



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

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*Commission Members*

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*Austin J. Duenas*  
Commissioner

*Arlene P. Bordallo*  
Commissioner

*Angela T. Santos*  
Commissioner

*(Vacant)*  
Commissioner

*Jack E. Hattig III*  
Administrative Director

## **COMMISSION MEETING MINUTES**

CHamoru Land Trust Conference Room  
Suite 223, 2<sup>nd</sup> Floor, ITC Building  
590 S. Marine Corp Drive, Tamuning, Guam  
Thursday, July 9, 2020, 1:07 p.m. – 3:45 p.m.

Public Notice: The Pacific Daily News on July 1, 2020 and July 7, 2020

**Chairwoman Pika Fejeran:** Hafa Adai I would like to call this CHamoru Land Trust meeting to order the date is Thursday, June 18th the time is 1:07 p.m. Public Notice for this meeting was published in the Pacific Daily News on June 11 and June 16<sup>th</sup>. I'll now call roll call.

### **Roll Call**

**Chairwoman P. Fejeran:** I'm present Chairperson Pika Fejeran. Commissioner Amanda Santos she's present on the Google... Hafa Adai Tan Amanda, thank you for joining us. Commissioner Austin Duenas.

**Commissioner Austin Duenas:** Here.

**Chairwoman P. Fejeran:** Commissioner Arlene Bordallo is absent. Commissioner Joseph Cruz is also absent. Legal Counsel Nicolas Toft.

**Legal Counsel Nicolas Toft:** Here.

**Chairwoman P. Fejeran:** Administrative Director Jack Hattig.

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

**Chairwoman P. Fejeran:** Okay. Thank you everybody for being here. I wanted to confirm with legal counsel that we have quorum with Commissioner Duenas, myself and Tan Amanda via the video call?

**Legal Counsel N. Toft:** Yes, we do.

### **OLD BUSINESS**

#### **Proposal from GTA Teleguam**

**Chairwoman P. Fejeran:** We do have quorum, thank you. Okay, I'm going to shuffle the agenda around a little bit because we do have some constituents here that would like to have their case heard so that they can be on their way if they so please. So, the first order of business will actually under Old Business, No. 1; Proposal from GTA TeleGuam. We have some representatives, please join us here and we also have remarks from our legal counsel on the case.

**Legal Counsel N. Toft:** So, this started off a couple of meetings ago when GTA came in and provided a solicitation for two pieces of submerged lands in Alupang and one in Agat proposing to put under \*inaudible\* cables. I met with some of the members from the Solicitors Division at the AG's office today

Rev. 07/13/2020

because I've had some concerns about the procedure through which this should be done. We kind of had like a square peg round hole situation with the CHamoru Land Trust Commercial Rules and Regs as to whether submerged lands would be considered as commercial lands under the definition of land in the CLTC Commercial Rules and the reason for that is because CLTC has control over submerged lands, considering them as part of overall inventory would have kind of like a bizarre effect on that whole limitation on CLTC's ability to lease out commercial lands. We only have that nine percent (9%) cap of available lands and including a fairly massive amount of submerged lands would obviously throw that into a lot disarray and at the same time if you don't have submerged lands available for residential leases it's not going to be a thing \*inaudible\* so in talking with these solicitors today and it was determined that this should not proceed under the traditional CLTC Commercial Rules and Regs but rather under a standardized GovGuam procurement process under the heading of a unsolicited proposal. So, in that instance it would be under the GAR, I think it's 2 GAR Chapter 3, if you look at the type of proposal whether it should be sole sourced or \*inaudible\* based on the type of proposal presented in the possible \*inaudible\* and in doing so you're supposed to err on the side opening competition up. It would be my recommendation to the Board that this be put out for a bid using the proposal from GTA as the basis for the specs on the RFP but I do not think at this time we could do a commercial license under the CLTC Rules and Regs because it does not fit the... you can't fit this under the process and then have it work.

**Chairwoman P. Fejeran:** Okay.

**Legal Counsel N. Toft:** I think we'd just run into a bunch of barriers that you know we can try hammer out something right now but it can be easily overturned in the court later down the line and then we're back to square one again and I'd just rather start it off on solid footing and not be subject to a suit later and not waster everybody's time.

**Chairwoman P. Fejeran:** Okay. And you mentioned at the beginning you got this advice from the AG's office?

**Legal Counsel N. Toft:** The Solicitors Division.

**Chairwoman P. Fejeran:** Solicitors Division, okay. This kind of changes what we've done in the past for the Land Trust. I believe a few years ago that we issued a license for use of our submerged land.

**Legal Counsel N. Toft:** Right. For that one though, I think you're referring to the Underwater Observatory?

**Chairwoman P. Fejeran:** No, there was a...

**Legal Counsel N. Toft:** \*inaudible\* cables.

**Chairwoman P. Fejeran:** The cables.

**Legal Counsel N. Toft:** There's a difference whether it's a renewal of an existing lease or creation of a new one.

**Chairwoman P. Fejeran:** Okay so the last one where we were able to issue the license was based on a renewal of a lease?

**Legal Counsel N. Toft:** Right.

**Chairwoman P. Fejeran:** That's right. And this a completely new lease?

**Legal Counsel N. Toft:** This is a new lease on lands that have not previously been determined to be commercial or otherwise and I'm not certain that we can even declare submerged lands to be commercial legally, they're under existing rules and regs because to do so would basically to include all submerged lands in the CLTC inventory which will then create a massive problem as far as that percentage lands calculation.

**Chairwoman P. Fejeran:** Right. Okay, understood and your advice to the Commission is to follow the unsolicited proposal procedures for these types of contracts?

**Legal Counsel N. Toft:** Under the general Guam Procurement Law.

**Chairwoman P. Fejeran:** Guam Procurement Law, okay. I know this is a very new information that's been presented to us as our Legal Counsel mentioned its new information from this morning from the Attorney General's Office. I know we were presented with a draft license agreement that I know you had both, right Nic, you had been working with them?

**Legal Counsel N. Toft:** We had both been working on it and I think we have come to some... we've done some good work on it and I think we've got the and with our previous board meetings had discussed certain specifications that the Board was interested in and GTA was interested in and I think we can use that as a base for the proposal but I do not think we can go with a unilateral sole source license at this time.

**Chairwoman P. Fejeran:** Right, understood. I appreciate you checking in with the Solicitors Division up at the AG's Office. I know that procurement laws a very specific and procurement laws are not something that this Commission wants to ever violate so there sounds like there's a procedure in place that we just now need....

**Legal Counsel N. Toft:** What we should do is we have employees at CLTC that can use these create a proposed RFP that I think we could then bring back before the Board for approval.

**Chairwoman P. Fejeran:** Okay. Commissioner Duenas do you have any questions?

**Commissioner A. Duenas:** None.

**Chairwoman P. Fejeran:** None. Do we need any board action or do we just...?

**Legal Counsel N. Toft:** Not at this time. What I think we'll do is just have the staff prepare it and then bring it back before the board for approval.

**Chairwoman P. Fejeran:** Okay. Understood.

**Unknown:** Madam Chair.

**Chairwoman P. Fejeran:** If you could just state your name for the record.

**Attorney Sinforsoso Tolentino:** I'm \*inaudible\* Tolentino. I'm the Counsel for GTA from the Camacho Calvo Law Group. This is much a surprise coming up with a new set of rules that handle submerged lands licenses which has been handled in the pass at least as \*inaudible\* as two years ago so this is not new stuff that is being proposed in this license agreement and not really a \*inaudible\* of doing things. The law hasn't changed since 2018 from my knowledge that would call upon a whole different set a rules taking it out on CLTC into the sole source procurement \*inaudible\* there's a whole system set up by the government by the Legislature and the current law that will prevent submerged licenses to exist \*inaudible\* and I think so long as the intent commercial lease and license provision of the law are met this shouldn't be frustrating private entities that are wishing to do business with the Government of Guam to do something like sole source procurement and call on other

businesses kind of forces the opponent to give up a lot of information that's competitive information and it wouldn't make...you know risk that substantial investment in order to conduct the things that they would like to do with submerged license.

**Legal Counsel N. Toft:** Madam Chair, if I could, even if we went under the CLTC Commercial Rules and Regs, unsolicited proposals have to go through competitive solicitation. The one that we're trying to fit it under is that kind of public...

**Chairwoman P. Fejeran:** Public Use?

**Legal Counsel N. Toft:** Right. But even that because it's not the continuation of a previous license it's an unsolicited \*inaudible\* that under CLTC Commercial Rules and Regs it has to go through competitive so either way I think we're looking at competitive because it doesn't quite fit under the CLTC's definition of commercial land that we just use the regular GovGuam process rather than the CLTC's. The distinction is pretty minimal anyway but it's the same process regardless it's just the channels to which it goes through.

**Chairwoman P. Fejeran:** Yes. I agree and I understand GTA and their counsel's wish that we could do it the way that we had been actually working towards... towards this issuing out of new license agreement but based on legal counsel's advice I believe we can still get there but we have to follow the proper channels as legal counsel mentioned going through this unsolicited proposal process and yes it will be a more \*inaudible\* route to get there and the CHamoru Land Trust as I'm sure the whole Government of Guam doesn't want to \*inaudible\* the whole private enterprise from bringing in new or stronger industries as what these cables would do for the island but we have to do it the proper way and will add some time but it will be stronger in the end, it won't be able to be challenged and I think in the process the Commission will be able to learn more about the real value of our submerged land, the value that we are giving to telecom companies to bring in these cables. There's so much unknown for our submerged lands and you know looking at the amount that we tentatively agreed on for your lease payments you know those are really just numbers taken best sketches of what the value of the land is and I think the best way to do it is to go this route so that the Commission has all of the knowledge and back ground you know that you mentioned that you would have to share with us in the process and I think it's only right that we go that route.

**Mr. Dan Tydingco:** By the way, the valuation of the property that you're \*inaudible\* is \*inaudible\* in the dark, they were made upon prior appraisals that Commission had previously \*inaudible\* and it's in conformance with what was suggested by Senator Terlaje in her letter to you guys a few weeks back. We were undertaking the efforts for updating and \*inaudible\* the valuation \*inaudible\*.

**Chairwoman P. Fejeran:** So, you did? You updated that...

**Mr. D. Tydingco:** \*Inaudible\* is presently underway.

**Chairwoman P. Fejeran:** Because at our last meeting, I mentioned the appraisals and you mentioned there weren't any and...

**Mr. D. Tydingco:** There were prior ones but there weren't ones for the existing one now but out of abundance of caution and as suggested by Senator Terlaje rather than taken the current values or the prevailing values from previous action by the Commission, we undertook \*inaudible\* for an appraisal to be conducted which is presently underway.

**Chairwoman P. Fejeran:** Oh, I was not aware of that, I appreciate that.

**Mr. D. Tydingco:** Well at least from what I could \*inaudible\* from the letter that was \*inaudible\* to you folks from Senator Terlaje everything was fine in regards to going ahead and proceeding with the Commission with the lease \*inaudible\* and the license assuming that those particular thresholds are met so basically, we've actually \*inaudible\* for the appraised valuation

**Chairwoman P. Fejeran:** Well, I really appreciate you working with Legal Counsel Toft and taking Senator Terlaje's letter into consideration for your presentation today but as legal counsel mentioned, this is new information and I believe that it's in the best interest of the Commission and also for you to go through this procurement process so that we are not challenged in the future. Okay and I hope that the process can go fairly quickly.

