of it so it's coming back, okay. You got a presentation for us?

Deputy Director A. Cruz: Sure, we'll keep it short. Basically, these properties were under the Department of Agriculture and then when the land exchange happened for DOC, the Government had swapped the private land owner for that piece of property then we negotiated to get that piece of property back and now it magically belongs to CLTC. So we come to ask for a motion because ultimately the legislature is the one that's going to have to fix this, but it's critical for us because we've lost almost near a million dollars already in federal grants because we just don't have the space to build the facilities that we need and I'm not sure if you can see it on that map but right in the back there is where our endangered species are; it's the Ko'ko' and Sihek and we just can't have development there because those birds are very sensitive. You know, the Ko'ko' for example; this is only the second species that has ever been brought back from the edge of extinction and if we have development that disrupts their lives this could be detrimental to them being released back to where they belong which is here on Guam and so we would really like your support. We have a bunch of plans that would impact the community with outreach with building facilities that would help educate the public, dealing with farmers, dealing with fishermen, dealing with hunters and the staff that I brought here today will be able to elaborate on that.

Mr. J. Gutierrez: If you turn to page eight of the presentation; one of the reasons why or a couple of reasons why we are requesting for the land is because we have a current ****inaudible**** construct the ****inaudible**** for educational outreach. We do educate the fishermen, we educate kids on coral reef, fisheries and wildlife conservation so we want a building where we could do that. We also want to use the building to teach kids about fishing; we currently have a program, the Kid's Fishing Derby for kids ages seven to 12 and we have the clinics twice a year. The events are held twice a year usually and for these fishing clinics we actually go out to a different place to teach these clinics and we want a place of our own that we can... within our compound that we can teach these kids fishing so that they can pass it on to future generations and also to educate and conduct hunter education classes which Jane can expand more.

Ms. Jane (unknown last name): So you guys have our Hunter Education books, these are free classes and at the end of the class they get free certification that's recognized ****inaudible**** nationwide. We want to increase hunting participation but also encourage safety teaching and hunting on their land. I have some pictures here of what kind of outdoor areas we need because we would like to also teach archery skills. We need a space that they could safely practice or target practice. Also we want to offer different classes for things like free ****inaudible**** care workshop, teach people how to clean their ****inaudible**** we need that space outside, it's really difficult to do those kinds of teaching in an enclosed area. We also hold a free annual piggery and we need a place for them to bring the pigs back so we can weigh them. So, having a space near our compound now will save us so much time and energy for set up and you know the customers or even the land owners that come in to do these activities. I'll pass these around.

Mr. J. Gutierrez: I just wanted to mention a couple more things that we need the space for is for our ****inaudible**** and S.W.I.M.S. program ****inaudible**** devise and shallow water buoy programs and right now all of these components the staff are all spread out and not all together because we don't have the space, one consolidated together. The F.A.D.S. provide one recreational value as well as the S.W.I.M.S. for the fishermen, the recreational youth, the tourism industry; they bring the tourist out there for the F.A.D.S. and the S.W.I.M.S., the scuba diving as well and provides benefits that it prevents coral damage from fishers anchoring and the Navy has followed also in our footsteps and installed SWIMS on their submerged land property as well.

Deputy Director A. Cruz: You know commissioners, the bottom line is that we're all trying to work towards the same goal and that is to make our community a better place to live and part of that is helping out your clients, the people, your constituents and they are hunters, they are fishermen, they are farmers and we're the agency that they have to deal with the most and we want to be able to maximize the amount of outreach and resources that we can provide to them so that when they are on CHamoru Land Trust land. They are really making use of that. When they are on agriculture land we can be there to provide the assistance necessary so that they can carry out what they applied their lease for and so we're asking for your kind consideration if you could pass a motion for us to support us and of course all of this is going to have to go through the legislature; we all know how long that can take but like I said, we've already lost almost a million dollars, we have no building and we need these facilities and most importantly, if we want to make sure our future as an island sustainable. These are some of the tools that we need and we can't do it without your help.

