



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

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Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

REGULAR MEETING MINUTES

CLTC Conference Room

Suite 223, ITC Building, Tamuning, Guam

Tuesday, November 22, 2022, 1:09 PM

Public Notice: The *Guam Daily Post*, November 15, 2022, and November 18, 2022

Chairman John F. Reyes, Jr.: We will say the Inefresi.

All: Saying the Inefresi

Chairman J. Reyes, Jr.: Thank you, everybody. Si yu'us ma'ase'. Okay the time is 1:09 and I call this meeting to order of the CHamoru Land Trust Regular Meeting. The public notices for today's meeting were published on the Guam Daily Post on November 15th 2022, and November 18, 2022, notices were also posted online on the CHamoru Land Trust Website at the DLM Website at dlm.guam.gov, the CHamoru Land Trust Commission's Facebook page and the Government of Guam Public Notice Portal at notices.guam.gov. This meeting is also being livestreamed on CHamoru Land Trust Commission's Facebook page and on YouTube at Govguamlive, video-audio recording are also made possible by our partners at KGTF. Okay, Roll Call.

ROLL CALL

Chairman J. Reyes, Jr.: Commissioner Herrera?

Commissioner David Herrera: Gaige yu'

Chairman J. Reyes, Jr.: Commissioner Garrido?

Commissioner Earl Garrido: Gaige Hu

Chairman J. Reyes, Jr.: Acting Administrative Director Camacho?

Acting Administrative Director Angela Camacho: Here

Chairman J. Reyes, Jr.: And on Facebook, Zoom I want to confirm that we have our stand-in for Attorney Toft, Attorney Espaldon?

Attorney Espaldon: Yes, Mr. Chair this is Attorney Espaldon.

Rev. 10/03/2022

Chairman J. Reyes, Jr.: Alright, thank you, sir. Okay, we have quorum today and we'll begin with the first agenda item which is the Approval of the Minutes. Attorney Espaldon, just to confirm we have a quorum. Today, we have present with us Commissioner David Herrera, Commissioner Earl Garrido.

APPROVAL OF MINUTES

Chairman J. Reyes, Jr.: Okay, so Commissioners we have here before us we have our approval of minutes. We have one that's been a backlog since December 16, 2021; we have May 19, 2022, and July 28, 2022, so that's up for approval and just quickly, I'd like to welcome Commissioner Garrido to his first meeting today. Thank you so much for going through the process and being a part of our CHamoru Land Trust Commission and just for awareness Commissioner Bordallo's confirmation hearing was last week and she should be on the agenda to be voted back on, hopefully, to our commission and then we will still have one more open spot. Okay, so... just to welcome.

Commissioner E. Garrido: Thank you.

Chairman J. Reyes, Jr.: And then for everybody here, we apologize the AC is not currently working, we do have some portable units so, if you need to take a breather – you need to step out... okay, so, Commissioners we have our meeting minutes to approve. Are there any questions for us at this time? Tina, anything to be aware of in the minutes?

Administrative Assistant Tina Tainatongo: Not, as far as transcribing but I don't know if you want to mention that Commissioner Garrido and Commissioner Herrera were not present

Chairman J. Reyes, Jr.: In the December 16, correct.

AA T. Tainatongo: And maybe Commissioner Garrido wasn't present for May and July as well.

Chairman J. Reyes, Jr.: Correct. So, I went through, Tina, I went through this and I believe some of the inaudible have also been a lot less these go-arounds? Obviously, December '21 took a little longer but we have gone through those extensively so we should be okay with that. May and June those are just backlogs from transcription?

AA T. Tainatongo: Correct.

Chairman J. Reyes, Jr.: Okay, alright. Commissioners, any questions?

Commissioner D. Herrera: I have a question

Chairman J. Reyes, Jr.: Yes, please

Commissioner D. Herrera: Sir, on page 6 of 41 and this

Chairman J. Reyes, Jr.: Of December?

Commissioner D. Herrera: Correct – correct. This constituent, I guess it's the issue of eligibility and this is under the Aguon – Dr. Aguon's case.

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

Commissioner D. Herrera: And I guess Dr. Aguon was assigned a beneficiary or a successor

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: So, what I noted here is that the grandchildren are not qualified to be a beneficiary; is that correct?

Chairman J. Reyes, Jr.: Grandchildren are not. I believe Dr. Aguon is the daughter of Mr. Aguon.

Commissioner D. Herrera: Yeah, okay, so, I guess question probably to legal counsel is there a specific reason why grandchildren are not included as a beneficiaries? I can defer to legal counsel or anyone here that can answer that.

Chairman J. Reyes, Jr.: Angie or Joey, do you want to take that? I mean that's part of what was in the eligibility of beneficiary/successors.

Acting Admin Director A. Camacho: By law it's just the way that the law was written. It was specific to as to who could be named a beneficiary and...

Chairman J. Reyes, Jr.: And the relation to...

Acting Admin Director A. Camacho: And the relation to the applicant and the lease holder.

Chairman J. Reyes, Jr.: And a lease holder

Acting Admin Director A. Camacho: So, for some reason it was not included in the law.

Commissioner D. Herrera: So, here, the successor here is a grandchild

Acting Admin Director A. Camacho: The daughter. She is the daughter

Chairman J. Reyes, Jr.: The daughter

Commissioner D. Herrera: The daughter

Acting Admin Director A. Camacho: She is the daughter to the lessee

Commissioner D. Herrera: I see. So, because the lease is a 99-year lease and we're saying our life span is about maybe 40-60 years old so the daughter may expire before the 99

Chairman J. Reyes, Jr.: So, the current lessee is Mr. Aguon

Commissioner D. Herrera: Yes, sir.

Chairman J. Reyes, Jr.: And then his beneficiary if he...so, Mr. Aguon is still alive and so his beneficiary is... he's naming his daughter

Commissioner D. Herrera: Correct

Chairman J. Reyes, Jr.: As the beneficiary

Commissioner D. Herrera: Yes.

Acting Admin Director A. Camacho: So, when the lease is eventually transferred to Dr. Aguon, the daughter she can name her successor at some point in time.

Chairman J. Reyes, Jr.: So, it would be upon the transfer of the lease to successor

Commissioner D. Herrera: Okay

Chairman J. Reyes, Jr.: So, it'll have to be transferred to her before it gets transferred to any of her beneficiaries

Commissioner D. Herrera: So, let's say the daughter assigns to the daughter that would be the granddaughter of Dr. Aguon

Chairman J. Reyes, Jr.: No, the daughter of Dr. Aguon

Acting Admin Director A. Camacho: Mr. Aguon

Commissioner D. Herrera: Right is the successor now?

Chairman J. Reyes, Jr.: Yes

Acting Admin Director A. Camacho: But then she becomes... because it's awarded to her she is now the lease holder

Chairman J. Reyes, Jr.: Lease holder

Acting Admin Director A. Camacho: Then she names her successor so it's still to the child

Commissioner D. Herrera: And if the child then that's still within the... the law?

Chairman J. Reyes, Jr.: Yes, because of the successor

Commissioner D. Herrera: And she's not the granddaughter of Dr. Aguon

Chairman J. Reyes, Jr.: No, she's the daughter of Dr. Aguon. In your scenario, she's hypothetically

Commissioner D. Herrera: Hypothetically

Chairman J. Reyes, Jr.: Dr. Aguon's daughter is going to be the lease holder if she's the named successor but it's not an assignment from Mr. Aguon to the granddaughter.

Commissioner D. Herrera: Okay, I understand, thank you, Mr. Chairman. That's all.

Chairman J. Reyes, Jr.: Joey, anything else to add on that? I think that should be... Mr. Cruz, you're muted.

AA T. Tainatongo: Oh, he doesn't have a...

Chairman J. Reyes, Jr.: Oh, maybe you should just sit with us, Mr. Cruz. Anything else to add to that Mr. Cruz?

Program Coordinator IV Joey Cruz: No, just regards to Mr. Herrera's concern regarding grandchildren, when we discuss the additional authority; we will go over that because that's something we're recommending.

Commissioner D. Herrera: I see. I agree. Thank you, Mr. Chairman.

Chairman J. Reyes, Jr.: Okay, any other questions? No questions, okay? So, again, the action before us is to approve these minutes, so, Commissioner Herrera & Commissioner Garrido we can take action if there's no further questions.

Commissioner D. Herrera: Okay. So, Mr. Chairman I like to make a motion to approve the December 16, 2021, minutes.

Chairman J. Reyes, Jr.: Okay. Thank you, Commissioner Herrera. And may I get the second?

Commissioner E. Garrido: Well since I'm the only other commissioner here that can second the motion although I was not here but I will second the motion to pass the minutes.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Garrido. Any objections? Okay, hearing none. Motion passes in the approval of December 16, 2021, minutes.

Commissioner D. Herrera: Si yu'os ma'ase'

Chairman J. Reyes, Jr.: Okay moving to our next minutes of May 19, 2022.

Long pause

Chairman J. Reyes, Jr.: Commissioners any question on our May 19 – May minutes?

Commissioner D. Herrera: I have one, Mr. Chair.

Chairman J. Reyes, Jr.: Please

Commissioner D. Herrera: On page 36 of 58 on May 19, 2022, minutes; Director Joseph Borja came by and made a presentation and listed down projects that were kind of promised back in 1993 that was June 1993 – Public Law 22-18 back then the legislature approved to reserve 32000 acres – 32000 acres in 1993, the chairperson at that time was Senator Ed Reyes and at that time we were in a transition to implement the CHamoru Land Trust Commission that was Public Law 12-226 that was authored by Senator Paul Bordallo so, Mr. Borja came in and mentioned that there's projects that are kind of being planned for cultural centers and then he noted that there's over acreage of inventory for Department of Education and he mentioned the property next to Batulo Rd. and we can go back to that minutes and identify that.

Chairman J. Reyes, Jr.: Okay

Commissioner D. Herrera: So, he also mentioned there was like a hundred acres for Department of Education and right now we're saying in retrospect that that was kind of over-

acreage at that time because all these acres have not been developed, maybe I would say maybe 5 acres that is being used today construct one elementary school. The rest stayed idle since 1993 until today and that's about 30 years ago. And then he mentioned he mentioned the cultural center and he also mentioned Lot 480 in Agat that contains about two hundred – two hundred some acres and that was for also cultural center and then he also mentioned the acreage reserved for the insinuator and also for other projects. The point of my concern here is that back in 1993, we reserved 32000 acres, I did the computation and we can verify and there was a clause in that law in 2018 that if the properties were not utilized within a year that these properties should be reverted back to CHamoru homelands or now we call it back CHamoru Land Trust. So, that's my concern, I just wanted to bring this up for the record that I do agree with Mr. Borja's assessment back in May of 2022 that we should actively identify all these lots and revert it back to CHamoru Land Trust as soon as possible.

Chairman J. Reyes, Jr.: Okay

Commissioner D. Herrera: Thank you, Mr. Chairman.

Chairman J. Reyes, Jr.: Okay, alright, so let's do this we will take note of that but and I was kind of going through with the particulars that you were going through, Sir, so, I would take this back and discuss it internally in the operations side and so just to confirm there's no questions or clarifications per se in the actual meeting minutes, correct?

Commissioner D. Herrera: Yea

Chairman J. Reyes, Jr.: Anything specific on the documentation?

Commissioner D. Herrera: Yeah, no, sir.

Chairman J. Reyes, Jr.: Just making sure because we have....

Commissioner D. Herrera: Well the acreage we have the question in the amount of acreage because it's general

Chairman J. Reyes, Jr.: Okay, right, we'll take that and we'll use our minutes to determine or the accuracy of the acreage

Commissioner D. Herrera: Yes, sir.

Chairman J. Reyes, Jr.: And then we can make...we'll take that as an in addition to not necessarily what was discussed there but as another item that we can have the team or the operation side work on

Commissioner D. Herrera: Okay

Chairman J. Reyes, Jr.: Okay. Anything else, Commissioner Herrera?

Commissioner D. Herrera: That's all, Mr. Chairman.

Chairman J. Reyes, Jr.: Okay. Alright, noted that there's not necessarily any changes or questions to the documentation or the transcription but we will take note of an action item for

Commissioner Herrera based on that discussion. So, could we or are we ready to take action to approve our minutes, Sir?

Commissioner D. Herrera: Mhmm.

Chairman J. Reyes, Jr.: Okay, alright, sir.

Commissioner D. Herrera: So, I make a motion Mr. Chairman to approve the minutes for May 19, 2022.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Herrera. May I get a second?

Commissioner E. Garrido: Same from the last motion, I move to approve.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Garrido. Any objections? Okay, hearing none, our motion passes to approve our May 19, 2022, meeting minutes. Okay, and last up is our July 28, 2022, meeting minutes.

Tina, just to confirm, this was the last one to be approved or do we have....? We didn't meet in September, we didn't meet in October, did we have one in August?

AA T. Tainatongo: No

Chairman J. Reyes, Jr.: No, there was none in August as well, right?

AA T. Tainatongo: Correct

Chairman J. Reyes, Jr.: So, we are caught up?

AA T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Any questions?

Commissioner D. Herrera: No questions for me, Mr. Chairman.

Chairman J. Reyes, Jr.: Commissioner Garrido, any questions?

Commissioner E. Garrido: No questions.

Chairman J. Reyes, Jr.: Alright, Commissioners, we can take the last action.

Commissioner D. Herrera: Okay, I'd like to make another motion for – to approve the minutes

Commissioner E. Garrido

Commissioner D. Herrera: For July 28, 2022

Chairman J. Reyes, Jr.: Thank you, Commissioner Herrera. Commissioner Garrido, may I get a second.

Commissioner E. Garrido: I will second it.

Chairman J. Reyes, Jr.: Thank you, sir. Any objections? Alright, hearing none, motion passes to approve our July 28, 2022, meeting minutes. Thank you, Commissioners. Okay, next item in our agenda. We have the MOU with Guam Housing Corporation.

OLD BUSINESS

MOU with CLTC and Guam Housing Corporation

Chairman J. Reyes, Jr.: Angie, it's my understanding that we got a couple of edits more to make.

Acting Admin Director A. Camacho: Yes, based on *paper shuffle* Guam Housing Corporations they did make those changes on Item L and Item N.

Chairman J. Reyes, Jr.: Alright and then we got a couple of additional clarifications more so probably just to make sure that we've covered all our basis and do you have a copy of it in front of you? Ti, did Angie get one?

Acting Admin Director A. Camacho: Yes.

Chairman J. Reyes, Jr.: Yes, okay, with the post-its?

AA T. Tainatongo: Oh, no, I just put the post-its on yours.

Chairman J. Reyes, Jr.: Okay, so a couple of things on the first page Commissioners of the MOU which is the one that starts with a purpose.

Acting Admin Director A. Camacho: Mr. Chairman, if I may, Guam Housing just walked in so maybe I can call them to the table and make them explain some of our concerns.

Chairman J. Reyes, Jr.: Okay, sure. Thank you for joining us from Guam Housing. For the record, please state your name and if you can speak into the mic.

GHC President Edith Pangelinan: Good afternoon, Mr. Chairman and members of the board, my name is Edith Pangelinan, President of Guam Housing Corporation

Chairman J. Reyes, Jr.: Thank you, Ms. Pangelinan.

GHC Loan Administrator Mary Guerrero: Mary Guerrero, Loan Administrator of Guam Housing Corporation

Chairman J. Reyes, Jr.: Thank you, Ms. Guerrero. Alright, so we were just going through the MOU that we've discussed and Commissioners so just a couple of things to point out to our Commissioners and maybe even... I don't believe these were a part of the back and forth with Attorney Ecube but I think it's just ensuring that the verbiage is accurate. Alright, so Commissioners I want to begin with on the first page of the MOU under Recitals, item number 2 and Commissioner Herrera let's use this copy. The one in your packet is fine or the one that Tina provided.

Commissioner D. Herrera: Understood.

Chairman J. Reyes, Jr.: Okay, so on the second page, sorry, under Recitals, just to be clear, right, I'll just read this out Ms. Guerrero and Ms. Pangelinan. So, whereas CLTC agreed to assist GHC with implementing a Program to provide a mortgage home loan to an eligible beneficiary who may not be a first time home owner and who currently changing the word, Owns should be changed to lease land trust property

GHC Loan Administrator M. Guerrero: Oh, I see, it's more *inaudible* okay.

