



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

P.O. Box 2950 Hagåtña, Guåhan 96932

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

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

John F. Reyes, Jr.
Chairman

Austin J. Duenas
Commissioner

Arlene P. Bordallo
Commissioner

Joseph I. Cruz
Commissioner

Angela T. Santos
Commissioner

Jack E. Hattig III
Administrative Director

COMMISSION MEETING MINUTES

GCIC Building, 414 W. Soledad Ave., Hagåtña, Guam
3rd. Floor, Suite 300

Thursday, May 21, 2020, 1:17 p.m. – 4:41 p.m.

Public Notice: Pacific Daily News on May 14 and May 19, 2020

Chairwoman Pika Fejeran: I'd like to call this CHamoru Land Trust Commission Meeting to order. It is Thursday, May 21st, one seventeen in the afternoon. Public Notice for this meeting was provided on the PDN on May 14th and May 19th.

Roll Call:

Chairwoman P. Fejeran: I'm present, Chairperson Pika Fejeran. Commissioner Tan Amanda Santos is absent on an excused absence. Commissioner Austin Duenas.

Commissioner Austin Duenas: Here.

Chairwoman P. Fejeran: Commissioner Arlene Bordallo is not here. Commissioner Joseph Cruz.

Commissioner Joseph Cruz: Here.

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft.

Legal Counsel Nicolas Toft: Here.

Chairwoman P. Fejeran: and Administrative Director Jack Hattig, III.

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

Chairwoman P. Fejeran: Thank you. Thanks everybody for being here, our last meeting was February. Wow, we were supposed to have our March meeting and then it got shut down that week with the Coronavirus.

Approval of Minutes

Chairwoman P. Fejeran: Approval of Minutes is the next item on our agenda and we are looking at September 19, 2019 minutes was included in our packets. So, this was about seven months ago. Does the Commission, do my Commissioners have any comments?

Commissioner J. Cruz: Yeah, I have a comment on the minutes.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: On page six, where the Chairperson says the citation of Section 105D, Chapter 75, I think we need to read that further because the citation authorizes for a license but the intent of that citation is listed down on other verbiage which is, I think carried on section one *inaudible* I'd just like to clarify some of those activities.

Rev. 07/13/2020

Chairwoman P. Fejeran: Okay, so Commissioner Cruz, your question is more about that section but not as it pertains to the contents of the minutes, is that right?

Commissioner J. Cruz: Well, it was used and the section is concurrent with the approval of application granting a license.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: And there's another one here it's the same intent of this section on page six and the other section is 107, it's supposed to authorize a lease on commercial activity. If you read further on those sections you can get a better picture of what activity is authorized as a commercial license.

Chairwoman P. Fejeran: I see, so you're wanted to correct the reference on Page six, on 75105D and looking at that section doesn't seem like it's the right section that was being quoted. It would actually be 75105 Section 7D.

Commissioner J. Cruz: Yes, and also if 75105 Chapter 75 *inaudible* this section reads on Section five it says, controlled by the Commission of available lands return to the department now if we're citing section 105C because on that section you mentioned D and on Section D, it says, if the Management of any retained available land not required on section seven the Commission may lease or license such land to the general public and we determined that as a not required for leasing under 107.

Chairwoman P. Fejeran: You know, I think I got the number wrong I think the citation should have been 75105D.

Commissioner J. Cruz: So, 105 is excluded from this discussion?

Chairwoman P. Fejeran: I don't know because the section referenced in the minutes there was no decision that available lands are not required for leasing in fact, what we decided with Legal Counsel was that it was for public use or improvement for public purposes which would be 75107.

Legal Counsel N. Toft: Yeah, that's correct and down on page 17 *inaudible* should be 107 instead of 105.

Commissioner J. Cruz: Okay so go onto 75107, section says lease to CHamoru or lease to CHamoru license so is our clients qualified under this section that says, lease to Chamorro? And if we're citing 107 you would indicate C to determine the *inaudible* which is 21 years *inaudible* and also if you continue on C it says the Commission is also granted to authorize a lot in a village in which land or lease *inaudible* in this section. The applicant does not have an existing lease so how is this eligible to grant them a license when they don't have a lease to begin with.

Legal Counsel N. Toft: That's not exactly how it's supposed to be read and also at this time we're kind of just objecting to the *inaudible* of the minutes *inaudible* arguing over the *inaudible* of.

Commissioner J. Cruz: Yeah, but if you go all the way down to the end of the minutes it says the Commission approved to execute a license by using these two sections.

Legal Counsel N. Toft: Yeah, I mean if you're going to...

Commissioner J. Cruz: My take on this is that we're citing this section piece meal. We already have a guideline of a commercial lease, and the client has been sitting there for the last decades, six months with whatever commercial lease we got. We have a guideline to follow a commercial lease instead of running into a created license we're creating on a piece meal and that's what I don't...

Legal Counsel N. Toft: Okay, I understand that but what we've discussed about this was that there are certain business that don't really lend themselves to a traditional commercial lease *inaudible* for a reason that some sort of like it's a community improvement type thing that would not have a chance of being able to afford *inaudible* a commercial lease so then we looked at their lot and said given their location size and the service that they're offering like recycling which we don't really have a lot of them on Guam right now. If we put that out for a commercial bid there would be basically zero chance at this place basically to win it. We do appreciate the service that they offer for recycling and then also the cleanup for Mayors because we have a lot of mayors come in supporting their proposal because they take a lot of their debris and green waste...

Commissioner J. Cruz: At cost though.

Legal Counsel N. Toft: No, there was an agreement that they would be taking some under cost or even for free as part of this *inaudible* so it's not in any way going to create it like a commercial lease. It's done with very much with *inaudible* it's done hand in hand...

Commissioner J. Cruz: I understand all that but when I was reading the minutes it's stated through the commercial process lease, we require an appraisal, we require an as built and at the same time the lot is not conducive by zone *inaudible* on a surrounding area by recreational golf course and *inaudible* residential use and the whole reason why they relocated Public Works Transfer Station is because of that nuisance and here we are condoning this nuisance in the middle of this surrounding area. That's my *inaudible* so if we're citing something for this license I don't agree with the *inaudible*.

Chairwoman P. Fejeran: Okay well I think we can... Well, thank you Commissioner Cruz. Your point is well taken I think we can get that as an agenda item at another meeting because we don't have an update about where we are in the process with that anyways. So, thank you for bringing that up but in terms of looking at the minutes and having any comments on the minutes themselves, did the Commission have any revisions that they wanted to see, changes they wanted to see.

Commissioner A. Duenas: None for me.

Chairwoman P. Fejeran: None? I mean there were some typos typographical errors I think but nothing really from my perspective that will change the real content.

Commissioner J. Cruz: None from me.

Chairwoman P. Fejeran: None from you either. Okay, thank you. So, this was the September 19, 2019 meeting minutes.

Commissioner A. Duenas: Motion to approve the September 19, 2019 regular meeting minutes pending corrections to grammatical errors.

Commissioner J. Cruz: I second it.

Chairwoman P. Fejeran: Okay, motion made and seconded. All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Okay, ayes have it, thank you. Minutes are approved. Okay, before we move on, I just want to point out in my read of these meeting minutes, September was a good eight months ago. We were asking or talking to the Director and asking him for certain things that we are still asking him today so you can understand my frustration of this. Back in September if you look at the meeting minutes, I'm talking about how we just approved May 2nd and 16th meeting minutes from 2019 and back in those meeting minutes we had asked for simple SOP's on how to run the program. That was five months prior to the September 19th meeting and here we are eight months later after that and we're still asking for the same thing. So, it's on our agenda and I'm hoping...

Administrative Director J. Hattig, III: We've been discussing the SOP ma'am several months now actually. The January and February meetings were heavily discussed so I know we've already submitted the SOPs for leasing and the Commission has already been *inaudible* to the process with editing the SOPs to provide so you have a copy of the edited SOPs for today is also on there. We've been working diligently to try to provide those things that you have requested. A lot of our issues is being able to compile it so you've we've been working on it before Coronavirus broke for about two or three months already but we've addressed it.

Chairwoman P. Fejeran: It still stands. It's been about a year since we've asked for it and it's about time and I'm not asking for it for my personal gain I'm asking for it for everybody waiting in line okay so... I just had to put that on the record that I'm very tired of having to look at the same thing I mean we're still having to deal in our old business with so many things that keeps coming up and haven't been resolved and I really hope that in this meeting today we can finally resolve it and move forward and make real progress.

Commissioner J. Cruz: May I add to that, since we requested this SOP from you, do you have a tally of how many clients *inaudible* that is required by this SOP?

Administrative Director J. Hattig, III: We can provide that information...

Commissioner J. Cruz: Just out of hand, 10? 20? Hundreds?

Administrative Director J. Hattig, III: It's hard to say because we've been going by *inaudible* Public Law 23-38 as our main, that's our main document that we were using in order to process the lease agreements.

Commissioner J. Cruz: So how many have you done based on that?

Administrative Director J. Hattig, III: I can have that... I don't have that information available right now but I can provide it to you. Since I came on board on February *inaudible*.

Chairwoman P. Fejeran: *inaudible* I'm sure our frustration is echoed and probably felt more in their heart of all the constituents coming forward.

Commissioner J. Cruz: I think I can *inaudible* of a lot of clients and like you said. They're frustrated of waiting and waiting but your position can at least smooth out that frustration with them because we haven't received any... It's not soon enough for us to make a decision of this SOP so it's at your ball court where *inaudible* those clientele that are frustrated right now because I'm encountering them out there. That's why I'm asking, how many of those have you entertained since we've required you to put an SOP together and if it's that hard, we need to know.

Administrative Director J. Hattig, III: The SOP has since been provided. What I can do is tally how many people have come in and we've entertained since we discussed.

Commissioner J. Cruz: The reason why I'm asking is it's not because I want to know the number, I want to know how you are entertaining them *inaudible* kind of smooth the frustration because we don't see them. We see them at funerals, rosaries and all that but can't do anything.

Administrative Director J. Hattig, III: There have been many of them coming in that the staff have dealt with very professionally and again we've dealt with it with Public Law 23-38 the actual Rules and Regulations and that's what we've been using. *Inaudible* any SOP that the Commission would be willing to approve I think there was also discussion about the SOP being approved the beginning of it at least. At least the qualification the processing portion so once the Commission does approve that then we can definitely start implementing that daily.

Chairwoman P. Fejeran: Okay. Let's move on to Old Business.

Old Business

Hal's Angels Football Association and Guam Rugby Club

Chairwoman P. Fejeran: First item is Hals Angels Football Association and Guam Rugby Club. In our packet we have an agreement between Guam Rugby and Hal's Angels and the Land Trust. This agreement has gone back and forth between all parties, the beginning part of the agreement from letters A through O document the sorry story of what's happened with our Land Trust property with the two parties involved so however I believe that this agreement to my knowledge that both parties have agreed to is the right way to go to get both properties whole again and let this issue of easement and access, let it lay to rest. I see we have parties from Guam Rugby and Hal's Angels, did you want to come up today? Did you have anything to represent or it's just the agreement that's submitted.

Unknown: *Inaudible*

Chairwoman P. Fejeran: Sorry, Mr. Shiroma can you come up so we can hear you and if there's a representative for Guam Rugby to join Mr. Shiroma.

Hi thank you, state your names for the record. *Inaudible*

Mr. Ivan Shiroma: Hi my name is Ivan Shiroma representing Hal's Angels.

Mr. Douglas Perez: Hello, Douglas Perez representing Guam Rugby Club.

Attorney Genevieve Rapadas: Good afternoon Commissioners, I'm Genevieve Rapadas representing Guam Rugby Club and I was just in communication with Attorney (Jacqueline) Terlaje, *inaudible* we also got the location mixed up so I'm not sure if she's on her way but she is aware that we're here.

Chairwoman P. Fejeran: Oh, okay and that's Mr. Shiroma's attorney? Is that correct?

Attorney G. Rapadas: Yes.

Chairwoman P. Fejeran: Do you want to wait for her? Do we need to wait for her?

Mr. I. Shiroma: We can proceed.

Chairwoman P. Fejeran: We can proceed; okay, thank you. So, has the Commission been able to review the agreement? Any questions, concerns at this point?

Commissioner A. Duenas: Regarding the agreement?

Chairwoman P. Fejeran: Yeah, regarding the agreement.

Commissioner A. Duenas: Not right now.

Chairwoman P. Fejeran: None? Mr. Cruz...

Commissioner J. Cruz: I've got no questions regarding the agreement but *inaudible* Mr. Shiroma comment that he's here for the final and will that be input in here or is this the final?

Chairwoman P. Fejeran: Yeah, my understanding, Mr. Shiroma please let us know but my understanding is that this agreement was routed through all parties or I'm sorry to both parties and both parties has agreed as written and that it was ready for signature. Is that understanding correct?

Mr. I. Shiroma: We're supposed to sit down and discussed how long, the time lines; that's where the problem lies.

Chairwoman P. Fejeran: Okay.

