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**Commission Members**

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

**Austin J. Duenas**  
Commissioner

**Arlene P. Bordallo**  
Commissioner

**Angela T. Santos**  
Commissioner

**Vacant**  
Commissioner

**Jack E. Hattig, III**  
Administrative Director

Rev. 12/21/2020

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

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**COMMISSION MEETING MINUTES**  
CHamoru Land Trust Conference Room  
Suite 223, 2<sup>nd</sup> Floor, ITC Building  
590 S. Marine Corp Drive, Tamuning, Guam  
Monday, December 28, 2020, 1:07 p.m. – 3:45 p.m.

Public Notice: The *Pacific Daily News* on December 18, 2020 and December 23, 2020

**Chairman John Reyes, Jr.:** **\*\*inaudible\*\*** with the Inefresi  
**Commissioner Angela Santos:** Siting the Inefresi. Biba

### **CALL TO ORDER**

**Chairman J. Reyes, Jr.:** Biba! Thank you, Commissioner Santos. I will call this meeting to order at 1:12 p.m. today, Monday, December 28. The public notices were sent out in publication with Pacific Daily News on December 18<sup>th</sup> and December 23<sup>rd</sup> 2020 as well as the CHamoru Land Trust Commission website under [dlm.guam.gov](http://dlm.guam.gov) and the Attorney General's website at [oagguam.org](http://oagguam.org) and on the CHamoru Land Trust Commission Facebook page, that's CHamoru Land Commission. As a reminder to everyone present, we are being livestreamed on Facebook and we're also being recorded both audio and visual with KGTF as a partnership. With that said, I just want to introduce, we definitely have a new set of Board members today, starting with myself, my name is John Reyes Jr. I'm a newly appointed Commissioner and Chairperson for the CHamoru Land Trust Commission. Our newest member as Mr. Hattig stated earlier is very right of the press, Ms. Angela Therese Santos and with us today we do have Commissioner Arlene Bordallo. Buenas, Saina Arlene.

### **Roll Call**

**Chairman J. Reyes, Jr.:** I will do the official roll call, starting with Mr. Austin J. Duenas. He's not present today. Arlene, Commissioner Bordallo.

**Land Agent I Tina Tainatongo:** Is she present?

**Administrative Director Jack Hattig, III:** Commissioner Bordallo if you could unmute and also turn on your video, okay. Thank you.

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

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Commissioner Joseph I. Cruz? Commissioner Cruz is not here today and Commissioner Angela T. Santos.

**Commissioner A. Santos:** Esta gue yu'. (I'm here).

**Chairman J. Reyes, Jr.:** Our Administrative Director, Mr. Jack Hattig.

**Administrative Director J. Hattig, III:** I'm present, Mr. Chairman.

**Chairman J. Reyes, Jr.:** And our Legal Counsel, Mr. Nicolas Toft.

**Legal Counsel Nicolas Toft:** Present.

### **Approval of Minutes**

**Chairman J. Reyes, Jr.:** Thank you, sir. Okay that is the Roll Call and let's go ahead and begin with our approval of minutes. So just to be clear, we have four meeting minutes to be approved with two in addition for continuance on November 21 and on January 16 so granted or being that we have two new commissioners and Commissioner Bordallo was in attendance on all four of those meetings I wanted to kind of ask the Commission members given that Mr. Duenas is not present whether or not we want to table these four meeting minutes to be approved or if you would like to proceed just to give Mr. Duenas the opportunity to provide his feedback given that me and Commissioner Santos were not present. So, I pose that over to you first Commissioner Bordallo to get your thoughts on that.

**Commissioner A. Bordallo:** I would like to postpone the minutes to the next meeting.

**Chairman J. Reyes, Jr.:** Okay. Commissioner Santos, your feedback on that.

**Commissioner A. Santos:** Please forgive me we're still working on just a little bit of feedback with the audio. You're talking about the minutes, right?

**Chairman J. Reyes, Jr.:** Correct, given that we have four to approve, the two of us were not present at any of those meetings the only one that was present was Commissioner Bordallo and then Mr. Duenas on I believe two of them so on the table is to table these minutes for approval for the next Commission meeting or if you would like to proceed, Commissioner Bordallo had stated she would postpone.

**Commissioner A. Santos:** To table it?

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

**Commissioner A. Santos:** Alright then, I agree with Commissioner Bordallo to table it.

**Chairman J. Reyes, Jr.:** Sounds good. Just for clarification \*inaudible\*.

**Administrative Director J. Hattig, III:** Mr. Legal Counsel is that suitable for a motion or must it be restated.

**Legal Counsel N. Toft:** Nah, for tabling that's fine.

**Chairman J. Reyes, Jr.:** Okay so we'll table the approval of the minutes for November 21, 2019 which is two sets of minutes, we'll table December 19, 2019, January 16, 2020 along with its continuance and February 20, 2020 minutes for tabling. Alright moving on the agenda.

**Commissioner A. Santos:** Mr. Chairman, despensa yu (excuse me).

**Chairman J. Reyes, Jr.:** We're talking about the \*inaudible\* appointed and confirmed, this is our first meeting how this question would be towards Legal Counsel; would we need to be sworn in during this meeting before it starts or those decisions to be counted and legit?

**Legal Counsel N. Toft:** To be sworn in before the Legislature \*inaudible\*.

**Commissioner A. Santos:** We did not. I was not sworn in at all, I was just confirmed.

**Chairman J. Reyes, Jr.:** Let me add to that. Director Hattig, the question at hand is being that Commissioner Santos and I are both new to the Board and we were duly confirmed by the Legislature, would \*inaudible\* office whether or not we needed to be sworn in our capacities and we just want to try and confirm that.

**Administrative Director J. Hattig, III:** Mr. Chairman, I have it here from the Protocol Office that I don't see anything that requires an oath to be administered in order to take the seat. What is required is the appointment by the Governor and confirmation by the Legislature. I'll also defer to the Legal Counsel if he has any comment on it.

**Legal Counsel N. Toft:** No, I don't have any further comment. I think you nailed it.

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

**Commissioner A. Santos:** As long as that's on the record.

**Chairman J. Reyes, Jr.:** Are you okay with that?

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

**Chairman J. Reyes, Jr.:** Okay, thank you. Commissioner Santos I know you're having the feedback so if you don't mind unfortunately, you're going to have to keep muting and

unmuting so you don't mind just mute again. Okay, Si Yu'us Ma'ase (Thank you). Moving onto our agenda items first off is going to be our Constituent Matters. So, Director Hattig I'll pass it on to you to lead us through that please.

**Constituent Matters**

**Josephine Pangelinan Santos**

**Administrative Director J. Hattig, III:** Yes sir Mr. Chairman thank you so much. So, we divided the Constituent Matters into three parts the first part is the Switch and Transfer list. Let me give a little context to our commissioners, the switch and transfer list is the list of 102 individual cases that were cited with the Attorney General in 2018 that were not in conformance with the law with regards to switching and transferring of dates and times and the issuance of leases there upon. So, when we constituted this when I came on board in 2019, we had the list and we're attempting to adjudicate each member on this list so staff reports have been generated by land agents and the land agents will be presenting to you their recommendations of their findings for each of these switch and transfers so we're going to go in order of the packet that was received by the commissioners. The first one is Aguon, Josephine Pangelinan and this will be staffed by Land Agent Jhoana Casem.

**Chairman J. Reyes, Jr.:** Thank you Mr. Hattig. Ms. Casem you have the floor than you. Ms. Casem you're on mute.

**Land Agent II Jhoana Casem:** So, we have here Ms. Josephine Pangelinan Aguon she is part of the switch and transfer lease listing. So, she's requesting to change her application type from residential to agriculture and also to be removed from the switch and transfer lease listing. She has already surveyed the property that was already issued a lease prior the transfer was done seven (7) years already so here we're \*inaudible\* change of application type from the res to agriculture.

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

**Land Agent II J. Casem:** So, for my findings based on Public Law 23-38 section 7.5 \*inaudible\* recommendation to change her application type from res to agriculture as the area that she is occupying is an agricultural tract area.

**Chairman J. Reyes, Jr.:** Okay. That was going to by my first question, thank you. Anything else on this one?

**Land Agent II J. Casem:** That is it, sir.

**Chairman J. Reyes, Jr.:** In addition to on your report, this has already been reviewed by our Legal Counsel, right?

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

**Chairman J. Reyes, Jr.:** Okay. Alright, this seems to me fairly straight forward. Any additional comments from our other commissioners?

**Commissioner A. Bordallo:** None.

**Commissioner A. Santos:** None.

**Chairman J. Reyes, Jr.:** Alright and then just to confirm with our Legal Counsel, we'll need two motions here, correct? One is to request move from switch and transfer lease listing and then second to change out application type from residential to agricultural?

**Legal Counsel N. Toft:** That's correct.

**Chairman J. Reyes, Jr.:** Okay. May I get a - if there's no other discussion on this, may I get a motion?

**Commissioner A. Bordallo:** I move that the switch and transfer lease be done for Josephine Pangelinan Aguon.

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

**Administrative Director J. Hattig, III:** Mr. Chair, if we can ask for a second as well to the motion.

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

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

**Chairman J. Reyes, Jr.:** Alright, any objections?

**Commissioner A. Bordallo:** None for me but Director Hattig, your comment?

**Administrative Director J. Hattig, III:** Yes, ma'am that's fine. No comment on this your motion to remove Ms. Josephine Pangelinan Aguon from the switch and transfer list is also my recommendation.

**Chairman J. Reyes, Jr.:** Thank you. Okay, are there no objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Alright motion passes. Thank you so much Commissioner Bordallo. And then for the second one?

**Commissioner A. Bordallo:** Okay. Motion to request for Josephine Pangelinan Aguon to change her application from residential to agriculture based on the facts on the lot numbers as mentioned on the facts.

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

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

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

**All Commissioners:** None.

**Chairman J. Reyes, III:** Alright **\*\*inaudible\*\*** thank you so much, motion passes. So just to confirm, we had two motions that were passed to switch and transfer lease listing for Josephine Pangelinan Aguon as well as switching the application type from residential to agricultural. Thank you very much.

**Administrative Director J. Hattig, III:** Can I clarify Mr. Chairman, I'm sorry it's to remove Ms. Aguon from the switch and transfer list and then to change her application from residential to agricultural.

**Chairman J. Reyes, Jr.:** I stand corrected. Thank you, Mr. Director Hattig. Alright, moving on.

#### **Lori Renee Cepeda**

**Administrative Director J. Hattig, III:** Okay next moving on we have a staff report from a Land Agent II, Eileen Chargualaf for Ms. Lori Renee Cepeda and the staff report is there. I'm going to go ahead and ask Land Agent Jhoana Casem if she could go ahead and provide some information since it was Ms. Chargualaf's and Ms. Casem's initial report but from what I can gather from the chronology the original applicant was under the findings sorry, I just have to pull up the initial staff report here. The original applicant, her application was December 2<sup>nd</sup> 1995. She was a residential applicant and she was priority one. That means that she did not have any land or any claim to any land. She had initiated a lease in 2015 and originally, she had tried to change the application type from residential to agricultural and then she had requested in December of 2012 to transfer the application rights to her daughter, Lori Renee Cepeda who at that time her name was Lori Renee Susuico. The approval based on the recommendation was made in 2012 the new applicant Ms. Cepeda requested to change the application type from agricultural back to residential and they recommended approval in 2012 and it was approved in December. Survey authorization was issued in 2013 there was a legal name change so Mrs. Susuico became Ms. Cepeda and then there was a notarized lease in 2015 subsequently and it was concurred. One of the issues is they needed to revert instead of having Ms. Cepeda have the lease the recommendation was to revert these two applicants because they were done not in

accordance with the law switch back to their original places and issue the lease to the original applicant which is Ms. Janiece Santos Susuico but I'd like to ask Ms. Jhoana Casem for further comment before we entertain this request.

**Land Agent II J. Casem:** I'm so sorry. Could you repeat that?

**Administrative Director J. Hattig, III:** Yeah, Jho I just need a little more background for Mrs. Susuico to Ms. Cepeda. The recommendation is because Ms. Cepeda received the lease as a result of the switch then the recommendation is to revert the two back to their original dates and time and then issue the lease to Mrs. Susuico the original applicant?

**Land Agent II J. Casem:** Yes. My apologies, this was not done by me so I'm not very familiar with this case.

**Administrative Director J. Hattig, III:** Yeah, that's the recommendation on the staff report prepared by Ms. Chargualaf. Mr. Chairman so I submit the facts for the Commission to make the decision.

**Chairman J. Reyes, Jr.:** Okay, so I have a question so we're kind of reading in the findings were the notices of error given to these applicants or to Mrs. Susuico and Ms. Cepeda?

**Administrative Director J. Hattig, III:** Mrs. Susuico and Ms. Cepeda were informed but Ms. Chargualaf has gone on leave so they were not able to respond on their... for this initial meeting. This was originally scheduled for November and so we were not able to confirm their attendance.

**Chairman J. Reyes, Jr.:** Okay, but they were informed of the notice of this error per say?

**Administrative Director J. Hattig, III:** That's the land agent's responsibility was to inform them yes.

**Chairman J. Reyes, Jr.:** Until we hear back from the applicants, I don't think there is any action here in my opinion but I will also defer to Commissioner Bordallo and Commissioner Santos again from my perspective there's a couple of gaps here and I don't know what the exact recommendation would be for this one and maybe in our next Board meeting you can get additional information and details on this but on the document that I have in front of me I don't see anything that we need to action here.

**Commissioner A. Bordallo:** Okay Chairman Reyes, I would like to table this for more Lori Renee Cepeda and Janiece Susuico. Table it provided that these people attend the meeting and the land agent that is handling this case gives us the recommendation.

**Chairman J. Reyes, Jr.:** I agree. Commissioner Santos, your thoughts?

**Commissioner A. Santos:** I agree and I was wondering \*inaudible\* it says on our meeting packet Janiece Siguenza but we're saying Susuico?

**Administrative Director J. Hattig, III:** Oh no, my apologies Commissioner Santos if there was any error, we're going to follow the staff report that was submitted by the land agent.

**Commissioner A. Santos:** Okay, yeah, I just want to make sure everything is right but I agree with Chairman and Commissioner Bordallo to just table this.

**Chairman J. Reyes, Jr.:** Okay thank you. Alright next \*inaudible\* Director Hattig.

#### **Katrina Borja Hodges**

**Administrative Director J. Hattig, III:** Thank you Mr. Chairman. The next one \*inaudible\* is Ms. Katrina Borja Hodges and I believe Ms. Hodges is in attendance currently right now in the meeting so this particular staff was developed by Land Agent I Ms. Lydia Taleu so I'm going to go ahead and defer to her for update.

**Land Agent I Lydia Taleu:** Good afternoon. Could you hear me?

**Chairman J. Reyes, Jr.:** Yes, ma'am I can hear you.

**Land Agent I L. Taleu:** Okay, anyway so, I reviewed the file Ms. Hodges actually was a 1996 applicant her husband who is the original applicant is a December 1995 when they

came in to submit their documents Mr. Hodges could not qualify because I believe it was either his grandmother or his great-grandmother, they couldn't get documentation that she was on Guam and became a U.S. citizen through the Organic Act. So, based on the advice from CLTC they suggested he transfer his application rights over to her and she transfer her application rights over to her son. They did that she went and followed our advice she had the lot surveyed and a lease was issued only to find that that was all based on an illegal act so we're requesting \*inaudible\* that she original as a residential applicant but she is owns property which would change her priority to two and not one. So, we're requesting that she be approved to change application type to over to agriculture and that because she has surveyed the property to hold the property off terminate the current the lease and wait until her date and time comes up and do a lease issuance for her in the meantime because the property has been surveyed if we could grant a right-of-entry for her to at least continue to develop the property which she's already surveyed.

**Chairman J. Reyes, Jr.:** Okay, Jack do you have \*inaudible\* to help us through this please.

**Administrative Director J. Hattig, III:** Yes, Sir. This is obviously something that we haven't encountered. This is kind of unprecedented right now, what our initial request is, but we have an applicant who followed all the rules and regulations that were at the time and come to find out that that wasn't supposed to be the way it was supposed to go but because of that, we don't want to penalize the person, the applicant or the lessee. So, our recommendation would be to terminate the lease because it is a recorded document and to grant a temporary right of entry to the former lessee who will be the former lessee because they have surveyed the property so I guess it's to create a reservation for them so that they would not be penalized for the advice that they were given for what they had followed four years ago. So, this is something that a recommendation has gone through our land agents had grasp maybe the Legal Counsel can comment here as well.

**Legal Counsel N. Toft:** Yeah, I think that the course of action recommended is fine. We may also want to look at the possibility because of change, the recent legislative change to the rules whether Gerald Hodges may now qualify. I don't think that that necessarily changes today's course of action but for the future as far as what we can do at that situation.

**Administrative Director J. Hattig, III:** I also wanted to ask the Legal Counsel since we're terminating potentially talking about terminating the lease that's already been consummated will that in any way; does that mean that they have to go through the qualification process as amended currently?

**Legal Counsel N. Toft:** Potentially for Gerald. We may want to contact him and see if he can restart his process on that. I don't think it changes anything for Katrina Hodges.

**Administrative Director J. Hattig, III:** So, if we initiate when her date and time is up and we initiate a lease, would it still be subject to the qualification process that the new qualification process or would I just have to tell the agency which is consummate the lease based on the decision made today?

**Legal Counsel N. Toft:** Yeah, decision made because that application was made and all that was made prior to the passage.

**Administrative Director J. Hattig, III:** Would it be a possible recommendation Mr. Legal Counsel to ratify this lease in anyway?

**Legal Counsel N. Toft:** No. Unfortunately, no. It's completely illegal and voided at this point.

**Administrative Director J. Hattig, III:** Understood. Thank you. Those are the only questions I had commissioners and Mr. Chairman in view of our recommendation and the Legal Counsel's opinion.

**Chairman J. Reyes, Jr.:** Okay, just to clarify Ms. Taleu the lease that we're going to terminate is the one dated May 18, 2017 and recorded on July 3, 2017; is that correct?

**Land Agent I L. Taleu:** Correct.

**Chairman J. Reyes, Jr.:** Okay and then so just to reiterate and to make sure that I understand today what we're wanting to do or need to do. Is to one terminate the lease which I just mentioned the one dated, May 18, 2017 and then the second one is to provide a right of entry. Are those the two actions that we need to do today?

**Land Agent I. L. Taleu:** Yes, as well as to approve her to change application types from residential to agriculture.

**Chairman J. Reyes, Jr.:** Okay so I did mark that down and that we also want to also do that today?

**Land Agent I L. Taleu:** And then once her date and time is up, go ahead and do a lease issuance when her date and time comes up.

**Chairman J. Reyes, Jr.:** Okay and so just to clarify Director Hattig, when her time is up to issue that lease, we need to take action on that today or at least have that documented or recorded?

**Administrative Director J. Hattig, III:** Well, no you don't necessarily have to take action on that lease issuance today we can take that from the meeting from the minutes and the discussion already based on the Legal Counsel's opinion but to secure the main parts that we want to secure are the termination of the lease and the right of entry and the switching from residential to agricultural. If I'm not out of order, maybe you'd like to call on Ms. Hodges before you... or ask some questions before you make your decision obviously.

**Chairman J. Reyes, Jr.:** Yes, I was moving to that to ask some questions. Thank you, sir. Ms. Hodges just for us to understand, moving from residential to agriculture; could you give us a little back ground into your reasoning behind that?

**Katrina Borja Hodges:** Okay. I currently have a residence, my home in Agana Heights so therefore I know that I would not be able to qualify for a residential CLTC property therefore that is why I'm requesting to switch from residential to agriculture.

**Chairman J. Reyes, Jr.:** Okay so in light of moving to agriculture you'll have like a farming plan or anything of that nature in moving to agriculture lease, subsistence farming or things like that or nature?

**Ms. K. Hodges:** Yes, I do.

**Chairman J. Reyes, Jr.:** Okay, and Ms. Taleu and of course the question to you Ms. Hodges as well; so, has the agency obtain a copy or taken the proper steps action in regards to an agricultural plan?

**Land Agent I L. Taleu:** In reviewing Ms. Katrina's file, I saw no evidence of a farm plan that was submitted but I do know that we have an understanding with the University of Guam to provide training for our applicants so my suggestion is while we're waiting for her lease to be issued, we go ahead and enroll her in those courses so that at least she will get certified and then she can also submit a farm plan for us after the training.

