



Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

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Chairman

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

David B. Herrera
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, April 21, 2022, 1:00 PM

Public Notice: The *Pacific Daily News* on April 14, 2022, and April 19, 2022

Acting Chairwoman Angela Santos: Good afternoon, everyone. I am going to be Acting Chair in the absence of Mr. Chairman John Reyes, Jr. If we can please rise and let's begin our monthly meeting with the Inefresi.

All: Reciting the Inefresi

Acting Chairwoman A. Santos: Biba Chamoru!

All: Biba

Acting Chairwoman A. Santos: Hafa adai todus hamyu. Saina ma'ase' na maftu hamyu todun in the afternoon on April 21st. Public notices.

Land Agent I Tina Tainatongo: Sorry, Acting Chair, can we pause real quick so we can see if we can...

Audio and Soundcheck

Acting Chairwoman A. Santos: Mr. Cruz, can you hear me on the Zoom link? Thank you so much, sir. And then can everybody else hear me who is on the Zoom link and if you can test your mic as well, just to test it.

Microphone and technical difficulties and I'd like to resume with the Public Notices for today's meeting were published in the Guam Pacific Daily News on April 14th as well as April 19th, 2022. I'll state it again, I am the Acting Chair for today's meeting in the absence of our Chairman John Reyes, Jr.

Commissioner Arlene Bordallo: Your name

Acting Chairwoman A. Santos: I'm sorry?

Commissioner A. Bordallo: You name

Acting Chairwoman A. Santos: Angela Santos, Acting Chair for the Chamoru Land Trust Commission. Notices were wait that one was stated already, despensa yu. Notices were also posted on the Chamoru Land Trust website at dlm.guam.gov, Chamoru Land Trust Commission Facebook page and the Government of Guam Notice Public Notice Portal at notices.guam.gov. This meeting is being livestreamed on the Chamoru Land Trust Commission's Facebook page

Rev. 2/14/2022

and on YouTube at GovGuam Live, video and audio recording is made possible by our partners at KGTF. Thank you, everybody for bearing with us during that time. Thank you, Attorney Toft, Acting Director Angela Camacho, Commissioner Bordallo and Commissioner Herrera and I'd like to take roll call please.

ROLL CALL

Acting Chairwoman A. Santos: Commissioner Bordallo?

Commissioner A. Bordallo: Here

Acting Chairwoman A. Santos: Commissioner Herrera

Commissioner David Herrera: Gaige yu

Acting Chairwoman A. Santos: Saina ma'ase'. Attorney Toft?

Attorney Nicolas Toft: Here

Acting Chairwoman A. Santos: Thank you so much and Acting Director Angela Camacho

Acting Administrative Director Angela Camacho: Here

Acting Chairwoman A. Santos: Si yu'us ma'ase'. Would you please confirm Attorney Toft that we have a quorum?

Attorney N. Toft: We do, yes.

Acting Chairwoman A. Santos: Thank you so much sir. And the next up on our agenda is the Approval of Minutes

APPROVAL OF MINUTES

Acting Chairwoman A. Santos: The December 16, 2021, minutes, I had inquired at our February meeting if I could assist Tina with it. I am unable – I wasn't able to finish it. I do have a printed copy out of the work that I've done and I'm going to pass it along to our Acting Director Camacho to take lead with this with the staff of the commission. So, that one as well as our future regular meeting minutes. I want to mention that I did speak with Acting Director Camacho and she will take lead from not necessarily double checking but as a cross-reference before it does come to the commission for whatever inaudibles we do have from this point on. Tina did work on the February meeting minutes and if you I don't know how we go about the December minutes not being able to be approved I want to ask if we can table those minutes until we have the director to just go over them one more time when I finish them but if we can table the December meeting minutes and how do you guys feel about going ahead and proceeding with February – approval of February meeting minutes?

Commissioner D. Herrera: I'd like to make a motion to table the December 16th 2021, Minutes and also to make a motion to approve the minutes for the February 17, 2022.

Commissioner A. Bordallo: I second

Acting Chairwoman A. Santos: Okay, alright. So, Attorney Toft, they made motions or there have been motions made by Commissioner Herrera and seconded by Commissioner Bordallo to table December 2021's meeting minutes but approve February 17, 2022 Regular Meeting Minutes.

Attorney N. Toft: That's fine.

Acting Chairwoman A. Santos: Okay, great, so we will table December 16, 2021, Regular Meeting Minutes, the approval of it and then get the February 17, 2022, Regular Meeting Minutes approved. Thank you, Commissioner Herrera. Thank you, Commissioner Bordallo.

Commissioners: You're welcome

Attorney N. Toft: You need to vote

Acting Administrative Director A. Camacho: Vote – vote

Attorney N. Toft: You need to vote

Acting Chairwoman A. Santos: Oh, vote. Oh, I'm sorry did we already do it? He did a motion and she second it.

Attorney N. Toft: Motion and second and then that brings it to the vote so you then you need to ask for the vote count.

Acting Chairwoman A. Santos: Oh, okay. How...?

Attorney N. Toft: Just all those who approve say, aye.

Acting Chairwoman A. Santos: Oh sheesh, I'm sorry. All in favor? Say aye and if you opposed say nay. All in favor?

Commissioners: Aye

Acting Chairwoman A. Santos: Do I get *inaudible to a favor?

Attorney N. Toft: Yeah, and you get to vote also.

Acting Chairwoman A. Santos: Okay, great. I approve that. Is that correct?

Attorney N. Toft: Yes *inaudible* that it passes.

Acting Chairwoman A. Santos: Okay, great. So, that it passes to have December 16, 2021, meeting minutes tabled and February 17, 2022, meeting minutes approved. Thank you so much, commissioners. We'll move on to item number 4, Unpaid Application Listing Update.

UNPAID APPLICATION LISTING UPDATE

Acting Chairwoman A. Santos: Acting Director, if you can have somebody in here to provide an update for us. Who will that be?

Acting Administrative Director A. Camacho: Sure. We have **inaudible* due to paper shuffle over mics. [08:16.0]*

Acting Chairwoman A. Santos: Thank you so much.

Acting Administrative Director A. Camacho: Commissioner, Joey will be in to report.

Acting Chairwoman A. Santos: Thank you so much.

Acting Administrative Director A. Camacho: We can move on to the next item and then we'll go back to

Attorney N. Toft: We can do that

Acting Chairwoman A. Santos: Okay. Alright. While we wait for Joey we can go into New Business and that's Item V on our agenda; A, Constituent Matters – Residential. The first, okay, we'll give it up to Jhoana Land Agent II Jhoana Casem to give her report.

NEW BUSINESS; CONSTITUENT MATTERS

Johnny Franklin Navarro

Land Agent II Jhoana Casem: Buenas and Hafa adai Commissioners. Today I present to you Mr. Johnny Franklin Navarro. Our request and issue here is the removal of this applicant is Patricia Therese Santos on the board-approved lot awarded to Mr. Johnny Franklin Navarro. This case was presented already back in August 19, 2021, the Board did approve for a relocation to Mr. Navarro for the Tract 10316, Block 11, Lot 28 for half acre. However, upon the request for a survey authorization we did see that there was a survey authorization already issued to someone else. However, I did make contact with Ms. Santos advising her that her date and time is not up and she also did advise that she did not have the funding to survey the property. She was issued more than one survey authorization but she does understand that for us to do due diligence in awarding by date and time she does understand that her time is isn't up yet. So, I do request that the Board does acknowledge that this award was given to Mr. Navarro for this lot so that he could move forward with the survey authorization in hopes to conclude his case with his final lease agreement.

Acting Chairwoman A. Santos: I'll leave it up to – pass it along to you the commissioners to pose any questions if you have any at this time.

Commissioner D. Herrera: What's the relation between Ms. Santos and Mr. Navarro?

Land Agent II J. Casem: There's no relation that we know.

Commissioner D. Herrera: It's just the time?

Land Agent II J. Casem: Yeah

Commissioner D. Herrera: Okay

Land Agent II J. Casem: It's just that back in the day of course they were doing issuances for survey authorizations for those December '95 applicants. However, if you do see a survey authorization is valid for 60-days and you do give them consideration then you need to go a head and request for a renewal. However, it's been how many years later and I did make contact as I mentioned with Ms. Santos so that she is aware that we are going to remove her from this lot and so when it does come time for her – for her lease awarding she will be you know we'll go ahead and move forward with her with an available lot within our land inventory.

Commissioner D. Herrera: Okay. And she's not occupying this lot at this moment?

Land Agent II J. Casem: No, sir.

Commissioner D. Herrera: okay, got it.

Commissioner A. Bordallo: I have no questions.

Acting Chairwoman A. Santos: I just wanted to and you mentioned that Commissioner Bordallo stated already her – she has no questions. When did – why did – how did that happen when – with Patricia being awarded you just mentioned that in December back then they had just already issued those survey authorization?

Land Agent II J. Casem: I believe her first authorization was in 2016 with this lot. But – plus coming back to it presently we did you know I always go back and ask did you go ahead do anything with the property? Are you occupying? Are you staying there? And all of her answers were no. But she is aware, she does understand, she did also respond to the email and she did come in this week so we did have a discussion about it. So, I'm – I'm you know – I definitely support if you guys are going to move forward and just acknowledge that the Commission did approve to award Mr. Navarro this back in August of 2021.

Acting Chairwoman A. Santos: It says, the survey number – no survey on Tract 1022 lot; why is that different from the 10316 where's that?

Land Agent II J. Casem: Originally Mr. Navarro was leased – he was issued a lease in 1022 however with this area there's a lot of reconfiguration that land trust is still trying to conclude so for all of those individuals that are within this Tract 1022 area we do give them a option if they would like to relocate to an area that has no issues or would they like to remain here until such time that land trust does *inaudible* paper due to paper shuffle over mics [16:10.0] so, with Mr. Navarro he's been waiting for so many years and I guess you know he's tired of waiting.

Acting Administrative Director A. Camacho: Jess, I have a question.

Commissioners background conversation

Land Agent I T. Tainatongo: Jhoana

Acting Administrative Director A. Camacho: I'm sorry, Jhoana. Sorry, about that. Did you have anything in writing from Patricia Therese Santos?

Land Agent II J. Casem She did respond to the email. I believe it was the - under Exhibit B we did go ahead and send her a letter and she did contact us. So, that's how I was able to get *inaudible due to paper shuffle [16:54.0] * she did also respond to my email and I wrote down everything that we discussed in the calling and she acknowledged it.

Acting Chairwoman A. Santos: I did see here – the Exhibit A to B I noticed that she did acknowledge. Yes, great – great.

Commissioner A. Bordallo: There is also two notices for survey, yeah.

Acting Chairwoman A. Santos: Right. So, I think I comes also to that our *inaudible* land agent already made that contact with Patricia, she acknowledged it she's aware of her time and date *inaudible paper shuffle over mics [17.17.0] not up yet so I leave it up to you Commissioners if you have no further questions or inquiries to proceed.

Commissioner D. Herrera: Madam Chair, may I have one more?

Acting Chairwoman A. Santos: Okay...okay... *inaudible*

Commissioner D. Herrera: So back then in June 29, 2016 when they issued the first

Land Agent II J. Casem: Survey authorization

Commissioner D. Herrera: Right, and then they did the second one on November 3rd

Land Agent II J. Casem: Yes, sir.

Commissioner D. Herrera: The question comes to mind at that time when she was being interviewed apparently, they've identified the lot and apparently the commission gave her authorization to survey but her time in line was not...

Land Agent II J. Casem: No, she's actually a December....

Acting Chairwoman A. Santos: 1995

Land Agent II J. Casem: A December 4th applicant and of course you know like I said, we did make contact she did say she wasn't financially ready to survey the property both times and so moving forward she did acknowledge that she will be removed from this lot and so another available lot when her time and date comes should we you know we'll issue one to her

Commissioner D. Herrera: And the December 4th time and date is not up there?

Land Agent II J. Casem: Not yet sir. We're still on the December 2nds.

Commissioner D. Herrera: Got it. But apparently at that time she was issued a – 2 times?

Land Agent II J. Casem: Yes

Commissioner D. Herrera: So somehow at that moment at that time when they gave her the authorization, I'm pretty sure that somebody knows that she was not in line or in line or that wasn't acknowledge at that time that wasn't acknowledged at that time her December 4th

Land Agent II J. Casem: From my understanding back then we were doing the issuance of Decembers – December '95s

Commissioner D. Herrera: Decembers? Oh...

Land Agent II J. Casem: So, whether you were December 11th or 20, right, however of course by you know the law we're reverting back to the December 2nds and so we after 10:30 a.m. that's where we're at right now.

Commissioner D. Herrera: I see. So, the Standard Operating Procedure now has that addressed that we're going at the first come first serve is based on the day.

Acting Chairwoman A. Santos: It's within the law

Land Agent II J. Casem: It's within the law. So, under 5.7 and 6.2 and so that's why we also have that publication online that indicates for these individuals that we have been trying to contact their date and time is up.

Commissioner D. Herrera: I'm just trying to see how this one was not noticed at that time in 2016 and 2017. Not pointing finger I'm just trying to indicate that there was a misconnection at that time.

Land Agent II J. Casem: Yes, sir.

Commissioner D. Herrera: So, who does the QA on these documents you know after it was processed by the land agents. Does it go to the if it's a processed by the land agent I, does a land agent II or and land agent supervisor or the administrative director review the process just to do a quality check that it's inline.

Acting Chairwoman A. Santos: I think we can pose that question to the acting director

Commissioner D. Herrera: At this moment because I remember 2016 or 17 maybe that wasn't inline the process flow chart is what I'm saying

Land Agent II J. Casem: I can't speak for what has transpired for those many years. But moving forward with how we're doing the operations today we do the cross-referencing with our database as well as our land inventory to assure that there is no applicant or occupant of course if we're not sure then we do our fieldwork to validate if there is anything on the property and almost always if there is something there whether it's a wooden tin structure or some clearing, of course, we just kind of like divert back on it and just hold off on that issuance but we noted on our land inventory.

Commissioner D. Herrera: Got it, acknowledge.

Land Agent II J. Casem: Yes, sir.

Commissioner D. Herrera: I see on the last page there's land agent II I guess here it says, approve and heard oh, reviewed and approved so it's a big progress from 25 years ago, that's what I'm saying. It's a good development.

Acting Administrative Director A. Camacho: Upon our staff reports we have a review committee of the land agent IIs so that they also go over our works so that falls across everybody.

Commissioner D. Herrera: Okay. I see. Does it go to a mid-management and upper management before it comes to the board? I mean I'm just checking because...because you know what I'm saying

Acting Administrative Director A. Camacho: So...yeah, I receive the information when you receive it.

Commissioner D. Herrera: Okay, good. So, would there be a third line here that it went through and signed off I mean just as a quality control water type air type system? Just to improve the process.

Acting Chairwoman A. Santos: I guess I would like to add in that **inaudible paper shuffle over mics [22:43.0]* * fall into our standard operating procedure

Commissioner D. Herrera: Yeah, and that's why I was asking but SOP I wanted to see the SOP Because the law is there but when the document is being processed from cradle to grave then are there check points at that time and sometimes typos happen and even professional writers have experience typo but that's all all in a positive mode.

Acting Chairwoman A. Santos: Of course – of course, thank you for that feedback.

Commissioner D. Herrera: So maybe one more or two more supervisor and a....

Acting Administrative Director A. Camacho: So, you'll see on, excuse me, and I'll go ahead and address that. So, you'll see on land agent **inaudible paper shuffle over mic [23:28.0]* staff report of a land agent I, you'll see 3 lines and that is all three-land agent IIs that check it. But Jhoana is a land agent II so we just have the other 2 land agent **inaudible paper shuffle over mic [23:43.0]**

Commissioner D. Herrera: Okay, alright it's just a point.

Acting Chairwoman A. Santos: That's duly noted and

Commissioner D. Herrera: because if it happened in 2016 and '17 issuing two survey authorization then it kind of missed the quality control.

Acting Chairwoman A. Santos: Very good to know.

Commissioner D. Herrera: Just that

Acting Chairwoman A. Santos: So, on our plate right now we have the request to remove Ms. Patricia Therese Santos from the database on that Tract 10316, Block 11, Lot 28 in Dededo for 2,023 ± square meters, right and the other is to acknowledge the approval survey authorization from the board which we already approved for Mr. Johnny Franklin Navarro on that same lot. So, there are two items on *inaudible paper shuffle over mics [24:50.0] for this constituent.

Commissioner A. Bordallo: I make a motion to accept those request

Acting Chairwoman A. Santos: Can you state your *inaudible* I guess *inaudible*

Commissioner A. Bordallo: The CLTC request to remove Patricia Therese Santos from CLTC data base on Tract 10316, Block 11, Lot 28 Dededo for 2,023 square meters.

Acting Chairwoman A. Santos: Okay, thank you for that motion.

Commissioner D. Herrera: Okay, and I second the motion, madam chair.

Acting Chairwoman A. Santos: Thank you, Commissioner Herrera. Any objections?

Commissioner A. Bordallo: No

Acting Chairwoman A. Santos: Hearing none, the motion passes for CLTC to remove Ms. Patricia Therese Santos from the CLTC database on Tract 10316, Block 11, Lot 28 in Dededo for 2,023 ± square meters. Thank you so much, Commissioners.

Commissioner A. Bordallo: It's all good.

Acting Chairwoman A. Santos: Next motion please.

Commissioner A. Bordallo: now vote

Commissioner D. Herrera: Take a vote for...

Acting Chairwoman A. Santos: Oh, I did, I asked if there were any objections

Commissioner D. Herrera: Oh, no objections.

Acting Chairwoman A. Santos: Next motion

Commissioner A. Bordallo: Go ahead.

Commissioner D. Herrera: Madam Chair I'd like to make the second motion to acknowledge the approval of a survey authorization by the Chamoru Land Trust Commission Board of Commissioners motion is September 16, 2021, to Johnny Franklin Navarro on Tract 10316, Block 11, Lot 28 Dededo.

Acting Chairwoman A. Santos: Can I get a second, please?

Commissioner A. Bordallo: I second

Acting Chairwoman A. Santos: Any objections?

Commissioners: None – no objections

Acting Chairwoman A. Santos: None, hearing none, the motion passes with the acknowledgment of the approval of a survey authorization by the CLTC Board of Commissioners motioned on September 16, 2021, to Johnny Franklin Navarro on Tract 10316, Block 11, Lot 28 in Dededo. Thank you, Commissioners.

Land Agent II J. Casem: Thank you. Mr. Navarro will be very *inaudible paper shuffle over mics [27:03.0]

Commissioner D. Herrera: Good job. Good job.

William Leon Guerrero Guerrero

Acting Chairwoman A. Santos: Okay, we'll move on to the next constituent and the land agent that will be presenting is Mr. Eay. Thank you, Mr. Eay.

Land Agent II Glenn Eay: Good afternoon, Commissioners.

Acting Chairwoman A. Santos: Good afternoon.

Land Agent II G. Eay: Today, I'll be presenting two cases that is a two-fold which involves two of our constituent matters and one in particular is a Mr. William Guerrero who is terminating his residential lease at Lot 278 Umatac number two is the *inaudible paper shuffle over mic [27:44.0] is requesting to relocate from her current residential lease also located on Lot 278 to Mr. William *inaudible* Guerrero soon to be his former lease. So, the first case I'll be presenting today is Mr. William Guerrero and he called me up yesterday and he told me that he able to join us this afternoon but he also requested that we can go ahead and proceed because of his issues.