Attorney G. Rapadas: Maybe we can wait for Mr. Shiroma's attorney because *inaudible* her and I have been communicating with the Director about this and it's our position that everything has been memorialized in this agreement and any of the details that had to be worked out per the Commission's last meeting had worked out and we've gone through extensive discussions, back and forth with *inaudible* the Commission, oh I'm sorry with the Director and Ms. Terlaje about the terms of this. It's our understanding that what we're here for today is to get this agreement approved which has already been done *inaudible*.

Chairwoman P. Fejeran: Okay, well we can table this until your attorney comes Mr. Shiroma, is that okay?

Mr. I. Shiroma: I agree with *inaudible* for example, is the government going to come in and do the road? How long is that going to be? Is there *inaudible* as far as timeline? *Inaudible* for four or five years because of whatever reason now we need that gate back open again *inaudible* because technically I can't close it so it's stuff like that, I want to make sure I got it all in writing.

Commissioner J. Cruz: Excuse me, but may I ask the Director did you inquire or did you have any communication with Public Works regarding the completion of the access? A timeline and a...

Administrative Director J. Hattig, III: Public Works *inaudible* they contacted Public Works.

Commissioner J. Cruz: Who's they?

Administrative Director J. Hattig, III: Both parties, principally Guam Rugby because they're going to have the utilities access way implemented so they took it upon themselves *inaudible* that's why Public Works is a signatory to their agreement that's why *inaudible*

Commissioner J. Cruz: Does that agreement indicate the timeline as when it's going to be done and how wide the road is or what not?

Attorney G. Rapadas: It actually does. Its two years.

Chairwoman P. Fejeran: So, its two years to build the road?

Legal Counsel N. Toft: its number five on the agreement.

Chairwoman P. Fejeran: No more than twenty –four months.

Commissioner J. Cruz: Does that satisfy for you?

Mr. I. Shiroma: *inaudible* the reason why I'm asking is because the other letter that I got that was Board approved back in 2010 for the easement that we're all arguing about. That was approved by the Board and nobody even said anything about that issue. Guam Rugby promised to build that field and I'm going back to the beginning again. They promised to build that field if the Board would renew their license that's in black and white so that's why I want to make sure again because you guys might not be here in five ten years again and if I get stuck in this issue again, we're back to square one. It's a trust issue with me right now.

Chairwoman P. Fejeran: Yeah. So is there something in here, I mean usually if...I mean, usually there would be a provision that would alleviate Mr. Shiroma's concern. It's that "if", if any part of this agreement is not completed within the timeframe described.

Legal Counsel N. Toft: Under part six, he would not have to provide the temporary access anymore. So, if it's completed before the twenty-four months, whichever is greater of the two. So, if it's completed, he can eliminate the temporary access or if it's not completed and the twenty-four months had passed, he can eliminate the temporary access.

Attorney G. Rapadas: That was one of the incentives for us to move as quickly as we can and you know to request that the government move quickly as they can understanding that there are special circumstances right now but if it's not completed within twenty-four months then obviously, we lose our temporary access is a concern for us. So, the Rugby Club is eager to move on this as quickly as possible and it's my understanding before we went into the quarantine is the DPW was ready to move as well and even had the materials ready.

Chairwoman P. Fejeran: Mr. Shiroma, does that satisfy your concern? Is that Hal's agrees to provide you the temporary access for the purposes of maintenance and practices of the teams *inaudible* forty-foot-wide public access *inaudible* right of way and until completion of the new public access way or for a period of twenty-four months following the execution of this

agreement whichever is greater. Wait, so does that mean if the completion of the public access way is in thirty-eight months, he still has to provide it?

Attorney G. Rapadas: I'm sorry I was talking to Jackie. Could you repeat that?

Chairwoman P. Fejeran: Whichever is greater, does that mean if the completion takes four years, he still has to provide it?

Attorney G. Rapadas: Yeah.

Commissioner J. Cruz: No, because the limitation says twenty-four months.

Attorney G. Rapadas: Yeah.

Chairwoman P. Fejeran: So, it's until completion of the new public access way up to a period of twenty-four months, not for a period of twenty-four months whichever is greater because it's whichever is greater *inaudible*

Attorney G. Rapadas: That's correct.

Commissioner J. Cruz: *inaudible*

Chairwoman P. Fejeran: Yeah. Does GRC agree that the twenty-four months is the maximum?

Attorney G. Rapadas: Yes, twenty-four months is the maximum.

Chairwoman P. Fejeran: So, it's not...

Attorney G. Rapadas: So, what its saying is basically is the greater or twenty-four months, I see where the confusion lies but no, we... it's our position no greater than twenty-four months.

Chairwoman P. Fejeran: So, let's revise that section so it's clear that he only provides temporary access until completion or up to a period of only twenty-four months.

Attorney G. Rapadas: I think it's because it ties into number five which says, shall be completed no later than twenty –four months so number five basically clears it as the public access, rights of way be completed within the two years.

Legal Counsel N. Toft: Yeah, she's just pointing out that if you use whichever is greater it flips the...

Attorney G. Rapadas: Yeah.

Legal Counsel N. Toft: I mean we could just revise that word *inaudible*

Chairwoman P. Fejeran: Does that satisfy your concern, Mr. Shiroma? They have two years.

Mr. I. Shiroma: Yeah *inaudible*

Chairwoman P. Fejeran: Yeah? Okay, great. The agreement also does leave open for future discussions for joint use parking's after the temporary access. *Inaudible* Both parties are okay with that?

Attorney G. Rapadas: The Guam Rugby Club is.

Chairwoman P. Fejeran: The Guam Rugby Club is. Mr. Shiroma, do you have any other issues or concerns?

Commissioner J. Cruz: Do we have the Exhibit?

Chairwoman P. Fejeran: No, I don't think we were provided the Exhibit.

Commissioner J. Cruz: Exhibit A?

Administrative Director J. Hattig, III: We just provided the actual agreement because it was... the initial exhibits were provided as far as the previous discussion so that's why *inaudible*

Commissioner J. Cruz: So, Exhibit A is an outline of the access?

Administrative Director J. Hattig, III: Right.

Commissioner J. Cruz: And we don't have it here? Because what will be concrete is that Exhibit A you do a scope of work for timeframe and have Public Works acknowledge that and you can use that as a supplemental to this agreement.

Administrative Director J. Hattig, III: Okay.

Commissioner J. Cruz: Because you're confirming the commitment of Public Works. Because in item five it says *inaudible* there's no such commitment there, except for time.

Administrative Director J. Hattig, III: Also, when Public Works acknowledges the approval of this agreement it will also activate that so we would give all the necessary exhibits on behalf of CLTC and Land Management.

Commissioner J. Cruz: Will they understand what you're giving them to make their determination to approve it or not? Because right now without that Exhibit A, I don't know what I'm approving for the alignment and that's the issue here is the access.

Administrative Director J. Hattig, III: In the portion of number one, section four, it does state that *inaudible* survey is subject to the approval of Land Management and *inaudible* of their intent so that's part of the process that's part of Public Works process.

Commissioner J. Cruz: I understand that the creation of easement has to go through the Department of Land Management. That's the determination of public rights of way not only for their use because if *inaudible* so in other words, once we have that Exhibit A in place, we can utilize that on our tenant behind those people to access on *inaudible* but right now it's a blind spot on us without that exhibit to determine hey, this is good it's helping those CHamoru Land Trust people over there. We don't see that here, the exhibit.

Chairwoman P. Fejeran: Does anybody have a copy of Exhibit A that we could we look at.

Commissioner J. Cruz: Or reference a joint that it's *inaudible*

Administrative Director J. Hattig, III: Yeah, because the Commission made the approval already in February so... that's the initial approval. We're just finalizing the terms and the exhibit was presented in that initial approval so that's why we're just looking at the language of the term. The exhibit was already *inaudible* but what we can do is make sure that process is closed by providing the exhibit as per this agreement because Public Works is signing off on it.

Unknown: This exhibit has been previously provided along with this agreement but...

Commissioner J. Cruz: Yeah, I understand that but the attachment of this agreement should go together with this document here so that...

Attorney G. Rapadas: Yeah, we agree.

Commissioner J. Cruz: I saw the exhibit it's just that it's not here.

Attorney G. Rapadas: We agree that Exhibit A is one of the most *inaudible* parts of this agreement and also, I was just informed by Mr. Perez that he had

already been working with DLM as well to do the tracing so they have been involved in this process.

Commissioner J. Cruz: Because another thing that you can work with is that the creation of that exhibit can be justified that the deletion of that access is realigning it because I don't know if whether they took that map where the easement was deleted to the Commission and is an approved map because any deletion of easement has to come out of the Land Use Commission, not us. It's our land but the action of *inaudible*

Administrative Director J. Hattig, III: Well, the deletion has already been made.

Commissioner J. Cruz: I understand that, but if you have that map make reference to this alignment to accommodate that *inaudible*

Administrative Director J. Hattig, III: I understand that, we'll make note of that *inaudible*

Chairwoman P. Fejeran: Does the Commission have any other questions?

Commissioner A. Duenas: Is it possible, I'm not too sure, I've never done this before and I don't know if this is something that we can do and maybe we can get the other Commissioners' comments but is it possible to include on the signature block, our legal counsel? Just to show that everything...and there's no flaws *inaudible*

Chairwoman P. Fejeran: We'll add Mr. Toft's signature. And Mr. Toft, you had a very good look at these provisions? And there were no issues?

Legal Counsel N. Toft: No and then you know we've been working hand in hand with both of the attorneys and the Director as well. There have been very many revisions back and forth but we ironed down all the *inaudible* I'll review it again and you know...

Chairwoman P. Fejeran: Does the parties have anything final that you wanted to add?

Attorney G. Rapadas: We don't. We just want to thank the Commission's effort for the time into this issue. This obviously means a lot to both of these organizations so we're just looking forward to getting this agreement signed and hopefully when this is all over you know everybody has access to the fields and the sports can continue.

Chairwoman P. Fejeran: Anyone else?

Commissioner A. Duenas: Should we wait for Mr. Shiroma's legal counsel to weigh in on this? *Inaudible*

Administrative Director J. Hattig, III: There's nothing substantial that we're going to add. We're just going to add the signature blocks and the issue with part six but nothing substantial and if something does come up then it will go for the Commission's approval again but I have from both parties both attorneys that there is nothing substantial that would change this agreement.

Chairwoman P. Fejeran: Does the Commission want to make a motion for approval? I think a motion would be appropriate just to memorialize that this agreement.

Commissioner A. Duenas: Motion to approve the agreement between GRC and Hal's Angels pending the edits to item number six and to the signature block.

Chairwoman P. Fejeran: Motion made.

Commissioner J. Cruz: I second the motion.

Chairwoman P. Fejeran: Motion made and seconded by Commissioner Cruz. Just for clarification the signature block will be the addition signature of our CHamoru Land Trust Legal Counsel.

Commissioner J. Cruz: Yes.

Chairwoman P. Fejeran: Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Okay motion passes. Thank you. I'm very hopeful *inaudible* and let you guys get out there and play ball.

Commissioner J. Cruz: Finish the road before the Coronavirus.

All: *laughing*

Administrative Director J. Hattig, III: Use this opportunity because construction can still go on. So, use this opportunity to get it done, I'll be in touch with you for the final *inaudible*

Attorney G. Rapadas: I'll be in touch with you for the edits.

Chairwoman P. Fejeran: And I can be available for signature.

Attorney G. Rapadas: Thank you so much.

New Business

GTA Teleguam, Inc.

Chairwoman P. Fejeran: Okay, the next item on the agenda is Proposed SOP. However, I'd like to ask the Commission if we can table that *inaudible* of the proposal for GTA TeleGuam, I believe a representative is here. Is that okay?

Commissioner J. Cruz: Yes.

Chairwoman P. Fejeran: Okay so let's move to New Business, number one Proposal for GTA Teleguam. Okay, so we have Mr. Tydingco here.

Dan Tydingco: Hafa Adai Madam Chairwoman, members of the Land Trust Commission. Good to be back here looking at it from the last time I saw you guys back in February and as requested you guys asked us to come back and be a little more in regards to the project that we're *inaudible* under GTA and requesting provisional Land Trust Commission their support particularly for submerged land...submerged land license agreement similar to what we've done down in Piti. I want to thank the Administrator and also the Commission again and staff. I'd like to pick up from where we left on our informational briefing, joining me *inaudible* he'll be here. His name is Carl Leon Guerrero, he's our Vice President for Operations so he'll be the one to answer any technical questions that either anyone of you guys may have. I sent over to the Administrator and also to Staff based on our February meeting a copy of a draft

license agreement which would enable us to effectuate the submerge license that we seek over at Alupang and in Agat. I think Mr. Hattig may have that.

Administrative Director J. Hattig, III: It's provided in their packet.