**Mr. D. Tydingco:** I'm sorry.

**Chairwoman P. Fejeran:** I hope the process can go move ahead quickly as Legal Counsel Toft mentioned, we have staff on board that can prepare the RFP based on...

**Mr. D. Tydingco:** If I may Madam Chair, thank you very much for the consideration and as the Commission moves forward \*inaudible\* there's a number of cables here on island that are coming to end of life or being decommissioned and there's a necessity for the community to have that continuing activity otherwise \*inaudible\*.

**Chairwoman P. Fejeran:** No, I agree and like I said I think this could be step in the right direction for those other cables that might want to come in, you know, we'll put the RFP out would have gone through the process and understand what the process is so that you know once those other cables are end of life more needs to be brought in but I hope you don't take this as the Commission telling you, no we don't want you to bring in cables to Guam because that's not it at all. All we're saying is we have to go through the proper channels and that just means doing the right things, getting the right documentation in process so the end result which we are hoping for is generally the same a license agreement with GTA for the same properties that...

**Mr. D. Tydingco:** We understand, thank you very much.

**Chairwoman P. Fejeran:** Okay, great. So, the staff or the Director will be in touch with you and we'll try to work as quickly as possible.

**Mr. D. Tydingco:** Thanks.

## **CONSTITUENT MATTERS**

### **Archie Durant Salas**

**Chairwoman P. Fejeran:** Okay. I believe one of our constituents is here I believe he's waiting outside, if we could call him in. I'm shuffling the agenda a bit. Hi Hafa Adai. Jhoana will you be presenting?

**Land Agent II Jhoana Casem:** Yeah.

**Chairwoman P. Fejeran:** Okay. Hafa Adai folks, if you could state your name for the record.

**Archie Salas:** My name is Archie Salas.

**Sabrina Salas:** Hi I'm Sabrina Salas.

**Chairwoman P. Fejeran:** Hi, from the south?

**Mr. A. Salas:** Yes, ma'am from Agat.

**Chairwoman P. Fejeran:** From Agat, okay. Thanks for joining us, we have Ms. Jhoana Casem to present your case to the Commission.

**Land Agent II Jhoana Casem:** Buenas Commissioners, before you we have Mr. Archie Salas who is requesting for an acreage increase. Upon our inspection which was held in February 28<sup>th</sup> of 2020, the land agents went out to the property per the request of Mr. Salas to see area in which the neighbor has put up the barb wiring fence. The fence area upon despite how you look at it was very brand new, newly installed and pictures were taken from the side of where Mr. Salas' area is. So, Mr. Salas and his family has been occupying since the 1970s they do have an arriendo under the grandfather Francisco B. Salas so Mr. Salas is requesting that he utilize the area that they have been utilizing since his grandfather's time. However, because of the finding where the adjacent lessee has put up a fencing without our knowledge so Mr. Salas wanted to come before you guys to request for this and also to advise the Commission of what the adjacent lessee has put up without the Commission's approval or knowledge of anything up there.

**Chairwoman P. Fejeran:** Okay. Mr. Salas do you have anything to add to that? She mentioned the barbwire fencing; question, was the fencing on his property? I see that he's been leased one acre at Lot 457-2 in Agat.

**Mr. A. Salas:** We're trying to get right behind it because originally that's where we were.

**Chairwoman P. Fejeran:** Because that was part of your grandfather's whole arriendo?

**Mr. A. Salas:** Yes. \*Inaudible\*

**Chairwoman P. Fejeran:** Okay.

**Mr. A. Salas:** So now we can't utilize everything \*inaudible\*.

**Chairwoman P. Fejeran:** So Jhoana, when you guys did your site visit, does the neighbor that put it up, is that their leased property?

**Land Agent II J. Casem:** So we've actually gone up there to the family, previous land agents have gone up there last year to also do an inspection because they were also asking for an increase from my understanding with that other land agents who did the inspection they too, didn't see any fencing or wiring when we did the inspection but upon our inspection during our time we did see that there was something being built there so Mr. Salas is wanting to utilize that area, the space for his cattle however, because of that fencing that was put up by the adjacent lessee, he's unable to do so.

**Chairwoman P. Fejeran:** I understand that. My question is, whose leased property is that fencing on?

**Land Agent II J. Casem:** Nobody, it's under Land Trust still.

**Chairwoman P. Fejeran:** Is it vacant?

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

**Chairwoman P. Fejeran:** Understood. Okay, have you contacted the lease holder that...?

**Land Agent II J. Casem:** They've been advised that...

**Chairwoman P. Fejeran:** Because you can't construct anything that's not on your leased property so that's the first thing we ask you.

**Land Agent II J. Casem:** Yeah, and from my understanding from the land agents who did the inspection, they did advise them that if there is such or I guess any construction or so everything has to filter through the Commission requesting for this because in this situation then he's utilizing all of what are in our inventory still. So right not it's not leased to anybody, it's still within our inventory despite it not being utilized for you know maybe residential up there in the area in the hill so you know more so they are using it for the cattle if the other adjacent lessee they are asking for the same thing but the main concern here is for the wiring that was up nothing was filtered through us.

**Chairwoman P. Fejeran:** I mean it sounds like a simple encroachment issue that we need to maybe issue the lease holder that constructed that whether it be a cease and desist or some kind of notice because that is vacant land, that's not their leased land so thank you for bringing it to our attention.

**Land Agent II J. Casem:** They would like to... I did advise them that if we were to do an increase of their acreage that has to actually go through the board approval and the legislature but in the meantime what we've done in the past is if there is a request for such increase and because they have been utilizing it since arriendo time it's just the matter of the Commission giving the approval but we would work on possibly the increase of acreage through a lease through the Legislature.

**Chairwoman P. Fejeran:** Are we bound by the one-acre limit for agricultural leases?

**Legal Counsel N. Toft:** I think there was something recently passed but not yet.

**Chairwoman P. Fejeran:** Okay so we are bound. I think I understand you wanting to get the full enjoyment of your grandfather's arriendo property for your cattle but really the first step is for us to tell your neighbor that they would have to remove their fencing and then I think while that's happening I would like to have more of a presentation about the property the property that your grandfather's arriendo included unfortunately we don't have any maps with us with this report today so aren't able to see where your property is and if we could compare it to the arriendo but I don't know that we'll... I don't know that we have all the information today to make a decision.

**Mr. A. Salas:** We have a map.

**Chairwoman P. Fejeran:** I don't think we have all the information to make a decision on whether to request from the Legislature to make a request in your increase in acreage but I think first priority to get that fenced removed. Prior to the fence being up, have you been using the land?

**Mr. A. Salas:** Yes, we've been using it. Like I said, we're raising \*inaudible\* there.

**Mrs. S. Salas:** We would like to request for that land where the fence is up.

**Chairwoman P. Fejeran:** Okay.

**Mr. A. Salas:** Like I said, we've been living there before \*inaudible\*.

**Chairwoman P. Fejeran:** I think we can maybe table it, table the request, we have to reach out to the neighbor and find out what's going on with them and why are they claiming or encroaching to vacant properties that's not leased.

**Administrative Director J. Hattig, III:** Also, madam chair, we also would be working with the constituent to provide a farm plan for his acreage increase because that's key to the utilization of the land so we'll be working with you and Department of Agriculture to develop a farm plan because \*inaudible\* to say that you wish for cattle grazing?

**Mr. A. Salas:** Yes.

**Administrative Director J. Hattig, III:** So that's actually going to be a grazing plan then because you're attempting to raise cattle so we have to contact the Department of Agriculture and the Guam Environmental Protection Agency to make sure that your plan together with the appropriate either northern or southern I believe it's the southern soil and water conservation \*inaudible\* so we have to get all those processes in place anyway so yes let's utilize this time to go ahead and do that while we're waiting for our cease and desist notice to be developed and that will be worked on right away and then as soon as you are able to work with us on a grazing plan that is afforded by all those agencies then we can move forward and maybe get the Commission the information that is requested all the information that is being requested.

**Mr. A. Salas:** I submitted a grazing plan.

**Chairwoman P. Fejeran:** Oh, you did?

**Mr. A. Archie Salas:** Yeah, \*inaudible\*.

**Chairwoman P. Fejeran:** Okay this is since 2013. Did you request back then for increase in acreage?

**Mr. A. Salas:** No, just now. We've been working on that plan since that time.

**Chairwoman P. Fejeran:** Yeah, absolutely. Okay. I would like to table this until we're able to have more of a better report put together with maps and really a more flushed out recommendation on what do but it does sound like you know, should the Commission approve a request for your acreage increase we would still have to go to the legislature and request for that.

**Mr. A. Salas:** Thank you \*inaudible\* we're just following \*inaudible\*.

**Chairwoman P. Fejeran:** Okay, yeah, this is the first step and we'll continue to work with you.

**Mr. A. Salas:** Appreciate it. Thank you for your time.

## **COMMISSIONER'S COMMENTS**

**Chairwoman P. Fejeran:** Thank you too. Okay, we still have constituent matters, some old business and new business and some status updates from the Director but before we get to that, you know I just wanted to take this opportunity, I'm going to shuffle the agenda and I'm moving Commissioners Comments up to right now. As many you know, this is my last meeting here and ever since I received a letter from the Governor that I was going to be replaced, I've been distraught because we have so much more work to do and I know that being off the Commission is what some in our community want and they're looking forward to me being gone. My absence means they will not have to hear my voice or the questions I raise, the principles I've held or the accountability I have enforced. In the four years I've been here, the Trust has been exposed, mishandling of the Trust by passed directors and staff were brought out in 2018 with the controversy of Barrigada Heights; mistrust was ripe among our beneficiaries and came to a fever pitch that summer but today, I'm proud to say that for the most part that is not the case, under my leadership as Chairperson this Commission has exposed and corrected the wrongs of the past and laid the process and foundation for those issues to be rectified and avoided in the future. This Commission has made it clear that we work for no one but our beneficiaries and every decision we've made was to safe guard their interest and at every turn I felt like



my job here on the Commission was that of a defender; together this Commission we've defended Trust lands from being taken out of the Chamorro Land Trust Inventory because we know when land is taken out of our inventory our beneficiaries will never be able to one day build a home or farm there. We defended the 2,877 beneficiaries whose leases were found voidable in 2008, we saved them and their leases. We defended over 8000 beneficiaries still on our waiting list from being skipped and forcing this administration to provide clear procedures on how they will comply with our Rules and Regulations and we defended the Trust against US Department of Justice when they alleged that we were a racially discriminatory program. The lawsuit was so close to being settled in a way that would have destroyed the Trust but our worked saved the Trust so that the settlement not only protects the Trust from future claims like that but ensures that all families whose lands were taken are eligible for the program. Now, my defense of the program is not rooted in any short-term personal gain. I take no joy in being thought of as an obstacle or thorn in anyone's side, my defense is rooted in the knowledge and understanding that the Chamorro Land Trust was created to right the wrongs of the past. The Trust was created because this island's colonizer through the U.S. Navy and U.S. Federal Government unjustly took land from our island's families. This is an undeniable fact of our island's history and if we can get our Trust by the way it was envisioned by late Senators Paul Bordallo and Angel Santos, then those same families will have justice, the use of land restored to them and when someone has land to live on or ranched to farm they have security and when they have security they can focus on bettering themselves and their children whether it's through education or the career or using their hands to work the land to make food or a living for themselves, that is why I have worked and defended the trust these last four years because when our nearly eleven thousand plus beneficiaries do well for ourselves and their families they do well for our entire island. Despite all the work accomplished we have so much more to do, issuing out leases to those eight thousand plus beneficiaries finally adjudicating the eighty or so leases that are null and void, amending our residential and agricultural rules and regulations to be clear unambiguous and up to date with current technology, working with the legislature and adjusting our qualifications criteria and processes to comply with the DOJ settlement, ensuring that the properties we lease out make sense for the lease holder; do they have access? Do they have utilities? Providing support to our current and future lease holders to make sure that they can live with dignity health and safety with access to water, wastewater and power, surveying and registering our properties on the government dime not on our beneficiaries back, managing the 11, 669 acres in our inventory to ensure we are doing our part to protect our resources including the aquafer, our reef, our flora and fauna and our air, properly managing our lease, using our Trust to create a sustainable economy, away from tourism and the military by encouraging cottage industries and becoming the leader in agricultural and other industries and fully funding the Trust so that we can fully accomplish all of this while also finally having a functioning Home Loan Fund, Home Development Fund, Education Fund, Commercial Loan Fund and Home Repair Loan Fund. As I prepare to leave this Commission, despite all the work we've done together, I know that the principles we've held, the lessons we have learned and our vision of work for the future are in jeopardy. All it takes is for our work to fade into the past as each one of

