



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

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David B. Herrera
Commissioner

Earl J. Garrido
Commissioner

Arlene P. Bordallo
Commissioner

(Vacant)
Commissioner

Alice Taijeron
Administrative Director

REGULAR MEETING MINUTES

CLTC Conference Room

Suite 223, ITC Building, Tamuning, Guam

Thursday, February 16, 2023, 1:03 PM

Public Notice: The *Pacific Daily News*, February 9, 2023, and February 14, 2023

Chairman John F. Reyes, Jr.: Thank you everyone for joining us today, before we begin our meeting, we'll begin with the Inefresi and I ask everyone to please stand.

Commissioner David Herrera: Mr. Chairman, may I respectfully ask for the Kulo to go with the Inefresi?

Chairman J. Reyes, Jr.: Sure.

Kulo presentation: Tafan na denanche I lenache. Saina Ma'ase'

All: Reciting the Inefresi

Chairman J. Reyes, Jr.: Okay, the time is 1:03 and I call this meeting, the regular meeting of the CHamoru Land Trust meeting to order.

ROLL CALL

Chairman J. Reyes, Jr.: We'll begin with roll call. Commissioner Herrera?

Commissioner D. Herrera: Gaige yu

Chairman J. Reyes, Jr.: Commissioner Garrido?

Commissioner Earl Garrido: Esta gue hu

Chairman J. Reyes, Jr.: Commissioner Bordallo?

Commissioner Arlene Bordallo: Here

Chairman J. Reyes, Jr.: Acting Administrative Director Alice Taijeron?

Acting Administrative Director Alice Taijeron: Here

Chairman J. Reyes, Jr.: Our legal counsel, Assistant Attorney General Kristan Finney?

Rev. 2/16/2023

Attorney Kristan Finney: Krist-en

Chairman J. Reyes, Jr.: Krist-an, thank you. And we have also joining us Assistant Attorney General Sandra Miller thank you for joining us today. Alright, Commissioners, first up on our agenda today is the approval of the minutes from the January 19, 2023, meeting, regular board meeting. And I will turn it to you so we can begin. Commissioners, any questions? And also, just acknowledging Commissioner Bordallo was not present in that meeting in January 19. Any questions?

Commissioner E. Garrido: No, not about the minutes.

Commissioner D. Herrera: Okay, Mr. Chairman, I'd like to make a motion to approve the Old Business Minutes of the January 19, 2023.

Chairman J. Reyes, Jr.: Okay, a motion to approve the minutes from Commissioner Herrera. May I get a second?

Commissioner E. Garrido: I'll second.

Chairman J. Reyes, Jr.: Thank you, Commissioner Garrido. Any objections? Okay, hearing none, motion passes the approval of the minutes for the January 19, 2023, meeting. And I'm sorry, just one administrative item to do. I forgot to do this before we began. But for today's meeting the public notices were published in the Pacific Daily News on February 9, 2023, and February 14, 2023. Our notices were also posted online on CHamoru Land Trust 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 the CHamoru Land Trust Commission Facebook page and on YouTube at govguam.live. Our video and audio recordings are also made possible by our partners at KGTF. So, I apologize for that. Commissioners, we do have a pretty packed agenda with a lot of our Old Business but I would like to move the agenda around just to start off with the two New Business items which is the first one, is the Appointment of our Administrative Director, Alice Taijeron and the second, is a constituent matter, which you have before you for Matilde Cing Duenas.

Commissioner D. Herrera: Mafnas

NEW BUSINESS

Appointment of Alice Taijeron as Administrative Director

Chairman J. Reyes, Jr.: Okay, so, with that said, we'll begin with the appointment of our administrative director. So, in your packet you would have received the appointment letter, Alice's resume I believe as well as the documents that's needed

for her in her appointment. So, if we have any questions for Alice, do we have any or Alice do you have any questions for us

ZOOM: RECORDING IN PROGRESS

Administrative Director A. Taijeron: No, sir, I just want to say I thank the Governor for asking me to take on this very important agency, to help lead and do what needs to be done to complete our mission. I'm happy to be here, I've been here now, I believe it's 18 days – 3 weeks so, *inaudible* we have a good team, commissioners to work with and I look forward to serving the CHamoru Land Trust Commission to the best *inaudible*

Chairman J. Reyes, Jr.: Yup, and so the first from our last meeting till today, Alice is working on transition with the previous Acting Administrative Director. I've also asked her in our last meeting to meet individually with our commissioners as well individually and together with the team of CHamoru Land Trust. One of the things, Commissioners, as you consider in taking action in her appointment is to recommend that we do an assessment for Alice for the first 90-days, of course our assessment to ensure that she's the right person and fit for our organization, our agency but also if she still wants to be here because that's a big thing. And secondly, the second assessment I'd like to do is a six-month assessment. So, upon approval she'll have two ninety-days and six months and will give us that comfort that she's following our strategic plan that we had passed last year. So, I would like to just recommend that upon her confirmation if you so decide to take action that we include that we do two assessments – a 90-day assessment and a 6-month. So, I would turn it to the Commissioners, any questions... any... or if you're ready to take action or take action.

Commissioner E. Garrido: I'd just like to make a comment, if I may. I've spoken with the Acting Director and I – my impression of her is she's very pro-active and she's an aggressive person and think that's what this commission needs. We need a strong decisive leadership and I think we'll get that with our Acting Director. I know the Chairman has recommended a 90 and a 90 but if anything at all, can we just keep it at the first 90?

Chairman J. Reyes, Jr.: Sure, yeah, we can keep it at the first 90 because

Commissioner E. Garrido: Because according to the letter, she serves at our pleasure. So, nothing would stop her from resigning if she doesn't feel right about it and nothing would stop us from asking her to tenure her resignation if we feel that she's not up to par.

Chairman J. Reyes, Jr.: Correct. Good. And a lot of our plans, right, our goal and strategic plan so...

Commissioner E. Garrido: yes

Chairman J. Reyes, Jr.: Okay, we can do that. Commissioner Herrera, Commissioner Bordallo, any other questions?

Commissioner A. Bordallo: I have no questions.

Commissioner D. Herrera: I have no questions.

Chairman J. Reyes, Jr.: Okay

Commissioner A. Bordallo: And I would like to make a motion to appoint Alice M. Taijeron to be our CHamoru Land Trust Commission Director.

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

Commissioner E. Garrido: I'll second

Commissioner D. Herrera: No objections

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes, we have confirmed the appointment of Alice Taijeron as the CHamoru Land Trust Commission's Administrative Director. Thank you, Alice.

All: Clapping

Chairman J. Reyes, Jr.: Okay, thank you, Commissioners. I appreciate that.

Constituent Matters; Matilde Cing Duenas

Chairman J. Reyes, Jr.: Next up on our agenda is our Constituent Matters and we only have one today that's for Matilde Cing Duenas, and I believe Ms. Jhoana, you'll be presenting?

Administrative Director A. Taijeron: I can present Chairman Reyes if you don't mind. So, just so that you're aware I did meet with the individual land agents and then one of the things that we are implementing is to review constituent cases as a team, and the agent will make the recommendation however, I will come and present it to the board if that's going to be okay with the board in that process.

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

Administrative Director A. Taijeron: So, Ms. Matilde Cing, I believe she was formerly a Mafnas – Matilde Mafnas, but she goes under Cing Duenas, right? That's my understanding is requesting that her lease with CHamoru Land Trust be canceled. She doesn't live on Guam; she's actually written a letter, and for your information, the

letter is provided there for you. She's requested that her lease be canceled. So, should the commissioners take action on that and approve her request, that lot – portion of that lot would be returned back to the CLTC. She's not – she's up to date with her tax payments, there's no building, and she hasn't done anything on the property.

Commissioner E. Garrido: Has she paid for the full amount of the lease yet?

Administrative Director A. Taijeron: Has she paid the full amount of the lease? Yes, right?

Land Agent II Jhoana Casem: She paid the years end.

Administrative Director A. Taijeron: The years end. She's up to date with everything, taxes...I think also you have the Revenue and Taxation Certification of tax payment, so that shows from the time she received her lease to present, 2023, and behind that is a receipt for I think from 2019 to 2022 which is the last tax year that she owed attached to that certification so she's up to date with regard to tax payments. And the request of CLTC to the Commissioners is to accept her request to cancel her lease and we'll begin the process to turn the property that she was assigned back to CLTC

Chairman J. Reyes, Jr.: Inventory

Administrative Director A. Taijeron: Inventory

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

Commissioner A. Bordallo: That would also be refunding her the taxes?

Chairman J. Reyes, Jr.: No

Administrative Director A. Taijeron: No, taxes will be refunded, because she held the lease for that length of time.

Chairman J. Reyes, Jr.: Any other questions? Okay, Commissioners

Commissioner E. Garrido: I move we approve the request for Ms. Mafnas to return the lease to CHamoru Land Trust and we reissue that lot when it's appropriate.

Administrative Assistant Tina Tainatongo: Did he say Ms. Mafnas.

Chairman J. Reyes, Jr.: So, it's Matilde Cing Duenas Mafnas on the bottom of the letter, yeah.

Commissioner D. Herrera: And can we add the parcel identification, Mr. Chairman?

Chairman J. Reyes, Jr.: Sure

Commissioner D. Herrera: M07 L5402-R5-NEW-23 in the Municipality of Mangilao.

Commissioner E. Garrido: Consisting of...

Commissioner D. Herrera: Yeah, consisting of 2,023 square meters.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Herrera. Tina, are we good with that?

AA T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Okay, so, we got a motion to approve the return of the lease from Ms. Matilde Cing Duenas Mafnas. May I get a second?

Commissioner D. Herrera: I second the motion Mr. Chairman.

Chairman J. Reyes, Jr.: Thank you, Commissioner Herrera, any objections?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none. The motion passes to return the lease for the parcel M07 L5402-R5NEW23 in Mangilao, size is 2,023 square meters the lessee is Duenas, Matilde Cing, thank you very much, Commissioners. Okay, next up, and you can see on your agenda, we do have the Guam Memorial Hospital, but that is not their request – that is not fully ready for us to discuss, so I'm going to table that and hopefully, we're ready for that in our next update in our next meeting. Next up, I do have the updates for the CLTC Strategic Plan and that status, and given that we just approved an administrative director I will go ahead and table that as well so she could work with Joey and present to us critical timelines that we have set forth and things that we have accomplished and then maybe what items that we will need to rebase line so we will table that as well. We are going to table as well the Affordable Housing RFP Status update, there's currently no update at this time. But we will be working through maybe the next steps for an action by the CHamoru Land Trust. So, hopefully, we get an update on that in our next meeting. I do want to spend time just to get an update on our land registrations. I think that's a key point given that we do have our new assistant attorney general with us and kind of that process. Alice, do I turn that to you or should I ask Joey?

Administrative Director A. Tajeron: Joey, Joey will report on that.

Chairman J. Reyes, Jr.: Okay, Mr. Cruz, could you please join us in the conference room?

Program Coordinator IV Joey Cruz: Good afternoon, Mr. Chair, Commission members, and Attorneys. The last parcel of property registered was I believe Lot 276 or 286 in Piti. We did send our former – our previous attorney a listing of tracts of land to be registered but we'll shared that with Attorney Finney so she's aware of our or Attorney Miller then.