Mr. D. Tydingco: I included also as well some google earth shots that indicate the pathways in the submerged area where we seek to get your approval. This project is a part of our Company's commitment to invest in the growth in the *inaudible* islands and *inaudible* the new investment which we will be undertaking will be an initial thirty million dollars (30,000,000.00) in the capital improvement investment undertaking by our company *inaudible* we're positioning our island to expand in *inaudible* communication services. *Inaudible* operated by local residents and additional *inaudible* that is a hundred percent American owned and operated. Once built *inaudible* CLTC and *inaudible* South East Asia *inaudible* which have come in and out of Guam within the last decades *inaudible* so in Alupang and Agat these cables will be the state of the art *inaudible* and the requirement to distant ourselves from one another. It's time that we're all here today to *inaudible* for our island and our people to stay in touch with each other near or far *inaudible* Zoom video calls or talking online or through Facebook *inaudible* distance learning, these cables will help all of us stay in touch faster and more reliably. As a local owned company and *inaudible* over the years, GTA *inaudible* growth of its employees and a part of that growth is with the help of the CLTC as a good lessor to GTA the past sixteen years. Many departments and facilities are situated on throughout CLTC property. As the CLTC has the authority over submerged lands around the island and is afforded the authority to grant licenses over twenty-one-year term, similar to what you guys did and granting and authorizing us to what we did in Piti, we respectfully request your consideration *inaudible* in the Agat and Alupang submarine license agreements. We've been working with engineers, designers and environmental consultants to assess the liability of such cables landing on island *inaudible* we know there's a need to adhere to all environmental and regulatory *inaudible* however, as we proceed forth, we'd like to secure *inaudible* license agreements with the CLTC as we march forward in obtaining regulatory *inaudible* and compliance *inaudible*

Chairwoman P. Fejeran: Thank you. So, in this draft license agreement that you submitted; you described the Alupang being flat and channeled and you're requesting for a ten-foot wide by two thousand four-hundred-foot section to bring the cable in (inaudible) and then in Agat it's another ten-foot wide by four-hundred-foot section?

Mr. D. Tydingco: That's correct. That's the approximate estimate cable from the rechanneled *inaudible* to the shore side.

Chairwoman P. Fejeran: That would be in the Land Trust submerged lands?

Mr. D. Tydingco: Yeah, the Land Trust Commission has complete control over all the submerged lands around island so that's why we're coming to CLTC like we did for Piti. Sorry, this is Carl Leon Guerrero he's the Vice President for Operations.

Chairwoman P. Fejeran: Hi.

Carl Leon Guerrero: What we did Madam Chair is... because we put a lot of work into this previously at least with the Piti project and we worked with the Commission and the Staff and the Legal Counsel, they came up with that particular lease agreement template and we said; okay so there's no need to reinvent anything here, we'll just mimic it and change the particulars in this instance as it contains everything with the length and width and the lease amounts and *inaudible* the last time we went through this exercise between one another, you had asked that we include escalation clauses to enable the Trust to generate more revenue so we've done that as well.

Chairwoman P. Fejeran: Okay, thank you. I see here that you're offering a base rent, it says here, one through five, fifteen thousand dollars (\$15,000.00) per year and it escalates every five years at eight percent (8%).

Mr. C. Leon Guerrero: Right.

Chairwoman P. Fejeran: And then for Agat, the starting rate would be ten thousand dollars (\$10,000.00) per year and then again escalating every five years?

Mr. C. Leon Guerrero: That's correct.

Chairwoman P. Fejeran: Has Legal Counsel had a chance to review this license agreement?

Legal Counsel N. Toft: Yes. Like he said, it was somewhat similar to the one we used for the Piti underwater lease so many of the terms and conditions are identical.

Chairwoman P. Fejeran: I seem to remember the Piti one we ended up getting appraisals done. Remember, we had to get *inaudible* appraisals *inaudible* seems kind of strange.

Mr. C. Leon Guerrero: I think Madam Chair, I don't think there was an appraisal it was based upon I think it was the submerged license agreement that the CHamoru Land Trust has with Tata, if I'm not mistaken, that was the entity. Because at that time the CHamoru Land Trust had indicated that they didn't have several thousands of dollars to do appraisals at the minimum several hundreds of thousands of dollars to do appraisals of submerged lands around the island so it was recommended that to kind of like use and pattern the valuation from Tata Agreement so we did that. I think ours is a little bit more and in addition to that, you had requested that we include the escalation clauses which are not included in the Tata agreement that I recall. But the licenses agreement for the annual leases that we're doing for this are much larger than the Piti one, of course because the *inaudible* is a little bit different so we said; okay, this is the *inaudible* cost here, we think it's going to be like... I think in Piti if I recall correctly it's about five to six K a year not including the escalators so like in this one, we're starting like in Alupang, we're starting two and half to three times that particular amount and stuff and also in Agat, it's double what we would be paying from what it is in Piti as well and of course none of this includes whether it's the Piti one that we presently have or the ones that we seek in Alupang and in Agat none of those *inaudible* what is does not reflect there is the *inaudible* that we give in the hosting villages. For example, down in Piti we just started braking ground and probably be completed in July

first for their community a new basketball court about two hundred fifty thousand dollars (\$250,000.00). We also give of course for the maintenance of the village as well as other events such as Liberation Day, Fiesta events so... we'd be looking towards giving some community support as well to Tamuning and Agat which of course is not reflected on the leases. *Inaudible* have nothing to do with that.

Chairwoman P. Fejeran: Included in the agreement is the *inaudible* entry right, can you describe I guess where you're looking to land? I see the *inaudible* that's where you're *inaudible* in? And where you're going to be laying the cable down because I see two lines?

Mr. D. Tydingco: *Inaudible* testimony. We're having our Environmental Consultants already and Engineers already in water looking at the condition of the *inaudible* of these particular pathways *inaudible* so it's not to be disrupted to any environmental surroundings in the area. So, we're looking at two particular ones, one is in February we brought in and they were with me, the Claros Family and the Mendiola's from Tamuning. So, one of the spots indicated there is landing on their particular property of the shore and the other one, we're going to be discussing possibly and again, this all hinges on whatever environmental reports we get back from the consultants and engineers; we're also talking with EPA, Territory Seashore Commission but it's one of these two pathways so... the other one alongside with the Claros' one, the Claros one; do you have one in color?

Unknown: No, I don't.

Mr. D. Tydingco: *Inaudible* the one on the right, is the Claros-Mendiola Family, the one below is the Takagi family.

Unknown: Sir, there's a *inaudible* station that's there, around the shore area those are the two areas *inaudible*

Mr. D. Tydingco: But there's still a lot of moving parts, Commissioners and Madam Chairwoman because we really don't even know what the potential outcome is going to be based on those environmental engineering reports. They may even come back and say, there's no way you guys and come in here and stuff. But if they do, we just want to make sure that we're prepared and that the Commission is ready to say, okay, we're going to go ahead and proceed forth with the license agreement with you guys, conditions that you guys get your environmental clearances and regulatory clearances.

Chairwoman P. Fejeran: And so, would this... I guess for Legal Counsel, would this be finalized at that time?

Legal Counsel N. Toft: That would be up to the Board.

Mr. D. Tydingco: We would be requesting Madam Chair, if possible, the Commission consider today approval of the license agreement, executable upon GTA demonstrating a receipt of the environmental clearances and all the regulatory clearances so I'm not sure who exactly *inaudible* whether it would be the Commission or the Chairperson, I'm not sure.

Legal Counsel N. Toft: The Chairperson would decide.

Mr. D. Tydingco: Okay. So, it'll be like, again, our request is respectfully requesting that the Commission go ahead and proceed forth with, assuming

that there's no issues today, with the license agreement, execute and agreed upon GTA's reports from the environmental engineers.

Chairwoman P. Fejeran: Well, I trust that the environmental engineers will ensure that the submerged lands as the CLTC holder is left unharmed or *inaudible* to sea life or...

Mr. D. Tydingco: No, we have to adhere to a very, very strict compliance regimes like down in Piti, there was a little *inaudible* C-four says, okay, you guys can do this but you're going to have to take care of relocating the corals and the mitigation plan as well as keeping what little corals we have in the area where the cable was coming in and also doing the mitigation plan, they're flourishing even more now that we've done *inaudible* we still have to pay for that. We're still on hook all the time to make sure that we don't run any foul of any environmental concerns that any of the entities may have *inaudible*

Chairwoman P. Fejeran: I have a question; how much are those permits that you're looking at? How much money did this project *inaudible* projecting on spending on permits?

Mr. C. Leon Guerrero: *Inaudible* I'm not sure, I don't have that number with me here today but we could *inaudible* that we have to spend on local consultants, then there's the *inaudible* we have to get a permit there... there's all the environmental *inaudible* I would guess as easily as six digits for sure, collectively.

Chairwoman P. Fejeran: Right, I think I'm just talking about just the permits.

Mr. D. Tydingco: The actual government cost for permits, I don't know.

Chairwoman P. Fejeran: How much... you mentioned these projects *inaudible* thirty-million-dollar capital improvement project for the island. You know, I see telecommunications and Guam becoming a hub in the region. That's very important to our economy and if the Land Trust can play a role in that by granting this license, I think it would be a great idea. My question is, what is GTA's projected revenue for this project; for the thirty million you're putting in, you got to have some... what's your return on investment?

Mr. D. Tydingco: I don't have that particular figure. I know it's a business risk that we're taking. We're kind of taking the number of lives that *inaudible* cables are on island because all these cables have a life of let's say, approximately twenty-five years. So, lot of them are at end of life and a lot of them are going to be decommissioned. We're hoping we'll be in the position to step forward and fill that void for those cables that are going to be coming offline. We're taking a business risk. We're still going to have to be able to sell this capacity for people to be able to *inaudible* and for us to be able to communicate locally and globally as well so... I know at the ball park its thirty million dollars for us that we coughed out for our plans over the next few years. We hope to recapture that at some point in the twenty-five years or the twenty-one years rather, should the Commission proceed forth giving us a license.

Chairwoman P. Fejeran: You know the Trust is...we're land rich but cash poor. The team that you see here is like maybe more than half of us and what they're dealing with is having to manage a huge inventory on the island larger than any inventory any real estate agent you see here in Guam has to manage. It's a

challenging and daunting task and they're absolutely working their hardest to make it happen but you know when we're looking at this agreement, I almost want to really put these numbers in to terms to what would make sense for the Commission. What does these fifteen thousand dollars (\$15,000.00) and what does these ten thousand dollars (\$10,000.00) do for us, right?

Mr. D. Tydingco: For submerged lands, almost nobody else would probably want to be...

Chairwoman P. Fejeran: Right, but you want it, right?

Mr. D. Tydingco: I mean yes, we're very much interested in it.

Chairwoman P. Fejeran: I guess my question is, staffing is a big issue. We're severely understaffed, our budget is a lot lower than it should be, we're not able to take on more bodies that we desperately need. How much and we're actually going to be looking at our budget the next...

Mr. D. Tydingco: Madam Chairwoman we're proud to be the largest lessee for the CHamoru Land Trust Commission for the past fifteen years and we continue to be good payers. I believe we pay on time every year with one big lump sum check at fair market value so... hopefully it helps with the Commission and I would hope the Commission would be able to get support from the Legislature to take those particular revenues instead of it being summed into the general fund and use it for its own operations. We don't mind again giving additional money fairly to the Commission for the *inaudible*. If there's a need for what we did down in Piti in addition to the lease agreement that we have with CHamoru Land Trust Commission but for the community *inaudible* in addition to the basketball court we've given them WIFI services, I don't mind standing here on behalf of GTA *inaudible* to the Commission some of the services they may need in executing this mission out there, whether it's internet broadband services or telecom services to assist the CLTC so you could wean yourselves off of any additional expense telecom services that you guys may have. We could include that in as a condition of lease agreement as well.

Chairwoman P. Fejeran: For the life of the lease?

Mr. D. Tydingco: Absolutely. That shouldn't be an issue.

Chairwoman P. Fejeran: I'm sorry. I have the budget but do you know how much we're spending on telecommunications? We just moved to a new office and separated ourselves from DLM so it's not... Would that be under contractual?

Administrative Director J. Hattig, III: I have Joey available ma'am.

Program Coordinator III Joey Cruz: Madam Chair, *inaudible*

Chairwoman P. Fejeran: Seventeen thousand (\$17,000.00) *inaudible* and who is our current provider?

Program Coordinator J. Cruz: We're still using the services for DLM, we agreed on a prorated rate for what we use.

Administrative Director J. Hattig, III: But who is our main carrier?

Program Coordinator III J. Cruz: GTA.

Chairwoman P. Fejeran: Would GTA be willing to provide those services to our offices in addition to...

Mr. D. Tydingco: Madam Chair, *inaudible* your staff, your Commission and stuff, I don't think we're going to have any hesitation for the staff or Commission to have the services for the *inaudible* agreement for those *inaudible* it all makes sense.

Chairwoman P. Fejeran: So that would be... this would be in addition to the amounts?

Mr. D. Tydingco: Yes.

Chairwoman P. Fejeran: For the life of the license?

Mr. D. Tydingco: Yes.

Administrative Director J. Hattig, III: Madam Chair, I've had discussion with the Legal Counsel in regards to this. We brought this up when GTA first made a proposal to try to get those services so I wanted to maybe defer to the Legal Counsel you know as far as the nature of procuring the services, that was my concern.