us is replaced. Those sighing relief who saw me and this Commission as an obstacle they're counting on that, those who refuse to acknowledge and commit that fully funding the Land Trust would have the greatest impact towards the betterment of our entire island because they see our land as their own personal gain, they're sighing relief I'm being replaced but it doesn't have to be this way. When I joined the Commission four years ago there was nothing aside from the Act and other public laws that were provided to me in order to learn the program. I underwent real on the job training. It took four years of meetings, hearing from hundreds of beneficiaries that came during public comment, it took my personal research into our island's history and the history of the Trust, it took sitting down with the staff and past directors and my fellow Commissioners to provide me with a clear understanding of the mission and true purpose of this program, and how it worked and how, quite frankly, it hasn't worked for the majority of our beneficiaries these last 45 years. But we can change that steep learning curve for a new commission member. We can establish the principles of today's Commission and our vision for the future and ensure what we have done and what we have learned has not been in vain and will be carried into the future, by doing this we show our beneficiaries that the CHamoru Land Trust Commission is truly dedicated through transparency and that this Commission, no matter who sits here will work exclusively for their benefit. Therefore, I'd like to present to you my Commission, the principles of the Chamorro Land Trust. This document in resolution form, which I urge the Commission to adopt today, shall be the testament to the trials and tribulations the Trust has endured for 45 years, and provide the guidance to our successors that they continue to act as defenders of the Chamorro Land Trust.

Resolution 2020-02, Declaration of the Principles of the Chamorro Land Trust Commission relative to its Authority and Responsibilities to the Chamorro Land Trust.

WHEREAS, the Chamorro Land Trust Commission hereafter the Commission, was created in accordance with Title 21, Guam Code Annotated, Chapter 75, and it composed of five members to be appointed by the Governor with confirmation of the Legislature; and

WHEREAS, Commission members shall serve terms of three (3) years; and

WHEREAS, the Commission shall meet regularly on the third Thursday of every month as or more often as determined by the Chairperson of the Commission; and

WHEREAS, the Commission must make decisions and take action at these monthly meeting to administer the Chamorro Land Trust in accordance with Title 21, GCA, Chapter 75; and

WHEREAS, the Commission's fiduciary obligation is to present and future qualified beneficiaries of the Chamorro Land Trust; and

WHEREAS, the Chamorro Land Trust hold the largest inventory of land in the Government of Guam, and thus, there are always competing interests and complex cases heard by the Commission; and

WHEREAS, the Chamorro Land Trust was established as a Trust by the Legislature of Guam in 1974, to administer a land restoration program for qualified beneficiaries for residential and agricultural uses; and

WHEREAS, in its forty-five (45) years of existence, the Commission has accomplished much towards achieving the vision of the Chamorro Land Trust Act, however, with the passage of time, and with changes in government Administrations and Commission members, the level of institutional knowledge, commitment to the mission of the Trust, engagement, transparency and accountability of the Commission has been inconsistent; and

WHEREAS, in recent years, the Commission has gone to great lengths towards correcting improprieties and administrative errors of the past, improving transparency, establishing the framework to ensure compliance to existing laws, and administering the Trust exclusively in the interest of its beneficiaries; and

WHEREAS, this work has culminated in the Commission's understanding and recognition of certain principles that have guided their decisions, which are a testament to the past trials and tribulations of the Trust, and are committed to documenting these guiding principles in order to provide guidance to our successors on the Commission so that past errors and injustices are not made in the future;

Now therefore be it resolved, the Chamorro Land Trust Commission does hereby declare the following Principles, which have been informed by its enabling legislation, and lessons learned through its first 45 years of existence:

1. The Commission's fiduciary obligation is to present and future qualified beneficiaries of the Chamorro Land Trust, and the Commission shall act exclusively in their best interest; qualified beneficiaries are those individuals who currently hold leases, are on our waiting lists or who may have applied for qualification in the future.
2. All CLTC administrative processes shall have Commission approved standard operating procedures based on applicable laws and the Commission must work closely with the Administrative Director to ensure that SOPs are being followed.
3. The Commission's primary duty is to award leases to qualified beneficiaries for residential or agricultural leases and all leases and processes towards awarding leases shall follow applicable laws
4. Residential leases shall be the priority of the Commission and residential leases shall be awarded in a manner so as to ensure that the various economic statuses of all beneficiaries are accounted for, and a beneficiaries' inability to qualify for a home loan shall not disqualify them from obtaining a lease. Great effort by the Commission shall be made to secure funding and partnership to provide affordable homes to those beneficiaries.
5. The Commission shall award agricultural leases only on properties being feasible for agricultural activities and only to beneficiaries who are bona fide farmers and who are committed to implementing the best management practices learned through training with the Department of Agriculture and University of Guam
6. Commercial leases and licenses shall be awarded based on their greatest benefit to the Trust's mission for the betterment of its beneficiaries. Commercial leases and

licenses that were awarded prior to the passage of the Chamorro Land Trust Commercial Rules and Regs. shall be reviewed by the Commission at their expiration and all actions for that property shall follow the Commercial Rules and Regs should the Commission decide to pursue commercial uses for the property.

7. Property transfers out of the Chamorro Land Trust inventory shall be avoided at all cost unless the Commission Principles are clearly upheld in any such land transfer. The Government of Guam has in its possession the land reservation inventory recorded under document number 508926; these properties should be exhausted prior to requesting any land from the Chamorro Land Trust.
8. Trust properties hold unknown value and potential wealth for the Trust and its beneficiaries as it relates to existing and new industries. This value shall be studied and considered before exploitation in order to ensure the Trust and its beneficiaries receive the greatest benefits. This includes but is not limited to: mineral extraction (the selling of aggregate) and leasing of submerged land.
9. Trust properties include pristine limestone forest, culturally significant sites and swaths of land that should be preserved and/or managed to ensure the sustainability of our island's resources. Studies and partnerships with subject matter experts shall be explored to identify these areas and the best management practices for those properties.
10. Commission members shall adopt and administer these principles with every Commission decision. If the Commission's actions do not wholly conform with these principles, the Commission shall issue a press release within 21 days of the non-conforming action, documenting the reasons for the deviations from the principles, so all beneficiaries may be aware and the Commission held accountable.
11. Commissioners shall not succumb to political pressure for any reason. The Commission is established as a Trust and shall operate independently from any political motivation.
12. Commissioners must recuse themselves if there is a conflict of interest, and alert the Director if they are related to a beneficiary or other party whose case is being heard by the Commission.
13. The Commission's fiduciary duty must also include working the Legislature to finally fully fund the operations and special funds of the Chamorro Land Trust, including, but not limit to the installation of infrastructure on Chamorro Land Trust properties.
14. The Administrative Director works at the pleasure of the Commission, and shall work exclusively on the directives from the Commission. Requests from outside interests shall be presented and vetted by the Commission prior to the Administrative Director action.

15. Legal Counsel works at the pleasure of the Commission and shall provide sound legal advice at the request of the Commission.

These principles...

16. These principles shall be provided with every Commission meeting packet and reaffirmed along with the recitation of the Inifresi at the commencement of each Commission meeting.
17. These principles shall be reviewed, amended as necessary and, reaffirmed every 5 years.

Duly and regularly adopted by the Chamorro Land Trust Commission

This is my resolution 2020-02 that I present to my fellow Commissioners, Tan Amanda Santos whose son the late Senator Angel Santos who worked tirelessly with his colleagues in the 90s to get this CHamoru Land Trust implemented and Austin Duenas, my commissioner whose been with me working on the Commission, you joined right up in the beginning of the Barrigada Heights controversy and your input and guidance has been very helpful to me as the Chairperson and I appreciate everything that you both have provided me but as it is my last meeting, and I am going to be replaced, I hope that you consider adopting this resolution and following the principles so that all of the work we've done can continue into the future.

**Commissioner A. Duenas:** Motion to approve Resolution No. 2020-02, The Declaration of the Principles of the Chamorro Land Trust Commission relative to its Authority and Responsibilities to the Chamorro Land Trust.

**Chairwoman P. Fejeran:** Motion's been made. I need a second.

Tan Amanda, you're muted, can you unmute? Should we call her on the phone? Hi Rita, your mom is trying to talk on the video, can you help her unmute it? It's muted right now. Okay, thank you. Hi Tan Amanda, can you hear us?

**Commissioner A. Santos:** I would like to make a \*inaudible\* I've been a board member for ten years; I appreciate everything that Pika did for us. We're going to miss her.

**Chairwoman P. Fejeran:** Thank you, Tan Amanda. Austin made a motion to approve the Resolution, can I get a second?

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

**Chairwoman P. Fejeran:** Okay, motion seconded. Thank you. Further discussion?

I presented the same resolution to Legal Counsel Nicolas Toft and I just wanted to get your input on how it's drafted.

**Legal Counsel N. Toft:** It's drafted very well and I will also like to express my appreciation for how you run the CHamoru Land Trust Commission for the years that I've been on it, thank you.

**Chairwoman P. Fejeran:** Thank you. Thank you, Nic. Okay, got Legal Counsel's blessing, Tan Amanda Santos has been on the Commission ten years, Austin Duenas. All those in favor of passing Resolution Number 2020-02.

**Commissioner A. Duenas:** Aye.

**Chairwoman P. Fejeran:** Aye. Tan Amanda is it an aye or a nay?

**Legal Counsel N. Toft:** Try one more time.

**Chairwoman P. Fejeran:** Tan Amanda, I'm taking a vote, approval of the motion for the resolution, all those in favor.

**Commissioner A. Santos:** Aye.

**Chairwoman P. Fejeran:** Okay, ayes have it. Resolution passes, unanimously. Thank you, very much. You know, I was so nervous getting started with this Land Trust meeting I forgot to do the Inefresi at the beginning so if we could all rise and say the Inefresi, it's never too late.

**All:** Citing the Inefresi.

**Chairwoman P. Fejeran:** Biba Chamoru!

**All:** Biba!

**Chairwoman P. Fejeran:** Biba Chamoru!

**All:** Biba!

**Chairwoman P. Fejeran:** Biba Chamoru!

**All:** Biba!

**Chairwoman P. Fejeran:** Thank you, everybody. Can we take a ten-minute recess please? Okay, we'll recess for ten minutes.