**Chairman J. Reyes, Jr.:** Okay that sounds good. We definitely have that partnership and it is one of the things in my getting up to speed I guess is the best way to put it when we give some of the agricultural leases that we want to make that we also obtain some of these artifacts to ensure that land used for its intended purpose so I appreciate that. I don't have any other questions per say. I yield over to Commissioner Santos and Commissioner Bordallo.

**Commissioner A. Santos:** I don't have any questions.

**Administrative Director J. Hattig, III:** Okay, Mr. Chairman, we still need motions so we're going to move forward if there's no others. I think you're muted still, Mr. Chairman.

**Chairman J. Reyes, Jr.:** Sorry my apologies. I do see Commissioner Bordallo was still on mute I just want to confirm she didn't have any additional comment.

**Administrative Director J. Hattig, III:** Commissioner Bordallo do you have any...

**Commissioner A. Bordallo:** \*Inaudible\* thank you. Director Hattig, can you just state the motion to be for Katrina Hodges.

**Administrative Director J. Hattig, III:** Yes ma'am. The first motion would be to terminate the lease under Katrina, the residential lease under Katrina Borja Hodges dated May 18, 2017 and recorded July 3<sup>rd</sup> 2017.

**Commissioner A. Bordallo:** A motion to approve a change on the lease.

**Administrative Director J. Hattig, III:** I'm sorry Commissioner it's...

**Chairman J. Reyes, Jr.:** Commissioner Bordallo, I think we need to do it in order, correct me if I'm wrong, Legal Counsel and Director Hattig. I think the first one Commissioner Bordallo, we need a motion if there's no additional comment; the first item would be to terminate a lease date May 18, 2017.

**Commissioner A. Bordallo:** Okay. Alright, I would like to make a motion to terminate a lease between Chamorro Land Trust and Katrina Borja Hodges dated May 18, 2017 from residential to agriculture.

**Chairman J. Reyes, Jr.:** No that's fine, just the first one to terminate, Commissioner Bordallo.

**Commissioner A. Bordallo:** Just to terminate, okay. I would like make a motion to terminate the lease agreement for Katrina Borja Hodges which was dated May 18, 2017 document number 909251.

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

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

**Chairman J. Reyes, Jr.:** Alright, second by Commissioner Santos. Any objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Alright, hear no objections. Motion's passed and so, moving on to the second item or motion that we need is going to provide a right of entry and Jack for clarification there, I mean Director Hattig, I apologize. Can you just explain a little bit more on the process for issuing this right of entry and the period of time it's allotted for etc.... so that we have some context behind.

**Administrative Director J. Hattig, III:** Correct and thank you Mr. Chairman and yes so the right of entry is similar to other rights of entry that we have established similarly in commercial leases but it will be basically a right to enter and to develop lot 52-19-1 I'm sorry 5219-1-11 in the Municipality of Barrigada as indicated on survey map FYN121FY2018 under the number 919572 so the exact language will be developed by the agency and the authorization to occupy and develop temporarily until such time a lease is issued by the Commission.

**Chairman J. Reyes, Jr.:** Okay and its date for its legal purposes or binding purpose; when will it be dated today?

**Administrative Director J. Hattig, III:** When the... we can get to it right away, it should be dated today, we can certainly do that.

**Chairman J. Reyes, Jr.:** Okay I need to clarify just to make sure that \*inaudible\* documentation purposes. Okay, that's all I had. That's the only question I had, any other questions from our Commissioners? Nope? Okay, so may I get a motion for the right of entry please?

**Commissioner A. Santos:** I make a motion to grant Ms. Hodges a right of entry to the property. Is that correct?

**Chairman J. Reyes, Jr.:** Yes, and Director Hattig, the right of entry is for 5219-1-11?

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

**Chairman J. Reyes, Jr.:** Okay thank you. May I get a second for that motion?

**Commissioner A. Bordallo:** Second from me. \*Inaudible\*.



**Chairman J. Reyes, Jr.:** Okay thank you, Commissioner Bordallo and Commissioner Santos. Motion passes and then lastly, we're going to need a motion to change the lease from residential to agricultural.

**Administrative Director J. Hattig, III:** It's the application, I'm sorry Mr. Chairman it's a change of application.

**Chairman J. Reyes, Jr.:** Right, \*inaudible\* it's the lease application from residential to agriculture.

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

**Chairman J. Reyes, Jr.:** Alright may I get a motion on that please?

**Commissioner A. Santos:** \*Inaudible\* is just to change the application from residential to agricultural?

**Chairman J. Reyes, Jr.:** Correct and then the lease will be issued upon per time.

**Commissioner A. Santos:** Okay because she's getting transferred to a two instead of one priority, correct?

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

**Commissioner A. Santos:** Okay great. I'll make that motion to grant the application or the change from residential to agricultural pending her granted her application rights.

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

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

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

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Thank you no objections. Motion passes.

**Administrative Director J. Hattig, III:** Thank you very much Ms. Hodges for being present today and we will be working with Land Agent Taleu and yourself to get the appropriate documentation developed and then you will be contacted and once we do that so that we can give that to you.

**Commissioner A. Santos:** Thank you, Ms. Hodges.

**Ms. K. Hodges:** Thank you so much everyone. Thank you.

**Commissioner A. Santos:** I look forward to seeing your plans.

**Ms. K. Hodges:** Yes, I will submit it.

**Chairman J. Reyes, Jr.:** Okay, Director Hattig, next item.

#### **Rudy Manibusan Matanane**

**Administrative Director J. Hattig, III:** Thank you, Mr. Chair and moving onto the next item on the list is we have the report for Rudy Manibusan Matanane. Our request here Mr. Chairman is to remove Mr. Matanane from the Switch and Transfer Lease List. There is no indication that a switch and transfer had every occurred between the original applicant who is his father and he and so since his father is deceased, we would like for this to be removed. All the other facts and information can be handled at a different time. We are still putting together an updated staff report. This is just a snapshot of the staff report but in looking diligently into the switch and transfer list we realize that this really does not belong on the switch and transfer list again we did not find to my knowledge any evidence that there was any switch and transfer that occurred here. Although, Mr. Matanane did receive a lease after the original applicant had passed away, we are still researching the information to provide a better picture for the Commission at this time.

**Chairman J. Reyes, Jr.:** Okay. So just to confirm with our Land Agent, Ms. Taleu and the recommendation that we need action on is to remove from the switch and transfer list aside from the \*inaudible\* the items listed to submit to Commission for consideration?

**Land Agent I L. Taleu:** I'm sorry I didn't catch that.

**Chairman J. Reyes, Jr.:** Okay so in the documentation that was provided there are six items here to be considered by the Commission but according to Mr. Hattig we need to \*inaudible\* be removed from the switch and transfer?

**Land Agent I L. Taleu:** Correct.

**Chairman J. Reyes, Jr.:** Okay and then of course all the other items will subsequently come into play as more information is documented and provided? Is that my understanding? Okay. Just going through it in regards to removing it from switch and transfer I don't have any other questions here. I'll yield time to our Commissioners.

**Commissioner A. Bordallo:** Can we table this for the rest of the report comes from Director Hattig.

**Administrative Director J. Hattig, III:** I'm sorry I just have a question more of a comment to Commissioner Bordallo but the removal of this from the switch and transfer lease list is not going to affect anything that is going to be provided in the report. We would just like to have a better understanding of what belongs on the switch and transfer lease list so we're submitting to you and the land agent has submitted to you and I have submitted to you that the issues that you \*inaudible\* review on this do not have any direct connection between being on the switch and transfer lease list. We have to adjudicate this particular case based on all the facts and we don't have all the facts right now and to provide for that kind of action but if it's the Commission's wish to table it then that's something that we can definitely do and keep it on the switch and transfer lease list for now.

**Chairman J. Reyes, Jr.:** One thing that I maybe want to provide some clarity for Commissioner Santos as well as me is the switch and transfer list. Could you give us just an inside to that that maybe that would assist us in making a decision on whether or not to take it off.

**Administrative Director J. Hattig, III:** So, like I said when I explained a little bit earlier this is the list of null and void basically. All of the leases that were on this list were declared null and void by the Attorney General in 2018 so we have been trying to adjudicate in each case since the Legislature did not provide for any kind of resolution other than what comes from the Commission so that's the purpose of the switch and transfer list really. We have identified each of the 102s I believe that there are 82 left to adjudicate and so this is one of the ones that we found that really doesn't have anything to do with switching and transfer of date and time. The original applicant passed away and then his son who was more than likely his beneficiary received a lease however we have to go back and we have to understand the circumstances of the lease issuance itself in order to resolve it. So, one is not directly connected to the other one. So, we believe that removing it from the list would give us an opportunity to resolve this particular case but if it remains on the switch and transfer list then it's going to be null and void lease eventually. So, we want to provide... if that's the case we want to provide the Commission with the proper information and really visit the snapshot, the staff report is just a snapshot in time of the information. We still have interviews to conduct, we still have other documents to review through so I think that's the reason why but in the interest of transparency we put together the staff report to make sure that the Commissioners understand the fact as they were developed at this particular time.

**Chairman J. Reyes, Jr.:** Okay. Thanks for that additional clarity. Commissioner Bordallo, do you still want to table this?

**Commissioner A. Bordallo:** Okay, \*inaudible\* I would make a motion to remove Rudy Manibusan Matanane from the null and void list.

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

**Chairman J. Reyes, Jr.:** Alright, we got a second from Commissioner Santos, thank you very much. Any objections?

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Alright thank you no objections, the motion passes. The motion is the removal from the switch and transfer for the null and void list.

**Dan August Quichocho**

**Administrative Director J. Hattig, III:** Now we move on to the fifth and final switch and transfer lease list. We have a staff report that was prepared by Land Agent II Jhoana Casem and this is for the original applicant is Carolyn Julie Quichocho Williams and the current applicant is Dan August Quichocho.

**Land Agent II J. Casem:** Okay. I believe Mr. Dan is on so if there's any questions, he should be able to answer. So here we have two requests which is one, to revert each of the applicants back to their original time and date and two, is the issuance of a residential lease to Ms. Carolyn Julie Quichocho Williams and the 3<sup>rd</sup> will be to remove Mr. Dan August Quichocho from the null and void listing. So, with our two constituents they did a switch of time and date 5.8 the switch of date and time is not applicable therefore each applicant should be returned back to their original date and time and because Mr. Quichocho had already surveyed the property in Agat we are requesting for the residential lease for Ms. Carolyn Julie Quichocho Williams for lot 480-4 in Agat based on the completion of their survey under 255FY2019.

**Chairman J. Reyes, Jr.:** Ms. Casem, just a quick question and just looking at the lot description, the lot description is 7151-48 Yigo?

**Land Agent II J. Casem:** There was an issuance originally for this 7151-48 Yigo however there was a wrong lot showing at that time so what had happened is you know we did a switch for the lot to the 480-4 so although there was a survey authorization that was issued originally under that because of the error that was done we did a reversion to the Agat lot.

**Chairman J. Reyes, Jr.:** Okay got it. I needed to connect those dots thank you. I don't have any additional questions but I yield some time to the Commissioner Bordallo or Commissioner Santos at this time.

**Commissioner A. Bordallo:** I need a better understanding on this case. So, Carolyn Williams needs switch?

**Land Agent II J. Casem:** Mr. Quichocho and Ms. Williams are siblings so they did a switch of date and time; meaning Mr. Dan took the date of Ms. Carolyn and Ms. Carolyn took the date of Mr. Dan. So, they just did a switch of time so for us to revert them back to their original places the request is to put them back in their places so the issuance of the lease would for Ms. Carolyn instead of Mr. Dan.

**Administrative Director J. Hattig, III:** I just want to make everything clear that there was no... was there a lease issued Jhoana to Dan? As a result of the... because in the back it says that lease was part of pre-moratorium.

**Land Agent II J. Casem:** Oh yes because of the error originally that was done. Issuance of the lease originally was for that Yigo property but it wasn't completed it was \*inaudible\* pre-moratorium so there is no lease that was issued to any party.

**Administrative Director J. Hattig, III:** Right. So just to give the Commissioners and update, the pre-moratorium was leases that were never consummated either they were never signed by either party or they were not ratified by the Commission itself. So, we have a list of leases that for some reason or another either party didn't sign it so that means it's not consummated or we cannot find it as part of the ratified lease list that the Commission had approved. So, there is no lease legally and the Legal Counsel is also here if you want to hear an opinion but there is no lease legally so we're switching the dates and times of these two individuals back to their original places and we're issuing a lease to the person who was first in line.

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

**Commissioner A. Bordallo:** Which is Ms. Williams?

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

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

**Administrative Director J. Hattig, III:** And then with the situation with the properties when Mr. Dan August was in the process of trying to get a lease he surveyed a property that was incorrectly shown to him so we took responsibility for the error and we went ahead and surveyed the relocated property which is in Agat so the original property which is not available and an error was 7151-48 in Yigo and then the relocated property which CLTC took care of because Mr. Dan had already surveyed the other property is lot 480-4 in Agat.

**Chairman J. Reyes, Jr.:** Any further questions Commissioner Bordallo?

**Commissioner A. Bordallo:** What property would Ms. William's get then?

**Land Agent II J. Casem:** Ms. William's would get the 480-4 Agat which has already been surveyed.

**Commissioner A. Bordallo:** And what about Mr. Dan?

**Land Agent II J. Casem:** Mr. Dan would wait for his date and time.

**Commissioner A. Bordallo:** Oh, so it's not available to him right now?

**Land Agent II J. Casem:** No ma'am because it's a switch of date, they did a switch of date and time.

**Commissioner A. Bordallo:** Okay.

**Land Agent II J. Casem:** But Mr. Dan is aware of the recommendation from our office and if you do have any questions, Mr. Dan is online to answer any of those.

**Dan August Quichocho:** Are you able to hear me?

**Multiple response:** Yes.

**Mr. D. Quichocho:** First Merry Christmas to all of you guys. So, you know, I accept everything that's going on and I understand we have to follow the rules and the rules are the rules but you know just because my sister is off-island at the moment and I know we're switching back; is it possible to... you know she did sign a power-of-attorney if she needed for the land to be released, is that also acceptable?

**Land Agent II J. Casem:** Yes, if you have the power-of-attorney, you're able to sign for your sister and then if anything is needed for the property, you are her POA so you're able to request for anything from our office given that \*inaudible\* you don't have a copy of it in file.

**Mr. D. Quichocho:** Okay, so from here on out since it's going back to her would you still be emailing me about updates on the land or \*inaudible\*?

**Land Agent II J. Casem:** Yes, sir. So, I would contact you once everything has been approved and for processing of the issuance of the lease and then we will do all the \*inaudible\* authorizations as well and if you don't have a copy of the map, I will provide that map for you.

**Mr. D. Quichocho:** Yeah, maybe we can arrange right, date and time?

**Land Agent II J. Casem:** Yes, we can meet for a meeting or we can just do a virtual meet and then we can discuss everything that you'd like to discuss.

**Mr. D. Quichocho:** Okay that's fine. \*Inaudible\* pretty much you guys narrowed everything \*inaudible\* so now that we understand what's going on, we can move forward. Thank you.

**Administrative Director J. Hattig, III:** Thank you, Mr. Quichocho and just make sure you submit that power-of-attorney if you haven't already and we are open by appointment only so keep in contact with Ms. Casem and we'll make sure we can get it done.

**Mr. D. Quichocho:** Yes. Thank you. Si Yu'us Ma'ase'.

**Chairman J. Reyes, Jr.:** Si Yu'us Ma'ase' Mr. Quichocho. Any other questions from our Commissioners?

**Commissioner A. Bordallo:** No.

**Commissioner A. Santos:** I was just wanting to know...

**Chairman J. Reyes, Jr.:** So, there's two things, Ms. Casem that we need to get done here just to clarify.

**Land Agent II J. Casem:** There's three.

**Chairman J. Reyes, Jr.:** Three? The first one? Sorry, there's a little delay here. Ms. Casem, can you go ahead and list those for us please just so we can note it correctly?

**Land Agent II J. Casem:** Okay so the first one is to remove from the null and void lease listing. Second is to revert each applicant back to their original date and time and the third is the issuance of a residential lease to Ms. Carolyn Julie Quichocho Williams under Lot 480-4, Agat.

**Chairman J. Reyes, Jr.:** Thank you and then it's removing from the switch and transfer both applicants, both of them?

**Land Agent II J. Casem:** Removal of Dan Quichocho.

**Chairman J. Reyes, Jr.:** Just Dan Quichocho?

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

**Chairman J. Reyes, Jr.:** Alright so \*inaudible\* state that just so we're clear and then I'll leave it up to our commissioners to make the motion. So, the first one would be to remove Mr. Dan Quichocho from the switch and transfer lease listing the second one is to revert each applicant, Carolyn Julie Quichocho Williams and it was Dan August Quichocho back to the original date and time and then the third one is to issue a residential lease to Ms. Carolyn Julie Quichocho, is that correct?

**Commissioner A. Bordallo:** Chairman Reyes, \*inaudible\* take them out of the null and void listing and then the second is to revert for the switch and time date and then the third is to give a residential lease to Carolyn Williams on Lot 480-4, Agat?

**Chairman J. Reyes, Jr.:** Yes. Correct. Let's run through this, commissioners for the motions and the votes please.

**Commissioner A. Bordallo:** Yes. Okay. I make a motion to remove Dan August Quichocho from the Null and Void listing.

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

**Commissioner A. Santos:** I'll second that.

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

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Alright, I hear no objections, the motion passes. Okay next motion please.

**Commissioner A. Bordallo:** Okay based on the Public Law 23-38 Section 5.8, the switch and time date we would we recommend to have the original time and date for Carolyn Julie Quichocho Williams and for Dan August Quichocho.

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

**Commissioner A. Santos:** Just so we're cool we're just reinstating their original time and date, correct?

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

**Commissioner A. Santos:** Okay, I'll second that motion.

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

**All Commissioners:** None.

**Chairman J. Reyes, Jr.:** Alright, no objections the motion passes and the third motion please?

**Commissioner A. Bordallo:** The third motion is to issue a residential lease to Carolyn Julia Quichocho Williams on Lot 480-4, Agat based on the completion of a survey.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Mr. Hattig, do you have a...

**Commented [TJ1]:** PL written on staff report pertains to drug treatment and enforcement fund.  
PL cited by **Commissioner Bordallo** read as indicated on staff report  
Need to bring back to Commission for correction on motion

**Administrative Director J. Hattig, III:** Yes Mr. Chairman I'm sorry I just want to make sure that it's for a half acre, right? Just to make sure that we're issuing the lease for a half-acre.

**Commissioner A. Bordallo:** A half-acre?

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

**Commissioner A. Bordallo:** Yeah, which is about 2000 square meters.

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

**Commissioner A. Santos:** Was that an issue before with not knowing what size?

**Administrative Director J. Hattig, III:** We just wanted to clarify on the record to make sure because some of our lot sizes are a quarter acre and some of them are a half-acre so we always identify the lot acreage just so that we have it as part of the record.

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

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

**Commissioner A. Bordallo:** No.

**Chairman J. Reyes, Jr.:** Alright thank you. No objections, motion passes. Just to be clear it's the issuance of the residential lease to Carolyn Julie Quichocho Williams Lot 480-4 in Agat at a half-acre. Thank you. Okay, we are done with the first set of Constituent Matters from the Switch and Transfer. We have five more which would be Agriculture and Residential. What we're going to do right now is take a quick break so that we can address Commissioner Santos' audio and visual issues that we are experiencing. How long do we need for that?

**Administrative Director J. Hattig, III:** I suggest a 20-minute break Mr. Chairman if that'll be okay.

**Chairman J. Reyes, Jr.:** 20 minutes? For the interest of time let's make it 15.

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

**Chairman J. Reyes, Jr.:** Okay so we're going to do a quick 15-minute break. Legal Counsel really quick, do we need a...or do we just do a quick break.

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

**Chairman J. Reyes, Jr.:** Okay so that's a quick break 15 minutes the time is 2:20 p.m. please return back by 2:35 p.m.

**BREAK 2:20pm to 2:35pm**

**Chairman J. Reyes, Jr.:** Okay it is 2:35 p.m. I just want to check. Okay thank you Commissioner Bordallo I see you. Commissioner Santos are you there. Okay so the feedback we've rectified that issue. Thank you very much. Director Hattig I think we should begin.

**Joseph Aflague Cruz**

**Administrative Director J. Hattig:** Thank you very much Mr. Chairman. We're going to go ahead and begin with agricultural leases, Lease Constituent next, Joseph Aflague Cruz. This report was developed by Ms. Jessica Dayday but I think we're going to forgo this we were not able to get the confirmation of the constituent he really wanted to appear in person but he's unable to so with the Commission's permission I'd like to go ahead and we'll skip over that one.