Chairman J. Reyes, Jr.: Okay, and Joey could you just maybe quickly brief our attorneys kind of the process of what we are looking for the help to get these

Program Coordinator J. Cruz: For the land registration?

Chairman J. Reyes, Jr.: For the land registration

Program Coordinator J. Cruz: So, we've identified I believe 5 or 6 properties to be registered based on the most affected meaning what unregistered properties within CHamoru Land Trust inventory that have the most leases. And then in other consideration was whether there's a map already available. So, it would lessen the time I believe for the land registration. We do have process servers within our staff who would assist with the process serving, we'll just forward the listing to you for your review and the maps that are associated with those tracts of properties.

Attorney Sandra Miller: Okay, so that's if you don't mind submitting after this meeting maybe tomorrow, you and I can meet together and go through that list. I know Lot 286 is coming up Wednesday but I'd like to see the others.

Chairman J. Reyes, Jr.: Okay, thank you so much. Anything else Joey to share on that?

Program Coordinator IV J. Cruz: That's all.

Chairman J. Reyes, Jr.: Okay, thank you. Commissioners, any questions on our land registrations?

Commissioner D. Herrera: No

Chairman J. Reyes, Jr.: Okay, thank you for that update.

Guam International Country Club

Chairman J. Reyes, Jr.: Next up, we do have the Guam International Country Club. I think that's also Joey to walk through that with us or did we decide to table that? Okay, alright, Commissioners, we'll table that. I think there's information in your packet that I would like you guys to review. Joey's still working through this with the GICC but I would ask if you can make sure we do take this up in our next meeting, Alice?

Administrative Director A. Taijeron: Yes.

Chairman J. Reyes, Jr.: Okay, so we'll go ahead and table that. Okay, and last but not least. We do have the lot up in Yigo. The Guam Racing Federation and the Guam Raceway. We did bring this back up on the table as we have received a few inquiries, letters in regards to the action that was taken by the commissioners, by us in our last meeting in January. I know that there's been some requests, there's been a lot of questions as to our actions but I think those have been pretty clear but we can definitely bring it – review the request in this meeting. Alice I'm going to turn it to you to kind of walk through with us of where maybe some of those requests, I want the commissioners to be able to weigh in. And then I think there's also *inaudible* here to really determined what the commissioners want to do as far as the next steps for that lot in Yigo. So, Alice, I turn to you to kind of get us going.

Administrative Director A. Taijeron: So, at present, we've received at least two letters, one from Speaker Terlaje and the other from Senator Joe San Agustin basically asking for an extension of 90-Days so that... there's an event happening in I believe in April, Smokin Wheels and they would like that event to occur. And in the same breath, not to give up any rights that CLTC may have to continue with whatever conditions we have placed on the Guam Raceway. Mr. Chair, that is my understanding is that the Attorney General is also looking into this. And I would like to defer to legal counsel for guidance in the event this may become potentially an issue to be litigated in the courts. So, aside from just sharing that, we've received a letter from Speaker and Senator San Agustin. I would like to defer if it's okay with you to defer to legal counsel for guidance should this become a meticulous issue, right in that respect.

Attorney Sandra Miller: So, the only that I think we have is a recent request from Speaker Terlaje for the Attorney General's guidance and opinion and that is still pending. I need to find out where this is in our office because the Speaker's letter was dated in the prior administration. And I'm not quite sure where it landed. In the meantime, I know that Guam Raceway – nothing has been filed in the court it's just an open talk right now. The most pressing issue is April is coming up and whether to allow the what is a month-to-month license to continue that's I think a manner that's in the discretion of the board. You've already said that their license is canceled and whether to extend it, that's actually the gist of the Speaker's letter you know whether it can be extended but whether even if it could...should it is simply

Commissioner E. Garrido: Well, isn't that why we're deferring to you like you said, even if it could... should we

Attorney Sandra Miller: If you should you know that takes into account the cost and expense of what's already gone into the planning of this which I don't think this Commission is

Commissioner E. Garrido: On which? Our side or the tenant's side?

Attorney Sandra Miller: That would be the tenant's side and what's the benefit to the community of this event? I myself do not keep track of the Smokin Wheels, I think during Covid they didn't have any this could be the first one in a number of years. If there were invitees from off-island I don't even know if they invited competitors from international business that are located in Japan that's another thing. So, in that regard whether to allow the license to continue, I'm not sure where the Commission has landed on that? Has that already been decided?

Administrative Director A. Taijeron: Just for clarification purposes, so there was two letters so the public would be aware of this is Speaker Terlaje had sent a letter to the previous AG I thought there was another sent to this AG seeking clarification with regard to CLTC and did they have the authority to make these decisions with regard to the raceway. So, that was her letter to the Attorney General. And then her letter that came in recently, she's asking us to hold – Speaker's letter is to keep to the conditions of the raceway whatever we've decided with regard to the raceway to keep all of that straight and at the same time extend right which is – you know, I appreciate the letter but we need to know, the Commission needs to know, CLTC needs to know and this is why we're asking legal counsel's guidance is; can the Commissioners make this decision at this point in time, do we have the authority to extend it for 90 days? If we extended for 90 days; can we set up the parameters for that, right, for those 90 days? Can we- does the Commission have the authority instead of leasing because if we were to lease it, can we just give a license at that point in time for that length of time that they need to carry out this event? The Commission is not hard-pressed we just need to be cautious with regard to establishing precedence, legal precedence, we have other issues before us and if we allow the revocation or the injustment of a certain lease for this type of event; is there a legal issue that will arise for establishing precedence? And so, we're seeking, we have been seeking we're asking for from your guidance; for me, at least for me is now as the Administrative Director, I would not want our commissioners to make a decision that was contrary to law and that would bind our hands again for – that would be you know taken to court.

Attorney Sandra Miller: The one thing that is clear is that there's supposed to be no mineral extraction, that's very clear and the Speaker's letter says, prevent further mineral extraction and that word, "further" tells me that she believes that there has been some... I know it's denied but that's what she believes and that's how she worded it. So, to the extent that there has been and I don't know if there's any concrete evidence of that but the Commission definitely has the duty to ensure that that doesn't happen one way or the other because that is in the law, there is supposed to be no mineral extraction. Now, whether they can hold a Smokin Wheels event, I don't know whether that's a legal thing as much as it... because the Commission definitely has authority to grant licenses, that's what you do, that is your job, is to allow you know and a license is a temporary use. So, to give them a temporary use for the time in April not necessarily extend from now until April but you're out of here now but come April, we'll give you a week and you can hold it and that's all your

getting you know, perhaps that's a compromise. But again, that's your decision whether to allow them to do that and how long to do that. But if you're asking; can you do it? Well, the Commission issues licenses, that's in the Commission's laws. But yes, you can issue a license. You already terminated the last one so whether to give them a new one just for this event is something that you can think about and how long would that be versus extended what they had before. I think you guys have been more than generous and more than patient because this license expired a number of years ago.

Commissioner E. Garrido: Correct, if we give that special permission to hold the event in April, what position does that put us with procurement?

Attorney Kristan Finney: Can I... maybe there's an additional piece of it. You say, that they have the authority to issue licenses in accordance with their law

Attorney Sandra Miller: In accordance with their *inaudible* yeah.

Attorney Kristan Finney: And so there's a lot of steps that they have to go through to issue out a license. So, if you're treating this like new license versus an extension of...

Attorney Sandra Miller: Yeah, and I thought *inaudible* when you terminated the last license you know it's gone. It' terminated, right?

Commissioner E. Garrido: Well the license terminates 30-days it was served, right, the first so it'll go into the 2nd day of March.

Attorney Sandra Miller: Was it February 1st?

Commissioner E. Garrido: February 1st, yeah.

Commissioner D. Herrera: And it's a 30-day

Attorney Sandra Miller: Oh, okay, February 1st was the date

Commissioner D. Herrera: May I add...Mr. Chairman.

Chairman J. Reyes, Jr.: Commissioner Herrera

Commissioner D. Herrera: When the permit, when the license expired in 2018, the Commission decided to continue with their month-to-month permit

Attorney Sandra Miller: So, wouldn't it have expired sooner?

Commissioner D. Herrera: Yeah, so month after month so by May 17, 2019, that was the month-to-month permit up until today of January. So, what I found out in

reviewing the minutes is back in May 17, 2019, there was a draft lease that developed and approved by Attorney Toft, so, that was the draft lease that I requested Madam Director back in Monday, on Monday and then I received it yesterday at 5, the draft lease. So, there was work done in between the lessee and the lessor at that time, back in 2019 that's the document that we have. And that was supposed to go to the board for review and for a vote, back in 2019.

Attorney Sandra Miller: And you say, it was approved by Attorney Toft?

Commissioner D. Herrera: Yes, yes, they have the....

Attorney Sandra Miller: *inaudible*

Commissioner D. Herrera: Right, so if we look at the minutes they were discussing the options, the first proposal was the....we have it here. Okay, we're good?

Chairman J. Reyes, Jr.: Yeah, continue Commissioner Herrera

Commissioner D. Herrera: Okay, so since we have that month-to-month permit up until January I guess we requested to see the draft so, we have the draft now, I got it last night or at 5 and I reviewed and my recommendation, right, is that if the draft is here and it's reviewed by everybody and including the legal counsel just to fine-tune if it wasn't in accordance to the Public Law 34-142 is the referenced public law from the legislature and if it's in line then I think we should move forward and review that draft and in the meantime, I would like to respectfully recommend that we rescind the January eviction notice until we finish our part and allow them to operate until we finalize because it got stuck on our side somehow. Go ahead... I know it was a 180-day grace...so...

Administrative Director A. Taijeron: I believe Commissioner Herrera and hoping it's the correct draft

Commissioner D. Herrera: Hopefully, yes...and...

Administrative Director A. Taijeron: A letter was sent to...there might have been another draft sent to Guam Raceway by the previous administrators – administrator and letter and it was – we CLTC initially declined and sent back their proposal and there's no record of them ever responding to it.

Commissioner D. Herrera: Okay, understand. So, I don't have those documents with me to make that assessment and the chronological order and if it was there it would be fair and just for both parties to assess the facts because you know we have a lot of turnover, I think you were the third or fourth director here and then there was another turnover with the commissioners and just reviewing a half a stack of minutes that I reviewing and somehow it got stalled in between but of course we don't want to hold

anybody hostage because of this inconsistency but I'd like to defer to legal counsel to give us an advise on that because we have the draft and we have all those processes. And this is just a permit again, and I would like to see all those documentations that we were saying... 180-days, the answering the... so go ahead.

Chairman J. Reyes, Jr.: So, may I add, I think there's a lot that has happened in between even during the draft of the proposed lease and we need to be very aware of everything that has happened post that draft. And Commissioner Herrera, you went out to the raceway and hence, where we are here today, we make these decisions and we can't backpedal to a certain degree.

Commissioner D. Herrera: Yup – yeah.

Chairman J. Reyes, Jr.: Because of all the information or lack thereof things that have not been properly documented, things like bring, form material back into the area that is not approved to come back to the area, I think there's still a lot of question whether the specific area is allowed to be "clear and grade" which we know it's a little bit different than just clearing and grading. So, we need to be very cautious to not – just to move forward with was drafted. I think it would be prudent for us to start from square one, right? And the number options that we have so, I just want to be able to throw that into the mix because of the hard work that you have done let us to where we're at today.