## RECESS

**Chairwoman P. Fejeran:** Okay, I'd like to call this CHamoru Land Trust Commission back to order, the time is 2:13 p.m. We'll go to Approval of Minutes, October 17, 2019 has been submitted to us.

## APPROVAL OF MINUTES

**Chairwoman P. Fejeran:** I don't... let me just triple check that. I don't think I have any comments on this.

**Commissioner A. Duenas:** Madam chair, I don't have any comments specifically but just have a \*inaudible\* check for any grammatical errors.

**Chairwoman P. Fejeran:** Okay. Got it.

**Administrative Director J. Hattig, III:** If I may, Madam chair, there's nothing substantive or business like if you could just motion to approve subject to \*inaudible\* grammatical errors or subject to \*inaudible\* and we'll take care of that.

**Chairwoman P. Fejeran:** Okay. Tan Amanda, did you have any comment for October 17 meeting minutes.

**Commissioner A. Santos:** Pardon me?

**Chairwoman P. Fejeran:** Do you have any comments for October 17 meeting minutes?

**Commissioner A. Santos:** No.

**Chairwoman P. Fejeran:** No? Okay.

**Commissioner A. Duenas:** Motion to approve October 17, 2019 meeting minutes subject to review for grammatical errors.

**Chairwoman P. Fejeran:** Okay, motion made. Tan Amanda, can I get a second? If you would like to second the motion?

**Commissioner A. Santos:** For what?

**Chairwoman P. Fejeran:** For approval of the minutes?

**Commissioner A. Santos:** Yeah, I second it.

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

**All Commissioners:** Aye.

**Chairwoman P. Fejeran:** Okay, ayes have it. So, motion to approve October 17, 2019 minutes with grammatical correction passes. Okay, moving on to Constituent Matters.

## **CONSTITUENT MATTERS**

### **Manuel R. Ignacio**

**Chairwoman P. Fejeran:** Number one, agricultural. So, we have Manuel R. Ignacio who is deceased and Jhoana will you be presenting?

**Land Agent II J. Casem:** Yes ma'am. Before you, I have Manuel R. Ignacio who is deceased, his daughter Mary Salas Ignacio Cruz is requesting to be the named successor to the application, Agricultural Application of her father Manuel R. Ignacio.

**Chairwoman P. Fejeran:** Okay. Thank you. So, the applicant, still an applicant, there's no lease issued, Mr. Ignacio did not designate a beneficiary but Ms. Mary Salas Ignacio Cruz is the only living heir and she has no siblings?

**Land Agent II J. Casem:** No, ma'am.

**Chairwoman P. Fejeran:** Okay and because of Public Law 23-38 section 5.8 where there's that 180 day claim so in order to assign her the successor to the application it has to come before the board. Is she... oh, '97. One of our thousands still waiting.

**Commissioner A. Duenas:** Was Ms. Cruz aware of our meeting today?

**Land Agent II J. Casem:** Yes. She said she was feeling ill.

**Commissioner A. Duenas:** Understood.

**Chairwoman P. Fejeran:** Okay and you've checked all the.... Okay, I see her license, the birth certificate right there showing her father. Okay, I have no questions.

**Commissioner A. Duenas:** So, the first thing we're looking at is name her as the beneficiary to the \*inaudible\* okay. Motion to name Ms. Mary S. I. Cruz as the beneficiary to Mr. Manuel R. Ignacio's application.

**Chairwoman P. Fejeran:** Okay motion made. Tan Amanda, did you have any questions for this case? So, Austin made a motion to approve the designation of Mary Ignacio Cruz to be the successor to her father's application rights.

**Commissioner A. Santos:** I approve.

**Chairwoman P. Fejeran:** Okay, second the motion, further discussion?

**Commissioner A. Duenas:** None.

**Chairwoman P. Fejeran:** All those in favor?

**All Commissioners:** Aye.

### **Rufo Joseph Lujan**

**Chairwoman P. Fejeran:** Ayes have it. Okay, thank you. Alright, next is Rufo Joseph Lujan.

**Land Agent II J. Casem:** Mr. Lujan is requesting to be placed on the next meeting.

**Chairwoman P. Fejeran:** Okay, so table?

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

## Roque Manibusan Quichocho

**Chairwoman P. Fejeran:** Okay and we already did that one. Next is Roque Manibusan Quichocho.

**Land Agent II J. Casem:** So, Mr. Roque is deceased his beneficiary has come in to do a relinquishment. The original benefactors were named which are his two sons and his son Justin J. Quichocho has written a relinquishment of his beneficiary rights to his brother Rocky Matthew T. Quichocho so here they're asking for the beneficiary designation to be named by the Commission and also request for relocation.

**Chairwoman P. Fejeran:** Okay. So, it's just approving the relinquishment is the first step? Okay.

**Commissioner A. Duenas:** Motion to designate Rocky Matthew T. Quichocho as the beneficiary to Roque Manibusan Quichocho's lease.

**Chairwoman P. Fejeran:** Motion made.

**Commissioner A. Duenas:** I'm sorry, if I can just make an amendment to that if we could just make sure we designate the lot 5403 Mangilao.

**Chairwoman P. Fejeran:** Okay, motion amended to include the lot number.

**Land Agent I T. Tainatongo:** Can I get the lot number again, please?

**Commissioner A. Duenas:** The lot number 5403, lot 11.

**Land Agent I T. Tainatongo:** Thank you.

**Chairwoman P. Fejeran:** Motion made. Tan Amanda, can you hear us?

**Commissioner A. Santos:** Yeah.

**Chairwoman P. Fejeran:** Okay a motion was made to approve relinquishment of the lease to the son, one son.

**Commissioner A. Santos:** Yeah, I second it.

**Chairwoman P. Fejeran:** Okay motion seconded. All those in favor?

**All Commissioners:** Aye.

**Chairwoman P. Fejeran:** Aye. Okay so relinquishment passes.

**Commissioner A. Duenas:** So now what's next, the request for relocation?

**Chairwoman P. Fejeran:** Yeah.

**Commissioner A. Duenas:** Is there a reason why he wants relocation, sorry if I missed that.

**Land Agent II J. Casem:** The area that was originally designated for Mr. Roque there was actually occupants on the property already so not too sure what transpired back then but the son open to move from the area because you know, due to the current occupants.

**Chairwoman P. Fejeran:** Have we gone and engaged with these squatters?

**Land Agent II J. Casem:** Yes, it has been an ongoing thing with them.

**Chairwoman P. Fejeran:** Really.

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

**Commissioner A. Duenas:** Did Mr. Roque ever reside on the property?

**Land Agent II J. Casem:** No. I'm not too sure why it took this long for any action to take place but he has come in before to request to move but nothing ever went through with Land Trust and so the sons request to follow through.

**Commissioner A. Duenas:** When did Roque bring this issue to us?

**Land Agent II J. Casem:** It was \*inaudible\* during \*inaudible\* maybe in the early 2000s but he passed away so his eldest son is the one that came in to apply but



\*inaudible\* they're okay with moving because they don't want to disrupt what's out there.

**Administrative Director J. Hattig, III:** We did a site inspection in 2005 and the recommendation was to relocate at that time but for some reason or another we looked through the file and nothing was done to relocate him at that time and then the gentleman passed away, the lessee.

**Chairwoman P. Fejeran:** So, it looks like in 2005 we were looking at moving him from lot 11 to lot 8, is that still available?

**Land Agent II J. Casem:** No, the area, the tract itself has actually non-qualified individuals there and I believe that it's been an ongoing thing with Land Trust and also Land Management to assist in trying to move them from there but due to you know certain things they \*inaudible\*.

**Chairwoman P. Fejeran:** Have you identified a property or at this point you're just asking if you can look into relocation?

**Land Agent II J. Casem:** We did identify a property and it's also within the same area so that's Tract 1722. Block 3, Lot 5.

**Chairwoman P. Fejeran:** Okay and it's also a half acre and the benefactor has seen it?

**Land Agent II J. Casem:** He's aware of the area. We did advise that because this \*inaudible\* on the cliff side area so we did advise him that there's actually no way for us to get there but we did show him the general areal the vicinity and an aerial so because he works for a construction company, he advised me that he's able to open the easement to get to the lot itself.

**Chairwoman P. Fejeran:** You mentioned the âmot, what about the âmot?

**Land Agent II J. Casem:** It's the one \*inaudible\* we granted or gave them I believe \*inaudible\* acres within that area and that's where \*inaudible\*.

**Chairwoman P. Fejeran:** The Haya Foundation.

**Land Agent II J. Casem:** Yeah, the Haya Foundation, so they were granted about 15 acres in that area.

**Chairwoman P. Fejeran:** Okay but not this? This is near it?

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

**Chairwoman P. Fejeran:** Okay got it. So, it wouldn't be impeding on the âmot?

**Land Agent II J. Casem:** No.

**Chairwoman P. Fejeran:** Okay well I think there's pretty good evidence that he was leased a property that he can't enjoy. My question is, the original applicant is a 2001 applicant? How did he skip the line? But then it says kind of in your staff report that there was a commitment made by the previous director? Who's JMB? Mr. Borja? Joe Borja?

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

**Chairwoman P. Fejeran:** Okay, apparently there was a promise made, who was the previous director?

**Land Agent II J. Casem:** I believe it was Mr. Borja at that time. Well based on just what's in the file, it looked like he \*inaudible\* who was the \*inaudible\* so it started from there and then he was working with another land agent, Mr. Allan Quan so I did \*inaudible\* he's not a pre-occupier but for whatever reason he was issued a lease and that was \*inaudible\* by Mr. Borja during his \*inaudible\*.

**Chairwoman P. Fejeran:** Yeah, very interesting.

**Commissioner A. Duenas:** Do we know how many priority-one applicants that applied before Roque that has not been awarded a lease, a residential lease? Do we have that number?

**Administrative Director J. Hattig, III:** We would have to go through the database and sort through the database and we can provide you with that information.

**Chairwoman P. Fejeran:** Yeah, it's like a rock and a hard place. His father obtained the lease, he obviously skipped the line, right, and it's obvious. The father got place...

**Administrative Director J. Hattig, III:** It's also on the ratified list.

**Chairwoman P. Fejeran:** Yeah, that's what happened right. He skipped the line but we ratified it. Again, it's like when things aren't done the right way inside like on down the line it just doesn't go well for anybody.

**Land Agent II J. Casem:** \*Inaudible\* Rocky, he is not very familiar with what has transpired before.

**Chairwoman P. Fejeran:** Of course. Yeah.

**Land Agent II J. Casem:** So, he's just going by what he knows \*inaudible\*.

**Commissioner A. Duenas:** I don't think either Rocky or Roques are at fault for anything that transpired it's just this doesn't look good for the Land Trust. We're probably going to give these individuals when they applied in 2001 but we're also going to move them to another lot. We still have so many other applicants that we need to get too. Roque chose this tract 1722 block 3 lot 5?

**Land Agent II J. Casem:** It was when we did like an aerial showing with him so he did say that he's okay to be in the same vicinity area to remain within the same vicinity of the tract.