Chairman J. Reyes, Jr.: Commissioners, any... so, that's one of the changes. And then on the second page, or actually page 2 labelled below under Agreement, Section V, Subsection B, so I'm going to kind of read it through starting- I'll start from the top but it's a pretty lengthy one but so... Section V, Subsection B, The parties understand and agree that GHC has established standards, forms, reports, and procedures for the construction of homes on leasehold property owned by eligible beneficiary borrower(s) giving GHC security for the mortgage home loan, including valid procedures for the power of sale of a foreclosure action with the right of redemption under Guam law; and obtaining valid unlawful detainer or other legal actions to secure the possession of said interests for the resale of the lot or dwelling or both; so, we should... the recommendation is to take out both and just dwelling.

GCH Loan Administrator M. Guerrero: Just the dwelling?

Chairman J. Reyes, Jr.: Just dwelling, yeah. Again, in reference to the land.

Acting Admin Director A. Camacho: So, would that be resale of the dwelling?

Chairman J. Reyes, Jr.: The lot?

Acting Admin Director A. Camacho: Do you remove the lot as well?

AA T. Tainatongo: You should

Chairman J. Reyes, Jr.: Yes, correct. Yeah, so it's the resale of the dwelling Should it should read; for the resale of the dwelling. Again, just to read that last; legal actions to secure the possession of said interests for the resale of the dwelling to including assigning such lease or deed interest by deed to GHC, okay? Just to be clear in light of that it's the dwelling, the structure per se. Okay, so, I'm going to just open up to our Commissioners, any questions to that and then maybe I'll take a quick minute to kind of back track for Commissioner Garrido's sake and Angie, can you just walk through the MOU real quick for us? Just the intent.

Acting Admin Director A. Camacho: Sure. So, the intent of the MOU is so that Guam Housing will be able to – will allow Guam Housing give a mortgage to a qualified borrower who is not a first-time homeowner – homeowners who currently owns their primary residence or property and cannot go to any other financial institution for a loan on CLTC property. It's basically the VA home loan and also Guam Housing Corporation that offers loans on CHamoru Land Trust properties, so, it's limited where our lessees can go to borrow money to build their homes. So, this will allow Guam Housing Corporation again to lend to none first time homeowners, they may own a primary residence and have a CHamoru Land Trust lease and in order for them to

build a home on CHamoru Land Trust residential lease or agriculture lease of course with them complying with the terms of our agreements.

Chairman J. Reyes, Jr.: Okay, any questions?

Commissioner E. Garrido: Yeah, kind of a little question because it says assigned successor with a designee, does this place the successor or the designee on the loan and will they be responsible like a cosigner?

Chairman J. Reyes, Jr.: What page and section you're on Commissioner Garrido, just to be clear?

Commissioner E. Garrido: Page 2, B

GHC President E. Pangelinan: Same section B

Chairman J. Reyes, Jr.: Same section, okay.

Acting Admin Director A. Camacho: Mr. Chairman, I think it's best we let Guam Housing

Chairman J. Reyes, Jr.: Yeah, I was going to defer to our Guam Housing

Commissioner E. Garrido: Yeah, because they're the loan...

GHC President E. Pangelinan: Oh, okay, I can have Mary...

GHC Loan Administrator M. Guerrero: Okay, so, we're only talking about the improvement which is the house, right? The lot is going to remain, as a long-term lease, in the event of the default and GHC is the one that would be the... by way of default, we foreclose and now hold title just for the improvement, so, what it's saying here and it's not only Guam Housing in general it could be whoever we assign our mortgage too so that's what it says, you know, or should something happen it's our successors or whoever is designated and so the borrower the original, the beneficiary borrower would be responsible because we're going to try and recover so when we do a bid, we include the balance of the loan, any legal costs, any other cost that we may have had to incur in order to complete the transaction so all of that we will charge the borrower but in the event that there's no other if they're not and we assume ownership of the improvement which is just the building then that will all be included in the amount that's due to Guam Housing.

Commissioner E. Garrido: So, in the term here, where you guys use successor, you don't really mean the assigned successor to the lease?

GHC Loan Administrator M. Guerrero: Well, CHamoru Land Trust has the beneficiary for every lease that it authorizes, in the event that that individual because being a beneficiary does not necessarily mean they can service the loan, they just have interest. So, if they're not able to come up and maybe assume the loan and Guam Housing has to resort to foreclose then that's when even your beneficiary will be out of the picture because of course we would like to accommodate their beneficiary but we want to ensure like I said your definition of a beneficiary there and we look at being able to show repayment on that loan it'll be too different so if they're not able to do it and we do foreclose then we're still going to be going

back to CHamoru Land Trust because now we're looking at the next available individual maybe processed for a long-term lease. So, it's really never going to *inaudible* where GHC's going to have but in the event where it's leased than at least they could pay for itself and drop it but there's never going to be a point where CHamoru Land Trust is not going to be in the equation because that lease is going to be and there is a beneficiary they would have to go to the next individual that has applied in accordance of the date that they applied. So, it's just trying to set all the responsibilities of all parties without requiring...this is in lieu of requiring a loan guaranty.

Commissioner E. Garrido: So, if Juan defaults on his loan, his successor is Maria okay, you possess the structure which is the improvement okay, so how do we assign somebody new onto that property when the default is just on the structure that one small structure, not on the entire lease?

GHC Loan Administrator M. Guerrero: We will work with CHamoru Land Trust. We won't pursue foreclosure if there is a remedy in sight for another applicant to assume the lease. That will all have to be explored I mean you have thousands of names on your list.

Commissioner E. Garrido: To me, there's only one applicant that can step in and that's whoever the assigned successor is to that lease, so, that's going to get sticky unless there's more complication.

Chairman J. Reyes, Jr.: Yeah, I think we can walk through that Commissioner Garrido. Commissioner Herrera, do you have a question added to that?

Commissioner D. Herrera: No, just to add to the qualification requirement the eligible beneficiary must comply with Public Law 35-112,

Chairman J. Reyes, Jr.: Also qualify

Commissioner D. Herrera: Public Law 35-112

Chairman J. Reyes, Jr.: Correct- correct.

Commissioner D. Herrera: And the loan is assumable?

GHC President and Loan Admin. Yes

Chairman J. Reyes, Jr.: Yeah, so, the loan is assumable, the beneficiary or the successors would come from our list,

Commissioner D. Herrera: List of 35-112

Chairman J. Reyes, Jr.: List our inventory so if the successor is not able to assume then it'll go to the next qualified applicant

Commissioner E. Garrido: So, it's not just the structure, then? It's also the entire lease?

Chairman J. Reyes, Jr.: It'll be the lease and the structure.

Commissioner E. Garrido: 'Cause there's no way we can piecemeal off just the land where the structure is on

Chairman J. Reyes, Jr.: Correct

Commissioner E. Garrido: So, that lease could be considered void and terminated?

Acting Admin Director A. Camacho: Correct

Chairman J. Reyes, Jr.: Yes. I'll let Joey add to that

PC IV J. Cruz: In the ACT we have a section there that explains how we cure a default and when a default is considered a default I think after 60-days of nonpayment, but it also guides us on how in the steps we take to terminate the lease to cure a default to find another applicant in line to take over the indebtedness of the loan and all that other great stuff. So, there is a process for us to take so it's possible and it can be done because we've done that in the past.

Commissioner E. Garrido: I was just trying to visualize on how that would work.

Chairman J. Reyes, Jr.: Okay, any other questions, Commissioner Garrido?

Commissioner E. Garrido: I just wanted to know if there was some other mechanism involved because, on their side they're only looking on the improvement which is the structure.

Chairman J. Reyes, Jr.: Yes

Commissioner E. Garrido: But there's a lease

Chairman J. Reyes, Jr.: In its entirety, correct, yeah.

PC IV J. Cruz: We can provide the...

Commissioner E. Garrido: No, I'm just asking, what is the proper remedy for something like that in the event that it happens.

PC IV J. Cruz: We have a – like I said in the ACT we have guidance and we've done it already with one of the VA loans.

Chairman J. Reyes, Jr.: Okay. Any other questions? Okay, so, I'm going to look toward Guam Housing right because this is before the Commissioners to approve the MOU but just those two clarifying areas. Do we need to take this back to Attorney Ecube or do we proceed with those conditions of the changes in the MOU? If again in taking action with the commissioners today.

GHC Loan Administrator M. Guerrero: If you would like to take action subject to those changes being made and then we can resubmit it because I know that our attorney would also be in communication with your attorney as well so that it would address and your minutes would confirm that the amendments are required in order to effectuate such amendment.

Chairman J. Reyes, Jr.: Okay, thank you. So, Commissioners, any further questions?

And so again, on the table is to approve the MOU with the two – with the condition of making the amendments again just to restate in Section II under the RECITALS, to edit who may not be a first-time homeowner and who currently lease land trust property, right so changing owns to lease and then on page 2, Section V, Subsection B, to change the verbiage of said interest for the resale of the dwelling to include assigning such lease or deed interest by deed to Guam Housing and again it's just in reference to just the dwelling and not the land. Okay, so, if no further questions do we want to take action?

Commissioner E. Garrido: I would like to go with her recommendation that we act on it with the legal counsel reviewing it to finalize it.

Chairman J. Reyes, Jr.: For the two – in condition – for the conditions of the two amendments, okay, we can do that. So, would you like to make the motion Commissioner Garrido?

Commissioner E. Garrido: Yes

Chairman J. Reyes, Jr.: Okay, so if you can just restate the motion, please.

Commissioner E. Garrido: I move that we approve the minutes or the MOU based on the condition that after the adjustments have been made that it's reviewed by legal counsel.

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

Commissioner D. Herrera: I second the motion

Chairman J. Reyes, Jr.: Thank you, Commissioner Herrera. Any objections? Okay, hearing none, the motion passes to approve the MOU with Guam Housing subject to the conditions in the amendments made. Okay, thank you very much Ms. Pangelinan and Ms. Guerrero.

OLD BUSINESS

Resolution No. 2022-01; Delegation of Responsibility for the Administrative Director for Approval of Eligible Beneficiaries to the CHamoru Land Trust

Chairman J. Reyes, Jr.: Okay, next up in our agenda we will go through the Resolution. I'm sorry Old Business, number 2, Resolution No. 2022-01; the Delegation and responsibility for the Administrative Director for approval of the eligible beneficiaries to the CHamoru Land Trust. Okay and Joey, just to confirm here, that there's no action here we just need to sign on the resolution, correct?

PC IV J. Cruz: Yeah

Chairman J. Reyes, Jr.: Okay, alright so I have the resolution here with me and I'll sign with the action administrative director.

PC IV J. Cruz: We'll get you a clean copy that doesn't have holes

Chairman J. Reyes, Jr.: Alright but the date changes. Okay, next up

Deputy AG Espaldon: Mr. Chair, this is Deputy AG Espaldon, so, I wasn't clear what was the action of the delegation on the resolution?

Chairman J. Reyes, Jr.: Oh, yes, this was approved in our last meeting, Joey, remind me what meeting

PC IV J. Cruz: July 28

Chairman J. Reyes, Jr.: The July 28th meeting, sir, again we just put it in the agenda item just to document and we will be signing the resolution today.

Deputy AG Espaldon: Oh, okay, so it was voted upon already?

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

Deputy AG Espaldon: Okay, thank you.

Chairman J. Reyes, Jr.: Thank you, sir.

OLD BUSINESS

Board's Additional Authority Update

Chairman J. Reyes, Jr.: Okay, next up so this one is going to pretty much dictate the rest of our meeting. Commissioners, in your packet we have the proposed additional authority for the Board and I will have Joey – I'll turn this over to Joey to walk us through this. And then Joey could also add what the next steps once if we take action on this today.

PC IV J. Cruz: So, before the board could fully discuss the revised the approval of Additional Authority, I ask that I give just a little history on what caused us to propose additional authority to the board for the benefit of Commissioner Herrera and Commissioner Garrido. On May 11, 2018, former AG Elizabeth Barrett Anderson issued an Opinion Memorandum 18-0226 in response to an inquiry from former Senator Regine Biscoe Lee in summary the opinion stated; The Administrative Director does not have the authority to execute leases without the Commission's approval in this instance the lease that was signed without the commission's approval and not subject to any other defect is voidable. In response to this the commission compiled a list of all the leases issued without the board's approval and presented that list to the board which was later ratified. The opinion also stated that there is no authority that allows an applicant during his lifetime to transfer or switch places with another applicant. A lease in violation of this prohibition is null and void and is not subject to the Commission's power to correct and remedy. Applicants should be permitted to resume their prior sequential status subject to the order of the date and time they applied.

Again, the commission compiled a listing of all leases that were awarded to applicants by switching date and time and a living applicant transferring his application rights to another qualified individual. This listing is known as the Null and Void listing which the board has been discussing for several months already. The list consist of a little over a hundred names or lessees and approximately 16 give or take has been categorized was adjudicated. After all of that we went back and conducted another review of the files that were issued a lease that may have been potentially done contrary to law, from the review we have found the following concerning actions; 1, leases were awarded to an applicant prior to their date and time. 2, leases were awarded to applicants on unregistered property. 3, leases were awarded to successors who were not qualified based on the authorized line of successorship which leads to Commissioner Herrera's question earlier. 4, names of lessees placed on the ratified lease

listing have defected leases, an example is there may be a signature missing on the lease whether it's the administrative director or the lessee or potential lessee. Second, there's names that were put on the ratified lease listing that may not have a lease but was given a survey authorization and who have procured surveying services but the surveying services have not been completed. And then the last one was leases were issued to applicants who switch application type; so, they initially applied for a residential lease but then they switched application type to an agriculture. The initial proposed additional authority was approved by the Board in October 20, 2021, but after discovering that leases were awarded to applicants that were contrary to law outside of what was classified as Null & Void, we went back and we worked with Assistant Attorney General Toft to try to resolve if not 100% then at least majority of the issues that we're currently facing. So, today, in the packet we present to you the updated or revised additional authority that was approved, that was initially approved on October 20, 2021. The additional authority that's document would resolve at least 90% of our concerns or the issues that we're currently facing. If you remember, about a month ago, we only published the next 5 names in line. And that's because the 6th name in line has an issue. I don't remember what the issue is, but it's one of the issues that I mentioned previously, it could have been a switch of application type, it could have been switch or transfer of application date and time.

Chairman J. Reyes, Jr.: So, Joey, to confirm the list that you're referring to is the December 1995 list that we started working on?

PC IV J. Cruz: Yes.

Chairman J. Reyes, Jr.: Okay

PC IV J. Cruz: Or it could have been the grandchild named as the successor. Well, if you review the additional authority that we presented, everything that we just mentioned would be addressed or would be resolved by the additional authority we're proposing. This authority if, accepted by the Commission although if it is we would prepare a resolution have everybody sign it forward it to the legislature 'cause it needs to... the law needs to be amended because our rules and regulations has been created by law. So, it's just not the easy Triple A process to do this and that's it.

Chairman J. Reyes, Jr.: So, it's basically – Commissioners, this is basically our request to the legislature to help us to be able to resolve some of these issues. Joey, I had a question and I know I've asked this before and I want to make sure it's clear, right with the Commissioners, so, we did the first 5, we ran into an issue number 6 for example, but let's say hypothetically number 7-8-9-10-11-12 have no issues and we can proceed. What is preventing us from – we're not necessarily skipping over but there has been action taken on number 6 be it jumping the line...whatever the case may be, right, and if there are no issues or they're just still applicants number 7-8-9-10-11 so on so forth; why can't we just move to the next? And I ask this because there's already been some action on number 6, so, I firmly believe that we still need to take care and figure out how to address these issues of the past per se but I don't see why it prevents us from stopping because we've ran into some you know... for whatever reason number 6 is halting the process.

PC IV J. Cruz: In our ACT, I believe it's in the ACT, the Commission should process applications based on how it's received. So, that's based on your date and time, not your sequential number. So, and then also we have other items in the law that we have to follow, right, and

even if doesn't say in the law that you can or you can't based on the opinion if it's not there authorizing you just can't. So, for example, if number 6 has switch an application type or has switched date and time with another individual, already that action of switching application date and time has been deemed Null & Void by the Attorney General. And then the other action of switching application type is not authorized by law.

