



CHamoru Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning
Thursday, March 7, 2019, 1:03 p.m. – 5:10 p.m.

Public Notice: The *Guam Daily Post* on February 27, 2019 and March 5, 2019

I. CALL TO ORDER

Chairwoman called the Chamorro Land Trust Meeting to order at 1:03 p.m.

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman Fejeran, Commissioner Santos, Commissioner Duenas, Commissioner Techaira, Legal Counsel Nicolas Toft, Administrative Director Jack Hattig

Absent: Vice Chairman Joe Cruz

III. APPROVAL OF MINUTES

January 29, 2019; Special Meeting

Motion made by Commissioner Techaira to approve the January 29th minutes.
Second by Commissioner Santos. PASSED Unanimously

Chairwoman Pika Fejeran: asked about the meeting summary for January 29, 2019, Special Meeting.

Administrative Director Hattig: in response, there is a summary for the January 29th. meeting, however, it is only the meeting minutes in the packet and not the summary. Also stated going forward the meeting summary will be accompanied by the meeting minutes and included in the packet.

Chairwoman Pika Fejeran: stated the point of the meeting summary is very specific points and actions. Requested, the meeting summary be submitted right after the meeting for board approval. Asked legal counsel if that would be an issue and if the board is able to approve meeting summaries via email. Feels it is important for the beneficiaries to know about the decisions and actions that were taken during the meeting.

Assistant Attorney General Nicolas Toft: in response, suggested it would be best to approve the minutes in hearing during the meeting and then have a summary that can be reviewed and sent out. Stated to do the board approval of the meeting minutes first, then summarize the minutes and agree to send the summary via email.

Chairwoman Pika Fejeran: stated what CLTC would do is prepare the meeting minutes followed by the summary; the Commission will review and approve both then publish both.

Assistant Attorney General Nicolas Toft: stated it is critical to have the meeting minutes reviewed and approved first.

Chairwoman Pika Fejeran: stated to have the meeting minutes and the summary of each meeting starting as far back as January 29th.

Chairwoman Pika Fejeran: moved onto the next item on the agenda

IV. OLD BUSINESS

1. Resolution No. 2018-09 – Moved to include in Director’s Report further in the agenda

Chairwoman Pika Fejeran moved onto the next item.

2. GWA Right of Entry Lot 5075-REM-A-NEW-R1

Chairwoman Pika Fejeran reviewed the agreement and reiterated the agreement is on CLTC’s Commercial property in Upper Tumon behind the East West Rental. CLTC’s conditions for GWA to utilize the property through a Right of Entry Agreement and when GWA is done with the use of the Right of Entry is to clear the vegetation on the lot, fencing to be erected along the perimeter of the lot where there is no fencing with a point of access, to design and build a storm retention basin and restore the subject land to a clean and sanitary condition. Must be free of any oil, chemical, waste or any potential hazardous waste material.

The agreement will expire on December 31, 2019.

Asked if anyone had any questions regarding the Right of Entry Agreement.

[Side discussion]

Administrative Director Jack Hattig asked Assistant Attorney General Nicolas Toft if he needed to attest to the Right of Entry Agreement.

Assistant Attorney General Nicolas Toft: in response, no.

Chairwoman Pika Fejeran: requested for a notary at the end of the meeting for to finalize the Right of Entry Agreement.

Chairwoman Pika Fejeran: Moved on to the next item on the agenda

3. Inadahen I Lina’la Kotturan Chamoru

Chairwoman Pika Fejeran: in regards to Inadahen I Lina’la Kotturan Chamoru, CLTC was waiting for the organization to provide proof of their non-profit status and not subject to taxes. The next step for CLTC is to sit down with the organization to develop the lease terms as a Cultural Resource Center.

Referred to Administrative Director Hattig and requested to set up a meeting with the representatives and develop the lease terms.

Also, stated the lease terms would also be governed by the Cultural Resource Center Rules that have been formed.

Administrative Director Hattig: in response, spoke with Senora Arceo, the former President of Inadahen I Lina'la Kotturan Chamoru who mentioned they (the organization) are trying to locate the next President. There are some discussions as far as how they want to proceed under new leadership.

Chairwoman Pika Fejeran: requested to make sure the Right of Entry Agreement between CLTC and Inadahen I Lina'la Kotturan Chamoru gives us (CLTC) enough time to develop a lease. Informed Administrative Director Hattig to bring the lease to the Commission once it is ready.

Administrative Director Hattig: in response, his plan is to have something prepared and ready by the next Administrative Meeting.

Chairwoman Pika Fejeran: moved on to the next item on the agenda

4. Lot 5174REM-1, Tamuning Lease; Nicole Kelly

Chairwoman Pika Fejeran: stated Nicole Kelly appeared before the Commission on the February 7th meeting. The Commission made a motion and signed a resolution declaring the support of the sale of the subject property to Nicole Kelly.

Administrative Director Hattig: chimed in to clarify there was no resolution signed yet, at the request from the Commission to prepare a resolution and present it to them. The resolution is prepared and ready for the Commission to review which is included in the meeting packet. Assistant Attorney General Nicolas Toft has reviewed the resolution and has no concerns with it.

Commissioner Techaira: stated, the resolution indicates there is a survey map; however, doesn't see one attached to the resolution.

Chairwoman Pika Fejeran: requested to get a copy of the survey map and asked if other contiguous land owners come forward.