Acting Chairwoman A. Santos: Thank you. Please proceed.

Land Agent II G. Eay: Okay, so, today Mr. William Guerrero his request is actually termination of his residential lease which he had held for over 18-years and his date and time is December 2nd at 2:35 p.m. application which is residential and his lease was issued to him December 15, 2003 and it's located on a portion of Lot 278 Umatac *inaudible* an area of not more than one-half acre. And those are the facts and moving with the chronology I'd like to move forward with items F, K, O and U *inaudible* I'll stick to the points where F, March 15, 2004, Mr. Guerrero made a land lease fee payment of amount of \$99.00 receipt no. 899-199651

Acting Chairwoman A. Santos: 198651?

Land Agent II G. Eay: 1198651 and also on item K, July 17, 2014, on the status information sheet that was noted the lessee wanted to surrender his lot in Umatac due to the fact that he's

now a new homeowner and in the municipality of Santa Rita so he wanted to give up his lot because he was *inaudible paper shuffle over mics [30:05.0]* On March 10, 2020, Mr. Guerrero submitted a notarized affidavit terminating the letter of residential lease and all the way down to item U, March 30, 2022, receipt payment of tax *inaudible paper shuffle over mics [30:26.0] to current he paid all his taxes and so down to our findings Public Law 23-38 Section 9.6 Cancellation and Surrender it reads upon receipt of written notification of a lessee's intent to surrender, the commission shall process the same. The commission may forego acceptance of a surrender until a new lessee is found and is determined by the commission that sufficient funds are available in Chamorro home loan fund to meet the payments required. At all times until acceptance of surrender, the lessee shall remain responsible for the demised leasehold together with any improvements thereon, and shall remain liable for all taxes, assessments and charges of whatever kind and nature, on the said tract and improvements thereon.

Public Law 33-102 Section 2 establish a payment of ninety-nine years the remaining balance of the residential and agriculture lease terminated prior to its expiration shall be refunded. So, in this case he's a lease for *inaudible* and he paid the full amount of ninety-nine years lease payments. So, you know we're expecting to reimburse him eighty dollars (\$80.00) *inaudible* overpaid. In summary, March 10, 2020, William Guerrero submitted a written notification of his intent to surrender the December 15· 2003 residential lease. To date Mr. Guerrero made no improvements to his lot. The reason for terminating his residential lease is that he had acquired his private home in the village of Santa Rita and has no desire to build his residential home in government land. Mr. Guerrero wishes for the next qualified applicant to be allowed to build their home as soon as his former soon to be his former leased lot. There are no outstanding lease fees and property taxes on Lot 278-14 in Municipality of Umatac. His request to terminate his residential lease is accordance to Public Law 23-38.

So, submission for consideration A) Request to terminate the residential lease of Mr. William Guerrero – Leon Guerrero Guerrero under Instrument No. 880869. B) Place Lot 278-14 Umatac back into CLTC land inventory for the next available lease issuance. C) Request approval for reimbursement for unused land lease fees in the amount of eighty dollars (\$80.00). That's my report.

Acting Chairwoman A. Santos: Any questions you want to pose to the land agent.

Commissioner D. Herrera: No questions madam chair

Commissioner A. Bordallo: No

Acting Chairwoman A. Santos: I do verify Mr. Eay you mentioned 18 years and then we're only paying him back \$80.00 but he paid \$99.00?

Land Agent II G. Eay: Right for the unused different

Acting Chairwoman A. Santos: Right right he's okay with that? Is it supposed to be \$81.00 because it was 18 years?

Land Agent II G. Eay: Eighteen... 2003 I believe he got his lease

Acting Chairwoman A. Santos: I just want to make sure that we're going to pay him back you know correct way. It's \$99.00, correct?

Land Agent II G. Eay: Right

Acting Chairwoman A. Santos: And you said, 18? So, a dollar off I'm just... is it \$80.00 or 81?

Land Agent II G. Eay: I may have miscalculated that.

Acting Chairwoman A. Santos: Can we just verify that?

Land Agent II G. Eay: Yeah, I can verify that

Acting Chairwoman A. Santos: Well because we're going to make the motion.

Multiple calculations

Land Agent II G. Eay: \$81.00 so stand correct, \$81.00

Acting Chairwoman A. Santos: Anyone else... Director, do you have any questions about this? Attorney Toft?

Acting Administrative Director A. Camacho: No... *inaudible paper shuffle over mics [35:36] 2003 to its 2022

Multiple calculations

Acting Administrative Director A. Camacho: It's 19 years that he held the lease

Acting Chairwoman A. Santos: Okay, good good. As long as the number's correct, I just want to make sure that we're good on our side to compensate him for whatever right. Alright, I'll leave it to the Commissioners to make the....

Commissioner D. Herrera: Madam Chair, I'd like to make a motion to terminate the residential lease of William Leon Guerrero Guerrero under Instrument No. 880869 and also to place lot

Acting Chairwoman A. Santos: We'll get there. Attorney Toft, are we able to put it all in one motion?

Attorney N. Toft: Yeah, you could put it all in one motion

Acting Chairwoman A. Santos: Okay, great... great so we don't have to itemize it and separate it we can make one whole motion *inaudible*

Commissioner D. Herrera: Thank you, Madam Chair. And also, to place Lot 278-14 Umatac back into the Chamoru Land Trust Commission land inventory for the next available lease issuance and third to approve the reimbursement on unused land lease in the amount of eighty-one dollars and no cents

Acting Chairwoman A. Santos: I believe it's eighty-one dollars

Commissioner D. Herrera: oh eighty-dollars correction eighty dollars (\$80.00)

Acting Chairwoman A. Santos: Can I get a second please?

Commissioner A. Bordallo: I second

Acting Chairwoman A. Santos: Alright, any objections?

Commissioners: None

Acting Chairwoman A. Santos: Hearing none, the motion passes to terminate – Attorney Toft, we're terminating a residential lease what are the steps that we need to make sure to properly execute this within a the *inaudible* of the law

Attorney N. Toft: I mean as long as we're doing the motion here the staff can take care of the nitty gritty parts.

Acting Chairwoman A. Santos: Okay, because of the termination of the lease is what I'm pointing out. We're all in accordance of the law?

Attorney N. Toft: Yes

Acting Chairwoman A. Santos: Great thank you so much okay. Hearing no objections, the motion passes to terminate the residential lease of William Leon Guerrero Guerrero under Instrument No. 880869 as well as place lot 274- 278 please correct me 278-14 Umatac back into the CLTC land inventory for the next available lease issuance and the last one is the approval for reimbursement for unused land lease fees in the amount of eighty dollars (\$80.00) thank you so much Commissioners, Director, Attorney Toft. Thank you, Mr. Eay.

Renee Aguon Santiago

Land Agent II G. Eay: Next item I have here is Ms. Renee Aguon Santiago who's present today. I believe she's on. And

Acting Administrative Director A. Camacho: Can we have her identify herself and turn on her camera.

Acting Chairwoman A. Santos: As well as turn on her video, yes, please. Hi Ms. Renee – Ms. Santiago may I ask you if you can turn on your mic as well as your video please and then....

Renee Santiago: Okay, hold on let me just turn on my video

Acting Chairwoman A. Santos: Thank you, so much. And when you do would you mind stating your name for the record, please?

Renee Santiago: Renee A. Santiago

Acting Chairwoman A. Santos: Saina ma'ase' thank you so much Ms. Santiago for joining us today. Mr. Glenn if you'd like to proceed.

Land Agent II G. Eay: Yeah, thank you. Okay, so, we have Ms. Renee Aguon Santiago and her issue she has two issues 1) is we need to request a residential lease because her residential lease is not ratified that's number 1 and the other one is request for relocation. And that relocation that I mentioned earlier is a two-fold is where Mr. William Guerrero that we just motioned to terminate she wish to wishes to relocate to that *inaudible* which is south of the property which is quarter-mile from *inaudible paper shuffle over mics [40:25.0] Umatac so that's her request. So, moving to the facts is December 2nd 1995 applicant at 2:46 p.m. She's a residential applicant date of lease issued is December 9, 2003, and recorded April 2nd 2004. And Chronology, February 4th 2015, lessee requested to relocate to another site in Umatac this public easement was impassible and property was undevelopable this was in 2015 when she first requested for relocation. And then 2019, lessee met with former Administrative Director Jack Hattig and requested to relocated within the village of Umatac. So, that's her second request and *inaudible* 2019, I did a site inspection and confirm that the 40-foot easement access subject lot was not passible due to the easement topography and also *inaudible* soft clay. I also provided to the Commissioners the photos the said easement where's the map that you also have here in yellow is highlighted slope easement so, if you look at a slope easement and compare what I showed here is really not a slope it's actually like vertical drop about 18 to 20-feet, so, that's why – this is why she can't enter or access to her property it's a 40-foot easement.

Acting Chairwoman A. Santos: Mr. Glenn, can I possibly see that please?

Land Agent II G. Eay: Sure

Acting Chairwoman A. Santos: All we had is the map not this photo.

Land Agent II G. Eay: Okay, so moving forward

Acting Chairwoman A. Santos: So, this is her property that she was initially...

Land Agent II G. Eay: Issued – right...right... back in 2003 and she wants to start building her dream home and she's been ready for awhile and *inaudible* issued for the past 6 – 7 years trying to get another location in Umatac where she wants to build her dream home. And finally, today, we have one that's made available and we trying to accommodate her for the lost time. And so, in summary, February 26, 2019, a field inspection was conducted and confirmed that a 40-foot easement access to subject lot is not passable due to the easement topography and because the soil is clay based rendering the lot unsuitable as a residential lease. For consideration, request to ratify the December 19, 2003, residential lease issued to Renee Aguon Santiago for a portion of Lot 278 in the Municipality of Umatac containing an area not more than a half-acre. B) request board approval to relocate Ms. Santiago lease from a portion of 278 to Lot 278-14 Umatac, subject to survey. C) authorization for building permit upon the completion of recorded addendum.

Acting Chairwoman A. Santos: I have – I have... Commissioners, do you have any questions at this time? If you..., May I ask first?

Commissioner D. Herrera: Go ahead, ask first.

Acting Chairwoman A. Santos: I do want to ask if – with the agency the program knowing – do we know.... there's a lot of parcel that we have in the inventory, right, and with this type of topography are we not – do we have this noted and what type of topography it is on the lots that we have on the tracts that we have.

Land Agent II G. Eay: Oh, in a lot of cases where subdivisions way in the beginning I'm not sure if it was tabletop survey or actual field survey or actually a field survey but, in this case, there was an actual survey that actually shows identify the topography of the easement and also on the slope within the areas and this has gone back I believe it was 2005. 2005, by former surveyor Robert Ventura

Commissioner D. Herrera: Ventura

Land Agent II G. Eay: Robert Ventura, correct.

Acting Chairwoman A. Santos: I guess where I'm getting too is if we know the topography of the area already right, we would have already designated it to be – we could designate it to be deemed residential or agricultural tracts. Ms. Eileen, if you want to go ahead and proceed over here. Do you have any input? We would love to hear it please.

Land Agent II Eileen Chargualaf: Not all maps shows the topography so that's why it's very important for us to actually go out to the field and see it for ourselves because some maps would just do a tabletop not necessary something like this or the unrecorded and just a check print. So, what we do is we actually go out and take the client to make sure that it's either it's flat, you know, rugged, terrain. Like that's what happen to probably Ms. Santiago. Correct me if I'm wrong, were you ever shown the property or were you just saying that this is the area and there's your map?

Renee Santiago: I'm sorry, you're talking about the one I was issued in the first place?

Land Agent II E. Chargualaf: Yes, ma'am.

Renee Santiago: Well from what I understood back then, the reason why I accepted it is because I was told that they were going to start infrastructure.

Land Agent II E. Chargualaf: Okay, so that's what it is. But when we actually because I actually went out with Glenn and that is really not a slope, it's a drop.

Acting Chairwoman A. Santos: Right, I could see.

Land Agent II E. Chargualaf: And it's cleared so even if you backfill it nothing is going to... you can't even do anything in that lot.

Acting Chairwoman A. Santos: Clearly.

Land Agent II E. Chargualaf: So, just to let you all understand that not all maps have a topography showing whether it's a slope, a hill, spike or *inaudible* so that's why it's very important that we take them out to actually have them see it. And us not being surveyors we just show them a general area. You know, I can't say, that's going to be the lot and it's really

not the corner lot that you're supposed to get it's just depending how many people already surveyed in that particular area.

Acting Chairwoman A. Santos: Okay, good. That's also another way of knowing right. The other surveyed lots, great. Thank you for that information, Ms. Eileen.

Commissioner D. Herrera: Madam Chair, to add to that concept that Land Agent was just mentioning and even with Mr. Glenn; we're all very familiar with a topography map and also with the automated system that we have now, right that can be overlaid. The topography is overlaid on the and that's Land Management's app.

Land Agent II E. Chargualaf: Yeah, we normally get with survey division to check it, double check it before we also go out. Because it could look really good on the *inaudible* but when you go out there there's really – it's totally different. And some of the information is not up to date on technology side.

Commissioner D. Herrera: So, just to acknowledge what you're saying. That's another quality control process that we're trying to improve to equip you guys with the automated equipment such as side-by-side and drone and actual GPS that when you're on the site you can actually GPS the lot and block and be actually on that particular corner and be actually on the actual topography. So, Eileen's right on the... we used to work together 25-years ago and we didn't have any of the GPS or aerial you really have to walk the property and you have to walk with the surveyor to know the 4 points before providing it to the constituents. So, that's it was the labor work that was required before to actually show the applicant the 4 corners of the property. And perhaps, we can apply that again at this moment.

Acting Chairwoman A. Santos: I noted that, I noted that. Thank you, Commissioner Herrera. That is noted. Commissioner Bordallo, did you have any questions?

Commissioner A. Bordallo: You know real estate agents usually use their phones to locate a lot so do you guys use that?

Land Agent II G. Eay: We have a GPS that we use.

Land Agent II E. Chargualaf: We have a GPS; the government doesn't give us a phone. We have our own private phones and what we do is we use a GPS then we come back in we overlay it and then we cross-check with survey division.

Land Agent II G. Eay: And we also find that using the phone is not accurate, plus or minus 10 or even 20-feet sometimes. So, because of that, we don't use that we use our GPS.

Commissioner A. Bordallo: But at least it gives you a general idea

Land Agent II G. Eay: The proximity

Commissioner A. Bordallo: Where it's at

Land Agent II E. Chargualaf: Yes, when we go out we normally GPS it also to make sure that it doesn't overlay that somebody else is on that particular lot.

Commissioner A. Bordallo: I have nothing else.

Acting Chairwoman A. Santos: Acting Director Camacho, please.

Acting Administrative Director A. Camacho: So, just for clarification, her initial lease is in the same tract?

Land Agent II G. Eay: It's in the same lot, Lot 278, Umatac. And it's like where she's up north *inaudible* south and where she wants to relocate is south

Land Agent II E. Chargualaf: The beginning of the easement. The opening of the easement to the lot is where she's at versus further up where her initial lease was given.

Acting Administrative Director A. Camacho: Is on this map?

Land Agent II G. Eay: Actually, if you have this map right here right and you view further down towards the end it's somewhere within that proximity that's on the next map

Acting Chairwoman A. Santos: So, this is the whole tract?

Land Agent II G. Eay: It's a lot.

Multiple discussions

Land Agent E. Chargualaf: So, the lot now that she's - that Glenn is asking to relocate is on a different map. This is her initial where she got her initial lease. So, her lease I mean the lot now that they're requesting for is on it's not on this map.

Land Agent II G. Eay: It's on page 2 which I didn't provide.

Acting Chairwoman A. Santos: Okay. For future references, in cases like this, would you mind making sure that we have both of them just to cross-reference

Commissioner A. Bordallo: What it is

Multiple speakers

Commissioner A. Bordallo: The lease is recorded

Acting Administrative Director A. Camacho: So, you showed Ms. Santiago the property?

Land Agent II G. Eay: Actually, I invited Ms. Renee to go out there several times but she's goes down there not a daily a weekly or monthly basis because her lot so she knows the area and I repeatedly ask MS. Renee you know the area?

Renee Santiago: Yes, I do. And it is accessible to power and water it's very convenient compared to the property I have right now.

Acting Administrative Director A. Camacho: I mean that makes me feel better.

Renee Santiago: Thank you.

Acting Administrative Director A. Camacho: Thank you, too.

Acting Chairwoman A. Santos: Commissioner Bordallo

Commissioner A. Bordallo: Yea, the lease was written in 2003, the map was made 2006 just a take a look.

Land Agent II G. Eay: That was only for lease purposes only, yeah. The map was done only for lease purposes and it even shows in the bottom the bottom right for lease purposes.

Commissioner D. Herrera: Okay

Commissioner A. Bordallo: It wasn't signed by land management.

Land Agent II E. Chargualaf: This is done by Robert Ventura so it's not a recorded map so it's just a working copy.

Commissioner D. Herrera: Like a draft?

Acting Chairwoman A. Santos: Just to show a reference

Commissioner D. Herrera: The landmarks have been established?

Land Agent II E. Chargualaf: Only for the ones that have been surveyed so like if Ventura surveyed because some people have surveyed out there there's houses out there so if they were surveyed already, they paid for their survey services then there is marks if you didn't pay for a survey then there will be no marks out there, this is just a working copy until they get it surveyed and then...

Land Agent II G. Eay: This should have been surveyed but our lessee should do a retracement and then they should be able to find the mahon (markers)

Acting Chairwoman A. Santos: For that parcel right there that one that she was initially given correct?

Side conversations

Acting Chairwoman A. Santos: The one that had initially was given, that's what you're referring.

Land Agent II G. Eay: Yes

Acting Chairwoman A. Santos: That's a good note. Saina Bordallo, Commissioner Herrera?

Commissioner A. Bordallo: Yeah

Commissioner D. Herrera: Yes

Acting Chairwoman A. Santos: Anything you would like

Commissioner A. Bordallo: Yeah, want to make a motion

Multiple speakers

Acting Chairwoman A. Santos: Any questions or comments I think we want to make a

Land Agent II E. Chargualaf: Motion make a motion

Commissioner D. Herrera: Yeah, I'd like to make a motion Madam Chair to request to ratify the December 9 2003 residential lease.

Acting Chairwoman A. Santos: I'm sorry, Commissioner Herrera. Despensa yu' Ms. Santiago would you happen to have any comments you'd like to make or anything in regards to what you heard already discussed?

Renee Santiago: Well from what I could hear I know you guys are I guess trying to understand basically where I'm at right now, where my property is at right now trying to understand how or why I might want to change my locations. And like what was mentioned it's going to be very costly for me to move or try and build or get into that property even for power and water it's going to cost me a lot more than it is probably to build a house so that's why I'm requesting if possible if I could relocate.

Acting Chairwoman A. Santos: Okay. And I do have one before we proceed, sorry, Commissioner Herrera. How did we figure that because it was down in Humatak and I do want to mention that the applicant's number is 449 down the line right at 2:46 is this a fair option of presenting her this property because

Land Agent II E. Chargualaf: Because she has a lease already. It's not like it's a new lease so she has a lease so it's not like we're skipping December 2nd date and time

Acting Chairwoman A. Santos: Great thank you so much, thank you so much. Alright, Commissioners with everything heard who would like to proceed with the motion.