Legal Counsel N. Toft: Yeah, the problem is when you start throwing services like this then you start bringing in procurement and that needs to be done... you know, these types of lease agreements; we have that 107 provision that allows specifically for these types of *inaudible* as well. Before we start accepting any type of in-kind services stuff in lieu of procurement because procurement needs to be done, procurement doesn't have that exception for 107 *inaudible* license would. So, I would recommend if that's what you're looking at, I would not recommend doing it like for services, I would say, set an amount that you think is equivalent to the service to be included in or in addition to or just too simply increase the license fee because you're potentially running into a potential protest from another telecommunications company if you get in-kind services as part of license.

Chairwoman P. Fejeran: Thank you, *inaudible* taken.

Mr. D. Tydingco: But would the Commission at least want to *inaudible* unless, I'm wrong. The last time, I remember is all the revenues that you guys generate from the Land Trust Commission for the revenues from leases etc.... it does not go back to the Commission it goes back into the General Fund; is that not correct?

Chairwoman P. Fejeran: Well, I think what happens is it goes to the General Fund and then it's an amount due from the General Fund to us. Right, is that right? It goes like this? But what has happened is those lease payments goes and they're ours but it's used by the General Fund and we never get it back or it's transferred out from our fund so...

Mr. D. Tydingco: Maybe you can have a *inaudible* chairperson out there and just submit that so you guys can have it locked in so...

Chairwoman P. Fejeran: Yeah, it's been a...

Mr. D. Tydingco: A challenge.

Chairwoman P. Fejeran: Yeah, that's what we've been wanting to happen. We've been asking... I think they've taken at least six hundred thousand dollars (\$600,000.) that we could have been using for surveys, infrastructure and we've asked for it back and we continue to ask for it back, is that right?

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: Well, alright so we're looking at about twenty thousand some dollars per year that we're spending on telephone and internet services and I think I'd like to take Legal Counsel Toft's advice rather than getting some kind of in-kind services *inaudible* into the rental lease payment.

Mr. D. Tydingco: But at this point you guys might not even get that money *inaudible* I'd rather it goes to you guys.

Chairwoman P. Fejeran: I'd rather you give it straight to us too. But it's one of the many frustrations for this agency. But okay, looking back at the agreement, I did a little bit of rough *inaudible* it looks like the Agat property is charging approximately .71 cents per square foot, Alupang is at .63 cents per square foot, I'm wondering if we could just provide a consistent, I guess *inaudible* I think you guys were looking at rounding and it's nice to have round whole numbers but how much...

Mr. D. Tydingco: I'm sorry, what were the numbers again? You were saying .71 versus what?

Chairwoman P. Fejeran: .71 for Agat and .63 for Alupang.

Mr. D. Tydingco: That's fine, you want them consistent. We'll take the higher number.

Chairwoman P. Fejeran: Okay. We'll let's just make it .75 cents across the board per square foot and then we'll add in another twenty thousand, I don't know how you want to break it up for each.

Mr. D. Tydingco: I'll talk to the Administrator and also to the Legal Counsel and we'll try to figure that out and make sure that we don't run into any procurement issues.

Commissioner J. Cruz: May I ask a question, your distance between 1400 and the 2400 feet from point A to point B, are all those underwater?

Mr. D. Tydingco: Yes, sir.

Commissioner J. Cruz: So, what do you consider high water mark into the private land?

Mr. C. Leon Guerrero: Well, that's the properties that we're talking about, there's a...

Commissioner J. Cruz: Yeah, there's...

Mr. C. Leon Guerrero: That's the terrestrial side, that's actually high-water.

Commissioner J. Cruz: So, who's the ownership for that one?

Mr. D. Tydingco: The first one in Alupang, the one that he has and we'll give you the color copy, the northern one is the Claros and Mendiola family.

Commissioner J. Cruz: Okay because the lot line that you're (inaudible) is about maybe *inaudible* distant from the high-water mark and you're trenching it from...

Mr. C. Leon Guerrero: Yeah, so that includes the shoreline portion and from there that's the Claros Mendiola family and in Agat it's the Government of Guam.

Commissioner J. Cruz: Encroachment side or in encroaching into Parks and Recreation like consider the shoreline area, is that under their jurisdiction, if we're only considering underwater, submerged?

Mr. C. Leon Guerrero: I think up to this high-water mark there *inaudible*

Mr. D. Tydingco: I'm trying to recall down in Piti, when we did Piti and when we came out to the shoreline and Parks and Recs was in the mix so yeah, there's going to have to be some discussion between us I think and with Parks and Recs at some point.

Commissioner J. Cruz: The fourteen hundred is *inaudible* CHamoru Land Trust.

Mr. D. Tydingco: Yes, that's the approximate.

Commissioner J. Cruz: *Inaudible* to the water area.

Mr. D. Tydingco: Coming up from the terrestrial side.

Commissioner J. Cruz: Okay so from the boundary line, private line in between wherever that high-water mark you got 32 feet easement reserved for high-watermark the seashore.

Mr. D. Tydingco: And if I'm not mistaken Commissioner Cruz, what we in the instance of Piti was we had to socialize and get some review by Parks and Recs and I think mainly *inaudible* Preservation Office.

Commissioner J. Cruz: I'm concerned about the area that is not submerge.

Mr. D. Tydingco: Right.

Commissioner J. Cruz: That could be under CHamoru Land Trust because high-water mark is considered submerged because as the water goes in.

Mr. C. Leon Guerrero: The property lines that are supposed to be up to high water that's these properties that we're talking about... these property owners go up to the high-water mark.

Commissioner J. Cruz: So, all of these three sides, wherever that high-water mark is or wherever that submerged land is private?

Mr. C. Leon Guerrero: That's what we're talking about in terms of this *inaudible* that was included as part of the *inaudible*

Commissioner J. Cruz: I just want to squeeze more value into it.

Mr. C. Leon Guerrero: The length may change. It may be longer it may be shorter so we'll get the exact length as soon as the engineers finish up their calculations and then we'll modify it accordingly.

Chairwoman P. Fejeran: So as Mr. Tydingco mentioned, he's seeking approval of this license agreement and there's simply some "whereas" in the begging for the Land Trust to fill out, definitely the owners of the property etc.... For me, although, you did mention the exact dimensions may change but hopefully this could be drafted in a way that if it does change it doesn't need to come here again. Right, we don't want to have to have you come back for this but what I do want is ask the Commission is a compensation. So, we talked about in-kind services, leasing per square foot, we talked about adding in an additional twenty thousand dollars (\$20,000.00) as part of the rental fees, that comes out to about fifty thousand dollars (\$50,000.00) per year for both rent payments combined.

Commissioner J. Cruz: Both sites?

Chairwoman P. Fejeran: Yeah, combined. So, it looks like about 20k for Agat and 30k for Alupang.

Mr. D. Tydingco: Was that based upon Madam Chair the .75 cents?

Chairwoman P. Fejeran: Yeah, just about I maybe had round it up.

Mr. D. Tydingco: So that's the... we got the concept.

Chairwoman P. Fejeran: Again, this is additional revenue that the Commission does not already have previously also lands that are partially submerged and are not going to be used by our lessees for homes or agriculture. And this would be providing our island with greater telecommunication infrastructure and it sounds like it's needed because the life of the current infrastructure is *inaudible* so with that said, will the Commission want to do, what do you feel comfortable with?

Commissioner J. Cruz: I have another question, that depth of the construction, whether we add another six feet from the shoreline. What's the depth of the trench? Will there be an issue when a parcel out their requests for a trenching for a deeper swimming area if they go to the seashore clearance and they say yes you can trench six feet, four feet in front of your lot line *inaudible*

Mr. C. Leon Guerrero: If we're dealing with... because remember, we're dealing with property owners.

Commissioner J. Cruz: No, no... I mean the one in submerged.

Mr. C. Leon Guerrero: Yeah, I understand, we're dealing with property owners in that seashore, if they wanted to trench, they would obviously have to work with *inaudible* got to get a lease with them and so there would be that discussion over.

Mr. D. Tydingco: I think Commissioner Cruz to answer your question, no, like what we do right now, terrestrial so if GPA or GWA wants to come in and we talked to those people and *inaudible* Public Works, we're looking at putting some additional infrastructure over at this particular area and ask what do you have there? So, we work, we collaborate with and make sure that they don't our infrastructure and we don't hit their infrastructure and we work around it to make sure that everybody's...

Commissioner J. Cruz: And so, if their trenching, they would have to go through your agency?

Mr. D. Tydingco: No, right now, we're going through clearances, any type of terrestrial clearances it's done with DPW so DPW division over there that handles all the buildings, permits and all the other clearances; they include GPA, GWA, GTA, Docomo, IT&E, everybody who has *inaudible* facilities so each and every one of us has to say, this is where... we provide a map and say, this is where our infrastructure is.

Commissioner J. Cruz: Do you have a physical sign that says, this is where the trenching is done?

Mr. C. Leon Guerrero: We have markers throughout the island for that, probable we'll have a marker on the shore that shows that there's a fiber cable there, and definitely we'll identify that *inaudible* part of the markers will say call GTA, it has our number *inaudible*

Commissioner J. Cruz: Just thought I'd ask.

Mr. C. Leon Guerrero: No, that's a fair question. We don't want our cables to get damaged.

Mr. D. Tydingco: For instance, at Piti. Piti got cut but then we have our two other systems down in Agat or Alupang, we still have a redundancy on our *inaudible* our network to make sure that *inaudible* or customers are *inaudible*

Commissioner J. Cruz: Before we make a motion, can I recommend to submit an advancement of the distance of the station.

Mr. C. Leon Guerrero: Our station as in...?

Commissioner J. Cruz: The 1400ft. let's say... a 100ft. of the (inaudible) land put a sketch.

Mr. C. Leon Guerrero: I'll have to make sure that's I regulation of...what we're trying to do is put it below so that nobody, jet skiers or somebody running along the shoreline, we don't want them to trip over this because you know as the sand gets pushed out and it, we don't want anybody to get hurt so...

Mr. D. Tydingco: Actually, you know what happens is... is like for the instances in Piti, they came to the, they ended up going to the *inaudible* there's an elaborate equipment that's going into the water, they're fanning out all the sand and *inaudible* so it's been *inaudible* away and then they have the machine, they call the process cut and cover so they get to the sea and then they're going to cut the particular swath where the ducts will go and they'll lay the ducts in and then they'll cover it with material that's environmental friendly and then of course over time the sand and the salt will go back and cover it. Nobody will even notice this anymore and when it comes up to the shoreline not up to the land it goes to the two way what's called a beach *inaudible* then they'll do something that's called horizontal drilling and pouring so it's going to go underneath the ground and stuff. There are strict rules on environmental regimes that we have to adhere to and stuff but nobody's going to see it. If you and I go down to Tumon and *inaudible* you see that Australian Cable that's out there, that's old technology, that thing is still above the water, you won't see this.

Mr. C. Leon Guerrero: *Inaudible* when we dig the sand, we have to put that same exact sand back on the cover so... it's not....

Commissioner J. Cruz: What I meant with that sketch is that the designation for 10ft x 2400, 10ft x 1400, we don't know the distance where it goes straight into the private land. So, we want to know the limitation from submerged land up to where it ends that's it. Based on this 1400 x 10 and when we brought up the issue of submerged land and high-water mark, we want to know where that station is.

Mr. D. Tydingco: *Inaudible* Mr. Cruz, which is *inaudible* and we'll find out the answer and we'll ask if they can put a designated watermark there.

Mr. C. Leon Guerrero: *Inaudible*

Mr. D. Tydingco: Even when we go out and *inaudible* remains on island right now, right, if our guys are digging on land, we *inaudible* remains with State Prehistoric Preservation Office *inaudible* but it's approved, you'll see a small pole and it indicates that this is known for...

Commissioner J. Cruz: It's no different from the gas line that was buried from Andersen to Naval Station, every mile there's a sign stating that there's a gas

line on the easement, this is no different from submerged land where we can determine that the distance from the submerged land that was declared 1400 is no longer....

Mr. D. Tydingco: We will make sure we stake out the CHamoru Land Trust property accordingly, if it's permissible. Are you guys in...

Chairwoman P. Fejeran: Okay, now going back to the agreement and the compensation obviously it would be kind of strange to approve an agreement that's only in draft form and it's supposed to have you know.... Several...

Mr. D. Tydingco: Well, if I may, you guys can go ahead and make the amendments accordingly but just approve it *inaudible* agreed upon here in the discussion and *inaudible* upon receiving our regulatory clearances. We did this last time for the one down in Piti.

Chairwoman P. Fejeran: So executable upon receipt of clearances and *inaudible* licenses.

Mr. D. Tydingco: I mean, our *inaudible* come back and say, sorry, you guys *inaudible* handle it. I don't want us to be *inaudible* for something that...

Chairwoman P. Fejeran: Yeah, of course.

Commissioner A. Duenas: Madam Chair, I do apologize, I do appreciate you guys coming forward but the only issue we have here now is I'm in conflict because of my affiliation with Docomo Pacific so we may be in a position where we may just have to *inaudible* with it.