**Commissioner A. Bordallo:** That's fine.

**Chairman J. Reyes, Jr.:** That's fine no problem Jack.

**Jose Pangelinan Santos**

**Administrative Director J. Hattig, III:** Okay thank you so moving on to Mr. Jose Pangelinan Santos this was developed by Ms. Jhoana Casem.

**Land Agent II J. Casem:** I believe Ms. Barbara Blas who is the POA to Mr. Santos who is Mr. Santos' daughter. Okay so back in January of 2020 at the board meeting there was a motion that was made however we are requesting to amend that motion that was done which was an issuance for a conditional agricultural lease for one acre upon completion of survey. However, Ms. Blas did come to our office requesting that we change his application type from agricultural to residential which brings him down to a half-acre so we are recommending an issuance of a conditional lease under a residential for a portion of lot 10171-63 upon completion of survey so is a recommend to rescind the January 16<sup>th</sup> 2020 Board decision made under Jose Pangelinan Santos and then application type from agriculture to residential and then a conditional lease \*inaudible\* for half acre \*inaudible\* a portion of lot 10171-63.

**Chairman J. Reyes, Jr.:** And then Ms. Casem just to confirm that portion is from one acre to half-acre, correct?

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

**Chairman J. Reyes, Jr.:** Okay. Commissioners any questions or comments for this one?

**Commissioner A. Bordallo:** On Jose Pangelinan Santos?

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

**Commissioner A. Bordallo:** I have no comments.

**Chairman J. Reyes, Jr.:** Commissioner Santos any questions?

**Commissioner A. Santos:** So, what we're doing is just we are... basically wanting to transfer it from an agricultural to a residential?

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

**Commissioner A. Santos:** And then provide him a lease \*inaudible\* providing him a lease right now, correct?

**Land Agent II J. Casem:** Well in January 2020 upon that Board meeting there was a motion made for a lease issuance for an acre heard for Mr. Santos however, presently today, we're rescinding that motion so that we can go ahead and do an issuance of a half-acre instead.

**Administrative Director J. Hattig, III:** Commissioners if I may, one of the reasons why we're trying to get this is because is a lease hasn't been consummated, we haven't developed any paperwork for it so ironically the approval of the Board minutes at the beginning of the meeting included the January meeting that this decision had been made by the Board. They were asking the Board to rescind the previous Board's decision in January of issuing him a one-acre agricultural lease to instead to issuing him a half-acre residential lease on property that's been... on a portion of 10171-63 not to exceed a half-acre.

**Chairman J. Reyes, Jr.:** Ms. Casem, just a quick question. What was the decision or what was behind the moving from ag to residential?

**Land Agent II J. Casem:** Because Mr. Santos is already, I believe he's over 90 and he has no intention to farm which of course with an agricultural lease it made the main intention is to farm two thirds of the property. So, it was definitely brought up to us that they rather move forward with residential so that they can build a house so that's why I recommended that because of that situation let's go ahead and move forward on a residential on a half-acre.

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

**Commissioner A. Santos:** \*Inaudible\* excuse me, does he have a power-of-attorney on or in this meeting?

**Land Agent II J. Casem:** Ms. Barbara, yes, she does have a power-of-attorney. Ms. Barbara is online so if she wants to chime in you can go ahead but yeah, she does have a power of attorney for her father.

**Commissioner A. Santos:** I have no comments or questions.

**Chairman J. Reyes, Jr.:** Alright so is there any other discussions on this?

**Commissioner A. Bordallo:** Yeah, can I make a comment?

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

**Commissioner A. Bordallo:** For Mr. Santos' age we should include the daughter being...because eventually it would be probably the person to take over her father's \*inaudible\*.

**Land Agent II J. Casem:** I believe Mr. Santos did put \*inaudible\* the benefactor to the property just in the event in case something \*inaudible\* happens to him we do have the constituents put down the beneficiary so there is a beneficiary in file.

**Commissioner A. Bordallo:** Okay. I just want to make sure.

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

**Commissioner A. Bordallo:** So, I would like to make a motion to rescind the decision made by the Board on January 16<sup>th</sup> 2020 made under Jose Pangelinan Santos. We would like to rescind that decision.

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

**Commissioner A. Santos:** I want to ask, since we already tabled the minutes on that will this decision be binding or will it.... Everything I guess is for Mr. Attorney Toft.

**Legal Counsel N. Toft:** I mean if it's playing catch up about two years back now so you know all the decisions still have weight in all that it's just a matter if it's officially recorded. So as long as we handle everything in order, I don't think that there should be any sort of issue.

**Chairman J. Reyes, Jr.:** Okay. Thank you, Attorney Toft.

**Commissioner A. Santos:** Cool. Saina Bordallo, I'm good with all the information \*inaudible\* any questions.

**Chairman J. Reyes, Jr.:** Okay, so can I get a second?

**Commissioner A. Santos:** Oh, I'm sorry. Saina Bordallo did you already make the motion?

**Commissioner A. Bordallo:** Yes, I did.

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

**Chairman J. Reyes, Jr.:** Alright. Thank you. Commissioners just for clarity the motion has passed and for clarity the motion was to rescind the January 16<sup>th</sup> 2020 the Board decision made under Jose Pangelinan Santos. Okay. Thank you. Onto the second motion please.

**Commissioner A. Bordallo:** Yes, Director Santos you were going to make a motion?

**Commissioner A. Santos:** Okay and this is going to be changing the type of lease, correct?

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

**Commissioner A. Santos:** I would like to make a motion to change the application type from agricultural to residential for the lease of Jose Pangelinan Santos.

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

**Chairman J. Reyes, Jr.:** Thank you. Alright any objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Alright motion passes. And the third motion please?

**Commissioner A. Bordallo:** The third motion is that we do an issuance on the lease under residential lease for a half acre on portion of Lot 10171-63, Dededo upon completion of a survey to Jose Pangelinan Santos.

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

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

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

**Land Agent I T. Tainatongo:** What's the lot number?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** No objections, the motion passes.

**Land Agent I T. Tainatongo:** I'm sorry, can I just get the lot description. 101...

**Commissioner A. Bordallo:** Lot 10171-63, Dededo a portion of that.

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



**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Anything else Tina on that?

**Land Agent I T. Tainatongo:** No, we're good, thank you.

**Commissioner A. Bordallo:** Chairman Reyes and Director Santos, I would like to \*inaudible\*.

**Chairman J. Reyes, Jr.:** Okay anything else on that? We're good? Okay, Director Hattig \*inaudible\*.

#### **Shawn Joseph Nelson**

**Administrative Director J. Hattig, III:** Mr. Chairman we're moving forward now with Mr. Shawn Joseph Nelson and the staff report was prepared by Land Agent Tina Tainatongo.

**Land Agent I. T. Tainatongo:** Yeah, my first one. Thank you. Mr. Nelson are you here?

**Administrative Director J. Hattig, III:** Mr. Nelson you can go ahead and unmute and let us know if you're here I know we can see you on the Google meet. You can go ahead and proceed Ms. Tina.

**Land Agent I T. Tainatongo:** So, the situation is...

**Chairman J. Reyes, Jr.:** One second, Tina. Director Hattig and Commissioner Santos probably because you guys are all in the office, could you mute your - we're still hearing some background, thank you. Go ahead Ms. Tina, thank you.

**Land Agent I T. Tainatongo:** Oh, he left the meeting. Anyway, the situation with Mr. Nelson is was issued a lease for a lot that was issued already previously to somebody else under an LUP and so what we'd like to do now is terminate his lease that he was issued a lot for that somebody else has and reissue a new lease for a new lot, a new piece of property down in Talofoto. I guess back then when he was issued the first lot it was unknown that it was previously issued to somebody else, we discovered that in one of our CHamoru Land Trust meetings and so now we want to correct and reissue him a different piece property which he was shown and he has accepted. My request is to terminate his first lease for Lot 6-8, block 13, Tract 2831 in Talofoto and that's containing an area 2,024+/- square meters and it's recorded under instrument no. 920132 and request to a new lease for Lot 2, Block 18, Tract 2831 in Talofoto with an acreage reduction of 929+/- square meters.

**Chairman J. Reyes, Jr.:** Okay, thank you if I can have \*inaudible\*.

**Administrative Director J. Hattig, III:** The reason for the acreage reduction I believe is because the property that we're attempting to issue to Mr. Nelson is part of the Talofoto Land for the Landless list that was recently transferred to the CLTC from the Department of Land Management so these lots were already surveyed and they were part of a subdivision under the Land for the Landless program that's the reason why for the acreage reduction from the original issuance and also because these properties on the Land for the Landless areas especially in Talofoto has already been surveyed all we need is a retracement and these also have an access to it and to some extent infrastructure.

**Chairman J. Reyes, III:** Okay. Thank you, Director Hattig. I have a couple of questions if I may begin. My first question is how is this discovered that we issued a lease and then it had actually already been leased out or \*inaudible\*?

**Land Agent I T. Tainatongo:** I'm not quite sure how it's been discovered but there was a lady Rita Santos who came in in one of our CHamoru Land Trust meetings and Mr. Shawn Nelson had already surveyed that piece of property and started clear so Ms. Rita Santos came into our CHamoru Land Trust meeting and was asking how is it that somebody clearing that she had an LUP on. I believe it was in 2018 I'm sorry 2019 in one of our CHamoru Land Trust meetings, the Land Admin at the time had done their research and discovered that there was that one piece of property that was issued to two people. We spoke with Mr. Nelson and he has agreed to take a different lot, to look for a different lot and let Ms. Rita

Santos go ahead and have that piece of property and he had paid for survey already. Also, in addition to the request, we wanted to, should the Commission grant this lease termination and a new lease issuance for the new lot he, wanted to request also for a UT authorization, survey retracement and clearing and grading permits just to prevent Mr. Nelson from coming back and forth.

**Chairman J. Reyes, Jr.:** Okay, this question is to Director Hattig. What are our controls in place to avoid these types of issues going forward?

**Administrative Director J. Hattig, III:** One thing that we're trying to do is we're trying to update the land inventory, the database. There were several instances where the land inventory together with the CLTC database were not merged. They were not updated at the same time so we've assigned specific roles and specific responsibilities to individual employees to make sure that this \*inaudible\* doesn't happen again and I believe just a series of checks and check and recheck to make sure the property is cleared ultimately by the supervisory land agent or the lead land agent but we centralized the lot intake the \*inaudible\* we centralized it with somebody verses before there were no \*inaudible\* at all \*inaudible\* we also have our Administrative Services Division which is also acting as a \*inaudible\* before it gets to me. We have two divisions we're looking at \*inaudible\* make sure we don't overlap anymore. These are properties that the Trust has experienced prior to our administration and certainly to you guys who are new on board but we are committed and we are ready \*inaudible\*.

**Chairman J. Reyes, Jr.:** Okay. These are the things that as we continue and move forward issuing \*inaudible\* that we want to have these checks and balances so that we don't have \*inaudible\* and secondly are thorough checks done primarily through what medium or what I guess is it through Land Management or is it through our own CLTC records how are we even doing those cross checks between the different \*inaudible\*.

**Administrative Director J. Hattig, III:** It's by the direction of the Director myself sir. I issued these directives to the employees in a way that uses my organizational authority with the employees to manage how exactly the process is going to be done and it does align nothing that we do is misaligned with either of the statute or the regulations and I also report back to the Commission on the actions that are taken and so those are the control measures and the land \*inaudible\* that we have in place.

**Chairman J. Reyes, Jr.:** Okay thank you leaving it at that \*inaudible\* I yield to our commissioners please.

**Commissioner A. Bordallo:** I would like to make a comment. You know before you buy land you have preliminary title report done that will give you a listing of what taxes is outstanding what leases are pending or on the title report so I just recommend that CHamoru Land Trust do some type of PTR on these properties before they lease it out to our people, that's all.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner.

**Commissioner A. Bordallo:** That would avoid a lot this \*inaudible\*.

**Chairman J. Reyes, Jr.:** Yeah, and it extends a period of time of having to \*inaudible\* the oversight so I appreciate that. Commissioner Santos any additional comments or feedback?

**Commissioner A. Santos:** \*Inaudible\*.

**Chairman J. Reyes, Jr.:** Okay so without any further discussion from anybody with the Commissioners or the agency. Thank you, Tina.

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

**Chairman J. Reyes, Jr.:** Let's move into rectifying this issue and \*inaudible\* with the motion. I yield to our commissioners. Thank you.

**Commissioner A. Bordallo:** I would like to make a motion to terminate the lease issued to Shawn Joseph Nelson on Lot no. 6-8, Block 13, Tract 2831, Talofoto containing 2,024 square meters under Land Management Instrument No. 920132.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. May I get a second please?  
**Commissioner A. Santos:** I second the motion.  
**Chairman J. Reyes, Jr.:** Thank you Commissioner Santos. Any objections?  
**Commissioner A. Bordallo:** None.  
**Chairman J. Reyes, Jr.:** No objections the motion passes. May I get the second motion to grant a lease?  
**Commissioner A. Santos:** New location for the lease, that new lot, right?  
**Commissioner A. Bordallo:** Yes.  
**Chairman J. Reyes, Jr.:** Yes.  
**Commissioner A. Santos:** And that's the new lot, Tract 2831, is that correct?  
**Chairman J. Reyes, Jr.:** Lot 2 Block 18.  
**Commissioner A. Santos:** Okay. I would like to make a motion to grant a lease for Mr. Shawn Joseph Nelson with \*inaudible\* Lot 2, Block 18, Tract 2831 in Talofoto.  
**Administrative Director J. Hattig, III:** If I could, Commissioner Santos if we could add the words residential lease.  
**Commissioner A. Santos:** Alright. A residential lease for Lot2, Block 18, Tract 2831 \*inaudible\*.  
**Chairman J. Reyes, Jr.:** Thank you Commissioner Santos. May I get a second please?  
**Commissioner A. Bordallo:** I second.  
**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Any objections?  
**Commissioner A. Bordallo:** No objections.  
**Chairman J. Reyes, Jr.:** No objections. Thank you. Motion passes and just to reiterate and be clear it's the residential lease to be issued for Shawn Joseph Nelson the lot description lot 2, Block 18, Tract 2831, Talofoto with an acreage reduction of 929 square meters.  
**Land Agent I T. Tainatongo:** If I may, can we the request for the UT authorizations, survey retracements and clearing and grading as well just to prevent him from coming back and forth?  
**Commissioner A. Santos:** Would that be all in one motion?  
**Chairman J. Reyes, Jr.:** Would that be all in one motion? Yes, that would suffice, correct.  
**Commissioner A. Santos:** Chairman Bordallo would you like to make that motion?  
**Commissioner A. Bordallo:** Go ahead.  
**Commissioner A. Santos:** Okay. I would like to make a motion to provide or the lease for the new lot, correct?  
**Administrative Director J. Hattig, III:** Oh, that's already been done. Actually, it's just to grant a survey authorization for retracement \*inaudible\* utility authorization and clearing and grading.  
**Commissioner A. Santos:** I would like to make a motion to grant the request for a survey retracement, clearing and grading, power and \*inaudible\* for residential lot 2, block 18, tract 2831 in Talofoto.  
**Chairman J. Reyes, Jr.:** Thank you, Commissioner Santos. May I get a second?  
**Commissioner A. Bordallo:** I second that.  
**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Any objections?  
**Commissioner A. Bordallo:** No.  
**Chairman J. Reyes, Jr.:** No objections. Motion passes.  
**Land Agent I T. Tainatongo:** Thank you. Congratulations Shawn.  
**Chairman J. Reyes, Jr.:** Yes, thank you Mr. Nelson for your patience on this and congratulations. Thanks, Tina.  
**Land Agent I T. Tainatongo:** Thank you.  
**Chairman J. Reyes, Jr.:** Okay Director Hattig.

**Isabel T. Sahagon**

**Administrative Director J. Hattig, III:** Okay the next one is Ms. Isabel Sahagon and we have Ms. Lydia Taleu who was briefed by Ms. Eileen Chargualaf who originally \*inaudible\* the report and I believe we did have Ms. Victoria Camacho here earlier she is the granddaughter I believe of Ms. Sahagon \*inaudible\* oh, there she is. \*inaudible\*.

**Chairman J. Reyes, Jr.:** Okay, Ms. Taleu the floor is yours.

**Land Agent I L. Taleu:** Isabel Sahagon is a '95 applicant. She is now deceased and when she was alive, she designated her granddaughter Victoria to be her beneficiary. Unfortunately, public law does not allow for grand children to be designated as the beneficiary of the app when it's at the application stage. We're requesting that the Board approve Ms. Camacho as the beneficiary for Ms. Sahagon's application rights.

**Chairman J. Reyes, Jr.:** Okay. I'm going to yield over to our commissioners if there's any questions and then just to clarify Ms. Taleu it's the only motion that – or that's the only motion and recommendation for consideration?

**Land Agent I Lydia Taleu:** Right because at one point \*inaudible\* in but unfortunately a lease was never provided for it. It's still at the application stage and the lot that was originally going to her ended going to somebody else. So, once she's approved as the beneficiary, we can move forward in a lot for her for her to get a lease on.

**Chairman J. Reyes, Jr.:** Okay so the recommendation is just to approve Ms. Camacho as the beneficiary, correct?

**Land Agent I Lydia Taleu:** Yes.

**Chairman J. Reyes, Jr.:** Okay I reviewed the findings and everything from the chronology and etc.... I don't have any issues from my perspective but I yield to our commissioners and sorry I keep doing this again, so turning to our Legal Counsel, have you had a chance to review this?

**Legal Counsel N. Toft:** Yes, I have.

**Chairman J. Reyes, Jr.:** Any objections on your side?

**Legal Counsel N. Toft:** No.

**Chairman J. Reyes, Jr.:** Alright commissioners, I yield to you.

**Commissioner A. Santos:** \*Inaudible\* with the recent change, this just falls into line in place of it, correct?

**Administrative Director J. Hattig, III:** Currently right now there's no specific changes to specific relatives that she's naming as a beneficiary in the application stage. The law just changed the qualification process so if there is the movement or there is an introduction to amend the future the relatives the list of relatives that you're allowed choose between for the application stage then we'll be able to change it if there isn't any such change in the statute. Currently right now you are able to name in the lease, when you obtain a lease, you're able to name anybody that's qualified under the program to be your benefactor for the lease but in the application stage you only have a small amount of people that you can choose and unfortunately grandchildren are not on the list so that's why the Commission has to be the one approves it. I keep wanted to add Mr. Chairman if I could, in the report it indicates there and maybe Ms. Camacho can answer here, it indicates that Ms. Camacho is going to be the priority two if she is granted the application and the Board suggested that maybe at the time once she becomes the beneficiary there maybe she can request for an application type because she would be eligible for the program but she would not be able to receive a lease until all the priority ones have been established and fulfilled.

**Land Agent I L. Taleu:** Okay so what happened is when Camacho submitted her application for beneficiary takeover, she had indicated that she was a property owner but she submitted her letter a notarized letter requesting to be the designated beneficiary of her grandmother's

application right also noted that she is no longer a property owner. And I reviewed the tax records on the Department of Revenue and Taxation and I do not find her name listed there.

**Administrative Director J. Hattig, III:** Excellent that's a point that I just wanted to clarify and make sure that we knew before we granted her the application right.

**Land Agent I L. Taleu:** Right. So, she can continue on as a residential and she will remain- she will now be considered as priority one.

**Chairman J. Reyes, Jr.:** Okay. Thank you for that Ms. Taleu.

**Commissioner A. Santos:** So that doesn't change her type?

**Land Agent I L. Taleu:** No.

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

**Chairman J. Reyes, Jr.:** Commissioners I yield to you to continue for any other discussion or we can move in a motion. Okay.

**Commissioner A. Bordallo:** Yes, you go ahead a make the motion.

**Commissioner A. Santos:** Okay so it's just making her- it's giving the ability to become the beneficiary, correct?

**Land Agent I L. Taleu:** Right.

**Commissioner A. Santos:** The motion would just be stated as that. I make a motion to allow and...Victoria Camacho, am I correct? I'll make a motion to allow Victoria S. Camacho to become the beneficiary for her grandmother Isabel Sahagon in her application, to become the beneficiary for do I have to state the lot number.

**Land Agent I L. Taleu:** No there is no lease just the application.

**Commissioner A. Santos:** Okay just \*inaudible\* become the beneficiary okay understood.

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

**Chairman J. Reyes, Jr.:** Alright thank you so much Commissioners. Any objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** No objections, motion passes. Thank you. Alright moving right along.