Commissioner D. Herrera: Okay. Madam Chair I would like to make a motion to request to ratify the December 9, 2003 residential lease issued to Ms. Renee Aguon Santiago for a portion of Lot 278 in the Municipality of Umatac containing an area not more than one-half acre. And to request – and to approve to relocate Ms. Santiago leased lot from a portion of 278 to Lot 278-14 in Umatac subject to survey now on the third item to authorize for building permit upon completion of recorded addendum then lastly request to return Lot 278 Lot 278-19 formerly known as a portion of Lot 278 back into the Chamoru Land Trust Commission inventory.

Acting Chairwoman A. Santos: Before we proceed with the second Attorney Toft was that alright to lump it all into one motion?

Attorney N. Toft: Yes

Acting Chairwoman A. Santos: Great. Okay, thank you. Can I get a second please?

Commissioner A. Bordallo: I second.

Acting Chairwoman A. Santos: And are there any objections?

Commissioner A. Bordallo: None

Acting Chairwoman A. Santos: I'm hearing none, the motion passes to request for the request to ratify the December 9th 2003 residential lease issued to Renee Aguon Santiago for a portion of Lot 287 in the Municipality of Umatac containing an area of not more than one-half acre and the request for the board approval to relocate Ms. Santiago's leased lot from a portion of 278 to Lot 278-14 in Umatac subject to survey and the authorization for building permit upon the completion of recorded addendum as well as lastly the request to return Lot 278 Lot 278-19 formerly known as a portion of Lot 278 back into the CLTC inventory. Thank you so much Commissioners and Ms. Santiago congratulations *inaudible*

Renee Santiago: Thank you very much

Acting Chairwoman A. Santos: Thank you for hanging in there and being patient good luck for you ma'am. Okay, thank you, Mr. Eay and Ms. Eileen thank you so much for that information and dialogue.

Andrew Salas

Land Agent II E. Chargualaf: I'm here, I'm, presenting the next item number D., Salas, Andrew.

Acting Chairwoman A. Santos: Okay Ms. Eileen go ahead and proceed please.

Land Agent II E. Chargualaf: So, what it is with Mr. Salas there were two leases

Acting Chairwoman A. Santos: One moment Ms. Eileen. One moment Ms. Eileen. Ms. Santiago if you'd like to you don't need to stay on anymore. If you'd like to get off the Zoom link that's fine.

Renee Santiago: Thank you

Acting Chairwoman A. Santos: Hagu lokke, saina-hu. Okay, Ms. Eileen thank you so much.

Land Agent II E. Chargualaf: My name is Eileen Chargualaf land agent II with CHamoru Land Trust. I'm here to present Andrew Salas to the commission. The issue here is they have two leases were issued based on one application so what it is is the original application which was his dad, Juan George Salas had a lease he passed and then they issued another lease to Andrew J. Salas who is his successor. Let me just go down the line and then I'll do *inaudible*

Acting Chairwoman A. Santos: you don't mind just going a little bit slower

Land Agent II E. Chargualaf: Okay so the fact, the original application date and time December 2nd 1995, at 10:06 a.m. the application number is 000179 original application type residential priority 1. Original lessee Juan George Salas like I mentioned earlier is the father of the named successor which is Andrew J. Salas. The lease was signed in January 23rd 1997, the location is Lot 17, Block 20, Tract 9210 Phase -1 in Yigo. Lot size 932 +/- square meters, survey map is 126FY93 recorded on April 15, 1993 and the map document number 487458. The chronology, January 28, 1997, residential interview the original lessee Juan George Salas naming two successors of his application rights. September 29, 1999, the original applicant changed his successor to his son Andrew J. Salas. On November 7, 1999, death of the original applicant Juan George Salas November 15, 2004, a new lease was issued to Andrew J. Salas with a new start date but for the same lot description which should have been an addendum. September 20, 2018, the Board of Commission ratified the November 15th 2004 residential lease issued to Andrew J. Salas.

Findings, Public Law 23-38 Section 5.4 Residential tract application (a) applications for residential tract leases shall be made for one lot only. Public Law 23-38 Section 9-1 Designation of successors, (a) a lessee shall upon execution of a lease designate the person in whom lease directs the interests the interest in the tract to vest upon death such person must be qualified to succeed to Chamorro homelands as provide by the Act and these rules. Lease agreements Section 4, Rental; lessee agrees to pay the annual rental of one dollar (\$1.00). Lease agreement section 5, payment of rental; the rent shall be paid in yearly installments each in advance commencing on January 13, 1997, and continue on the first day of each and every year thereafter for the remainder of the lease.

Summary; the original lessee Juan George Salas was issued on January 23rd 1997, after his death his named successor and son Andrew J. Salas took over the lease rights. Instead of addendum being issued a new lease was created with a new start date, November 15, 2004. The new lease was ratified on September 20, 2018, the end result is two leases issued for one application. So, for consideration of the board, I'm requesting to terminate the November 15th 2004 residential lease issued to Andrew J. Salas and then request to ratify the original lease issued to Juan George Salas on January 23, 1997 thirdly request to approve and addendum transferring the November 15, 2004 residential lease for Tract 9210 (Phase-1), Block 20, Lot 17 in Yigo to Andrew J. Salas upon the completion of the following, clearance of land lease fees in the amount of eighteen dollars (\$18.00) 2) clearance of all outstanding property taxes.

So, Mr. Salas just for your own information, Mr. Salas is off-island, I did email him or contacted to email and then I also emailed him on April 14 that we were bringing it to the board and he was unable to so what he's going to do he's going to um appoint a POA so he can conduct business CLTC to do the transactions that needs to be done for his addendum and for the property taxes.

Commissioner D. Herrera: Oh, he's off-island?

Land Agent II E. Chargualaf: Yes, yes, sir.

Acting Chairwoman A. Santos: So, do we....?

Land Agent II E. Chargualaf: It's just really an addendum. Two leases are *inaudible* so, you cannot have a new lease with a start date it should have been an addendum to change the lessee's name

Acting Chairwoman A. Santos: Understood. Yes. Yes. So, we're just correcting?

Land Agent II E. Chargualaf: Yes, so if you go to item number 6 for consideration, that's what you can make a motion on. And then also, *inaudible* set it to the addendum with the original date of the father's lease.

Acting Chairwoman A. Santos: Okay. Does this need to be done... can this be done before he comes back...does he need – what is – is just on our part that needs to be correctified?

Commissioner A. Bordallo: Yeah, that's correct.

Land Agent II E. Chargualaf: Yes, ones he gets a POA the POA can sign the addendum *inaudible*

Acting Chairwoman A. Santos: Good good so, we're all squared?

Land Agent II E. Chargualaf: Until the property taxes and the remainder of the lease fees the eighteen dollars (\$18.00)

Commissioner A. Bordallo: I have no questions

Acting Chairwoman A. Santos: I have no questions either

Commissioner D. Herrera: I have no questions, Madam Chair.

Acting Chairwoman A. Santos: Okay, so I leave it up to you commissioners.

Commissioner D. Herrera: I'd like to make a motion though, to request to terminate the November 15, 2004, residential lease issued to Mr. Andrew J. Salas and request to ratify the residential lease issued to Juan George Salas on January 23rd, 1997, and to approve the addendum transferring the November 15th, 2004, residential lease to Tract 9210 (Phase-1) Block 20, Lot 17, in Yigo to Andrew J. Salas upon the completion of the following clearance of land fees in the amount of eighteen dollars (\$18.00) and clearance of all outstanding property taxes.

Acting Chairwoman A. Santos: Thank you, Commissioner. Can I get a second, please?

Commissioner A. Bordallo: I second

Acting Chairwoman A. Santos: Thank you, Commissioner Bordallo. Any objections?

Commissioner A. Bordallo: None.

Acting Chairwoman A. Santos: Hearing none. The motion passes to- for the termination of the November 15th, 2004, residential lease issued to Andrew J. Salas. As well as ratifying the original lease issued for Juan George Salas on January 23rd, 1997 and lastly approval of an addendum transferring the November 15th, 2004, residential lease for Tract 9210 (Phase-1) Block 20, Lot 17 in Yigo – Yigo to Andrew J. Salas upon the completion of the following clearance of land fees in the amount of eighteen dollars (\$18.00) and the clearance of all

outstanding property taxes. Ms. Eileen, you'll take care of that as soon as he can get the POA for

Land Agent II E. Chargualaf: Yes, yes ma'am.

Acting Chairwoman A. Santos: Okay, thank you so much for your time and for your work. Thank you, Mr. Eay. Thank you, Ms. Eileen. Thank you, Commissioners.

Commissioner D. Herrera: Thank you so much.

Acting Chairwoman A. Santos: We're done with the constituent matters for the residential we'll go into the agricultural and the next land agent

Jesus Taitingfong Losongco

Land Agent I T. Tainatongo: That will be me for Jesus Taitingfong Losongco however, I was advised not to present it, today and to hold-off *inaudible*

Acting Chairwoman A. Santos: Ms. T. would you mind just coming over and stating and for Agricultural, Item A. Ms. Tina Tainatongo

Land Agent I T. Tainatongo: Yes, land agent for CHamoru Land Trust and in regards to Mr. Jesus Taitingfong Losongco I was advised not to *inaudible paper shuffle over mics) this case for today on all matters regarding the request *inaudible*

Acting Administrative Director A. Camacho: I guess we're going to table, right?

Land Agent I T. Tainatongo: Yes, we're going to table it for further

Acting Chairwoman A. Santos: Clarification. Okay alright, commissioners....

Attorney N. Toft: We don't necessarily need a motion.

Multiple conversations

Acting Chairwoman A. Santos: Okay, we're going to go ahead and table the Item A, under Agriculture for Jesus Taitingfong Losongco. And we'll proceed to Item B.

Land Agent II E. Chargualaf: Madam Chair, can we just go back real quick, I need to do a correction on my date on the for consideration on C)

Acting Chairwoman A. Santos: Great, that is for Renee Santiago?

Land Agent II E. Chargualaf: No, this is for Andrew Salas

Acting Chairwoman A. Santos: So, D?

Land Agent II E. Chargualaf: Item number C, request to approve an addendum

Acting Chairwoman A. Santos: Oh oh I'm sorry.

Commissioner A. Bordallo: 1 – 2 or 3?

Acting Chairwoman A. Santos: C) request to approve addendum transferring

Land Agent II E. Chargualaf: On C request to approve an addendum, can we change that date please to January 23, instead of November 15 I'm sorry, the original lease was January 23rd 1997.

Acting Chairwoman A. Santos: That's what we should have referenced?

Land Agent II E. Chargualaf: Yes, instead of the November 15 so can we go back and make that motion Mr. Herrera to change that date

Commissioner D. Herrera: And the motion – and the date would be...?

Land Agent II E. Chargualaf: January 23rd 1997

Acting Chairwoman A. Santos: Because that was the original lessee

Land Agent II E. Chargualaf: Yes... yes... yes. So, that was an oversight on my part.

Multiple conversations

Attorney N. Toft: Motion to amend

Commissioner D. Herrera: Okay, Madam Chair, I'd like to make a motion to amend section 6 of the Andrew J. Salas case to change the date of the addendum transferring from November 15, 2004, to January 23rd, 1997.

Acting Chairwoman A. Santos: Thank you, Commissioner Herrera. May I get a second?

Land Agent I T. Tainatongo: I'm sorry, can you go ahead and say that this is in reference to item C

Acting Chairwoman A. Santos: Yes, ma'am. I'll restate too. Can I get a second, please?

Commissioner A. Bordallo: I second

Acting Chairwoman A. Santos: Thank you, Commissioner Bordallo. Any objections?

Commissioners: No objections

Acting Chairwoman A. Santos: I'm hearing none, the motion passes for the amendment to a motion made in the Andrew J. Salas, file to approve the addendum transferring the November 15th, 2004, and instead of amending the date to reflect his father's original lease signing date which is January 23rd 1997, of that motion prior made. Thank you, so much Eileen, good catch. Thank you, ma'am.

Acting Chairwoman A. Santos: We will move on to Agriculture, Item B. And who would be the land agent for that.

Acting Administrative Director A. Camacho: So, Pedro Pangelinan. It's supposed to be presented by Jessica Dayday but she is absent today. She's *inaudible paper shuffle over mics* Request to table please.

Acting Chairwoman A. Santos: Alright, thank you. We will table both agricultural items A and B until our next meeting, thank you so much. We'll go onto number 3, Commercial.

Acting Administrative Director A. Camacho: That will be presented by Joey Cruz

COMMERCIAL

Program Coordinator III J. Cruz: Good afternoon, Madam Chair, Commission members, Acting Director Camacho and Attorney Toft. My name is Joey Cruz, I'm the Program Coordinator III with the Commission. For, item number 3, Commercial Item A, we asked that the discussions or any discussions regarding this matter be tabled. Currently, we're in discussions with Ms. Andrea from the Speaker's office regarding this matter.

Acting Chairwoman A. Santos: So, there's nothing that can be presented at this point, Joey?

Program Coordinator III J. Cruz: We ask to table.

Acting Chairwoman A. Santos: Okay, great. Great. That's just for A?

Program Coordinator III J. Cruz: Yes

Acting Chairwoman A. Santos: Any other...

Program Coordinator III J. Cruz: For item C, we recently learned that Global

Acting Chairwoman A. Santos: No, so A is the only one that we're going to table?

Program Coordinator III J. Cruz: Yes

Commissioner A. Bordallo: The whole the thing?

Program Coordinator III J. Cruz: Yes, Item A, roman numeral I through IV.

Acting Chairwoman A. Santos: Okay great. So, we will table this matter until next meeting. Or is it by next meeting or when will you have information on this?

Program Coordinator III J. Cruz: We hope to have more information by the next meeting if not we will just request to table it again.

Commissioner A. Bordallo: In other words, you're still processing.

Program Coordinator III J. Cruz: There's some discussions going on, these properties are related to the expiring leases of Docomo and IT&E. It's our understanding that Docomo and IT&E had a meeting already with the speaker's office so, we just provided some information but we'll follow up with Ms. Andrea from the speaker's office if anything and *inaudible*

Acting Chairwoman A. Santos: Commissioners, so, we're tabling that. Thank you, Mr. Joey. Next item C, is there a reason why there's no B?

Program Coordinator III J. Cruz: Could be a typo

Land Agent I T. Tainatongo: Because it's my typo

Acting Chairwoman A. Santos: Oh, okay. So, C, Commercial under item C, thank you.

Program Coordinator III J. Cruz: So, recently we've learned that Global Recycling was currently operating under a use agreement on Lot 10122-15. I requested for a zoning certification, what that is is currently the lot that they're operating on is zoned agriculture which does not allow for recycling activities so, what can happen is the commission as the property owner can request from the Department of Land Management for a zoning certification to allow for activity of the recycling business. So, today, we would like to request from the board to approve the agency to request for a zoning certification for Lot 10122-15 for the usage of a recycling business.

Acting Chairwoman A. Santos: Okay, Joe – Mr. Cruz could you please state that one more time.

Program Coordinator III J. Cruz: Just recently we've learned that Global Recycling has requested from the Department of Land Management a zoning certification. Because the lot is zoned agriculture the recycling activity is not *inaudible* or allowed within that zoning. So, what we would like to request today is the commission to approve the agency to request for a zoning certification for the use or for the activity of recycling on Lot 10122-15 because we're the property owners.

Acting Chairwoman A. Santos: So, you're asking us for approval for rezoning?

Program Coordinator III J. Cruz: Not rezoning but

Multiple responses

Program Coordinator III J. Cruz: But request for a zoning certification

Acting Administrative Director A. Camacho: And that will be requested to Department of Land Management.

Program Coordinator III J. Cruz: For the use of recycling activities.

Commissioner A. Bordallo: Right now, it is...?

Program Coordinator III J. Cruz: Currently there is recycling activities – there’s a recycling company operating but because of the zoning of the property it’s not supposed to.

Commissioner A. Bordallo: How long have they been there?

Program Coordinator III J. Cruz: For a long time. It goes way back and it will tie into Item D because they were the first company that were there to do the cleanup.

Commissioner A. Bordallo: Is – are they the same lot numbers?

Program Coordinator III J. Cruz: For item D?

Commissioner A. Bordallo: Yeah.

Program Coordinator III J. Cruz: No and yes. It’s a little interesting and we can get to the discussion about item B after item C just so I don’t confuse anybody or

Commissioners: Okay.

Acting Chairwoman A. Santos: But we’re talking about Ko’Ko Recycling right, still?

Program Coordinator III J. Cruz: No, right now, we’re talking about Lot 10122-15.

Acting Administrative Director A. Camacho: So, we’re requesting from the Commissioners to allow us to request for rezoning up at the Department of Land Management.

Program Coordinator III J. Cruz: A zoning certification

Acting Chairwoman A. Santos: Oh, okay, okay.

Program Coordinator III J. Cruz: So, the Department of Land Management Director can issue a certification for recycling activities.

Commissioner A. Bordallo: Does EPA approve of it?

Program Coordinator III J. Cruz: EPA would get involved because it’ll go through a permitting process.

Acting Administrative Director A. Camacho: We’re only requesting and then I guess it’s through the process we’ll know whether or not it’ll be approved.

Program Coordinator III J. Cruz: The zoning mandate is under the Department of Land Management so the director has within his authority to issue a zoning certification for the use of recycling activities. That should suffice with EPA, I mean Global Recycling has been in operation for how long and have been able to garner whatever permits issuing business license and all that other great stuff.

Commissioner D. Herrera: Including the Land Use Commission so....

Program Coordinator III J. Cruz: That's a concern now so that's why we're coming to the board as the property owners for your approval to allow us to request for a zoning certificate for the activity of recycling – recycling business.

Acting Chairwoman A. Santos: For the property though?

Program Coordinator III J. Cruz: Yes. So, what will happen is if the board approves, we send them a letter, the director of DLM Mr. Joe Borja will prepare the zoning certification on whether he approves of it or not.

Commissioner D. Herrera: Currently, we have a lease agreement with them for...

Commissioner A. Bordallo: We own it.

Program Coordinator III J. Cruz: No, they only have a use agreement.

Commissioner D. Herrera: A use agreement, so...

Program Coordinator III J. Cruz: So, currently Global Recycling is not paying anything – any type of rental fee. The last monetary payment that we received was many years ago in the amount of a hundred thousand dollars (\$100,000.00) but that wasn't applicable to some type of lease agreement or license agreement. I believe it was Mr. Monte Mafnas at the time who was the administrative director who was able to get them to pay something.

Commissioner D. Herrera: And in exchange they were doing a cleanup for the other property?

Program Coordinator III J. Cruz: No...no...no

Commissioner D. Herrera: There was no barter?

Program Coordinator III J. Cruz: What happen was initially Ko'Ko Recycling and we'll just get in... but there's representatives from Ko'Ko Recycling

Acting Chairwoman A. Santos: That's another item, we're not talking about Ko'Ko.

Program Coordinator III J. Cruz: But it's going to be mentioned in this discussion to understand how it came about. So initially, Ko'ko recycling was given a commercial lease for lower Barrigada – I mean Barrigada. But in their lease, there were some conditions that mentioned that Ko'Ko Recycling will conduct cleaning activity on Lot 10122-15 and Lot 10122-3-R1, that was part of their condition in their Barrigada lease. So, what happen was Ko'Ko Recycling conducted all the cleaning and all this other stuff but Ko'Ko Recycling also brough in Mr. Chu which is Global Recycling under a paying agreement when the Chamoru Land Trust conducted their inspection at the time I think it was Director Tom Elliot had issued a letter stating that the property has been cleaned up satisfactory but allowed Ko'Ko Recycling to stay. So, from that time till today, I mean Global Recycling to stay so from that time till today, Global Recycling has paid about a hundred thousand dollars (\$100,000.00) that I could remember and that was many years ago.