Chairwoman P. Fejeran: Okay. Mr. Toft?

Legal Counsel N. Toft: Yeah, if he's a conflict then we don't have a quorum on a vote and I appreciate it and stuff but I would want to get the *inaudible* term nailed down before there's any sort of formal agreement. It doesn't sound like we're 100% there yet, if we could just put it on for the next meeting and then during that time we can communicate back and forth and come to an agreement and that price terms and we have everything set to go and you know, just give them permission today to start seeking permitting on it and then *inaudible* resolution on it.

Chairwoman P. Fejeran: Sorry Mr. Tydingco unfortunately we can't make a decision on it.

Mr. D. Tydingco: No, no I understand, you don't have a quorum but won't your rules *inaudible* for those present in the building?

Legal Counsel N. Toft: We need three because it's minimum three out of the five potential members so we have two other members and they're not here. So, for any motion you would need three out of the five so when all three are able to vote that's when...

Mr. D. Tydingco: I just thought it was majority of those present.

Legal Counsel N. Toft: Yeah, it's those present now, it's slightly different from ours.

Commissioner A. Duenas: Maybe Director we can do a quorum call for this. I don't remember having a quorum call like in my case, I can't vote.

Administrative Director J. Hattig, III: Okay, next *inaudible* we'll have a quorum call.

Chairwoman P. Fejeran: Wait, what?

Administrative Director J. Hattig, III: A quorum call is when I send out the announcement of who can attend looking at the business so that we don't have situations like this where we can vote on a *inaudible* because we don't have a complete quorum.

Chairwoman P. Fejeran: Oh, okay. But I did call quorum today, with the three.

Administrative Director J. Hattig, III: Yes, that's correct.

Chairwoman P. Fejeran: Okay, so let's have our Legal Counsel go ahead and revise this agreement and I think I just threw the number out for Alupang at *inaudible* starting and twenty thousand (\$20,000.) per year for Agat. We'll just incorporate that, send it over to you guys so you guys and have a look at it again and we'll have it on our next meeting and we'll make sure that we have a... there's four of us here so that if Mr. Duenas *inaudible* We'll thank you for your time.

Mr. D. Tydingco: So, what could be *inaudible* for Mr. Hattig or Mr. Toft?

Chairwoman P. Fejeran: Yeah, have it for next time.

Mr. D. Tydingco: We'll leave a copy for you guys... *Inaudible* thank you very much!

Chairwoman P. Fejeran: The time is 2:44 p.m., our Executive Session is supposed to start at 3:00 p.m. I'd like to call a recess for ten minutes.

RECESS

Chairwoman P. Fejeran: I'd like to call this CHamoru Land Trust Meeting back to order unfortunately our timing has prevented us from speaking on Old Business, *inaudible* Financial Report FY2021 Budget, New Business; Proposed Leasing for our Land for the Landless lots so we'll table that for perhaps a later meeting. Okay, at this point we are going to move to New Business; CHamoru Land Trust Apps.

CHamoru Land Trust Applications

Chairwoman P. Fejeran: And in our packets it's the last document and we have a letter from our Legal Counsel and *inaudible* regarding the Executive Session. Mr. Toft did you want to *inaudible* for the record.

Legal Counsel N. Toft: Yeah, pursuant to 5GCA Section 8.111c I do recommend that the CHamoru Land Trust enter into an Executive Session to discuss the Federal Litigation Matter.

Chairwoman P. Fejeran: Okay, so an Executive Session has been recommended by our Legal Counsel. Do I need a motion to move to an Executive Session?

Commissioner A. Duenas: Motion to move to an Executive Session.

Chairwoman P. Fejeran: Motion made.

Commissioner J. Cruz: I second it.

Chairwoman P. Fejeran: Seconded it by Mr. Cruz. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: None, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Okay, the motion passes, we will now move into Executive Session.

EXECUTIVE SESSION

Chairwoman P. Fejeran: Okay, I call this CHamoru Land Trust meeting back to session. We just completed our Executive Session where we discussed the... District Court of Guam Civil Case No.17-00113 so thank you Mr. Canto and Mr. Mike Philips for being with us. The Commission would like to make a...

Commissioner J. Cruz: Motion to approve the agreement between the DOJ and the USA versus the CHamoru Land Trust as discussed during the Executive Session.

Commissioner A. Duenas: Seconded.

Chairwoman P. Fejeran: A motion's been made and seconded by Mr. Duenas. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Unanimous. Alright, so motions been made to approve the agreement as we discussed; the settlement agreement would need to be signed if we could just get on the record about the signatory.

Commissioner A. Duenas: Madam Chair, *inaudible* Commission agreed to have our signature as the signatory.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: Motion to include the approval from the Chairperson.

Chairwoman P. Fejeran: Okay, for clarification, the motion is to grant to provide me as the Chairperson authority to sign the agreement?

Commissioner J. Cruz: To sign the agreement.

Chairwoman P. Fejeran: Okay. Motion to grant authority to sign the agreement on behalf of the Commission.

Commissioner J. Cruz: Yes.

Chairwoman P. Fejeran: Okay, motion made.

Commissioner A. Duenas: Seconded.

Chairwoman P. Fejeran: Second it 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; then I shall sign. Okay. I think that concludes that section of our meeting.

All parties: Thank you.

Chairwoman P. Fejeran: Okay, so now that we're back in session, let's go back to our regular meeting agenda. I'm going to move some things around but what I'd like to do is, our Financial Report, look at our Financial Report first and then what I'd like to do is provide our new SOP for New Business for the Land

for the Landless. So basically, we just have two areas that I'd like the Commission to discuss before we adjourn today. I think that we can get it done with the time that we have left. We can start with the budget. I know that in our packet we were provided with the proposed 2021 budget, which has been submitted to BBMR. Okay, so Mr. Cruz if you could just discuss the 2021 Budget

Financial Report: FY2021 Budget

Program Coordinator III J. Cruz: Joey Cruz. We can turn to the sheet that says, Government of Guam Fiscal Year 2021 Budget Digest providing the summary.

Administrative Director J. Hattig, III: At the bottom of the page it says, one of four, right?

Chairwoman P. Fejeran: Ah... okay, thank you.

Program Coordinator III J. Cruz: So, CHamoru Land Trust given a budget ceiling of one million two hundred sixty-three thousand six hundred and nine dollars (\$1,263,609.00) that's an accumulative total of forty-five thousand (\$45,000.) from the General Fund, nine hundred five thousand two hundred forty-one (\$905,241.00) from the Operations Fund and three hundred thirteen thousand three hundred sixty-eight (\$313,068.00) from the Surveying and Infrastructure Fund.

Chairwoman P. Fejeran: So, would this be the first budget we're working with receiving funding from the General Fund?

Program Coordinator III J. Cruz: Yes.

Chairwoman P. Fejeran: And I'm curious as to how that came about.

Program Coordinator III J. Cruz: It was just from what was given to us from BBMR.

Chairwoman P. Fejeran: So BBMR made that decision?

Program Coordinator III J. Cruz: They work with the budget ceiling *inaudible*

Chairwoman P. Fejeran: Oh, and that was *inaudible* forty-five thousand (\$45,000.) for each of these funds, I know the Survey and Infrastructure is limited to certain expenditures.

Program Coordinator III J. Cruz: So what we did for FY2021 is the request was, the Operations Fund was only *inaudible* for us to spend nine hundred five thousand two hundred forty-one (\$905,241.00) thought our budget ceiling that was given to us through BBMR; so we had to make a little adjustments so like you mentioned, the Survey & Infrastructure Fund is restricted to certain types of expenditures so we had to shift two employees which are our Survey Technicians to that fund *inaudible* and then the Operations Fund, I was able to cover the rest of us, the twelve of us; it was the most justifiable way. If we were to pay for just our salaries alone just for the fourteen of us, maybe it's about eight hundred sixty-seven thousand dollars (\$867,000.00) and that wouldn't have left any room to pay for rent so we had to do a little adjustment.

Chairwoman P. Fejeran: I think moving that makes sense.

Program Coordinator III J. Cruz: Well because they will be the ones to handle our survey.

Chairwoman P. Fejeran: What is the forty-five thousand (\$45,000.) from the General Fund used for?

Program Coordinator III J. Cruz: If we go to BBMR 96A it's further back, it entails what our object class is and expenditures are *inaudible*

Chairwoman P. Fejeran: Oh, I see here it was forty-one thousand (\$41,000.00) for legal services?

Program Coordinator III J. Cruz: Legal services and office supplies.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz: And then for our SID fund, its *inaudible* will be conducting, there's money in there for surveying, advertisements, vehicle maintenance and repairs and land registration; because, we are not merged with the Department of Land Management anymore there maybe fees that may arise from land registration, so we accounted for that.

Chairwoman P. Fejeran: Really? Is there no... we don't have an MOU in place with DLM that...

Administrative Director J. Hattig, III: For surveying, yes, we do but not for the land registration *inaudible* that's not included in the memorandum of understanding, just the surveying for *inaudible* but land registration takes on its own cost because we have to actually register the land under CLTC and that's the cost with DLM afforded or given to us.

Program Coordinator III J. Cruz: The land registration entails tasks like; abstract name and things of that nature *inaudible* so we may have to pay for certain services *inaudible* from DLM so it's accounted for *inaudible* set money on the side.

Chairwoman P. Fejeran: So, we don't know for sure.

Program Coordinator III J. Cruz: No, we don't.

Chairwoman P. Fejeran: Well, I urge the Director to add that in to our MOU that the Trust doesn't pay for land registration for land which should have been registered by the Government of Guam because...

Commissioner J. Cruz: That's in the section...

Chairwoman P. Fejeran: Yeah.

Commissioner J. Cruz: Not unless they amended it. It's not for our, it's not for CHamoru Land Trust to... I don't know how it came about that funding now has to come from CHamoru Land Trust.

Program Coordinator III J. Cruz: We just...

Administrative Director J. Hattig, III: It came about when the separation, I just want to make that clear that one of the unintended consequences of the separation is additional cost and we tried to mitigate that cost as much as possible it given our budget ceiling.

Commissioner J. Cruz: Now I don't know if it's incorrect but it was there when we were not merged, that law was there.

Administrative Director J. Hattig, III: What law are you referring to?

Commissioner J. Cruz: That Land Management was responsible for registering unregistered land under Chapter 60. That's why they have a Survey

Division a Land Agent Division which is Land Administration and Records. Records, does the abstract and then testify in court as to how the abstract of this property became government land. Survey does the parceling and registration, I mean the mapping. Land Administration does the noticing of the surrounding land owners. I was there when they start doing that back in the 70s.

Administrative Director J. Hattig, III: We have a... actually we do have process servers.

Commissioner J. Cruz: Yeah, but the key to this is that we make no mistake to the law that says; Land Management will handle unregistered land, not CHamoru Land Trust.

Administrative Director J. Hattig, III: Well, they do handle the services but the cost is not what....

Commissioner J. Cruz: Shouldn't the department...

Administrative Director J. Hattig, III: What I'm saying is that it's not necessarily part of that.

Commissioner Cruz: *Inaudible* the Survey Revolving Fund, under Survey Division covers land registration.

Administrative Director J. Hattig, III: Yes sir.

Chairwoman P. Fejeran: What's happening now because I know...?

Legal Counsel N. Toft: Yeah, we have four cases that are ready to go we just got to wait for the courts to reopen and for our ability for our Process Servers to be able to serve.

Commissioner J. Cruz: But that's under the previous budget, not the current one?

Chairwoman P. Fejeran: Are we paying for DLM services for our land registration cases right now?

Program Coordinator III J. Cruz: No.

Chairwoman P. Fejeran: No, okay. But we have to continue that, we cannot foot the bill for *inaudible* restriction that.

Administrative Director J. Hattig: I'll talk to *inaudible*

Chairwoman P. Fejeran: Thank you.

Program Coordinator III J. Cruz: And also, under the CID Fund on 96A, we've identified money to purchase laptops, GPS, desk top computers, ups and a server. The server is because is because *inaudible* surveys and stuff like that is stored in DLM's *inaudible* so I don't know what their capacity is now but if we start moving all our information it may exceed the capacity of their server so that's why we identified a server to make sure that we have *inaudible* save it on...

Chairwoman P. Fejeran: And this is coming out of the Survey & Infrastructure Fund?

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

Chairwoman P. Fejeran: I seem to remember like two years ago, the department got a whole bunch of new computers, a whole new system.

Program Coordinator III J. Cruz: Majority of those got... I believe that was four or five years ago, if I remember correctly. All of our computers in our

department have reached its life for over five years already. We've had a couple of computers that have crashed so it's reached its peak already, so now we have to replenish that or replace them.

Chairwoman P. Fejeran: That's allowable under this fund?

Program Coordinator III J. Cruz: Based on serving the purposes of surveying *inaudible* because if not all of us we refer to the ARC GIS or any database of DLM to do our research so it all falls *inaudible* land registration and all that other great stuff.