Chairwoman P. Fejeran: Sorry, just a question about the F.A.D.S. and the S.W.I.M.S.; it would be like you're using it as a storage?

Mr. J. Gutierrez: Well right now, it's spread out everywhere so some of it is actually on the CHamoru Land Trust right now, the anchors so we want to move these stuff indoors because you know, it's outside and the weather and it breaks down and the components of it gets rusted so we want to avoid that and we also have the staff that would be housed there as well to work on the projects for the F.A.D.S. and the S.W.I.M.S. and any type of coordination or any type of... these

things consist of ****inaudible**** some of these things ****inaudible**** work on that in the facility as well.

Chairwoman P. Fejeran: And why would transferring the land to Department of Ag be something that's more desirable than just seeking a license to use the property from the Land Trust?

Deputy Director A. Cruz: Well we can't get the Federal Grant to build the facility unless they know that the facility belongs to the department; they won't give us that, because it's federal dollars.

Chairwoman P. Fejeran: But you said you've lost federal funds but your background says, you almost lost federal funds and then it says you currently have the grant but you don't have the grant.

Mr. J. Gutierrez: We almost lost the funds ****inaudible**** million dollars back when we were building the fisheries building because the design was actually done on Lot 1110-11-NEW. We actually were trying to get the land transferred to agriculture back then, it took almost two years trying to do that and we weren't able to do it and the grantor was actually going to pull the funding so what we did was we had to pay the contractor more money do the design again on the other lot, the agriculture lot and right now, there is a current grant open.

Chairwoman P. Fejeran: But you haven't been awarded it because you don't have the property?

Deputy Director A. Cruz: We don't have the property.

Chairwoman P. Fejeran: Oh, I see. The larger Department of Ag has a grant and then you would apply for it if the land I guess is in your inventory?

Mr. J. Gutierrez: Well we have a grant but we need the space to move forward, it just involves right now its planning, the planning stages such as trying to obtain the land then do the design but until we get the actual space we can't move forward.

Deputy Director A. Cruz: We'll end up having to return the money if...

Chairwoman P. Fejeran: Okay got it.

Commissioner A. Bordallo: Where is your location now?

Deputy Director A. Cruz: Right next door. So originally that double yellow line would have connected and that was the original whole Department of Agriculture slab of land and then those two lots were exchanged with a private land owner to build DOC and then we had to negotiate with the private land owner, we got it back but then it came under your inventory and so here we are.

So that private land owner ended up swapping with us again or swapping with the Government of Guam again, getting land somewhere else but then that fell into the CLTC inventory.

Mr. J. Gutierrez: I think one of the problems was that we thought that you know the big agriculture lot that those two lots fell within that lot, that's what we thought. But we didn't know that those two are separate lots from the bigger lot.

Chairwoman P. Fejeran: What's the square meters or acreage in those two combined with each other? Well I appreciate you guys coming down and giving us this presentation, I definitely see the value that the land transfer will ****inaudible**** for you, your programs and our island in general but you know as Commissioners of the Land Trust we have to act specifically in the benefit for our beneficiaries, right, and our beneficiaries are those thousands of people waiting in line for property. Two acres we could fit probably four residential lots there and that will be

four people off our waiting list. That will be four people that could probably build right away because there's utilities and infrastructure in the area so you know, we have to consider that too, you know, what we're giving up. But also knowing that as you mentioned development of those properties for homes is probably not in the best interest of anybody really, right because of the adjacent ****inaudible**** on the Department of Ag property. My concern is, always we're transferring land out of our inventory that means we don't have it anymore, obviously so what does the Trust get in return? That's always my question, what are we going to get in return? We went through a lot last year working with UOG not really the same situation but kind of, you know, they were encroaching on our property and their building was actually was encroaching on our property and it was also a land exchange thing that happened between Department of Commerce back in the day and the Land Trust and the ****inaudible**** Government of Guam but you know we worked collaboratively with UOG to get the Bill through the legislature and we did require compensation because again it's; we're giving up this land basically once and for all what is the Trust going to benefit from it so... I guess that would be my question to you; is what is the Trust going to benefit from it?