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

Chairman J. Reyes, Jr.: In addition to that we are not against or we are not trying to prevent in the good that does happen at the raceway. We want to make sure it is to continue to protect the area the land and what is the best use, right, that's what we have to always remember is the best use of the land. So, just want to throw that in there into our consideration right.

Commissioner D. Herrera: Good

Chairman J. Reyes, Jr.: I know that it's very contentious but I think there's... we have to just make sure that we're doing the right thing.

Commissioner D. Herrera: I understand. Mayl...?

Chairman J. Reyes, Jr.: Yes, continue back.

Commissioner D. Herrera: Okay, so, yesterday, when I came at 5:00, I received this format which is the engineering estimation of what was removed from the property. So, what was removed was reported by TG Engineers. So, based on the masterplan that they had which I just got yesterday again, this is a 20-year operation but we're kind of catching up so what they did was they... you probably have all this information,

this is the engineering estimate that they did. This is probably like maybe one-quarter – 250 acres of the property – 250 acres and this is what the engineering firm computed and we have another computation from the company that extracted the minerals. So, the question is that; if they estimated that they took a bucket of sand then what is our process to verify that it was just one bucket that was removed, that's what led to this one. So, again, these are some facts that we're trying to verify is that the estimate from TG Engineers is just about a quarter of 250-acres. So, and based again on the audit report, the audit found out from three to four years that extraction was not properly or accurately being computed. And I found out why, because there was only one estimate from a professional engineer and they did an estimate on about only a quarter from the 250 acres so this triangle that you're seeing or is what was estimated. Again, do we as landlords have a firm computation from a professional engineer? I don't have it but I'm recommending that we do one and cross-reference it to their findings TG and cross-reference it to what the auditors found. This is what led to where we're at today.

Chairman J. Reyes, Jr.: Correct

Commissioner D. Herrera: So, if we did the – that request back on May 17, 2019, then I'm not sure if that was the issue back then in 2019 that had them to have a position for them to approve and disapprove and to continue to... remember the lease is only five years increment, it's 50-year request but you have to renew it every five years, every five years, so a company that's going to put a \$50million investment in a five-year interval... unless we're selling oil or but anyway, that's it Mr. Chairman, thank you.

Administrative Director A. Tajeron: Can I just ask a question? Commissioner, what year is that map that you're sharing with our legal?

Commissioner E. Garrido: The engineer's report was done in January 2022 – January 20, 2022, T&G

Commissioner D. Herrera: Right. But they've been digging since 2018, so...

Administrative Director A. Tajeron: Well initially the digging before 2018, if I'm not mistaken just for clarification is... so, this at *inaudible* level, so, if you take a look at the pictures taken recently especially by Commissioner Herrera with his drone, you'll see there was... my understanding there is this is the same map as this here, right, for the most part, is if I'm not mistaken, this is the raceway

Commissioner E. Garrido: That's the dragstrip

Commissioner D. Herrera: That's the dragstrip

Administrative Director A. Tajeron: This is the dragstrip

Commissioner D. Herrera: Yeah, so that's like one...

Administrative Director A. Taijeron: So, I believe it was in 20...it might have been 2018 or 2019, I really do apologize right that the raceway was given permission

Commissioner D. Herrera: Clearing and grading

Administrative Director A. Taijeron: Clearing and grading which I don't know to my knowledge you're basically clearing the trees that are there and grading to build, correct?

Commissioner D. Herrera: For whatever construction, you're right.

Administrative Director A. Taijeron: For whatever construction – at least for my understanding... so they were given just this portion here,

Commissioner D. Herrera: You're right

Administrative Director A. Taijeron: But what our current pictures show is if I'm not mistaken Commissioner Herrera that the activity that has taken place has actually gone far beyond what was approved

Commissioner D. Herrera: Right

Administrative Director A. Taijeron: And I think that was one of the issues that brought the commissioners to the decision, I wasn't part of the January meeting to issue the eviction notice, right.

Commissioner D. Herrera: You're right on target, yeah.

Administrative Director A. Taijeron: So, if you see maps today that were taken, I think Commissioner Herrera it's public information it was in his public hearing he shared is that beyond this permitted area there's more – it was cleared. It was cleared here

Commissioner D. Herrera: Correct

Administrative Director A. Taijeron: And I don't know if the attorneys would need a field-trip out there to see it's potentially have gone beyond clearing and grading and its actual mineral extraction there's pictures of truck loads coming out. So, I just wanted to clarify that because I don't want the attorneys to think that this is all that happened. There's pictures that show that clearly the activity went above and beyond what was authorized.

Commissioner D. Herrera: Correct, and Director

Administrative Director A. Taijeron: Is my understanding

Commissioner D. Herrera: Yes, and if you may show them this photo right there with those yellow markers and focus first on the dragstrip and you see those posted that's a pit – that's a crater which is the one that we have not seen the computation for that's the one. That's the 250-acres and the estimate that TG developed was just a dragstrip area which is – the cot is about 50 foot, it's higher than this wall it's about 50 foot from the dragstrip down to the level

Commissioner E. Garrido: It's actually more.

Commissioner D. Herrera: Yeah

Administrative Director A. Taijeron: And in addition to that you shared the masterplan and the only thing that is

Commissioner D. Herrera: Yeah, this is from

Administrative Director A. Taijeron: And the only thing that was completed from the masterplan was the dragstrip

Commissioner D. Herrera: Correct and this is from Duenas and Associates

Administrative Director A. Taijeron: I just wanted to clarify the map for the attorneys so that their

Commissioner D. Herrera: Good. Now, you know what we did right, is that we had a 1913 Geo Map to compare the before and after 1913 – 1940 and the maps today because we have Google started maybe 20 years ago so sometimes we're lucky if we can find it in the server at because remember CHamoru Land Trust was with Land Management and Ancestral Lands, they only had one director so all this data and information are kind of *inaudible* shall we say right with each division. So, when it was separated in the beginning of four years ago for us to ask this kind of documents you're going to have to know on the neighbor's door, the director to request for and it was very difficult, difficult for us to make a decision when we don't have the facts in front of us but we're fortunate to have the TG computation which is above 450,000 cubic yards but then it becomes more complicated than that because the 450,000 cubic yards estimated is just about a quarter a fraction of the 250-acres so if you see the other map that showed the stickers where there's hole, I say a hole because when we say a crater or people get offended so that's what the Public Auditor is saying that something is not connecting so...

Chairman J. Reyes, Jr.: And too, on the same breath the Public Auditor we've been cited year over year by the Public Auditor

Commissioner D. Herrera: Yeah, correct.

Chairman J. Reyes, Jr.: For not having a lease, a current lease right with the – with that property. And also, we received another letter from the Public Auditor, we just got that I believe the other day and the Administrative – Alice the director will be working with Joey to go through that because there's questions, to your point, what was really taken out?

Commissioner D. Herrera: Extracted – yes, correct.

Chairman J. Reyes, Jr.: And so, we have our records because during that period of when it was approved to do those clearing grading mineral extractions, you know, the CHamoru Land Trust did get a portion of that – of what was – of that aggregate that was sold. So, we do have our records of what was paid and what that equates to based on the rate but I don't think we've been *inaudible*

Commissioner E. Garrido: Yeah

Chairman J. Reyes, Jr.: In that sense. So, I think we we're kind of back at the table and the question is, what is our next steps, right? First thing is, if there are other requests and what will we do...

Commissioner D. Herrera: Request from...?

Chairman J. Reyes, Jr.: The request from either from the Speaker to extend the eviction notice through the event, there's options that we can take to ensure that we can allow for this event to happen. The Commission can just move forward and the eviction remains and no event... so, I think that's kind of what we... that's the first thing that I would like for us to decide.

Commissioner D. Herrera: Okay, Mr. Chairman.

Chairman J. Reyes, Jr.: I would see what are some of the options from the Commissioners?

Commissioner D. Herrera: My option now is to get our documents, the 20-year documents from 1998 to 2018 and we'll... so we can look at it and look at what happen between because there was other activities that occurred at the raceway. Remember SmithBridge had their own payment plan which we never knew. SmithBridge was crossing over CHamoru Land Trust they connected a backroad between SmithBridge to the raceway

Chairman J. Reyes, Jr.: The private property

Commissioner D. Herrera: Private property, right, which is property that is owned by the CHamoru and we never know it was CHamoru Land Trust property until we did a

GPS to find out where the backtrail was going to so because we confirmed that we came up with the confirmation that there was payment between the two companies which I think if it was authorized by the Commission

Chairman J. Reyes, Jr.: Not by the CHamoru Land Trust

Commissioner D. Herrera: Yeah, not by the CHamoru Land Trust and that's another situation that we're dealing with but again as I mentioned there's so many documentations that I haven't seen but I thank Director Taijeron for my request when I came in on Monday and five o'clock yesterday, right, I was called to say come and pick up....there's some that we have and I really had the major document that I was looking for which is the professional assessment from TG Engineers to give me the computation, this is the computation and how much area was computed in the 250-acres. So, the area that was computed was just about a fraction of the 250, so, I don't know if there's other documents again that may have been done by TG or other companies but I highly recommend that we get our own professional land surveyor for you know, we'll request for other surveyors that would want to come in just to verify the findings that they presented to us so that we can present it to the public auditor. So, my recommendation is that we got to get our house documents in order and I would like to respectfully my two colleagues here to temporarily rescind the eviction notice until – the Speaker's saying that we have option that we can extend up to February or March

Commissioner E. Garrido: It's a request

Commissioner D. Herrera: It's a request?

Administrative Director A. Taijeron: It's just a request *inaudible*

Commissioner D. Herrera: So, yeah, it's a request, so, I would like to request my colleagues that we extend this until we get our documents if it's two months.

Chairman J. Reyes, Jr.: So, yeah, let's hear from Commissioner Garrido.

Commissioner E. Garrido: What is our exposure if we were to allow the extension or give a permit for the I guess it's a Smokin Wheels, right, the event? What is our exposure because there's no as far as I know I may be wrong but I don't see any proper permits that were put in place, I don't think they have insurance, I don't know if it's OSHA approved. I did take a field trip out to the dragstrip and that dragstrip is like a launching pad. It's not flat, it goes up to an incline and it's a very steep incline. And all around the incline since they extracting minerals, it's a deep drop. The only safety guards I saw up there when I went, they had rubber tires along the side of the dragstrip. But a car that's – a vehicle that's going at a high speed those tires are not going to stop it. And then if he passes the tires, he drops into a deep ditch because of the excavation.

Attorney Sandra Miller: Have they been holding types of events

Commissioner E. Garrido: I have no idea

Commissioner D. Herrera: Yeah they did, last Sunday and the evenings.

Attorney Sandra Miller: And do they have insurance?

Commissioner D. Herrera: See, those are the documents that we would like to see

Commissioner E. Garrido: They've never shown us any insurance policies.

Commissioner D. Herrera: And that's why I'm saying that we need to find because

Attorney Kristan Finney: And then for this event that they want to hold, is there any additional work that would have to be done to hold that event or is it *inaudible*

Commissioner D. Herrera: Generally what they do right is that they'll ship like 10 containers equip with all the vehicles and the mechanical repair components then it'll land at the commercial port and then it'll be truck up to the raceway

Attorney Kristan Finney: But they wouldn't have to do any additional like clearing or anything of... to hold that?