Chairman J. Reyes, Jr.: But the question is, again, we're just using this as an example; why is number 6 halting us from moving forward, they had action taken, we should be able to move forward. Is there something specifically saying; you cannot proceed?

PC IV J. Cruz: The only thing that is holding us back is because we're processing applications in how we receive it.

Chairman J. Reyes, Jr.: No, understood. And number 6 again, hypothetically because they're the 6th one we received numerically.

PC IV J. Cruz: If number 6 was issued a lease already, it won't be on the next 30 for processing.

Chairman J. Reyes, Jr.: Right

PC IV J. Cruz: But everybody on the next 30 in line does not have a lease but there was action taken already whether it was the designation of a grandchild who's ineligible as a successor or the switch of application type or some other reason that may be out there.

Commissioner E. Garrido: But couldn't... based of on what he's saying, couldn't you sideline number 6 and throw in number 7 and if there's no problems with number 7 that way the process just doesn't stop because of the problem of number 6

Chairman J. Reyes, Jr.: 'Cause right now it has stopped. Commissioners, it has stopped. We want to get this going.

Multiple speakers

PC IV J. Cruz: *inaudible* doesn't allow us to move forward other than the law telling us how to process the applications. So, the law says, to process it based on how we received it which is date and time. If your number 6 and you applied at 8 and Commissioner Herrera's number 7 and applied at 8:01, we can't process him because we're bypassing you.

Commissioner E. Garrido: No, we're not bypassing them, we're just setting them aside so that our process, our progress doesn't stop, it doesn't come to a dead stop.

Chairman J. Reyes, Jr.: Because you see that there's an issue with this, so, that means that it's already been addressed in one-way shape or form.

PC IV J. Cruz: It's been identified by us but not necessarily adjudicated.

Chairman J. Reyes, Jr.: Understood, there's no action, it's whatever the problem is. But it shouldn't stop us from moving forward. I just want to be clear that, if we decide to take this and move forward with our authority per se; I don't want to stop the process, I want to keep going, we should keep going.

Commissioner E. Garrido: We shouldn't punish the ones behind number 6 that are eligible because number 6 has an infraction, so, we should sideline number 6 not forget it, not drop it, sideline it until you can adjudicate it but meanwhile, we process number 7 if there are no problems with it.

PC IV J. Cruz: So, if we process number 7 and we give them a lease we bypass number 6.

Chairman J. Reyes, Jr.: But we still have 1 through 5 who we have not been able to get a hold of so we can't do anything with them, it just continues to make us stop so, to your point, we can't process because we didn't do anything with number 6 and we're at number 7 and they're free and clear, we issued them a lease, we have yet to issue from 1 through 5 a lease so how does that make...?

PC IV J. Cruz: Concerning 1 through 5, so, in the law or in our rules and regs, it says, if a constituent hasn't updated their information and it comes time to process

Chairman J. Reyes, Jr.: Right, everything we can to

PC IV J. Cruz: We have to send them a certified mail, within 3 days publish their names in the newspaper, and after 90 days that they have not responded then we present it to the board to remove their names from the waiting list then we move on.

Commissioner E. Garrido: So, we are we at with number 6 then?

PC IV J. Cruz: Number 6 is part of the issues that I just mentioned so...

Chairman J. Reyes, Jr.: But Commissioners, here's the thing; and again, we can take this and you know we can make the decision to move forward and again, nothing in the law that says you can't move forward you just have to process it as it was received in date and time. Number 6 has been processed, it jumped again, hypothetically, I don't know what the full issue – it jumped the line before number 1-2-3-4-5

PC IV J. Cruz: No, number 6 in the 30 is the 6th person that is due for a lease – to process their application for a lease not necessarily that it jumped the line. Everything that we're working on now that we will be publishing are the next constituents in line to process their applications for lease issuance. So, number 6 is still an applicant but it just goes to show that even if the Null & Void listing only consist of people who were awarded leases, we have a lot of applications too that haven't been processed for a lease that had switched date and times or

Chairman J. Reyes, Jr.: Understood, something happened in number 6 and is not allowing us to move forward but there's something happening we're not bypassing them.

Acting Admin Director A. Camacho: Mr. Chairman?

Chairman J. Reyes, Jr.: Yes

Acting Admin Director A. Camacho: Could notice to number 6 based on the issue be like we give everybody else notification, we give a notification, your next in line, your number 6 on the waiting on the waiting list, however, this is the issue. We're not bypassing them, we're

addressing it then the discussion comes with number 6, this is the issue, how can we resolve it? Maybe he wants to change the name of his beneficiary or if it's somebody that doesn't qualify or fall within the law.

Chairman J. Reyes, Jr.: Yeah. And just to be clear, where we're stopped is from the first 30, right? Hence, why we're....

PC IV J. Cruz: If number 6 is a beneficiary issue, we can't get a hold of that original applicant because they're deceased now. So, you know that's what it is.

Commissioner E. Garrido: So, beneficiary is deceased as well as the primary?

PC IV J. Cruz: The original applicant is deceased. If number 6 issue is because the designation of beneficiary was a grandchild which is not allowed by law as a successor then we stop, we stopped at number 6.

Chairman J. Reyes, Jr.: But doesn't the board have authority to assign a successor?

PC IV J. Cruz: The board has authority to name a successor based within the approved successorship which is spouse, children, widow or widowers of the brothers and sisters, nieces and nephews of the siblings

Chairman J. Reyes, Jr.: Right

PC IV J. Cruz: Not anywhere outside of that

Chairman J. Reyes, Jr.: Understood, but again, if that's the issue, we could address it and move on

PC IV J. Cruz: But what we're proposing today in the additional authority is to allow the board to designate up to the third consanguinity of relation. So, the third consanguinity extends all the way to the grandchildren which number 6, so, if we go back and we action number 6, let's just say, okay, we notify number 6 that of their ineligibility as the successor and you guys name somebody else but approve or accept the additional authority that will just be counter-productive in a sense.

Chairman J. Reyes, Jr.: No, we're not trying to circumvent that, we're going to do it the right way, I just don't want it to hold us to continue on.

PC IV J. Cruz: If the board should decide or should choose, they want us to move forward even if we bump into challenges like what we are today,

Chairman J. Reyes, Jr.: Right, six – fifteen – twenty seven

PC IV J. Cruz: Then that would be a policy the board may decide they may want to create for us. But as far as us processing applications to the T of the law, we're going to stop at 5 because 6 has a problem.

Acting Admin Director A. Camacho: But then... Mr. Chairman, may I?

Chairman J. Reyes, Jr.: Yes

Acting Admin Director A. Camacho: But then with this, if we could proceed with this and legislation is granted to give the board this authority that would address number 6

Chairman J. Reyes, Jr.: Correct, but it's not – I don't want it to hold us up for us to get this through and the back and forth it could take a while

PC IV J. Cruz: Understood

Chairman J. Reyes, Jr.: But I don't want us to stop. Which again, this is where this is where we've led to and hence we have not met as a commission with for one reason or the other but this... but we just can't stop.

PC IV J. Cruz: Understood. And we don't want to stop either but because there's no proper guidance to move forward if we continue in the path that and just keep going and we skip 6 and go to 7 or put 6 aside however you want to put it, we're going to keep continuing in the path that was practiced in the past

Chairman J. Reyes, Jr.: But we're going in order. We're going in order of application received, you have an issue one reason or the other, we're moving – we're going to continue to move forward we're not not handling it, it's just it shouldn't stop the process. And if the Commissioners have any questions, please chime in 'cause I know we've – I read through this we talked through it extensively unless there's something that says you cannot move to the next explicitly, I feel that we should try and move forward without necessarily saying that we've skipped you, no, you have... there's something wrong that we need to address, either we address it correctly and we're going to follow the law in addressing it. Not – and then too, if we have any of the – if we get these additional authority, this can fix some of our older problems and not necessarily the applicants, right.

PC IV J. Cruz: Understood. And to the point of it not specifically stating specifically in the law, it's also that's applicable to the switch of application date and times. That's not specifically stated in the law either but it was done.

Chairman J. Reyes, Jr.: And hence how we have to address those and fix them, yes.

PC IV J. Cruz: And then the AG came back and said it's considered null and void.

Chairman J. Reyes, Jr.: Right

PC IV J. Cruz: So, our understanding of the opinion and we're not trying to be attorneys but we're applying the concept that if it doesn't state in the law to do it then don't do it and that's what it is.

Chairman J. Reyes, Jr.: But it's still.... We're proceeding with err to caution knowing that we're not again we're not skipping anyone, we're going to go as your application is received, we just can't stop.

PC IV J. Cruz: Understood, and we don't want to stop either and if it's the position for us to move to number 7, then okay, we can do that. We just need a policy to say that, but just know

that when it does come time that we do issue a lease from number 1 through 5, we skip 6 because of the issue that's still pending we process 7 and we award 7 a lease then it's like we're bypassing 6. You know, we're all for moving forward no doubt, we want to move forward but we just need some clarity on how we're going to move forward.

Chairman J. Reyes, Jr.: Alright, for the interest of time Commissioners I believe we have Attorney Espaldon for maybe for another hour or less so let's.... so do you have any questions on this?

Commissioner D. Herrera: I'd like to defer my position to the attorney. Let's hear his.

Chairman J. Reyes, Jr.: Yes, we will. Commissioner Garrido?

Commissioner E. Garrido: I'd like my qualification to go on record that have we sent them a certified mail to force an action on their part.

PC IV J. Cruz: The first 5? Yes.

Chairman J. Reyes, Jr.: See that's the problem

PC IV J. Cruz: I'm not too sure but I don't know off hand.

Commissioner E. Garrido: Because that mail has a 90-day limit? You said or a timeline?

Chairman J. Reyes, Jr.: Yes

PC IV J. Cruz: They have 90 days to obtain the information. I think we're only into 30 days already.

Commissioner E. Garrido: Oh, so it's a brand-new thing?

Chairman J. Reyes, Jr.: We just sent out for the again it's just for the five. We could have sent it for thirty I feel

Acting Admin Director A. Camacho: We could have sent it for 30

Chairman J. Reyes, Jr.: I feel that we could have pushed this a little harder but again, we haven't met right and I get it so, this is the discussion

PC IV J. Cruz: And our other reason for not is because if an applicant has switch their date and time with another applicant the applicant that's reading today is the applicant that it should revert to the original which is not the original so, the original applicant we're not affording their due process. So, if we were to send out certified mails to the applicant that switch date and time

Chairman J. Reyes, Jr.: No, it should be the original

PC IV J. Cruz: But what I'm saying is the applicant who switch date and time that wasn't fixed to revert back we would have informed the applicant today.

Chairman J. Reyes, Jr.: So if applicant number 6 switch with applicant number 752, I'm sorry, 752 and 6 until we get to 752 we'll deal with that at the same time we're going to deal with 6

PC IV J. Cruz: But we would have notified 6 which should have been 752 and not the original 6 which is 752 now. So we wouldn't have

Chairman J. Reyes, Jr.: Understood, but we're not going to notify them we're just moving on

PC IV J. Cruz: Just for the sake of because it was mentioned that we should have notified the 30 but

Chairman J. Reyes, Jr.: Understood but we will move on to the next. Let's address *inaudible* Deputy Attorney Espaldon. Commissioner Herrera, please.

Commissioner D. Herrera: Oh yes, go ahead Mr. Chairman.

Chairman J. Reyes, Jr.: Go ahead, you can address him.

Commissioner D. Herrera: Attorney, could you hear our audio?

Deputy AG Espaldon: Yes, I can Commissioner although I will let you know that aside from the Chair who I can hear crystal clear the rest of the folks are probably about 80% so I'm trying to

Serious mic shuffling

Deputy AG Espaldon: I think I'm able- I'm following it and I followed this discussion as best as I could but just to let you know that I am having a little bit of issues especially with the staff and the administrative director and the staff it's a little difficult to make out everything but Mr. Chair, you're crystal clear for me.

Chairman J. Reyes, Jr.: Okay we have these mics directly so, we moved it all in. So, Attorney Espaldon I think the question – *inaudible* Commissioner Herrera is wanting to defer if again what I'm trying to describe or talk through with the team the commissioners is our ability to move forward despite an issue again we're speaking about number 6 right through this whole discussion to just move forward knowing that number 6 has an issue that will be address and for us to just continue moving forward in working with the December '95 list

Deputy AG Espaldon: So, what I have not heard in the discussion is whether or not this issue has been brought up with Attorney Toft before and what he said. Because I did hear you Mr. Chair when you were talking about, if there is nothing that says you can't do it in this situation that says you cannot move on especially when you're trying to resolve a case that's in order I can see how you want to resolve or deal with cases in order but it sounds like and correct me if I'm wrong, it sounds like the staff might be saying you have to resolve the case before you move forward. I don't know whether or not if that's a very practical thing to do, I think that's what you're talking about.

Chairman J. Reyes, Jr.: Right.

Deputy AG Espaldon: But the question is, whether or not that's legally required? Again, that's something I think that if Mr. Toft has kind of advised the Commission on that then I would like

to know that. I don't remember him discussing that. Otherwise, what would be helpful, is that if he has or if he has not if the staff does and is able to point to us any place in the law or in your procedures or in anything which says that you have to resolve a case before you move to the other one. I would be interested to see that.

Chairman J. Reyes, Jr.: Yeah, let me. Joey I believe ran at least the proposal but what was Attorney Toft's position in general and kind of take a halt.

PC IV J. Cruz: I don't know for sure or exactly what he said but he didn't have a problem with us stopping at 5 because if he did we would have published more.

Chairman J. Reyes, Jr.: Right but did he have a problem with us moving forward? Because the recommendation was to stop but did we ask, should we or can we continue to move forward despite it not specifically being

PC IV J. Cruz: We didn't because he didn't base his concern about not moving forward but he accepted what presented in public. But we also worked hand in hand to develop the additional authority.

Chairman J. Reyes, Jr.: Right, the additional authority is to solve the issues not necessarily addressing to move forward, to continue to the list.

PC IV J. Cruz: We can send them that question and if he should tell us otherwise and to move forward then we will.

Chairman J. Reyes, Jr.: So, let's take a step back and address because I definitely think we should proposed this to be able to solve not only the applicant list but also these other issues that we have, right Commissioners that we continue to stumbled upon. However I feel that we should proceed.

PC IV J. Cruz: To move to number 7?

Chairman J. Reyes, Jr.: To keep going on the list. To number 7- 8-9 up to the next hundred – thousand on December '95.

PC IV J. Cruz: Okay. How about number 6?

Chairman J. Reyes, Jr.: Number 6 gets

Acting Admin Director A. Camacho: A letter – a notification

Commissioner E. Garrido: They got the notification already so we're waiting for a respond right?

Chairman J. Reyes, Jr.: No, number 6 has... we stopped at number 5.

Multiple speakers

PC IV J. Cruz: So just for clarification we're going to inform number 6 who is the ineligible beneficiary of that application that their application is next in line for processing; is that...? 'Cause that's the letters we're sending out to the next in line.

Acting Admin Director A. Camacho: I think you would still need to address it to the original applicant

Commissioner E. Garrido: Not the substitute yeah.

Acting Admin Director A. Camacho: I think you still address it to the original applicant

PC IV J. Cruz: So, how this all happened right is back then you come in and you want to name your grandchild your beneficiary okay you fill out a form the director approves it, it sent to the database, it's sent into the admin section to update the database, you're name the successor if the original applicant they effectuate the successorship so I'm not saying that the original applicant's name was completely removed, but in the database now it reads Maria when the original applicant was John.

Chairman J. Reyes, Jr.: So, but we have documentation of who the original applicant is.

PC IV J. Cruz: It should be in the file of the original applicant. So we just need to know do you guys want us to send it to the original applicant who's deceased and we won't get any type of feedback from

Chairman J. Reyes, Jr.: And we've... however, do we know for sure do we have all the documentation that this person is deceased?