#### **Jesse S. Tamayo**

**Administrative Director J. Hattig, III:** I believe we have the final staff report which was prepared by land agent Lorraine Nededog who is also logged into the meeting and this is for Jesse S. Tamayo. Go ahead Ms. Lorraine.

**Land Agent I Lorraine Nededog:** I'm representing Jesse S. Tamayo he's a deceased applicant and the wife is requesting to be the designated beneficiary of the husband's application rights. All we're trying to do here is request for her to take over the application rights of her deceased husband 5.8.

**Chairman J. Reyes, Jr.:** So just to \*inaudible\*.

**Administrative Director J. Hattig, III:** Mr. Chairman and members of the Commission just for your knowledge often times when deceased applicants fail to leave a beneficiary or make a beneficiary it falls to the Commission to do that so in the case of Mr. Tamayo his wife is making the request.

**Chairman J. Reyes, Jr.:** Okay so this is similar to the previous one that we just approved, correct?

**Administrative Director J. Hattig, III:** A little bit. This is one you are allowed to name your spouse in the application stage but Mr. Tamayo to my knowledge did not name anybody so when there's an \*inaudible\* of a beneficiary for an application then again it falls to the Commission to declare that designation.

**Chairman J. Reyes, Jr.:** Okay got it. Secondly for anything that's new coming in \*inaudible\* make sure that there's a beneficiary designation.

**Administrative Director J. Hattig, III:** I'm sorry I didn't hear the last part of the question Mr. Chairman.

**Chairman J. Reyes, Jr.:** For anything new coming in from the application standpoint do we have those checks in place to make sure that there's a beneficiary designation?

**Administrative Director J. Hattig, III:** Yes. It's my directive to the land agents and anyone processing but under the law they don't have to declare it right away. We try our best to work with our constituents we advise them that if they come in to make an application, they should already know who they would like to place as their benefactor but often times if the constituent does not want to name on at that time, we can't really force them to do so. I have encouraged all of our land agents and people processing that when they do submit their application to make sure that they submit a beneficiary or a benefactor's certification so that way if anything should happen God forbid, we have that \*inaudible\* already.

**Chairman J. Reyes, Jr.:** Understood. I just want to make sure that that's something that we put in our checklist list to manage process stamp. I understand that we can't force anyone but if it's something that we could \*inaudible\* okay thank you. I don't have any additional questions or comments so I'll yield to our commissioners.

**Commissioner A. Bordallo:** I have a comment, on the findings there's a note here towards the end of the sentence, pending application for Cheryl M.T. Tamayo to include parent's birth certificate or death certificate; was that turned in?

**Administrative Director J. Hattig, III:** Ms. Lorraine or Ms. Lydia?

**Chairman J. Reyes, Jr.:** Ms. Taleu you're on mute if you're speaking.

**Land Agent I L. Nededog:** Sorry I didn't know she shut it off.

**Land Agent I L. Taleu:** Okay what Lorraine was saying let me speak for her. She was waiting for the Board to approve Ms. Tamayo as the beneficiary before burdening her with having to provide the documents, the supporting documents needed.

**Administrative Director J. Hattig, III:** Well I have a question or comment about that but if the Board does make an action today and she submits her documents and then we find out that she is not in fact qualified or eligible then the Board would have approved with somebody that's not eligible so I agree with Commissioner Bordallo in this instance that we first need to make sure before we can declare her as the beneficiary because if we declare her as the beneficiary now and then she's ineligible we're going to be back at the same table maybe a month from now when she's probably going to find somebody who is eligible to take over the application and I understand that this is kind of a difficult situation because the initial applicant is deceased but we have to do a little bit more here in terms of making sure that the applicant or the potential designated beneficiary is eligible and we can certainly do that with the submission of those documents. So, I'm going to recommend to the land agents here that we go ahead and have her submit her documentation and then the Board can decide based on that eligibility.

**Chairman J. Reyes, Jr.:** Okay I have a question for our Legal Counsel. If we, obviously we need these certifications but will we be able to proceed with the verbiage of pending these certifications and eligibility just so that we don't have prolong it further in that sense.

**Legal Counsel N. Toft:** Yeah, we could if you want to make it pending.

**Chairman J. Reyes, Jr.:** Okay so just something for our Board members' discussion standpoint. We can \*inaudible\* do a motion to designate the beneficiary as Cheryl Tamayo with the verbiage of pending these certifications and qualifying eligibility, that's an option so that they can proceed with this and then if that is the case that they are eligible they don't have to come back to the table and they can continue to proceed with the land agent. Just something to think about and given that our legal counsel has Okayed that so just something for consideration. Commissioner Bordallo or Commissioner Santos, any additional

\*inaudible\* or clarification just something for you guys to think about. I yield to you guys for that motion otherwise we could table this for our next Commission meeting.

**Commissioner A. Santos:** So, this is going to be for his wife, correct? Cheryl T. Tamayo?

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

**Commissioner A. Santos:** What is the note stating about the pending application for Cheryl M. T. Tamayo to include parent's birth certificate? Okay.

**Chairman J. Reyes, Jr.:** Those are certifications for eligibility.

**Commissioner A. Santos:** Okay I don't have anything further to say. I'll wait for Saina Bordallo.

**Commissioner A. Bordallo:** I'd like to table this for the next meeting. This interview was done way back in 2009 by this time she should provide that information.

**Commissioner A. Santos:** Lydia would you like to say anything? We kind of sort of heard you.

**Land Agent I L. Taleu:** Oh no, it's Lorraine, she's handling this case.

**Commissioner A. Santos:** If you'd like to add anything, we'd like to hear it.

**Land Agent I. L. Nededog:** She actually has her birth certificate in file, it's her application and her parents that's in the file.

**Chairman J. Reyes, Jr.:** Okay so let's do this. I do agree. Let's get some additional clarity here so that we can move this along. We'll table it and then hopefully we have all the information to move it along in our next Board meeting. \*Inaudible\* then let's proceed in tabling it. Are we good with that?

**Commissioner A. Santos:** I would table it. If there's insufficient amount of information for us to make a decision I would table it. So, I would agree with Chairwoman Bordallo to table it.

**Chairman J. Reyes, Jr.:** Okay. Any other discussion points on this. Thank you very much we'll go ahead and move this pending any other additional information for the next Commission meeting. Director Hattig?

**Administrative Director J. Hattig, III:** Yes, sir. We're out of Constituent Matter so we're able to move into Old Business.

#### **Old Business**

##### **Pacific Human Resource Services**

**Administrative Director J. Hattig, III:** We are supposed to hear from an unsolicited proposal from a company called Pacific Human Resource Services but I'll defer to our Commercial Lease Manager and that's Mr. Joey Cruz, Program Coordinator Joey Cruz.

Joey Cruz are they committed to coming in for presenting?

**Program Coordinator III Joey Cruz:** No sir.

**Administrative Director J. Hattig, III:** Well that leaves us moving to the next item Mr. Chairman with your permission.

#### **Proposed Commercial Leasing SOP**

**Chairman J. Reyes, Jr.:** Yes, let's move to the next item. Thank you so much Joey for the Proposed leasing SOP.

**Administrative Director J. Hattig, III:** Go ahead Joey and give us the rundown of the \*inaudible\* proposed SOP.

**Program Coordinator III J. Cruz:** \*Inaudible\* is just a summarization of Public Law 33-95 by step of what needs to transpire in order to achieve a commercial license or a lease for any

perspective commercial licensee or \*inaudible\* we submitted for review if the commissioners have any request to add or change things, we would do so in compliance of the 33-95.

**Chairman J. Reyes, Jr.:** Okay thank you Joey. I do have one maybe a couple of questions \*inaudible\* in part two, section 2.1; Competitive Bids and Solicited Proposals, it references by way of memorandum may authorized the Guam Economic Development Authority (GEDA) or GEDA to commence the request of proposal the Request for Proposal (RFP) process. Now, is that a determination made by us by CHamoru Land Trust whether or not that it will \*inaudible\* with GEDA to manage the solicitation of proposals if we decide? And then we can decide to do it ourselves meaning the agency or the Commission? Could you clarify?

**Program Coordinator III J. Cruz:** If the agency gives GEDA the authority to for property manager property management services for specific lots then it will be GEDA to commence the RFP process although we can prepare the RFP process on our own which in turn would prevent \*inaudible\* CLTC anything extra other than what we pay for our day-to-day salaries and stuff like that.

**Chairman J. Reyes, Jr.:** Correct but I think that maybe there's something that needs to come before that or some additional language maybe in that respect maybe the...it does have the word may right to authorize GEDA however where do we also put in here that the CLTC can and will run the RFP processes \*inaudible\* proposals \*inaudible\* put clarity into the language there because it doesn't necessarily...it's more inferred versus directly in regards to the agency running their own solicitations, that was my one question there. I think that was the only thing that stood out for me so I yield over to our commissioner members, our Commission Board for any additional comment for GEDA.

**Commissioner A. Bordallo:** Well, I would ask Attorney Toft his input.

**Legal Counsel N. Toft:** I'm sorry with which section for GEDA \*inaudible\*.

**Administrative Director J. Hattig, III:** I think as a whole when you reviewed the proposal, what did you think about it?

**Legal Counsel N. Toft:** I mean I'm for it. Joey did consult me along the way and this has been part of a longer-term project so it's had some of my input along the way with it so yes, I'm in favor of the \*inaudible\*.

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

**Commissioner A. Bordallo:** I have a question for on any leases especially lease that is over five years it has to go through the Legislature.

**Administrative Director J. Hattig, III:** Nick, can we go ahead and get your opinion on that one as well?

**Legal Counsel N. Toft:** So, over the years we've dealt with that issue and there hasn't been a good amount of clarity on that issue we've been seeking to get legislation to move that forward. It could be a five-year cap it could be a twenty-one-year cap it's not entirely clear and one of the things that we tried to do in one of the more recent proposals was to potentially push for a twenty-year lease to just basically make it a test case. At this time, we're still kind of rolling as if the five-year cap is in place because we are hopeful that legislation will be introduced fairly soon to make that official and clearer.

**Administrative Director J. Hattig, III:** If I could add also Commissioner Bordallo that it is within 33-95 and certainly with any commercial lease has to go before the Legislature anyway so anything that we undertake that would be over five years we essentially have to submit a resolution to the Legislature and Legislature may act upon that so that's also something that was in place and continues to be in place and I think you'll see when we discuss in new business today how that process is going to happen so either way you look we're still going to have legislative approval because any commercial lease that we undertake for more than five years, we can't simply do that. We don't have the authority to do



that right now but I do concur with the Legal Counsel's statements that we are currently seeking legislation that would allow the CLTC, Commission itself to negotiate the terms of an exceptional lease for its highest and best use and I'll point to the recent introduction of Bill 425-35 that was not or currently is not being undertaken by the 35<sup>th</sup> Legislature that would essentially grant the Commission that authority without the competitive bidding process so we are at a crossroad where the Commission and propose something to the Legislature along that route or it can simply wait for the Legislature to create a standalone piece of legislation that would address the issue but we are experiencing difficulty with our commercial leases GEDA has testified previously that the Commercial Rules and Regulations somewhat prevent any kind of decent investment a long term investment in our commercial properties. We are hopeful that the negotiations will continue into the 36<sup>th</sup> Legislature and we can have some kind of resolution but the Chairman is aware and the Commission will be able to review an opportunity to declare any commercial any properties to be commercial via public hearing so you do have that internal mechanism that the Commission is able to take advantage of a...perhaps we can tackle that in the next meeting.

**Commissioner A. Bordallo:** So, you have one lease renewal that's coming up?

**Administrative Director J. Hattig, III:** Well, I think in the new business we're going to talk about specific piece a lease that is up for renewal that is up for an actual extension or another lease so that's kind of like our determination there.

**Chairman J. Reyes, Jr.:** Okay any other \*inaudible\*.

**Administrative Director J. Hattig, III:** The purpose of having these rules and regulations and really this SOP is because there is not a lot of clarity because of the statute so what we've done is we've taken the statute and we've broken it down so that the agency specifically and the Commission and see what the gaps are if there are any gaps and to propose \*inaudible\* so that this can be changed a little bit later on. So even if you approve this today we can go back and take a look at it subject to any changes in the statute but we wanted an exact how to for the agency to work with regard to soliciting or unsolicited proposal because we do have several leases that are not commercial in nature and again we have instances of a cultural lease for instance and we don't have any rules and regulations for a cultural lease or a none profit organization lease for instance so this kind of opens the door these proposed SOPs gives an opportunity to outline that so we can propose that in the bigger picture.

**Chairman J. Reyes, Jr.:** I agree. I'm all about \*inaudible\*. My whole thing though is that I don't \*inaudible\* to be managed by GEDA there's opportunities where it could be done just within the agency itself but that's my thoughts in that that's my only request is to just incorporated some of that verbiage or language so that it's not all. It appears that we're going to keep just punting to GEDA to manage anytime we get or we're working with these commercial leases \*inaudible\* that's just my thoughts there. What do you recommend on how we manage that, in some of the language, just to see if we can make some of those changes?

**Administrative Director J. Hattig, III:** I think you hit the nail on its head, Mr. Chairman by adding language specifically that the CHamoru Land Trust is empowered by the rules and regulations and by its own enabling legislation. We are empowered to do this ourselves as Administrative Director I submit to you that we do have the employees and the expertise to do this. We may need an additional bump and I think we will need an additional bump in administrative personnel to ensure that this happens. But for now, right now we do have the \*inaudible\* employees and their expertise to accomplish the task of putting together the RFPs.

**Chairman J. Reyes, Jr.:** Right, I think that's exactly where I'm going. I know that we have these...the authority to manage \*inaudible\* or for the Commission to mandate them however,

in the SOPs it doesn't appear that way. It appears that, we are punting it over to GEDA. So, there's a little bit of contradiction in my perspective but in the SOPs perspective and what's executable by law. So just something to consider.

**Administrative Director J. Hattig, III:** We'll make the changes. We'll make the necessary changes and resubmit.

**Commissioner A. Bordallo:** Well, I do have a question. By what authority does GEDA have on the land?

**Administrative Director J. Hattig, III:** The simple answer is, none that is given to them by the CLTC. None other than what is given to them by the CLTC.

**Commissioner A. Bordallo:** But their...you know, GEDA's mission or what is their job to do that? Is it by law that they're supposed to be the ones?

**Administrative Director J. Hattig, III:** I'm not aware of any specific law that requires or enjoins GEDA to be the property manager. We do have a memorandum of agreement to manage five specific properties but that was made back in 2018 so if the Commission would like to review the memorandum of agreement or any other such mechanism, they certainly can but currently, right now I am not aware and maybe the Legal Counsel can also give an opinion but I don't know of any law that specifically enjoins or requires GEDA to participate as a property manager for the CLTC.

**Commissioner A. Bordallo:** Unless, their job is just to market the properties.

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

**Administrative Director J. Hattig, III:** I do know that in the memorandum of agreement that's one of the things that they assist us on is because they have the \*inaudible\* of the economy and the business community that they're able to really use that and to market our land and to make sure that the best possible offers are made.

**Chairman J. Reyes, Jr.:** To that point, Commissioner Bordallo one of the things is \*inaudible\* are our five properties with GEDA and that's up to us whether or not we maintain it with them, we take it back we do a swap. So those are some of the things that we can put into consideration when we really start looking at the progress or lack thereof that GEDA has had with those properties with those properties that they've had in their inventory to manage.

**Commissioner A. Bordallo:** \*Inaudible\* who gets the money?

**Chairman J. Reyes, Jr.:** It'll be the Commission. It'll be the Land Trust.

**Commissioner A. Bordallo:** No but right now, those five leases?

**Chairman J. Reyes, Jr.:** Oh no, they have five properties to manage but none of them are on a lease yet. They have not been successfully leased out or even bid out. It's just in their inventory.

**Commissioner A. Bordallo:** Oh.

**Chairman J. Reyes, Jr.:** So that's just something that again, we can decide as a board to whether or not keep that inventory to continue to market for us and get bids.

**Commissioner A. Bordallo:** Well, I would like to know those five properties.

**Administrative Director J. Hattig, III:** Yes ma'am. Joey can you...we'll be able to send Commissioner Bordallo the list of commercial properties under the memorandum of agreement and we'll send Commissioner Bordallo and all of the commissioners really a copy of the memorandum of agreement so that it can be reviewed.

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

**Chairman J. Reyes, Jr.:** Thank you. Anything else, Commissioner Bordallo and Commissioner Santos?

**Commissioner A. Bordallo:** None, that's all.

**Chairman J. Reyes, Jr.:** So, I think that I will feel comfortable if we kind of revisit the SOPs. Again, I'm all about the SOPs but I feel that there's a little bit of contradiction here I just want to be able to spell that out clearly that the agency, CLTC can manage their own. I mean it's

up to designate any of the properties to be managed by them as it states there but I wanted to be a little bit clearer.

**Commissioner A. Santos:** \*Inaudible\*.

**Chairman J. Reyes, Jr.:** Alright, thank you. Any other items of discussion there? Alright, thank you guys for that. Moving on into our New Business, we have three items on the \*inaudible\* so Director Hattig.

#### **Proposed Commercial Lease – Guam Racing Federation**

**Administrative Director J. Hattig, III:** Yes, thank you. We do have the General Manager for Guam Racing Federation, if we can get Mr. Simpson – he is here in office and we're trying to get him hooked up to a computer so that he can appear before the Board. He was given the advance information but I think the URL wasn't provided to him and that's my responsibility and I'll take responsibility for it but he is in office and if I can get the staff to have Mr. Simpson to appear. He's requesting for an exceptional terms lease for the property that was initially leased to the Guam Racing Federation in Yigo and that's the Guam Raceway Park that is CLTC's property. He's here to make a presentation based on that. He has been back and forth for several years now since the expiration of his previous lease and there he is so he'll be giving the Commission a presentation on his request. There is a potential piece of legislation also that is in the works for the exact terms of the lease for the Raceway that was supposed to be sponsored by Senator Joe San Agustin however Senator San Agustin had requested that the raceway work together with the CLTC to negotiate with what those terms might be before any legislation is proposed and so that's why we have Mr. Simpson here. So, Mr. Simpson if you could just unmute and this is your opportunity with your permission, Mr. Chairman his opportunity to speak.

**Chairman J. Reyes, Jr.:** Yes. We can proceed, thank you, Mr. Simpson.

**Henry Simpson:** Hafa Adai. Thank you for the opportunity to be here. We had before this, worked on a lease that I think was good for Chamoru Land Trust and the Raceway and I don't know if everybody has had the chance to look at it \*inaudible\* if there's any questions about it, I would be more happy to answer them also since we have new members, I'd like to offer an opportunity to visit the raceway track and answer any questions you may have and see what we're doing out there and the plans for the future are hopefully that would give everybody the opportunity to see what we're doing and ask any questions and hopefully take our lease onto approval through this committee and onto the legislature for \*inaudible\* for confirmation so thank you very much. If there's any questions, I'll \*inaudible\* thank you.

**Chairman J. Reyes, Jr.:** As \*inaudible\* getting up to speed with regards to what we have today in place with the Raceway. I know that there's a couple of action items, can you hear me okay, Sir?

**Mr. H. Simpson:** I'm sorry I can't hear. I'm sorry I can't hear you.

**Engineer Technician II Melvin Javier:** Mr. Chairman, can you try talking again?

**Chairman J. Reyes, Jr.:** Yes. Can you hear me, Mr. Simpson? Can you guys hear me?

**Mr. H. Simpson:** Sorry, it's very difficult to hear.

**Chairman J. Reyes, Jr.:** Yeah, the feedback that we have, you're probably in the same room as all the mics are, right, Director Hattig?

**Administrative Director J. Hattig, III:** Yes, that's correct. We're working to make sure that doesn't happen again.

**Chairman J. Reyes, Jr.:** So just a couple of things Mr. Simpson, if you can \*inaudible\*.

**Mr. H. Simpson:** It's getting better.

**Chairman J. Reyes, Jr.:** Alright, Director Hattig is going to run out really quick just so that we can see if there are some things that we can audio tune.

**Administrative Director J. Hattig, III:** Why don't we have you **\*\*inaudible\*\*** go ahead, Sir come on. Okay, so Mr. Chairman I have Mr. Simpson here and he's going to sit here in **\*inaudible\*** okay. So, you're on.