Commissioner D. Herrera: Oh, depending on the level of competition, if it's a professional worldwide kind of competition, you want to make the track become more competitive than just for elementary kind of racers, these are professional racers but

Attorney Kristan Finney: Right, but for this event that they want to have in

Commissioner E. Garrido: We're in the dark, they don't share that information with us.

Chairman J. Reyes, Jr.: Yeah, so when it comes to events, the agreement – there are agreements when there was an active license that any event that is held up there, we get participatory fees so that in addition to their lease is... Joey, correct me if I'm wrong, I think there have been multiple events post 2018 that we have not seen any of that come up our way. We can even go back to see if there was any that has gone through with those events that come our way, right with that agreement. You know, when it comes to the upcoming event and other events, I'm sure there are some preparation that needs to be made and you know to ensure that it's a course of sorts of whatever happenings *inaudible* so, yeah, I'm sure we can get some of those details but you – one *inaudible* step there are preparations to right for these types of events. I think the other thing Commissioners, I want to give the opportunity to Commissioner Bordallo as well. Commissioner Bordallo, any other questions

Commissioner A. Bordallo: Well, I'm concerned about safety and the liability if something were to happen. The CHamoru Land Trust Commission can be liable also if there's no insurance coverage for that event. And if we were to do something, I would limit it only to the use of that period that they have the event and continue with our issuance of the 30-day eviction notice.

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

Administrative Director A. Taijeron: There's no file on record with regard to insurance. We don't have anything updated. We have not received any.

Chairman J. Reyes, Jr.: Okay. Thank you, Alice.

Commissioner E. Garrido: We don't know what permits they've secured. We don't know if any insurance. We don't know if there were safety inspections done by OSHA.

Attorney Kristan Finney: For the past *inaudible*, do you have the permits for any of the clearing they were doing? Any of the....

Commissioner D. Herrera: Well, what I understand, Mr. Chairman is that they are responsible for those insurance and coordination for... so, I'm not sure if there's any representative from the raceway here. And perhaps maybe they can verify those questions.

Chairman J. Reyes, Jr.: Yeah, well, before we go into that, I want to make sure that we can sort some of these things. I think the first thing again, Commissioners, thank you for your feedback, but we definitely need to decide right. We've issued the eviction, and one option from what I've gathered is that we continue with the eviction but extend it for a proposal of 90 days, right, to allow for the event to happen. And then second to that, we do need to decide what is the next steps for this property. Because there was no active lease, there is nothing; there's nothing in place, so we need to address that, and we can get into that after our options, right so... Another option is Commissioner Herrera's option is to revoke the eviction, our notice and try and see where we... you know, try and sort it out a little bit more, then the second to Commissioner Bordallo is the eviction stands and you can have the event and that's it, and we move forward, right. And there's no real extension, it's just the eviction stands, you can have the event and the Commission will now move forward with the next steps if it's competitive bid or whatever the case may be. It doesn't go without to mention that somethings can happen at the legislature, right? A bill could be introduced, and we will be a part of that process because at the end ultimately, we issue the lease with license, right? So, if there's legislation that's put to the table and we are still a part of, then that could happen in these 90 days before this event happens in April. Again, what I don't want to do is prevent the event from happening, but what I also don't want us to do is to continue to let this linger without a plan,

without a proposal of what does the Commission want to do with the property, right, what are our next steps? Commissioner Garrido?

Commissioner E. Garrido: Based on what you just said, I think for me, the middle ground would be we leave the eviction notice as is, but we grant a permit like what you were suggesting for the event. But at the same time also I would want to make sure that all permits to operate the event are up to date and we get a copy of it and insurance.

Attorney Sandra Miller: I think that's kind of what the Speaker's letter is sort of hinting at.

Commissioner E. Garrido: Yeah. And I would also like to get a report from OSHA for safety on the dragstrip and whatever other events are going to happen there. There's got to be a guideline for safety because the last thing we need is a liability because of an incident and it has happened before.

Chairman J. Reyes, Jr.: Thank you, Commissioner Garrido. Commissioner Bordallo, any follow up?

Commissioner A. Bordallo: No

Chairman J. Reyes, Jr.: Okay, so Commissioners, again, it was a tough decision that we made in January. With all the circumstances, it was brought to the table, but we're here again and again; just to be clear, we're not against any of the activities that happen; all the good that happens on the raceway we just got to sort out and make sure that we can move forward with a lease of 250 acres +/- and even at the rate that was agreed upon years ago. If we can't do anything to help our constituents because the primary – our primary responsibility is for residential constituents, and that's 250 acres that could be turned into places for people to dwell, but that's not what we're trying to do here. What we're trying to do here is address our best leases. So, Commissioner Herrera?

Commissioner D. Herrera: Yes, if I may add to that, you know, back in 1993 with Senator Ed Reyes, we set aside 620 acres for a raceway park in Lot 289 in Agat Santa Rita, 620 acres to be under the Parks and Recreation so just to make that clear with everybody, right, is that... if that was the property that was developed, the Parks and Recreation don't have to comply with what the CHamoru Land Trust requirement is Public Law 12-226 because the CHamoru Land Trust Public Law 12-226 is for the interest of the recipients, the qualified beneficiaries of the CHamoru Land Trust not for the entire population it's for those that had their properties condemn and remember this went to court in 1998 or 2000 down at the District Court and we came up with a settlement agreement between CHamoru Land Trust and the Federal Government that this is not discriminatory, this is not just about Chamorros. So, this raceway, it's a benefit for the entire island, but remember again, we had to carve out 250 which we

already have 620 acres reserved back in 1993 under Parks and Recreation, so it may be prudent for the raceway group to examine that property which is very conducive for the kind of operation that they're doing from Smokin Wheels, flat tract, grand prix, hill climbing, rock climbing, the southern topography fits this kind of operation. The topography that was done up at Pagat it's limestone; there was no dirt. Remember, they had to move dirt there, they had to carve out the coral, so it was good because it's a profit – non-profit organization, and that's another thing about non-profit right is that the auditors keep auditing us, but I recommend that the auditors also audit the non-profit operators that have already put about maybe \$9million or \$20 million dollars in that operation and audit them, not just audit us. Right, there's...

Chairman J. Reyes, Jr.: And with a new lease or license, could put that in there. The lessee, the licensee, gets audit.

Commissioner D. Herrera: Here, there's no security if these guys decided to sell another \$ 20 million dollars' worth of coral and they were penalized a \$100k from a \$50 million dollar penalty .02 or.01% violation from the EPA you make your \$100 million and you pay Government of Guam \$100,000. Where's the logic in business, right? Pay the penalty, break the law, make the cash? So, this lease that we're trying to develop, right that's why I'm saying we have to put a reset on this one and check this out and put a security in this kind of deal because we already it's a fact that it can be done...

Thank you, Mr. Chairman.

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

Commissioner E. Garrido: Based on – this is for you guys because you're the legal eagles here, we're not. Based on where we're at today, what are our options? What will be our liabilities?

Attorney Sandra Miller: Well, I think what the Commission has to keep in mind its obligation and duties not just to the CHamoru Land Trust recipients but to the rest of the people and that is to make sure that safety is a priority. Sounds like you've all personally examined that and there's some questions about it. The lease has been canceled I mean the license, it's not a lease it's a license. And the eviction notice is in play and whether it becomes – it's going to become final effect you said it's a 30-day notice, right? *inaudible* I think your options are to let it stand and if you like you said, Mr. Garrido, there is the option to permit the event subject to some insurances that certain conditions are in place insurance to safety, to liability to ensuring the public welfare and from the Speaker's letter dated February 7 it sounds like that's something she's also would like to see. There's talk about the *inaudible* the law but the time is short and maybe that's something that can go on parallel track so, that's the probably the best compromise that everybody gets something but the event continues but yet, the Commissions' eviction notice stands and the public is protected. I can try to brainstorm some but otherwise it's just sorry, you know, you're out and

you don't have the event at all. So, you either have the event or you don't have the event, really those are the... or maybe they can reschedule for some other time after the law gets revised.

Commissioner E. Garrido: The events, the activities itself for the sport is not an issue for us. It's what has been happening with the use of the land which was contrary to the lease.

Attorney Sandra Miller: And that goes to the justification of cancelling it in the first place.

Commissioner E. Garrido: Yes, but it's not that we have a problem with hosting an event like that. That's not the issue at all, that was never the issue. It's about the things that have been happening there that was outside of our approved agreement.

Attorney Sandra Miller: And that's something that when you sit down with them next time or the next go around you can hash it out on the table. Actually, that's isn't it... oh, I haven't seen the new draft of the lease, it's still draft.

Commissioner E. Garrido: The last time Mr. Simpson showed up here was in 2018 or 2019?

Commissioner D. Herrera: 19 – 2019

Unidentified: He's here

Commissioner E. Garrido: Other than that, we're in the dark.

Chairman J. Reyes, Jr.: Okay, Commissioners, we got some help from our legal team. We have the options in front of us and I would recommend if we want to take actions. We can do that now. And then the second part to this that I would like to address as well. So, again, I think our options are here, Commissioner Herrera's recommendation is to revoke it and then we can begin whatever process to you know make sure we get a lease or a license. You know, it's going to take a while but it is, we have to determine the use of the land. We begin from square one and begin that competitive bid process. Our second option, is the eviction stands but it's just extended through the end of April to let the event happen and then another option from what I've gathered is the eviction stands and that we will only permit or license the event which is not necessarily an extension of 90 days it's the eviction stands through March 2nd and that we permit the event to occur at the date that it has been set. So, and that's what I've gathered as our options. So, is there any discussion? Any other questions?

Attorney Kristan Finney: I think the fourth option is the eviction stands.

Chairman J. Reyes, Jr.: Period. Yeah.

Attorney Kristan Finney: Period

Chairman J. Reyes, Jr.: Yeah, eviction stands and we'll begin the process to move to the next steps which is the second part of this agenda on item 6 in Old Business. Yeah, we need a motion but is there any other questions?

Commissioner E. Garrido: What will we need to do to push forward the option 3?

Chairman J. Reyes, Jr.: And option 3 is the eviction stands and we only permit or license for the event?

Commissioner E. Garrido: Yes

Attorney Kristan Finney: How are you seeing this separate from just *inaudible* I'm just asking because you acknowledge to allow the event to happen, they still have to come up to the property and *inaudible* something, so, I'm just wondering I can always see those things as....

Commissioner A. Bordallo: You're allowing people to come in there and do whatever by extending it.

Attorney Kristan Finney: Because if you completely end like if you evict them and that process is done then you don't have any... like right now, you have your month-to-month agreement but at that point you don't have anything

Commissioner A. Bordallo: It has to go out on bid this time and everything has to be cleared, we still need to investigate what happened here.

Chairman J. Reyes, Jr.: I think Attorney Finney to your question is what's the difference? So, we would you know, the eviction stands from March 2nd and then we only permit for the event to happen.

Attorney Kristan Finney: So, I just want to clarify that

Chairman J. Reyes, Jr.: So we would determine those days

Attorney Kristan Finney: Right

Chairman J. Reyes, Jr.: So, if we permit it from April 1st to April 30 for example, right that's the only times that they can go in to make this event happen. That's just an example.