**Commissioner A. Duenas:** Does anyone else have interest in that tract?

**Land Agent II J. Casem:** Um because in previous showings \*inaudible\* because the area doesn't have an easement and there's no infrastructure that's \*inaudible\* potential lots clearing, infrastructure mainly so a lot of them are not willing to do so much but I guess in this situation he does he did advise us.

**Commissioner A. Duenas:** He has the ability to do it.

**Land Agent II J. Casem:** Yeah, he does have the ability and hopefully if he does do it would make room for others who may be \*inaudible\* adjacent to him.

**Commissioner A. Duenas:** Okay. I just want to verify with Legal Counsel that we do have the authority to relocate?

**Legal Counsel N. Toft:** Yeah.

**Commissioner A. Duenas:** Motion to relocate Mr. Rocky Matthew Quichocho to Tract 1722 Block 3 Lot 5 in Mangilao containing one-half acre.

**Chairwoman P. Fejeran:** Motion made. Tan Amanda, there was a motion made to approve relocation. Can you hear me?

**Commissioner A. Santos:** Yeah.

**Chairwoman P. Fejeran:** Okay, there was a motion made to approve relocation of the new benefactor, Rocky Matthew Quichocho.

**Commissioner A. Santos:** Yeah, I second it.

**Chairwoman P. Fejeran:** Okay motion seconded, further discussion?

**All Commissioners:** None.

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

**All Commissioners:** Aye.

**Chairwoman P. Fejeran:** Okay, ayes have it. Thank you. Okay so we already got to GTA...

## **OLD BUSINESS**

### **Proposed Agricultural and Residential Leasing SOP**

**Chairwoman P. Fejeran:** Now Old Business; Proposed Agricultural and Residential Leasing SOP. Cool, thank you for sending this to us a little bit early giving us some time to provide comment for the meeting. I have a couple of comments, page seven, part three; lease issuance, so again, I think it goes through process and know what's the next step in the process, right. So, starting at 3.1; Identification of available properties for lease and approved list for applicants, right? I think, A, is good; A, is the current list of available properties shall be presented to the Commission for approval, great. Current list of applicants presented to be great. Current list of applicants racking each by priority of land ownership should be presented, okay. How is B or C different?

**Administrative Director J. Hattig, III:** B is just a waiting list separated by agricultural and residential and then C. It goes to Commissioner Duenas' question on land ownership, priority one or two. So, you can see all the residential because agricultural doesn't have this only residential has the priority so for residential you're going to see all the ones that are priority one, they should come first because we have to issue all of those before we issue those to land owners. So, in essence, we are creating the list in its entirety but then we are breaking it down further by priority so that we give you all of the ones starting in 1995 that are priority then you can exhaust that list then we can go to 1995 priority twos, in that manner.

**Chairwoman P. Fejeran:** Okay but then it goes to notification of applicants, which is like once Commission approves then we go and tell them "Hey, you've been approved.", but then A, talks about when an applicant's numerical designation has been determined to be ready for lease issuance. I think that needs to change to if they are on the approved list that the Commission just approved then you issue the NOIA.

**Administrative Director J. Hattig, III:** I think that's the determination, A, is for 3.1. So, once the Commission makes that determination and approves A, B and C then that's the basis on which we notify, that's what's meant by has been determined to be ready.

**Chairwoman P. Fejeran:** Okay, let's be more specific so that it's obvious that when an applicant has been approved for lease issuance by the Commission \*inaudible\* of numerical designation has been determined to be ready for lease. So, it'll say when an applicant has been approved for lease issuance by the Commission; he or she shall be given a Notice of Intent to Award by personal delivery. Next, 3.4; again, it's kind of tying back into the processes that happened before it so 3.4A; applicants who respond to the instead of the Notice of Numerical Designation, let's just say, Notice of Intent to Award. Alright, 3.5; Pre-occupying property, A, is good, B, is good, I wonder if we need a C there to say; persons who reside and continuously reside shall... okay, A, is persons who reside continuously reside shall not be evicted; B, persons presently holding land use permit will maintain their home or farm and then I think we

need a C, leases to those persons shall be issued? I don't know, is that kind of implied?

**Administrative Director J. Hattig, III:** I think because we cannot evict them, it's the Commission's determination whether they would like to... whether they are prepared to be approved for a lease.

**Chairwoman P. Fejeran:** Okay so leases to these persons be presented to the Commission for approval.

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

**Chairwoman P. Fejeran:** That way it's clear that it comes to the Commission. Okay, leases to the pre-occupiers shall be presented to Commission for approval. Okay and then on 3.7D so number four, D4 that has to do with once we get into like having the property developed and homes made, right?

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

**Chairwoman P. Fejeran:** Okay, wonderful. I like that. C. page 12, so page 11 and 12, 5.1; B1 and C; is there a law for these? Like timelines? How is that determined?

**Administrative Director J. Hattig, III:** There's no one specific statute that governs the compliance portion to tell you the truth. We go based on the Public Law 23-38 and if they are in compliance by that standard then we make an inspection, and independent inspection and then well the idea is to give them a pathway to compliance so the determination of first of all in 5.1; that's based on sections 6.3 and 6.5 of the Public Law 23-38 with regard to agricultural and residential leases so that part is covered there under those sections and then we are trying to give them a pathway so C, 5.1C, within the first 180 days a site inspection of the property so depending on as soon as we give you the lease we're going to inspect and at that time we're going to engage with you on what you need to do, so we'll already be engaging with you but we'll have our first clear inspection after 180 days \*inaudible\* if your intending on doing anything and then D says, we're allowed to do at least a minimum of one inspection per year but at any time without prior notice we can conduct other inspections or at the request of the lessee.

**Chairwoman P. Fejeran:** Okay, I think my concern with this is for C, within first 180 days, what is that like 6 months right? I don't know that the Trust or the staff has ever had the manpower to enforce that. I wonder if we're setting ourselves up to fail; especially because it's not here, that's my one concern for C. Letter D, I think site inspections are good but again, I don't want to put it in here and set you guys up to fail; I can't imagine you guys going out at a minimum annually, right? So, if we could just... I appreciate what you're trying to do here so maybe if we can just reduce the requirements a little bit so it's more achievable. So, if we could say for D, site inspections maybe conducted at any time and without prior notice or at the request of the lessee.

**Administrative Director J. Hattig, III:** Okay, so we'll take out the minimum annual requirements.

**Chairwoman P. Fejeran:** Yeah, I think so and then for number B1, so there is a public law that there is a time extension. Public Law 24-62 so 24-62 it provided a time extension for the initial use of the residential leased properties. It says, any individual or family otherwise referred to as the lessee who leases property with the CHamoru Land Trust Commission through its residential property lease program shall occupy and commence to use the tract as his or her home no later than three years following

the availability and installation of necessary basic infrastructure. So, I think... let's have it mirror that will Public Law 24-62.

**Administrative Director J. Hattig, III:** I'll make sure to put the reference in the SOP and then I'll change it to three years. Do you want to do that with agricultural leases as well because that public law is specific to residential?

**Chairwoman P. Fejerman:** Yeah, it's just residential. I think agricultural has it's written, I think it's fair, two years. I think that's good. So B1 will be revised to be consistent with Public Law 24-62 and I almost don't think it's necessary for us to do the inspection before the three years is up. Maybe you can say, like I don't know... we'll do an inspection within 180 days of knowing that basic infrastructure is there.

**Administrative Director J. Hattig, III:** Okay, I wanted to put that in, we put that in because we wanted to show the... remember we had some comments about being proactive in the compliance process rather than reactive so if we went out there and inspected and gave them an opportunity to show us what they're doing or tell us that they're having problems that's what the intent was and so we can even change that to within the first 180 days of site inspection of the property maybe conducted not necessary shall because shall means it will be but maybe conducted is based on our availability of land agents. We don't have to go out there within the first six months but certainly it will be covered under D.

**Chairwoman P. Fejerman:** Well, why don't we tie it to 24-62? So, 24-62 says, okay as soon as the infrastructure is there that starts a three-year time clock and so if we say we'll be there within 180 days of that timeclock starting I think that would accomplish what you're looking for which is getting out there, being proactive identifying those lease holders that maybe need the help or maybe they don't even know that the timeclock has started so if we could tie that into 24-62. Within 180 days of availability and installation of necessary basic infrastructure.

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

**Chairwoman P. Fejerman:** That way, like you said, you'll be proactive you'll have gone out there and engage with them so that as they get closer and so that you'll be working with them within those three years and get them going. 5.3 Non-Compliance Process, I think we should add something in there that Commission should be provided a copy of these letters. I didn't see that anywhere in there just to really keep the information flowing so that Commission is aware when the letters are sent out for violation so that by the time or if it gets to needing Commission action, the Commission has already been apprised with all the work that you guys have been doing.

**Administrative Director J. Hattig, III:** Okay. \*Inaudible\* provide to Commission.

**Chairwoman P. Fejerman:** Yeah, the copies of the letters you're sending out. Gosh, is there something in the agricultural tract leases? I'm sorry, let's go back up so in the principles it says, if you're going to get an agricultural lease you have to be a bona fide farmer so why don't we match that in here. So, 3.6A, the Commission shall award agricultural leases to applicants who are bona fide farmers. The ranchers, what's their qualifications? Or who have submitted a ranch plan, cattle plan, grazing plan.

**Administrative Director J. Hattig, III:** Grazing plan.

**Chairwoman P. Fejerman:** Grazing plan, okay. So, they've got to be a bona fide farmer or has submitted a grazing plan?

**Administrative Director J. Hattig, III:** Now, do you want that grazing plan to be approved by any particular agency as we indicated today with Mr. Salas that maybe we should have the Southern \*inaudible\* respective water and soil conservation districts and perhaps maybe even Department of Agriculture because ranching and grazing are very harmful to the environment in some ways so if we get their buy in that give the Commission \*inaudible\* to make that decision.

**Chairwoman P. Fejeran:** Yeah, what do you think? Yeah, we're not the subject matter experts, right, so we should have it be \*inaudible\* and adjusted.

**Administrative Director J. Hattig, III:** Department of Agriculture and EPA maybe or just Southern/Northern Water Conservation.

**Chairwoman P. Fejeran:** Maybe you can just leave it open ended, Department of Agriculture or other approving agencies or something.

**Commissioner A. Duenas:** Do we have a form or something that they would take to these agencies that puts a \*inaudible\* that's been approved?

**Administrative Director J. Hattig, III:** Normally we don't provide them like a referral or anything. We provide them with information to the district and then they go before the district board and present their plan and formulate their plan but what we're doing is taking a step forward, remember, the agreement in principle that we had with UOG to provide us with training so that training is also supposed to be provide in \*inaudible\* on how to do a grazing plan. How to do a farm plan so that way we can provide them with a form or examples, right? What did you call them, resources, remember you wanted to make sure that we had a resource material that we could give them, I forgot what we called it but...?

**Chairwoman P. Fejeran:** Yeah, oh yeah.

**Administrative Director J. Hattig, III:** So, I'm hoping that that would be what we provide to them and help them.

**Commissioner A. Duenas:** \*Inaudible\* like going to the agencies, they have \*inaudible\* a form with them and take it to \*inaudible\* but I think that's something we should really look into and of course we have to look into the cost. But I think, if we're going to make these requirements for our agricultural lessees, we should definitely have something for them so they don't have whoever is in charge send an email \*inaudible\*.