PC IV J. Cruz: It should be there

Chairman J. Reyes, Jr.: So, Commissioners, here's what I think should be done; we continue to proceed and move forward with the applicant list of December '95 and we're going to take it in chunks of 30 which is again that has always been our plan that was in our June, July, May meeting even sooner and we just get through that, let's continue and proceed. However, in tandem, I think that we should still approve or recommend these changes 'cause these will not only help support our '95 list, it'll help in support everything that has been done. It's almost like we're having to pay for our sins at this point because of all the stuff that has been done. And we have to get either we get this changed or we continue to sit here and talk through cases on a day-to-day bases that we haven't addressed or that has issues.

PC IV J. Cruz: Sir, can I just add to your... also, just so the Commission is aware, there's a lot of lessees that have been awarded loan guaranties who have constructed homes, who have been farming, who have been approved a property, who have surveyed, that's another thing to consider

Commissioner E. Garrido: Yeah, but we shouldn't let those other line items prevent us from moving forward with the dilemma we're having with number 6. Now, to add on to what you said in how to try and resolve number 6, I think we should send a letter to the original applicant and his successor, okay, and we put a timeline on that. Joey, you said it's a 90-day, can it be cut shorter?

PC IV J. Cruz: No, by law you're allowed 90-days.

Commissioner E. Garrido: Okay, so let's send them out a 90-day notice to both the original and his assigned successor and if they don't respond then case closed on that.

Chairman J. Reyes, Jr.: And if they do respond, right, remember we have to still qualify even if they're an assigned beneficiary; Joey, correct me if I'm wrong, because it's not a lease that has been issued they still have to qualify and will go through that whole process.

PC IV J. Cruz: Now, for that situation okay. Now, how about for the situation for people who switch application date and time; who do we notify?

Chairman J. Reyes, Jr.: The original

Commissioner E. Garrido: Only the original, the one who was at the top of the list that switch with someone in the bottom, we don't care about the bottom. We send it out to the top.

PC IV J. Cruz: So, is this going to be perceived that the board is going

Commissioner E. Garrido: Because it was an illegal swap

PC IV J. Cruz: Understood, so is this... will that action be perceived at least from administratively that the board is going to take the stance that everybody who switch application date and time will be reverted because there's a lot of leases also like that.

Chairman J. Reyes, Jr.: Right, we will address that once we get through this. We will not take – we cannot take action however we afford – now if you come across with these applicants of that nature now, again, you send it to the original and if they come in then they come in but guess what we can't address you until we can address...

PC IV J. Cruz: And just so you know then, there may be an influx of constituent matters being presented to the board because only the board can authorize to be reverted back

Chairman J. Reyes, Jr.: But we don't have that authority to revert

PC IV J. Cruz: The AG's opinion just said that it's considered Null & Void and should be reverted back; so, is the board going to accept the recommendation of the opinion or....

Commissioner E. Garrido: That's the legal opinion from our counsel?

PC IV J. Cruz: I have it the computer I can forward to you guys to review

Chairman J. Reyes, Jr.: Yeah, so, Commissioner Garrido that's exactly how we've been having to go through these and so as long as we are going to go through the process to fix the errors or with this additional authority to be able to do that then I say yeah, it has to come through us anyway.

PC IV J. Cruz: Okay, we just want to clarify for the processing for the sake of processing.

Chairman J. Reyes, Jr.: Yeah, and again, we have to continue to move forward and again we're only at 30 Commissioners, there's over 1200 I believe or 11

Acting Admin Director A. Camacho: 12000

Chairman J. Reyes, Jr.: No because this is December '95

Commissioner E. Garrido: Yes, that was made very clear by the speaker of the house

PC IV J. Cruz: So, just for clarification – just so I understand, we're going to- number 6 we're going to send to both the original applicant and the beneficiary that is our database now?

Chairman J. Reyes, Jr.: If that's the case for number 6, I'd say, yes. I mean that's the recommendation, yes.

PC IV J. Cruz: Okay. And then if in the event they do respond, right and this is hypothetically speaking

Commissioner E. Garrido: They maintain their status at the top of the list basically

Chairman J. Reyes, Jr.: And we just have to deal with it

Commissioner E. Garrido: And we'll process from there

Chairman J. Reyes, Jr.: We just have to process as we would normally go through the process

Commissioner E. Garrido: We're not going to throw them down to the end of the line

Chairman J. Reyes, Jr.: Right

PC IV J. Cruz: Understood okay so this may be also considered – I'm just thinking because if we get over the 5 we come to number 6 to process for a lease but we know that because she's not or he is not an eligible successor to the application

Chairman J. Reyes, Jr.: They still have to qualify though

PC IV J. Cruz: Understood. Qualifying as an eligible beneficiary but to qualify as a successor

Chairman J. Reyes, Jr.: But remember there's conditions too, if the notice of the deceased has a timebox, then notice to claim or assign as a successor has a timebox if they also have not met any of those timeboxes I mean that's how we should be processing

PC IV J. Cruz: We're also making sure that those have been abided by. But we'll go ahead and we'll proceed based on the board's desires to process number 6 and move forward and notify both the original applicant and the beneficiary and I guess when it comes time for lease award then

Commissioner E. Garrido: If they don't respond, then that terminates their position in the line. If they do respond, the respondent has to pre-qualify again, right?

PC IV J. Cruz: Provide information for

Commissioner E. Garrido: Yeah but we're not going to dump them to the bottom of the list. We maintain them at the high level, 'cause who knows maybe I'm being optimistic let's say you were able to do all 30 after we set number 6 aside, right, and we fix number 6, they automatically become 31 because we process 30 already

Chairman J. Reyes, Jr.: When you think of it that way but we've addressed... no, but however, you've addressed them

Commissioner D. Herrera: No, it's still number 6

Chairman J. Reyes, Jr.: and managed them in their date and time and so be it their numeric number is 6 but they're just processed

Commissioner E. Garrido: Yeah

Chairman J. Reyes, Jr.: Because if remember if we're down to 700 and they came quicker than everybody else they maybe number 72 but they've been notified they've responded

Acting Admin Director A. Camacho: At some point too though if they don't contact us, they're deceased

Chairman J. Reyes, Jr.: No, their timeline has

Acting Admin Director A. Camacho: Then you bring it to the board

Multiple speakers

Chairman J. Reyes, Jr.: No, the timeline then you can say they're taken out of the list, yes.

PC IV J. Cruz: Because we are

Multiple speakers

Commissioner E. Garrido: That's why we send out the notice to both the original and his successor and if they don't respond within that 90-days they lose it.

Acting Admin Director A. Camacho: And maybe at that point whatever the issue is we get legal counsel's

Chairman J. Reyes, Jr.: Legal counsel, if it's part of this then we're saying we have to wait for this then we wait. If there's certain things that we can't proceed on then we have to make it known that this is what's going to help us to proceed but we shouldn't stop. As long as we handle it in sequential order

PC IV J. Cruz: Okay, so, we'll proceed with sending request for guidance to Attorney Toft before we issue the letter or

Chairman J. Reyes, Jr.: For wherever we stopped going forward, yes. And the position of the board for the commission is to not stop.

PC IV J. Cruz: Okay, I'll put that in the email to Attorney Toft.

Chairman J. Reyes, Jr.: Now, Commissioners, any questions further to that and are we all in agreement that we will – we're giving the guidance to the staff in addition to going through this with Attorney Toft that we shouldn't stop on the list?

Commissioner E. Garrido: Well I agree we shouldn't stop we should mitigate what problems we have but continue on with the process

Chairman J. Reyes, Jr.: Okay, and how to mitigate that is the

Commissioner E. Garrido: Based on their circumstance

Chairman J. Reyes, Jr.: Yes, but also on the proposal here to see if we can provide this resolution recommendation to get further authority, right, so, the action here today is to ask for additional authority so, if any questions on this and are we ready to take action to proceed with this resolution.

Commissioner E. Garrido: I'm comfortable with our discussions

Chairman J. Reyes, Jr.: Okay, any questions on the proposal? For additional authority, no? Commissioner Herrera?

Commissioner D. Herrera: When you say additional authority can you clarify?

Chairman J. Reyes, Jr.: Yes, on this.

PC IV J. Cruz: Sir, if I may,

Chairman J. Reyes, Jr.: Sure, Joey.

PC IV J. Cruz: What it is is our current rules and regulations and the ACT states like for example, the line of succession can only – the eligible people can only be this; the spouse, children, widow or widowers of the brothers and sisters and the nieces and nephews so this additional would increase and allow it up to the third consanguinity of relation which is the grandchildren that's one of the guidance in our additional authority also, the additional authority – I can just go over it. So, the first item 5.3(c) reads, an applicant may request a switch of application type from residential to agriculture or agriculture to residential, such request must be made to the commission in a notarized letter, the board of commissioners may grant such a request a request for reasonable cause.

If you notice there's some items that are crossed out in this because it was removed or is requested to be deleted from the original version and the items that are underlined are being requested to be added. And then the next item is 5.8(b) in the absence of a designation of a successor and the absence of a qualified relative as defined in section A, the board of commissioners may consider designating a successor within the third consanguinity of the applicant

Chairman J. Reyes, Jr.: Third degree of consanguinity

PC IV J. Cruz: Third degree

Chairman J. Reyes, Jr.: Just want to make sure that's clear

PC IV J. Cruz: Then the next one is 5.8(c) an applicant may once in his or her lifetime may transfer or switch their application date and time rights to a qualified applicant within the third degree of consanguinity of the applicant under the ACT, request for a transfer or a switch of application date and time shall be made to the commission in a notarized letter, the board of commissioners may grant such a request if it finds that an emergency exist which makes a transfer or switch imperative then it goes on to other items. But in working with Attorney Toft with all the proposed additional authority would address about 98% of the issues we're currently facing

Chairman J. Reyes, Jr.: In both leases and applicants, correct? Okay. So, Commissioners

Commissioner D. Herrera: Okay, so, just to be clear; 5.8 (b) includes grandchildren?

Chairman J. Reyes, Jr.: It'll go to that degree

PC IV J. Cruz: Third degree of consanguinity extends to grandchildren.

Commissioner D. Herrera: And the law does not include grandchildren. So, this should be amended by the legislature, right?

Chairman J. Reyes, Jr.: This is our proposal to work with the legislature to help us right and again this will go back and forth I can almost guarantee

Commissioner E. Garrido: So, who's going to provide to the board jumping into what he's saying the list of qualified heirs

Chairman J. Reyes, Jr.: It'll be the work of our staff

PC IV J. Cruz: The staff

Chairman J. Reyes, Jr.: Working with the constituents

Commissioner E. Garrido: No, but

Commissioner D. Herrera: The birth certificate the...all the...

Commissioner E. Garrido: But shouldn't that come from the original...

Commissioner D. Herrera: Correct

Commissioner E. Garrido: I mean it's not fair for you to go out and have to research 1000 people who may be related to this certain person

PC IV J. Cruz: Understood but the dependency we keep within like parents, immediate parents

Commissioner E. Garrido: Yeah, but we're going down to grandchildren now

Chairman J. Reyes, Jr.: Yeah, so, Commissioner Garrido, yes, we work with the constituents or the beneficiary—successor to get that tree that family tree or the ancestry so however, yes, we encourage the staff to help them to go where they need to go in places like MARC, Guam Ancestral Lands with the BOHN files, etc....right and then if they have not found anything right there's the next steps on how to certify that they are qualified.

Acting Admin Director A. Camacho: They can actually attest

Commissioner E. Garrido: To me that's getting very complicated for something that should be Common knowledge

Acting Admin Director A. Camacho: *inaudible*

Chairman J. Reyes, Jr.: Understood, you would think but sometimes doesn't even go to far as the parents so, however the staff has been working with them in finding sources

Commissioner E. Garrido: I sympathize with the staff that's an enormous workload for them and

PC IV J. Cruz: It's encumbersome

Commissioner E. Garrido: Yes

Chairman J. Reyes, Jr.: It can get daunting but it is also the collaboration with the beneficiary constituent to guide them

Commissioner E. Garrido: I think we need to put more onus on the recipients to provide the information

PC IV J. Cruz: Just for disclosure, the constituent does fill out... the discussion we're having now is in terms of determining whether you're eligible beneficiary which is a very lengthy research process

Commissioner E. Garrido: Yes, but to me it's up to the person in line applying for the lease to provide that information

PC IV J. Cruz: They do as much as they could

Commissioner E. Garrido: Now, the catch 22 on that is what if that person died

Chairman J. Reyes, Jr.: Well and that's what we're experiencing and so, again, we don't necessarily just leave our constituents out to dry, we help them as much as we can, guide them to get those – there's a form that kind of helps them list things down that the staff can research but yes, they're not necessarily on the onus of just our staff but it's also collaboratively working with our constituents.

Commissioner E. Garrido: I'd just like to see a lot less pressure put on our staff and a more clear guideline but that's why we're here

Multiple speakers

Chairman J. Reyes, Jr.: And yes, Commissioner Garrido we've put things a lot – we made things a lot more tighter with policies and procedures that they're working through so that we know exactly where to go that there's no questions per se and so Joey I think that's in place, procedures

PC IV J. Cruz: Our SOP, we're working on it and I know that two meetings ago we've been saying that – just for full disclosure in addition to our SOP or out there actively working on all our grants and grant writing and grant applications we're starting our FY2022 financial audit and we also handle the audit of Ancestral but nonetheless we are working and we're getting it done.

Chairman J. Reyes, Jr.: Okay

Commissioner E. Garrido: I don't want your job

All: Laughing

Chairman J. Reyes, Jr.: Alright, Commissioners, are you guys comfortable in taking action in our proposal in getting us some additional authority. Again, it's going to be a work in progress but the goal is to not stop, you know what I mean? So, any further questions or are we ready to take action? Do we need to table this? What are your thoughts?

Commissioner D. Herrera: One more point

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: Public Law 35-112 included 3 categories, 3 additional categories confirmed? You have to be eligible beneficiary if any of your properties have been condemn to 1898 to 1968 number one. Number two, if you were just occupying the property, that's your second category then the third one is that if you were just squatting

PC IV J. Cruz: Ranching

Commissioner D. Herrera: Ranching. So you have three additional categories in addition to the 13000 that's on the list, so, with this additional authority right, we can either have the legislature go through this process and make the amendments in accordance with the law so we don't have to come back and struggle with this issue that we're doing now because this is in violation of that public law because the grandchild is not qualified

Chairman J. Reyes, Jr.: Correct

Commissioner D. Herrera: And right now this motion that we're going to make is to include the grandchild

Chairman J. Reyes, Jr.: Our proposal

Commissioner D. Herrera: Our proposal and hundred year lease you would have from the original applicant if it's from today at 2021 or 2022 within a hundred years at 21 – 22 you'll have a grand within that line; so, how – do you want us to burden the grand or the child, that's my point. So, we're thinking a hundred years ahead. We want to fix this today, now. We don't want to come back and overhaul this same mechanism again and open our mouth and put our shoes in our mouth again and then go back to the illegal action again because we've done this for the last '75 – 1975 we protested in 1995 we're here today and everybody's saying out in public right we have operated the land trust in jungle rules, this is one more jungle rule so we're going to add a grandchild not in accordance with the mandate. So, I make a motion to... are we ready to make a motion?

Chairman J. Reyes, Jr.: To submit our proposal, yes.

Commissioner D. Herrera: Yes, so we can get on

Chairman J. Reyes, Jr.: Yes, sir. So, if we're ready to take action, Commissioner Herrera if you want to make that motion?

Commissioner D. Herrera: Okay, so, I make a motion for this is Old Business, Mr. Chairman number 3?

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: For the board's additional authority Update in accordance with the attachment

Commissioner E. Garrido: Before I second it, I've got a question, I want clarified

Chairman J. Reyes, Jr.: The term occupied, what are the basis for adhering to the term occupied?

Commissioner D. Herrera: An affidavit

Commissioner E. Garrido: Because I remember reading in one of these case studies where this person had a shelter or something but wasn't staying on the property.

Commissioner D. Herrera: No need. According to Public Law 35-112, it has gone through the District Court with army of lawyers from the District Court and our defense group and it has been mitigated

Chairman J. Reyes, Jr.: It's been expanded

Commissioner E. Garrido: It's been what?

Chairman J. Reyes, Jr.: Expanded

Commissioner E. Garrido: "Cause I know that there was a case in this file that had something like that in it

Commissioner D. Herrera: Before 35-112 this is not possible, the other two categories, you have to proof that you're a beneficiary of that original applicant, today no need.