Attorney Kristan Finney: And so I'm just wondering that's the only thing here that I'm wondering if you have the authority to do because once you end that month-to-month

extension and then we don't have anything and then we would have to turn it back to what's in the law – that process.

Commissioner E. Garrido: See, based on the Speaker's letter dated October of last year, I believe it was, she questioned whether the CLTC was empowered to do a month-to-month and we're waiting a feedback from the AG's office – a legal opinion on that.

Chairman J. Reyes, Jr.: I think that's still outstanding, right Attorneys?

Attorney Sandra Miller: I'm not sure.

Chairman J. Reyes, Jr: We've not seen anything, I'm sorry I want to say still upstairs

Attorney Sandra Miller: It could have been in the prior administration right at the end of it so yeah...

Commissioner D. Herrera: 2019, yeah.

Attorney Sandra Miller: Yeah since October

Chairman J. Reyes, Jr.: No, 2022.

Commissioner D. Herrera: Oh, the request, the letter.

Chairman J. Reyes, Jr.: The first one.

Attorney Sandra Miller: It may be upstairs. I would have to check, I have no personal knowledge of it, they never told me, they've known about this for quite some time.

Attorney Kristan Finney: Have the Commission made a request for that?

Chairman J. Reyes, Jr.: It was a letter sent from the Speaker, it was a list of questions of actions that were taken post 2018 and to include the month-to-month.

Attorney Sandra Miller: We can find out. I can find out.

Chairman J. Reyes, Jr.: I know that it was resent to the current Attorney General after previous administration.

Attorney Sandra Miller: Oh, okay

Chairman J. Reyes, Jr.: It's probably making its way through. Any other questions Commissioners and are we...are we ready to make the motion?

Administrative Director A. Tajeron: Would it...Chairman if you don't mind

Chairman J. Reyes, Jr.: Sure

Administrative Director A. Tajeron: I heard Commissioner Herrera's request needing more information. Senator I mean Commissioner Garrido concerns as well and Commissioner Bordallo; would you be amendable to allow us to provide the information that we *inaudible* compile this information which is probably – public document – allow us to put that together and provide it to the Commissioners so they can make a better decision a much more informed decision with regard of how to proceed on this issue. Now, that being said, we need just a little bit of time to get this together for the Commissioners and I don't know if that had helped. Commissioner Herrera was mentioning things that had occurred previously so what we can do is put together information pertinent to the raceway and what has been occurring with the raceway.

Chairman J. Reyes, Jr.: Okay

Commissioner E. Garrido: Are you recommending a working session?

Administrative Director A. Tajeron: Is that legal – working session, that's public too right?

Attorney Sandra Miller: It is public

Chairman J. Reyes, Jr.: Yeah, we have to notice that

Attorney Kristan Finney: Um you don't have too

Attorney Sandra Miller: I don't think you have to notice it and you don't need a quorum but it's public

Administrative Director A. Tajeron: So it will be open to the public?

Attorney Sandra Miller: Yes, anybody can attend

Administrative Director A. Tajeron: I leave that to the Commissioners to decide. Or you we can just provide the information, you can take it, discuss it digest it and then...

Chairman J. Reyes, Jr.: I think that information is to help us guide us what's next. I don't think that information is to help us or guide to what we need to decide today of whether or not the eviction stands and whether or not this event will happen. Because again, part two to this conversation is, what's the future of that piece of property, 7161. And we need to determine what that is and if we determine that today, we begin the process so that's where all of that information will help us. Again, this has

been five years. What we need to decide today, and I hope we can decide today is; does our eviction stand? And whether or not we extend it with whatever options we discuss to allow for this event to happen and what happens and transpires between now and after that event is what we can do as the commission to begin from square one if that's what we decide to do or again whatever legislation will go out there but we will make sure that we have a seat at that table. So, that's where I feel that is what we need to do today. But I will leave it up to the commissioner if you decide that there's no action today, that means the eviction stands and nothing happens.

Commissioner D. Herrera: Mr. Chairman may I

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: When I receive the masterplan I'm getting a more clearer picture of the project so of course 20 years is not enough so the public law was approve to extend this for a 50 year term. So, understanding that, this is where we're stuck today, right is we issued an eviction notice in January not having these documents in front of us but just because of the operation that we saw from the past. So, I mentioned that I would like to motion to either extend or rescind the eviction on January until we get all our documents in order and then we can make the final decision on what to do. Based on the draft lease that was completed in 2019.

Chairman J. Reyes, Jr.: Yeah, but that draft lease will still need to be sorted out

Commissioner D. Herrera: Correct, yes, understand. And should have or could have been completed three years ago but because of the transition between directors, and board members. I only got here on April of last year so, I'm catching up but...

Chairman J. Reyes, Jr.: Understood. So, let's....

Commissioner A. Bordallo: I just wonder if the raceway people are requesting for this thing to happen. You just see people protesting but where are the key persons that are asking to have this *inaudible* Have anyone from the raceway...

Administrative Director A. Tajeron: We've only been seeing things on social media, there was a protest maybe – protest or demonstration out here on Marine Drive maybe last week Thursday I think it might have been at four o'clock. I forget the dates.

Commissioner A. Bordallo: But the key people who are for it here?

Administrative Director A. Tajeron: I have not seen anything maybe under public comment, right Mr. Chair?

Chairman J. Reyes, Jr.: Yeah.

Administrative Director A. Taijeron: I have not seen anything. I only seen things out on social media and people that I've heard. I have not... I don't know that anybody else on the team has received anything.

Chairman J. Reyes, Jr.: So, Commissioner Bordallo, yes, we have just as a reminder right we received a letter from the raceway's attorney that any and all communication would be directed to their office. We did receive that in our last meeting. Correct, Alice that was in our last meeting?

Administrative Director A. Taijeron: Yes. But I have seen anything. I apologize, I haven't seen anything on my email or we haven't received anything via mail to my knowledge from the attorneys. We've not communicated anything if there was anything to communicate except through the attorneys.

Chairman J. Reyes, Jr.: Any other questions? So, I do want to... do we want to continue to make a decision today? Otherwise, our eviction notice stands. Commissioner Garrido?

Commissioner E. Garrido: Could we call for a short recess?

Chairman J. Reyes, Jr.: Yeah, we can take a break. Yes, okay, so, the time is 2:27; ten minutes okay?

Commissioner A. Bordallo: Yeah

Chairman J. Reyes, Jr.: Okay, 2:27 or 2:28 – we'll be back at 2:38.

Break: 2:27 p.m. – 2:39 p.m.

Chairman J. Reyes, Jr.: Okay, good afternoon, everybody, we are back, all commissioners are present. **Attorney Sandra Miller** had to step out but we still have Attorney Finney. The time is 2:39. Okay, Commissioners, we left off we took a quick break and we're hoping to make a decision, right, of why we're back here for the Guam Racing Federation. Based on our discussions, again, I just want to reiterate the options we have of what I gathered and just to make sure that we're all on the same page. First option was just to revoke the eviction and we will proceed in next steps in process, basically to determine what are the next steps in that property. The second one is to extend the eviction notice for an additional 90 days to allow for the event to happen. And then we will then secondary to making this decision we will determine what are the next steps for the 7161 again allowing for the event to happen. The second one is third one, I'm sorry, is the eviction stands through the March 2nd deadline and then we just permit for April to have the event happen. Again, calling out that we may or may not be able to do that, maybe we can take that off the table and then lastly

Commissioner A. Bordallo: Why is that? Number 3

Chairman J. Reyes, Jr.: Number 3? It's an option but we may want to take it off the table because based on Attorney Finney – was you know, we evict them and then we have to then bring up a new license but licenses there's a whole process for licenses. And then lastly is eviction stands and the event does not happen, unfortunately. So, that's what I gathered as far as our options. Again, I think we are amendable to make sure that we figure out what are the next steps and I think that the opportunity for us to determine that next steps we can do that today but we still need to decide is does our eviction stand or we vote on our options. Okay, so, I turn to you to take action.

Commissioner E. Garrido: I yield to Commissioner Bordallo to stay where she stands from the four options.

Commissioner A. Bordallo: Option 3.

Commissioner E. Garrido: My option

Commissioner D. Herrera: Option 2, how about we strike out option 3?

Chairman J. Reyes, Jr.: So, I think we would have an issue for option 3, only because the licensing process is not a quick process. And especially again just based on some of the reguidance

Commissioner A. Bordallo: I think you know, if we allow the lawyers to review everything and come with a sort of a recommendation of what we can do because I'm not against not having the event.

Chairman J. Reyes, Jr.: Correct

Commissioner A. Bordallo: It's more safety of that place to protect the people and CHamoru Land Trust.

Chairman J. Reyes, Jr.: So, how would we like to proceed. So, I think to your point we need to decide right because this eviction happened March 2nd so, we decide whether we extend it or not, that's what we need to figure out. Second piece to this after we make that decision, we decide what's next for the raceway or for the property, let's just say the property itself – 7161. And that gives us the opportunity to gather all the information we have the Office of Public – OPA also issuing a letter for an audit, we still having this as an audit finding – all of that we have to take into consideration when we decide what we're going to do.

Commissioner A. Bordallo: So, if you were to extend the eviction notice after April 30th that will allow them to have their event?

Chairman J. Reyes, Jr.: Yes, because it's in April, right, so, we say it extends out through the end of April, the end of May to allow for enough time right for the event to prepare to take "take down" but also it has enough time for us if we decide what the next steps are to begin that process and again, anything can happen through May with legislation...there's lots that can happen.

Commissioner A. Bordallo: Well, that's their call.

Chairman J. Reyes, Jr.: Correct, yes, but we will continue and move forward with what we decide after.

Commissioner A. Bordallo: Yeah

Administrative Director A. Taijeron: I just have a question, should the commissioners decide to extend right the eviction, can that extension include conditions?

Chairman J. Reyes, Jr.: Yes

Commissioner A. Bordallo: Yeah

Administrative Director A. Taijeron: Legal counsel? Or do the commissioners have to honor the initial agreement that was going month-to-month? Can they say, update your insurance for x amount of dollars... you need to clean it, you need to do whatever the case may be?

Attorney Kristan Finney: Were those kinds of requirements in the original agreement?

Administrative Director A. Taijeron: License agreement?

Chairman J. Reyes, Jr.: No

Attorney Kristan Finney: There was no requirements for any kind of insurance, that they have the permits to do whatever activity their doing? There's nothing like that? Because I don't know off the top of my head.

Chairman J. Reyes, Jr.: I don't think so. Yeah, we can call Joey. Mr. Cruz, you can join us. I don't believe so.

Administrative Director A. Taijeron: Joey, bring a copy of the license agreement for legal.

Attorney Kristan Finney: Because I don't think... I mean you can't make a new agreement.

Chairman J. Reyes, Jr.: Right. The question was, were any of those conditions in the original license?

Program Coordinator IV Joey Cruz: It does call for the Guam Raceway to maintain a limited liability policy

Administrative Director A. Taijeron: Property damage

Program Coordinator IV J. Cruz: Property damage *inaudible* indemnify the CHamoru Land Trust. So, if the original license

Chairman J. Reyes, Jr.: But nothing specific to an event or...