**Chairman J. Reyes, Jr.:** Is that better, Mr. Simpson?

**Mr. H. Simpson:** Much better.

**Chairman J. Reyes, Jr.:** Alright. Thank you. So, I just had a couple of things to follow up on as I was getting up to speed as a new member to the Commission and being appointed Chair, I was informed that there were some action items or some tasks that was sent over to you and the raceway. I just wanted to follow up on some of those items and if I can get Joey's help to help me on that; some of those items that are either still pending or have been partially fulfilled. Joey, can you help me with those items, if you don't mind?

**Program Coordinator III J. Cruz:** **\*Inaudible\*** as of today would be the electronic file for the topo survey. Mr. Simpson had just submitted a report from Smithbridge. We're just going to review that report to ensure that it fulfills our request regarding the excavation but that's the only thing is the electronic file for the topographic survey.

**Chairman J. Reyes, Jr.:** And that topographic survey is for the area for where the mineral extractions are happening?

**Program Coordinator III J. Cruz:** Yes, for phase 5A.

**Chairman J. Reyes, Jr.:** And so, Mr. Simpson, in that regard, are there still mineral extractions happening today? Given the...I believe allowed to reconvene?

**Mr. H. Simpson:** Yes, we continue to grade the property to build the track. We try not to call it mineral extraction because it's actually grading to a level so that we can build a racetrack in the future and it's going on, it's permitted. Everything's been put in place so it continues the electronic file I brought the paper file this morning because the electronic file was sent but it was too big and it bounced back and so I'm going to get it on a disc and bring it to Joey but I brought in a paper copy today.

**Chairman J. Reyes, Jr.:** Okay, Commissioner Hattig I mean Director Hattig I think, can you hear us okay? I know you joined in on another...

**Administrative Director J. Hattig, III:** Yeah, I'm on my phone. Can you hear me?

**Chairman J. Reyes, Jr.:** Yes. Thank you for that, Mr. Simpson. Joey, thank you for clarifying that's the only item we're awaiting. So, what other mode of getting that over to us? Joey, can we do it on an external terabit hard drive **\*inaudible\*** to be able to extract that from Mr. Simpson.

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

**Chairman J. Reyes, Jr.:** Okay. So, anything that we can do to help that Mr. Simpson that'll be great. I think another thing that will be good with us new Commission members is to be able to see what the masterplan is, right? What does the future look like for the raceway? I do not have a chance to see it and I know that at one point I do remember seeing some social media posts on some of the opportunities to see what those plans are for the future. I think it'll be great for us primarily inclusive of the current Commission members to see that plan just to get an idea of what does that look like. The one thing also that I want to ensure is one of my objectives to really push forward our residential and agricultural leases but we can't necessarily do that if we don't have the funds to get to further some of these leases and there's lots of opportunities that we could help in balancing the commercial leases. Things we have existing to help to really get these...our primary goal of the residential and the agriculture leases. So definitely there's lots of partnerships that we can have here and I'd love to see what those plans are as well. I yield sometime over to Commissioner Bordallo and Commissioner Santos for any additional questions.

**Commissioner A. Bordallo:** We know Mr. Simpson has come before the previous Board and I just want Director Hattig because I can't...you know, the lease for how many years and can you give us the information?

**Administrative Director J. Hattig, III:** Commissioner Bordallo, they have sent us the legislative proposal for a fifty-year lease, five zero and the terms will probably be broken up into five ten-year blocks if I'm not mistaken. The \*inaudible\* terms we included in a previous Board meeting that Mr. Simpson had attended but what I can do is to make sure to send you again, the copy of the legislative \*inaudible\* because that's the only format that the terms came in. We didn't have a lease agreement drawn up \*inaudible\* because this is being proposed legislatively. So, all the terms are going to be located inside the draft legislation. The draft legislation is still being drafted currently with us but after we're done negotiating the terms or reviewing the terms and agreeing we can review the Commission's support maybe for a resolution and then that resolution will be forwarded to the Legislature along with the draft legislation that is going to be introduced. So that's the hope. I can send you again as soon as I get back to my workstation, I can send you a copy of the proposed \*inaudible\* legislation. I believe it was November that it was brought to us and we had been going over it several times in several meetings but I can certainly provide you with that and you can review the exact terms.

**Commissioner A. Bordallo:** And can I also have you provide the amount of the current charges or lease amount that he's paying now?

**Administrative Director J. Hattig, III:** Joey can provide the information as to the rental payment or the lease payment that is being made because it is on a month-to-month renewal currently right now with the raceway. So, Joey are you able to provide what they pay monthly? Is it monthly or annually?

**Program Coordinator III J. Cruz:** Monthly. Currently the Guam Raceway pays four thousand dollars (\$4,000.00) a month.

**Administrative Director J. Hattig, III:** And that's not including the royalties from the grading?

**Program Coordinator III J. Cruz:** No, it's not included. The last payment received for royalties was December 11, 2020, in the amount of twenty-two thousand four hundred forty-two dollars (\$22,442.00).

**Administrative Director J. Hattig, III:** \*Inaudible\* we were able to provide you, Commissioner Bordallo with some information on the amounts currently being paid for annual rent and for monthly rent and for the royalty.

**Program Coordinator III J. Cruz:** Sir, we can provide a statement of their account to reflect from the beginning of FY2020 to current.

**Administrative Director J. Hattig, III:** Excellent. Does that answer your question, commissioner?

**Commissioner A. Bordallo:** Yes.

**Chairman J. Reyes, Jr.:** Thank you, Commissioner Bordallo. Any other questions, Commissioner Santos?

**Commissioner A. Santos:** Yes, I have a question for the Director. Was that any of their, this is my first meeting, I'm not too caught up...I haven't...I don't know anything dealing with the racetrack. Was that provided in our packet?

**Administrative Director J. Hattig, III:** Currently, no. The raceway is supposed to make a presentation and answer questions currently right now based on the information that has been presented and unfortunately, we don't have the actual packet a part of the packet for you today but this was kind of like a question and answer because you guys there's two new commissioners and we wanted to give you the opportunity to ask directly the representative of the raceway and then we would give you the packet to look over. The intent was not to

approve the lease today, the intent was to introduce you to the representatives and to get you kind of caught up because we know that this is your very first meeting.

**Commissioner A. Santos:** Yeah, it could have been – I mean just a suggestion for anything further with whatever \*inaudible\* members for the future at least \*inaudible\* of what there are already are what is already established with the raceway that would have helped with me \*inaudible\* Mr. Simpson right now and he's going to set a date for us to go up and look up the racetrack and describe everything that's going on because I want to know what like what are you doing with...I mean you said, don't call it mineral extraction, I get that, but let's call it for what it is, right? You're extracting that from our land, \*inaudible\* what do you do with all of the cascao (Chamorro word for gravel) or the gravel that you are extracting or everything that you are removing from the property \*inaudible\* what do you do with that?

**Mr. H. Simpson:** It's actually taken by the people that move it whether it's Perez Brothers or Hawaiian Rock or Smithbridge. We were actually lucky in the beginning because if we had to pay these contractors to move the material it would have cost us so much more to actually pay to have it moved. This way at least because of the material being removed so that we can build a track has a value and they're willing to pay us for it and we're splitting that value fifty-fifty (50/50) with ourselves and CHamoru Land Trust. It started out and here's a little history of it, Black Construction did the airport and when they did the airport they had...they were paid to grade the airport but they had a huge pile leftover so that pile they were selling for forty-five cents (.45) a cubic yard, you can go and get a dump truck load for a sixteen yards eight dollars (\$8.00) a load and they would to get it out of there and so they suggested that if we worked with a contractor and the material is usable then they'd take it out as they need it, we don't have to pay them to remove it so that we can get the ground level and so the different contractors basically only three; Hawaiian Rock, Smithbridge and Perez Brothers that use those kinds of material but over the years we've used all three of those Companies to level the ground for the temporary dragstrip for the future dragstrip for the off-road area for the flat track area and things like that. We're trying to do the minimum amount of earth moving in order to build the racetrack because that's not our intention. Our intention is not to be a mineral extractor, we don't want to leave a big hole on the ground. We're cutting it to have a formula three racetrack, a big parking lot a commercial area, go cart tract all the things that make the racetrack \*inaudible\* and also, we hope a really, really good tourist draw and if we can have two Guam Grand Prix per year if we can have one in the \*inaudible\* so that's our goal. I do have some copies with me and I'll leave them with Joey or I'll leave them here it's a copy of the proposed legislation for the lease and some pictures of the track as it's finished the track as it looks now and then the section also the section we're working on. So, I'll leave paper copies for you guys and you can look at it and then maybe through Joey give me a day in January sometime where everybody can go up and look at the tract and I'll answer any and all questions give you a tour of what we're trying to do and you can see what the overall plan is.

**Commissioner A. Santos:** Right on. Mr. Chairman and Director and Commissioner Bordallo I wanted to...I mean if there's nothing in place right now for whatever you're extracting maybe we can include or incorporated into the CHamoru Land Trust buildup for anybody who is trying to provide for their family and build residential houses for the residential lessees' right. Maybe \*inaudible\* they provide for the startup families to be able to build their homes instead of selling it, you're going to just...it's like a revolving for our Trust to become what it's meant to be right is providing those homes and the sustainability and the substance for our people to live and thrive. You know what I mean? Maybe that's something that we can think about, just throwing it out there.

**Chairman J. Reyes, Jr.:** Yes. Thank you. Anything else? No? Okay. Mr. Simpson, I thank you for your time. I don't think that there's any other questions from the Commission. Thank

you for bringing those paper copies. I will have them or you can leave them with Tina and we can pick them from her, Tina or Joey and then the Trust can pick it up from them. Joey, I will put that onto your plate to figure out an electronic extraction of the topography maps, either an external drive or whatever means is acceptable with Mr. Simpson \*inaudible\*.

**Program Coordinator III J. Cruz:** No problem, Sir. I got it.

**Chairman J. Reyes, Jr.:** Okay thank you. Mr. Simpson, any questions for us?

**Mr. H Simpson:** No, I want to welcome you all to the Commission. You're going to have good time. You're doing some very important work. I've watched the Commission \*inaudible\* over the past twenty years and I actually new Angel Santos. He encouraged me to build this track because he used to race his '57 Chevy down at Harmon field and when I was explaining this all to him in what we're trying to do he had told me about his car and basically remember a little bit about it. We used to race motorcycles down there at the time and it was one of the biggest things that people really see come back was to have the track so I think even though it's not directly in \*inaudible\* in putting CHamoru people on property indirectly it is because it can supply the income and also supply an outlet for our people here for drag racing for motorcycle racing for all the good things that come out of racing. So, thank you very much and keep up the good work and hopefully I will see you folks out there.

**Commissioner A. Santos:** Thank you, Mr. Simpson. He had a Mazda. \*inaudible\* he had a Mazda; it was a red car with the engine coming out of the hood.

**Mr. H. Simpson:** Okay thank you.

**Chairman J. Reyes, Jr.:** Thank you, Mr. Simpson. I know we are now three hours in. It's 4:06 p.m. We have a request to do a quick break so let's put in a ten-minute break just so that people can get water and use the restroom and then we'll proceed and wrap up our meeting. Thank you. It's ten minutes, the time right now is 4:06 p.m. so please be back by 4:16 p.m.

**BREAK 4:06pm to 4:16pm**

#### **Proposed Cultural Lease – Inadahen I Lina'la Kotturan CHamoru**

**Chairman J. Reyes, Jr.:** Let's resume please. Director Hattig, next item on the agenda is the Inadahen I Lina'la Kotturan CHamoru.

**Administrative Director J. Hattig, III:** Yes, Sir. I don't have anybody that confirmed for representing Inadahen today unfortunately but I did meet with a Board member from Inadahen \*inaudible\* last week and I did remind her about today's meeting. I do have a couple of things to report back to the Commission so I reiterate that Inadahen I Lina'la Kotturan CHamoru is an umbrella organization that represents CHamoru practitioners in the art, in the cultural art and Inadahen has been occupying a property at Oka Point. The property was set aside for the development of a CHamoru Cultural Center by law and once a point in time a license was issued to Inadahen in order to do just that. The license \*inaudible\* when it expired and Inadahen has...I don't know if you remember but also there was another CHamoru Cultural group that was \*inaudible\* by Ms. Ann Marie Arceo the former President of the Department of Chamorro Affairs. I believe that was Hurao, is that correct? I believe it was Hurao Academy and so Hurao Academy actually worked together with Inadahen to establish itself as a non-profit organization and then when Inadahen to hold they had proceeded to request from the CHamoru Land Trust a long-term cultural lease on the property of Oka Point. However, when they came to us, I believe it was last year requesting that exceptional terms lease we had informed them then that under the Commercial Rules and Regulations Public Law 33-95. We don't have the authority to enter into what's called a cultural lease. Our leases are either agricultural or residential or they're commercial in

nature. So, we had suggested to Inadahen that they could approach it in three ways: number one they could seek legislation that would authorize the Trust to enter into a cultural lease. Number two they could seek legislation that would authorize the Cultural lease to be awarded to Inadahen as a standalone piece of legislation with term or it could approach the Department of Land Management because as far as we are concern, DLM was the only one that had the opportunity and the authority to enter into a cultural lease because DLM manages our cultural leases with other properties that we had in the past. We requested for today for Inadahen to give us an update on what they would like to do. From what I understand from Ms. Guzman they had met with the Governor, I don't know, as early as last month. I believe and maybe even this month and they were trying to seek the Governor's support obviously for this particular endeavor and so that's what I have to report back to the Board right now is to give kind of like a history or context to this particular agenda item.

**Chairman J. Reyes, Jr.:** Okay. Director Hattig, who did you communicate with in regards to being present today kind of more informational slot in our agenda.

**Administrative Director J. Hattig, III:** I did tell Ms. Guzman who is a Board member and to my knowledge the staff had informed their representatives that there would be a meeting both in November and today.

**Chairman J. Reyes, Jr.:** Okay. Let's see if we can...I think there's a possibility of someone being able to join but not to hold up kind of the agenda items. Mr. Torres is up next who has been very patient with us on his turn, if we could just move to the next agenda item and we'll see if someone is going to be able to join and we'll \*inaudible\* does that work for everybody?

**Commissioner A. Bordallo:** Yes.

#### **Renewal of Commercial Lease – Johnny Cool Towing**

**Chairman J. Reyes, Jr.:** Okay so moving along on our agenda so I want to make sure again in the interest of time and in respect for everybody's time. Okay, thank you. Next item on the agenda is Johnny Cool Towing.

**Administrative Director J. Hattig, III:** Thank you, Mr. Chairman. Today, we have Mr. Johnny Cool Torres he is here and also Joey will provide some information on the summary of this particular request.

**Program Coordinator III J. Cruz:** From the agency side, Mr. Johnny Cool's lease expired April 8, 2020. After reviewing his lease agreement, his expired lease agreement and consulting with Attorney Toft, we recommend that because there's a verbiage in there that authorizes an extension. Attorney Toft also recommended that an extension also be granted for equal length as the original license. Although, it must be made very clear that there'll be no additional extensions and the property will revert back to CLTC at the end of the license. Furthermore, an appraisal will be conducted by two licensed appraisers; one chosen by CLTC and the other by Johnny Cool Towing Service, this would ensure that the rental rate is current based on the fair market value.

**Chairman J. Reyes, Jr.:** Alright. I went all the way down the recommendation, I'm going to turn it over to Attorney Toft to provide additional guidance on this.

**Legal Counsel N. Toft:** Sure, like Joey said, there's a provision in the law that \*inaudible\* the statute of limitations on a...I'm sorry, the length of a lease limitations that we were discussing and there is a section on it that says that if there is an existing commercial lease or license that the act that limited the time period didn't affect those leases or licenses or their extensions if they have them and so we'll be running into this multiple times with existing leases and licenses both of which were made prior to the enacting of that legislation. So, if they have that option to renew, that is not affected by the law that would normally limit the time of a lease or license.



**Chairman J. Reyes, Jr.:** Okay. Joey, what is our, can you remind me, we talked about appraisals, right? What is that?

**Program Coordinator III J. Cruz:** Appraisals are to ensure that \*inaudible\* so \*inaudible\* one chosen by the potential lessee and one by the Commission.

**Chairman J. Reyes, Jr.:** This if for the renewal, correct, should we decide to proceed with the renewal?

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

**Chairman J. Reyes, Jr.:** \*Inaudible\* a renewal would not...is it conditional on the \*inaudible\*.

**Program Coordinator III J. Cruz:** Sir, sorry could you repeat that my...

**Chairman J. Reyes, Jr.:** Is it going to be conditional on the appraisals?

**Program Coordinator III J. Cruz:** Yes, the rental rate will be conditional.

**Chairman J. Reyes, Jr.:** Okay but how about the renewal?

**Program Coordinator III J. Cruz:** As soon as the rental rate is agreed upon then we can execute the renewal.

**Chairman J. Reyes, Jr.:** Okay. I'm going to yield over to our commissioners and I'm just going to read something. I need to read something here really quick. Commissioner Bordallo or Santos, any questions?

**Commissioner A. Bordallo:** I have a question. What are the appraisal rates on the rent?

**Program Coordinator III J. Cruz:** The current rate that Mr. Johnny Cool is paying, I believe there's a rate of an appraisal done twenty-one years ago.

**Commissioner A. Bordallo:** I see that the rental rate is four seventy-seven (\$477.00) in the lease agreement but what you have as far as the appraised rental rate? You said, one from CHamoru Land Trust and one from Mr. Torres.

**Program Coordinator III J. Cruz:** Yes ma'am. Currently there has been no appraisal that has been done yet but the appraisals will...Mr. Johnny Cool will bear the expenses of the appraisals.

**Commissioner A. Bordallo:** In other words, it's not complete?

**Program Coordinator III J. Cruz:** No ma'am, not yet.

**Commissioner Bordallo:** So, the lease was a twenty-year lease, when did the lease...?

**Johnny Torres:** It ended on April 8.

**Program Coordinator III J. Cruz:** 2020.

**Mr. J. Torres:** Yes, 2020.

**Commissioner A. Bordallo:** So, it took a year from the lease agreement?

**Chairman J. Reyes, Jr.:** Commissioner Bordallo, despensa (sorry) but you're breaking up.

**Commissioner A. Bordallo:** I'm trying to understand what the fact are on \*inaudible\* so there's one on April 1999 he entered \*inaudible\* lease and it expired on April 8, 2020.

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

**Commissioner A. Bordallo:** That's not twenty years.

**Mr. J. Torres:** We're on a month-to-month.

**Commissioner A. Bordallo:** You're on a month-to-month?

**Chairman J. Reyes, Jr.:** Commissioner Bordallo brings up a good point, Joey and Director Hattig. So, it wasn't a twenty-year lease? It was a one-year lease?

**Program Coordinator III J. Cruz:** No, commercial licenses are granted up to a twenty-one-year lease, for twenty-one years.

**Chairman J. Reyes, Jr.:** Okay, because it does say twenty years on our fact sheet but it is a twenty-one-year lease and it was issued for twenty-one. Commissioner Bordallo, sorry I just wanted to clarify that as well.

**Program Coordinator III J. Cruz:** My apologies, that's a typo on my \*inaudible\*.

**Commissioner A. Bordallo:** What does the CHamoru Land Trust recommend as far as the amount if it were to \*inaudible\*?

**Chairman J. Reyes, Jr.:** Director Hattig you're on mute and then Commissioner Bordallo could you repeat that please? You broke up.

**Commissioner A. Bordallo:** What does the Chamorro Land Trust recommend \*inaudible\*.

**Administrative Director J. Hattig, III:** If I could, the amount based on the appraisal and Joey is here to correct me if I'm wrong but isn't ten percent (10%) of the fair market value not to exceed the ten percent (10%).

**Program Coordinator III J. Cruz:** The ten percent (10%) is not less than ten percent (10%). What we'll do is we're going to go out and do some market research and determine because of the type of industry to determine what percentage of the fair market value should be charged and we'll present it to the Board and then we can use that for every other type of commercial licensee or lessee that comes in at least it's equitable across the Board for whether it's for towing services or whatever Mr. Johnny Cool does on that property.

**Administrative Director J. Hattig, III:** Does that answer your question Commissioner?

**Commissioner A. Bordallo:** Yeah so, we can make a decision unless we know the amount?

**Administrative Director J. Hattig, III:** Well it's going to be based...it should be based on the research but we're just acting on the renewal because Mr. Johnny Cool again has been...it's already the end of the year 2020 and the...I guess what I'm asking the Commission to do is to consider the renewal but it will be based upon those recommendations that the Commission has just discussed, the fair market value of the property and of course we need to take into consideration the type of industry that Mr. Torres is part of.