Commissioner E. Garrido: Now, occupying doesn't mean they have a lease

Commissioner D. Herrera: No need

Chairman J. Reyes, Jr.: Correct

Commissioner D. Herrera: No need

Commissioner E. Garrido: So, they're squatting

Commissioner D. Herrera: Squatting good

Acting Admin Director A. Camacho: lived or occupied

Chairman J. Reyes, Jr.: Lived, farmed, occupied, ranched

Commissioner D. Herrera: And including

Commissioner E. Garrido: On government land

PC IV J. Cruz: On land that was taken by the Federal Government

Commissioner D. Herrera: So...

Commissioner E. Garrido: So, you're talking about military condemnation?

Commissioner D. Herrera: And Gov Guam for rights of way

Chairman J. Reyes, Jr.: Yes

PC IV J. Cruz: Just so you guys know, we have a document and we're going back to like the Treaty of Paris and Guam was under Spain's control and then was turned over the US so, we're trying to figure out a way to make easy on ourselves when the staff conducts the research, so...

Commissioner D. Herrera: And to add to that Mr. Chairman just to include with our brothers and sisters that were that have relocated from Guam to

Commissioner E. Garrido: Mainland?

Commissioner D. Herrera: Northern Marianas, Saipan, Tinian that were originally from here are covered under this 35-112 for the record. So, welcome home

Chairman J. Reyes, Jr.: So, any further questions, Commissioner Garrido

Commissioner E. Garrido: It is what it is right now, it's subject to review by legal, right?

Chairman J. Reyes, Jr.: This one in particular, our proposal for additional authority has already gone through legal. This is what we're going to submit, so, are we ready to take action

Commissioner D. Herrera: Okay, I already made the motion Mr. Chairman.

Chairman J. Reyes, Jr.: Let's go ahead and restate the motion since Commissioner Garrido had a question

Commissioner D. Herrera: So, I make a motion Mr. Chairman to approve the board additional authority and update in accordance with the attachment.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Herrera

Commissioner E. Garrido: I'll second it.

Chairman J. Reyes, Jr.: Thank you, Commissioner Garrido. Any objections? Okay, hearing none, motion passes to submit our proposal for the board's additional authority.

PC IV J. Cruz: Sir, since the board considered and approved in accepting the additional authority we ask or we would recommend that the board should forgo on any additional further actioning on leases that weren't awarded with their date and time. We don't know what the outcome of this is going to be

Chairman J. Reyes, Jr.: Right, this is not going to be slam dunk, it's going to have to back and forth understood, so, with that said, right, we do have – our focus is on the 1995 updates and we're going to move forward with those

PC IV J. Cruz: We also ask that we table the '95 updates

Chairman J. Reyes, Jr.: No, understand. That's where I was going. So, we have Constituent Matters in our Old Business for number 4 and number 1 for New Constituent Matters and we're going to table those based on our discussion this afternoon.

PC IV J. Cruz: Okay, so we're just going to address New Business Constituent number 1 That only relates to our audit.

Chairman J. Reyes, Jr.: Okay

PC IV J. Cruz: So, New Business Constituent Matters, Item number 1, that's not the board actioning any – it's to revert because of the audit – our findings

Chairman J. Reyes, Jr.: Okay, so, New Business number 1, item I? So, we're going to go through that today?

PC IV J. Cruz: If, possible.

Chairman J. Reyes, Jr.: Okay, you know what for the interest of time, I'm tabling all our constituent matters. I wanted to move over to our commercial because we do only have Deputy AG Espaldon, we have about 20 minutes, are you still okay to proceed? In your timeline?

Deputy AG Espaldon: Yeah, I'll have to leave here in about 10 minutes to attend my next meeting.

Chairman J. Reyes, Jr.: Alright we will move over – we are tabling our Constituent Matters and I want to move to Commercial. So, Joey, we have *paper shuffle*

NEW BUSINESS; COMMERCIAL

SmithBridge

PC IV J. Cruz: So, the first item for Commercial is Smithbridge

Paper shuffling

Unknown: I'm sorry, excuse me? Hello?

Chairman J. Reyes, Jr.: Hi, yes.

Unknown: Hi, I'm sorry, I was here for New Business, number 1 under Alicia Elaine Hualde, is this going to get addressed at another date?

Chairman J. Reyes, Jr.: Yes, maa'am. With the motion that we've discussed and moving forward with our '95 list we will have these tabled and we would address it in our next meeting.

Unknown: Alright, I mean just one question and then I'll go ahead and step out. I heard the discussion on grandchildren being added as the beneficiaries, so, our grandchildren are allowed to be the beneficiaries of the CHamoru Land Trust now? Or no?

Commissioner D. Herrera: Yes

Chairman J. Reyes, Jr.: In today's law, no. We are proposing to help expand that, *paper shuffle*

Commissioner D. Herrera: Oh

Unknown: Alright, thank you.

Chairman J. Reyes, Jr.: Thank you

AA T. Tainatongo: Sorry, sir, if you don't have it I don't have it either.

Chairman J. Reyes, Jr.: Can someone in the staff get the copies of the first item on Smithbridge out there please thank you

Paper shuffling

Chairman J. Reyes, Jr.: Joey, please proceed, we can get copies.

Paper shuffling

PC IV J. Cruz: Okay, so the first item is Smithbridge what had happened was we *paper shuffling* site inspection on the Guam Raceway, we had discovered that there was an easement cleared through 7146 and 7163 which is CHamoru Land Trust property that leads to quarry of Smithbridge. We had been in discussions with Smithbridge, today, we would like to present for consideration for the board to consider authorizing the right of entry for Smithbridge to use the cleared access currently on Lot 7146 and 7153 as their easement to their quarry from the private property that they're currently working on for mineral extracting.

Unknown: grading

PC IV J. Cruz: Clearing and grading. So, the representatives from Smithbridge had displayed their eagerness to resolve the unauthorized access to Lot 7163 and 7164. Smithbridge has offered to pay \$0.51 per linear ft. per month going forward and an escape assessment fee of \$64,538.46 for sixty-nine months for prior use because this report was created in October there'll be an additional month to that escape assessment. Also, Smithbirdge's proposal includes an option of in-kind services in lieu of monetary payments. We recommend the board approve Smithbridge for a right of entry for up to one year with an option to renew annually for up to four additional years at a rate of \$0.51 per linear ft. Also, consider the in-kind services in lieu of monetary payments. So, the board can either accept the monetary payments or the in-kind services that could be clearing of easements things of that nature, half and half but we would like the board to consider the right of entry for the continued use.

Chairman J. Reyes, Jr.: Commissioners, do you want to start?

Commissioner D. Herrera: Good afternoon.

Chairman J. Reyes, Jr.: And for the record could you just please state your name

Commissioner D. Herrera: Oh, sorry.

Russ Prokos: Sure, yeah, my name is **Russ Prokos** and I'm with Smithbridge.

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

Commissioner D. Herrera: May I ask, when was the first time you met with somebody that gave you the authorization to cross the property?

Russ Prokos: Yeah, I believe and what I'm told

Commissioner D. Herrera: And who?

Russ Prokos: What I'm told is that there is a verbal agreement that took place back around 2011 timeframe between at that time I think Director Mafnas and Mr. Simpson who is the representative of the Raceway at that time. Mr. Simpson is our customer. Basically, we were – at that time had a presentation, we were working on a process, we were starting the permitting process to go and do grading activities in the raceway in support of the raceway's design so there were some overhaul materials and the idea was to use basically an access road through that property in order to get to our site. And so, they did it.

Commissioner D. Herrera: To grade the raceway park?

Russ Prokos: So, that and again, I reeling it in as it was told to me because I wasn't personally involved but they had sort of a handshake deal that it was okay to do and they even did I believe a flyover with a helicopter and saw where – there was a bull cart trail that covered most of that area that we're now using as a haul road. And there was a short section that look like they had some previous use looked like it wasn't as grown up and so then based instruction from our client we went ahead and we opened that up and then started using it. The permit process on that, I think on that first job took about two and half three years so it was a couple two – three years later we actually started using the property and I provided a timeline with months where we actually brought materials over to our place from the raceway, so...

Commissioner D. Herrera: And you're quarrying now the property right next to Route 15

Russ Prokos: Yeah, we're working right now, we're doing a grading plan for an agricultural subdivision that's a private property so we're probably about 60% complete on that side and we're taking materials out all from that process across the access road, so, we're still using that today.

Commissioner D. Herrera: And the depth of the amount of material that you guys excavated from the original was approximately...?

Russ Prokos: Well, the permit was for about 1.8 million cubic yards and our portion I think we did around three hundred and some...

Commissioner D. Herrera: And this thing *inaudible* from the original property height to the road that you guys have now?

Russ Prokos: Say again?

Commissioner D. Herrera: The original topography of the property and to the topography today, is approximately....?

Russ Prokos: Well, I can't speak to the total because we were just one party in the process, I think there were multiple companies involved in that.

Commissioner D. Herrera: Okay. So, you guys excavated about 80 foot from the original property, we measured it so just to give you a....

Russ Prokos: Yeah, I can attest to the volumes we took.

Chairman J. Reyes, Jr.: Specific to Smithbridge

Russ Prokos: Yes

Chairman J. Reyes, Jr.: So, Commissioner Herrera – real quick just one question. So, the access or the continued use for the access is the private excavation that is being done?

PC IV J. Cruz: Yes.

Russ Prokos: Yes

PC IV J. Cruz: Not for the CHamour Land Trust

Chairman J. Reyes, Jr.: And all activity has been halted on the raceway excavations?

Russ Prokos: Yes, correct.

Chairman J. Reyes, Jr.: Okay. So, alright, again, for the interest of time and not necessarily to rush us but we only have Deputy Attorney Espaldon for a few more minutes

Commissioner D. Herrera: Okay

Chairman J. Reyes, Jr.: And there are a couple more things that we should try and address. One maybe a little quicker again, I'm not trying to rush us but we do have the attorney for a limited time.

Commissioner D. Herrera: Go ahead. Okay.

Chairman J. Reyes, Jr.: Okay, so do you Commissioner Herrera and Commissioner Garrido, do you want table the Smithbridge discussion or are you comfortable with what you read given the package per se?

Commissioner D. Herrera: I'd like to ask one more question.

Chairman J. Reyes, Jr.: Sure

Commissioner D. Herrera: How many times have you met with the staff and who?

Russ Prokos: This year, I've met twice with the director and

Commissioner D. Herrera: The director?

Russ Prokos: Yes

Commissioner D. Herrera: And Joey?

Russ Prokos: And Joey.

Commissioner D. Herrera: Any legal counsel?

Russ Prokos: No...no...

Acting Admin Director A. Camacho: Mr. Chairman, I think we've also discussed at some point requesting for the commissioners to authorize us to have the discussion with Smithbridge.

Commissioner D. Herrera: Okay. Alright, good. Yeah.

Acting Admin Director A. Camacho: So, that was authorized at the last meeting

Multiple speakers

Commissioner D. Herrera: Understand, and the computation that was presented was computed by you Madam Director?

Acting Admin Director A. Camacho: No, sir, this is their proposal

Multiple speakers

Russ Prokos: We provided it.

Commissioner D. Herrera: We didn't provide it?

PC IV J. Cruz: They offered the linear feet rate and considering that the board this year approved the \$0.20

Commissioner D. Herrera: And as the custodians of the property, right, what is your assessment of what's the value?

Acting Admin Director A. Camacho: Based on the last

Commissioner D. Herrera: What are you basing it upon?

Acting Admin Director A. Camacho: It's based which we awarded

PC IV J. Cruz: At \$0.21

Acting Admin Director A. Camacho: Yeah

PC IV J. Cruz: So, \$0.51 for an easement was – we considered it fair

Commissioner D. Herrera: No, but for the cubic yards that have been excavated?

Acting Admin Director A. Camacho: That's not the discussion

PC IV J. Cruz: Oh, no...

Chairman J. Reyes, Jr.: That's not...

Multiple speakers

Acting Administrative Director A. Camacho: The discussion is the easement that they're traversing through so, to continue for them to traverse

Chairman J. Reyes, Jr.: The easement just the easement. So, remember sorry, just for clarity for Commissioner Herrera this particular one is for the continued use of the easement in being able to go back and forth but the private property is being excavated with Smithbridge

Commissioner D. Herrera: I understand. I was there personally. So,

Chairman J. Reyes, Jr.: We just want either we halt operations and not give them that right of entry right or we

PC IV J. Cruz: Allow it and we charge

Chairman J. Reyes, Jr.: Allow the right of entry. Again, just to even go back and forth...

Commissioner D. Herrera: Well, apparently, the staff has been meeting right, this is the first time that I've heard this. I haven't assessed, I haven't digested what you have presented here so I'm not sure if the commissioner here is satisfied with this package.

Acting Admin Director A. Camacho: So, I believe that this is the appropriate place to present this to the board

Chairman J. Reyes, Jr.: Yeah

PC IV J. Cruz: Our discussions with Smithbridge was just to compile data to reconcile their data with our data in terms of when they started utilizing the easement and things of that nature.

Commissioner D. Herrera: And there's where my point is. Who authorize you to pass through that and you mentioned that you spoke the prior administration and the president of the Guam Raceway Park, is that correct?

Russ Prokos: I believe so, yeah.

Commissioner D. Herrera: So, is the president of the Guam Raceway Park authorized by law to...

Acting Admin Director A. Camacho: Oh, that's just not even part of this discussion I could... we're not talking about

Multiple speakers

Commissioner D. Herrera: Okay, alright.

Chairman J. Reyes, Jr.: So, Commissioner, yes, we want to address that but this is for them to continue moving forward with their current project which Guam Raceway is a completely different

Commissioner E. Garrido: Yeah, but isn't the easement going straight to Guam Raceway

Commissioner D. Herrera: True

Multiple speakers

PC IV J. Cruz: Not for the other lots that are not leased through Guam Raceway

Chairman J. Reyes, Jr.: It's separate

PV IC J. Cruz: On the ariel photo, this is the property that is leased by the Guam Raceway, so, this is the property their traversing through which is outside of the leased property of the Guam Raceway. So, we're requesting for a right of entry to be granted to for these two properties and charge them. As far as the mineral extraction is concerned, we're still reviewing the topo which we're going to reconcile what was paid, we still have checks that have been held because our attorney had advised that we do not accept them for any perception *inaudible* from the over-grade. We're still working on that, that's a big project.

Chairman J. Reyes, Jr.: That's a separate

Acting Admin Director A. Camacho: And there's still a cease and desist on any mineral extraction.

Commissioner D. Herrera: And the traversing through the property? Your cease-and-desist letter?

Acting Admin Director A. Camacho: No, there was no cease and desist

Multiple speakers

Chairman J. Reyes, Jr.: No..no..

Commissioner D. Herrera: So, they're continuing to pass through the property today?

Acting Admin Director A. Camacho: Well, the board authorized us to have that discussion with Smithbridge

Chairman J. Reyes, Jr.: And this where we're coming to a conclusion of what is proposed. So, let me... I'm feeling that you're not comfortable

Commissioner D. Herrera: Of course not, Mr. Chairman.

Chairman J. Reyes, Jr.: You know, I just want to be clear so, I'm going to table it. And if you want to be part of those discussions to completely understand

Commissioner D. Herrera: Should be transparent to the public

Chairman J. Reyes, Jr.: Understood. But it was more of we gave them the authorizations to have these discussions to present to the board. And maybe we need more time to digest it, and I'm okay with that, so, I will table this and we can have more time to review.

Commissioner E. Garrido: go first

Acting Admin Director A. Camacho: And to address the transparency, this is the appropriate place to have this discussion, so...

Chairman J. Reyes, Jr.: Oh, yeah, 100% so I think from that perspective is just coming with the proposal, work needs to be done to come with the proposal so, if we needed to add a commissioner and that's fine we can have that discussion.

Acting Admin Director A. Camacho: If that's the will of the Commission, absolutely.

Chairman J. Reyes, Jr.: Correct. So, we table this item and we will – Commissioner Herrera if you want to address this a little bit more you can be added to those discussions.

Commissioner D. Herrera: Thank you

Side conversation with PC IV J. Cruz and Smithbridge representative Ross Pokos

Chairman J. Reyes, Jr.: Thank you, sir for your presence today. So, again, I think we went over time with our legal counsel present.