Program Coordinator IV J. Cruz: It should cover

Commissioner A. Bordallo: Under general liability

Program Coordinator IV J. Cruz: Yeah, whatever events they should hold, it should cover *inaudible* things

Chairman J. Reyes, Jr.: But what I think should also still stand right, we've issued a cease and desist for any and all type of clearing and grading activity, all of that should stand. We're just extending this to allow for the event. Any other questions? Okay, Commissioners, I yield to you.

Commissioner D. Herrera: Can I make a motion?

Chairman J. Reyes, Jr.: Sure, Commissioner Herrera.

Commissioner D. Herrera: To extend for 90 days until we get our other additional documents in relative to the requirement of Public Law 34-142.

Chairman J. Reyes, Jr.: Okay, one clarification Commissioner Herrera, is it 90 days from March 2nd or 90 days from the original date of February 1st?

Commissioner D. Herrera: That would be from March 2nd.

Chairman J. Reyes, Jr.: So the extension is 90 days from – just to be clear from March 2nd when the original eviction date is so 90 days from there so that's March 2, 2023

Commissioner D. Herrera: April 2nd – May 2nd

Chairman J. Reyes, Jr.: March, April, May June – We'll make sure that those days are – the dates are accurate but

Commissioner D. Herrera: Oh, okay, you're right.

Chairman J. Reyes, Jr.: Technically, it's 90 days from March.

Commissioner D. Herrera: Correct, June up to June

Chairman J. Reyes, Jr.: End of May early June. Commissioner Garrido? So, I just want to clarify, when does the 90 days start?

Commissioner E. Garrido: Are we barred from hearing from a third party in this situation or this hearing; are we barred from hearing from a third party?

Chairman J. Reyes, Jr.: No, not necessarily we do have the

Commissioner E. Garrido: Because we have a lot of questions, like I don't know when the event starts, I don't know when the event ends and I know that Mr. Simpson is in here because he answered me earlier about being here, could we have in

Administrative Director A. Tajeron: That would be under Public Comments. Attorney, so we were instructed to communicate with his attorneys, would that be okay for us to bring him to the table? In Public Comments and ask him questions?

Attorney Kristan Finney: As long is not anything that would prevent you from that
inaudible

Administrative Director A. Tajeron: Okay

Chairman J. Reyes, Jr.: So, would you like Mr. Simpson to join us now or after this decision?

Commissioner E. Garrido: I think we should hear it before we make a decision.

Chairman J. Reyes, Jr.: Commissioners, are we all in agreeance?

Commissioner D. Herrera: Yes, to find out the facts

Chairman J. Reyes, Jr.: Mr. Simpson, thank you, please have a seat. There's a mic right there and for the record, if you could please state your name.

Henry Simpson: Yeah, Henry Simpson, General Manager of the Guam Racing Federation also the Chairman of the Guam Racing Federation Organization.

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

Henry Simpson: I'd like to start out, I think... best thing to do is to talk about the money. This is a letter I don't know if you could make copies but it's from our auditors

and our auditors have given us a clean opinion for the last ten years. And also, I don't know if you guys realize but... and make a copy of this one too... in since we've started in 2001, we paid Nine hundred thirty-two thousand four hundred seventy dollars (\$932,470.00) in rent. And your share of the excess graded materials is Two million six hundred sixty-seven thousand four hundred thirty-seven and seventy-four cents (\$2,667,437.74) so all of that is accounted for and everything we do is done by check and so all our checks are deposited the checks just to make sure because the Land Trust Commission in the license you're allowed to take material if you wanted. So, every year for a long time they said, no, we don't want the material we want the money and so the I just want to read this part, the use of the property; licensee may alter the property in order to make it usable for the purposes stated herein. This alteration will include but is not limited to the removal of top soil and/or coral from the property, re-contouring the property and constructing appropriate facilities upon the property. Fifty percent of the material that were extracted from the property or the value thereof, shall be the property of licensor. Licensor desires to use these materials for other purposes, licensee must make them available for such uses. If licensor does not desire to use the materials, licensee may sell the materials and deliver the proceeds to licensor by licensor as is permitted under the CHamoru Land Trust Act. So, what we did every time that there was excess graded materials left over from this, we would have which ever contractor it was make to checks, one to the CHamoru Land Trust and one to us, so, your checks were given to me and I deliver it up to you and the other checks I put to our account and our account's been audited. The work that's going out there even though it's really – there's a tall *inaudible* and stuff, most of what you see is not on our property most of it is on the Perez property or is on the Gerry Kramer property. The only thing that sticks out with us is our temporary dragstrip. So, you may wonder about the temporary dragstrip and the launching pad that Earl was talking about there, well, what we have – we don't have enough flat area yet to make a what we want to call a NHRA certified dragstrip, National Hot Rod Association. So, what they want is four thousand feet flat and level, no kickers, no nothing on it. Some places in – there's a couple of tracks in Tennessee that would allow this thing at the end because it slows the car down as you go up. We, use that, they gave us about an additional 300 ft. of usable area by coming in to a six-degree grade, that's what we had to work with to get a temporary strip going. So, the temporary strip has served its purpose and now we've cut around it and we got the 4000 feet flat and level next to it ready to build and now we need to take down the temporary strip and build a permanent strip and we're trying to build a permanent strip first before we take down the temporary strip so we don't keep the guys out of having a place – having a place to race. And then the next thing here, is so we got through the license agreement. We had some ups and downs with this and disagreements on certain things but pretty much it's worked out, we paid our rent, we do have a million dollar policy and have had a million dollar policy in place every year, you guys have a copy some place... Joe Barcinas at Takagi & Associates, sent it to you and so it's here somewhere but it's in place and you're covered. So, on our next one, for our 50 year lease, the – if you go on page two here on seventeen, it says, therefore, legislature intends to authorize a lease of 7161 in Yigo for all of period of up to 50

years and allow a granting of a right of first refusal to GRF the current licensee and to require that CLTC transmit to the legislature a negotiated lease within 180 days from the enactment of this Act, not us, you, you guys were suppose to give that lease. We have that lease, that lease was negotiated, it's right here, it never got transmitted because oh no, *inaudible* So, what we feel has happened is pretty much stated by your other Attorney Nicolas Toft... good but not good enough, not without precedence, Toft said, the CLTC monitors a few such public purpose leases that don't necessarily benefit the CLTC beneficiaries, these include Guam *inaudible* gulf course and another for a recycling center, although the raceway benefits the island the lease is contrary to CLTC's mission. CT Commissioner said, Toft said he feels using the land as a raceway is not in the commission or the island's best interest. So, we have a lease that you didn't pass over and then you tell us, you don't like because it's not in the best interest and so we can't tell exactly what's going on before I asked Jeff Rios to come down, one of our board members, right and he's been trying to sort through this and figure it out and he couldn't he doesn't know, there's so many conspiracy theories going around, they want it for a solar farm, they want it for this, they want it for that, they don't like the racetrack and different things and really can't tell what's going on but we worked on that property for 25 years and then everybody's going, what the hell are you doing, what's taking so long, right? What's taking so long? So, part of that is this picture in the back here, you guys' seen this? These two, that shows the other part of our dragstrip, that's a 50-caliber machine, we were selected by the military as part of the Pagat firing range. They wanted to re-route route 15 around – take the racetrack, take the Pagat overlook, and even the Marble Cave area as part of their firing range. So, in the beginning, everybody told us; wow, you guys are lucky they're going to give you new track, you're going to have a brand-new track, the military is going to come in here with billions of dollars and you're going to have anything you want. And then, it boiled down to they were going to pay the Government of Guam \$6 Million dollars a year for that land and that was it. I found it in the record of decision tucked way way in the back and finally was able to confront the guy about it and that was all we were going to get. There was never anything for the racetrack, nothing for what we built, nothing for what we did that part of it, our area though was going to be worth \$6 million dollars a year to the government, Federal Government to the local government. I thought we were by then I thought it was over, I thought the local government would take that money and run and they may have but it was only us – it was Pagat, it was all the other parts right, so, we raised thirteen thousand signatures and one 30-day period to protest the firing range in that area. So, time stops basically during that whole 7-year period. Everything you see built out there, we built in 2001, we got in 1998, the three years to get all the approvals, the building permits, all that stuff. We started in 2001, had our first drag race at the end of 2001, and then the last building was out there in 2006 so, five years, we built everything that's there, we had to stop because of the firing range, so, then, now the record decision comes around for the firing range and 2015, they decided they were going up to Andersen, but guess what happened in between? The Fadang tree became endangered, the Mariana eight-spot butterfly became endangered, the plants that they eat became endangered. So, this *inaudible* has all of these on there. This took biologist another two years to

come up with these drawings and what it made us do is not even deal with the eastern side of our property, just this, just the upper portion where we can build a dragstrip or we could build a straightaway for the grand prix course because there's another two or three more years of biological studies to go on trees and *inaudible* and all the other stuff that's in there and they study everything except, how people use this property and the guys that are out there using it. So, it's a mess and it wasn't handled well and it took us so long long time and that's why we're at the position we're at today. But, we were really looking forward to 2018, get our 50-year lease and move forward. And you guys failed, okay. Not you may be personally but CLTC as a group failed to get our lease to the legislature in 180 days, so... that's what we're standing on right now.

Chairman J. Reyes, Jr.: So, thank you, Mr. Simpson. In your version of the draft lease did it include or exclude the mineral extraction?

Henry Simpson: Mineral extraction, is a phony name. Mineral extraction, there's no such thing as mineral extraction. I mean that's like a gold mine or silver mine or something like that. We're doing grading, permitted by DPW engineer by engineer licensed here on Guam who measured it and said, yes, you can grade it down by 520 feet – 520 feet is the level that our dragstrip is on.

Chairman J. Reyes, Jr.: It was just a question because it's not part – it's not...

Henry Simpson: Mineral extraction is a boogieman thrown in there to throw people off.

Chairman J. Reyes, Jr.: Okay, so, hence we are here today, hence this is why we are here today, right, is the board took action in our last meeting; we need to figure what is our next steps and then to your point with all information that you have provided to us along with everything that we have, what is the next steps? What is the longer term, so a lease was not executed by previous boards, previous administrative directors for CLTC in 2018 through the extension in 2019, I believe and I may get those years wrong or months but here we are today. There has been no execution of a lease and we have been on a month-to-month and of course there's a lot of things that have transpired right that we learned about which I think led to our decision in January.

Henry Simpson: I understand.

Chairman J. Reyes, Jr.: So, let's – and I appreciate you being here today but I think it's now what we would do as a next step from the action that we have taken to whether or not the event happens in April, right? And I think the one thing that we would want as the commissioners is the opportunity to ask you some of the questions of that event.

Henry Simpson: Yeah, absolutely anything.

Chairman J. Reyes, Jr.: So, I'm going to yield to them in regards to the event, right, for them to make that decision.

Commissioner E. Garrido: When does the event start, Henry and when does it end?

Henry Simpson: Smokin Wheels starts April I believe on the 21st and ends on the 23rd, that's the weekend of that. We've got the Japanese guys coming – 10 containers coming in from Japan, maybe 2 from the states. And they want to – they've been coming to Guam for over 40 years for this race, for this event and so the leading up to it is always a bunch of stuff you know they're going to do... they'll probably do a car show and drifting on Friday night, they'll probably do the drag races on Saturday night but the big event will be the Sunday races and they may try and do something earlier in the week because the other thing that we added to this is a offroad bicycle course. So, through the area over here in that green area that we can't do anything with right now they've been able to clear a path for bicycles so they've been doing offroad bicycles in there and having a ball doing it.