Chairwoman P. Fejeran: Okay, well a hundred twenty-one thousand dollars (\$121,000.00) is a lot of money to be spending on all these materials but you know you can't operate an office without a working computer and all that.

Program Coordinator III J. Cruz: And for the *inaudible* GPS, yes, currently we're using our phones, the Land Agents are using their phones so we do have a hand-held GPS system but they're not as accurate so instead of the employees using their personal phones we included *inaudible* GPS.

Administrative Director J. Hattig, III: Part of that discussion also is trying to get GTA *inaudible* is going to work something out so that we don't have to include it in our budget, we can just work it out, again, my concerns were just the procurement to make sure that we fall within the procurement regulation. If we can get that included that would be a bonus for us.

Chairwoman P. Fejeran: And that would save us a thousand some dollars?

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

Chairwoman P. Fejeran: Okay. Yeah, I'm looking at a hundred twenty-one thousand dollars (\$121,000.00) and that's a lot. Can we talk about staffing because I see a proposed org. chart? *Inaudible* will be presented to us in the *inaudible* report.

Administrative Director J. Hattig, III: Yes. Again this is *inaudible* with the understanding what our requirements are moving forward especially with the settlement so *inaudible* the possibility of this may be changing but the underlying agreement I think is that we need an administrator staff rather than a land administration staff *inaudible* who helps us with the processing so that's the only thing I'm submitting is that *inaudible* submitting adding that some things have changed since then but talking with the staff and reevaluating what the responsibilities are and with guidance of the Commission how we're going to need more than administrative staff to fulfill the needs especially with the settlement *inaudible* Also, we don't have a supervisor position which we didn't *inaudible* from the very beginning when I came on and that's why we have Mr. Matt Leon Guerrero detailed to us and we made an agreement with Department of Land Management providing, *inaudible* supervising the land agents *inaudible* but this.

Chairwoman P. Fejeran: I mean we know we're severely understaffed. I'm looking at the Org. Chart and then I'm looking at the *inaudible* digest for the first page, one of four where it shows personnel services and then if you look down there's one unclassified position which I assume is you it's referring to and then 13 classified positions. Are those positions filled right now?

Program Coordinator III J. Cruz: Yes ma'am. We're warm bodies.

Chairwoman P. Fejeran: We're not getting any more staff?

Program Coordinator III J. Cruz: *Inaudible* system, when the budget is prepared, we're given a memo from BBMR how to prepare a budget so any *inaudible* that were not approved for instance we're using *inaudible* 2020 we can include it in the budget request and then we have to think about, do we have sufficient funding funded for the year after and so *inaudible*

Chairwoman P. Fejeran: My question is, how do we get more staff? If we can't build it into our budget for next year, how do we build it?

Program Coordinator III J. Cruz: We have to display a financial capability to sustain more expenditures, like we mentioned in the past, we're looking...referring to the Budget Digest that you're looking at; for 2019, we were given from the Operations Fund or Special Fund nine hundred fifty-four thousand (\$954,000) then that increased in 2020 to a million (\$1,000,000.00) now in 2021 it decreased, it's going to decrease just for the Operations Fund to nine hundred and five thousand (\$905,000.) so our revenue projections are not doing so great, we won't be able to sustain more expenditures and as we mentioned in previous meetings our solvency has been addressed so for example, because of the pandemic and all that other great stuff GEDA hasn't been able to award any new leases *inaudible* and then also the money or the proceeds from the commercial leases will be going to the Survey and Infrastructure Fund which is restricted to certain expenditures so we have a lot of financial issues.

Chairwoman P. Fejeran: I remember we had at previous meetings, you provided us with a very thorough staff report of inactive funds, your recommendations and how to get our revenue back up or operations so that we could get more staff and then a subsequent meeting was held with *inaudible* on that procedure. Could you tell us about that meeting and what was described?

Administrative Director J. Hattig, III: Well from our meeting, the Chairperson had indicated that we need to prove that we can manage it well in order for them to change it back to the way it was before when we had a little bit more control over our accounts but as it is. Either *inaudible* that we've been able to manage *inaudible* I think six or seven straight years of good clean audit funding *inaudible* we did outline our proposal for how to make the revenues go to specific stream so that we could have a continuous source. We did also point out that we did ask the six hundred thousand plus money that was taken out that we are still in talking to the administration about getting that money back so that we could you know take that and make that a part of our budget so that we could maybe maximize maybe our staffing among other things so those were the proposals that we had indicated to the Chair, she was receptive to those but she also said that we also needed to make sure that we can prove in managing our funds. I think that that's the indicator, the number one of that meeting and then more meetings are necessary and make sure we bring the right people such as the Chair of the Commission on board *inaudible* thoroughly accessed *inaudible* to give a perspective as well.

Program Coordinator III J. Cruz: Just since we're talking about the budget, I just wanted to bring up that three hundred thirteen thousand three hundred sixty-eight (\$313,368.00) that was given to us through the budget ceiling is the entire amount that's in that fund so when we expend it next year, if we do, *inaudible* we have no revenue resources to replenish that money other than the three leases that are currently being *inaudible* which is only roughly about fifteen thousand (\$15,000.) a year so we're trying to project further than 2022 so that's just something to consider.

Chairwoman P. Fejeran: Yeah, I would ask that because you know, what was presented to the Commission is how we get our funds and *inaudible* the laws would have to change to kind of divert the funds from having to go here to over here so that so I think the Commission at the point said; hey, you know, we need to talk our legislative person to know what she would recommend before we can make any decision because we don't want to say; yeah, let's do this and then take it to her and you know she's the *inaudible* so that was our hope to come out of that meeting and that I would ask that you revisit that with her like the Director said. I don't know what you have presented to her but you definitely need to tell her okay, this is our 2021 budget this is what's going to happen in the next few years, however, if you're willing to change this law to allow us to divert funds here, etc.... I think painting that picture to her and then bringing her our audits our clean audits *inaudible* I think that would probably get the job done to get her on board and understand what the trust is facing at this point and that we need action now. I wonder if this civil case that the Commission today approved the settlement agreement for that will require eventually for the legislature to take action to amend our CHamoru Land Trust Act and perhaps that could be the avenue for the other changes that could happened to the fund, to make changes to the funds and then other administrative things that the Commission has worked on for our Rules and Regs. Public Law 23-38, there's several changes, administrable changes that we would like to be seen, that could be the avenue that if we can really work closely with the legislature to package this all together so that it's a onetime, I guess *inaudible* bill that addresses the various issues that the Trust is dealing with. I think that would be the easiest rather than piecemeal it here piecemeal it there so I ask the Director to please re-engage with Senator Terlaje and you know, we really need to address these funding shortfalls that we are projecting to have. I also wanted to ask about the request for the six hundred thousand (dollar)-shortfall again.

Administrative Director J. Hattig, III: I have not heard back from Adelup at all but I will follow up again but with all that we've been having based on the pandemic, there is *inaudible* you know there are some changes with the administration, obviously but I will meet with the DOA Director again *inaudible* to find out what we're doing.

Chairwoman P. Fejeran: I think a formal letter again will be necessary.

Commissioner J. Cruz: Will that have a general effect from the general fund that we're tapping from? What is it the six hundred some thousand from the general fund that we're getting because we don't have sufficient funds to operate?

Administrative Director J. Hattig, III: We can also talk to BBMR to make sure that... I can't answer that question.

Commissioner J. Cruz: If they can control taking it away, I don't know, maybe they can control giving it back.

Chairwoman P. Fejeran: Yeah.

Program Coordinator III J. Cruz: We were surprised to see what we were given.

Chairwoman P. Fejeran: Yeah, and I know that the Commission has been very careful to not utilize any general fund money however now that this civil case has gone through and we've reached a settlement to prove that the CHamoru Land Trust is a land restoration program and not race based I think that the agency should be treated like any other Gov Guam agency fully funded by tax payer dollars.

Administrative Director J. Hattig, III: I'll have that available to you *inaudible*

Commissioner J. Cruz: How healthy is our CHamoru Home Loan Fund.

Administrative Director J. Hattig, III: What do you mean?

Commissioner J. Cruz: How healthy is that? Any money in that account?

Program Coordinator III J. Cruz: The CHamoru Home Loan Fund is restricted and it's for the Loan Guarantees that we provide our constituents.

Chairwoman P. Fejeran: I think it's about five hundred thousand right now, it was higher and then they took out from there a lot money.

Program Coordinator III J. Cruz: That's part of the six hundred thousand that was transferred out, three hundred some thousand.

Commissioner J. Cruz: The deduction of that *inaudible* thousand, have we generated anything from that?

Program Coordinator III J. Cruz: The revenue *inaudible* from payment of taxes so all the real property taxes that our constituents pay, that's *inaudible*

Chairwoman P. Fejeran: Director, I'm imploring you, please speak with Therese, you've got to be *inaudible* because you know, and she has a lot of work on her end too with legislation to be written, see if we can talk to her and get her to understand what we fully need to happen.

Program Coordinator III J. Cruz: I'll prepare a presentation.

Chairwoman P. Fejeran: Yeah, thank you Joey that will be helpful. Okay, any other questions for FY21?

Commissioner J. Cruz: On this *inaudible* chart, do you have any section as to what the Administrator Section is, what is Program Coordinator III is?

Administrative Director J. Hattig, III: No we don't currently. We're just listing what the position is.

Commissioner J. Cruz: *Inaudible* what is the department operating based on this section?

Administrative Director J. Hattig, III: Yes, the Land Administration Division is essentially the entire right-hand side of the organizational chart, under the Land Administrator so I believe all the other *inaudible* we have a Land Agent III, the Supervisor and the three Land Agent II's and then what I proposed is six Land Agent I's underneath each Land Agent II. The left-hand side is the top portion of the Administrative Services Division and that's the Program Coordinator,

Administrative Assistant and the Records Management Officer and I proposed a private secretary where initially *inaudible* so that they have someone operating the front office and then the bottom portion to the left is the Survey Division which is our two surveyors *inaudible*

Commissioner J. Cruz: So, who does they survey and the (inaudible) reports?

Administrative Director J. Hattig, III: Well, they're supervised daily by the Chief of Cadastre.

Commissioner J. Cruz: No, no within our area? How do they *inaudible*

Administrative Director J. Hattig, III: Physically they're under separated from us because they're in Land Management's Survey Division but they do have access through... they do come down upon request and we do have meetings with them they do communicate via telephone and *inaudible*

Commissioner J. Cruz: So how does the workflow go through them if a Land Agent I or a Land Agent III has an issue with a sketch or an issue... how do you *inaudible* with them?

Administrative Director J. Hattig, III: Well, they reach out to one another we have a very good working environment so to answer your questions we...

Commissioner J. Cruz: But will he go to the Land Agent III or will he go to the Land Administrator to get the services because it's a while *inaudible*

Administrative Director J. Hattig, III: Currently right now they don't go through any specific chain, they reach out to the Survey Division and provide the information. If you needed to be...

Commissioner J. Cruz: No, it's not what I like, I want to know *inaudible* if the channels or the flow chart is integrating *inaudible*

Administrative Director J. Hattig, III: This is just again, *inaudible* purposes in terms of what...

Commissioner J. Cruz: Yeah, that's why I'm asking who do they lean to if it goes directly to the Director for supervision because the line goes straight up to you. Would it be better to split the Engineer Technicians to one on the left and one on the right and have them report to a Land Agent III instead of reporting directly to you *inaudible* the flow of the work progress. If you have *inaudible* this is just my suggestion because *inaudible* are the ones that need the support and if they are not supervised, a Land Agent III and a Land Agent II can make the arrangement of the work request to be done.

Administrative Director J. Hattig, III: Okay.

Commissioner J. Cruz: I'm only saying that because the line goes straight up to you.

Chairwoman P. Fejeran: This Org Chart is basically what is being proposed, this is not even close to what we have right now so...

Administrative Director J. Hattig, III: Correct, yeah but thank you for your suggestions we'll go back and...

Commissioner J. Cruz: That's all I got.

Chairwoman P. Fejeran: If we can move to FY20 budget along. I wanted to find out where we are in spending according one of the last meetings, we had asked the Director if we're going to have a (inaudible) at the end of the year, is that...

Program Coordinator III J. Cruz: *Inaudible* I didn't bring the budget projection that I've been asking but we're tracking... we're still in the right so we're okay. And we have forgone certain expenditures for certain purchases just to ensure that we stay in the black.

Administrative Director J. Hattig, III: We've had some personnel issues so *inaudible* augment here, we have one person who's planning on retiring but he's still waiting on confirmation to exercise his retirement, he's waiting to see if he's eligible the other one is, we did receive word that one of our land agents will be discontinuing will be resigning *inaudible* so that also opens up some *inaudible* so that's why we're still in the black for the rest of our FY.

Chairwoman P. Fejeran: Okay, our next question is, Director, I've read in the news that you've been assigned to Pacific Star but you're no longer there? What is your status? My question is, what is your current status and it's my understanding that everybody on staff has been continuing to get paid as everyone on Gov. Guam even though our offices have been closed since the Public Health Emergency has been declared; so, can you just share with me what's your status, how have you been getting paid since you're not you know...