Deputy Director A. Cruz: Sure, I wish we could say that we would pay you for it we're broker than probably any other well maybe DOC is a little broker than us but the thing is that CLTC will probably more than any other agency that needs to be dealt with when it comes to your clients, it would probably be us. We have to deal with people that come in to try to get agriculture lines in areas that don't have anything at all and of course we want to help you with your mandate which is if you're going to give people agriculture leases. Well, what does that mean because growing two Pugua trees and a couple of peppers doesn't qualify really as agricultural. We have urban forestry that will help people with agroforestry and growing trees that are suited to their particular area we have farmer outreach, we deal with people from the fisheries, with hunters and so we're really there to try to service your clientele to try to make sure that they maximally use the property that's allotted to them and we're open to negotiation or if you have some kind of program that you would think that would benefit. We're open to that, that's what we're here for. We're always encouraging new farmers and we think that if you involve us a little when you do give out these leases maybe make it a little more strenuous on especially the agricultural leases. We have been ready to rock and roll with this for a long time. We know that it's probably going to be problematic especially in the north when you issue out these leases, you have people that are doing things that are not in the best farming practices and could endanger our aquifer that's where we're really ready to step up and so we'd like to work with you. At the end of the day we live on a very small island and we have to learn how to deal with each other and we want to help you to ensure that people are engaging in the best practices and in the most sustainable way of using their land. And so we're hoping that we can collaborate with you, like I said, our office is always ready and willing to service your clients in coming up with those programs to make their lots work for them the way it should be.

Commissioner A. Bordallo: Can I ask a question?

Deputy Director A. Cruz: Sure.

Commissioner A. Bordallo: How many Ko'ko' birds do we have on Guam?

Ms. Jane (unknown last name): Well the facility can hold 150 and when it reaches a certain number we remove some and take them to Coco's Island or Rota so that way there's a reoccurring population.

Commissioner A. Bordallo: And are they surviving in Coco's?

Deputy Director A. Cruz: How many is at Coco's Island?

Ms. Jane (unknown last name): Oh yes, we have over 70 so it started off at 16 now there's over 70.

Deputy Director A. Cruz: In fact over by the pool at Coco's Island there's a hen there with her clutch of eggs already so you know our hope is that one day you'll see Ko'ko' running across the street bothering you but we can't do that if they're... you know, they're very sensitive birds. In fact, it took so long for them to get this way because when the breed it's not just about putting a male and a female together, you actually have to match their personalities together so I think they have a tinder program for Ko'kos in which the different zoos around the world will find by temperament which is going to be the best partner for this particular bird and so if I have a resident you know blasting Bob Marley in his back yard next door.

Ms. Jane (unknown last name): Yeah, their ****inaudible**** is very sensitive but also the females they will kill the eggs if they get anxiety so then those chicks will not hatch and stray dogs always harass the birds and so they can't forage. We had cats that would come in so people's pets that would be coming in our yard would really damage the population. But also for our Hunter Ed. is developing, I want to do an archery park that would be open to the public year round, that's the benefit of having it in our facility is that we can maintain it better but it would be open access. So an archery park is good because we want to teach archery skills and the best places for hunting is with archers so if we build up that population then our invasive species problems go down you know, there's more meat for the family so we really want an area that people could come into any time because there's nowhere on Guam right now, there's no one that would take that project unless we're able to get it one hundred (100%) percent federally funded.

Deputy Director A. Cruz: The other thing is you know, let's be honest a lot of these hunters are hunting on CLTC land, we want to save Guam we don't want you to have any headaches if somebody gets hurt out hunting or somebody gets accidentally killed or whatever the case maybe so having this Hunter Ed. program and having a little trail so that hunters can pass a particular standard and know how to do these things, this would be better for you too because you don't want unsafe hunting happening on CLTC land and God forbid somebody "accidentally killed" or whatever the case may be so this benefits your clientele as well because you also have lots that you assigned sort of in the middle of nowhere and if you have hunters that don't know what they're doing and accidentally shoot through somebody's house you know that wouldn't be good for you and it wouldn't be good for us either so this is one of the reasons why we would like to work together to try to resolve this. ****Inaudible**** we would love to do all these things, we don't have the space and we have somebody that is giving us money and the problem is ****inaudible**** we know that you guys are so great that you'll just help us out.