AA T. Tainatongo: He's still on

Chairman J. Reyes, Jr.: I know, but I just need to check in with him because he has another meeting.

PC IV J. Cruz: I think if we jump to Tata real quick. It's a really quick discussion if it's possible.

Chairman J. Reyes, Jr.: Yes. Okay, Attorney Espaldon, I'm going to move just one more agenda item up in the list and then I'll table the rest.

Deputy AG Espaldon: Okay, yeah. After this I will have to take off.

Chairman J. Reyes, Jr.: Okay. Alright. Joey.

NEW BUSINESS; COMMERCIAL

TATA Communications

PC IV J. Cruz: We're going to move in to Tata?

Chairman J. Reyes, Jr.: Yes, I will table everything else on the agenda and we will proceed with Item no. 3 which Tata Communications.

PC IV J. Cruz: So, just today, we received an updated version of the draft commercial license for Tata Communications. Just recently, Bill 36-108 was

Unknown TATA Representative: 36-108

PC IV J. Cruz: 36-108 was passed which was also known as the Guam Undersea Access Proposed Act. And it relates to submerge cable or submerged lands commercial leases. Tata Communication Commercial License expired on September 30, 2022, with the passage of GUA the commission is authorized to execute a commercial license for the use of submerge properties for cables. The draft prior to the one just given to you guys today have been reviewed by Attorney Toft and has been approved already. Today's draft – the draft that we received today, the only change that I noticed was the change of the address.

Chairman J. Reyes, Jr.: Okay

Acting Admin Director A. Camacho: *inaudible*

Commissioner E. Garrido: Where is this site at?

Unknown TATA Representative: Taleyfac in Agat by the old Spanish bridge.

Commissioner E. Garrido: And where's your... isn't that a radio station there? I'm talking about the one with the antennas by the Santa Teresa Chapel or... Santa Ana... sorry.

Unknown: No, that's different. Ours is either underwater or underground, it's not typically above ground.

Commissioner D. Herrera: The Spanish Bridge

Unknown TATA Representative: The Old Spanish Bridge, Taleyfac – Agat

Commissioner D. Herrera: Taleyfac este ilekña

Commissioner E. Garrido: But where's your building

Unknown TATA Representative: Oh, the GORICO area of up in it's like Agat – Santa Rita – Piti area

Commissioner E. Garrido: I know where GORICO is but you come in underground all the way through GORICO?

Unknown TATA Representative: Yes

PC IV J. Cruz: The lease would just apply to the submerge as it enters from submerge to the rest of it

Commissioner D. Herrera: three miles

PC IV J. Cruz: Yeah

Acting Admin Director A. Camacho: And this is an existing cable, this is not a new cable.

Unknown TATA Representative: Yes, it's existing, it was constructed around 2000

PC IV J. Cruz: So, today, the draft commercial license was created through the terms and conditions set forth in GUAHA in the recently passed public law.

Chairman J. Reyes, Jr.: Okay, so what's our task today for this, Joey?

PC IV J. Cruz: We approve the draft commercial license for TATA. It's been reviewed by Attorney Toft, the draft prior to the one received today was reviewed by Attorney Toft and was okay. Today's draft the only change is in red letters which is the address of the company.

Unknown TATA Representative: Yeah, TATA General Counsel changed all this is. *inaudible* behalf on TATA Communications Guam, we made some minor tweaks at the time that the edits were made that were approved by Mr. Toft, we had the wrong address. When TATA moved in Virginia, we had to change the address so notices and things can go to the right

place. And we identified that *inaudible* paper shuffle* that would be the contact person that would be assigned. You'll also notice some very minor none substantive changes which were really meant sort of grammar that we missed when we went through. We didn't make any substantive changes to what we had previously provided to Mr. Toft and the CLTC staff.

Chairman J. Reyes, Jr.: Alright, so I believe the prudent thing to do is for the commissioners to approve subject to the review with Attorney Toft and his approval and if there are no additional changes or things that maybe deemed substantive by him, we can have those discussions. Yes?

Commissioner E. Garrido: I have a question for TATA. Is what you have laid out in full compliance with Army Corp Engineers?

Unknown TATA Representative: Yes, yes. It was constructed about 2000 like I said.

Commissioner E. Garrido: No, I mean like in today's standards?

Unknown TATA Representative: I couldn't answer that, I'm not an expert. But the construction was done according to Army Corp of Engineers, there was a recent cable landing and that also received all the appropriate permitting.

Commissioner E. Garrido: When was the recent cable landing?

Unknown TATA Representative: About four months ago – three months ago

Commissioner E. Garrido: But to the best of your knowledge, you don't know if the previous is in compliance with Army Corp of Engineers?

Unknown TATA Rep. I couldn't say but this doesn't have

Chairman J. Reyes, Jr.: You mean, the original:

Unknown TATA Rep. This doesn't have any – it's no change to the physical

Commissioner E. Garrido: No, but I mean, like EPA changes their rules from time to time

2nd Unknown TATA Rep.: Perhaps, I can answer that Mr. Commissioner. So, there's a raceway system that's an infrastructure that's built, that's been there since 2000, nothing has changed. In other words, when the new cable comes in and is inspected for permitting, the physical infrastructure doesn't change, all they do is run another fiberoptic line through the existing system. So, they are all exactly the same condition, it's just a question of whether they added an additional line. So, they have a total of six lines *inaudible*

Commissioner E. Garrido: So, it was just an additional line?

2nd Unknown TATA Rep.: It's just an additional line that was dragged through the entire system.

Commissioner E. Garrido: No, infrastructure?

2nd Unknown TATA Rep.: No, the infrastructure is exactly the same. And that would be true for everyone, not just for TATA, for all raceway systems everywhere on island. Once, that system is in place, it doesn't really change. So, what does change is in our building, those systems will change periodically but not the landing itself.

Commissioner D. Herrera: Mr. Chairman, oh go ahead.

Chairman J. Reyes, Jr.: Go ahead

Commissioner D. Herrera: The original, you're adding additional cable? Is that what we're doing?

2nd Unknown TATA Rep.: No, the raceway is already there. This is really you're leasing to TATA the space for that system.

Commissioner D. Herrera: And how many cables are there now, Mr. Chairman?

Unknown TATA Rep.: There's three there

Chairman J. Reyes, Jr.: Three

Unknown TATA Rep.: There's three cables two of them are active cables, one of them is a new system that's under construction. It'll probably become active in about a year.

Commissioner D. Herrera: I see. But no additional, physical cables coming in?

Unknown TATA Rep.: No, not at this point.

Commissioner D. Herrera: Okay, got it

Chairman J. Reyes, Jr.: But it's up to six?

Unknown TATA Rep.: Yeah, raceway has six pipes but

Commissioner D. Herrera: But only three cables are there – two's active?

Unknown TATA Rep.: *inaudible* so we have three empty ones, it's just a bulkhead at the end of the reef.

Commissioner D. Herrera: Understand, so, two active – one

Unknown TATA Rep.: In process – under construction

Commissioner D. Herrera: And if we're going to add another cable, Mr. Chairman do we have to go through this process?

multiple response

Unknown TATA Rep.: No

PC IV J. Cruz: Because it's allowed up to six

Commissioner D. Herrera: Okay, at the same price?

PC IV J. Cruz: Yes

Unknown TATA Rep.: No, there'll be additional price for the additional cable

Commissioner D. Herrera: Okay, understand

Commissioner E. Garrido: And there's annual escalation

Chairman J. Reyes, Jr.: It's annualized and it's in accordance to the new law

PC IV J. Cruz: The last page of the draft has your fee schedule and that's per cable and not for the lease in its entirety

AA T. Tainatongo: I think it's on the new handout

Commissioner E. Garrido: It's in the back there of your...

Commissioner D. Herrera: Okay, I make a motion to approve the new business, number V – 3 TATA Communication with the subject to the approval of the attorney general

Chairman J. Reyes, Jr.: Legal counsel. Okay, thank you, Commissioner Herrera, may I get a second?

Commissioner E. Garrido: I'll second

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

PC IV J. Cruz: So, that's legal counsel, not the attorney general?

Chairman J. Reyes, Jr.: Yes, yeah. I *inaudible* Tina we're good with that?

AA T. Tainatongo: Yes

Chairman J. Reyes, Jr.: Alright, any objections? Okay, hearing none, motion passes with lease of TATA Communications pending or subject to any review with our legal counsel. Okay.

TATA Representatives: Thank you, very much.

Chairman J. Reyes, Jr.: Thank you so much.

Multiple conversations

Chairman J. Reyes, Jr.: Alright, thank you, Attorney – Deputy Attorney General Espaldon. Thank you.

Deputy Attorney General Espaldon: Thank you, Mr. Chair, thank you, Commissioners.

Chairman J. Reyes, Jr.: Alright, thank you sir. We will proceed, we can proceed with our Agency Report?

PC IV J. Cruz: If we can, because Guam Raceway is here, if we can just acknowledge and table it for the sake of Mr. Rios being here and we can state why we request that the discussion be tabled.

NEW BUSINESS; COMMERCIAL
GUAM RACING FEDERATION - Tabled

Chairman J. Reyes, Jr.: Okay. Sure Mr. Rios please, have a seat and you can state your name for the record. I would still Joey as we settle is to move forward with the authorized signatures, if you can get that through legal per se and we'll talk about our financials.

PC IV J. Cruz: So, the next item is the Guam Racing Federation, but we would like to request that this discussion or this topic or item be tabled. Initially, we were going to request that the board consider granting a right of entry for the Guam Racing Federation to continue their operations. Just recently we received an email and the Speaker – Speaker Therese Terlaje had sent a request for legal opinion on Public Law 34-142 and Public Law 24-141. In a nutshell, the Speaker is requesting an AG opinion on the legality of the May 3, 2018, CLTC extension of the Guam Raceway Federation expired lease beyond its initial 20-year term notwithstanding the 1998 lease. Public Law 24-141 and 21 GCA §75107 (c), the question is, did CLTC exceeds its authority in granting an extension to the Guam Racing Federation's expired lease beyond its initial term with no remaining options to extend in the original lease statute? So, for those reasons, we ask that we table it in addition to we don't have an attorney present; so, we ask that the board consider tabling the discussions on the Guam Racing Federation.

Chairman J. Reyes, Jr.: Has anyone received a response from the AG's office yet on this?

PC IV J. Cruz: No, not that I know off. We were just forwarded the letter from the Speaker to the Attorney General.

Commissioner D. Herrera: Mr. Chairman

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: How many more items there that was part of the inquiry?
I know there's one....

PC IV J. Cruz: And there's bullet points- Did the CLTC exceed its authority in approving continued occupancy for the Guam Racing Federation based on the previous lease terms on month-to-month basis for six months on June 6, 2019?

Commissioner D. Herrera: Okay

PC IV J. Cruz: The next – Did the CLTC exceed its authority in allowing a "Right of Entry" from January 1st to June 13, 2022, on the December 19, 2019?
Did the Commission illegally allow/approve an extension of mineral extraction after Public Law 34-142 prohibited said extraction? Is mineral extraction authorized on Lot7161-R1?

Is the CLTC one year extension from May 29, 2018, in contravention of Public Law 34-142?
Was the continued occupancy for the Guam Raceway Federation granted by the CLTC on June 6, 2019, in contravention of Public Law 34-142?
Was the “Right of Entry” granted by CLTC from January 1st to June 13, 2020, in contravention of Public Law 34-142? So, that’s a lot of inquiries for the CLTC

Chairman J. Reyes, Jr.: Have you put any effort into researching some of that from our side

PC IV J. Cruz: Not yet because I just received this I think last week.

Chairman J. Reyes, Jr.: Okay, so lets do that. Let’s also add are review of that, Joey if you don’t mind. Okay, Mr. Rios, thank you for joining us.

Mr. Rios: Mr. Chairman, can I just say – say a few things, I understand I appreciate that, I ‘m happy to make myself available at anytime to go over all those details. I just wanted to say, that we thank you, we really do thank you, there’s a lot of kids involved in this in what we do up there and without this working relationship that we’re trying to get through with CLTC none of this stuff would be possible you know, there’s so many factors, there’s so many different institutions that use the tracks not just for fun but also for learning you know, we’ve got a couple of agencies that use the place quite often, GCC is up there almost every day Monday through Friday with bus training and heavy equipment training and I just want to share that I understand – you know, I spoke with Commissioner Herrera earlier and we talked about some of the things that we kind of wear the same hat with you know I’m on the Ancestral Lands Board and we also have the same struggle we have a responsibility to our stakeholders and I understand that a 100% and I know that we want to treat every client like a commercial client I really think that there should be another header on that agenda to talk about community projects or something along those lines. We save a lot out there with the kids, we save a lot of lives out there drag racing and none of that could be possible without this working relationship. I just want you guys to all know that we are very very thankful, I never fail to mention to all of the racers that none of this can happen without work that we’ve been doing with CLTC. I just want to say, thank you, and I’ll make myself available any time Joey, and Mr. Chair.

Commissioner E. Garrido: What was the Guam Racing Federation?

Mr. Rios: I’m sorry?

Commissioner E. Garrido: Who is the Guam Racing Federation?

Mr. Rios: That’s Henry Simpson.

Commissioner E. Garrido: So, he’s the president?

Mr. Rios: Yes.

PC IV J. Cruz: It’s a none profit organization

Mr. Rios: It is a registered none profit organization, yes.

Chairman J. Reyes, Jr.: Okay, thank you Mr. Rios.

Mr. Rios: Okay, thank you very much for your time. Happy Thanksgiving, everyone. I learned a lot today, by the way.

Chairman J. Reyes, Jr.: Okay, so we've tabled all the other commercial items and so, let's just go over our Agency Report, Commissioners.

NEW BUSINESS; COMMERCIAL

Lot 12, Tract 111, Tumon

PC IV J. Cruz: Sir, how about the Lot 12, Tract 111, Tumon

Chairman J. Reyes, Jr.: Oh, Item IV in Section 2?

PC IV J. Cruz: Yeah, because that's in the past that has already been designated for commercial use by the previous board so all we need today is for the board to authorize for GEDA to proceed with the commercial leasing for that property. They've already, I believe they've already done some work into it already.

Chairman J. Reyes, Jr.: Yes, I'm sorry. That's right, I forgot. So, this is just for us to proceed with the existing because it's in GEDA's existing inventory that they represent for CLTC for this commercial...

PC IV J. Cruz: They're property management services.

Chairman J. Reyes, Jr.: Okay, now, with that said, it'll go through – the goal is to put it out through the RFP process?

PC IV J. Cruz: Yes. We could give a little history if the new members would like just so that they understand what it is.

Commissioner D. Herrera: Mhm

Chairman J. Reyes, Jr.: Okay, let me just go back one more time. So, we will not table, let's discuss item number iv in subsection 2, section 5 which is the Lot 12, Tract 111, in Tumon and Joey can give us a little bit more details on that and if we can decide if we still want to table it or we can proceed in putting that out for the RFP process. Joey, do we have documentation for that?

PC IV J. Cruz: No, no, we don't. So, Lot 12

Chairman J. Reyes, Jr.: No, we don't alright. So, Commissioners, we don't have it in our packet.

PC IV J. Cruz: Oh, there's nothing to report, we just needed an approval.

Commissioner D. Herrera: And location of this property

PC IV J. Cruz: I can give you the...

Commissioner D. Herrera: Oh, just physical, yeah.

PC IV J. Cruz: So, Lot 12, Tract 111, Tumon is located across Ypao Beach. If you're facing Blake's Rent a Car, it's to the left where they use to put up the lights for Christmas, that's the tract we're talking about today.

Commissioner D. Herrera: And the size?

PC IV J. Cruz: I believe 22,000 square meters or 2200

Commissioner E. Garrido: So, half an acre

PC IV J. Cruz: About half an acre a little over but within the accepted range

Commissioner D. Herrera: Up to the cliff line?

PC IV J. Cruz: So, what it is is that before previously, the previous board had designated and declared this property for commercial use. And then after they created a MOU with GEDA and they listed this specific property under the Property Management Services of GEDA through the MOU between CLTC and GEDA. So, today, we're asking the Board to consider approving and to allow GEDA because of the inquiries that they're getting to commercial lease this property to proceed with the competitive bid process. What that is is that they're going to have to announce in the newspaper, request for proposal and accept the proposal

Chairman J. Reyes, Jr.: And with GEDA representing us, they take on all that, correct?