Administrative Director Hattig: in response, not as of yet that he is aware of. However, Ms. Kelly had approached the land owners with an offer to survey their portion but hasn't heard anything.

Chairwoman Pika Fejeran: asked what is the recourse in regards to any of the land owners coming forward?

Assistant Attorney General Nicolas Toft: in response, suggested to move forward with Nicole Kelly and if one or two more come up in the future, then at that time bring it to the legislature and ask the legislature for the ability to potentially sale the portions that have intrusions into the lot so it wouldn't be beyond the half way mark.

Chairwoman Pika Fejeran: stated CLTC knows there is encroachment. Nicole Kelly's case came up because she wasn't able to get an occupancy permit; somehow, the other neighboring residents were able to get an occupancy permit but CLTC again is aware those residents are encroaching.

Assistant Attorney General Nicolas Toft: in response, the concern is, if they try to sell their homes to another person and the new owners decide to remodel, they would probably run into the same issue as Nicole Kelly.

Chairwoman Pika Fejeran: asked; if CLTC knows there is encroachment onto CLTC's property, what are the rights as the Trust?

Assistant Attorney General Nicolas Toft: in response, what can be done is issue a cease and desist and to take down the encroachment portions or buy the land.

Chairwoman Pika Fejeran: stated, this is one instance where the Commission knows the land has been encroached on and believed it is in the best interest of the Trust to pursue that.

Administrative Director Hattig: mentioned he will get in contact with all the neighbors / residents in that area, draft Cease and Desist Notices to get the process started.

Commissioner Techaira: asked if the value needed to be determined

Assistant Attorney General Nicolas Toft: in response, the process is through the legislature first; if the legislature approves or passes the bill then two appraisals are conducted; one selected by the government and the other by the land owner; the average of the two appraisals is what the final value would be.

Chairwoman Pika Fejeran: Welcomed Mr. Joe Borja, Director of the Department of Land Management.

Director Joe Borja: Said hi and also mentioned he would like to address the commission in regards to an item on the agenda when the commission reaches that item.

Chairwoman Pika Fejeran: in response asked if it is in regards to the New Business items on the agenda.

Administrative Director Hattig: replied, it is in regards to the separation of the three agencies.

[Further discussion for Nicole Kelly tabled pending appraisal]

Chairwoman Pika Fejeran: moved to the next item on the agenda

5. Gregory Aguon c/o: Anjolisha Aguon

Administrative Director Hattig: stated the Commission spoke and discussed the concern of Gregory and Anjolisha Aguon; CLTC finally received judgment from the courts in regards to the access of the easement. He (Administrative Director Hattig) spoke with the Mr. Arriola, Director of Dept. of Public Works who also has a copy of the judgement will find time in their schedule to serve notice to Mr. Benavente who has a gate that is blocking access on the easement. Ms. Aguon has been consistently inquiring about the gate. Although the access is available, there are times Mr. Benavente will close the gate. Anjolisha Aguon was assured that DPW will put her concern on their schedule.

Chairwoman Pika Fejeran: asked what would DPW do

Administrative Director Hattig: in response, DPW will serve Mr. Benavente a notice and ask him to remove his gate because he is blocking public access.

Commissioner Techaira: asked what would happen in the event Mr. Benavente still doesn't comply.

Assistant Attorney General Nicolas Toft: in response, DPW would have to contact GPD.

Chairwoman Pika Fejeran: What would GPD do?

Assistant Attorney General Nicolas Toft: in response, probable observe while DPW demolishes the gate.

Administrative Director Hattig: stated CLTC office is in contact with Anjolisha Aguon, CLTC is assisting her with regards to marking the points on her property. Anjolisha has tried to get the points marked but was interrupted by Mr. Benavente.

Chairwoman Pika Fejeran: asked if there are any other comments

No other comments

Chairwoman Pika Fejeran: moved onto the next item on the agenda

6. Bill 8-35; Relative to Leasing of Public Real Property and Related Facilities

Chairwoman Pika Fejeran: stated at the last meeting; the Commission was asking how does Bill 8-35 affect CLTC. The Bill did specifically exempt the Residential and Agricultural Leases. Asked if there was a specific testimony the Commission should draft in regards to the Bill.

Administrative Director Hattig: in response, he received official communication from the legislature and the legislature is inviting the Commission to provide testimony for the Bill.

In reviewing the Bill and talking with Assistant Attorney General Nicolas Toft, they both agree the Bill is better for the Commission. The Bill doesn't necessarily prohibit the Trust from doing anything because most of CLTC's Commercial Contracts are done by the legislature; there are very few commercial contracts that are entered with the Commission. However, will wait for the Commission's determination to provide any feedback.

Senator Taitague has also expressed that if the 10 years is not enough, she is amicable to seeing how many years is good for the development of sustainable commercial leasing of Government property. Believes it is a positive Bill and a testimony can be presented, if the Commission agrees.

Chairwoman Pika Fejeran: asked to be walked through with the Bill and explain how the Bill is beneficial for the Trust and stated the Lease of Public Real Property should not be made in excess of 10 years, it does exclude CLTC's Residential and Agricultural 99 Year Leases. It also talks about the Exceptional Term Contracts and then the Determination of Need and asked it that would mean the Commercial Properties are exempt.

Assistant Attorney General Nicolas Toft: in response, not unless they were a separate Bill such as the Guam Raceway or the Gulf Course, if it were passed separately from the legislature then it wouldn't be, they wouldn't be subject to the limitations stated on the Bill 8-35.