**Commissioner A. Bordallo:** Okay and then you have on your recommendation \*inaudible\* contradict that is not clear for us to make a decision.

**Chairman J. Reyes, III:** Director Hattig and Mr. Cruz, what is the intent to proceed here again given the guidance that we have Mr. Toft? What is the intent to proceed that you want us to do? Is it \*inaudible\* the renewal with \*inaudible\*.

**Program Coordinator III J. Cruz:** Yes, until the appraisals have been completed and our final report has been submitted for review and consideration of their annual monthly rental rate and also because his lease is expired or license expired, we may request also for a right of entry in the meantime so that he can be maintaining the property, still pay his monthly rental things of that nature.

**Chairman J. Reyes, Jr.:** Right so we are currently on a month-to-month but that month, the existing month to month that we have in place that is inclusive of a right of entry, correct? Mr. Torres has had access to the property and everything?

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

**Chairman J. Reyes, Jr.:** Alright I just want to make sure that \*inaudible\*. So, Joey could you summarize again for me and the commissioners exactly what the recommendation.

**Program Coordinator III J. Cruz:** Because of the one sentence or the option to renewal included in Mr. Johnny Cool's expired license after consulting with Attorney Toft his recommendation also is to grant the extension for equal length as the original lease although this extension will only be a onetime extension and an appraisal will be conducted by two license appraisers one chosen by CLTC and the other by Mr. Johnny Cool. We understand that at this time because we don't have the appraisal report, we are also unable to provide a recommended monthly or annual rate but if the Board does consider it could effectuate and allow Mr. Johnny Cool to obtain or procure such services to get the ball rolling.

**Commissioner A. Bordallo:** Okay what month did it expire?

**Program Coordinator III J. Cruz:** April 8, 2020.

**Commissioner A. Bordallo:** April 8 okay so \*inaudible\* will April 8 \*inaudible\* enough for him to get things done \*inaudible\* and come back \*inaudible\*.

**Chairman J. Reyes, Jr.:** Commissioner Bordallo I don't know if anyone else experienced but I didn't hear any of that. Are you having internet latency because I didn't hear any of that Commissioner Bordallo if you can hear me?

**Commissioner A. Bordallo:** \*Inaudible\* the lease expired 2020 \*inaudible\* we're going to add another \*inaudible\* to exercise the renewal from six months to \*inaudible\* to determine the amount of the rental but as of now, it is still \$477.88 a month. Did you hear me?

**Chairman J. Reyes, Jr.:** Did anyone hear?

**Administrative Director J. Hattig, III:** I only heard bits and pieces but I'm trying to piece it together. I understand the \*inaudible\* I think overall that she's trying to convey. On the one hand we have the Commission which is seeking to approve a finite amount, an amount that has been fixed and recommended by the agency and then on the other hand we have the lessee or the licensee who is requesting for an extension but has no guarantee that he's going to get that extension if he puts forward the money to get the appraisals done. I'm only summarizing that that might be the issue right now and then Commissioner Bordallo would like to find out; how much longer would it take? How much would it take Mr. Torres to conduct those specific appraisals right so that he can be granted the extension after that? So maybe we can hear from Mr. Torres on what his capabilities are or his timeline.

**Mr. J. Torres:** Okay, I just got to make arrangements with the appraisals the one that you guys recommend and I get. You guys give me the go, I'm going to get the ball rolling. You got to give me the \*inaudible\* so I can work with them right away, maybe two months.

**Administrative Director J. Hattig, III:** Does that help Commissioner Bordallo with her question?

**Commissioner A. Bordallo:** Yeah, definitely.

**Mr. J. Torres:** You know with this pandemic oh it's very strict, we got to wait in line with the appraisals.

**Chairman J. Reyes, Jr.:** Okay. Commissioner Bordallo, can you hear me okay?

**Commissioner A. Bordallo:** Yes, I could.

**Chairman J. Reyes, Jr.:** I wanted to ask, I think I heard the tail end with what you were talking about earlier. Were you in essence thinking of something a shorter term until all of the items have been determined?

**Commissioner A. Bordallo:** Yes.

**Chairman J. Reyes, Jr.:** Okay. Do you mind restating that, saina (elder) because I just want to make sure that it's clear and that we understand?

**Commissioner A. Bordallo:** Since the lease expired April 8, 2020; we are in December 2020 so we have to renew from that date \*inaudible\* six months \*inaudible\* then we can get back with him on the renewal on the \*inaudible\*\*.

**Chairman J. Reyes, Jr.:** Okay, so in essence have all the appraisals complete; is that what you're saying?

**Commissioner A. Bordallo:** Yes. The lease agreement, the proposed lease agreement is made \*inaudible\* to agree to and for the Board to agree to.

**Chairman J. Reyes, Jr.:** Attorney Toft is that something that we can do?

**Legal Counsel N. Toft:** I'm sorry, can you specify exactly what it is that we're trying to do? I couldn't hear a lot of that.

**Administrative Director J. Hattig, III:** I think the concern here if I may, the concern is that April was the expiration and we're now coming up in April 2021, four months from now, so would we be able to use that date as the same date that we would be able to agree on this lease? That's the only thing that I'm trying to think right now that I'm piecing that together, using this available time because in a sense we're extending him for one year. We've extended him for almost one year so if we can just get that four-month period done and then consummate the lease when the actual date came around. My question is the renewal to me,

I think the renewal can be consummated on whatever date the Commission decides it doesn't need to be directly on April 8. If it expired on April 8 then technically there is no more license so we're now in a month-to-month area and then whenever we get this done, whenever the Board says, okay yes, we'll grant the extension pending Johnny Cool's appraised value and final report then that day is done then that will be the anniversary or that'll be the new date and then we can go from there. But again, I'm just listening to the pieces and hoping that's it.

**Chairman J. Reyes, Jr.:** Commissioner Bordallo, did you catch that?

**Commissioner A. Bordallo:** Yes, I did.

**Chairman J. Reyes, Jr.:** Okay did Director Hattig summarize it?

**Commissioner A. Bordallo:** It's basically an extension to 2021 from April 8, 2020 to 2021 April 8.

**Administrative Director J. Hattig, III:** I see so a one-year automatic extension I guess I would say so that Mr. Torres can get all of whatever he needs done within that time frame?

**Commissioner A. Bordallo:** That's correct.

**Administrative Director J. Hattig, III:** I must ask the Legal Counsel are we able to grant a one year I don't know what you call it an extension or a period of time where he can exercise his extension? I think that's what Commissioner Bordallo is leaning towards.

**Legal Counsel N. Toft:** I mean we can do that without \*inaudible\* month to month it's what's called a hold-over tenancy basically where he's paying the same amount. All the terms of the license essentially are the same until the document is drawn up or one of the parties abandon the agreement until we have a new license in place at any point within after giving thirty days' notice either party could terminate the arrangement. I think we can just set our own goal having things done by April, it's something that we need to commemorate and he just needs I think the right of entry so that he has a paper in hand in case he's questioned about anything he's doing out there.

**Administrative Director J. Hattig, III:** I'm sorry Mr. Chairman but Nick can we close the deal earlier than April? Sorry Nick, that question was for you. Could we close...?

**Legal Counsel N. Toft:** Yeah, no we definitely can. We can close it at any time that twenty-one year however long the...however many years the original license was that doesn't start running until we start the new deal because it's just considered a holdover tenancy until the time, we start a new deal. The sooner the better and if it takes 'til April it takes 'til April but we're not bound by that.

**Chairman J. Reyes, Jr.:** And in essence just to confirm this \*inaudible\* status quo right now, whatever \*inaudible\* we have we just need to make sure that we pass a right of entry just so that Mr. Torres can have that in hand right and then we'll go through the Trust and him for the lease renewal.

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

**Chairman J. Reyes, Jr.:** Mr. Torres does that sound okay to you?

**Mr. J. Torres:** It's good.

**Chairman J. Reyes, Jr.:** Alright, so I'm good with that. I will turn it over to the commissioners, my colleagues and any additional comment on that. It looks like we can keep things as is, right. Allow Mr. Torres the opportunity to work with Joey and the team for those appraisals so that it can come to the table to \*inaudible\* agreed upon the execution of a lease I'm sorry a license renewal and the only we need to do an action on is a right of entry just so that he has that...in case there's any questions on the property.

**Commissioner A. Santos:** Would he still have to come back at later then so we can provide and give him that license agreement?

**Chairman J. Reyes, Jr.:** Correct, yes. After he's fulfilled the...correct. Commissioner Bordallo any objections, not objections but any additional comments on that.

**Commissioner A. Bordallo:** Where is it exactly?  
**Mr. J. Torres:** Route 16, Harmon, right behind the new Shell gas station. Route 16.  
**Commissioner A. Bordallo:** Route 16. Okay.  
**Mr. J. Torres:** By San Agustin's Funeral Home.  
**Commissioner A. Bordallo:** Okay.  
**Chairman J. Reyes, Jr.:** The entrance is from San Agustin's. Okay any other item for this \*inaudible\* before we move to a motion by the commissioners if they're \*inaudible\*?  
**Commissioner A. Bordallo:** \*Inaudible\*.  
**Chairman J. Reyes, Jr.:** Commissioner Bordallo we cannot hear you. It's breaking up.  
**Commissioner A. Bordallo:** Hold on.  
**Chairman J. Reyes, Jr.:** Okay, thank you.  
**Commissioner A. Bordallo:** Mr. Chairman?  
**Chairman J. Reyes, Jr.:** Yes, Ma'am we can hear you better now.  
**Commissioner A. Bordallo:** Can I make a motion that Johnny C. Torres doing business as Johnny Cool Towing Service \*inaudible\* four hundred seventy-seven dollars and eighty-eight cents (\$477.88) and that \*inaudible\*?  
**Chairman J. Reyes, Jr.:** Thank you Commissioner Bordallo. Did everyone get that?  
**Land Agent I T. Tainatongo:** No.  
**Administrative Director J. Hattig, III:** Ms. Tina who is taking down the motion probably didn't get all of it.  
**Land Agent I T. Tainatongo:** No sir. I need somebody to reread it or clarify.  
**Administrative Director J. Hattig, III:** If I could as before we do that maybe we could Commissioner Bordallo if you could restrict your motion to the right of entry because as we've discussed before we don't need to memorialize our intention to issue the extension to Mr. Torres. We could continue the month-to-month lease, the hold-over right that Legal Counsel called it right a hold-over tenancy so if we could just get motion with the granting of the right of entry for Mr. John C. Torres for the property mentioned the commercial licensee property.  
**Commissioner A. Bordallo:** Okay. I make a motion that John C. Torres doing business as Johnny Cool Towing Service \*inaudible\* Lot No. 5149-6 \*inaudible\* on a month-to-month basis \*inaudible\*.  
**Administrative Director J. Hattig, III:** Yes, but the portion where you have the amount and you have the date it's really not necessary to memorialize that portion because we are already in the understanding that we are going to continue the previous license agreement until the new license agreement is approved. So, if we could stop right at the portion where he is granted a right of entry to lot 5149-6.  
**Chairman J. Reyes, Jr.:** Okay thanks Jack. Commissioner Bordallo you're frozen right now if you can hear us.  
**Administrative Director J. Hattig, III:** Okay Mr. Chairman I think we have a video of Commissioner Bordallo, she's coming back on.  
**Commissioner A. Bordallo:** Okay can you hear?  
**Chairman J. Reyes, Jr.:** Commissioner Bordallo can you hear us?  
**Commissioner A. Bordallo:** Yes, I could.  
**Chairman J. Reyes, Jr.:** Okay you're coming in clearer now. Thank you, Si Yu'os Ma'ase' for that. Did you have the last pieces of Director Hattig was explaining for this one, because we will have the continuance, the month-to-month and everything is status quo as is the only motion we need is the right of entry and then as the progress has been made by Mr. Torres and working with agency then we'll reconvene to determine the license extension etc.?

**Commissioner A. Bordallo:** Okay. So, I would like to make a motion that John C. Torres doing business as Johnny Cool Towing Service has the right of entry to Lot No. 5149-6 Dededo.

**Chairman J. Reyes, Jr.:** Okay, si Yu'us Ma'ase commissioner. May I get a second to that motion?

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

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

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** No objections. The motion passes. Mr. Torres, Joey will continue to work with you and then we'll see you again once all of the appraisals are complete and the assessments have been done.

**Mr. J. Torres:** Thank you. I would like to thank Mr. Chairman Reyes, Director Hattig, Commissioner Arlene Bordallo and Commissioner Angela Santos. Happy Holidays and Merry Christmas.

**Chairman J. Reyes, Jr.:** Thank you and Merry Christmas.

#### **Proposed Cultural Lease – Inadahen I Lina'la Kotturan CHamoru**

**Administrative Director J. Hattig, III:** Mr. Chairman I'd like to report that we do have I think two representatives of the Inadahen that have logged into the meeting, okay.

**Chairman J. Reyes, Jr.:** Alright so we will go back to that agenda items and that is with the Inadahen I Lina'la Kotturan Chamoru and we do have, am I correct, Ms. Amber Benavente and Mrs. Monica Guzman online?

**Administrative Director J. Hattig, III:** They are logged in now. If either of the gentleladies would like to unmute and go ahead and address the Commission.

**Amber Benavente:** Hi Hafa Adai, this is Amber.

**Chairman J. Reyes:** Can you hear us okay?

**Ms. A. Benavente:** Yes, I can hear you. Monica is just trying to unmute right now.

**Monica Guzman:** Hafa Adai everybody. This is Monica Guzman.

**Chairman J. Reyes, III:** Thank you Ms. Guzman for joining us today. So, on the agenda item as what Mr. Hattig shared with the Commission is an opportunity for Inadahen I Lina'la Kotturan CHamoru to kind of talk through some of the options in the current state of the lease as well as you know myself and Commissioner Santos are the two newest members on the Commission so maybe Commissioner Hattig do you want to set the stage for discussion please.

**Administrative Director J. Hattig, III:** Thank you, Mr. Chairman so again we've received a request from Inadahen I Lina'la Kotturan CHamoru for a fifty-year cultural lease on the Oka Point property that was set aside by legislation for the development of a cultural center. We met with representatives this year and we had informed them that currently we do not have rules and regulations that permit a type of cultural lease. We only have the commercial rules and regulations in Public Law 33-95. We were exploring options and we went over some options on what Inadahen can do in order to effectuate what their request is. One of them was to seek legislation that would allow the Trust or authorize the Trust to enter into cultural leases with cultural organizations and spell out what that process would be. The second one would be a piece of legislation that would grant an exceptional terms lease to Inadahen specifically for the property that was set aside at Oka Point and all the requirements within that legislation, the lease terms for \*inaudible\* Department of Land Management since DLM is currently the only agency that has authorization to enter into cultural leases because they manage a couple of cultural leases for properties in Dededo that we have. In providing those options we would like to hear Inadahen on some of the progress maybe that is made and

discussions with its members under its umbrella organization and also, I was informed that the organization met with the Governor so maybe to inform the Commission that results of that meeting and how we can move forward on this issue.

**Ms. M. Guzman:** Thank you for that Director Hattig and thank you to the Board members for allowing us to be present today to speak at the Commission meeting. What the Director did summarize is correct and as the organization we have been looking into all the options and we do want to push forward on trying to obtain a lease for the property at Oka Point. What we did do is like the Director said informed us that she would have her Legal Counsel look into the options and how best to move forward and that we also have \*inaudible\* Legal Counsel that we just recently got on board that will assist us in trying to move forward in the best way possible. We do know that property has been designated by law as a cultural as a site for a CHamoru Cultural Center and we just want as an organization to work closely with the Commission because I think we both look forward and have the same goals in mind we just want to make sure as you do that, we do it in a proper and legal manner. So, what we want to do is just work closely with you welcome John to the Board and welcome Arlene and Angela we all know each other and we are just very happy that the Board has been in engaged and having their first Board meeting and I believe that we can move forward together but it's been a long process and what our Board, I'm a Board member and our Chairman of the Board, Raph Unpingco along with Amber who is our Secretary and Celina and Randy Cauffman and Jonathan Perez we all look forward to finally having some permanent type of arrangement for access to the property. We have been fortunate because at the direction of the Director we have been afforded access to the property and because of that we were able to get two grants and that has always held us up is the formal authorization to be on the property but because of that letter to authorize us access we were able to get two grants and we're looking forward to applying for more grants so that we can work together and develop a strategic plan and do everything we can to represent the CHamoru culture in the best possible manner. As we've indicated earlier, we are the umbrella organization for other none profits that are currently up there and we want to just make sure that we do the best thing and the right thing possible. I don't know, Amber did you want to add anything?

**Ms. A. Benavente:** No, I think you covered everything.

**Ms. M. Guzman:** Okay, so having said that commissioners what we do our own due diligence. We do want a lease because we feel that that's probably going to be the best option for us and in our meeting with the Governor, she also offered some other opportunities but you know she is going to have her Legal Counsel research those other options but we're just really happy to be on the agenda today and we're just you know- it's been a rough year. We started \*inaudible\* with the agency \*inaudible\* pre-COVID and because of COVID everything's had to...it's been delayed and we just are very, very happy and want to work closely with the Commission and with the Agency and with that if you have any questions.

**Chairman J. Reyes, Jr.:** Yes. Thank you so much Mrs. Guzman. I have a couple of questions, maybe you can answer or Director Hattig or Joey or Mr. Cruz; sorry. What is our existing agreement with Inadahen I Lina'la Kotturan CHamoru?

**Administrative Director J. Hattig, III:** Currently right now, we have a right-of-entry authorization that was authorize by myself and the license agreement that was previous had already expired I should say; either expired or was not renewed but currently that's our current official I guess relationship that we have with Inadahen is that they are potential lessees but they are occupiers of CLTC property currently.

**Chairman J. Reyes, Jr.:** And so, has a lease ever been established I guess is also where I'm trying to understand.

**Administrative Director J. Hattig, III:** That one I'll leave that question for Joey. He was here prior to me with regards to the prior license or lease.

**Program Coordinator III J. Cruz:** Yes, a lease was established. Unfortunately, the lease was terminated I believe back in 2016 or 2017, I believe for whatever reasons. That's the story of Inadahen so the lease was terminated.

**Ms. M. Guzman:** If I may, Mr. Vice Chair my understanding that it wasn't lease it was a license.

**Program Coordinator III J. Cruz:** I'm sorry. Correction, it was a license. The license was terminated.

**Ms. M. Guzman:** Right.

**Chairman J. Reyes, Jr.:** By whom? Sorry, I'm probably catching up by some of this but who was it terminated by? By CHamoru Land Trust?

**Program Coordinator III J. Cruz:** Yes, by the previous Board.

**Chairman J. Reyes:** So, when that termination happened? We just allowed a right-of-entry?

**Program Coordinator III J. Cruz:** Yes, the public law was created although the public law wasn't specific to that specific organization. It was just set aside for a cultural center a CHamoru Cultural Center.

**Chairman J. Reyes, Jr.:** Which is the current and where Sagan Kottura is today, correct?

**Program Coordinator III J. Cruz:** Mr. Chairman I would also like to invite Mr. Toft to provide any information that he can based on his knowledge of the prior agreement.

**Legal Counsel N. Toft:** I can't recall any specific as far as the prior agreement went. I don't recall the specific reason why there was a termination but I do know that there was discussion as to if the prior agreement can be resurrected and I don't think that was an option because in the interim time the new commercial rules and regs got passed and that kind of limited our options as to what we could do.

**Administrative Director J. Hattig, III:** Also Mr. Chairman I'm sorry. Mr. Toft can also elaborate on the law and why we were not able to establish a lease from the law that set aside the property for a cultural center.

**Legal Counsel N. Toft:** It did set aside a property for a cultural center but it did not specify either a how to award it whether it had to be- it basically that's all it did was set aside for a commercial sorry for a cultural center. It did not provide the mechanism as to how to do so or any sort of exceptions to the commercial rules and regs and that kind of...the only thing it did was make sure that the property couldn't be use for anything else but it didn't help us as far actually establishing any sort of new license or lease.

**Chairman J. Reyes, Jr.:** Let's take a quick pause here. I did notice Commissioner Santos dropped off.

**Administrative Director J. Hattig, III:** Oh, I didn't even notice that.

**Chairman J. Reyes, Jr.:** Alright we'll just give her a second to log back on. We just need to make sure she's present. Alright Commissioner Santos there you are. We can resume. I think where we left of was the designation of the \*inaudible\* didn't necessarily help the situation for the granting of a license or a lease. With the right of entry, there has been no disruption in the current use of Sagan Kottura or access to the property, correct, Mrs. Guzman and Ms. Benavente?