Administrative Director J. Hattig, III: Well currently as per the Executive Orders that was sent forth by the Governor, everybody was at a stay-at-home order and placed in an active pay status. So, I still report to work, I still come to work, a matter of fact, I'm at the office virtually every day. I check my emails and if the staff has any concerns that come forward or constituent concerns then I meet with Joey and I do activate land agents based on the need so they are informed and are brought in. Currently right now, I activated the employees that you see now so they're coming in to staff the meeting. Personally myself, I'm not assigned to the quarantine site anymore so that's something that's going to be resolved already as you heard the National Guard is taking over the quarantine responsibilities so my intention will be paid back to full time. The second thing I want to say is that we are a non-essential agency Public Health is currently occupying our work space to provide a very vital COVID-19 pandemic response. Currently, all the information from the flights that come in goes into the office that is currently housed in our offices in the ITC Building so they provide very vital information so that we can make sure that we track those quarantine numbers so I've talked to Public Health and I've asked them, I said, you need to provide me with a plan for when you're going to collapse back into wherever you're going to be at because as soon as we get the word from the Government that we're going to be able to open then we need to make sure that they get out of the office and we are able to reestablish ourselves. In lieu of that, I did request for a shift schedule for our land agents to come in so they're going to rotate on a weekly basis, they are going to come in and work for four hours in the office so that they can man the phones. We have two phone lines that have been established to man the constituents we also have an email address that's established so that they can email us then those people that are coming in, the land agents can have access to that and they can be answering emails. So, we have our records division that's still been coming in so they can

utilize that space and then we have my office that can be equipped with a second computer so that we could still work. I've asked Joey to come up with a plan to make sure that we have a rotational schedule, no more than four or five employees for a four-hour period only until we are given the green light to open up then we can redo our measures. I've also asked to implement the social distancing measures to make sure that we have our PPE and to make sure that currently we are not accepting face to face because of the nature of our office but we are talking on the phone we are continuing the emails and we are continuing to communicate with other agencies like for power and water for UT Authorizations that we did receive some I think we did receive two or three that were during the pandemic so we were able to get those resolved and I was able to issue UTs. So currently that's our status right now of operation I continue to telework as well my phone and my computer can receive office emails so I'm regularly... I'm in touch with everybody if you send me an email or if any one sends me an email; I get to it while I'm at home as well. So that's the current situation in regards to our staffing.

Chairwoman P. Fejeran: Okay, thank you for that report. Have you advocated to the administration that the work that your department does can and should be considered as essential at least for opening in PCOR 2? Because we have a lot of constituents who have been waiting for twenty plus years and some who were in the middle of the process and then to be shut down you know, we're talking about getting people on to properties, we're talking about people living on property. I see the work of the CHamoru Land Trust Commission as essential to those that we serve to our beneficiaries. Have you been advocating for that?

Administrative Director J. Hattig, III: I haven't had any discussions with the administration directly, I've just been assigned to whatever duties I've been assigned to and in response to what is declared as essential versus not essential I can certainly especially since we have a new Chief of Staff, I can certainly advocate for that the problem is, we lack our physical offices and I don't know when it's going to collapse back in to where *inaudible* were at. I've asked like I said for a plan at least give me a plan or a number of dates and again they haven't provided it because the virus is what determines what they're actions are going to be so that's the only thing that's holding me back. I would love to advocate for it but until we have our offices back, I just don't know how we can do that with the limited.

Chairwoman P. Fejeran: I understand but a part of your advocating would be will be telling Public Health it's time for you to find a new office to move into we need to get back to work.

Administrative Director J. Hattig, III: And they have been told that as soon as we are ready, I anticipate that we will be notified and we'll be activated and up and running so that's why I requested a plan from them, a matter of fact two weeks ago when I was on the phone with their administrator today earlier today again requesting for their plan.

Chairwoman P. Fejeran: Can you give them a plan and say we need to back in the office *inaudible* your administration. I mean Revenue and Tax opened

back up and we saw how many people were waiting there to get those vital services that they needed.

Commissioner J. Cruz: Recording at Land Management is open.

Chairwoman P. Fejeran: Yeah, the Recording office at Land Management is open.

Administrative Director J. Hattig, III: That was *inaudible* that was in place by the Governor that's why so if the Governor would like to declare us as essential then I don't have any problems with that but like I said, I will work with them and I would advocate that, we'll tell them our case you know we have a lot of people coming forward.

Commissioner J. Cruz: If you plan on the rotation of employees, are you going to be merging with Public Health in the same area?

Administrative Director J. Hattig, III: Well, you know, access is going to be... we've done the social distancing measures already.

Commissioner J. Cruz: No, but are you going to be in the same office?

Administrative Director J. Hattig, III: Not the same exact space. Like I said, our records section is separated and my office is separated so we're not going to be interacting in the same space as them.

Commissioner J. Cruz: How many personnel does Public Health have?

Administrative Director J. Hattig, III: Right now, that number has changed, they're up to about eight.

Commissioner J. Cruz: Eight? And you're bring in another eight because you guys are going to be...

Administrative Director J. Hattig, III: It's going to be four because it's going to be one week of four and then another week of four or five so that's what our plan was. So, they're just going to rotate.

Commissioner J. Cruz: So, the people that are coming in on your rotation basis, are their spaces being occupied?

Administrative Director J. Hattig, III: Yes, their spaces are being occupied but we're providing a work space for them, mainly...

Commissioner J. Cruz: Who our staff or Public Health?

Administrative Director J. Hattig, III: Well, they're already working our computers they've already taken over our work stations so we've established my work station and another work station for them to...

Commissioner J. Cruz: For your staff?

Administrative Director J. Hattig, III: Yeah, for my staff and then Gary at records has his work station that is not being utilized so that's what we're going to do is we're going to utilize that as a place to work and they're only authorized to be either in my office or in the records office not anywhere else.

Commissioner J. Cruz: Are they occupying Land Management also?

Administrative Director J. Hattig, III: Yes.

Commissioner J. Cruz: How many staff?

Administrative Director J. Hattig, III: I don't know.

Commissioner J. Cruz: More than you?

Administrative Director J. Hattig, III: I don't know the extent of their occupation at Land Management.

Commissioner J. Cruz: Well, you've got to put your foot down if this thing is going to work.

Chairwoman P. Fejerman: Yeah. I think it's time. It's been what ten weeks since the shutdown. I know that there's beneficiaries out there that need you guys back in the office.

Administrative Director J. Hattig, III: I'll communicate your...

Commissioner J. Cruz: Especially those that are on site *inaudible*

Administrative Director J. Hattig, III: Currently right now, no one is like with regards to whether you're there or not with all the legalities no one is chasing anybody away. I mean, we're still operating right where when the pandemic started. We're not kicking anybody out, we're not asking anybody to leave, we are still responding to constituent concerns *inaudible* that's something that we can do and we are also trying to say once we opening up; what are our conditions like. We need like Plexiglass right so we're trying to work those things out too because when we do open up, we want to be safe. We want to be prepared so that's what I'm trying to do. I don't want to do it too quickly, I want to make sure that we do this in *inaudible* with Public Health they tested positive, they had eleven yesterday and I don't want to open up and then we... and a lot of our constituents are from the Dededo and Yigo area. I don't want to open up and then we have a second wave or... but I will convey your concerns to them over there.

Chairwoman P. Fejerman: Thank you. Another thing that I wanted to know is in the interim, I believe that there's several things that can be accomplished without having to go sit in the office; for instance, the last meeting minutes that we approved today was from September it's eight months ago. So, I know that there's so many meeting minutes that have to be recorded, let's use this time when there's not constituents in our face.

Administrative Director J. Hattig, III: And currently right now, we have two employees who are working on the minutes from home, teleworking so we do have them working it's just that we've had the last... the October and November minutes has been very muffled and so we're really having trouble transcribing it. So, you know, they're really taking their time to make sure they get it correct and accurate because the transmissions that we had from DLM's recorder are difficult, you're going to see a lot of inaudible in the minutes because...

Commissioner J. Cruz: People weren't wearing masks at the time.

Administrative Director J. Hattig, III: Yeah, we'll see how this one turns out.

Chairwoman P. Fejerman: I just ask that you know while everybody is still getting paid you know let's not use this as vacation time, let's get to work and get those things out of the way so that when we finally do get to get back in the office, we can hit the ground running to serve our beneficiaries. My last question about our budget; I have to ask because I've been reading a lot about it in the newspaper is this differential pay, double pay for the directors that were assigned to quarantine sites, what is the status with that from you and how does that have any bearing on our budget?

Administrative Director J. Hattig, III: Well, I'll just let Joey answer because he received the information about it.

Program Coordinator III J. Cruz: The differential pay *inaudible* not charged to our fund, there's a COVID-19 *inaudible* is where it's being charged.

Chairwoman P. Fejeran: Okay so what the director receives is just his regular pay from our budget and then...

Program Coordinator III J. Cruz: The differential pay is charged from a *inaudible* fund.

Chairwoman P. Fejeran: Okay, so from all the time that you are spending at the quarantine site getting paid from our funds, I don't think it's right that...

Administrative Director J. Hattig, III: I never got paid from our funds from quarantine site managing, I never got paid for that.

Chairwoman P. Fejeran: No?

Program Coordinator III J. Cruz: The regular eighty hours is what the CHamoru Land Trust fund is charged. The differential pay is coming from a different fund.

Chairwoman P. Fejeran: So, my question is those regular eighty hours that the Land Trust is paying you, you're obviously not working in the office those eighty hours you were on site at the quarantine.

Administrative Director J. Hattig, III: No, not necessarily, no, there were times where I was working at the office and there were times where I was working at the site but they're not co- *inaudible* they're not *inaudible* to say that I was getting paid for working over there through our funds.

Chairwoman P. Fejeran: So, you accounted for the time that you had in the office and only that time you were paid out of the land trust fund and all the other hours you spent at the quarantine site are coming out of the COVID-19 fund? It doesn't sound like Joey said that.

Program Coordinator III J. Cruz: What it is eighty hours is charged to the operations fund any differential pay that Mr. Hattig should accrue from the quarantine site *inaudible* comes from the special fund, so eighty hours if from the operations fund.

Chairwoman P. Fejeran: So, it goes back to my same question, if you're not able to account for those eighty hours as having done Commission work then why is it coming out fully from the Commission's budget?

Administrative Director J. Hattig, III: Well, I'm sure I can answer your question I just need to know a little more context behind it. We're all in an in active pay status including myself even though I'm unclassified I'm in an active pay status so...you know even the time that they didn't come to work *inaudible* because everyone you know is in active status so that's my understanding to the executive order, everyone is in active paid status so they're being paid regular normal eighty hours.

Chairwoman P. Fejeran: Okay, but the differential pay is not coming out of Land Trust?

Administrative Director J. Hattig, III: Correct.

Commissioner J. Cruz: Is there a special fund to cover your eighty hours from us? *Inaudible* I'm just asking, if there's one for differential pay then why not?

Program Coordinator III J. Cruz: *Inaudible* an email for any expenditures that the Commission should accrue but there's restrictions for how we

inaudible for reimbursement so if I remember correctly one of them was *inaudible* but we can try and ask *inaudible* so Mr. Hattig's pay was approved for the FY2020 budget, I might not be *inaudible*

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: Plus, when these guys come to work, they're going to be eligible for the ten percent under the differential pay because they're working *inaudible* so that's going to be charged under the special COVID-19. That's my understanding through Land Management.

Program Coordinator III J. Cruz: Anybody who reports to a work site while we're under *inaudible* is entitled to differential pay.

Commissioner J. Cruz: Yeah, but the justification for that is that it's essential.

Administrative Director J. Hattig, III: That's why we didn't have them on board all this time. We didn't have them actively working in the mist of things because I couldn't justify that for them being essential but if they change that, if the Governor changes it tomorrow to where we're semi-essential then definitely I can justify that.

Chairwoman P. Fejeran: Okay, thank you. Any other questions for the budget? Okay, what time is it? Oh, okay that's more than enough time to talk about the last things on our list. The Proposed SOP and Proposed Leasing of Land for the Landless. For the SOP again, yes, we have been going over this and it looks like there was a lot of clarifications and questions that we had but it looks like it's been made. I believe we've gone over part one; application, part two; processing which we know will be changed with the passage of the legislation for the settlement agreement.

Administrative Director J. Hattig, III: And I'm still working on *inaudible* language that you asked me to come up with *inaudible* I apologize it's taking me a while.

Chairwoman P. Fejeran: Part three; lot award, this is really the part this section and part four; lease issuance that is super important specially since the Commission decided over a year ago that we wanted to start issuing out Land for the Landless lots. But in order for the Commission to approve that effort, we wanted to see clearly stated SOPs for lease issuance, lot award issuance so again this part three, lot award is coming from Public Law 23-38 Section 6.4 as written, right? I believe we brought this up last time but lot awards and lease issuance. We talked about bringing cohorts of people to the process, I think the way that it's currently drafted is really more focused on especially this section where it talks about lot designation and acceptance, it's more about servicing somebody on the waiting list and showing them properties. I do see that you did add the statement, lot award shall be *inaudible* on availability of properties within the trust inventory and not necessarily based on applicant request. Okay so if an applicant responds based on their notice of intent to award or to notice that their application date and time is ready for leasing; the first step you do is determine the prospective property to determine for lot award?