Chairwoman Pika Fejeran: in response, asked if CLTC were to lease one of the lots in Tumon that CLTC designated as commercial and when we work with GEDA, would the Bill limit CLTC to the ten years.

Assistant Attorney General Nicolas Toft: in response, yes, but the current law is limiting us (CLTC) to five years.

Chairwoman Pika Fejeran: asked, if the Commercial Rules and Regulations say the leases can be done for twenty one years.

Assistant Attorney General Nicolas Toft: in response, the concern is; the license lease distinction is kind of unclear, there is one that is currently in litigation with Guam Ancestral. However, our Rules and Regulations unfortunately because statutes can be taken at a higher value than Rules and Regs if there is ever some sort of conflict between them.

The current twenty one year limitation is capped by the five year limitation statute. We have been working five year leases when CLTC does commercial with the exception of the gulf course and the Guam Raceway, where it's gone through the legislature fully on a separate Bill.

With Bill 8-35, it would provide twice the amount of room to work with the commercial leases. CLTC can also talk to Senator Taitague and request if there is subsection that CLTC wanted to provide and have considered; if the Commission wanted an extended period.

Commissioner Techaira: asked what would they give a license for?

Chairwoman Pika Fejeran: in response, the rules say a license would be not to exceed twenty one years and it would be to public utility companies or corporations as telephone lines, electric power lines, gas mains or the light or within villages with churches, hospitals, public schools, post offices and other improvements for public purposes or theaters, garages, service stations, market stores and other American tile establishment

Chairwoman Pika Fejeran: asked if the Commission wanted to use one its properties to build housing or to build a wall; would that fall under Commercial Licensing.

Assistant Attorney General Nicolas Toft: in response, probably not. The distinction between licensing and a lease is that a license is supposed to be non-exclusive, e.g. if he owned exclusive land and he gave somebody a license to it, they're not legally able to exclude me from using the land or anyone else I give permission to, verses a lease which would give the ability to exclude.

Chairwoman Pika Fejeran: in response, the lease allows to build in the terms which would say, you and only you could use the property where as a license would not give the Trust that control. As CLTC's Rules and Regulations are written, it says a Commercial use may be leased for a term not to exceed twenty five years.

Assistant Attorney General Nicolas Toft: in response, the statute that was passed subsequent to that limits the terms to five years supersedes the CLTC's Rules and Regulations, with Bill 8-35 it extends the term to ten years.

Chairwoman Pika Fejeran: stated, one of the issues the Trust may come across as the commercial properties go into RFP is that, if a potential tenant sees that they only have a lease for five or maybe ten years, it might not be commercial viable.

Chairwoman Pika Fejeran: asked the Commission if they'd like to submit a testimony to request that CLTC's Commercial properties can be excluded from the Bill like the Trust's Residential and Agricultural Leases.

Assistant Attorney General Nicolas Toft: in response, the Trust can follow the CLTC Rules and Regs. for Commercial that are already put together or propose a different term.

Chairwoman Pika Fejeran: stated, it is interesting CLTC can what will be allowed in our (CLTC's) properties but another Bill can be proposed which completely changes the Rules and Regs and asked the Commission if they wanted to submit a testimony for the exclusion of our (CLTC's) commercial properties and by excluding commercial properties from Bill 8-35 then that would mean our (CLTC's) Rules and Regs. would be followed.

Assistant Attorney General Nicolas Toft: in response, suggested to change some of the language on the areas where it affects CLTC on the Bill and stated he would be able to work on some of the language.

Assistant Attorney General Nicolas Toft: in addition stated, the Commission can testify and state the Trust already has Rules and Regulations that are twenty five years.

Administrative Director Hattig: asked Chairwoman Pika Fejeran to cite the section of the Chamorro Land Trust Rules and Regulations for the record.

Chairwoman Pika Fejeran: in response, b,3.

(b) Designation of Available Land for Commercial Use

(3) The lots identified in this Subsection may be leased or licensed by the CLTC to the general public pursuant to §75105 (d) of Chapter 75 of Title 21, Guam Code Annotated, for commercial use and term not to exceed twenty-five (25) years; or licensed pursuant to § 75107 (c) of Chapter 75, Title 21, Guam Code Annotated, for a term not to exceed twenty-one (21) years, unless otherwise approved by the Liheslaturan Guahan for a longer term.

Administrative Director Hattig: stated, for the record, the Chamorro Land Trust is responsible for about eighty percent (80%) of government land. The Bill says government land, and his interpretation is to be CLTC's land and agreed with Chairwoman Fejeran for the language to be exclusive because that is where CLTC receives operational funding, the Commercial Leases.

Chairwoman Pika Fejeran: requested for Administrative Director Hattig to draft a testimony

Administrative Director Hattig: in response, yes and the Public Hearing is scheduled for the 13th of March with regards to Bill 8-35 and he'll work with Legal Counsel Toft.

Chairwoman Pika Fejeran: in response, there is no other commission meeting scheduled before the 13th and asked to email the testimony and asked if the commission should make a motion in preparation of the resolution to support the testimony. Asked what is the best way to go on record as far as the position of the Trust.

Assistant Attorney General Nicolas Toft: in response, suggested the best way is a simple verbal motion to have the Administrative Director give the testimony.

Chairwoman Pika Fejeran: requested to have a motion for the Administrative Director to prepare a testimony in order to exempt commercial properties for CLTC from this (Bill 8-35) Bill.