**Administrative Director J. Hattig, III:** Right, like a check list.

**Commissioner A. Duenas:** Yeah, like a check list and they just go get it stamped and move on to the next agency.

**Administrative Director J. Hattig, III:** Check list, got it. Okay.

**Chairwoman P. Fejeran:** Cool. Okay, that's all my comments actually. Are there any other comments? I know a majority of the process changes happened via the email communications that we had. Did you ever have a chance to look at that, Austin?

**Commissioner A. Duenas:** I'm sorry \*inaudible\*.

**Chairwoman P. Fejeran:** A lot of the changes that were made, I did that via email. So, this really when implemented, I think this would really kind of changes how things get processed and are you prepared to do this?

**Administrative Director J. Hattig, III:** Absolutely ma'am. We've actually been holding trainings on these proposed issues already so every month we go through a staff development training and we bring up the proposed SOP and we go over how exactly according to the Commission on how we're going to implement it. So, once

you approve it, we'll provide the full-blown training so that we can get \*inaudible\* so we can definitely start hitting the ground and we \*inaudible\*.

**Chairwoman P. Fejeran:** So, if we were to approve this today, are you prepared to implement it for our first batch of the Land for the Landless lots, as our test?

**Administrative Director J. Hattig, III:** Well, that's our intent. We want to make sure that our Land for the Landless lots are completely free and clear so what we're doing is we're requesting for that certification of those lots like what we did for Ms. Quinata, Ms. Chrissy Quinata and others because right now, we have word just today that Land Management is rescrubbing that list because there were possible people that came forward that made payments so I had spoken with Matthew Leon Guerrero earlier and I said, okay, well the only way that we're going to do this then is DLM has to certify that nothing is wrong with these lots because you gave us a list and you transferred all of that to us officially but now you're telling us that we can't issue them that's going to become a problem if we start issuing wrong lands right by lottery you know when we start pulling. So that's what I'm hoping that they can provide to us is that everything that is free and clear sign off on it that each individual lot is available.

**Chairwoman P. Fejeran:** Okay, do you think that if we pass this today that you can say, alright, there's about 90 lots that you know, it's not for sure but you're going to be working with Land Management to get the certification but if you say, okay there's 90 lots let's go through this step by step.

**Administrative Director J. Hattig, III:** Right, so presenting those lists to you, to the Commission for approval, I think the very step is...

**Chairwoman P. Fejeran:** Identifying the property.

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

**Chairwoman P. Fejeran:** And the Commission has already approved the properties or maybe we can start from scratch.

**Administrative Director J. Hattig, III:** Let's start from there.

**Chairwoman P. Fejeran:** Let's start from scratch but what I don't want to happen is us to be hung up on the actual lots themselves when there's a lot of process to get through and I feel like it can run concurrently.

**Administrative Director J. Hattig, III:** They can, it's possible. I know I wrote some language in there that allows for people to be approved together and as a cohort and so of course they can run through that process together.

**Chairwoman P. Fejeran:** Well, this is exciting. Yeah, this is great! Let's do this!

**Commissioner A. Duenas:** Motion to approve the Standard Operating Procedures for Agriculture and Residential Leasing.

**Administrative Director J. Hattig, III:** Subject to corrections.

**Commissioner A. Duenas:** Subject to corrections.

**Chairwoman P. Fejeran:** Motion made. Tan Amanda?

**Commissioner A. Santos:** Yeah.

**Chairwoman P. Fejeran:** So, there was a motion made to approve the Standard Operating Procedures for Residential and Agricultural Leasing pending the edits made in today's meeting.

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

**Chairwoman P. Fejeran:** Okay, motion made and second it. Further discussion?

**Commissioner A. Duenas:** None.

**Chairwoman P. Fejeran:** Okay. All those in favor?

**All Commissioners:** Aye.

**Chairwoman P. Fejeran:** Ayes have it. Wow! Congratulations everybody!

**Administrative Director J. Hattig, II:** Yes, great job.

**Chairwoman P. Fejeran:** Way to go! Awesome. Okay, just to give you a heads up, you're going to have to revisit the SOPs for the settlement agreement.

**Administrative Director J. Hattig, III:** Absolutely, yes.

**Chairwoman P. Fejeran:** Okay, let's see...moving on

## **NEW BUSINESS**

### **Proposal from Pacific Human Resources.**

**Chairwoman P. Fejeran:** Do you have that? I haven't seen anything.

**Administrative Director J. Hattig, III:** Yeah, so we were on the understanding that they were going to provide their presentation materials at the meeting and we did inform them of the changes. However, they're not able to confirm attendance. Until they bring it up again, I think we can move on for now.

### **Proposed Commercial Leasing SOP**

**Chairwoman P. Fejeran:** Okay, great. Next is Proposed Commercial Leasing SOP. I don't think we received any commercial leasing SOP.

**Administrative Director J. Hattig, III:** Oh, yeah, you're right. It only goes to the Social Media Policy. Let me... I know that we sent it out as far as the packet not sure that it made it into the...

**Chairwoman P. Fejeran:** Oh really?

**Administrative Director J. Hattig, III:** Yeah, because Joey provided me with a copy of the SOP \*inaudible\*.

**Chairwoman P. Fejeran:** Oh shoot, we didn't see it.

**Administrative Director J. Hattig, III:** But apparently it wasn't included in the \*inaudible\*.

**Commissioner A. Duenas:** Maybe we can also table that for now so we can review it again especially after our incident today with GTA.

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

**Chairwoman P. Fejeran:** Okay. Oh, they were not happy by the way.

**Legal Counsel N. Toft:** Well, I mean the trail of it is even if we pass it today if there is a lawsuit that comes down the pipe and the whole thing get overturned a year or two years from now then they're back to square one and same amount of progress will be made as \*inaudible\* lost two years on it.

**Administrative Director J. Hattig, III:** And if they made any physical changes, those would have to be taken into consideration and if there's construction on anything...

**Commissioner A. Duenas:** Would Land Trust, would we have to purchase any changes?

**Administrative Director J. Hattig, III:** See that's something that we're...

**Legal Counsel N. Toft:** Probably not but it's not so much the physical cost as far as changes to the land or anything like that it's more like the time we spent especially the legal expense too because many other telecommunication companies who would decide to file suit and then in addition to any potential to any overturning of the



contract you may get the court deciding that parts of the law are either invalid or you know there's all sorts of collateral damage that concur with that sort of \*inaudible\* you don't expect in the beginning of the suit so as an attorney we always try to go with the safe ends a lot of the times but in the case, it was we attempted to try and make it work any way that we could it's just every path that we went down kind of ended in the same situation where it was just not supportable legally and if it ever got taken to court it's not something I would say we have a good chance at winning or something like that.

**Chairwoman P. Fejeran:** I'm curious about the Sunshine Act Request from... it sounded like they wanted all GTA's stuff but was that Ms. Joyce Tang that was here, the attorney?

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

**Chairwoman P. Fejeran:** So is she working for GTA and did she...

**Legal Counsel N. Toft:** We don't know who she represents and who she works for. She does not have to disclose that as part of the Sunshine Act Request because it was a bit of a \*inaudible\* we asked for an extension on it so we are still going to supply the request for material unless we receive something on the next couple of days otherwise from her but yeah, some of the issues were that many of the documents were in draft form which we're not obligated to supply under the Open Government Act Law and it's we can speculate all we want as to \*inaudible\* but at the end of the day we just got to do what's best for the Commission.

**Chairwoman P. Fejeran:** That's interesting. I thought that she was Mr. Tydingco's attorney but then he brought the other guy up. Interesting. Okay. Alright.

**Legal Counsel N. Toft:** It doesn't really change my answer it's just such a unique situation because you don't get unsolicited proposals for submerged lands.

**Chairwoman P. Fejeran:** Yeah, for sure. Alright, well thank you for that.

**Legal Counsel N. Toft:** It's nice to be made aware of those gaps in our law though so we can address them later.

**Chairwoman P. Fejeran:** And I actually think that we're going to actually benefit going through that process to see if like you know...

**Legal Counsel N. Toft:** And it's better for the Trust as far as if there's competition and there's a betting increase based on...

**Administrative Director J. Hattig, III:** Plus, you know, speaking with Nic and Joey because those things about telecommunications that could be put into the RFP, we can write it into, I was thinking the same, we can write those specific things like internet, telephone, communications and everything because we're bidding it out so we can write those in instead of negotiating them piece meal and it would give us a clear \*inaudible\* procurement process.

**Chairwoman P. Fejeran:** What if we say okay you guys want to put cable here, we're requesting for proposals and part of the deal is you have to give our office and our beneficiaries free Wi-Fi... oh come on, think about it, that'll be awesome.

**Legal Counsel N. Toft:** I don't think you'll get a lot of bidders if you want them to give free for all constituents.

**Administrative Director J. Hattig, III:** \*Inaudible\* I was thinking hardware also for GPS trackers for laptops and things like that if we could write all that stuff in so that we can do this prolonged you know we can do this for a while and not just you know

like every year we don't have to worry about our telephone bill, our internet bill because one lease, one license and one lease can take care of all 21 years or ...

**Chairwoman P. Fejeran:** Yes, right.

**Administrative Director J. Hattig, III:** \*Inaudible\* locked in all those dates for 21 years.

**Chairwoman P. Fejeran:** And then we can use that money for other things.

**Administrative Director J. Hattig, III:** \*Inaudible\* budget and use that money for something else, like you mentioned those funds, funding those funds.

### **Proposed Social Media Policy**

**Chairwoman P. Fejeran:** Getting more staff on board to help you guys.

Okay, next Proposed Social Media Policy. So, I appreciate the policy but where's our...how are we going to stand it up? Is this just our first step, we have a policy and then we can open up an account?

**Administrative Director J. Hattig, III:** Yeah, and that's why I wrote in there that everything that we do has to be approved by the Commission. We can just stand up our platforms you know let's say like for Facebook, we have to present the Facebook presentation to you before you approve it. I'm not going to create a platform without the Commission's say so. So, it falls in line with your resolution, right but these are the general concepts that every department usually adopts and there is one there that states, number three, sorry it's the second number three, I apologize. So, all official social media platforms and procedures for operating such platforms must be approved by the Commission prior to implementation so if I had a proposal for a Facebook because that's what our proposal is looking like. I asked the staff, I said okay, what's more maximizing, Facebook, Instagram, Twitter you know what else right. So they said, Facebook, Sir by far is probably going to be more effective so we're coming up with a Facebook plan and how to launch it how much is it going to cost we only want to use it as information sending out not necessarily comments that are you know on Facebook we'll put a comment portion like if you have a request for information you can ask us through that but we want it to structure it and give it to the Commission and say okay, this is our plan for Facebook and move forward from there.

**Chairwoman P. Fejeran:** Okay, I think that's really great. I think you're going about it the right way. I think as you're putting that plan together if you can also list for the Commission the exact types of information and documents you'll be releasing.

**Administrative Director J. Hattig, III:** Yes of course.

**Chairwoman P. Fejeran:** You know like some that comes to mind are meeting notices.

**Administrative Director J. Hattig, III:** And we're starting with that. Whatever goes on our website will also go on our Facebook just to start us off. I know that one of our priorities when I began was to increase the transparency of the Trust so this falls in line with that transparency creating another medium for people to know what we're doing.

**Chairwoman P. Fejeran:** And if we can also do Facebook Live for each of our meetings.

**Administrative Director J. Hattig, III:** Yeah absolutely. Facebook Live will help us with the livestreaming that we talked about and to cut cost on providing for that.