Commissioner D. Herrera: Now, the bailing operation they were doing was from the rubber or the tire or the metal

Program Coordinator III J. Cruz: It was for a lot of things; I think it was...

Commissioner D. Herrera: Yeah, they were bailing rubber and metal and shipping it off.

Program Coordinator III J. Cruz: Metallic waste and all that other great stuff.

Commissioner D. Herrera: Yeah, got it. So, that's on 10122-15?

Program Coordinator III J. Cruz: Yes, that's what was being conducted by Ko'Ko Recycling, the cleanup for metallic waste and...

Commissioner D. Herrera: Got it. And the Barrigada lease was voided?

Program Coordinator III J. Cruz: That was a whole different... the commercial license was for Barrigada

Commissioner D. Herrera: And it's the land trust property?

Program Coordinator III J. Cruz: Yes

Commissioner D. Herrera: And it's vacant now?

Program Coordinator III J. Cruz: No

Commissioner D. Herrera: And it's being used by same...?

Program Coordinator III J. Cruz: The Lot 10122-15?

Commissioner D. Herrera: In Barrigada

Program Coordinator III J. Cruz: Oh, there's still a current license on it with Ko'Ko Recycling but no

Commissioner D. Herrera: But no operation

Program Coordinator III J. Cruz: no activity

Commissioner D. Herrera: And it's been left idle?

Program Coordinator III J. Cruz: It's been...?

Commissioner D. Herrera: Left idle and clean?

Program Coordinator III J. Cruz: I don't know about clean, it's overgrown vegetation but we can get into discussion more about the Barrigada because *inaudible*

Commissioner D. Herrera: Let's get the zoning...

Program Coordinator III J. Cruz: Certification

Commissioner D. Herrera: Yes. Okay.

Program Coordinator III J. Cruz: So, we're just requesting from the board to approve or grant us authorization to request for zoning certification.

Commissioner D. Herrera: The faster the better because we're losing cash flow.

Program Coordinator III J. Cruz: We're not even earning any *inaudible* but we'll get to that.

Commissioner D. Herrera: Right right... Okay, Madam Chair.

Acting Chairwoman A. Santos: Mr. Cruz, I guess... how beneficial is this to the Trust.

Program Coordinator III J. Cruz: Well, however, the Trust should proceed based on the next item agenda it's going to allow the business, current business or the next business to operate a recycling center there. So, it will not cause any disruption to the recycling business on Guam or their activities.

Acting Chairwoman A. Santos: Or whatever that parcel means to the trust right it's already been used as this so.... Okay...okay...

Commissioner D. Herrera: This is located in Bello Road?

Program Coordinator III J. Cruz: In Batulo Road right after the Dededo Transfer Stations, the old transfer station

Commissioner D. Herrera: Batulo Road, right yeah. And transfer station now is vacant?

Program Coordinator III J. Cruz: Yes

Commissioner D. Herrera: And it was supposedly to be used for mass transit or some... and next to it is the golf course?

Program Coordinator III J. Cruz: I believe now the transfer station will become the new site of EPA *inaudible*

Commissioner D. Herrera: Yeah, and the golf course is not too far down?

Program Coordinator III J. Cruz: Yes, it's at the end of the road.

Commissioner D. Herrera: Yeah, and we have a recycle – metal recycling in between EPA and the golf course

Program Coordinator III J. Cruz: And the housing area

Commissioner D. Herrera: And the housing area in Route 1 and Batulo?

Program Coordinator III J. Cruz: Yes

Commissioner D. Herrera: Got it. Yeah, we need to start getting involve for the rezoning.

Acting Chairwoman A. Santos: How do you...*inaudible*

Commissioner D. Herrera: That's a big...

Commissioner A. Bordallo: Are you going to remove them?

Program Coordinator III J. Cruz: We're not... currently it's not...move who, Global or...?

Commissioner A. Bordallo: Yeah, the Global, the 10122

Program Coordinator III J. Cruz: That's for our discussion for item D.

Acting Chairwoman A. Santos: So, this one is just requesting for the

Commissioner D. Herrera: To get the zoning operators in

Multiple conversation

Commissioner D. Herrera: yeah, the assessments done

Program Coordinator III J. Cruz: If whether Global stays or not and whether there's another recycling business that should set up shop there it's going to assist them in their permitting process.

Commissioner D. Herrera: Yes, including the Barrigada lot that they currently have. A commercial lease.

Program Coordinator III J. Cruz: Barrigada will be discussed on item B

Acting Chairwoman A. Santos: So, for this one is just for the authorization, right?

Commissioner D. Herrera: Okay, Madam Chair I'd like to make a motion on Item C for Lot 10122-15 Municipality of Dededo containing an area of 52,925 +/- square meters for zoning certification with the Department of Land Management.

Acting Chairwoman A. Santos: Could I get a second please?

Commissioner A. Bordallo: I second

Acting Chairwoman A. Santos: Any objections?

Commissioners: No objections

Acting Chairwoman A. Santos: Hearing none, the motion passes. I want to verify just clarify right, it's to request I mean the authorization I mean the approval to request for the zoning certification of Lot 10122-15 in the Municipality of Dededo containing an area of 52000 -

52,925 +/- square meters with the Department of Land Management for the CLTC admin to be able to transmit that approval. Thank you, Commissioners.

Commissioner A. Bordallo: So, Joey, when can we start getting our hundred thousand a year?

Program Coordinator III J. Cruz: No, they just paid a hundred thousand several years ago.

Commissioner A. Bordallo: But isn't that for one year?

Program Coordinator III J. Cruz: No. It was unclear exactly what the hundred thousand dollars (\$100,000.00) payment was for but we would assume it was for the previous use. I don't know it was unclear. It wasn't specifically stated that it was for prior years or future years at that time but we weren't going to say no too we accepted it and deposit it.

Acting Chairwoman A. Santos: Ms. T, was that a good motion made? Okay, great, thank you. Thank you, Mr. Cruz, we'll move onto item D please, Ko'ko Recycling.

Program Coordinator III J. Cruz: Did you guys resolve Item 4, the unpaid? I mean did you want to or do you want to go to item B

Acting Chairwoman A. Santos: What 4?

Program Coordinator III J. Cruz: The unpaid application listing update?

Attorney N. Toft: The one at the very beginning of the meeting that we tabled.

Acting Chairwoman A. Santos: Oh, do we want to go back to item 4, despensa yu'. Yeah, let's go before we go into Ko'Ko Recycling, we'll take care of item 4 on the agenda.

Program Coordinator III J. Cruz: It's really quick

UNPAID APPLICATION LISTING

Program Coordinator III J. Cruz: As of today, there are 3,039 unpaid applications.

Acting Chairwoman A. Santos: 3,039?

Program Coordinator III J. Cruz: Yes

Acting Chairwoman A. Santos: Thank you so much Mr. Cruz. And what is the total number of applicants we have listed? Do we have that number?

Program Coordinator III J. Cruz: 14,760

Acting Chairwoman A. Santos: 14, 716?

Program Coordinator III J. Cruz: 6-0

Acting Chairwoman A. Santos: 6-0, wow, those are total applicants. Okay, and the unpaid listing is 3,039.

Program Coordinator III J. Cruz: So, that would leave a total of 11,721 paid applicants. So those are the applications that we are currently focused on.

Commissioner A. Bordallo: You have enough in the inventory?

Program Coordinator III J. Cruz: We anticipate we will be having I don't know if you want to discuss this now or during the agency update but we have been actively seeking and researching and working with RCAC related to federal grants with the USDA so you know we're doing our best with the assistance of RCAC and USDA to try to obtain federal grants or loans and we can give you an update on that during the agency update

Acting Chairwoman A. Santos: Thank you, Mr. Cruz. Thank you for that.

Commissioner D. Herrera: On the agency update, may we also include the total acreage that we have in the land inventory and how many are residential, one column residential inventory just an...

Acting Chairwoman A. Santos: Inventory or applicants?

Commissioner A. Bordallo: Inventory

Commissioner D. Herrera: Well, we have the applicants so fourteen, right?

Program Coordinator III J. Cruz: The total applications is 14,760. Paid applications is 11,721, unpaid is 3,039

Commissioner D. Herrera: And then one column of the total of residential lots that we have that are available I know it's not much but

Program Coordinator III J. Cruz: If we can provide that at maybe at the next meeting

Commissioner D. Herrera: Right at the next meeting

Program Coordinator III J. Cruz: That will be a really detailed report.

Acting Chairwoman A. Santos: Duly noted.

Commissioner D. Herrera: And the total acreage that we have under our

Program Coordinator III J. Cruz: We can provide it. The total number of acreage we have in our inventory because our audit and like I said we can go through the agency report so it's in our audit report that we can

Acting Chairwoman A. Santos: reference too

Commissioner D. Herrera: And also the registered total registered lands and the total unregistered.

Program Coordinator III J. Cruz: That's reflected in our audit so we can present that.

Commissioner D. Herrera: And then also the total registered unregistered land that were involve in the 1980 and '90s land

Acting Chairwoman A. Santos: Land inventory

Commissioner A. Bordallo: Land for the landless

Commissioner D. Herrera: No, the land corruption that occurred during the '80 and 90's that were convicted

Program Coordinator III J. Cruz: We don't have that information.

Commissioner D. Herrera: But we do have some of the land trust properties that were involved in that.

Program Coordinator III J. Cruz: We may, but that's going to require extensive research

Commissioner D. Herrera: But if it's part of the Trust, I think we should put some due diligence to get it back.

Program Coordinator III J. Cruz: What we did was we worked... our baseline was the administrative transfer documents of 1995 so we worked from there forward. If any property was involved in the land scam in the 1980's because I think the 22 – 18 was done around that time '95 '96 I think if I'm not mistaken so it should have resolved itself but we'll reach out to land management to see if they can assist us with that type of past because that's going to require a lot of time.

Commissioner D. Herrera: If it's going to increase our inventory, I think. Thank you.

Acting Chairwoman A. Santos: Commissioner Herrera I think Ms. Angie – Acting Director has been noting what you've been asking so...

Commissioner D. Herrera: Oh okay yeah I didn't mean to be...

Multiple responses

Acting Chairwoman A. Santos: Thank you for those inquiries thank you thank you. Okay.

Commissioner D. Herrera: Good job, Joey thank you.

Acting Chairwoman A. Santos: Does that include your...

Acting Administrative Director A. Camacho: Can we move on to Ko'Ko

Commissioner A. Bordallo: Ko'Ko Recycling.

Acting Chairwoman A. Santos: I was about too... if that concludes your unpaid application listing update we'll moving on to D in commercial.

Ko'Ko Recycling

Acting Chairwoman A. Santos: Hi, thank you for joining us. If you don't mind stating your name as soon as you get settled in stating your name for the record, please.

Benny Bello: Benny Benavente Bello, Ko'Ko Recycling

Ray Benavenet: Ray Benavente

Land Agent I T. Tainatongo: I'm sorry, Benny and Graig

Ray Benavente: Correct

Acting Chairwoman A. Santos: Graig – Ray?

Ray Benavente: Ray – Ray R-A-Y

Land Agent I T. Tainatongo: Oh, RAY

Program Coordinator III J. Cruz: Again, good afternoon, Madam Chair, Commission members, Acting Director Camacho and Assistant Attorney General Toft. Today, we present to you Ko'Ko Recycling the matter or the issue at hand is the outstanding credit of five million nine hundred eight thousand dollars five hundred twelve (\$5,908,512.00). How that number came about is I'll just jump right into our summary. Ko'Ko Recycling was awarded a commercial license agreement for Lot 5219-1-1 in the Municipality of Barrigada. The license agreement contained a term and condition that requires Ko'Ko's Recycling to clean up Lot 10122-15 and Lot 10122-3-R1 in the Municipality of Dededo of metallic waste, tires and non-metallic debris. In return CLTC will provide credit for the amount of work completed instead of rental payments. In the end CLTC and Ko'Ko Recycling agreed that Ko'Ko Recycling had removed in excess 25,000 metric tons or 375,000 cubic yards of metallic waste on Lot 10122-15. The rate that was used to calculate the value of the credit was twenty dollars (\$20.00) per cubic yard which amounted to a seven million five hundred-thousand-dollar (\$7,500,000.00) credit issued by the Board. After calculating the value of Ko'Ko Recycling Commercial License agreement on Lot 5219-1-1 Barrigada and reducing the amount from the \$7,500,000.00 credit Ko'Ko Recycling will have a remaining dollar credit balance of five million nine hundred eight thousand five hundred twelve dollars (\$5,908,512.00) when their license agreement expires on July 1st 2023. Considering CLTC's financial condition CLTC does not have the financial resources to pay the remaining credit balance of \$5,900,000 for the work done by Ko'Ko Recycling. Although, we would like to present an alternate resolution monetary payment and would like the Board to consider issuing a twenty-one-year commercial licensing to Ko'Ko Recycling for Lot 10122-15 Municipality of Dededo. The acting administrator – administrative director and I have met with Mr. Bello and discussed these types of resolutions. We did express our concerns about not disrupting a recycling activity and in response, Mr. Bello confirm that he can ensure that there will be no disruption of the recycling activities. Furthermore, Mr. Bello had agreed that even

though the value of the commercial license may not equate to the \$5,900,000 credit balance CLTC will be released of any liability to compensate any remaining balance. Mr. Bello had also agreed that he would take care of the remediation of all environmental concerns on Lot 5219-1-1 within a reasonable timeframe agreed upon by CLTC and Ko'Ko. If the board is inclined to consider such a resolution there are a couple of items to address. First, the board would need to decide to rescind the motion passed by the previous board on September 19, 2019 to follow the commercial licensing process as described in Title 21, Chapter 75, Section 75107C, this motion was to award Global Recycling a five-year commercial license. Our concern was that all awards of commercial lease or license would need to comply with subsection 75A 122 (c), (2), Chapter 75A Title 21 GCA, this subsection requires that all leases or licenses for commercial use shall be awarded through a competitive bid process. Again, if CLTC was inclined to allow Ko'Ko Recycling twenty-one-year commercial license, CLTC would need to seek the assistance from the legislature because CLTC cannot sole-source the award of any commercial license or lease. So, to sum it all up at the end of Ko'Ko's Commercial license, they're going to have a remaining credit balance of \$5,900,000. So, we would like the board to consider so we can resolve the matter or the issue of the remaining balance through awarding another commercial license for the *inaudible* Lot 10122-15. But like I mentioned the previous board has authorized the issuance of the five-year commercial license to Global Recycling. There have been communications, we have drafted a commercial license, the previous director and myself had been in communication with Global although there was some delay on their part there was also delays on our part and then the communication dropped. But in the end there really is no – if the board does rescind the award there really is no contractual obligation on the Commission. But with Mr. Bello and his company we do have a \$5,900,000 obligation to them or we will. I spoke with Attorney Toft *inaudible*

Benny Bello: Could I interject, one of the things that was not noted *inaudible* this was, the five point is up to the point where it was acknowledge when we received the license agreement which was three years after we did all this work. We continued to do work but at this point we're saying we're okay with the five point million because we actually did maybe another five years' worth of work and receiving materials from the mayors' receiving materials from the CHamoru Land Trust properties, we removed all that, seventeen ships of material *inaudible* has ever done in this island. Thirty years of metallic so what we're talking about here is settling on the agreed upon amount at the time we had the license agreement. Not, the additional work we did so we're also waiving that as part of our ability to settle this. And one of the things is I'm not getting any younger I would really like to see it not I mean let's just have a way forward and I do want to address the Route 16 issue. The problem we have there is going to cost my company and my family because actually we're not getting paid, my Bello Benavente the whole family has actually subsidized a lot of this removal and I have no way of paying them back. If we do this, I can at least take care of a lot of the commitments that I have to my company, to my family and to CHamoru Land Trust because I can't even resolve the NOV which was actually arsine but the thought of some type of resolution which we hoped *inaudible* to the board. I'm not looking for any cash, I just want to have a way to get some type of solution so I can do my part and you know settle all these issues. And like I said, it's a tremendous amount of waiver, there's no interest, there's no additional charge for all those other ships that we took out just let's figure out a way to solve this. That's what I'm willing to say.

Acting Chairwoman A. Santos: Thank you, Mr. Bello.

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

Benny Bello: And lastly actually there's no question that the work was done. 30 years of material didn't just disappear into thin air it was documented on invoices, on bill of lading everything and that's why there's no issue. And it's always been the same case from day one from every director since we started this *inaudible* we have done the work it's just how do we finalize this so that I could go to my grave in peace *inaudible*

Acting Chairwoman A. Santos: I do have a... you mentioned.... Is it just the land trust that you've been providing the service for? Is it any other agency in the government?

Benny Bello: No, because what happened, it was just the land trust because what happened is the CHamoru Land Trust dedicated an area which is the Dededo site that all the municipalities, all the municipalities on island went and took the metallic waste including public works putting in their busses all the other transit service putting in their equipment so now we cleared the metallic waste, we cleared the tires, we cleared the trash, we took out the freon all this is not part of what you – we talk oh, move this metallic debris, you have to get the metallic debris to a stage where it can be set and nobody's going to accept that with the freon and the oils and the tires so we did that as well so I guess we did that without costing the island and the cash and you know that to me is almost like wow, that's huge undertaking and we did it and I don't know how we did sometimes but because nothing was resolved as of the date that a lot of these happened my company has gone into hold – holding *inaudible* and I ended up actually helping – Ko'Ko helped Global Recycling get into the business so we're the top recycling entity in the island. Today, the subsidies to these new or to the organizations like Global are getting thirty dollars (\$30.00) a ton for removal to subsidize them. Here we removed it at twenty dollars (\$20.00) and we never got one penny.

Commissioner D. Herrera: Does that include hazmat oil also to contain and then ship or burn down at the power plant?

Benny Bello: Well that's part of what we needed to do, we have to remove it we can't just take it and put it over you know at Lot B and leave it at Lot B, no, we took it and removed it off the island so that it would show. And that's where we have our invoices, the bill of lading from the shipping documentation so all that that was already resolved as of the date would be commercial license. Everything was documented and credited to that date, I'm saying the additional that we did with another five years, we haven't even asked for that to be credited as well which like I said is going to be in another twenty years. So, I'm saying, look guys, they're already documented I'm okay with this let's just settle with this so I can resolve this for everybody. And so that's what I'm saying, I'm taking the hit on the interest and *inaudible* it's time for us to really do the right thing and get it done, that's all.

Commissioner D. Herrera: And you have to comply with all the hazmat requirements?

Benny Bello: The hazardous waste material

Commissioner D. Herrera: Yeah, the hazardous waste material requirements from EPA and the Federal Government.

Benny Bello: Oh yeah. In order to have your recycling permit, all the things that are necessary within that process would be you have to remove the freon, you have to remove the oils, all those things have to be monitored and we did all those things okay so we paid to remove all that as well.

Commissioner D. Herrera: Including rubber, right. You guys do the tires also?

Benny Bello: What's that?

Commissioner D. Herrera: The rubbers, the tire?

Benny Bello: What we did was actually, I brought a system, which was a baling system if you go to the site even today, for that period of time the tires were considered usable of restructuring as a usable product if you bale them. So, I took like 120 tires, baled them and put it and we used it to secure a whole perimeter of the property they're still being used today.

Commissioner D. Herrera: Oh, I see.