Commissioner Duenas: SO Moved the Motion

Further discussion Chairwoman Pika Fejeran asked the short falls the operations will have and how it would be difficult to find anyone who would want to move onto CLTC's properties be included in the testimony.

Commissioner Techaira: Second the motion – PASSED Unanimously

Chairwoman Pika Fejeran: stated before moving onto the next item on the agenda asked to see Exhibit A for Resolution 2019-05; The sale of poritons Lot 5174REM-1, Tamuning Lease; Nicole Kelly No questions except for the exhibit to be relabel the exhibit letter to Exhibit A.

Concluded Old Business discussion and moved onto New Business

V. NEW BUSINESS

1. Chamorro Land Trust Commission; Separate Agency

Administrative Director Hattig: stated the Transition Report was given to the Commission at the last meeting and was hoping the commission had some time to review his preliminary report. He does however have his Director's report and is ready to report.

Administrative Director Hattig's Report

Currently the separation of Department of Land Management and Guan Ancestral Lands Commission is ongoing from CLTC. Pleased to report a request for proposal for CLTC office space has been submitted to the General Services Agency for procurement. I took the initiative of assessing our needs for square footage for office space within the ITC Building and I am content that I have found suitable space, should ITC win the RFP at least we are ready for that kind of transition and separation from DLM. Currently our office is folded into DLM physically, on the third floor, we occupy square footage for our records and our land agents, on the seventh floor we occupy space for the Director's office and for the Program Coordinator and the Administrative Assistant. My hopes is to collocate as mentioned, everyone so I found suitable office space to do that should ITC win the proposal.

Chairwoman Pika Fejeran: asked why wouldn't CLTC use the current space?

Administrative Director Hattig: in response, as of now, the physical separation is the reason why. CLTC is working literally right next to DLM employees. What CLTC wants to do is stay in the building but not working directly next to DLM.

The Director of Land Management has requested for his RFP for his square footage and his needs. We are working at the Agency's Director's level to ensure it is adequately maintained.

Also sated, if the agencies are going to separate, CLTC should separate out of the office but not out of the building.

Chairwoman Pika Fejeran: stated, there are shared resources, if CLTC remains in the same building CLTC can still be able to share the resources.

Administrative Director Hattig: in response, yes, CLTC would still be able to maintain those services, the service provided from Land Management to CLTC, the supervision as well in regards to CLTC's Engineering Technicians, because they need to be supervised by a license surveyor which there is only one that exist within Land Management. Through a Memorandum of Understanding, CLTC will be continuing those specific purposes.

Chairwoman Pika Fejeran: based on her understanding and asked if it would be essentially take effect when the Land Management Lease is up this summer and is that when the physical separation would occur?

Administrative Director Hattig: in response, yes, that is correct there is back planning from June 30 til now so CLTC doesn't have to wait for the end of the Fiscal year. However, the budgets for the three agencies are still connected and Director Borja from Dept. of Land Management will speak in those regards when that section of the agenda comes up. Because the budgets are still connected, it makes the separation a little more difficult because all the money is coming up from certain accounts, when the fiscal year ends and the budget is completely separated that is when you'll see the process after the separation completes.

With regards to the separation to a different location, it is decelerated by the lease expiring in June. CLTC is currently working on getting the location straightened out first and Guam Ancestral Land Commission is supposed issue their own RFP for their office space as well.

As indicated on his report, would like to see separate spaces for CLTC by June. CLTC will also establish a Memorandum of Understanding for the continued use specifically of the Department of Land Management's conference room for the use of CLTC's meetings, survey related activities, records, services for land registrations, the use of Government vehicles and other related services. He is also currently working on the Department of Land Management's IT staff on separating the CLTC Website. He did receive information from the Office of Technology he would have to work with their office in regards to the website. He will be reporting to the Commission in regards to the status of all the separating activities.

Chairwoman Pika Fejeran: asked in regards to the Memorandum of Understandings for the specific related activities and services would include software and databases would be included in the MOU?

Administrative Director Hattig: in response yes.

With regard to Budget and Finance, on February 25th the FY 2019 the Monthly Revenue Collection Report was submitted to the Office of the Governor in accordance GCA Title 21 Chapter 75 Section 75123 (b), The CLTC Board of Commissioners was also copied on the Memorandum. He has weekly meetings with the Program Coordinator III, Joey Cruz with regards to Budget and Finance. Mr. Cruz has indicated, with the sale of Government Lands CLTC is expected to gain at least Two Hundred Thousand Dollars (\$200,000.00) in new revenue during the Fiscal Year; that is from the sale of remnant lots and contiguous lands, the Trust will benefit specifically from that. CLTC must be prepared for the prospect of the separate utilities and communication expenses as well as supplies and equipment as the separation becomes closer and closer. It is anticipated the separation will be made full during the FY20 Budget.

Chairwoman Pika Fejeran: asked in regards to utilities and communication expenses, are those expenses not currently in the CLTC Budget?

Administrative Director Hattig: in response, currently all three agencies are paying through the process of the FY19 Budget. There is allocation for CLTC, but it will definitely be on CLTC because separate accounts will be created rather than accounts within Land Management because of the way the accounts were set up.