Chairwoman P. Fejeran: I think that if we can kind of work together the way we worked with UOG, we could figure out some kind of in-kind services, maybe

setting up a program with you guys to help us out in the very many areas we need help with.

Deputy Director A. Cruz: Sure.

Commissioner A. Bordallo: Agriculture lease ****inaudible****.

Deputy Director A. Cruz: We do. I think one of the things is I was talking to one of our farmer agents and he was saying that out of all the agriculture CLTC awardees he's only got like two that actually came and asked because we're ready to say this is the kind of land that you can live on, this plant good, this plant is better, you should plant this plant here because this plant is going to ruin your foundation, you can harvest this many times all these best practices. The problem is that; hey, I got my CLTC land I'll just grow pugua but we are... if you would mandate them to come to us we are ready to help them with a plan that's our mandate to do that and we kind of have all this facility and let's face it a lot of the people that come through CLTC are economically disadvantage and so we want to help them grow things that not only will grow to feed their family but to create a cash profit for them so that they can sort of get on their feet. The thing is, is that there is nothing holding them to come and seek us out and there's no follow up either. There's nothing in your rules that say you must make sure that you go to this class or make sure that you got this clearance you know that you did go and seek an agroforestry to figure out what plants are suitable because you know another issue is they'll come and say. Well I got a CLTC agricultural lease but nothing will grow on there so never mind, I tried. The problem is, you know, you don't plant certain plants on certain areas because it's just not going to do well but if you would sort of guide them or mandate that they come to us; we're more than willing to help them out which would in turn help you out. Just don't ask us for money and we're good.

Chairwoman P. Fejeran: Well that's definitely something that the Commission has discussed and would like to implement building into our agricultural leases, mandated terms to make sure that they're actually going to use the land appropriately with the best farming practices.

Deputy Director A. Cruz: Sure.

Administrative Director J. Hattig, III: I'd like to work with the Deputy if I could. The outreach that he's ****inaudible**** because one of the problems has always been is that they don't come in to interact with us so we go out every once in a while to interact with them that I want to expound on that and perhaps come to some kind of agreement if DOAg Agriculture would come out with us and actually conduct these inspections and these trainings.

Deputy Director A. Cruz: That particular big piece of property the one highlighted in the teal there is that's right behind our building, we want to build a training facility. If you guys would want to do something where you would mandate two or three times a year that people with agriculture leases come for some kind of seminar on how to take care of your soil or how to get property trained or how to slaughter a pig or how to clean it out without throwing all that stuff in the side of the road or down the drain. That would be the place to do it. It is in this big facility where we could accommodate people, we'll have all the handouts whatever we need because again, that's what we do but we can't force people to come but you can. So we could work together that way.

Chairwoman P. Fejeran: I think you also brought up a good point about our lessees who may be putting our aquifer at risk out there and you know that's absolutely something that we need to explore also would be good.

Deputy Director A. Cruz: You know, if a lessee brings in whatever kind of pesticide chemicals, sprays it all over their plants and then the raining season comes and it washes out into that; we're all drinking that so... It benefits all us I think to make sure that farmers are educated on how to do things and how to do things safely and properly.

Ms. Jane (unknown last name): We don't want to forget about our other departments but Bio Security is teaching about little fire ants on the landscape, homeowners or landowners what they should do you know, how to stop a spread on ****inaudible**** same with other invasive species but also our animal control we all need to get the word out with all the different programs to help people and residents to improve their property but also safety on Guam. I think that our facility could also be used by other government agencies to conduct other trainings that are helpful too.

Deputy Director A. Cruz: You guys need an outreach place, so come and check us. We can do it in our new building.