Benny Bello: They're still up there and they still have the baling machine and to that event I actually didn't start the tire recycling effort it was done by public works and they asked me to help provide a service to them because Ordot Dump was closed for a huge tire fire, remember when Ordot Dump was on fire everybody was throwing their garbage into the jungle they were throwing those tires so they created a place in Route 16 and they started collecting tires so they asked me at the same time they asked me to help with the material in Dededo; hey, can you help us with the Route 16 tire issue so I said, sure, I'm willing to *inaudible* so we did it. Actually, we did that, that's where the problem stemmed with the tire. We brought in the machine, the baling machines for both sites and we did most of the tires and then there was the arson and the tires burned and so that's when... we can resolve it, I already know the cost and we already dealt with Dave Taitano and with Eco friendly environment group, Joe Esteves, we know what needs to happen. We need to take *inaudible* and just take the trim off the top and they have a machine that we can put the dirt and recline the dirt so that it could be put back into the soil and the solution for Route 16 is very simple, it needs to be capped, it just needs to be capped. So, we need to take the soil and treat it. So, that's again, I know we can do and I want to be able to do it but I need for us to have a way forward. I can't do this and not have some kind of an idea of what's going to happen here. I'm going to borrow another three hundred fifty thousand from my family to do what and not have any recourse of getting it done. I need your help to help resolve this that's all, I'm mean then I can do it, given what you guys might be able to do is give me additional time and put it in black and white because a lot of the stuff that's happened has been; yes, we're going to do this, yes, we're going to do it and guess what; that's the problem till today, the board in the past has agreed but they haven't done what they said they're going to do. If we could do what we're hoping to do then I can be able to do what is necessary that I can do, I'll be okay.

Commissioner D. Herrera: On the arson, the arson of the tires, those are the burnt material that were on the ground and that's the one that you're saying has to be removed?

Benny Bello: Yeah, if you look at, I have an environmental study that we can provide to you guys. The environmental study cost me about fifteen thousand plus, the area that the tires were burned is only maybe one-fifth of the area of the whole 5.5 acres of that property so it's

very isolated so it's not ours to take that amount and clean it but it's going to cost three hundred thousand dollars or something but we can grate it and take it and again with the oversight of GEDA – GEPA and GEPA will work with us because they want it done too. So, everybody wants this done and again, the ability to do this which we know is part of what needs to happen and you're going back to this arson, some people have mentioned; Bello – Ko'Ko they burned it, that is the most outrageous mind-blowing statement. Because it cost us 10X more money, why would we do that when I have a system that's already transferred – forming into a usable product right so that was really the start of something that hurt us in that sense but it's *inaudible* to take care of it but again we have the

Commissioner D. Herrera: To treat the dirt, remove the

Benny Bello: The commitment from environment eco-friendly group and Joe Esteves's company that has the machine we can treat the material and then we can turn around and then cap the area

Commissioner D. Herrera: With a liner or no liner

Ray Benavente: Whichever one they require.

Multiple responses

Benny Bello: We're going to do according to whatever EPA and the environmental consultant tells us, we'll do it according to the law because we

Ray Benavente: EPA will not grant it if it's not followed

Commissioner D. Herrera: Yeah because it's on top of the water aquifer.

Benny Bello: Just so you know, it's been about maybe 15 to 18 years, there's been studies in that area so there's no contamination as we know *inaudible* but we still need to do it because it's an outstanding issue that should be addressed and we can't use that property without addressing that issue. Like I said, I've always wanted to do it, I've been coming here to try to do it, how we going to do it, you need to give me the way forward and so that's all I need like I said, don't pay me any money just give me the whatever option that you think can work that can provide you some credit so that I can reopen my company and remember it's not difficult for me to reopen my company it's just that the problem was that I have these things that are outstanding and I don't want to do it and put pressure on the company unless these things are resolved.

Acting Chairwoman A. Santos: Okay, I got a question if you don't mind. Ko'Ko is where now? You guys are closed right now?

Benny Bello: Ko'Ko – Global is at the site, we're just waiting for certain things to happen

Acting Chairwoman A. Santos: That's the one in Dededo, correct?

Commissioner A. Bordallo: No

Benny Bello: Global Recycling is the one at Dededo. We cleaned Dededo 100%, I got a letter from Chamoru Land Trust from Tom Elliot; hey, thank you for the work that you did you know you did a very satisfactory job you know we're good to go, I have that from Chamoru Land Trust so that property was already turned back to Chamoru Land Trust and it was actually being operated by Global Recycling which I don't know what your arrangement up there we're out of that particular

Acting Chairwoman A. Santos: Okay. Okay

Commissioner D. Herrera: So, you and Global are not partners or

Benny Bello: No, no. I introduced Global to the business because they needed somebody to do the work and under the circumstances with what was happening to Ko'Ko Recycling, I couldn't afford to continue the operations so Daniel Chu was helping me help export the *inaudible* the responsibility so I have no issues with Global Recycling I'm happy that they came in and took over the industry so to speak. With what happen I didn't have the resources to continue subsidizing the removal of material. I didn't and so Global is doing that now with subsidies with thirty dollars

Commissioner D. Herrera: So you were out of the operations since last year?

Benny Bello: I've been out of the operations for 15 years

Commissioner D. Herrera: And that's when Global came in?

Benny Bello: Global just became the entity that said, look, we'll do it. But I'm not a partner, I'm not a part of their team I have no issues. I just said look, one is that somebody needs to do this because Ko'Ko can't do it anymore, right so that's why Global came in and did the work. And they've been doing a really good job from what I've seen.

Commissioner D. Herrera: And they get the subsidy and they have the subsidy that's the difference.

Ray Benavente: Yeah

Benny Bello: Yeah, and like I said too, for us to come back into the picture to do certain things, it's not a great deal to get something for them not necessarily to do that's why like I said there won't be any disruption because if we have that area in respective if its there or another area we can accept material Ko'Ko can accept the material once we *inaudible* do it. I don't want to necessarily do it under the circumstances, right. I need to see that we have the ability to know our strategy moving forward and this is *inaudible* not been resolved.

Acting Chairwoman A. Santos: Okay. Thank you. Commissioner Herrera is there any other... inquiry

Commissioner D. Herrera: I'd like to digest this and really because this is the first, I'm only here for the second month so but I can understand where you're coming from about the hazardous waste

Benny Bello: there's no hazardous waste

Commissioner D. Herrera: oh no, your case I mean because right now the Trust has about five point some million due to you, right.

Program Coordinator III J. Cruz: \$5,900,000.

Multiple conversations

Benny Bello: Actually, we're taking a huge reduction in the actual credit *inaudible* true amount

Commissioner D. Herrera: And you're asking for a twenty-year

Unknown: Twenty-one

Commissioner D. Herrera: twenty-one-year lease

Program Coordinator III J. Cruz: Because that's what's mentioned in our commercial rules and regs will allow

Multiple responses

Commissioner D. Herrera: On a five acre lot

Commissioner A. Bordallo: Fifty-two thousand

Program Coordinator III J. Cruz: What it is - fifty-two thousand so I think it's like 13 acres. Just so, before so I don't forget through the motion passed by the previous board in September 19, 2019, if I remember correctly, Global has

Commissioner A. Bordallo: Two and half years more

Program Coordinator III J. Cruz: obtained an appraisal report if I remember correctly they obtained one appraisal report so if the board decides to grant Ko'Ko a commercial license on Lot 10122-15 the commission may be liable to reimburse the cost of the appraisal report obtained by Ko'Ko recycling but none the less even if the board decides the board can't do it on its own because the board is not able to sole source a commercial license if we follow our commercial rules and regs there's a competitive bid process so you would need to reach out to our oversight chair for assistance

Commissioner D. Herrera: So, the appraisal Joey for Global, the appraisal was for

Program Coordinator III J. Cruz: For Lot 10122-15 I remember

Commissioner D. Herrera: That's the one at Batulo Road

Program Coordinator III J. Cruz: But I don't remember receiving a copy I could be wrong and the copy could be emailed but just for full disclosure I want to make sure that you guys are aware of what services were obtained already

Commissioner D. Herrera: And that's at Batulo Road and the appraisal is for the material they have?

Program Coordinator III J. Cruz: No for the property itself.

Commissioner D. Herrera: Oh the property value

Program Coordinator III J. Cruz: Yeah because like I mentioned earlier on September 19, 2019, the board then had granted a five-year commercial license to Global the previous director, Mr. Hattig and myself has communicated with Global Recycling it even came down to the point to where we sent Global a letter stating that either you accept the draft commercial license of not but you need to inform us within a specific timeframe and then they wanted to have their attorneys review the draft license and then they obtained an appraisal report but we requested for two but I know they obtained one.

Commissioner D. Herrera: Commercial license on an agriculture lot

Program Coordinator III J. Cruz: For Lot 10122-15

Commissioner D. Herrera: Which is zoned agriculture?

Program Coordinator III J. Cruz: Yes

Commissioner D. Herrera: With a commercial license?

Program Coordinator III J. Cruz: Yes

Commissioner D. Herrera: It doesn't jive right?

Program Coordinator III J. Cruz: So, that's our previous discussion on the zoning certification that's why I was saying that it all ties in

Commissioner D. Herrera: Got it. I understand now. So, now back to Mr. Bello

Program Coordinator III J. Cruz: There is no doubt that the Commission owes \$5,900,000 in credit at the end of his commercial license in Barrigada.

Commissioner A. Bordallo: Were you aware that we had that debt at the time in 2019?

Program Coordinator III J. Cruz: That we had a credit, Mr. Bello had came in and met with myself and Mr. Hattig and I don't remember the meeting, the details of the meeting but I know he came in I don't know if it was before or after the board had decided

Commissioner A. Bordallo: If we had known that you know I think that was not a thing to do at the time

Program Coordinator III J. Cruz: Understood. But I don't recall if it was after or before the board decided.

Benny Bello: You know there's something that I also wanted to put out, for Route 16 the best solution to that is not only, I'll address the NOV that's not an issue, I'll take of that provided we the way forward but I want to offer my best efforts to help cap it because that's really for you know if I just did the NOV – that's the NOV there's still problems with that area which means that it's not going to be useful to anyone that's going to want to lease it or provide you know because this was a – the history of this this was a *inaudible* and what happen was public works and Chamoru they have allowed backfilling and other things so it's not really good for development or other things like that and even as it is today it needs to properly backfilled and capped so that's one of the things that if you know again, I've already done this *inaudible* and history is that if I did the NOV, I'm okay, right I did my part you shouldn't have any issues and I'll even go to wherever you tell me I can go but to me that's not the word halfway what needs to be done is that if there's a month that's credited to me and I could get a little bit of an extension then to me I'm told I'll do the NOV in a period of time but I would like to cap it for all parties so that we can have the authority to utilize the property in the future for the Chamoru Land Trust and myself and I will also if I cap it I'd like the opportunity to also put in a bid for the use because that's a really good area but the only problem is that it needs the attention that I mentioned, finish the NOV, do the capping, provide the property back to the Chamoru Land Trust and the people of Guam and then, hey can you give the chance to really utilize it I'd like to use it for like you know metallic – not metallic but say green waste you know things like that for future typhoon this is a perfect area for sources like that but you need to cap it.

Acting Chairwoman A. Santos: What's an N-O-V?

Benny Bello: What's that?

Acting Chairwoman A. Santos: N-O-V?

Benny Bello: Notice of Violation for the tire issue. The tire issue is a small part of the *inaudible* capping it's going to take about probably *inaudible* cubic yards of material to property cap that area. Like I said, it was a quarry *inaudible* needs to be settled, needs to be backfilled so what it is I ask of you is on the 21 when you did the evaluation for Route 16 it was like \$1.7 million that was every month they are taking the credit for the lease from the *inaudible* sold that's why it's five point something every month I paid my lease from the credit but I haven't been able to use the property so if I could offer that if I do the NOV now help *inaudible* to cap it I would say in five years that I can offer to get credit induced so that I can do the capping for and on behalf of the Chamoru Land Trust and the people because that's – if you don't want me to do that then you'll have to go and get a company to do that and then if you get a company to do that; what are they going to charge to do that?

Program Coordinator III J. Cruz: If I may just to explain your question with the NOV, the notice of violation was issued to Ko'Ko Recycling because of the thirty to fifty thousand estimated tires that burned on the lot, on August 2nd 2003 just so you have a little insight of what that NOV was related to

Benny Bello: And I have the machine, I have the ability to come in there and not only treat the soil but whatever balances the material I could mix that in with actual tires that are still round

and treated to again with the baling so there's the true no doubt that there's a solution for that.

Commissioner A. Bordallo: We're not able to use it?

Program Coordinator III J. Cruz: The Barrigada property?

Commissioner A. Bordallo: Yeah

Program Coordinator III J. Cruz: No, because of the environmental concerns that need to be addressed. This property is located if your facing

Commissioner A. Bordallo: I know where it is

Commissioner D. Herrera: I don't know

Commissioner A. Bordallo: But the question is, you know, can two companies operate on recycling?

Program Coordinator III J. Cruz: Yes, because it's a commercial license it's not exclusive so what can happen is the board can decide to give ten acres or whatever acres to Ko'Ko recycling and then other to Global you know whatever the board decides.

Acting Chairwoman A. Santos: Well, it has to comply with the law, correct?

Program Coordinator III J. Cruz: Yes, yes but you know like I said, and I use the case of GTA right, because the board even though they decided before to issue a commercial license for one the submerged properties, we were stopped, right, because there was no way to sole source that award so given the case now, whether the board decides to address Mr. Bello's credit due and also the Global Recycling, we're going to have to comply with the – our commercial rules and regs which requires the competitive bid process; so, that's why I mentioned, if the board does decide we're going to have to reach out to our oversight chair for assistance some kind of legislative assistance.

Commissioner A. Bordallo: Yeah, because Chamoru Land Trust can't pay it that \$5 million, so...

Benny Bello: I think that if you look at the value to the Chamoru Land Trust the discounted balances and you compare it it's probably twice than what anybody would have paid. And I'm providing a compensation for my settlement for almost twice of what you would be able to get in the market. And that's no doubt because like I said, if you take the \$6,700 a month is what's point eight million dollars that you know if we take it out to compare it to what you do if we did like Dededo or something it's \$10,000 a month your *inaudible* \$20,000. You're getting \$20,000 worth of credit so who's going to pay you \$20,000 for the \$10,000 so it's not apple to apple it's not like Bello or Ko'Ko's giving it as a trade no their getting it because they're giving us a break we're settling this issue we're not paying interest we're not paying this additional amount that he could have gone after you know I'm just saying that this is position that I think that the board needs to understand that it is a part of the settlement and it is a tremendous amount of savings to group.

Commissioner A. Bordallo: Does the port have any Chamoru Land Trust properties at the port?

Program Coordinator III J. Cruz: The Port of Guam?

Commissioner A. Bordallo: Yeah

Program Coordinator III J. Cruz: No, the only thing in Piti we have is what we – KwikSpace is using but that's on the opposite side to the entrance of the Port Authority of Guam. But within the port authority vicinity, no; but across the street, yes.

Acting Chairwoman A. Santos: Joey, what lot would be subject to?

Program Coordinator III J. Cruz: Lot 10122-15

Acting Chairwoman A. Santos: Okay. So, that 5219 had already had passed because that might be the

Program Coordinator III J. Cruz: It would expire next year

Acting Chairwoman A. Santos: In 2023 get it

Commissioner A. Bordallo: It will?

Acting Chairwoman A. Santos: That's what they're yeah

Program Coordinator III J. Cruz: Like I mentioned it's only a license so it's not exclusive it doesn't mean to your question about having two recycling centers, I mean, you know but you guys have to decide whether you want to give 10 acres or...

Acting Administrative Director A. Camacho: May I ask a question? So, the license currently with Global there's no monetary

Program Coordinator III J. Cruz: There's no license with Global there's only a use agreement.

Acting Administrative Director A. Camacho: A use agreement? So, we're not receiving any revenue?

Program Coordinator III J. Cruz: The only thing that we receive was a hundred thousand that was collected during Mr. Monte Mafnas's time from then forward, we haven't received anything nothing that I could recall.

Attorney N. Toft: Thought that we *inaudible*

Program Coordinator III J. Cruz: That hundred thousand?

Attorney N. Toft: Yeah

Program Coordinator III J. Cruz: That was during Mr. Mafnas's time

Attorney N. Toft: Not Mafnas

Acting Administrative Director A. Camacho: So, when we – when we

Acting Chairwoman A. Santos: Borja

Attorney N. Toft: Yeah

Acting Chairwoman A. Santos: Mike Borja's – yeah because I remember that meeting too when they presented the check or they were requesting the check

Program Coordinator III J. Cruz: Okay, okay, my mistake, Mr. Borja.

Acting Administrative Director A. Camacho: So, when we agreed to the additional five years, there was no value is what I'm trying to ask?

Attorney N. Toft: We were trying to hammer something out and that was what the appraisals that was the *inaudible*

Program Coordinator III J. Cruz: The five years was supposedly a commercial license because of the Chapter 60 requirements

Acting Administrative Director A. Camacho: But we're four years into this and we haven't figured out what the...

Program Coordinator III J. Cruz: Like I mentioned there was communication between with Director Hattig and I with Mr. Chu, we went up there occasionally when the draft was accepted by the board Mr. Chu did not respond for reasons of he needed his attorney to review for whatever reasons like I said, I remember emails stating from Ko'Ko or Global Recycling that there was one appraisal done.

Acting Administrative Director A. Camacho: *inaudible* to request to

Benny Bello: You know I *inaudible* Mr. Chu and *inaudible* that they planned a free ride but the Ko'Ko recycling getting it's credit taken from the amount owed we've been paying our due. Global has been there for over a decade and the hundred thousand is peanuts it's nothing compared to what they should have been paying and when they are asked to do something and they had the opportunity; why didn't they just jump on it and do it? Is because I believe they like the fact that they're getting this free ride so to me just the unfairness of what's going on.

Acting Administrative Director A. Camacho: And then also believe that they get paid right to receive I think that they're getting paid

Program Coordinator III J. Cruz: From the Global Recycling Fund, there's purchase orders.

Commissioner A. Bordallo: They are, they are accepting metal and paying for it through the public

Acting Administrative Director A. Camacho: Yeah, the mayors' office

Benny Bello: And you know it needs to be done the recycling needs the assistance but what's happening over there is not is really kind of it really also needs to be settled.

Acting Administrative Director A. Camacho: And I'd like to mention too when we met in our office what a few weeks ago; we asked Mr. Bello if we can have a smooth transition and remember that conversation so that there's no disruption we just want to – we don't want to have any disruption in our recycling business on Guam. So, Mr. Bello agreed to work with Global so that it's amicable and it's a smooth transition or...

Benny Bello: I want to be a solution maker for *inaudible* even Global, you know what I'm saying so, it's all relative I think there is a solution for everybody it's just that I need a solution for me first and I have some room to be as generous as been over decades.

Acting Chairwoman A. Santos: Thank you, Mr. Bello. Director, any other inquiries or additions? So, you were mentioning – what is the case you mentioned about Global and having you all would be amicable with each other for the *inaudible* we have a *inaudible*

Program Coordinator III J. Cruz: If the board decides that that's what they want to do is grant a commercial license to Ko'Ko Recycling for Lot 10122-15 just know that because it stopped there like I mentioned earlier *inaudible* is also an award of a commercial license but at our meeting with Mr. Bello he had guaranteed that there'll be no disruption in the recycling business activities that are being conducted up there in Dededo. He mentioned to put it in black and white he can get the equipment there'll be no disruption.