The Guam Raceway Lease is currently being reviewed and its relation proposal by GEDA, the Commission will have an opportunity to view that because there is a meeting scheduled with Henry Simson coming up. The Commission will be receiving updates in regards to the raceway, the Commission did receive an initial estimation from GEDA on his (Director Hattig's first meeting) with regards to the left and right limits as far as commercial leasing; there will be more updates.

Chairwoman Pika Fejeran: asked Director Hattig's what is his starting point for the Guam Raceway Lease?

Administrative Director Hattig: in response, his starting point is with the current lease along with all the proposals that were brought up and with the Public Law. Mr. Joey Cruz is also taking into consideration the Commercial Rules and Regs. The 180 days started when the Guam Raceway exercised their Right to First Refusal and that was on December 29th. , the estimated time will be in June 29th. for CLTC to submit the lease to the legislature.

Asked to get the Commission's input for the five other properties before engaging with GEDA; CLTC may be able to manage those leases on its own, CLTC has the knowledge, has the personnel and really would like for CLTC to do that because giving up fourteen percent (14%) service fee is quite a lot in terms of how much CLTC's property is worth.

Given the current projection of land available for commercial leasing is estimated that CLTC would only have about fifty more acres available due to the nine percent (9%) cap by law.

Chairwoman Pika Fejeran: asked what is the calculation based on and if they are certain properties that were approved by the Commission and sent to the legislature?

Administrative Director Hattig: in response, right. CLTC also looked at the previous audit findings in regards to how much land CLTC has and that is where the calculation is from.

Chairwoman Pika Fejeran: in response, is it properties currently pending to meet with GEDA or is it based on the entire list of properties when the Public Hearing was held?

Administrative Director Hattig: in response, not just the five properties that was previously discussed.

Chairwoman Pika Fejeran: in response, CLTC can pull from the inventory.

Administrative Director Hattig: in response, yes and continued with his Director's report.

Current projection show the Trust will not be able to sustain operations after year 2026 with our current leasing and licensing, that is why it is important and referred to his handout of his recommendations under Budget and Finance, three recommendations.

1. Proposed handling commercial leases in house to maximize financial benefit

2. Proposed increasing the percentage cap on the properties available for lease from nine percent (9%) up to no more than twenty five percent (25%) for legislative approval
3. Proposed identifying more funds for separate operations, as the agencies separate, CLTC will incur more operational expenses

Also encouraged CLTC to set aside budget for hiring more personnel, the appropriate supervisory staff and to improve employee working conditions and referred to the staffing pattern section attached to his Director's report.

Chairwoman Pika Fejeran: referred back to the request of Commissioners input for the five properties before engaging with GEDA stated mentioned earlier on Administrative Director's report.

Chairwoman Pika Fejeran: Requested that a subcommittee be formed by the Commission, for the Commissioners to form a subcommittee to really flush out CLTC's recommendation for the use of the five properties. Also asked if the Commission to include other individuals outside of the Commission to participate with the subcommittee to develop ideas.

Stated as her time as part of the Commission has not had a member outside participants and believes that previous commissions did have subcommittees where they were able to bring subject matter experts and other individuals from outside of the Commission to participate in the subcommittees and provide advice or ideas.

Assistant Attorney General Nicolas Toft: in response, would have to look into the idea of forming subcommittees outside of the Commission.

Assistant Attorney General Nicolas Toft: referred back to the percentage cap, stated one of the concerns is trying to charter land registrations for the larger properties that would increase the inventory. Example property just beneath Andersen Airfoce Base, shown on TV screen, properties that are as large, shown on TV screen the nine percent (9%) becomes bigger. There are other properties similar in the southern side of the island as well which would definitely increase the inventory (southern lots shown on TV screen).

There were more lots shown on TV screen that may be available or can be used for residential leases.

Administrative Director Hattig: continued with his report and talked about the Staffing Pattern which is attached to his report.

[Attached to the minutes are more detailed information regarding staff and staffing patterns]

Chairwoman Pika Fejeran: regarding CLTC Staff, stated there is a Land Agent I, a vacant Land Agent I position that is not going to be filled, there is a Land Agent I and a Land Agent II handling Compliance Issues, there are two Engineering Technicians who are drafting surveys and working out of the Dept. of Land Management; basically wanted to know who is staffed by CLTC. ,

Administrative Director Hattig: in response, the narrative is an overall snapshot of the CLTC Staff that are potentially not being utilized.

Chairwoman Pika Fejeran: stated, she does know CLTC needs a Land Administrator and a Land Agent Supervisor.

Administrative Director Hattig: in response, a Land Administrator is a very difficult task, the Land Administrator is under the Department of Land Management who has institutional knowledge required to function for complex cases that CLTC has a lot of, land registration is also an area CLTC needs a conduit of, the Land Administrator assists CLTC and works together with DLM for land registration purposes. As far as survey, because survey is under the Dept. of Land Management, CLTC would also need a Land Administrator to be the link between CLTC and DLM when a survey needs to be done.

In regards to a Land Agent Supervisor, CLTC needs to have a Land Agent Supervisor for supervision and to evaluate the staff; currently, the Land Agent Supervisor is under the Dept. of Land Management. Once the separation is complete, there is no one in place to perform those types of duties and strongly recommended to have personnel in place.

Chairwoman Pika Fejeran: still within the staffing discussion moved onto the Records Management Officer position and asked if the position is a full time job.

Administrative Director Hattig: in response, yes, it is a full time job. The position is based on being in charge and to maintain of all CLTC's records as well as scanning all the records in file to help reduce the amount of physical records stored for those that are not required by law.