PC IV J. Cruz: Yes, they do everything administratively...

Chairman J. Reyes, Jr.: And then from a leasing perspective, when it comes down to those details, from a cost perspective, who dictates that? Market value?

PC IV J. Cruz: Market value, but we also have commercial rules and regs that does not – that only allows the commission to commercial lease property to no less than 10% of the fair market value.

Chairman J. Reyes, Jr.: But we can go above?

PC IV J. Cruz: We can go above. And then there's also the rent escalation, there's participation rent...

Chairman J. Reyes, Jr.: What's the term of this lease in general?

PC IV J. Cruz: Because of another law that was past that limits the commercial leasing of government property to five years, GEDA has to prepare a determination of need, get the legislative approval to exceed the five-year limit

Chairman J. Reyes, Jr.: Or they could take it at five-year chunks?

PC IV J. Cruz: At five years yes, but that could also be..

Chairman J. Reyes, Jr.: No, but that's an option, is five-year chunks at a time at every five years.

PC IV J. Cruz: Yes, but just because of that too, because of the new law we're putting together a proposal to present to the board to exempt us from that law because we have our own commercial rules and regs that were already established through law so it's kind of contradicting.

Chairman J. Reyes, Jr.: Yeah, which again, with this we'll proceed with what – as is.

PC IV J. Cruz: So, today we're just requesting for the board to consider approving and allowing GEDA to proceed with the competitive bid process for the commercial leasing of Lot 12, Tract 111, Tumon

Chairman J. Reyes, Jr.: So, Joey, because it's with them already, why do we have to go through the approval process again? Because it's been approved and they haven't done it so we couldn't they just proceed?

PC IV J. Cruz: Just for a clean processing purpose I believe. I don't know – oh no, I believe they have conducted the RFP

Chairman J. Reyes, Jr.: In the past – so they should...

PC IV J. Cruz: But because nothing had come to fruition from that and there's a new board so courtesy also I believe to the new board.

Chairman J. Reyes, Jr.: So, Commissioners I believe there's been a uptick in interest in that piece right so I think it'll be something that we'll let GEDA manage it and we could help dictate what that commercial price leasing will be no less than 10% of market value right so it'll have to get appraised and again, it's whoever's the lessee could potentially do all that with no cost to us.

Commissioner E. Garrido: But is it on the market as a commercial property or hotel?

PC IV J. Cruz: I don't know the zoning

Commissioner E. Garrido: Because there's a big difference in pricing

Chairman J. Reyes, Jr.: In what that appraisal would be. I believe Joey, correct me if I'm wrong, it's listed under our commercial inventory so it just depends on what the zoning is, correct?

PC IV J. Cruz: It has been declared and designated for commercial use but because it's fronting the road I believe that it may potentially be zoned commercially but we can verify

Chairman J. Reyes, Jr.: Yeah, we can verify

PC IV J. Cruz: But nonetheless whatever the activity is there the prospective lessee or tenant would have to

Commissioner E. Garrido: Yeah, because I believe that appropriate zoning for that should be hotel.

Commissioner D. Herrera: And just for the information Mr. Chair, we used to excavate the material from that property because it was a cliff line before and about 30 years ago, we've been excavating it under agriculture. So, if it's under agriculture like you mentioned, GEDA of course, would want it under agriculture and then work with an agriculture appraisal but very fine because 30 years

Multiple speakers

Commissioner D. Herrera: I understand, yeah.

PC IV J. Cruz: So that activity will also come into play, nonetheless the board's going to have a say in how the specs or how the proposal is developed and if the board should choose then the highest and best use would be a hotel than you know that's something that we can forward to GEDA

Commissioner D. Herrera: Hotel zone

Commissioner E. Garrido: Hotel

PC IV J. Cruz: But you know, we just also have to consider the zoning, the investment, the size I mean...

Commissioner E. Garrido: Well on a five-year lease, you're not going to get much of an investment for that property

PC IV J. Cruz: And that's where the determination of need comes in for an exceptional term lease agreement so there's a process that GEDA has to take too and the legislature is going to have to approve that so,

Chairman J. Reyes, Jr.: If they take it that route. If they take it to extend it to a longer term

PC IV J. Cruz: From what I've seen in the past is that they've requested for terms over five years so...

Commissioner D. Herrera: And they have this lease now?

PC IV J. Cruz: Nobody has a lease yet.

Commissioner D. Herrera: Nobody? So, you're right I think that we should – would this be under 22-18?

PC IV J. Cruz: No, no,

Commissioner D. Herrera: The property – the inventory? Or is it under...? Yeah, right, because it's under Land Trust or government

PC IV J. Cruz: No – it's under Land Trust plus I think it's under the administrative transfer document. We can provide a copy.

Commissioner D. Herrera: Double check, because we prefer to transfer it under H Zone

Commissioner E. Garrido: Yes

PC IV J. Cruz: If it's possible.

Commissioner D. Herrera: Everything's possible. It's in that zone

PC IV J. Cruz: I guess, what we should do is we should also consider like the investment by the constituent and you know the proposals will come out so, if they're proposing to build a hotel, they're going to have to go through the process of rezoning it and all that good stuff

Commissioner E. Garrido: The investments from the developer would be based on the timeline of the lease, if you give me a short five-year lease, I'm not going to put millions of dollars into that property.

PC IV J. Cruz: Understood and that's why they would do the determination of need to for an exceptional term for their *inaudible*

Commissioner D. Herrera: Correct

Commissioner E. Garrido: I think a more appropriate lease for that would be thirty years or more

Chairman J. Reyes, Jr.: And that's the process we would have to go through, for sure

Commissioner E. Garrido: Yeah, that's where the legislature has to come in and approve it.

Chairman J. Reyes, Jr.: Right

Acting Admin Director A. Camacho: It all starts with the interest of the

Chairman J. Reyes, Jr.: Yeah, it's going to be the interest and then the RFP that they put out on our behalf so...

Commissioner E. Garrido: Did we get a copy of the RFP?

Chairman J. Reyes, Jr.: Not yet, not yet...

PC IV J. Cruz: We're seeking approval

Chairman J. Reyes, Jr.: We want to just give them I guess this is more for the

Multiple speakers

Commissioner E. Garrido: I know they're going to be the lead on it but I'd like to see the contents of the RFP

Paper shuffling

PC IV J. Cruz: We'll make sure that it's known that the board would have to approve the specs of the RFP

Chairman J. Reyes, Jr.: So, Commissioners, again, this is more of us agreeing for them to proceed in the process, putting it out or to continue or move through the process

Commissioner E. Garrido: Well, I would like to review the RFP before they actually put it out.

Acting Admin Director A. Camacho: Yeah, this is just requesting to communicate with GEDA to draft an RFP and then we would come to you and say, this is the draft

Chairman J. Reyes, Jr.: This is the proposed RFP. Okay, so what we can do, is if we approve it to proceed with the condition

Commissioner E. Garrido: But I would not be opposed to extending the lease timeline

PC IV J. Cruz: That would be at a later phase

Commissioner E. Garrido: But GEDA would have to go to the legislature and apply to the legislature to give them that special power for the Gov Guam lease

PC IV J. Cruz: To authorize the exceptional term

Chairman J. Reyes, Jr.: Yes, yes

PC IV J. Cruz: So, I guess the approval can be to at least amend the initial phase of drafting the RFP

Chairman J. Reyes, Jr.: The RFP with the condition that it be reviewed by the commission

PC IV J. Cruz: IF you guys decide, yes.

Chairman J. Reyes, Jr.: So, Commissioners, do we want to take action with that?

Commissioner D. Herrera: Okay, I make a motion

Chairman J. Reyes, Jr.: To proceed yeah and then two, with the condition

Commissioner D. Herrera: To

Commissioner E. Garrido: I'll second the motion with the condition that we do get to review the RFP before it's released

Chairman J. Reyes, Jr.: Okay, so let's start with the

Commissioner D. Herrera: So, how do we do that, Okay Mr. Chairman I'd like to make a motion to approve new business, subsection II – IV to approve Lot 12-112? 111

Commissioner E. Garrido: 111

Commissioner D. Herrera: 111 Tumon, with the condition to review the RFP

Chairman J. Reyes, Jr.: Thank you, Commissioner Herrera: Commissioner Garrido.

Commissioner E. Garrido: Second

Chairman J. Reyes, Jr.: Thank you, Commissioner Garrido. Any objections? Okay, hearing none, motion passes to approve the RFP process – to review the RFP process for Lot 12, Tract 111 in Tumon with the condition that the commission reviews the RFP. Okay, thank you, Commissioners. Okay, Joey let's proceed or Angie with our Agency Report to kind of get through and round up with Commissioner Garrido's on boarding and then our Financial Report we still have to get those signature through.

AGENCY'S REPORT

Acting Admin Director A. Camacho: So, on October 28th letters were mailed certified mail to the next five in line for lease award. So, that happened October 28th of this year. On September 30th names and information about the next five in line for lease award was published in the Guam Daily Post, so, that's with regards to the applicants, the next five –

Chairman J. Reyes, Jr.: The December 20 – December 1995

Acting Admin Director A. Camacho: 1995, correct.

Chairman J. Reyes, Jr.: Okay

Acting Admin Director A. Camacho: The next item that I'd like to present to the board CLTC was awarded the National Environmental Policy Act clearance to proceed with the projects that will be funded by the Office of Insular Affairs grant that was awarded to CLTC so, this grant was approved * paper shuffle* and awarded a few months ago so now the staff will be working with Guam Ancestral Lands received the same grant they are very much similar so, this is funding so we can digitize and build our website, right now we're under Department of Land Management's website so it'll allow us to have our own. And so, it's moving forward and I'm pleased to report to the board so we can proceed with finding out the details of the project and then eventually awarding it.

PC IV J. Cruz: Boss, may

Acting Admin Director A. Camacho: Sure. Sure.

PC IV J. Cruz: If I may, to add to the project of the grant. So, what we're doing is we're going out to seek a professional service to develop a system not as sophisticated as the Land Web but something similar so that our constituents and our staff can access all the information in the constituents' folders by scanning them and uploading them into that system so a constituent can come in with an assigned number type it in pull up all that information related

to them they could see it visualize it they can print it if they want. The staff also instead of pulling out the original files we can now access them to the system that we're trying to create. So, it'll make processing more efficient and more effective. And things will be scanned and room for adding more scanned documents as we go along

Commissioner E. Garrido: Do we have an idea of who the service providers may be?

PC IV J. Cruz: At this time, not yet, but we have conducted some market research but those are off the shelf products. We're creating our specs to tailor to our needs. So, it's not going to be as sophisticated as DLM's but something similar.

Chairman J. Reyes, Jr.: And this is for all our records that's in the staff room area?

PC IV J. Cruz: Yes, and for our future growth.

Commissioner E. Garrido: Now, is BIT going to have a say of what we can and cannot do?

PC IV J. Cruz: OTECH?

Commissioner E. Garrido: Yeah

PC IV J. Cruz: I think now they've been *inaudible* and yes, we need to get their approval because they're the government's technology.

Commissioner E. Garrido: They're the watchdog, yeah.

Acting Admin Director A. Camacho: So, we worked with Bureau Statistics and Plans and OTECH to develop the application and apply for this grant, so they would continue to

Chairman J. Reyes, Jr.: Be a part of the process

Acting Admin Director A. Camacho: April and Lola from BSP has been very instrumental in that grant and in the awarding of that grant.

PC IV J. Cruz: So, yes. I believe it's \$269,000.00 something in the range \$249,000. But that's what we were awarded.

Commissioner E. Garrido: That's the amount of that grant?

PC IV J. Cruz: Yes

Commissioner E. Garrido: It's not enough

PC IV J. Cruz: We hope

Commissioner E. Garrido: It's not enough

Chairman J. Reyes, Jr.: At least hopefully it gets us started and then we can roll this under OTECH's budget.

PC IV J. Cruz: Hopefully we can

Commissioner E. Garrido: Just for the software alone, it's not enough.

Chairman J. Reyes, Jr.: Right

Commissioner E. Garrido: And then what relationship are we going to have with Department of Land Management to pull those files?

PC IV J. Cruz: It's not related to their files, it's ours what we receive here.

Commissioner E. Garrido: You have land property maps and stuff?

PC IV J. Cruz: We have access to the server that hosts or houses all of DLM's recorded documents and public records

Commissioner E. Garrido: Okay

Chairman J. Reyes, Jr.: And even the... well, Pierce has access to the maps and GIS

PC IV J. Cruz: The Arc GIS and all that other great stuff.

Chairman J. Reyes, Jr.: So, that's on our need. When the staff needs maps, they go to Pierce – Pierce has access to all that.

PC IV J. Cruz: Assuming that's what are...

Commissioner E. Garrido: That's going to be a big project. \$200K is not enough

PC IV J. Cruz: We hope

Commissioner E. Garrido: It's starting – starting money but...

Acting Admin Director A. Camacho: So, one of the questions that BSP asked is how many documents do you have? How many files are you working with?

Commissioner E. Garrido: Yeah, because they have to configure the storage space

PC IV J. Cruz: And you know, the good thing about it too is we may not have to... scan the maps that have been approved by DLM because we can access it.

Commissioner E. Garrido: But they have to allow us to access it

PC IV J. Cruz: They've allowed us. So, we're currently using – that's how the staff also is researching the information given by the applicants to determine their eligibility so DLM has been very helpful and very good to us in terms of letting us access

Commissioner E. Garrido: Joey, can I ask you to call up Ryan Mummard?

PC IV J. Cruz: At TG? Title Guaranty? For?

Commissioner E. Garrido: They have something similar to what you guys need

PC IV J. Cruz: So I guess that would be any type of title company – we can get info

Commissioner E. Garrido: You can info as to what they can provide and some estimate of what's it going to cost

PC IV J. Cruz: We'll contact him and we'll try

Commissioner E. Garrido: For the software side but for the hardware side, CHamoru Land Trust is going to have to buy their equipment.

PC IV J. Cruz: What we'll do is at least we'll send a...we'll discuss with OTECH and let's see just so we don't take the procurement process

Commissioner E. Garrido: Guam GAR is a customer of the technology that Ryan Mummard is part of.. he's not the owner but he's part of.

PC IV J. Cruz: We'll discuss it more with the parties involve so make sure that we don't violate any type of procurement stuff before because we definitely don't want to have to go through an appeal and all that stuff but we'll make sure we do it correctly.

Commissioner E. Garrido: Yeah, we don't need to reinvent the wheel if the data is out there.

PC IV J. Cruz: Yeah, understood.

Acting Admin Director A. Camacho: Next item, our new telephone systems have been installed, new phone numbers were posted on the DLM website – DLM CLTC website and also CLTC's Facebook page, so we have new phone numbers.

Chairman J. Reyes, Jr.: Have we've getting revisits for someone who saved our *inaudible* it's no longer in service and then we provide them... any friction that our number changed?

PC IV J. Cruz: Not that I know of

Chairman J. Reyes, Jr.: And how about like the phone book has that... I know that's still

PC IV J. Cruz: That'll be updated

Chairman J. Reyes, Jr.: That'll be updated in the next version

PC IV J. Cruz: Yeah.

Chairman J. Reyes, Jr.: Okay

Acting Admin Director A. Camacho: Okay? And then our recruitment for the ending positions are still on hold

Chairman J. Reyes, Jr.: Okay

Commissioner D. Herrera: That was since May? Or last year? Was it for six...?

Acting Admin Director A. Camacho: Just this year.

Commissioner D. Herrera: May, June, July, August, September, October... but I think it was last year

Chairman J. Reyes, Jr.: When did we begin?

PC IV J. Cruz: I forget the date

Commissioner D. Herrera: Yeah, I got it here. It was May. So, any recruitment yet, at least...?

Chairman J. Reyes, Jr.: You want to give an update on what's been hired or....?

Commissioner E. Garrido: Has it been announced?