Benny Bello: I think the instruction there's no way if as I *inaudible* Chamoru Land Trust or even myself, you got to give me enough time to for the group to vacate and within that timeframe you know other things might be worked out or I can mobilize really quickly I mean to me *inaudible* lease a few excavated truck *inaudible paper shuffle over mics* no big deal we could do it in the next couple days but again you know I'm not *inaudible* putting anybody out of business if Global is doing well and they want to continue I think that we could work something out I don't know at the end of the day I can't do anything until we address that. But there's not going to be disruption in the recycling industry that's not a problem to resolve like I said I can put Ko'Ko in place in a matter a week.

Commissioner A. Bordallo: Are they using the 52,000 square meters?

Program Coordinator III J. Cruz: I could say, I would like to say – yes, but not exactly I guess storage is considered use right like putting a mountain and then coming back to it later. But yes, I believe that they're using the entire property.

Acting Chairwoman A. Santos: Talking about Global?

Program Coordinator III J. Cruz: Yes, for different types of activity

Benny Bello: I think if going to the for the sake of having the full authority you need to go the the legislature we went to the legislature before and the main issue was the cash being out of the recycling fund and they said they really couldn't do that but all the senators we spoke to I

believe they want to have something provided as far as solution go back and figure out a solution I think that we have a solution going to the legislature I think *inaudible* they you know I talked to every one individually before and the cash issue with something like this I believe totally supported and it's a very amicable solution for all parties.

Attorney N. Toft: So, just to move things forward right so, the current situation is that Global has a right of entry and not a commercial license there's a motion to try and attempt to do a commercial license back in 2019 that really hasn't gone anywhere other than that one appraisal other than that *inaudible* have been pretty stagnant then we have this outstanding amount we have the kind of agreement on all parties that this would be the potential solutions so, the suggestion then would be amend the commercial license and process that was passed back in September of 2019 with Global and then seek a legislative lease and that would be a recommendation *inaudible*

Program Coordinator III J. Cruz: I mean because the board can't sole source it.

Attorney N. Toft: Right, and there's no way with our rules and regs really come up with a type of solution that is being offered, it requires the legislature.

Program Coordinator III J. Cruz: Right

Attorney N. Toft: Okay

Acting Chairwoman A. Santos: So, will Global be able to come to the table and have discussions? You're certain with this? That Global Recycling Company will be able to come to the table and...

Benny Bello: If Global...?

Acting Chairwoman A. Santos: Will Global be able to come to the table to have the discussion to be able to pull out and you all could come in?

Benny Bello: That's no problem at all

Acting Chairwoman A. Santos: Okay, so that's what you're certain of?

Benny Bello: Huh?

Acting Chairwoman A. Santos: You're certain of that?

Commissioner A. Bordallo: No, it's up to us

Acting Administrative Director A. Camacho: Well, we have an obligation I mean our commitment is only a right of entry

Multiple responses

Attorney N. Toft: Our current commitment is a right of entry which I have to look at the language of it but right of entries and licenses don't necessarily have the same type of longevity of a lease or

Benny Bello: Actually, the issue with Global prior to that is although I cleaned up Dededo I was still actually technically had the ability to continue using it. I didn't continue using it because I wanted to keep it clean until we resolve our problem so, when Global started using I was expecting that to go directly to Chamoru Land Trust and get their agreement and that was a decade ago and they never did that I think they you know kind of procrastinated and procrastinated but for what we're talking about is if we gave them an opportunity to say if you want to stay... if you want to work with us we're okay but I cannot be held responsible for whether

Multiple responses

Benny Bello: Yes, we have ninety days or another ninety days whatever but guess what I'll do it because I made a commitment to Chamoru Land Trust that I'm going do for to keep this recycling going because I'm not going to be worried about you forcing me to do what you want you know that's not fair

Acting Chairwoman A. Santos: Right. So, all there is is a right of entry

Attorney N. Toft: Right and Global can be a part of the legislative discussions as well because in our discussion with them we ran into some of the similar difficulty and that they were arguing that recycling is a public benefits everybody, the mayors offices use them and to try and offset cost that way and again that type of thing really isn't doable under our commercial rules and regs and we were running into that same problem there so I think either way I think that needs to go to the legislature no matter what the solution

Acting Chairwoman A. Santos: Right...right...right... okay and in those terms will we have to present a resolution, what would we have to do on our part?

Attorney N. Toft: What I would do is do a motion to rescind the September 19th 2019, motion to seek a commercial license in this lot and then a motion to authorize the CLTC to seek a legislative resolution for the Ko'Ko leasing at 10122-15

Acting Chairwoman A. Santos: To *inaudible* and Ko'Ko Recycling

Attorney N. Toft: If the board wishes too

Acting Chairwoman A. Santos: Because that's what we're wanting to settle right is the

Multiple speakers

Attorney N. Toft: I would say leave *inaudible* for now and then we can – when it comes before the legislature we can all bring this information to them you know they – we have already talked about the debt that the CLTC owes Ko'Ko and that there's this offer in place from Ko'Ko to rectify that

Acting Chairwoman A. Santos: Okay, okay, okay.

Benny Bello: Again, I'm not really not looking to put a competitor out of business I even wrote a letter stating that I support what Global is doing because they really are a *inaudible* of what is necessary in the recycling industry and I would open my doors and have the opportunity to have them participate with Ko'Ko because we've done it, we've done *inaudible* this together before so it's no issue – it's up to them if they want to continue or if they like I said opportunity - *inaudible* be transparent you have to sublet it at a discount if we did you know again I'm discounted to get some kind revenue but remember if there's any revenues the Chamoru Land Trust gets a piece of that so there and there and so everybody still you know is there is a solution for as long as you gave me the ability to provide a solution now discounting like 60 -70% is okay as long as I get everything done and we move forward so Global's not – I don't think is an issue – they don't want to move they don't want to do all these things and if they do it's going to *inaudible* unless I say, hey Daniel here's what we can do if you want but please don't necessarily want to do the recycling I want you to do it here's what I could do I'm just being transparent and it'll be much better than if you went to Chamoru Land Trust anyway so here's the deal I just let me go do what I need to do at Route 16 let me do the NOV, let me do the capping man I tell you what that would be something that you know that Benny Bello did his stuff on my grave you know he committed and he finalized his commitment to *inaudible* and Ms. Bordallo, I think *inaudible* that's work you know I'm not getting younger

Commissioner A. Bordallo: We're not getting

Benny Bello: *Inaudible* and so that's really what I'm looking for guys is just

Commissioner D. Herrera: And that would be to extend the 21 years

Benny Bello: What's that?

Program Coordinator III J. Cruz: No, to grant him a commercial license on Lot 10122-15

Commissioner D. Herrera: For 21?

Program Coordinator III J. Cruz: But he'll also take care of the remediation issues at 5219

Benny Bello: I'll do the remediation for the NOV and I'll give my best efforts to do the capping providing you give me additional time because I'm only have like till 2023 one year so what I'd like to do is take it through the credit. Give me a five-year extension on Route 16 at the very least and take it from the credit so you're getting paid still

Program Coordinator III J. Cruz: If we word it correctly there may not be a need to extend the Barrigada license. We can write the license as it was written for Barridada so for instance we can include the term that Mr. Bello or Ko'Ko Recycling has agreed that they will conduct remediation activities 5219-1-1 within a five-year period and that's it. After five years if the commission decides they commercial lease the property it's ready to go.

Multiple conversations

Acting Chairwoman A. Santos: As long as all the *inaudible*

Program Coordinator III J. Cruz: And of course, we'll run it through

Acting Chairwoman A. Santos: Right...right...right...right. And, is there any other inquiries that you all may have, Commissioner Herrera?

Commissioner A. Bordallo: So, you have to let Global know?

Program Coordinator III J. Cruz: Whatever the Board decides. Like what Attorney Toft had mentioned to leave it general and when it is entertained by the legislature, we can get the details together and send it their way.

Acting Chairwoman A. Santos: How soon will this begin...how soon are you anticipating?

Benny Bello: How soon am I what?

Acting Chairwoman A. Santos: How soon are you anticipating a decision from us to – is it on us to decide that?

Benny Bello: Yeah, it has to be you. If you guys could give me just like the commercial license already and then you *inaudible* here's what we're willing to do and sign that *inaudible* because I'm ready to go. I've been ready to go for a long time.

Program Coordinator III J. Cruz: We just need to also inform Global to cease and desist any procurement of any services any more appraisals and surveys because that was the last thing that when Mr. Hattig was still here.

Acting Chairwoman A. Santos: Great

Program Coordinator III J. Cruz: So, the liability doesn't increase

Acting Chairwoman A. Santos: Right. So, we're well aware of all of the steps that we need to take so nothing comes back to the Trust and we're able to move forward without having any worry?

Benny Bello: I think even there and there's a little bit of issue we just push this back and say you guys resolve it, I'm okay. My main concern is I have a solution you resolve the issue with Global I'll start – with that I'll start with Route 16 the issue is I want to start with Route 16, the issue with Global is internal but I think it's not a major problem. I'm a landowner myself and I know what's here is *inaudible*

Program Coordinator III J. Cruz: I don't think because the last lease agreement I know that was given there was not *inaudible* and it was really almost like generic in nature, right, like yeah we can occupy it but there was nothing that could restrict us from terminating if I remember correctly.

Attorney N. Toft: Yeah, and *inaudible*

Too much paper shuffling!

Program Coordinator III J. Cruz: And I'll share that with Attorney Toft.

Acting Administrative Director A. Camacho: So, two-step, right? We're number one requesting to rescind a motion in the past on September 19 and then the next ask is just to allow us to seek the assistance from the legislature.

Program Coordinator III J. Cruz: If the intention is to sole-source the commercial license in return for working out the credit and at the end of the license even if there's a balance it's zeroed out the remediation of Barrigada, no obstruction of services so... also, to Ms. – Commissioner Bordallo's question about can we have two operating? Yes, we could because it's a license it's not exclusive so the board can decide to give 10 to Ko'ko, 5 to or whatever the split is going to be you know we'll work all of that out.

Acting Chairwoman A. Santos: Before that does proceed to the legislature will it come to the board for review as well? The verbiage?

Program Coordinator III J. Cruz: Yes, but before anything goes down

Attorney N. Toft: Moe likely that they would have a hearing at the legislature that we would appear at

Multiple conversations

Acting Chairwoman A. Santos: Well, I mean the Commission and the agency is one and one right we want the best for the agency we all want the best for the agency so we wouldn't want to proceed it without the Commissions knowledge of what it says.

Program Coordinator III J. Cruz: Yes. We'll- because the – if it's through resolution the resolution will be prepared and presented to the board for approval and then everybody signs off.

Acting Chairwoman A. Santos: The best and easiest way to remediate this I think would be the best way to right whether we just get it down and present it to or speak with the Chair of the committee and then come to an agreement on how we would word whatever, right? That's what we would want or a resolution

Program Coordinator III J. Cruz: The resolution would be in support of what we're trying to do and if any draft bills come our way and Nic reviews it everybody gets a chance to review it

Acting Chairwoman A. Santos: Great...great...great...that's the opportunity that I would like I think we would all like. Commissioner Herrera any other concerns or questions for Ko'Ko recycling or Joey?

Commissioner D. Herrera: I have plenty concerns and I have plenty questions. But I like the presentation of proposal from Mr. Bello because this is the first day, I've heard about this for me to digest but what I see is that you're willing to lease for 21 years and in lieu of the \$5.9 million, right? For the lot 10122-15

Unknown: That's Dededo?

Commissioner D. Herrera: Right? No?

Commissioner A. Bordallo: Hunggan

Commissioner D. Herrera: Hunggan – no. For 21 years?

Program Coordinator III J. Cruz: Can we just take a look back and see the commercial license for Barridada was for 21 years it took away \$1.1 million it's – the lot in Dededo is double the size if just a rough estimate the life – the value of that lease in Dededo might only equate to \$2.2 million or \$2.5 which will still leave a balance and we can resolve it all through this – through resolution and also remediate Barrigada Heights so it could be ready for us to lease but still considering that *inaudible* but we're not saying you can't have two because it's a license so it's not exclusive but whatever the board decides.

Commissioner D. Herrera: Now, solid waste from the villages you also receive at that

Benny Bello: What's that?

Commissioner D. Herrera: You know the solid waste from the villages

Ray Benavente: *inaudible* Malojloj

Commissioner D. Herrera: They white – Malojloj the white goods including the white goods

Benny Bello: Oh, the white goods

Ray Benavente: The washing machines and all that – does it go to the recycling or does it go to Ko'Ko' no?

Benny Bello: No no the white goods and all that stuff?

Ray Benavente: Yeah

Benny Bello: Now?

Ray Benavente: Now

Benny Bello: All of that stuff is being handled by the recycling groups – Global is receiving them in Dededo and then there's others – Pyramid I believe that receive that. We have authorization as recycling entity for at least 10 years a lot of it

Commissioner D. Herrera: Yeah yeah so when the white goods comes to Global the municipality have to pay the recycling

Commissioner A. Bordallo: Yes

Commissioner D. Herrera: Yes no

Ray Benavente: When they turn in to Global, they got to pay. The white goods the washing machines you got to pay to take it to Global.

Benny Bello: I believe there is a fee that is charged whatever recycling entity that receives and then they also have a subsidy from the \$30.00 per ton

Commissioner D. Herrera: The thirty bucks yeah. When you're granted the 21 years are you willing to receive the white goods from the municipality at no charge or

Benny Bello: With my intent right now that's not my intent my intent is to focus on cleaning up Route 16 but if necessary if that's what's asked of me is to not hurt the continuation of the recycling requirements then I'll go into business but I don't necessary want to go into the recycling back into the recycling business if Global can continue to do what they're doing whether it's a Route 16 I mean at Dededo or another site I'm good because then I don't need to do it for now. I'll just focus on my requirements of the Route 16 because like I said, to me the recycling business is okay there's already people in there Global is doing a decent job – a good job and like I said *inaudible* because my commitment to the community and my commitment to the CHamoru Land Trust but for me I'm not dying to get back into the business really I'm just willing to resolve the \$8 million that's owed to me and I'm reducing that by another \$4 million again because if you look at it we're talking about a credit of that \$5 million it's not going to be \$2 million and then so it's another discounted amount you know what I'm saying.

Commissioner D. Herrera: Yeah, got it. So, the 21 years is for the Lot 10122 dash not for Barrigada?

Program Coordinator III J. Cruz: 15

Commissioner D. Herrera: But your target is to clean Barrigada?

Program Coordinator III J. Cruz: What we'll do is include it in the terms

Benny Bello: So, there's a credit of Route 16 for the 20 years that's only \$1.7 and you credit the Dededo, the \$2. something million that's already \$3.7 million there's \$1 million missing where's that \$1 million – Benny Bello at Ko'Ko said to raise it again so it's all good let's move let's do something guys.

Commissioner D. Herrera: So, then we do a cease and desist for Ko'Ko I mean Global

Program Coordinator III J. Cruz: Only for procuring any more additional services that relates to the Board approval for September 19, 2019 that would be the appraisals and the surveys, that's all but not to cease and desist any activities – still keep the recycling business to

Commissioner D. Herrera: And how does that interface with Mr. Bello's 21 years? Who's in control now?

Program Coordinator III J. Cruz: It depends on what the Board decides, if the board decides that they're going to go in the direction of supporting Mr. Bello and authorizing the 21-year lease issuance then it's going to be up to Mr. Bello whether he allows Global to sublease or

whatever the case may be but if he subleases just know we're going to get money out of it, a certain percentage and the Board will decide. If he doesn't nonetheless whether he does or he doesn't the issue of the rent credit will be resolved remediation of the Barrigada Heights property will be resolved and after 21-years Mr. Bello don't have to come back here

Benny Bello: With everything is on the record okay, here's deal huh, before I get the credit for Dededo we want Global to continue providing the service

Commissioner D. Herrera: You want Global to continue operating?

Benny Bello: Wait for me which is what I really want to do is that then I would also additionally take another hit but from there whatever that hit is I believe it's 20% of whatever the revenues could be go back to the CHamoru Land Trust there's another discount right so at the end of the day it's all on the head of Ko'Ko to make help make all these things work it all comes from the bottom line if I have something to provide, I can do if I have nothing to provide I have nothing

Commissioner D. Herrera: But you're saying we're not earning anything from Global?

Program Coordinator III J. Cruz: Based on the use agreement there is no dollar figure attached to any usage

Commissioner D. Herrera: So, I'm just trying to see how that ties in

Program Coordinator III J. Cruz: It's not like the KwikSpace right of entry where there's a dollar figure attached to it

Commissioner D. Herrera: So, if they become a lessee under Ko'Ko we don't get a percentage on that?

Program Coordinator III J. Cruz: No, if there's a sublease between Ko'Ko and some company then we have to work out come to an agreement with

Acting Chairwoman A. Santos: It would need to come to the Commission before anything proceeds

Benny Bello: I think there's a *inaudible* that was provided under most agreements I'm not looking to get that waived you know provided if I do get it whatever the amount is it'll be the amount but the thing is I can't held to a commercial value we'll say if the commercial value is 10 and I lease it for 7 – sublet it for 7 I can be expected to pay the amount of 10 you know what I'm saying? So, that's an issue within the agreement that we have, right?

Program Coordinator III J. Cruz: The specific *inaudible* will all come down when the legislature if they do decide to assist us because it would be written I believe it will be written almost like the submerge – so the details are there everything is *inaudible* passed by statute and we'll have the ability to weigh in on what the language we'll use and stuff

Commissioner D. Herrera: So, the motion for today for us to do that is to make a motion for the alternate resolution for 21-years?

Program Coordinator III J. Cruz: It's up to the Board if you guys want to decide today or you guys want more information from us or you guys want to come back next month

Commissioners: Back ground conversation

Program Coordinator III J. Cruz: Just let us know and we'll put it together. We just wanted to present it today to the board so that

Multiple conversations

Acting Chairwoman A. Santos: Digest – all of the information we just heard today but not to make a decision today

Benny Bello: I believe what would possibly be it would have to go back to the legislature so the key there it is if it's always been the consensus that there was a debt this is a solution and sooner we get it to the legislature to try to get this support to get this done and I believe all the senators that were there before like I said they would support a resolution as long as you know they didn't have to come up with the money from other budgets so this is

Commissioner D. Herrera: So, the motion today would be to

Program Coordinator III J. Cruz: We don't

Acting Chairwoman A. Santos: Here it is – well if we want to make a motion there's a motion to be made if not we can table it and we can also give the opportunity for the chairman to have a speak and an input to it if we would like to go in that direction

Multiple speakers

Commissioner A. Bordallo: A proposal

Commissioner D. Herrera: A preliminary proposal

Commissioner A. Bordallo: For the next meeting

Commissioner D. Herrera: For the next meeting

Program Coordinator III J. Cruz: So, the decision can be tabled and we can add – if there's any specific details or information the board would like just inform us and we'll put it together

Multiple Speakers

Commissioner A. Bordallo: Line A, B and C

Commissioner D. Herrera: So, three options by the next Chamoru Land Trust Commission meeting on May 19 do we

Acting Chairwoman A. Santos: Okay, so we will table this discussion for the next meeting in May 19. Thank you, guys, for your time. Thank you so much for answering all our inquiries, helping us to understand and then presenting to us your plan

Commissioner A. Bordallo: Well, giving us a win

Acting Chairwoman A. Santos: We have exhausted our items – our agenda items to item number 5. If I can please a call a recess of 15 minutes at 4:33

Commissioner A. Bordallo: Where are we at?