Chairwoman Pika Fejeran: in regards to the purposed work chart, there are three distinct teams and asked if there are any recommendations.

Administrative Director Hattig: in response, yes and has started working with the staff and will explain further in the report.

[Attached to the minutes are more detailed information regarding staff and staffing patterns]

Administrative Director Hattig: moved onto recommendations on his report. There are short term recommendations for FY19, establish an employee organizational chart and conduct review of job descriptions. Immediately require and assign all Land Agents land agent duties and within their job descriptions, reestablish and employee floor plan to maximize space and make appropriate improvements without tapping into the existing budget. Immediately hire a Private Secretary as opposed to an Administrative Aide to perform all clerical duties for the Administrative Director as well as organizing the minutes and the agenda for the CLTC Meetings, retain services for the DLM Land Administrator and the Land Agent Supervisor until the end of this Fiscal Year, establish training and mentoring plan, establish an employee performance evaluation module together with performance indicators in existence with Dept. of Administrations Rules and Regulations and establish an employee standard operating procedure.

Long term recommendations FY2020 and beyond, remodel the offices for better working environment, establish the MOU's with DPW, Dept. of Agriculture, GHURA, Guam Housing Corporation, to create and implement a compliance program for all Land Agents with regards to building codes, rights of way, agricultural and housing compliance and he is already starting the ground work.

Chairwoman Pika Fejeran: stated she and Commissioner Techaira had talked about the operations of the database and are looking for a more robust system for CLTC's database and asked to add it onto the long term recommendations.

Administrative Director Hattig: stated as part of his report, establish an MOU with Dept. of Land Management for the continued usage of CLTC's Engineering Techs, DLM Conference Room, the use

of the Government Official vehicles and other services. In regards to the official vehicles, majority of the vehicles are out of CLTC, there was a request to transfer the vehicles to DLM, however, would like to bring it to the Commissions. It was suggested instead of a full transfer, a MOU can be done for the use of the vehicles in exchange for services provided by DLM. Look for larger workspace where CLTC can be collocated and has already inquired on an office space located on the 4th floor of the ITC Building, establish one Land Administrator position as well as one Land Agent Supervisor and fill the Land Agent I position for FY20 and beyond.

Moving on to assets, a complete inventory of CLTC's assets is ongoing, the Records Management Officer, Garry Cruz is in charge to determine what records are needed as well as compiling existing equipment and was recently made aware of and is conducting an assessment of assets belonging to CLTC found at the DPW compound; currently in complete review of all contracts and services with Joey Cruz, has initiated a current view of all the leases, commenced on accounting for all land parcels with the Engineering Techs. and a property binder has been created; the property binder is a physical map that gives CLTC an outlook in terms of the masterplans that are developed and each subdivision that CLTC has in its inventory, has started an accounting of all vehicles, equipment and supplies, projections for needs such as consumable office supplies and fuel for the rest of the fiscal year are forthcoming. Upon direction of OTECH contact was made with the DLM Website Editor and found out that Flame Tree was the company who created the website and now needs to find out how to separate the website for CLTC and if the responsibility would fall when CLTC is fully separated.

Chairwoman Pika Fejeran: asked what was found at DPW

Administrative Director Hattig: in response, there are two CONEX boxes, containers. CLTC tried to survey them but found out one of the containers is cabled and is a little more permanent.

Moving on to processing, currently working with the staff to improve the residential and agricultural lease process according to the Rules and Regulations, the existing statute and what is being proposed by the Commission. He is also working to ensure all staff will be trained in all steps of the process, enabling legislation which is P.L. 12-226 and the Rules and Regulations which is P.L. 23-38. He is also ensuring all staff are trained on the Employee Standard Operating Procedure as well as the Customer Service Policy once they are developed that way there is a process for receiving and servicing CLTC's applicants.

Full report attached to minutes

Administrative Director Hattig: referred to Director Borja, the Director of Dept. of Land Management to speak as he mentioned early on in the meeting.

DLM Director Borja: stated since he has been working with Administrative Director Hattig and together with the support of the Commission, feels Director Hattig is a keeper. Informed the Commission in regards to the separation of the three agencies and Governor Leon Guerrero issuing Executive Order No. 1 which involves the separation is how much the Administration feels the importance of the Commission, Land Management and Ancestral Commission. The grounds of the separation of the agencies are in regards to having three different sources of revenue and funds, in the end the agencies services different constituents and different beneficiaries. The Chamorro Land Trust receives their revenue from Commercial leases, One Hundred and Forty-nine dollars (\$149.00) from each of the CLTC applicants and there were several laws introduced by Senator Tom Ada which became law and gave CLTC in one case an estimate of Three Hundred Fifty Thousand Dollars (\$350,000.00) came up to about Six Hundred Fifty Thousand

Dollars (\$650,000.00) is what snatched subsequent to that Senator Ada introduced a bill to protect that, however; by taking CLTC properties and commercial leasing them and giving out the dollar (\$1.00) a year leases; all that money is meant to service Chamorros which is the clientele of the Land Trust.

The Administration, during the campaign, the platform and during the transition did not want to expose the Land Trust to some sort of liability where someone pays into the General Fund and use a part of the General Fund money to service limited clientele.