Chairman J. Reyes, Jr.: Okay, thank you. Any other questions? So, we have the dates it's 4-21 through 4-23 plus anything plus or minus before or after, correct?

Henry Simpson: What's that?

Chairman J. Reyes, Jr.: There may be some events prior or leading up to it?

Henry Simpson: Yeah, yeah, right before and right after and there'll be regular races leading up to that too. So, the motorcycle races, the bicycle races, some of the drifting, the guys will all be practicing to get ready for the big event.

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

Commissioner D. Herrera: I got one.

Chairman J. Reyes, Jr.: Yes, Commissioner Herrera

Commissioner D. Herrera: Hello, Mr. Simpson.

Henry Simpson: Hi, how are you?

Commissioner D. Herrera: I bought my first 125cc

Henry Simpson: I remember this guy.

Commissioner D. Herrera: And we have 4 tracks in Agat, so, it's hard work to make a track.

Henry Simpson: Yes, it is. Yeah.

Commissioner D. Herrera: From Agat down to Sagua at SDA.

Henry Simpson: At least you have red dirt to work with.

Commissioner D. Herrera: Yeah, so, right and that's the point, back in '93 there was 620 acres that was reserved down in Agat.

Henry Simpson: Yes, yeah, I went and looked at it. Stanly Yasuhiro wanted to *inaudible*

Commissioner D. Herrera: Right, so what happened?

Henry Simpson: It's too expensive and it's too small and it didn't drain, the water came to it the wrong way so it would have been you know compared to the track at Apra Heights, it wouldn't have worked. Stan was willing to do it, I went out there with them, a bunch of guys and said, we can do this *inaudible* it would be very expensive, we would have to bring in a lot of material, you got to make drains, all kinds of stuff to make it work.

Commissioner D. Herrera: And the water drains in to the ocean side or...

Henry Simpson: My picture that is on a ridge that goes down toward the antennas and drags – it leaches down to the left side to the south side.

Commissioner D. Herrera: Okay, so that's number one. Number two, that road that was connecting up at the route I mean SmithBridge to... you got the picture there?

Henry Simpson: Yeah, yeah, where's the one where the machine got *inaudible*

Chairman J. Reyes, Jr.: This one?

Henry Simpson: Look on there, the road is there, that's 2006, the road is there.

Commissioner D. Herrera: And then it goes in?

Henry Simpson: Yeah, yeah, right there it is.

Commissioner D. Herrera: Yeah, so, you see this over here, see goes there, we went there and GPS, that's a crater right there. There's the *inaudible*

Henry Simpson: That is... they were doing some... because that's where the... Not that one, that one doesn't have any topo's on it. Where's the other one that's got the...? It's not a crater but it's not leveled but that's the level for the road race course, it dips down and then goes around that corner.

Commissioner D. Herrera and Henry Simpson discuss maps and pictures together

Commissioner D. Herrera: See this right here, this is Land Trust

Henry Simpson: Yeah, this is Land Trust

Commissioner D. Herrera: All the way here

Henry Simpson: Yeah, and you know what that does, that keeps those big trucks off of Route 15. And so it's wow, what a great idea, you know what? Here look at this, see that road right there, you know who owns that right there? Momo Taitano, he had a ranch there for 40 years.

Commissioner D. Herrera: Not a problem, the only thing is that they didn't get a permit, that's the problem, I mean

Henry Simpson: Yeah, but when you use it it's a jeep trail, it's a jeep trail open it up

Commissioner D. Herrera: No, because

Henry Simpson: So much, so much of what we did in the past was done on a handshake and attaboy, go get 'em and let's get it done you know. People were with it like that, they weren't tearing everything apart, you know.

Commissioner D. Herrera: Yeah, so you see all the endangered species that they're finding now, that's one of the issues there.

Commissioner A. Bordallo: That's typical.

Henry Simpson: I understand.

Commissioner D. Herrera: Huh?

Commissioner A. Bordallo: I can't do two of my land in Yona because of that shell

Commissioner D. Herrera: But anyway, that's one of the issues and then over to the...

Henry Simpson: I couldn't find it but Joe Cruz knows about it. For about a year, my rent was I think \$3,600 or \$4,000 at the time they deducted \$400 a month from my bill, they're sending me an invoice every month for the rent, so, I pay the rent with the invoice and they deducted \$400 a month off of there. And I said, what's that for? And they said, we want to use your property to give this other CHamoru Land Trust

Commissioner D. Herrera: Oh, SmithBridge

Henry Simpson: No, not SmithBridge, for CHamoru Land Trust. CHamoru Land Trust was trying to lease out this big lot right behind SmithBridge but they don't have a road to get out. So, they're going to use that road and they were going to give me \$400 a month to go across my road and I said, sure, if you're going to give me a \$400 discount, absolutely, no problem, we'll make it work right. But I didn't get that in writing and guess what happened a year later?

Commissioner A. Bordallo: They closed it.

Henry Simpson: Huh?

Chairman J. Reyes, Jr.: It was backed *inaudible*

Henry Simpson: They said I owe the rest of the money, I had to pay it back... it wasn't in writing. So, you know, I get to shake hands with the director and say and he gave me those bills in writing, I mean the bills are in writing but not an agreement right.

Chairman J. Reyes, Jr.: And again, the mishaps and the gentlemen's handshakes that didn't formalize into you know what should have been in writing is again, everything to be taken into consideration of where we're at today. So, Commissioner Herrera, any other questions?

Commissioner D. Herrera: That's it but for public consumption, we have nothing against the dragstrip or nothing about that.

Henry Simpson: I want to ask you to give an apology to Jeff Rios and his wife, okay?

Commissioner D. Herrera: Okay.

Henry Simpson: Tommy and well both of those guys have been really good volunteers out here and what you said and what you wrote made them fight.

Commissioner D. Herrera: Oh

Henry Simpson: You know. Jeff, won't come in here anymore because of the things you said.

Commissioner D. Herrera: I met Jeff here for the first-time last meeting.

Henry Simpson: Yeah, but the things you said online caused him to fight.

Commissioner D. Herrera: And who's the other person?

Henry Simpson: Is causing him to pull out of the things that he likes to do because he can't stand the public scrutiny of everybody looking at him – side ways and you're with Henry Simpson stealing coral up there, you know. And so, this causes a lot of trouble and so, I'd like you to apologize to him because we haven't stolen anything, we have worked our asses off to build a track up there, the work's good and you know it's not our fault that so many change through here. We get so many people changing through this. I've been doing this for 27 years, started 1998, and three years before that. That was before the CHamoru Land Trust started and worked with Angel Santos. You know what, I went to Angel Santos and I asked him, can you support our track up here? And he goes, how can I support it when we don't have any CHamoru's living on CHamoru Land Trust property? And I said, well, you can support it because we're going to make money, it'll have rent, you can build the roads, you can make it work from that. And he thought about it for a while, he thought and he goes did you ever see my '57 Chevy and we started talking about his car. He used to race down in Harmon field and so a lot of people, Senator Kasperbauer, when he went out and did this lot because he started this, right, his son and I, Steve were partners right in the jet ski business so he asked me, what would you like to see done if I become senator? I said, while you're out talking to people, ask them if they want to see a dragstrip, ask them if they want to see like the old Harmon? He said, over 90% of the people, really wanted that, he said, he was so surprised when he came back, so, these things are important to the community and they take a lot of time, a lot of hard work and you know, the things that you said about them can make people... it's just sourism and they think, why should volunteer, why should I help when people that say things like that.

Commissioner D. Herrera: Okay, so, I'd like to make that very clear. The CHamoru Land Trust program is for the qualified beneficiaries.

Henry Simpson: I understand.

Commissioner D. Herrera: That's the primary. Okay, so the auxiliary operation for the mass for the racing and the golf course are secondary, just to clear that. And if I offended Jeff or the rest, I apologize if it offended them because we still have some computation to do. So, we have some of your computations here, and we have additional movement to work with the auditors and that's where...

Henry Simpson: It's...

Chairman J. Reyes, Jr.: If I may,

Commissioner D. Herrera: Mr. Chairman, I'm sorry.

Chairman J. Reyes, Jr.: No no no worries, if I may, again, all of this Mr. Simpson will help us in the next steps in the future of 7161

Henry Simpson: I think you should seriously consider moving us out – putting us with Parks and Rec, putting the golf course with Parks and Rec, putting the recycling center with Public Works doing something so you guys can concentrate on what you do, you spend time on this... look at all this, this whole day is spent basically on this thing and this has happened before and it goes through...oh, what are we going to do? The golf course is not paying its rent, you know what are we going to, there's *inaudible* back and forth and back and forth. And lots and lots of meetings are taken up by these kinds of things when you should be concentrating on the CHamoru Land Trust. So, I seriously think you should consider that, you know.

Chairman J. Reyes, Jr.: We'll cross the bridge when we get there. So, let me just kind of wheel us back in. Again, our immediate step at this juncture is to – we've taken action, we've issued the eviction, are we standing with the eviction or are we moving to make a motion to accommodate for the event and secondary to that which I still want to make sure we tackle is; what is the future of 7161? Alright, so, I want to just reel us back in. Mr. Simpson, I appreciate your presence, the inside you've provided and the documents and I think this will help us as a commission to take everything into account of the future of 7161.

Henry Simpson: I'd like to take you guys all out there and show you every inch of that place of as to what it is and why it's there.

Chairman J. Reyes, Jr.: So, thank you, sir. Commissioners, are we ready to...again, I want to make sure we stay on track to make a

Commissioner D. Herrera: Okay, thank you, Mr. Simpson.

Chairman J. Reye, Jr.: To make a decision on what we're moving forward with. Mr. Simpson, you could sit there or you could go back into the panel.

Henry Simpson: I don't get to vote

Chairman J. Reyes, Jr.: But thank you, sir for your presence today. So, Commissioners...?

Commissioner D. Herrera: Okay, Mr. Chairman, well, in the beginning I selected number two, but go ahead if there's any other...?

Chairman J. Reyes, Jr.: I would say, if we take a motion – take a vote and see where we stand. So, if you want to

Commissioner A. Bordallo: Start it all over, one, two, three, four...

Chairman J. Reyes, Jr.: So, you want me to reiterate? Okay, so the options that I've gathered again, just to reiterate, the first one is to revoke the eviction which means

that we obviously still need to figure out what is the future of the property – 7161. The second one is to extend the eviction notice for 90 days and as a clarification it's 90 days post the March 2nd eviction date to allow for the event to happen. We decided, the third option, we wouldn't entertain again, because licensing does not happen quickly and the fourth one is the eviction stands and there's just no event happening. So, those are our options. Now, I want to also just to be clear that this extension, everything stands, all things being equal, there's nothing that changes from the cease and desist being issued, etc.... those are all – stays into play. And then also, us commissioners has to deal with is the OPA request for an audit, it continues to be an audit citing, there's additional audits in there that they are going to conduct. We make sure that we cooperate along with the help of the Guam Racing Federation. I want to make sure that we are all aware of that. Okay, so, I think Commissioner Herrera would like to make the motion.