Acting Chairwoman A. Santos: We are finish with until Commercial now we would go into Old Business but I'm calling a recess of 15 minutes at 4:33

Acting Chairwoman A. Santos: Thank you for your patience we are back from recess at 4:52 resuming the CHamoru Land Trust meeting of April. We will continue now with – go into item number 6 Old Business and beginning with the Null and Void leases update

OLD BUSINESS

Null and Void Leases Update

Land Agent I L. Taleu: Well, it remains the same as last month the null and void cases. Adjudicated was 25 waiting to be adjudicated is 79 a total of 104 cases once again we're waiting to see how the legislature will feel about the new request that the board has made about changes to the law as far as transferring and all that. Which is why there's no movement on the null and void cases

Acting Chairwoman A. Santos: Can you just state your name please

Land Agent I L. Taleu: Oh, this is Lydia Taleu CLTC Land Agent I

Acting Chairwoman A. Santos: Thank you

Land Agent I L. Taleu: Applications being reviewed since last month I've only had a chance to review 10 cases of the 10 cases 8 were actually done correctly 2 will need to be reverted but also depending on public law whether or not that changes so those all could be affected. So, with the 10 cases being reviewed plus prior 210 cases all together 220 cases to be reviewed.

Acting Chairwoman A. Santos: So, the total from prior was 104?

Land Agent I L. Taleu: Was 104 yes for the null and voids

Acting Chairwoman A. Santos: Great...great...great... and the new applications well the 104 comes in to the 220 correct?

Land Agent I L. Taleu: No, the 220 is a totally separate one because when we look at the null and void cases those are actual leases then we have the applications that are being reviewed which is applications that haven't been issued a lease that were transfer of application rights

to see if it was done in accordance to public law which is subject to change depending on how the legislature feels and therefore that's what the changes are which is change of application is done only upon the death of an applicant and to certain named successors, spouses, children of the spouses, the widowers and the widowers of the siblings and their children which are the nieces and nephews but in reviewing those cases that's when we did find a couple of leases in there simply because they requested they declined their leased lot so they were removed from the data base making that lease lot available but then when they got put back into file they got put back into an area that's known as applications without leases so those might be readjusted we're working – currently working on contacting these people to find out how they want to move forward because if their leases are not in there they weren't ratified so we need to review to see if the lease was issued in accordance to the law and if the lot that they declined for another lot for another lot that they wanted to go to is still available. So, there's issues to be resolved on that end.

Acting Chairwoman A. Santos: In the application stage right what brought them into the null and void was the switch and transfer

Land Agent I L. Taleu: Yes. Yes. So, those are two separate ones and that's it for me see you next month.

Acting Chairwoman A. Santos: Thank you Ms. Taleu again and B, 1995 Applicants status update. Who will be presenting that?

Acting Administrative Director A. Camacho: Eileen or Jhoana

1995 Applicants Status Update

Acting Administrative Director A. Camacho: Hello again. In regards to the update of the December '95 call listing this is what I had actually emailed the Chair. So, the number that we have still have not made contact is 107. The number that have been qualified for the eligibility requirements is 0. The number that are ready to proceed with the next steps after eligibility requirements that are complete and satisfied, we had one that was actually board approved and that was with Ms. Irene Mafnas, other than that no other applicants have come forward to proceed with their eligibility based on the land agents' notations. The numbers contacted to be qualified but are pending there was none indicated on the land agents' notation and then lastly, the number not qualified but more research being conducted none indicated on the land agents' notations. I also advised the Chair that we started off with 201 applicants on the residential and agriculture applications and that was the start of the December 2, 1995, as of 10:30 a.m. Also, upon further review of somebody's applications some have already have leases in place, however, they will need board ratification, the reason being is that some of these applicants decline a lot therefore the original lease description was removed, the database will only show the lot description if there is a valid lease in place, given that a lessee cannot decline a lease we're going back to those and bring their leases back to life. And as I mentioned at the last board meeting based 23-38, we will need to publish and send out certified mail to those applicants who have not been contacted due to their numbers not working. However, we're still looking for monies for this and as Mr. Cruz advised he will update us on when we can move forward regarding the publication and or mailout and that is it.

Acting Chairwoman A. Santos: Okay, and you said total 201, correct?

Acting Administrative Director A. Camacho: We started off with 201 and then 107 have not contact. So, within maybe that 100 there may have been leases that are in file but they just haven't been ratified because some of them have declined it and then all we do is they will remove the lease description so it says that there is no lease but if you actually open the file there's a lease in place but just wasn't part of that lease listing so we just got to go back to those files and see if the land agents have any leases that can be brought to the board for ratification.

Acting Chairwoman A. Santos: How are we doing with that process?

Acting Administrative Director A. Camacho: We haven't started yet because that's just something that I actually put together and now we just have to back talk to the land agents have them go back on their listing because each of us were giving a list of people to contact and in those files in if there is a current lease then we'll put them all together so at least present it all at once versus in pieces

Acting Chairwoman A. Santos: What is the – do we have a I guess Ms. Camacho do we have a start date that when that can proceed or the process can begin

Acting Administrative Director A. Camacho: I'm not a

Acting Administrative Director A. Camacho: We haven't really sat down and discussed it there are some other projects that we are currently working on but I want to say maybe within May we'll start on that and then possibly proceed in June because you got to put the list together and then put that list all in one and then indicate the lot description and then we have to contact them and maybe their contacts are out of date but it would be good to advise them just in case you know they maybe want to come in or have any questions or anything like that.

Acting Chairwoman A. Santos: Do we have a formula already in place with who we will begin with in that list?

Acting Administrative Director A. Camacho: So, just within the 201 so, out of that 201 there are about 100 that was contacted but we have to go over the whole thing again maybe within that 200 within these 107 that haven't been contacted maybe they're one of those that have lease but you know a lot of the numbers in file are actually out of date and that's one of the biggest issues we have so that's why we were also given a copy of the list to the Mayors Council and then we posted an updated one just this past week but give another update to the Mayors Council so they have and updated one

Acting Administrative Director A. Camacho: I believe we posted in our

Acting Administrative Director A. Camacho: It's on our Facebook

Acting Chairwoman A. Santos: Okay so that process – numbers – update information okay and you said May we can start that process going

Acting Administrative Director A. Camacho: Yes, we still – I believe the land agents still have those files out so, just got to go back through it again, one more shuffle and then possibly by June hopefully not exceeding June we can actually just put it all together but the hurdle will be in terms of contacting them because you have to account that maybe they don't want this lease and that's why you got to work with them again. But again, it would be more so just ratifying that lease at least and then we'll work on the relocation on another time.

Acting Chairwoman A. Santos: Okay...okay...and that is with the ones that we've already contacted the ones that were contacted already, correct?

Acting Administrative Director A. Camacho: Yeah we can do that or we can do all together because at least I want to say if you ratify the leases at least it would justify there is lease in case and then like we've been doing with a lot of other cases is just doing a request for relocation before the board so it's just a matter of us contacting these individuals but if we possibly can just work with the ones that have been contacted then at least that's something if not, I just don't want to do things in pieces because then we would be taking so much to the board versus just one straight list.

Acting Chairwoman A. Santos: I think we can begin already with the ones that we contacted just so that process can start because you mentioned that we'd still have to go back look at the list see if there are contact numbers and then afford it to mailed out correct that's going to take another time process.

Program Coordinator III J. Cruz: We're also trying to determine what will be the most effective way if their number in file is not working then the likely their address in file we're also going to get a return so we're trying to weigh it out too what will be the most effective way to inform them. *inaudible* When we publish the – during Mr. Borja's time – Michael Borja regarding the I forgot what it was – but on the newspaper that was more effective than sending out certified mail

Acting Chairwoman A. Santos: So, as you mentioned that – Joey needs to find funds but with the 94 I think – 201 minus the 107 right so minus the 107 those are not contacted so we have a 94 list we have an amount of 94 who we contacted already. Okay, I mean I think that's a great number already to start the process of presenting to the board to ratify.

Program Coordinator III J. Cruz: I don't mean to interrupt you but one thing that we have to consider too is in the Act it says we award leases based on date and time

Acting Chairwoman A. Santos: Right...right... that was my next inquiry. Did we go down based

Program Coordinator III J. Cruz: The 94 could be 5 here skip 10, 5 there skip 10 it's not in the order of date and time but so that's why too we're trying to figure out what's going to be the most effective way to communicate with them

Acting Chairwoman A. Santos: No, to comply with law that's the best way to go we have to stay in that rhythm is your date and time let's just go ahead and comply with that I think we are all in agreeance with that we don't want

Commissioner A. Bordallo: First come first serve

Acting Chairwoman A. Santos: Yes, ma'am. Yes, ma'am. So, that's good knowledge.

Program Coordinator III J. Cruz: So, what we're doing to is because of that section in the law so the first five is contacted that would only mean the board can only award five leases because the next five have been contacted vetted in addition to that also we've met and we've discussed the eligibility process. We'll be sending Attorney Toft the process that's going to be included in the updated SOP that will give us the step-by-step process on how we're going to qualify the eligibility beneficiary our thing right now that we're trying juggle with is in the law it says, reasonably ascertainable and to the extent known; so, if a constituent comes in and claims that his grandfather or great-grandfather or mother whatever it is and utilized, occupied, farmed or ranched property and the staff is unable to obtain any type of documentation to substantiate his claim but he decides to fill out occupier, ranch or farm form but can only fill out his name, the grandparents' name and the name place but cannot tell us when it was taken, is the board going to accept that? Because the document is not completely filled out, that's what we need to know what the board is going to decide. Is that going to be acceptable in terms of because it was reasonably ascertainable or to the extent known by the individual because anybody can come in and fill out the document as how I said and the staff can prepare to present it to the board but is the board going to accept it? That's what we need to know so we can put that as part of our SOP because if the requirement is that the constituent is going to have to complete the form completely then we need to know that also because if they can't then there's no use of them signing under penalty of perjury attesting to the information because the board is not going to accept it. So, that's something we need and it can be further discussed at the next meeting but you know, that's the information that we desperately need to know is to what extent is going to be considered reasonably ascertainable.

Acting Chairwoman A. Santos: The eligibility form that we have is there a way that we can get a copy of that for the commissioners.

Program Coordinator III J. Cruz: We'll provide

Acting Administrative Director A. Camacho: The ones that we've been bringing to the board are the ones who have the actual documents from the taking so like what Mr. Cruz mentioned is that should they only fill out the first two blanks it doesn't really give us any definite area you know someone can just say, I was farming behind Payless, is there an actual document or is that even a taking part so we definitely want to assist the constituents because at the end of the day we as a land agent or any staff can't guide them to fill out the affidavit.

Program Coordinator III J. Cruz: If the staff is able to pull up documents from the district court listing, the land web or the John Bohn judgement files from GALC, there'll be no need to for constituent to fill out the affidavit form

Acting Chairwoman A. Santos: What's the process on that right now with us assisting them in that sense. They do the – so when they come in they fill out the application, alright, you have to have this to show you're eligible what do they – do they need to go out already, will we inform them here's where you need to go or do we get that information for them?

Program Coordinator III J. Cruz: What has softly been implemented is that there was a family tree that was created by Jhoana and approved by the director. That family tree will state your

paternal maternal grandparents' great grandparents and so forth within that lineage, as soon as the staff gets it they based their research on that family tree and first they look through the district court, John Bohn listing and then the land web to validate whether there's any civil takings if not you move to step three and you verify with the GALC John Bohn judgement files. If they're unsuccessful then they will disclose either the owner or the occupier affidavit and explain to them that they're filing it out under penalty of perjury and they're attesting to the information. What we need to know, the staff need to know, is what is going to be the end all be all to determine reasonably ascertainable? I mean, if there's anywhere that the staff should refer them to is to UOG to determine genealogy that's one thing but as far as all the information or the access to information we have, we have the John Bohn district court listing, the land web and the GALC judgment files but like we mentioned if applicant A can only fill out his name his grandparents but cannot fill out the date of taking, is that going to be acceptable to the board because he signed it under penalty of perjury. And do we stop there or do we try to validate that affidavit

Acting Chairwoman A. Santos: That's part of the standard operating procedures, correct?

Program Coordinator III J. Cruz: That's going to be forwarded to Attorney Toft for his review but if we have that information as to what's going to be acceptable to the board then we'll know for sure then we can adjust the SOP in relation to the eligibility right process because right now someone can come in and fill out the affidavit form and because we don't know what's going to be acceptable for the board if they don't complete it, we may not accept it.

Acting Chairwoman A. Santos: Okay, when was the family tree and the decision to have that as the basis for decision making whether the eligibility requirements are met? When was that decided between staff and then approved by the director?

Program Coordinator III J. Cruz: Maybe a few weeks ago but it was just a tool to gather information because what happens is sometimes an individual can get the death certificate or the birth certificate of their maternal paternal parents, grandparents, great grandparents whatever it is but give us at least provide the names so at the end when the staff has completed their research and review and whether the affidavit has been completed then they're request for the birth certificates death certificates and then to that point again what if the individual can't get his grandparents or great grandparents' death certificate or birth certificate; what's going to be allowable by the board – what's going to be acceptable, a certified copy or a family tree from UOG what's it going to be. What we're trying to do is make sure that we have something tangible to substantiate everybody's claim so when we go through an audit, this document is acceptable by the board or because this document only has certain information but to the board it's considered reasonably ascertainable then so be it at least we cover ourselves. And we have something tangible to go by to substantiate whatever the claims are.

Acting Chairwoman A. Santos: So, in order for us to know to make that decision we'd have to know the process and what's going on. I haven't seen anything come through in email or whatever of the process so I'm inquiring right now about it so that's the reason why. And I guess if we can just get that also to the commissioners, please.

Program Coordinator III J. Cruz: We're going to run it like I said, by Attorney Toft before we present it but we're just letting – giving you heads up that what it's going to come down to is

what's reasonably ascertainable going through ancestral and getting a certification, is that going to be reasonably ascertainable and even if the certification has no information or you know because he filled out his name, his grandfather and he signed it under penalty of perjury is it going to be acceptable because it requires a name place, the date of taking you know the form requires different information but what we want to know when – to what extent is it going to be acceptable and do we have to validate the information on that form even if someone is signing it under penalty of perjury.

Acting Chairwoman A. Santos: Thank you so much for that information, Jhoana and Joey. So, as soon as well in May we can begin the process for the 201 and then go from there, we'll get an update in the next meeting for the 1995 applicant status update

Commissioner A. Bordallo: Before you go, I just need to ask a question, Mr. Cruz, the unpaid application listing update of 3039 what happens to the applicant if they don't pay?

Program Coordinator III J. Cruz: They have to reapply. The law is not specific, but it says, you have 30 days to pay so we're using the example of if you go to the store and you put something on layaway if you don't come in 30 days what happens, you put it back on the rack, it's not there anymore. It doesn't what we're going to do with it but what we have done with it is we have a folder, several folders with the unpaid applications we have a database of all the unpaid but if you didn't pay in 30 days you will have to reapply.

Acting Chairwoman A. Santos: Is it removed at that point?

Program Coordinator III J. Cruz: It's still in the unpaid and stays, we don't destroy it.

Acting Chairwoman A. Santos: Okay what I meant to say is, is it removed from the list?

Program Coordinator III J. Cruz: It's not put on the list until to you pay it.

Unknown: You have 30 days to make that payment to be on the list

Acting Chairwoman A. Santos: But we still have those applicants I mean there's applications we just don't discard them

Serious paper shuffling over mic

Acting Chairwoman A. Santos: Anything else Commissioners?

Commissioner D. Herrera: Maybe on the process of the first come first serve we mentioned that the December is when December '95 is when this started so those that were that didn't apply but had a Land Use Permit and the Land Use Permit was public law 33 if I'm not mistaken in 1950 and that was establish because of the land takings from the Federal government and the local government so, if constituent had a land use permit issued to them because the land use permit was in three category, category 1, would be those who have had all their lands taken by the Federal Government would be priority 1. Priority 2 is when partial of their property has been taken so, let's say they didn't come in on the December application, do we still entertain them as a first come first serve?

Program Coordinator III J. Cruz: No, because first come first serve is related to the numeric stamp that we have on the applications with the date and time but if they were there before July 12, '95 they're considered pre-occupiers so we don't evict them, the law says, we can't. But we have another issue related to that because there's a high number if not half of the leases that we issued today, they're pre-occupiers or LUP or Department of Agriculture whatever it was so we can discuss that in another meeting because that's a whole issue in itself. If Attorney Nic Toft's got additional authority is not granted there's a lot of leases that we're going to have to terminate.

Commissioner D. Herrera: It's just because let's say the – the 1940 tax roll, right, so, these are that's one documentation that can provide those that are under the 35-112.

Program Coordinator III J. Cruz: And also, too the tax roll because it's on the tax roll there was some conveyance document so we'll pull it up on the land web too.

Acting Administrative Director A. Camacho: Just for some understanding though the 1941 tax roll doesn't – it's not specific just for like ancestral land owners. The 1941 tax roll is just for anyone at that time held property, so, although I guess with the ancestral process, they do utilize this as a reference but if you look further and you can research their name maybe there but maybe there's no taking maybe they were just a landowner at the time but their land wasn't taken by the military or the federal

Commissioner D. Herrera: Correct. And that's where the category separates those that had their lands taken by Public Law 33 in 1951 and those that just didn't have their taken but this is one lead to tie into the courts process

Acting Administrative Director A. Camacho: It's a reference that we could use but the district court listing is actually the listing that we really hold more water on because those are the families whether it's the administrator or the actual land owner who

Commissioner D. Herrera: Or the probate process

Acting Administrative Director A. Camacho: who was part of that taken but you know there's further research that gets involved that's why we always look back at the judgement and it actually indicates who that original landowner was

Program Coordinator III J. Cruz: What we also did was we went back to the Treaty of Paris, the Presidential Executive Order 102 A or I don't remember the document because that's the time because we also went to the Office of Insular Affairs website to try to figure out when the taking was so we – based on the last public hearing we had it seemed like it should be easy to qualify our current and future applicants or beneficiaries or successors so we're trying to figure if there's just a document out there that says that Guam was under the control of the United States, the entire Island of Guam so we're researching that and again we'll run it by Attorney Toft to see if it is a viable solution so everybody's putting in their best efforts to try to figure this out to get the transition and the process smooth and operational. But like I said, again, in the event that the Treaty of Paris or the Presidential Executive Order is not able to – does not suffice then we're going to have to refer back to the affidavit then again, the question comes up what's reasonably ascertainable.