**Ms. M. Guzman:** Correct.

**Chairman J. Reyes, Jr.:** I'm going to yield some time now to our Commissioners for any additional questions. Commissioner Bordallo, any questions or comments?

**Commissioner A. Bordallo:** Yeah, I have a question. Is that the area where there's a gate and it was the old nursing house \*inaudible\*?

**Ms. M. Guzman:** Yes ma'am.

**Commissioner A. Bordallo:** There's no one there right now?



**Ms. M. Guzman:** Right now, we have some organizations that are represented up at the center but do to COVID it's been closed and we're opening slowly and then we still have the issue of having no utilities up there so it's...when it is operational, it's only during the day.

**Commissioner A. Bordallo:** If you don't have the lease agreement, you can't get \*inaudible\*.

**Ms. M. Guzman:** Right.

**Commissioner A. Bordallo:** \*Inaudible\* I mean it was just designated as a cultural center but there's no lease agreement with the people that are \*inaudible\*.

**Administrative Director J. Hattig, III:** That's correct, Commissioner Bordallo. They just have a right-of-entry. They had a previous license that allowed them to legally occupy and conduct business. That license was it revoked by the Commission and so they're coming forward in trying to get a long-term lease on the property.

**Commissioner A. Bordallo:** So \*inaudible\* how long \*inaudible\*?

**Administrative Director J. Hattig, III:** I'm not sure how long that was maybe Joey can answer the question.

**Program Coordinator III J. Cruz:** The license was for a five-year period it was \*inaudible\* additional periods of five years each. So, a total of twenty \*inaudible\*.

**Commissioner A. Bordallo:** And it expired at the time?

**Program Coordinator III J. Cruz:** It wasn't expired. It was terminated by the previous CLTC Board.

**Commissioner A. Bordallo:** \*Inaudible\* under Land Management, wasn't it?

**Program Coordinator III J. Cruz:** The license was executed through the CHamoru Land Trust and we were the property managers at that time.

**Commissioner A. Bordallo:** Director Hattig, you mentioned something like I forgot what it is. I'll come back to the question. \*inaudible\* what happened?

**Administrative Director J. Hattig, III:** I'm not entirely sure, Commissioner Bordallo with the circumstances with the termination of that \*inaudible\* I wasn't here and I rely upon the guidance of the staff.

**Commissioner A. Bordallo:** Was it none payment or what?

**Program Coordinator III J. Cruz:** I believe it was for non-compliance but \*inaudible\* specific conditions that they were noncompliant with and were forwarded to the Board. It wasn't for nonpayment though.

**Commissioner A. Bordallo:** It was or it wasn't.

**Program Coordinator III J. Cruz:** It was not.

**Commissioner A. Bordallo:** So, what was the \*inaudible\*?

**Program Coordinator III J. Cruz:** We will go back and review the file and pull the Board meeting minutes regarding the termination of the license and forward it to you.

**Commissioner A. Bordallo:** \*Inaudible\* I just want to get an understanding of what happened and go from here.

**Ms. M. Guzman:** Thank you very much Commissioner Bordallo and of course we'll be happy to sit down and explain all the different issues that did occur with the license but we do know that we want to continue to be the umbrella organization for the nonprofits that are currently there. It's a beautiful place where you can see our culture being practices where we have dance, the yo' ánte's (CHamoru medical healers) up there. There's a house with a visual artist. There are seafarers up there and it's an area the \*inaudible\* tourism industry. GVB will always contact us and ask them if they can bring tour agents up. We're just a small nonprofit organization with the potential to grow and we would like to partner with the CHamoru Land Trust as we grow the organization and develop the center so that it can be a source of pride for our people where we can display our CHamoru culture in just the most magnificent way possible.

**Commissioner Bordallo:** \*Inaudible\* whether or not, Monica. It shouldn't matter of what you say doing the lease and the language.

**Ms. M. Guzman:** Understood commissioner and I think we are all on the same page on just trying to make sure on how we move forward is done in the best interest of the people of Guam and the best interest of the Commission and the agency and of Inadahen so we look forward to working closely with you and of course, we have the Legal Counsel, the Attorney General and then of course just to make sure that everything is done correctly, accurately and legally.

**Commissioner A. Bordallo:** \*Inaudible\* you know as far as how to go about including culture in our CHamoru \*inaudible\*.

**Ms. M. Guzman:** We also if I may add, we are also looking forward to the Construction of the Naftan (grave/burial place) Memorial because what better guardians for our ancestors than the Inadahen I Lina'la Kotturan CHamoru to be the guardians of the Naftan Memorial as where we're neighbors and so that was one of the reasons we met with the Governor because you know the designs for the Naftan came out and we just wanted her to know that we as an organization and representing all these nonprofits want to be partners with Naftan and Parks and Recs also so that we can be the guardian for our ancestors up at Naftan. Thank you very much.

**Chairman J. Reyes, Jr.:** Thank you Mrs. Guzman. Commissioner Bordallo, any other questions?

**Commissioner A. Bordallo:** No. I was just asking \*inaudible\*.

**Chairman J. Reyes, Jr.:** Yes, as you know what Commissioner Bordallo stated, it's to be able to ensure that we protect our culture and is kind of making sure that we cross our T's and dot our I's. I did want to ask Mrs. Guzman and Ms. Benavente, are there any \*inaudible\* plans in place or future projects that the Inadahen is looking to do that is either a strategic plan per say and maybe some of those are being held up because there's no official lease behind that? Do you have any of that to share? I'm just \*inaudible\* as to what is on the long-term road map.

**Ms. M. Guzman:** Thank you for asking that questions Mr. Chairman. I mentioned earlier that we are the recipients of two grants. One of those grants is from the Guam Council on the Arts and Humanities and that was to assist us in doing a strategic plan so that we can...the strategic plan we currently have needs to be updated so we were fortunate that they granted us some funding where we can bring in somebody and bring in all of our members and organizations and so that we can do a proper strategic plan and then part of that also was to upgrade and make our social media presence go robust. The organizations up there are very active, the two that are very active is the Yo' Ámte and the Guahan Sustainable Culture and then we're working on strengthening the other organizations up there because we know with their strength would make us stronger. So, we will keep you posted on the development of our strategic plan and if I may invite one of your Board members to participate also that would be great.

**Chairman J. Reyes, Jr.:** Thank you very much for that. Commissioner Santos any questions?

**Commissioner A. Santos:** I just want say keep up the good work, you all. That cultural center that I'm a part of that cultural center and I'm not too sure on what that does to my decision ability within the Commission but I'm...for anything that these guys need I'm \*inaudible\* about it I just want to put that out there. I'm looking forward to giving them that license, let's do it.

**Chairman J. Reyes, Jr.:** Thank you very much. Director Hattig, any additional thoughts for them?

**Administrative Director J. Hattig, III:** Yes. While I too support and I already talked with Mrs. Guzman on my support personally obviously and the agency's support. I just want to dive into some of the issues that make this very difficult and I know we're...we love our culture. We love what we're all going to work together to do but some of the decisions that need to be made \*inaudible\* are little bit more difficult to do and we're going to need to do that in an open and frank opportunity in front of the Commission. One of the issues is the property is a valuable property. I'll just go ahead and say it, plain. It's a very valuable property. It's one of our most valuable properties so the concern will also be not only making sure that they get a lease and license, lease or license but what our concern and my concern is what would be the benefit also of the Trust. That's my job as Administrative Director is to look out for the properties and the Trust and what it's going to gain. That's something that the Commission should really take a look at. The property value of the area that we're talking, the potential property taxes that are to be paid because nonprofit organizations are not exempt from paying property taxes and really what we can do in-kind, really that's what I'm looking forward too; because there's no price that you can put in our culture, really in my opinion. It's priceless. What are we going to do to help us out? Some of the things that have been thrown out is, we don't have our own building. The CHamoru Land Trust Commission does not have our own building. We rent from a private corporation so maybe in terms in what Inadahen is doing; if they're building something maybe they can incorporate a home for the CHamoru Land Trust Commission that could be something that saves us money annually every year in rent cost, perhaps and we're willing to work with our partners, the Trust was going to entertain a right of entry for the remnant part of Oka Point which was to be used for a staging area for the materials for the resurfacing of Chalan San Antonio that could have brought much needed utility into the area. I know that we were talking with DPW and the potential contractors there to put the necessary infrastructure there; water and power which was being talked about right here, today. So that's something that we could have acted on I think back then it's missed opportunity but now we have a new year so a new opportunity to reexamine the area, really to see what partnerships we can get out of it but to make sure that the Trust gets its fair share for the value of the property. Those are some of the things, outside the box thinking that I would like to continue presenting to the Commission and meeting Inadahen about so that we could work together to see what we could do to make this- move this forward and make it into fruition so that's some of the harder stuff that we need to tackle, really, in the coming year and let's set the stage for what we're going to be doing together.

**Ms. M. Guzman:** If I may, Mr. Chairman. I really like what the Director's saying and if you guys know me and know the members of our Board, we are very out of the box thinkers and so I like what the Director was saying because when we put all of our heads together, we can come up with a plan that would be beneficial for everyone. And thinking outside the box and being creative but making sure at the same time that it's a win-win for everyone. Thank you.

**Chairman J. Reyes, Jr.:** Okay with that said, if there's no other items of discussion we will proceed to the next agenda item. Thank you so much, Ms. Benavente, Mrs. Monica Guzman for joining us and we definitely be in touch and look forward to some of the evolution of the strategic plan. Next item on the agenda. I know that we are at the 5:39 p.m. mark and I know for Commissioner Bordallo it's getting later and later out there so we'll move through the agenda items. Next on the agenda is our Financial Report, Director Hattig?

### **Financial Report**

**Administrative Director J. Hattig, III:** The Financial Report is going to be presented by Mr. Cruz and it'll be the September sorry it's the October Monthly Revenue Collection Report. Go ahead Joey.

**Program Coordinator III J. Cruz:** \*Inaudible\* September 30, 2020. For our year end collections for the CLTC Operations Fund we collected nine hundred thirty thousand seven hundred eighty-six dollars and forty-five cents (\$930,786.45). For our Survey & Infrastructure Fund we collected a total of eighty-six thousand three hundred forty-eight dollars and five cents (\$86,348.05). For our CLTC Loan Guaranty Fund we collected a total of one hundred forty-three thousand five hundred ninety-nine dollars and forty cents (\$143,599.40) just to give you guys an update our FY2020 independent financial audit has commenced aside from handling the CHamoru Land Trust financial audit we are also handling the Guam Ancestral audit financial audit, with that said, since the Board members have changed we would also like to request the change of the signatories of our three bank accounts with Bank of Guam with consideration the first would be the first bank account, Account No. 0101-295976, also Account No. 2501-002274 and Account No. 0401-437964 because we are going through financial audit the current signatories are the previous chairperson and Director Hattig. We're going to need to send Bank of Guam an Account Balance Information letter and unfortunately because the chairwoman is no longer the chairperson, we won't be able to gather information because the signatories haven't changed so we're requesting that the Board consider designating two Commission member and the Director to be the signatories for the three accounts that I have mentioned just to ensure that any information that we need during the course of this audit we're able to obtain.

**Chairman J. Reyes, Jr.:** Okay so you need two Board members, two Commission members and the Director?

**Program Coordinator III J. Cruz:** In the past it's been one Board member and the Director.

**Chairman J. Reyes, Jr.:** Okay so I'll defer to our Commissioners who are online today to previously Mr. Cruz stated that it was the past chairperson and the Director. I'm okay to keep it that way in that sense but I'm going to leave it up to you to decide and if we can get – So Mr. Cruz do we have to make a motion today to rectify this and I think we should but Director Hattig you had your hands up sir.

**Administrative Director J. Hattig, III:** Yes sir. I'd like to ask and this involves asking the Legal Counsel and again sir I apologize I don't mean any kind of offense but because of your current position at the Bank of Guam, is this going to be a conflict of interest for you to be a signatory? I just have to ask.

**Legal Counsel N. Toft:** I don't think that will be a conflict, no.

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

**Chairman J. Reyes, Jr.:** No worries. I am a signatory at my other nonprofits so- there is no conflict.

**Program Coordinator III J. Cruz:** Yes sir \*inaudible\* the Board to make a motion and we'll prepare the resolution.

**Commissioner A. Santos:** Joey you said three?

**Program Coordinator III J. Cruz:** We currently have three bank accounts. We believe it's a TCD, a checking and a savings account with Bank of Guam.

**Commissioner A. Santos:** They all need two signatures, correct?

**Program Coordinator III J. Cruz:** At the very least, two.

**Commissioner A. Santos:** Okay good.

**Commissioner A. Bordallo:** I make a motion to that Director Hattig and the Chairperson, Mr. Reyes be the signatories for all three accounts ending in numbers, 2274, 5976, 7964; all those three accounts.

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

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

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

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Okay, motion passes. So, Joey you'll prepare the proper documentation for this?

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

**Chairman J. Reyes, Jr.:** Thank you very much. Okay, any other items on this?

**Program Coordinator III J. Cruz:** Also, for the financial report, the administration section of the CHamoru Land Trust is putting together a report that outlines the financial solvency of the Commission from 2011 to current to \*inaudible\* should be 2020 also only because we have concerns of our financial solvency and with no new revenue our operations fund is going to run out of money. Aside from that we also want the Board to consider and to review, because we handle the financial audit also for Ancestral, our goal is to find new revenue even if it's from interest earned from our bank accounts. For example, the GALC TCD in the amount of five hundred eleven thousand dollars (\$511,000.00) earned about eleven thousand dollars (\$11,000) in interest which is about nine thousand dollars (\$9,000.00) than what the Commission earned in its current bank account with the Department of Administration. So those are just the things we'll be presenting hopefully in the next board meeting so we're doing our part to try to find new revenue in other avenues.

**Chairman J. Reyes, Jr.:** Awesome thank you. Anything else, sir.

**Program Coordinator III J. Cruz:** For me, that's all.

**Chairman J. Reyes, Jr.:** Thank you. Any other items in this agenda items?

**Administrative Director J. Hattig, III:** I just want to point out Mr. Chair that the budget call for FY2022 has gone out already and we'll also be presenting that to the Commission in the next Board meeting.

**Chairman J. Reyes, Jr.:** Okay, thank you. Alright, moving on to the next agenda item is the Director's Report.

#### **Director's Report.**

**Administrative Director J. Hattig, III:** By now you all have received a copy of my Director's Reports and basically, it's a more in depth look at some of the current things that the agency is experiencing. So, I make myself available for any questions subject to your review of my report dated, December 28<sup>th</sup>. I do want to point out that what is not in the report has been sent to you via email we have a list of approved properties or available properties we would like the Commission to approve so that we can move forward in the issuing of or the search for lots for our designated data base, the CLTC database and also, we have lists of residential and agricultural applicants that we would like the Commission to approve so that we can move forward in trying to find lots for these folks and putting together for the packets for their lease issuance review by the Board. So those emails have been sent to you there's a total of 20 in the agricultural lists of applicants and 20 on the residential list of applicants and then on the subject properties we do have available six individual lots or tracts for agricultural and then two tracts that are available for leasing for residential. So, the previous Board had put in its Standard Operating Procedure that the Commission must approve the list of applicants to be moved forward to be worked on and the list of available lots to be leased out. So, I provided that to you today via email so if you could review those and if we could get approval on those three lists so we could move forward in doing the processing for those in conjunction with the new qualifications that are going into effect for January officially.

**Chairman J. Reyes, Jr.:** Now, real quick question on this one; you want approval today, correct?

**Administrative Director J. Hattig, III:** If at all possible, we'd like your approval because if we don't have the approval then we won't be able to move forward as per the SOP.

**Chairman J. Reyes, Jr.:** And then for this list is just basically who's next in line, correct?

**Administrative Director J. Hattig, III:** Correct. Because currently starting December of 1995 moving on down or forward.

**Chairman J. Reyes, Jr.:** Alright. I did receive the list let's confirm with Commissioner Bordallo and Commissioner Santos, did you guys get that in your emails?

**Commissioner A. Santos:** \*inaudible\* well we already know that these are the next 20 in line right?

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

**Commissioner A. Santos:** What is preventing from already do in it? \*inaudible\* the Commission needs to improve them?

**Administrative Director J. Hattig, III:** Well essentially, they're going to go before the Commission. Once we find lots that are available and once, they survey the lots then we put the packet together that goes before the Commission but in the SOP that was approved in July, one of the things that needs to move forward is the Commission needs to approve these lists in order for us to move forward with it and I'll cite the specific SOP. I know that you probably didn't receive one yet so let me...

**Commissioner A. Santos:** I did.

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

**Commissioner A. Santos:** Yeah, but my question is with you giving us the list already what you're telling us that these are the people that need to go forward? The Commission has been \*inaudible\*.

**Administrative Director J. Hattig, III:** They're next in line. Their dates and times are up. I mean we're basically asking you to confirm that their date and time is up and we can talk to them and we can work with them on finding a lot for them and then getting them to survey the lot so that we can move forward to applying for the approval from the Commission for the lease.

**Chairman J. Reyes, Jr.:** So, in essence to be clear this is just to begin the process?

**Administrative Director J. Hattig, III:** Yes. It's in 3.1 of the SOP; Identification of available properties for lease and approved list of applicants. So, 3.1a is the available properties for Agricultural and Residential Lease. 3.1b is the current list of applicants in the Agricultural and Residential waiting lists and the c is the current applicants ranking each priority but we hope that you would entrust that to us that we already know the priority based on their application.

**Chairman J. Reyes, Jr.:** Okay. Commissioner Bordallo, did you receive the list in your email?

**Commissioner A. Bordallo:** No.

**Administrative Director J. Hattig, III:** If you could refresh Commissioner Bordallo and also check your junk mail maybe and your spam mail. They were sent to both your Yahoo account and your CLTC account.

**Commissioner A. Bordallo:** Okay what...do you remember the day that you sent it?

**Administrative Director J. Hattig, III:** Yes, it was sent about an hour ago just today.

**Commissioner A. Bordallo:** Okay I have to go through my email.

**Administrative Director J. Hattig, III:** Yeah, I apologize it was sent to both at arlenebordallo@yahoo.com and cltccommissioner.bordallo@cltc.guam.gov.

**Commissioner A. Bordallo:** Well after the meeting I'll look for it because...

**Chairman J. Reyes, Jr.:** Director Hattig, you're speaking on mute.

**Administrative Director J. Hattig, III:** Sorry if you would like to ask me any questions about my report while Commissioner Bordallo is looking for the lists, I'm available.

**Commissioner A. Santos:** Director Hattig I guess I already asked it \*inaudible\* but like you said to entrust within you guys to know the process, right to entrust that you guys know the process and are making sure that the ones that are next line are legit really the ones next in

line, correct? Nobody is \*inaudible\* anybody, you guys stated the time and date here, the date of the application, right?

**Administrative Director J. Hattig, III:** Correct. If I may add too, Commissioner Santos most of these have already been they've already been informed but for some reason or another through the years the process has not been completed so for most of this we're going to be completing the process. We just want to follow SOP because it was approved by the Commission.

**Commissioner A. Santos:** Correct. With every meeting the SOP is...every meeting you guys will present the Commission with 20 people who are next in line?

**Administrative Director J. Hattig, III:** Correct. That's the idea, yes.

**Commissioner A. Santos:** Okay. Cool.

**Chairman J. Reyes, Jr.:** Thank you for those clarifications, Commissioner Santos. I just took a look at the list and I trust that the Commission is maintaining this and is up to date and our approval or the Commission's approval is basically just to begin the process and things can take a turn for the better of course if we want or it could also have some setbacks. So is Commissioner Bordallo and Commissioner Santos, are you guys comfortable with moving forward and approving this list so the process can begin? I defer to you two to make that motion to proceed.

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

**Chairman J. Reyes, Jr.:** Okay, so may I get a motion so that the team can begin work?

**Commissioner A. Santos:** I make a motion to approve the list of 20, the next 20 recipients to begin the process for the application.

**Administrative Director J. Hattig, III:** For both agricultural and residential.

**Commissioner A. Santos:** For both agricultural and residential applications.

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

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

**Chairman J. Reyes:** Alright, thank you Commissioner Bordallo for that second. Any objections?

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** No objections, the motion passes. Director Hattig anything else on your...

**Administrative Director J. Hattig, III:** Did you get a chance to review the available lands lists? I know that it was regular email it wasn't a printout but the survey division has provided available lots; did you receive that email?