Chairwoman P. Fejeran: ****Inaudible****. Yeah, I feel comfortable, I think if we can as a Commission passes a motion we can kind of use the model that we have with UOG to work with Department of Agriculture to determine in kind services in exchange for the land.

Commissioner A. Bordallo: I make a motion to transfer Lots 1110-1-1-NEW and 1110-1-R1 in Mangilao to Department of Agriculture.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Further discussion? I guess it would be a drafting of a resolution to support the land transfer and that the resolution would be submitted to the Legislature.

Administrative Director J. Hattig, III: Subject to the terms of ****inaudible**** in-kind services provided to CLTC.

Chairwoman P. Fejeran: Right, so motion amended.

Commissioner A. Bordallo: Motion amended to include that.

Chairwoman P. Fejeran: Okay so motion amended to support the transfer of those lots and a MOU for in-kind services. Can I get a second of the amended motion?

Commissioner A. Duenas: Seconded.

Chairwoman P. Fejeran: Okay, seconded by Commissioner Duenas, further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: Okay, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Alright! Motion passed.

Deputy Director A. Cruz: Thank you. Coordinate now with us and we'll show you the Ko'ko'.

Chairwoman P. Fejeran: I'm really sorry, we missed the comment period at 4:00 p.m. Is there anyone here for Public Comment?

Francisco Flores: I'm waiting here for Mr. John.

Chairwoman P. Fejeran: Hi, if you could state your name for the record?

Mr. F. Flores: My name is Francisco Flores.

Land Agent I J. Gumataotao: John Gumataotao, Land Agent CHamoru Land Trust. So with regard to Mr. Flores' issue he's actually acting as Attorney-in-Fact for his son who has a lease in Pagat Mangilao. I actually had been trying to work on preparing a staff report for this particular case but this property actually affects an entire block of other lots, but his particular issue is in regards to him actually being paid for a survey of this property to a deceased surveyor or who is now deceased and I'll let Mr. Flores explain the details of it but I actually asked and encouraged him to come to the Board and to request the Board after hearing the reasons if we're amendable to completing the survey of this property.

Mr. F. Flores: Speaking the CHamoru Language: Can we speak CHamoru? Can you understand CHamoru?

Commissioner A. Santos: Yes.

Mr. F. Flores: Okay. Speaking the CHamoru Language: The problem here is since 2003, that was seventeen (17) years ago.

Administrative Director J. Hattig, III: Speaking the CHamoru Language: Is it okay if you speak in English because our Legal Counsel doesn't really understand.

Mr. F. Flores: Speaking in CHamoru: Well I'm not really good in speaking English that's why I asked if I can speak in CHamoru.

Administrative Director J. Hattig, III: Speaking in CHamoru: We don't have a translator.

Mr. F. Flores: Oh okay, I will try then. This survey was done seventeen (17) years ago in 2003. This lease was under my name because I don't have any land. Finally I bought me a piece of land, 100x100 so I don't qualify any more.

Administrative Director J. Hattig, III: You do qualify it's just your priority would change.

Mr. F. Flores: Well that's what they told me so my son was an applicant for 1995 too. So you know, I build be a concrete house on that land under the administration of Joseph Borja. Anyhow, I hired a surveyor so this is the receipt, the amount that I paid but he never finished the job, okay. So he keeps lingering off for so long and I keep waiting and waiting because they told me that they're going to find out what's going on. It never happened, for seventeen years. So I told my son go and apply. He was given a lease and how can you have a lease when you don't even survey the property so I moved myself out and I applied for agricultural and it's a long story again. I surveyed the property, I paid four thousand (\$4000.00) under Meliton Santos and I can never get into the property because there are a bunch of people with machete standing saying, you cannot come in here because we're going cut you, I have my 12 gauge gun but I was thinking if I shoot them then I'm going to go to jail and I don't want to go to jail. So finally I gave up again and then I came down here again, try my luck again and finally I got one but there's no map and you know, I just lost four thousand (\$4000.) So now the problem is, can you guys help me?

Commissioner A. Santos: Of course.

Mr. F. Flores: Pay for this? But there's another problem again. If you guys cannot help me, I'll do it myself.