Administrative Director J. Hattig, III: Yeah, based an interview process and based on location, they would ask where they would like the lot to be so currently right now, we try to look at the inventory in that area and give them...

previously we give them three options but now we're just going to give them basically one option saying, this is where we've determine based on your application this is where the next available property is, right here.

Chairwoman P. Fejeran: Is there a way to really just cut down on a lot of that out by... again, I want to use Land for the Landless as our guinea pig right so I'd like the strategy and timeline you put together here you've identified how many lots are available. How many total lots is this, 162? Yeah, 162 lots most have infrastructure access, all lots have access to power and water all lots have been surveyed and they're just subject to retracement survey. Sorry guys, I'm jumping around, I want to jump to this. The strategy that you put down here is identifying applicants on the waiting list so the database manager will identify the list of applicants starting from 1995 and in numerical order they were assigned, right, we're following the letter of the law, right.

Administrative Director J. Hattig, III: Correct.

Chairwoman P. Fejeran: Okay so 5.6a, 5.6 and 5.6a has to deal with their priority, right?

Administrative Director J. Hattig, III: Not necessarily. It's just based on the order in which they were received.

Chairwoman P. Fejeran: First come first serve?

Administrative Director J. Hattig, III: Yeah.

Chairwoman P. Fejeran: First come first serve, contract for award... okay so, section 5.7 says, applicant shall be considered for an award in the order that *inaudible* was received provided that awards shall first be made according to ranking and existing priority waiting list.

Administrative Director J. Hattig, III: That was number two under strategy is that if you own land already then you will not be considered and those who are landless will be considered.

Commissioner J. Cruz: So that will trump their priority in the line?

Administrative Director J. Hattig, III: That's where we come in to and we have to follow the letter of the law. If they're priority two, we cannot even though they come before somebody else we can't issue them a lot because....

Chairwoman P. Fejeran: Okay, I think that that needs to be clarified because it says, whoever owns property shall be considered after those who do not. So, are we talking about the entire list?

Administrative Director J. Hattig, III: And that's what I'm reading from the law is that we exhaust first everybody that's landless and then we go back and *inaudible* everybody that has property.

Chairwoman P. Fejeran: Okay so I think it would be a lot easier to understand if we say that, applicants who are priority one would be randomly assigned a lot.

Administrative Director J. Hattig, III: Okay, that's fine.

Chairwoman P. Fejeran: That way it's clear, *inaudible* our priority ones.

Commissioner J. Cruz: So, let's say you have 150 applicants that are eligible under priority one, how is the lot assignment going to take effect? Are they going to say; choose one of the 150?

Chairwoman P. Fejeran: No, lottery, right? Lottery?

Administrative Director J. Hattig, III: If you read the strategy it's by lottery so it's like a blind draw basically so we put all of the lot numbers in a hat or in a wheel or whatever and they come in and choose a lot number and it's a blind draw and whatever they choose that's what they're going to be assigned.

Commissioner J. Cruz: Now what if they refuse to do lottery because they still have that option.

Administrative Director J. Hattig, III: Yes so, we have a municipal decline that's listed as part of the strategy. So, my suggestion is, if you accept this lottery and then you pick something and you don't like where it is, you can exercise your municipal decline but that's your first decline and now you're no longer going to be choosing from the Land for the Landless, you're going to wait for another property to become available somewhere else.

Chairwoman P. Fejeran: So, you have to be...you have to get back in line where you were.

Administrative Director J. Hattig, III: Pretty much, yeah. Stay in line.

Chairwoman P. Fejeran: Stay in line and then be afforded the opportunity for the next set of property.

Commissioner J. Cruz: You have to have that in your SOP's. If they don't understand they'll challenge it and you can never satisfy...

Administrative Director J. Hattig, III: I think Madam Chair, if you want, we can probably put some of these things into the SOP part.

Chairwoman P. Fejeran: Yes.

Administrative Director J. Hattig, III: And that's fine.

Chairwoman P. Fejeran: And that is what I was looking for here because this kind of reverts back to the way things were done before and what I want to see is how we're going to do it now moving forward in these cohorts.

Administrative Director J. Hattig, III: I wanted to let you know that the land inventory project that we're doing currently right now that's going to be the factors portion, once we're done with 10121 so our pilot was 10121, right and so as soon as we're done assessing Tract 10121 we can tell you how many lots are available for agriculture for residential and how many have roads and that's why we needed to go out into the area and that's why we needed maps from DLM from Land Survey and then we coordinated with EPA for whatever environmental *inaudible* we already coordinated with the utilities to show us what utilities are in the area so we can provide you with that so we can lottery out 10121 for instance right. So, once we tell you that we have this many lots for agriculture and this many lots for residential we may need to transfer for instance if it's a majority of agricultural tract, we may need to transfer some of the residential people out depending on whether they built anything or not. If they didn't even build anything then maybe we can find them a residential tract that may be even better. So, these are some things that we're providing the board, these are some of the things *inaudible* so we can even do this and make it a reality.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: *Inaudible* the subdivision if you're saying that those lots are available, have we engaged with Public Works in opening those lots that need *inaudible*

Administrative Director J. Hattig, III: On a case-by-case basis, we do because Public Works, you know they are aware of the situation. *Inaudible* but we ask the Commission to also be aware because if Public Works needs something then we could also utilize that as an incentive to get them to open up.

Commissioner J. Cruz: No but *inaudible* with the Tamuning Project, you mentioned that they're coming in to open and access road *inaudible*

Administrative Director J. Hattig, III: Right, they committed that to us. They committed that they would open up previously opened roads or access ways.

Commissioner J. Cruz: But do they have a list of roads *inaudible* or in your hand to say okay the minute *inaudible* is gone... project a, project b... this is where you go.

Administrative Director J. Hattig, III: Well, we provided, I provided a strategy as to how to do that, identify the easements like you requested in the January meeting so if you... we're compiling that list so *inaudible* project was to start like that's why we're starting with Tract 10121 so I have the list for Tract 10121 so if I could go tract by tract then we could provide you with that because it's easier for us...

Commissioner J. Cruz: You don't have to provide me with that, I just want to know what you have on hand and if you...

Administrative Director J. Hattig, III: Oh, we do have 10121 and we do have a list of roads that access.

Commissioner J. Cruz: Now all you have to do is take that land and give it to Public Works which would give *inaudible* a head start.

Administrative Director J. Hattig, III: And that's why we're trying to get shared information as much as possible where they're at because they deploy their resources all over the place so if they're in an area where we're already at I try to capitalize on that so that they don't have to redeploy where it'll cost money.

Chairwoman P. Fejeran: What I'd like to see is... we've looked at your strategy and I think that's... the strategy for the Land for the Landless is really what I'd like to see really in a more concise SOP. I guess marry the SOP with what you have in your strategy and the other thing I just want to bring up is how are we making sure that we're conforming to the law. How do we notice them because in the three, lot award SOP, we say we're going to utilize their current contact information?

Administrative Director J. Hattig, III: Right, that's a strategy because contact information changes and it's very difficult for us to stay in contact.

Chairwoman P. Fejeran: How much cheaper, how much more cost effective would it be to take an ad out and to inform the mayors offices so that and, in that ad, you can have all the names and application numbers, dates and times that each of these individuals that are waiting on our waiting list and then in the ad you would also describe, we have a hundred and something lots that have access to power and water, they've been surveyed etc....

Administrative Director J. Hattig, III: So, the information will be provided in these factors.

Chairwoman P. Fejeran: I think it should be so that it's clear to everybody including those that are not being called for and, in the ad, you would also have to explain that you do... I don't know what does it say, I think it says you only have ninety days, I would have to check it.

Administrative Director J. Hattig, III: I think it says thirty days on the proposed SOP from the time that they're noticed they have thirty days to respond to the notification.

Chairwoman P. Fejeran: Look at section 5.10, I believe that is says, they're given ninety days to come forward.

Administrative Director J. Hattig, III: To update their information that's correct but answering their *inaudible* there is nothing. I don't believe that there was anything in the law that states that. That's why I proposed thirty days, thirty days is a long time to tell you the truth.

Chairwoman P. Fejeran: I think that's fair and then also in the notice and please be building this in to your SOP because a part of the notice is the SOP and all the information contained but what should also be included is information on one, if you see your deceased relative in there what they could do if they're a descendant of somebody; two, if you don't want this property, what do we do? Do we take their formal notification from them or do we take their nonresponse as a declination? Is it a declination right and describe that you're only allowed three declinations? I think since you already have a plan, what the next set of properties are going to be, you should also include that and say our next set of properties are going to be in Dededo so at least somebody would say, I don't want any of those at least I know my name will be called again for the next set of properties. I think that would be very helpful.

Commissioner J. Cruz: Also, in line with that, the total number of 152, how many of those lots are *inaudible* and don't include that because you might say, 152 and only *inaudible* are usable.

Chairwoman P. Fejeran: I think they did the... I think these are the good ones.

Administrative Director J. Hattig, III: I think Pierce, right you did the topography of those lots?

Engineer Technician II Pierce Castro: There are a couple of lots that look like they're *inaudible* but I think *inaudible*

Land Agent Supervisor Matt Leon Guerrero: *Inaudible*

Administrative Director J. Hattig, III: What we could do is leave those out clearly because why advertise for something that we wouldn't be able to...

Commissioner J. Cruz: It's the number that I'm concerned.

Administrative Director J. Hattig, III: Okay.

Chairwoman P. Fejeran: And I think when we do put a notice in and have this list of numbers, if we have a hundred and fifty lots, we should notice for two hundred fifty people and put the disclaimer like if your name is towards the end of the list, you may not get a property this time however now is the chance to update your information so that the next round we have updated information.

Administrative Director J. Hattig: We always use the opportunity when we deal with somebody, we always give them the opportunity to update their contact information because we have a lot of people that are coming through us through relatives. So, relatives are coming forward and they're saying my auntie this and my auntie that so give us their telephone number and we'll contact them so they can come in. And also, we're working on a strategy for social medial because I do have a proposed social media strategy but you know Jhoana has been very influential in saying that a Facebook page will be very helpful at least not or maybe we can turn stuff informational, put informational stuff *inaudible* so that way it'll be cost effective. Because you asked about how cost effective it would be so that's another issue. The Mayors are ready willing and able to post stuff in their village community centers.

Chairwoman P. Fejeran: If we could also... I just want to be able to streamline in the process so that when these individuals come forward and decided yes, I want to get one of these properties it's a very simple process and it's not going to take half of an agent's time in one day so if there's a form that can be filled out and then collate it and then once the thirty days have passed, we already have somebody that wants it and we can move forward. So just try to think outside the box if there's a form online or if there's a printed form for everything, beneficiary changes etc.... that we can also give to the mayors and train the mayors' staff to you know like if somebody comes forward, they have this question give them these forms etc.....

Administrative Director J. Hattig, III: We've had requests from the mayors' offices to go out and to maybe sit for a couple of hours for people to come by so we're organizing that but with the pandemic of COVID-19 we've had to augment so you know we're trying to work that issue out.

Chairwoman P. Fejeran: Well, this is very promising I appreciate the work that you put into it. It's been a long time coming but you know this is the time that you should be working feverishly on this because you know we are basically on a shut down and everybody is on a full paycheck so let's keep working hard here.

Administrative Director J. Hattig, III: Yes ma'am.

Chairwoman P. Fejeran: Okay there's no public comment today. Any Commissioner comments? I have a comment today, I've now entered into my holdover time and I'm not too clear if it's sixty days or ninety days but after my holdover time I'm going to assume that there will be a new commissioner joining and a new chairperson appointed by the Governor so this is the beginning of an end for me.

Commissioner A. Duenas: So, this is your last meeting?

Chairwoman P. Fejeran: I'm not too sure if it is but the Governor will be appointing somebody to take my place and I'm just so thankful for the time I had working with the Commission. I came in super green, super green four years ago and I've just been... it's been a challenge. I'll be honest this is more of a challenge than my three kids and four restaurants if you could believe it. It's a been a challenge but it's also been really something that has been a passion, labor of love for me so I'm very appreciative with the time I have here from

getting to know everybody from the staff to legal counsel and even PBS guys you know it's definitely been a journey and I just want to thank you guys from the bottom of my heart (inaudible) if I'm replaced before the next meeting, I just want you guys to know that. I'm very thankful and grateful that this (inaudible) with this lawsuit.

All: *Clapping*

Chairwoman P. Fejeran: And you know I will always be rooting for all of you and you know now that I was able to have an insider view you know the department gets a lot of raft that is very undo you know you guys work so hard and you guys just roll with the punches so thank you.

Commissioner A. Duenas: Motion to adjourn.

Chairwoman P. Fejeran: We are adjourned.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: _____

Jack Hattig, Administrative Director _____ Date: _____