**Chairman J. Reyes, Jr.:** Yes, I did. Could you brief us on this, please?

**Administrative Director J. Hattig, III:** Okay. So, there are six current tracts or lots available for agricultural use and Mr. Pierce Castro is also there he'll be able to comment on where these tracts are or these lots. Tract 18113, Pierce?

**Engineer Technician II Pierce Castro:** That would be in Mangilao.

**Administrative Director J. Hattig, III:** Okay. Lot 10129-R3?

**Engineer Technician II P. Castro:** That's in Dededo, along Route 3.

**Administrative Director J. Hattig, III:** Lot 8?

**Engineer Technician II P. Castro:** Yeah, Lot 8 is in Inarajan this is where the Experimental Farm is at the UOG, Experimental Farm. It's on the border between Mangilao I mean Merizo and Inarajan.

**Administrative Director J. Hattig, III:** Okay. And then Lot 10141-R13?

**Engineer Technician II P. Castro:** That'll be in Dededo North of Swamp Road.

**Administrative Director J. Hattig, III:** Okay and then Lot 477?

**Engineer Technician II P. Castro:** That'll be in Agat past the Santa Ana Church.

**Administrative Director J. Hattig, III:** Okay. Then Tract 1112?

**Engineer Technician II P. Castro:** Dededo along Swamp Road or I'm sorry, Ysengsong Road.

**Administrative Director J. Hattig, III:** Okay, so those are the approximate areas of the tracts or lots that are available for agricultural leasing according to our Survey Division and our Land Admin and Administrative Services Division. And then we have two tracts that are available for residential leasing. These are our large tracts. Tract 9210 Mr. Castro?

**Engineer Technician II P. Castro:** That's in Yigo, that's right outside the front gate.

**Administrative Director J. Hattig, III:** The front gate of?

**Engineer Technician II P. Castro:** The front gate of Andersen, I'm sorry.

**Administrative Director J. Hattig, III:** And then Tract 319?

**Engineer Technician II P. Castro:** 319 will be Agat behind the Pagachao Subdivision, across the Marina, the Agat Marina.

**Administrative Director J. Hattig, III:** So, these are the approximate areas that are available according to our Survey Division that have not been leased or are not scheduled to be leased commercially but rather for residential. We are still currently working on residential subdivisions and masterplans right now because \*inaudible\* through the years and terrain challenges that we've experienced and weather those particular lands we have to reevaluate and those subdivisions we also have to re-plan because there are new requirements for the Department of Land Management in terms of scheming for our new subdivisions so as soon as those plans become available, we will make them available for the Commission.

**Chairman J. Reyes, Jr.:** Okay. Director Hattig, well now that they've been identified as available then we will continue to work through the list to start the process of issuing leases, correct?

**Administrative Director J. Hattig, III:** Correct. The idea here is to make sure we have accountability right what you said before right lands are not issued to one person and then reissued to another. So now that we have our available lands list then we can properly manage who gets what and I told the Commission earlier that we have centralized the process for approval on certification of the land through survey and through our land agents supervisory or lead land agents and then administrative services is taking one last look at it before it gets to me and then the staff reports are put together and brought before the Commission.

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

**Commissioner A. Bordallo:** This is a question that I have for the Director. There was at the Legislature a hearing on a bill that involved the CHamoru Land Trust. Can you tell me what that was?

**Administrative Director J. Hattig, III:** There were several bills before the legislature Commissioner Bordallo. I know that they talked about one that was about the existence of septic tanks above the Northern Aquifer. There was another bill that talked about illegal dumping on CLTC property and then there was another bill that talked about the request for utility verifications before the Commission issues leases and the final piece was Bill 425 which was to provide for commercial lease property without competitive bidding to authorize the CHamoru Land Trust Commission to negotiate its commercial leasing without competitive bidding. So those are the only four bills that I'm aware that went before the Legislature this term.

**Commissioner A. Bordallo:** What about the bill that involved I mean it was a public hearing with Sabina Perez and Senator Ridgell?

**Administrative Director J. Hattig, III:** I believe the bill that you're referring too wasn't specific to the CHamoru Land Trust it was establishing a task force to determine I believe in terms of the NGLA the Northern Guam Lands Aquifer but I'm not aware nor was I invited to participate to give discussion on that particular bill.



**Commissioner A. Santos:** Is there anything specific that you know about it Chairman Bordallo?

**Commissioner A. Bordallo:** I did not attend that?

**Commissioner A. Santos:** But it was Senator Clint Ridgell and Senator Perez that...

**Commissioner A. Bordallo:** Yeah.

**Commissioner A. Santos:** And if I'm correct that was pertaining to property. I'm not too sure if it was CHamoru Land Trust property but it was the Forestry Act \*inaudible\* is what that property was being talked about \*inaudible\*.

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

**Chairman J. Reyes, Jr.:** Yes, Commissioner Bordallo you're right but Director Hattig wasn't that one of the bills that was going to be discussed in the public hearing that has been identified that there was a piece of CLTC property as part of those identified lands for the Guam Forestry Conservation?

**Administrative Director J. Hattig, III:** That's my understanding but they were already identified. They were already included in that particular inventory that they were in fact CLTC properties but for the purposes of conservation those particular areas were not going to be leased out \*inaudible\* remain within the Trust inventory but they were not going to be available for leasing because of the conservation purposes. I know we have certain lands that were also set aside like Hatdin Amot CHamoru (garden of natural CHamoru medicine) in the North and in the South so those are also lands within the Trust that we are not able to do anything with because of conservation needs for our environment.

**Chairman J. Reyes, Jr.:** I believe Commissioner Bordallo that was the one because it was like in the millions in size right that was also something that I notice.

**Commissioner A. Bordallo:** I would like to know exactly where those conservations \*inaudible\*.

**Commissioner A. Santos:** Those properties are already within the Government of Guam's inventory. It's not with agency or within the CLTC that one I know for sure.

**Commissioner A. Bordallo:** \*Inaudible\* in Guam is under CLTC, supposed to be.

**Commissioner A. Santos:** Yeah, let me rephrase that saina-hu (my elder) but I don't think that was...yeah I'll just refrain.

**Administrative Director J. Hattig, III:** There were lands set aside there's a public law that sets aside the inventory of the Trust and that's what Commissioner Bordallo was referring to. Any land that is not reserved by any department or agency revert to the inventory of the Trust but within those there are portions of those properties that have already been set aside by law for conservation and I can provide Commissioner Bordallo with those specific pieces of legislation.

**Chairman J. Reyes, Jr.:** Okay. Do you mind providing that to us just for informational purposes?

**Commissioner A. Santos:** I guess I was trying to say something else but I can't get it out at the top of my head is what I'm trying to say.

**Chairman J. Reyes, Jr.:** Okay, thank you very much. I do have one question Director Hattig. I'm sorry not a question but with this list that you forwarded to us; we don't need to do anything with this correct? With the tract?

**Administrative Director J. Hattig, III:** I guess to acknowledge that these are the tracts that we are going to be using and no other tracts are approved. It's a way of like I said, it's a way of safeguarding our lands so whatever we put forth is available based on our survey capability. We're only going to be talking about those lands, we won't be able to issue any other lands.

**Commissioner A. Santos:** Do we have size for these tracts and lots?

**Administrative Director J. Hattig, III:** I apologize that I don't have the dimensions of the specific lots but if that prevents you from approving them then we can certainly at the \*inaudible\* time. \*inaudible\* I know that Pierce is listening so he'll be able to provide the sizes.

**Engineer Technician II P. Castro:** Yes sir, not a problem.

**Chairman J. Reyes, Jr.:** But to confirm, there's no action that you need from the Commission on this, correct, right now?

**Administrative Director J. Hattig, III:** If you look at the...it just says that the available property shall be presented to the Commission for approval. That's what it says in the SOP so I'm presenting those available properties to the Commission for approval.

**Chairman J. Reyes, Jr.:** Okay I just need it to be clear. Commissioners, the list of the tracts that Director Hattig had presented for agriculture which is six parcels I believe and for residential two tracts with the larger pieces are now available for lease. There's an action needed here \*inaudible\* has presented and we need to approve it so is there any additional questions or we can move to approve?

**Commissioner A. Bordallo:** I just want to find out, if it's a tract then can you tell us the locations.

**Administrative Director J. Hattig, III:** Yes, ma'am and we went over that with Mr. Castro he did give us an approximate location and the municipalities of each tract.

**Chairman J. Reyes, Jr.:** Okay but Director Hattig could you go through that one more time for us please?

**Administrative Director J. Hattig, III:** Sure, and I'll need Mr. Castro's help too as I'm also going to take note. So, we have the first available for agriculture is Tract 18113.

**Engineer Technician II P. Castro:** Yes, sir that's in Mangilao. It's closest to the old Kinney's Café on Route 15.

**Administrative Director J. Hattig, III:** Lot 10129.

**Engineer Technician II P. Castro:** 10129 is going north along past NCTMS on the right side before you get to Pots junction.

**Administrative Director J. Hattig, III:** In Dededo.

**Engineer Technician II P. Castro:** Yes, in Dededo.

**Administrative Director J. Hattig, III:** Lot eight is in Inarajan.

**Engineer Technician II P. Castro:** Right Inarajan. Yes, it's in the boundary between both Inarajan and Merizo. There's a UOG Experimental Farm up there.

**Administrative Director J. Hattig, III:** And then 10141.

**Engineer Technician II P. Castro:** Lot 10141 it's north Ysengsong Road, C & H Farm area.

**Administrative Director J. Hattig, III:** And then Lot 477 is Agat, right near the Marina?

**Engineer Technician II P. Castro:** No that'll be Tract 319. 477 is farther south past the Santa Ana Church it's before the transfer station in Agat.

**Commissioner A. Santos:** On the left side?

**Engineer Technician II P. Castro:** On the left side as, you head south.

**Administrative Director J. Hattig, III:** Tract 1112.

**Engineer Technician II P. Castro:** That is along Ysengsong Road that's before you get to the left hand turn that takes you out to Rte. three and I can also provide the satellite overlays and a map for these lots and we can send them by email.

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

**Engineer Technician II P. Castro:** You're welcome.

**Administrative Director J. Hattig, III:** And then the residential Tract 9210.

**Engineer Technician II P. Castro:** Yeah, 9210 is outside the front gate to Andersen. As a matter of fact, that's bordering Andersen.

**Administrative Director J. Hattig, III:** And then Tract 319 is Agat, right?

**Engineer Technician II P. Castro:** Yeah 319 is behind the Pagachao Subdivision across the Agat Marina.

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

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

**Engineer Technician II P. Castro:** You're welcome.

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

**Engineer Technician II P. Castro:** Yes sir.

**Chairman J. Reyes, Jr.:** Tract 1112, sorry I missed that one.

**Engineer Technician II P. Castro:** Yeah, that's as you head north on Ysengsong road it's on the left side.

**Chairman J. Reyes, Jr.:** Okay got it okay. I'm just taking note of this.

**Engineer Technician II P. Castro:** I'm sorry its closest to I guess Astumbo Elementary School.

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

**Engineer Technician II P. Castro:** I'll provide you with all the satellite images and maps, the survey maps.

**Chairman J. Reyes, Jr.:** Thank you so much. So, Commissioner Santos, Commissioner Bordallo, are you guys okay to move to approve this.

**Commissioner A. Bordallo:** Sure.

**Commissioner A. Santos:** And this is just the availability of these lots to be able to move forward. Identifying the lots?

**Chairman J. Reyes, Jr.:** Right Yes.

**Commissioner A. Santos:** And you guys identified them by survey and right have been surveyed too?

**Administrative Director J. Hattig, III:** Not necessarily surveyed but these are current information that has been provided by the Survey Division so other surveys that have occurred and map overlays we just take a map overlay of the general area to provide it to you but the actual survey must be done by the applicant.

**Commissioner A. Bordallo:** Okay I make a motion that the list that was mentioned by Mr. Castro that we approve to move forward on getting it advertised to be \*inaudible\*.

**Chairman J. Reyes, Jr.:** Thank you Commissioner Bordallo but may I suggest that we maybe not use those choice of words \*inaudible\* suppose we need to not necessarily use them \*inaudible\* just make sure we document that correctly.

**All:** Laughing.

**Chairman J. Reyes, Jr.:** Let me just reiterate the motion of Commissioner Bordallo is to proceed with the list provided by the Director and Mr. Pierce Castro for both agriculture and residential lots that are available.

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

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

**Commissioner A. Bordallo:** None.

**Chairman J. Reyes, Jr.:** Alright, no objections. The motion passes. Thank you so much. Any other items, Director Hattig?

**Administrative Director J. Hattig, III:** One other item Mr. Chair. I'm so sorry but on my report Agricultural and Residential leasing that's the second item; number two I want to bring up as previously discussed that currently \*inaudible\* Legal Counsel, I've asked his opinion on this the new qualifications of the program provided that the Commission is going to approve each qualified individual or each individual applicant to be qualified so therefore I wanted to submit a proposal to the Board that it delegate some of its responsibility of that qualification and other responsibilities so as to provide streamline and inspective process for

our lessees when they apply and move forward towards a lease. So, on item number two, Administrative Director recommends that the Commission delegate its authority in accordance with law for the following: A. all beneficiary successor designations, B. all transfer of application and lease rights, C. all utility authorizations, building permit authorizations, clearing & grading authorizations, D. all survey authorizations, and E. all the determinations for qualifications under the program. In addition, a monthly report shall be given to the Commission detailing all actions under these delegations so purpose again is to streamline and improve the process for approval of the Commissions monthly meetings. So, I believe without these delegations your monthly meetings will be lengthened because in Constituent Matters these are all \*inaudible\* must be approved by the Commission. I'm not asking for this today necessarily but I am bringing it to your attention in the hopes that you will consider my proposal to assist and make it easier for us to help out our constituents.

**Chairman J. Reyes, Jr.:** Yeah, and Jack I'm sorry Director Hattig just to confirm right this is in relation to 35-112.

**Administrative Director J. Hattig, III:** Yes, primarily I know that number one, I mean letter E is directly related but all others become a function of the process.

**Chairman J. Reyes, Jr.:** Director Hattig, can I just ask where are you reading that from?

**Administrative Director J. Hattig, III:** Sure, let me just bring up the public law.

**Chairman J. Reyes, Jr.:** No, the items that you just enumerated for us.

**Administrative Director J. Hattig, III:** In my report they should be in my last page. I'm hoping that you received the very last, its number 22 it's label as number 22. I know Tina sent...Ms. Tina sent out the packets under Agricultural and Residential leasing, number two.

**Chairman J. Reyes, Jr.:** Got it. Okay. Because you were numerating the letters and I'm sorry I didn't know exactly where you were at. In addition to that though there are some things that we wanted to make sure that I wanted to make sure with the Public Law 35-112 and I know this will \*inaudible\* item on your report \*inaudible\* agency up to speed but I want to make sure that the Board...Commission members are also up to speed in the same sense that you're getting the office the agency ready so how can we do that? How can we do that so we're in sync with what's going to be done administratively \*inaudible\* and you know everything that...I'm sure we're going to run into constituents and beneficiaries and they're going to ask some of these questions of course we're going to defer to you but if you can answer it off the \*inaudible\* that's something that'll be great but then also to make sure that you get our support in some of these functions that will be that we want to provide your authority for or the agency \*inaudible\*.

**Administrative Director J. Hattig, III:** What we can do Mr. Chair is we can set up a virtual training for all intense and purposes. I wouldn't recommend and Legal Counsel Toft is here; I wouldn't recommend that we do it as a group because of open government meeting requirements but if I could set up an individual items and virtual training with each Commissioner so that at your time we can go through the process and we can tell you exactly what the agency is doing and what the employees are going through exactly for the changes.

**Chairman J. Reyes, Jr.:** Attorney Toft we would do it – it's best to do it individually with the Director, correct?

**Legal Counsel N. Toft:** That's correct, yeah.

**Chairman J. Reyes, Jr.:** Alright, so let's take that approach Director Hattig so that we can know how that all ties with the increased volume the potentially increase volume that we will see so that we can...I want the commissioners to make an informed decision as well as...Commissioner Santos is very new and to get up to speed and some of that one and ones that we had been conducted as well.

**Administrative Director J. Hattig, III:** In conjunction with that I want to report that the Attorney General has contacted me and they're trying to get the virtual training set up for the Fair Housing Act because as you're aware based on the settlement and Public Law 35-112. The commissioners as well as the agency staff as well as myself have to attend the mandated training for the Fair Housing Act. So, we're going to make sure that we contact you once that's available and then when you commissioners each individually when you are ready you can contact me and we can set up the virtual trainings for the new procedures.

**Chairman J. Reyes, Jr.:** Okay, I appreciate that.

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

**Chairman J. Reyes, Jr.:** Commissioner Santos, Commissioner Bordallo, anything else on that?

**Commissioner A. Bordallo:** No, I'm good.

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

**Commissioner A. Santos:** Nothing on what he mentioned but we're still talking about what he proposed on his agriculture and residential leasing item, right?

**Chairman J. Reyes, Jr.:** Yeah. I think that will all tie into the one and ones that you'll have for us to make that decision and potentially in our next Commission meeting.

**Commissioner A. Santos:** I didn't really get what you were talking about I was pretty much looking at the laws and seeing how and what it falls into. I'm sorry, Director what you proposed, you said one and ones?

**Administrative Director J. Hattig, III:** Yes. Whenever you're ready to engage you can send me an email and we can set up one and one training and what I'll do is go over each of these proposals with you and how they interconnect with the new qualifications.

**Commissioner A. Santos:** You're talking about the \*inaudible\* number two, right?

**Administrative Director J. Hattig, III:** Yeah, the ones on number two under agricultural and residential leasing. I'll expound on them more during our one and one as the Chairman said.

**Commissioner A. Santos:** Okay. Okay. Understood. So, we're not making a decision right now?

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

**Commissioner A. Santos:** Alright. Cool.

**Chairman J. Reyes, Jr.:** I just want to make sure that – you're the newest one in our Commission to get the same sessions forwarded to you so that you could \*inaudible\*.

**Commissioner A. Santos:** Alright.

**Chairman J. Reyes, Jr.:** Thank you. Director Hattig, anything else?

**Administrative Director J. Hattig, III:** No sir. That's all I have.

**Chairman J. Reyes, Jr.:** Okay. Thank you so much. Anybody else on the currently that's on the meeting? Where going to move onto the Commissioners Comments. Anybody on the Commission? Commissioner Bordallo, Commissioner Santos that you want to add?

**Commissioner A. Santos:** None. This is a great meeting I appreciate everybody's work in every way thank you all.

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

**Commissioner A. Bordallo:** Well, I want to wish everyone a blessed Christmas and Happy New Year.

**Chairman J. Reyes, Jr.:** Cool and Commissioner Bordallo hope everything is going well for you as well. Being out there in the states and getting all the medical attention that you need. You really look good so I just wanted to share that with you as well.

**Commissioner A. Bordallo:** I'm just waiting to get my vaccine. So, I can come home.

**Chairman J. Reyes, Jr.:** Awesome good to know. We'll keep you in our prayers, Commissioner Bordallo. Thanks so much for joining us today. If there's no additional

comments from our Commissioners the last item on our agenda is Public Comment; is there anybody...?

**Public Comment**

**Administrative Director J. Hattig, III:** Mr. Chairman the Public Comment is going to be made available through the Facebook and through our CLTC Admin.

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

**Administrative Director J. Hattig, III:** That will take care of the public comment portion. Anyone can leave messages on our Facebook and we will get back to them and then they can email us at our CLTC Admin email address.

**Chairman J. Reyes, Jr.:** Okay great. Thank you for that correction I appreciate it. So, at this time I would like to get a motion from our commissioners for adjournment and right now the tentative next meeting is scheduled for the third Thursday of January which is January 21<sup>st</sup> 2021 at 1PM. We will keep you posted on that date and confirm. May I get a motion for adjournment please?

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

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

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

**Chairman J. Reyes, Jr.:** Thank you so much Commissioner Bordallo, Commissioner Santos, Attorney Toft, Pierce, Joey, Lydia thank you so much all the land agents, Tina, Glenn \*inaudible\* appreciate your time. This was a great meeting, our first rodeo in that sense but I appreciate your time. Thank you.

**Administrative Director J. Hattig, III:** I just want to confirm that the time 6:26 p.m. is the time for adjournment.

**Chairman J. Reyes, Jr.:** I was \*\*inaudible\*\* 6:26 p.m. would be adjournment. Thank you very much.

**Adjournment:** Meeting adjourned – 6:26 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

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

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