The Guam Ancestral Commission is in a similar situation, General Fund money shouldn't be used to the benefit of private land owners which is what the GALC is does. There are excess lands at one time private properties money from the general fund is used to process those properties and then goes out to a select group, somewhat like the Native Chamorros, the original land owners, not everyone who pays into the General Fund is a beneficiary to the Ancestral Lands Commission and ironically a situation such as in the last budget cycle the GALC had Ninety Thousand Dollars (\$90,000.00) taken from them from the General Fund which was how much money of GALC went into the General Fund.

The legislature had also set up a certain account for GALC where money from GALC leases goes into the special account. These are from leases issued on what is called Crown Lands such as Polaris Point.

As for Land Management, the money is coming from the Land Survey Revolving Fund and sometimes when DLM's funds are short, DLM receives money from the General Fund.

Basically those are the grounds of the separation of the three agencies. As Administrative Director Hattig mentioned in his report, as the agencies separate there will be discussions along the way in terms of office personnel, staff separations, office separations, supplies and equipment etc..

DLM Director Borja: also added to his report, the 34th Legislature had a series of Bills to sell remnant Portions, left over portions, abandon easements etc... There was a public law for a left over lot in Agana Heights next to the baseball field, the Agana Heights Mayor supported the sale of the Remnant portion to go to the Chamorro Land Trust.

Another Public Law introduced by Senator Ada is for a property in Agana next to the bridge, there is an abandon easement which was left over from the road construction along Route 1. There is also another lot in Dededo which was a part of the GHURA Subdivision then was transferred to Gov. Guam; it was an easement that has a 10 ft. deep hole and the there is another piece which is like an alley way with a dead end and does not serve any purpose is across Auto Spot. With the sale of those properties, the monies will be going into the account of the Chamorro Land Trust, Survey and Infrastructure Fund as well as Operations.

In addition, the Office of the Public Auditor cited the Land Management and the CLTC for not Providing adequate information to the Dept. of Revenue and Taxation so the properties would be taxed. Presently the Commission received for the last two years an estimate of Ninety Thousand (\$90,000.00) to One Hundred Thousand (\$100,000.00) for the PILOT, Payment In Lieu of Taxes, legally you cannot tax Government Land, however, the Legislature introduced the program and Dept. of Revenue and Taxation receives money and then transmits it to the Loan Guaranty Fund under the Chamorro Land Trust.

There is also the Land for the Landless lots that were not issued from continuing sales have been transferred to the Land Trust. In the Sagan Linayan Area in Astumbo Dededo, there are about ten lots with utilities, sidewalk, playground, an elementary school, middle school, the Community Center and the Fire Station are all within the area of those available lots.

In the Pigua, Malesso area there is thirty six lots that were transferred to CLTC; the area has utilities And paved roads.

Ija Lots in the Inarajan area, there are one hundred and three lots transferred to CLTC; the area has

sporadic utilities and sporadic pavement.

As Lucas Lots in Talofoto, there are twelve lots with utilities, paved roads, nearby baseball field and a community center and schools.

Umatac Lots, there are sixteen lots, however only two are good lots, the other fourteen lots have been severed by the expansion of Route 2.

All of the above Land for the Landless work was done through the assistance of the Land Administrator and the Land Agent Supervisor from Dept. of Land Management along with the assistance of the Land Agents from the Chamorro Land Trust which is why it is important to have Land Administrator and a Land Agent Supervisor position for the Land Trust as Administrative Director Hattig mentioned in his report.

Administrative Director Hattig: asked to continue and conclude his report with regards to Resolution 2018-09 which has some proposed changes.

Chairwoman Pika Fejerna: in response also ask the Commission to use this time to go over the Resolution 2018-09, see what the Administrative Director Hattig has put together as well as what the Commission has proposed. The next step will be for her and Administrative Director Hattig to meet with Senator Terlaje and request to reintroduce the proposed changes.

Chairwoman Pika Fejerna has also stated she has had time to review the changes that were made back in October of last year and has proposed changes as well.

Administrative Director Hattig: stated on Resolution 2018-08 from items number 1 thru number 11 has no changes, the areas with proposed changes start at number 12, letter A GCA Chapter 75 the Chamorro Land Trust Commission Rules and Regulations.

Discussion and proposed changes made as the Commission and Administrative Director view Resolution No. 2018-09 line by line, however; because of the time it was suggested by Administrative Director to continue discussing the resolution on a separate meeting or even perhaps a working session.

Further discussion on Resolution 2018-09 scheduled for April 4, 2019.

Chairwoman Pika Fejerna: Moved onto the next item on the agenda

e. Resolution Draft; Approval Authority to the Administrative Director Granted by the Commission

Resolution 2019-01 to Grant the Authority to the Administrative Director relative to Approving Utility Authorization to Leaseholders

Resolution 2019-02 to Grant the Authority to the Administrative Director relative to Approving Beneficiary Designation for Leaseholders

Resolution 2019-03 to Grant the Authority to the Administrative Director relative to Approving Beneficiary Designations for Applicants

Resolution 2019-04 to Grant the Authority to the Administrative Director relative to Approving Lease Transfers within Accordance of Law

Chairwoman Pika Fejerna: asked for any comments, dates to be verified, public laws to be verified and any other typos the resolutions may have.

Also asked if there are any previous resolutions from the past that may be related to the above mentioned resolutions.

Administrative Director Hattig: in response, did go as far back as he could and did not find any other resolutions contravening to the above stated resolutions. Most resolutions done in the past were distinct, transfers of land etc...there were no resolutions made in the past designating authority to the Director.