Commissioner E. Garrido: I would like to defer to Commissioner Bordallo.

Chairman J. Reyes, Jr.: Okay

Commissioner A. Bordallo: Mr. Commissioner Herrera, would you state number two?

Commissioner D. Herrera: Okay, number two, it's to extend the notice of 90 days from March 2nd to June 30.

Chairman J. Reyes, Jr.: June 2nd. March 2nd to June 2nd.

Commissioner D. Herrera: June 2nd.

Chairman J. Reyes, Jr.: Yes, plus, or minus the 90 days, we'll make sure that it's documented.

Commissioner D. Herrera: Yes, and in addition to start gathering all the other additional documents that has been transacted between the beginning of the contract or lease

Chairman J. Reyes, Jr.: License

Commissioner D. Herrera: License with Guam Raceway Federation

Commissioner A. Bordallo: Okay, and I second.

Chairman J. Reyes, Jr.: So, Commissioner Herrera's

Commissioner A. Bordallo: That's his motion?

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

Commissioner A. Bordallo: I

Chairman J. Reyes, Jr.: Okay, Commissioner Bordallo second. Any objections? Okay, hearing none, the motion passes that the eviction has been extended beginning March 2nd and that we will continue to gather documentation and information to get us through the next step. Tina are we good with that?

AA T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Okay, Commissioners, thank you for that.

Administrative Director A. Taijeron: So, you would like me to prepare a letter of such to the Guam Racing Federation?

Chairman J. Reyes, Jr.: Yes, with that extension. Thank you, Alice. Okay, Commissioners, before we wrap up

AA T. Tainatongo: Hold I – I didn't hear *inaudible*

Chairman J. Reyes Jr.: I don't think I missed a step, right? I asked for any objections, hearing none motion passes.

Commissioner D. Herrera: Yeah, you did.

Chairman J. Reyes, Jr.: Okay, next up, it's still in relation to Guam Racing Federation. We have a lot to gather and collect the information and make sure we have all of our documentation, we're going to go through an audit, etc. But I think, we should kind of discuss and we may or may not take action but I highly recommend we do of the future of 7161. And the reason I want to bring that up is because we just approved the extension which is 90 days after March 2nd or 90 days from March 2nd. If we begin from square one and begin with the competitive bid process, that in of itself takes little bit more than 90 days potentially, we have to make a determination of use. There's a whole processing in that, and again, there's nothing that will prevent anything that happens outside of our decision but we will have a seat at the table in a meeting of any legislation involved. So, that's one option is we go out and we begin this process which will help us to determine the future of 7161 and which is the part of our rules and regs in commercial leases is the competitive bid process. Commissioner Bordallo?

Commissioner A. Bordallo: I would like to get the Attorney General's interpretation of everything as far as the lease and...

Chairman J. Reyes, Jr.: Yeah, to include the responses to the Speaker's letter.

Commissioner A. Bordallo: Yes.

Chairman J. Reyes, Jr.: Yes. Alice would work definitely to follow that up.

Commissioner A. Bordallo: Yeah.

Chairman J. Reyes, Jr.: Okay, so, Commissioners, I open it up to you. Do we want to discuss or make a decision as far as our next steps. So, we have 90 days from March 2nd plus or minus and we need to decide because we need to begin the process because it's a process in of itself. We do have the public law that allows for the 50 year lease that's part of the – we will honor that but it's a matter of where do we begin/

Commissioner A. Bordallo: Well, we do an RFP.

Chairman J. Reyes, Jr.: Yeah.

Commissioner A. Bordallo: Put it out to the public

Chairman J. Reyes, Jr.: Yeah, so we would just need to make sure we instruct the director and Joey, Mr. Cruz to begin that process. Attorney Finney does that...

Commissioner A. Bordallo: But... but pending the attorney general's and the concerns of the Speaker.

Chairman J. Reyes, Jr.: So, Attorney Finney, do we need a motion to begin that process as Commissioner Bordallo stated to begin the competitive bid process given that there's no lease. Okay, so, if that's the direction we want to take, I think that's going to be our best option, again, it doesn't take off any body who's existing as a or who has had a license it's a matter of, we just begin square one. So...

Commissioner A. Bordallo: Especially with that new law, that last law that they
inaudible

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

Commissioner E. Garrido: Okay, that's in the event that the lease is canceled or the lease is terminated not canceled – terminated and you're asking us to come up with proposals for the use of that property?

Chairman J. Reyes, Jr.: That's – we have options for what the future use of 7161

Commissioner E. Garrido: Just from this point, I would say that probably partition the property.

Chairman J. Reyes, Jr.: That's an option, yeah. So, let's do this, let's give you guys some time to consider – come of with recommendations, we'll continue, the staff will

continue to provide you information that you need to make a recommendation and we'll put it in our next meeting which usually right around the corner, it's in March so, March 15, so let's – should we do that, we'll table that, second item on the agenda or second subsection which is not necessarily on the agenda but we would

Commissioner D. Herrera: To partition the property?

Chairman J. Reyes, Jr.: No, no but what's the recommendation of the future of 7161. There's options, we have options.

Commissioner D. Herrera: Oh, I see.

Chairman J. Reyes, Jr.: Yeah, so, if I can ask you Commissioners to take all the information that we have and we can make a recommendation and vote on it at our next meeting.

Commissioner D. Herrera: If I may, suggest Mr. Chairman to get the appraisal, the current appraisal for the property.

Chairman J. Reyes, Jr.: Okay, we can ask our director to figure out how we can do that, yeah.

Commissioner D. Herrera: Now that they have cleared that Kramer and Perez property that would give a different, I guess impact or value.

Chairman J. Reyes, Jr.: Okay

Administrative Director A. Tajeron: Just for clarification, Mr. Chair; Commissioner Herrera you're asking for 7161, that entire lot be appraised?

Commissioner D. Herrera: Just be appraised because the surrounding areas have been reconfigured. So, those properties that are owned by Jerry Kramer and Perez now at a street level so that would have some impact.

Chairman J. Reyes, Jr.: We'll see what are means are for our options for the appraisal.

Administrative Director A. Tajeron: I'll take a look at financials and then also that would also have to go out to competitive bid.

Commissioner D. Herrera: Correct yeah

Administrative Director A. Tajeron: But we'll begin

Commissioner E. Garrido: Can we defer that appraisal until we know the eventual outcome of the property itself?

Chairman J. Reyes, Jr.: I think the appraisal would be a factor

Commissioner E. Garrido: After

Chairman J. Reyes, Jr.: Yeah, a factor after. So, we'll see. Let Alice do some research and she'll get back to us of what our

Commissioner E. Garrido: Because why do the appraisal if we decide in the near future to renegotiate a lease with the raceway again?

Chairman J. Reyes, Jr.: Or bid it out, right? And part of the bid process would need to have an appraisal.

Commissioner D. Herrera: Right because the zoning right now is A zone, I believe.

Chairman J. Reyes, Jr.: We'll get confirmation on that. Commissioner Bordallo?

Commissioner A. Bordallo: Because Mr. Simpson mentioned about the insects and whatever

Commissioner E. Garrido: The endangered species

Commissioner D. Herrera: Oh, the endangered species

Commissioner A. Bordallo: Endangered species, you have to check that out

Administrative Director A. Tajeron: DOA – Department of Ag, yes.

Chairman J. Reyes, Jr.: Even a brand new license all of that, all of those studies, environment will need to be done, yes. So, let's do that, I think we got our request out to Alice. And then we can address this in our next meeting. Any other questions?

Commissioner D. Herrera: That's it, Mr. Chairman, thank you.

Chairman J. Reyes, Jr.: Okay, so, we will table our Agency Report. Or would we like to continue with that, Alice? Do you have any updates for the commission?

Administrative Director A. Tajeron: I have no updates.

Commissioner E. Garrido: Agency Report

Chairman J. Reyes, Jr.: On the Agency Report, you have anything?

Administrative Director A. Tajeron: No. None.

Chairman J. Reyes, Jr.: Okay, so alright, we'll make sure we address that. We are tabling the Financial Report, it's not complete with the budget as well as – and then any additional commissioner comments.

Commissioner E. Garrido: It was a long meeting.

Chairman J. Reyes, Jr.: Yes, thank you. Alright, I'll move to the last piece. Any public comments? So, we have Mr. Simpson.

Henry Simpson: I want to invite you all out there track, let me know when, I'll show you around anything and everything you want to see.

Commissioner D. Herrera: Including the endangered species?

Henry Simpson: I can show you that, I know where they are.

Commissioner D. Herrera: That would stop everything?

Henry Simpson: No, it doesn't stop, we have to work around it. You have to work around it – replan it you know that can of thing.

Chairman J. Reyes, Jr.: Thank you, Mr. Simpson. For the record, that was Mr. Simpson. And then anybody on the virtual, on Zoom? Any public comments?

Henry Simpson: You have my phone number everybody?

Unknown: Yeah we have

Chairman J. Reyes, Jr.: Hearing none, on the Zoom. Thank you very much for your participation today. I'd just like to end of Commissioners, before we adjourn. Tina just reminded me, please make sure that we're using the CLTC email and if you have any issues getting set up, Tina can walk through it with you.

Commissioner D. Herrera: Oh, okay.

Commissioner A. Bordallo: Yeah, I need. Tina can you send me the info how to get on.

Chairman J. Reyes, Jr.: Thank you very much Commissioners. May I get a motion to

Commissioner D. Herrera: One more, when we request for documents, right, we can request through that CLTC Commissioner to our director and AG or is it

Chairman J. Reyes, Jr.: To the director.

Commissioner D. Herrera: Okay, got it. Okay, I understand.

Commissioner E. Garrido: Who's the director?

Chairman J. Reyes, Jr.: The newly approved Director Taijeron.

Commissioner D. Herrera: Yes, and I make a motion to adjourn.

Chairman J. Reyes, Jr.: Okay, thank you. We have a motion to adjourn.

Commissioner E. Garrido: Second

Chairman J. Reyes, Jr.: Second by Commissioner Garrido. Any objections?

Commissioner D. Herrera: No objections

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Thank you, Commissioners. 2:35, we are adjourned.

ADJOURMENT: 2:35 p.m.

Transcribed by: Tina Rose Tainatongo, Administrative Assistant

Approved by motion in meeting of: _____

Chairman John F. Reyes, Jr.: _____ **Date:** _____

Commissioner E. Garrido: Who's the director?

Chairman J. Reyes, Jr.: The newly approved Director Taijeron.

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Chairman J. Reyes, Jr.: Okay, thank you. We have a motion to adjourn.

Commissioner E. Garrido: Second

Chairman J. Reyes, Jr.: Second by Commissioner Garrido. Any objections?

Commissioner D. Herrera: No objections

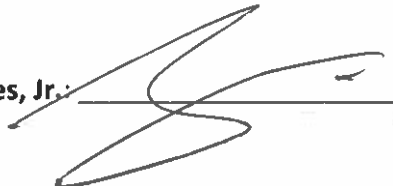
Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Thank you, Commissioners. 2:35, we are adjourned.

ADJOURNMENT: 2:35 p.m.

Transcribed by: Tina Rose Tainatongo, Administrative Assistant

Approved by motion in meeting of: March 24, 2023

Chairman John F. Reyes, Jr.:  Date: 7/13/23