**Chairwoman P. Fejeran:** Okay so Facebook will be meeting notices, Facebook Live commission meetings. I think it could also be where you put together the Director's report. What do we call that report?

**Administrative Director J. Hattig, III:** The briefing, the one I give you before the meeting?

**Chairwoman P. Fejeran:** No, the one that synthesizes all the motions.

**Administrative Director J. Hattig, III:** Motion summary.

**Chairwoman P. Fejeran:** Motion summary, if that can be posted so people can go and just get like a quick and dirty understanding of what happened in the meeting and then also it'll be really cool if there's an educational informational aspect to it. For instance, maybe once a month you focus on detailing on how you apply.

**Administrative Director J. Hattig, III:** Monthly how to?

**Chairwoman P. Fejeran:** Yeah, like link to the waiting list, what the waiting list means? If someone on the waiting list is your father mother and they passed away what you have to do. You know like the how to. Like the monthly how to.

**Administrative Director J. Hattig, III:** I wanted to get a video on how to because using the staff with their permission and authorization obviously using the staff to put a video together \*inaudible\* it comes to explain visually rather than posting paragraphs of stuff or a list of stuff to do. Plus, you know, Joey mentioned we can connect this with PBS because we can do our PSA's and our employees can get a feel of how it is and present it to the public in a way where they'll understand rather than having just a document.

**Chairwoman P. Fejeran:** Yeah.

**Administrative Director J. Hattig, III:** So, we can do a video how to. A monthly video how to, this one will focus on how to apply for a residential lease.

**Chairwoman P. Fejeran:** Right or what to do if you want to change your beneficiary and you know...

**Administrative Director J. Hattig, III:** Right and PBS can help film or do the production and then we can post it on line. That's part of the agreement with them.

**Chairwoman P. Fejeran:** Right. There you go. Nice. I'm hopeful that this could get going right away because I know I'm going to want to watch when I'm gone. Like hey, what are you guys doing over there?

**Administrative Director J. Hattig, III:** Man, I hoping we can continue to keep our line of communication between you and me open because so that \*inaudible\* seek your counsel on especially a lot of these priorities because as you said, you know you could do a lot by being informed and getting active in there.

**Chairwoman P. Fejeran:** I appreciate that. I'm not going far; I still live here. Okay, great so did you want us to approve the social media policy?

**Administrative Director J. Hattig, III:** I would because we could get started on the ground running with presenting the board with a Facebook plan.

**Chairwoman P. Fejeran:** Okay.

**Commissioner A. Duenas:** Motion to approve the social media policy pending any corrections and additions.

**Chairwoman P. Fejeran:** Okay, motion made to approve the social media policy. Tan Amanda?

**Commissioner A. Santos:** Yeah.

**Chairwoman P. Fejeran:** Motion made to approve the Social Media Policy.

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

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

**All Commissioners:** None.

**Chairwoman P. Fejeran:** None. All those in favor?

**All Commissioners:** Aye.

## **STATUS UPDATE**

### **Guam Raceway**

**Chairwoman P. Fejeran:** Ayes have it. Okay great. Motion passes. Okay, status update. Guam Raceway.

**Administrative Director J. Hattig, III:** Okay so in the beginning of the packet, I have the Director's Briefing there so it kind of gives you a little bit of an understanding as to where our status is with these \*inaudible\* They requested more time to present their presentation so in line with their request, we're waiting for them to engage with us. At the last meeting that they appeared at I believe in February Commissioner Cruz had requested a phase kind of like a phase plan for the area that they were grading. So, they're still conducting that, but I do have to report that during this process of COVID and everything we did we receive, correct me right Joey, we did receive payments from the Guam Raceway for royalties and \*inaudible\*.

**Chairwoman P. Fejeran:** Okay, if I remember correctly, we told Guam Raceway that we would only approve that one specific area for mineral extractions and they have to provide us with monthly reports or something. Have they been reporting it?

**Program Coordinator III Joey Cruz:** We received a couple of reports regarding their \*inaudible\* activity. Yesterday, myself, Pierce and Melvin from Survey, we conducted a site inspection. What we did was we GPS certain points of their activities so we can reference with whatever maps they should provide us with make sure they're within the base that they're approved to excavate.

**Chairwoman P. Fejeran:** Okay but they have made payment? What payment is that?

**Program Coordinator III J. Cruz:** The total amount, I can't... but I want to say thirty forty some thousand it could be more but they've been paying and they made their monthly rental fee \*inaudible\*.

**Chairwoman P. Fejeran:** Okay. You know speaking of Guam Raceway, one of our principles says, before we allow mineral extraction, we have to really study it and understand what the real value is. Just really thinking about this, there's so much potential revenue from our CHamoru Land Trust land that...I think what Guam Raceway is providing our island right now is great because it's the drag racing and all of that but any further development I believe we have to stick to the current public law. I think the way that what happened is they don't like the public law so they came to us and we said alright fine, we'll let you go. They're continuing month to month on the old one right and because they're continuing month to month they're kind of going in the back door by getting this mineral extraction done because the public law clearly states no mineral extraction so I would ask that the Commission make a determination that any mineral extraction not be allowed in the future and we follow

the public law and if they're not happy with the public law then they need to figure it out but I think month to month no mineral extraction would be fair. What do you think, Austin?

**Commissioner A. Duenas:** Yes, I think so too.

**Chairwoman P. Fejeran:** Yeah? Because really what's happened is, they're going the back door from the public law because we're allowing them to use this month to month and are approving it on a piecemeal basis and I really don't feel comfortable doing that in the future.

**Commissioner A. Duenas:** For any fundraising or \*inaudible\* we are to receive a portion of that, is that correct?

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

**Program Coordinator III J. Cruz:** We receive fifty percent (50%) of the royalties but also for like the admission fees, I believe its ten percent (10%) but we haven't received any admission fees recently.

**Commissioner A. Duenas:** When was the last one we received?

**Program Coordinator III J. Cruz:** I want to say the end of 2019. I could be wrong I just need to verify but recently we haven't received any admission fees.

**Chairwoman P. Fejeran:** Yeah, honestly has not been a great tenant as they should considering all of the land they have and all of the money that they've been able to make off of the land so I think it's time that we decide now and maybe make a motion to document it that I don't know how to put it but basically no mineral extraction until a new lease has been issued. Is that maybe the right way? No mineral extraction until a new lease has been issued which basically tells them no mineral extraction until the law gets changed, right?

**Program Coordinator III J. Cruz:** Madam chair if I may right now there is a lot of equipment that we have seen from our visit yesterday, when will it stop? After they're done excavating that phase or...?

**Chairwoman P. Fejeran:** Yeah, because we already gave the approval for that very small portion of property but after that it's a nope. It has to be a hard NO either...

**Legal Counsel N. Toft:** Upon completion of that phase then?

**Chairwoman P. Fejeran:** Yeah, okay. Upon completion of the previously approved mineral extraction phase. I would be comfortable doing that.

**Administrative Director J. Hattig, III:** I just wonder when their faced with legislation that allows it because that will go against any motion that we're going to...

**Legal Counsel N. Toft:** Yeah, that's legislation overrides.

**Administrative Director J. Hattig, III:** Okay I just want to make sure that we know that if they come to us right if they come to the Commission and we do it through the proper channels that we know that that will be the way to control it but we won't necessarily be able to control a piece of legislation that comes out so once it's signed public law, I just want to make sure we're not breaking our own covenants to our own rules because the legislation is \*inaudible\*.

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

**Commissioner A. Duenas:** So \*Inaudible\* they're doing now, how many phases do they have? My question, is once they're done with what they're supposed to do \*inaudible\* would they have the \*inaudible\* rights to continue...

**Legal Counsel N. Toft:** No, they would have to come before us anyway so I don't know if it necessarily needs a motion but maybe an acknowledgement among the

Board members that this would be the last phase that we would approve before any sort of formal...

**Administrative Director J. Hattig, III:** It will be a part of the record. Part of the minute's record.

**Chairwoman P. Fejeran:** Yeah, I think I don't know. I want to get it in motion form just so that it's a very clear motion because I don't know when you know. I don't know who's going to be here next.

**Commissioner A. Duenas:** So, this would just be a motion to notify the raceway that we have no intentions of allowing them to continue the mineral extraction.

**Administrative Director J. Hattig, III:** Or is this a broader motion affecting mineral extraction as a whole?

**Chairwoman P. Fejeran:** Right, I think so. Maybe it should be broader? Because it's in our principle that we would not that we want to study and understand what the value of our properties are including mineral extraction prior to its exploitation.

**Commissioner A. Duenas:** Okay.

**Legal Counsel N. Toft:** So then just a motion to I'm trying to think of the language.

**Commissioner A. Duenas:** I guess it'll be just like a motion to just cease all further mineral extraction and to notify all... are we the only agency that currently does that? I can include it in the motion that we notify Guam Raceway.

**Legal Counsel N. Toft:** I mean they'll... I mean what we can do is tell them when they come in the next phase that that's been so moved that future mineral extractions are all on hold where there's been further development on policies \*inaudible\*.

**Chairwoman P. Fejeran:** Okay so motion to require future study of CHamoru Land Trust mineral extraction activities prior to granting approval to approval for mineral extractions.

**Commissioner A. Duenas:** So, moved.

**Chairwoman P. Fejeran:** Sure. Tan Amanda, there's a motion to require study of CHamoru Land Trust mineral extraction prior to granting approval for mineral extraction.

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

**Chairwoman P. Fejeran:** So, motion made. Did you have any questions? Tan Amanda?

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

**Chairwoman P. Fejeran:** Okay. Thank you. So, motion made and seconded it. Further discussion?

**All Commissioners:** None.

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

**All Commissioners:** Aye.

**Chairwoman P. Fejeran:** Ayes have it.

**Commissioner A. Duenas:** Sorry, Joey has the raceway been providing monthly reports or they don't do it consistently?

**Program Coordinator III J. Cruz:** Not monthly but when they get a chance.

**Commissioner A. Duenas:** But they're supposed to do monthly reports, right?

**Chairwoman P. Fejeran:** Yes, they are. The last time we saw them, we said, give us a monthly report by the 10<sup>th</sup> business day of each month of all the activity that's been completed for all the mineral extraction the month prior.

**Commissioner A. Duenas:** And are you following up with raceway?

**Administrative Director J. Hattig, III:** Well because \*inaudible\* and our operations were shut down for March and April we did not follow up during that period of time because we didn't have the staff to do so but Joey and I will \*inaudible\* definitely follow up and provide us with those retroactive reports. I don't know from what time to what time they weren't allowed to operate because at one point all business were shut down. So that will certainly affect what's in the reports but we'll give them every opportunity to get back on track.

### **SKC Cultural Center**

**Chairwoman P. Fejeran:** And also remind them of their obligation to give us the admissions payment because I think they're having events there still. Okay, great. Next SKC Cultural Center and I know that there was an email sent back and forth I guess I'm not too clear on why we're not able issue them a cultural center lease.

**Legal Counsel N. Toft:** Right, because that doesn't quite exist under CLTC Commercial or other Rules and Regs. We went over this back when we had Margarita and Matt with us as well and we debated about this for months on whether we could try to do some of the frame work with it unfortunately it would fall under the Commercial Rules and Regs which also means it has to have certain provisions in there like that ten percent (10%) fair market value which I think makes it out of the realm of possibility for SKC. I think what we'll need to do is probably tell \*inaudible\* at the legislature that they'll need to do some sort of exemption, legislative exemption for this \*inaudible\* feasibly move forward.