PC IV J. Cruz: Yes... yes. What we've been struggling with is for the open recruitments, the applicants that were selected have declined. There was one position and *inaudible* but there was one position we went through twelve applicants and you know we only get a listing of five at a time, if one declines then we get a supplemental name of just one. If that person declines it's just one, one, one, one all the time up to five initially. So, we're still going back and forth with DOA, we will verify what the update is for the supplemental listings for everybody who has decline for any open recruitments that we have announced.

Commissioner E. Garrido: Was there a reason given for declining?

PC IV J. Cruz: They don't provide us with a reason, they just let us know that they appreciate it the consideration but would like to respectfully decline.

Chairman J. Reyes, Jr.: And I think you know that's the process from the HR or DOA stance.

Commissioner E. Garrido: But it would be nice if HR provides the reason for turning down the position whether it be finance or some other reason because if it's finance then we have to work on reclassifying on the position so that it be competitive

Acting Admin Director A. Camacho: We do notify

PC IV J. Cruz: Yes, and you know it's just unfortunate that we're a line agency and for an up above step recruitment it's limited to certain positions.

Commissioner E. Garrido: No, I'm not talking about above step I'm talking about reclassifying the position that would be unique to only Chamoru Land Trust

PC IV J. Cruz: That's a whole different animal in itself

Commissioner E. Garrido: Yeah, but that's a lot easier than above

Chairman J. Reyes, Jr.: Yeah.

PC IV J. Cruz: From my understanding, at this point the Department of Administration is not allowing any creations of new positions just existing because I guess they're doing an audit of redundancy and all that other great stuff but you no nonetheless anything to benefit the employees I'm down for

All: laughing

Chairman J. Reyes, Jr.: Alright, thank you. Any other questions we can have Angie proceed?

Acting Admin Director A. Camacho: That's the last of the Agency Report.

FINANCIAL REPORT

Chairman J. Reyes, Jr.: Alright, let's move to our Financial Report, anything glaring to discuss?

PC IV J. Cruz: Not really but we'll pick up where we left off just so we can close out FY2022 as we mentioned earlier we are working the recommencement of our FY2022 Independent Financial Audit. We are working through the award of the RFP that was recently issued due to the closure of Deloitte and Touche. Unfortunately, I cannot really discuss or cannot discuss or name any potential awardees that we are in contact with at this time but as soon as it is set in stone that it has been awarded, definitely we'll let you guys know.

Chairman J. Reyes, Jr.: Okay.

PC IV J. Cruz: Okay. So, we stopped off on April 2022 so, for April 2022, CLTC Operations Collection was \$7,556.84 CLTC's Survey and Infrastructure Fund was \$285.00, CLTC's Loan Guaranty Fund was \$17,960.71 which brings the accumulative total for all three CLTC's Operations Funds collection for April 2022, \$25,802.55. Next, May 2022, CLTC's Operations Fund collected \$7,329.42, CLTC's Survey and Infrastructure Fund collected \$252.00, CLTC's Loan Guaranty Fund collected \$5,342.57 bringing the total to \$12,923.99 for the month of May for all three funds. June 2022, CLTC's Operations Fund collected \$10,347.68, CLTC's Survey and Infrastructure Fund collected \$110.00, CLTC's Loan Guaranty Fund collected \$13,473.42 bringing the total collection for June \$23,931.10. For the month of July 2022, CLTC's Operations Fund collected \$4,446.42, CLTC's Survey and Infrastructure Fund collected \$89.00, CLTC's Loan Guaranty Fund collected \$7,358.71 bringing the July total to \$11,894.13. Next August 2022, CLTC's Operations Fund collected \$16,454.08, CLTC's Survey and Infrastructure Fund collected \$656.33, CLTC's Loan Guaranty Fund collected \$7,544.44, bringing the total for August 2022 to \$24,654.85. For September 2022 the last month of the Fiscal Year 2022, CLTC's Operations Fund collected \$6,398.03, CLTC's Survey and Infrastructure Fund collected \$5,888.45, CLTC's Loan Guaranty Fund collected \$1,126.80 bringing September total to \$13,413.28. The total collection for the year for each fund respectively is

Paper shuffling

AA T. Tainatongo: Inaudible

PC IV J. Cruz: For which one

AA. T. Tainatongo: For September

PC IV J. Cruz: For which one?

AA T. Tainatongo: The Accumulative total

PC IV J. Cruz: \$13,413.28

AA T. Tainatongo: Thank you

PC IV J. Cruz: So, which brings the accumulative total for the entire fiscal year, CLTC's Operations Fund collected \$518,181.31. CLTC's Survey and Infrastructure Fund collected \$23,677.44. CLTC's Loan Guaranty Fund collected \$165,526.94, bring CLTC's total FY 2022 collection for all three funds to \$707,385.69. But this note this report is based on cash basis of accounting not an accrual. So...

Chairman J. Reyes, Jr.: So, Joey, what's this compared to last fiscal year?

PC IV J. Cruz: I didn't do a comparison but it's low.

Chairman J. Reyes, Jr.: It's lower?

PC IV J. Cruz: It's lower

Commissioner E. Garrido: Joey, why is there a big deviation from month to month on collection?

PV IV J. Cruz: It could be like for example like the Survey and Infrastructure Fund, so, the primary revenue sources for that fund is commercial leases that were executed after October 20, 2015 to current it could be the land lease payments.

Commissioner E. Garrido: No, but how about the operation

PC IV J. Cruz: The operation is because that's generally the application fees or the payments from our commercial lessees prior to – for licenses or leases that were executed prior to October 2015, so there's a...

Commissioner E. Garrido: Just in the sampling you gave, I think one was as low as \$4000. And one was as high as maybe \$15,000. That's why I'm wondering why... the big deviation.

Acting Admin Director A. Camacho: So, come next month, TATA will start paying, right?

PC IV J. Cruz: And that would be into the Survey and Infrastructure Fund so you'll see a steep increase

MULTIPLE SPEAKERS AND PAPER SHUFFLING

PC IV J. Cruz: And some pay into their arrears, so you know that's the...

Chairman J. Cruz, Jr.: Okay, thank you, Joey. Commissioners, any other questions on our finances? No? Okay. Alright we do have one more item on our financial is to update the signatories for the accounts so, currently it's me and our former Commissioner Santos so we

need to add – we need to update it so that it'll be me and one other commissioners because of the two signatory required, correct?

PC IV J. Cruz: It could be a commissioner or the director whatever the board decides. So, we'll mention the account numbers so that whoever needs

Chairman J. Reyes, Jr.: It's for two accounts?

PC IV J. Cruz: three. So, we have a TCD, a checking and a savings. So, today, we would like to request the board to designate to replace – I believe I guess the signatory of former Commissioner Santos for the Bank of Guam Accounts ending in 2274, 7964 and 5976. Currently, there's two which the Chairman had mentioned which is himself and former Commissioner Santos but she's no longer a part of the commission so we would like the board to reappoint if that's what it is then appoint

Commissioner E. Garrido: His signature's on the line also or it just continues on?

PC IV J. Cruz: It's up to the board. If you want to change signatories then it's up to you

Commissioner E. Garrido: Okay, I recommend that we keep him on and I nominate Mr. Herrera as a second signature

Commissioner D. Herrera: Mr. Chairman, I respectfully...

Commissioner E. Garrido: If you were...if you were permanent, I would have said you but since you're

Commissioner D. Herrera: Yeah, yeah right.

Commissioner E. Garrido: But since you're only an acting

Commissioner D. Herrera: I wanted to address that permanent later on but I respectfully nominate my colleague Mr....

All: Laughing

Commissioner D. Herrera: He's a mathematician by

Commissioner E. Garrido: No..no..no... let's wait for Arlene to come back

Chairman J. Reyes, Jr.: We need to actually designate someone today, I respectfully ask because we do need to rectify a couple of things within the accounts

Commissioner E. Garrido: Here's what I offer. I will fill in the spot until Arlene comes and we appoint her

Chairman J. Reyes, Jr.: Okay, let's do that and then we can add third here

PC IV J. Cruz: Just know we're going to create a resolution for this and if when Ms. Bordallo comes back and anyone does remember

All: laughing

Chairman J. Reyes, Jr.: So, let's make a motion. I respectfully ask we put this in play today and then we can address it further down the line god willing that Commissioner Bordallo might

Commissioner D. Herrera: So, I'd like to make a motion Mr. Chairman to appoint Mr. Earl Garrido as our secondary signatory

PC IV J. Cruz: To the accounts

Commissioner E. Garrido: Three accounts

Commissioner D. Herrera: To the three Bank of Guam accounts

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Herrera and Commissioner Garrido?

Commissioner E. Garrido: I'll second the motion

Chairman J. Reyes, Jr.: Thank you, sir

Commissioner D. Herrera: Thank you, sir

Commissioner E. Garrido: With condition

PC IV J. Cruz: Maybe if you can just to clarify you're appointing him but...

Chairman J. Reyes, Jr.: No, he will be the signatory

PC IV J. Cruz: The signatory, so, only one?

Chairman J. Reyes, Jr.: Two

PC IV J. Cruz: And yourself

Multiple speakers

PC IV J. Cruz: Okay, 'cause...

Commissioner E. Garrido: Yeah, you only nominated me you forgot to include him

PV IV J. Cruz: Yeah, so it could be that you are recommending to appoint Mr. Garrido to replace the expired term of

Chairman J. Reyes, Jr.: Okay Commissioners let's just... Commissioner Herrera it's to replace former Commissioner Santos as a signatory with Commissioner Garrido so I remain on there

Commissioner E. Garrido: Conditional

PC IV J. Cruz: What if she declines her...

Commissioner E. Garrido: Then we fill the vacancy

Commissioner D. Herrera: Okay, so, Mr. Chairman I would like to make a motion to replace former Commissioner Santos and to appoint current Commissioner Mr. Earl Garrido as a signatory authority on the three Bank of Guam accounts

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

Commissioner E. Garrido: You didn't include him to renew

Chairman J. Reyes, Jr.: No no

Commissioner E. Garrido: You're okay?

Chairman J. Reyes, Jr.: Yeah

Commissioner D. Herrera: Just to add

PC IV J. Cruz: We need a second

Chairman J. Reyes, Jr.: We need your second

Commissioner E. Garrido: Second – conditionally.

Chairman J. Reyes, Jr.: Thank you Commissioner Garrido and Commissioner Herrera. Any objections?

Commissioner D. Herrera: No objections, sir.

Chairman J. Reyes, Jr.: Hearing none. Motion passes to replace former Commissioner Santos as a signatory with the three Bank of Guam accounts with Commissioner Garrido. Okay, thank you.

Okay Commissioners again, Mr. Garrido, welcome aboard, thank you, for your service. As well as Commissioner Herrera was re-appointed so you know thank you again for your service. I don't have any further comments. Commissioners, any other comments?

Commissioner D. Herrera: Just a closing comment, for our Assistant Director right; are we close to having a permanent or your permanent in position because we really need to have permanent administrator.

Chairman J. Reyes, Jr.: Yes, we're working on that, yes.

Commissioner D. Herrera: Just that and number two, the response for the from the inquiry from the Speaker of the 36th reference to the Guam Raceway Park questions or inquiry

Chairman J. Reyes, Jr.: So according or Mr. Cruz we have not heard back on the AG's response but I will ask him to follow up if the Speaker has yet.

Commissioner D. Herrera: Yes, and that was the primary reason why I wanted to put a hold on Smithbridge because of all the inquiries and

Commissioner E. Garrido: Irregularities

Commissioner D. Herrera: Yeah, the irregularities

Chairman J. Reyes, Jr.: Understood, and knowing what we have as their kind of proposal in continue because there's a private property that they're servicing I think that is a good consideration in regards to more revenue

Commissioner E. Garrido: When you say that there's a private property they're servicing what does that mean?

Acting Admin Director A. Camacho: *inaudible*

Commissioner E. Garrido: No, but are they excavating or

Chairman J. Reyes, Jr.: So, the property is *inaudible* whatever work they're doing, then Smithbridge is the contractor for that

Commissioner D. Herrera: And they're passing through here, this is their main road

Commissioner E. Garrido: What is their project on that private property, I mean.

Commissioner D. Herrera: He mentioned it that they were doing a development for a housing subdivision

Commissioner E. Garrido: Is that the grading for subdivision?

Commissioner D. Herrera: That's what they're saying but they're really by proof they're quarrying the location that's from

Commissioner E. Garrido: In other words, they're leveling the property so it can be buildable

Commissioner D. Herrera: Something like that, you have to visit the site so you can actually see from the original grading to the current condition because that's not the only quarry there.

Commissioner E. Garrido: Just erring out a thought on it okay, they're making money of that, is there anyway we can participate or to include in their lease some sort of assignment on their net on that particular project because they're using our access and asking us to pay very little for their use of it and they could be making big bucks on that development property that they're grading. I'm just throwing out there.

Chairman J. Reyes, Jr.: Understand and this is their initial proposal of that to be able to access that

Commissioner E. Garrido: Yeah, but there's the excavation and the resale of the quarry but then there's also a contract that makes them do that project

Chairman J. Reyes, Jr.: Correct, understood, hence we tabled it and it I think it's worth the discussion

Acting Admin Director A. Camacho: My understanding is an you mentioned it they're about 60% percent done I believe they only have a couple more years on that project that they're doing on that private property

Chairman J. Reyes, Jr.: I think it's worth the... lets us review all three of us and then we can definitely come back to Joey with some of those recommendations

Acting Admin Director A. Camacho: So, I believe the discussions also have to be public correct in this

Chairman J. Reyes, Jr.: Yeah, we will make it's own line item with Smithbridge present

Commissioner E. Garrido: You know because if they had come forward since the very beginning and worked out terms with the Commission then that will be a different story but they went ahead did it on their own with Guam Raceway who is not authorized to indulge in that type of agreement there should be some sort of penalty

Acting Admin Director A. Camacho: This was a discovery that

Chairman J. Reyes, Jr.: Commissioner Herrera was asking

Commissioner E. Garrido: Yes, he kept trying to hit them on that, yes.

Chairman J. Reyes, Jr.: So, again, rightly so, we would take our time to potentially maximize and with their offers well "back pay" of that easement and access so yes, let's take I see Commissioner Herrera's

Commissioner D. Herrera: No, I'm game I just don't want you know we always say the Inefresi right in the beginning and we have to understand the spirit of former Senator Paul Bordallo, this program is primarily for the residential and I can see it for the record that when we treat Global, Bello, Guam Raceway Park; we're hitting them with a soft pillow but yet when it comes to the constituents we give them a cease and desist order and we demand that they stop operation. I'll say, the Pagat operation with the last constituent but it appears and it's evident that when it's the commercial operators we're soft on them, and that's my concern Mr. Chairman for the record I'll say and I can say it in front anybody because I can see the disparity and I will not accept that kind of operation any more.

Chairman J. Reyes, Jr.: And that's why we're here. And I appreciate your guys' our commissioners' diligence in that and hence you have helped to help discover some of that disparity

Commissioner D. Herrera: We worked so hard since 1975 until now, and we see the disparity, I can see the disparity and any auditor can see the disparity and it's not acceptable our performance is below D in working with the commercial operators.

Chairman J. Reyes, Jr.: Understood. And thank you so much for those insights and which has leaded us with all the questions that continue to come up with some of these commercial

leases. Again, with that said, I only have one more question or comment from our side, Joey and Angie is our land registration, I don't know again, I want to make sure that we are still on top of that so we can get an update on our next meeting on some of those statuses because I know that's still... that should be a priority of ours as well. Okay, Commissioners, thank you so much and again, our last item just for the record no one is in the office or in the conference room for any Public Comments, but I will yield to our Zoom participants if there's anyone that would like to participate for any public comments, I yield to you know.

AA T. Tainatongo: I'm not sure who is

Chairman J. Reyes, Jr.: Okay, hearing none, we will move then to Adjournment. May I get a motion to adjourn?

Commissioner D. Herrera: I make a motion to adjourn, Mr. Chairman

Commissioner E. Garrido: Second

Chairman J. Reyes, Jr.: Second, thank you. Any objections? Motion passes, we will adjourn 3:56

ADJOURNMENT

Adjourned: 3:56 PM.

Transcribed by: Tina Rose Tainatongo, Administrative Assistant

Approved by motion in meeting of: Dec. 23, 2022

Chairman John F. Reyes, Jr.  **Date:** 1/10/23