Chairwoman Pika Fejeran: again stated, to go over the 2019 resolutions make the necessary corrections

Before the Commission signs and moved onto the next item on the agenda.

f. Return of Loan Guaranty Funds and Survey & Infrastructure Funds

There was an amount of \$320,105.36 from the Loan Guaranty Fund and \$321,262.68 from the Survey and Infrastructure Fund that were both deposited in to the General Fund. A letter drafted requesting Governor Leon Guerrero's assistance for the reimbursement of those funds that were transferred into the General Fund.

Chairwoman Pika Fejeran signed the letter addressed to Governor Leon Guerrero.

Chairwoman Pika Fejeran: moved onto the next item on the agenda

2. Guam Economic Development Authority

a. **Projected GEDA Revenue from CLTC MOA** – Tabled until subcommittee meets.

VI. ADMINISTRATIVE MATTER

1. Processing of Maps

Department of Land Management Chief of Cadastre Paul Santos reports on the process of maps and how the subdivisions of the Chamorro Land Trust parcels were created.

In 2004 – 2005 there was a need to revalue or assess the public lands which ninety percent (90%) is owned by the CLTC and it was difficult for Dept. of Revenue and Taxation to evaluate parcels because they didn't know where they were located, a portion of lot description was the only description provided, there was no definitive lot location for the parcels for DRT to tax. An MOA was created with DRT to regulate and determine where the parcels are located; over the course of the years DLM's Survey Division mapped about a hundred and thirty five (135) plats and several thousands of parcels.

Between what the duties of CLTC and DLM, the two agencies somewhat merged to be aligned with each other and being that CLTC needed the guidance and assistance from the Department of Land Management in regards to the parceling out of CLTC properties.

Establish an Understanding with CLCT and Guam Land Use Commission, to form a subdivision, CLTC needed the approval of the Guam Land Use Commission, the maps and the plats had to go through the process.

Chairwoman Pika Fejeran: asked if the understanding was something the Commission agreed with during that time.

Chief of Cadastre Paul Santos: in response, yes both the Chamorro Land Trust Commission and the Guam Land Use Commission agreed and continued on with explaining the process.

The remedy was to plan and execute subdivision back to plat schemes that follows the fundamental caveats, encourage public health, safety and general welfare are the benefactors and a procedure was created to subdivide the lands (shown on TV screen) by creating a master plan and an internal processes of the maps; the results were restricted with Residential and Agricultural Development and the basic requirements are achieved as far as access to every parcel; other areas where there are existing power poles or utilities were also parceled out.

CLTC's maps are treated like any other frugal map process, there is a vetting process where the map comes in and is vetted by the Planning Division and the Survey Division; if it is a map for the CLTC then one of the CLTC Land Agents will sit through the process. It is all reviewed for Master Plan accuracy, correction and documentation and to see that the lots are obviously not encroaching or overlapping with another property. However, that cannot be guaranteed all the time unless a survey is done on the ground but there is an organized parcel.

Once that process is done by the technicians, it goes back out to the surveyor, the surveyor does any corrections, places the points on the ground a land agent will go out and confirm it, it goes through another review, a final review where the maps are signed. After the final review, the map is signed off by the Chief of Cadastre then the Commission.

Administrative Director Hattig: stated to the Commission, CLTC has a process that went through Survey's process and with an extra set of eyes pursuant to the law, the CLTC Land Agents are confirming and it's CLTC's Engineering Techs that provide the maps in conjunction with DLM which shows a layer of transparency and doesn't think it is unreasonable for the Administrative Director can approve the maps.

Chairwoman Pika Fejeran: stated if the Commission grants approval authority to the Administrative Director for the map approvals, it will get back to the Commission when the addendum or the lease is ready is complete and ready for approval.

Administrative Director Hattig: in response, yes in addition can also provide a monthly report of all the map approvals.

[side discussion ensues]

Commissioner Techaira: made a motion to grant approval authority to Administrative Director Jack Hattig for map approvals

Chairwoman Pika Fejeran: stated a motion has been made and asked if there are any further discussions

Commissioner Duneas: in response, asked if a resolution is required and if so to indicate in the resolution if any conflict of interest arise for the Administrative Director should it brought to the Commission.

Chairwoman Pika Fejeran: reiterated what Commissioner Duenas has brought up in regards to the Administrative Director having any conflict of interest should be elevated to the commission.

Commissioner Duenas: Second the motion – PASSED Unanimously.

2. Beneficiary Approval list was handed out as informational purposes
3. Utility Authorization List was handed out as informational purposes

4. Survey and Infrastructure Fund – Tabled for March 21, 2019 next meeting and to include Expenditures.
5. Commercial Licenses – Tabled for March 21, 2019
6. Financial Report – Tabled for March 21, 2019
7. Bank of Guam; Update of Bank of Guam Authorization and Signatories – Tabled for March 21, 2019

VII. COMMISSIONERS COMMENTS

Chairwoman Pika Fejeran: wanted to discuss Submerged Land at the next meeting and requested for Assistant Attorney General Toft to get information.

Subcommittee to meet on GEDA

Next agenda to form via email

Commissioner Duenas: requested for cost projection for the next FY in regards to the transition report with all office space and personnel.

Next meeting scheduled for March 21, 2019 at 1PM and the working session for the Commission would be scheduled for the first Thursday which would be on April 4, 2019.

VIII. ADJOURNMENT: 5:10PM