**Chairwoman P. Fejeran:** Okay but I think we... you know back when that law was first passed that granted us that basically told us you know lease it to SKC that was before you guys went in and figured all this out so you know...

**Legal Counsel N. Toft:** Yeah and the timing of it is was kind of where yeah... let's get SKC on there and then you had the Commercial Rules and Regs passed subsequent to that then you had this other bill \*inaudible\* cultural center \*inaudible\* but that bill didn't provide any sort of exemptions from the Commercial Rules and Regs and that tends to unveil anything that isn't for the amount basically is the only kind of escape out of that for this submerged issue but otherwise anything that is land under our control and maybe it may be a good time to visit some fortunes of you know do a comprehensive correction on the Commercial Rules and Regs to kind of help us out in these unique situations that aren't necessary considered at the time on the first bill's passage.

**Chairwoman P. Fejeran:** Okay, I'm fully on board I understand why now we can't do it ourselves. It will require legislative action should we pass a motion stating such?

**Legal Counsel N. Toft:** I think maybe \*inaudible\* maybe just about someone whether it's the Administrative Director or somebody just sending a letter to the Legislature informing them of the nature of the problem.

**Chairwoman P. Fejeran:** Conundrum.

**Legal Counsel N. Toft:** Yeah.

**Administrative Director J. Hattig, III:** Prior all the commercial leases I mean the cultural leases that we had with the Palauan Association and others, they were actually done and administered with Department of Land Management on behalf of the CHamoru Land Trust that's how I think it was done and got around it because we

did have the authority to do so but when we were separated by Executive Order 2019-01 it fell into some grey area because Land Management is still taking care of that when it's for Land Trust's land it's in our inventory because we don't have the mechanism, like Nic says we don't have the mechanism for creating or maintaining such kind of a lease in those exemptions from the 33-95.

**Legal Counsel N. Toft:** I mean we can try to create one but it would be void if anybody brought a legal challenge against it, it would fall apart instantly.

**Chairwoman P. Fejeran:** Okay well then, I'd like to ask the Director to please send a letter to probably Senator Therese she is the chairperson of the committee requesting legislative action to request to provide exemption for SKC to receive a cultural center lease from the Land Trust.

**Administrative Director J. Hattig, III:** And I think that was one of the things too is that \*inaudible\* property where they're at was going to be used for cultural purposes so it falls in in line with \*inaudible\*.

**Chairwoman P. Fejeran:** Okay great. Can you cc the Commissioners on your letter?

**Legal Counsel N. Toft:** It's not something the Legislature hasn't done before we \*inaudible\* as well they created a specific section of the statute \*inaudible\* of that so they can do it again just following that same pattern.

**Chairwoman P. Fejeran:** Okay. And can you also engage with the SKC leaders just to let them know, okay this is what we've realized, this is a major assembling block so that they can get on board with your request and also talk to the senators to get that pushed through.

**Administrative Director J. Hattig, III:** I know we did meet last year, I met with representatives of SKC so they reiterated obviously their request for an exceptional term lease so any exceptional term lease \*inaudible\* legislative approval so they might need to start to get that processed refined again in preparation for this.

### **Hal's Angels and Guam Rugby Settlement**

**Chairwoman P. Fejeran:** Okay, great. So, moving on Hal's Angels and Guam Rugby Settlement.

**Administrative Director J. Hattig, III:** So, I'm very happy to say that both parties have been sent the actual signed agreement that was sent maybe two weeks ago now. Also, I've been informed by survey that they actual survey for the three properties has begun. Actually, the field work is done and it's now the \*inaudible\* has been submitted to the Chief of Cadastre for his review and then we still have an additional field work once that's approved, the final setting of corners and then we can inform everybody of the map and give everybody the map and then can get their construction started with whatever agreement that they had with each other and Public Works but easement have been created and happy to say the map portion moved really quick based on the timeline because I know it's two years right, we agreed that it be two years. The legal counsel has requested for the date, the official date to put on it because we all signed it but there were no dates on and it was suggested that the day chairperson and the legal counsel signed will be the day of effective.

**Chairwoman P. Fejeran:** Or how about, who is the last person to sign?



**Administrative Director J. Hattig, III:** Well, the last person to sign is Jesse Garcia from Public Works but that was more like a concurrence of the portion that included DPW in the agreement it wasn't contingent upon because we're the parties here. The CHamoru Land Trust, Hal's Angels, and Guam Rugby are the parties so they signed before and then we sent to get you and Nic's signatures so I think the date we had you and Nic sign it that's the date we start the clock.

**Legal Counsel N. Toft:** Yeah, just inform them that that's the date we're assuming to be the official date. So, everybody's clear on that.

## **Global Recycling**

**Chairwoman P. Fejeran:** Okay. Yeah, that's true. Okay and Global Recycling.

**Administrative Director J. Hattig, III:** Global Recycling we had a meeting with them not too long ago matter of fact it was just last month they had requested time to review the proposed license that we agreed that the Board approved already. So, we met with them and Nic and they basically were concerned about the amount of free, the acceptance of the free tonnage every quarter because of the public improvement. They wanted it to be folded into the ten percent (10%) appraised value of the property so we told them provide the appraisal information then and then we need to come up with a set term because they were very concerned that that quarterly amount would fluctuate and so how do you provide for that to be included when it fluctuates. See what I'm saying? So that's why we wanted them to get the appraised value so that we can get the ten percent (10%) and then we'll deal with how much they will be able to accept quarterly, like junk cars.

**Chairwoman P. Fejeran:** Right like up to that value.

**Administrative Director J. Hattig, III:** Right, so that's why we wanted to make sure it was structured that way. They also had some concerns that the business economic downturned a little bit because they expressed their concerns with future operations with the COVID relation, the amount of steel that's accepted by China or others based what's going on with the coronavirus worldwide so we had indicated to them that perhaps we could talk about some kind of payment plan should something like that happen \*inaudible\* but we already \*inaudible\* to the proposed license and if they're having any trouble at all within a certain amount of period, they're supposed to let us know like if they're going to end, if their business doesn't do well in the end of folding then they have an opportunity and an obligation to inform us. I think it's 90 or 180 days before ending the contract right, they have to inform us and we also have to \*inaudible\* that was really reassuring for them that they could reassess their business plan right because they're about to be issued obviously a long-term license. So, we're waiting for them to come back to the table. I did direct Joey to follow up with them just this past week so can find out where they're at with appraisals because that's the first step because that property can be very valuable and it would go a long way in determining what the percentage of acceptance would be.

**Chairwoman P. Fejeran:** Okay thanks for the update. Continue working with them because it would be nice to get that crossed off our list as done and leased and all that.

**Administrative Director J. Hattig, III:** I'm looking forward to \*inaudible\*.

## COMMISSIONER'S COMMENTS

**Chairwoman P. Fejeran:** Alright, next is Public Comment, no Public Comment? Okay. Alright, so we're back to Commissioner's Comment. I have a comment. Thank you everybody for really working with me and you know I know that this isn't my fulltime job it's been like my passion project and all of you guys are the ones that are really working in it so thank you guys for each of the work you're doing everyday really to get this program going. I hope that this resolution, please I ask that it be provided to all the staff and maybe you guys can be trained on it so that you guys know it very well so in the event of a new commissioner, you can also provide the new commissioner training. So, I really see so much potential with the Trust and I hope that the future is bright. I know that one of the main problems that can be solved is getting a fully funded program with the right number of land agents, the right number of surveyors, a fulltime legal counsel so I'm hoping that that can happen in the near future just to make your job easier and it all be effective. And Austin you're going to remain as I step away and I thank you for always showing up and putting in the work and thinking critically and providing your input and making all these motions so you and Tan Amanda will be the one left here. I'm not sure if you guys have heard but Commissioner Arlene Bordallo, she had a heart attack in the states, yeah, she was with her son. Yeah, Commissioner Cruz is the one that actually told me about it. She was accompanying her son for medical and then she had a heart attack so if we can just keep her in our prayers and then Commissioner Cruz is also having some health issues so if we can also keep him in our prayers. I know that he wanted to be here but he wasn't able to be. I hope that the Commission can continue to quorum every month because I know that when we don't have quorum the staff and everything gets pushed back, back, back and so hopefully they're able to nominate and confirm a new member but like I said, I don't live far from here and you guys have my email so thank you.

**Commissioner A. Duenas:** Yeah, I definitely want to say thank you, Pika. When I first came on board that was once the controversy kicked off, I don't think I've ever been so terrified to be a part of something but I do want to say thank you for your leadership and guidance all these past two years now and you as our Chairperson, I definitely \*inaudible\* with your leadership.

**Chairwoman P. Fejeran:** Oh, thank you. What a journey.

**Land Agent I T. Tainatongo:** Before we adjourned can you amend the date of the meeting today because I believe you read from the other agenda.

**Chairwoman P. Fejeran:** Oh Thursday, June 18<sup>th</sup>. Everybody's probably like what?? Yeah, I was really out of it at the beginning I was so nervous, to many people in here. Okay, I'd like to amend the opening of the meeting and just put down for the record that the date is July 9<sup>th</sup>. Thank you. Somebody is paying attention.

**Commissioner A. Duenas:** What about the public notice? Was the public notice correct?

**Administrative Director J. Hattig, III:** The public notice was pursuant to 5GCA.

**Legal Counsel N. Toft:** Yeah.

**Administrative Director J. Hattig, III:** Because \*inaudible\* emergency special meeting, we did not need to publicly notice this meeting although we did out of the

abundance of caution that's why the media was here but it was noted under 5GCA I think it's 8108 right?

**Legal Counsel N. Toft:** That's sounds about right.

**Land Agent I T. Tainatongo:** Correct, but in the beginning of the meeting she did read out...

**Administrative Director J. Hattig, III:** Yeah, she said, public notice was provided do you think you can just correct that and say... can we get the GCA that was \*inaudible\*.

**Land Agent I T. Tainatongo:** 5GCA; Chapter 8, §8108.

**Administrative Director J. Hattig, III:** There you go.

**Chairwoman P. Fejeran:** Subsection?

**Land Agent I T. Tainatongo:** 8108.

**Chairwoman P. Fejeran:** Okay, I'd also like to amend the statement that public notice was provided, regarding public notice, we followed 5GCA, Chapter 8, subsection 8108. I wonder if anyone else caught that. Maybe the Kandit News, everyone was like... I was looking at it there. Okay man I just feel so thankful and honored to have sat here and worked with all of you really the Commission and all the work that you guys are doing will always be close to my heart and I will definitely be watching from a far and wishing you guys the best and you hopefully in the future I will be able to come back and maybe serve on the Commission again.

**Land Agent I T. Tainatongo:** You're always welcome to come in for public comments.

**All:** laughing.

**Chairwoman P. Fejeran:** Although I don't have any standing, I'm not a beneficiary but maybe I should apply. Alright thank you guys. I think this might be the earliest.

**Commissioner A. Duenas:** I was going to say...

**Chairwoman P. Fejeran:** End it on a good note.

**Commissioner A. Duenas:** Motion to adjourn.

**Chairwoman P. Fejeran:** Alright we are adjourned the time is 3:45 p.m.

**Meeting adjourned:** 3:45 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: \_\_\_\_\_

Jack Hattig, Administrative Director \_\_\_\_\_ Date: \_\_\_\_\_