Commissioner A. Santos: How?

Mr. F. Flores: But the point is, what am I going to survey there? I'm stuck in between. There is somebody already and there's somebody there and my house is in the middle and it's about 20 feet wide, that's about it. I put in a container, three weeks ago it was burned down. This is just too much already and I feel like I've singled out for so long.

Commissioner A. Santos: How come you didn't report that incident to the police or to the Land Trust?

Mr. F. Flores: The police is not going to do anything, they didn't even come and the Land Trust, I told John when I came down there and asked to make an appointment to see the director.

Land Agent I J. Gumataotao: I did a site inspection of the property and that was the time that I because I've been there before and everything was livable but when I went this time around it wasn't what it was.

Commissioner A. Santos: Where is this at in Agat?

Land Agent I J. Gumataotao: No, in Pagat.

Chairwoman P. Fejeran: So you're talking about the lease that your son now holds?

Mr. F. Flores: Yes. I didn't transfer that, he qualifies when he applied. Since I built that two bedroom I wasn't about to let it go that easy I put in the infrastructure, water and power, somebody came with his backhoe and broke the waterline, I paid again thousand some dollars because I reported that but they didn't go after that individual so how long is it going to take you know? I fought in Vietnam and I've killed people and I'm not about to kill people again.

Land Agent I J. Gumataotao: With respect to Mr. Flores' second survey which was for the Agriculture land, it is true that when he did the survey he wasn't able to access the property because it was squatted out by other people so we relocated him to a different area which at that time Department of Land Management, CHamoru Land Trust subsidized the survey for that property on the bottom so it's kind of like it was up here but we gave him property down here. So that concept is what I was thinking to have done for Mr. Flores because the land where the house is it was schemed twice. Initially it was created and he was assigned a lot, let's say, lot 17 and we redesigned the subdivision because of the easements and it became that now he's not lot 17 he's lot 18 but in the first map the lot 18 was given to somebody else already.

Mr. F. Flores: See, so you know, it's all the frustration already since how long and I never did want to come down here and bother you guys but the today is the day is that I cannot take it anymore.

Chairwoman P. Fejeran: Mr. Flores, I'm glad you came. I know that there's others also that had that surveyor that passed away and I know that it's my understanding that there's another survey that stepped in and is taking over to finish his job.

Administrative Director J. Hattig, III: I think we determined that Mr. Santos is not on that list that TG....

Chairwoman P. Fejeran: Oh, they're not.

Administrative Director J. Hattig, III: Yeah, ****inaudible**** he agreed to do whatever Mr. Ventura's son put together and if it's not on the list then you know we

didn't have any fiduciary responsibility ****inaudible**** so I met with Mr. Flores and he did explain to me his situation and John was instructed to go out and do a site inspection and GPS and I then I met with Mel and Pierce and I said, take out all the maps for this area and find out exactly what is the current situation with the property and if any relocation is to be recommended, what is better? From what I understand it's better to relocate the person who is squatting because he built his home already so we would have to pay for his home versus relocating the squatter or the other person who happens to be connected to all the other lots that's why John is saying it's connected to several other lots because it's the same family so they want to stay together.

Chairwoman P. Fejeran: But they're squatters?

Administrative Director J. Hattig, III: No, not all of them but the one that's encroaching into Mr. Flores' lot is the one with the machete. ****Inaudible**** so that's what's currently happening right now, is that there's a dispute a border dispute.

Chairwoman P. Fejeran: This is for the agriculture property?

Mr. F. Flores: No, the residential.

Commissioner A. Bordallo: And this is all CHamoru Land Trust?

Administrative Director J. Hattig, III: Yes, the entire area is CHamoru Land Trust so we suggested to relocate the person who's encroaching because we recognize the claim that he had surveyed once and he wants to do right by getting the points for that property but it was schemed out twice but the schemed cut him out because of the easement so it's a very complex situation because when I reviewed the file and I asked for the maps so that we could find out what are the maps that is proving right now what it is but neither party has been able to survey. He claims that someone has come into the property and has attempted to survey when he knows that he's in the middle of surveying himself so he's afraid that that surveyor is going to cut out a piece of that property that ****inaudible**** so that's kind of the situation right now and he wanted to come in before the Board under public comments and make it a part of the record so that's why he's here.