Paper shuffle

Acting Chairwoman A. Santos: Okay, Jhoana so we look forward to an update in May. Thank you so much for your work. Thank you so much. Next item B in Old Business we'll go to C

Fiscal Year 2023 Budget Request

Program Coordinator III J. Cruz: CLTC's FY2023 Budget Request will be nine hundred fifty-nine thousand two hundred twenty-two dollars (\$959,222.00) from the Operations Fund. Two hundred thirty-seven thousand five hundred dollars (\$237,500.00) for the Survey and Infrastructure Fund and eight hundred twenty-seven thousand three hundred fifty-four dollars (\$827,354.) from the General Fund. This brings it to a total of two million twenty-four thousand seventy-six dollars (\$2,024,76.00) which is an increase of four hundred seventy-nine thousand two hundred seven dollars (\$4,079,207.00) from FY2022 the reason being for the increase is because recently we have gone through and we have gone through and discussed with people from federal agencies like the USDA regarding federal grants and federal loans. Like I mentioned earlier RCAC and the people from the USDA have been very helpful and provided us with information that we didn't know about and what the requirements are. One of the items that we had listed in our budget request or two of the items that we had listed in our budget request is for environmental reports and preliminary engineering reports which is a requirement for federal grants that relate to water and waste water. Currently we're working with RCAC to obtain federal money whether it's a grant or a loan for our project in 1022 in the Municipality of Dededo which is to install water and wastewater so the lots become usable. Sorry for going off track here. But for FY2023 CLTC is requesting a total of seven hundred sixty-four thousand six hundred eight dollars (\$764,608.00) for salaries

Acting Chairwoman A. Santos: Seven hundred sixty what what

Program Coordinator III J. Cruz: thousand six hundred eight dollars

Acting Chairwoman A. Santos: Do you have the breakdown on your own sheet?

Program Coordinator III J. Cruz: I have *inaudible* items that I can share with you guys for benefits four hundred thirty-six thousand six hundred two dollars (\$436,602.00) bringing the total to one million two hundred one thousand two hundred ten dollars (\$1,201,210.00) the funding for the salaries and benefits is being requested from the Operations Fund and the General Fund. We're currently in the process of recruiting six additional bodies and seven in-house recruitments so

Commissioner A. Bordallo: Is that promotions?

Program Coordinator III J. Cruz: Yes, ma'am. So, the six additional bodies that we are currently recruiting in FY2022 is coming from the general fund and the seven promotions is from our operations fund. And that's through the savings of not recruiting for an administrative director that we – some savings since the beginning of the fiscal year. For contractual services for FY2023 we're requesting six hundred eight thousand eight hundred seventy-four (\$608,874.00) the contractual expenditures will be funded by the General Fund, the Survey Infrastructure Fund and the Operations Fund. We've also allocated money for surveying, I know this year we had mentioned that we are going to survey but what had happened was that when we survey, I think it's 5 or 6 or more lots it has to be presented to the Guam Land

Use Commission and the Guam Land Use Commission will require certain installations of whether it's a residential subdivision, sidewalks, sewer, water, drains all that great stuff. If it's an agriculture subdivision it's just water power no sidewalks the requirements is less than a residential subdivision. So, we don't have the money to comply with those requirements so we have not yet put out any RFPs for surveying because of that reason. But we're not even spending that money. We're being fiscally responsible in FY2022 and so on, we're being fiscally responsible. So, in FY2023 we did identify some money or we're requesting for some money for surveying and that would be to because we did have a discussion with Land Management, Director Mr. Joe Borja and one way that we may be able to assist our constituents is if comes to where they have to provide their own surveys, CLTC will pay for the survey for the delineation for the roads, the easements so it should bring down the cost a little bit. So we're working all avenues and we're exploring different options on how we can assist our constituents if we're not able to provide lots that are surveyed already. In June 2023, our lease with all our *inaudible* to extend will expire, we put in hundred eighty thousand for our office space rental with an increase of sixty-five cents or fifty-five cents per square foot because we don't know whether ITC may respond to our IFB or somebody else the cost may increase

Acting Chairwoman A. Santos: IFB is...?

Program Coordinator III J. Cruz: The Invitation for Bid which is required to procure office space. Our supplies and materials are at nineteen thousand four hundred, of the miscellaneous which is what we used to pay the stipend is at seven thousand two hundred we're anticipating that the board is going to be complete board of five in FY2023 and at least with one meeting a month that's what the amount comes to or two meetings a month sorry. We're working on separating phone systems so in FY2023 we anticipate that it's going to cost seven thousand three hundred ninety-two dollars (\$7,392.00) because we're breaking away from the phone system with DLM, we'll have our own phone system. So, that tallies up to two million twenty-four thousand seventy-six dollars (\$2,024,076.00) and we have a *inaudible* employees' staff of eighteen 17 classified and 1 unclassified which is the administrative director. So, we're beefing up our staffing pattern, we based our requirements or our needs based on the I think the 1999 management audit and it identified what positions are needed to get the agency functioning properly and we're also updating our SOP so they go hand in hand. We anticipate a smooth processing system soon. Not that it's not smooth now but smoother. So, that's our FY2023 Budget Request. And we'll provide the details and I apologize I thought I sent it I guess I didn't.

Acting Chairwoman A. Santos: So, it's not even on our electronic copy?

Land Agent I T. Tainatongo: No

Program Coordinator III J. Cruz: But we'll provide the details, the budget digest, the *inaudible* the staffing pattern and our org chart because with the new recruitments we updated our org chart and our functional chart so you would understand what the divisions are responsible for. To address Commissioner Herrera's comments of quality control, we're standing up a compliance division so the compliance division will be responsible not only for the compliance inspection but also the review a final review before it comes to the board. I know you mentioned, is there a review? Currently, there is a review but there will be one more review prior to it going to the board or presented to the board. The current system now is the land agent review it, the land agents two but even after the board has decided, there's a

review before it's even transacted and if there's an issue then we send it back but this time around given because we're recruiting for land agent supervisor so that would be one of their responsibilities but even after the review of the supervisor, we have one more review which would be the compliance sections. Also, to address your comments earlier about the mapping and stuff like that I believe it was you that mentioned that or there was a discussion. We're also creating a planning division. The planner that will be in that division will be responsible for ensuring that any schemes created complies with the subdivision law and all that other great stuff. We'll have a land database through either the ArcGIS or whatever system they use will be updated almost real time. So, there'll be an engineering tech within that planning division that will be responsible for all of the updated information, scanning of all the maps, the inputting of whatever it is to the ArcGIS whatever they do, I don't know the technical terms but with all the recruitments and our updated SOP, our strategic plan, we will make the process smoother for not only our constituents but us internally so the goal is or the vision, my personal vision is by fifteen years we should have fulfilled issuing leases to everybody on our list and I think 15 years is pretty realistic. So, that's our presentation for the budget request we will be providing it to Senator San Agustin who has the oversight of the Office of Finance and Budget before May 2nd. We have to submit it before May 2nd, we requested for an extension so at least we can present it to the board.

Commissioner A. Bordallo: So, what's your total expense for 2023?

Program Coordinator III J. Cruz: For two thousand three, our total budget request

Commissioner A. Bordallo: The expense

Program Coordinator III J. Cruz: Whatever we request our budget for will be our total expense but what we do to so you guys understand it's at the forefront that we are fiscally responsible so if we're tracking – if our revenue tracking is not meeting our expenses, we see what we can sacrifice in terms of expenditures because if we don't collect what we spend then it has to come from somewhere so it's going to come from our bank account. Currently, we're tracking by 2028 we will not have any money in the Operations Fund so, you know we need to find a revenue source or additional revenue sources to supplement that so that we don't have to become reliant on the General Fund for many years we've been financially independent but unfortunately, just last year we got additional funds and we're grateful so we can recruit additional people

Acting Chairwoman A. Santos: That ups that two years from your last projection which was 2026-

Program Coordinator III J. Cruz: Because we were conservative with expenditures just a *inaudible* 2% of increase of our expenditures but you know we are grateful that the legislature has *inaudible* some general fund money and we used that to recruit people so if we – when I provide you the report you will see that although 2022 – in 2022 we were appropriated four hundred twenty-three thousand nine hundred forty-eight dollars for salaries and benefits but in 2023 we're only asking for three hundred forty-seven thousand three hundred fifty four so you know that's another example of us being fiscally responsible we're just not going to spend all of it on unnecessary things. So, we'll – I'll provide Tina with the copies and we'll share it – apologize again if it wasn't included in the packet.

Commissioner D. Herrera: Madam Chair if I may add if I can make a respectful request to add in to the budget request for uniforms for the professional staff and management. At least a windbreaker and at least 2 or 3

Acting Administrative Director A. Camacho: Mr. Commissioner just for the record, I did ask but we're very again as Joey mentioned watching our expenses so it was not approved. It wasn't approved.

Commissioner D. Herrera: Oh, it wasn't approved? By the legislature?

Commissioner A. Bordallo: They can't afford it right now.

Commissioner D. Herrera: And that's the motivation for us to be creative financially creative to just like our past constituents came in because we have about thirty thousand acres of real estate property

Program Coordinator III J. Cruz: To be exact the commission has approximately – 33% of government property 11,666.88 acres in our inventory we'll also provide you guys with copies of the audit report *inaudible* out of that we 4,153.48 acres in the South. 1,601.45 acres in the central 5,911.95 acres in the north. Although, there is 3,274.98 acres that is unregistered.

Acting Chairwoman A. Santos: How many, I'm sorry.

Program Coordinator III J. Cruz: 3,274.98 but just recently our process servers – the land agents who are process servers has completed the process serving of the individuals and those who were unable to – they will be issuing *inaudible* but they have filed all the documents with the court already and will be forwarding it to Attorney Toft. It's for Lot 279 or

Attorney N. Toft: 286

Program Coordinator III J. Cruz: 286 in Piti so that's about I think 19 acres

Attorney N. Toft: Yeah and for those who have not been on council this was discussed before we have identified some larger chunks to get registered in the near future and a lot of works been done a lot of it is just getting it through the court system

Program Coordinator III J. Cruz: So that's 19 acres currently and there's I think 7 leases that were awarded on the property it's going to increase the amount of leases that can be awarded to I don't know 40 -50 maybe so you know at this time we're working 10 different projects simultaneously and we're doing our best with the additional recruitment it's going to relief some pressure but we will get more done in timely manner.

Commissioner A. Bordallo: very good

Program Coordinator III J. Cruz: Do you guys support hazardous pay? No, I'm just joking.

Commissioners: Laughing

Commissioner A. Bordallo: Did you give yourself a raise?

Program Coordinator III J. Cruz: I think my hairline receded a little bit

Commissioner A. Bordallo: I noticed

All: laughing

Program Coordinator III J. Cruz: That's all we have for FY2023 Budget

Commissioner D. Herrera: Thank you for all your hard work for the staff and management honestly thank you

Acting Chairwoman A. Santos: And Commissioners...? No, taya... that concludes FY2023 Budget Request. Thank you, Joey for your report, we'll go to the next line item, item 7 Financial Report

Program Coordinator III J. Cruz: We ask that we table that. We'll present all the revenue collections *inaudible*

Acting Chairwoman A. Santos: Okay, so we're going to table Item no. 7 until the next meeting. And item number 8, Agency Report

Agency Report

Acting Administrative Director A. Camacho: So, update from our last board meeting we are still actually application *inaudible paper shuffle* IT infrastructure that's the TAP Grant was submitted so, now we're just waiting to hear back and that will allow us to hopefully digitize and then we can make our process quicker and hopefully more efficient for our staff.

Program Coordinator III J. Cruz: To add to Ms. Camacho's comments also it's going to create a website our own separate website. In addition to that we're – there's going to be a site designed *inaudible paper shuffle* to the land web but not as sophisticated as the land web but our constituents will be able to go in log in – two terminals we're going to set up outside and view information that they may need if they need to fill out forms we're going to provide a copier machine outside that's not connected to the network so we don't have to worry about any hacking and all that other great stuff so less touching and more we're using technology I guess to its fullest but also that comes with a price tag annually so we'll see and we're crossing our fingers that we do get but like Ms. Camacho had mentioned it's going to bring us a step closer to where technology is today by digitizing all our records, creating that software or that program similar to the land web just not as sophisticated but it'll have all our clients information if they need to review document just click here print it so forth so that's what that TAP Grant is for.

Acting Administrative Director A. Camacho: And Joey mentioned, we're continuing to work with RCAC nonprofit to apply and pursue federal grants and loans. We have – DPW is working on a draft for the RFP on our affordable housing subdivision project we really hope to get that RFP announced in the next in May and awarded by June.

Program Coordinator III J. Cruz: That's for Tract 10123

Acting Administrative Director A. Camacho: That was the one that was *inaudible* a few months ago

Acting Chairwoman A. Santos: 10123

Acting Administrative Director A. Camacho: Correct *inaudible* now we're working on our *inaudible* we have been interviewing I'm pleased to announce so hopefully we can get the additional staff on board in the very near future as you can see when you walk in the office there are chairs and desks and things computers so we're mobilizing to have work stations for additional staff. Tomorrow there's a public hearing on two things that affect CLTC and they're in regards to submerged lands. One will address – one is a bill in general so that CLTC does not have to keep going to the legislature on any leases or licenses on submerged lands the other one is to include verbiage on the commercial regulations then so Joey and I will attend that public hearing and the staff 90% of them are scheduled to take the ethics training on April 29th the remainder we'll schedule them shortly after

Acting Chairwoman A. Santos: Pertaining to the ethics, we are also required by law to take the ethics training

Acting Administrative Director A. Camacho: Didn't you guys take it already I think

Commissioner A. Bordallo: I did

Acting Administrative Director A. Camacho: Yes, *inaudible* you didn't join them?
Commissioner Herrera

Commissioner D. Herrera: I did it here through

Acting Administrative Director A. Camacho: No, that was the Fair Housing
But did you take it through the airport?

Commissioner D. Herrera: I know that we did but for here it's generally the same for the government

Program Coordinator III J. Cruz: Just provide us with your certificate so we can file it

Acting Chairwoman A. Santos: Will that suffice?

Acting Administrative Director A. Camacho: Yeah, check with the airport it may have been that you took it already because it's required by all government employees

Commissioner A. Bordallo: Employees or board members

Acting Administrative Director A. Camacho: If not, then we'll schedule it, yes.

Acting Chairwoman A. Santos: Commission and boards as well six months into your appointment

Commissioner D. Herrera: And it's online

Acting Administrative Director A. Camacho: No, it's at UOG.

Program Coordinator III J. Cruz: As soon as you get us your certificate we will

Acting Administrative Director A. Camacho: Let's us now if you still need to take it we can make arrangements through the commission because there's a fee that you have to

Acting Chairwoman A. Santos: Can you verify if I did that I know we were contacted but we didn't figure out whether the availability was there or the funds remember we had that question whether I had to pay it

Land Agent I T. Tainatongo: Yeah, all three of you had to had taken it at the same time because Terese set it up that way, you, Commissioner Bordallo and the Chairman

Acting Chairwoman A. Santos: So, Joey was able to find the funds at that time and we approved it and

Multiple conversations

Acting Administrative Director A. Camacho: Okay so now the staff is going to take 90% we have a couple that we're going to reschedule so that we don't have to shut down the office

Commissioner A. Bordallo: I have a question. If you get reappointments, do you have to take it again?

Acting Administrative Director A. Camacho: I think it's every four years – every four years. And then I was invited to join Guam EPA for a meeting with the Army Core of Engineers in Hawaii and this is with regards to the FUDS program which is Formerly Used Defense Site and this is with regards to explosives ordinance that the Army Core is going to do some kind of investigation to determine if there's any explosive ordinance on our properties so they determine an area by – Yigo

Program Coordinator III J. Cruz: By radius. It's going to focus on our property in Yigo I think Tract 9210 the back side of Andersen Airforce

Acting Administrative Director A. Camacho: And that meeting is going to happen May 3rd through the 6th and that will be paid for through Guam EPA and maybe federal funds so we don't have to *inaudible*

Program Coordinator III J. Cruz: we don't have any travel money I can attest to that now.

Acting Administrative Director A. Camacho: And that concludes my report today. Unless there's anything that Joey wants to...

Acting Chairwoman A. Santos: Ms. Angie would you mind if we got an electronic copy of your report emailed to the commissioners. Thank you so much that's great work. Any questions or comments?

Commissioner D. Herrera: We're coming to a near in our meeting. Joey, thank you for all your diligent work thank you so much. We're done with the Agency Report, that concludes that? Okay okay so item number 8 is knocked off we are going to go to item number 9

Commissioners Comments

Commissioner A. Bordallo: Taya

Commissioner D. Herrera: Yeah, thank you.

Acting Chairwoman A. Santos: Just a recap, so May we will be hearing back about the start of the 1995 applicant list. That would be that. And then what else? Oh yeah, if you could get the financial report that detailed one to the commissioners – greatly appreciate that and Ms. Camacho – Director Camacho if we can get your agency's report a copy of that to the commissioners, we greatly appreciate that as well so we can be on top of it. And we're tabling the commercial for Ko'ko, how do you guys feel about the Ko'Ko conversation.

Program Coordinator III J. Cruz: It's a *inaudible* thing I mean we're going to resolve a long standing issue I think it was since 2006 I believe that's about 16 years I think you know it's going to be a win-win you know but like I mentioned it's only a license it's not exclusive if the board decides they want to give a little piece to Global that's really up to you guys whether Mr. Bello would accept it that's not really a concern I'm pretty sure he sounds like he's amicable to just about anything to get it resolved right

Acting Chairwoman A. Santos: It was good dialogue. It was very good dialogue and thank you.

Program Coordinator III J. Cruz: But nonetheless I don't mean to sway off but all the commercial accounts that are in arrears and have not fulfilled or have complied with their payment arrangements like Power 98 –

Land Agent I T. Tainatongo: Sorenson

Program Coordinator III J. Cruz: Sorenson – we're going to bring them to the board we're going to do our inspections and do our reports. We just sent a letter to GICC informing them the board decisions at the previous meeting there will be a meeting with their representative Mr. Carlos Camacho. We are going to address the issue with the Guam Racing Federation regarding their over excavating. We're going to seek some assistance with DLM to confirm the areas that they had excavated and determined what was over excavated, we did our site inspection and the area that was approved was for four acres which was phase 5A zone 1 phase 1 or something like that I think it went all the way to zone 5 so you know we just need to determine because we returned the checks so there's no perception of any acceptance of their over excavating, we have to resolve that that's very important. But any other commercial company that has arrears we are going to actively start sending letters and doing inspection and all that other great stuff it because it's that time of the year that we normally conduct inspections for commercial. And also, we are going to go back and visit all the loan guarantees because in the past there was a lot that were charged off and not everybody has resolved their payment issues but we need to be on top of it so we can get a head of any default or foreclosures. There was a house that was in Dededo that was charged off but it's been abandoned so there are people that are residing there now that we need to rectify because in

the books we still owe money for it and you know we can exercise the board's or the commission authority to find the next person in line to take over the indebtedness of that loan we want to make sure that all our constituents are in the up and up with their payments so we're going *inaudible* so that's another project that we have coming down the pipe is inspection of all our properties – all the properties and houses that were built through a loan guaranty and to make sure compliance

Acting Administrative Director A. Camacho: And may I just add to the raceway that Joey mentioned I believe that the surveying requirement they have something ready to present to us so we're just *inaudible* submitting it and for review and we'll just go from there.

Acting Chairwoman A. Santos: Good. Very good information, thank you guys so much for your progression and your hard work thank you so much. That is it. We will go for adjournment. Anybody would like to make a motion.

Commissioner A. Bordallo: I move for it

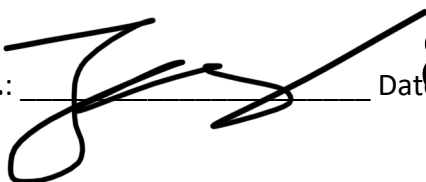
Acting Chairwoman A. Santos: To adjourn

Commissioner D. Herrera: And I second – second the motion

Acting Chairwoman A. Santos: Second by Commissioner Herrera first – motion by Commissioner Bordallo and I call this meeting to adjournment at 5:58 PM.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: _____ July 28, 2022

Chairman John F. Reyes, Jr.:  _____ **Date:** 8/5/22

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