Chairwoman P. Fejeran: Yeah, okay.

Commissioner A. Santos: But why did he wait this long?

Mr. F. Flores: Ma'am, I don't want to bother people, that's me.

Commissioner A. Santos: That's our job.

Mr. F. Flores: I know and I do believe that I went through channels you know chain of command.

Administrative Director J. Hattig, III: Further in this area, what I understand John right John it was surveyed before, the entire area.

Land Agent I J. Gumataotao: It was kind of like an in-house map.

Administrative Director J. Hattig, III: Right, in-house so ****inaudible**** has historical and it just so happens right that the Chief of Cadastre before he became the Chief of Cadastre was the one who conducted the survey for the in-house map when Mr. Santos was the Chief Surveyor originally before he came here he did the survey for that property.

Chairwoman P. Fejeran: Well Mr. Flores I do appreciate you coming here and putting your case on the record I would recommend that we put you on the agenda for our next meeting so that we could get all the finer details and so that our Commission can make a motion and take action.

Mr. F. Flores: I cannot move out from that place because I ****inaudible**** and you know the point is that surveyor shouldn't issue out anything when he sees that there's a lot already. A surveyor that is not knowledgeable about a surveyor job, when you see a structure there he ****inaudible**** just go in there and do the four corners, he knows that there's somebody there already but that's what happen just because I'm a patient person and I keep my mouth shut they did that to me. Well, no more, no more from this day on I'm going to start opening my mouth whether I speak broken English or I speak CHamoru that's why I ask you because I'm good in speaking CHamoru.

Chairwoman P. Fejeran: Well Mr. Flores you came to the right place and we want to fix this for you. I'm really sorry that you've gone through this not only once but twice and again and again. But I think in order for us to make a really solid issue we would have to do it at another meeting where we could have all your documents, your folder, the maps so that we could get it fixed.

Mr. F. Flores: Yes Ma'am. John has all my records plus I got all my records too. I got this book from day one, you know I like to write story because they always tell you, if you got black and white you alright but if you got nothing you're gone so everything here is legal from day one and I just told John that John you're on my diary so I think that's why John recommended me to come today because I've been hounding John for so long already.

Commissioner A. Santos: How long is that?

Mr. F. Flores: Months and I think sometime John just didn't show up to work because he knew I was coming. You know and I told him, John don't worry it's just my voice is loud.

All: (Laughing)

Land Agent I J. Gumataotao: Just to put things out on the table, when I discussed it with Mr. Hattig and Mr. Flores that should be department agree to complete his survey it's just a matter of time of scheduling for that survey.

Mr. F. Flores: Don't worry John because everyone is listening to you.

Chairwoman P. Fejeran: Well you're on our radar now and we'll do everything we can to help you.

Mr. F. Flores: Thank you.

VIII. Commissioner's Comments

Chairwoman P. Fejeran: So I understand we have not gone over the Director's Report or the proposed SOP. If we can table that and maybe we can do the same like we did with this meeting, put it in the front. For Commissioners Comment, I would also like to comment I think that there's a bunch of minutes that we still need to approve for 2019.

Administrative Director J. Hattig: I believe we approved up to August so September we'll have it ready for the March meeting and we've falling behind because I stated that the recordings were poor quality so we've falling behind for October, November and December but like I mentioned November we had two meetings, we took a recess and ****inaudible**** so there are four days that we have to actually consolidate.

Chairwoman P. Fejeran: Okay, I just want to make sure ****inaudible****. Does the Commissioners have any other comments?

Commissioner A. Bordallo: No. Motion to adjourn.

Commissioner A. Duenas: I second it.

Administrative Director J. Hattig, III: Time of adjournment will be 5:15 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: _____

Jack Hattig, III Administrative Director _____ Date: _____

